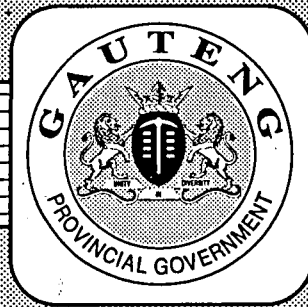


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
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GENERAL NOTICE

NOTICE 1510 OF 1999

GAUTENG PROVINCIAL LEGISLATURE.

PUBLICATION OF GAUTENG PROVINCIAL LEGISLATURE SERVICE AMENDMENT BILL

Notice is hereby given that the member of the Provincial Legislature (Leader of the House, Mr F. Cachalia) intends to introduce the Gauteng Provincial Legislature Service Amendment 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 **19 March 1999** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Mr B. Mthembu)
Private Bag X52
Johannesburg
2000

Physical Address

Gauteng Provincial Legislature
Corner President and Loveday Streets
Johannesburg
Tel No.: (011) 498-5562
Fax No.: (011) 498-5719

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Gauteng Provincial Legislature Service Act, 1996 (Act No 5 of 1996), so as to delete, correct, insert or add certain words and expressions; to redefine certain words; to extend the functions and powers of the Board; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 5 of 1996

1. Section 1 of the Gauteng Provincial Legislature Service Act, 1996 (hereinafter referred to as "the principal Act"), is hereby amended -

- (a) by the substitution for the definition of "Chairperson of Committees" of the following definition:

" 'Chairperson of Committees' means a member [appointed] elected to such position in terms of the Standing Rules of the Provincial Legislature [to be Chairperson of the chairpersons of all the committees of the Provincial Legislature]; ";

- (b) by the substitution for the definition of "employee" of the following definition:

" 'employee' means any person appointed permanently [on the fixed establishment] in the Service or who is employed on a temporary or on a consultancy basis, whether in a full-time or part-time capacity; ";

- (c) by the substitution for the definition of "Leader of the House" of the following definition:

" 'Leader of the House' means a member appointed [by the Provincial Legislature for the purposes of section 4(1)] to such position in terms of the Standing Rules of the Provincial Legislature; ";

- (d) by the substitution for the definition of "remuneration" of the following definition:

" 'remuneration' means the total emoluments payable to an employee, and shall include basic salary, remunerative allowances or other rewards, the Service's contribution to [a] any pension fund [and a] medical aid fund and any other [fringe] benefits; "; and

- (e) by the substitution for the definition of "Secretary" of the following definition:

" 'Secretary' means the Secretary appointed in terms of section 143 of the Constitution or in terms of section 12(1)(a) of this Act; ".

Amendment of section 2 of Act 5 of 1996

2. Section 2 of the principal Act is hereby amended by the substitution for section 2 of the following section:

"2. **[In terms of the Constitution and the Standing Rules of the Provincial Legislature, t]** There is hereby established the Service of the Legislature whose principal duties shall be to provide administrative services to the Speaker and other members of the Legislature."

Amendment of section 3 of Act 5 of 1996

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Board shall be a body corporate and shall be capable of acquiring and holding such **[supplies and equipment]** assets, goods and services as it may reasonable deem necessary and may dispose of such **[supplies and equipment that may become unserviceable]** assets, goods and services as it may reasonably deem necessary."

Amendment of section 8 of Act 5 of 1996

4. Section 8 of the principal Act is hereby amended -

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

"(b) after consultation with the relevant standing committee of the Legislature, where deemed necessary, determine the services to be provided by the Service and, where required, establish the necessary structures for the provision of the said services;" ; and

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

"(2) The Board may give directives regarding -

- (a) the conditions of service and other requirements of appointment, transfer or promotion in or to the Service;
- (b) security issues;
- (c) any other matters not specifically provided for in this Act, relating to the Service;

Provided that such directives shall not be inconsistent with this Act."

Amendment of section 11 of Act 5 of 1996

5. Section 11 of the principal Act is hereby amended by the substitution for section 11 of the following section:

"11. The Board shall not later than two months after the end of each financial year prepare a report of its operations during that year and cause it to be tabled before the Legislature."

Amendment of section 12 of Act 5 of 1996

6. Section 12 of the principal Act is hereby amended -

- (a) by inserting the following heading before section 12
"Appointment of Secretary and Secretariat";
- (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
"(a) nominate a person to be appointed as Secretary by the Legislature [in terms of the Constitution];";
- (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
"(c) appoint a person as a [head of department] director of the Service.";
- (d) by the substitution for subsection (2) of the following subsection:
"(2) A person appointed in terms of subsection (1) shall submit his or her resignation in writing to the Chairperson of the Board, who shall forthwith notify the Board of such resignation, and in the case of the resignation of the Secretary, the Chairperson shall also forthwith notify the Legislature of such resignation: Provided that where the person resigning is a [head of department] director, he or she shall forward a copy of his or her letter of resignation to the Secretary."

Amendment of section 13 of Act 5 of 1996

7. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) the [head of departments] directors; and".

Amendment of section 14 of Act 5 of 1996

8. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Whenever the Secretary is absent or is unable to perform his or her functions at the meeting, the Deputy Secretary, if appointed in terms of section 12(1)(b), shall act as Chairperson, and when both the Secretary and the Deputy Secretary are absent, the Secretariat shall by majority [of] vote, elect one of its members of act on behalf of the Chairperson."

Repeal of sections 16, 17 and 18 of Act 5 of 1996

9. Sections 16, 17 and 18 of the principal Act are hereby repealed.

Amendment of section 19 of Act 5 of 1996

10. Section 19 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Board shall authorise the Secretary to appropriate moneys on all matters concerning the procurement of [supplies, equipment] assets, goods and services for the Service on the conditions it deems necessary."

Amendment of section 25 of Act 5 of 1996

11. Section 25 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Board shall take steps [, not later than during the ensuing annual session of the Legislature,] for the appropriation of any amounts which have been or will be utilised in terms of subsection (1)."

Amendment of section 26 of Act 5 of 1996

12. Section 26 of the principal Act is hereby amended by the insertion after subsection (6) of the following subsection:

"(6)(a) The Secretary shall ensure that all income received by the Legislature is banked in the Legislature's bank account, and properly accounted for."

Amendment of section 29 of Act 5 of 1996

13. Section 29 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Subsections (1) and (2) shall not be so construed as to preclude a court of law from dispensing with the requirements or prohibitions of the said [sub-sections] subsections where it is the interest of justice."

Short title and commencement

14. This Act shall be called the Gauteng Provincial Legislature Service Amendment Act, 1999, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

MEMORANDUM ON THE OBJECTS OF THE GAUTENG PROVINCIAL LEGISLATURE SERVICE AMENDMENT BILL, 1999

1. BACKGROUND

The Gauteng Provincial Legislature intends to introduce an amendment Act which amends the Gauteng Provincial Legislature Service Act, 1996 (Act No 5 of 1996) (hereinafter referred to as "the principal Act")

2. REASONS FOR THE BILL

The primary object of the Bill is to change the structure of the Service so as to enhance the administration thereof and to provide for matters connected therewith by amending the principal Act.

Secondly the Bill seeks to correct certain technical errors contained in the principal Act.

3. FINANCIAL IMPLICATIONS

No direct financial implications for the Gauteng Provincial Legislature Service are envisaged under the Bill. Any financial implications that may arise will be provided for under the normal budget of the Legislature.

4. CONSTITUTIONAL IMPLICATIONS

None

5. PERSONNEL IMPLICATIONS

None

6. CLAUSE-BY-CLAUSE EXPLANATION

- Clause 1:** Certain definitions contained in section 1 of the principal Act are amended in this clause. The amendments are technical rather than substantive.
- Clause 2:** This clause is a technical amendment of section 2 of the principal Act.
- Clause 3:** Section 3 of the principal Act is amended by this clause so as to substitute the phrase "supplies and equipment" for the phrase "assets, goods and services".
- Clause 4:** This clause amends section 8 of the principal Act so as to extend the powers of the Board to deal with personnel matters. This amendment is necessary due to the repeal of sections 16, 17 and 18 of the principal Act and the change in the structure of the Service.
- Clause 5:** This clause is a technical amendment of section 11 of the principal Act.
- Clause 6:** Section 12 of the principal Act is amended by this clause. The amendment inserts a heading for section 12. It also substitutes the phrase "head of department" for the phrase "director". This amendment is necessitated by the change in the structure of the Service.
- Clause 7:** This clause amends section 13 of the principal Act for the same reason as stated in the second part of clause 6.
- Clause 8:** This clause is a technical amendment of section 14 of the principal Act.
- Clause 9:** Sections 16, 17 and 18 of the principal Act are repealed by this clause.
- Clause 10:** This clause is a technical amendment of section 19 because of the amendment of section 3 both of the principal Act.
- Clause 11:** This clause is a technical amendment of section 25 of the principal Act.
- Clause 12:** This clause inserts a new and additional subsection into section 26 of the principal Act and provides for the duty of the Secretary to deposit all income received and to properly account therefore.
- Clause 13:** This clause is a technical amendment of section 29(3) of the principal Act.
- Clause 14:** This clause deals with the short title and commencement of the Act.

KENNISGEWING 1510 VAN 1999**ALGEMENE VERKLARENDE NOTAS:**

[] Woorde in drukskrif en in vierkantige hakkies dui aan weglatings van bestaande wetgewings.

_____ Onderstreepte woorde met 'n reguitlyn dui aan invoegings aan bestaande wetgewings.

WETSONTWERP

Om die Gauteng Provinsiale Wetgewende Dienste Wet, 1996 (Wet No. 5 of 1995) te wysig, om sodoende sekere woorde en uitdrukkings weg te laat, korregeer, by te voeg of in te sluit, om sekere woorde te herdefinieer, om funksies en magte van die Raad uit te brei, en om voorsorg te tref vir aangeleenthede wat hieraan verbind is.

OM IN WERKING TE BRING deur die Provinsiale Wetgewing van Gauteng, as volg:

Wysiging van afdeling 1 Wet 5 van 1996

1. Afdeling 1 van die Provinsiale Wetgewing Dienste Wet, 1996 (hierna verwys as die "Hoofwet") word hiermee gewysig.
 - a. met die vervanging vir die definiese van "Voorsitter van Komitees van die volgende definisie:
"Voorsitter van Komitees" bedoel 'n lid [aangestel] gekose in hierdie posisie in terme van die Staande Reels van die Provinsiale Wetgewing [om die Voorsitter van die voorsitters van al die komitees van die Provinsiale Wetgewing]
 - b. met die vervanging van die definisie "werknemer" met die volgende definisie:
"werknemer" beteken enige persoon wat permanent aangestel is [op 'n gevestigde onderneming] in die diens of wie in 'n tydelike of 'n konsultasie basis aangestel is,
 - c. met die vervanging van die definisie "Leier van die Huis" met die volgende definisie;
"Leier van die Huis" beteken 'n lid aangestel [by die Provinsiale Wetgewing met die doel van afdeling 4 (1)] in so 'n posisie in terme van die Staande Reels van die Provinsiale Wetgewing"
 - d. met die vervanging van die definisie "vergoeding" met die volgende definisie:
"Vergoeding" beteken die totale besoldiging betaalbaar aan 'n werknemer en sal 'n basiese salaris insluit, toelae of ander vergoeding, die Dienste se bedrae aan [a] enige pensioen fonds, [en a] mediese fondse en enige ander [by] voordele, en

- e. met die vervanging van die definisie "Sekretaris" met die volgende definisie:
"Sekretaris" beteken die Sekretaris aangestel in terme van afdeling 12 (1) (a) in hierdie Wet

Wysiging van afdeling 2 Wet 5 van 1996

2. Afdeling 2 van die Hoofwet word hiermee gewysig met die vervanging vir afdeling 2 met die volgende afdeling:
"2. [In terme van die Konstitusie en die Staande Reels van die Provinsiale Wetgewing] Hiermee word gestig die Dienste van die Wetgewing wie se hoof dienste voorsiening sal maak vir administratiewe dienste vir die Speaker en ander lede van die wetgewing.

Wysiging van afdeling 3 Wet 5 van 1996

3. Afdeling 3 van die Hoofwet word hiermee gewysig met die vervanging met subafdeling (2) van die volgende subafdeling:
"(2.) Die Raad sal die regsperson wees en sal bevoegd wees om [voorrade en toerusting] bates' goedere en dienste aan te koop en daarop toesig te hou soos dit redelik noodsaaklik sal wees en mag onstlae raak van sodanige [voorrade en toerusting wat ondiensbaar mag raak] bates, goedere en dienste soos dit redelik noodsaaklik word.

Wysiging van afdeling 3 Wet 5 van 1996

4. Afdeling 8 van die Hoofwet word hiermee gewysig:
- (a) met die vervanging van paragraaf (b) van subafdeling (1) met die volgende paragraaf
"(b) na konsultasie met die relevante Staande Komitee van die Wetgewing, waar nodig ag, bepaal die dienste wat verrig word deur die Dienste en waar nodig, bevestig die nodige strukture vir die voorsiening van die genoemde dienste," en
- (b) met die plaasvervanging vir subafdeling (2) met die volgende subafdeling:
"(2) Die Raad mag rigting gee met betrekking tot;
(a) die kondisie van dienste en ander benodigdhede van aanstelling ; oorplasing; of bevordering in of aan die Dienste
(b) sekuriteitskwessies
(c) enige ander sake waarvoor nie spesifiek voorsiening gemaak word in hierdie Wet in verband met hierdie Dienste:

Mits sodanige direkteie nie teenstrydig met hierdie Wet is nie.

Wysiging van afdeling 11 van Wet 5 van 1996

5. Afdeling 11 van die Hoofwet is hiermee gewysig met die vervanging met afdeling 11 van die volgende afdeling:
"11" Die Raad sal nie later dan twee maande na die einde van elke finansiële jaar 'n verslag voorberei van sy handeling gedurende daardie jaar en dit te tafel te lê voor die Wetgewende Raad

Wysiging van afdeling 12 van Wet 5 van 1996

6. Afdeling 12 van die Hoofwet is hiermee gewysig

- (a) Met invoeging van die volgende opskrif voor afdeling 12

"Aanstelling van Sekretaris en Sekretariaat"

- (b) Met die vervanging van paragraaf (a) van subafdeling (1) met die volgende paragraaf:

"(a) Nomineer 'n persoon wat aangestel sal word as 'n Sekretaris by die Wetgewing [in terme van die Konstitusie]"

- (c) Met die vervanging van paragraaf (c) van subafdeling (1) met die volgende paragraaf "(c)", stel 'n persoon aan as [hoof van afdeling] direkteur van die Dienste"

- (d) Met die vervanging van subafdeling (2) met die volgende subafdeling:

"(2) 'n Persoon aangestel in terme van subafdeling (1) sal sy of haar bedanking inhanding in skrif aan die voorsitter van die Raad, wie die raad sal in kennis stel van sodanige bedanking van die Sekretaris, die Voorsitter sal ook die Wetgewing in kennis stel van sodanige bedanking mits as die persoon wat bedank [hoof van afdeling] direkteur is, hy of sy sal 'n afskrif van haar of sy brief van bedanking aan die Sekretaris stuur.

Wysiging van afdeling 13 van Wet 5 van 1996

7. Afdeling 13 van die Hoofwet word hiermee gewysig met die vervanging van paragraaf (b) van subafdeling (1) van die volgende paragraaf:

"(b) die [hoof van afdeling] direkteur, en"

Wysiging van afdeling 14 van Wet 5 van 1996

8. Afdeling 14 van die Hoofwet word hiermee gewysig met die vervanging van subafdeling (2) met die volgende subafdeling:

"(2) wanner die Sekretaris afwesig is of nie 'n staat is om haar of sy funksies by vergaderings te kan uitvoer nie, die adjunk Sekretaris aangestel in terme van afdeling 12 (1) (b) sal waarneem as 'n voorsitter. En wanner beide die Sekretaris en die Adjung-sekretaris afwesig is, die Sekretariaat sal deur 'n meerderheid [van] stem een van sy lede kies as waarnemende voorsitter.

Herroeping van Afdelings 16, 17, 18 van wet 5 van 1996

9. Afdeling 16,17, en 18 van die Hoofwet word hiermee herroep.

Wysiging van afdeling 19 van Wet 5 van 1996

10. Afdeling 14 van die Hoofwet word hiermee gewysig met die vervanging van subafdeling (2) met die volgende subafdeling:

"(2) Die Raad sal die Sekretaris magtige om gelde aan te wend op alle aangeleenthede in verband met die verskaffing van [voorrade, toerusting] bates, goedere en dienste vir die dienste op die kondisies nodig geag.

Wysiging van afdeling 25 van Wet 5 van 1996

11. Afdeling 25 van die Hoofwet word hiermee gewysig met die vervanging van subafdeling (2) met die volgende subafdeling:

"(2) Die Raad sal stappe neem [nie later as gedurende daaropvolgende jaarlikse sessie van die Wetgewing] vir die aanwending van enige bedrae wat gebruik of sal gebruik word in terme van subafdeling (1)

Wysiging van afdeling 26 van Wet 5 van 1996

12. Afdeling 26 van die Hoofwet word hiermee gewysig met die insluiting van subafdeling (6) van die volgende subafdeling

"(6) (a) Die Sekretaris sal verseker dat alle inkomste ontvang deur die Wetgewing gedeponeer word in die Wetgewing se bank rekening en dat behoorlik verslag daarvan gehou word.

Wysiging van afdeling 29 van Wet 5 van 1996

13. Afdeling 29 van die Hoofwet word hiermee gewysig met die vervanging van subafdeling (3) van die volgende subafdeling: (3) Subafdelings (1) & (2) sal nie bedoel om die hofdienaar van die wet te belet om daarsonder klaar te kom met die vereistes of afskaffing van die genoemde [subafdeling] afdelings waar dit in die belang is van die gereg.

Kort titel en aanvangs

14. Hierdie wet sal die Guateng Provinsiale Wetgewende Dienste Wysigings Wet, 1999 genoem word, en in werking gestel word op 'n datum wat deur die Premier vasgestel word met aankondigings in die Provinsiale Gazette.)

MEMORANDUM OMTRENT DIE DOELSTELLINGS VAN DIE GAUTENG PROVINSIALE WETGEWENDE DIENSTE WYSIGINGS WET 1999**1. AGTERGROND**

Die Gauteng Provinsiale Wetgewing beoog om 'n wysigings Wet wat die Gauteng Provinsiale Wetgewende Dienste Wet, 1996 (Wet nr. 5 van 1996) bekend te stel (Hierna verwys as die "Hoofwet").

2. REDE VIR DIE WETSONTWERP

Die primere doel van die Wetsontwerp is om die struktuur van die Dienste te verander om sodoende die administrasie daarvan te verbeter en om vir sake daaraan verbonde voorsiening te maak deur die Hoofwet te wysig.

Ten tweede beoog hierdie Wetsontwerp om sekere tegniese foute in die Hoofwet te korregeer.

3. FINANSIELE IMPLIKASIES

Geen direkte finansiële implikasies vir die Gauteng Provinsiale Wetgewende Dienste word beoog onder die wetsontwerp nie. Enige finansiële implikasies wat mag voorkom, sal voorsiening voor gemaak word onder die normale begroting van die Wetgewing.

4. KONSTITUSIONELE IMPLIKASIES

Geen

5. PERSONEEL IMPLIKASIES

Geen

6. KLOUSULE - BY-KLOUSULE ONTLEDING

Klousule 1: Sekere definisies wat in Afdeling 1 van die Hoofwet word in hierdie klousule gewysig. Die wysiging is tegnies liever as selfstandig

Klousule 2: Hier die klousule is 'n tegniese wysiging van afdeling 2 van die Hoofwet.

Klousule 3: Afdeling 3 van die Hoofwet is gewysig deur hierdie Wet sodat die frase "voorrade en toerusting" met die frase "bates goedere en dienste" verang word.

Klousule 4: Hierdie klousule wysig afdeling 8 van die Hoofwet en daarmee veleng die magte van die Raad om persoonlike sake te hanteer. Hierdie wysiging is nodig as gevolg van die herroeping van afdelings 16, 17 en 18 van die Hoofwet en die verandering in die struktuur van die Dienste.

Klousule 5: Hierdie klousule is 'n tegniese wysiging van Afdeling 11 van die Hoofwet.

Klousule 6: Afdeling 12 van die Hoofwet word deur hierdie klousule gewysig. Die wysiging voeg 'n hoofskrif by vir afdeling 12. Dit vervang ook die frase "afdelingshoof" met die frase "direkteur". Hierdie wysiging is gewoondsaak deur die verandering in die struktuur van die Dienste.

Klousule 7: Hierdie klousule wysig afdeling 13 van die Hoofwet vir die selfde rede soos aangedui in die tweede deel van klousule 6.

Klousule 8: Hierdie klousule is 'n tegniese wysiging van afdeling 14 van die Hoofwet.

Klousule 9: Afdelings 16, 17 en 18 van die Hoofwet word deur hierdie klousule herroep.

Klousule 10: Hierdie klousule is 'n tegniese wysiging van afdeling 19 as gevolg van die wysiging van afdeling 3 van beide die Hoofwet.

Klousule 11: Hierdie klousule is 'n tegniese wysiging van afdeling 25 van die Hoofwet.

Klousule 12: Hierdie klousule voeg 'n nuwe en addisionele subafdeling by in afdeling 26 van die Hoofwet en maak voorsiening vir die dienste van die Sekretaris om alle inkomste wat ontvang is te deponeer en ordentlik boek te hou daarvan.

Klousule 13: Hierdie klousule is 'n tegniese wysiging van afdeling 29(3) van die Hoofwet.

Klousule 14: Hierdie klousule handel met die kort titel en die aanvang van die Wet.

NOTICE 1510 OF 1999**HLALOSO YA KAKARETSO**

Mantsu ao a ngwadilwego ka bokoto mo masakaneng a bontsha tlogelo mo melao e lego tshomisong.

Mantsu ao a thaletswego ka mothalo o mokoto a bonstha ditsentshwa go melao e lego tshomisong.

MOLAOKAKANYWA

Go kaonafatsa Molao wa Ditirelo tsa Lekgotlatheramelao la Profense ya Gauteng, 1996 (Molao wa 5 wa 1996) go phumula, phosolla, tsentsha goba go tlalletsa mantsu a mangwe le dihlahoso, go mantsu a mangwe, go oketsa mehola le matla a Khuduthamaga, le go kgonagatsa merero eo e tsamaelanago le tsohle tse.

E TSWELETSWE ke Lekgotlatheramelao la Profense ya Gauteng, ka mokgwa wo o latelago:-

Kaonafatso ya kaorolo 1 ya Molao 5 wa 1996

1 Karolo 1 ya Molao wa Ditirelo tsa Lekgotlatheramelao, 1996 (wo o tla bitswago molao hlogo) o a kaonafatswa-

(a) go tloswa ga hlaloso "Modulasetulo wa Dikomiti" ka hlaloso ye e latelago "Modulasetulo wa dikomiti" e tla hlalosa leloko (leo le beilwego) leo le kgethetswego go maemo a ma bjalo go ya le ka Molao o Ikemetsego wa Lekgotlatheramelao la Profense ya Gauteng [go ba Modulasetulo wa baduladitulo ba dikomiti kamoka tsa Lekgotlatheramelao la Profense];";

(b) ka go tlosahlaoloso ya modiredi ka hlaoloso yeo e latelago:

“modiredi” ke motho yo mongwe le yo mongwe a beilwe goya goile [**molefapheng le itseng**] mo Tirelong goba a thapile ka motswaoswere goba ka maemo a moelets, ge eka ba maemong a goya goile goba motswaoswere;”;

(c) go tlosa ka halaloso ya “Moetapele wa Ntlo” ga hlaloso yeo e latelago:

“Moetapele wa Ntlo” e supa gore leloko le beilwe [**ke Lekgotlatheramelao go tswelatsa mehola ya karolo 4(1)**] ko maemong abjalo go ya le ka Molawana o Ikemetseng wa Lekgotlatheramelao la Gauteng;”;

(d) go tlosa ka hlaloso ya “tefelo” go hlaloso yeo e latelago:

“ ‘tefelo’ e supa ditebogo kamoka tseo di swanetsego go lefelwa go modiredi, gomme di tla tsentsha mogolo wo o tlwaelegilego, megolo emengwe le ditebogo, ditseakarolo tsa tirelo go setseka sa motlaodutse [le] setseka sa thuso ya tsa maphelo le digoketsi tse dingwe tsa tirelo;”, le

(e) go tlosa ka hlaloso ya “Mongwaledi” go hlaloso yeo e latelago:

“Mongwaledi” esupa Mongwaledi a beilwego go ya le ka karolo 143 ya Molaotheo goba go ya ka karolo 12(1)(a) ya Molao o .

Kaonafatso ya karolo 2 ya Molao 5 wa 1996

2. Karolo 2 ya molaohlogo e kaonafatswa ka go tloswa ga karolo 2 ya katolo yeo e latelago

“2. [**Go ya ka Molaotheo le Melawana ye Ikemetseng ya Lekgotlatheramelao la Profense**] Ka gore bjale go hlongwa Tirelo ya Lekgotlatheramelao leo mosomo mogolo wa lona etla bago go fa tirelo ya taolo sekantoro go Seboledi le maloko a Lekgotlatheramelao”;

Kaonafatso ya karolo 3 ya Molao 5 wa 1996

3 Karolo 3 ya molaohlogo ka gore bjale e kaonafatswa ka go tloswa ga karolwana (2) ya karolwana ye e latelago:

“ Lekgotlakhuduthamaga e tla ba sebopego seo se tla bago le matla a go amogela le tshwara [diamogelwa le ditlabakelo] diphahla le ditirelo ka ge go tlabe go bonwa go hlokega gape le tla somisa tsona [diamogelwa le ditlabakelo tseo do sa lokisegego] dilo, diphahla le ditirelo bjale ka ge le tla be le bona go tswanetse”.

Kaonafatso ya karolo 8 ya Molao 5 wa 1996

4. Karolo 8 ya molaohlogo ka gore bjale e a kaonafatswa-

(a) ka go tlosa ka temana(b) ya karolwana (1) ya temana ye e latelago

“(b) ka morago ga go boledisana le komiti yeo e ikemetsego ya Lekgotlatheramelao, mo go hlokegago, e phethe gore ke ditirelo dife tseo di tla fago ke Tirelo gape, moo go hlokegago, hloma sebopego seo se ka tla bago le maikarabelo a go fa ditirelo tseo;” gape

(b)ka go tlosa ga karolwana (2) ya karolwana e latelago

“(2) Khuduthamaga e ka fa ditaelo mabapi le

(a)maemo a tirelo le dinyakwa tse dingwe tsa thapo, go romelwa gongwe goba go hlatloswa ka gare goba o tswa ka ntle ga Tirelo;

(b)merero ya tshireletso

(c) merero e mengwe eo e sa balwago mo Molaong o eupsa e tsamelana le Tirelo

Eupsa ditaelo tse bjalo ga di a tshwanela di thulane le Molao o.

Kaonafatso ya karolo 12 ya Molao 5 wa 1996

5. Karolo 11 ya molaohlogo ka gore bjale etla kaonafatswa ka go tlosa karolo 11 ka karolo e latelago

“11. Khudutghamaga e tla dira gore ka morago ga dikgwedi tse di sa fetego tse pedi ka morago ga ge ngwaga wa ditshetele o fedile e lokise tlaleo ya mediro ya yona mo ngwagene woo gomme e e begele Lekgotlatheramelao.”

Kaonafatso ya karolo 12 ya Molao 5 wa 1996

6. Karolo 12 ya molaohlogo ka gore bjale ea kaonafatswa-

(a) ka go tsentsha hlogo pele ga karolo 12

“Go begwa ga Mongwaledi le Bongwaledi”

(b) ka go tlosa ga temana(a) ya karolwana (1) ya temana ye e latelago

(a) supa motho yo aka kgethwago go ba Mongwaledi ke
Lekgotlatheramelao[go ya ka Molaotheo];”;

(c) ka go tlosa temana(c) ya karolwana (1) ya temana ye e latelago

(c) bea motho goba [hlogo ya lefapha] mookamedi wa Tirelo.”;

(d) ka go tlosa ga karolwana (2) ya karolwana ye e latelago:

“(2) Motho yoo beilwego go ya ka karolwana (1) o tla tlisa tebogo ya gagwe ya go leboga mosomo ka mkgwa wa go ngwalwa go Modulasetulo wa Khuduthamaga, yoo a tla tsebisago Khuduthamaga ka ntle le titatiko ka tshedimoso ye, mo tabeng ya Mongwaledi a lebogang modiro, Modulasetulo o tla sedimosa Lekgotlatheramelao ka tebogo ye ya modiro, eupsa ge fela ge motho yo a lebogago modiro ele [hlogo ya lefapha] mookamedi, o tla fihlisa segatiswa sa lengwalo la go leboga modiro go Mongwaledi.”

Kaonafatso ya krolo 13 ya Molao 5 wa 1996

7. Karolo 13 ya molaohlogo ka gore bjale e a kaonafatswa k ago tloswa ga temana(b) ya karolwana(1) ya temana e latelago:

“(b)[hlogo ya mafapha] baokamedi; le”

Kaonafatso ya karolo 14 ya Molao 5 wa 1996

8. Karolo 14 ya molaohlogo ka gore bjale e a kaonafatswa ka go tloswa ga karolwana (2) ya karolwana ye e latelago:

“(2) Ge Mongwaledi a sego goba a sa kgone go phethagatsa ko kopanong, Motlatsa Mongwaledi, ge a beilwe go ya ka karolo 12(1)(b), o tla tsea marapo a go ba Modulasetulo wa motswaoswere, gape ge Mongwaledi le Motlatsa Mongwaledi ba sego, Bongwaledi bo tla kgetha o mongwe wa maloko a bjona ka mokgwa wa bontshi go swarela Modulasetulo”.

Go phumolwa ga dikarolo 16, 17 le 18 tsa Molao 5 wa 1996

9. Dikarolo 16, 17 le 18 tsa molaohlogo ka gore bjale dia phumolwa.

Kaonafatso ya karolo 19 ya Molao 5 wa 1996

10. Karolo 19 ya molaohlogo ka gore bjale e a kaonafatswa ka go tlosa lebakeng la karolwana(2) ya karolwana yeo e latelago:

“(2) Khuduthamaga e tla fa Bongwaledi matla a go laola ditshetele mo mererong kamoka yeo emanang le go hwetsa[ditlabakelo le tse dingwe] diphahla, disomiswa le ditirelo tseo di tla hlokwago ke Tirelo.”

Kaonafatso ya karolo 25 ya Molao 5 wa 1996

11. Karolo 25 ya molaohlogo ka gore bjale e a kaonafatswa ka go tloswa lefelong ka karolwana (2) ka karolwana yeo e latelago:

“(2)Khuduthamaga e tla tsea magato[e sego ka morago ga tulo ya Lekgotlatheramelao ya ngwaga ka ngwaga] go beakanya ditshetele tseo di somisitswego goba tseo tseo di tla somiswago go ya le ka karolwana(1)”.

Kaonafatso ya karolo 26 ya Molao 5 wa 1996

12. Karolo 26 ya molaohlogo ka gore bjale e a kaonafatswa ka go tsentsha ka morago ga karolwana (6) ya karolwana ye e latelago:

“(6)(a) Mongwaledi o tla netefatsa gore ditseno kamoka tseo di amogelwago ke Lekgotlatheramelao e tla bolokwa ka bolokelong bja ditshetele bjo bo diriswang ke Lekgotlatheramelao gape e tla hlalloswa ka ge go swanetse”.

Kaonafatso ya karolo 29 ya Molao 5 wa 1996

13. Karolo 29 ya molaohlogo ka gore bjale e a kaonafatswa ka go tloswa ka karolwana (3) ka karolwana yeo e latelago:

“(3) Dikarolwana(1) le (2) di ka se ke tsa somiswa go thibela kgoro ya tsheko go phaela ka theko dinyakwa goba goba diiletswa tsa [**dikarolwana**] dikarolwana tse itseng moo e tla bego go swanetse gore go phethwe dikganyogo tsa toka.”

Hlogo e kopana le mthomo a tiriso

14. Molao yo o tla bitswa Molao o Kaonafaditswego wa Tirelo ya Lekgotlatheramelao la Profense ya Gauteng, wa 1999, gape o tla tsena tirison ka lestatsi leo le tla tsibiswago ke Tonakgolo ka tsebiso ya semolao mo Sephatlalatsing sa Semmuso sa Profense.

MOLAETSA GO MAIKEMISETSO A MOLAOKAKANYWA O KAONAFADITSWEGO WA TIRELO YA LEKGOTLATHERAMELAO LA GAUTENG, 1999.

1.TSHEDIMOSO YA KA MORAGO

Lekgotlatheramelao la Profense ya Gauteng le ikemisediste go tseletsa Molao o kaonafaditswego wo o kaonafatsago Molao wa Tirelo wa Lekgotlatheramelao la Gauteng wa 1996 (Molao wa 5 wa 1996) (o tla bitswa "molaohlogo")

2. MABAKA A MOLAOKAKANYWA

Lebaka le bohlokwa la molaokakanywa ke go fetosa sebopego sa Tirelo go kaonafatsa taolo ya yona le merero yeo e tsamaelanago le yona ka go kaonafatsa molaohlogo.

La bobedi Molaokakanywa o nyaka go phosolla diphoso tse dingwe tsa seteginiki tseo di lego go molao hlogo.

3. DITLAMORAGO TSA DITSHELETE

Ga go ditlmorago tsa ditshetele tseo di lebeltswego tseo di tla tliswago ke Molaokakanywa wo go tswa go Tirelo ya Lekgotlatheramelao la Profense la Gauteng. Ditlamorago tsa ditshetele di tla hlokomelwa mo ditsheteteng tse abelwago Lekgotlatheramelao.

4. DITLAMORAGO GO MOLAOTHEO

A digo

5.DITLAMORAGO GO BADIREDI

A digo

6. HLA LOSO YA KAROLWANA-KA-KAROLWANA

KAROLWANA 1: Dihlaloso tse dingwe ste leng mo karolo 1 ya molaohlogo di a kaonafatswa mo karolwaneg e. Dikaonafatso tse ke tsa setiginiki esego tsa moko.

KAROLWANA 2: Karolwana ye ke kaonafatso ya setegniki ya karolo 2 ya molaohlogo.

KAROLWANA 3: Karolo 3 ya molaohlogo e kaonafatswa ka karolwana ye go tlosa lefokwana "dianmogelwa le ditlabakelo" ka la "diphahla, dilo le ditirelo".

KAROLWANA 4: Karolwana ye e kaonafatsa karolo 8 ya molaohlogo go oketsa matla a Khuduthamaga ge e soma ka merero ya badiredi. Kaonafatso ye e a hlokega ka lebaka la gore karolo 16, 17 le 18 tsa molaohlogo di phumotswe gape le ka lebaka la diphetogo tsa sebopego sa Tirelo.

KAROLWANA 5: Karolwana ye ke kaonafatso ya setegniki ya karolo 11 ya molaohlogo.

KAROLWANA 6: Karolo 12 ya molaohlogo e kaonafatswa ke karolwana ye. Kaonafatso ye e tsentsha hlogo mo karolong 12. Gape e tlosa lefokwana la "hlogo ya lefapha" ka "molaodi." Phetogo ye e hlokega ka lebaka la diphetogo go sebopego sa Tirelo.

KAROLWANA 7: Karolwana ye e kaonafatsa karolo 13 ya molaohlogo ka mabaka a swanago leo a boletswego mo karolo ya bobedi ya ya karolwana 6.

KAROLWANA 8: Karolwana ye ke kaonafatso ya seteginiki ya karolo 14 ya molaohlogo.

KAROLWANA 9: Dikarolo 16, 17 le 18 tsa molaohlogo di phumolwa ke karolwana ye.

KAROLWANA 10: Karolwana ye kaonafatso ya karolo 19 ka lebaka la kaonafatso ya karolo 3 kamoka tsa molaohlogo.

KAROLWANA 11: Karolwana ye ke kaonafatso ya seteginiki ya karolo 25 ya molaohlogo.

KAROLWANA 12: Karolwana ye e tsentsha karolwana e nstha ebile ya go tlaletsa mo karolo 26 ya molaohlogo gape e kgonagatsa le mosomo wa Sengwaledi go boloka ditseno tseo di amogetswego le go di hlalosa ka tshwanelo mo dibukeng.

KAROLWANA 13: Karolwana ye ke kaonafatso ya seteginiki ya karolo 29(3) ya molaohlogo.

KAROLWANA 14: Karolwana ye ke ya hloko e kopana le letsatsi le molaokakanywa o tla tsena tshomisong.

DIKATLETSO

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NOTICE 1510 OF 1999**IZINCAZELO ZAMAGAMA**

[] Amagama abhalwe ngokumnyama okugqame kakhulu futhi ekokelezelwe akhombisa zingxenywe ezisusiwe emthethweni osebenzayo njengamanje.

_____ Amagama adwetshelwe ngomugqa ohlangene akhombisa izingxenywe ezifakelwe emthethweni osebenzayo njengamanje.

UMTHETHO SIVIVINYO

Ukuchibiyelwa komthetho wesiShayamthetho sesifundazwe sase-Gauteng wokunika izidingo zePhalamende wonyaka ka-1996 (umthetho wesihlanu wonyaka ka-1996), ukuze kususwe, kulungiswe, kufakelwe noma kujobelwele amagama athize ashokho okudingakalayo; lokho kusiza ekulungiseni kabusha amagama lawo; nokwandisa amandla nemisebenzi yeBhodi, nokulungiselela izinto ezithinta konke lokhu okuphathelene nalokho.

UYOGUNYAZWA isiShayamthetho sesifundazwe saseGauteng ngalendlela elandelayo; Ukuchibiyelwa kwesigaba sokuqala somthetho wesihlanu wonyaka ka-1996.

1. Isigaba sokuqala somthetho wesiShayamthetho sesifundazwe sase-Gauteng wokunika izidingo ngqangi zePhalamende wonyaka ka-1996 (kuwo losomqulu lomthetho uzobizwa "ngomthetho omkhulu"), uchibiyelwa;

(a) ngokususwa kwencazelo "yoMgcinisihlalo wamakomiti" ngalencazelo elandelayo;

"uMgcinisihlalo wamakomiti" uchaza ilunga [eliqukelwe] elikhethelwe kulesosikhundla njengokulandisa kwenqubo yesiShayamthetho sesifundazwe [ukuba nguMgcinisihlalo owengamele bonke abagcinizihlalo bamakomiti esiShayamthetho sesifundazwe]

- (b) ngokushintshwa kwencazelo “yomsebenzi” ngencazelo elandelayo;
“umsebenzi” uchaza wonke umuntu oqashwe ngokungcwele [esikhungweni] ekwenzeni imisebenzi yomphakathi noma ngabe eqashwe njengomuntu wetoho okanye umuntu owenza umsebenzi izikhawu kuye ngesivumelwano sakhe, noma umuntu oqashwe ngokugcwele okanye owenza itoho izikhawu;”
- (c) ngokushintshwa kwencazelo “kaSotswebhu wendlu yesiShayamthetho ngencazelo elandelayo:
“uSotswebhu wendlu yesiShayamthetho” uchaza ilunga eliqokelwe [yisishayamthetho sesifundazwe njengokulandisa kwesigaba sesine nesigatshana sokuqala] kulesosikhundla njengokulandisa kwezimiso zesiShayamthetho zesifundazwe;
- (d) ngokushintshwa kwencazelo yegama elithi “inkokhelo” ngalencazelo elandelayo:
“ inkokhelo ichaza ukukhokhelwa komsebenzi, lokhu kumbandakanya nomholo, nokusamali ekhokhwa njengenkuthazo kulowo osebenzayo kanye nezinye izimali ezifuze lokho, lokhu kuhlenganisa [neminikelo] noma yini efuze lokho nemali yomhlala phansi kanye nemali yisikhwama sokubhekela abagulayo nanoma iyiphi enye [inkokhelo] imali yezibonelelo efuze leyo;
- (e) ukushintshwa kwencazelo “kaNobhala” ngalencazelo elandelayo;
“uNobhala” uchaza uNobhala oqokwe njengokulandisa kwesigaba sekhulu namashumi amane nantathu somthetho-sisekelo noma isigaba seshumi nambili nesigatshana sokuqala (a) sawo lomthetho.”

Ukuchitshiyelwa kwesigaba sesibili somthetho wesihlanu somthetho wonyaka ka-1996.

2. Isigaba sesibili somthetho omkhulu sichitshiyelwa ngokushintshwa kwesigaba sesibili ngalendlela elandelayo:

“2.[Njengokulandisa komthetho-sisekelo kanye nemigomo yesiShayamthetho sesifundazwe] Kuzomiswa uhlelo noma uhlaka lokusiza kwisiShayamthetho sesifundazwe ekwenzeni imisebenzi yezokuphatha ebhekene noSomlomo kanye namanye amalunga esiShayamthetho.”

Ukuchitshiyelwa kwesigaba sesithathu somthetho wesihlanu wonyaka ka-1996.

3. Isigaba sesithathu somthetho omkhulu sizochitshiyelwa ngokushintshwa kwesigatshana sesibili, ngalesisigatshana:

“(2) iBhodi liyobanamagunya obunini nokuthengisa [ukuletha impahla yokusebenza] impahla enentengiso, impahla nokuyisebenzisa njengalokhu kufanele [ukukhipha impahla engasasebenzi] imali, impahla nokwenza imisebenzi njengalokhu libona kufanele futhi kunesidingo.”

Ukuchibiyelwa kwesigaba sesishagalombili somthetho wesihlanu wonyaka-ka 1996.

4. Isigaba sesishagalombili somthetho omkhulu sichitshiyelwa;

(a) ngokushintshwa kwesigatshana (b) sesigatshana sokuqala, salesisigatshana esilandelayo:

(b) ngemuva kokubonisana nekomiti elifanele lesiShayamthetho, lapho kubonakala kunesidingo kuyobe sekunqunywa ukuthi imisebenzi mini? Okufanele yenziwe isakhiwo noma uhlaka lwesiShayamthetho lapho kudingakala khona nokumisa izakhiwo ezidingakalayo ekusebenzeni imisebenzi leyo;”

(b) ngokushintshwa kwesigatshana sesibili, salesisigatshana esilandelayo:

2. iBhodi linganika imiyalelo mayelana nalokhu:

(a) ngezimo zokusebenza kanye nezinye izinto eziphathelele nokuqashwa, nokushintshelwa kwenye indawo kanye nokwenyuselwa ezikhundleni kwabasebenzela iPhalamende.

(b) ezokuphepha:

(c) noma yini enye engachazwanga kulomthetho ephathelene nokusebenza ePhalamende:

Naneminye imiyalelo engeke iphambane nalomthetho

Ukuchibiyelwa kwesigaba seshumi nanye somthetho wesihlanu wonyaka ka-1996

5. Isigaba seshumi nanye somthetho omkhulu sichitshiyelwa ngokushintshwa kwesigaba seshumi nanye ngalesisigaba esilandelayo:

“ 1] Angeke kuphele isikhathi esiyizinyanga ezimbili ngemuva kokuphela konyaka wezezimali iBhodi ingakathumeli umbiko wokusebenza kwalo wonyaka endlini yesiShayamthetho.”

Ukuchibiyelwa kwesigaba seshumi nambili somthetho wesihlanu wonyaka ka-1996

6. Isigaba seshumi nambili somthetho omkhulu siyachitshiyela;

(a) ngokufakwa kwalesisihloko esilandelayo ngaphambi kwesigaba seshumi nambili

“ukuqokwa kukaNobhala kanye nalabo asebenza nabo;

(b) ngokushintshwa kwesigatshana (a) nesigatshana sokuqala salesisigatshana

esilandelayo:

(a) ukuphakanyiswa kwegama lomuntu ozoqokwa njengoNobhala
yisiShayamthetho [njengokulandisa komthetho-sisekelo];

(c) ngokushintshwa kwesigatshana (c) sesigatshana sokuqala salesisigatshana
esilandelayo:

(c) ukuqokwa komuntu njengo [iNhloko yesikhungo] Mqondisi
wemisebenzi yasePhalemende;

(d) Ngokushintshwa kwesigatshana sesibili salesisigatshana esilandelayo:

“(2) Umuntu oqashwe njengokulandisa kwesigatshana sokuqala uyothumela isaziso sokuyeka umsebenzi esibhaliwe kuMgcinisihlalo weBhodi, yena uyobe esazisa iBhodi ngalokho kuyeka umsebenzi uma ngabe kuyeka uNobhala, uMgcinisihlalo uyokwazisa indlu yesiShayamthetho ngalokho kuyeka umsebenzi: Uma lowo muntu osulayo ewu [iNhloko yesikhungo] Mqondisi uyodlulisela ikhophi yencwadi leyo kuNobhala.”

Ukuchitshiyelwa kwesigaba seshumi nantathu somthetho wesihlanu wonyaka ka-1996

7. Isigaba seshumi nantathu somthetho omkhulu sichibiyelwa ngokushintshwa kwesigatshana (b) sesigatshana sokuqala salesisigatshana:

“(b) abanga [iNhloko yesikhungo] baQondisi”

Ukuchibiyelwa kwesigaba seshumi nane somthetho wesihlanu wonyaka ka-1996

8. Isigaba seshumi nane somthetho omkhulu sichibiyelwa ngokushintshwa kwesigatshana sesibili salesisigatshana esilandelayo:

“(2) Umangabe uNobhala engekho noma ehluleka ukwenza imisebenzi yakhe emhlanganweni iSekela-likaNobhala uma liqokwe njengokulandisa kwesigaba seshumi nambili nesigatshana sokuqala (b) liyobamba njengoMgcinisihlalo, uma ngabe uNobhala neSekela lakhe bengekho, ozakwabo bayokhetha omunye wabo, lowo okhethwe yiningi uyobamba njengoMgcinisihlalo.”

Ukuguqulwa kwezigaba ze-16, 17 nese 18 zomthetho wesihlanu wonyaka ka-1996.

9. Izigaba ze-16, 17 nese 18 zomthetho omkhulu ziyaguqulwa:

Ukuchibiyelwa kwesigaba seshumi nesishagalolunye somthetho wesihlanu wonyaka ka-1996

10 Isigaba seshumi nesishagalolunye somthetho omkhulu sichibiyelwa ngokushintshwa kwesigatshana sesibili yisigatshana esilandelayo:

“(2) iBhodi liyonika uNobhala amandla okwaba izimali eziphathelene nokwabiwa [ukuhambisa izinto zokusebenza] kwezimpahla zentengiso, izimpahla kanye nokwenziwa kwemisebenzi yasePhalamende ngendlela elibona kufanele ngayo.”

Ukuchibiyelwa kwesigaba samashumi amabili nesihlanu somthetho wesihlanu wonyaka ka-1996

11. Isigaba samashumi amabili nesihlanu somthetho omkhulu sichibiyelwa ngokushintshwa kwesigatshana sesibili salesisigatshana esilandelayo:

“(2) iBhodi liyothatha izinyathelo [hayi kamuva kokuhlala konyaka kwesiShayamthetho okulandelayo] ekwabiweni kwanoma isiphi isamba esizosetshenziswa noma esesisetshenzisiwe njengokulandisa kwesigatshana sokuqala.”

Ukuchibiyelwa kwesigaba samashumi amabili nesithupha somthetho wesihlanu wonyaka ka-1996

12. Isigaba samashumi amabili nesithupha somthetho omkhulu sichibiyelwa ngokufakwa kwalesisigatshana esilandelayo ngemuva kwesigatshana sesithupha (a) “uNobhala uyokwenza isiqiniseko sokuthi yonke imali engenayo yesiShayamthetho sesifundazwe ifakwa ebhange, ebhukwini lasebhange lesiShayamthetho nanokuthi leyomali iyaziwa ukuthi isebenze kanjani.”

**Ukuchibiyelwa kwesigaba samashumi amabili nesishagalolunye somthetho
wesihlanu wonyaka ka-1996**

13. Isigaba samashumi amabili nesishagalolunye somthetho omkhulu sichibiyelwa ngokushintshwa kwesigatshana sesithathu sesigatshana esilandelayo:

“(3) Isigatshana sokuqala nesesibili azingeke zadidaniswa nokuthi inqubo yenkantolo ayinakusetshenziswa uma kufanele noma ukwalelwa [kwezigatshana] kwezigatshana ezithize lapho kubonakala ukuthi lokho kobe kufanele ukuze kugcinwe inqubo yobulungiswa.

Igama ayobizwa ngalo, nosuku lokuqala ukusebenza

14. Lomthetho uyokwaziwa ngokuthi ngumthetho wokuchibiyela wokwenziwa kwemisebenzi yesiShayamthetho sesifundazwe sase-Gauteng wonyaka ka-1999, futhi uyoqala ukusebenza ngelanga eliyobekwa uNdunankulu ngokuthi enze lesosaziso ephelandabeni lika-Hulumeni.

**ISAZISO NGOKUBAKHONA KWESICHIBIYELO NEZINHLOSO
ZESICHIBIYELO SOMTHETHO OPHATHELENE NEMISEBENZI
YASEPHALAMENDE YESIFUNDAZWE SASE-GAUTENG SONYAKA KA-1999**

1. UMLANDO

Isishayamthetho sesifundazwe sase-Gauteng sihlose ukwethula isichibiyelo somthetho okuqondwe ngaso ukuchibiyela umthetho wesiShayamthetho sesifundazwe sase-Gauteng ophathelene nokwenziwa kwemisebenzi yePhalamende ka-1996 (umthetho wesihlanu wonyaka ka-1996) (kuwo losomqulu lomthetho uzobizwa “ngomthetho omkhulu”)

1. IZIZATHU ZOKUDINGEKA KWALOMTHETHO-SIVIVINYO

Inhloso yomthetho-sivivinyo ukushintsha isakhiwo semisebenzi yokuxhasa iPhalamende ekwenzeni imisebenzi yokuphatha, lokhu kwenzelwe izinto eziphathelene nokuchitshiyelwa komthetho omkhulu.

Okwesibili umthetho-sivivinyo uzama ukulungisa amaphutha asemthethweni omkhulu.

2. IZIDINGO NGOKWEZEZIMALI

Azikho izidingo ngokokwezezimali ezibhekekile ngokwenziwa kwemisebenzi exhasa iPhalamende lesifundazwe sase-Gauteng kulomthetho-sivivinyo. Zonke izidingo zezezimali ezingavela zingahlinzekelwa esabelweni sezezimali zesiShayamthetho.

3. IZIDINGO NGOKWEZOMTHETHO-SISEKELO

Azikho

4. IZIDINGO NGOKWEZABASEBENZI

Azikho

5. INCAZELO NGESIGABA-NGESIGABA

- Isigaba sokuqala:** Izincazelo zamagama athize esigabeni sokuqala somthetho zichibiyelwe. Lezizichibiyelo azishintshi umnyobho womthetho kodwa zenza ushintsho lwezobuchwepheshe emagameni asetshenzisiwe.
- Isigaba sesibili:** Lesisigaba senza isichibiyelo sobuchwepheshe esigabeni sesibili somthetho omkhulu.
- Isigaba sesithathu:** Isigaba sesithathu somthetho omkhulu sichibiyelwa ukuze kushintshwe igama elithi “ukuletha” nelithi “izinto zokusebenza” ngamagama athi “izimpahla ezinentengiso, impahla nemisebenzi”.
- Isigaba sesine:** Lesisigaba sichibiyela isigaba sesishagalombili somthetho omkhulu ukuze kwandiswe amandla eBhodi ekwenzeni imisebenzi ephathelene nabasebenzi. Lokhu kwenzelwe ukuthi kuguqulwe izigaba 16, 17 nese 18 somthetho omkhulu nanokuguqulwa kwesikhawo semisebenzi eyenziwa abasebenzi basePhalamende.
- Isigaba sesihlanu:** Lesisigaba senza isichibiyelo sobuchwepheshe esigabeni sesibili somthetho omkhulu.
- Isigaba sesithupha:** Isigaba sesithupha sichibiyela isigaba seshumi nambili somthetho omkhulu. Lesisichibiyelo sishintsha isihloko sesigaba seshumi nambili, siphinde sishintshe igama elithi “iNhloko yesikhungo” ngelithi “uMqondisi. Lesisichibiyelo sidalwe ushintsho esakhiweni esenza imisebenzi eyenzelwa ukuxhasa iPhalamende.
- Isigaba sesikhombisa:** Lesisigaba sichibiyela isigaba seshumi nantathu somthetho omkhulu, lokhu kwenzelwa isizathu esifanayo naleso esibekwe engxenyeni yesibili yesigaba sesithupha.

- Isigaba sesishagalombili:** Lesisigaba senza isichibiyelo sobuchwepheshe esigabeni seshumi nane somthetho omkhulu.
- Isigaba sesishagalolunye:** Isigaba 16, 17 nese 18 somthetho omkhulu ziguqulwa yilesigaba.
- Isigaba seshumi:** Lesisigaba senza isichibiyelo sobuchwepheshe esigabeni seshumi nesishagalolunye, lokhu kwenziwe ngoba kunesichibiyelo esenziwe esigabeni sesithathu emthethweni omkhulu.
- Isigaba seshumi nanye:** Lesisigaba senza isichibiyelo sobuchwepheshe esigabeni samashumi amabili nesihlanu somthetho omkhulu.
- Isigaba seshumi nambili:** Lesisigaba sifaka isigatshana sesithathu esisha esigabeni samashumi amabili nesithupha somthetho omkhulu, esinika uNobhala umsebenzi wokufaka ebhange yonke imali etholakele aphinde enze isiqiniseko sokuthi isetshenziswa ngemfanelo.
- Isigaba seshumi nantathu:** Lesisigaba senza isichibiyelo sobuchwepheshe esigabeni samashumi amabili nesishagalolunye nesigatshana sesithathu somthetho omkhulu.
- Isigaba seshumi nane:** Lesisigaba siphathelene negama oyobizwa ngalo lomthetho nanokuthi uqala nini ukusebenza.

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