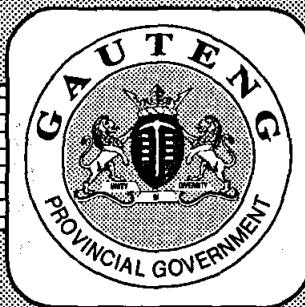


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

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No. 520

GENERAL NOTICES

NOTICE 2129 OF 1998

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF GAUTENG TOURISM BILL

Notice is hereby given that the Member of the Executive Council for Economic Affairs & Finance intends to introduce the Gauteng Tourism Bill in the Legislature as published in this Extraordinary Gazette

Any person or organisation wishing to comment on this proposed legislation may lodge written comments or representations on or before 17 September 1998 by posting, faxing or handing them in at the following address:

The Secretary to the Legislature**Gauteng Provincial Legislature****C/o Committee Co-ordinator (Ms L Gibson)****Private Bag X52****Johannesburg 2000****Physical address:****Gauteng Provincial Legislature** ~~Be unterhalende konseil gebouw~~ ~~corner President and Loveday Streets~~**Johannesburg****Tel. No: (011) 498-5754****Fax. No: (011) 498-5719**

BILL

To provide for sustainable development and improvement of tourism in Gauteng; to establish Gauteng Tourism Authority; to confer powers and functions and impose duties upon the Authority; to establish a tourism development fund; to establish specific mechanisms in order to provide sustainable tourism revenue for tourism development and promotion; to provide for the registration, grading and classification of hotels; to provide for the registration of restaurants, other accommodation establishments, conference and centres and tourist amenities; to provide for the licensing of tour operators, tour guides and couriers; to provide for the certification and accreditation of training providers in the tourism industry; to provide for the imposition and collection of levies in respect of hotels and other accommodation establishments, restaurants and designated tourist amenities; and to provide for matters incidental thereto.

BE IT ENACTED BY the Provincial Legislature of Gauteng, as follows:-

ARRANGEMENT OF THE ACT

CHAPTER 1

DEFINITIONS AND APPLICATION OF THE ACT

Section	Page
1. Definition -----	5
2. Application of Act -----	7

CHAPTER 2

GAUTENG TOURISM AUTHORITY

3. Establishment of the Authority -----	7
4. Powers and duties of the Authority -----	7
5. Constitution of Authority -----	7
6. Conditions of service -----	8
7. Term of office -----	9
8. Vacation of office -----	9
9. Disclosure of interest -----	9
10. Effect of conflict of interests -----	10
11. Disqualification of members -----	10
12. Meetings of the Authority -----	11
13. Committees of Authority -----	11
14. Staff of the Authority -----	12
15. Expert and other assistance -----	12

16. Delegation of powers and assignment of duties -----	13
17. Tourism development fund -----	13
18. Funds of the authority -----	14
19. Accounting responsibility -----	14
20. Annual report -----	15

CHAPTER 3**REGISTRATION, CERTIFICATION, ACCREDITATION AND LICENSING**

21. Registration and grading of hotels, other accommodation establishments and conference centres -----	15
22. Determination of registration requirements -----	15
23. Notice by the MEC -----	16
24. Application for registration -----	16
25. Duties of the register -----	16
26. Obligations of a registered hotel owner -----	17
27. Exemption from registration requirements -----	18
28. Issuing of registration certificate -----	18
29. Cancellation of registration -----	18
30. Grouping and grading of registered hostels -----	18
31. Application for re-grouping and re-grading of registered hotel -----	19
32. Registration of restaurants -----	19
33. Register for restaurants -----	19
34. Notice for registration of restaurants -----	19
35. Application for a restaurant -----	20
36. Duties of registrar in relation to registration of restaurants -----	20
37. Issuing of registration certificate for restaurants -----	20
38. Publication of list of registered restaurants -----	21
39. Cancellation of registration -----	21
40. Registration of designated tourist amenities -----	21
41. Register for registration of designated tourist amenities -----	22
42. Application for registration of designated tourist amenities -----	22
43. Duties of registrar in relation to designated tourist amenities -----	22
44. Issuing certificate of registration -----	22
45. Publication of a list of registered designated tourist amenities -----	23
46. Cancellation of registration of designated tourist amenities -----	23
47. Period of validity of registration and grading -----	23
48. Licensing of tour operators, tour guides and couriers -----	23
49. Application for issue or renewal of a licence -----	24
50. Licence for operator, guide or courier -----	24
51. Cancellation of licence of tour operator, guide or courier -----	25
52. Certification and accreditation of training providers -----	25

CHAPTER 4

APPOINTMENT OF REGISTRAR, APPEAL, INSPECTION AND PAYMENT OF LEVY

53. Appointment of registrar and designated officer -----	26
54. Appeal against the decision of the registrar -----	26
55. Inspection of premises -----	27
56. Payment of levy -----	28

CHAPTER 5

GENERAL PROVISIONS

57. Offences and penalties -----	28
58. Financing of projects -----	29
59. Regulations -----	29
60. Short title and commencement -----	30

CHAPTER 1

DEFINITIONS AND APPLICATION OF THE ACT

Definitions

1 In this Act, unless the context otherwise indicates-

“Authority” means the Gauteng Tourism Authority referred to in section 3;

“Chairperson” means a chairperson of the Authority;

“Chief Executive Officer” means a person appointed in terms of Section 14(1)(a);

“conference centres” means establishments in the business for providing facilities for the hosting of conferences, congresses, conventions, symposia, seminars and exhibitions, not forming part of a hotel or other accommodation establishment;

“courier” means a person or business providing carriage for passengers;

“designated officer” means a person appointed in terms of Section 52(1)(b) of this Act;

“designated tourist amenity” means a place or thing, which the MEC has declared to be a designated tourist amenity in terms of Section 39(1)

“Executive Council” means the Executive Council of the Province;

“Fund” means the Tourism Development Fund;

“Gazette” means a provincial gazette;

“hotel” means premises, wherein or whereon the business of supplying lodging and meals for a reward is or is intended to be conducted, and includes a motel, inn or boate;

“immediate family member” means a parent, child, brother, or sister;

“levy” means a levy prescribed in terms of Section 56(1);

“member” means member of the Authority appointed in terms of Section 5(1);

“MEC” means a member of the Executive Council responsible for tourism matters in the Province;

“other accommodation establishment” means any premises offering sleeping accommodation to the public for a fee, whether with or without meals and includes boat or house boat, bed and breakfast, caravan and camping park, farmhouse, guest house, hostel and lodge;

“Province” means Gauteng Province;

“Prescribed” means prescribed by regulations and ‘prescribe’ has a corresponding meaning;

“Registrar” means a person appointed to be the Registrar of hotels, other accommodation establishments, Restaurants and Designated Tourist Amenities in terms of Section 53(1)(a);

“regulations” means regulations made under this Act;

“restaurant” means premises which are structurally adapted and used for the purpose of supplying substantial meals, for a fee, to the public for consumption on the premises

“spouse” includes a person with whom the member lives as if they are married or with whom the member habitually cohabits.

“this Act” includes regulations;

“tour guide” any person who for a reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Province and who furnishes such person with information or comment with regard to any matter; and

“tour operator” any person who carries on the business of providing tours of any description using their own or other operators approved vehicles, aircraft and other facilities;

Application of Act

- 2 This Act must apply throughout the Province.

gelyk gevolg hierdie volgende artikel in die gesamentlike gesamte "Gauteng"-
wetgewing wat bestuurlik op **CHAPTER 2** van die wet gesit word, en dat die volgende
gevalle moet toepas word:

GAUTENG TOURISM AUTHORITY

Establishment of the Authority

- 3 There is hereby established a juristic person called Gauteng Tourism Authority.

Powers and duties of the Authority

- 4 The Authority must have the following powers and duties in addition to any power or duty provided for in this Act:
- (1) to promote, foster and develop tourism;
 - (2) to encourage the sustainable development, provision and improvement of tourist amenities and, to establish guidelines for tourism development;
 - (3) to investigate and make recommendations to the MEC on any matter relating to promotion, development or marketing of tourism in the Province;
 - (4) to initiate and implement activities and actions nationally and internationally intended to attract tourists to the Province;
 - (5) to develop strategic and business partnerships and other co-operative activity with other governments, private and independent sectors;
 - (6) to co-ordinate, advise, support and interact with organisations or institutions aimed at promoting and developing tourism; and
 - (7) to become members of and solicit membership with organisations for tourism development and marketing;

Constitution of Authority

- 5 (1) The Authority must consist of not less than eight (8) and no more than twelve (12) members appointed by the MEC.
- (2) The MEC may consult other members of the executive council of the province when appointing members.

- (3) The MEC must appoint one member as chairperson and another as a vice chairperson.
- (4) Whenever the chairperson is absent or unable to fulfil any of the functions of the chairperson, the vice-chairperson of the Authority must act as chairperson.
- (5) Whenever both the chairperson and the vice-chairperson of the Authority are absent or unable to fulfil any of the functions of the chairperson, the members present must elect a person amongst themselves to act as a chairperson.
- (6) If a member other than its chairperson or vice-chairperson requests, the MEC may appoint an alternate member to act for that member in his or her stead when he or she is absent from a meeting of such authority.
- (7) The MEC may –
 - (a) call for nominations by publishing a notice in the Provincial Gazette and four newspapers circulating in the province when appointing members;
 - (b) in the notice referred to in paragraph (a), set a date by which persons wishing to object on the appointments may do so; and
 - (c) take into account comments or objections received in respect of proposed appointments.
- (8) The MEC may by notice in the Gazette and one newspaper circulating in the Province, publish a list of the members within one (1) month of their appointment.
- (9) A member must –
 - (a) qualify as a fit and proper person; and
 - (b) possess knowledge, qualifications or experience in the field of tourism development and promotion.

Conditions of service

6. (1) A member, other than a person who is in the employ of the Government must be appointed on such conditions of service as the MEC may determine.

- (2) A member may be paid such remuneration and allowances as the MEC may determine with the concurrence of the Member of the Executive Council responsible for financial matters in the Province.

Term of office

7. (1) A member must subject to the provisions of sections 8 and 10, hold office for the period determined by the MEC at the time of his or her appointment, but not exceeding three years, and may be re-appointed on the termination of this period.
- (2) If for any reason the office of a member becomes vacant, the MEC may appoint any person as a member for the unexpired portion of the period of office concerned.

Vacation of office

8. (1) A member or alternate member must vacate his or her office if –
- (a) he or she resigns;
 - (b) he or she becomes of unsound mind;
 - (c) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine; and
 - (d) he or she becomes a member of Parliament, a Provincial Legislature, the council of a municipality, the Cabinet or the Executive Council.
 - (e) he or she absents himself or herself from more than two consecutive meetings without valid cause.
- (2) The MEC may, at any time, terminate the period of office of a member if, in the opinion of the MEC, sufficient reasons exist to effect a termination: Provided that the member concerned is given the opportunity to be heard.

Disclosure of interest

9. A member must disclose any direct or indirect financial interest fully –
- (1) the member concerned or his or her spouse, immediate family member, business partner or associate or employer, other than the State; and

- (2) the business partner or associate or employer, other than the State, of his or her spouse, has in tourism development.

Effect of conflict of interests

10. (1) A member must not vote, attend or in any other manner participate in the proceedings at any meeting or hearing of the Authority if, in relation to any matter before the Authority-
- (a) he or she or his or her family member, partner or business associate is a director, member or partner of, or has a controlling interest or any financial or other interests in, the business of the applicant for a licence, registration, certification, grading or any other right or privilege to be granted by the Authority;
 - (b) he or she has any interest which precludes him or her from performing his or her functions as a member in a fair, unbiased and proper manner;
 - (c) if at any stage during the course of any proceedings before the Authority, it appears that a member has or may have any interest contemplated in this subsection;
 - (d) that member must leave the meeting or hearing to enable the remaining members to discuss the matter and determine whether that member is precluded from participating in the proceedings at such meeting or hearing by reason of a conflict of interest; and
 - (e) the decision taken by the remaining members regarding such determination, must be recorded in the minutes of the proceedings.
- (2) If any member fails to disclose any interest contemplated in subsection (1) or if, having such an interest, he or she attends or in any manner participates in the proceedings at the meeting or hearing concerned, the relevant proceedings may be declared null and void: Provided that no decision in terms of this Act relating to the granting, amendment, renewal, transfer, revocation or withdrawal of a licence, registration, certification, or grading must thereby be invalidated.

Disqualification of members

11. No person must be appointed as a member if that person is-

- (1) an unrehabilitated insolvent;
- (2) not a South African citizen; and

- (3) a habitual criminal
- (4) of an unsound mind.

Meetings of the Authority

12. (1) The first meeting of the Authority must be held at a time and place determined by the Chairperson, and thereafter the Authority must meet at such times and places as it may determine for carrying out its duties.
- (2) The Chairperson may at any time, on notice, convene an extraordinary meeting of the Authority to be held at a time and place determined by him or her.
- (3) No decision relating to the granting, amendment, renewal, transfer, suspension or revocation of a licence, registration, certification or grading must be taken at an extraordinary meeting.
- (4) The quorum for a meeting of the Authority must be the majority of its members.
- (5) Each member present must have one vote on any matter before the authority, and in the event of an equality of votes, the Chairperson must have, in addition to a deliberative vote, a casting vote.
- (6) The Chief Executive Officer may attend and participate in any meeting of the Authority, but must not vote.
- (7) The Authority must keep minutes of its meetings

Committees of Authority

13. (1) (a) The Authority may appoint not less than two of its members, and the Chief Executive Officer as Executive Committee of the Authority, which must perform such functions of the Authority as it may deem necessary.
- (b) Except in so far as the Authority may direct otherwise, the Executive Committee must not have the power to set aside or amend any decision of the Authority.
- (c) Any act performed or decision taken by the Executive Committee must be of force and effect except in so far as is set aside or amended by the Authority.
- (2) (a) The Authority may establish one or more committees to inquire into any matter referred to it, by the Authority and to report on that matter and -

- (i) such a committee must consist of so many members of the Authority or so many other persons, as the Authority may deem necessary, and the Authority may dissolve or reconstitute such a committee.
 - (ii) the Authority must appoint a member as the Chairperson of such a committee.
- (3) A member of a committee, with the exception of a public servant, must receive such remuneration and allowance as the Authority, after consultation with the MEC, may determine.

Staff of the Authority

14. (1) The Authority must -
- (a) with concurrence of the MEC, appoint a Chief Executive Officer;
 - (b) appoint persons to assist it in the performance of its duties and exercise of its powers.
- (2) The Staff of the Authority must -
- (a) receive remuneration, allowances and other employment benefits;
 - (b) be appointed on such terms and conditions and for such periods, as the Authority, with the concurrence of the MEC, may determine.

Expert and other assistance

15. (1) The Authority may appoint such experts or other persons as it may deem necessary, with a view to assisting it, in the exercise of its powers and performance of its duties;
- (2) The Authority must determine -
- (a) terms and conditions of service;
 - (b) remuneration and allowance; and
 - (c) the nature of the work to be performed or services to be rendered, for expert and other persons referred to in subsection (1).

Delegation of powers and assignment of duties

16. (1) The Authority may –

- (a) delegate powers and duties conferred upon them under this Act to any member of the authority, Chief Executive officer or committee.

(b) assign any of their duties in terms of this Act, to the persons contemplated in paragraph (a).

(2) The Chief Executive Officer may, for the effective execution of the provisions of this Act –

- (a) delegate a power conferred on him or her by this Act; and
- (b) assign a duty imposed upon him or her by this Act, except a duty as accounting officer, to any member of staff.

(3) A person to whom a power has been delegated or duty has been assigned, must exercise the power or perform the duty subject to conditions the Authority considers necessary.

(4) A delegation or assignment –

- (a) must be in writing;
- (b) does not prevent the Authority or Chief Executive Officer from exercising this power or performing this duty, and
- (c) may at any time be withdrawn in writing by the person who granted it.

Tourism Development Fund

17. (1) There is hereby established a fund called Tourism Development Fund

(2) The management and control of the Fund must, subject to the provisions of this Act, be vested in the Authority.

(3) The Fund must consist of no less than eighty percent (80%) of all levies collected in terms of this Act and appropriated by the Provincial Treasury.

(4) Subject to this Act, no less than thirty three percent (33%) of the Fund, must be used towards the development or empowerment of the previously disadvantaged persons or communities.

Funds of the Authority

18. (1) The funds of the Authority must consist of –
- (a) money appropriated by the Provincial Legislature; and
- (b) money accruing to the Authority from any other source approved by the MEC, including fees paid in terms of this Act.
- (2) The Authority must, for the purposes of appropriations contemplated in subsection (1)(a), submit to the MEC such estimates of expenditure and other inputs in respect of budget matters, including a business plan, as the MEC or the Provincial Treasury may require.
- (3) The Authority –
- (a) must open an account with a registered bank determined by it and must deposit in that account all money referred to in subsection (1).
- (b) may invest money deposited in terms of sub paragraph (a) which is not required for immediate use.

Accounting Responsibility

19. (1) The Chief Executive Officer must be the accounting officer of the Authority.
- (2) The financial year of the Authority must end on 31 March each year.
- (3) The accounting officer must –
- (a) keep full and proper records of all funds received or expended by, and of assets, liabilities and financial transactions of the Authority;
- (b) follow the bookkeeping and accounting systems, instructions and requirements of the Provincial Treasury;
- (c) as soon as is practicable, but not later than three months after the end of the financial year referred to in subsection (2), prepare annual financial statements reflecting, with suitable particulars, money received and expenses incurred by the Authority, and its assets and liabilities at the end of the financial year.
- (4) The Auditor – General must audit books, financial statements balance sheet and other records of the Authority annually, unless otherwise ordered by the MEC.

Annual Report

20. (1) The Authority must, as soon as practicable after the close of the financial year, but not later than three months, submit to the MEC an annual report on the activities of the Authority during the preceding financial year.
- (2) The MEC must submit the report to the Provincial Legislature, as soon as possible.

CHAPTER 3

REGISTRATION, CERTIFICATION, ACCREDITATION AND LICENSING

Registration and grading of hotels, other accommodation establishments and conference centres

21. (1) The Registrar must keep a register for –
- the registration of hotels;
 - the registration of other accommodation establishments.
 - the registration of conference centres; and the Chief Executive Officer must approve a form to that effect.
- (2) The Registrar must publish periodically in such a manner as he or she may determine a list of registered hotels, other accommodation establishments and conference centres referred to in subsection (1).

Determination of registration requirements

22. (1) The Authority must determine –
- the requirements which are to be complied with before a hotel other accommodation establishments, and conference centres may be registered; and
 - groups and grades of registered hotels and the requirements which are to be complied with, before a registered hotel can qualify for any particular group or grade.
- (2) The Authority must advise the MEC on the determination of the requirements for registration of hotels, other accommodation establishments, and conference centres, and their groupings and grades.

Notice by the MEC

23. (1) The MEC may –
- (a) by notice in the gazette, and on the advice of the Authority, declare that specified class of hotels, other accommodation establishments or conference centres in that notice, must be registered –
 - (i) on the date fixed on the notice; and
 - (ii) within six months from the date of publication.
 - (b) by notice in the gazette, amend or revoke any notice made in terms of paragraph (a).
- (2) No person must conduct a business of a hotel, other accommodation establishment or conference centre of a class specified in a notice referred to in subsection (1), after a date fixed for registration in the notice has expired, unless the hotel is registered.

Application for registration

24. (1) A person who is conducting or intends to conduct a business of a hotel, other accommodation establishment must apply to the Registrar for the registration of such hotel, other accommodation establishment, or conference centre.
- (2) An application referred to in subsection (1) must be –
- (a) made in the prescribed form;
 - (b) accompanied by a fee, plans, documents and other information or particulars relating to the existing or proposed hotel, other accommodation establishment, or conference centre.

Duties of the registrar

25. (1) Subject to the provisions of this Act –
- (a) the registrar may –
 - (i) register the hotel, other accommodation establishment or conference centre;
 - (ii) refuse to register the hotel, other accommodation establishment or conference centre.

- (b) a hotel, other accommodation establishment or conference centre which is proposed to be established, the Registrar must, if he or she is of the opinion that the requirements for registration determined in terms of section 22(1)-
- (i) will be complied with, register the proposed hotel, other accommodation establishment or conference centre;
 - (ii) will not be complied with, refuse to register the proposed hotel, other accommodation establishment or conference centre: Provided that the Registrar may postpone the matter for further consideration for such period or periods as he may deem fit.
- (2) Subject to the provisions of subsection (3), the Registrar must, within a reasonable period, after the registration of a hotel, determine the grade and group to which such hotel belongs.
- (3) Before registering a hotel, other accommodation establishment or conference centre, in terms of subsection (1) or determining the group to which such hotel belongs or grading a hotel in terms of this Act, the Registrar-
- (a) must inspect the hotel, other accommodation establishment or conference centre or cause the hotel, other accommodation establishment or conference centre to be inspected by one of more designated officers; and
 - (b) may conduct further investigations regarding this matter.

Obligations of a registered hotel owner

26. (1) Any person who is conducting a registered hotel and who intends to make additions, or alterations, which may affect the accommodation facility, or facilities offered to the public, or may affect the group, or grade of such hotel, must –
- (i) notify the Registrar in writing before the commencement of such additions, or alterations; and
 - (ii) if such additions or alterations affect the structure of any existing building, or involve the erection of any new building, must submit to the Registrar plans of the additions or alterations.
- (2) Any person who is conducting a registered hotel must, within thirty days of the completion of any additions, or alterations notified in terms of subsection (1), notify the Registrar of such completion.

Exemption from registration requirements

27. (1) Notwithstanding anything to the contrary contained in the Act, the Registrar may, on good grounds with the approval of the MEC, register a hotel, other accommodation establishment or conference centre in respect of which requirements for registration determined in terms of section 22(1) have not been complied with.
- (2) The Registrar may at any time cancel any registration effected in terms of subsection (1).
- (3) The provisions of this Act, in regard to the determination of the group to which a hotel belongs, or the grading of hotels, must not apply in respect of a hotel registered in terms of subsection (1).

Issuing of registration certificate

28. The Registrar must issue to the applicant a certificate of registration in the prescribed form upon registration of a hotel, other accommodation establishment or conference centre.

Cancellation of registration

29. (1) If registration requirements have not been complied with, the Registrar may give notice to the hotel, other accommodation establishment or conference centre, to satisfy the requirements within three months from the date of the notice, failing which he or she will cancel their registration.
- (2) The hotel, other accommodation establishment or conference centre, in respect of which a notice in terms of subsection (1) has been given, may before the expiry of the period of three months, make representations, in writing to the Registrar in regard to cancellation of the registration of the hotel, other accommodation establishment or conference centre concerned.
- (3) If, upon expiry of the period of three months referred to in any notice given in terms of subsection (1), or upon the expiry of any extension of that period granted by the Registrar, the Registrar considers that the requirement concerned has not been complied with, he or she may cancel the registration of the hotel, other accommodation establishment or conference centre and must give notice.

Grouping and grading of registered hotels

30. The Registrar may at any time, after giving the hotel, other accommodation establishment, conference centre, a reasonable period of making representations –

- (a) re-group and re-grade any registered hotel, if in his or her opinion, reasonable and sufficient grounds exist for doing so;
- (b) if a registered hotel, is undergoing alterations which, in his or her opinion, affects the grade of the hotel, suspends the grading of the hotel, during the period that the alterations take place and re-determines the group or grade of the hotel within a reasonable period.

Application for re-grouping and re-grading of registered hotel

31. (1) Any registered hotel may, subject to such conditions and accompanied by such fee as may be prescribed, apply to the Registrar in the prescribed manner and form for the re-grouping and re-grading of such hotel.
- (2) The Registrar must consider the application, and give such decision and take such action as he or she considers appropriate.

Registration of Restaurants

32. (1) The MEC may, on the advice of the Authority, by notice in the Gazette-
- (a) prescribe a register for the registration of a restaurant; and
 - (b) determine the registration of the restaurant requirements.
- (2) The MEC may, by notice in the Gazette revoke, amend or cancel any notice made in terms of subsection (1).

Register for restaurants

33. The Registrar must, as soon as possible after the publication of any notice in terms of section 30(1), establish and keep in a form approved by the Chief Executive Officer, a register for the registration of restaurants.

Notice for registration of restaurants

34. (1) The MEC may, by notice in the Gazette, declare that with effect from a date to be fixed in the notice, being not sooner than six months from the date of publication of the notice, restaurants of such class as are specified in the notice must be required to be registered.
- (2) The MEC may, by notice in the Gazette, amend or revoke any notice, made in terms of subsection (1)
- (3) No person must conduct a restaurant of a class specified in a notice after the expiry date fixed for registration, unless the restaurant is registered

Application for a restaurant

35. (1) Any person who is conducting or intends to conduct a restaurant business, may apply to the Registrar for the registration of the restaurant: Provided that the provisions of section 32(1), have been complied with.
- (2) An application referred to in subsection (1) must be made in the prescribed form; and
- made in the prescribed form; and
 - accompanied by prescribed fee, plans, documents and other information or particulars relating to the restaurant or proposed restaurant.

Duties of registrar in relation to registration of restaurants

36. (1) The Registrar must subject to the provisions of subsection (2) –
- if he or she is of the opinion that the requirements for registration determined in terms of section 32(1) –
 - have been or will be complied with, register the restaurant;
 - have not been or will not be complied with refuse to register the restaurant. Provided that the registrar may postpone the matter for further consideration for such period as he or she may determine.
- (2) The registrar, before registering a restaurant in terms of subsection (1)
- must inspect the restaurant or cause it to be inspected by a designated officer;
 - may call for a report from a health officer;
 - may conduct further investigation in regard to this matter.
- (3) A restaurant which is situated within the premises of a hotel, may be registered in terms of subsection (1) irrespective of any registration or grading of the hotel as contemplated in this Act.

Issuing of registration certificate for restaurants

37. (1) The Registrar may issue to the person who is conducting the restaurant, a certificate of registration in the prescribed form.

- (2) If any restaurant ceases to be registered or ceases to operate, the person who was conducting such restaurant, must forthwith return the certificate of registration to the Registrar.

Publication of list of registered restaurants

38. The Registrar must publish periodically, in such a manner as he or she may determine, a list of registered restaurants together with such particulars as he or she may determine.

Cancellation of registration

39. (1) If registration requirements have not been complied with, the registrar may give notice to the person conducting the restaurant business, to satisfy the requirements within three months from the date of notice, failing which he or she may cancel the registration.
- (2) The person conducting a restaurant business, in respect of which a notice in terms of subsection (1) has been issued, may before the expiry of the period of three months, make representations in writing to the Registrar in regard to the proposed cancellation of the registration of the restaurant.
- (3) If, upon the expiry of the period of three months referred to in the notice, or upon the expiry of any extension of that period granted by the Registrar, and the Registrar considers that the requirement concerned has not been complied with, he or she may cancel the registration of the restaurant and must give notice thereof to the person conducting the restaurant business.

Registration of designated tourist amenities

40. (1) The MEC may, by notice in the Gazette-
- (a) declare that with effect from a date to be fixed in the notice, being not sooner than six months from the date of publication of the notice, any place or thing or class thereof which, in his or her opinion, affords an amenity to tourists, to be a designated a tourist amenity;
- (b) determine the requirements which are to be complied with, before any designated tourist amenity may be registered.
- (2) The MEC may by notice in the Gazette revoke, amend or cancel any notice made in terms of subsection (1).
- (3) No person must conduct or operate a designated tourist amenity, unless it is registered.

Register for registration of designated tourist amenities

41. The Registrar must, as soon as possible after the publication of any notice in section 40(1), establish and keep in a form approved by the Chief Executive Officer a register for the registration of designated tourist amenities.

Application for registration of designated tourist amenities

42. (1) Any person who is conducting or operating or intends to conduct a designated tourist amenity, may apply to the Registrar for the registration of the designated tourist amenity.
- (2) An application referred to in subsection (1) must be –
- (a) made in prescribed manner;
 - (b) accompanied by prescribed fee, plans, documents and other information or particulars relating to the designated tourist amenity.

Duties of registrar in relation to designated tourist amenities

43. (1) Subject to the provisions of subsection (2), the Registrar must if he or she is of the opinion that the requirements for registration designated tourist amenities –
- (a) have been or will be complied with register the designated or proposed designated tourist amenity;
 - (b) have not been or will not be complied with, refuse to register the designated or proposed designated tourist amenity:
- Provided that the Registrar may postpone the matter for further consideration for such period as he or she may fix.
- (2) Before registering a designated tourist amenity, the Registrar –
- (a) must inspect the restaurant or cause it to be inspected by a designated officer;
 - (b) may call for a report from a health officer;
 - (c) may conduct further investigation in regard to such matter.

Issuing certificate of registration

44. (1) The Registrar must issue to the person conducting or operating the designated tourist amenity, a certificate of registration in the prescribed form.

- (2) If any designated tourist amenity ceases to be registered or to operate, the person who was conducting or operating the designated tourist amenity must forthwith, return the certificate of registration to the Registrar.

Publication of a list of registered designated tourist amenities

45. The Registrar must publish periodically in such manner as he or she may determine, a list of registered designated tourist amenities, together with particulars of such designated tourist amenities.

Cancellation of registration of designated tourist amenities

46. (1) If registration requirements have not been complied with, the Registrar may give notice to tourist amenity to satisfy the requirements within three months from the date of notice, failing which he or she may cancel the registration of that designated tourist amenity.
- (2) The designated tourist amenity in respect of which a notice has been given, may before the expiry of a period of three months, make representations in writing to the Registrar in regard to the proposed cancellation of the registration of the designated tourist amenity.
- (3) If, upon the expiry of the period of three months referred to in a notice given in terms of subsection (1) or upon the expiry of any extension of that period granted by the Registrar, the Registrar considers that the requirement concerned has not been complied with he or she may cancel the registration of the designated tourist amenity and must give notice thereof to the person conducting or operating the designated tourist amenity.

Period of validity of registration and grading

47. A registration or grading made in terms of this Chapter, must be valid for a prescribed period.

Licensing of tour operators, tour guides and couriers

48. (1) The MEC may, acting on the advice of the Authority, declare by notice in the Gazette that with effect from such a date as may be fixed in the notice, being not less than three months from the date of publication thereof, such classes of tour operators, tour guides or couriers as may be specified in the notice must be required to be licensed by the Authority and specify in such notice, the requirements to be complied with by an applicant for such licence.
- (2) Upon and after the date fixed in a notice made in terms of subsection (1), no person must –

- (a) carry on the business of any class of tour operator or tour guide specified in that notice except in terms of tour operator's licence issued in respect of that business; or
- (b) operate as any class of courier specified in that notice except in terms of a courier's licence issued in respect of that business; or
- (c) employ any person to operate as any class of courier specified in that notice otherwise than in accordance with a courier licence issued to that person.

Application for issue or renewal of a licence

49. (1) Any person who wishes to apply for the issue or renewal of a licence of tour operator, tour guide or courier may make application thereof to the Registrar.
- (2) An application in terms of subsection (1) must be –
- (a) made in the prescribed manner and form; and
 - (b) accompanied by the prescribed fee.
- (3) Upon an application being made to him in terms of subsection (1) the Registrar may –
- (a) grant the application and issue or renew licence of a tour operator, tour guide or courier; or
 - (b) refuse the application.
- (4) In considering an application in terms of subsection (1) the Registrar must have regard to the question whether –
- (a) in respect of a tour operator's licence , the business has or is likely to have a favourable effect upon tourism in the Province, taking into account the manner in which the business is conducted or proposed to be conducted;
 - (b) in respect of licence of a tour guide or courier, the person concerned is a fit and proper tour guide or courier, taking into account his or her character, training and type of the operation conducted by him or her and the business has or is likely to have a favourable effect upon tourism in the Province, taking into account the manner in which the business is conducted or proposed to be conducted.

Licence for tour operator, tour guide or courier

50. A licence for tour operator, tour guide or courier must –

- (a) be in the prescribed form;
- (b) specify –
 - (i) the name and address of the tour operator, tour guide or courier
 - (ii) the type of business the tour operator, tour guide or courier is licensed to carry; and
 - (iii) the area of operation in which the tour operator, tour guide or courier is licensed to operate;
- (c) be valid for a prescribed period.

Cancellation of licence of tour operator, tour guide or courier

51. (1) If a tour operator, tour guide or courier licensed to operate, fails to comply with the prescribed requirements for licensing, the Registrar may give notice requiring compliance within three months from the date of the notice, failing which he or she may cancel the licence.
- (2) If the licence of a tour operator, tour guide or courier is cancelled, the holder must forthwith return the licence to the Registrar.

Certification and accreditation of training providers

52. (1) Subject to any Education laws, or any relevant applicable laws, or any person or institution providing training, guidance or education within the tourism industry in the Province must be required to be certified and accredited by the Authority.
- (2) In certifying and accrediting such persons or institutions contemplated in subsection (1), the Authority must have regard to all relevant factors as the Authority may determine, including but not limited to, the nature, content and curriculum of training to be provided, the duration of such training or guidance and any other recognition the training provider has received from any other institution in or outside of the Republic.
- (3) An application to the Authority in terms of subsection (1) must be –
 - (a) made in the prescribed manner and form; and
 - (b) accompanied by the prescribed fee.
- (4) The Authority may –
 - (a) grant the application, issue a certificate and accredit the applicant or renew his or her certificate and accreditation; or

- (b) refuse the application.
- (5) The Authority must prescribe a period of certification and accreditation.

CHAPTER 4

APPOINTMENT OF REGISTRAR, APPEAL, INSPECTION AND PAYMENT OF LEVY.

Appointment of registrar and designated officer

53. (1) The Authority –
- (a) must appoint a person to be the Registrar of Hotels, Accommodation Establishments, Conference Centre, Restaurants and Tourist Amenities;
 - (b) may appoint such other person or persons as designated officer or officers as it may deem necessary.
- (2) The Registrar and designated officer must be issued with a certificate signed by, or on behalf of the Authority stating that, the holder has been appointed in terms of this Act.

Appeal against the decision of the registrar

54. (1) Any person who is aggrieved by any decision of the Registrar with regard to –
- (a) an application for registration, certification, accreditation, the grading of any thing or the issue or renewal of a licence in terms of this Act; or
 - (b) the cancellation of any registration, certification, accreditation or licence or the grading of any thing in terms of this Act,
- may, within twenty-eight days after being notified of the decision appeal in writing to the MEC.
- (2) The appellant must, if a fee is prescribed for such appeal, submit an amount equal to the prescribed fee with his or her appeal.
- (3) The MEC may require the Registrar to furnish him or her with the written reasons for his or her decision, and a record of the proceedings.
- (4) When an appeal is noted –

- (a) the decision of the Registrar must be suspended, until the appeal is finalised; or
 - (b) against the refusal to renew any licence, the MEC may extend the validity of such licence, until the appeal is finalised.
- (5) The MEC must make an appropriate order.

Inspection of premises

55. (1) The Registrar or designated officer may, for the purposes of this Act-
- (a) without notice, and at any reasonable time, enter any premises of -
 - (i) a hotel, other accommodation establishment, conference centre, restaurant, tour operator, tour guide, courier, designated tourist amenity or tourist information bureau in respect of which an application for registration or licence has been made; or
 - (ii) a registered hotel, other accommodation establishment, conference centre, restaurant, tour operator, tour guide, courier or designated tourist amenity; and
 - (iii) after having informed the person who is in charge of such premises at the time of his or her visit, make such inspection and enquiry as he or she may deem necessary: Provided that he or she may not enter any room occupied by any person without the permission of such person.
 - (b) question any person upon such premises, or at any reasonable time require any such person to produce any books, notices, records, or other documents which are or have been on the premises or in possession or custody of such person if, in his or her opinion the examination of such books, notices, records, or other documents is necessary for the purposes of his or her investigation;
 - (c) examine and make extracts from, and copies of any such books, notices, records, or other documents referred to in paragraph (b), and require any explanation of any entry therein;
 - (d) seize any books, notices, records, or other documents which, in his or her opinion, may assist in establishing an offence in terms of this Act.

- (2) The Registrar or designated officer must, on demand by any person affected by the examination of records and other documents referred to in subsection (1), exhibit the certificate issued to him or her under section 53(2).

Payment of levy

56. (1) The MEC may –
- (a) prescribe a levy payable in terms of this Act in respect of registered hotels, other accommodation establishments, conference centre, restaurants, tour operators, tour guides, couriers, and tourist amenities;
 - (b) require that the person conducting or operating a registered hotel, conference centre restaurant, tour operator, tour guide, or courier business, other accommodation establishment, or tourist amenity must add to the price of such services rendered thereat as may from time to time be prescribed, a surcharge, at such rate as may be prescribed, and must collect such surcharge; or
 - (c) fix a levy calculated at the prescribed rate.
- (2) The Authority may, by civil action in a competent court, recover the amount of levy which is due in terms of this Act, from a person liable for payment.

CHAPTER 5

GENERAL PROVISIONS

Offences and penalties.

57. (1) Any person who –
- (a) publishes or causes or allows to be published in any manner a false or misleading information relating to any hotel, restaurant, tour operator, tour guide, courier, other accommodation establishment, or tourist amenity; or
 - (b) being the person responsible therefore fails or refuses to pay any levy or to collect and or remit any such levy in terms of this Act; or
 - (c) hinders or obstructs the Registrar or designated officer in the exercise of his or her powers or performance of his or her duties; or

- (d) without valid excuse, refuses or fails to answer any question the Registrar or designated officer lawfully put to him or her; or
 - (e) refuses or fails to comply with any requirement prescribed by the Registrar or designated officer;
 - (f) wilfully furnishes to the Registrar or designated officer false or misleading information; or
 - (g) contravenes any provision of this Act, which is not elsewhere specifically declared to be an offence;
 - (h) shall be guilty of an offence and liable to a fine or imprisonment for a period not exceeding 2 (two) years or to both such fine and imprisonment
- (2) A court convicting a person for a contravention of Section 57(1)(b), may on the application of the prosecutor and in addition to any penalty which it may impose, make order for compensation against him or her in favour of the Authority for the amount of the levy to which the offence relates.
- (3) Judgement given by a court in terms of subsection (1), must have the same force and effect of a civil judgement.

Financing of projects

58. The Authority may, with the approval of the MEC, provide finance for any project which, in the opinion of the Authority will improve and develop tourism in the Province.

Regulations

59. (1) The MEC may make regulations regarding the following matters:
- (a) the qualification and disqualification for registration, grading, licensing, certification and accreditation;
 - (b) the insignia for the various groups and grades of registered hotels and all establishments required to be registered and or licensed, certified and accredited, and the circumstances under which, and the manner in which they must be used or displayed, and the prohibition of the use or display thereof;
 - (c) Payment of levy by the person liable, collection of levy by the person responsible, the manner of payment, collection and remittal;

- (d) the Records and accounts to be kept by any registered hotel, conference centre restaurant, tour operator, tour guide, courier, other accommodation establishment, and tourist amenity;
 - (e) fees payable in respect of licences for tour operators, tour guides and couriers;
 - (f) the requirement by tour operators tour guides and couriers to give guarantees, bonds or any other form of surety approved by the Authority, for the fulfilment of all contractual obligations; and
 - (g) the requirements by persons employed or engaged within the tourism industry to undertake certain courses of instruction or training, or possess certain qualifications as may be approved by the Authority.
- (2) The MEC may generally make regulations he or she deems necessary to prescribe for achieving the objects of this Act.
- (3) Regulations made in terms of subsection (1) may provide for penalties for any contravention thereof.

Short title and commencement

60. This Act is called Gauteng Tourism Act, 1998 and must come into operation on a date fixed by the Premier by proclamation in the provincial gazette.

KENNISGEWING 2129 VAN 1998**GAUTENG TOERISME WETSONTWERP**

Om voorsiening te maak vir die volhoubare ontwikkeling en verbetering van toerisme in Gauteng; om die Gauteng Toerisme Owerheid in te stel; om magte en funksies toe te ken en pligte aan die Owerheid op te lê; om 'n toerisme ontwikkelingsfonds in te stel; om spesifieke meganismes in te stel ten einde volhoubare toerisme inkomste vir toerisme ontwikkeling en promosie te voorsien; om voorsiening te maak vir die registrasie, gradering en klassifikasie van hotelle; voorsiening te maak vir die registrasie van restaurante, ander akkommadasie ondernemings, konferensie en konvensie sentra en toeriste aantreklikhede; om voorsiening te maak vir die lisensiëring van toeroperateurs, toergidse en koeriers; om voorsiening te maak vir die sertifisering enakkreditering van opleidingsverskaffers in die toerisme bedryf; om voorsiening te maak vir die instelling en invordering van heffings ten opsigte van hotelle en ander akkommadasie ondernemings, restaurante en aangewese toeriste aantreklikhede; en om voorsiening te maak vir aangeleenthede bykomend daartoe.

DAAR WORD BEPAAL DEUR die Proviniale Wetgewer van Gauteng, as volg:-

SAMESTELLING VAN DIE WET**HOOFSTUK 1****DEFINISIES EN TOEPASSING VAN DIE WET**

Artikel	Bladsy
1. Definisie-----	33
2. Toepassing van die Wet-----	35

HOOFSTUK 2**GAUTENG TOERISME OWERHEID**

3. Instelling van die Owerheid-----	35
4. Bevoegdhede en pligte van die Owerheid-----	35
5. Samestelling van die Owerheid-----	35
6. Diensvoorwaardes-----	36
7. Ampstermy-----	37
8. Ampsontruiming-----	37
9. Bekendmaking van belang-----	37
10. Effek van botsing van belang-----	37
11. Diskwalifikasie van lede-----	38
12. Vergaderings van die Owerheid-----	38
13. Komitees van die Owerheid-----	39

14.	Personnel van die Owerheid-----	40
15.	Deskundige en ander bystand-----	40
16.	Delegering van magte en opdra van pligte-----	40
17.	Toerisme ontwikkelingsfonds-----	41
18.	Fondse van die Owerheid-----	41
19.	Rekenpligtige verantwoordelikheid-----	42
20.	Jaarverslag-----	42

HOOFTUK 3

REGISTRASIE, SERTIFISERING, AKKREDITERING EN LISENSIËRING

21.	Registrasie en gradering van hotelle, ander akkommodasie ondernemings en konferensie sentra-----	43
22.	Bepaling van registrasie vereistes-----	43
23.	Kennisgewing deur die LUR-----	43
24.	Aansoek om registrasie-----	44
25.	Pligte van die registrator-----	44
26.	Verpligtinge van 'n geregistreerde hoteleienaar-----	45
27.	Kwytskelding van registrasie vereistes-----	45
28.	Uitreiking van registrasie sertifikaat-----	46
29.	Kansellasie van registrasie-----	46
30.	Groepering en gradering van geregistreerde hotelle-----	46
31.	Aansoek om hergroepering en hergradering van geregistreerde hotel-----	47
32.	Registrasie van restaurante-----	47
33.	Register vir restaurante-----	47
34.	Kennisgewing vir registrasie van restaurante-----	47
35.	Aansoek om 'n restaurant-----	48
36.	Pligte van registrator met betrekking tot registrasie van restaurante-----	48
37.	Uitreiking van registrasie sertifikaat vir restaurante-----	48
38.	Publikasie van lys van geregistreerde restaurante-----	49
39.	Kansellasie van registrasie-----	49
40.	Registrasie van aangewese toeriste aantreklikhede-----	49
41.	Register vir registrasie van aangewese toeriste aantreklikhede-----	50
42.	Aansoek om registrasie van aangewese toeriste aantreklikhede-----	50
43.	Pligte van registrator met betrekking tot aangewese toeriste aantreklikhede-----	50
44.	Uitreiking van registrasie sertifikaat-----	51
45.	Publikasie van 'n lys van geregistreerde aangewese toeriste aantreklikhede-----	51
46.	Kansellasie van registrasie van aangewese toeriste aantreklikhede-----	51
47.	Geldigheidstydperk van registrasie en gradering-----	51
48.	Lisensiëring van toeroperateurs, toergids en koeriers-----	51
49.	Aansoek om uitreiking of hernuwing van 'n lisensie-----	52
50.	Lisensie vir toeroperateur, toergids of koerier-----	53
51.	Kansellasie van lisensie vir toeroperateur, toergids of koerier-----	53
52.	Sertifisering enakkreditering van opleidingsverskaffers-----	53

HOOFSTUK 4**AANSTELLING VAN REGISTRATEUR, APPEL, INSPEKSIE EN BETALING VAN HEFFING**

53.	Aanstelling van registrator en aangewese amptenaar-----	54
54.	Appel teen die beslissing van die Registrator-----	54
55.	Inspeksie van perseel-----	55
56.	Betaling van heffing-----	56

HOOFSTUK 5**ALGEMENE BEPALINGS**

57.	Oortredings en boetes-----	56
58.	Finansiering van projekte-----	57
59.	Regulasies-----	57
60.	Kort titel en inwerktingreding-----	58

HOOFSTUK 1**DEFINISIES EN TOEPASSING VAN DIE WET****Definisies**

1 In hierdie Wet, tensy die konteks die teendeel aandui-

Beteken "Owerheid" die Gauteng Toerisme Owerheid waarna verwys word in LUR 3;

"Voorsitter" beteken 'n voorsitter van die Owerheid;

"Hoof Uitvoerende Amptenaar" beteken 'n persoon aangestel kragtens Artikel 14(1)(a);

"konferensie sentra" beteken ondernemings betrokke in die verskaffing van fasiliteite vir die aanbied van konferensies, kongresse, konvensies, simposia, seminare en uitstellings, wat nie deel uitmaak van 'n hotel of ander akkommodasie onderneming nie;

"koerier" beteken enige individu of besigheid wat bagasievervoer aan passasiers bied;

"aangewese amptenaar" beteken 'n persoon aangestel kragtens Artikel 52(1)(b) van hierdie Wet;

"aangewese toeriste aantreklikheid" beteken 'n plek of ding, wat die LUR tot 'n aangewese toeriste aantreklikheid verklaar het kragtens Artikel 39(1)

"Uitvoerende Raad" beteken die Uitvoerende Raad van die Provincie;

“Fonds” beteken die Toerisme Ontwikkelingsfonds;

“Staatskoerant” beteken ‘n provinsiale koerant;

“hotel” beteken ‘n perseel, waarin of waarop die besigheid van die verskaffing van losies en maaltye teen vergoeding bedryf word of bedoel word om bedryf te word, en sluit ‘n motel, herberg of skeepshotel in;

“naaste familielid” beteken ‘n ouer, kind, broer, of suster;

“heffing” beteken ‘n heffing voorgeskryf kragtens Artikel 56(1);

“lid” beteken lid van die Owerheid aangestel kragtens Artikel 5(1);

“LUR” beteken ‘n lid van die Uitvoerende Raad verantwoordelik vir toerisme aangeleenthede in die Provinsie;

“ander akkommodasie onderneming” beteken enige perseel wat slaapplek aan die publiek aanbied vir ‘n fooi, hetsy met of sonder maaltye en sluit in ‘n boot of huisboot, bed en ontbyt, karavaan en kampeerpark, plaashuis, gastehuis, hostel en losieshuis;

“Provinsie” beteken Gauteng Provinsie;

“Voorgeskryf” beteken by regulasie bepaal en “voorskryf” het ‘n dienooreenkomsstige betekenis;

“Registrateur” beteken ‘n persoon aangestel om die Registrateur van hotelle, ander akkommodasie ondernemings, Restaurante en Aangewese Toeriste Aantreklikhede te wees kragtens Artikel 53(1)(a);

“regulasies” beteken regulasies neergelê kragtens hierdie Wet;

“restaurant” beteken ‘n perseel wat struktureel aangepas is en gebruik word vir die doel van die verskaffing van substansiële maaltye, vir ‘n fooi, aan die publiek vir verbruik op die perseel;

“gade” sluit ‘n persoon in met wie die lid saamleef asof hulle getroud is of met wie die lid uit gewoonte kohabiteer;

“hierdie Wet” sluit regulasies in;

“toergids” enige persoon wie vir ‘n vergoeding, hetsy geldelik of andersins, enige persoon vergesel wie reis binne of enige plek binne die Provinsie besoek en wie sodanige persoon van inligting of kommentaar voorsien met betrekking tot enige aangeleentheid; en

“toeroperateur” enige persoon wie sake doen deur die verskaffing van toere van enige aard wat hulle eie of ander operators-goedgekeurde voertuie, vliegtuie en ander

fasiliteite gebruik.

Toepassing van die Wet

2 Hierdie Wet moet dwarsdeur die Provincie toegepas word.

HOOFSTUK 2

GAUTENG TOERISME OWERHEID

Instelling van die Owerheid

3 Daar word hiermee 'n regspersoon ingestel bekend as Die Gauteng Toerisme Owerheid.

Bevoegdhede en Pligte van die Owerheid

4 Die Owerheid moet die volgende bevoegdhede en pligte hê bykomend tot enige bevoegdheid en plig soos deur hierdie Wet bepaal;

- (1) om toerisme te bevorder, koester en ontwikkel;
- (2) om die volhoubare ontwikkeling, voorsiening en verbetering van toeriste aantreklikhede aan te moedig en, om riglyne vir toerisme ontwikkeling daar te stel;
- (3) om ondersoek in te stel en aanbevelings by die LUR te maak rakende enige aangeleentheid in verband met die promosie, ontwikkeling of bemarking van toerisme in die Provincie;
- (4) om aktiwiteite en aksies nasionaal en internasionaal te inisieer en implimenteer met die bedoeling om toeriste na die Provincie te lok;
- (5) om strategiese en besigheidsvennootskappe en ander koöperatiewe aktiwiteite te ontwikkel met ander regerings, private en onafhanklike sektore;
- (6) om te koördineer, adviseer, ondersteun en te wisselwerk met ander organisasies of instellings wat hulle ten doel stel om toerisme te bevorder en ontwikkel; en
- (7) om lede te word van en lidmaatskap te versoek van organisasies vir toerisme ontwikkeling en bemarking;

Samestelling van Owerheid

- 5 (1) Die Owerheid moet bestaan uit nie minder nie as agt (8) en nie meer nie as twaalf (12) lede aangestel deur die LUR.
- (2) Die LUR mag oorleg pleeg met ander lede van provinsie se uitvoerende raad in

die aanstelling van lede.

- (3) Die LUR moet een lid as voorsitter aanstel en 'n ander as ondervoorsitter.

(4) Wanneer die voorsitter afwesig is of nie in staat is om enige van die werksaamhede van die voorsitter te verrig nie, moet die ondervoorsitter van die Owerheid as voorsitter optree.

(5) Wanneer beide die voorsitter en die ondervoorsitter van die Owerheid afwesig is of nie in staat is enige van die werksaamhede van die voorsitter te verrig nie, moet die teenwoordige lede uit eie geledere 'n persoon verkies om as voorsitter op te tree.

- (6) Indien 'n ander lid as die voorsitter of ondervoorsitter dit versoek, mag die LUR 'n alternatiewe lid aanstel om in daardie persoon se plek waar te neem wanneer hy of sy afwesig is van 'n vergadering van sodanige owerheid.

- (7) Die LUR mag-

(a) Nominasies aanvra deur publikasie van 'n kennisgewing in die provinsiale koerant en vier koerante wat in die provinsie versprei word wanneer lede aangestel word;

(b) in die kennisgewing waarna in paragraaf (a) verwys word, 'n datum bepaal waarteen persone wat wil beswaar maak teen die aanstellings so mag doen; en

(c) kommentaar of besware wat ontvang is met betrekking tot voorgenome aanstellings in aanmerking neem.

(8) Die LUR mag deur kennisgewing in die Staatskoerant en een koerant wat in die Provinsie versprei word 'n lys van die lede publiseer binne een (1) maand na hulle aanstelling.

- (9) 'n Lid moet-

(a) kwalifiseer as 'n gepaste en gesikte persoon; en

(b) beskik oor kennis, kwalifikasies of ondervinding op die gebied van toerisme ontwikkeling en promosie.

Diensvoorwaardes

6. (1) 'n Lid, uitgesonderd 'n persoon wat in diens van die Staat is, moet aangestel word op sodanige diensvoorwaardes as wat die LUR bepaal.

(2) 'n Lid kan sodanige besoldiging en toelaes betaal word as wat die LUR met die instemming van die Lid van die Uitvoerende Raad verantwoordelik vir finansiële

aangeleenthede in die Provincie bepaal.

Ampstermyn

7. (1) Behoudens die bepalings van artikels 8 en 10 sy of haar amp beklee vir die tydperk wat die LUR by sy of haar aanstelling bepaal; maar hoogstens drie jaar, en hy of sy kan aan die einde van daardie tydperk heraangestel word.
- (2) Indien, om enige rede, die pos van 'n lid vakant word, mag die LUR enige persoon as 'n lid aanstel vir die onverstreke gedeelte van die betrokke ampstermyn.

Ampsontruiming

8. (1) 'n Lid of plaasvervangende lid moet sy of haar amp ontruim indien:
- hy of sy bedank;
 - hy of sy geestelik versteurd raak;
 - hy of sy skuldig bevind word aan 'n misdryf en gevonnis word tot 'n gevangenisstraf sonder die keuse van 'n boete; en
 - hy of sy 'n lid van die Parlement, 'n Provinsiale Wetgewer, die raad van 'n munisipaliteit, die Kabinet of die Uitvoerende Raad word;
 - hy of sy van meer as twee agtereenvolgende vergaderings afwesig is sonder 'n geldige rede.
- (2) Die LUR kan te eniger tyd die ampstermyn van 'n lid van die Raad beëindig indien, na die mening van die LUR, daar voldoende redes bestaan vir 'n beëindiging: Met dien verstande dat die betrokke lid die geleentheid om 'n verhoor gegun word.

Bekendmaking van belang

9. 'n Lid moet enige direkte of indirekte finansiële belang ten volle bekend maak wat:
- die betrokke lid of sy of haar gade, naaste familielid, sakevennoot of genoot of werkewer, behalwe die Staat; en
 - die sakevennoot of genoot of werkewer, behalwe die Staat, van sy of haar gade, in toerisme ontwikkeling het.

Effek van botsing van belang

10. (1) 'n Lid van die Owerheid moet nie stem, die verrigtinge of beregting van enige vergadering van die Owerheid bywoon of op enige wyse daaraan deelneem nie indien, met betrekking tot enige aangeleenthed voor die Owerheid-

- (a) hy of sy of sy of haar familielid, vennoot of sakegenoot 'n direkteur is, lid of vennoot van, of 'n beherende aandeel of enige finansiële of ander belang het in, die onderneming van die aansoeker om 'n lisensie, registrasie, sertifisering, gradering of enige ander reg of voorreg wat deur die Owerheid toegeken sal word.
 - (b) hy of sy enige belang het wat hom of haar verhinder om sy of haar funksies as 'n lid op 'n regverdig, onbevooroordeelde en behoorlike wyse uit te voer.
 - (c) indien gedurende enige stadium tydens dié duur van enige verrigtinge wat voor die Owerheid dien, dit blyk dat 'n lid enige belang het of mag hê wat in hierdie subartikel (1) beoog word.
 - (d) daardie lid die vergadering of beregting moet verlaat ten einde die oorblywende lede in staat te stel om die aangeleenthed te bespreek en te bepaal of daardie lid uitgesluit is van deelname aan die verrigtinge tydens sodanige vergadering of beregting uit hoofde van 'n botsing van belang; en
 - (e) die besluit deur die oorblywende lede geneem rakende sodanige bepaling, sal aangeteken word in die notule van die verrigtinge.
- (2) Indien enige lid by gebreke bly om enige belang beoog in subartikel (1) openbaar te maak of indien, by besit van so 'n belang, hy of sy die verrigtinge by die betrokke vergadering of beregting bywoon of op enige wyse daaraan deelneem, die verrigtinge ter sake ongeldig verklaar mag word: Met dien verstande dat geen besluit kragtens hierdie Wet met betrekking tot die toestaan, wysiging, hernuwing, oordrag, herroeping of terugtrekking van 'n lisensie, registrasie, sertifisering, of gradering daardeur ongeldig gemaak sal word nie.

Diskwalifikasie van lede

11. Geen persoon sal aangestel word as 'n lid nie indien daar die persoon-

- (1) 'n ongerehabiliteerde insolvent is;
- (2) nie 'n Suid-Afrikaanse burger is nie; en
- (3) 'n gewoonte misdadiger
- (4) wat geestelik versteurd is.

Vergaderings van die Owerheid

12. (1) Die eerste vergadering van die Owerheid moet gehou word op 'n tyd en plek deur

die Voorsitter bepaal, en daarna moet die Owerheid vergader op sodanige tye en plekke as wat dit van tyd tot tyd mag bepaal vir die uitvoer van sy sake.

- (2) Die Voorsitter mag te eniger tyd, met kennisgewing, 'n spesiale vergadering van die Owerheid belê op 'n tyd en plek deur hom of haar bepaal.
- (3) Geen besluit met betrekking tot die toestaan, wysiging, hernuwing, oordrag, opskorting of herroeping van 'n lisensie, registrasie, sertifisering of gradering moet tydens 'n spesiale vergadering geneem word nie.
- (4) Die kworum vir 'n vergadering van die Owerheid moet 'n meerderheid van sy lede wees.
- (5) Elke teenwoordige lid moet een stem hê oor enige aangeleentheid voor die Owerheid en, in geval van 'n staking van stemme, moet die Voorsitter, bykomend tot 'n beraadslagende stem, 'n beslissende stem hê.
- (6) Die Hoof Uitvoerende Amptenaar mag enige vergadering van die Owerheid bywoon en daaraan deelneem maar moet nie stem nie.
- (7) Die Owerheid moet notules van sy vergaderings hou.

Komitees van die Owerheid

13. (1) (a) Die Owerheid mag nie minder nie as twee van sy lede, en die Hoof Uitvoerende Amptenaar aanstel as Uitvoerende Komitee van die Owerheid, wat sodanige verpligte van die Owerheid moet nakom as wat dit mag nodig ag.
- (b) Buiten in soverre die Owerheid anders mag bepaal, moet die Uitvoerende Komitee nie die bevoegdheid hê om enige besluit van die Owerheid tersyde te stel of te wysig nie.
- (c) Enige handeling uitgevoer of besluit deur die Uitvoerende Komitee geneem moet van krag wees behalwe in soverre dit tersyde gestel of gewysig word deur die Owerheid.
- (2) (a) Die Owerheid mag een of meer Komitees instel om enige aangeleentheid te ondersoek wat na dit verwys word en verslag oor daardie aangeleentheid te lewer en-
- (b) sodanige komitee moet bestaan uit soveel lede van die Owerheid of soveel ander persone, of soveel lede en ander persone, as wat die Owerheid nodig mag ag, en die Owerheid mag sodanige komitee ontbind of hersaamstel.
- (c) die Owerheid moet 'n lid aanstel as die Voorsitter van sodanige komitee.

- (3) 'n Lid van 'n komitee, met die uitsondering van 'n staatsamptenaar, moet sodanige besoldiging en toelae ontvang as wat die Owerheid, na konsultasie met die LUR, mag vasstel.

Personnel van die Owerheid

14. (1) Die Owerheid moet-
- (a) met die instemming van die LUR, 'n Hoof Uitvoerende Amptenaar aanstel;
 - (b) persone aanstel om dit by te staan in die uitvoering van sy pligte en die uitoefening van sy bevoegdhede.
- (2) Die Personnel van die Owerheid moet-
- (a) besoldiging, toelae en ander werknehmersvoordele ontvang;
 - (b) aangestel word op sodanige bepalinge en voorwaardes en vir sodanige tydperke, as wat die Owerheid, met die instemming van die LUR mag bepaal.

Deskundige en ander bystand

15. (1) Die Owerheid mag sodanige deskundiges of ander persone aanstel as wat dit mag nodig ag, met die doel om dit by te staan in die uitoefening van sy bevoegdhede en die uitvoering van sy verpligte;
- (2) Die Owerheid moet bepaal-
- (a) dienstermyne en -voorwaardes;
 - (b) besoldiging en toelae; en
 - (c) die aard van die werk wat gedoen of die dienste wat gelewer moet word, vir deskundige en ander persone waarna verwys is in subartikel (1)

Delegering van bevoegdhede en opdra van pligte

16. (1) Die Owerheid mag-
- (a) bevoegdhede en pligte daaraan verleen ingevolge hierdie Wet, deleer aan enige lid van die Owerheid, Hoof Uitvoerende amptenaar of komitee.
 - (b) enige van sy pligte ingevolge hierdie Wet opdra aan die persone beoog in paragraaf (a).

- (2) Die Hoof Uitvoerende Amptenaar mag, vir die doeltreffende uitvoering van die bepalings van hierdie Wet-
 - (a) 'n bevoegdheid aan hom of haar verleen ingevolge hierdie Wet, deleer, en
 - (b) 'n plig op hom of haar gelê ingevolge hierdie Wet, uitgesonderd enige plig as rekenpligtige beampete, opdra aan enige personeellid.
- (3) 'n Persoon aan wie 'n bevoegdheid gedelegeer is of 'n plig opgedra is, moet die bevoegdheid uitoefen of die plig uitvoer behoudens die voorwaardes wat die Owerheid nodig ag.
- (4) 'n Delegasie of opdrag-
 - (a) moet skriftelik wees;
 - (b) verhinder nie die Owerheid of Hoof Uitvoerende Amptenaar om hierdie bevoegdheid self uit te oefen of hierdie plig self uit te voer nie; en
 - (c) kan te eniger tyd skriftelik deur die persoon wat dit toegestaan het teruggetrek word.

Toerisme Ontwikkelingsfonds

17. (1) Daar word hierby 'n fonds ingestel wat bekend staan as die Toerisme Ontwikkelingsfonds.
- (2) Die bestuur en beheer van die Fonds moet, behoudens die bepalings van hierdie Wet, in die Owerheid gesetel wees.
- (3) Die Fonds moet bestaan uit nie minder nie as negentig persent (80%) van alle heffings wat kragtens hierdie Wet ingevorder en deur die Provinciale Tesourie bewillig word.
- (4) Behoudens hierdie Wet moet nie minder nie as drie-en-dertig persent (33%) van die Fonds aangewend word vir die ontwikkeling of bemagtiging van die geskiedkundig benadeelde individue of gemeenskappe.

Fondse van die Owerheid

18. (1) Die fondse van die Owerheid moet bestaan uit -
 - (a) geldte toegewys deur die Provinciale Wetgewer; en
 - (b) geldte wat toeval aan die Owerheid vanaf enige ander bron deur die LUR

goedgekeur, insluitende fooie betaal kragtens hierdie Wet.

(2) Die Owerheid moet, vir die doeleindes van bewilligings beoog in subartikel (1)(a), aan die LUR sodanige ramings van uitgawes en ander insette met betrekking tot begrotingsaangeleenthede, insluitende 'n bedryfsplan, aan die LUR voorlê, soos wat die LUR of die Proviniale Tesourie mag verlang.

(3) Die Owerheid-

(a) moet 'n rekening open by 'n geregistreerde bank waarop dit self besluit het en moet in daardie rekening alle gelde deponeer waarna in subartikel (1) verwys is.

(b) mag geld belê wat kragtens subparagraaf (a) gedeponeer is maar wat nie vir onmiddellike gebruik benodig word nie.

Rekenpligtige Verantwoordelikheid

19. (1) Die Hoof Uitvoerende Amtenaar moet die rekenpligtige amptenaar van die Owerheid wees.

(2) Die finansiële jaar van die Owerheid moet elke jaar eindig op 31 Maart.

(3) Die rekenpligtige amptenaar moet-

(a) volledige en behoorlike registers hou van alle fondse ontvang of bestedeur, en van bates, laste en finansiële transaksies van, die Owerheid;

(b) die boekhou- en afrekeningstelsels, instruksies en vereistes van die Proviniale Tesourie navolg;

(c) So gou doenlik, maar nie later nie as drie maande na die einde van die belasting jaar in subartikel (2) genoem, jaarlikse finansiële state voorberei wat, met gepaste besonderhede, gelde ontvang en uitgawes aangegaan deur die Owerheid weerspieël, en sy bates en laste aan die einde van die betrokke finansiële jaar.

(4) Die Ouditeur-Generaal moet boeke, finansiële state, balansstate en ander registers van die Owerheid jaarliks ouditeer, tensy anders beveel deur die LUR.

Jaarverslag

20. (1) Die Owerheid moet, sou gou doenlik na die sluiting van die finansiële jaar, maar nie later nie as drie maande, 'n jaarverslag aan die LUR voorlê van die aktiwiteite van die Owerheid gedurende die voorafgaande finansiële jaar.

(2) Die LUR moet so gou moontlik die verslag aan die Proviniale Wetgewer voorlê.

HOOFSTUK 3

REGISTRASIE, SERTIFISERING, AKKREDITERING EN LISENSIËRING

Registrasie en gradering van hotelle, ander akkommodasie ondernemings en konferensie sentra

21. (1) Die Registrateur moet 'n register byhou vir-

- (a) die registrasie van hotelle;
- (b) die registrasie van ander akkommodasie ondernemings.
- (c) die registrasie van konferensie sentra; en die Hoof Uitvoerende Amtenaar moet 'n vorm hiervoor goedkeur.

(2) Die Registrateur moet periodiek en op so 'n wyse as wat hy of sy mag bepaal 'n lys van geregistreerde hotelle en ander akkommodasie ondernemings en konferensie sentra beoog in subartikel (1) publiseer.

Bepaling van registrasie vereistes

22. (1) Die Owerheid moet bepaal-

- (a) die vereistes waaraan voldoen moet word voordat 'n hotel, ander akkommodasie ondernemings, en konferensie sentra geregistreer mag word; en
 - (b) groepe en grade van geregistreerde hotelle en die vereistes waaraan voldoen moet word voordat 'n geregistreerde hotel kan kwalifiseer vir enige besondere groep of graad.
- (2) Die Owerheid moet die LUR adviseer oor die vasstelling van die vereistes vir die registrasie van hotelle, ander akkommodasie ondernemings, en konferensie sentra, en hulle groeperings en grade.

Kennisgewing deur die LUR

23. (1) Die LUR mag-

- (a) deur kennisgewing in die Staatskoerant, en op advies van die Owerheid, verklaar dat 'n gespesifieerde klas hotelle, ander akkommodasie ondernemings of konferensie sentra in daardie kennisgewing, geregistreer moet wees-

- (i) op die datum vasgestel in die kennisgewing; en
(ii) binne ses maande vanaf die datum van publikasie.
- (b) deur kennisgewing in die Staatskoerant, enige kennisgewing ingevolge paragraaf (a) wysig of terugtrek.
- (2) Geen persoon moet 'n besigheid van 'n hotel of ander akkommodasie onderneming of konferensie sentrum van 'n klas gespesifiseer in 'n kennisgewing waarna in subartikel (1) verwys is, bestuur na 'n datum vir registrasie wat in die kennisgewing vasgestel is verstryk het nie, tensy die hotel geregistreer is.

Aansoek om registrasie

24. (1) 'n Persoon wie 'n besigheid van 'n hotel of ander akkommodasie onderneming bestuur of van voorneme is om te bestuur moet by die Registrateur aansoek doen om die registrasie van sodanige hotel, ander akkommodasie onderneming, of konferensie sntrum.
- (2) 'n Aansoek waarna verwys word in subartikel (1) moet-
- (a) op die voorgeskrewe vorm geskied;
 - (b) vergesel word van sodanige fooi, planne, dokumentasie en ander inligting of besonderhede aangaande die bestaande of voorgestelde hotel, ander akkommodasie onderneming, of konferensie sentrum.

Pligte van die registrateur

25. (1) Behoudens die bepalings van hierdie Wet-
- (a) mag die registrateur-
 - (i) die hotel, ander akkommodasie onderneming of konferensie sentrum regstreer;
 - (ii) weier om die hotel, ander akkommodasie onderneming of konferensie sentrum te regstreer.
 - (b) 'n hotel, ander akkommodasie onderneming of konferensie sentrum wat vir oprigting beoog word, moet die Registrateur, indien hy of sy van mening is dat die vereistes vir registrasie vasgestel kragtens artikel 22(1)-
 - (i) aan voldoen sal word, die beoogde hotel, ander akkommodasie onderneming of konferensie sentrum regstreer;
 - (ii) nie aan voldoen sal word nie, weier om die beoogde hotel, ander

akkommodasie onderneming of konferensie sentrum te regstreer: Met dien verstande dat die Registrateur die aangeleentheid mag uitstel vir verdere oorweging vir sodanige tydperk of tydperke as wat hy of sy mag goed vind.

(2) Behoudens die bepalings van subartikel (3), moet die Registrateur, binne 'n redelike tydperk, na die registrasie van 'n hotel, die graad en groep waartoe sodanige hotel behoort bepaal.

(3) Voor registrasie van 'n hotel, ander akkommodasie onderneming of konferensie sentrum, kragtens subartikel (1), of die bepaling van die groep waartoe sodanige hotel behoort bepaal of die gradering van 'n 'n hotel kragtens hierdie Wet, die Registrateur-

- (a) moet die hotel, ander akkommodasie onderneming of konferensie sentrum inspekteer, of sorg dat die hotel, ander akkommodasie onderneming of konferensie sentrum geïnspekteer word deur een of meer aangewese amptenare; en
- (b) mag hy of sy verdere ondersoeke met betrekking tot hierdie aangeleentheid instel.

Verpligtinge van 'n geregistreerde hoteleiernaar

26. (1) Enige persoon wie 'n geregistreerde hotel bestuur en wie van voorneme is om aanbouings of verbouings te onderneem wat die akkommodasie fasilitet of fasiliteite wat aan die publiek aangebied word mag beïnvloed, of die groep of graad van sodanige hotel mag beïnvloed, moet-

- (a) die Registrateur skriftelik in kennis stel voor die aanvang van sodanige aanbouings, of verbouings, en;
- (b) indien sodanige aanbouings of verbouings die struktuur van enige bestaande gebou beïnvloed, of die oprigting van enige nuwe gebou behels, planne van die aanbouings of verbouings aan die Registrateur voorlê.

(2) Enige persoon wat 'n geregistreerde hotel bestuur moet, binne dertig dae na die voltooiing van enige aanbouings, of verbouings aangemeld kragtens subartikel (1), die Registrateur van sodanige voltooiing in kennis stel.

Vrystelling van registrasie vereistes

27. (1) Ondanks enige strydige bepalinge wat in die Wet vervat is, mag die Registrateur, indien, op goeie gronde met die goedkeuring van die LUR, 'n hotel, ander akkommodasie onderneming of konferensie sentrum ten opsigte waarvan

vereistes vir registrasie wat kragtens artikel 22(1) bepaal is nie aan voldoen is nie, registreer.

- (2) Die Registrateur mag te eniger tyd enige registrasie deurgevoer kragtens subartikel (1), kanselleer.

(3) Die bepalings van hierdie Wet in verband met die vasstelling van die groep van gradering waartoe 'n hotel behoort, of die gradering van hotelle, moet nie van toepassing wees ten opsigte van 'n hotel geregistreer kragtens subartikel (1) nie.

Uitreiking van registrasie sertifikaat

28. By registrasie van 'n hotel, ander akkommodasie onderneming of konferensie sentrum moet die Registrateur 'n registrasie sertifikaat in die voorgeskrewe vorm aan die aansoeker uitrek.

Kansellasie van registrasie

29. (1) Indien nie aan registrasie vereistes voldoen is nie, mag die Registrateur die hotel, ander akkommodasie onderneming of konferensie sentrum kennis gee om te voldoen aan die vereistes binne drie maande vanaf die datum van die kennisgewing, by gebreke waarvan hy of sy die registrasie sal kanselleer.
- (2) Die hotel, ander akkommodasie onderneming of konferensie sentrum ten opsigte waarvan 'n kennisgewing kragtens subartikel (1) gegee is mag, voor die verstryking van die tydperk van drie maande, skriftelike voorleggings aan die Registrateur maak met betrekking tot die kansellasie van die registrasie van die betrokke hotel, ander akkommodasie onderneming of konferensie sentrum.
- (3) Indien, by verstryking van die tydperk van drie maande waarna in enige kennisgewing kragtens subartikel (1) verwys word, of by die verstryking van enige verlenging van daardie tydperk deur die Registrateur toegestaan, die Registrateur van mening is dat daar nie aan die betrokke vereiste voldoen is nie, mag hy of sy die registrasie van die hotel, ander akkommodasie onderneming of konferensie sentrum kanselleer en moet hy of sy daarvan kennis gee.

Groepering en gradering van geregistreerde hotelle

30. Die Registrateur mag te eniger tyd, nadat die betrokke hotel, ander akkommodasie onderneming of konferensie sentrum 'n redelike geleentheid gegun is om voorleggings te maak-
- (a) enige geregistreerde hotel hergroepeer en hergradeer, indien, volgens sy of haar mening, redelike en voldoende gronde daarvoor bestaan;
- (b) indien 'n geregistreerde hotel verbouings ondergaan wat, na sy of haar mening, die graad van die hotel aantast, die gradering van die hotel opskort gedurende die

tydperk dat die verbouings plaasvind en die groep of graad van die hotel binne 'n redelike tydperk herbepaal.

Aansoek om hergroepering en hergradering van geregistreerde hotel

31. (1) Enige geregistreerde hotel mag, behoudens sodanige voorwaardes en vergesel van sodanige fooi as wat voorgeskryf mag wees, aansoek doen by die Registrateur op die voorgeskrewe manier en wyse om die hergroepering en hergradering van sodanige hotel.
- (2) Die Registrateur moet die aansoek oorweeg, en sodanige besluit daarop gee en sodanige aksie instel as wat hy of sy geskik ag.

Registrasie van Restaurante

32. (1) Die LUR mag, op die advies van die Owerheid, deur kennisgewing in die Staatskoerant:
- (a) 'n register vir die registrasie van 'n restaurant voorskryf; en
 - (b) die vereistes bepaal vir die registrasie van 'n restaurant.
- (2) Die LUR mag, deur kennisgewing in die Staatskoerant, enige kennisgewing kragtens subartikel (1) terugtrek, wysig of kanselleer.

Register vir restaurante

33. Die Registrateur moet, so gou as moontlik na die publikasie van enige kennisgewing kragtens artikel 32(1), 'n register vir die registrasie van restaurante instel en byhou in 'n vorm wat deur die Hoof Uitvoerende Amptenaar goedgekeur is.

Kennisgewing vir registrasie van restaurante

34. (1) Die LUR mag, deur kennisgewing in die Staatskoerant, verklaar dat in werking met ingang van 'n datum wat in die kennisgewing bepaal sal word, synde nie gouer as ses maande vanaf die datum van publikasie van die kennisgewing nie, restaurante van sodanige klas as wat in die kennisgewing gespesifiseer word, vereis sal word om geregistreer te wees.
- (2) Die LUR mag, deur kennisgewing in die Staatskoerant, enige kennisgewing kragtens subartikel (1) wysig of terugtrek.
- (3) Geen persoon moet 'n restaurant van 'n klas gespesifiseer in 'n kennisgewing kragtens subartikel (1) bestuur na die verstryking van die vasgestelde datum vir registrasie in die kennisgewing nie, tensy die restaurant geregistreer is.

Aansoek om 'n restaurant

35. (1) Enige persoon wie 'n restaurant onderneming bestuur of van voorneme is om te bestuur, mag by die Registrateur aansoek doen om die registrasie van die restaurant: Met dien verstande dat aan die bepalings van artikel 32(1) voldoen is.
- (2) 'n Aansoek genoem in subartikel (1) moet-
- (a) gedoen word op die voorgeskrewe vorm; en
 - (b) vergesel word van die voorgeskrewe fooi, planne, dokumente en ander inligting of besonderhede met betrekking tot die restaurant of voorgestelde restaurant.

Pligte van registrateur met betrekking tot registrasie van restaurante

36. (1) Die Registrateur moet behoudens die bepalings van subartikel (2)-
- (a) indien hy of sy van mening is dat die vereistes vir registrasie bepaal kragtens artikel 32(1)-
 - (i) aan voldoen is of aan voldoen sal word, die restaurant regstreer;
 - (ii) nie aan voldoen is nie of nie aan voldoen sal word nie, weier om die restaurant te regstreer. Met dien verstande dat die registrateur die aangeleentheid mag uitstel vir verdere oorweging vir sodanige tydperk as wat hy of sy mag bepaal.
- (2) Voordat die Registrateur 'n restaurant kragtens subartikel (1) regstreer-
- (a) moet hy of sy die restaurant inspekteer of sorg dat dit deur 'n aangewese amptenaar geïnspekteer word;
 - (b) mag hy of sy 'n verslag van 'n gesondheidsbeampte aanvra;
 - (c) mag hy of sy sodanige verdere ondersoek met betrekking tot hierdie aangeleentheid onderneem.
- (3) 'n Restaurant wat binne die perseel van 'n hotel geleë is, mag geregistreer word kragtens subartikel (1) ongeag enige registrasie of gradering van die hotel soos beoog in hierdie Wet.

Uitreiking van registrasie sertifikaat vir restaurante

37. (1) Die Registrateur mag 'n registrasie sertifikaat in die voorgeskrewe vorm uitrek aan die persoon wat die restaurant bestuur.
- (2) Indien enige restaurant ophou om geregistreer te wees of te funksioneer, moet die persoon wie sodanige restaurant bestuur het onverwyld die registrasie sertifikaat terugbesorg aan die Registrateur.

Publikasie van lys van geregistreerde restaurante

38. Die Registrateur moet periodiek, op sodanige wyse as wat hy of sy mag bepaal, 'n lys van geregistreerde restaurante publiseer saam met sodanige besonderhede as wat hy of sy mag bepaal.

Kansellasie van registrasie

39. (1) Indien nie aan registrasie vereistes voldoen is nie, mag die Registrateur kennis gee aan die persoon wat die restaurant onderneming bestuur om te voldoen aan die vereistes voldoen binne drie maande vanaf die datum van die kennisgewing, by gebreke waarvan hy of sy die registrasie mag kanselleer.

- (2) Die persoon wie 'n restaurant onderneming bestuur, met betrekking tot wie kennis kragtens subartikel (1) gegee is, mag voor verstryking van die tydperk van drie maande, skriftelike vertoe tot die Registrateur rig met betrekking tot die voorgestelde kansellasie van die registrasie van die restaurant.
- (3) Indien, by verstryking van die tydperk van drie maande waarna in die kennisgewing verwys word, of by die verstryking van enige uitstel van daardie tydperk deur die Registrateur toegestaan, die Registrateur oordeel dat daar nie aan die betrokke vereiste voldoen is nie, mag hy of sy die registrasie van die restaurant kanselleer en moet hy of sy kennis daarvan gee aan die persoon wat die restaurant onderneming bestuur.

Registrasie van aangewese toeriste aantreklikhede

40. (1) Die LUR mag, deur kennisgewing in die Staatskoerant-

- (a) verklaar dat in werking met ingang van 'n datum wat in die kennisgewing vasgestel sal word, synde nie gouer nie as ses maande vanaf die publikasiedatum van die kennisgewing, enige plek of ding of klas daarvan wat, na sy of haar mening, 'n aantreklikheid aan toeriste bied, 'n aangewese toeriste aantreklikheid sal wees;
- (b) die vereistes bepaal waaraan voldoen moet word voordat enige aangewese toeriste aantreklikheid geregistreer mag word.
- (2) Die LUR mag deur kennisgewing in die Staatskoerant enige kennisgewing gemaak kragtens subartikel (1) herroep, wysig of kanselleer.
- (3) Geen persoon mag 'n aangewese toeriste aantreklikheid bestuur of bedryf nie, tensy dit geregistreer is.

Register vir registrasie van aangewese toeriste aantreklikhede

41. Die Registrateur moet, so gou as moontlik na die publikasie van enige kennisgewing in artikel 40(1), 'n register vir die registrasie van aangewese toeriste aantreklikhede instel en byhou in 'n vorm wat deur die Hoof Uitvoerende Amtenaar goedgekeur is.

Aansoek om registrasie van aangewese toeriste aantreklikhede

42. (1) Enige persoon wie 'n aangewese toeriste aantreklikheid bestuur of bedryf of van voorneme is om 'n aangewese toeriste aantreklikheid te bestuur mag by die Registrateur aansoek doen om registrasie van die aangewese toeriste aantreklikheid.
 (2) 'n Aansoek gemeld in subartikel (1) moet:

- (a) op die voorgeskrewe manier gedoen word;
- (b) vergesel wees van die voorgeskrewe fook, planne, dokumente en ander inligting of besonderhede in verband met die aangewese toeriste aantreklikheid.

Pligte van registrateur insake aangewese toeriste aantreklikhede

43. (1) Behoudens die bepalings van subartikel (2), moet die Registrateur, indien hy of sy van mening is dat die vereistes vir geregistreerde aangewese toeriste aantreklikhede-

- (a) aan voldoen is of aan voldoen sal word, die aangewese of voorgestelde aangewese toeriste aantreklikheid regstreer;
- (b) nie aan voldoen is nie of nie aan voldoen sal word nie, weier om die aangewese of voorgestelde aangewese toeriste aantreklikheid te regstreer: Met dien verstande dat die Registrateur die aangeleentheid mag uitstel vir verdere oorweging vir sodanige tydperk as wat hy of sy mag vasstel.

(2) Voordat die Registrateur 'n aangewese toeriste aantreklikheid regstreer-

- (a) moet hy of sy die aangewese toeriste aantreklikheid inspekteer of sorg dat dit deur 'n aangewese amptenaar geïnspekteer word;
- (b) mag hy of sy 'n verslag van 'n gesondheidsbeampte aanvra;
- (c) mag hy of sy verdere ondersoek met betrekking tot sodanige aangeleentheid instel.

Uitreiking van registrasie sertifikaat

44. (1) Die Registrateur moet aan die persoon wat die aangewese toeriste aantreklikheid bestuur of bedryf, 'n registrasie sertifikaat in die voorgeskrewe vorm uitreik.
- (2) Indien enige aangewese toeriste aantreklikheid ophou om geregistreer te wees of te funksioneer, moet die persoon wie die aangewese toeriste aantreklikheid bestuur of bedryf het onverwyld die registrasie sertifikaat aan die Registrateur terugbesorg.

Publikasie van 'n lys van geregistreerde aangewese toeriste aantreklikhede

45. Die Registrateur moet periodiek op sodanige wyse as wat hy of sy mag bepaal, 'n lys van geregistreerde aangewese toeriste aantreklikhede publiseer, tesame met besonderhede van sodanige aangewese toeriste aantreklikhede.

Kansellasie van registrasie van aangewese toeriste aantreklikhede

46. (1) Indien nie aan registrasie vereistes voldoen is nie, mag die Registrateur aan die toeriste aantreklikheid kennis gee om aan die vereistes te voldoen binne drie maande vanaf die datum van die kennisgewing, by gebreke waarvan hy of sy die registrasie van daardie aangewese toeriste aantreklikheid mag kanselleer.
- (2) Die aangewese toeriste aantreklikheid ten opsigte waarvan kennis gegee is, mag voor die verstryking van 'n tydperk van drie maande skriftelike voorleggings aan die Registrateur maak met betrekking tot die voorgestelde kansellasie van die registrasie van die aangewese toeriste aantreklikheid.
- (3) Indien, by verstryking van die tydperk van drie maande waarna in 'n kennisgewing kragtens subartikel (1) verwys is of by verstryking van enige uitstel van daardie tydperk wat deur die Registrateur toegestaan is, die Registrateur van mening is dat daar nie aan die betrokke vereiste voldoen is nie, mag hy of sy die registrasie van die aangewese toeriste aantreklikheid kanselleer en moet daarvan kennis gegee word aan die persoon wat die aangewese toeriste aantreklikheid bestuur of bedryf.

Geldigheidstydperk van registrasie en gradering

47. 'n Registrasie of gradering wat kragtens hierdie Hoofstuk gemaak is, moet vir 'n voorgeskrewe tydperk geldig wees.

Lisensiëring van toeroperateurs, toergidse en koeriers

48. (1) Die LUR mag, in optrede op advies van die Owerheid, deur kennisgewing in die Staatskoerant, verklaar dat in werking met ingang van 'n datum soos wat in die kennisgewing vasgestel mag wees, synde nie minder nie as drie maande vanaf die publikasiedatum daarvan, sodanige klasse toeroperateurs, toergidse of koeriers as wat in die kennisgewing gespesifieer mag wees, vereis moet word om gelisensieerd te wees deur die Owerheid en in sodanige kennisgewing die

vereistes waaraan 'n applikant vir sodanige lizensie moet voldoen, spesifiseer.

- (2) Teen en na die vasgestelde datum in 'n kennisgewing gemaak kragtens subartikel (1), moet geen persoon-
 - (a) die onderneming van enige klas toeroperator of toergids wat in daardie kennisgewing gespesifiseer word voortsit behalwe ingevolge 'n toeroperatorlizensie uitgereik ten opsigte van daardie onderneming nie; of
 - (b) funksioneer as enige klas koerier in daardie kennisgewing gespesifiseer nie, behalwe ingevolge 'n koerierlizensie uitgereik ten opsigte van daardie onderneming; of
 - (c) enige persoon emploei om as enige klas koerier te funksioneer wat in daardie kennisgewing gespesifiseer word nie, buiten ingevolge 'n koerierlizensie wat aan daardie persoon uitgereik is.

Aansoek om uitreiking of hernuwing van 'n lizensie

49. (1) Enige persoon wat wil aansoek te doen om die uitreiking of hernuwing van 'n toeroperator-, toergids- of koerierlizensie mag daarom aansoek doen by die Registrateur.
- (2) 'n Aansoek kragtens subartikel (1) moet-
 - (a) so op die voorgeskrewe manier en wyse gemaak word; en
 - (b) die vergesel wees van die voorgeskrewe fooi.
- (3) Wanneer 'n aansoek tot hom gerig word kragtens subartikel (1) mag die Registrateur-
 - (a) die aansoek toestaan en 'n toeroperator-, toergids- of koerierlizensie uitreik of hernu; of
 - (b) die aansoek weier.
- (4) In oorweging van 'n aansoek kragtens subartikel (1) moet die Registrateur ag slaan op die vraag of-
 - (a) met betrekking tot 'n toeroperatorlizensie, die onderneming waarskynlik 'n gunstige uitwerking het of sal hê op toerisme in die Provincie, in ag genome die manier waarop die onderneming bestuur word of staan bestuur te word;
 - (b) met betrekking tot 'n toergids- of koerierlizensie, die betrokke persoon 'n gesikte en behoorlike toergids of koerier is, in ag genome sy of haar

karakter, opleiding en die aard van die besigheid en of die onderneming waarskynlik 'n gunstige uitwerking op toerisme in die Provincie het of sal hê, in ag genome die die manier waarop die onderneming bestuur word of staan bestuur te word.

Licensie vir toeroperator, toergids of koerier

50. 'n Toeroperator-, toergids- of koerierlicensie moet-

- (a) in die voorgeskrewe vorm wees;
- (b) spesifiseer-
 - (i) die naam en adres van die toeroperator, toergids of koerier
 - (ii) die tipe onderneming waarvoor die toeroperator, toergids of koerier gelisensieerd is; en
 - (iii) die gebied van werkzaamheid waarin die toeroperator, toergids of koerier gelisensieerd is om te werk;
- (c) geldig wees vir 'n voorgeskrewe tydperk.

Kansellasie van 'n toeroperator-, toergids- of koerierlicensie

51. (1) Indien 'n toeroperator, toergids of koerier wie gelisensieerd is om te mag werk, versuim om te voldoen aan die voorgeskrewe vereistes vir lisensiëring, mag die Registrateur kennis gee waarin nakoming vereis word binne drie maande vanaf die datum van die kennisgewing, by gebreke waarvan hy of sy die lisensie mag kanselleer.
- (2) Indien die lisensie van 'n toeroperator, toergids of koerier gekanselleer word, moet die houer die lisensie onverwyd aan die Registrateur terugbesorg.

Sertifisering enakkreditering van opleidingsverskaffers

52. (1) Behoudens enige Onderwyswette, of enige tersaaklike toepaslike wette, moet enige persoon of instelling wat opleiding, voorligting of onderrig binne die toerisme bedryf in die Provincie verskaf, verplig wees om deur die Owerheid gesertifiseer en geakkrediteer te wees.
- (2) Tydens die sertifisering enakkreditering van sodanige persone of instellings wat in subartikel (1) beoog word, moet die Owerheid rekening hou met alle tersaaklike faktore soos wat die Owerheid mag bepaal, insluitende maar nie beperk nie tot die aard, inhoud en kurrikulum van die opleiding wat verskaf sal word, die duur van sodanige opleiding of voorligting en enige ander erkenning wat die opleidingsverskaffer ontvang het van enige ander instelling binne of buite die Republiek.

- (3) 'n Aansoek by die Owerheid kragtens subartikel (1) moet-
- (a) gedoen word op die voorgeskrewe manier en wyse; en
 - (b) vergesel wees van die voorgeskrewe foor.
- (4) Die Owerheid mag-
- (a) die aansoek toestaan, 'n sertifikaat uitreik en die aansoeker akkrediteer of sy of haar sertifikaat en akkreditering hernu; of
 - (b) die aansoek weier.
- (5) Die Owerheid moet 'n tydperk van sertifisering en akkreditering voorskryf.

HOOFTUK 4

AANSTELLING VAN REGISTRATEUR, APPEL, INSPEKSIE EN BETALING VAN HEFFING

Aanstelling van registrator en aangewese amptenaar

53. (1) Die Owerheid-
- (a) moet 'n persoon aanstel wat die Registrator sal wees van Hotelle, Akkommodasie, Ondernemings, Konferensie Sentra en Toeriste Aantreklikhede;
 - (b) mag sodanige ander persoon of persone as aangewese amptenaar of amptenare aanstel as wat dit nodig ag.
- (2) Die Registrator en aangewese amptenaar moet voorsien wees van 'n sertifikaat onderteken deur, of namens die Owerheid, wat verklaar dat die houer aangestel is kragtens hierdie Wet.

Appel teen die beslissing van die registrator

54. (1) Enige persoon wie benadeel is deur enige beslissing van die Registrator met betrekking tot-
- (a) 'n aansoek om registrasie, sertifisering, akkreditering, die gradering van enigets of die uitreiking of hernuwing van 'n lisensie kragtens hierdie Wet; of
 - (b) die kansellasie van enige registrasie, sertifisering, akkreditering of lisensie of die gradering van enigets kragtens hierdie Wet,

mag, binne agt-en-twintig dae na verwittiging van die besluit, skriftelik na die LUR appelleer.

- (2) Die appellant moet, indien 'n fooi vir sodanige appel voorgeskryf word, 'n bedrag gelykwaardig aan die voorgeskrewe fooi met sy of haar appel indien.
- (3) Die LUR mag van die Registrateur vereis om hom of haar te voorsien van die geskrewe redes vir sy of haar besluit, en 'n afskrif van die verrigtinge.
- (4) Wanneer 'n appel aangeteken word-
 - (a) moet die besluit van die Registrateur uitgestel word, totdat die appel gefinaliseer is; of
 - (b) teen die weiering om enige lisensie te hernu, mag die LUR die geldigheid van sodanige lisensie verleng, totdat die appel gefinaliseer is.
- (5) Die LUR moet 'n geskikte bevel gee.

Inspeksie van perseel

55. (1) Die Registrateur of aangewese amptenaar mag, vir die doeleindes van hierdie Wet-
- (a) sonder kennisgewing, en op enige redelike tyd, enige perseel betree van-
 - (i) 'n hotel, ander akkommodasie onderneming, konferensie sentrum, restaurant, toeroperator, toergids, koerier, aangewese toeriste aantreklikheid of toeriste informasie buro ten opsigte waarvan aansoek om registrasie of 'n lisensie gedoen is; of
 - (ii) 'n geregistreerde hotel, ander akkommodasie onderneming, konferensie sentrum, restaurant, toeroperator, toergids, koerier of aangewese toeriste aantreklikheid; en
 - (iii) nadat die persoon wat in beheer is van sodanige perseel ten tyde van sy of haar besoek ingelig is, sodanige inspeksie en ondersoek onderneem as wat hy of sy mag nodig ag: Met dien verstande dat hy of sy nie enige kamer wat deur enige persoon beset word mag betree sonder die toestemming van sodanige persoon nie.
 - (b) enige persoon op sodanige perseel ondervra, of op enige redelike tyd van enige sodanige persoon verwag om enige boeke, kennisgewings, registers, of ander dokumente wat op die perseel is of daar gewees het of in besit of bewaring van sodanige persoon is voor te lê indien, na sy of haar mening die ondersoek van sodanige boeke, kennisgewings, registers, of ander dokumente nodig is vir die doeleindes van sy of haar ondersoek;

- (c) ondersoek instel en uittreksels en kopieë maak van enige sodanige boeke, kennisgewings, registers, of ander dokumente waarna in paragraaf (b) verwys word, en enige verduideliking vereis van enige inskrywing daarin;
 - (d) beslag lê op enige boeke, kennisgewings, registers, of ander dokumente wat, na sy of haar mening, mag help om 'n oortreding kragtens hierdie Wet aan die lig te bring.
- (2) Die Registrateur of aangewese amptenaar moet, op aanvraag van enige persoon wat aangetas word deur die ondersoek van registers en ander dokumente waarna in subartikel (1) verwys word, die sertifikaat wat aan hom of haar uitgereik is kragtens artikel 53(2) vertoon.

Betaling van heffing

56. (1) Die LUR mag-
- (a) 'n heffing voorskryf wat betaalbaar is kragtens hierdie Wet ten opsigte van geregistreerde hotelle, ander akkommodasie ondernemings, konferensie sentra, restaurante, toeroperateurs, toergidse, koeriers, en toeriste aantreklikhede;
 - (b) vereis dat die persoon wat 'n geregistreerde hotel, konferensie sentrum, restaurant, toeroperator, toergids, of koerier besigheid, ander akkommodasie onderneming of toeriste aantreklikheid bestuur of bedryf, by die prys van sodanige dienste gelewer, 'n toeslag voeg soos wat van tyd tot tyd voorgeskryf mag word, teen sodanige koers as wat voorgeskryf mag wees, en moet sodanige toeslag insamel; of
 - (c) 'n heffing vasstel wat teen die voorgeskrewe koers bereken is.
- (2) Die Owerheid mag, deur siviele aksie in 'n bevoegde hof, die heffingsbedrag herwin wat betaalbaar is kragtens hierdie Wet, vanaf 'n persoon wat aanspreeklik is vir betaling.

HOOFSTUK 5

ALGEMENE BEPALINGS

Oortredings en boetes

57. (1) Enige persoon wie-
- (a) publiseer of veroorsaak of toelaat dat op enige manier valse of misleidende inligting in verband met enige hotel, restaurant,

toeroperator, toergids, koerier, ander akkommodasie onderneming, of toeriste aantreklikheid gepubliseer word; of

- (b) synde die persoon wat daarvoor verantwoordelik is, by gebreke bly of weier om enige heffing te betaal of om enige sodanige heffing in te samel en of enige sodanige heffing te stuur kragtens hierdie Wet; of
 - (c) die Registrateur of aangewese amptenaar verhinder of dwarsboom in die uitoefening van sy of haar magte of die uitvoering van sy of haar verpligtinge; of
 - (d) sonder geldige verskoning weier of by gebreke bly om enige vraag te beantwoord wat die Registrateur of aangewese amptenaar wettiglik aan hom of haar gestel het; of
 - (e) weier of by gebreke bly om te voldoen aan enige vereiste wat deur die Registrateur of aangewese amptenaar voorgeskryf word;
 - (f) opsetlik valse of misleidende inligting aan die Registrateur of aangewese amptenaar verstrek; of
 - (g) enige bepaling van hierdie Wet oortree, wat nie elders spesifiek tot 'n misdryf verklaar word nie;
 - (h) sal skuldig wees aan 'n oortreding en onderhewig aan 'n boete of gevangenskap vir 'n tydperk van nie meer nie as 2 (twee) jaar of tot beide sodanige boete en gevangenisskap.
- (2) 'n Hof wat 'n persoon skuldig bevind vir 'n oortreding van Artikel 57(1)(b), mag op aanvraag van die aanklaer en bykomend tot enige boete wat dit mag ople, 'n bevel vir kompensasie teen hom of haar ten gunste van die Owerheid gee vir die bedrag van die heffing wat op die oortreding betrekking het.
- (3) Uitspraak deur 'n hof gelewer kragtens subartikel (1) moet dieselfde waarde hê as 'n siviele uitspraak.

Finansiering van projekte

58. Die Owerheid mag, met die goedkeuring van die LUR, finansiering voorsien vir enige projek wat, na die mening van die Owerheid, toerisme in die Provinsie sal verbeter en ontwikkel.

Regulasies

59. (1) Die LUR mag regulasies neerlê met betrekking tot die volgende aangeleenthede:
- (a) die kwalifikasie en diskwalifikasie vir registrasie, gradering, lisensiëring,

certifisering en akkreditering;

- (b) die kentekens vir die verskillende groepe en grade van geregistreerde hotelle en alle ondernemings wat verplig is om geregistreer en of gelisensieer, gesertifiseer en geakkrediteer te wees, en die omstandighede waaronder, en die manier waarop dit gebruik of vertoon moet word, en die verbod op die gebruik of vertoning daarvan;
 - (c) Die betaling van 'n heffing deur die aanspreeklike persoon, die invordering van 'n heffing deur die verantwoordelike persoon, die wyse van betaling, invordering en kwytsekelding;
 - (d) die Registers en rekeninge wat bygehou moet word deur enige geregistreerde hotel, konferensie sentrum, restaurant, toeroperateur, toergids, koerier, ander akkommodasie onderneming, en toeriste aantreklikheid;
 - (e) fooie betaalbaar ten opsigte van lisensies vir toeroperateurs, toergidse en koeriers;
 - (f) die vereiste gestel aan toeroperateurs, toergidse en koeriers om waarborg, verbande of enige ander vorm van sekerheid te verskaf wat deur die Owerheid goedgekeur word vir die vervulling van alle kontrakuele verpligte; en
 - (g) die vereistes gestel aan persone wat binne die toerismebedryf geemplojejer word of in diens geneem is om sekere voorligtings- of opleidingskursusse te onderneem, of te beskik oor sekere kwalifikasies soos wat deur die Owerheid goedgekeur mag wees.
- (2) Die LUR mag in die algemeen regulasies voorskryf wat hy of sy nodig ag om voor te skryf vir die bereiking van die oogmerke van hierdie Wet.

- (3) Regulasies voorgeskryf kragtens subartikel (1) mag voorsiening maak vir boetes vir enige oortreding daarvan.

Kort titel en inwerkintreding

60. Hierdie Wet heet die Gauteng Toerisme Wet, 1998, en moet in werking tree op 'n vasgestelde datum by wyse van proklamasie deur die Premier in die provinsiale koerant.

VERKLARENDE MEMORANDUM OOR DIE DOELWITTE VAN DIE WET

ONDERWERP:GAUTENG TOERISME WET, 1998.

DOEL/REDES VIR WETGEWING:

Die wet maak voorsiening vir die instelling van die Gauteng Toerisme Owerheid en sy bevoegdhede, pligte en funksies; om 'n toerisme ontwikkelingsfonds in te stel; om voorsiening te maak vir die registrasie, gradering en klassifikasie van hotelle; om voorsiening te maak vir die registrasie van restaurante, ander akkommodasie ondernemings, konferensie sentra en toeriste aantreklikhede; om spesifieke mechanismes in te stel ten einde volhoubare toerisme inkomste te voorsien vir toerisme ontwikkeling en promosie; om voorsiening te maak vir die heffing en insameling van heffings ten opsigte van hotelle en ander akkommodasie ondernemings, restaurante en aangewese toeriste aantreklikhede; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AGTERGROND INLIGTING

Die Gauteng Toerisme Wetsontwerp is genoodsaak deur die besef dat die ontwikkeling en promosie van toerisme nie gerugsteun word deur die nodige befondsing waarop hierdie bedryf geregtig is nie. Hierdie bedryf word erken as die wêreld se voorste skepper van volhoubare werk, en hierdie erkenning is nou in Suid-Afrika gemaak.

Die Gauteng Provinciale Regering het, as 'n beleidsaak, toerisme erken as een van daardie sektore van die ekonomie wat ontwikkel en ondersteun moet word ten einde die gang van die provinsie se ekonomie te verander van 'n mineraal en swaar metaal gebaseerde ekonomie na 'n diens en skrander industrie gebaseerde ekonomie. Hierdie erkenning, egter, is nie ondersteun deur 'n onderneming om voldoende fondse vir toerisme ontwikkeling en promosie te voorsien nie, of die institusionele raamwerk wat 'n sektor sal verseker wat voor loop in die verbetering en handhawing van hoë diensstandaarde nie.

'n Artikel 21 maatskappy, Gauteng Toerisme Agentskap (GTA), is in 1996 ingestel, na wye konsultasie en seminare met alle belanghebbendes, om die ontwikkelings- en promosie voertuig van toerisme in die Provinsie te wees. Hoewel van die GTA verwag word om resultate te lewer, is daar besef dat daar nie van verwag kan word om resultate te lewer teen die huidige vlak van befondsing nie. Die bedryf is nie goed gereguleerd om die voorste dienssektor te word nie, aangesien dit gekenmerk word deur 'n aantal operateurs en aantreklikhede wat nie in staat is om kwaliteit diens en produkte te lewer nie.

Die bedryf het nog nie enige diensstandaarde en 'n gedragskode ontwikkel nie en die dissiplinêre mechanismes om, in geval van klages deur kliënte oor enige onregverdig sakepraktik deur bedryfslede, af te reken met daardie operateurs en verskaffers van aantreklikhede.

Die registrasie, gradering, klassifisering van hotelle, restaurante, ander akkommodasie ondernemings, konferensie sentra en toeriste aantreklikhede, is 'n manier om die probleem van diensstandaarde op te los en hierdeur sal 'n gedragskode vir die bedryf ontwikkel word. Die registrasie van hierdie entiteite sal 'n bruikbare databasis daarstel om die aantal deelnemers in hierdie veld te bepaal en te beraam en om uiteindelik die bedrag aan fondse te bepaal wat deur die voorgestelde heffing in artikel 56 verdien kan word.

Die lisensiëring van toeroperateurs, toergidse en koeriers sal verseker dat daar geen onbetroubare entiteite is wat deelneem bloot om vinnig die geld van niks vermoedende en onskuldige kliënte te ontvang, tot nadeel van die hele land sebeeld nie.

Die instelling van die heffing soos beoog in artikel 56 is om te verseker dat hierdie bedryf voldoende fondse vir ontwikkeling en promosie doeleindes verkry. Die huidige situasie van 'n vrywillige heffingsysteem, soos nasionaal beoefen, is nie tot voordeel van die bedryf nie, is nie volhoubaar nie en onaanvaarbaar vir so 'n belangrike bedryf in die land, en in die besonder, vir die Provincie. Ten einde te verseker dat die ingesamelde heffings wel hierdie bedryf bevoordeel, is artikel 17(2) ingevoeg sodat die Provinsiale Tesourie nie minder nie as tachtig persent (80%) van hierdie heffings aan die Owerheid toewys vir toerisme ontwikkeling en promosie. Ten einde ook te verseker dat die nalatenskap van die verlede aangespreek word, sal die Owerheid verplig wees om nie minder nie as drie-en-dertig persent (33%) vir die ontwikkeling en promosie en bemagtiging van die histories benadeelde individue en/of gemeenskappe te gebruik.

FINANSIELE IMPLIKASIES

Die aanneem van hierdie Wet deur die Gauteng Wetgewer sal vereis dat die Wetgewer aansienlike bedrae geld aan die nuwe Owerheid toewys aangesien sy pligte en funksies aansienlik verhewe is bo dié van die huidige GTA.

PERSONEEL IMPLIKASIES

GEEN

KONSTITUSIONELE IMPLIKASIES

GEEN

KLOUSULE-VIR-KLOUSULE ANALISE

1. Definisie

Vir die uitlê van terme en begrippe in die Wetsontwerp.

2. Toepassing van die Wet

Dat hierdie Wet van toepassing sal wees in Gauteng Provincie.

3. Instelling van die Owerheid

Om die Gauteng Toerisme Owerheid as 'n statutêre liggaam in te stel.

4. Bevoegdhede en pligte van die Owerheid

Hierdie artikel ken pligte en bevoegdhede aan die Owerheid toe.

5. Samestelling van die Owerheid

Om aan te dui hoe lede van die Owerheid aangestel moet word.

6. Diensvoorwaardes

Om voorsiening te maak vir die diensvoorwaardes van lede van die Owerheid.

7. Ampstermyn

Hierdie artikel maak voorsiening vir die ampstermyn van lede van die owerheid.

8. Ampsontruiming

Hierdie artikel maak voorsiening vir die omstandighede waaronder 'n lid van die owerheid sy of haar amp moet ontruim.

9. Bekendmaking van belang

Dat lede die belang wat hulle direk of indirek besit as gevolg van die belang van naaste familielede bekend maak. Hierdie artikel strook met deursigtigheid.

10. Effek van botsing van belang

Hierdie is 'n voortsetting van artikel 9 ten einde te verseker dat 'n lid met 'n belang in 'n onderwerp onder bespreking nie behoort deel te neem aan onderhandelinge oor die aangeleenthed nie.

11. Diskwalifikasie van lede

Hoe lede gediskwalifiseer word om lede van die Owerheid te word en/of te bly.

12. Vergaderings van die owerheid

Hierdie artikel handel oor vergaderingprosedures.

13. Komitees van die Owerheid

Hierdie artikel handel oor komitees wat vir spesifieke funksies van die owerheid ingestel kan word.

14. Personeel van die owerheid

Personeel wat die Owerheid mag aanstel vir sy pligte en funksies.

15. Deskundige en ander bystand

Die bevoegdheid van die owerheid om mense met deskundige kennis aan te stel.

16. Delegering van bevoegdhede en opdra van pligte

Hierdie artikel maak voorsiening van die wyse waarop bevoegdhede gedelegeer kan word en hoe pligte opgedra behoort te word.

17. Toerisme Ontwikkelingsfonds

Hierdie is 'n spesiale fonds waarin alle ingesamelde heffingsfondse gedeponeer sal word.

18. Fondse van die Owerheid

Hierdie artikel bepaal hoe fondse deur die Provinciale Tesourie aan die owerheid toegewys sal word en dat die owerheid die bevoegdheid het om ander tipes fondse in te samel.

19. Rekenpligtige verantwoordelikheid

Dat die Hoof Uitvoerende Amp van die owerheid die rekenpligtige amptenaar vir alle aangeleenthede van die owerheid moet wees, en hoe die boeke en rekeningstate van die owerheid geouditeer moet word.

20. Jaarverslag

Dat die Owerheid 'n jaarverslag voorlê.

21. Registrasie en gradering van hotelle, ander akkommodasie ondernemings en konferensie sentra.

Dat hotelle, ander akkommodasie ondernemings en konferensie sentra geregistreerd en gegradeer moet wees.

22. Bepaling van registrasie vereistes

Dat die vereistes vir registrasie in die regulasies bepaal en voorgeskryf word.

23. Kennisgewing deur die LUR

Dat die LUR deur kennisgewing in die Staatskoerant die gespesifiseerde klas van aantreklikhede sal afkondig en 'n verbod op handeldrywing sonder 'n lisensie.

24. Aansoek om registrasie

Hoe aansoek om registrasie gedoen kan word.

25. Pligte van die Registrateur

Alle pligte van die Registrateur.

26. Verpligtinge van 'n geregistreerde hoteleienaar**27. Vrystelling van registrasie vereistes**

Die omstandighede wat die Registrateur sal magtig en die diskresionêre magte verleen om 'n entiteit vry te stel van voldoening aan registrasie vereistes.

28. Uitreiking van Registrasiesertifikaat

Wanneer en hoe 'n registrasiesertifikaat uitgereik mag word.

29. Kansellasie van registrasie

Omstandighede waaronder 'n registrasie sertifikaat gekanselleer mag word.

30. Groepering en gradering van geregistreerde hotelle

Dat die registrator 'n onderneming voldoende kennisgewing gee om voorleggings te maak vir die groepering of hergroepering en hergradering daarvan.

31. Aansoek om hergroepering en hergradering van geregistreerde hotel

Omstandighede waaronder om hergroepering en hergradering aansoek gedoen kan word deur 'n geregistreerde entiteit.

32. Registrasie van restaurante

Dat die LUR deur kennisgewing in die staatskoerant die vereistes vir registrasie van 'n restaurant voorskryf.

33. Register vir restaurante

Dat 'n register vir restaurante bygehou word.

34. Kennisgewing vir registrasie van restaurante

Dat die LUR deur kennisgewing in die staatskoerant sal aandui wanneer hierdie entiteite moet geregistreer.

35. Aansoek om 'n restaurant

Wanneer en hoe om aansoek te doen vir registrasie van 'n restaurant.

36. Pligte van Registratur met betrekking tot registrasie van restaurante**37. Uitreiking van registrasie sertifikaat vir restaurante****38. Publikasie van lys van geregistreerde restaurante****39. Kansellasie van registrasie**

Omstandighede wat gronde sal verleen vir die kansellasie van registrasie.

40. Registrasie van Aangewese Toeriste Aantreklikhede

Dat die LUR deur kennisgewing in die staatskoerant 'n datum aankondig waarop bestemde toeriste aantreklikhede moet geregistreer, en 'n verbod op die doen van sake sonder registrasie.

41. Register vir registrasie van aangewese toeriste aantreklikhede
42. Aansoek om registrasie van aangewese toeriste aantreklikhede
43. Pligte van Registrateur met betrekking tot aangewese toeriste aantreklikhede
44. Uitreiking van registrasie sertifikaat
45. Publikasie van 'n lys van geregistreerde bestemde toeriste aantreklikhede
46. Kansellasie van registrasie van aangewese toeriste aantreklikhede
47. Geldigheidstydperk van registrasie en gradering
48. Lisensiëring van toeroperateurs, toergidse en koeriers

Dat die LUR deur kennisgewing in die Staatskoerant vereistes mag voorskryf waaraan toeroperateurs, toergidse en koeriers moet voldoen alvorens hulle geregistreer kan word en 'n verbod op die doen van sake sonder 'n lisensie.

49. Aansoek om uitreiking of hernuwing van 'n lisensie

Hoe en wanneer aansoek om 'n lisensie gedoen kan word.

50. Lisensie vir toeroperateur, toergids of koerier

51. Kansellasie van lisensie vir toeroperateur, toergids of koerier

52. Sertifisering en akkreditering van opleidingsverskaffers

Dat opleidingsverskaffers aansoek moet doen om sertifisering en akkreditering.

53. Aanstelling van Registrateur en aangewese amptenaar

Dat die owerheid 'n Registrateur en 'n aangewese amptenaar moet aanstel om uitvoering te gee aan funksies soos in die Wet.

54. Appel teen die beslissing van die Registrateur

Dat enige persoon appel mag aanteken teen die besluit van die Registrateur.

55. Inspeksie van perseel

Hoe en onder watter omstandighede die Registrateur of die aangewese amptenaar persele mag inspekteer voor registrasie of vir gewone doeleinades, en om hulle bevoegdhede te verleen om beslag te lê op enige belangrike dokument.

56. Betaling van heffing

Dat die LUR deur kennisgewing in die Staatskoerant voorskryf dat 'n heffing deur geregistreerde hotelle, ens. betaalbaar is, die persone wat moet betaal en insamel en die wyse van betaling van die heffing.

57. Oortredings en boetes

Dat dit 'n oortreding sal wees om enige van die bepalings van hierdie Wet te oortree en die boetes wat opgelê sal word.

58. Finansiering van projekte

Dat die owerheid finansiering sal verskaf vir projekte om toerisme te ontwikkel en te promoveer.

59. Regulasies

Dat die regulasies deur die LUR voorgeskryf sal word ten einde die implementering van die bepalings van die Wet te bekragtig.

60. Kort titel en inwerkingtreding

Dat die kort titel van die Wet die Gauteng Toerisme Wet sal wees en om te verklaar wanneer dit in werking sal tree.

NOTICE 2129 OF 1998**UMTHETHOSIVIVINYWA WEZOKUVAKASHA WEGAUTENG**

Ukwenza ukuba kube khona izibopho nokukhuliswa okusekelekile nokuthuthukiswa kwezokuvakasha eGauteng futhi ngakho-ke nokusungulwa kweSigungu seZokuvakasha eGauteng nokunikeza amandla nemisebenzi nokwethwesa lesi Sigungu izibopho; ukusungula isikhwama sezokukhuliswa kwezokuvakasha; ukusungula izindlela ezithize zokwenza ukuba kube khona izimali zezokuvakasha ezisekelekile ukuthuthukiswa kokukhuliswa kwezokuvakasha; ukwenza ukuba kube khona ukubhaliswa, ukuhlelwa kwesimo nobukhulu nokwahluhanisa kwamähhotela; ukwenza ukuba kube khona ukubhaliswa kwezindlu zokudlela, ezinye izindawo zokulala, zamankomfa, izindawo zokuhlanganyela nezenhlakahle yabavakashi; ukwenza ukuba kube khona ukunikezelwa kwamalayisense kwabenza izindawo zokuvakasha, kubavakashisi babavakashi nabathwali babavakashi; ukwenza ukuba kube khona ukunikezwa iziqiniseko nezifakazelo kubanikezelis boqeqesho kule mboni yezokuvakasha; ukwenza ukuba kube khona ukwethweswa nokubuthwa kwezinhlawulo mayelana namahhotela nezinye izindawo zokulala, izindlu zokudlela nezenhlakahle yabavakashi egokiwe; ukwenza ukuba kube khona ukufaka isicelo sengxeny yeSikhwama soKukhuliswa kokunikeza amandla abantu nemiphakathi eyayibandlululwa phambilini; nokwenza ukuba kube khona izimo ezingaphathelana nalezi zimo.

AKUMISWE UMTHETHO ISISHAYAMTHETHO SESIFUNDAZWE SEGAUTENG,
kanje:-

UKULHELWA KWALO MTHETHO**ISAHLUKO 1****UKUCHAZWA NOKUSETSHENZISWA KWALO MTHETHO**

Isigaba

Ikhasi

- | | |
|----------------------------------|----|
| 1. Incazel | 69 |
| 2. Ukusetshenziswa kwalo Mthetho | 71 |

ISAHLUKO 2**ISIGUNGU SEZOKUVAKASHA EGAUTENG**

- | | |
|---------------------------------------|----|
| 3. Ukusungulwa kwalesi Sigungu | 71 |
| 4. Amandla nemisebenzi yalesi Sigungu | 71 |
| 5. Umthethosisekelo walesi Sigungu | 72 |
| 6. Izimiselo zokusebenza | 73 |
| 7. Ubude besikhathi sokuba sehhovisi | 73 |
| 8. Ukushiya iihhovisi | 73 |
| 9. Ukubeka obala isabelo | 73 |

10.	Umphumela wokushayisana kwezabelo	74
11.	Ukwaphucwa ubulungu kwamalungu	75
12.	Imihlangano yalesi Sigungu	75
13.	Amakomidi alesi Sigungu	75
14.	Abasebenzi balesi Sigungu	76
15.	Isazi nolunye uncedo	76
16.	Ukwabiwa kwamandla nokwabiwa kwemisebenzi	77
17.	Isikhwama sokukhulisa eZokuvakasha	77
18.	Izikhwama zalesi Sigungu	78
19.	Ukugcinwa kwamabhuku	78
20.	Umbiko wonyaka	79

ISAHLUKO 3**UKUBHALISWA, UKUQINISWA, UKUFAKAZELWA NOKUNIKEZWA ILAYISENSE**

21.	Ukubhaliswa nokuhlelwa kwesimo nobukhulu bamahhotela, ezinye izindawo ezsunguliwe zokulala nezindawo zokubambela amankomfa	80
22.	Ukunqunywa kwezidingo zokubhaliswa	80
23.	Isaziso iLungu loMkhandlu weSifundazwe (uMEC)	81
24.	Ukfaka isicelo sokubhalisa	81
25.	Imisebenzi yombhalisi	82
26.	Izibopho zomnikazi wehhotela elibhalisiwe	83
27.	Ukuxholelwa ukuba kungaweli ngaphansi kwezidingo zokubhalisa	83
28.	Ukukhishwa kwesitifiketi sokubhaliswa	83
29.	Ukwasulwa kokubhaliswa	83
30.	Ukfaka esiqumbini nokuhlela amahhotela abhalisiwe	84
31.	Isicelo sokufakwa esiqumbini nokuhlelwa kabusha kwamahhotela	84
32.	Ukubhaliswa kwezindlu zokudlela	84
33.	Ibhuku lokubhalisa izindlu zokudlela	85
34.	Isaziso sokubhaliswa kwezindlu zokudlela	85
35.	Isicelo sendlu yokudlela	85
36.	Imisebenzi yombhalisi maqondana nokubhaliswa kwezindlu zokudlela	85
37.	Ukukhishwa kwesitifiketi sokubhaliswa kwezindlu zokudlela	86
38.	Ukusakazwa kohla lwezindlu zokudlela	86
39.	Ukwasulwa kokubhaliswa	86
40.	Ukubhaliswa kwenhlalakahle yezokuvakasha eqokiwe	87
41.	Ibhuku lokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe	87
42.	Isicelo sokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe	87
43.	Imisebenzi yombhalisi maqondana nenhlalakahle yezokuvakasha eqokiwe	88
44.	Ukukhishwa kwesitifiketi sokubhaliswa	88
45.	Ukusakazwa kohla lwenhlalakahle yezokuvakasha eqokiwe futhi ebhalisiwe	88
46.	Ukwasulwa kokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe futhi ebhalisiwe	89
47.	Ubude besikhathi sokusebenza kokubhaliswa nokuhlelwa	89
48.	Ukunikezwa kwelaisense kosebenza ngezokuvakasha, kumkhaphi nomthwali wabavakashi	89
49.	Isicelo sokunikezwa noma sokuvuselelwa kwelaisense	90
50.	Ilayisense lalosebenza ngezokuvakasha, umkhaphi nomthwali	90

wabavakashi	91
51. Ukwasulwa kwelayisense lalosebenza ngezokuvakasha, umkhaphi nomthwali wabavakashi	91
52. Ukuqinisekiswa nokufakazelwa kwabanikeza uqequesho	91

ISAHLUKO 4

**UKUBEKWA KOMBHALISI, KOKWEDLULISELA, UKUHLOLWA NOKUKHOKWA
KWENHLAWULO**

53. Ukubekwa kombhalisi nomsebenzi ogokiwe	92
54. Ukwadlulisa isinqumo sombhalisi	93
55. Ukuhlolwa kwamabala	93
56. Ukubhadalwa kwenhlawulo	94

ISAHLUKO 5**IZIPHAKAMISO EZEJWAYELEKILE**

57. Ukwaphulwa komthetho nezijeziso	95
58. Ukuxhasa imiklamo ngezimali	96
59. Iziqondiso	96
60. Isihloko esifingqiwe nokuqala ukusebenza	97

ISAHLUKO 1**IZINCAZELO NOKUSETSHENZISWA KWALO MTHETHO****Izincazelolo**

- 1 (1) Kulo Mthetho, ngaphandle uma isimo sikhomba okunye -
 "iSigungu" lizdsho iSigungu seZokuvakasha leGauteng
 okukhulunywa ngaso kuSigaba 3;
- "uSihlalo" lisho usuhlalo walesi Sigungu;
- "uMabhalane Omkhulu weSigungu". lisho uMabhalane
 Omkhulu welesi Sigungu oqekwe ngokwemibandela yeSigaba
 14(1)(a);
- "izindawo zokuhlanganelo" lisho lezo zakhiwo kuleli
 bhizinisi lokuni keza izinsiza zokubambela izinkomfa,
 izinhlanganiso, imibuthano, izinhlanganiso
 zabanolwazi, izingxoxo ngezifundvo ezithile
 nemibukiso, okungasiyo ingxenye yehhotela noma enye
 indawo yokulala;
- "umthwali" lisho noma umuphi umuntu noma ibhizinisi
 elinikeza usizo lokuthwala abagibeli;
- "umsebenzi oqokiwe" lisho umuntu oqokwe
 ngokwemibandela yeSigaba 52(1)(b) salo Mthetho;
- "iSigungu seZigele" lisho iSigungu seZigele salesi
 Sifundazwe;
- "iSikhwama" lisho iSikhwama Sokukhuliswa
 kweZokuvakasha;
- "iGazethi" lisho iGazethi yeSifundazwe;
- "ihhotela" lisho izindawo, lapho noma phezu kwezindawo
 lapho ibhizinisi elinikeza indawo yokulala nokudla
 okukhokhelwayo noma indawo eyenzelwe lokho, futhi
 lifaka phakathi imothela noma ihhotelana noma
 ihhositela;

"ilunga elisondele kakhulu lomndeni" lisho umzali, ingane, umfowenu, noma udadewenu;

"inhlawulo" lisho inhlawulo enqunywe ngokwemibandela yalo Mthetho; uDlomo oum qapheze usukul odjwile u

"ilungu" lisho ilungu lalesi Sigungu eliqoke ngokwemibandela yeSigaba 5(1);

"uMEC" lisho ilungu loMkhandlu weSifundazwe elibophezeke ngezindaba zeZokuvakasha kulesi Sifundazwe;

EZINYE
"ezinye izindawo zokulala" lisho noma iziphi izindawo ezikhokhelwayo ezisiza umphakathi ngokulala, noma ukudla kuyatholakala noma cha futhi zifaka phakathi umkhumbi noma indlu yomkhumbi, ukulala nokudla kwasekuseni, indlwana enamasondo nepaki lokukanisa, indlu yepulazi, indlu yabavakashi, ihhositela nendawo enamagumbi okulala;

"iSifundazwe" lisho iSufundazwe saseGauteng;

"qokiwe" lisho okuqokwe izimiso futhi "qoka" linencazel efanayo;

"umbhalisi" lisho umuntu ogokwe ukuba umbhalisi wamahhotela, ezinye izindawo zokulala, izindlu zokudlela nezenhlalakahle yabavakashi eqokiwe ngokwemibandela yeSigaba 53(1) (a);

IZIMISO "izimiso" lisho izimiso ezenziwe ngaphansi kwalo Mthetho;

"indlu yokudlela" lisho izindawo ezakhiwe futhi zakhelwa ukunikeza umphakathi ukudla okuphekiwe okukhokhelwayo futhi okudlelwa khona kulezo zakhiwo;

"othandana naye" lifaka phakathi umuntu ilungu elihlala naye okungathi bashadile noma umuntu ilungu elivamise ukukipita naye;

"lo Mthetho" lifaka phakathi izimiso kanye neminye imithetho eshaywe ilesi Sigungu;

"umkhaphi wabavakashi" lisho noma umuphi umuntu ngenhoso yokuthola isibongo, noma esamali noma esaluphi uhlobo, ohambisana noma umuphi umuntu okhenkethayo noma ovakashela noma iyiphi indawo phakathi kweRiphabhuliki futhi onikeza lo mvakashi imininingwane noma othasisela nganoma uluphi udaba; futhi

"osabenza ngabavakashi" lisho noma umuphi umuntu oghuba ibhizinisi lohambokuvakasha noma olwaluphi uhlobo esebeenzisa ezakhe noma ezinye ezivunyelwe

izithuthi, indizamshini futhi nezinye izinsiza.

Ukusetshenziswa kwalo Mthetho

- 2 Lo Mthetho kufuze usebenze kuso sonke iSifundazwe.

ISAHLUKO 2

ISIGUNGU SEZOKUVAKASHA EGAUTENG

Ukusungulwa kwalesi Sigungu

- 3 Manje kusungulwa umzimba owenziwe samuntu ozokwaziwa ngokuba iSigungu seZokuvakasha eGauteng.

Imisebenzi namandla alesi Sigungu

- 4 Lesi Sigungu kufuze ukuba sibe nala mandla nale misebenzi elandelayo ngaphezu kwamandla noma umsebenzi onikezwayo kulo Mthetho:

- (1) ukuthuthukisa, ukulondoloza nokukhulisa ezokuvakasha;
- (2) ukukhuthaza ukukhulisa, umhlinzeko nokulungisa okusekelekile ezenhlakahle yeZokuvakasha kuleSifundazwe futhi, kulelo zinga, ukusungula iziqondiso zokukhulisa ezokuvakasha;
- (3) ukuphenya nokwenza izincomo kuMEC nganoma uluphi udaba oluthintana nokuthuthukisa, ukukhulisa noma ukukhangisa ezokuvakasha kulesi Sifundazwe;
- (4) ukuqamba nokusebenzisa imisebenzi nezenzo kuzwe lonke nakuzizwe ngezizwe okuhloswe ngazo ukuheha ezokuvakasha kulesi Sifundazwe;
- (5) ukukhulisa amasu nokubambisana kwezamabhizinisi kanye neminye imisebenzi yobambiswano nabanye ohulumeni, izingxenyen zangasese nezizimele;
- (6) ukuqondanisa, ukwaluleka, ukuseka nokusebenzisana nezinhlangano noma izikhungo izinhloso zazo kuwukuthuthukisa nokukhulisa ezokuvakasha; futhi
- (7) ukuba ngamalungu nokucela ubulungu nezinhlangano zokukhulisa nokukhangisa ezokuvakasha.

Umthethosisekelo walesi Sigungu

- 5 (1) Lesi Sigungu sizokwakhiwa ngamalungu angekho ngaphansi kwayisiphohlongo (8) futhi angekho ngaphezu kwayishumi nambili (12), angaqinile futhi alungele, aqokwe uMEC.
- (2) U-MEC angabonisana namanye amalungu esigungu somkhandlu wesifundazwe uma eqoka amanye amalungu.
- (3) U-MEC kufuze aqoke ilungu elilodwa ukuba usihlalo, futhi nelinye ilungu ukuba isekela likasihlalo.
- (4) Uma usihlalo akakhon emhlanganweni noma akakhoni ukwenza noma umuphi wemisebenzi kasihlalo, amalungu akhona phakathi kwavo azokhetha umuntu ukuba ibamba likasihlalo walo mhlangano.
- (5) Uma bobabili usihlalo nesekela likasihlalo kabakho emhlanganweni noma abakhoni ukwenza noma umuphi wemisebenzi kasihlalo, amalungu akhona phakathi kwavo azokhetha umuntu ukuba ibamba likasihlalo walo mhlangano.
- (6) Uma ilungu ngaphandle kukasihlalo noma isekela likasihlalo licela, uMEC angaqoka ilingu elingumbambeli ukuba libe umbambeli walelo lungu uma lelo lungu lingekho emhlanganweni walesi Sigungu.
- (7) U-MEC -
- (a) angabiza iziphakamiso zamagama abantu ngokusakaza kuGazethi yesifundazwe nakwamanye amaphephanda amane athengiswa kulesi sifundazwe uma efuna ukuqoka amalungu;
 - (b) kusaziso esishiwo endimeni (a), angahlela usuku ngalo abantu abafuna ukuphikisana nalokhu kuqokwa bangenza njalo, futhi
 - (c) anganaka izithasiselo noma amazwi aphikisayo awathole maqondana nalokhu kuqoka okusongozwayo.
- (8) U-MEC ngesaziso kuGazethi futhi nakuphephanda elilodwa elithengiswa kulesi Sifundazwe angasakaza uhla lwamagama amalungu phakathi kwenyanga eyodwa (1) ngemuva kokuqokwa kwavo.
- (9) Ilungu kufuze -
- (a) lifaneleke njengomuntu oqinile futhi olungele; futhi
 - (b) libe nolwazi, nezifundo noma nobungcweti kwezokukhulisa nokuthuthukisa ezokuvakasha.

Izimiselo zokusebenza

6. (1) Ilungu, ngaphandle komuntu osebenzela uhulumeni, kufuze liqokwe ngaphansi kwalezi zimiselo njengoba zizonqunywa uMEC.
- (2) Ilungu lingaholelwa leli holo nemali enqunyiwe njengoba uMEC enganquma ngokubambisana neLungu loMkhandlu eliphethe ezezimali kulesi Sifunda.

Ubude besikhathi sokuba sehhovisi

7. (1) Ilunga ngaphansi kwemibandela yeziphakamiso zesigaba 8 no 10, lizosebenza kuleli hhovisi isikhathi esizonqunywa uMEC ngesikhathi liqokwa, kodwa isikhathi esingedluli iminyaka emithathu (3) futhi lizovumeleka ukuphinde liqokwe uma isikhathi salo sokuqala siphela.
- (2) Uma noma ngasiphi isizathu isikhundla selungu sisala sodwa, uMEC angaqoka noma umuphi umuntu njengelungu kule ngxenyenesele yokuba sehhovisi kwalelo lungu.

Ukushiya ihhovisi kwelungu

8. (1) Ilungu noma ilungu eluwumbambeli kufuze lishiyi isikhundla salo uma -
- (a) liziyekelela;
 - (b) liphathwa ukugula kwengqondo;
 - (c) lidliwa yicala futhi liphonswa ejele ngaphandle kokuthi likhokhe inhlawulo; futhi
 - (d) liba ilungu lePhalamende, leSishayamthetho seSifundazwe, ikhansela kamaspala, leKhabhinethi noma loMkhandlu weSifundazwe.
- (2) U-MEC, noma isiphi isikhathi, angaphelisa isikhathi sokuba sehhovisi kwelungu uma, ngokucabanga kukaMEC, izizathu ezanele zikhona zokuphelisa isikhathi: Kuphela nje uma lelo lungu linikezwa ithuba lokulalelwa.

Ukubeka obala isabelo

9. Ilungu kufuze liveze obala ngokuphelele isabelo esiqondene noma esingaqondene ngqo nezezimali -
- (1) salelo lungu noma selithandana naye noma selungu lomdeni elisondele kakhulu, sobambisene nalo kwezamabhinisi noma somlingani walo noma somqashi, ngaphandle koMbusc;

- (2) salowo elibambisene naye kwezamabhinisi noma somlingani walo noma somqashi, ngaphandle koMbuso, somuntu elithandana naye, kwezokukhulisa ezokuvakasha.

Umpumela wokushayisana kwezandiso

10. (1) Ilungu kufuze lingavoti, lingangeneli noma ngayiphi indlela libe mdibi munye nezenzo kunoma umuphi umhlangano noma ukulalela kwalesi Sigungu uma, maqondana nanoma uluphi udabal oluphambi kwalesi Sigungu -

(a) lona noma ilungu lomndeni walo, elisebenzisane naye noma umlingani kwezamabhizinisi lingumqondisi, lililungu noma lingumlingani, noma linesandiso sokwengamela noma esezeimali noma ezinyezandiso, kuleli bhizinisi umfakisicelo afuna ilayisense lalo, ukulibhalisa kwalo, ukuliqinisekisa, ukuhlelwa kjesimo nobukhulu balo noma iliphi ilungelo noma ilungelomvumo elizonikezwa ilesi Sigungu;

(b) linanoma isiphi isandiso esilivimbayo ukuba lenze imisebenzi yalo njengelungu lalesi Sigungu engendlela elungile, engabndlululi nefanele;

(c) uma noma kukusiphi isigaba ngesikhathi sanoma yiziphi izenzo ezingaphambi kwalesi Sigungu, kubonakala ukuba ilungu linezandiso noma lingaba nezandiso kukokucetshwa kulesi sigatshana;

(d) lelo lungu kufuze lishiye umhlangano noma ukulalelwa ukuze lenze ukuba amalungu asele axoxisane ngalolu daba futhi anqume ukuba leli lungu livimbeleka ukuba mdibi munye nalezi zenzo kulo mhlango noma lokhu kulalelwa ngezizathu zokushayisana kwezimfuno; futhi

(e) isinqumo esithathwe ngamalungu asele mayelana nalokhu kunquma, kuzofakwa kumaminithi alezi zenzo.

- (2) Uma noma iliphi ilungu lehluleka ukuveza obala noma isiphi isandiso esicetshwe kusigatshana (1) noma uma, libe linalesi sandiso, lingenela noma ngayiphi indlela liba mdibi munye nalezi zenzo emhlanganweni noma ekulalelweni okufanele, izenzo ezithintekayo zizokwenziwa ize leze: Kuphela nje uma akukho sinqumo ngokwemibandela yalo Mthetho esiqondene nokunikezwa, ukuchitshiyelwa, ukwenziwa busha, ukudluliselwa, ukuchithwa noma ukukhishwa kwelaysense, ukubhaliswa, ukuqinisekiswa, noma ukuhlelwa kjesimo nobukhulu ukusuka lapho kuzokwenziwa kube ngaphandle komthetho.

Isivimbelo samalungu

11. (1) Akukho ozoqokwa ukuba ilungu uma lowo muntu -

- (a) esehluleki sokukhokhela izikwelethu ongabuyiselwe esimoweni;
- (b) engesona isakhamuzi seNingizimu Afrika;
- (c) eyisigebengu esesiphila ngobugebengu; futhi
- (d) engaphili kahle ekhanda.

Imihlangano yalesi Sigungu

12. (1) Umhlangano wokuqala walesi Sigungu uzabanjwa ngesikhathi nasendaweni ezonqunywa uSihlalo, futhi emuva kwalokho lesi Sigungu sizoba nomhlangano ngezikhathi nasezindaweni njengoba isikhathi nesikhathi singanquma ukwenza ngokusheshisa umsebenzi waso.

- (2) USihlalo noma isiphi isikhathi, ngesaziso, angabiza umhlangano ongavamile walesi Sigungu ukuba ubanjwe ngesikhathi nasendaweni enquunye uyena.
- (3) Akukho sinquomo esiqondene nokunikezwa, ukuchitshiyelwa, ukwenziwa kabusha, ukudluliselwa, ukumiswa noma ukuchithwa kwelayisense, ukubhaliswa, ukuqinisekiswa noma ukuhlelwa kwesimo nobukhulu esizothathwa emhlanganweni ongavamile.
- (4) Inani lamalungu alungele ukuba umhlangano walesi Sigungu uqhubeke yiningi lamalungu aso.
- (5) Ilungu ngalinyekelkhona kufuze libe nevoti elilodwa kunoma uluphi udaba oluphambi kwalesi Sigungu futhi, uma amavoti elingana, uSihlalo ngaphezu kwevoti lakhe, uzovota futhi ukwahlukanisa lokhu kulingana.
- (6) UMbhalaane Omkhulu angangela futhi abe mdibi munye kunoma umuphi umhlangano walesi Sigungu, kodwa angeke abe nelungelo lokuvota.
- (7) Lesi Sigungu kufuze sigcine amaminithi emihlangano yaso.

Amakomidi alesi Sigungu

13. (1) (a) Lesi Sigungu singaqoka amalungu aso angekho ngaphansi kwamabili (2) noMbhalaane Omkhulu njengeKomidi leSigungu lalesi Sigungu, elizokwenza le misebenzi yalesi Sigungu njengoba sibona kukhona isidingo.

(b) Ngaphandle uma lesi Sigungu singaqondisa ngenye

indlela, iKomidi leSigungu lingeze laba namandla okubeka eceleni noma isiphi isichibiyelo noma isiphi isinqumo salesi Sigungu. (d).

(c) Noma misiphi isenzoscesenziwe noma isinqumo esithathwe iKomidi leSigungu tsizophoxelela futhi sibekwe nomphumela ngaphandle umacnjengoba sibekwe eceleni noma sichitshiyelwe ilesi Sigungu.

(2) (a) Lesi Sigungu singaqoka linyenomangaphezu kwalinye lamakomidi ukuhlola noma iluphi udaba oluthunyelwe kulo ilesi Sigungu futhi libike ngalolu daba futhi -

(i) leli komidi lizobunjwa ngamalungu amanangi alesi Sigungu noma abanigi abanye abantu, njengoba lesi Sigungu sibona kudingekile futhi lesi Sigungu singachitha noma siqoke kabusha leli komidi.

(ii) lesi Sigungu kufze siqoke ilunga ukuba uSihlalo waleli komidi.

(3) Ilungu lekomidi, ngaphandle komsebenzi wombuso, kufuze lithole le nkokhelo nemali enqunyiwe njengoba lesi Sigungu, emuva kokubonisana noMEC, singanquma.

Abasebenzi balesi Sigungu

14. (1) Lesi Sigungu kufuze -

(a) ngokubambisana noMEC, siqoke uMbhala - Omkhulu;

(b) siqoke abantu ukusiza lesi Sigungu ekwenzeni imisebenzi nasekusebenziseni amandla aso.

(2) Abasebzi balesi Sigungu kufuze -

(a) bathole le nkokhelo, simali enqunyiwe nezinye izinzozo zokusebenza;

(b) baqokwe, ngale mibandela nalezi zimiselo futhi nalezi zikhathi, njengoba lesi Sigungu, ngokubonisana noMEC, banganguma.

Isazi nolunye uncedo

15. (1) Lesi Sigungu singaqoka lezi zazi noma abanye abantu njengoba kudingekile ngenhoso yokusinceda, ukusebenzia nokwenza amandla, imisbenzi nezibophozaso; ukuhlola ngaphandle umacnjengoba sibekwe -

(2) Lesi Sigungu kufuze sinqume -

(a) Imibandela nezimiselo zokusebenza;

(b) inkokhelo nemali enqunyiwe;

(c) uhlobos lomsebenzi ozokwenziwa noma izinkonzo
okufuze izinikezwe, isazisi nomunye umuntu
okuthunyelwe kuye lomsebenzi oshifo kusigatshana
(1). (2) yido kudzidzisa kusigatshana

Ukunikezelakumsebenzi

16. (1) Lesi Sigungu -

(a) singanikezela amandla nemisebenzi yaso ngaphansi
kwalo Mthetho kunoma iliphi ilungu lalesi
Sigungu, kuMbhala Omkhulu noma kunoma iliphi
ikomidi; futhi

(b) singabela imisebenzi yaso ngapansi kwalo Mthetho,
abantu abacetshwe endimeni (a).

(2) UMbhala Omkhulu, ngenhoso yokusebenza
okunempumelelo kwalezi ziphakamiso zalo Mthetho -

(a) anganikezela ngamandla anikezwe yena ngaphansi
kwalo Mthetho; futhi

(b) angabela umsebenzi onikezwe yena ngaphansi kwalo
Mthetho, ngaphandle komsebenzi wokuba umgcini
wamabhuku, kunoma iliphi ilungu labasebenzi
balesi Sigungu.

(3) Noma umuphi umuntu onikezelwe amandla noma owabelwe
umsebenzi, kufuze asebenzise amandla noma enze lo
msebenzi ngaphansi kwemibandela lesi Sigungu esibona
idingekile.

(4) Ukunikezelwa noma ukwabelwa -

(a) kufuze kube ngokubhaliwe;

(b) akwenqabeli lesi Sigungu noma uMbhala Omkhulu
ukusebenzisa la mandla noma ukwenza lo msebenzi;
futhi

(c) noma kungasiphi isikhathi kungasuswa ngokubhaliwe
ilo muntu owakuvumela.

17. (1) Manje kusungulwa isikhwama esizobizwa iSikhwama
Sokukhulisa Ezokuvakasho.

(2) Ukwenganyelwa nokuphathwa kwalesi Sikhwama kufuze,
ngaphansi kwekwemibandela yeziphakamiso zalo Mthetho,
kwethwale ilesi Sigungu.

(3) Lesi Sikhwama sizokwakhiwa ngokungekho ngaphansi

kokungamashumi ayisiphohlongo ekhulwini (80%) kwezinhlawulo zonke ezibuthwa ngokwemibandela yalo Mthetho ezinikezwa uMnyango wokulondoloza iNgcebo yeSifundazwe.

(4) Ngaphansi kwemibandela yalo Mthetho okungekho ngaphansi kokungamashumi amathathu nantathu ekhulwini (33%) kwalesi Sighwama, kufuze okusetshenziselwe ukukhuliswa noma nokubazwa kwamakhono alabo bantu futhi/noma imiphakathi ebeyibandlululwa phambilini.

Izikhwama zalesi Sigungu

18. (1) Izikhwama zalesi Sigungu kufuze zifake phakathi -

- (a) imali enikezelwe ngeztando isishayamthetho seSifundazwe; futhi
- (b) imali eza kulesi Sigubgu evela kunoma uwuphi umthombo owamukelwe uMEC, efaka phakathi imali enqunyiwe ekhokhwa ngokwemibandela yalo Mthetho.
- (2) Lesi Sigungu kufuze, ngezinhoso zokunikezelwa ngeztando ezicetshwe kusigatshana (1)(a), sethule kuMEC lezi zilinganiso zokusebenzisa imali nezinye iziphakamiso eziqondene nezindaba zebhajethi, okufaka phakathi uhlelo lwebhizinisi, njengoba uMEC noma uMnyango wokulondoloza iNgcebo yeSifundazwe ungadinga.
- (3) Lesi Sigungu -
 - (a) kufuze sivule ibhuku lokulondoloza imali nebhungi elibhalisiwe elizonqunywa iso zonke izimali ezishiwo kusigatshana (1); futhi
 - (b) singasisa imali efakwe ngokwemibandela yendimanyana (a) esingayidingi ukuyisebenzisa masinyane.

Ukugcinwa kwamabhuku

- 19 (1) UMBhalane Omkhulu kufuze kube uyena ozogcina amabhuku alesi Sigungu.
- (2) Unyaka wezimali walesi Sigungu kufuze ubi sekupheleni kwaMashi 31 yonke iminyaka.
- (3) Umgcini wamabhuku ezimali kufuze -
 - (a) agcine amalekhodi aphelele nafanele azo zonke izimali ezitholwe noma ezisetshenziswe, amafa, izikwelethu nezivumelwano ezezimali zalesi Sigungu;
 - (b) alandele izinhlelo zokugcinwa nokuhlolwa,

imiyalezo nezidingo zoMnyango wokulondoloza iNgcebo yeSifundazwe; futhi

(c) masinyane nje ngesikhathi kakhoneka, kodwa hhayi ngemuva kwezinyanga ezintathu emuva kokuphela konyaka wezimali oshiw o kusigatshana (2), alungise umbiko wokuphela konyaka wezezimali okhombisa, neminingwane efanele, imali etholwe nesetshenziswe ilesi Sigungu ngesikhathi, futhi namafa kanye nezikwelethu ekupheleni kwalowo nyaka wezezimali.

(4) UMhloli Jikelele wamabhuku kufuze ahlole amabhuku, ditzatimatende zezezimali, ibhalansishidi kanye namanye emalekhodi alesi Sigungu yonke iminyaka, ngaphandle uma etshelwa okunye uMEC.

Umbiko Wonyaka

20. (1) Lesi Sigungu kufuze; masinyane njengoba uma kakhoneka emuva kokuvalwa konyaka wezezimali kodwa hhayi emuva kwezinyanga ezintathu, sathule kuMEC umbiko wokuphela konyaka ngemisebenzi yalesi Sigungu ngesikhathi sokuhubeka konyaka wezezimali.
- (2) U-MEC kufuze ethule lo mbiko kweSishayamthetho seSifundazwe masinyane nje njengoba kakhoneka.

ISAHLUKO 3**UKUBHALISWA, UKUQINISWA, UKUFAKAZELWA NOKUNIKEZWA ILAYISENSE**

Ukubhaliswa nokuhlelwa kweniso nobukhulu bamahhotela, ezinye izindawo ezsunguliwe zokulala nezindawo zokubambela amankomfa.

- 21 (1) UMBhalisi kufuze agcine ibhuku lokubhala amagama -
- (a) lokubhalisa amahhotela;
 - (b) lokubhalisa ezinye izindawo ezsunguliwe zokulala; futhi
 - (c) lokubhalisa izindawo zokubambela amankomfa; futhi uMBhalane Omkhulu kufuze amukele ifomu lalokhu.
- (2) UMBhalisi kufuze asakaze njalo njalo ngendlela angayinquma uhla lwamahhotela, ezinye izindawo ezsunguliwe zokulala nezindawo zokubambela amankomfa ezibhalisiwe njengoba zicetshwa kusigatshana (1).

Ukunqunywa kwezidingo zokubhaliswa

- 22 (1) Lesi Sigungu kufuze singume -
- (a) izidingo okumele zifezekiswe ngaphambi kokuba iihotela, ezinye izindawo ezsunguliwe zokulala nezindawo zokubambela amankomfa zingabhaliswa; futhi
 - (b) isiqumbi nokuhlelwa kwamahhotela abhalisiwe kanye nezidingo okumele zifezekiswe, ngaphambi kokuba

ihhotela lingafaneleka ukungena kusiqumbi noma kuhlelo oluthile.

- (2) Lesi Sigungu kufuze sicebise uMEC ngokunqunywa kwezidingo zokubhaliswa kwamahhotela, enye izindawo ezisunguliwe yokulala nezindawo yokubambela amankomfa nokufakwa kwalezi zinto eziqumbini nokuhlelwa kwazo.

Isaziso uMEC

23 (1) U-MEC -

- (a) ngesaziso kuGazethi, futhi ngokucetshiswa ilesi Sigungu, angamemezela ukuba amahhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa yalelo zinga njengoba kushiwo kulesi saziso, kufuze kubhaliswe -
- (i) ukusuka kulolo suku olunqunyiwe kulesi saziso; futhi
 - (ii) phakathi kwezinyanga eziyisithupha (6) ukusuka osukwini okwasakazwa ngalo lesi saziso.
- (2) ngesaziso kuGazethi, angachibiyela noma angachitha noma isiphi isaziso esenziwe ngokwemibandela yesigatshana (a).
- (3) Akukho muntu ozoghube ibhizinisi lehhotela, lenye indawo esunguliwe yokulala noma lenye indawo yokubambela inkomfa yezinga elishiwo kulesi saziso esenziwe ngaphansi kwesigatshana (1) ngalolo suku noma emuva kwalolo suku olunqunyelwe ukubhalisa kulesi saziso ngaphandle kokuba leli hhotela libhalisiwe.

Ukufaka isicelo sokubhalisa

24. (1) Umuntu oghuba ibhizinisi noma ofuna ukughuba ibhizinisi lehhotela, lenye indawo esunguliwe yokulala noma lenye indawo yokubambela inkomfa kufuze afake isicelo kuMbhali sokubhaliswa kwaleli hhotela, enye indawo esunguliwe yokulala, noma enye indawo yokubambela inkomfa.
- (2) Isicelo esishiwo kusigatshana (1) kufuze -
- (a) senziwe kufomu eliqokiwe; futhi
 - (b) siphelezewi imali enquuniwe, uhlaka, imibhalo kanye neminye iminininingwane noma izimo eziqondene nobukhona banoma ihotela, enye indawo esunguliwe yokulala noma enye indawo yokubambela inkomfa esongozwayo.

Imisebenzi yombhalisi

- 25 (1) Ngaphansi kwemibandela yeziphakamiso zalo Mthetho -
 (a) umbhalisi - uMbhaliyi nje una enqabe ukubhalisa ihhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa; futhi
 (i) angabhalisa ihhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa;
 (ii) angengaba ukubhalisa ihhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa.
 (b) iihotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa esongozwa ukusungulwa, uMbhaliyi kufuze, uma enomcabango wokuba izidingo zokubhaliswa ezinqunywe ngokwemibandela yesigaba 22(1) -
 (i) zizofezekisiwa, abhalise ihhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa; futhi
 (ii) azizofezekizwa, enqabe ukubhalisa ihhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa. Kuphela nje uma uMbhaliyi angalughubela phambili lolu daba ukuba lunakwe futhi ngaleso sikhathi noma izikhathi angazibona zifanelekile.
- (2) Ngaphansi kweziphakamiso yesigatshana (3), uMbhaliyi, masinyane nje njengoba kufanele emuva kokubhalisa iihotela, ngokwesigatshana (1), uzonquma ukuba lingena kusiphi isiqumbi leli hhotela bese ulihlela ngokufanele.
- (3) Ngaphambi kokubhalisa iihotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa, ngokwemibandela yesigatshana (1) noma ukunquma ukuba leli hhotela likusiphi isiqumbi noma ukulihlela iihotela ngokwemibandela yalo Mthetho, uMbhaliyi -
 (a) yena ngokwakhe kufuze ahlole iihotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa noma enze ukuba iihotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa ihlolwe ngomunye noma ngaphezu kwamunye wabasebenzi abaqokiwe; futhi
 (b) angenza olunye uphenyo mayelana nalolu daba.

Izibopho zomnikazi wehhotela elibhalisiwe

- 26 (1) Noma umuphi umuntu oqhuba ibhizinisi lehhotela elibhalisiwe futhi ofuna ukwenza izengezo, noma izinguquko, ezingathintana nezinsiza zokulala noma izinsiza ezinikezwa umphakathi, noma ezingathinta iziqumbi noma ukuhlelwa kwaleli hhotela, kufuze -
- (a) azise uMbhali ngokubhaliwe yo ngaphambi kokuqala kokwenziwa kwalezi zengezo, noma izinguquko; futhi
 - (b) uma lezi zengezo noma izinguquko zithintana nesimo sanoma isiphi isakhiwo esikhona, noma zifaka phakathi ukwakhiwa kwesakhiwo esisha, kufuze ethule kuMbhali amapulani alezi zengezo noma izinguquko.
- (2) Noma umuphi umuntu oqhuba ibhizinisi elibhalisiwe, phakathi kwezinsuku ezingashumi amathathu emuva kokuqedwa kwanoma iziphi izengezo noma izinguquko ezishiwo ngokwemibandela yesigatshana (1), azise uMbhali ngalokhu kugedwa.

Ukuxholelwa ukuba kungaweli ngaphansi kwezidingo zokubhaliswa

- 27 (1) Kwala noma iyiphi into ephikisana nokuqukethwe ilo Mthetho, uMbhali, ngezizathu ezinhle nokwamukelwa uMEC, angabhalisa ihhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa noma izidingo zokubhalisa ezinqunywe ngokwemibandela yesigaba 22(1) zingafezekisiwe.
- (2) UMbhali noma ngasiphi isikhathi angachitha noma yikuphi ukubhaliswa okwenziwe ngokwemibandela yesigatshana (1).
- (3) Iziphakamiso zalo Mthetho, mayelana nokunqunywa kwesiqumbi leso ihhotela elingaphansi kwaso, noma ukuhlelwa kwamhhota kufuze ukuba kungasebenzi mayelana nehhota elibhaliswe ngokwemibandela yesigatshana (1).

Ukukhishwa kwesitifiketi sokubhaliswa

28. UMbhali kufuze anikeze umfakisicelo isitifiketi sokubhaliswa kufomu eliqokiwe ngemuva kokubhaliswa kwehhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa.

Ukwasulwa kokubhaliswa

- 29 (1) Uma izidingo zokubhaliswa kwehhotela zingafezekisiwe uMbhali ananikeza leli hhotela isaziso, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa, ukufezekisa izidingo phakathi kwezinyanga ezintathu

ukusuka ngosuku lokusakazwa kwalesi saziso, uma kwehlulekeka lokho uzochitha ukubhaliswa kw.lokhu.

- (2) Leli hhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa, leyo ekhishelwe isaziso ngokwemibandela yesigatshana (1), ngaphambi kokuphela kwesikhathi esiyizinyanga ezintathu esishiwo kulesi saziso, ingenza izikhalazo, ngokubhalwe phansi kuMbhaliSi maqondana cnokuchitha ukubhaliswa kwehhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa efanele.
- (3) Uma, ekupheleni kwesikhathi esiyizinyanga ezintathu esishiwo kunoma isiphi isaziso esikhishwe ngokwemibandela yesigatshana (1), noma ekupheleni kwesikhathi esongeziwe saleso sikhathi esivunywe uMbhaliSi, lo Mbhalisi ebona ukuba isidingo esifanele asifezekiswa, angachitha ukubhaliswa kwehhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa futhi kufuze anikeze isaziso.

Ukufaka esiqumbini nokuhlela amahhotela abhalisiwe

30. UMBHALISI noma ngasiphi isikhathi, ngemuva kokunikeza noma umuphi umuntu ofuna ukubhalisa leli hhotela, enye indawo esunguliwe yokulala noma indawo yokubambela inkomfa efanele ithuba elanele lokwenza izikhalazo -
 - (a) angalifaka kabusha esiqumbini futhi angalihlela kabusha iihotela uma, ngokubona kwakhe, izizathu ezifanele nezilingene zikhona ukwenza lokho; futhi
 - (b) uma iihotela elibhalisiwe, lenziwa izinguuko, ngokucabanga kwakhe, ezizothintana nokuhlelwa kwesimo nobukhulu, angamisa ukuhlelwa kwesimo nobukhulu baleli hhotela, ngesikhathi lapho lezi zinguuko zenziwa zinquma futhi ukufakwa esimbini nokuhlelwa kwesimo nobukhulu baleli hhotela phakathi kwesikhathi esilingeni sokuqedwa kwalezi zinguuko.

Isicelo sokufakwa esiqumbini nokuhlelwa kabusha kwamahhotela

- 31 (1) Noma iliphi iihotela, ngaphansi kwalezi zimo futhi eziphelezewa ile mali enqunyiwe njongoba ingaqokwa, lingafaka isicelo kuMbhaliSi ngendlela egokiwe kanye nakufomu lokufakwa esiqumbini kabusha nokuhlelwa kabusha kwaleli hhotela.
- (2) UMBHALISI kufuze anake lesi sicelo, futhi anikeze lesi sinquomo ngaso futhi athathe lesi senzo njengoba ebona kufanele.

Ukubhaliswa kwezindlu zokudlela

- 32 (1) U-MEC, ngokubonisana nalesi Sigungu, ngesaziso

kuGazethi -

(a) angaqoka ibhuku lokubhalisa amagama lokubhalisa izindlu zokudlela; futhi

(b) anganquma izidingo okufanele mazifezekiswe ngaphambi kokuba indlu yokudlela ibhaliswe.

(2) U-MEC, ngesaziso kuGazethi, angachitha, angachibiyela noma angasula noma isiphi isaziso esenziwe ngokwemibandela yesigatshana (1).

Ibhuku lokubhalisa amagama ezindlu zokudlela

33. UMbhali kufuze, masinyane nje njengoba kukhoneka ngemuva kokusakazwa kwesaziso ngokwemibandela yesigaba 30, asungule futhi agcine kufomu elamukelwe umbhala Omkhulu, ibhuku lokubhalisa amagama ezindlu zokudlela.

Isaziso sokubhaliswa kwezindlu zokudlela

34. (1) U-MEC, ngesaziso kuGazethi, angamemezela ukuba kusuka ngosuku oluzomiswa kulesi saziso, okungekho ngaphambi kwezinyanga eziyisithupha ukusuka ngosuku okwasakazwa ngalo lesi saziso, indlu yokudlela yalelo zinga njengoba kubekiwe kulesi saziso kufuze kudingeke ukuba ibhaliswe.

(2) U-MEC, ngesaziso kuGazethi, angachibiyela noma achithe noma isiphi isaziso, esenziwe ngokwemibandela yesigatshana (1).

(3) Akukho muntu okufuze aqhube ibhizinisi lendlu yokudlela yezinga elibekwe kusaziso ngemuva kokuphela kosuku olunqunyelwe ukubhalisa, ngaphandle uma lendlu yokudlela ibhalisiwe.

Isicelo sendlu yokudlela

35. (1) Noma umuphi umuntu oghuba noma ofuna ukuqhuba ibhizinisi lendlu yokudlela, angafaka isicelo kumbhali kubhaliselwa indlu yokudlela: Kuphela nje uma iziphakamiso zesigaba 32(1), zifezekisiwe.

(2) Isicelo esishiwo kusigatshana (1) kufuze -

(a) senziwe kufomu eliqokiwe; futhi

(b) siphelezelwe imali enquuniwe, uhlaka, imibhalo kanye neminye imininingwane noma izimo eziqondene nendlu yokudlela noma esongozwayo.

Imisebenzi yombhalisi maqondana nokubhaliswa kwezindlu zokudlela

36. (1) UMbhali kufuze ngaphansi kweziphakamiso zesigatshana

(2) -

(a) uma ngokubona kwakhe ukuba izidingo zokubhaliswa ezinqunywe ngokwemibandela yesigaba 32 (1) -

(i) zifezekisiwe noma zizofezekiswa, abhalise uMbhaliwa indlu yokudlela; futhi
 (ii) azifezekisiwe noma azizofezekizwa, engabe ukubhalisa indlu yokudlela: Kuphela nje uma uMbhaliwa angaluhubela phambili lolu daba ukuba lunakwe futhi ngaleso sikhathi noma izikhathi angazibona zifanelekile.

(2) UMBHALISI, NGAPHAMBI, KOKUBHALISA indlu yokudlela ngokwemibandela yesigatshana (1) -

- (a) yena ngokwakhe kufuze ahlole noma enze ukuba ukuhlolwa kwenziwe umsebenzi oqokiwe;
- (b) angenza olunye uphenyo mayelana nalolu daba.

(3) Indawo yokudlela eziphezeka phakathi kwamabala ehhotela, ingabhaliswa ngokwemibandela yesigatshana (1) ngaphandle kokubheka noma ukuphi ukubhaliswa noma ukuhlelwa kwaleli hhotela njengoba kucetshwe kulo Mthetho.

Ukukhishwa kwasitifiketi sokubhaliswa kwezindlu zokudlela

37. (1) UMBHALISI ANGANIKEZA UMUNTU OQHUBA IBHIZINISI LENDLU YOKUDLELA, ISITIFIKETI SOKUBHALISWA KUFOMU ELIQOKIWE.

(2) UMA NOMA IYIPHI INDLU YOKUDLELA KUPHELA UKUBHALISWA KWAYO NOMA IYEKA UKUSEBENZA KWAYO, UMUNTU OWAYEQHUBA LELI BHIZINISI LENDLU YOKUDLELA, KUFUZE KUSUKA LAPHO APHINDISELE KUMBHALISI ISITIFIKETI SOKUBHALISWA.

Ukusakazwa kohla lwamagama ezindlu zokudlela

38. UMBHALISI KUFUZE ASAKAZE NJALO NJE, NGALE NDLLELA ANGAYINGUMA, UHLA LWEZINDLU ZOKUDLELA EZIBHALISIWE KANYE NALE MINININGWANE ANGAYINGUMA.

Ukwasulwa kokubhaliswa

39. (1) UMA IZIDINGO ZOKUBHALISWA KWENDLU YOKUDLELA ZINGAFEZEKISIWE, uMBHALISI ANGANIKEZA ISAZISO LO MUNTU OQHUBA IBHIZINISI LENDLU YOKUDLELA, UKUFZEZEKISA IZIDINGO PHAKATHI KWEZINYANGA EZINTATHU UKUSUKA NGOSUKU LOKUSAKAZWA KWESAZISO, UMA KWABLULEKEKA LOKHO ANGACHITHA LOKHU KUBHALISWA.

(2) LO MUNTU OQHUBA IBHIZINISI LENDLU YOKUDLELA, LEYO EKHISHELWE ISAZISO NGOKWEMIBANDELA YESIGATSHANA (1),

ngaphambi kokuphela kxesikhathi esiyizinyanga ezintathu esishiwo kulesi saziso, angenza izikhala, ngokubhalwe phansi kuMbhalisi maqondana nokuchitha okusongozwayo kokubhaliswa kwale ndlu yokudlela.

- (3) Umaprekupheleni kxesikhathi esiyizinyanga ezintathu esishiwo kunoma isiphi isaziso esikhishwe ngokwemibandela yesigatshana (1) noma ekupheleni kxesikhathi esongeziwe saleso sikhathi esivunywe uMbhalisi, lo Mbhalisi ebona ukuba isidingo esifanele asikafezekiswa, angachitha ukubhaliswa kwale ndlu yokudlela futhi kufuze anikeze isaziso ngalokhu umuntu oqhuba ibhizinisi lendlu yokudlela.

Ukubhaliswa kwenhlalakahle yezokuvakasha eqokiwe

40. (1) U-MEC, ngesaziso kuGazethi -

- (a) angamemezela ukuba ukusuka kulolo suku olunqunyiwe kulesi saziso njengoba kushiwo kulesi saziso, okungekho ngaphambi kwezinyanga eziyisithupha ukusuka osukwini okwasakazwa ngalo lesi saziso, noma iyiphi indawo noma into noma izinga lakho, ngokubona kwakhe, inikeza inhlalakahle kubavakashi, ukuba iqokwe ibe inhlalakahle yezokuvakasha; futhi
 - (b) anganquma izidingo ezizofezekiswa, ngaphambi kokuba noma siyiphi inhlalakahle yezokuvakasha ingabhaliswa.
- (2) U-MEC, ngesaziso kuGazethi, angachibiyela noma angachitha noma isiphi isaziso esenziwe ngokwemibandela yesigatshana (1).
- (3) Akukho muntu ozqhuba noma ozokwenza ibhizinisi lenhlalakahle yezokuvakashi, ngaphandle kokuba kubhalisiwe.

Ibhuku lokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe

41. UMbhali kufuze, masinyane nje njengoba kukhoneka ngemuva kokusakazwa kwesaziso ngokwemibandela yesigaba 40 (1), asungule futhi agcine kufomu elamukelwe uMbhalane Omkhulu, ibhuku lokubhalisa amagama enhlalakahle yezokuvakasha eqokiwe.

Isicelo sokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe

42. (1) Noma umuphi umuntu oqhuba noma ofuna ukuqhuba

ibhizinisi lenhlakahle yezokuvakasha eqokiwe, angafaka isicelo kuMbhaliyi ukubhalisewa inhlakahle yezokuvakasha eqokiwe.

(2) Isicelo esishiwo kusigatshana (1) kufuze -

(a) senziwe kufomu eliqokiwe; futhi

(b) siphelezewi imali enqunyiwe, uhlaka, imibhalo kanye neminye imininingwane noma izimo eziqondene nenhlahkahle yezokuvakasha eqokiwe noma esongozwayo.

Imisebenzi yombhalisi maqondana nenhlahkahle yezokuvakasha eqokiwe

43. (1) Ngaphansi kweziphakamiso zesigatshana (2), uMbhaliyi kufuze, uma enomcabango othi izidingo zokubhaliswa kwenhlakahle yezokuvakasha eqokiwe -

(a) zifezekisiwe noma zizofezekiswa, abhalise le nhlakahle yezokuvakasha eqokiwe noma esongozwayo; futhi

(b) azifezekisiwe noma azizofezekizwa, enqabe ukubhalisa inhlakahle yezokuvakasha eqokiwe noma esongozwayo: Kuphela nje uma uMbhaliyi angalughubela phambili lolu daba ukuba lunakwe futhi ngaleso sikhathi noma izikhathi angazibona zifanelekile.

(2) Ngaphambi kokubhalisa inhlakahle yezokuvakasha eqokiwe, uMbhaliyi -

(a) yena ngokwakhe kufuze ahlole noma enze ukuba ukuhlolwa kwensiwe umsebenzi ogokiwe;

(b) angacela umbiko kumsebenzi wezepilo; futhi

(c) angenza olunye uphenyo mayelana nalolu daba.

Ukukhishwa kwesitifiketi sokubhaliswa

44. (1) UMBHALIYI anganikeza umuntu oghuba noma owenza ibhizinisi lenhlakahle yezokuvakasha eqokiwe, isitifiketi sokubhaliswa kufomu eliqokiwe.

(2) Uma noma iyiphi inhlakahle yezokuvakasha eqokiwe kuphela ukubhaliswa kwayo noma iyeka ukusebenza kwayo, umuntu owayeqhuba leli bhizinisi lenhlakahle yezokuvakasha eqokiwe, kufuze kusuka lapho aphindisele kuMbhaliyi isitifiketi sokubhaliswa.

Ukusakazwa kohla lwenhlakahle yezokuvakasha eqokiwe futhi ebhalisiwe

45. UMbhali si kufuze asakaze njalo nje, ngale ndlela angayinquma, uhla lwamagama enhlalakahle yezokuvakasha eqokiwe futhi ebhalisiwe kanye nale mininingwane angayinquma.

Ukwasulwa kokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe futhi ebhalisiwe

46. (1) Uma izidingo zokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe zingafezekisiwe umbhali si anganikeza isaziso lo muntu oqhuba ibhizinisi lenhlalakahle yezokuvakasha eqokiwe, ukufeze kisa izidingo phakathi kwezinyanga ezintathu ukusuka ngosuku lokusakazwa kwesaziso, uma kwahlulekka lokho angachitha lokhu kubhaliswa kwenhlalakahle yezokuvakasha eqokiwe.
- (2) Lo muntu oqhuba ibhizinisi lenhlalakahle yezokuvakasha eqokiwe, leyo ekhishelwe isaziso ngokwemibandela yesigatshana (1), ngaphambi kokuphela kwesikhathi esiyizinyanga ezintathu esishiwo kulesi saziso, angenza izikhala zo, ngokubhalwe phansi kuMbhali si maqondana nokuchitha okusongozwayo ukubhaliswa kwale kwale nhlalakahle yezokuvakasha eqokiwe.
- (3) Uma, ekupheleni kwesikhathi esiyizinyanga ezintathu esishiwo kunoma isiphi isaziso esikhishwe ngokwemibandela yesigatshana (1) noma ekupheleni kwesikhathi esongeziwe saleso sikhathi esivunywe umbhali si, lo Mbali si ebola ukuba isidindo esifanele asikafezekiswa, angachitha ukubhaliswa kwale nhlalakahle yezokuvakasha eqokiwe futhi kufuze anikeze isaziso ngalokhu umuntu oqhuba leli bhizinisi lenhlalakahle yezokuvakasha eqokiwe.

Ubude besikhathi sokusebenza kokubhaliswa nokuhlelwa

47. Ukubhaliswa noma ukuhlelwa okwenziwe ngokwemibandela yalesi Sahluko, kufuze kusebenze ubude besikhathi obunqunyiwe.

Ukunikezwa kwelaisense kosebenza ngezokuvakasha, kumkhaphi nomthwali wabavakashi

48. (1) U-MEC, enza ngesicebiso salesi Sigungu, angamemezel a ngesaziso kuGazethi ukuba ukusuka kulolo suku njengoba lunganqunywa kulesi saziso, okungekho ngaphansi kwezinyanga ezintathu ukusuka kulolo suku lokusakazwa ngalokhu, la mazinga abasebenza ngezokuvakasha, abakhaphi babavakashi noma abathwali babavakashi njengoba kunganqunywa kulesi saziso, kufuze kubo nesidindo ukuba banikezwe ilayisense ilesi Sigungu futhi kukhonjiswe kulesi saziso, izidindo okufuze zifezekiswe umfakisicelo ofuna leli layisense.
- (2) Ngalolo futhi nangalolo suku olunqunywe kusaziso

49. (1) esenziwe ngokwemibandela yesigatshana (1), akukho muntu okufuze -

(a) aqhube libhizinisi lanoma iliphi izinga lokuthwala ngezokuvakasha noma lokukhapha abavakashi kuleso saziso, ngaphandle elikhishwe ngokwemibandela yelayisense lokusebenza ngabavakashi elikhishwe maqondana nalelo bhizinisi; noma

(b) asebenze njenganoma iliphi izinga lokuthwala elishiwo kuleso saziso, ngaphandle ngokwemibandela yelayisense lokusebenza ngabavakashi elikhishwe maqondana nalelo bhizinisi; noma

(c) aqashe noma umuphi umuntu ukusebenza njenganoma iliphi izinga lokuthwala abavakashi elishiwo kuleso saziso noma ngayiphi indlela ngokulandela imvumo yelayisense elinikezwe lowo muntu.

Isicelo sokunikezwa noma sokuvuselela kwelayisense

49. (1) Noma umuphi umuntu ofuna ukufaka isicelo sokunikezwa noma sokuvuselela ilayisense lokusebenza ngezokuvakasha, lokukhapha abavakashi noma lokuthwala abavakashi angafaka isicelo ngalokhu uMbhali.

(2) Isicelo ngokwemibandela yesigatshana (1) kufuze -

(a) senziwe kufomu eliqokiwe; futhi
 (b) siphelezewi imali enqunyiwe.

(3) Emuva kokuthola isicelo esithunyelwe kuyena ngokwemibandela yesigatshana (1), uMbhali.

(a) angemukela isicelo futhi angakhipa noma angavuselela ilayisense lokusebenza ngezokuvakasha, lokukhapha abavakashi noma lokuthwala abavakashi; noma

(b) angengaba ukwamukela isicelo.

(4) Ukunaka isicelo ngokwemibandela yesigatshana (1), uMbhali kufuze abe nokunaka umbuzo noma -

(a) mayelana nelayisense lokusebenza ngabavakashi, leli bhizinisi lizothintana noma kungenzeka libe nokuthintana okuhle nezokuvakasha kulesi Sifundazwe, uma kubukwa indlela leli bhizinisi eliqhutshwa ngayo noma esongozwa ukuba lizoghutshwa ngayo; futhi

(b) mayelana nelayisense lokukhapha abavakashi noma lokuthwala abavakashi, lo muntu ofake isicelo

sokuba umkhaphi noma umthwali oqinile futhi olungele, uma kubukwa isimilo, ukuqequesha nohlobo lomsebenzi oqhutshwa wuyena futhi leli bhizinisi lizothintana noma kungenzeka libe nokuthintana okuhle nezokuvakasha kulesi Sifundazwe, uma kubukwa indlela leli bhizinisi eliqhutshwa ngayo noma wesongozwa ukuba lizoqhutshwa ngayo.

Ilayisense lalosebenza ngezokuvakasha, umkhaphi nomthwali wabavakashi

50. Ilayisense lalosebenza ngezokuvakasha, umkhaphi nomthwali wabavakashi kufuze -

- (1) libe kufomu eliqokiwe; futhi
- (2) likhombe -
 - (a) igama nesibongo kanye nekheli lalosebebenza ngezokuvakasha, lomkhaphi wabavakashi noma lomthwali wabavakashi;
 - (b) uhlobo lwebhizinisi lwalosebebenza ngezokuvakasha, lomkhaphi wabavakashi noma lomthwali wabavakashi okufuze ayenze; futhi
 - (C) indawo yokusebenzela lapho umsebebenzi ngezokubavakasha, umkhaphi wabavakashi noma umthwali wabavakashi enemvumo yokusebenzela khona;
- (2) lisebenze ubude besikhathi esinqunyiwe.

Ukwasulwa kwelayisense lalosebenza ngezokuvakasha, umkhaphi nomthwali wabavakashi

51. (1) Uma umsebenzi ngezokuvakasha, umkhaphi wabavakashi noma umthwali wabavakashi, ehluleka ukufezekisa izidingo ezinqunyiwe zokunikeza kwelayisense, uMbhali si anganikeza isaziso esidinga ukufezekiswa kwezidindo phakathi kwezinyanga ezintathu ukusuka osukwini okwakhishwa ngaso isaziso, ukwehluleka lapho angalesula ilayisense.
- (2) Uma ilayisense lomsebebenzi ngezokuvakasha, umkhaphi wabavakashi noma umthwali wabavakashi lesuliwe, umnikazi walo kufuze aliphindisele kuMbhali si.

Ukuqinisekiswa nokufakazelwa kwabanikeza uqequesho

52. (1) Ngaphansi kwanoma umuphi umthetho weZemfundo, noma noma umuphi umthetho ofanele futhi osebenzayo, noma noma umuphi umuntu noma isikhungo esinikeza ezoqequesho, ezokwaluleka noma ezemfundo ngaphakathi kwemboni

yezokuvakasha kulesi Sifundazwe lokhu kufuze kuqinisekiswe futhi kufakazelwe ilesi Sigungu.

- (2) Uma kuqinisekiswa futhi kufakazelwa laba bantu noma lezi zikhungo ezicetshwe, kusigatshana (1), lesi Sigungu kufuze sibe nokunaka zonke izimo ezifanele njengoba lesi Sigungu singanquma, okufaka phakathi kodwa okunganciphisi, isimo, okuqukethwe nehlelo lezifundo lalokhu kuqequesha okunikezwayo, isikhathi salokhu kuqequesha noma ukwaluleka futhi noma ukuphi okunye ukwethenjwa lona onikeza uqequesho akuthole kunoma isiphi esinye isikhungo phakathi noma ngaphandle kweRiphabhuliki.
- (3) Isicelo esithunyelwa kulesi Sigungu ngokwemibandela yesigatshana (1) kufuze -
 - (a) senziwe ngendlela nakufomu eliqokiwe; futhi
 - (b) siphelezewi imali enqunyiwe.
- (4) Lesi Sigungu -
 - (a) singamukela isicelo, sikhipe isitifiketi futhi siqinisekise umfakisicelo noma sivuselele isitifiketi nokuqinisekiswa kwakhe; noma
 - (b) senqabe isicelo.
- (5) Lesi Sigungu kufuze singume ubude besikhathi sokuqinisekiswa nokufakazelwa.

ISAHLUKO 4

UKUBEKWA KOMBHALISI, KOKWEDLULISELA, UKUHLOLWA NOKUKHOKWA KWENHLAWULO

Ukubekwa kombhalisi nomsebenzi ogokiwe

53. (1) Lesi Sigungu -
- (a) kufuze siqoke umuntu ukuba uMbhaliyi wamaHhotela, iziNdawo zokulala eziSunguliwe, iNdawo yokubambela iNkomfa, iziNdlu zokudlela neNhlalakahle yeZokuvakasha; futhi
 - (b) singaqoka noma muphi omunye umuntu noma abantu njengomsebenzi ogokiwe noma abasebenzi njengoba singabona kudingekile.
- (2) Lo Mbhalisi nomsebenzi ogokiwe kufuze banikezwe isitifiketi esisayindwe, noma esikhundleni salesi Sigungu esisho ukuba, umnikazi uqokwe ngokwemibandela

yalo Mthetho.

Ukwadlulisa isinqumo sombhalisi

54. (1) Noma umuphi umuntu onesikhala zo nganoma isiphi isinqumo sombhalisi maqondana -
- (a) nesicelo ika sokubhalisa, sokuqinisekisa, sokufakazela, nesokuhlela noma iyiphi into noma kokuvuselela ilayisense ngokwemibandela yalo Mthetho; noma
 - (b) nokwasulwa kwanoma ukuphinda ukubhalisa, ukuqinisekisa, ukufakazelwa noma ukuhlelwa noma iyiphi into noma kokuvuselela ilayisense ngokwemibandela yalo Mthetho;

phakathi kwezinsuku eziyishumi nesiphohlongo ngemuva kokwazisa ngalesi sinqumo, angadlulisel a isikhala zo sakhe kuMEC ngokubhaliwe.

- (2) Umuntu owadlulisa isikhala zo kufuze, uma imali yenhlawulo inqunyiwe yalesi sikhala zo, ethule imali elingana nemali yenhlawulo enqunyiwe kanye nesikhala zo sakhe.
- (3) U-MEC angafuna ukuba uMbhali si anikeze uMEC izizathu ezibhaliwe ngesinqumo sakhe, futhi namamithi okwakukhulunya kuleyo nhlanganiso.
- (4) Lapho isikhala zo esadlulisiwe samukelwe.

 - (a) isinqumo sombhalisi kufuze simiswe, kuze isikhala zo esadlulisiwe siqedwe ukudingidwa; noma
 - (b) maqondana nokwenqatshwa kokuvuselela noma iliphi ilayisense, uMEC angelula ukusebenza kwaleli layisense, kuze isikhala zo esadlulisiwe siqedwe ukudingidwa.

- (5) U-MEC kufuze enze umyalezo ofanele.

Ukuhlolwa kwamabala

55. (1) UMbhali si noma umsebenzi ogokiwe, ngezinhloso zalo Mthetho -
- (a) ngaphandle kwesaziso, futhi noma kungasiphi isikhathi esifanele, angangena kunoma imaphi amabala -
 - (i) ehhotela, enye indawo yokulala esunguliwe, endawo yokubambela inkomfa, endlu yokudlela, omuntu osebenza ngezokuvakasha, omkhaphi wabavakashi, omthwali wabavakashi, ezenhlalakahle yezokubavakasha eziqokiwe

noma ehhovisi lemininingwane yezokuvakasha okufakwe isicelo sokubhaliswa noma ilayisense elikhishelwe zona; noma

(ii) ehhotela, enye indawo yokulala esunguliwe, endawo yokubambela inkomfa, endlu yokudlela, omuntu osebenza ngezokuvakasha, omkhaphi wabavakashi, omthwali wabavakashi, ezenhlakahle yezokuvakasha eziqokiwe; futhi

(iii) ngemuva kokwazisa lo muntu owengamele la mabala isikhathi sokuwavakashela, enze lokhu kuhlola nokuphenya njengoba ebona kudingekile: Kuphela nje uma engangene kunoma iliphi igumbi elinanoma umuntu ngaphandle kwemvumo yallowo muntu.

- (b) angabuza noma umuphi umuntu okula mabala, noma kunoma isiphi isikhathi esifanele adinge noma umuphi umuntu ukuba amnikeze noma imaphi amabhuku, izaziso, amalekhodi, noma eminye imibhalo ekula mabala noma eyayikhona kula mabala noma ephethwe noma egcinwe ilo muntu uma, ngokucanga kwakhe, ukuhlaziya kwala mabhuku, izaziso, amalekhodi, noma eminye imibhalo kudingekile ngezinhloso zophenyo lwakhe;
 - (c) angahlaziya futhi angenza izicaphuno namakhophi nganoma ngawaphi amabhuku, izaziso, amalekhodi, noma eminye imibhalo eshiwo endimaneni (b), futhi angadinga noma iyiphi incazelo yanoma ukuphi ukungena kukho;
 - (d) angaqwaga noma iwaphi amabhuku, izaziso, amalekhodi, noma eminye imibhalo, ngokucabanga kwakhe, engamsiza ukuthola ukwaphulwa komthetho ngokwemibandela yalo Mthetho.
- (2) UMbhali noma umsebenzi ogokiwe kufuze, ngokufuna ngenkani unoma umuphi umuntu ohlukunyezwe ilolu hlaziyo lwamalekhodi neminye imibhalo eshiwo kusigatshana (1), angaveza lesi sitifiketi esinikezwe yena ngaphansi kwesigaba 53(2).

Ukubhadalwa kwenhlawulo

56. (1) U-MEC -

- (a) anganquma inhawulo ezobhadalwa ngokwemibandela yalo Mthetho maqondana nehhotela, enye indawo yokulala esunguliwe, indawo yokubambela inkomfa, indlu yokudlela, umuntu osebenza ngezokuvakasha, umkhaphi wabavakashi, umthwali wabavakashi, inhlakahle yezokuvakasha eziqokiwe;
- (b) angadinga ukuba lo muntu oqhuba noma osebenzisa

ibhizinisi lehhotela, lenye indawo yokulala esunguliwe, lendawo yokubambela inkomfa, lendlu yokudlela, lokusebenza ngezokuvakasha, lokukhapha abavakashi, lokuthwala abavakashi, lezenhlalakahle yezokuvakasha eziqokiwe futhi okubhalisiwe kufuze ongeze kule ntengiso yalolu ngesikhathi, nesikhathi inganqunywa, inhlawulo eyongeziwe, ngalesi silinganiselo njengoba singanqunywa, futhi kufuze kubuthwe le nhlawulo eyongeziwe; noma

(c) anganguma, inhlawulo ebalwe ngesilinganiselo esiqokiwe.

(2) Lesi Sigungu, ngokuphathelene nokungalwi enkantolo efanele, singathola futhi inani lale nhlawulo efanele ize kuso ngokwemibandela yalo Mthetho, kumuntu ongayikhokhile.

ISAHLUKO 5

IZIPHAKAMISO EZEJWAYELEKILE

Ukwaphulwa komthetho nezijeziso

57. (1) Noma umuphi umuntu -

(a) osakaza noma odala noma ovumela ukuba kusakazwe nganoma iyiphi indlela ulwazi olungamanga noma oluyinkohliso macondana nanoma iliphi iihotela, enye indawo yokulala esunguliwe, indawo yokubambela inkomfa, indlu yokudlela, ibhizinisi lokusebenza ngezokuvakasha, lokukhapha abavakashi, lokuthwala abavakashi, noma lezenhlalakahle yezokuvakasha eziqokiwe; noma

(b) engumuntu okuwumthwalo wakhe ngalokho-ke ehluleka

- noma engaba ukukhokha noma iyiphi inhlawulo noma ukubutha futhi noma ukubuyisela noma iyiphi le nhlawulo ngokwemibandela yalo Mthetho; noma
- (c) obambezela noma ovimbela uMbhali si noma umsebenzi ogokiwe ekusebenziseni amandla akhe noma ekusebenzeni kwakhe imisebenzi yakhe; noma
 - (d) ngaphandle kwesizathu esiphathetkayo, onqaba noma owehluleka ukuphendula noma umuphi umbuzo uMbhali si noma umsebenzi ogokiwe awubuza yena ngokomthetho; noma
 - (e) onqaba noma owehluleka ukufezekisa nanoma isiphi isidingo esiqokwe uMbhali si noma umsebenzi ogokiwe;
 - (f) ngentando unikeza uMbhali si noma umsebenzi ogokiwe ulwazi olungamanga noma oluyinkohliso; noma
 - (g) waphula noma isiphi isiphakamiso salo Mthetho, esingamemezelwa noma kukuphi ukuba sikukukwaphula umthetho;
 - (h) uzoba necala lokwaphula umthetho noma lokukhokhiswa inhlawulo noma lokuvalelwa ejele isikhathi esingadluli iminyaka emibili noma kokubili inhlawulo nokuvalelwa ejele.
- (2) Inkantolo eyahlulela umuntu ngokwephula umthetho wesigaba 57(1)(b), ngokufaka isicelo komshushisi futhi ngaphezu kwanoma isiphi isijeziso engasinikeza, ingenza umyalezo wokunxephezelisa lesi Sigungu ngenani lale nhlawulo eqondene nalokhu kwaphulwa komthetho.
- (3) Isinqumo esinikezwe ile nkantolo ngokwemibandela yesigatshana (1), sifuze ukuba sibe nencindezelo nomphumela wesinqumo sobuntu.

Ukuxhasa imiklamo ngezimali

58. Lesi Sigungu, ngemvumo ka-MEC, singanikeza izimali kunoma umuphi umklamo, ngokubona kwalesi Sigungu ongathuthukisa futhi ongakhulisa ezokuvakasha kulesi Sifundazwe.

Iziqondiso

59. (1) U-MEC angenza iziqondiso mayelana nalezi zimo ezilandelayo:
- (a) ukufaneleka nesivimbalo sokubhaliswa, ukuhlelwa, ukunikezwa ilayisense, ukuqinisekiswa nokufakazelwa;

- (b) izimpawu zalezi ziqumbi ezahlukeneyo nezinhlelo zamahhotela abhalisiwe nazo zonke izindawo ezisunguliwe ezidinga ukubhaliswa futhi/noma ukunikezwa ilayisense, ukuqinisekiswa, futhi nezimo ngaphansi kwazo, futhi nendlela okufuze zisetshenziswe ngayo noma ziboniswe ngayo, futhi nokukwenqatshelwa kokusetsjenziswa noma kokuboniswa ngakho;
 - (c) ukubhadalwa kwenhlawulo umuntu onecala, ukubuthwa kwenhlawulo umuntu okuwumsebenzi wakhe lokhu, indlela yokubhadala, ukubuthwa nokuthumela le nhlawulo kuhhovisi elifanele;
 - (d) amalekhodi namabhuku ezimali azogcinwa inoma iliphi ihhotela elibhalisiwe, indawo yokubambela inkomfa, indlu yokudlela, umuntu osebenza ngezokuvakasha, umkhaphi wabavakashi, umthwali wabavakashi, enye indawo esunguliwe, nenhlalakahle yekongcebeleka;
 - (e) imali enqunyiwe ebhadalwa maqondana nelayisense lomuntu osebenza ngezokuvakasha, lomkhaphi wabavakashi nelomthwali wabavakashi;
 - (f) isidingo somuntu osebenza ngezokuvakasha, somkhaphi wabavakashi nesomthwali wabavakashi ukunikeza amagalanti, amabhondi noma iyiphi enye inhlobo yesibambiso eyamukelwe ilesi Sigungu, yokufezekisa izibopho zezivumelwano; futhi
 - (g) izidingo zabantu abaqashwe noma abasebenza ngaphakathi kwemboni yezokuvakasha ukungenela amakhozi athile okufundiswa, ukuqegeqeshwa noma ukuba nezifundvo eziphasiweyo njengoba zingamukalwa ilesi Sigungu.
- (2) U-MEC ngokujwayelekile angenza iziqondiso azibona zifanelekile ukunquma ukuphumelelisa izinhloso zalo Mthetho.
- (3) Iziqondiso ezenziwe ngokwemibandela yesigatshana (1) zingenza ukuba kube khona izijeziso zanoma ukuphi ukwaphulwa komthetho.

Isihloko esifingqiwe nokuqala ukusebenza

60. Lo Mthetho ubizwa uMthetho weZokuvakasha eGauteng, 1998 futhi kufuze ugale ukusebenza ngosuku olunqunywe uNdunankulu ngesimemezelo kuGazethi yesifunda.

UMBKO OCHASISA NGEZINHLOSO ZALO MTHETHOSIVINYWA

INDIKIMBA: UMTHETHOSIVINYWA WEZOKUVAKASHA EGAUTENG, 1998

INHLOSO/IZIZATHU SALOKHU KUSHAYWA KOMTHETHO

Lo Mthethosivinywa wenza ukuba kube khona ukusungulwa kweSigungu seZokuvakasha seGauteng namandla, izibpho nemisebenzi yaso; ukusungula isikhwama sezokukhulisa ezokuvasha; ukwenza ukuba kube khona ukubhaliswa, ukuhlelwa nokwahlukanisa kwamahhotela; ukwenza ukuba kube khona ukubhaliswa kwezindlu zokudlela, ezinye izindawo zokulala ezisunguliwe, izindawo zokubambela amankomfa nezenhlalakahle yezokuvakasha; ukusungula izindlela ezifanele ukuze kwensiwe ukuba kube khona imali enganayo esekelekile yokukhulisa nokuthuthukisa ezokuvakasha;

ukwenza ukuba kube khona ukunikezwa kwamalayisense kubantu abasebenza ngezokuvakasha, abakhaphi babavakashi nabathwali babavakashi; ukwenza ukuba kube khona ukwethweswa nokubuthwa kwezinhlawulo maqondana namahhotela nezinye izindawo ezsungiliwe zokulala, izindlu zokudlela nezenhlalakahle yezokuvakasha eziqokiwe; kanye nokwenza ukuba kube khona izimo ezivama ukulandela lokho.

ULWAZISISEKELO

Lo Mthethosivivinywa weZokuvakasha weGauteng usungulwe ngezizathu zokubona ukuba ukukhulisa nokuthuthukisa ezokuvakasha azisekwelwe ukuxhaswa okufanele le mboni. Le mboni seyamukelwe emhlabeni wonke njengemboni ehamba phambili ekusungulen iimisebenzi esekelekile, futhi lokhu kwamukelwa sekwenzekile nalapha eNingizimu Afrika.

Uhulumeni weSifundazwe seGauteng, njengodaba lomgomo, usemukele ezokuvakasha njengetyodwa yalezo zingxenyen zomnotho okumele zikhuliswe futhi zesekelewe ukuguqula isivinini salesi sifundazwe kwezomnotho waso ukusuka kwezomnotho ezigxile kuzimbiwa nakuzimboni ezinkulu ukuya kwezomnotho ezigxile kuzimboni ezinikeza usizo nezhlobile. Kodwa-ke, lokhu kwamukelwa akusekeliwe ukuzinikela ekwenzeni ukuba kube khona izimali ezanele ezokukhulisa nokuthuthukisa ezokuvakasha, ngisho nomgomo owenziwe ozoqinisekisa ukuba le ngxenye ehamba phambili ekukhulisweni nasekugcinweni kwezinsiza ezisezingeni eliphakeme.

Inkampane eyaziwa pheqezezi ngosection 21, iGauteng Tourism Agency (GTA), yasungulwa ngo-1996, ngemuva kokubonisana okubanzi nemihlangano yokufundisa nabo bonke abathintekayo, ukuba ngeyokuhambisa ukukhulisa nokuthuthukisa kwezokuvakasha kulesi Sifundazwe. Noma iGTA ibhekeke ukuba ikhiqize, kubonakele ukuba akulindelekile ukuba ingakhiqiza ngaleli zinga lokuxhaswa. Le mboni ayiqondiswa kahle ukuze ibe yingxenye yensiza ehamba phambili njengoba igcwele abasebenzisi nezenhlalakahle ezahlukene ezingakhoni ukunikeza usizo nemikhiqizo eseizingeni eliphakeme.

Le mboni okwamanje ayikhulisile noma uluphi usizo olusezingeni elitheni nendlela yokuziphatha nezindlela zokuqondiswa kwezigwegwe ukubhekana nalabo basebenzisi nabanikezi bezenhlalakahle, uma kukhona izikhalo zamakhasimende kunoma umuphi umkhuba wezebhini ongemukelekile owenziwa amalungu ale mboni.

Ukubhalisa, ukuhlela, ukwahlukanisa kwamahhotela, izindlu zokudlela, ezinye izndawo zokula ezsunguliwe, izindawo zokubambela amankomfa nezanhlalakahle yezokuvakasha, indlela yokuxazulula le nkinga yamazinga osizo futhi ngalokhu, kuzoba nendlela yokuziphatha ekhulisiwe yale mboni. Ukubhalisa kwalezi zinto kuzoba isisekelo somniningwane owusizo ukunquma nokulinganisa inani lemali

ezotholwa kuzinhlawulo ezisongozwa kusigaba 56.

Ukunikezwa ilayisense kubantu abasebenza ngezokuvakasha, kubakhaphi nakubathwali babavakashi, kuzoqinisekisa ukuba izigelekeqe ezenza sengathi zinikeza lolufsizo kazikho, lezo ezifika lapha ukuzokwenza imali masinyane ngamakhasimende angasoli nanethembba, okuwulimaza isithombe cibazusezwe lonke.

Ukwethweswa inhlawulo njengoba kucetshwe kusigaba 56, kukuqinisekisa ukuba le mboni ithola ukuxhaswa okwanele kwezinhliso zokukhulisa nokuthuthukiswa. Isimo esikhona manje sohlelo lokuzikhiphela inhlawulo ngokuthanda njengoba kuwumkhuba kuzwelonke akuyisizi ngalutho le mboni, lokhu akwesekelekile futhi akwamukelekile kule mboni ebalukile kuleli azwe gefuthi ikakhulukazi kulesi Sufundazwe. Ukuqinisekisa ukuba izinhlawulo ezubuthiwe zisiza le mboni, isigaba 17(2) sifakiwe ukuze uMnyango wokulondoloza izimali zalesi Sifundazwe wabela lesi Sigungu imali engekho ngaphansi kokungamashumi aysiphongo ekhulwini (80%) yalezi zinhlawulo ukuba sizokhulisa futhi sithuthukiso ezokuvakasha. Futhi nokuqinisekisa futhi ukuba ububi baphambilini buyalungiswa, lesi Sigungu sizobophezekela ukuba sizebenzise isabelo esingekho ngaphansi kukungamashumi amathathu nantathu ekhulwini (33%) ekukhuliseni nasekuthuthukiseni abantu futhi/noma imiphakathi eyayibandlululwa phambilini.

IZIXHABHELELO ZEZEZIMALI

Ukuphasiswa kwalo Mthethosivivinywa isishayamthetho seGauteng, kuzodinga ukuba lesi Sishayamthetho sabela lesi Sigungu isamba esikhulu njengoba izibopho nemisebenzi yaso mikhulu kakhulu kunaley yeGTA kwamanje.

IZIXHABHELELO NGEZABASEBENZI

AZIKHO

IZIXHABHELELO NGEZOMTHETHOSISEKELO

AZIKHO

UKUHLAZIYWA KWESIGABA NGESIGABA

1. Incazelot: Ukuchaza kube sobala amagama nomqondo kulo Mthethosivivinywa.
2. Ukusetshenziswa kwalo Mthetho: Ukuba lo Mthetho uzosebenza kuSifundazwe seGauteng.
3. UKusungulwa kwalesi Sigungu: UKusungulwa kweSigungu seZokuvakasha eGauteng

4. Amandla nezibopho zalesi Sigungu:
Lokhu kuniyeza amandla nezibopho kulesi Sigungu.
5. Umthethosisekelo walesi Sigungu:
Ukukhombisa ukuba amalungu alesi Sigungu azoqokwa kanjani.
6. Izimiselo zokusebenza:
Ukwenza ukuba kube khona ubude besikhathi nezimiselo zokusebenza kwamalungu alesi Sigungu.
7. Ubude besikhathi sokuba sehhovisi:
Lokhu kwenza ukuba kube khona ukunquywai kwesikhathi sokusebenza alesi Sigungu kwelungu.
8. Ukushiyaihhovisi:
Lokhu kwenza ukuba kube khona izimo ngaphansi kwazoringu lalesi Sigungu kufuze lishiye ngazotihhovisi.
9. Ukubeka obala izabelo:
Ukuba amalungu abeke obala izabelo anazo ngokuqonde noma ngokungaqonde ngqo kuzabelo zamalungu omndeni asondelene kakhulu namalungu alesi Sigungu. Lesi sigaba siqondene nokungabi namfihlo.
10. Umphumela wokushayisana kwezabelo:
Lesi isilandelo sesigaba 9 sokuqinisekisa ukuba ilungu elinesabelo odabeni okuxoxisanwa ngalo kumele lingangeni kulokhu kuxoxisana ngalolu daba.
11. Ukwaphucwa ubulungu kwamalungu:
Amalungu aphucwa kanjani ukuba futhi/noma vahlala kanjani engamalunga alesi Sigungu.
12. Imihlangano yalesi Sigungu:
Lokhu kungezingubo zemihlangano.
13. Amakomidi alesi Sigungu:
Lokhu kungamakomidi angasungulelwa imisebenzi ethile yalesi Sigungu.
14. Abasebenzi balesi Sigungu:
Abasebenzi bangaqokelwa izibopho nemisebenzi yaso lesi Sigungu.
15. Isazi nolunye uncedo:
Amandla alesi Sigungu okuqoka abantu abanolwazi.
16. Ukwabiwa kwamandla nokwabiwa kwemisebenzi:
Lokhu kwenza ukuba kube khona ukuba amandla angabiwa kanjani nokuba izibopho kumele sinquanye kanjani.
17. Isikhwama sokukhulisa ezokuvakasho:
Lesi isikhwama esiyisipesheli okuzofakwa kuso zonke izimali zenhlawulo ezubuthiwe.
18. Izikhwama zalesi Sigungu:
Lena indlela izimali esizokwabiwa uMnyango wokulondoloza

- amafa eSifundazwe ziye kulesi Sigungu nokuthi lesi Sigungu sinamadla okukhilisa ezinye izinhlobo zezikhwama zaso.
19. Umbiko wonyaka:
Ukuba lesi Sigungu sathula umbiko wonyaka.
 20. Ukugcinwa kwamabhuku:
Ukuba uMabhalane Omkhulu walesi Sigungu uba ngumgcini wamabhuku wazo zonke izimo zalesi Sigungu, nokuba amabhuku ezezimali alesi Sigungu azohlalwa kanjani.
 21. Ukubhaliswa nokuhlelwa kwesimo nobukhulu bamahhotela, ezinye izindawo ezsunguliwe zokulala nezindawo zokubambela amankomfa:
Ukuba amahhotela, ezinye izindawo zokulala ezsunguliwe nezindawo zokubambela amankomfa zibhaliswe futhi zihlelwe.
 22. Ukunqunywa kwezidingo zokubhaliswa:
Ukuba izidingo zokubhaliswa zinqunywe futhi ziqokwe kulezi qondiso.
 23. Isaziso iLungu loMkhandlu weSifundazwe (uMEC):
Ukuba uMEC ngesaziso kuGazethi kaHulumeni uzomemezelia zinga elithile lezenhlalakahle yezokuvakasha ukuba zibhaliswe nokwenqabela ukuqhuba ibhizinisi ngaphandle kokubhaliswa.
 24. Ukufaka isicelo sokubhalisa:
Ukuba isicelo sokubhaliswa singenziwa nini futhi kanjani.
 25. Imisebenzi yoMbhalisi:
Yonke imisebenzi yoMbhalisi.
 26. Izibopho zomnikazi wehhotela elibhalisiwe:
Yini okumele mayenziwe umnikazi wehhotela uma ihhotela selibhalisiwe futhi ufunu ukwenza izingucuko kumabala ehhotela.
 27. Ukuxholelwa ukuba kungaweli ngaphansi kwezidingo zokubhaliswa:
Izimo ezizovumela futhi ezizonika uMbhalisi amandla akhe ukuxholela into ethile ukuba ivumelane nezidingo zokubhaliswa.
 28. Ukukhishwa kwesitifiketi sokubhaliswa:
Isitifiketi sokubhaliswa singakhishwa nini futhi kanjani.
 29. Ukwasulwa kokubhaliswa:
Izimo ngaphansi kwazo isitifiketi sokubhaliswa singasulwa.
 30. Ukufaka esiqumbini nokuhlelwa amahhotela abhalisiwe:
Ukuba uMbhalisi unikeza ibhizinisi isaziso esifanele ukwenza iziboniso zokufakwa esiqumbini noma ukufakwa esiqumbini kabusha futhi nokuhlelwa kabusha.
 31. Isicelo sokufakwa esiqumbini nokuhlelwa kabusha

kwamahhotela:

Izimo ngaphansi kwazo ukufakwa esiqumbini kabusha nokuhlelwa kabusha kungasetshenziselwa into ebhalisiwe.

32. Ukubhaliswa kwezindlu zokudlela: Ukuba uMEC ngesaziso kuGazethi kaHulumeni uzoqoka izidingo zokubhaliswa kwendlu yokudlela.
33. Ibhuku lokubhalisa izindlu zokudlela: Ukuba ibhuku lobhalisa izindlu zokudlela liyagcinwa.
34. Isaziso sokubhaliswa kwezindlu zokudlela: Ukuba uMEC ngesaziso kuGazethi kaHulumeni uzokhombisa ukuba lezi zinto zibhalisa nini futhi kanjani.
35. Isicelo sendlu yokudlela: Ukuba isicelo sokubhaliswa kwendlu yokudlela senziwa nini futhi kanjani.
36. Imisebenzi yoMbhalisi maqondana nokubhaliswa kwezindlu zokudlela.
37. Ukukhishwa kwesitifiketi sokubhaliswa kwezindlu zokudlela.
38. Ukusakazwa kohla lwezindlu zokudlela.
39. Ukwasulwa kokubhaliswa: Izimo ezizovumela ukwasulwa kokubhaliswa.
40. Ukubhaliswa kweNhlalakahle yeZokuvakasha Eqokiwe: Ukuba uMEC ngesaziso kuGazethi kaHulumeni umemezelu usuku ngalo inhlalakahle yezokuvakasha eqokiwe kufuze ibhaliswe, nesenqabelo sokuqhuba ibhinisi ngaphandle kokulibhalisa.
41. Ibhuku lokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe.
42. Isicelo sokubhaliswa kwenhlalakahle yezokuvakasha eqokiwe.
43. Imisebenzi yoMbhalisi maqondana nenhlalakahle yezokuvakasha eqokiwe.
44. Ukukhishwa kwesitifiketi sokubhaliswa.
45. Ukusakazwa kohla lwezenhlalakahle yezokuvakasha eqokiwe futhi ebhalisiwe.
46. Ukwasulwa kokubhaliswa kwezenhlalakahle yezokuvakasha eqokiwe futhi ebhalisiwe.
47. Ubude besikhathi sokusebenza kokubhaliswa nokuhlelwa.
48. Ukuñikezwa kwelayisense kosebenza ngezokuvakasha, kumkhaphi nomthwali wabavakashi: Ukuba uMEC ngesaziso kuGazethi kaHulumeni uqoka izidingo ukuba umuntu osebenza ngezokuvakasha, abakhaphi nabathwali

babavakashi okumele bahlangabezane nazo ngaphambi kokuba babhaliswe nesenqabelo sokuhuba ibhizinisi ngaphandle kwelayisense.

49. Isicelo sokunikezwa noma sokuvuselelwa kwelayisense:
Ukuba isicelo selayisense singafakwa nini futhi kanjani.
50. Ilayisense lalosebenza ngezokuvakasha, umkhaphi nomthwali wabavakashi.
51. Ukwasulwa kwelayisense lalosebenza ngezokuvakasha, umkhaphi nomthwali wabavakashi.
52. Ukuqinisekiswa nokufakazelwa kwabanikeza uqequesho:
Ukuba abanikezi boqequesho kufuze bafake isicelo sesitifiketi nesokuqinisekiswa.
53. Ukubekwa koMbhalisi nomsebenzi ogokiwe:
Ukuba lesi Sigungu kufuze siqoke uMbhalisi nomsebenzi ogokiwe ukwenza imisebenzi njengaba ikulo Mthetho.
54. Ukwadlulisa isinqumo soMbhalisi:
Ukuba noma umuphi umuntu angadlulisa isikhhalazo ngesinqumo esenziwe uMbhalisi.
55. Ukuhlolwa kwamabala:
Kanjani futhi ngaphansi kwaziphi izimo uMbhalisi noma umsebenzi ogokiwe engahlola amabala ngaso ngaphambi kokubhaliswa noma ngezinhloso ezejwayelekile, futhi nokubanikeza amandla okuqwaga noma umuphi imbhalo obalulekile.
56. Ukubhadalwa kwenhlawulo:
Ukuba uMEC ngesaziso kuGazethi kaHulumeni unquma ukuba inhlawulo ibhadalwa ngamahhotela abhalisiwe, njll., ukhombisaabantu abazobadala noma abazobutha nendlela yokubhadalwa kwale nhlawulo.
57. Ukwaphulwa komthetho nezijeziso:
Ukuba kuzoba icala ukwaphula noma isiphi isiphakamiso salo Mthetho kanye nezijeziso ezizosetshenziswa.
58. Ukuxhasa imiklamo ngezimali:
Ukuba lesi Sigungu sizokwenza ukuba kube khona ukunikeza imiklamo yokukhuliswa nokuthuthukiswa kwezokuvakasha izimali.
59. Iziqondiso:
Ukuba iziqondiso zizogokwa uMEC ukunikeza amandla okusebenzisa iziphakamiso zalo Mthetho.
60. Isihloko esifingqiwe nokuqala ukusebenza:
Ukuba isifingqo sesihloko salo Mthetho kuzoba uMthetho weZokuvakasha eGauteng nokusho ukuba uzoqala nini ukusebenza.

NOTICE 2129 OF 1998

MOLAOKAKANYWA

Go beakanyetša tlhabollo le kaonafatšo ya maikarabelo ya go swarelela ya boeti ka Gauteng mme ka tsela yeo gwa hlongwa Bolaodi bja Boeti bja Gauteng le go abela Bolaodi maatla le mehola le go rweša bolaodi mediro; le go hloma sekhwama sa tlhabollo ya boeti; go hloma ditsela tše di kgethegilego ka nepo ya go beakanyetša ditseno tše di swareelago tša boeti melabana le tlthatlošo ya tlhabollo ya boeti; go beakanyetša ngwadišo, kelo le tlhopho ya dihotele; go beakanyetša ngwadišo ya direstorante, mafelo a mangwe a madulo, mafelo a dikhonferense le dikopano, le ditlabakelo tša baeti; go beakanyetša kabo ya dilaesenše tša barulaganyamaeto, bahlahlamaeto le barwalabasepedi; go beakanyetša setifikheišene le tiišeletšo ya baabi ba thutantšho mo intastering ya boeti; go beakanyetša pewo le kgoboketšo ya makgetho malebana le dihotele le mafelo a mangwe a madulo, direstorante le ditlabakelo tše dingwe tša baeti tše di kgethilwego; go beakanyetša tirišo ya karolo ya Sekhwamatlhabollo go hola batho le ditshaba tše di bego di šaparegišitšwe; le go beakanyetša merero ya sewelo malebana le tsekhwí ka moka.

E HLAMILWE KE Theramelao ya Gauteng ka tsela ye e latelago:

PEAKANYO YA MOLAO**KGAOLO 1**

	Karolo	Letlakala
1.	Ditlhalošišo -----	108
2.	Tirišo ya Molao -----	109

KGAOLO 2

3.	Tlhomo ya Bolaodi -----	110
4.	Maatla le ditshwanelo tša Bolaodi -----	110
5.	Molaotheo wa Bolaodi -----	110
6.	Ditlamo tša modiro -----	111
7.	Pakatiro -----	112
8.	Tlogelo ya modiro -----	112
9.	Kutollo ya lešokotšo -----	112
10.	Sephetho sa thulano ya dikgahlego -----	113
11.	Kganelo ya maloko -----	113
12.	Dikopano tša Bolaodi -----	114
13.	Dikomiti tša Bolaodi -----	114
14.	Stafo sa Bolaodi -----	115
15.	Thušo ya setsebi le thušo ye nngwe -----	115
16.	Kabo ya maatla le kgethelo ya ditshwanelo -----	115

17.	Sekhwamatilhabollo sa Boeti -----	116
18.	Dikhwama tša Bolaodi -----	116
19.	Boikarabelo bja sešupatlotlo -----	117
20.	Pego ya ngwaga -----	118

KGAOLO 3**NGWADIŠO SETIFIKHEIŠENE, TIIŠELETŠO LE KABOLAENSE**

21.	Ngwadišo le kelo ya dihotele, mafelo a mangwe a madulo le mafelo a dikhonferense -----	118
22.	Peakanyo ya dinyako tša ngwadišo-----	118
23.	Tsebišo ya Mokhuduthamaga/MEC -----	119
24.	Kgopelo ya go ngwadiša -----	119
25.	Ditshwanelo tša rejistrara -----	119
26.	Ditlamego tša mong wa hotele ye e ngwadišitšwego -----	120
27.	Tokollo go dinyako tša ngwadišo -----	121
28.	Tlhagišo ya setifikeiti sa ngwadišo-----	121
29.	Go khansela/phumola ngwadišo -----	121
30.	Tlhopho le kelo ya dihotele tše di ngwadišitšwego -----	122
31.	Kgopelo ya tlhopholefsa le kelolefsa ya hotele ye e ngwadišitšwego-----	122
32.	Ngwadišo ya direstorante -----	122
33.	Rejistara ya direstorante -----	122
34.	Tsebišo ya ngwadišo ya direstorante -----	122
35.	Kgopelo ya restorante -----	123
36.	Ditshwanelo tša rejistrara melabana le ngwadišo ya direstorante -----	123
37.	Tlhagišo ya disetifikeiti tša ngwadišo tša direstorante -----	124
38.	Phatlalatšo ya lenaneo la direstorante tše di ngwadišitšwego-----	124
39.	Khanselo/Phumolo ya ngwadišo-----	124
40.	Ngwadišo ya ditlabakelo tša baeti tše di kgethilwego -----	124
41.	Rejistara ya go ngwadiša ditlabakelo tša baeti tše di kgewhilwego-----	125
42.	Kgopelo ya go ngwadiša ditlabakelo tša baeti tše di kgethilwego-----	125
43.	Ditshwanelo tša rejistrara ka kamano le ditlabakelo tša baeti tše di kgethilwego-----	125
44.	Tlhagišo ya setifikeiti sa ngwadišo -----	126
45.	Phatlalatšo ya lenaneo la ditlabakelo tša baeti tše di kgethilwego-----	126
46.	Khanselo/Phumolo ya ngwadišo ya ditlabakelo tša baeti tše di kgethilwego-----	126
47.	Paka ya maatla a ngwadišo le kelo -----	126
48.	Go abela barulaganyamaeto, bahlahlamaeto	126

le barwalabasepedi-----	127
49. Kgopelo ya go fiwa goba mpshafatšo ya laesense -----	127
50. Laesense ya morulaganyamaeto, mohlahlamaeto goba morwalabasepedi-----	128
51. Khanselo/Phumolo ya laesense ya morulaganyamaeto mohlahlamaeto goba morwalabasepedi -----	128
52. Setifikheišene le Tiišeletšo ya baabathutantšo-----	129

KGAOLO 4**PEWO YA REJISTRARA, BOPILETŠO, TLHAHLOBO LE TEFO YA
LEKGETHO**

53. Pewo ya rejistrara le mohlankedidi yo a kgethilwego-----	129
54. Boipiletšo kgahlanong le sepheho sa rejistrara -----	129
55. Tlhahlobo ya lefelo -----	130
56. Tefo ya lekgetho -----	131

KGAOLO 5**DIPEAKANYETŠO TŠA KAKARETŠO**

57. Melato le dikotlo-----	132
58. Tefelo ya merero/diprotšeke -----	133
59. Melawana -----	133
60. Thaettelekopana le Tšomiso -----	134

KGAOLO 1**TLHATHOLLO LE TIRIŠO YA MOLAO**

Ditlhalošišo e tsa se leloko la Bolaodi le le beilwego go ya ka Karolo 5(1);

1 Ka mo molaong wokhwi, ka ntle le ge kamano e laetša ka tsela ye ningwe -

“Bolaodi” bo ra Bolaodi bja Boeti bja Gauteng bjo bo ukangwego karolong ya 3;

“Modulasetulo” e ra modulasetulo wa Bolaodi;

“Mohlankedimogolo” e ra Mohlankedimogolo wa Bolaodi yo a beilwego go ya ka Karolo 14(1) (a);

“mafelo a khonferense” e ra mafelo ao mo kgwebong a abago dinolofatši tša go swarela dikhonferense, dikhonkrese, dikopano, disimphosiamo, disseminare le dipontšho, mme e sego karolo ya hotele goba mafelo a mangwe a madulo;

“Morwalabasepedi” e ra motho goba kgwebo ye e abago thwalo ya basepedi;

“mohlankedi yo a kgethilwego” e ra motho yo a beilwego go ya ka Karolo 52 (1) (b) ya Molao wokhwi;

“Setlabakelo se se kgethilwego sa baeti” e ra lefelo goba selo, seo MEC a begilego gore ke setlabakelo sa baeti go ya ka dipeelano tša Karolo 39(1);

“Khuduthamaga” e ra Khuduthamaga ya Profense;

“Sekhwama” se ra Sekhwamatlhabollo sa Boeti;

“Kuranta ya Mmušo” e ra kuranta ya mmušo ya profense;

“hotele”, lefelo leo ka go lona goba go lona kgwebo ya go aba madulo le dijo ka tefelo e lego gona goba go ikemišeditšwego go e direla gona, mme e akaretša le mothele, ngwako wa baeng goba seketswanahotele;

“leloko la kgauswi la lapa” e ra motswadi, ngwana, morwarra goba kgaetšedi;

“lekgetho” e ra lekgetho le le beilwego go ya ka Karolo 56(1);

“leloko” e ra leloko la Bolaodi le le beilwego go ya ka Karolo 5(1);

"MEC/Mokhuduthamaga" e ra leloko la Khuduthamaga le le ikarabelago go merero ya boeti ka Profenseng;

"mafelo a mangwe a madulo" e ra mafelo ao a abelago batho madulo a go lefelwa, a na le dijo goba a se natšo mme e akaretša seketswana goba seketswanangwako, marobalo le difihlolo, kharabane le phaka ya go kampa, ngwakopolase, ngwako wa baeti, hostele le mokutwana wa marobalo;

"Profense" e ra Profense ya Gauteng;

"kgethilwego" e ra melawana ye e kgethilwego mme 'kgetha' e na le tlhathollo ya go swana;

"Rejistrara" e ra motho yo a beilwego goba Rejistrara wa dihotele, mafelo a mangwe a madulo, Direstorante le Ditlabakelo tše di Kgethilwego tša Baeti go ya ka dipeelano tša Karolo 53(1)(a);

"melawana" e ra melawana ye e dirilwego ka fase ga Molao wo;

"restorante" e ra lefelo leo le agilwego ka peakanyo mme le dirišetšwago kabo ya dijo ka bontši, ka go lefelwa, gore batho ba jele gona lefelong leo.

"mogatša" e akaretša motho yo leloko le dulago naye bjalo ka ge nke ba nyalane goba yoo leloko le dulago naye ka mehla.

"mohlahlimaeto" e ra motho mang le mang yoo a fiwago moputso, e ka ba wa tšelete goba se sengwe, mme a felegetšago motho mang le mang yo a sepelago goba a etelago lefelo lefe goba lefe ka gare ga Profense mme a fago motho wa mohuta woo tshedimošo goba a swayaswayago mabapi le taba efe le efe; mme

"morulaganyamaeto" ke motho mang le mang yo a rulaganyago kgwebo ya go beakanya maeto a mehutahuta a diriša dinamelwa tša gagwe goba tše di amogetšwego ke morulaganyi, sefofane le dinolofatši tše dingwe;

Tirišo ya Molao.

2. Molao wokhwi o swanetše go šoma Profense ka moka.

KGAOLO 2**BOLAODI BJA BOETI BJA GAUTENG****Tlhomo ya Bolaodi**

3. **Katsela ye mokhwi go hlomiwa mothomolaong yo a bitšwago Bolaodi bja Boeti bja Gauteng.**

Maatla le ditshwanelo tša Bolaodi

4. **Bolaodi bo swanetše go ba le maatla le ditshwanelo godimo ga maatla goba tshwanelo ye e peakanyetšwago ka go Molao wokhwi:**

- (1) go hlatloša, go godiša le go hlabolla boeti;
- (2) go hlohleletša tšwetšopele ye e swarelelagu, peakanyetšo le kaonafatšo ya ditlabakelo tša boeti le, go hloma ditšupatšela tša kgolo ya boeti;
- (3) go nyakiša le go dira ditigelo go Mokhuduthamaga/MEC malebana le taba efe le efe ye e amanago le tlhatloša, tšwetšopele goba papašo ya boeti ka Profenseng;
- (4) go thoma le go diriša ditiragatšo le ditiro setšhabeng le ditšhabatšhabeng tše nepo ya tšona e lego go gogela baeti ka Profenseng;

(5) go godiša distrathetši tša kgwebo tša dikgwebišano le tiro efe le efe ya tšhomisano le mebušo ye mengwe, makala a praebete le a boikemanoši;

(6) go lomaganya, eletša, thekga le go šomišana le mekgatlo goba ditheo ao a nepilego go godiša le go hlabolla boeti; le

(7) go ba maloko a le go hlohlomiša boleloko go mekgatlo ya kgodišo ya boeti le papatšo;

Molaotheo wa Bolaodi

5. (1) Bolaodi bo swanetše go bopša bonnyane ke maloko a a sego ka fase ga seswai
 (8) le maloko a sa fetego lesomepedi a a kgethilwego ke Mokhuduthamaga/MEC.

- (2) Mokhuduthamaga/MEC a ka no rerišana le maloko a khuduthamaga ya profense ge a bea maloko a.
- (3) Mokhuduthamaga/MEC o swanetše go bea leloko le tee go ba modulasetulo mola le lengwe e eba motlatšamodulasetulo.
- (4) Ge modulasetulo a se gona goba a sa kgone go phetha wo mongwe wa mehola ya gagwe bjalo ka modulasetulo, motlatšamodulasetulo wa Bolaodi o swanetše go šoma bjalo ka modulasetulo.
- (5) Ge bobedi, modulasetulo le motlatšamodulasetulo ba Bolaodi ba se gona goba ba šitwa ke go phethagaša wo mongwe wa mehola ya modulasetulo, maloko ao a lego gona a swanetše go kgetha motho gare ga ona gore a šome bjalo ka modulasetulo.
- (6) Ge le leloko le e šego modulašetulo goba motlatšamodulašetulo, le kgopela, Mokhuduthamaga/MEC a ka bea leloko la tlhatlolano go šoma legatong la leloko leo ge a se gona kopanong ya bolaodi bjo bjalo.
- (7) Mokhuduthamaga/MEC a ka -
 (a) goeletša kgetho ka go phatlalatša tsebišo ka Kuranteng ya Mmušo ya Profense le ka go dikuranta tše nne tše di phatlalatšwago ka profenseng ge go bewa maloko;
 (b) mo tsebišong ye e ukangwego ka go temana ya (a), a bea tšatšikgwedi leo ka lona batho bao ba ratago go ganetša pewo tše ba kago dira bjalo; mme
 (c) ba ela hloko ditshwayatshwayo goba dikganano tše di amogetšwego mabapi le dipewo tše di šišintšwego.
- (8) Mokhuduthamaga/MEC a ka phatlalatša lenaneo la maloko ka tsebišo ka go Kuranta ya Mmušo ya Profense le ka Kuranteng e tee ye e phatlalatšwagpo ka Profenseng sebakeng sa kgwedi e tee (1) morago ga pewo ya ona.
- (9) Leloko le swanetše go -
 (a) khwalifaya bjalo ka motho yo a itekanetšego wa mmakgone; mme a
 (b) be le tsebo, boithutelo goba boitsebelo mo lekaleng la tšwetršopele le kgodišo ya boeti.

Ditlamo tša modiro

6. (1) Leloko, go ena le motho yo a šomelago Mmušo, le šwanetše go bewa go ya ka ditlamo tša modiro tše di tlogó beakanywa ke Mokhuduthamaga/MEC.

- (2) Leloko le ka lefša putselo le diputseletšo tše di tlogo bewa ke Mokhuduthamaga/MEC, ka tumelelano le leloko la khuduthamaga le le ikarabelago mererong ya ditšelete ya Profense.

Pakatiro

7. (1) Leloko le swanetše, ka taolo ya dipeakanyetšo tša dikarolo 8 le 10, le šome lebaka le le beilwego ke MEC nakong ya ge a bewa, eupša le se fete nywaga ye meraro, mme le ka kgethwa gape mafelelong a pakatiro yeo.
- (2) Ge ka lebaka lefe goba lefe maemo a leloko a ka bulega, Mokhuduthamaga/MEC a ka bea motho yo mongwe le yo mongwe bjalo ka leloko mo karolong ye e šetšego ya pakatiro yeo e amegago.

Tlogelo ya modiro.

8. (1) Leloko goba lelokotlhatalolano le swanetše go tlogela modiro wa lona ge -
- (a) le leboga modiro;
 - (b) le lahlegelwa ke tlhaloganyo;
 - (c) le bonwe molato wa bosenyi mme le ahloletšwe kgolego ka ntle le go fiwa kgetho ya faene; le ge
 - (d) a eba leloko la Palamente, Theramelao ya Profense, Khansele ya Mmasepala, Kabinete goba Khuduthamaga.
 - (e) a sa tle dikopanong tša go feta tše pedi tša go latelana ka ntle le lebaka le le kwalago.
- (2) Mokhuduthamaga, nako ye nngwe le ye nngwe, a ka fedisa pakatiro ya leloko, ge kgopolong ya MEC, go na le mabaka a a lekanego a go mo lebogiša modiro; Ge fela leloko leo le filwe sebaka sa gop ipobola.

Kutollo ya lešokotšo

9. Leloko le swanetše go utolla ka botlalo mašokotšo ka ga ditšelete ka tsela ya go loka goba ya tharedi -
- (1) leloko, le le angwago goba mogatšagwe, leloko la kgauswi la lapa, mogwebišani goba modirišani goba mothwadi, ntle le Mmušo; le
 - (2) mogwebišani goba modirišani goba mothwadi, ntle le Mmušo, a gagwe goba a

mogatšagwe; a a nago nawo ka go tšwetšopele ya boeti.

Sephetho sa thulano ya dikgahlego

10. (1) Leloko ga le a swanela go bounta, go tsenela goba ka tsela ye nngwe go kgatha tema mo ditshepedišong kopanong efe le efe goba pitšong ya Bolaodi ge, a na le kamano le taba efe le efe ye e lego pele ga Bolaodi -
- (a) yena goba leloko la lapa la gagwe, modirišani goba mogwebišani e le molaodi, leloko goba modirišani wa, goba a na le maemo a taolo goba dikgahlego tša tšelete goba tše dingwe, kgwebo ya mokgopedi wa laesense, ngwadišo, setifikheišene, kelo goba tokelo efe le efe goba tshwanbelo ye e tlogo fiwa Bolaodi.
 - (b) yena a na le kgahlego yeo e mo thibelago go phethagatša mehola ya gagwe bjalo ka leloko ka tsela ya toka, ya go hloka tshekamelo ya maswanedi.
 - (c) legatong lefe goba lefe nakong ya moela wa doitshepedišo pele ga Bolaodi, go ka bonala gore leloko le na le goba le ka ba le na le kgahlego ye e ukangwego karolwaneng yekhwii.
 - (d) leloko leo le swanetše go tšwa ka kopanong goba tshekong go dira gore maloko a mangwe a a šetšego a kgone go sekaseka taba ye le go bona ge e le gore leloko le thibetšwe go kgatha tema ditshepedišong kopanong ye bjalo goba tshekong ka lebaka la thulano ya dikgahlego; le
 - (e) sephetho se se tšerwego ke maloko a a šetšego mabapi le kgato ye, se swanetše go rekotwa ka metsotsong ya ditherišano.
- (2) Ge leloko lefe le lefe le šitwa ke go utolla kgahlego efe le efe ye e ukangwego ka go karolwana (1) goba ge le na le kgahlego ye bjalo, le tsenela goba ka tsela ye nngwe le kgatha tema ditherišanong mo kopanong goba tshekong yeo, gona ditherišano tša mohuta wo di tšewa gore di foloditše. Ge fela go se sephetho go ya ka dipeelano tša Molao wokhwi se se amanago le kabu, phetošo, mpshafatšo, tšhutišo, go fediša goba go amoga laesense, ngwadišo, setifikheišene goba kelo di fedišwa ka tsela yeo.

Kganelo ya maloko

11. Go se be le motho yo a kgethwago go ba leloko ge motho yoo e

- (1) le motšhoni yo a sego a tšošološwa;
- (2) se moagi wa Afrika-Borwa; mme

(3) e le mosenyi yo a lemetšego.

(4) le yo a sa felelago tlhaloganyong.

Dikopano tša Bolaodi

12. (1) Kopano ya mathomo ya bolaodi e swanetše go swarwa nakong le lefelong lewo le tlogo bewa ke Modulasetulo, mme morago ga moo Bolaodi bo swanetše go kopana dinakong le mafelong ao bo kago phethagatša mediro ya bjona.

(2) Modulasetulo nako le nako, ka tsebišo, a ka bitša kopano yeo e sego ya mehleng ya Bolaodi gore e swarwe ka nako le lefelong leo a tlogo le bea.

(3) Go se be le sephetho se se tšewago mabapi le kabø, phetho, mpshafatšo, tšhutišo, kgaotšo goba phumolo ya laesense, ngwadišo, setifikheišene goba tlhopho mo kopanong ye e sego ya mehleng.

(4) Khoramo ya kopano ya Bolaodi e swanetše go ba bontši bja maloko.

(5) Leloko le lengvwe le lengwe le le lego gona le swanetše go ba le bouto e tee mo tabeng efe le efe ye e lego pele ga Bolaodi, mme ge go ka ba le tekatekano ya dibouto Modulasetulo o swanetše go ba le, godimo ga bouto ya ditherišano, bouto ya makgaolane.

(6) Mohlankedimogolo a ka tsenela le go kgatha tema kopanong efe le efe ya Bolaodi, eupša a se ke a bouta.

(7) Bolaodi bo swanetše go ba le metsotso ya dikopano tša bjona.

Dikomti tša Bolaodi

13. (1) (a) Bolaodi bo ka bea maloko a a sego ka fase ga a mabedi, mme Mohlankedimogolo bjalo ka Komitiphethišo ya Bolaodi, yeo e swanetšego go phethagatša mehola ye mebjalo ya Bolaodi go ya ka moo e bonago go nyakega.

(b) Ka ntle le ge Bolaodi bo laela ka tsela ye nngwe, Komitiphethišo ga ya swanela go ba le maatla a go beela ka thoko goba go fetoša sephetho sefe le sefe sa Bolaodi.

(c) Tiro efe le efe ye e phethilwego goba sephetho se se tšerwego ke Komitiphethišo se swanetše go ba sa maatla le go šoma ka ntle le ge se beetšwe ka thoko goba se fetotšwe ke Bolaodi.

(2) (a) Bolaodi bo ka hloma Komiti e tee goba go feta go nyakišiša taba ye e

tlišitšwego pele ga yona ke Bolaodi le go bega ka ga taba yeo mme -

(i) komiti ye bjalo e swanetše go bopša ke maloko a itšego a Bolaodi goba batho ba ba itšego, go ya ka kgahlego ya Bolaodi, mme Bolaodi bo ka phatlalatša goba bja hlama komiti ye bjalo lefsa.

(ii) Bolaodi bo swanetše go kgetha leloko goba modulasetulo wa komiti ye bjalo.

(3) Leloko la komiti, ka ntle le mohlankedwa setšhaba, le swanetše go amogela putselo le putseletšo, tše Bolaodi ka therišano le Mokhuduthamaga/MEC bo tlogo di bea.

Stafo sa Bolaodi

14. (1) Bolaodi bo swanetše -

- (a) ka tumelelano le MEC, bo kgethe Mohlankedimogolo.
- (b) go bea batho ba tlogo go e thuša mo go phethagatšeng ga ditshwanelo tša bjona le go diriša maatla a bjona.

Thušo ya setsebi le thušo ye nngwe

15. (1) Bolaodi bo ka no bea ditsebi tše bjalo goba batho ba bangwe moo bo bonago go lebane, ka nepo ya gore bo thušwe, mo tirišong ya maatla a bjona le phethagatšong ya ditshwanelo tša bjona;

(2) Bolaodi bo swanetše go bea -

(a) dipeelano le ditlamotša modiro;

(b) putselo le putseletšo; le

© mohuta wa modiro woo o tlogo phethwa goba tirelo yeo e tlogo dirwa, tša setsebi le batho ba bangwe ba ba ukangwego karolwaneng ya (1)

Kabo ya maatla le kgethelo ya ditshwanelo

16. (1) Bolaopdi bo ka -

(a) abela maatla le ditshwanelo tše bo di filwego ka tlase ga Molao wokhwi, leloko le lengwe le lengwe la bolaodi, Mohlankedimogolo goba komiti.

(b) kgethela ye nngwe le ye nngwe ya ditshwanelo tša bjona go ya ka dipeelano tša Molao wokhwi, batho bao ba ukangwego ka go temana (a)

(2) Mohlankedimogolo a ka, go pre dipeakanmyetšo tša Molao wokhwi di phethege ka nepagalo -

(a) aba maatla a a filwego ke Molao wokhwi; mme

(b) kgethela leloko le lengwe le lengwe la stafo tshwanelo ye a e filwego ke swanetše go Molao wokhwi, ka ntlej le tshwanelo ya go ba mohlankedi wa mohlankedi sa tshupatlotlo.

(3) Motho yo a abetšwego maatla goba a kgethetšwego tshwanelo, o swanetše go diriša maatla goba a phethagatše tshwanelo ye ka taolo ya dipeelano tše Bolaodi bo bonago di lebane.

(4) Kabo goba kgethelo -

(a) e swanetše go ngwalwa;

(b) ga e thibele Bolaodi goba Mohlankedimogolo go diriša maatla akhwi goba go phethagatše tshwanelo ye ; mme

© nako ye nngwe le ye nngwe a ka gogelwa morago ka tsela ya go ngwalwa ke motho yo a e filego.

Sekhwamathabollo sa Boeti

17. (1) Mokhwi ka tsela yeo, go hlongwa sekhwama se se bitšwago Sekhwmatlhabollo sa Boeti.

(2) Tshepedišo le taolo ya Sekhwama e swanetše, ka taolo ya dipeakanyetšo tša Molao wokhwi, e bewe godimo ga Bolaodi.

(3) Selkhwama se swanetše go bopša bonnyane ka diphesente tše sego ka fase ga tše masomeseswai (80%) tša makgetho ka moka a kgobokeditšwego go ya ka dipeelano tša Molao wokhwi mme a abilwe ke Sešeotlotlo ša Profense.

(4) Ka taolo ya Molao wokhwi, bonnyane diphesente tše masometharotharo (33%) tša sekhwama, di swanetše go šomišetšwa tlhabollo goba maatlafatšo ya batho goba ditšhaba tše di bego di šaparegešitšwe.

Dikhwama tša Bolaodi

18. (1) Dikhwama tša bolaodi di swanetše go bopša ke -

(a) tšelete ye e abilwego ke Theramelao ya Profense; le

(b) tšhelete ye Bolaodi bo e hwetšago go tšwa mothopong ofe le ofe wo o laoletšwego ke Mokhuduthamaga/MEC, go akaretšwa le ditefo tše di lefšago go ya ka dipeelano tša Molao wokhwi.

(2) Malebana le kabelo ye e ukangwego ka go karolwana (1) (a), Bolaodi bo swanetše go hlagiša go Mokhuduthamaga/MEC dikakanyetšo tša ditshenyegelo le ditseno tše dingwe malebana le ditaba tša tekanyetšo ya tšhelete, go akaretšwa peakanyo ya kgwebo, go ya ka moo MEC goba Sešegotlotlo sa Profense se ka nyakago.

(3) Bolaodi -

- (a) bo swanetše go bula akhaonto le panka yeo e ngwadišitšwego e kgethilwego ke bjona mme bo swanetše go tsenya ditšhelete ka moka tše di ukangwego ka go karolwana (1).
- (b) bo ka boloka tšhelete ye e tsentšwego go ya ka dipeelano tša temanyana (a) yeo e sa tlogo šomišwa kgauswinyana.

Boikarabelo bja Sešupatlotlo

- 19 (1) Mohlankedimogolo o swanetše go ba mohlankedi wa sešupatlotlo sa Bolaodi.
- (2) Ngwaga wa ditšhelete wa Bolaodi o swanetše go felela ka la 31 Matšhe ngwaga ka ngwaga.
- (3) Mohlankedi wa sešupatlotlo o swanetše go -
- (a) swara direkoto tše di feletšego tša maleba tša ditšhelete ka moka tše di amogetšwego goba di dirišitšwego, le matlotlo, dikoloto le dipapatšišano tša ditšhelete tša Bolaodi;
 - (b) go latela ditsela tša tshwaropukutlotlo le sešupatlotlo; ditaelo le dinyakego tša Sešegotlotlo sa Profense;
 - © ka pelapela ka mo go kgonegago, eupša e sego morago ga dikgwedi tše tharo ge ngwagwa wa ditšhelete wo o ukangwego go karolwana (2) o fedile, go lokiša ditatamente tša ditšhelete tša ngwaga tše di laetšago, ka ditaba ka bottlalo, tšhelete ye e amogetšwego le ditshenyagalelo tše di bilego gona tša Bolaodi, gammogo le matlotlo le dikoloto tša bjona mafelelong a ngwaga wa ditšhelete.
- (4) Mohlakišikakaretšo o swanetše go hlakiša dipuku, ditatamenmte tša lenaneotekanyetšo la ditšhelete le direkoto tše dingwe tša Bolaodi ka ngwaga, ka ntle ga ge go laetšwe ka tsela ye nngwe ke Mokhuduthamaga/MEC.

Pego ya Ngwaga

20. (1) Ka pelapela ka moo go kgonegago morago ga mafelelo a ngwaga wa ditšelete, eupša e sego ka morago ga dikgwedi tše tharo, Bolaodi bo swanetše go hlagiša go Mokhuduthamaga/MEC pego ya ngwaga malebana le ditiro tša Bolaodi ngwageng wo o fetilego wa ditšelete.
- (2) Mokhuduthamaga/MEC o swanetše go hlagiša pego ye pele ga Theramelao ya Profense, ka pelapela ka mo go kgonegago.

KGAOLO 3**NGWADIŠO, SETIFIKHEIŠENE, TIIŠELETŠO LE KABOLAENSENSE****Ngwadišo le kelo ya dihotele, mafelo a mangwe a madulo le mafelo a dikhonferense**

21. (1) Rejistrara o swanetše go swara rejistara ya -
- (a) go ngwadišwa ga dihotele;
 - (b) go ngwadišwa ga mafelo a mangwe a madulo.
- © Ngwadišo ya mafelo a dikhonferense; mme Mohlankedimogolo o swanetše go amogela foromo ye bjalo.
- (2) Rejistrara o swanetše gore nako le nako ka tsela yeo a kago kgona a phatlalatše lenaneo la dihotele tše di ngwadišitšwego, mafelo a mangwe a madulo le mafelo a dikhonferense a a ukangwego mo go karolwana (1).

Peakanyo ya dinyako tša ngwadišo

- 22 (1) Bolaodi bo swanetše go beakanya -
- (a) dinyako tše di swanetšego go kgotsofatšwa pele ga ge hotele le mafelo a mangwe a madulo, le mafelo a dikhonferense a ka ngwadišwa; le
 - (b) dihlopha le maemo a dihotele tše di ngwadišitšwego le dinyako tše di

swanetšego go kgotsofatšwa, pele ga ge hotele ye e ngwadišitšwego e ka khwalifaela sehlopha goba maemo a a itšego.

- (2) Bolaodi bo swanetše go eletša Mokhuduthamaga/MEC malebana le peakanyo ya dinyako tsa ngwadišo ya dihotele, mafelo a mangwe a madulo le mafelo a dikhonferense, le ditlhopho le maemo a tšona.

Tsebišo ya Mokhuduthamaga/MEC

23. (1) Mokhuduthamaga a ka -

(a) goeletša ka tsebišo ka go kuranta ya mmušo, le ka keletšo ya Bolaodi, gore sehlopha se se šupilwego sa dihotele, mafelo a mangwe a madulo goba mafelo a dikhonferense ka tsebišong yeo a swanetše go ngwadišwa -

- (i) mo tšatšikgweding le le beilwego ka tsebišong; le gona
- (ii) lebakeng la dikgwedi tše tshelelaggo go tloga tšatšikgweding la phatlalatšo.

(b) fetoša goba a phumola ka tsebišo ka go kuranta ya mmušo tsebišo efe le efe ye e dirilwego go ya ka temana ya (a).

(2) Ga go motho yo a swanetšego go sepediša kgwebo ya hotele, lefelo le lengwe la madulo goba lefelo la khonferense la sehlopha se se šupilwego ka go tsebišo ye e ukangwego ka go karolwana (1), morago ga tšatšikgwedi le le beetšwego ngwadišo ka go tsebišo le šetše le fetile, ge e se fela ge hotele e šetše e ngwadišitšwe.

Kgopelo ya go ngwadiša

24. (1) Motho yoo a sepedišago goba a ikemišeditšego go sepediša kgwebo ya hotele, lefelo le lengwe la madulo o swanetše go kgopela go Rejistrara ngwadišo ya hotele , lefelo le lengwe la madulo goba lefelo la khonferense tše bjalo.

(2) Kgopelo ye e ukangwego ka go karolwana (1) e swanetše -

- (a) go dirwa foromong ye e kgethilwego;
- (b) go pataganywa le tefo, dipolane, ditokumente le tshedimošo goba ditaba ka botlalo tše di amanago le hotele ye e lego gona goba ye e akanywago, lefelo le lengwe la madulo goba lefelo la khonferense.

Ditshwanelo tša Rejistrara

25. (1) Ka taolo ya dipeakanyetšo tša Molao wokhwí -

- (a) rejistrara a ka -

- (i) ngwadiša hotele, mafelo a mangwe a madulo goba mafelo a dikhonferense;
- (ii) gana go ngwadiša hotele, mafelo a mangwe a madulo goba lefelo la dikhonferense
- (b) hotele, mafelo a mangwe a madulo goba lefelo la dikhonferense le go šišintšwego gore le hlongwe, Rejistrara o swanetše, ge a gopola gore dinyako tše di beilwego go ya ka dipeelano tša karolo 22 (1) -
 - (i) di tla kgotsofatšwa, a ngwadiša hotele ye e ukangwago, lefelo le lengwe la madulo goba lefelo la dikhonferense;
 - (ii) di ka se kgotsofatšwe, a gana go ngwadiša hotele yeo e ukangwago, lefelo le lengwe la madulo goba lefelo la dikhonferense: Ge fela Rejistrara a ka bušetša taba ye morago gore e yo senkwa lebaka goba mabaka ao a bonago a lebane.
- (2) Ka taolo ya dipeakanyetšo tša karolwana (3), Rejistrara o swanetše, nakong ye e sa fetšego pelo, morago ga go ngwadiša hotele, a laetše maemo le sehlopha seo hotele e welago ka go sona.
- (3) Pele ga ge a ngwadiša hotele, lefelo le lengwe la madulo goba lefelo la dikhonferense, go ya ka dipeelano tša karolwana (1) goba a laetša sehlopha seo hotele ye bjalo e welago go sona goba maemo a hotele yeo go ya ka Molao wokhwi, Rejistrara -
- (a) o swanetše go hlahluba hotele yeo, lefelo le lengwe la madulo goba lefelo la dikhonferense goba a dire gore hotele, lefelo le lengwe la madulo goba lefelo la dikhonferense le hlahlobje ke bahlankedib a ba kgethilwego; mme
- (b) a ka tswetšwa dinyakišišo tše dingwe pele malebana le taba ye.

Ditlamego tša mong wa hotele ye e ngwadišitšwego

- 26 (1) Motho yo mongwe le yo mongwe yo a laolago hotele ye e ngwadišitšwego mme a tsoma go dira dikoketšo, goba diphetošo, tše di kago ama senolofatši se sa madulo, goba dinolofatši tše di fiwago batho, goba di ka amago sehlophä goba maemo a hotele ye bjalo, o swanetše -
- (i) go tsebiša Rejistrara ka go ngwala pele ga ge a thoma dikoketšo tše bjalo, goba diphetošo; mme
 - (ii) ge dikoketšo goba diphetošo di ama kago ya moago wo o lego gona, goba di ama kago ya moago wo mofsa, o swanetše go hlagiša dipolane tša koketšo goba diphetošo pele ga Rejistrara.

- (2) Motho mang le mang yo a laolago hotele ye e ngwadišitšwego o swanetše go tsebiša Rejistrara ka ga phetho ye, lebakeng la matšatši a masometharo a. phetho ya dikoketšo, goba diphetošo dife le dife tše di tsebišitšwego go ya ka dipeelano tša karolwana (1)

Tokollo go dinyako tša ngwadišo

27. (1) Le ge go se seo se fapanago le seo se lego ka Molaong, Rejistrara ge a na le mabaka a kwalago le ka tumelèlo ya Mokhuduthamaga/MEC, a ka ngwadiša hotele, lefelo le lengwe la madulo goba lefelo la dikhonferense malebana le dinyako tša ngwadišo tše di beakantšwego go ya ka dipeelano tša karolo 22(10) di se be tša kgotsofatšwa.
- (2) Rejistrara a ka khansela nako efe le efe ngwadišo ye nngwe le ye nngwe ye e dirilwego go ya ka dipeelano tša karolwana (1)
- (3) Dipeakanyetšo tša Molao wokhwi, mabapi le taetšo ya gore hotele e wela sehlopheng sefe goba kelo ya dihotele, ga se tša swanelo go šoma malebana le hotele ye e ngwadišitšwego go ya ka dipeelano tša karolwana (1).

Tlhagišo ya disetifikeiti tša ngwadišo

28. Rejistrara o swanetše go fa mokgopedi setifikeiti ya ngwadišo mo foromong yeo e kgethilwego ge a ngwadiša hotele, lefelo le lengwe la madulo goba lefelo la dikhonferense.

Go khansela ngwadišo

- 29 (1) Ge dinyako tša ngwadišo di se bē tša kgotsofatšwa, Rejistrara a ka tsebiša hotele, lefelo le lengwe la madulo goba lefelo, la dikhonferense, go kgotsofatša dinyako sebakeng sa dikgwedi tše tharo go tloga letšatšing la tsebišo, mme ge go pala o tla khansela n gwadišo yeo.
- (2) Hotele, lefelo le lengwe la madulo goba lefelo la dikhonferense, tšeо mabapi le tšona tsebišo go ya ka dipeelano tša karolwana (1) e filwego, e ka romela boipiletšo pele ga go fela ga lebaka la dikgwedi tše tharo, ka go ngwalela Rejistrara mabapi le go khanselwa ga ngwadišo ya hotele, lefelo le lengwe la madulo goba lefelo la dikhonferense le le ukangwago.
- (3) Ge, mo mafelelong a paka ya kgwedi tše tharo tše di ukangwego mo tsebišong efe le efe ye e filwego go ya ka dipeelano tša karolwana (1), goba mafelelong a paka ye e okeditšwego ke Rejistrara, mme Rejistrara a bona gore nyako ye e ukangwago ga se ya kgotsofatšwa, a ka no tsebiša go khanselwa ga ngwadišo ya hotele, lefelo le lengwe la madulo goba lefelo la dikhonferense.

Thophole Kelo ya dihotele tše di ngwadištswego

30. Nakong efe le efe morago ga go fa hotele, lefelo le lengwe la madulo, lefelo la dikhonferense, lebakal le le lekanego la boipielešo, Rejistrarab ka - (1)

(a) hlopha lefsa le go ela lefsa hotele ye e ngwadištswego, ge go ya ka oru ogwadištswego a e kgopoloy a gagwe, go na le mabaka a la lekanego a go kwala a go dira wi sita nsi bjaloga o bjalo;

(b) ge hotele ye e ngwadištswego, e le gare e fetolwa, mme kgopolong ya gagwe, e ama maemo a hotele, a ka fega kelo ya hotele, nakong ya ge diphetošo di le gare di dirwa mme a beakanya lefsa seholpha goba maemo a hotele lebakeng le le safetšego pelo.

Kgopelo ya tlphopholefsa le kelolefsa ya hotele ye e ngwadištswego

31. (1) Hotele ye nngwe le ye nngwe, ka taolo ya mabaka a mabjalo a felegetšwago ke tefo ye e ka bewago, e ka kgopela go Rejistrara ka tsela le foromo ye e beilwego gore hotele ye bjalo e hlopšhe le go elwa lefsa.
 (2) Rejistrara o swanetše go tsinkela kgopelo ye, mme a fe ſephetho mme a tše kgato yeo a bonago e lebane.

Ngwadišo ya Diresorante

32 (1) Mokhuduthamaga/MEC, ka keletšo ya Bolaodi, ka tsebišo ka go Kuranta ya Mmušo a ka -

(a) kgetha rejistara ya ngwadišo ya restorante; mme

(b) beakanya dinyako tše ngwadišo ya restorante.

(2) Mokhuduthamaga/MEC a ka fedisa, a fotoša goba a khansela tsebišo efe le efe ye e dirilwego go ya ka karolwana (1).

Rejistara ya direstorante

33. Ka pelapela ka mo go kgonegago morago ga phatlatalšo ya tsebišo efe le efe go ya ka dipeelano tše karolo 30(1), Rejistrara o swanetše go hloma le go swara mo foromong ye e amogetšwego ke Mohlankedimogolo, rejistara ya ngwadišo ya direstorante.

Tsebišo ya ngwadišo ya direstorante

34. (1) Mokhuduthamaga/MEC ka tsebišo ka go Kuranta ya Mmušo, a ka goeletša gore go tloga tšatšikgweding leo le tlogo bewa ka go tsebišo, e sego pele ga dikgwedi

tše tshelelago go tloga tšatšikgweding la phatlalatšo ya tsebišo, direstorante tša maemo ao a laeditšwego ka go tsebišo go nyakega gore di ngwadišwe.

- (2) Mokhuduthamaga/MEC ka tsebišo ka go Kuranta ya Mmušo, a ka fetoša goba a fediša tsebišo efe le efe, ye e dirilwego go ya ka dipeelano tša karolwana (1)
- (3) Go se be le motho yoo a sepedišago restorante ya maemo a a laeditšwego mo tsebišong morago ga go fela ga tšatšikgwedi le le beetšwego ngwadišo, ka ntle le ge restorante yeo e ngwadišitšwe.

Kgopelo ya restorante

- 35 (1) Motho mang le mang yo a sepedišago goba a ratago go sepediša kgwebo ya restorante, a ka kgopela go Rejistrara gore a ngwadiše restorante yeo: Ge fela a kgotsofatša dipeakanyetšo tša karolo 32(1).
- (2) Kgopelo ye e ukangwego ka go karolwana (1) e swanetše go -
- (a) dirwa mo foromong yeo e kgethilwego; mme
 - (b) e pataganywe le tefo ye e beilwego, dipolane, ditokumente le tshedimošo goba ditaba tše dingwe tše di amanago le restorante goba restorante ye e ukangwago.

Ditshwanelo tša rejistrara malebana le ngwadišo ya direstorante

36. (1) Rejistrara ka taolo ya dipeakanyetšo tša karolwana (2) -
- (a) ge a gopola gore dinyako tša ngwadišo tše di beilwego go ya ka dipeelano tša karolo 32(1) -
 - (i) di kgotsofaditšwe goba di tla kgotsofatšwa, a ka ngwadiša restorante;
 - (ii) ga se tša kgotsofatšwa goba di ka se kgotsofatšwe, a ka gana go ngwadiša restorante. Ge e se fela ge rejistrara a ka bušetša taba ye morago gore e yo senkwa gape lebaka le a tlogo le bea.
- (2) Rejistrara, pele ga ge a ngwadiša restorante go ya ka dipeelano tša karolwana (1)
- (a) o swanetše go hlahloba restorante goba a dire gore e hlahlobje ke mohlankedidi yo a kgethilwego.
 - (b) a ka kgopela pego go mohlankedidi wa tša maphelo;
 - © a ka dira dinyakišišo tše dingwe gape mabapi le taba ye.

- (3) Restorante yeo e agilwego ka lefelong la hotele e ka ngwadišwa go ya ka dipeelano tša karolwana (1) go sa lebelelwe ngwadišo efe goba efe goba kelo ya hotele go ya ka moo go akantšwego ka go Molao wokhwi.

Tlhagišo ya disetifikeiti tša ngwadišo tša direstorante

37. (1) Rejistrara e ka fa motho yo a sepedišago restorante setifikeiti sa ngwadišo mo go foromo ye e kgethetšwego sekhwi.

- (2) Ge restorante efe le efe e sa hlwe e ngwadišitšwe goba e emišitše modiro, motho yoo a bego a sepediša restorante ye bjalo, o swanetše go gomišetša setifikeiti sa ngwadišo go Rejistrara ka bjako.

Phatlalatšo ya lenaneo la direstorante tše di ngwadišitšwego

- 38 Rejistrara o swanetše go phatlalatša nako le nako ka tsela yeo a ka bonago, lenaneo la direstorante tše di ngwadišitšwego gammogo le ditaba tše a ka di beakanyago.

Khanselo/Phumolo ya ngwadišo

- 39 (1) Ge dinyako tša ngwadišo di se be tša kgotsofatswa, rejistrara a ka tsebiša motho yo a sepedišago kgwebo ya restorante go kgotsofatsa dinyako lebakeng la dikgwedi tše tharo go tloga tšatšikgweding la tše, mme ge go pala a ka khansela ngwadišo.

- (2) Motho yo a sepedišago kgwebo ya restorante, yeo go tsebišitšwego ka ga yona go ya ka dipeelano tša karolwana (1), a ka tšweletša boipiletšo pele ga go feta ga lebaka la dikgwedi tše tharo ka go ngwalela Rejistrara malebana le khanselo ya ngwadišo ya restorante ye e ukangwago.

- (3) Ge, morago ga go feta ga lebaka la dikgwedi tše tharo le le ukangwego mo tsebišong, goba ge go fela lebaka lefe le lefe la koketšo le le filwego ke Rejistrara, mme Rejistrara a lemoga gore nyako yeo e uakangwego ga se ya kgotsofatswa, a ka khansela ngwadišo ya restorante mme fela o swanetše go tsebiša motho yoo a sepedišago kgwebo yeo ya restorante.

Ngwadišo ya ditlabakelo tša baeti tše di kgethilwego

- 40 (1) Mokhuduthamaga/MEC, ka tsebišo ka kuranteng ya Mmušo a ka -

- (a) goeletša gore go tloga ka tšatšikgwedi le le tlogo bewa ka tsebišong, le le sego pele ga dikgwedi tše di tshelago go tloga tšatšikgweding la phatlalatšo ya tsebišo, lefelo lefe le lefe goba maemo a lona, tše a kgopoloya gagwe, di fago setlabakelo go baeti, go ba setlabakelo se se kgethilwego sa baeti;

- (b) beakanya dinyako tše di swanetšego go kgotsofatšwa, pele ga ge setlabelo sefe le sefe se se kgethilwego go ba sa baeti se ka ngwadišwa.
- (2) Mokhuduthamaga/MEC ka tsebišo ka kuranteng ya Mmušo a ka fediša, a fotoša goba a khansela tsebišo yeo e dirilwego go ya ka dipeelanditša karolwana (1).
- (3) Ga go motho yo a swanetšego go sepediša goba go šomiša setlabakelo sa baeti se se kgethilwego ge e se ge še ngwadišitšwe.

Rejistara ya go ngwadiša ditlabakelo tša baeti tše di kgethilwego.

41. Rejistrara o swanetše, ka pelapela morago ga phatlalatšo ya tsebišo ye nngwe le ye nngwe ka go karolo 40(1), go hloma le go swara ka foromong ye e amogetšwego ke Molaodimogolo, rejistara ya ngwadišo ya ditlabakelo tše di kgethilwego tša baeti.

Kgopelo ya go ngwadiša ditlabakelo tša baeti tše di kgethilwego

42. (1) Motho ofe le ofe yo a sepedišago goba a šomišago goba a ikemišeditšego go sepediša setlabakelo sa baeti se se kgethilwego, a ka kgoiela go Rejistrara gore a ngwadiše setlabakelo se se kgethilwego sekhwi sa baeti.
- (2) Kgopelo ye e ukangwego ka go karolwana (1) e swanetše go -
 - (a) dirwa ka tsela'ye e kgethilwego;
 - (b) pataganywa le tefo ye e beilwego, dipolane; ditokumente le tshedimošo goba ditaba tše dingwe ka bottalo tše di amanago le setlabakelo sa baeti še se kgethilwego.

Ditshwanelo tša rejistrara ka kamano le ditlabakelo tša baeti tše di kgethilwego

43. (1) Ka taolo ya dipeakanyesho tša karolwana (2), Rejistrara o swanetšwe, ge kgopolong ya gagwe dinyako tša ngwadišo ya ditlabakelo tša baeti tše di kgethilwego-
 - (a) di kgotsofaditšwe goba di tlo kgotsofatšwa go ngwadišwa setlabakelo sa baeti se se kgethilwego goba se akantswego;
 - (b) di še tša kgotšofatšwa goba di ka se tsoge di kgotsofaditšwe, a gana go ngwadiša setlabakelo sa baeti se se kgethilwego goba se akantswego: Ge e se fela ge Rejistrara a ka bušetša taba ye morago gore e tsinkelwe lebaka le a kago le bea.
- (2) Pele ga ge a ngwadiša setlabakelo sa baeti se se kgethilwego, Rejistrara -
 - (a) o swanetše go hlahloba restorante goba a dire gore e hlahlobje ke mohlankedidi yo a kgethilwego;

- (b) a ka kgopela pego go mohlankedi wa tša maphelo;
- (c) a ka dira dinyakišo tše dingwe gape mabapi le taba yeo.

Thagišo ya setifikeiti sa ngwadišo

44. (1) Rejistrara o swanetše go fa mothò yoo a sepedišago goba a šomišago setlabakelo sa baeti se se kgethilwego, setefikeiti sa ngwadišo mo foromong yeo e kgethilwego.

- (2) Ge setlabakelo sa baeti se se kgethilwego se ka felelwa ke ngwadišo sa se hlwe se šoma, mothò yoo a bego a sepediša goba a šomiša setlabakelo sekhwi sa baeti se se kgethilwego, o swanetše go bušetša setifikeiti sa ngwadišo go Rejistrara ka bjako.

Phatlalatšo ya lenaneo la ditlabakelo tša baeti tše di kgethilwego

45. Rejistrara o swanetše go phatlalatša nako le nako ka tsela ye a tlogo go e beakanya lenaneong la ditlabakelo tša baeti tše di kgethilwego gammogo le ditaba ka bottalo tša ditlabakelo tša baeti tše di kgethilwego tše bjalo.

Khanselo/Phumolo ya ngwadišo ya ditlabakelo tša baeti tše di kgethilwego

- 46 (1) Ge dinyako tša ngwadišo di se be tša kgotsofatšwa, Rejistrara a ka tsebiša setlabakelo sa baeti go kgotsofatša dinyako lebakeng la dikgwedi tše tharo go tloga go tšatšikgwedi la tsebišo, mme ge go pala a ka khansela/phumola ngwadišo ya setlabakelo seo sa baeti se kgethilwego.
- (2) Setlabakelo sa baeti se se kgethilwego seo tsebišo e dirilwego malebana le sona, se ka dira boipiletšo pele ga go fela ga lebaka la kgwedi tše tharo, ka go ngwalela Rejistrara mabapi le khanselo/phumolo ye e akantšwego ya ngwadišo ya setlabakelo sekhwi sa baeti se kgethilwego.
- (3) Ge, lebaka la dikgwedi tše tharo le le ukangwego ka go tsebišo ye e dirilwego go ya ka dipeelano tša karolwana (1) se feta, goba go feta koketšo ya lebaka leo le filwego ke Rejistrara, mme Rejistrara a bona gore nyako ye e amegago ga se ya kgotsofatšwa, a ka khansela ngwadišo ya setlabakelo sa baeti se se kgethilwego gomme a tsebiša mothò yoo a sepedišago goba a šomišago setlabakelo seo se kgethilwego sa baeti.

Paka ya maatla a ngwadišo le kelo

47. Ngwadišo goba kelo yeo e dirilwego go ya ka dipeelano tša Kgaolo yekhwi, e swanetše go ba le maatla paka yeo e beilwego.

Go abela barulaganyamaeto, bahlahlamaeto le barwalabasepedi

48 (1) Mokhuduthamaga/MEC a šoma ka keletšo ya Bolaodi, a ka goeletša ka tsebišo ka go Kuranta ya Mmušo gore go tloga tšatšikgweding leo le tlogo bewa ka tsebišong, e sego ka fase ga dikgwedi tše tshelelqago go tloga go tšatšikgwedi la phatlalatšo ya yona, dihlopha tše bjalo tša barulaganyamaeto, bahlahlamaeto goba barwalabasepedi go ya ka mo go tlogo laetšwa ka gona ka go tsebišo go tla nyakega goré ba abelwe dilaesense ke Bolaodi mme go šupše tsebišong ye bjalo, dinyako tše di swanetšego go kgotsofatšwa ke mokgopedi wa laesense ye bjalo.

(2) Gona moo le ka morago ga ge tšatšikgwedi le beilwe go ya ka dipeelano tša karolwanba (1) go se be motho yo a -

(a) tšwelago pele ka kgwebo ya sehlopha sefe le sefe sa morulaganyimaeto goba mohlahlamaeto se se laeditšwego ka go tsebišo, ka ntle le go ya ka dipeelano tša laesense ya morulaganyamaeto ye e ntšitšwego malebana le kgwebo ye; goba

(b) a šome bjalo ka sehlopha sa morwalabasepedi se se laeditšwego ka go tsebišo ka ntle le go ya ka dipeelano tša laesense ya thwalo ye e ntšitšwego malebana le kgwebo ye;

(c) a thwala motho ofe goba ofe go šoma bjalo ka sehlopha sefe le sefe sa gorwala basepedi se se laeditšwego tsebišong yeo ka ntle le ge a diriša laesense ya morwalabasepedi ye e filwego motho yoo.

Kgopelo ya go fiwa goba mpshafatšo ya laesense

49. (1) Motho mang le mang yo a ratago go kgopela gore a fiwe goba a mpshafaletšwe laesense ya morulaganyamaeto, mohlahlamaeto goba morwalabasepedi, a ka kgopela go Rejistrara.

(2) Kgopelo go ya ka dipeelano tša karolwana (1) e swanetše go -

(a) dirwa ka tsela le ka foromo ye e kgethilwego; mme

(b) e pataganywe le le tefo ye e beilwego.

(3) Ge kgopelo e se no go dirwa go yena go ya ka dipeelano tša karolwana (1) Rejistrara a ka -

(a) dumelela kgopelo gomme a fa goba a mpshafatša laesense ya morulaganyamaeto, mohlahlamaeto goba morwalabasepedi; goba

(b) a gana kgopelo.

(4) Ge go ahlaahlwa kgopelo go ya ka dipeelano tša karolwana (1) Rejistrara o

swanetše go ela hloko potšišo ya go re -

- (a) malebana le laesense ya morulaganyamaeto, kgwebo ye e na le goba go na le kgonagalo ya gore e ka ba le maatlakgogedi godimo ga boeti ka Profenseng, ge go hlokamelwa tsela yeo kgwebo e sepedišwago ka yona goba go akantšwego gore e tlo sepedišwa ka gona.
- (b) malebana le laesense ya mohlahlamaeto goba morwalabasepedi, motho yoo a angwago ke motho yoo a swanetšego wa mmakgonthe go ka bamohlahlili wa maeto goba morwalabasepedi, ge go elwa hloko semelo sa gagwe, thutantšho le gore go na le kgonagalo ya gore kgwebo e ka ba le maatlakgogedi godimo ga boeti ka Profenseng ge go elwa hloko tsela yeo kgwebo e sepedišwago goba go akanywago gore e tlo sepedišwa ka gona.

Laesense ya morulaganyamaeto, mohlahlamaeto goba morwalabasepedi

50. Laesense ya morulaganyamaeto, mohlahlamaeto goba morwalabasepedi e swanetše -

- (a) go ba foromong yeo e kgethilwego;
- (b) go šupa -
 - (i) Leina le atrese tša morulaganyamaeto, mohlahlamaeto goba morwalabasepedi
 - (ii) go ba mohuta wa kgwebo yeo morulaganyamaeto, mohlahla maeto goba morwalabasepedi a e fetšwego laesense; le
 - (iii) lefelo la tiro leo morulaganyamaeto, mohlahlamaeto goba morwalabasepedi a filwego laesense ya go šoma gona.

© e be le maatla lebaka le le beilwego.

Khanselo/Phumolo ya laesense ya morulaganyamaeto, mohlahlamaeto goba morwalabasepedi

- 51 (1) Ge morulaganyamaeto, mohlahlamaeto goba morwalabasepedi yo a filwego laesense, a šitwa ke go kgotsofatša dinyako tše di beilwego tša kabo ya laesense, rejistrara a ka no fa tsebišo ye e tsomago kgotsofatšo lebakeng la dikgwedi tše. tharo go tloga tšatšaikgweding la tsebišo, mme ge go pala, a ka no khansela/phumola laesense yeo.
- (2) Ge laesense ya morulaganyamaeto, mohlahlameto goba morwalabasepedi e khansetšwe, moswari wa yona o swanetše go e gomišetša go Rejistrara ka bjako.

Setifikheišene le Tiišeletšo ya baabathutantšho

- 52 (1) Ka taolo ya Melao ya Thuto goba Melao ye mengwe ye e šomago, goba motho goba lefelo le le abago thutantšho, tlhahlo goba thuto ka gare ga intasteri ya boeti ka Profenseng, go swanetše go nyakega gore e hlatselwe le go tiišeletšwa ke Bolaodi.
- (2) Mo go hlatseleng le tiišeletšong ya motho yo bjalo, goba ditheo tše di akantswego ka go karolwana (1), Bolaodi bo swanetše go ela hloko dintilha ka moka tše di lebanego, tšebo tlogo di beakanya, go akaretšwa eupša e segpo go thibela, tlhago, diteng le lenaneothuto la thutantšho le le tlogo fiwa, paka ya thutantšho goba tlhahlo ye bjalo le kamogelo ye morutantšhi a šetšego a e filwe go tšwa go ditheo tše dingwe ka gare goba ka ntle ga Repabliki.
- (3) Kgopelo ya go ya go Bolaodi go ya ka dipeelano tša karolwana (1) e swanetše -
- (a) go dirwa ka mokgwa le foromong tše di kgethilwego; mme
 - (b) e pataganwe le tefo ye e beilwego.
- (4) Bolaodi bo ka no -
- (a) dumelela kgopelo, mme bja fa mokgopedi setifiketi mme bja tiišeletša mokgopedi goba bja mpshfatša setifikeiti le tiišeletšo; goba
 - (b) bja gana kgopelo.
- (5) Bolaodi bo swanetše go bea paka ya setifikeiti le tiišeletšo.

KGAOLO 4**PEWO YA REJISTRARA, BOIPILETŠO, TLHAHLOBO LE TEFO YA LEKGETHO****Pewo ya rejistrara le mohlankedidi yo a kgethilwego**

- 53 (1) Bolaodi -
- (a) bo Swanetše go bea motho yo e tlogo ba rejistrara wa Dihotele, Mafelo a Madulo, Lefelo la Dikhonferense, Direstorante le Ditlabakelo tša baeti;
 - (b) bo ka bea motho yo mongwe gape goba batho bjalo ka mohlankedidi goba bahlankedidi ba ba kgethilwego ge bo bona go nyakega.

Boipiletšo kgahlanong le sephetho sa rejistrara

- 54 (1) Motho mang le mang yo a hlokofaditšwego ke sephetho sefe le šsfe sa Rejistrara

mabapi le - kgopelo ya ngwadišo, setifikheišene, tiišeletšo, kelo ya se sengwe le se

- (a) kgopelo ya ngwadišo, setifikheišene, tiišeletšo, kelo ya se sengwe le se
sengwe goba tlhagišo goba mpshafatšo ya laesense go ya ka dipeelano tša

Molao wokhwi; goba oka a ka dipeelano tša Molao wokhwi; (b)

- (b) go khanselwa ga ngwadišo efe le efe setikheišene, tiišeletšo goba laesense
go khanselwa ga ngwadišo efe le efe setikheišene, tiišeletšo goba laesense
goba kelo ya se sengwe le se sengwe go ya ka dipeelano tša Molao
wokhwi; a ka dira boipiletšo ka go ngwalela Mokhuduthamaga/MEC
lebakeng la matšatši a mašomepedisewai morago ga go tsebišwa
sephetho.

(2) Moipiletši o swanetše; ge go le tefo ye e beilwego mabapi le boipiletšo bjo, go

hlagiša seroto se se lekanago le tefo ye e beilwego le boipiletšo bja gagwe.

- (3) Mokhuduthamaga/MEC a ka nyaka gore Rejistrara a mo fe mabaka a a
ngwadilwego malebana le sephetho sa gagwe, le rekoto ya ditshepedišo.

- (4) Ge boipiletšo bo tsebilwe -

- (a) sephetho sa Rejistrara se swanetše go fegwa go fihlela ge boipiletšo bo
rumilwe; goba

- (b) kgahlano le kgano ya go mpshafatša laesense efe le efe, MEC a ka oketša
maatla a laesense ye bjalo go fihlela ge boipiletšo bo rumilwe.

- (5) Mokhuduthamaga/MEC o swanetše go dira taelo ye maleba.

Tlhahlobo ya lefelo

- (1) Rejistrara goba mohlankedidi yo a kgethilwego, mabapi le merero ya Molao wo a ka
(a) tsena ka lefelong lefe le lefe mo lebakeng le le le sa fetšego pelo ka ntle
le tsebišo la

- (i) hotele, lefelo le lengwe le lengwe la bodulo, lefelo la
dikhonferense, restorante, morulaganyamaeto, mohlahlamaeto,
morwalabasepedi, setlabakelo se se kgethilwego sa baeti goba biro
ya tshedimošo tseo go dirilwego kgopelo ya ngwadišo goba ya
laesense; goba

- (ii) hotele ye e ngwadišitšwego, lefelo le lengwe la madulo, lefelo la
khonferenše, restorante, morulaganyamaeto, mohlahlamaeto,
morwalabasepedi goba setlabakelo se se kgethilwego sa baeti;
mme

- (iii) morago ga go tsebiša motho yoo a hlokomelago lefelo le le bjalo
nakong ya ketelo ya gagwe, o tla dira tlhahlobo le nyakišišo tseo

a ka bonago go nyakega gore di dirwe: Ge fela a ka se tsene ka phapošing efe le efe ye e dulago motho ofe le ofe ka ntle le tumelelo ya motho yo bjalo.

- (b) a botšiša motho ofe le ofe mo lefelong lekhwi goba nakong ya maleba a kgopela motho ofe le ofe go hlagiša dipuku, ditsebišo, direkoto dife le dife, goba ditokumente tše dingwe tše di lego goba tše di bego di le lefelong le goba di swerwe goba di hlokometšwe ke motho yo bjalo ge, kgopolong ya gagwe tlahhlobo ya dipuku, ditsebišo goba ditokumente tše bjalo e nyakega malebana le nyakišišo ya gagwe;
 - © a tlahhloba mme a dira ditsopolwa go tšwa, le dikopi tša dipuku, ditsebišo, direkoto, dife le dife, goba ditokumente tše dingwe tše di ukangwego tamaneng ya (b), mme a tsoma tlhalošo mabapi le se se ngwadilwego ka moo;
 - (d) a tše dipuku, ditsebišo, direkoto goba ditokumente dife le dife tše, go ya ka kgopolo ya gagwe di ka thušago go hweša bosenyi go ya ka dipeelano tša Molao wokhwi.
- (2) Rejistrara goba mohlankedi yo a kgethilwego o swanetše , ge a kgopelwa ke motho ofe le ofe yo a amilwego ke tlahhlobo ya direkoto le ditokumente tše dingwe tše di ukangwego ka mo go karolwana (1) go bontšha setifikeiti se a se filwego ka tlase ga karolo 53(2).

Tefo ya lekgetho

56 (1) Mokhuduthamaga/MEC a ka -

- (a) bea lekgetho le le lefšago go ya ka dipeelano tša Molao wokhwi malebana le dihotele, mafelo a mangwe a madulo, lefelo la dikhonferense, direstorante, barulaganayamaeto, bahlahlamaeto, barewalabasepedi, le ditlabakakelo tše dingwe tše boeti tše di ngwadišitšwego;
 - (b) nyaka gore motho yo a sepedišago goba a šomišago hotele, restorante ya lefelo la dikhonferense, morulaganyamaeto, mohlahlamaeto goba kgwebo ya morwalabasepedi, lefelo le lengwe la madulo, goba setlabakelo sa baeti tše di šetšego di ngwadišitšwego, o swanetše go tlaleletša go theko ya ditirelo tše bjalo tše di fiwago mokhwi, ka mo go ka bewago nako le nako, tefokoketšo, ka tekanyo yeo e kago bewa, gomme o swanetše go kgoboketša tefokoketšo ye bjalo; goba
 - © hloma lekgetho le le boletšwego go ya ka tekanyo ye e beilwego.
- (2) Bolaodi bo ka, ka kgato ya molato wa segae ka go kgorotsheko ye maleba, ikhweletša seroto sa lekgetho seo se emetšwego go ya ka dipeelano tša Molao wokhwi, go motho yoo a swanetšego go lefa.

KGAOLO 5**DIPEAKANYETŠO TŠA KAKARETŠO****Melato le dikotlo.**

ogwadii nii a ny baeti. Iom tsela gonaqetšo qashodilidit eding orlohiči s

57. (1) **Motho ofe le ofe yo** - **govaqatado** - **tsug zko** - **ti ozi**

- (a) a phatlalatšago goba a dirago goba a dumelelago gore go phatlalatšwe ka
tsela efe le efe tshedimošo ye e fošagetšego goba e lahletšago malebana le
hotele, restorante, thulaganyamaeto, tlhahlamaeto, thwalabasepedi, lefelo
le lengwe la madulo goba setlabakelo sa baeti; goba

- (b) e lego motho yo a ikarabelago moo a šitwa goba a gana go lefa lekgetho lefe le lefe goba go kgoboketša le goba go lefa lekgetho le bjalo go ya ka dipeelano tša Molao wokhwi; goba
 - © a šitišago goba a thibelago Rejistrara goba mohlankedidi yo a kgethilwego mo tirišong goba phethagatšong ya maatla a gagwe goba ditshwanelo tša gagwe; goba
 - (d) ka ntle le lebaka le le kwalago, a gana goba a palelwa ke go fetola potšišo efe le efe ye Rejistrara goba mohlankedidi yo a kgethilwego a mmotšišago ka molao; goba
 - (e) a ganago goba a palelwago ke go kgotsofatša nyako efe le efe ye e beilwego ke Rejistrara goba mohlanakedi yo a kgethilwego;
 - (f) a fago Rejisitrara goba mohlankedidi yo a kgethilwego tshedimošo ye e fošagetšego goba ye e lahletšago ka boomo; goba
 - (g) a tshelago peakanyetšo efe le efe ya Molao wokhwi, yeo e sa laetšwago thwii gore ke bosenyi;
 - (h) o tla bonwa molato wa bosenyi mme a faenwa goba a golegwa lebaka le le sa fetego nywaga ye mebedi (2) goba bobedi ga tšona, faene le kgolego.
- (2) Kgoro ye e bonago motho molato wa go tshela Karolo 57(1), e ka fa taelo ya gore go be le pušetšo godimò ga gagwe go boela go Bolaodi, ya seroto sa lekgetho leo le amago molato wo, go ya ka kgopelo ya motšotšhisi le godimo ga kotlo yeo e ka e fago.
- (3) Kahlolo ye e filwego ke kgorotsheko go ya ka dipeelano tša karolwana (1), e swanetše go ba le tirišo le maatla a kahlolo ya segae.

Tefelo ya merero/diprotšeke

58. Bolaodi, ka tumelelo ya Mokhuduthamaga/MEC, bo ka aba tšelete mabapi le morero/protšeke efe le efe yeo, kgopolong ya Bolaodi e tlogo kaonafatša le go hlabolla boeti ka Profenseng.

Melawana

59 (1) Mokhuduthamaga/MEC a ka hlama melawana malebana le merero ye e latelago :

- (a) tokelo le kganelo ya ngwadišo, kelo, kabu ya laesense, setifikheišene le tiišeletšo;
- (b) dipetše tša dihlopha le dikelo tša dihotele tše di ngwadištšego le mafelo ka moka a a swanetšego go ngwadišwa le goba go fiwa dilaeense, go hlatselwa le go tiišeletšwa, le mabaka ao, le tsela yeo di swanetšego go šomišwa ka gona goba go bontšwa, le thibelo ya tirišo goba pontšho ya tšona;
- © Tefo ya lekgetho ke motho yo a tlamegilego, kgoboketšo ya lekgetho ke motho yo a lebanego, mokgwa wa tefo le kgoboketšo le tefelo;
- (d) Direkoto le diakhaonto tše di swanetšego go swarwa ke hotele efe le efe ye e ngwadištšego, restorante ya lefelong la dikhonferense, thulaganyamaeto, tlhahlamaeto, thwalabasepedi, mafelo a mangwe a madulo, le setlabakelo sa baeti;
- (e) ditefo tše di lefšago mabapi le dilaesense tša barulaganyamaeto, bahlahlamaeto le barwalabasepedi;
- (f) nyako ka barulaganyamaeto, bahlahlamaeto lše barwalabasepedi ya go fiditiišešo, dikwano goba mohuta ofe le ofe wa kholofetšo wo o amogetšwego ke Bolaodi, malebana le phethagatšo ya ditlamego ka moka tša dikontraka; le
- (g) dinyako tša batho ba ba thwetšwego goba ba swaraganego le intasteri ya boeti go tsenela dithuto tše itšego tša tlhahlo goba thutantšho, goba ba nago le maithutelo a itšego ao a kago amogelwa ke Bolaodi.
- (2) Mokhuduthamaga/MEC ka tlwaelo a ka hlama melawana yeo a bonago e le bohlokwa go ka bewa gore go fihlelefwe dinepo tša Molao wokhwi.
- (3) Melawana ye e hlamilwego go ya ka dipeelano tša karolwana (1) e ka beakanyetša dikotlo malebana le tlolo efe le efe ya yona.

Thaetlekopana le Tšomišo

60. Molao wo o bitšwa Molao wa Gauteng wa Boeti /Gauteng Tourism Act, 1998 gomme o swanetše go thoma go šoma mo tšatšikgweding leo le beilwego ke Tonakgolo ka kgoeletšo ka go kuranta ya mmušo ya profense

MEMORTANTAMOTLHALOSI MABAPI LE DINEPO TŠA MOLAOKAKANYWA**TABA : MOLAOKAKANYWA WA BOETI WA GAUTENG, 1998.****NEPO/MABAKA A PEWOMOLAO:****Molaokakanywa wokhwi o beakanyetša tlhomo ya Bolaodi bja Boeti bja Gauteng le**

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998. Ntša tša molaokakanywa wa Boeti wa Gauteng, 1998.

maatla, ditshwanelo le mehola ya bjona' go hloma Sekhwamatlhabollo Sa boeti; go beakanyetša ngwadišo, kelo le tlhopho ya dihotele; go beakanyetša ngwadišo ya direstorante, mafelo a mangwe a madulo, mafelo a dikhonferense le ditlabakelo tša baeti; go hloma ditsela tše itšego ka nepo ya go beakanyetša ditseno tše di swarelelagoo tša boeti mabapi le tšwetšopele le kgodišo ya boeti; go beakanyetša kabo ya dilaesense go barulaganyamaeto, bahlahlamaeto le barwalabasepedi; go beakanyetša tefišo le kgoboketšo ya makgetho mabapi le dihotele le mafelo a mangwe a madulo, di restorante le ditlabakelo tše di kgethilwego tša boeti; le go beakanyetša ditaba tše di ka hlolegago fao.

BOITHEKGO BJA TŠHEDIMOŠO

Molaokakanywa wa Boeti wa Gauteng o hlotšwe ke temogo ya gore tlhabologo le kgodišo ya boeti ga se ya thekgwa ka ditšelete tše intasteri ye e nago le tshwanelo ya go ba natšo. Intasteri ye e amogetšwe bjalo ka sehlopdi sa godimodimo sa mediro ye e swarelelagoo mme temogo ye bjalo bjale e dirilwe mono Afrika-Borwa.

Mmušo wa Profense ya Gauteng, e le taba fela ya morero, o amogetše boeti bjalo ka le lengwe la makala a ekonomi ao a swenetšego go hlabollwa le go thekgwa go fetola tsela ya profense ya ekonomi ya go tšwa go diminerale le dintasteri tše dikgolo gore ebe tirelo le dintasteri tše bjaba tše di theilwego godimo ga ekonomi. Le ge go le bjalo temogo ye ga se be ya thekgwa ka boikgafelo bja go aba ditšelete tše di lekanego tša go hlabolla le go godiša boeti, goba mohlako wa setheo woo o ka kgonthišago lekala leo, le lego pelepele mo tlhatlošong le go lotweng ga maemo a godimo a tirelo.

Khamphani ya karolo 21, Gauteng Tourism Agency (GTA), e ile ya hlongwa ka 1996, morago ga dithereišano tše di nabilegpo le diSeminare le bengmašako, go ba Setlabelo sa tšwetšopele le kgodišo ya boeti ka Profenseng. Mola go letetšwe gore GTA e swanetše go tšwa tema, go lemogilwe gore go ka se letelwe gore e ka dira bjalo ka tšelete ye e lego gona. Intasteri ye ga se ya beakanywa gabotse gore e be lekala la tirelo la ketapele ka ge e tsebjia barulaganyamaeto le ditlabakelo tša boeti tše mmalwa tše di sa kgonego go hlagiša ditirelo le ditšeletšwa tša khwalitithi.

Go fihla bjalo intasterti ye ga se be ya hlabolla maemo afe goba afe a tirelo le khouto ya boitshwaro le ditsela tša thupišo tša go šomana le barulaganyamaeto le baabi ba ditlabakelo, ge go ka ba le dipelaelo tša go tšwa go bašomiši mabapi le maitshwaro a e sego a kgwebo a maloko a intasteri ye.

Ngwadišo, kelo, tlhopho ya dihotele, direstorante, le mafelo a mangwe a madulo, mafelo a dikhonferense le ditlabakelo tša baeti ke tsela ya go rarolla mathata a maemo a tirelo, mme ka sekhwi go tlo hlabollwa khouto ya boitshwaro. Ngwadišo ya ditlabelo tšekhwi e tla ba data ye bohlokwa ya go beakanya le go akanyetša palo ya bakgathatema mo

lekaleng lekhwi mme mafelelong go kgonwe go akanyetša seroto sa ditšelete se se tlago amogelwa go tšwa go lekgetho le le akantšwego mo go karolo 56.

Kabo ya dilaesense go barulaganyamaeto, bahlahlamaeto le barwalabasepedi, e tla kgonthiša gore ga go na le badiriši ba ka maswiswaneng, bao ba tlago fela go tlo kgobela tšelete ka lebelo go tšwa go badiriši ba potego bao ba sa femego selo, mme se e le kgobošo go setiri sa naga ka moka.

Tefišo ya lekgetho go ya ka mo go akantšwego ka go karolo 56; ke go kgonthiša gore intasteri yekhwi e hwetša ditšelete tše di lekanego malebana le mehola ya yona ya tšwetšopele le kgodišo. Maemo a bjalo a peakanyo ya lekgetho la boithaupo bjalo ka ge a dirišwa setšhabeng ka moka a ka se ke be a hola intastreri, ga a thekgege le go amogelega malebana le intasteri ye bohlokwa yekhwi mo nageng kudu ka Profenseng. Go kgonthiša gore makgetho ao a kgobokeditšwego a hola intastewri ye, go tšentšwe karolo 17(2) gore Sešegotlotlo ša Profense se abele Bolaodi bja tlhabollo le kgodišo ya boeti diphesente tše di sego ka fase ga masomeseswai (80%) tša makgetho akhwi. Le go kgonthiša gape gore ditšhaledi tša mabaka a fetilego di a lokišwa, Bolaodi bo tla tlamega go diriša diphesente tše di sego ka fase ga masometharotharo(33%) mo go tšwetšopele le kgodišo le matlafatšo ya batho bao ba bego ba šaparegišišwe le/goba ditšhaba.

DIKAMEGO TŠA DITŠHELETE.

Go fetišwa ga Molaokakanywa wokhwi ke Theramelao ya Gauteng, go tla nyaka gore Theramelao e abele Bolaodi seroto se se bonalago ka ge bjale ditshwanelo, le mehola ya bjona di le godingwana ga tša GTA ya bjale.

DIKAMEGO TŠA BADIRIŠANI

GA DI GONA

DIKAMEGO TŠA MOLAOTHEO

GA DI GONA

TLHOPHOLLO TEMANA-KA-TEMANA

1. Tlhalošišo:

Go hlalošiša mareo le dikgopoloo ka go Molaokakanywa.

2. Tirišo ya Molao:

Gore Molao wokhwi o tla dirišwa ka Profenseng ya Gauteng.

3. Go hlongwa ga Bolaodi:

Go hlongwaga ga Bolaodi bja Boeti bja Gauteng bjalo ka mokgatlo wa semolao.

4. Maatla le ditshwanelo tša Bolaodi.

Se se abela Boladi ditshwanelo le maatla.

5. Molaotheo wa Bolaodi.

O laetsa ka moo maloko a Bolaodi a bewago ka gona

6. Ditlamo tša modiro:

Go beakanyetša dipeelano le ditlamo tša modiro tša maloko a Boloadi.

7. Pakatiro:

Se se beakanyetša paka ya modiro ya maloko a bolaodi.

8. Go tlogela modiro

Se se beakanyetša mabaka ao maloko a bolaodi a swanetšego go tlogela modiro.

9. Kutollo ya mašokotšo.

Gore maloko a utolle mašokotšo ao ba nago nawo thwii goba ka tharedi ka baka la mašokotšo a maloko a lapa. Karolo ye e sepelelana le ponagatšo.

10. Sephetho sa thulano ya dikgahlego.

Se se latela karolo 9 go kgonthiša gore leloko le le nago le kgahlego mo tabeng ye e rerwago le se kgathe tema mo ditherisanong tša taba yeo.

11. Kganelo ya maoloko

Ka moo maloko a ganetšwago go ba le/goba go dula ba le maloko a Bolaodi.

12. Dikopano tša bolaodi.

Se se ama ditshepedišo tša dikopano.

13. Dikomiti tša Bolaodi.

Se se ama dikomiti tše di ka hlangwago mabapi le meholo ye itšego ya bolaodi.

14. Stafo sa Bolaodi.

Stafo seo Bolaodi bo ka se thwalago malebana le ditshwanelo le mehola ya bjona.

15. Setsebi le thušo ye nngwe.

Maatla a bolaodi a go bea batho ba ba nago le tsebo ye e tebilego.

16. Kabo ya maatla le kgethelo ya ditshwanelo

Se se beakanyetša ka moo maatla a ka abjago ka gona le ka moo ditshwanelo di ka kgethelwago ka gona.

17. Sekhwamatlhabollo sa Boeti.

Se ke sekhwama seo e sego sa mehleng seo ka sona makgetho ka moka a a kgobokeditšwego a tlogo bolokwa ka go sona.

18. Ditšelete tša Bolaodi

Ye ke tsela yeo ditšelete di tlogo abja ke Sešegotlotlo sa Profense go bolaodi le gore bolaodi bo na le maatla a go kgoboketša mehuta ye mengwe ya ditšelete.

19. Boikarabelo bja sešupatlotlo

Gore Mohlankedimogolo wa Bolaodi e be yena mohlakedi wa sešupatlotlo wa merero ka moka ya bolaodi, le ka moo dipuku tša diakhanoto tša bolaodi di swanetšego go hlakišwa ka gona.

20. Pego ya ngwaga.

Gore Bolaodi bo hlagiše pego ya ngwaga.

21. Ngwadišo le kelo ya dihotele, le mafelo a mangwe a madulo le mafelo a dikhonferense.

Gore dihotele, mafelo a mangwe a madulo le dikhonferense a ngwadišwe le go fiwa maemo.

22. Peakanyo ya dinyako tša ngwadišo.

Gore dinyako tša ngwadišo di beakanywe le go bewa ka melawaneng.

23. Tsebišo ka Mokhuduthamaga/MEC

Gore Mokhuduthamaga/MEC ka tsebišo ka go kuranta ya mmušo o tla goeletša dihlopha tše di šupilwego tša ditlabakelo tše di swanetšego go ngwadišwa le kganetšo ya go gweba ka ntle le ngwadišo..

24. Kgopelo ya ngwadišo

Kamoo kgopelo ya ngwadišo e ka dirwago ka gona.

25. Ditshwanelo tša Registrara

Ditshwanelo ka moka tša Registrara.

26. Ditlamego tša monghotele yo a ngwadišitšwego

Seo monghotele yo a ngwadišitšwego a swanetšego go se dira ge a nyaka go dira diphetošo lefelong la gagwe.

27. Tokollo go dinyako tša ngwadišo.

Mabaka ao a tlogo dumelela le go fa Registrara maatla a boikgopolelo a go lokolla sedirišwa go kgotsofatša dinyako tša ngwadišo.

28. Tlhagišo ya Setifikeiti sa Ngwadišo.

Gore setifikeiti ya ngwadišo se ka ntšhiwa neng le gona bjang.

29. Khanselo/Phumolo ya ngwadišo

Mabaka ao ka ona setifikeiti sa ngwadišo se ka phumolwago/khanselwago.

30. Tlhopho le kelo ya dihotele tše di ngwadišitšwego.

Gore Registrara a fe kgwebo tsebišo ye e lekanego gore a dire boipiletšo malebana le tlhopho goba tlhopholefsa le kelolefsa.

31. Kgopelo ya tlhopholefsa le kelolefsa ya hotele ye e ngwadišitšwego.

Mabaka ao ka fase ga ona tlhopholefsa le kelolefsa di ka dirišwago mabapi le sediršwa se se ngwadišitšwego.

32. Ngwadišo ya direstorante.

Gore Mokhuduthamaga/MEC o tla bea dinyako tša ngwadišo ya restorante ka go tsebiša ka kuranteng ya mmušo.

33. Rejistara ya direstorante

Gore go be le rejistara ya direstorante.

34. Tsebišo ya ngwadišo ya direstorante

Gore Mokhuduthamaga/MEC ka tsebišo ka go kuranta ya mmušo o tla laetša gore sedirišwa seo se swanetše go ngwadišwa neng.

35. Kgopelo ya restorante.

Gore ngwadišo ya restorante e swanetše go dirwa neng le gona bjang.

36. Ditshwanelo tša Rejistrara ka kamano le ngwadišo ya direstorante

37. Tlhagišo ya setifikeiti sa ngwadišo ya direstorante.

38. Phatlalatšo ya lenaneo la direstorante tše di ngwadišitšwego

39. Phumolo/Khanselo ya ngwadišo.

Mabaka ao a tlogo dumelela khanselo/phumolo ya ngwadišo.

40. Ngwadišo ya Ditlabakelo tše di kgethilwego tša Baeti.

Gore Mokhuduthamaga/MEC ka tsebišo ka go kuranta ya mmušo a ka goeletša tšatšikgwedi leo go lona ditlabakelo tša baeti tše di kgethilwego di kago ngwadišwa, le thibelo ya go gweba ka ntle le ngwadišo.

41. Rejistara ya ngwadišo ya ditlabakelo tša baeti tše di kgethilwego.

42. Kgopelo ya go ngwadiša ditlabakelo tša baeti tše di kgethilwego.

43. Ditshwanelo tša Rejistrara ka kamano le ditlabakelo tša baeti tše di kgethilwego.

44. Tlhagišo ya setifiketi sa ngwadišo.

45. Phatlalatšo ya lenaneo la ditlabakelo tša baeti tše di kgethilwego.

46. Khanselo/Phumolo ya ngwadišo ya ditlabakelo tše di kgethilwego tša baeti.

47. Paka ya maatla a ngwadišo le kelo.

48. Go abela barulaganayamaeto, bahlahlamaeto le barwalabasepedi dilaesense.

Gore Mokhuduthamaga/MEC ka tsebišo ka kuranteng ya mmušo a ka beakanya dinyako tšeо barulaganayamaeto , bahlahlamaeto le barwalabasepedi ba swanetšeego go di gotsofatša pele ga ge ba ka ngwadišwa le thibelo ya go gweba bjalo ka ntle le laesense.

49. Kgopelo ya go fiwa goba go mpshafatša laesense.

Gore kgopelo ya laesense e ka dirwa bjang le gona neng.

50. Laesense ya morulaganyamaeto, mohlahlamaeto goba morwalabasepedi
51. Khanselo/Phumolo ya laesense ya morulaganyamaeto, mohlahlamaeto le morwalabasepedi.
52. Setifikheišene le tiišeletšo ya baabi ba thutantšho.

Gore baabathutantšho ba swanetše go kgopela setifikheišene le tiišeletšo.

53. Pewo ya Rejistrara le mohlanked yo a kgethilwego.

Gore Bolaodi bo swanetše go bea Rejistrara le mohlanked yo a kgethilwego go phethagatša mehola ye e laeditšwego ka go Molao.

54. Boipiletšo malebana le sephetho sa Rejistrara

Gore motho mang le mang a ka dira boipiletšo kgahlanong le sephetho sa Rejistrara.

55. Tlhahlubo ya lefelo.

Ka moo le gona ka tlase ga mabaka afe moo Rejistrata goba mohlanked yo a kgethilwego a kago hlahluba lefelo pele ga ge le ngwadišwa goba mabaka a mehleng, le go ba fa maatla go tsea ditoķumente dife le dife.

56. Tefo ya lekgetho.

Gore Mokhuduthamaga/MEC ka tsebišo ka go Kuranta ya Mmušo a ka bea gore lekgetho le.lefše ke dihotele tseo di ngwadišišwego bj.bj., a laetše motho/ batho ba tlogo lefa le go kgoboketša le tsela ya tefo ya lekgetho.

57. Melato le dikotlo

Gore go tla ba le molato malebana le go tshela dipeakanyetšo tša Molao wokhwi le dikotlo tseo di tlogo dirišwa.

58. Tefelo ya Morero/Diprotšeke.

Gore bolaodi bo tla ntšha tšelete ya merero ya go hlabolla le go godiša boeti.

59. Melawana

Gore melawana e tlo bewa ke MEC go kgontšha gore dipeakanyetšo tša Molao di dirišwe.

60. Thaetlekopana le Tšomiso

Gore thaetlelekopana ya Molao e tla ba Molao wa Boeti wa Gauteng/Gauteng Tourism Act le go bega gore o tla thoma go šoma neng..

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NOTICE 2130 OF 1998

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF ARTS AND CULTURE COUNCIL BILL

Notice is hereby given that the Member of the Executive Council for Sport, Recreation, Arts and Culture intends to Introduce the Arts and Culture Council Bill in the Legislature as published in this Provincial Gazette.

Any person or organisation wishing to comment on this proposed legislation may lodge written comments or representations on or before **28 August 1998** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms Thandaza Dlulane)
Private Bag X52
Johannesburg 2000
Physical address:
Gauteng Provincial Legislature
Corner President and Loveday Streets
Johannesburg
Tel. No: (011) 498-5551
Fax. No: (011) 498-5719

and to the Minister of Finance, to whom all such documents shall be forwarded by the Auditor General, and to the Minister of Finance, to whom all such documents shall be forwarded by the Auditor General.

NOTIFICATION OF APPROVAL OF THE BUDGET BY THE PROVINCE

The Minister of Finance shall cause to be published in the Provincial Gazette, at least one month before the date of the opening of the session of the Legislature, a notice containing the following information:

(a) The date on which the budget was approved by the Legislature;

(b) The date on which the budget was approved by the Lieutenant Governor in Council;

(c) The date on which the budget was presented to the Lieutenant Governor in Council;

(d) The date on which the budget was presented to the Legislature;

(e) The date on which the budget was approved by the Lieutenant Governor in Council;

(f) The date on which the budget was approved by the Legislature;

(g) The date on which the budget was presented to the Lieutenant Governor in Council;

(h) The date on which the budget was presented to the Legislature;

(i) The date on which the budget was approved by the Lieutenant Governor in Council;

(j) The date on which the budget was approved by the Legislature;

(k) The date on which the budget was presented to the Lieutenant Governor in Council;

(l) The date on which the budget was presented to the Legislature;

(m) The date on which the budget was approved by the Lieutenant Governor in Council;

(n) The date on which the budget was approved by the Legislature;

(o) The date on which the budget was presented to the Lieutenant Governor in Council;

(p) The date on which the budget was presented to the Legislature;

(q) The date on which the budget was approved by the Lieutenant Governor in Council;

(r) The date on which the budget was approved by the Legislature;

(s) The date on which the budget was presented to the Lieutenant Governor in Council;

(t) The date on which the budget was presented to the Legislature;

NOTICE 2130 OF 1998**GAUTENG ARTS AND CULTURE COUNCIL BILL**

To provide for the establishment of a Council in order to promote and develop arts and culture within the Province of Gauteng; to determine its powers and duties; to outline the powers and duties of the MEC; and to provide for matters connected therewith.

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

1 Definitions

In this Act, unless the context otherwise indicates -

"advisory panel" means the panel contemplated in section 19;

"arts" means all forms of music, dance, drama, theatre, music theatre, craft, visual art, creative writing and community art.

"Chairperson" means the person who heads the Arts and Culture Council as established in section 5.

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

"Council" means the Council established in terms of section 2 of this Act;

"culture" means a dynamic system of knowledge, values, actions, art and articulations of a community that may denote the lifestyle of an entire society or particular ethnic communities, including their language and religion.

"Department" means the Department of Sport, Recreation, Arts and Culture in the Province;

"Legislature" means the Gauteng Provincial Legislature;

"MEC" means the Member of the Executive Council responsible for Arts and Culture in the Province;

"member" means a member of the Council;

"Province" means the Gauteng Province;

"regulation" means a regulation made by the MEC in terms of this Act;

"this Act" also includes regulations made in terms thereof.

2 Establishment of Council

There is hereby established a juristic person to be known as the Gauteng Arts and Culture Council.

3 Objects of Council

(1) To develop and promote arts and culture within the Province to the advantage of all the inhabitants of the Province, taking the historical imbalances in the development and promotion of the arts and culture into account; and

(2) To disburse grants to artists, cultural workers and students of the arts and culture.

4 Powers and Duties of the Council. -

(1) The Council shall have the following powers and duties:

- (a) to give financial support to persons, organizations and institutions concerned with creativity, conservation, or the development and promotion of the arts and culture;
- (b) to make bursaries for local or overseas study available to students in fields of study related to arts and culture;
- (c) to manage its financial affairs so that, taking one year with another, its expenses balance its income;
- (d) to give advice and information to persons and organizations concerned with creativity, conservation and the development and promotion of arts and culture;
- (e) in support of its other powers and duties, to establish, update and utilize a national data base of individuals, organizations, institutions, equipment, facilities, educational information and research institutions, connected to the arts and culture;
- (f) to publish annual or more regular reports of its activities, and to furnish the MEC with a copy within seven (7) days of publication;
- (g) to provide information on its objects and functions to those who seek it;
- (h) to facilitate and promote provincial liaison between individuals, organizations and institutions concerned with the arts and culture;
- (i) to advise the MEC on policy matters concerned with the creativity, conservation, or the development and promotion of the arts and culture;
- (j) to promote cultural exchange between individuals, organizations and institutions within the Province;
- (k) to assist in the promotion and marketing of the arts and culture of the Province;
- (l) with the approval of the MEC, to raise money by way of loans or other fund raising activities;
- (m) to run competitions related to the arts and culture;
- (n) at the request of the MEC, to undertake research into problems of arts and culture in the Province;
- (o) subject to subsection (2), to have powers of contract, employment, and the acquisition, use and disposal of property as necessary and incidental to its powers and duties; and
- (p) three (3) months before its tenure expires, to supply the MEC with the short list referred to in section 5(5);
- (q) issue instructions to committees serving the Council, if and when necessary.

(2) The Council shall not:-

- (a) establish, acquire or run or support a creative project, artistic initiative or cultural institution;
- (b) fund infrastructure nor projects to establish infrastructure for the arts and culture; nor

- (c) acquire property primarily for investment purposes.

5. Composition of the Council.

- (1) The Council consists of seven members.
- (2) The MEC appoints three members and a selection panel selects four members from a list of at least twenty nominees.

6. Nominations

The MEC must:

- (a) appoint a selection panel, comprising citizens representative of the Province to prepare a short list of candidates;
- (b) invite the public to submit nominations for the Council to the panel, not less than one month before the due date for closure of nominations, in four newspapers of general circulation in different areas in the Province; and
- (c) invite the public to send their nominations to the Department at 38 Rissik Street, Johannesburg.

7. Criteria for selection and appointment

- (1) The MEC may appoint as a member of the Council and the panel may select from the list of nominees only candidates who:
- (a) are residents of the Province;
- (b) have achieved distinction in the arts or culture, in arts education, or in culture management;
- (c) have achieved distinction as a critic; and
- (d) have special knowledge or experience that may prove useful to the Council.

- (2) The composition of the Council must reflect demographic distribution and gender sensitivity, and may not discriminate on the ground of age, race or regional representation.

- (3) The short list must contain two representatives from the heritage sector and three members of the previous term's Council.

8. Selection procedure

The panel must prepare a second short list after screening the nominees, and notify the MEC of the names of the four members of the Council which have been selected from the list.

9. Vacancies

- (1) If a vacancy occurs on the Council during its three-year tenure, the MEC may fill the vacancy with an appropriate candidate whose name appeared on the original short list.
- (2) If the vacancy that occurred on the Council before its three-year tenure is up, is crucial to the functioning of the Council and an appropriate candidate on the original short list is not available, the Council must invite public nominations to fill the vacancy, prepare a short list and conduct public interviews of short listed candidates, so as to prepare a final short list of not more than three nominees.

- (3) The MEC appoints one of the nominees to fill the vacancy.

- (4) Appointment and selection for successive Councils must be concluded before the term of office of the current Council expires.

10 Term of Office and Disqualification for office

(1) Subject to subsection (2), a member holds office for a period not exceeding three years.

(2) A member must vacate office if:-

- (a) the member resigns; or
 - (b) the member takes up residence outside the Province; or
 - (c) the member is found to use the Council to promote personal creative projects or artistic assignments or the projects of a near relation; or
 - (d) the member becomes insolvent; or
 - (e) the member is convicted of an offence and sentenced to imprisonment or a fine; or
 - (f) at a meeting, after granting the member a hearing, two thirds of the members of the Council present and voting vote affirmative that the MEC ought to remove the member because:-
 - (i) the member has absented himself or herself from two consecutive meetings without reasonable excuse;
 - (ii) the member has proven physically or otherwise incompetent or incapable of continuing as a Council member; or
 - (iii) the member has behaved in a way that brings the Council into disrepute.
- (3) No person may be appointed as a member of the board-
- (a) if he or she is an unrehabilitated insolvent;
 - (b) if he or she has been convicted of an offence and sentenced to imprisonment or a fine;
 - (c) if he or she or his or her near relation holds a financial interest in an arts or crafts business which, in the opinion of the MEC, may interfere with the impartial discharge by the member of the duties of his or her office.

11 Regulation of disclosure by Council members

- (1) The MEC must promulgate regulations on the procedure binding on the Council members when shortlisting and selecting organisations, institutions and individuals (including organisations with which the member has formed an association) for the purpose of allocating funding or conferring a grant.
- (2) Members must declare and disclose his or her interest in an organization or institution with which he or she is associated, recuse him or herself from participation in any decision on the matter of allocation of funding and receipt of grants from the Council.

12 Meetings

(1) The Council must meet at least three times a year at the times and places as the Council may determine.

(2) The Council must meet in special session:-

- (a) at the call of the Chairperson; or
- (b) at the call of two thirds of the members of the Council by written petition.

(3) The Chairperson, the Deputy-Chairperson, or in their absence, a member of the Council elected by the members present, must preside at a meeting of the Council.

(4) The Council may take action only by a majority of its members present and voting at a properly called meeting with a majority of its members in attendance.

(5) In the event of an equality of votes on a matter before the Council for action, the member presiding at the meeting has a casting vote in addition to his or her deliberative vote.

13 The Chairperson

(1) From among the members of the Council, prior to its first meeting, the MEC must appoint a Chairperson and Deputy-Chairperson of the Council until the Council elects its own Chairperson and Deputy-Chairperson.

(3) In the first meeting of the Council, Council members must elect a Chairperson and a Deputy-Chairperson, who must serve as such for the duration of their tenure as members.

14 Committees of the Council.

(1) The Council may nominate one or more committees, which subject to those instructions the Council lays down, on the condition that assignment of a power or duty does not divest the Council of that power or duty.

(2) A committee may include all or some of the following:-

- (a) member or members of the Council, one of whom the Council must designate as chairperson;
- (b) with the consent of the MEC, one or more Departmental employee; and
- (c) with the consent of the MEC, an outside consultant.

(3) The Council must pay a consultant serving on a committee if necessary, the remuneration and allowances that the MEC with the concurrence of the MEC for Finance determines.

15 Administration

The Department must provide administrative support to the Council.

16 Reports

(1) The Council must report to the MEC on an annual basis whom it has decided to fund and why, and whom it has decided not to fund and why.

(2) The Council must report back to the communities, by making the reports available at the Department office and notifying communities that this information is available.

17 Personal liability of Council members

A Council member is not personally liable for damages, losses or costs incurred by the Council, except where the member engaged in fraudulent, illegal or grossly negligent behaviour.

18 Regulations

The MEC may make regulations with reference to:

- (a) procedures to be followed during meetings;
- (b) the making of grant and bursary awards.

19 Making grants and awarding bursaries. -

(1) Before making a grant or awarding a bursary, the Council must follow the regulations laid down by the MEC to establish a set of criteria and of scoring grants and bursary applications in the various particular areas of art and culture.

(2) The Council may appoint an advisory panel on an ad hoc basis to assist in this task, with the understanding that the Council takes the final decision on grants.

(4) Pursuant to the regulations referred to in subsection (1) an advisory panel must score the grant and bursary applications before it, and report the result of the scoring to the Council.

(5) An advisory panel consists of not less than three and not more than five members, broadly representative of the area of the arts and culture with which the Council has a concern.

(6) The selection criterion for appointment of a member of an advisory panel is distinction or excellence in the area of the arts and culture concerned, or special knowledge or experience in that area.

(7) The conditions of service described in section 7 apply to members of a panel.

(8) A panel member serves for two years, and the Council may re-appoint the member after that time.

(9) The Council may terminate the service of a panel member for the same reasons listed in section 10(2).

20 **Right of appeal.**

(1) The Council must exercise its discretion in determining the nature and amount of financial support it will provide to applicants, if any, and its decision will be final.

(4) The Council shall not be obliged to furnish reasons for declining an application or for making a lesser grant than was requested.

(3) Notwithstanding subsections (1) and (2) above, should any party feel that they have legitimate grounds to believe that their application was dealt with unfairly or that their application was dealt with in contravention of the regulations in this Act, they may appeal in writing.

(3) The aggrieved party must bring the appeal to the ad hoc appeal board constituted for this purpose by the MEC.

(4) The appeal must be brought within 30 (thirty) days of notification of decision.

(5) The Appeal Board must take its decision within 30 (thirty) days of an appeal having been lodged.

21. **Transitional arrangements. -**

The current interim council remains in place until such time that this Bill becomes a law and the procedures in Section 7 have been followed accordingly.

22. **Short title and commencement.** This Act shall be called Gauteng Arts and Culture Council Act, 1998 and shall come into operation on a date to be fixed by the Premier by proclamation in the Provincial Gazette.

2. Background and Reasons

On the 19th November 1994, 400 delegates representing over 140 organisations attended the PWV Arts and Culture Conference. This Conference formed part of the provincial ACTAG consultative process. A proposal to establish an Arts Council was tabled by the MEC for Sports, Recreation, Arts and Culture. In that conference it was agreed that there should be both a national council and provincial council and there should not be a separate heritage Council. The Sub-Committee and Cabinet returned the first draft Bill to the Department with the following comments:

- That the Bill contained too many detailed provisions;
- that there were too many committees; and
- That, where possible, clauses dealing with finances or any other clause that may implicate the department financially must be phased out.

At present, an Interim Arts Council adjudicates over the distribution of funding for arts and culture projects. This, however, is unsatisfactory, as a permanent structure is called for. This Interim body does not operate on the basis of any guiding or enabling legislation.

Therefore, an urgent need exists to establish proper rules and procedures for its day-to-day management and decision-making. Communities need to be informed about the applicable and governing criteria according to which their applications will be processed.

Presently, there appears to be insufficient transparency in the way in which applications are handled and decisions made. Moreover, communities have limited opportunity for input in the process. Unless the structures and avenues for transition are put into place through legislation, historical imbalances would remain. Finally, communities have expertise available, which can be utilised with good result, in the decision-making process.

3 Administration

The Department will provide administrative support and management to the Council. The administrative component of the proposed Council has been eliminated.

4 Adjustments effected to first draft

Several adjustments have been effected to the original draft, as presented. The Legal Services Directorate was consulted. The

adjustments were made in response to the requirements of the Cabinet:

- **Composition of the Council**

The Council shall comprise seven members, four of whom are elected by way of a democratic process of nominations and shortlists. Three are appointed by the MEC to ensure that the Council is a representative body in terms of race, gender, age, etc.

- **Executive Committee**

This committee has been phased out as the members of the council will assume and discharge all the responsibilities enumerated in the Bill.

- **Appeal**

The provisions on the Appeal Board have been revisited. The new proposal establishes a mechanism for ad hoc hearings. The MEC must take charge of the appointment of members as the need arises.

- **Appointment of selection panel**

In order to keep costs low and to accelerate the process, it is incumbent upon the MEC to appoint the selection panel.

- **Conditions of Service**

It is recommended that the Council be reasonably remunerated to ensure dedication and commitment to the required service.

5 Financial implications

Remuneration of Council members (including consultants, committee members and members of the Appeal Board when appointed in the interest of practical demands).

6 Personnel implications

None

7 Comments received and solicited

Mike van Graan, artist

Bill and Anne Seidman, professors of Law and Economics respectively in the US National Arts Council

Interim Provincial Arts Council

Johannesburg Metro

Several councilors from local authorities adjacent to regional offices of the Department

8 Clause-by-clause explanations

Clause 1

Certain words as defined in the Bill are defined in this clause.

Clause 2

This clause provides for the establishment of the Gauteng Arts and Culture Council to replace the existing Interim Arts Council.

Clause 3

This clause provides for two objects of the Bill: development of, and provision for art and culture in the Province and disbursement of grants. These objects must be implemented in a manner that serves the best interest of all the inhabitants of the Province.

Clause 4

This clause lists the powers and duties of the Council and prohibitions that pertain thereto.

Clause 5

This clause sets out the composition of the Council and the setting up of the selection panel.

Clause 6

This clause deals with procedures and timeframes for nominations to the Arts and Culture Council.

Clause 7

This clause sets out the criteria for selection and appointment into the candidacy to the Council and composition of the Council.

Clause 8

This clause dealing with selection procedure for the panel in preparation for the second short list and the panel's accountability to the MEC.

Clause 9

During the Council's three-year tenure, the MEC has the power to fill any vacant post with an appropriate candidate whose name appeared on the original short list. Where need arises the Council must invite public nominations to fill the vacancy following the procedures stated in this law.

Clause 10

This clause sets out the conditions under which a member of the Council must vacate office as well as the conditions under which a person cannot be appointed as a member of the board.

Clause 11

This clause deals with conditions and regulations under which members of the Council would be requested to disclose their personal affiliation outside the Council.

Clause 12

This clause regulates meetings and decisions of the Council.

Clause 13

This clause regulates the appointment of a chairperson to the Council.

Clause 14

Where need arises the Council may in line with this clause nominate one or more committees to ensure effectiveness in its functions

Clause 15

In curbing financial expenditure the Department shall carry out administrative responsibilities of the Council.

Clause 16

The Council has a duty to report to the MEC annually regarding any decisions made in line with the duties and functions of the Council

stipulated in this Bill.

Clause 17

Members of the Council shall be personally liable in instances where they act outside the powers and duties laid out for the Council as a legal body.

Clause 18

This clause provides for the powers of the MEC in relation to the Council.

Clause 19

This clause regulates on procedures that the Council has to follow in making grants and awarding bursaries.

Clause 20

This clause provides for members to appeal to the ad-hoc appeal board constituted for this purpose by the MEC.

Clause 21

This clause provides for transitional matters.

Clause 22

This clause provides for short title and commencement of the act.

Pumla Madiba

Pumla Madiba

HOD: SRAC

Date:



Peter Skosana

MEC: SRAC

Date: 25/02/98

KENNISGEWING 2130 VAN 1998**WETSONTWERP OP DIE RAAD OP KUNS EN KULTUUR VIR GAUTENG**

Om voorsiening te maak vir die oprigting van 'n Raad om kuns en kultuur in die Provincie Gauteng te bevorder; om die bevoegdhede en pligte daarvan vas te stel; om die bevoegdhede en pligte van die LUR te omskryf; en om vir aangeleenthede wat daarmee verband hou, voorsiening te maak.

WORD DAAR BEPAAL deur die Provinciale Wetgewer van Gauteng soos volg: -

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken -

"raadgewende paneel" die paneel in artikel 19 bedoel;

"kuns" of "kunste" alle vorms van musiek, dans, drama, teater, musiekteater, handwerk, visuele kuns, kreatiewe skryfwerk en gemeenskapskuns;

"Voorsitter" die persoon wat aan die hoof staan van die Raad op Kuns en Kultuur soos opgerig kragtens artikel 5;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet Nr 108 van 1996);

"Raad" die Raad wat opgerig word kragtens artikel 2 van hierdie Wet;

"kultuur" 'n dinamiese stelsel van kennis, waardes, optrede, kuns en uitdrukking van 'n gemeenskap wat die lewenstyl van 'n hele gemeenskap of bepaalde etniese gemeenskappe kan uitbeeld, met inbegrip van hul taal en godsdienst;

"Departement" die Departement van Sport, Ontspanning, Kuns en Kultuur in die Provincie;

"Wetgewer" die Gauteng Provinciale Wetgewer;

"LUR" die Lud van die Uitvoerende Raad belas met Kuns en Kultuur in die Provincie;

"lid" 'n lid van die Raad;

"Provincie" die Provincie Gauteng;

"regulasie" 'n regulasie wat deur die LUR gemaak is kragtens hierdie Wet;

"hierdie Wet" ook regulasies wat darkragtens uitgevaardig is.

Oprigting van Raad

2. Daar word hierby 'n regspersoon opgerig wat bekendstaan as die Raad op Kuns en Kultuur vir Gauteng.

Doelewitte van Raad

3. (1) Om kuns en kultuur in die Provincie te ontwikkel en te bevorder tot voordeel van al die inwoners van die Provincie, met inagneming van die historiese wanbalans in die ontwikkeling en bevordering van kuns en kultuur; en

- (2) om die LUR te adviseer oor die toewysing van toelae aan kunstenaars, kulturele werkers en studente van die kuns en kultuur.

Bevoegdhede en Pligte van die Raad

4. (1) Die Raad het die volgende bevoegdhede en pligte:

Om die LUR te adviseer oor:

- (a) beleidsake met betrekking tot die kreatiwiteit, bewaring, of ontwikkeling en bevordering van kuns en kultuur;
- (b) finansiële steun aan persone, organisasies en liggeme betrokke by kreatiwiteit, bewaring, of die ontwikkeling en bevordering van kuns en kultuur;
- (c) die toewysing van beurse vir plaaslike of buitelandse studie aan studente in studierigtings wat verband hou met kuns en kultuur;

- (2) Om ter ondersteuning van hul ander bevoegdhede en pligte:

- (a) persone en organisasies betrokke by kreatiwiteit, bewaring, en die ontwikkeling en bevordering van kuns en kultuur van raad en inligting te bedien;
- (b) 'n nasionale databasis van individue, organisasies, liggeme, toerusting, fasiliteite, opvoedkundige inligting en navorsingsinstitute betrokke by kuns en kultuur, op te rig, in stand te hou en te gebruik;
- (c) jaarlikse of meer gereelde verslae oor hul werkzaamhede te publiseer, en om 'n afskrif aan die LUR te verskaf binne sewe (7) dae van publikasie;
- (d) inligting oor hul doelwitte en werkzaamhede te verskaf aan diegene wat dit aanvra;
- (e) provinsiale skakeling tussen individue, organisasies en liggeme betrokke by kuns en kultuur te faciliteer en te bevorder;
- (f) met die goedkeuring van die LUR betrokke te raak by fondsinsameling vir die bevordering van kuns en kultuur;

- (g) kulturele uitruiling tussen individue, organisasies en liggeme in die Provincie te bevorder;
 - (h) te help met die bevordering en bemarking van kuns en kultuur in die Provincie;
 - (i) kompetisies te reël in verband met kuns en kultuur;
 - (j) navorsing te doen oor die probleme met kuns en kultuur in die Provincie;
 - (k) drie (3) maande voor die einde van hul ampstermyne, die LUR te voorsien van die kortlys in artikel 5(2) bedoel;
 - (l) instruksies aan komitees van die Raad te gee, soos en wanneer dit nodig is.
- (3) Die Raad mag nie:-
- (a) 'n kreatiewe projek, kunsinisiatief of kulturele instansie oprig, oorneem of bedryf of ondersteun nie;
 - (b) infrastruktuur of projekte om infrastruktuur vir kuns en kultuur te verskaf, befonds nie; of
 - (c) eiendom hoofsaaklik met die oog op belegging aanskaf nie.

Samestelling van die Raad

- 5 (1) Die Raad bestaan uit sewe lede.
 (2) Die LUR stel al sewe lede van die Raad aan.

Nominasies

- 6 Die LUR moet:
- (a) 'n keuringspaneel aanwys, wat bestaan uit burgers wat verteenwoordigend van die Provincie is, om 'n kortlys kandidate saam te stel;
 - (b) die publiek uitnooi om nominasies vir die Raad aan die paneel voor te lê, nie minder nie as een maand voor die sluitingsdatum vir nominasies, in vier koerante met algemene sirkulasie in verskillende dele van die Provincie; en
 - (c) die publiek uitnooi om hul nominasies aan die Departement te stuur by Rissikstraat 38, Johannesburg.

Kriteria vir keuring en aanstelling

- 7 (1) Die LUR kan iemand as lid van die Raad aanwys, en die paneel kan kandidate uit die lys van benoemdes kies wat:

- (a) inwoners van die Provinse is;
- (b) uitgeblink het op die gebied van kuns en kultuur, kunsonderwys, of kultuurbestuur;
- (c) as kritikus uitgeblink het; en
- (d) spesiale kennis of ondervinding het wat tot nut van die Raad kan wees.

- (2) Die samestelling van die Raad moet demografiese verspreiding en geslagsensitiwiteit weerspieël, en mag nie diskrimineer op grond van ouderdom, ras of streeksverteenvoording nie.
- (3) Die kortlys moet twee verteenwoordigers van die erfenis sektor en drie lede van die vorige termyn se Raad bevat.

Keuringsprosedure

- 8 Die paneel moet 'n tweede kortlys opstel nadat hulle die benoemdes gesif het, en die LUR in kennis stel van die name van die benoemdes op die kortlys.

Vakature

- 9 (1) As 'n vakature op die Raad ontstaan gedurende die driejaar ampstermyn, kan die LUR die vakature vul met 'n gepaste kandidaat wie se naam op die oorspronklike kortlys verskyn.
- (2) As die vakature wat op die Raad onstaan het voor die einde van die driejaar ampstermyn, noodsaaklik is vir die funksionering van die Raad en 'n gepaste kandidaat op die oorspronklike kortlys is nie beskikbaar nie, moet die Raad openbare benoemings aanvra om die vakature te vul, 'n kortlys opstel en openbare onderhoude voer met die kandidate op die kortlys om 'n finale kortlys saam te stel van hoogstens drie benoemdes.
- (3) Die LUR stel een van die benoemdes aan om die vakature te vul.
- (4) Aanwysing en keuring vir opeenvolgende Rade moet afgesluit word voordat die ampstermyn van die huidige Raad ten einde loop.

Ampstermyn en diskwalifisering van amp

10. (1) Behoudens subartikel (2), beklee 'n lid die amp vir 'n tydperk van hoogstens drie jaar.
- (2) 'n Lid moet die amp ontruim as:
- (a) die lid bedank; of
 - (b) die lid buite die Provinse gaan woon; of
 - (c) daar bevind word dat die lid die Raad gebruik om persoonlike kreatiewe projekte of kunstake of die projekte van 'n nabye familielid te bevorder; of
 - (d) die lid insolvent verklaar word; of
 - (e) die lid skuldig bevind word aan 'n misdryf en tot gevangenisstraf of 'n boete

- (f) gevonnis word; of
- (f) twee derdes van die lede van die Raad wat teenwoordig is en stem by 'n vergadering, nadat die lid 'n verhoor gehad het, daarvoor stem dat die LUR die lid moet verwyder omdat:
- (i) die lid sonder geldige rede versuim het om twee agtereenvolgende vergaderings by te woon;
 - (ii) dit blyk dat die lid fisies of andersins onbevoeg of onbekwaam is om as Raadslid aan te bly; of
 - (iii) die lid opgetree het op 'n wyse wat die Raad in die verleentheid bring.
- (3) Niemand mag as lid van die Raad aangestel word nie as:
- (a) hy of sy 'n ongerehabiliteerde insolvent is;
 - (b) hy of sy skuldig bevind is aan 'n misdryf en tot gevangenisstraf of 'n boete gevonnis is;
 - (c) hy of sy 'n nabye familielid 'n finansiële belang het in 'n kuns- of handwerkbesigheid wat in die opinie van die LUR kan inbreuk maak op die onafhanklike manier waarop die lid sy of haar ampspligte vervul.

Regulering van openbaarmaking deur Raadslede

11. (1) Die LUR moet regulasies uitvaardig oor die prosedure van toepassing op Raadslede as hulle kortlyste opstel en organisasies, liggame en individue (met inbegrip van organisasies waarmee die lid 'n assosiasie gevorm het) keur vir die doeleindes van toewysing van fondse of toelaes.
- (2) Lede moet hul belang verklaar en openbaar maak in 'n organisasie of liggaam waarmee hy of sy verbind word, en hom of haar onttrek uit deelname aan enige besluit oor die toewysing van fondse en toelaes van die Raad.

Vergaderings

12. (1) Die Raad moet ten minste drie maal 'n jaar vergader op die plekke en tye wat die Raad bepaal.
- (2) Die Raad moet 'n buitengewone sitting belê:
- (a) op versoek van die Voorsitter; of
 - (b) op versoek van twee derdes van die Raadslede by wyse van 'n skriftelike petisie.
- (3) Die Voorsitter, Vise-voorsitter, of in hul afwesigheid, 'n Raadslid deur die teenwoordige lede verkies, tree as voorsitter op by vergaderings van die Raad.
- (4) Die Raad kan slegs optree in opdrag van 'n meerderheid van al die teenwoordige lede wat stem by 'n vergadering wat behoorlik byeengeroep is, met 'n meerderheid van die lede teenwoordig.
- (5) As daar 'n stemstaking is oor 'n saak waarop die Raad moet optree, het die voorsittende lid van die vergadering 'n bepalende stem afgesien van sy of haar

gewone stem.

Die Voorsitter

13. (1) Voor die eerste vergadering van die Raad, wys die LUR 'n Voorsitter en Vise-voorsitter van die Raad aan uit die geledere van die Raadslede, tot tyd en wyl die Raad hul eie Voorsitter en Vise-voorsitter verkies.
- (2) By die eerste vergadering van die Raad moet die Raadslede 'n Vorsitter en Vise-voorsitter verkies wat die amp vervul vir die res van hul ampstermyne.

Komitees van die Raad

14. (1) Die Raad kan een of meer komitees benoem, wat onderworpe is aan die instruksies van die Raad, met dien verstande dat toewysing van 'n bevoegdheid of plig nie die Raad ontneem van daardie bevoegdheid of plig nie.
- (2) 'n Komitee kan die volgende of sommige daarvan insluit:-
 - (a) lid of lede van die Raad, waarvan een deur die Raad as voorsitter aangewys word;
 - (b) met die toestemming van die LUR, een of meer Departementele werknemers; en
 - (c) met die toestemming van die LUR, 'n buite-konsultant.
- (3) Die Raad moet aan 'n konsultant wat op 'n komitee dien, as dit nodig is, die vergoeding en toelae betaal wat die LUR met die instemming van die LUR vir Finansies bepaal.

Administrasie

15. Die Department moet administratiewe bystand aan die Raad verskaf.

Verslae

16. (1) Die Raad moet op 'n jaarlikse grondslag aan die LUR verslag doen oor wie befonds word en waarom, en wie hulle besluit het om nie te befonds nie en waarom.
- (2) Die Raad moet terugrapporteer aan die gemeenskappe deur die verslae beskikbaar te stel by die Departementele kantoor en deur gemeenskappe in kennis te stel dat die inligting beskikbaar is.

Persoonlike aanspreeklikheid van Raadslede

17. 'n Raadslid is nie persoonlik aanspreeklik vir skade, verlies of koste aangegaan deur die Raad nie, behalwe as die lid betrokke was in bedrieglike, onwettige of grof nalatige optrede.

Regulasies

18. Die LUR kan regulasies uitvaardig met betrekking tot:

- (a) procedure wat by vergaderings gevvolg moet word;
- (b) die toekenning van toelaes en beurse.

Toekenning van toelaes en beurse

19. (1) Voordat die Raad 'n toelae of beurs toeken, moet die Raad die regulasies nakom wat deur die LUR uitgevaardig is om 'n stel kriteria vas te stel en om aansoeke vir toelaes en beurse uit die verskillende areas van kuns en kultuur te bekom.

(2) Die Raad kan op 'n ad hoc grondslag 'n raadgewende paneel aanwys om te help met hierdie taak, met dien verstande dat die Raad die finale besluit neem oor toelaes.

(3) Voortvloeiend uit die regulasies in subartikel (1) bedoel, moet die raadgewende paneel telling hou van die aansoeke vir toelaes en beurse wat hulle ontvang, en die uitslag daarvan aan die Raad voorlê.

(4) 'n Raadgewende paneel bestaan uit minstens drie en hoogstens vyf lede wat breedweg verteenwoordigend is van die gebied van kuns en kultuur waarby die Raad betrokke is.

(5) Die keuringskriteria vir die aanwysing van 'n lid van 'n raadgewende paneel, is uitnemendheid of voortreflikheid op die betrokke gebied van kuns en kultuur, of buitengewone kennis of ondervinding op daardie gebied.

(6) Die ampsvoorraarde in artikel 7 vervat, is van toepassing op die lede van 'n paneel.

(7) 'n Paneellid dien vir twee jaar, en die Raad kan die lid heraanstel na afloop van die dienstermyn.

(8) Die Raad kan die dienste van 'n paneellid beëindig vir dieselfde redes as dié in artikel 10(2) vervat.

Reg op appèl

20. (1) Die Raad oefen sy diskresie uit om die aard en bedrag van finansiële steun, indien enige, wat dit aan aansoekers sal verskaf, te bepaal, en sy beslissing is finaal.

(2) Die Raad hoef nie redes te verskaf vir die afwysing van 'n aansoek of vir die toewysing van 'n kleiner toelae as wat aangevra is nie.

(3) Nieteenstaande subartikels (1) en (2) hierbo, as enige party voel dat hulle redelike gronde het om te glo dat hul aansoek nie billik hanteer is nie of dat hul aansoek hanteer is op 'n wyse wat die regulasies in hierdie Wet oortree, kan hulle skriftelik appèl aanteken.

- (4) Die gegriefde party moet appèl aangeteken na die ad hoc appèlraad wat vir hierdie doel deur die LUR saamgestel is.
- (5) Die appèl moet binne 30 (dertig) dae na kennisgewing van die besluit aangeteken word.
- (6) Die Appèlraad moet 'n besluit neem binne 30 (dertig) dae nadat die appèl aangeteken is.

Oorgangsbeplings

21. Die huidige oorgangsraad bly van krag totdat hierdie Wetsontwerp in werking tree en todat die procedures in artikel 7 dienooreenkomsdig gevolg is.

Kort titel en inwerkingtreding

22. Hierdie Wet staan bekend as die Wet op die Raad op Kuns en Kultuur vir Gauteng, 1998 en tree in werking op 'n datum wat deur die Premier bepaal word by proklamasie in die Provinciale Koerant.

NOTICE 2130 OF 1998

MOLAO-TŠHIŠINYO WA GAUTENG WA KHANSELE YA TŠA BOKGABO LE SETŠO

Gore go beakantšetšwe go hlomiwa ga Khansele gore go hloholetšwe le go tlhabolla tša bokgabo ka gare ga Profensi ya Gauteng; go bea maatla le mešomo ya Khansele; go hlaloša maatla le mešomo ya Leloko la Khansele-Phethiši le go beakanyetša merero ye e sepelelanago le tše.

O FETIŠWA ke Lekgotlatheramolao la Gauteng, ka tsela ye e latelago: -

Dihlalošo

1. Go Molao wo, ntle le ge kamano e bontšha ka tsela ye nngwe -

"phanele ya keletšo" gora gore phanele yeo e akantšwego go karolo ya 19;

"tša bokgabo" gora gore mehuta ka moka ya mmino, motanso, papadi tša sefala, tše di betlilwego, tše di bontšhwago, go ngwala ga bokgoni le tša bokgabo tša motše;

"Modulasetulo" gora gore motho yo a eteletšego pele Khansele ya tša Bokgabo le Setšo bjalo ka ge e hlomilwe ka tlase ga karolo ya 5;

"Molaotheo" gora gore Molatheo wa Repablik ya Afrika Borwa, 1996 (Molao wa 108 wa 1996);

"Khansele" gora gore Khansele ye e hlomilwego ka go latela karolo ya 2 ya Molao wo;

"setšo" gora gore mokgwa wo o tšwelago pele wa tsebo, ditlwaedi, dikgato, tša bokgabo le ka mo motse o ikwagaišago ka gona mo go ka bontšhago lephelo la setšhaba ka moka goba karolo ye e itšego go akaretšwa karolo go ya ka leleme goba tumelo;

"Kgoro" gora gore Kgoro ya Profensi ya Dipapadi, Boitšhidollo, tša Bokgabo le Setšo;

"Lekgotlatheramolao" gora gore Lekgotlatheramolao la Profensi ya Gauteng;

"Leloko la Khansele Phethiši" gora gore Leloko la Khansele Phethiši leo le rwelego Maikarabelo a tša Bokgabo le Setšo ka gare ga Profensi;

"Leloko" gora gore ləloko la Khansele;

"Profensi" gora gore Profensi ya Gauteng;

"molawana wa tshepedišo" gora gore molawana wa tshepedišo wo o dirilwego ke Leloko la Khansele Phethiši;

"Molao wo" go akaretšwa le melawana ya tshepedišo yeo e dirilwego ka go latela wona.

Go hlomiwa ga Khansele

2. Fa, go hlomiwa sebopego seo se tšewago e le motho go ya ka molao, gomme sona se tla tsebja bjalo ka Khansele ya Gauteng ya tša Bokgabo le Setšo.

Maikemišetšo a Khansele

3. (1) Gore go tšwelešwe le go hlohleletša bokgabo le setšo ka gare ga profensi gore go holege badudi bohole ka gare ga profensi, le gona ka go ela hloko go se lekalekane ga nako ye e fetilego ge go tlhabollwa le go hlohleletša tša bokgabo le setšo; le
- (2) Go eletša Leloko la Khansele Phethiši mabapi le go fiwa ga thekgo go di-artist, bašomi ba tša setšo le baithuti bokgabo le setšo.

Maatla le Mešomo ya Khansele

4. (1) Khansele e tla ba le maatla le mešomo ye e latelago:

Go eletša Leloko la Khansele Phethiši:

- (a) mabapi le merero ya pholisi yeo e amanago le go kgona go dira, pabalelo, goba tlhabollo le hlohleletšo ya tša bokgabo le setšo;
 - (b) mabapi le go fana ka thekgo ya tšelete go batho, mekgatio le diintitušene tšeо di šomanago le bokgoni, pabalelo goba tšweletšo le hlohleletšo ya tša bokgabo le setšo;
 - (c) mabapi le go aba dibasari tša go ithuta ka ntle le ka gare tšeо di ka fiwago baithuti bao ba ithutelago tša bokgabo le setšo.
- (2) Ka tlaleletšo go maatla le mešomo ya yona e mengwe:
- (a) go fana ka maele le tshedimošo go batho le mekgatio yeo e šomanago le tša bokgoni, pabalelo le tlhabollo le hlohleletšo ya tša bokgabo le setšo;
 - (b) go hloma, go kaonafatša le go šomiša mokgobo wa tshedimošo wa setšaba wa batho le mekgatio, diinstitušene, ditlabelo, didirišwa, tshedimošo ya thuto le diinstitušene tsa resetšhe, tšeо di šomanago le tša bokgabo le setšo;
 - (c) go hlagiša dirapoto tša ngwaga ka ngwaga goba tša ka mehla tša mediro ya yona le go fa Leloko la Khansele Phethiši rapoto yeo pele go feta matšatsi a šupa (7) ge e se no hlagišwa;
 - (d) go fana ka tshedimošo mabapi le maikaelelo le mešomo ya yona go bao ba di kgopelago;
 - (e) go tšwetša pele le go hlohleletša kamano magareng ga profensi, batho le mekgatio ya tša bokgabo le setšo;

- (f) go tsenela masolo a go kgoboketša tšelete gore go hlohleletšwe tša bokgabo le setšo, ge e le gore Leloko la Khansele Phethiši le a dumela;
 - (g) go hlohleletša go neelana ga setšo magareng ga batho, mekgatlo le dinstitušene ka gare ga Profensi;
 - (h) go thuša go go hlohleletša le go bapatša tša bokgabo le setšo;
 - (i) go dira diphadišano tša tša bokgabo le setšo;
 - (j) go dira resetšhe mabapi le mathata a tša bokgabo le setšo ka gare ga Profensi;
 - (k) dikgwedi tše tharo (3) pele go fela sebaka sa go šoma sa yona, Khasnele e swanetše go fa Leloko la Khansele Phethiši lenane le go boletšwego ka lona go karolo ya 5(2);
 - (l) go fa ditaelo go dikomiti tše di šomelago Khansele ge e le gore go a hlokega.
- (3) Khansele e ka se: -
- (a) hlome, ya ikhweletša goba ya sepediša goba ya thekga projeke ya bokgoni, ya tša bokgabo goba institušene ya setšo;
 - (b) thekge motheo goba projeke ya go hloma motheo wa bokgabo le setšo;
 - (c) ikhweletše thoto ka maikaelelo a magolo a go beeletša.

Sebopego sa Khansele

5. (1) Khansele e bopsa ke maloko a šupa.
- (2) Leloko la Khansele Phethiši le tla bea maloko ohle a šupa go khansele.

Tšišinyo ya maina

6. Leloko la Khansele Phethiši le šwanetše go:
- (a) bea phanele yeo e tlago kgetha maloko, yeo e bopsago ke dikemedi tša Profensi gore e lokiše lenane la bonkgetheng;
 - (b) laletša setšhaba gore se fane ka maina ao se a šišinyago go phanele ya Khansele go sešo gwa feta kgwedi e tee pele ga letšatši la go tswalela go tliša maina, gomme se se tla dirwa ka go šomiša dikuranta tše tharo tše di phatlalatšwago ka bophara go mafelo ao a fapafapanego a Profensi; le go
 - (c) laletša setšhaba gore se romele maina ao se a šišinyago go Kgoro atereseng ya 38 Rissik Street, Johannesburg.

Mokgwa wa go kgetha le go bea

7. (1) Leloko la Khansele le ka bea motho fela bjalo ka leloko la Khansele le gona phanele e ka kgetha bao ba šišintšwego maina fela go tšwa go bonkgetheng bao ba:
- (a) lego badudi ba Profensi;
 - (b) atlegilego kudu go tša bokgabo goba setšo, go thuto ya tša bokgabo, goba go tshepedišo ya setšo;
 - (c) atlegilego kudu bjalo ka baswai; le
 - (d) bao ba nago le tsebo goba boitemogelo bjo bo ka bontšhago gore bo tla hola Khansele.
- (2) Sebopego sa Khansele se tla bontšha kabagano ya setšhaba le go ela hloko bong, le gona se ka se kgetholle go ya ka bogolo, mohlobo goba boemedi bja selete.
- (3) Lenane le swanetše go ba le dikemedi tše pedi go tšwa go lefapha la tša bohwa le maloko a mararo a Khansele ya peleng.

Tsela ya go kgetha

8. Phanele e swanetše go lokiša lenane la bobedi ka morago ga go lekola bao ba šišintšwego, le go tsebiša Leloko la Khansele Phethiši ka maina a bao ba šišintšwego.

Dikgoba

9. (1) Ge go ka hlolega sekgoba ka gare ga Khansele mo sebakeng sa go šoma sa mengwaga e meraro, Leloko a Khansele Phethiši le ka thiba sekgoba seo ka leina la maleba leo le hlagilego go lenane la mathomo.
- (2) Ge sekgoba seo se hlolegago go Khansele pele go fela mengwaga e meraro ya go šoma, se le bohlokwa go go šoma ga Khansele gomme go sa hwetšwe motho wa maleba yo ka se thibago go lenane la pele, Khansele e swanetše go kgopela setšhaba gore se dire ditšhišnyo a maina tša go thiba sekgoba seo, gomme go tla beakanywa lenano gwa ba gwa intaviwa batho bao phatlalatša, gore go tšweletšwe lenane la bofelo la batho bao ba sa fetego ba bararo bao maina a bona a šišintšwego.
- (3) Leloko la Khansele Phethiši le tla kgetha o tee gore a tlatše sekgoba.
- (4) Go bewa le go kgethwa go diKhansele tše di latelanago go swanetše go phethagatšwa pele Khansele yeo e lego gona e phatlala.

Sebaka sa go šoma le go Lahlegelwa ke maswanedi a go ba ofising

10. (1) Ka tlase ga karolwana ya (2), leloko le tla ba ofising sebaka seo se sa fetego mengwaga ye meraro.
- (2) Leloko le swanetše go tlogela ofisi ge:-

- (a) le leboga mošomo; goba
- (b) le thoma go dula ka ntle ga Profensi; goba
- (c) le hwetšwa le hloholetša diprojeke tša lona tša bokgoni ka go šomiša Khansele goba ditiro tša bokgabo goba diprojeke tšeо di swanago le tšona; goba
- (d) leloko le hlalošwa bjalo ka leo dikoloto tša lona di fetago tšelete ya lona; goba
- (e) le bonwe molato gomme la romelwa kgolegong goba la faenwa; goba
- (f) kopanong ya ka morago ga gore leloko le fiwe sebaka sa go ipolelela, pedi-tharong ya maloko a Khansele ao a lego gona le gona a vouta ka go emiša matsogo, a re Leloko la Khansele Phethiši le swanetše go tloša leloko ka gore;
 - (i) ga la iponagatša go dikopano tše pedi ka go latelana ntle lebaka leo le kwagalago;
 - (ii) le iponišitše gore ka mabaka a go palela ga mmele goba mabaka a mangwe le palelwa ke mošomo goba ga le kgone go tswela pele bjalo ka leloko la Khansele; goba
 - (iii) le itshwere ka tsela yeo e nyamišago Khansele.

(3) Gago motho yo a tlago bewa bjalo ka leloko la boto-

- (a) ge e le gore ke mokoloti yo a sego a fiwa tumelelo ya go tsenela kgwebišano;
- (b) ge e le gore o kile a bonwa molato a ba a fiwa kotlo go ba faene;
- (c) ge e le gore o na le wa leloko yo a nago le kgahlego go kgwebo ya bokgabo goba bobetli, yeo go ya ka leloko la Khansele Phethiši e ka šitišago go ikemela ga le phetha mešomo ya lona.

Melawana ya ntšha diphiriya maloko a Khansele

11. (1) Leloko la Khansele Phethiši le swanetše go fetiša melawana ya tshepedišo mabapi le tsela ya go tlama maloko a Khansele ge a hlagišwa go lenane, le go kgetha mekgatlo, dinstitušene le batho (go akaretišwa le mekgatlo yeo leloko le ikamanyago le yona) ka maikaelelo a go fana ka thekgo ya tšelete.
- (2) Maloko a swanetše go tsebagatša le go utulla kgahlego ya wona go mekgatlo goba dinstitušene tšeо ba ikamanyago le tšona, ba intše go go tšeа karolo go diphetho dife goba dife mabapi le morero wa go aba thekgo ya tšelete le go amogela ditšelete go tšwa go Khansele.

Dikopano

12. (1) Khansele e swanetše go kopana bonnyane ga raro ka ngwaga le gona e tla kopanela mafelong ao e a kgethago.
- (2) Khansele e swanetše go ba le kopano yeo e kgethegilego:-
- (a) ge e bitšwa ke modulasetulo; goba
 - (b) ge bitša ke pedi-tharong ya maloko a Khansele ka go šomiša phethišene

yeo e ngwadilwego.

- (3) Modulasetulo, Motlatša-modulasetulo, goba ge e le gore ga ba gona, leloko la Khansele leo le kgethilwego ke maloko ao a lego gona, le ka ba modulasetulo kopanong ya Khansele.
- (4) Khansele e ka tsea kgato fela ka bontšhi bja maloko a yona ao a lego gona le gona a vouta go kopano yeo e biditšwego ka tsela ya maleba gomme bontšhi bja maloko bo le gona.
- (5) Ge divoutu di ka lekana mabapi le morero wo o lego pele go Khansele, leloko leo le lego modulasetulo kopanong le tlaba le voutu ya tlaleletšo yeo e tla bago ya phetho.

Modulasetulo

13. (1) Leloko la Khansele Phethiši le swaneteše go kgetha Modulasetulo le Motlatša-modulasetulo go tšwa go maloko a yona, go fihlela ge Khansele e ikgethela Modulasetulo le Motlatša-modulasetulo ka boyona.
- (2) Kopanong ya mathomo ya Khansele, maloko a yona a swanetše go kgetha Modulasetulo le Motlatša-modulasetulo bao ba tla šomago maemong ao go fihlela sebaka sa wona sa go šoma bjalo ka maloko se fela.

Dikomiti tša Khansele

14. (1) Khansele e ka ikgethela komiti goba dikomiti, tšeо e ka di fago maatla le mešomo, gomme ge Khansele e di fa maatla le mešomo yeo ga e lahlegele ke maatla le mešomo yeo.
- (2) Komiti e ka akaretša o tee goba ba mmalwa ba ba latelago:
 - (a) leloko goba maloko a Khansele, gomme o tee wa wona o swanetše go bewa ke Khansele bjalo ka modulasetulo;
 - (b) modiredi o tee goba go feta, ge e le gore Leloko la Khansele Phethiši le a dumela; le
 - (c) khonsaltente go tšwa ka ntle ge e le gore Leloko la Khansele Phethiši le a dumela.
- (3) Khansele e swanetše go lefa khonsaltente yeo e šomago ka gare ga komiti muputso le dialawense tšeо Leloko la Khansele Phethiši ka tšhomisan le Leloko la Khansele Phethiši la Matlotlo, ba bonago e di le maleba, ge e le gore go a hlokagala.

Tshepedišo

15. Kgoro e swanetše go fana ka thekgo go tshepedišo ya merero ya Khansele.

Dipeco

16. (1) Khansele e swanetše go begela Leloko la Khansele Phethiši ngwaga ka ngwaga ka gore e nyaka go thuša mang ka ditšelete le gore ke mang e ka se mo thušego ka ditšelete, le gona ka mabaka afe?

(2) Khansele e swanetše go fa metse dipego ka go di tlogela diofising tša Kgoro le go tsebiša metse gore tshedimošo e a hwetšagal.

Go ikarabela ga maloko a Khansele ka bowona

17. Leloko la Khansele le ka se ikarabele ka bolona mabapi ale tshenyo, tahlego goba ditshenyagalelo tše di dirilwego ke Khansele ntle le ge leloko le tsenetše bofora, la dira tše di sego molaong goba la tloga le sa hlokomele.

Melawana ya tshepedišo

18. Leloko la Khansele Phethiši le ka dira melawana ya tshepedišo mabapi le:-

(a) ditsela tše di ka latelwago tša go swara dikopano;

(b) go fana ka thekgo ya tšelete le basari.

Go fana ka thekgo ya tšelete le dibasari

19. (1) Pele go ka fiwa thekgo ya tšelete goba basari, Khansele e swanetše go latela melawana ya tshepedišo yeo e beilwego ke Leloko la Khansele Phethiši gore go be le mokgwa wa go fa thekgo ya tšelete le basari go mehuta ye e fapafapanego ya tša bokgabo le setšo.

(2) Khansele e ka hloma phanele ya keletšo ya motšwa o swere gore e thuše mo mošomong wo, gomme Khansele yona e tla tše sephetho sa bofelo mabapi le thekgo ya ditšelete le dibasari.

(3) Ka go latela melawana ya tshepedišo yeo go boletšwego ka yona go karolwana (1), phanele ya keletšo e swanetše go lekola kgopelo ya basari goba thekgo ya tšelete yeo e lego pele ga yona, gomme e fe pego go Khansele.

(4) Phanele ya keletšo e bopsa ke maloko ao a sego ka tlase ga a mararo le gona a ka se fete a mahlano, gomme a swanetše go emela tša bokgabo le setšo ka bophara, tše Khansele e šomanago le tšona.

(5) Mokgwa wa go kgetha leloko gore le bewe bjalo ka leloko la phanele ya keletšo ke bokgoni bjo bogolo goba go itapiša go tša bokgabo le setšo tše di amegago, goba bokgoni bjo bo kgethegilego goba boitemogelo go tša bokgabo le setšo.

(6) Mabaka a tirelo ao a hlalošitšwego go karolo ya 7 a tla šoma le go maloko a phanele.

(7) Leloko la phanele le tla šoma mengwaga ye meraro, gomme Khansele e ka kgetha leloko leo gape ka morago ga sebaka seo.

(8) Khansele e ka fedisa boleloko bja motho go phanele ka tlase ga mabaka ao a

hlalošitšwego go karolo ya 10(2).

Tokelo ya go dira aphili

20. (1) Khansele e tla tšeа sephetho go ka go bona ga yona mabapi le mohuta le bogolo bja thekgo yeo e tlago fiwa modirakgopelo, ge e le gore go bjalo, gomme sephetho sa yona e tla ba sa bofelo.
- (2) Khansele e ka se tlamege go fa mabaka a go ganela kgopelo goba go fana ka thekgo ya tlásána go e na le yeo e kgopetšwego.
- (3) Go sa phaelwe thoko dikarolwana tša (1) le (2) ka godimo, ge motho mang goba mang yo a amegago a bona gore o na le mabaka ao a kwagalago a go dumela gore kgopelo ya gagwe ga se elwe hloko ka tsela ya maleba goba ya gore go šomanwe le kgopelo ya gagwe ka tsela ye e tshelago melawana ya tshepedišo ya Molao wo, a ka dira aphili ka lengwalo.
- (4) Motho yo a tshwenyegilego o swanetše go dira aphili go boto ya motšwa o swere ya aphili yeo e hlometšwego morero wo ke Leloko la Khansele Phethiši.
- (5) Aphili e swanetše go dirwa matšatši a 30 (masometharo) ka morago ga ge sephetho se se no dirwa.
- (6) Boto ya Aphili e swantše go tšeа sephetho pele go fetu matšatši a 30 (masometharo) ka morago ga ge aphili e se no dirwa.

Dithulaganyo tša motšwa o swere

21. Khansele ya bjale ya motšwa o swere e tla dula e le gona go fihlela ge Molao-tšišinyo o ba molao le ge ditsela tše di beilwego di latetšwe ka tsela ya maleba.

Leina ka boripana le letšatši la go thoma go šoma

22. Molao wo o tla bitšwa Molao wa tša Bokgabo le Setšo wa Gauteng, 1998 gomme o tla thoma go šoma ka letšatši leo le beilwego ke Tonakgolo ka go šomiša proklamešene go Gazette ya Profensi.

NOTICE 2130 OF 1998

**UMTHETHO SIVIVINYWA WASE-GAUTENG WEKHANSELI YEZOBUCKO
NEZAMASIKO**

Ukwenza amalungiselelo okusungula iKhanseli yokuqhubela phambili kanye nokuthuthukisa ezobuciko nezamasiko kuProvinsi yaseGauteng; ukunquma amandla kanye nemisebenzi yayo; ukuchaza amandla kanye nemisebenzi ka-MEC; kanye nokwenza amalungiselelo ezinye izinto ezihambelana nalokhu.

NGAKHOKE KWENZIWA umthetho yiSishayamthetho seProvinsi yaseGauteng ngokulandelayo:-

Izincazelos

1. KuloMthetho (Act) ngaphandle kokuba kuchazwe ngenye indlela ngaphakathi -

"iqembu elizokweluleka" isho iqembu okukhulunywa ngalo kusigaba 19;

"ubuciko" isho zonke izinhlobo zemiculo, imidanso, imidlalo yasesiteji yedrama, i-theatre, imisebenzi yezandla (craft), ubuciko bemisebenzi yezandla (visual art), ubuciko bokubhala izincwadi kanye nezobuciko bemiphakathi;

"uSihlalo" kusho umuntu oyinhloko yeKhanseli yezobuciko nezamasiko njengoba isungulwa kusigaba 5;

"UMthethosisekelo" isho uMthethosisekelo weRiphabliki yaseNingizimu Afrika, 1996 (i-Act No 108 ka 1996);

"iKhanseli" isho ikhanseli esungulwe ngokubekwe kusigaba 2 saloMthetho (this Act);

"amasiko" kusho inqubo yezolwazi, ama-value, amanyathelo, ubuciko kanye nezindlila umphakathi wonkana ozibonakalisa impilo yawo ngayo noma imiphakathi ethize ewuhlobo olulodwa ebonakalisa izimpilo zawo ngayo, okubandakanya ulwimi lawo kanye nenkolo yawo;

"UMnyango" isho uMnyango wezeMidlalo, ukungcebeleka nokuphumula, ezobuciko nezamasiko kuProvinsi;

"iSishayamthetho" kusho iSishayamthetho seProvinsi yaseGauteng;

"uMEC" kusho ilunga leKhabhinethi yeProvinsi elibhekene nezobuciko nezamasiko kuProvinsi;

"ilunga" kusho ilunga leKhanseli;

"iProvinsi" kusho iProvinsi yeGauteng;

"imitheshwana yenqubo (regulations)" kusho imitheshwana yenqubo eyenziwe nguMEC ngokulandela loMthetho;

"IoMthetho (Act)" ubandakanya nemitheshwana yenqubo eyenziwe ngokulandela wona IoMthetho.

Ukusungulwa kweKhanseli

2. Lapha kusungulwa into ethathwa ngokuthi ngumuntu ngokomthetho ezokwaziwa ngokuthi yiKhanseli yezobuciko nezamasiko yaseGauteng.

Izinhloso zeKhanseli

3. (1) Ukuqhubela phambili ezobuciko nezamasiko kuProvinsi ukuthi bonke abahlali baseGauteng bazuze, lokhu kwensiwa ngokubonelela labo ababencishwe amathuba, ekuthuthisweni kwezobuciko nezamasiko; kanye
- (2) Nokweluleka uMEC ngokunikezwa kwamagranti kuma-artist, abasebenzi bezamasiko kanye nabafundi bezobuciko.

Amandla nemisebenzi yeKhanseli

4. (1) IKhanseli iyoba namandla nemisebenzi elandelayo:

Ukweluleka uMEC;

- (a) ngomgomu kwezobuqambi bezinto zobuciko, ukugcinwa noma intuthuko kanye nokuqhubela phambili ezobuciko nezamasiko;
- (b) ngokusizwa ngezimali kwabantu, izinhlangano kanye nama-institution aqondene nezobuciko, ukugcinwa kanye nentuthuko nokuqhutshelwa phambili kwezobuciko nezamasiko;
- (c) ngokunikezwa kwamabhasari kuzifundo ezenziwa kuleli kanye nezfundo ezenziwa phesheya ngabafundi ezifundweni, eziphathelene nezobuciko nezamasiko;
- (2) Ekusekeleni amanye amandla nemisebenzi;
 - (a) ukunika izeluleko nolwazi kubantu kanye nezinhlangano eziphathelene nezobuciko, ukugcinwa kanye nentuthuko nokuqhutshelwa phambili kwezobuciko nezamasiko;
 - (b) ukusungula, ukusebenzisa kanye nokungezela ulwazi olusha ku-database yabantu, izinhlangano kanye nama-institution, amakhwipimenti, amafasilithi, ulwazi kwezemfundo kanye nama-institution enza ucwaningo (iriseshi) kwezobuciko nezamasiko;
 - (c) ukushicilela (ukuphablisha) ngonyaka noma kaningi imibiko yemisebenzi yayo, kanye nokunikeza u-MEC ikhophi ezinsukwini ezingu 7 ngemuva kokuba ishicilelw (iphablishiwe);

- (d) ukunikeza ulwazi ngezinhloso kanye nemisebenzi yayo kulabo abaludingayo;
 - (e) ukwenza ukuthi kube nokuxhumana phakathi kwabantu, izinhlangano kanye nama-institution kwezobuciko nezamasiko kuprovinsi;
 - (f) ngokuvunyelwa nguMEC, ukugqugquzelu ukuthola izimali zokuqhubela phambili ezebuciko nezamasiko;
 - (g) ukwenza ukuthi kube nokuchathazelana ulwazi kwezobuciko phakathi kwabantu, izinhlangano kanye nama-institution kuProvinsi;
 - (h) ukusiza ukuqhubeleni phambili kanye nokumaketha ezobuciko nezamasiko kuProvinsi;
 - (i) ukwenza imiqhudlwano kwezobuciko nezamasiko;
 - (j) ukwenza ucwaningo (iriseshi) ngezinkinga kwezobuciko nezamasiko kuProvinsi;
 - (k) ukunikeza uMEC uhla lwabantu (short list) ngaphambi kokuba kuphele izinyanga ezintathu zesikhathi sokusebenza kwayo;
 - (l) ukunikeza imiyalelo kumakomiti eKhanseli uma kunesidingo;
- (3) IKhanseli ngeke yenza okulandelayo: -
- (a) ngeke yasungula, ukuthola noma ukusekela iprojekthi yezobuciko, imisebenzi esungulwayo yezubuciko noma ukusekela i-institution yezamasiko;
 - (b) ukusiza ngezimali ze-infrastructure noma amaprojekthi okusungula i-infrastructure kwezobuciko nezamasiko; noma
 - (c) ukuthola impahla (iprophathi) ngenhloso yokutshala izimali (investment).

Ukuhleleka kweKhanseli

5. (1) IKhanseli inamalunga angu 7.
- (2) uMEC nguye okhetha onke amalunga ekhanseli angu 7.

Ukuqokwa (Amanomineshini)

6. UMEC kumele enze okulandelayo:
- (a) abeke iqembu okuyilona elizoqoka abantu, leliqembu kumele libe ngelabantu abayizakhamuzi abamele umphakathi weProvinsi ukwenza uhla lwabantu abazomela ukukhethwa (candidates);

- (b) ukumema umphakathi ukuthi wethule nokuphakamisa kuleliqembu amagama abantu ukuba kuKhanseli, esikhathini esingekho ngaphansi kwenyanga ngaphambi kosuku okuzovalwa ngalo amanomineshini, kumanyuziphepha amane afundwa nokusabalalisa kakhlulu ezindaweni ezehlukene kuProvinsi; kanye
- (c) nokumema umphakathi ukuthumela amagama abantu abangaqokwa kuMnyango kulelikheli 38 Rissik Street, Johannesburg.

Imibandela yokukhethwa nokubekwa kwabantu

- 7 (1) UMEC angabeka (appoint) umuntu ukuba yilunga leKhanseli, kanti iqembu lingakhetha (select) kubantu amagama abo abkhakamisiwe kuphela abantu okungabalandelayo:
- (a) abahlali kuProvinsi;
 - (b) abafinyelele emikhakheni namaqophelo aphezulu (distinction) kwezobuciko noma ezamasiko kumfundu yezebuciko noma kwezokuphatha ezamasiko;
 - (c) abantu abafinyelele kumkhakha ophezulu kwezokuhla ziya nokucubungula (critic) kanye
 - (d) nabantu abanolwazi olunzulu nezipiliyon ezingaba wusizo kuKhanseli.
- (2) Ukuhleleka kweKhanseli kumele kubonise ukuhleleka komphakathi, kanye nokuba nabesifazane nabesimame, nakhona akumele ubandlulule ngokweminyaka, ibala, kanye nokumelwa kwezifunda.
- (3) Uhla olunamagama abantu asebephawuliwe (short list) kumele lube nabantu abavela kumkhakha we-heritage kanye namalunga avela kuKhanseli yesikhathi esisanda kuphela.

Inqubo yokukhethwa kwabantu

- 8 Iqembu labantu abazokhetha kumele balungise uhla lwesibili lwamagama abantu asebephawuliwe (short list), ngemuva kokuba sebehlaziye nokucubungula ngalabo bantu, kanye nokwazisa uMEC ngalowo magama abantu asebephawuliwe ukuba kuqokwe kubo.

Izikhala

- 9 (1) Uma kuba nesikhala kuKhanseli eminyakeni emithathu, uMEC angagcwala lezo zikhala ngabantu abafanele amagama abo aye khona kuhla lwakuqala lwabantu ababephawuliwe.
- (2) Uma ngabe isikhala esivela kuKhanseli ngaphambi kokuba kuphele iminyaka emithathu, kubaluekile ekusebenzeni kweKhanseli ukuthi kutholwe abanye abantu, kanti nakhona labo bantu noma lowo muntu engatholakali kuhla lwamagama abantu ababephawuliwe ekuqaleni, iKhanseli kumele imeme umphakathi ukuthi iphakamise amagama abantu abangavala leso sikhala, nakhona kwensiwe ama-interview emphakathini alabo bantu okuphakanyiswe amagama abo, ukwenzela ukuthi kwensiwe olunye uhla lwabantu abaphawuliwe, amagama abo angeke ngaphezu abe kwabantu abathathu.

(3) UMEC kumele aqoke omunye phakathi kwalabo bantu okuphakanyiswe amagama abo ukugcwalisa leso sikhala.

(4) Ukuqokwa nokukhethwa kwamaKhanseli alandelayo kumele kwensiwe ngaphambi kokuba isikhathi seKhanseli ekhona siphele.

Ubude besikhathi sokusebenza kanye nokukhishwa esikhundleni

10. (1) Ngokulandela isigatshana (2), ilunga lizohlala esikhundleni sokuba yilunga kuKhanseli iminyaka emithatha.

(2) Ilunga kumele liphume esikhundleni umangabe:-

- (a) ilunga lisula noma lisuka kubulunga; noma
- (b) umangabe ilunga lisuka kuProvinsi; noma
- (c) uma kutholakala ukuthi ilunga lisebenzisa iKhanseli ukuqhubela phambili imisebenzi yamaprojekthi alo ezobuchwepheshe noma liqhubela phambili imisebenzi yamaprojekthi ezobuchwepheshe ezihlobo zalo; noma
- (d) uma ilunga litholakala ukuthi libekwe ngumthetho ukuthi alinamali yokukhokhela izikweledu zalo (insolvent); noma
- (e) uma ilunga litholakala linecalal ebese ligwetshwa ukuya ejele noma ukukhokha ifayini; noma
- (f) uma emhlanganweni wamalunga, kodwa ngemuva kokulalela udaba nohlangothi lwalelo lunga, amalunga eKhanseli ayingxenye yokubili kokuthathu evotela ukuvuma ukuthi uMEC akhiphe lelo lunga ngoba:
 - (i) lelo lunga lihlale alangeza emhlanganweni emibili ngaphandle kokuchaza isizathu;
 - (ii) lelo lunga likhombise ukuthi liyehluleka ngokomzimba noma ngenye indlela, ukwenza umsebenzi walo noma lingakwazi ukuqhubeka nokuba yilunga kuKhanseli; noma
 - (iii) ilunga liziphathe ngendlela eyehlisa isikhundla nesithunzi seKhanseli.

(3) Akukho umuntu oyoqokwa ukuba yilunga leKhanseli-

- (a) uma ebekwe ngumthetho ukuthi uyehluleka ukukhokha izikweledu zakhe (unrehabilitated insolvent);
- (b) uma lowo muntu eke wabekwa icala kanti wagwetshwa ukuya ejele noma ukukhokha ifayini;
- (c) uma yena ngokwakhe noma isihlobo sakhe ethinteka ngokwezimali namabhizinisi ezobuciko nemisebenzi yezandla, lokho ngokubona kuka MEC okungenza ukuthi ehluleke ukuthi enze imisebenzi yakhe ngendlela engavuni abathile noma uhlangothi oluthize.

Inqubo yokuthi amalunga eKhanseli aveze indlela athinteka ngayo

11. (1) UMEC kumele akhiphe imitheshwana yenqubo (regulations) ngenqubo ezobophezelu amalunga eKhanseli, ngesikhathi kwensiwa uhla lwabaphawuliwe njengabantu abangaba ngamalunga eKhanseli, kanye nokukhetha izinhlangano, ama-institution kanye nabantu (okubandakanya izinhlangano abantu abathintene

nazo nomu abazibandakanya nazo) ngenhloso yokunikezwa izimali nomu amagranti.

- (2) Amalunga kumele aveze obala izinhlangano, nomu ama-institution abathinteka kuzo kwezezimali nomu amabhizinisi, nakhona kumele bahoxe ngesikhathi kwenziva izinqumo maqondana nokwabiwa kwezimali nomu amagranti eKhanseli

Imihlangano

12. (1) iKhanseli kumele ihangane okungenani kathathu ngonyaka, ngezikhathi nasendaweni ezobekwa yiKhanseli.
- (2) iKhanseli kumele ihangane kuseshini yesipesheli:-
- (a) uma uSihlalo ebiza lowo mhlangano; nomu
 - (b) uma amalunga ayinani lengxenye yokubili kokuthathu, ecela lowo mhlangano ngokwenza iphethishini.
- (3) Usihlalo, uSekela Sihlalo, nomu uma bobabili bengkho ilunga leKhanseli elikhethwe ngamanye amalunga akhona, kumele aqhube umhlangano weKhanseli.
- (4) Ikhanseli ingathatha izinqumo ngeningi lamalunga akhona kanye nokuvota kumhlangano obizwe ngendlela efanele oneningi lamalunga akhona emhlanganweni.
- (5) Uma kukhona ukulingana kwamavoti odabeni iKhanseli exoxa ngalo, ilunga eliqhuba umhlangano, lineline ivoti elinganquma udaba, nangaphezu kwevoti elivamile ngesikhathi kuxoxiswana.

USihlalo

13. (1) UMEC uyokhetha phakathi kwamalunga eKhanseli uSihlalo noSekela Sihlalo kumhlangano wokuqala, kuze kufike isikhathi lapho khona iKhanseli ikhetha uSihlalo noSekela Sihlalo wayo.
- (2) Emhlanganweni wokuqala, amalunga eKhanseli kumele akhethe uSihlalo, noSekela Sihlalo, okumele babe kulezi zikhundla iminyaka emithathu.

Amakomiti eKhanseli

14. (1) iKhanseli ingakhetha ikomiti nomu amakomiti angaphezu kwelilodwa, ayosebenza ngokulandela imiyalelo ebekwe yiKhanseli, kodwa leyomisebenzi yamakomiti akumele ithathe amandla kanye nemisebenzi yeKhanseli.
- (2) Ikomiti ingabandakanya onke nomu amanye:-
- (a) amalunga eKhanseli, kanti omunye wabo kumele abe ngusihlalo wekomiti;
 - (b) ngokuvunyelwa nguMEC, oyedwa nomu ngaphezulu abangabasebenzi

boMnyango; kanye

(c) ngokuvunyelwa nguMEC, i-consultant yangaphandle.

(3) IKhanseli kumele ikhokhele i-consultant esebezena kuleyo komiti uma kunesidingo, kanti imali eyokhokhwa kanye nama-alawensi ayobekwa nguMEC ngokuvumelana noMEC wezezimali.

Ezokuphatha (Administration)

15. Umnyango kumele usize iKhanseli ngezokuphatha (administration).

Imibiko

16. (1) IKhanseli kumele ibike kuMEC njalo ngonyaka ukuthi ngubani noma ngobani ebanike izimali, nokuchaza izizathu zokuthi kungani lezo zimali zinikwe lowo noma labo.

(2) IKhanseli kumele ibikele umphakathi, ngokwenza ukuthi imibiko inikezwe ihhovisi loMnyango nokwazisa imiphakathi ngokuthi ukhona lowo mbiko.

Ukungabonwa icala kwamalunga eKhanseli

17. Ilunga leKhanseli ngeke libekwe icala lomonakalo, ukulahlekela noma izindleko ezenziwe yiKhanseli, ngaphandle kokuba lokho kwenzeke ngoba ilunga belizama ukukhwabanisa, leqe umthetho, noma liziphathe ngobukhulu ubudlabha.

Imitheshwana yenqubo (Regulations)

18. UMEC angenza imitheshwana yenqubo (regulations) maqondana nokulandelayo:

- (a) nenqubo okumele ilandelwe emihlanganweni;
- (b) nokunikwa amagrant namabhasari.

Ukunikeza kwamagrandi kanye namabhasari

19. (1) Ngaphambi kokunikeza igranti noma ibhasari, iKhanseli kumele ilandele imitheshwana yenqubo (regulations) ebekwe nguMEC, imitheshwana ezobeka imibandela nenqubo okumele ilandelwe kanye nokunikeza amaphuzu (scoring) ngalezo zicelo zamabhasari namagranti emikhakheni ehlukile yezobuciko nezamasiko.

(2) IKhanseli ingabeka iqembu elizoyeluleka, elizosebenza okwesikhashana ukusizana neKhanseli kodwa ngokuqondisisa ukuthi iKhanseli yiyo okumele ithathe isinqumo sokugcina ngamagrandi.

(3) Ngokulandela imitheshwana yenqubo okukhulunywe ngayo kusigatshana (1), iqembu elizoluleka iKhanseli kumele linikeze lezo zicelo amaphuzu (score), ngaphambili ebese inikeza umbiko waraphuzu kanye nemiphumela yawo kuKhanseli.

- (4) Iqembu elizokweluleka iKhanseli linabantu abangekho ngaphansi kwabathathu, kanti abangekho ngaphezulu kwabahlanu, abamele imikhakha yezobuciko nezamasiko lezo iKhanseli ebhekene nazo.
- (5) Inqubo yokukhethwa kweqembu labeluleki ngelokuthi labo bantu kube ngabantu bamaqophelo aphezulu ngolwazi lwabo kwezobuciko nezamasiko, noma babe nolwazi uluyisipesheli noma isipiliyonu kuleyo mikhakha.
- (6) Isimo sokusebenza esichazwe esigaben 7, sisebenza nakulaleli qembu labeluleki.
- (7) Ilunga leqembu labeluleki lisebenza iminyaka emibili, kanti iKhanseli ingabuye iqoke lelolunga futhi ngemuva kwalokho.
- (8) IKhanseli ingamisa ukusebenza kwelunga leqembu labeluleki ngezizathu ezifanayo nalezo ezbekwe kusigaba 10(2).

Ilungelo lokwenza i-aphili

20. (1) IKhanseli kumele isebezise amandla ayo nokubona kwayo ekuthatheni izinqumo ngohlobo nenani lemali enikezwa abenzi bezicelo, kanti izinqumo zayo ziyoba ngumqamula juqu.
- (2) IKhanseli ngeke iphoqeqe ukuthi inikeze izizathu zokuthi kungani inganikezanga imali kumenzi othize wesicelo, noma inikeze lowo menzi wesicelo imali engaphansi kwaleyoyabecele yona.
- (3) Nangaphandle kokuphikisana nalokho okubekwe kuzigatshana (1) no (2) ngenhla, mangabe kukhona abathize abacabanga ukuthi banezizathu ezanele zokukhokelwa ukuthi isicelo sabo asibonelelwanga kahle, noma isicelo sabo sabhekelelwa ngendlela ephikisana naloMthetho, bangenza i-aphili ngokubhala.
- (4) Labo abakhathetzile kumele balethe isikhala sabo kubhodi ye-aphili yesikhashana ebekelwe lowo msebenzi, ibekwa nguMEC.
- (5) I-aphili kumele yensiwe ezinsukwini ezingu 30 (ezingamashumi amathathu) ngemuva kokuba kwensiwe inothisi yokuthi kuzokwensiwa i-aphili.
- (6) IBhodi yokwenza i-Aphili kumele ithathe isinqumo ezinsukwini ezingu 30 (ezingamashumi amathathu) kwensiwe i-aphili.

Amalungiselelo esikhashana

21. Ikhanseli ekhona manje yesikhashana izohlala ikhona kuze kufike lapha loMthetho-sivivinywa usuwenziwe umthetho ngokugcwele, kanti sekulandelwe nenqubo ebekwe kuSigaba 7.

Isihloko esifishane kanye nokusungula ukusebenza kwawo

22. LoMthetho (Act) uzobizwa ngokuthi nguMthetho waseGauteng weKhanseli yezobuciko nezamasiko, 1998 kanti uzosungula ukusebenza ngosuku olubekwe nguNdunankulu (Premier) ngokwenza isaziso somthetho (proclamation) kuGazethi yeProvinsi.

NOTICE 2131 OF 1998

GAUTENG PROVINCIAL LEGISLATURE

PUBLICATION OF GAUTENG PETITIONS BILL

Notice is hereby given that the Member of the Provincial Legislature (Chairperson, Mr V G M Mavuso) of Petitions & Public Participation Committee intends to introduce the Gauteng Petitions Bill in the Legislature as published in this Extraordinary Gazette

Any person or organisation wishing to comment on this proposed legislation may lodge written comments or representations on or before 17 September 1998 by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms Z Govender)
Private Bag X52
Johannesburg 2000

Physical address:
Gauteng Provincial Legislature
Corner President and Loveday Streets
Johannesburg
Tel. No: (011) 498-5564
Fax. No: (011) 498-5719

provides for the payment of allowances and gratuities to members of the armed forces, and the Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces, and to regulate the amount of allowances and gratuities to be paid to members of the Canadian Forces.

Section 12.1 of the Canadian Forces Act is amended by adding the following section:

12.1 (1) The Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces.

(2) The Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces.

(3) The Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces.

(4) The Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces.

(5) The Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces.

(6) The Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces.

(7) The Minister of National Defence may by regulation make such regulations as are necessary in respect of allowances and gratuities to be paid to members of the Canadian Forces.

BILL

To provide for the right to petition in the Province of Gauteng; to lay down applicable general principles; to establish petitions and public participation process; to provide for powers and functions of Committees of legislature; to provide for procedures and mechanisms of addressing petition to the Committee; to determine its form and content; and to provide for matters incidental thereto.

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

Definitions

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

“Chairperson” means the chairperson of the Committee;

“Committee” means the relevant Committee of the Provincial Legislature contemplated under section 3;

“Complaint” means an expression of dissatisfaction with an act or omission by the executive or legislative authority of the province;

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

“Executive Council” means the executive council of the province as contemplated in Section 132 of the Constitution;

“Legislature” means the legislative authority of the province as contemplated in Section 104 of the Constitution;

“Local Government” means the local sphere of government in the province as contemplated in Section 151 and 155 of the Constitution;

“Member” means a member of the Provincial Legislature elected to a seat in the Provincial Legislature in terms of Sections 105 and 106 of the Constitution;

“Petition” means a complaint or a request or a representation or a submission addressed by a petitioner to the Committee, and may take the form of –

(a) a single petition, which is an individual submission from a single petitioner concerning a particular complaint or request; or

- (b) a collective petition, which is a collection of signatures from a number of petitioners concerning a particular complaint or request; or
- (c) a multiple or group or mass petition, made up of individual or group submissions from a number of petitioners concerning the same or substantially similar complaints or requests; or
- (d) an association petition, which is an individual submission from an association, or an individual mandated by an association, concerning a particular complaint or request.

"Petitioner" means a person who has addressed a petition to the Committee, and includes a natural or juristic person acting-

- (a) in his or her own interest, or
- (b) in the interest of another person who is not in a position to seek relief in his or her own name, or
- (c) as a member of or in the interest of a group or class of persons, or
- (d) acting in the public interest;

and includes also an association acting in the interest of its members.

"Province" means the province of Gauteng established in terms of section 103 of the Constitution;

"Request" means a demand, appeal or proposal with regard to an act or omission by the executive or legislative authority of, or local government in, the province;

"Secretariat" means the Secretariat established in terms of section 17 of this Act;

"Speaker" means the Speaker of the Provincial Legislature elected in terms of section 111 of the Constitution; and

"Standing Rules" means the standing rules and orders made for the conduct of the business of the Provincial Legislature in terms of Section 116 of the Constitution.

General principles of the act

2. (1) A Committee must –

- (a) take appropriate steps to encourage and facilitate participation by the public in the process of government in the province, particularly,

previously politically, socially, and economically excluded communities.

(b) receive petitions, representations or submissions from a petitioner.

(c) enhance democracy by exercising maximum accountability and transparency.

(d) respect the rights of petitioners.

(2) A right conferred by this Act shall be exercised in a manner which is reasonable and justifiable.

(3) Every petitioner shall have the right to submit a petition in the language of his or her choice where it is reasonably practicable.

(4) There shall be a duty on the committee to ensure that persons or groups or categories of persons previously disadvantaged by unfair discrimination, enjoy full participation in the process of government.

Composition of Committee

3. (1) The Committee consists of members of the Provincial Legislature as determined from time to time by the standing rules of the Legislature.

(2) The Speaker or the Chairperson of the Committee, or any authorized person receives a petition and refers it to the appropriate committee.

Right to petition

4. (1) Subject to the provisions of this Act and any other law, a petitioner must have the right to address a petition to the Committee.

(2) The Secretariat must render assistance, free of charge, where practically possible to a prospective petitioner who wishes to submit a petition to the Committee.

Jurisdiction of Committee

5. A Committee may consider every petition referred to it in terms of this Act.

Scope of petitions

6. (1) Subject to subsection (2), a petitioner must submit a petition in writing, written in the petitioner's preferred language.

- (2) The Committee may allow a petitioner to supplement a written petition with oral submissions if good reasons exist, or if the assistance contemplated in section 4 is inadequate or unavailable.
- (3) A petitioner may bring an oral petition before the Committee.
- (4) Before it considers a petition, the Committee must record and reduce to writing oral submissions contemplated in subsections (2) and (3).
- (5) A petition that is not in an official language of the province must be translated in accordance with the language policy of the province and the translated version must be attached to the petition.

Consideration of a settled petition

7. A petitioner who has submitted a petition in respect of which a decision has been taken, is not entitled to reconsideration by the Committee, of a subsequent petition making the same complaint or request, unless that petitioner is able to provide new facts or relevant evidence that justify a reconsideration of the matter.

Powers and Functions of Committee

8. (1) A Committee must consider:
 - (a) a petition that was lodged with a view to settling the matter to the satisfaction of the petitioner; and
 - (b) where applicable, advise a petitioner of other appropriate remedies available to him or her.
- (2) A Committee may recommend referral of a petition, in whole or in part, to the Speaker for consideration by any of the following persons or bodies:
 - (a) the Provincial Legislature; or
 - (b) a standing committee of the Provincial Legislature, or
 - (c) a member of the Executive Council of the province; or
 - (d) the municipal council of a local government in the province; or
 - (e) an institution supporting democracy as defined in the Constitution.

- (3) If a petition has been referred to a Member of the Executive Council, or a local government, that is entitled to participate in the Committee's discussion of the petition, the Committee may—
- require a response within four (4) weeks of the referral;
 - direct the person or body to whom the petition was referred, to consider it, make a decision or recommendation, or otherwise dispose of a matter by any means expedient in the circumstances, and that such person or body furnish the Committee with a report detailing, and providing reasons for, the steps he, she or it has taken within a stipulated period; and
 - if the Committee is of the opinion that the conduct of a person or body to whom a petition has been referred in terms of this section, is unsatisfactory, and that the circumstances merit such action, make a complaint to the Public Protector, or take other appropriate action.
- (4) Subject to the provisions of this Act, if requested to do so by a petitioner, the Committee may resolve a dispute, reverse an act, or rectify an omission, by means of mediation or negotiation.
- (5) The Committee may make a recommendation to a person or body on the basis of a petition.
- (6) The Committee may conclude its consideration of a petition if it is of the opinion that—
- no steps, or no further steps, can be taken to settle the matter; or
 - the matter has been settled as requested by the petitioner.
- (7) The Committee may refuse to consider a written petition that—
- is illegible; or
 - does not reflect the name and contact address of the petitioner; or
 - has not been signed by the petitioner: provided that a petitioner who is unable to write must make her or his mark on the petition in the presence of two (2) witnesses, who must sign the petition in that capacity.

- (8) The Committee must refuse to consider a petition that-
- (a) falls outside of its scope of jurisdiction;
 - (b) concerns a matter pending in a court of law;
 - (c) originates from a prisoner and connected to his or her case;
 - (d) involves the subject matter that is before a commission of inquiry established in terms of the Commissions' Act, 1997 (Act No. 1 of 1997).
- (9) In the event where the Committee refuses to consider a petition as contemplated in subsection (8), the Committee must give written reasons for the refusal to the petitioner.
- (10) The Committee must-
- (i) make quarterly reports of referrals as contemplated in subsection (3) to the Provincial Legislature; and
 - (ii) inform a petitioner and other members of the public concerned of its decisions or other courses of action with regard to a particular petition and reasons.
- (11) Subject to the provisions of this Act, the Committee may, in consultation with the Speaker, regulate its proceedings and perform its functions in a manner as it deems fit.

Sitting of Committee

9. (1) The Committee may, for the purpose of receiving evidence or for deliberating, sit at a time and a place in the province as the Chairperson determines.
- (2) Evidence presented to the Committee must be heard in public, unless the Chairperson determines otherwise.
- (3) The Chairperson must give public notice of all sittings and deliberations of, and of all evidence to, the Committee, in the manner as the Committee may determine.

Witnesses

10. (1) For the purpose of ascertaining a matter relating to the subject of its investigation, the Committee must have the following powers:

(a) to summon a person to attend a sitting of the Committee, as a witness, in order to give evidence, or produce any book, document or object if the Committee requires it; and

(b) to subpoena a person to attend a sitting of the Committee, as a witness in order to give evidence, or produce any book, document or object, before the Committee at the time and place specified in the subpoena.

(2) A subpoena contemplated in subsection (1)(b) must be signed and issued by the Chairperson, and served on the person subpoenaed either by a registered letter sent through the post or by delivery by a person authorised thereto by the Chairperson or by any method determined by the Premier in the form of regulations.

(3) If the chairperson requires him or her to do so, a witness must, before giving evidence, take an oath or make an affirmation administered by the Chairperson or such member or employee of the Committee as the Chairperson may designate.

(4) A person who has been subpoenaed to attend a sitting of the Committee as a witness, or who has given evidence before the Committee, is entitled to the same witness fees as if he or she had been subpoenaed to attend, or had given evidence at a criminal trial in the High Court.

(5) A person who submits a request to the Committee with regard to a particular petition, must be given the opportunity to appear before the Committee during the sitting of the Committee.

Offences

11. (1) A person duly subpoenaed in terms of section 10(1)(b), and (2), who, without sufficient cause –

(a) fails to attend the meeting of the Committee at the time and place specified in the subpoena; or

(b) fails to remain in attendance at the meeting of the Committee until the completion of the investigation before the Committee or until he or she is excused by the Chairperson from further attendance,

is guilty of an offence.

- (2) A person called as a witness under section 10(1)(a) or (b) who, without sufficient cause –
- (a) refuses to be sworn in or to make an affirmation as a witness after she or he has been requested by the Chairperson to do so; or
 - (b) after having been sworn in or having made an affirmation, fails to answer fully and satisfactorily any question lawfully put to her or him; or
 - (c) after having been sworn in or having made an affirmation, give false evidence before the Committee on a matter, knowing the evidence to be false or not believing it to be true; or
 - (d) fails to produce a book, document or object in his or her possession or custody or under his or her control, which he or she has been called to produce,

is guilty of an offence.

- (3) A person who –

- (a) threatens, obstructs or unduly influences a witness to refrain from giving evidence or to give false evidence before the Committee; or
- (b) threatens, obstructs or unduly influences a witness to produce a paper, book, record or document before the Committee; or
- (c) with the intent to deceive the Committee, produces before the Committee a false, untrue, fabricated or falsified paper, book, record or document; or
- (d) destroys or conceals a book, document or object which to his or her knowledge might be of assistance to the Committee in any matter relating to the subject of its investigation; or
- (e) wilfully furnishes the Committee with information, or make a statement before it, which is false or misleading, is guilty of an offence.

Penalties

12. A person convicted of an offence in terms of section 11 (1)(2) or (3) may be liable to a fine or imprisonment for a period not exceeding twelve (12) months or to both a fine and imprisonment.

Retention of books, documents or objects by Committee

13. The Committee may retain, for a reasonable period after a sitting, a book, document or object that it has requested or subpoenaed a person to produce in terms of sections 10(1)(a) or (b).

Subpoena of employee in the public service

14. The Committee may summon or subpoena employees of the public service to appear before it to give evidence.

Delegation of powers and functions by Committee

15. (1) The Committee may delegate its powers and functions to a member or members of the Committee or to another member or members of the Provincial Legislature, provided:
- (a) that no fewer than two (2) members must conduct each sitting; and
 - (b) that the members must be representative of different political parties.
- (2) The Chairperson must provide the members referred to in subsection (1) with a written and signed authorization.
- (3) On completion of the sitting or sittings, the members referred to in subsection (1) must report their findings to the Committee.
- (4) Nothing shall prevent the committee from exercising powers or performing functions delegated to persons referred to in subsection (1).

Accountability to Provincial Legislature

16. (1) The Committee must prepare a quarterly report on every petition it has adjudicated upon for submission to the Provincial Legislature for consideration.
- (2) The Committee must prepare and submit an annual written report of its activities to the Provincial Legislature.
- (3) The annual written report of the Committee must provide for an evaluation of the responsiveness, efficiency and timeousness with which petitions referred to under section 8 (2) (a) to (f) of this Act were resolved.

- (4) A debate on an issue raised in a report of the Committee to the Provincial Legislature must take place if more than five (5) members of the Provincial Legislature so demand.
- (5) The Provincial Legislature may refer a matter emanating from a report of the Committee back to the Committee for reconsideration.

Establishment of Secretariat

17. (1) There is hereby established a Secretariat for matter pertaining to petitions consisting of the number of members to be determined by the Secretary of the Legislature.
- (2) The Secretariat must perform the functions assigned to or conferred upon it by the relevant Committee.

Procedures relating to petitions

18. (1) The Secretariat must -
- (a) register every petition received in a petitions register;
 - (b) to open a file for every petition;
 - (c) in terms of section 4 (2) of this Act, prepare every petition received for consideration by the Committee, which may involve -
 - (i) correction, if possible, to ensure that a petition complies with the provisions of this Act; and
 - (ii) the translation of a petition.
 - (d) prepare a full list of outstanding petitions addressed to the Provincial Legislature, and make it available to each meeting of the Committee and to the public;
 - (e) present a petition prepared under paragraph (c) to the Chairperson, and the petition must be tabled at a meeting of the Committee for consideration within two (2) weeks of the date on which the Chairperson received the petition;
- (2) The Committee must notify a petitioner within four (4) weeks of the date on which a petition was tabled of -
- (i) the manner in which a petition is being dealt with; and

- (ii) the reasons why it is being dealt with in that particular manner.
- (3) The Committee may consider each petition, and exercise any of its functions in terms of section 8.
- (4) A petitioner may withdraw a petition; provided that if the Committee deems the matter to be of public importance, it may continue to act on the complaint or request after the withdrawal.
- (5) The Committee must, after concluding its consideration of a petition in terms of section 8(4), submit the petition file and its recommendation to the speaker.
- (6) After the submission of a petition in terms of subsection (5), the speaker must scrutinize the contents of the file within (2)two weeks;
- (7) A member of the Provincial Legislature is entitled to scrutinise the file and the recommendation of the Committee.
- (8) A member of the Provincial Legislature may object to the closing of the file, and must provide reasons for her or his objection;
- (9) The Speaker may on good grounds –
- (a) refer the file to the Committee for reconsideration
 - (b) refer the file to the Committee for filing; and
- (10) The Speaker may supplement this procedure by way of regulations.

Regulations

19. The Speaker must make regulations required for carrying out the provisions of this Act.

Short title and commencement

20. This Act shall be called Gauteng Petitions Act 1998, and shall come into operation on a date fixed by Premier by proclamation in the provincial gazette.

KENNISGEWING 2131 VAN 1998**WETSONTWERP**

Om te voorsien vir die reg om te peticioneer in die Provincie van Gauteng; om toepaslike algemene beginsels neer te le; om peticies en publieke deelname vas te stel; om te voorsien vir invloed en funksies van komitees van wetgewende mag/gesag; om te voorsien vir procedures en mechanisme vir die voorlegging van peticie aan die komitee; om die vorm en inhoud vas te stel; en om te voorsien vir sake incidenteel daar toe.

Definisies

1. In die Wet, tensy die konteks andersins aandui –

“Voorsitter” beteken die Voorsitter van die Komitee;

“Komitee” beteken die toepaslike Komitee van die Provinciale Wetgewende raad soos beredeneer in afdeling 3;

“Klagte” beteken ‘n uitspraak van ontevredenheid met ‘n wet of uitlating deur die bestuurs of wetgewende raad van die provinsie;

“Grondwet” beteken die Grondwet van die Republiek van Suid Afrika, 1996 (Wet no 108 van 1996);

“Bestuurs Raad” beteken die bestuurs raad van die provinsie soos beredeneer in Afdeling 132 van die Grondwet;

“Wetgewende gesag” beteken die outhoorn van die provinsie soos beredeneer in Afdeling 104 van die Grondwet;

“Lid” beteken ‘n lid van die Provinciale Wetgewende Raad verkies vir setel in die Provinciale Wetgewende Raad in terme van Afdeling 105 en 106 van die Grondwet;

“Peticie” beteken ‘n klag, of ‘n versoek of ‘n verteenwoordiging, of ‘n voorlegging voorgele deur ‘n peticionaris aan die komitee, en mag die vorm neem van –

- a) ‘n Enkele peticie, wat ‘n enkele voorlegging van ‘n enkele voorlegging van ‘n enkele peticionaris rakende ‘n sekere klag of versoek; of
- b) ‘n Gemeenskaplike peticie, wat ‘n versameling van handtekeninge van ‘n aantal peticionarisse is rakende ‘n besondere klag of versoek; of
- c) ‘n Veelvuldige groep of massa peticie, saamgestel van individuele of groep voorleggings van ‘n aantal peticionarisse rakende dieselfde of substantiele enerse klages of versoekte; of

- d) 'n Assosiasie peticie, wat 'n enkele voorlegging van 'n assosiasie is, of 'n individu wat mandaat het van 'n assosiasie, rakende 'n besondere klag of versoek.

"Petisionaris" beteken 'n persoon wat 'n peticie voorle aan die komitee, en sluit in 'n natuurlike of regsgleerde persoon wat optree –

- a) in sy of haar eie belang, of
- b) in die belang van 'n ander persoon wat nie in die posisie is om ondersteuning te soek in sy/haar eie naam, of
- c) as 'n lid van, of in die belang van 'n groep of klas van persone, of
- d) optree in die publieke belang;

en sluit in ook 'n assosiasie wat optree in die belang van sy lede.

"Provinsie" beteken die provinsie van Gauteng saamgestel in terme van Afdeling 103 van die Grondwet;

"Versoek" beteken 'n eis, appel, of voorstel in verband met 'n wet of uitlating deur die bestuur of die wetgewende raad, of as plaaslike regering in die provinsie;

"Sekretariaat" beteken die Sekretariaatsaamgestel in terme van Afdeling 17 van die Wet;

"Speaker" beteken die Speaker van die Provinciale Wetgewende raad verkies in terme van Afdeling 111 van die Grondwet; en

"Vasgestelde Reels" beteken die Vasgestelde Reels en opdragte gemaak vir die bedryf van die besigheid van die Provinciale Wetgewende raad in terme van Afdeling 116 van die Grondwet.

Algemene beginsels van die wet

2. (1) n Komitee moet –

- (a) neem toepaslike stappe om deelname deur die publiek in die prosess van regering in die provinsie aan te moedig en om deelname te faciliteer, veral, vorige politiese, sosiale, en ekonomies uitgeslotte gemeenskappe.
- (b) ontvang petisies, verteenwoordigings of voorleggings van die petisionaris.
- (c) verbeter demokrasie deur die uitvoering van maksimum verantwoordelikheid en deursigtigheid
- (d) respekteer die regte van petisionarisse.

- (2) 'n Reg toegeken deur die Wet sal uitgeoefen word in 'n mannier wat redelik en gereverdig is.
- (3) Elke petisionaris sal die reg he om 'n petisie voor te le in die taal van sy of haar keuse waar dit redelik prakties is.
- (4) Daar sal 'n plig op die komitee wees om te verseker dat persone of groepe of kategorie van persone voorheen verontregd deur onredelike diskriminasie, volle deelname in die proses van regering geniet.

Samestelling van Komitee

3. (1) Die Komitee bestaan uit lede van die Provinciale Wetgewende raad soos vasgestel van tyd tot tyd deur die vasgestelde reëls van die Wetgewende raad.
- (2) Die Speaker of die Voorsitter van die Komitee, of enige gemagtige persoon ontvang 'n petisie en verwys dit na die toegewyde komitee.

Reg om te petisioneer

4. (1) Ondergeskik aan die bepalings van die Wet en enige ander wet, 'n petisionaris moet die reg he om 'n petisie voor te le aan die Komitee.
- (2) Die Sekretariaat moet hulp verleen, kosteloos, waar prakties moontlik aan 'n aanstaande petisionaris wat 'n petisie wil voorle aan die Komitee.

Jurisdiksie van Komitee

5. 'n Komitee mag elke petisie oorweeg verwys na hulle in terme van die Wet.

Omvang van petisies

6. (1) Ondergeskik aan sub afdeling (2), 'n petisionaris moet 'n geskrewe petisie voor le, geskryf in die petisionaris se verkose taal.
- (2) Die Komitee mag 'n petisionaris telaat om 'n geskrewe petisie met verbale voorleggings aan te vul as goeie redes bestaan, of as die hulp beredeneer in Afdeling 4 ontoereikend of onbeskikbaar is.
- (3) 'n Petisionaris mag 'n orale petisie voorle aan die Komitee.
- (4) Voor dit 'n petisie oorweeg, die Komitee moet 'n orale petisie aanteken en onderwerp na 'n geskerewe voorlegging beredeneer in sub afdeling (2) en (3).

- (5) 'n Petisie wat nie in 'n offisiele taal van die provinsie is nie moet vertaal word in ooreenstemming met die taal beleid van die provinsie en die vertaalde weergawe moet aangegeg wees.

Oorweging van n vasgestelde petisie

7. 'n Petisionaris wat 'n petisie voorgele het in verband met 'n besluit wat geneem is, is nie geregtig op hoorweging deur die komitee, of 'n daaropvolgende petisie wat dieselfde klag of versoek maak, tensy die petisionaris nuwe feite of relevante bewyse lewer wat 'n hoorweging regverdig in die saak.

Mag en Funksies van die Komitee

8. (1) 'n Komitee moet oorweeg –
- (a) 'n petisie wat ingedien was met 'n mening om die saak te skik na die bevrediging van die petisionaris; en
 - (b) waar geskik, adviseer 'n petisionaris van ander geskikte oplossings tot sy/haar beskikking.
- (2) 'n Komitee mag 'n petisie aanbeveel vir verwysing, in geheel of in gedeelte, na die Speaker vir konsiderasie deur enige van die volgende persone of liggame:
- (a) die Provinsele Wetgewende raad; of
 - (b) 'n staande komitee van die Provisale Wetgewende raad; of
 - (c) 'n lid van die Bestuurs Raad van die provinsie; of
 - (d) die munisipale raad van die plaaslike regering in die provinsie; of
 - (e) 'n insituut wat demokrasie ondersteun soos bepaal in die Grondwet.
- (3) As 'n petisie verwys is na 'n Lid van die Bestuurs Raad, of 'n plaaslike regering, wat geregtig om deel te neem in die Komitee se besprekings van die petisie, die Komitee mag –
- (i) 'n antwoord vereis binne 'n tydperk van (4) weke na die verwysing;
 - (ii) beveel die persoon of liggaam na die wie die petisie verwys is, om dit te oorweeg, om 'n besluit te neem of 'n aanbevelking te maak, of andersins om die saak te skik in enige wyse wat geskik is die omstandighede, en dat so 'n persoon of liggaam aan die Komitee 'n verslag moet gee wat breedvoerig is en wat redes gee vir, die stappe wat hy/sy of dit geneem het binne die vasgestelde tydperk; en
 - (iii) as die komitee van die opinie is dat die gedrag van 'n persoon of liggaam na wie

'n petisie verwys is in terme van die afdeling, onbevredigend is en dat die omstandighede sulke aksies verdien, le 'n klag by die Publieke Beskermer, of neem gepaste aksies.

- (4) Onderhewig aan die voorwaardes van die Wet, indien versoek deur die petisionaris, die Komitee mag 'n dispuut oplos, wysig 'n wet, of herstel 'n uitlating, deur middle van 'n mediasie of onderhandeling.
- (5) Die Komitee mag 'n voorstel maak aan 'n persoon of liggaaam op die basis van 'n petisie.
- (6) Die Komitee mag sy oorweging van 'n petisie sluit as dit van die mening is dat -
 - (a) geen stappe, of geen verdere stappe geneem kan word om die saak af te handel; of
 - (b) die saak afgehandel is soos versoek deur die petisionaris.
- (6) Die Komitee mag weier om 'n geskrewe petisie te oorweeg wat -
 - (a) onleesbaar is; of
 - (b) nie die naam of adres van die petisionaris wys; of
 - (c) nie geteken is deur die petisionaris: tensy 'n petisionaris wat ongeletterd is sy/haar merk moet maak op die petisie in die verteenwoordigheid van twee (2) getuies, wat die petisie moet teken in die kapasiteit.
- (8) Die Komitee moet weier om 'n petisie te oorweeg wat -
 - (a) buite sy omvang van jurisdiksie val;
 - (b) betrefende 'n saak wat hangende is in 'n hofsaak;
 - (c) kom van 'n gevangene en verbind aan sy of haar saak;
 - (d) omvat die onderwerp wat voor die kommissie van ondersoek soos vasgestel in terme van die Komissies Wet, 1997 (Wet No. 1 van 1997).
- (9) In die geval waar die Komitee weier om 'n petisie te oorweeg soos beredeneer in sub Afdeling (8), die Komitee moet geskrewe redes gee vir die weierung van die petisie.
- (10) Die Komitee moet -
 - (i) kwartaalikse verslae of verwysings soos beredeneer in sub afdeling (3) aan die Provinciale Wetgewende raad; en
 - (ii) deel 'n petisionaris en ander lede van die publiek betrokke mee van sy besluit of ander koerse van aksie met betrekking tot 'n sekere petisie en redes.
- (11) Onderhewig aan die voorwaardes van die Wet, die komitee mag, in konsultasie met

die Speaker, reguleer sy procedures en sy funksies uitvoer in 'n manier wat dit goed dink.

Sitting van Komitee

9. (1) Die Komitee mag, vir die doel om getuenis te ontvang of vir oorweging, sit in 'n plek in die provinsie soos die Voorsitter bepaal.
 - (2) Getuenis voorgele aan die Komitee moet gehoor word in die publiek, tensy die Voorsitter andersins bepaal.
 - (3) Die Voorsitter moet publieke kennis gewing van alle sittings en oorwegings van, en van alle getuenis aan, die komitee, in die manier wat die Komitee bepaal.

Getuies

10. (1) Vir die doel van vastelling van 'n saak in verband met die onderwerp van sy ondersoek, moet die Komitee die volgende magte he:
 - (a) om 'n persoon op te roep om 'n sitting van die Komitee by te woon, as getuie, om sodoende getuenis te lewer, of om enige boek, dokument of voorwerp as die Komitee dit benodig; en
 - (b) om 'n persoon te dagvaar om 'n sitting van die Komitee by te woon, as getuie, om sodoende getuenis te lewer, of om enige boek, dokument of voorwerp as die Komitee dit benodig voor te le teen 'n tyd en plek soos gespesifiseer in die dagvaardiging.
- (2) 'n Dagvaardiging soos beredeneer in sub afdeling (1)(b) moet geteken en uitgereik wees deur die Voorsitter, en bestel op die persoon gedagvaar of deur 'n geregistreerde brief gestuur deur die pos of deur aflevering deur 'n persoon met gesag daartoe deur die Voorsitter of deur 'n metode vasgestel deur die Premier in die vorm van regulasies.
- (3) As die Voorsitter hom/haar vereis om voor getuenis gelewer word, moet 'n getuie, 'n eed neem of 'n verklaring geadministreer deur die Voorsitter of so 'n lid of werknemer van die Komitee soos deur die Voorsitter bepaal.
- (4) 'n Persoon wat gedagvaar is om 'n sitting by te woon van die Komitee as 'n getuie, of wie getuenis gelewer het voor die Komitee, is geregtig tot dieselfde getuie fooi as of hy/sy gedagvaar is by 'n krimineele verhoor in die Hoog Gereghof.
- (5) 'n Persoon wat 'n versoek in dien aan die Komitee met betrekking tot 'n sekere petisie, moet die geleenthed gegee word om te verskyn voor die Komitee gedurende die sitting van die Komitee.

Oortredings

11. (1) 'n Persoon gedagvaar in terme van afdeling 10(1)(b), en (2), wie sonder voldoende rede -

- (a) feil om 'n vergadering van die Komitee op die tyd en plek gespesifieer in die dagvaarding by te woon; of
- (b) feil om teenwoordig te bly by 'n vergadering van die Komitee totdat die ondersoek voltooi is voor die Komitee of totdat hy/sy verskoon is deur die Voorsitter van verdere bywoning,
- is skuldig aan 'n oortreding.
- (2) 'n Persoon geroep as 'n getuie onder afdeling 10(1)(a) of (b) wie, sonder genoeg rede –
- (a) weier om in gesweer te word of om 'n verklaring af te le as 'n getuie na sy/hy gevra is deur die Voorsitter om dit te doen; of
- (b) na inswering of na 'n verklaring gemaak is, feil om tenvolle en bevredigend enige vraag te antwoord geregtelik aan hom/haar gestel; of
- (c) na inswering of na afleg van 'n verklaring, vals getuienis lewer voor die Komitee oor 'n saak, wetende die getuienis is vals of nie glo dat dit waar is nie; of
- (d) feil om 'n boek, dokument of voorwerp te lewer wat in sy/haar besit of sorg of beheer is, wat hy/sy geroep is om te lewer,
- is skuldig aan 'n oortreding
- (3) 'n persoon wie –
- (a) dreig, verhinder of ten onregte 'n getuie te beïnvloed om getuienis te lewer of om vals getuienis te lewer voor die Komitee; of
- (b) dreig, verhinder of ten onregte 'n getuie te beïnvloed om 'n papier, boek, verslag of dokument voor die Komitee te lewer; of
- (c) met die doel om die Komitee te mislei, procedures voor die Komitee 'n vals, onwaar, versinsel of vervalsde papier, boek, verslag of document; of
- (d) vernietig of verberg 'n boek, dokument of voorwerp wat in sy/haar kennis van hulp mag wees vir die Komitee in enige saak in verband met die onderwerp van sy ondersoek; of
- (e) opsetlik die Komitee inligting verskaf, of 'n verklaring voor dit maak, wat vlas of misleidend, is skuldig aan 'n oortreding.

Boetes

12. 'n Persoon skuldig bevind aan 'n oortreding in terme van afdeling 11 (1)(2) of (3) mag aanspreklik wees vir 'n boete of gevangenis vir 'n tydperk nie langer as twaalf (12) maande of vir beide 'n boete en gevangenis straf.

Terughouding van boeke, dokumente of voorwerpe deur die Komitee

13. Die komitee mag, vir 'n redelike tydperk na 'n sitting, 'n boek, dokument of voorwerp wat dit versoek het of gedagvaar het, van 'n persoon om te lewer in terme van afdelings 10(1)(a) of (b), terug hou.

Dagvaardiging van 'n werknemer in die publieke diens

14. Die Komitee mag werknemers in publieke diens roep of dagvaar om voor dit te verskyn en getuenis te lewer.

Deligeering van gesag en funksies deur Komitee

15. (1) Die Komitee mag sy en funksies deligeer aan 'n lid of lede van die komitee, of aan 'n ander lid of lede van die Provinciale Wetgewende raad, tensy:
- (a) Elke sitting moet deur nie minder as twee (2) lede bestuur word; en
 - (b) die lede moet verteenwoordigend wees van politieke partye
- (2) Die voorsitter moet die lede soos beredeneer in sub afdeling (1), met 'n geskrewe en getekende magtiging.
- (3) Met voltooiing van die sitting of sittings, die lede soos beredeneer in sub afdeling (1) moet hul bevindings aan die Komitee rapporteer
- (4) Niks sal die Komitee in die uitoefening van gesag of uitvoering van funksies wat gedelegeer is aan persone soos beredeneer in sub afdeling (1) verhinder.

Verantwoordelikheid aan Provinciale Wetgewende Raad

16. (1) Die Komitee moet 'n kwartaalikse verslag oor elke petisie wat dit beoordeel het voorberei vir voorlegging aan die Provinciale Wetgewende Raad vir oorweging
- (2) Die Komitee moet 'n jaarlikse geskrewe verslag van sy aktiwiteite voorberei en indien aan die Provinciale Wetgewende Raad.
- (3) Die jaarlikse geskrewe verslag van die Komitee moet voorsiening maak vir 'n evaluasie van die responsiviteit, effektiewiteit en stiptelikheid wat petisies verwys na in afdeling 8(2)(a) tot (f) van hierdie Wet, opgelos was
- (4) 'n Debat oor 'n onderwerp wat in 'n verslag van die Komitee aan die Provinciale Wetgewende Raad, moet plaas vind as meer as vyf(5) lede van die Provinciale Wetgewende Raad dit vereis.
- (5) Die Provinciale Wetgewende Raad mag 'n saak wat van 'n verslag van die Komitee uitvloei, terugwys na die Komitee vir heroorweging.

Beredeneering van die Sekretariaat

17. (1) Daar is hiermee 'n Sekretariaat beredeneer vir sake rakende peticies, bestaande uit die aantal lede om te bepaal word deur die sekretaris van die Wetgewende Raad
- (2) Die Sekretariaat moet die funksies aangewys of toegeken aan deur die relevante Komitee uitoefen.

Procedures in verband met peticies

18. (1) Die Sekretariaat moet –
 - (a) Elke peticie wat ontvang is regstreer in die peticie register
 - (b) 'n Leer oop maak vir elke peticie
 - (c) in terme van afdeling 4(2) van hierdie Wet elke peticie wat ontvang is vir oorweging deur die Komitee voorberei, wat die volgende mag beterk –
 - (i) regstelling indien moontlik, om te verseker dat die peticie ooreenstem met die bepalings van hierdie Wet; en
 - (ii) Die vertaling van 'n peticie
 - (d) berei 'n volledige lys van uitstande peticies geadresseer aan die Provinciale Wetgewende Raad, en maak dit beskikbaar aan elke vergadering van die Komitee en aan die publiek;
 - (e)呈enter 'n peticie voorberei onder paragraaf (c) aan die Voorsitter, en die peticie moet voorgele by die vergadering van die Komitee vir konsiderasie binne twee (2) weke van die datum waarop die Voorsitter die peticie ontvang het;
- (2) Die Komitee moet 'n petisionaris in kennis stel binne vier (4) weke van die datum waarop die peticie ter tafel gele is van –
 - (i) die manier waarop die peticie gehanteer word; en
 - (ii) die redes waarom dit op daardie manier gehanteer word.
- (3) Die Komitee mag elke peticie oorweeg, en enige van sy funksies uitrig in terme van afdeling 8.
- (4) 'n Petisionaris mag 'n peticie onttrek; tensy die Komitee die saak sien as van belang vir die publiek, dan mag die dit voortgaan om op te tree op die klag of versoek na die ontrekking.
- (5) Die Komitee moet, na afhandeling van sy oorwegings van 'n peticie in terme van afdeling 8(4), sy peticie leer en rekomendasies indien by die Speaker.
- (6) Na indiening van 'n peticie in terme van sub afdeling (5), moet die Speaker die inhoud van die leer deeglik nagaan binne twee (2) weke;
- (7) 'n Lid van die Provinciale Wetgewende Raad is geregtig om die leer deeglik

deur te gaan en die rekommedasie van die Komitee.

- (8) 'n Lid van die Provinciale Wetgewende Raad mag beswaar le teen die toemaak van die leer, en die rekommedasie van die Komitee.
- (9) Die Speaker mag op goeie redes –
 - (a) verwys die leer na die Komitee vir hoorweging
 - (b) verwys die leer na die Komitee vir liaseering; en
- (10) Die Speaker mag die prosedure aanvul deur middel van regulasies.

Regulasies

19. Die Speaker moet regulasies maak vir die uitvoering van voorwaardes van die Wet.

Kort titels en aanvang

20. Die Wet sal genoem word Gauteng Petisies Wet 1998, en sal in werking tree op 'n datum Om vasgestel te word deur die Premier deur proklamasie in die provinsiale gazette.

NOTICE 2131 OF 1998

Molawana

Go kgonagatsa ditokelo tsa batho tsa go fihlisa dingongorego le dikganyogo tsa bona go mmutsso was profense ya Gauteng , go bea ditokollo tsa kakaretso, go thoma mananeo a matseakarolo a setshaba, go fa matla le mehola ya dikomiti tsa lekgotlatheramelao, go fa tsela le mekgwa ya go fihlisa lenaeo la dikganyogo le dingongorego Lekgotla, go kgonagatsa sebopego le mateng a lenanego le , le go emela merero e mengwe yeo e tsamaelanago le lenaeo le.

Ge e ka tsweletswa ke Lekgotla theramelao la Gauteng ka mokgwa o latelago:

Dihlaloso

1. Mo molawaneg o, ka ntle le gego ka supswa ka mokgwa o mongwe ke seemo sa ditaba-

"Modulasetulo" -hlaloso ya modulasetulo e supa modulasetulo was Lekgotla

"Komiti"- komiti ye e amegago ya Lekgotlatheramelao bjale ka ge e hhaloswa mo karolong ya boraro ya molawana o,

"Ngongorego" – go ntsha maikutlo a go kgotsofale ka tiro goba go se setse ga lekgotla khuduthamaga goba lekgotlatheramelao la profense

"Molaotheo" – Molaotheo was Afrika Borwa wa 1996 (Molao wa 108 wa 1996),

"Lekgotla khuduthamaga"- lekgotlakhuduthamaga la profense ka ge le hhaloswa mo karolo ya 132 ya Molaotheo:

"Lekgotlathermelao"- lekgotlathermelao la profense bjale ka ge le hhaloswa mo karolong ya 104 ya Molaotheo wa Afrika Borwa:

"Mmuso wa selegae"-sehla sa metse mmusong wa profense ya Gautengbjale ka ge e hlaoswa ke karolo ya 151 le ya 155 ya Molaotheo wa Afrika Borwa:

"Leloko"- leloko la Lekgotlathera melao laprofense ka ge e hhaloswa mo dikarolong tsa 105 le 106 tsa Molaotheo wa Afrika Borwa:

"Pethisene" –ngongorego, kgopelo, boiponagatso goba sengwalwa sa mongongoregi goba mokgopedi se lebisitswego go Lekgotla, e ka tsea se sengwe sa dibopego tse di latelago-

- (a) kgopelo, ngongorego, boiponagatso goba sengwalwa sa motho o tee seo se amanang le ngongorego goba kgopelo, goba
- (b) phethisene ya seboka yeo elego kopantsho ya maina go tswa go batho kopaneng mabapi le ngongorego goba kgopelo e itseng; goba
- (c) kgopelo,ngongorego, boipanagatso goba sengwalwa sa seboka, batho ba kopanego goba mogobo wa batho yeo e dirilego ke motho ka mong goba yeo e dirilego ke seboka ga mmogo mabapi le dingongorego goba dikgopelo tse di tshwanago goba di tsamaelana; goba
- (d) phethisene ya lekgotla ye elego dingwala go tswa go lekgotla empa di ngwetswe ke maloko ao ikemetsegoo a lekgotla, goba motho a filwe matla ke lekgotla , mabapi le ngongorego goba kgopelo e itseng.

"Petitioner" motho yoo a lebisitsegoo ngongorego, kgopelo goba sengwalwa go Lekgotla, go balwa motho le dibopswa tsa semolao ba

- (a) iterelago le dikganyogo tsa bona, goba
- (b) somelago dikganyogo tsa motho goba batho babangwe bao ba sa kgonego go kgopela thuso goba kimollo ka maina a bona, goba
- (c) ele bjale ka lelokola goba go ya ka dikganyogo tsa sehlopha, maemo goba batho ba itseng, goba
- (d) direlago dikganyogo tsa setshaba;

gape go tsentshetwas le sebka seo se ka bago direl dikganyogo tsa maloko a sona.

"Profense"- ke profense ya Gauteng e thekgelwego go ya le ka karolo ya 103 ya Molaotheo wa Afrika Borwa;

"Kgopelo" -taelo, boipeletso goba kgopelo mabapi le modiro goba go se dire sengwe ga lekgotlakhuduthamaga goba lekgotlatheramelao la, goba metse, mo profenseng;

"Seboledi" -seboledi sa Lekgotlatheramelao sa Profense seo se kgethilwego go ya le ka karolo ya 111 ya Molaotheo wa Afrika Borwa, gape

"Melawana yeo e ikemetsegó"-melawana yeo e ikemetsegó le ditaelo tseo di hlametswegotsarmaiso ya merero ya Lekgotlatheramelao la Profense go ya ka karolo ya 116 ya Molaotheo.

Ditokollo ka karetso tsa molao o

2. (1) Lekgotla le swanetse go-

- (a) go tsea magato a swanetsegó go fa setshaba matla a go tsea karolo mo mananeong a mmuso mo profenseng, kudu, dikarolo tseo tsa setshaba tse di ilego tsa kgethollwa go tsa dipolotiki, tse amanago le setshaba le tsa boiphidiso.
- (b) Amogela dingongorego, dikgopelo, boiponagatso le dingwalwa go tswa go bangongoregi le bakgopedi.
- (c) Go tswetsa pele puso ya sedemokrasi ka go bontsha maemo a godimo a boikarabelo le go ntshetsa nyanyeng.
- (d) Go hlompha ditokelo tsa bakgopedi le bangongoregi

3.

4. 2.Tokelo yeo fiwago ke molao o e tla somiswa ka mokgwa o kwalago le go amogelega

3. Mokgopedi goba mongongoregi yo mongwe le yo mongwe o nale tokelo ya go dira bjalo ka leleme la kgetho ya gagwe moo go kgonagalogo.

5. 4.Lekgotla le tla tlamega go netefatsa gore batho goba dihllopha goba maemo a batho baoba bego ba kgethollwamengwageng ya pele ba hwetsa seabe se se feletsegó mo mererong ya mmuso.

Sebopego sa Legotla

- 3. (1) Lekgotla le dirwa ke maloko a Lekgotlathermelao la Profense ya Gauteng bjale ka ge tla be tiisetswa ke melawana yeo e ikemetsegó ya Lekgotlatheramelao.
- 4. (2) Seboledi goba Modulasetulo wa Komiti goba motho mongwe le o mongwe yo a kgethilwego ke Komiti a ka amogela ngongorego, kgopelo, boiponagatso goba sengwala gomme a romele go komiti ye e tshwanetsegó.

Tokelo ya go ngongorega, go iponagatsa, go dira kgopela goba romela sengwalwa

4. (1) Go ya ka dikarolwana tsa molao le melao ye mengwe, mokgopedi goba mongongoregi o tshwanetse ke go ba le tokelo ya go lebisa kgopelo goba ngongorego ya gagwe go Komiti .

(2) Bongwaledi bo swanetsa go fa thuso, ka ntle ga tefo, fao go kgonegago go bangongoregi le bakgopedi ba kamoso bao ba kgnayogago go tlisa dikgopelo le dingongorego tsa bona pele ga Komiti.

Mellwane ya matla a Komiti

5. Komiti e ka ela hloko dikgopelo le dingongorego tsohle tse di lebiswago go yona go yona ka molao o.

Bophara ba dikgopelo le dingongorego

6. (1) Go ya le ka karolwana ya bobedi, bakgopedi le bangongoregi ba swanetse go ngwala

dikgopeло goba dingongorego tsa bona ka leleme la kgetho ya bona.

(2) Komiti e ka dumella mokgopedi goba mongongoregi go tlalletsa kgopelo goba ngongorego ya go ngwala ka go iponagatsa le go dira pego ya molomo ge gona le mabaka a a kwagalago a go dira bjalo goba ge thuso yeo e lebeletswego go ya ka karolo ya bone ya molao o e sa kgotsofatsa goba e sego.

(3) Mokgopedi goba mongongoregi a ka tla a ihlalosa pele ga Komiti.

(4) Pele kgopelo goba ngongorego e ka elwa hloko, Komiti e swanetse go go ngwala fase pego ya molomo bjale ka ge go hhalosa dikarolwana (2) le (3)

(5) Kgopelo goba ngongorego yeo e sego ka leleme la semmuso la profense e swanetse go fetoleiwa go ya ka tsela ya maleme ya profense gomme phetolelo yeo e swaragantshwe go kgopelo goba ngongorego.

Tebello ya kgopelo goba ngongorego yeo e phethilwego

7. Mokgopedi goba mongongoregi yo a tlisitsego kgopelo goba ngongorego yeo elego groe sephetho se setse se tseerwe malebana le yona, ga a na tokelo ya go hwetsa kelohloko ke Komiti , ge a dira ngongorego goba kgopelo enngwe , kantle ya ge a ka tsweletsa dintlha tse diswa goba bohlatse bjo bo amango le kgopelo goba ngongorego bjo bo kgapeletsago gore taba ya gagwe e lebedisiswe.

Matla le mehola ya Komiti

7. (1) Komiti e swanetse go ela hloko-

(a) kgopelo goba ngongorego yeo e tlisitswego ka kgopolo ya go phetha taba ka mo go tla kgotsofatsang mokgopedi goba momgongoregi, gape

(b) Mo go kgonagalago, e eletse mokgopedi goba mongongoregi ka magato amangwe a lego gona

2 Komiti e ka sisinya gore kgopelo goba ngongorego e fetisetswe gongwe, karolo goba e feletse, go Seboledi gore e lebedisiswe ke e mong wa batho goba dihlopha tse di latelago:

(a) Lekgotlatheramelao la Profense, goba

(b) komiti e ikemetsego ya Lekgotlatheramelao la Profense, goba

(c) leloko la Khuduthamaga ya Profense, goba

(d) lekgotla la mmasepala wa mmuso wa metsana mo profenseng, goba

(e) seboka goba sehlopha seo se thekgilego lenaneo la demokrasi bjale kage le hhaloswa mo Molaotheong

3. Ge kgopelo goba ngongorego e fetisetswe go Leloko la Lekgotla la Khuduthamaga, goba mmunso wa selegae, leo le nago le tokelo ya go tsea karolo mo dipoledisanong tsa Komiti ka ga kgopelo goba ngongorego, Komiti eka-

(i) nyaka karabo mo dibekeng tse nne tsa ge kgopelo goba ngongorego e rometswe pele
 (ii) eletsa motho goba lefapha leo kgopelo goba ngongorego e tfetisetswego go lona gore e hlokomedise, a dire sephetho goba sisnfyo, goba e fedise taba ka mokgwa wo o kgonegago ka tlase ga seemo seo ditaba, gape le gore motho goba lefapha leo le fe Komiti pego e ntshago ka bottlalo , e fe mabaka a, dikgato tse tseerwego mo nakong e beilwego, and
 (iii) ge Komiti e le ya hhaloganyo ya gore boitshwaro bja motho goba lefapha leo kgopelo goba ngongorego e fetisetswego go ya ka karolo ye molao , ga e kgotsofatsa, gape mabaka a dumella magato ao, etla Bea ngongorego le Motshireletsi wa Setshaba, goba ya tsea magato a swanetsego.

4. Go latelwa dikarolo tsa molao o, ge go kgopelwa ke mongongoregi goba mokgopedi, Komiti e kano latsa taba, ya busetsa morago sephetho, goba ya phosollaphoso ka mokgwa wa go ba kemagare goba dipolediso.

5. Komiti e ka dira sisinyo go motho goba lefapha e lebeletse kgopelo goba ngongorego.

6. Komiti e ka phetha kgopelo goba ngongorego ge ele ya hlaloganyo ye e rego-

- (a) ga go magato, goba magato pele ao a katsewago go phetha taba; goba
- (b) taba e phethilwe bjale kage mokgopedi goba momgongoregi a kgopete

7. Komiti eka gana go ela hloko kgopelo goba ngongorego ye e ngwetswego ge

- (a) e sa balege
- (b) e sena leina le aterese ya mokgopedi goba mongongoregi, goba
- (c) e sa saenwa ke mongongoregi goba mokgopedi, ka ntle ga ge mokgopedi goba mongongoregi a sa kgone go ngwala mo a swanetsego go thala kgopelo goba ngongorego yeo mo pele ga dihlatse tse pedi tseo le tsiona di swanetsego go saena bjale ka dihlatse.

(8) Komiti e ka gana go ela hlok kgopelo goba ngongorego ge-

- (a) e wela ka ntle mellwane ya matla a yona;
- (b) e amana le taba yeo e sa tlogo ahlola ke kgoro ya tsheko
- (c) e tswa go motshwariwa gape e amana le molato wa gagwe
- (d) e amana le taba yeo e lego pele ga komisene ya dinyakisiso e thekgilwego go ya le ka molao wa dikomiseni wa 1997

(9) Ge Komisene e ganne go ela hloko kgopelo goba ngongorego go ya karolo ya (8), Komiti etla fa mabaka a ngwetswego a go gana kgopelo goba ngongorego,

(10) Komiti e swanetse-

- (i) dire pego kgwedi tse di ngwe le tse dingwe tharo ya merero yeo fetiseditsego pele bjale ka ge go hlaoloswa mo karolong ya boraro go Lekgotlatherame;lao la Profense; gape
- (ii) go tsebisa mokgopedi goba mongongoregi le maloko a setshaba a amegago ka sephetho sa yona goba magato amangwe ao e ikemiseditsego go a tsea mabapi le kgopelo goba ngongorego itseng le mabaka a gona.

(11) Go latelwa dikarolo tsa molao, Komiti eka, e somisana le Seboledi, laolatsamaiso le tiro ya mosomo wa yona ka mokgwa wo e bonago go swanetse.

Go dula ga Komiti

- 9** (1) Komiti eka, ka mabaka a go nyaka bohlatse goba dipoledisano, dula ko lefelong le nako mo profenseng go ya le ka moo Modulasetulo a tla kgethago ka gona
- (2) Bohlatse bjo bo begwago pele ga Komiti bo tla kwewa pepeneneng, kantle le ge Modulasetulo a ka kgetha ka mokgwa o mongwe.
- (3) Modulasetulo o swanetse go fa setshaba tsebiso ya ditulo kamoka le dipoledisano tsa, le bohlatse go Komiti, ka mokgwa wo Komiti e tla o kgethang.

10 (1) Ka tlase ga mabaka a go tiisetsa taba e amanng le morero wo o nyakisiswago, Komiti e swanetse go ba le matla a a latelago:

- (a) go bitsa go iponagatsa pele ga Komiti, bjale ka dihlatse, go fa bohlatse, go ntsha , dingwalwa goba bohlatse bjo bongwe pele ga Komiti, ge Komiti e laela bjalo, gape
 - (b) go fa taletso ya semolao motho go iponagatsa pele ga Komiti , bjale ka hlatse, go fa bohlatse, go ntsha dibuka, dingwalwa le bohlatse bjo bongwe pele ga Komiti ko lefelong le ka nako yeo e tla ngwalwago mo taletsong yeo
- (2) Taletso ya semolao ye e lebeletswego mo karolwaneng (1) (b) e swanetse go saenwa e be e ntshwe ke Modulasetulo, gape e fihliswe go motho yo a laletswago ka lengwalo la poso le le tsebisitswego poson g goba le iswe ka seatla ke motho yo a kgethilego ke Modulasetulo goba ka mokgwa o mongwe wo o tla kgethago ke Tonakgolo ya Profense ka mokgwa wa ditaolo.
- (3) Ge Modulasetulo a nyaka a dira bjalo, hlatse e swanetse, pele e fa bohlatse, e tsee boikano goba boitlamo bjo atla bo leswago ke Modulasetulo goba leloko goba modiredi wa Komiti bjale ka ge

- Modulasetulo a tla kgetha
- (4) Motho yo laleditswego semmuso go iponagatsa ko tulong ya Komiti bjale ka hlatse, goba yo a filego bohlatse pele ga Komiti, o nale tokelo ya ditshelete ya go tshwana le ge a laleditswe semolao go iponagatsa, goba a file bohlatse ko Kgorong Kgolo ya Tsheko ya melato ya bosenyi.
 - (5) Motho yo a tlisago kgopelo go Komiti mabapi le kgopelo goba ngongorego, o swanetse go fiwa monyetla wa go iponagatsa pele ga Komiti nako tse Komiti tla be e dutse.

Bosenyi

11. (1) Motho yo a laletswago semmuso go ya ka karolo 10(1)(b) le (2) yo ka ntla ga mabaka a sa kwagalago-
 - (a) pallwa ke go iponagatsa hlakanong ya Komiti ka nako le ko lefelong le kgethilweng mo taletsong; goba
 - (b) pallwa ke go dula ka hlaknong ya Komiti go fihlela go fetswa ka dinyakisiso pele ga Komiti goba go fihlela aka dumellwa ke Modulasetulo go se sa dula mo hlakanong, o tla pharwa molato.
- (2) Motho yo a bitswago bjale ka hlatse, go ya le ka karolo 10(1)(a) goba (b) ka ntla ga mabaka a sa kwagalego-
 - (a) a gana go ikana le go itlama bjale ka hlatse ka morago ga ge a kgopetswe ke Modulasetulo go dira bjalo; goba
 - (b) Ka morago ga ge a ikanne goba itlamile , a gane go araba dipotsiso ka botlalo le mo go kgotsofatsago tse a di botsiswago, goba
 - (c) K a morago ga gore a itlame goba a ikanne , a fe bohlatse bja maaka pele ga Komiti mo tabeng, a tseba gore bohlatse bjo ke ba maaka goba a sa kgolwe gore ke thereso; goba
 - (d) Pallwe ke go ntsha buka , sengwalwa goba se sengwe le se sengwe se a nago le sona mo go yena goba ka fase ga hlokomelo ya gagwe goba taolo, seo akgopetswego go se ntsha , o tla pharwa ka molato
- (3) Motho yo –
 - (a) a tshosetsago, thibago goba a gapeletsa hlatse go gana go ntsha bohlatse goba go bohlatse bja maaka pele ga Komiti; goba
 - (b) a tshosetsa, a thiba goba a gapeletsa hlatse go ntsha pampiri, buka , sengwalwa pele ga Komiti; goba
 - (c) ka maikemisetso a timetsa Komiti, a ntshago pele ga Komiti dingwalwa tse maaka, tsa go se be le nnete, tsa maitirelo; goba
 - (d) a senyago goba a fihsa dibuka, dingwalwa goba se se ngwe le se sengwe se go ya ka yena se ka thusago Komiti gore e phethe taba ye nngwe ye e lego pele ga yona, goba
 - (e) ka thato ya gagwe a fe Komiti tshedimoso, goba setatamente pele ga yona , seo e lego sa maaka goba sa go timetsa, o tla pharwa ka molato.

Dikotlo

12. Motho yo a hwetswago ale molato go ya ka karolo 11 (1)(2) goba (3) a ka otiwa ka tefo goba kgolego ya tekano ya nako ye e sa fetego dikgwedi tse lesome pedi goba tefo le kgolego di kopane

Go swarwa ga dibuka, dingwalwa goba bohlatse bjo bo ngwe ke Komiti

13. Komiti e ka swara, lebakanyana kamorago ga ge e dutse dibuka, dingwlwa le bohlatse bjobongwe bjo bo kgopetsweng goba bo hweditswa ka taletso ya semolao go ya ka dikarolo 10(1)(a) goba (b).

Taletso ya semolao ya badiredi ba mmuso

15. (1) Komiti e ka aba matla le mehola ya yona go leloko gooba maloko a Lekgotla theramelao ja Profense , ge fela:

- (a) tulo e nngwe le e nngwe e sa tlo swarwa ke maloko a sa fetego ke bababedi
- (b) maloko a swanetse go emela mekgahlo ya dipolotiki tse di fapaneng

- (2) Modulasetulo o swanetse go fa maloko a hhaloswago mokarolwaneng ya pele (1) tumello ye e ngwetswego ebile e saennwe

- (3) ge tulo goba ditulo di fedile maloko ao a hhaloswago mo karolwaneng ya pele (1) a swanetse go bega dipolo tsa dinyakisiso tsa bona go Komiti .

- (4) A go selo seo se tla thibelago Komiti go somisa matla goba go dira mehola yeo e eabetswego go batho ba hhaloswago mo karolwaneng ya pele (1)

Boikarabelo go Lekgotlathermelao la Profense

16. (1) Komiti e swanetse go hlama pego dikgwedi tse dingwe le tse dingwe tse tharo ka ka kgopelo goba ngongorego enngwe le e nngwe yeo e ephethilego gomme e romele pego eo go Lekgotlathermelao la Profense gore le tsitsinkele.

- (2) Komiti e swanetse go hlama le go isa pego ya ngwaga ka ngwaga e ngwetswego ya mesomo ya yona go Lekgotlathermelao la Profense
- (3) Pego ya ngwaga ka ngwaga e ngwetswego ya Komiti e swanetse go bontsha tshekatsheko ya boarabi, bophethegi le nako yeo dikgopelo le dingongorego tse di di fetiseditswego pele ka fase ga karolo 8(2)(a) go fihla (f) ya molao o di phethilwego ka yona.
- (4) Ngangisano ka dinhla tse di tsusitswego ka pego ya Komiti go Lekgotlathermelao la Profense e swanetse go direga ge maloko a a fetago a mahlano(5) a Lekgotlathermelao la Profense a ka laela bjalo.
- (5) Lekgotlathermelao la Profense le ka lebisa taba ye e tsweletsego mo pegong ya Komiti morgao go Komiti gore e hlokomedisise

Go thekgwa ga Bongwaledi

- 17 (1) Fa go thekgwa Bongwaledi bja merero yeo e tsamaelanago le dikgopelo le dingongorego bjo bo tla dirwago ke palo ya maloko ye e tla phethago ke Mongwaledi wa Lekgotlathermelao.

- (2) Bongwaledi bo swanetse go dira mehola yeo e filwego goba yeo e tla fiwago ke Komiti ye e tshwanetsego.

Tsamaiso e tsamaelanago le dikgopelo le dingongorego

- 18 (1) Bongwaledi bo swanetse bo-
 - (a) ngwale dikgopelo le dingongorego tseo di amoetswego ka bukeng ya dikgopelo le dingongorego,
 - (b) bule faele ya kgopelo le ngongorego enngwe le enngwe
 - (c) go ya ka karolo 4(2) ya molao o, lokisetsa kgopelo le ngongorego e amoetswego gore e tie e fiwe sedi ke Komiti, yeo e ka tsentshago le go-
 - (i) phosollo, ge go kgonega, go netefatsa gore kgopelo goba ngongorego e tsamaelana le dikarolo tsa molao o, gape
 - (ii) fetolela kgopelo goba ngongorego go maleme a mangwe
 - (d) lokisa lenaneo le feletsego la dingongorego le dikgopelo tse di lebistswego go Lekgotlathermelao la Profense, gape le go phatlalatsa dikopanong tsa Komiti le go go setshaba ka kakretso ;
 - (e) bega kgopelo goba ngongorego ka fase ga temana (c) go Modulasetulo, gape kgopelo goba ngongorego e swanetse go begwa ka hlakanong ya Komiti gore e lebellwe mo gare ga

dibeke tse pedi (2) tseo Modulasetulo a amogetsego kgopelo goba ngongorego ;

(2) Komiti e swanetse go tsebisa mokgopedi goba mongongoregi mo gare ga dibeke tse nne (4) go tloga ka letsatsi le ngongorego goba kgopelo e beilwego-

- (i) mokgwa woo kgopelo goba ngongorego e tshwarwago ka gona, gape
- (ii) mabaka a hlalosa gore e reng e tshwara ka mokgwa oo.

(3) Komiti e ka ela hloko kgopelo goba ngongorego e nngwe le e nngwe , gomme ya somisa matla le meholo tsa yona go ya ka karolo ya seswai (8)

(4) Mokgopedi goba mongongoregi aka gogela kgopelo goba ngongorego ya gagwe morago, ge fela Komiti e bona taba e le ya bohlokwa go setshaba, e ka tswela pele go tsweletsa ngongorego goba kgopelo ka morago ga go gogelwa morago.

(5) Komiti e swanetse e, ka morago ga go phetha tebello ya yona ya kgopelo goba ngongorego go ya ka karolo 8(4), e ise faele kgopelo goba ngongorego le disisinyo go Seboledi

(6) Ka morago ga kgopelo goba ngongorego yeo e tsitswego go ya ka karolwana ya (5), Seboledi se swanetse go tsitsinkela dikagare tsa faele mo gare ga beke tse pedi ;

(7) Leloko la Lekgotlatheramelao la Profense le na le tokelo ya go tsitsinkela faele le disisinyo tsa Komiti.

(8) Leloko la Lekgotlatheramelao la Profense le ka no ngangisa go tswallwa ga faele e itseng empa le swanetsa go fa mabaka ao le nagngisago ka ona :

(9) Seboledi se ka re ka mabaka ao a kwagalago-

- (a) fetisetsa faele go Komiti gore e e itsitsinkele
- (b) fetisetsa faele go Komiti gore e bewe lenaneong la difaele

(10) Seboledi se ka hlama ditsamaiso tseo di nyakegago go tswetsa dikarolo tsa molao o

Hlogo le mathomo a go tsena modirong

20. Molao wo o tla bitswa Gauteng Petitions Act wa 1998, gape o tla tsena modirong ka nako yeo e tla bewago ke Tonakgolo ya Profense ka pego ya semolao ya mmuso wa Gauteng.

NOTICE 2131 OF 1998

UMTHETHO SIVIVINYWA

Unikeza ilungelo lokwenza izicelo esifundeni sase-Gauteng; ukumisa izindlela ezilandelwayo; ekwenzeni izicelo umphakathi ukunikeza amandla emisibenzini yamakomiti esiShayamthetho; unikeza inqubo nezindlela zokwenza izicelō ekomitini; ukunquma ukuthi izicelo zoqukathani nokuthi zoba luhlobo luni; nokuhlinzekela nanoma yiziphi izimo ezithintene nalokhu ezenzeka zingalindelwe.

UYOGUNYAZWA isiShayamthetho sesifunda saseGauteng ngalendlela elandelayo:

Izincazelo zamagama

1. Okuqukethwe yilomthetho kuyochazwa kanje ngaphandle kokuba kunikezwe ngenye indlela:
 “uMgcini-sihlalo” uMgcini-sihlalo wekomiti;
 “iKomiti” ikomiti lesishayamthetho lesifunda njengokulandisa kwesigaba sesithathu;
 “Isikhala” ukuzwakalisa ukungeneliswa isenzo noma ukungenzi lutho kweKhabinethi noma isishaya-mthetho sesifunda.
 “Umthetho-sisekelo” umthetho-sisekelo wase Ningizimu -Afrika, wonyaka ka-1996 (womthetho wekhulu nesishagalombili wonyaka ka-1996);
 “Isigungu esikhulu” isigungu esikhulu sesifunda njengokulandisa kwesigaba sekhulu namashumi amathathu nambili womthetho-sisekelo;
 “iSishaya-mthetho” isishayamthetho sesifunda njengokulandisa kwesigaba sekhulu nane somthetho sisekelo.
 “uHulumeni waseKhaya” usho indawo kahulumeni wasekhaya esifundeni njengokulandisa kwesigaba sekhulu namashumi amahlanu nanye kanye nesigaba sekhulu namashumi amahlanu nanhlanu womthetho-sisekelo;

“Ilunga” lisho ilunga lesishayamthetho sesifunda esikhethelwe
lesosiShayamthetho-sesifunda njengokulandisa kwasigaba sekhulu nanhlanu
kanye nesigaba sekhulu nesithupha somthetho-sisekelo;

“Uhla noma Izicelo” kushiwo isikhala, isicelo, ukwethula noma ukuthumela
uhla lwezinto yilowo oyozithumela ekomitini, lokho kungenziwa kanje-

(a) uhla olulodwa, lusho uhla oluvela kumuntu oyedwa mayelana nesikhala, noma
nomia isicelo;

(b) uhla oludidiyele, lusho lololuhla okuqoqwe kulo amasingesha abantu
abehlukene mayelana nesikhala noma isicelo;

(c) uhla oluxube amaqembu noma abantu abanangi olwenziwe umuntu noma
iqembu elithinta izikhala noma izicelo ezithi azifane ncarnashi;

(d) uhla oluyinhlanganisela, lungaba uhla olulodwa oluvela kusoseshini noma
kumuntu ogunyazwe usoseshini mayelana nesikhala noma isicelo;

“uMnikazi sicelo” yilowomuntu oletha uhla ekomitini, lokhu kumbandakanya
umuntu phaqa okanye inhlango ebhaliswe ngokusemthethweni noma
inkampane emele-

(a) izimfuno zalowomuntu,

(b) noma umuntu owenzela ongakwazi ukuzenzela yena,

(c) ilunga laleloqembu elithintekayo noma abantu abathintekayo

(d) noma umuntu owenza lokho egameni lomphakathi; lokhu kumbandakanya
nososeshini oyokwenza lokho egameni lamalunga wawo.

“iSifunda” sichaza isifunda saseGauteng esamiswa njengokulandisa kwasigaba
sekhulu nantathu somthetho-sisekelo;

“Isicelo” sichaza lokho okufunwayo, okumayelana nesenzo noma ukungenzi lutho
kwe Khabhinethi noma yisiShayamthetho noma, uHulumeni wasekhaya
esifundeni;

“Abaphathi” lokhu kusho abasebenzi besikhungo sezokuphatha njengolandisa
kwasigaba seshumi nesikhombisa salomthetho;

"uSomlomo noma iSikhulumi" uSomlomo wesishayamthetho sesifunda okhethwe njengokulandisa kwasigaba sekhulu neshumi nanye somthetho-sisekelo; "Imithetho emisiwe" ichaza leyo mithetho nezindlela ezimiselwe ukwenza imisebenzi yesishayamthetho sesifunda njengokulandisa kwasigaba sekhulu neshumi nesithupha somthetho-sisekelo.

Izimiso-jikelele zomthetho

2. (1) iKomiti kumele:

- (a) lithathe izinyathelo ezifanele ukukhuthaza umphakathi ukuthi ubeyingxenye yezinto ezenziwa uhulumeni esifundeni, kakhulu ngoba phambilini imiphakathi beyikhishwa inyumbazana kwezombangazwe, ezintweni ezithinta izimpilo zawo nalapho uhlala khona kanye nakwezomnotho.
 - (b) ukwamukela izicelo, abazokwethula izicelo ezivela kubantu.
 - (c) likhuthaze intando yeningi ngokuthi lenze izinto ngendlela engacashanga kubantu.
 - (d) ukuhlonipha amalungelo abantu.
- (2) ilungelo elinikezwa yilomthetho liyosetshenziswa ngendlela elunglele nefanele.
 - (3) noma ubani oletha incwadi noma uhlaluyoba nelungelo ukuthi lokho akwenze ngolimi lwakhe noma lolo azikhethelle lona, uma lokho kunganakuba nankinga.
 - (4) kuyoba semahlombe ekomiti ukuqinisekisa ukuthi labo bantu, amaqembu noma amaqqoqo abantu ababenganamathuba phambilini ngenxa yokuncishwa kufanele banikezwe ithuba eligcwelwe ezinhlelwani zikaHulumeni.

Ukwakheka kweKomiti

- 3. (1) iKomiti liyombandakanya amalunga esishayamthetho sesifunda njengokulandisa kwezimiso zesiShaya-mthetho.

- (2) iSikhulumi noma uMgcini-sihlalo weKomitit noma ubani ogunyazwe ukwamukela isicelo noma isikhalo bese esidlulisela eKomitini elifanele.

Ilungelo lokuletha isicelo

4. (1) Njengokulandisa kwalomthetho noma-ke muphi omunye umthetho, umuntu makabe nelungelo lokuhambisa isikhalo noma isicelo eKomitini.
- (2) Abasebenzi bengxenye yokuphatha kumele bancede ngaphandle kwenkokhelo, lapho kuvuma i kulowo olethe isikhala zo eKomitini.

Amagunya eKomitit

5. iKomitit kungenzeka libheke zonke izicelo kanye nezikhalo ezilethwe kulo ngaphansi kwalomthetho.

Okunokuqukathwa izicelo kanye nezikhalo

6. (1) Njengokulandisa kwesigatshana sesibili (2), loyo oletha isicelo makasibhale ngolimi oluqokwe nguye.
- (2) iKomitit lingamvumela oletha isicelo noma isikhalo ukuthi asichibiyele ngomlomo uma kunezizathu ezinhle zalokho, noma uma uncedo olusesigabenit sesine singanele noma singekho.
- (3) Umuntu angasiletha isicelo noma isikhalo ngomlomo ekomitini.
- (4) Ngaphambi kokucubungula isicelo noma isikhalo, ikomiti kumele lisibhale phansi uma besenziwe ngomlomo njengokulandisa kwesigaba sesibili nesesithathu.
- (5) Isicelo noma isikhalo esingekho olimini lwasifunda komele siphendulelwel olimini lwasifunda lelo iphepha lihlanganiswe nalelo ebelihumushwa.

Isicelo noma isikhala zo esesicutshungulwe

7. Isicelo noma isikhala zo esesike sacutshungulwa kwaze kwathathwa nesinqumo ngaso angeke sikhazi ukucutshungulwa okwesibili, uma sifana nesangaphambilini, ngaphandle kokuba kuvezwe izinto ezintsha ezithintanayo nalezo zangaphambilini.

Amandla nemisebenzi yekomiti

8. (1) iKomiti kumele licubungule-

- (a) uhla olufakwe ngenhloso yokuthi lulungiswe ngendlela eyogculisa umlethi walo.
 - (b) likwazi ukunceda umlethi wohla futhi lumphinde lumaluleke ngezinye izindlela lapho kudingakala khona.
- (2) iKomiti linawo amandla okuncoma ukuthi isicelo noma isikhalo sithunyelwe ku-Somlomo ukuze sicutshungulwe ngokuphelele okanye ingxene yaso, yilababantu abalandayo:
- (a) isiShayamthetho-sesifunda.
 - (b) iKomiti elimiswe yisiShayamthetho-sesifunda.
 - (c) yiLunga lesigungu esikhulu sesifunda (Khabhinethi)
 - (d) isigungu sikaMasipala kuHulumeni wasekhaya esifundeni.
 - (e) inhlangano ehambisana nentando yeningi ngendlela echazwa ngayo kumthetho-sisekelo.
- (3) Uma ngabe uhla seledluliselwe kwiLunga lesigungu esikhulu, noma kuHulumeni wasekhaya, lowo onegunya lokuba yingxene yokucubungula uhla, iKomiti kungenzeka lithi-
- (i) lifuna impendulo engakapheli amasonto amane (4) lulethiwe uhla lolo;
 - (ii) lifuna lowomuntu noma isakhiwo uhla olwedluliselwe kuso lusicubungle, lwenze isinqumo, isincomo noma iyiphi enye indlela esheshayo ngaphansi

- kwezimo ezingabe zikhona, bese kuthi lowomuntu noma isakhiwo asithathile umbiko ogcwele ekomitini, onezizathu nezinyathelo ngesinqumo asithathile.
- (iii) libona ukuthi ukuziphatha komuntu noma isakhiwo obekwedluliselwe kuye isicelo njengokulandisa kwalesosigaba asenelisi, nanokuthi kunesidingo sesinyathelo sokwenza isikhalo ku-Mvikeli womphakathi noma lithathe ezinye izinyathelo ezifanele.
- (4) Njengokulandisa kwalomthetho, uma ikomiti licelwa olethe isicelo lingayixazulula ingxabano, lishintshe isenzo leso libuye futhi lilungise lokho obekunganakwanga ngohlelo lokuxolelanisa noma lokuxoxisana.
- (5) iKomiti linakho ukuthi lenze isincomo kumuntu noma kwisakhiwo mayelana nesicelo.
- (6) iKomiti lingaphetha ngokuthi lenze lokhu okulandelayo uma linombono wokuthi-
- azikho izinyathelo ezingathathwa ekusombululen i isikhalo noma ukubhekela isicelo esenziwe;
 - udaba selusonjululwe njengokwesicelo somlethi waso.
- (7) iKomiti kungenzeka lenqabe ukubheka isicelo esibhaliwe uma-
- singanasisikelo.
 - singanagama nekheli lomthumeli waso.
 - singasayindwanga umnikazi, ngaphandle-ke uma umnikazi engakwazi ukubhala, nalapho komele enze uphawu lokusayinda kunabantu ababili abangofakazi bakhe, bese-ke bona beyamsayindela.
- (8) iKomiti kufanele lenqabe ukucubungula isicelo uma-
- singanamandla okwenza lokho;

- (b) udaba lolo lusezithebeni zenkantolo;
 - (c) isicelo sithinta isiboshwa necala eliboshelwe lona;
 - (d) udaba luthinta into eseyethulwe phambi kweKhomishana yophenyo emiswe ngokomthetho wama-Khomishana wonyaka-ka1997 (womthetho wokuqala wonyaka-ka-1997).
- (9) Uma kwenzeka iKomiti lenqaba ukulalela udaba njengokulandisa kwesigatshana sesishagalombili (8), ikomiti komele linikeze izizathu ezibhaliwe kumnikazi wodaba.
- (10) iKomiti kumele-
- (i) lenze umbiko emva kwesikhathi sezinyanga ezintathu (3) ngezicelo ezithunyelwe kulo njengokulandisa kwesigatshana sesithathu (3) kusiShayamthetho-sesifunda.
 - (ii) lazise umbhali wohlu kanye namanye amalunga omphakathi athintekayo ezingumeni zalo nezinye izinto elizenzile ngezinhla nangezizathu zalokho.
2. Njengokulandisa kwalomthetho, ikomiti ngemuva kokuxoxisana noSomlomo, lingayibeka imigomo yokwenza imisebenzi yalo ngendlela elibona ifanele.

Ukuhlangana kwekomiti

9. (1) iKomiti lingakwazi ukuthi ngenhlošo yokwemukela ubufakazi noma lixoxe okuthile linqume ukuhlangana ngesikhathi ngesikhathi nasendaweni esesifundeni njengokulawula kuka-Mgcini-sihlalo.
- (2) Ubufakazi obethulwa eKomitini kumele kwethulwe phambi kwezihleliwe ngaphandle kokuba uMgcini-sihlalo ephikisana nalokho.
- (3) uMgcini-sihlalo komele anikeze isaziso esivulelekile kuwonkewonke ngemihlangano nezingxoxo, nalokho okuthinta ukwethulwa kobufakazi eKomitini, lokho kuyoba semandleni ekomiti.

Ofakazi

10. (1) Ngokwenhloso yokuqinisekisa izinto ezithinta uphenyo lweKomiti, iKomiti komele libe nalamandla alandelayo;
- (a) ukubiza umuntu ukuthi eze emhlanganweni weKomiti njengofakazi ukuze athule ubufakazi noma aveze noba iyiphi incwadi okanye into edingwa yiKomiti,
- (b) ukukhipha incwadi ephoqa ukuya emhlanganweni wekomiti njengofakazi ozokwethula ubufakazi aveze noma iyiphi incwadi noma into, lowomuntu afike ngesikhathi nasendaweni abizwe kuyo yiKomiti.
- (2) Incwadi ephoqayo ngokwesigatshana sokuqala (1) (b) kumele isayindwe futhi ikhishwe uMgcini-sihlalo, futhi komele ithunyelwe ngencwadi ebhalisiwe kwakhishwa isithikithana esisemthethweni sasePosini noma ithunyelwe umuntu ogunyazwe uMgcini-sihlalo ngendalela emiswe uNdunankulu ngokomthetho.
- (3) Uma uMgcini-sihlalo ethi onikeza ubufakazi abunike ngaphansi kwesifungo noma aqinisekise ukuthi ukuthi uzokhuluma iqiniso, komele ngempela enze kanjalo, lesosifungo sothathiswa uMgcini-sihlalo noma yilunga leKomiti noma-ke umsebenzi weKomiti njengokunquma kukaMgcini-sihlalo.
- (4) Umuntu othunyelwe incwadi ephoqa ukunikeza ubufakazi eKomitini, noma osebunikile ubufakazi eKomitini, ufanele ukukhokhelwa imali yofakazi elingana naleyo yokunikeza ubufazi eNkantolo enkulu.
- (5) Lowomuntu othumele isicelo uyofanelu ukuzonika ubufakazi eKomitini ngodaba lolo oluthile futhi komele anikezwe ithuba lokuvela ngaphambi kweKomiti lapho lihangene.

Ukuphulwa kwemithetho

11. (1) Umuntu othunyelwe incwadi emphoqa ukuza emhlanganweni weKomiti njengokulandisa kwesigaba seshumi (10)(1)(b) nesigaba sesibili (2) besekuthi ngaphandle kwezizathu ezanelisayo-

(a) ahluleke ukuza emhlanganweni weKomiti ngesikhathi nasendaweni ebekiwe encwadini emphoqayo;

(b) ahluleke ukuhlala umhlangano uze uphele noma uphenyo luphele nangaphambi kokuthi uMgcini-sihlalo weKomiti amkhulule uyoba necala;

(2) Umuntu okuthi ebiziwe ngaphansi kwesigaba seshumi (10) (1)(a),(b) bese kuthi ngaphandle kwesizathu esanelisayo-

(a) anqabe ukuthatha isifungo noma enze isiqiniseko njengofakazi ukuthi uzokhuluma iqiniso, ngemva kokucelwa uMgcini-sihlalo,

(b) ngemva kokuba efungiswe noma waqinisekisa ukuthi uzokhuluma iqiniso ahluleke ukuphendula imibuzo ngokugcwele nangokwenelisayo narloba-ke imiphi imibuzo esemthethweni;

(c) ngemva kokuthi efungisiwe noma wenza isiqiniseko sokuthi uzokhuluma iqiniso, abese ekhuluma iphutha phambi kweKomiti ebe ekwazilokho noma futhi engakholwa ukuthi into ayishokho iliqiniso.

(d) ahluleke ukuveza incwadi, iphepha noma into ayazikho okanye egcinwe nguye futhi ebizwe ukuzoyiveza, uyoba necala.

(2) Umuntu oyokwenza lokhu-

(a) ukusabisa, ukuvimbela noma enze ufakazi angakhiphi iqiniso noma aqambe amanga ngaphambi kweKomiti.

(b) ukusabisa, avimbe ufakazi noma adukise ufakazi ngendlela efanele yokuveza iphepha, ibhuku noma incwadi ngaphambi kweKomiti,

- (c) akwenze ngenhloso yokudukisa iKomiti, athule ubufakazi obunganaqiniso, ashintshe iphepha, ibhuku noma akubhale ngobuqili,
- (d) afihle noma amoshe ibhuku, okubhaliwe noma okuthize enolwazi lokuthi kungaba noncedo ophenyweni IweKomiti,
- (e) noma anikeze iKomiti ulwazi olunganaqiniso, okanye enze isitativende esinokudukisa noma esihlanekezelwe, uyoba necala.

Izinhlawulo

12. Umuntu oboshelwe icala njengengokulandisa kwasigaba seshumi nanye (11)(1)(2) noma sesithathu (3) unoku khokhiswa inhlawulo noma aboshwe isikhathi esingeqile ezinyangeni ezishumi nambili (12) okanye akhokhiswe inhlawulo aphinde aboshwe.

Ukugcinwa kwezincwadi, amaphepha noma izinto yikomiti.

13. iKomiti lingagcina incwadi, iphepha noma intoni eliyithole kumuntu ebelimbizile njengokulandisa kwasigaba seshumi (10)(1) (a) noma (b) isikhathi esithile ngemuva ngomhlangano walo.

Ukubizwa ngempoqo komsebenzi waka Hulumeni

14. iKomiti linawo amandla okubiza noma ngokuphoqa abasebenzi baka Hulumeni ukuzokwethula ubufakazi.

Ukudlulisewa kwamandla nemisebenzi yikomiti.

15. (1) iKomiti lingayinikezela imisebenzi namandla alo kwiLunga noma amaLunga ekomiti noma kumaLunga esiShayamthetho sesifunda inqobo-nje uma:

- (a) angake abe ngaphansi kwamabili (2) amaLunga azo bakhona emhlanganweni;
- (b) amalunga ezomela izinhlangano zombangazwe ezechlukene.

- (2) UMgcini-sihlalo kufanele anikeze amaLunga imvume ebhaliwe yasayindwa njengokusho kwesigatshana sokuqala (1).
- (3) Ekupheleni kwemihlangano noma umhlangano amaLunga achazwe esigatshaneni sokuqala (1) komele abikele iKomiti ngemiphumela.
- (4) Ayikho into engavimba ikomiti ekwenzeni imisebenzi eliyidlulisele kubantu abachazwe esigatshaneni sokuqala (1).

Ukubikela isiShayamthetho sesifunda.

16. (1) iKomiti kumele njalo emuva kwezinyanga ezintathu lithumele umbiko ngohla ngalunye ngalunye elithathe kulo isinqumo kusiShayamthetho-sesifunda ukuze silucubungule.

- (2) iKomiti kumele lihlanganise libuye lithumele umbiko wonyaka kwisiShayamthetho-sesifunda ngemisebenzi yalo.

- (3) Lombiko wonyaka kumele ubonise izindlela ezisetshenzisiwe nokuthi zincede kanjani, bezithatha isikhathi ezingakanani kulezicelo nezikhalo ebezithunyelwe ngaphansi kwesigaba sesishagalombili(8) (2) (a) kuya ku (f) walomthetho nanokuthi zisonjululwe kanjani.

- (4) Impikiswano ngephuzu elivela embikweni weKomitie kusiShayamthetho siyokwenzeka uma amalunga angaphezulu kwesihlanu (5) efuna kube nempikiswano.

- (5) IsiShayamthetho sesifunda sinawo amandla okuphindsela udaba oluvele embikweni weKomitie emuva eKomitini ukuze ubuyekezwe.

Ukumiswa kwengxene ye yokuphatha okanye abasebenzi bezokuphatha.

17. (1) Lapha kumiswa ingxene ye yokuphatha izinto ezithintene nezinhla, lengxene ye iyombandakanya inani lamalunga ayoqokwa uNobhala wesiShayamthetho.
- (2) Lengxene noma abasebenzi kumele benze imisebenzi enikezwe yiKomiti elifanele.

Inquubo emayelana nezicelo

18. (1) Lababasebenzi kumele-
- (a) babhalise isicelo ngasinye encwadini yezicelo,
 - (b) bavule indawo yokugcina isicelo ngasinye,
 - (c) njengokulandisa kwesigaba sesine (4) (2) salomthetho balungiselele isicelo ngasinye esithunyelwe ukuze sicutshungulwe yiKomiti, lokhu kungenziwa kanje-
 - (i) ukulungiswa uma kunokwenzeka ukuze kuqinisekiswe ukuthi isicelo sihambisana nezimiso zalomthetho,
 - (ii) ukuhumushwa kwesicelo.
 - (d) ukulungisa inani eliphelele lezicelo ezibhekiswe kwisiShayamthetho-sesifunda, ihlale ilungele ukwethulwa emihlanganweni yeKomiti nasemphakathini
 - (e) ukwethula isicelo esilungiswe njengokulandisa kwesigatshana (c), kuMgcini-sihlalo, okumele sethulwe emhlanganweni wekomiti engakapheli amasonto amabili (2) kusukela ngelanga uMgcini-sihlalo asithole ngaso.
- (2) iKomiti kumele lazise umnini sicelo angakapheli amasonto amane (4) ukuthi isicelo sakhe sesiveziwe eKomitini.

- (i) nanendlela esiphathwe ngayo
 - (ii) nanokuthi yingani siphathwe ngaleyo ndlela esiphathwe ngayo.
- (3) iKomiti liyocubungula isicelø ngasinye ngendlela echazwe esigabeni sesishagalombili.
- (4) uMfaki sicelo unalo ilungelo lokuhoxisa isicelo sakhe emva kokusifaka, kodwa nekomiti linawo amandla okuqhubeka nesikhalo noma isicelo sesihoxisiwe uma ikomiti likholelwa ukuthi sithinta umphakathi.
- (5) iKomiti kumele emva kokucubungula isicela njengokulandisa kwasigaba sesishagalombili 8 (4) sithumele amaphepha aso lapho egcinwa khona bese kuthi isincomo sithunyelwe kuSomlomo.
- (6) Emva kokuthunyelwa kwesicelo njengokulandisa kwasigatshana sesihlanu (5) uSomlomo kumele ahlolisise amaphepha aqukethe isicelo engakadluli amasonto amabili.
- (7) Ilunga lesiShayamthetho-lesifunda linalo ilungelo lokucwaninga amaphepha kanye nesincomo seKomiti.
- (8) Ilunga lesiShayamthetho-sesifunda liyakwazi uphikisana nokuvalwa kwamaphepha esicelo inqobo-nje uma lizonika izizathu zalokho;
- (9) uSomlomo uma kunezizathu ezizwakalayo-
- (a) angaphindisela amaphepha eKomitini ukuze sibuyekezwe lesosicelo.
 - (b) athumele amaphepha eKomitini ukuze liwagcine endaweni efanele.
- (10) uSomlomo angakwazi ukuyengeza inqubo ngokwenza eminye imigomo.

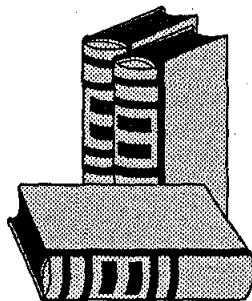
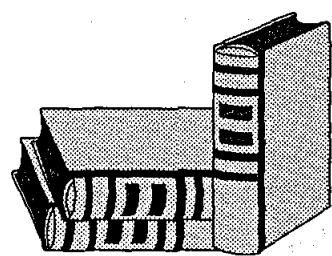
Izinqubo-mgomo

19. uSomlomo kufanele enze izinqubo-mgomo ezidingakalayo ukuze lomthetho ukwazi ukusebenza.

Igama oyonikwa Iona nokuqala ukusebenza kwawo

20. Lomthetho uyokwaziwa ngokuthi umthetho wase-Gauteng wezicelo kanyaka ka-1998, bese uqala ukusebenza ngosuku oluyomiswa uNdunankulu ngesaziso esiyovela ephepheni likaHulumeni wesifunda.

Where is the largest amount of meteorological information in the whole of South Africa available?



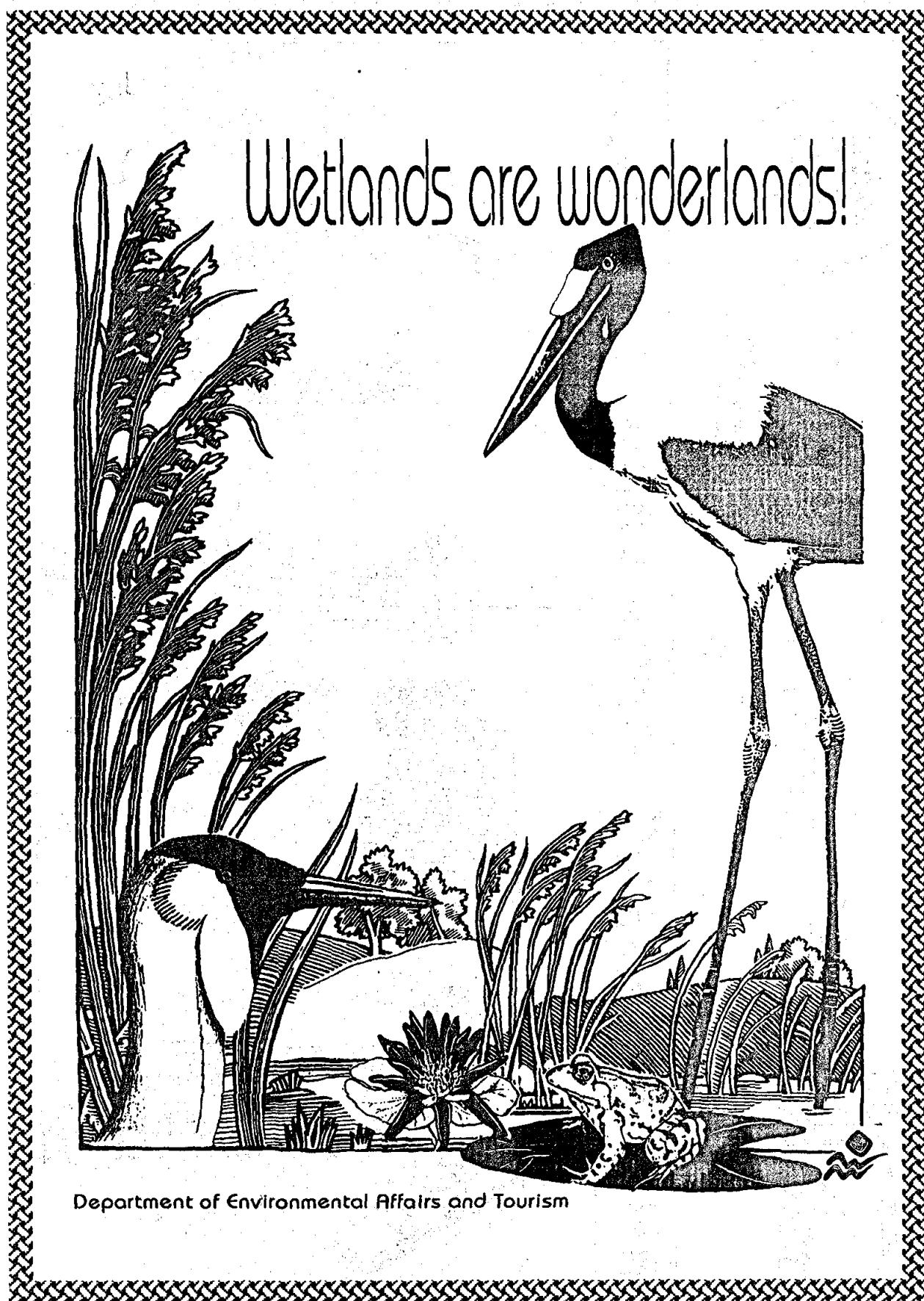
Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

LIVE IN HARMONY WITH NATURE



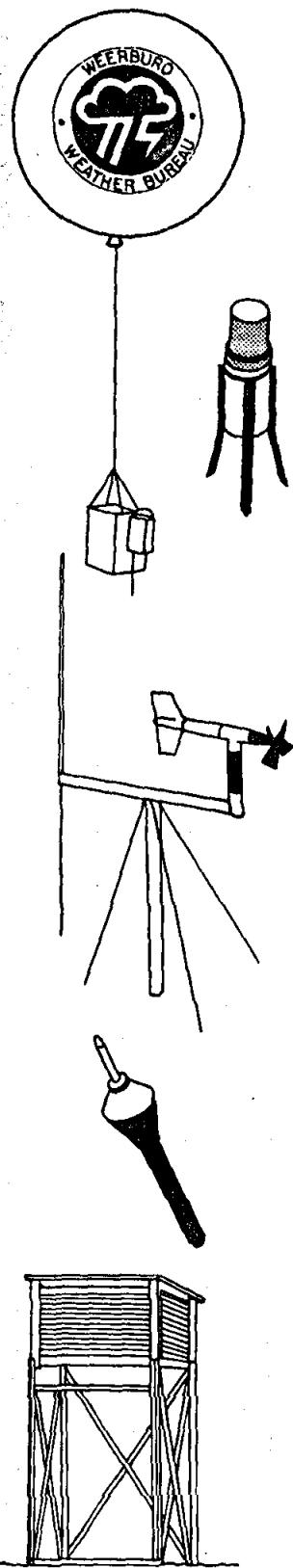
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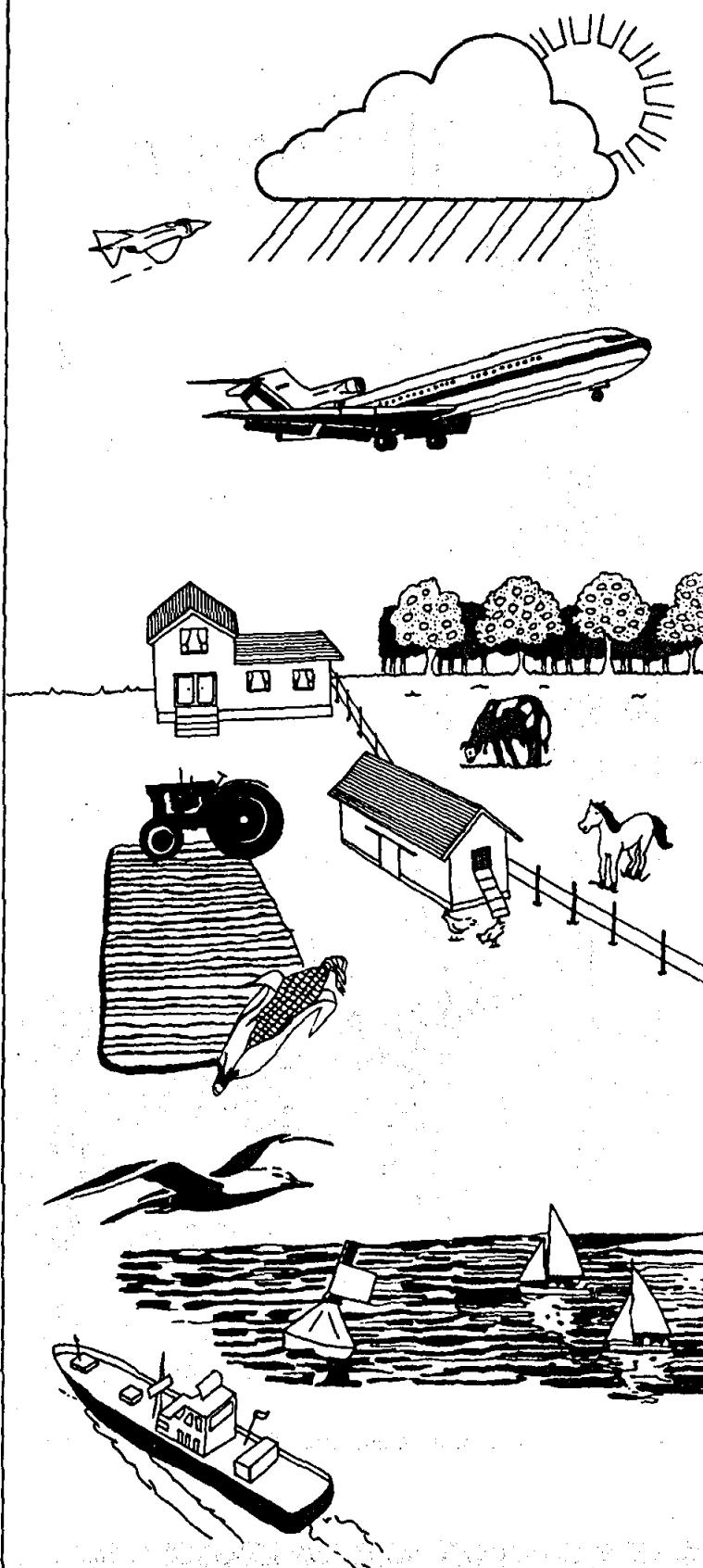


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CONTENTS

No.		Page No.	Gazette No.
GENERAL NOTICES			
2129	Gauteng Tourism Bill: For comments.....	1	520
2130	Arts and Culture Council Bill: For comments.....	145	520
2131	Gauteng Petitions Bill: For comments	183	520
