

**KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI**

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GENERAL NOTICES—ISASIZO SIKAWONKE-WONKE

No. 3**28 January 2008****DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS****PROTOCOL POLICY FRAMEWORK ON FORGING SUSTAINABLE SYNERGISTIC PARTNERSHIPS BETWEEN LOCAL MUNICIPALITIES AND TRADITIONAL COUNCILS IN KWAZULU-NATAL**

1. In order to facilitate meaningful consultation with Local Municipalities, Councillors, Traditional Leaders, Traditional Councils and Traditional Communities in KwaZulu-Natal, the abovementioned Draft Protocol Policy Framework, is hereby published for public comment.

2. All Local Municipalities, Councillors, Traditional Leaders, Traditional Councils and Traditional Communities in KwaZulu-Natal, as well as all other interested persons, are invited to submit comments in writing on the proposed Policy as follows:

(a) by post, to:

The Head of Department
Local Government and Traditional Affairs
Private Bag X9078
PIETERMARITZBURG
3200

(b) delivery by hand to the 14th Floor, North Tower, Natalia Building, 330 Langalibalele Street, Pietermaritzburg;

(c) via facsimile to (033) 394 9714; or

(d) via electronic mail to HK@kznlqta.gov.za

3. All comments must be received by no later than 30 November 2007 and must be marked clearly: **"For Attention: Mr H. Kuhn"**.

4. All enquiries and requests for copies of the Policy must be addressed to:

Mr. H. Kuhn
Tel: (033) 395 2942
Fax: (033) 394 9714
E-mail: HK@kznlqta.gov.za

**PROTOCOL POLICY FRAMEWORK ON
FORGING SUSTAINABLE SYNERGISTIC
PARTNERSHIPS BETWEEN LOCAL
MUNICIPALITIES AND TRADITIONAL
COUNCILS IN KWAZULU-NATAL**

PREAMBLE

Whereas

A. The Constitution of the Republic of South Africa, 1996 enjoins all spheres of government and organs of state within each sphere to co-operate with one another in mutual trust and good faith by–

- fostering friendly relations, to assist and support one another;
- informing one another of, and consulting one another on, matters of common interest;
- co-ordinating their actions and legislation with one another;
- adhering to agreed procedures; and
- avoiding legal proceedings against one another;

B. The Constitution has introduced a system of local government that provides for all areas to be included in local municipalities;

C. The constitution recognises the status of traditional leaders and indigenous law;

D. Local municipalities and traditional leaders must co-operate, based on the principles of mutual respect and recognition of the status and role of the respective parties, and be guided by the principles of co-operative governance;

E. Both local municipalities and traditional leaders have a shared responsibility to act in the interest of the same communities that they serve, by addressing their needs through development and service rendering;

F. The objects of local government as contemplated in the Constitution and other legislation are to–

- provide democratic and accountable government for local communities;
- ensure the provision of services to communities in a sustainable manner;
- promote social and economic development; and
- encourage the involvement of communities and community organisations in the matters of local government; and

G. A commitment to participate from Traditional Leaders is essential to enable the Municipalities to achieve progressive realisation of its mandatory core functions and objectives.

PURPOSE

1. The purpose of this Protocol Policy Framework is to–

- (a) provide policy guidelines for the establishment of developmental synergistic partnerships between Local Municipalities and the respective Traditional Councils within their area of jurisdiction;

- (b) ensure full participation of Traditional Councils in the Municipal integrated development planning processes for optimum contribution in the development of rural communities;
- (c) forge functional linkages between the Traditional Councils and the Local Municipalities for optimum service delivery in rural areas;
- (d) ensure establishment of a Joint Standing or Portfolio Committee to ensure full participation of the two parties for maximum service delivery in the rural areas; and
- (e) make budgetary and other resources available for the establishment, management and operations of the developmental synergistic partnerships between the Local Municipalities and the Traditional Councils.

BACKGROUND AND RATIONALE

2.(1)(a) The severe service delivery backlogs in rural areas and the inadequate communication between the institution of Traditional Leadership and the Local Municipalities on development initiatives has caused a huge outcry from the rural communities.

(b) There is a noticeably low level of involvement of the rural communities in the Municipal integrated development planning processes.

(c) Some municipalities deliberately excluded the Traditional Leaders from the IDP processes under the pretext that they know what was required by these communities, and some Traditional Leaders did not want to participate in Municipal processes.

(2)(a) The Local Government Summit held in April 2005 identified key critical areas of focus for sustainable synergistic partnerships between the municipalities and the institution of traditional leadership.

(b) The summit identified *inter alia*, the need—

- (i) for establishing joint structures for enhancing developmental synergistic partnership between the municipalities and traditional leadership;
- (ii) to identify traditional practices, such as izimbizo, iLima, which can be used to enhance communicative service delivery, and
- (iii) for municipalities and traditional councils to formalise consultation processes on planning, budgeting and implementation.

(c) This Department was mandated to facilitate this process throughout the Province of KwaZulu-Natal to ensure sustainable synergistic partnerships.

(3)(a) The developmental policy framework as espoused in the National Spatial Development Perspectives, the Provincial Spatial Economic and Development Strategy and the National Strategy for Local Economic Development provide guidelines that direct investment and development programmes to areas where distortions of the inherited apartheid space economy exist.

(b) By forging sustainable synergistic partnerships between the local municipalities and the respective traditional councils, the Province will be in a position to ensure full participation of the rural

communities in the decision making processes for their own development.

LEGISLATIVE FRAMEWORK

3.(1) A wide variety of legislation recognises the institution of Traditional Leadership and provides guidelines on the establishment and operations of structures for Traditional Leaders within Municipalities, and encourages the management of relationships and co-operative governance between the Municipal Councils and the Traditional Leaders.

(2) Chapter 12 of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), provides as follows:

"211. Recognition

(1) The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.

(2) A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs.

(3) The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law.

212. Role of traditional leaders

(1) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.

(2) To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law—

(a) national or provincial legislation may provide for the establishment of houses of traditional leaders; and

(b) national legislation may establish a council of traditional leaders."

(3) Section 81 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) ("the Structures Act"), provides for the participation of traditional leaders in municipal councils and provides as follows:

"81. Participation in municipal councils

(1) Traditional authorities, that traditionally observe a system of customary law in the area of a municipality, may participate through their leaders, identified in terms of subsection (2), in the proceedings of the council of that municipality, and those traditional leaders must be allowed to attend and participate in any meeting of the council.

(2)(a) *The MEC for local government in a province, in accordance with Schedule 6 and by notice in the Provincial Gazette, must identify the traditional leaders who in terms of subsection (1) may participate in the proceedings of a municipal council.*

(b) *The number of traditional leaders that may participate in the proceedings of a municipal council may not exceed 20 per cent of the total number of councillors in that council, but if the council has fewer than 10 councillors, only one traditional leader may so participate.*

(c) *If the number of traditional leaders identified in a municipality's area of jurisdiction, exceeds 20 per cent of the total number of councillors the MEC for local government in the province may determine a system for the rotation of those traditional leaders.*

(3) *Before a municipal council takes a decision on any matter directly affecting the area of a traditional authority, the council must give the leader of that authority the opportunity to express a view on that matter.*

(4) *The MEC for local government in a province, after consulting the provincial House of Traditional Leaders, may by notice in the Provincial Gazette—*

(a) *regulate the participation of traditional leaders in the proceedings of a municipal council; and*

(b) *prescribe a role for traditional leaders in the affairs of a municipality.*

(5)(a) *When participating in the proceedings of a municipal council a traditional leader is subject to the appropriate provisions of the Code of Conduct set out in Schedule 1 of the Local Government: Municipal Systems Act, 2000.*

(b)(i) *A traditional leader who participates in the proceedings of a municipal council is entitled to the payment of out of pocket expenses in respect of such participation.*

(ii) *A municipal council must determine the criteria for, and calculation of, the out of pocket expenses referred to in subparagraph (i).*

(iii) *Out of pocket expenses referred to in subparagraph (i) must be paid from the budget of the municipality in question."*

(4) Item 15 of Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) ("the Systems Act"), provides for the application of the Code of Conduct for councillors to traditional leaders, and provides as follows:

"15. Application of Code to traditional leaders

(1) *Items 1, 2, 5, 6, 9(b) to (d), 10, 11, 12, 13 and 14(1) apply to a traditional leader who participates or has participated in the proceedings of a municipal council in terms of section 81 of the Municipal Structures Act.*

(2) *These items must be applied to the traditional leader in the same way they apply to councillors.*

(3) If a municipal council or a special committee in terms of item 14(1) finds that a traditional leader has breached a provision of this Code, the council may–

- (a) issue a formal warning to the traditional leader; or
- (b) request the MEC for local government in the province to suspend or cancel the traditional leader's right to participate in the proceedings of the council.

(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the right of the traditional leader to participate in the proceedings of the municipal council should be suspended or cancelled.

(5) The Commissions Act, 1947, may be applied to an investigation in terms of subitem (4).

(6) If the MEC is of the opinion that the traditional leader has breached a provision of this Code, and that such breach warrants a suspension or cancellation of the traditional leader's right to participate in the council's proceedings, the MEC may–

- (a) suspend that right for a period and on conditions determined by the MEC; or
- (b) cancel that right.

(7) Any investigation in terms of this item must be in accordance with the rules of natural justice.

(8) The suspension or cancellation of a traditional leader's right to participate in the proceedings of a council does not affect that traditional leader's right to address the council in terms of section 81(3) of the Municipal Structures Act.”

(5) Section 20 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), provides for the guiding principles for allocation of roles and functions to traditional leaders, as follows:

“20. Guiding principles for allocation of roles and functions

(1) National government or a provincial government, as the case may be, may, through legislative or other measures, provide a role for traditional councils or traditional leaders in respect of–

- (a) arts and culture;
- (b) land administration;
- (c) agriculture;
- (d) health;
- (e) welfare;
- (f) the administration of justice;
- (g) safety and security;

- (h) the registration of births, deaths and customary marriages;*
- (i) economic development;*
- (j) environment;*
- (k) tourism;*
- (l) disaster management;*
- (m) the management of natural resources; and*
- (n) the dissemination of information relating to government policies and programmes.*

(2) Whenever an organ of state within the national government or a provincial government considers allocating a role for traditional councils or traditional leaders in terms of subsection (1), that organ of state must—

- (a) seek the concurrence of—*
 - (i) the Minister if it is an organ of state in the national sphere of government; or*
 - (ii) the Member of the Executive Council responsible for traditional affairs in the province concerned if it is an organ of state of that province;*
- (b) consult with—*
 - (i) the relevant structures of traditional leadership; and*
 - (ii) the South African Local Government Association;*
- (c) ensure that the allocation of a role or function is consistent with the Constitution and applicable legislation;*
- (d) take the customary law and customs of the respective traditional communities into account;*
- (e) strive to ensure that the allocation of a role or function is accompanied by resources and that appropriate measures for accounting for such resources are put in place;*
- (f) ensure, to the extent that it is possible, that the allocation of roles or functions is implemented uniformly in areas where the institution of traditional leadership exists; and*
- (g) promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery through the allocation of roles and functions.*

(3) Where an organ of state has allocated a role or function to traditional councils or traditional leaders as envisaged by subsection (1), the organ of state must monitor the implementation of the function and ensure that—

- (a) the implementation of the function is consistent with the Constitution; and*
- (b) the function is being performed.*

(4) Where a traditional council does not perform an allocated function as envisaged in subsection (3), any resources given to a traditional council to perform that function may be withdrawn.”

(6) Section 10 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No.5 of 2005) provides for partnership between traditional councils and municipalities as follows:

“Partnership between traditional councils and municipalities

10.(1) The Provincial Government must promote partnerships between municipalities and traditional councils through legislative and other measures.

(2) The partnership envisaged in subsection (1) must be based on the principle of mutual respect and recognition of the status and roles of the parties.

(3) Without derogating from the generality of subsection (1), a traditional council may submit a proposal to the municipal council to adopt a by-law, which the traditional council may consider to be necessary in respect of any matter directly affecting the area of its jurisdiction.

(4) The proposal envisaged in subsection (3), may be accompanied by a draft of the proposed by-law and must be motivated in writing.

(5) The municipal council must consider the proposed by-law at its next meeting and may request comments from its municipal manager.

(6) In the event that the municipal council does not accept the proposed by-law, the municipal council must, in writing, inform the traditional council of its decision and must give reasons for its decision.”

ESTABLISHMENT OF THE JOINT SERVICES COMMITTEE

4.(1) A healthy synergistic relationship between the Municipalities and the Traditional Councils will need to be established in order to achieve sustainable service delivery in rural areas, especially with regard to the identified service delivery backlogs in respect of the basic services like water, sanitation, housing, energy supply and health care.

(2) There is a noticeable lack of infrastructure maintenance programmes, and the level of trust and functional linkages between the Municipalities and the Traditional Councils is low as a result of the absence of sound formal relationship between the two structures.

(3) To render the much needed services effectively and efficiently, the Municipalities require the co-operation of Amakhosi within their areas of jurisdiction, and to achieve this, it is proposed that Joint Services Committees constituted of Councilors and *Amakhosi* within the boundaries of the Local Municipalities be established, to ensure the participation of Traditional Leaders during the planning, implementation and post implementation stages.

TERMS OF REFERENCE OF THE JOINT SERVICES COMMITTEES

5. The Joint Services Committee will be required to deal with matters related to infrastructural service provision and consider all other problems related to traditional needs as may be directed to the committee from time to time, and will also participate in the following processes:

- (a) the approval of the IDP;
- (b) Water and Sanitation Services training;
- (c) the consideration of, and recommendations on, by-laws;
- (d) operation and maintenance of water and wastewater systems;
- (e) the monitoring of the release of all Water Services Systems;
- (f) the development and implementation of a free basic services policy for the Municipality;
- (g) the review of mechanisms for the provision of Water and Sanitation Services;
- (h) the development of Water Services Development Plans;
- (i) the development of Water and Sanitation Services Provision systems, and advice to the Water Services Authority in respect thereof;
- (j) the consideration of any other item that might impact on infrastructural needs, especially in rural areas;
- (k) refuse removal;
- (l) the development and monitoring of Land Use Management Systems;
- (m) providing input on Rural Development Programmes; and
- (n) Rural housing development.

GUIDE FOR THE OPERATIONS OF THE JOINT SERVICES COMMITTEE

6.(1) The Joint Services Committees must comprise of an equal number of Councilors from the Municipal Council and *Amakhosi* from the respective Traditional Councils, who will both hold office for the duration of their respective term of office in the Municipal or Traditional Councils, provided that—

- (a) a member and an alternative member appointed by the respective institution or organisation to the committee will, in the discretion of the institution or organisation that appointed him or her, be eligible for re-appointment on the termination of his or her appointment;
- (b) the institution concerned must fill any vacancy occurring amongst the members from alternative members of the committee appointed by the relevant organisation to serve on the committee;
- (c) an alternative member may attend any meeting of the committee from which the full member with whom he or she is associated is absent, and may speak and vote at such meetings;
- (d) the chairperson must be elected from the Councilors, and preferably be the Mayor or a councilor serving on the Executive Committee;
- (e) the deputy-chairperson must be elected by the committee at its first meeting, from amongst the members of the committee;

- (f) the committee must meet at least once every quarter during each year; and
- (g) a member or alternative member on the committee may not use the position or privileges or confidential information obtained as a member of the committee for personal gain or to improperly benefit another person, and each member or alternative member must, on being appointed to the committee, sign a declaration to that effect.

(2) Every member of the committee, including every alternative member of the committee, must—

- (a) exercise utmost care to ensure reasonable protection of the assets and records of the participating organisations;
- (b) act with fidelity, honesty, integrity, and in the best interest of the committee and the participating organisation;
- (c) on request, disclose to the participating organisations, all material facts, including those reasonably discoverable, which in any way may influence the decisions or actions of the participating organisation;
- (d) seek to prevent any prejudice to the financial interests of the participating organisation; and
- (e) disclose any direct or indirect personal or private business interest to the committee, which that member or any spouse, partner or close family member may have in any matter before the committee.

RULES FOR THE FUNCTIONING OF THE COMMITTEE

7.(1) Recommendations must be made by consensus, provided that the Municipal Council will have a casting vote in the absence of consensus.

(2) Save as may be otherwise provided in any working arrangement, the decision of a simple majority of the members will be deemed to be the recommended decision of all the members and be forwarded to the Municipal Council for implementation.

(3) Reasonable notice must be given of meetings, which will be determined by the first meeting of the Committee, and a majority of the members will constitute a quorum, provided that both institutions must be represented at any specific meeting.

(4) All meetings must be open to the public, including the media, provided that the public and the media may be excluded if it is reasonable to do so, having regard to the nature of the business being transacted.

(5) The Municipal Manager must provide and carry out all administrative support and secretarial functions necessary to enable the committee to operate successfully.

(6) The Municipal Manager must call meetings of the Committee as scheduled on a quarterly basis, or

on the instructions of the Chairperson of the Committee, provided that any five members of the committee may require the Municipality to call a meeting of the committee.

(7) The Chairperson, and in his or her absence, the Deputy-chairperson, and in the absence of both the Chairperson and Deputy-chairperson, a member of the Committee elected for that purpose at such meeting, must preside at every meeting of the Committee, provided that such presiding officer will not have a casting vote.

(8) The Committee must keep minutes of its meetings in writing, and all recommendations made by the committee must be duly recorded and forwarded to the Municipal Council for resolutions and implementation, and further to quarterly meeting of the Joint Services Committee for noting.

(9) The minutes of each meeting must be formally confirmed as a correct record of the meeting to which they relate, at the next succeeding meeting of the Committee.

(10) Any act or omission by the members of the Committee not recorded in such confirmed minutes, will be invalid and of no force and effect.

(10) The Committee will have the power to consider and discuss any matter that might impact or have serious repercussions on the development and land management of rural or traditional areas in terms of any Land Use Management Services Business Plan.

ADMINISTRATIVE PROVISIONS FOR THE JOINT SERVICES COMMITTEE

8.(1) The agenda for the Joint Services Committee must be formulated by the Municipal Manager in consultation with representatives from all participating organisations, and actions on the recommendations of the committee must be coordinated and implemented through the office of the Municipal Manager.

(2) The cost of meeting venues, hospitality and secretariat services for the Joint Services Committee must be borne by the respective Local Municipality through the allocation from the Provincial Government.

(3) Committee members may be compensated in respect of their attendance at meetings in terms of the statutory requirements and tariffs in respect of Councilors' remuneration, provided that—

- (a) no additional compensation will accrue to the other members of the committee; and
- (b) the participating Amakhosi will be paid a meeting fee in accordance with applicable rates to Councilors qualifying for meeting fees and will be reimbursed for traveling expenses incurred

(4) The costs of staff attending the meetings or involved in giving effect to resolutions thereof must be

borne by the respective Local Municipality.

CAPACITY BUILDING AND TRAINING

9. In order to ensure optimum participation from Amakhosi, and to develop the capacity of Amakhosi to perform their functions as members of the Joint Services Committee to their fullest, a budget will be allocated to—

- (a) special training programmes for Amakhosi on the provisions of the Constitution and other legislative requirements;
- (b) assist the Municipality in ensuring that the Traditional Leaders within their boundaries attend local, provincial and national workshops or summits.

CONCLUSION

10. A memorandum of agreement to formalise the protocol agreement between the Municipalities and the respective Traditional Councils in a format substantively compliant with Annexure "A", must be concluded by and between the Municipalities and the respective Traditional Councils within their jurisdiction.

COMMENCEMENT

11. This policy will be effective from the date of signature hereof by the Head of the Department of Local Government and Traditional Affairs.

ANNEXURE "A"**MEMORANDUM OF UNDERSTANDING****CONCLUDED BY AND BETWEEN****THE _____ LOCAL MUNICIPALITY**

Herein represented by _____ in his / her duly authorised capacity as the **Mayor** of the
_____ **Municipality**

AND**THE TRADITIONAL COUNCIL FOR THE _____ TRADITIONAL COMMUNITY**

Herein represented by _____, in his / her duly authorised capacity as the **Chairperson**
of the **Traditional Council**

WHEREAS

- A.** The Constitution of the Republic of South Africa, 1996 states that all spheres of government and organs of state must co-operate with one another in mutual trust and good faith by;
- B.** The Constitution has introduced a system of local government that provides for all areas to be included in local municipalities;
- C.** The constitution recognises the status of traditional leaders and indigenous law;
- D.** The Local Municipality and Traditional Leaders have a shared responsibility to act in the best interest of the communities that they serve by addressing their needs through development and the provision of services;
- E.** A commitment from Traditional Leaders to participate is essential to enable the Municipality to achieve a progressive realisation of the mandatory service delivery objectives and targets,

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**LEGISLATIVE AND POLICY PROVISIONS**

1. The signatories to this agreement accept that this agreement is based on—
- (a) section 3(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), which provides that a Municipality must exercise its executive and legislative authority within the system of co-operative governance;
 - (b) section 5 of the Traditional Leadership and Governance Framework, 2003 (Act No. 41 of 2003), which states that partnerships between municipalities and traditional councils must be guided on the principle of co-operative governance; and
 - (c) the Protocol Policy Framework on Forging Sustainable Synergistic Partnerships between Local Municipalities and Traditional Councils in Kwazulu-Natal.

INTERPRETATION

2. In this Memorandum of Agreement, unless the context indicates otherwise—
- (a) an expression, which denotes any gender, includes the other genders, a natural person includes a judicial person and *vice versa*, and the singular includes the plural and *vice versa*;
 - (b) clause headings are for convenience only and are not used in its interpretation, and the following expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings—
“agreement” means this Memorandum of Agreement and all Annexures thereto;

“**Committee**” means the Joint Services Committee contemplated in clause 5 of this agreement;

“**parties**” means the _____ Local Municipality, and the Traditional Council for the _____ Traditional Community; and

(c) words and expressions defined in any sub-clause, for the purpose of the clause of which that sub-clause forms part, bear the meaning assigned to such words and expressions in that sub-clause; and

(d) this agreement is governed by and construed in accordance with the law of the Republic of South Africa.

CO-OPERATION AND CO-ORDINATION

3. The parties hereby–

(a) undertake to focus, co-operate and co-ordinate their efforts in order to promote co-operative governance; and

(b) acknowledge that each one of them acts in its own independent capacity and neither party has the right or authority to act on behalf of the other, or take action that may bind the other without its written consent.

PROMOTION OF CO-OPERATIVE GOVERNANCE

4. In order to promote co-operative governance, the parties agree that–

(a) common vision and mission statements must be formulated for the municipal area;

(b) common developmental objectives must be developed through the Integrated Development Plan of the Municipality;

(c) traditional leaders must encourage their communities to be involved in the Integrated Development Planning processes;

(d) traditional leaders must assist the Municipality in the identification of needs in rural areas;

(e) attempts must be made to achieve consensus;

(f) all development initiatives must be co-ordinated by the Committee;

(g) traditional leaders must co-operate and assist the Municipality with the delivery of services;

(h) partnerships or service delivery agreements must be considered;

(i) development projects and services must be sustained;

(j) the acquisition of land for development projects such as housing, cemeteries and refuse dumps, must be a joint initiative;

(k) the management of land for development projects in traditional areas must be a joint responsibility of the parties;

(l) Local Economic Development projects must be jointly initiated of the parties;

(m) local development projects must be promoted in a safe and attractive environment;

(n) traditional leaders must hand over completed projects in their respective areas;

- (o) they will co-operate in the provision of sport and related facilities for the youth in the traditional areas;
- (p) the Municipality will involve the Traditional Leaders in any relevant capacity building programmes;
- (q) the ward committees created by law will be established in a transparent and democratic way; and
- (r) the Traditional Leaders will be allowed to make use of the council chambers;

INSTITUTIONAL ARRANGEMENTS

5. The parties agree to establish a joint structure in the form of a Joint Services Committee as contemplated in section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and it is agreed that—

- (a) the Mayor will chair the Committee;
- (b) the Committee will comprise of an equal number of Councilors and Traditional Leaders;
- (c) the Committee will have the right of co-option;
- (d) decisions to be taken by consensus;
- (e) decisions will be subject to approval by the municipal council;
- (f) the terms of reference of the Committee will be based on the agreed on arrangements as informed by constitutional principles of co-operative governance; and
- (g) the Committee must meet at least once every quarter.

DISPUTE RESOLUTION

6. Either party to the agreement may, in the event of any dispute arising out of the provisions of this agreement, refer the dispute for settlement as contemplated in Chapter 3 of the Constitution of the Republic of South Africa, 1996, and the provisions of Chapter 4 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

ADDRESSES

7. It is recorded that all correspondence between the parties must be addressed as follows:

- (a) The Honourable Mayor
 _____ Local Municipality

 Facsimile: _____

(b) The Honourable Chairperson
_____ Traditional Community

Facsimile: _____

GENERAL

8.(1) This agreement will commence on the date of signature hereof.

(2) Any matter arising from this agreement and which is not specifically provided for herein, must be dealt with in accordance with the written instructions of the Municipal Council.

(3) This agreement may be amended by mutual consent of the parties in writing, provided that it is agreed that this agreement, together with its appendices, constitutes the sole record of the agreement between the parties in regard to its subject matter.

(4) Each clause of this agreement is severable from each of the other clauses and if any clause in this agreement is found to be void, invalid or unenforceable for any reason, the remaining clauses remain in full force and effect.

(5) The provisions of this agreement are binding upon the successors-in-title of the parties, and the rights and obligations of each party arising out of or pursuant to this agreement will devolve upon and bind its successors-in-title.

SIGNED AT _____ **ON THIS THE** _____ **DAY OF** _____ **20**__

AS WITNESSES:

1. _____

THE MAYOR

2. _____

THE CHAIRPERSON

No. 3

28 kuMasingana 2008

UMNYANGO WEZOHULUMENI BASEKHAYA NEZENDABUKO

UHLAKA LWENQUBOMGOMO YENKAMBISO YOKWAKHA UBAMBISWANO OLUSIMEME
PHAKATHI KOMASIPALA BEZINDAWO NEMIKHANDLU YEZENDABUKO KWAZULU-NATALI

1. Ukuze kwakhiwe ukuxhumana okunezinhloso noMasipala beziNdawo, yimiKhandlu, abaHoli beNdabuko, imiKhandlu yeNdabuko kanye nemiphakathi esekelwe ngokwenqubo yeNdabuko iKwaZulu-Natali, lolu Hlaka lweNqubomgomo yeNkambiso olubalulwe ngasenhla, ngalokhu luyashicilelwa ukuze umphakathi ubeke izimvo zawo.

2. Bonke oMasipala beziNdawo, imiKhandlu, abaHoli beNdabuko kanye nemiphakathi esekelwe ngokwenqubo yeNdabuko KwaZulu-Natali, kanye nabo bonke abathintekayo, bayamenywa ukuba bathumele iziphakamiso zabo ezibhalwe phansi ngale Nqubomgomo ehlongozwayo:

(a) ngeposi:

The Head of Department
Local Government and Traditional Affairs
Private Bag X9078
PIETERMARITZBURG
3200

(b) noma ihanjiswe mathupha e-14th Floor, North Tower, Natalia Building, 330 Langalibalele Street, Pietermaritzburg;

(c) ngefeksi ku (033) 394 9714; noma

(d) nge-imeyili ku HKA@kznlqta.gov.za

3. Zonke iziphakamiso kumele zithunyelwe ungakashayi umhla zingama-28 28 kuNhlolanja 2008 futhi zibhalwe ngokucacile ukuthi: **“For Attention: Mr H. Kuhn”**.

4. Yonke imibuzo ephathelene nenqubomgomo noma izicelo zokuthunyelwa amakhophi enqubomgomo kungabhekiswa ku:

Mr H. Kuhn

Ucingo: (033) 395 2942

Ifeksi: (033) 394 9714

I-imeyili: HK@kznlqta.gov.za

**UHLAKA LWENQUBOMGOMO
YENKAMBISO YOKWAKHA
UBAMBISWANO OLUSIMEME PHAKATHI
KOMASIPALA BEZINDAWO
NEMIKHANDLU YEZENDABUKO**

ISANDULELO**Njengoba**

A. UMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika ka 1996 uhlanganisa yonke imikhakha kanye nezinhlala zikahulumeni ukuthi zisebenze ngokubambisana nangokwethembana–

- ngokuqinisekisa ubudlelwano obunobungani, ukwelekelelana nokuxhasana;
- ngokwazisana nokubonisana ezintweni ezithinta leyo mikhakha;
- ngokudidiyela iminyakazo kanye nenqubomgomo ndawonye;
- ngokuhlala kulezo zinqumo ezithathiwe;
- ngokugwema ukuthathelana izinyathelo zomthetho;

B. UMthethosisekelo wethule uhlelo lohulumeni basekhaya oluhlinzekela zonke izigceme ukuba zibe ngaphansi koMasipala beziNdawo;

C. UMthethosisekelo uyakwamukela ukubaluleka kwabaholi bendabuko kanye nomthetho wendabuko;

D. Omasipala bezindawo nabaholi bendabuko kumele basebenzisane, kuncike emigomweni yokuhloniphana nokwamukelwa kokubaluleka neqhaza ohlangothini ngalunye, balawulwe yimigomo yokubusa ngokusebenzisana;

E. Omasipala bezindawo nabaholi bendabuko banesibophezelo esilinganayo sokusebenzela imiphakathi abayihlinzekayo, ngokubhekelela izidingo zayo zentuthuko nokuhlinzekwa kwezidingo;

F. Imigomo yomasipala bezindawo njengoba kuhlangoziwe kuMthethosisekelo nakweminye imithetho–

- ukuhlinzeka ngohulumeni ongachemile nonakekelayo emiphakathini yasendaweni;
- ukuqinisekisa ukunikezelwa kwezidingo emiphakathini yasendaweni ngendlela engenazihibe;
- ukugqugquzela ukuzibandakanya komphakathi nezinhlangano zomphakathi ezindabeni ezithinta uhulumeni; kanti

G. Nokuzibophezela kwabaHoli beNdabuko ekubambeni iqhaza kuyadingeka ukuqinisekisa ukuthi oMasipala bayaqhubeka nokuqinisekisa impumelelo emisebenzini nasemigomweni abayinqunyelwe.

INHLOSO

1. Inhloso yalolu Hlaka lweNqubomgomo yeNkambiso–

- (a) ukuhlinzeka imihlahlandlela yenqubomgomo yokusungulwa kobambiswano olusimeme bezentuthuko phakathi koMasipala beziNdawo nemiKhandlu yeNdabuko kulezo zindawo abazengamele;
- (b) ukuqinisekisa ukubamba iqhaza ngokuphelele kwemiKhandlu yeNdabuko ezinhlelweni zikaMasipala zokwethula izidingo zentuthuko okungukufaka isandla ngokubonakalayo entuthukweni yemiphakathi yasemakhaya;
- (c) ukwakha ukuxhumana okuwusizo phakathi kwemiKhandlu yeNdabuko noMasipala beziNdawo ekuhlinzekeni imiphakathi yasemakhaya ngezidingo ngokusezingeni eliphezulu;
- (d) ukuqinisekisa ukusungulwa kweKomidi elizosebenza ngokuhlanganyela noma kweKomidi leziKhundla ukuqinisekisa ukubamba iqhaza ngokuphelele kwezinhlangothi zombili ukulethela imiphakathi yasemakhaya izidingo ngokuseqophelweni eliphezulu; kanye
- (e) nokubeka obala uhlelo-mali nezinye izinsiza ukuze kusungulwe, kuphathwe kuphinde kuqhutshwe ubambiswano olusimeme phakathi koMasipala beziNdawo nemiKhandlu yeNdabuko.

ISENDLALELO

2.(1)(a) Ukugqoza kwentuthuko osekuyinsakavukela ezindaweni zasemakhaya nokuxhumana okungekuhle phakathi kwesikhungo sobuHoli beNdabuko noMasipala beziNdawo ekuqhutshweni kwezinhlelo zentuthuko sekudale ukungagculiseki okukhulu ngasohlangothini lomphakathi wasemakhaya.

(b) Kunezinga eliphansi eligqamile lokubamba iqhaza komphakathi wasemakhaya ezinhlelweni eziqhutshwa ngoMasipala zokuletha intuthuko.

(c) Abanye omasipala bashiye ngaphandle ngenhloso abaHoli beNdabuko ohlelweni lwentuthuko lwe-IDP ngezaba zokuthi bayazazi izidingo zaleyo miphakathi, kanti abanye abaHoli beNdabuko abazibandakayi nezinhlelo zoMasipala.

(2)(a) Ingqungquthela yoHulumeni baseKhaya eyayibanjwe ngenyanga kaMbasa 2005 yahlonza izinto ezibaluleke kakhulu ukuthi kugxilwe kuzona ekusungulweni kobambiswano olusimeme phakathi komasipala nesikhungo sobuholi bendabuko.

(b) Ingqungquthela yahlonza phakathi kokunye, isidingo—

(i) sokusungulwa kwezinhlaka ezihlangene ezizolekelela ukuthuthukiswa kobambiswano olusimeme phakathi koMasipala nobuHoli beNdabuko;

(ii) sokuhlonza imikhuba yendabuko njengezimbizo, iLima, okungasetshenziswa ukulekelelwa ukwethulwa kwezidingo okunokuxhumana;

(iii) sokuthi omasipala nemikhandlu yendabuko benze ngokusemthethweni ukuxhumana kwabo ekuhleleni, ekwabeni izimali nasekwenzeni.

(c) Lo Mnyango wajutshwa ukuba uqalise lolu hlelo kuso sonke isiFundazwe saKwaZulu-Natali ukuqinisekisa ukuqhubeka kobambiswano olusimeme.

3(a) Uhlaka lwenqubomgomo yentuthuko, njengoba kusekwe ohlelweni lokuThuthukiswa kweziNdawo ezingaseTshenzisiwe kuZwelonke, uHlelo lwezeNtuthuko nokuThuthukiswa koMnotho esiFundazweni kanye noHlelo lukaZwelonke lokuThuthukiswa koMnotho, luhlinzeka ngemihlahlandlela eqondisa izinhlelo zentuthuko notshalo-mali ezindaweni lapho kunokuntengantenga komnotho okwadalwa ubandlululo.

(b) Ngokwakha ubambiswano olusimeme phakathi komasipala nemikhandlu yendabuko ehluhahlukene, isiFundazwe sizokwazi ukuqinisekisa ukuthi imiphakathi yasemakhaya ibamba iqhaza ngokuphelele ekuthathweni kwezinqumo ngentuthuko ebhekene nayo.

UHLAKA LOMTHETHO

3.(1) Imithetho eminingi ehluhahlukene iyasamukela isikhungo sobuHoli beNdabuko futhi ihlinzeka ngemihlahlandlela ekusungulweni nasekuqhutshweni kwezinhlelo zabaHoli beNdabuko koMasipala, ziyagqugquzela ukuphathwa kobudlelwano ngokusebenzisana kumakomidi oMasipala nabaHoli beNdabuko koMasipala, zigqugquzela ukuphathwa kobudlelwano nokubusa ngokubambisana phakathi kwamakomidi oMasipala nabaHoli beNdabuko.

(2) Isahluko 12 soMthethosisekelo waseNingizimu Afrika, 1996 ("uMthethosisekelo"), sihlizeka lokhu:

"211. Ukwamukela

(1) *Isikhungo, isithunzi kanye neqhaza kobuholi bendabuko, ngokomthetho wesintu, kuyamukelwa, kuncike kuMthethosisekelo.*

(2) *Umazipathe wezendabuko ohlonipha umthetho wesintu ungasebenza kuncike emithethweni nasemasikweni, okubandakaya ukuchithiyelwa noma ukuchithwa kwaleyo mithetho noma kwalawo masiko.*

(3) *Izinkantolo kumele zisebenzise imithetho ephathelene namasiko uma ikhona, kuncike kuMthethosisekelo nanoma yimuphi omunye umthetho obhekene ngqo nemithetho yesintu.*

212. Iqhaza labaholi bendabuko

(1) *Umthetho kaZwelonke ungalinzekela iqhaza lobuholi bendabuko njengesikhungo emazingeni ezindawo ezindabeni ezithinta imiphakathi yezindawo.*

(2) *Ukuze kubhekanwe nezindaba eziphathelene nobuholi bendabuko, iqhaza labaholi bendabuko, imithetho yesintu, kanye namasiko emiphakathi ehlonipha umthetho wesintu—*

(a) umthetho kazwelonke noma wezFundazwe ungalinzekela ukusungulwa kwezindlu zabaholi bendabuko; kanti

(b) umthetho kazwelonke ungasungula umkhandlu wabaholi bendabuko."

(3) Isigaba 81 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998) (“uMthetho weziNhlaka”) uhlinzekela ukubamba iqhaza kwabaHoli beNdabuko emikhandlwini yomasipala kanje:

“81. Ukubamba iqhaza emikhandlwini yomasipala

(1) Omaziphathe bezendabuko, abahlonipha ngokwendabuko umthetho wesintu endaweni kamasipala, bangabamba iqhaza ngabaholi babo, abahlonzwe esigatshaneni (2), ezinhlelweni zomkhandlu walowo masipala, futhi labo baholi bendabuko kumele bavunyelwe ukuhambela kanye nokubamba iqhaza kunanoma yimuphi umhlangano womkhandlu.

(2)(a) ILungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya esifundazweni, ngokuhambisana noHlelo 6 nangesaziso kwiGazethi yesiFundazwe, kumele lihlonze abaholi bendabuko ngokwesigatshana (1) abangabamba iqhaza ezinhlelweni zomkhandlu kamasipala.

(b) Isibalo sabaholi bendabuko abangabamba iqhaza ezinhlelweni zikamasipala akumele seqe kumaphesenti angama-20 esibalweni esigcwele samakhansela akulowo mkhandlu, kodwa uma umkhandlu unamakhansela angaphansi kwayi-10, umholi wendabuko oyedwa kuphela ongabamba iqhaza.

(c) Uma isibalo sabaHoli beNdabuko esihlonzwe endaweni ephethwe ngomasipala seqe kumaphesenti angama-20 esibalweni esigcwele samakhansela, iLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya esifundazweni linganquma uhlelo lokushintshanisa labo baholi bendabuko.

(3) Ngaphambi kokuthi umkhandlu kamasipala uthathe isinqumo mayelana nanoma yiluphi udaba oluthinta umaziphathe wendabuko, umkhandlu kumele unikeze umholi walowo maziphathe ithuba lokubeka umbono wakhe kulolo daba.

(4) ILungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya esifundazweni, ngemuva kokubonisana neNdlu yabaHoli beNdabuko yesifundazwe, ngesaziso kweGazethi yesiFundazwe—

(a) lingalawula ukubamba iqhaza kwabaHoli beNdabuko ezinhlelweni zomkhandlu kamasipala;

(b) linganquma ngeqhaza labaHoli beNdabuko ezindabeni zikamasipala.

(5)(a) Ekubambeni iqhaza kokuqhubekayo emhlanganweni yomkhandlu kamasipala, umholi wendabuko umiselwe ukuqondiswa kwezinhlinzeko zoMgomo wokuziPhatha okhonjiswe oHlelweni 1 loMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000.

(b)(i) Umholi wendabuko obamba iqhaza kokuqhubekayo emhlanganweni womkhandlu kamasipala unelungelo lokukhokhelwa izindleko angene kuzo ngalokho kubamba iqhaza.

(ii) Umkhandlu kamasipala uyonquma indlela yokubala imali yezindleko okukhulunywe ngayo kwindinyana (i).

(iii) Imali yezindleko okukhulunywe ngayo kwindinyama (i) iyokhokhwa ngesabelomali sikamasipala othintekayo.

(4) Uhlamvu 15 loHlelo 1 loMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000) ("uMthetho weziNhlelo"), luhlinzekela ukusetshenziswa koMgomo wokuziPhatha kwamakhansela kubaholi bendabuko, futhi luhlinzekela lokhu:

"15. Ukusetshenziswa koMgomo wokuziPhatha

(1) Izinhlamvu 1, 2, 5, 6, 9(b) kuya ku (d), 10, 11, 12, 13, no (14)(1) zisebenza kumholi wendabuko obamba noma oke wabamba iqhaza kokuqhubekayo emhlanganweni kaMasipala ngokwesigaba 81 soMthetho weziNhlaka zoMasipala.

(2) Lezi zinhlamvu kumele ukuba zisetshenziswe ngendlela efanayo kubaholi bendabuko nasemakhanseleni.

(3) Uma umkhandlu kamasipala noma ikomidi elikhethekile ngokohlamvu 14(1) lithola ukuthi umholi wendabuko wephule imigomo yalo Mgomo, umkhandlu–

(a) ungakhipha isexwayiso esiqondile sibhekiswe kumholi wendabuko; noma

(b) ungacela iLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya esifundazweni ukuba limise noma liphuce umholi wendabuko ilungelo lokubamba iqhaza kokuqhubekayo emhlanganweni womkhandlu.

(4) ILungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya lingaqoka umuntu noma ikomidi ukuphenya ngezinsolo zokwepulwa kwenhlinzeko yalo Mgomo wokuziphatha nokwenza izincomo ngokuthi ngabe ilungelo lomholi wendabuko lokubamba iqhaza kokuqhubekayo emhlanganweni womkhandlu kamasipala kumele limiswe noma lisulwe.

(5) UMthetho wamaKhomishana, 1947, ungasetshenziswa ekwenziweni kophenyo ngokohlamvana (4)

(6) Uma iLungu loMkhandlu oPhethe liqinisekisa ukuthi umholi wendabuko wephule inhlinzeko yalo Mgomo wokuziPhatha, nokuthi lokho kwepulwa kwenhlinzeko kuholela ekumisweni noma ekwesulweni kwelungelo lomholi wendabuko ekubambeni iqhaza kokuqhubekayo emhlanganweni womkhandlu, iLungu loMkhandlu oPhethe–

(a) lingamisa lelo lungelo isikhathi esithile ngaphansi kwemibandela eyonqunywa yiLungu loMkhandlu oPhethe; noma

(b) lingasula lelo lungelo.

(7) Noma yikuphi ukuphenya ngokwalolu hlamvu kumele kuhambisane nemithetho yezobulungiswa eyejwayelekile.

(8) Ukumiswa noma ukwesulwa kwelungelo lomholi wendabuko lokuzibandakanya kokuqhubekayo emhlanganweni womkhandlu akulithikamezi ilungelo lalowo mholi wendabuko lokwethula inkulumo emkhandlwini ngokwesigaba 81(3) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya.

(5) Isigaba 20 soMthetho woHlaka lokuBuholi nokuBusa kweNdabuko, 2003 (uMthetho No. 41 ka 2003) sihlizekela imigomo eyimihlahlandlela yokuklanywa kwemisebenzi yabaHoli beNdabuko kanje:

“20. Imigomo eyimihlahlandlela yokuklanywa kwemisebenzi

(1) Uhulumeni kazwelonke noma wesifundazwe, njengoba kungaba njalo, ngomthetho noma ngezinye izindlela, angakhipha iqhaza elingabanjwa yimikhandlu yendabuko noma abaholi bendabuko maqondana–

- (a) nezobuciko namasiko;
- (b) nezokuphathwa komhlaba;
- (c) nezolimo;
- (d) nezempilo;
- (e) nezenhlalakahle;
- (f) nezokuphathwa kobulungiswa;
- (g) nezokuphepha nokuvikeleka;
- (h) nokubhaliswa kwabashonayo, abazalwayo nemishado yesintu;
- (i) nokuthuthukiswa komnotho;
- (j) nezemvelo;
- (k) nezokuvakasha;
- (l) nokuphathwa kwezinhlekelele;
- (m) nokuphathwa kwezimbiwa phansi;
- (n) nokusatshaliswa kolwazi oluphathelele nezinqubomigomo nezinhlelo zikaHulumeni.

(2) Uma uhlaka lombuso olukuhulumeni kazwelonke noma wesifundazwe lucabanga ukunikezela iqhaza emikhandlwini yendabuko noma kubaholi bendabuko ngokwesigatshana (1), lolo hlaka lombuso kumele–

- (a) luthole imvume -
 - (i) kuNgqongqoshe uma uhlaka lombuso olusezingeni likahulumeni kazwelonke; noma
 - (ii) kwiLungu lomKhandlu oPhethe elibhekele ezeNdabuko esifundazweni esithintekayo uma kuwuhlaka lombuso lwaleso sifundazwe;
- (b) lubonisane -
 - (i) nezinhlaka zobuholi bendabuko ezifanele; kanye
 - (ii) neNhlango yoHulumeni baseKhaya yaseNingizimu Afrika;
- (c) luqinisekise ukuthi ukuklanywa kwemisebenzi kuyahambisana noMthethosisekelo neminye imithetho ekhona;

(d) lubhekelele imithetho yesintu kanye namasiko emiphakathi esekelwe ngokwenqubo yendabuko ehlukehukene;

(e) luqinisekise ukuthi ukunikezelwa komsebenzi noma kweqhaza kuhambisana nezinsiza nokuthi izilinganiso eziyizo zokubhekelela lezo zinsiza zimi ngomumo;

(f) luqinisekise, ngayo yonke indlela, ukuthi ukunikezelwa kwemisebenzi noma kwamaqhaza kwenziwa ngendlela efanayo kuzo zonke izindawo ezenganyelwe yizikhungo zobuholi bendabuko; futhi

(g) lugququzele ukubusa ngokubambisana, ukuhlelwa kwentuthuko okudidiyele, intuthuko esimeme nokunikezelwa kwezidingo ngalawo maqhaza noma ngaleyo misebenzi.

(3) Uma uhlaka lukahulumeni seluklame umsebenzi noma iqhaza emikhandlwini yendabuko noma kubaholi bendabuko njengoba kubalulwe kwisigatshana (1), isikhulu soMbuso kumele sigade ikugcwaliswa kwaleyo misebenzi siphinde siqinisekise ukuthi—

(a) ukugcwaliswa kwaleyo misebenzi kuyahambisana noMthethosisekelo;

(b) imisebenzi eklanyweyo iyenziwa.

(4) Uma umkhandlu wendabuko ungawenzi umsebenzi oklanyelwe wona njengoba kuhlangozwe esigatshaneni (3), uyokwephucwa zonke izinsiza onikezwe zona.

(6) Isigaba 10 soMthetho wobuHoli nokuBusa kweNdabuko waKwaZulu-Natali, 2005 (uMthetho No. 5 ka 2005) uhlinzekela ubambiswano phakathi kwemikhandlu yendabuko nomasipala kanje:

“Ubambiswano phakathi kwemikhandlu yendabuko nomasipala

10.(1) UHulumeni wesiFundazwe kumele agququzele ubambiswano phakathi komasipala kanye nemikhandlu yendabuko ngomthetho nangezinye izindlela

(2) Ubambiswano oluhlongozwe esigatshaneni (1) kumele sisuselwe emgomweni yokuhloniphana nokwamukela izikhundla namaqhaza ezinhlangothi zonke.

(3) Ngaphandle kokujivaza okubekwe esigatshaneni (1), umkhandlu wendabuko ungafaka isicelo emkhandlwini kamasipala wokwamukela umthetho kamasipala, umkhandlu wendabuko obona ukuthi ungaba wusizo maqondana nanoma yiluphi udaba oluthinta ngqo leyo ndawo eyenganyelwe yiwona.

(4) Isicelo esihlongozwe esigatshaneni (3), singahambisana nohlaka lwalowo mthetho kamasipala ohlongozwayo siphinde sisekelwe ngokubhalwe phansi.

(5) Umkhandlu kamasipala kumele ucubungule lowo mthetho kamasipala ohlongozwayo emhlanganweni wawo olandelayo kanti ungaphinde ucele imenenja kamasipala ukuba iphawule ngawo.

(6) Uma umkhandlu kamasipala uchitha lowo mthetho kamasipala ohlongozwayo, umkhandlu kamasipala, ngokubhalwe phansi, kumele wazise umkhandlu wendabuko ngaleso sinqumo uphinde unikeze nezizathu ngesinqumo osithathile."

UKUSUNGULWA KWEKOMIDI LEMISEBENZI ELIHLANGANYELE

4.(1) Ubudlelwano obusimeme phakathi koMasipala nemiKhandlu yeNdabuko kumele bakheke ukuze ukuhlinzekwa kwezidingo ezindaweni zasemakhaya kube yimpumelelo, ikakhulukazi lezo zidingo umphakathi obonakala usalele emuva ngazo okuyizidingo-ngqangi ezinjengamanzi, ukuthuthwa kwendle, izindlu, ugesi kanye nokunakekelwa kwezempilo.

(2) Kunokushoda okugqamile kwezinhlelo zokuphathwa kwezingqalasizinda kanti nezinga lokwethembana nokusebenza ngokubambisana phakathi koMasipala nemiKhandlu yeNdabuko liphansi ngenxa yokungabi khona kobudlelwano obusimeme phakathi kwalezi zinhlelo zombili.

(3) Ukunikezela ngokwanele izidingo ezibaluleke kakhulu, oMasipala badinga ukusebenzisana namaKhosi asezindaweni abazihlinzekayo kanti ukuze lokhu kube yimpumelelo, kuphakanyiswa ukuthi kusungulwe iKomidi lemiSebenzi eliHlanganyele elibunjwe wumKhandlu namaKhosi angaphakathi kwemingcele yoMasipala beziNdawo ukuqinisekisa ukubamba iqhaza kwabaHoli beNdabuko ekuhlelweni, ekwethulweni nasekuqhutshweni kwentuthuko.

AMAPHUZU OKUSETSHENZELWA PHEZU KWAWO APHATHELENE NEKOMIDI LEMISEBENZI ELIHLANGANYELE

5. IKomidi lemiSebenzi eliHlanganyele kuyodingeka ukuba libhekane nezindaba eziphathelele nokuhlinzekwa kwezingqalasizinda liphinde libheke zonke izinkinga eziphathelele nezidingo zendabuko ezibekwe ezithebeni zekomidi ngezikhathi ezithile, futhi liyophinde ibambe iqhaza kulokhu okulandelayo:

- (a) ukwamukela uhlelo lwe-IDP;
- (b) ukuqeqesha ngokusebenza kwamanzi nezokuthuthwa kwendle;
- (c) ukucutshungulwa kwemithetho koMasipala nokwenza izincomo ngemithetho koMasipala;
- (d) ukusetshenziswa nokunakekelwa kwamanzi nezinhlelo zokongiwa kwamanzi;
- (e) ukugadwa kohlelo lokusetshenziswa kwamanzi;
- (f) ukuthuthukiswa nokuqaliswa kwenqubomgomo yamahhala yezinsiza koMasipala;
- (g) ukubuyekezwa kohlelo lwemishini lokunikezela amanzi nohlelo lokuthuthwa kwendle;
- (h) ukukhuthazwa kohlelo lwezokuthuthukisa kokunikezelwa kwamanzi;
- (i) ukuthuthukiswa kohlelo lokunikezelwa kwamanzi nokuthuthwa kwendle, nokweluleka izikhulu zokuphathwa kwamanzi ngalokho kuthuthukiswa;
- (j) ukubheka izinto ezingaba nomthelela ezindingweni zezingqalasizinda ikakhulukazi ezindaweni zasemakhaya;

- (k) ukuthuthwa kukadoti;
- (l) ukuthuthukiswa nokuqashwa koHlelo lokuPhathwa kokuSetshenziswa koMhlaba;
- (m) ukufaka isandla eziNhlelweni zokuThuthukiswa kweziNdawo zasemaKhaya;
- (n) nokuthuthukiswa kwezezindlu ezindaweni zasemaKhaya.

UMHLAHLANDLELA WOKUSEBENZA KWEKOMIDI LEMISEBENZI ELIHLANGANYELE

6.(1) IKomidi lemiSebenzi eliHlanganyele kumele libe nesibalo esilinganayo samaKhansela aqhamuka emKhandlwini kaMasipala kanye namaKhosi aqhamuka emiKhandlwini yeNdabuko ehlukahlukene abayosebenza ehhovisi isikhathi abasinqunyelwe koMasipala noma emKhandlwini weNdabuko kuncike ekutheni—

- (a) ilungu kanye nelungu okucushwe ngalo eliqokwe yileyo nhlangano noma yileso sikhungo ngokubona kwaleyo nhlangano noma leso sikhungo esilikhethile, lingaphinde liqokwe ekupheleni kwehlandla lokuqokwa kwaio;
- (b) isikhungo esithintekayo kuyomele sigcwalise noma yisiphi isikhala esiqhamukayo ngamanye amalungu aso okucushwe ngawo;
- (c) ilungu okucushwe ngalo lingethamela noma yimuphi umhlangano wekomidi uma kwenzeka elinye ilungu eligcwele lalolo hlangothi lingaphumeleli, futhi lingaphawula liphinde livote kuleyo mihlangano;
- (d) usihlalo wekomidi uyokhethwa emaKhanseleni, okungaba kuhle uma kunguSodolobha noma ikhansela leKomidi eliPhethe;
- (e) usekela-sihlalo kumele aqokwe yikomidi ngomhlangano walo wokuqala kumalungu ekomidi;
- (f) ikomidi kumele lihlangane okungenani kanye ngemuva kwezinyanga ezintathu;
- (g) ilungu noma ilungu okucushwe ngalo lekomidi akumele lisebenzise isikhundla, izibonelelo noma ulwazi oluyimfihlo eliluthole njengelungu lekomidi ukuzihlomulisa lona noma ukuhlomulisa omunye umuntu ngokungekho emthethweni, futhi, kuyomele lisayine incwadi yokuzibophezela kulokho.

(2) Wonke amalungu ekomidi, kubandakanya wonke amalungu okucushwe ngawo kumele—

- (a) abe nokuqikelela okukhulu ukuqinisekisa ukuvikeleka kwempahla kanye namarekhodi ezinhlangano ezibambe iqhaza;
- (b) asebenze ngokwethembeka nobuqotho abhekelele izidingo zekomidi nezinhlangano ezibambe iqhaza;
- (c) uma ecelwa, adalule ezinhlanganweni ezibambe iqhaza lonke ulwazi olubambekayo kubandakanya nalolo olungaba sobala okungenzeka lube nomthelela ezinqumweni noma kokwenziwa yinhlangano ebambe iqhaza;
- (d) azame ukuvikela ukuhlomula ngokwezezimali okungathinta izinhlangano ezibambe iqhaza; ebese

(e) edalula ekomidini noma yikuphi ukuhlomula kwezamabhizinisi okuqondile noma okungenye indlela, okungaba lelo lungu, oganene nalo, uzakwabo noma ilungu lomndeni eliwenzayo ongathintana nekomidi.

IMITHETHO YOKUSEBENZA KWEKOMIDI

7.(1) Izincomo kumele zenziwe ngokuvumelana, kuncike ekutheni umKhandlu kaMasipala uyoba nevoti eliwujuqu uma kungekho ukuvumelana.

(2) Ngaphandle uma kuhlinzekwe ngenye indlela, kunoma yiluphi uhlelo lokusebenza, isinqumo esithathwe yiningi siyothathwa njengesinqumo esiphakanyisiwe sawo wonke amalungu futhi sidluliselwe emKhandlwini kaMasipala ukuze siqaliswe.

(3) Isaziso semihlangano kuyomele sikhishwe kusenesikhathi, okuyohlelwa ngumhlangano wokuqala kanti iningi yilona okuyovunyelwana nalo ekuthathweni kwezinqumo, ngokuqinisekisa ukuthi zombili izinhlangotho zimelwe kunoma yimuphi umhlangano.

(4) Yonke imihlangano kuyomele ivuleleke emphakathini kubandakanya nabezindaba, kodwa umphakathi nabezindaba bangashiywa ngaphandle uma kunezizathu eziphoqayo, ikakhulu uma kubhekelelwa uhlobo lodaba oludingidwayo.

(5) IMenenja kaMasipala kumele ihlinzeke iphinde yenze konke okuhambisana nokuphatha nobubhalane okudingekayo ukwenzela ukuthi ikomidi lisebenze ngempumelelo.

(6) IMenenja kaMasipala kumele ibize imihlangano yeKomidi ngokuhlelelwe isikhathi esiyikwata yonyaka, noma ngokuyalelwa nguSihlalo weKomidi, uma amalungu eyisihlanu ekomidi enga-kwazi ukunxenxa uMasipala ukuthi ubize umhlangano.

(7) USihlalo noma uSekela-Sihlalo uma uSihlalo engekho, noma ilungu leKomidi eliyokhethwa kulowo mhlangano uma uSihlalo neSekela lakhe bengekho, kumele lihole lowo mhlangano, kuncike ekutheni lelo lungu elihola umhlangano ngeke libe nevoti eliwujuqu.

(8) IKomidi kumele ligcine amaminithi emihlangano yalo ngokubhalwe phansi, zonke izincomo ezenziwe yikomidi kumele zibhalwe zithunyelwe emKhandlwini kaMasipala ukuyosonjululwa futhi ziqaliswe ziphinde zidluliselwe emhlanganweni weKomidi lemiSebenzi eliHlanganyele ukuze lizibhale phansi.

(9) Amaminithi emihlangano kumele aqinisekise futhi ahambisane namarekhodi alowo mhlangano owawubanjwe, emhlanganweni wekomidi olandelayo.

(10) Noma yisiphi isenzo noma ukuphutha kwamalungu eKomidi okungarekhodwanga emaminithini aqinisekisiwe angeke kusebenze futhi kuyothathwa njengokungekho.

(11) IKomidi liyoba namandla okucubungula nokudingida noma yiluphi udaba olungaba nomthelela noma ukubuyisela emuva izinhlelo zentuthuko nokuphathwa kwezindawo zasemakhaya noma zendabuko ngokoHlelo lwemiSebsnzi yokuPhathwa kokuSetshenziswa koMhlaba.

UKUNIKEZELA KOKUPHATHA EKOMIDINI LEMISEBENZI ELIHLANGANYELE

8.(1) Uhlelo lweKomidi lemiSebenzi eliHlanganyele kumele lwenziwe yiMenenja kaMasipala ngokuxhumana nezithunywa ezahlukene zezinhlangano ezibambe iqhaza, kanti ukwenziwa kokunconywe yikomidi kumele kudidiyelwe kuphinde kuhlelwe futhi kuqondiswe ehhovisi leMenenja akaMasipala.

(2) Izindleko zezindawo zokuhlanganela, ukunakekelwa nemisebenzi yokugcinwa kwehovisi leKomidi lemiSebenzi eliHlanganyele kumele zihlinzekwe nguMasipala weNdawo ngemali eyabiwe nguHulumeni wesiFundazwe.

(3) Amalungu ekomidi kumele akhokhelwe ngokwethamela kwawo imihlangano ngokomthetho maqondana nemihlolelo yamaKhansela, kuncika ekutheni -

(a) akukho nokhelo eyonqwabelana kwamanye amalungu ekomidi; futhi

(b) amaKhosi abambe iqhaza ayokhokhelwa izindleko zomhlangano ngokuhambisana nemali enqunyelwe amaKhansela okumele akhokhelwe izindleko, futhi ayobuyiselwa imali yezindleko zokuhamba ayisebenzisile.

(4) Izindleko zabasebenzi abathamele imihlangano noma ababambe iqhaza ekuqaliseni izixazululo kumele zithwalwe yilowo Masipala weNdawo.

UKUHLONYISWA NGAMAKHONO NOKUQEQQESHA

9. Ukuze kuqinisekise ukubamba iqhaza ngokubonakalayo kwamaKhosi, nokuthuthukiswa kwamandla amaKhosi ngokugcwele ukuze amelane nomsebenzi wawo njengamalungu eKomidi lemiSebenzi eHlanganyelwe, isabelo-mali kumele lubekwe eceleni-

(a) ukuze kwenziwe uhlelo lokuqeqesha kwamaKhosi emithethweni enikezelwa nguMthethosisekelo nezinye izidingo zomthetho;

(b) ukusiza uMasipala ekuqinisekiseni ukuthi abaHoli beNdabuko abangaphakathi kwemingcele yawo bathamela imihlangano yokucobelelana ngolwazi yesifundazwe noma kazwelonke noma bethamele izingqungquthela.

ISIPHETHO

10. Isivumelwano sokweseka ngokusemthethweni inkambiso okuvuyelwene ngayo phakathi koMasipala kanye nemiKhandlu yeNdabuko ehluhahlukene ngendlela ehambisana neSithasiselo "A", kumele sisongwe oMasipala neMikhandlu yeNdabuko ehluhahlukene engaphansi kwezindawo abazengamele.

UKUQALWA

11. Le nqubomgomo iyoqala ukusebenza kusukela ngosuku eyosayinwa ngalo yiNhloko yoMnyango woHulumeni baseKhaya nezeNdabuko.

ISITHASISELO "A"

ISIVUMELWANO

ESIPHAKATHI

KUKAMASIPALA WASE _____

Lapha omelwe ngu _____ ngokwesikhundla sakhe esisemthethweni njenge Meya
kaMasipala wase _____

KANYE

NOMKHANDLU WENDABUKO WOMPHEKATHI OSEKELWE NGOKWENDABUKO WASE

Lapha omelwe ngu _____ ngokwesikhundla sakhe esisemthethweni
njengo Sihlalo womKhandlu weNdabuko

NJENGOBA

- A. UMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika ka 1996, ubeka ukuthi zonke izinhlaka zikahulumeni kumele zisebenzisane ngokwethembana nokwazisana;
- B. UMthethosisekelo sewethule uhlelo lohulumeni basekhaya oluhlinzekela zonke izindawo ukuba zibe ngaphansi komasipala bezindawo;
- C. UMthethosisekelo uyakwamukela ukubaluleka kwabaholi bendabuko nomthetho wendabuko;
- D. OMasipala beziNdawo nabaHoli beNdabuko banomsebenzi olinganayo wokufeza izidingo zemiphakathi abayisebenzelayo ngokubhekelela izimfuno zayo ngokuthuthukisa nokuhlinzeka ngezidingo.
- E. Ukuzibophezela kwabaHoli beNdabuko ekubambeni iqhaza kusemqoka ukuze uMasipala ukwazi ukufeza lokho ojutshelwe kona,

NGALOKHO LEZI ZINHLANGANO ZIVUMELANA NGOKULANDELAYO:**IZINHLINZEKO ZOMTHETHO NENQUBOMGOMO**

1. Abasayina lesi sivumelwano bayakwamukela ukuthi lesi sivumelwano sisuselwe—
- (a) esigabeni 3(1) soMthetho weziNhlelo zikaMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000) ohlinzeka ukuthi uMasipala kumele usebenzise amandla okulawula nokuphatha ohlelweni lokubusa ngokusebenzisana;
 - (b) esigabeni 5 soMthetho woHlaka lobuHoli nokuBusa kweNdabuko, 2003 (uMthetho No.41 ka 2003), esiveza ukuthi ubudlelwano phakathi komasipala nemikhandlu yendabuko kumele buqondiswe yimigomo yokubusa ngokusebenzisana; futhi
 - (c) oHlakeni lweNqubomgomo yeNkambiso yoKwakha uBambiswano olusimeme phakathi koMasipala beziNdawo nemiKhandlu yeNdabuko KwaZulu-Natali.

UKUHUNYUSHA

2. Kule Memorandamu yesiVumelwano se, ngaphandle uma ingqikithi isho okuhlukile—
- (a) isisho, esithinta noma yibuphi ubulili sihlanganisa bonke obunye ubulili, umuntu uqobo kuhlangukisa nomuntu ngokomthetho ngokufanayo, kanti okuchazwe kusebunyeni kungachaza okuningi kanjalo ngokufanayo;
 - (b) izinhlobo zezigaba zomthetho zenzelwa ukucacisa kuphela kanti azisetshenziswa ngendlela okungathi ziyayichaza, lezi zichasiso ezilandelayo zingachaza lokho okuqondiwe ngazo ziphinde zibe nencazelo ehlukile noma ehambisana nechaziwe—

“**isivumelwano**” kusho lesi siVumelwano nazo zonke ezinye izithasiselo ezikhona;

“**ikomidi**” kusho iKomidi lemiSebenzi eliHlanganyele elichazwe esigabeni somthetho 5 salesi sivumelwano;

“**izihlangano**” kusho uMasipala wase _____, nomKhandlu weNdabuko woMphakathi osekelwe ngokweNdabuko wase _____; futhi

(c) amagama nezisho okuchazwe kunoma yisiphi isigatshana somthetho, nenghloso yaleso sigaba somthetho okungena kuso leso sigatshana, kunencazelo ehambisana nalokho okuchazwe kuleso sigatshana somthetho; futhi

(d) lesi sivumelwano sisekelwe futhi sithathwa njengesihambisana nomthetho weRiphabhulikhi yaseNingizimu Afrika.

UKUDIDIYELA NOKUSEBENZISANA

3. Izihlangano ngalokhu–

(a) zamukela ukugxila, ukusebenzisa nokudidiyela amagalelo azo ukugqugquzela ukubusa ngokubambisana; futhi

(b) ziyazi ukuthi zisebenza ngokuzimela ngayinye ngokomsebenzi wazo futhi ayikho inhlangotho enelungelo noma enamandla okwenza izinto egameni lenye, noma okwenza umnyakazo ongahlanganisa enye ngaphandle kwemvume ebhalwe phansi.

UKUGQUGQUZELWA KOKUBUSA NGOKUSEBENZISANA

4. Ukuze kugqugquzelwe ukubusa ngokusebenzisa, izihlangano ziyavumelana ngokuthi–

(a) izitatimende zenjongo nombono okufanayo kwizimiso kumele zisungulwe kuleyo ndawo ephethwe umasipala;

(b) izihloso ezifanayo zentuthuko kumele zisungulwe ngoHlelo lweNtuthuko oluDidiyele;

(c) abaholi bendabuko kumele bagqugquzele imiphakathi yabo ukuzibandakanya oHlelweni lweNtuthuko oluDidiyele;

(d) abaholi bendabuko kumele basize uMasipala ekuhlonzweni kwezidingo ezindaweni zasemakhaya;

(e) kwenziwe imizamo yokuvumelana;

(f) yonke iminyakazo yentuthuko kumele ididiyelwe yiKomidi;

(g) abaholi bendabuko kumele ngokusebenzisa balekelele uMasipala ngokuhlizekwa kwezidingo;

(h) ubambiswano noma ukulethwa kwezidingo kumele kubhekelelwe;

(i) imiklamo yentuthuko nokuhlizekwa kwezidingo kumele kugcinwe;

(j) ukutholakala kwendawo yemiklamo yentuthuko njengezindlu, amathuna nezindawo zokulahla udoti, kumele kwenziwe ngokubambisana;

- (k) ukuphathwa kwemiklamo yokuthuthukiswa komhlaba ezindaweni zasemakhaya kumele kube ngumsebenzi wazo zombili izinhlangothi;
- (l) imiklamo yokuThuthukiswa koMnotho waseKhaya kumele kube ngumsebenzi wazo zombili izinhlangothi;
- (m) imiklamo yentuthuko yasekhaya kumele ingqugquzelwe esimweni esiphephile nesihehayo;
- (n) abaholi beNdabuko kumele banikezele ngemiklamo esiqediwe ezindaweni ezahlukene;
- (o) kumele basebenzisane ekuhlinzekeni ngezingqalasizinda zezemidlalo nokunye okuhambisana nakho entsheni yasemiphakathini esekwe ngokwenqubo yendabuko;
- (p) uMasipala uyombandakanya abaNkomo beNdabuko kunoma yiluphi uhlelo olungahambisana nokucijwa kwamakhono;
- (q) amakomidi ezigceme abunjwe ngumthetho ayosungulwa ngokuchachile nangentando yeningi; futhi
- (r) abaNkomo beNdabuko bayovumekela ukusebenzisa amagumbi emikhandlu.

UKUHLELWA KWESIKHUNGO

5. Izinhlangano ziyavumelana ukusungula uhlaka lokusebenzisanayo seKomidi lemiSebenzi eliHlanganyele njengoba kuhlangozwe esigabeni 79 soMthetho weziNhlaka zikaMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka-1998), futhi kuyavunyelwana ngokuthi—

- (a) uSodolobha uyokuba usihlalo weKomidi;
- (b) iKomidi liyokwakhiwa yisibalo esilinganayo samaKhansela nabaHoli beNdabuko;
- (c) iKomidi liyokuba nelungelo lokukhetha ngokufana;
- (d) izinqumo ziyothathwa ngokuvumelana;
- (e) izinqumo kumele ziqinisekise yikomidi likamasipala;
- (f) amaphuzu okusetshenzelwa phezu kwawo ayoncika kokuvunyelwene ngakho ekuhlelweni ngokwemigomo yomthethosisekelo yokubusa ngokusebenzisana;
- (g) iKomidi kumele lihlangane okungenani kanye ezinyangeni ezintathu.

UKUSONJULULWA KOKUNGABONI NGASOLINYE

6. Noma yiluphi uhlangothi oluyingxenywe yesivumelwano, uma kunokungaboni ngaso linye okudalwa yizinhlinzeko zalesi sivumelwano, luyoxazulula lokho kungaboni ngaso linye njengoba kuhlangozwe eSahlukweni 3 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, kanye nezinhlinzeko bzeSahluko 4 soMthetho weziNhlaka eziHlangene zikaHulumeni, 2005 (uMthetho No. 13 ka-2005).

OWAMUKELA IZETHULO

7. Kuqoshiwe ukuthi zonke izincwadi phakathi kwezinhlangothi zombili kumele zibhalwe kanje:

(a) USodolobha oHloniphekile

_____ kuMasipala weNdawo

Ifeksi: _____

(b) USihlalo oHloniphekile

_____ uMphakathi osekwe ngokwenqubo yeNdabuko

Ifeksi: _____

OKWEJWAYELEKILE

8.(1) Lesi sivumelwano siyoqala ukusebenza ngosuku esiyosayinwa ngalo.

(2) Noma yiluphi udaba oluyoqhamuka kulesi sivumelwano olungahlinzekelwe lapha, kuyobhekwana nalo ngokuhambisana nemiyalelo yoMkhandlu kaMasipala ebhalwe phansi.

(3) Lesi sivumelwano singachitshiyelwa ngemvume yezinhlangothi zombili ngokubhalwe phansi, kuncike ekutheni kuvunyelwene ukuthi lesi sivumelwano, kanye nezithasiselo kucina okuyiyona nhloso yesivumelwano phakathi kwezinhlangothi ngokuhambisana nendikimba yaso.

(4) Isigaba somthetho ngasinye kulesi sivumelwano siyahlukaniseka kwezinye izigaba zomthetho futhi uma noma yisiphi isigaba somthetho kulesi sivumelwano kutholakala ukuthi asinamsebenzi noma asinakusetshenziswa nganoma yisiphi isizathu, izigaba zomthetho ezisele ziyosetshenziswa ngokuphelele.

(5) Izinhlinzeko zalesi sivumelwano ziyabophezela kwabazolandela esikhundleni sezinhlangothi, futhi amalungelo nezibopho zohlangothi ngalunye ngokuhambisana nalesi sivumelwano kuyodluliselwa futhi kubophezele abayozilandela ezikhundleni.

ISAYINWE E _____ MHLAKA _____ KU _____ NGONYAKA KA 20 _____

OKUNGOFAKAZI:

1. _____
_____ **USODOLOBHA**

2. _____
_____ **USIHLALO**

No. 3

28 January 2008

ISEBE LOORHULUMENTE BEENGINGQI NEMICIMBI YEZEMVELI

ISICWANGCISO SOMGAQO-NKQUBO WEMITHETHO YOKUZIPHATHA ESENZELWE UKWAKHA INTSEBENZISWANO NOKUBAMBISANA PHAKATHI KOOMASIPALA BEENGINGQI KUNYE NAMABHUNGA EENKOKELI ZEMVELI, KWAZULU-NATAL

1. Ukuze kuququzelelwe ukuba kubekho ukubonisana okunentsingiselo eyiyo kunye nooMasipala beeNgingqi, iiNkokeli zeMveli, amaBhunga eeNkokeli zeMveli kunye noLuntu lweMveli lwakwaZulu-Natal, kupapashwa apha esi Sicwangciso sisaYilwayo soMgaqo-nkqubo weMithetho yokuZiphatha sichaziweyo apha ngasentla, ukuze uluntu lukwazi ukunika izimvo zalo ngaso.

2. Bonke ooMasipala beeNgingqi, ooCeba, iiNkokeli zeMveli, amaBhunga eeNkokeli zeMveli kunye noluntu lakwaZulu-Natal, kunye nawo onke amanye amaqela anomdla, amemelelwa ukuba angenise izimvo zawo ezibhalwe phantsi, ezimalunga nalo Mgaqo-nkqubo ucetywayo, ngenye yezi ndlela:

(a) ngeposi, zithunyelwe kule dilesi–

The Head of Department
Local Government and Traditional Affairs
Private Bag X9078
PIETERMARITZBURG
3200

(b) zingeniswe buqu kuMgangatho we-14, eNorth Tower, kwi-Natalia Building, ekwa-330 kwiSitalato iLangalibalele, e-Pietermaritzburg;

(c) ngefeksi kwa-033 – 394 9714; okanye

(d) zithunyelwe ngekhompyutha kule dilesi ye-imeyile: HK@kznlqta.gov.za

3. Zonke izimvo zokuphawula mazibe sezifunyenwe ngomhla wama-30 Eyomdumba 2008 kwaye imbalelwano mayiphawulwe ngokucacileyo ukuba: **“Mayibhekiswe kuMnu H. Kuhn”**.

4. Yonke imibuzo kunye nezicelo zeekopi zoMgaqo-nkqubo mazithunyelwe ku-:

Mnu H. Kuhn

Umnxeba: (033) 395 2942

Ifeksi: (033) 394 9714

I-imeyile: HK@kznlqta.gov.za

**ISICWANGCISO SOMGAQO-NKQUBO
WEMITHETHO YOKUZIPHATHA
ESENZELWE
UKWAKHA INTSEBENZISWANO
NOKUBAMBISANA PHAKATHI KOOMASIPALA
BEENGINGQI KUNYE NAMABHUNGA
EENKOKELI ZEMVELI, KWAZULU-NATAL**

IMBULAMBETHE**Njengoko**

A. UmGaqa-siseko weRiphabliki yoMzantsi Afrika, ka-1996, udibanisa onke amanqanaba karhulumente kunye namaziko esizwe akwinqanaba ngalinye, ukuba asebenzisane ngokuthembana nangentembeko ngokuthi-

- kwakhiwe ubudlelwane obuhle, ukuze kuncedwane kwaye kuxhaswane ;
- amanqanaba azisane kwaye abonisane ngemiba ewachaphazelayo onke;
- kulungelelaniswe amanyathelo awathabathayo kunye nolawulo lwawo;
- kubekho ukuzibophelela kwiinkqubo ekuvunyelwene ngazo;
- nokulumkela ukuthabathelana amanyathelo asemthethweni;

B. UmGaqa-siseko wazise inkqubo yoorhulumente beengingqi ebonelela ngokubandakanywa kwazo zonke iinkalo kooMasipala beeNgingqi;

C. UmGaqa-siseko uyayivuma iinxaxheba yeenkokeli zemveli neyemithetho yemveli;

D. OoMasipala beeNgingqi kunye neeNkokeli zeMveli kumele ukuba basebenze ngokubambisana, bathabathele ingqalelo imimiselo yokuthembana kwanewonga nendima edlalwa ngala maqela, bakhokelwe yimimiselo yolawulo olunentsebenziswano;

E. Bobabini oMasipala beeNgingqi kunye neeNkokeli zeMveli banoxanduva abaluhlanganyeleyo lokuhoya uluntu abalukhonzayo ngeyona ndlela ifanelekileyo, baqwalasele neemfuno zalo ngokuluphuhlisa nangokulubonelela ngeenkono;

F. Iinjongo zoorhulumente beengingqi njengoko zimiselwe kumGaqa-siseko nakweminye imithetho zezi:-

- ukubonelela uluntu ngoorhulumente beengingqi abathembekileyo nabanedemokhrasi;
- ukuqinisekisa ubonelelo lweenkonzo eluntwini kwiindawo oluhlala kuzo ngendlela ezinzileyo;
- ukukhuthaza uphuhliso lwezentlalo nezozoqosho; kunye
- nokukhuthaza ukuthabatha inxaxheba koluntu kunye nemibutho yoluntu kwimicimbi yoorhulumente beengingqi.

G. Ukuzibophelela kweeNkokeli zeMveli ekuthabatheni inxaxheba kubalulekile ukuze oMasipala bakwazi ukuphumeza uxanduva lwemisebenzi yabo ephambili kunye neenjongo zabo.

INJONGO**1. Injongo yesi Sicwangciso soMgaqo-nkqubo wemiThetho yokuZiphatha yile—**

- (a) kukubonelela ngezikhokelo zomgaqo-nkqubo wokwakha intsebenziswano nokubambisana phakathi kooMasipala beeNgingqi kunye namaBhunga eeNkokeli zeMveli kwiindawo alawula kuzo;
- (b) ukuqinisekisa ukuthabatha inxaxheba ngokupheleleyo kwamaBhunga eeNkokeli zeMveli kwiinkqubo ezihlanganisiweyo zocwangciso lophuhliso zooMasipala ukuze abe nelona galelo elikhulu kuphuhliso loluntu lwendawo ezisemaphandleni;
- (c) ukwakha unxulumano olusebenzayo phakathi kwamaBhunga eeNkokeli zeMveli kunye nooMasipala beeNgingqi ukuze kubonelelwe kangangoko ngeenkonzolo kwimimandla esemaphandleni;
- (d) ukuqinisekisa ukumiselwa kweKomiti esiSigxina eDityanelweyo okanye iKomiti yeSebe ukuze kuqinisekise ukuthabatha inxaxheba ngokupheleleyo kwawo ombini la maqela ukuze kubonelelwe kangangoko ngeenkonzolo kwimimandla esemaphandleni; kunye
- (e) nokwenziwa ukuba izibonelelo zohlahlo lwabiwo-mali kunye nezinye izibonelelo mazifumaneka ukuze kumiselwe, kulawulwe kwaye kuqhutywe iinkqubo zokudala intsebenziswano nokusebenza ngokubambisana, phakathi kooMasipala beeNgingqi kunye namaBhunga eeNkokeli zeMveli.

INTSUSA KUNYE NEZIZATHU

2.(1)(a) Ukuba mkhulu komsebenzi ongekenziwa wokubonelela ngeenkonzolo kwiindawo ezisemaphandleni kunye nonxibelelwano olungonelanga phakathi kwemibutho yobuNkokeli beMveli kunye nooMasipala beeNgingqi oluphathelele kumaphulo ophuhliso, kubangele ukungonwabi okukhulu koluntu lwasemaphandleni.

(b) Kuyaqapheleka ukuba uluntu lwasemaphandleni aluzibandakanyi kangako kwiinkqubo zocwangciso lophuhliso ezihlanganyelweyo zikaMasipala.

(c) Abanye oMasipala abazibandakanyanga ngabom iNkokeli zeMveli kwezi nkqubo zocwangciso lophuhliso zihlanganyelweyo, banika izizathu zokuba bayakwazi okufunwayo luluntu lwezi ndawo, kwaye ezinye iNkokeli zeMveli azivumanga ukuthabatha kwiinkqubo zikaMasipala.

(2)(a) INqungquthela yooRhulumente beeNgingqi eyayibanjwe ngo-Epreli 2005 yachonga iinkalo ezibalulekileyo emakujoliswe kuzo ukuze kubekho intsebenziswano nokusebenza ngokubambisana phakathi kooMasipala kunye neNkokeli zemveli.

(b) Le ngqungquthela yaphakamisa, phakathi kwezinye izinto, imfuneko—

- (i) yokumisela imibutho edityanelweyo yokuphucula intsebenziswano nokusebenza ngokubambisana phakathi kooMasipala kunye neNkokeli zeMveli;
- (ii) ukukhangela ukuba zeziphi izithethe zemveli, ezifana neMbizo, iLima, njalo njalo, ezinokusetyenziswa ukuphucula ubonelelo lweenkonzo olunonxulumano, nokuba

(iii) ooMasipala kunye namaBhunga eeNkokeli zeMveli makacwangcise ngokusesikweni iinkqubo zokubonisana ngocwangciso, uhlahlo lwabiwo-mali kunye nokuphunyezwa kwezi nkqubo.

(c) Eli Sebe lagunyaziswa ukuba liququzelele le nkqubo kwiPhondo lakwaZulu-Natal lonke ukuze kuqinisekiswa intsebenziswano nokusebenza ngokubambisana kwala maqela.

(3)(a) ISicwangciso soMgaqo-nkqubo woPhuhliso esixhaswa kwimiBono kaZwelonke yokuPhuhliswa kweziBonelelo, iNkqubo-qhinga yePhondo yoPhuhliso neziBonelelo zoQoqosho kunye neNkqubo-qhinga kaZwelonke yoPhuhliso loQoqosho lweeNgingqi, sichaza izikhokelo ezolathisa utyalo-mali kunye neenkqubo zophuhliso kwiindawo apho kukho ukungalingelel ani kwemo yezoqoqosho elilifa lexesha lamandulo ngexesha localu-calulo.

(b) Ngokwakha intsebenziswano nokubambisana okuzinzileyo phakathi kooMasipala beeNgingqi kunye namaBhunga eeNkokeli zeMveli afanelekileyo, iPhondo liza kukwazi ukuba liqinisekise ukuba uluntu lwasemaphandleni luthabatha inxaxheba ngokupheleleyo kwiinkqubo zokuthatyathwa kwezigqibo ezinegalelo lophuhliso lwalo.

AMAGUNYA OWISO-MTHETHO

3.(1) Mininzi imithetho ewisiweyo ekuvumayo ukumiselwa kobuNkokeli beMveli nenika izikhokelo zokumiselwa kwemibutho kunye neenkqubo zokusebenza kwemibutho yeeNkokeli zeMveli kooMasipala, nekhuthaza ukulawulwa kobudlewane nolawulo olunentsebenziswano phakathi kwamaBhunga ooMasipala kunye neeNkokeli zeMveli.

(2) ISahluko 12 somGaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996 ("umGaqo-siseko"), simisela oku kulandelayo:

"211. Ukuvunywa

(1) *Ukumiselwa, inqanaba kunye nenxaxheba yobunkokeli bemveli, ngokomthetho wemveli, zivunyiwe ngokulawulwa ngumGaqo-siseko.*

(2) *Igunya lemveli elisebenza ngokwenkqubo yomthetho wemveli lingasebenza ngokulawulwa nanguwuphi na umthetho osebenzisekayo kwanamasiko asebenzisekayo, kusebenza oko kubandakanya izilungiso kuwo okanye ukutshitshiswa kwawo loo mthetho okanye loo masiko.*

(3) *Iinkundla kufuneka ziwusebenzise umthetho wemveli xa loo Mthetho usebenziseka, ngokokulawula komGaqo-siseko kunye nawo nawuphi na umthetho ojongene kanye/ncakasana nomthetho wemveli.*

212. Indima yeeNkokeli zeMveli

(1) *Umthetho wesizwe ungayimisela inxaxheba yeenkokeli zemveli njengeziko elikwisigaba sasekuhlaleni, lemictimbi echaphazela abantu kwiindawo ezo bahlala kuzo.*

(2) Ukujongana nemicimbi ephathelele kubunkokeli bemveli, kwindima yeenkokeli zemveli, kumthetho wezithethe nakumasiko abantu abalandela inkqubo ethile yomthetho wezithethe–

(a) umthetho wesizwe okanye owephondo ungamisela indlela yokusekwa kwezindlu zeenkokeli zemveli; kanjalo

(b) umthetho wesizwe ungaseka ibhunga leenkokeli zemveli.”

(3) ICandelo lama-81 lomthetho woorhulumente beengingqi, i-Municipal Structures Act, ka-1998 (uMthetho onguNombolo 117 ka-1998) (umthetho owaziwa “njenge-Structures Act”), umisela ithuba lokuthabatha inxaxheba kweeNkokeli zeMveli kumabhunga ooMasipala kwaye ubonelela ngoku kulandelayo:

“81. Intatho-nxaxheba kumabhunga oomasipala

(1) Amagunya emveli, athi ngokwesithethe alandele inkqubo yomthetho wemveli kummandla kamasipala, anako ukuthabatha inxaxheba ngeenkokeli zawo, ezichaziweyo kwicandelwana

(2), kwiinkqubo zebhunga laloo masipala, kwaye ezo Nkokeli zeMveli kumele ukuba zivunyelwe ukuba ziyizimase kwaye zithabathe inxaxheba kuyo nayiphi na intlanganiso yebhunga.

(2)(a) UMphathiswa woorhulumente beengingqi wePhondo, kumele ukuba athi ngokwemimiselo yeShedyuli 6 nangesaziso esikhutshwe kwiGazethi yePhondo, achonge ngokwecandelwana (1) ukuba zeziphi na iNkokeli zeMveli ezinako ukuba zingathabatha inxaxheba kwiinkqubo zebhunga likamasipala .

(b) Inani leeNkokeli zeMveli elinokuthabatha inxaxheba kwiinkqubo zebhunga likamasipala alinakugqitha kwi-20 pesenti yenani labo bonke ooCeba abakwelo bhunga, kodwa ukuba ngaba ibhunga eloo linoCeba abangaphantsi kwe-10, inye kuphela iNkokeli yeMveli enokuthabatha inxaxheba.

(c) Ukuba ngaba inani leenkokeli zemveli ezichongwe kummandla wolawulo lomasipala, liyadlula kwi-20 pesenti yenani labo bonke ooCeba, uMphathiswa woorhulumente beengingqi kweloo Phondo unako ukuba angamisela inkqubo yokuba zonke iNkokeli zeMveli zinikwe ithuba lokuthabatha inxaxheba.

(3) Phambi kokuba ibhunga likamasipala lithabathe isigqibo ngawo nawuphi na umba ochaphazela loo mmandla lilawula kuwo, ibhunga kumele ukuba linike inkokeli yemveli yaloo mmandla ithuba lokunika izimvo zalo ngaloo mba.

(4) UMphathiswa wooRhulumente beeNgingqi wePhondo, unako ukuba athi emva kokuba ebonisene kunye neNdlu yeeNkokeli zeMveli, afake isaziso kwiGazethi yePhondo–

(a) alawule ukuthabatha inxaxheba kweenkokeli zemveli kwiinkqubo zebhunga likamasipala; kanjalo

(b) achaze indima edlalwa ziinkokeli ze mveli kwimicimbi kamasipala.

(5)(a) *Xa ithabatha inxaxheba kwiinkqubo zebhunga likamasipala, inkokeli yemveli ikhokelwa yimigaqo ethile efanelekileyo yoMgaqo wokuZiphatha njengoko uchaziwe kwiShedyuli 1 yomthetho i-Local Government: Municipal Systems Act, ka-2000.*

(b)(i) *Inkokeli yemveli ethabatha inxaxheba kwiinkqubo zebhunga likamasipala inelungelo lokufumana intlawulo ebuyekeza iimali ethe yazihlawula ngenxa yokuba ithabatha inxaxheba.*

(ii) *Ibhunga likamasipala kumele ukuba limisele ukuba zihlawulwa xa kutheni kwaye zibalwa njani na iindleko zemali esetyenziswe yinkokeli, ekubhekiswa kuzo kumhlathana (i).*

(iii) *Ezi ndleko zibuyiswayo zichazwe kumhlathana (i) kumele ukuba zihlawulwe kwimali yohlalo lwabiwo-mali loMasipala lowo.”*

(4) Inqaku 15 leShedyuli 1 yomthetho i-Local Government: Municipal Systems Act, ka-2000 (uMthetho onguNombolo ka-2000) (umthetho owaziwa “njenge-Structures Act”), umisela ukusetyenziswa kweMigaqo yokuZiphatha kooCeba kwiiNkokeli zeMveli, kwaye likwamisela noku kulandelayo:

“15. Ukusetyenziswa kwemiGaqo yokuZiphatha kwiiNkokeli zeMveli

(1) *Amanqaku 1, 2, 5, 6, 9(b) ukuya kutsho ku- (d), 10, 11, 12, 13 kunye no-14(1) abhekisa kwinkokeli yemveli ethabatha inxaxheba okanye ethe yathabatha inxaxheba kwiinkqubo zebhunga likamasipala, ngokwecandelo 81 lomthetho i-Municipal Structures Act.*

(2) *La manqaku kumele ukuba asetyenziswe kwinkokeli yemveli ngendlela efanayo naleyo asetyenziswa ngayo kooCeba.*

(3) *Ukuba ngaba ibhunga likamasipala lithe, ngokwenqaku 14 (1), lafumanisa ukuba inkokeli yemveli iwophule lo mGaqo, ibhunga linako ukuba–*

(a) *likhuphe isilumkiso kwiNkokeli yeMveli leyo; okanye*

(b) *licele uMphathiswa woorhulumente beengingqi kwiPhondo ukuba a linqumamise okanye alicime ilungelo leNkokeli yeMveli lokuthabatha inxaxheba kwiinkqubo zebhunga.*

(4) *UMphathiswa wooRhulumente beeNgingqi unako ukonyula umntu okanye iKomiti yokuphanda naliphi ityala lokwaphulwa kommiselo walo mGaqo kwanokwenza isiphakamiso sokuba eli lungelo lokuthabatha inxaxheba kwenkokeli yeMveli kwiinkqubo zebhunga likamasipala kumele ukuba linqunyanyiswe okanye licinywe kusini na.*

(5) *Umthetho i-Commissions Act, ka-1947, unako ukuba ungasetyenziswa kuphando oluqhutywayo ngokwenqakwana (4).*

(6) *Ukuba ngaba uMphathiswa unoluvo lokuba inkokeli yemveli yophule ummiselo othile walo mGaqo, nokuba oloo lwaphulo lukhulu kangangokuba lufanelwe kukunqunyanyiswa okanye ukucinywa kwelungelo leNkokeli yeMveli, uMphathiswa usenokuthi–*

- (a) *alinqumamise okwexesha elithile eloo lungelo kwaye amisele imiqathango ethile kwiiNkokeli leyo uMphathiswa; okanye*
- (b) *alicime eloo lungelo.*

(7) *Naluphi na uphando oluqhutywayo ngokwemimiselo yeli nqaku, kumele ukuba luqhutywe ngokwemigaqo yobulungisa yasemthethweni.*

(8) *Ukunqunyanyiswa okanye ukucinywa kwelungelo lenkokeli yemveli lokuthabatha inxaxheba kwinkqubo zebhunga azilichaphazeli ilungelo lalo Nkokeli yeMveli yokwenza intetho kwibhunga, ngokwecandelo 81(3) lomthetho i-Municipal Structures Act.”*

(5) ICandelo 20 lomthetho i-Traditional Leadership and Governance Framework Act, ka-2003 (uMthetho onguNombolo 41 ka-2003), limisela izikhokelo zokwabiwa kweendima kunye nemisebenzi kwiiNkokeli zeMveli, ngolu hlobo:

“20. Izikhokelo zokwabiwa kweendima kunye nemisebenzi

(1) *URhulumente weSizwe okanye owePhondo, ngokwemeko leyo, unako ukuba athi, ngemithetho ewisiweyo okanye ngamanye amanyathelo, anike amaBhunga eeNkokeli zeMveli okanye iiNkokeli zeMveli indima, kwezi nkalo zilandelayo—*

- (a) *ezobugcisa nezenkcubeko;*
- (b) *ezolawulo lwemihlaba;*
- (c) *ezolimo;*
- (d) *ezempilo;*
- (e) *ezentlalontle;*
- (f) *ulawulo lwezobulungisa;*
- (g) *ezokhuselo nokhuseleko;*
- (h) *ukubhaliswa kweentsana ezizelweyo, abantu ababhubhileyo kunye nemitshato yesiNtu;*
- (i) *uphuhliso lwezoqoqosho;*
- (j) *ezendalo nokusingqongileyo;*
- (k) *ezokhenketho;*
- (l) *ulawulo lweentlekele;*
- (m) *ulawulo lwezibonelelo zendalo; kunye*
- (n) *nokusasazwa kweenkcukacha nolwazi olubhekisa kwimigaqo-nkqubo kunye neenkqubo zikarhulumente.*

(2) *Nanini na xa iziko likarhulumente elikurhulumente weSizwe okanye owePhondo lithe lacinga ngokwaba indima ethile kumaBhunga eeNkokeli zeMveli okanye kwiiNkokeli zeMveli ngokwemimiselo yecandelwana (1), eloo iziko likarhulumente kumele ukuba—*

- (a) *lifumane invume—*
 - (i) *yoMphathiswa ukuba ngaba iziko eloo lelikarhulumente weSizwe; okanye*

(ii) kuMphathiswa wePhondo ojongene nemicimbi yezemveli kweloo Phondo ukuba ngaba iziko le likarhulumente welo Phondo;

(b) libonisane kunye–

(i) nemibutho efanelekileyo yeeNkokeli zeMveli; kunye

(ii) neziko i-South African Local Government Association;

(c) liqinisekise ukuba ukwabiwa kwendima okanye komsebenzi kuyahambelana kunye nomGaqo-siseko kunye nemithetho ewisiweyo efanelekileyo;

(d) lithathele ingqalelo imithetho yemveli kunye nezithethe zoluntu lwezo ndawo;

(e) lizame ukuqinisekisa ukuba ulwabiwo lwendima okanye lomsebenzi lukhatshwa zizibonelelo nokuba kumiselwa amanyathelo afanelekileyo okwenza ingxelo malunga nezi zibonelelo;

(f) liqinisekise, kangangoko linako, ukuba ukwabiwa kweendima okanye kwemisebenzi kuphunyezwa ngokufanayo nangokulinganayo kwimimandla apho kukho iiNkokeli zeMveli kuzo; kwaye

(g) likhuthaze imibono yolawulo olunentsebenziswano, ucwangciso lophuhliso oluhlanganyelweyo, uphuhliso oluzinzileyo kunye nokubonelela ngeenkono ngokwabiwa kweendima okanye kwemisebenzi.

(3) Apho iziko likarhulumente lithe laba indima okanye umsebenzi ku maBhunga eeNkokeli zeMveli okanye kwiiNkokeli zeMveli njengoko kuchaziwe kwicandelwana (1), eloo ziko likarhulumente kumele ukuba libeke esweni ukuphunyezwa kwalo msebenzi ukuze liqinisekise ukuba–

(a) ukuphunyezwa komsebenzi kuhambelane nomGaqo-siseko; nokuba

(b) uyenziwa umsebenzi.

(4) Apho ibhunga lemveli lingawenzi kakuhle umsebenzi elabelwe wona ngokwecandelwana (3), naziphi na izibonelelo ezinikwa ibhunga ukuba lenze lo msebenzi, zisenokurhoxiswa.”

(6) Icandelo 10 lomthetho i-KwaZulu-Natal Traditional Leadership and Governance Act, ka-2005 (uMthetho onguNombolo5 ka-2005) ubonelela ngentsebenziswano phakathi kwamaBhunga eeNkokeli zeMveli kunye nooMasipala, ngolu hlobo:

“Intsebenziswano phakathi kwamaBhunga eeNkokeli zeMveli kunye nooMasipala

10.(1) URhulumente wePhondo kumele ukuba akhuthaze intsebenziswano phakathi koomasipala kunye namaBhunga eeNkokeli zeMveli ngemithetho ewisiweyo kunye namanye amanyathelo.

(2) Le ntsebenziswano kubhekiswa kuyo kwicandelwana (1) kumele ukuba isekelwe phezu kommiselo wokuhloniphana nokwamkelwa kwewonga kunye neendima zamaqela.

(3) *Kunganxaxhwanga kububanzi becandelwana (1), iBhunga leMveli linako ukungenisa isiphakamiso kumasipala sokwamkela umthetho kaMasipala, ukuba ngaba liwubona uyimfuneko ngokuphathelele kuwo nawuphi na umba owuchaphazela ngqo ummandla elilawula kuwo.*

(4) *Isiphakamiso ekubhekiswa kuso kwicandelwana (3), sisenokukhatshwa luyilo lwalo mthetho uphakanyiswayo kwaye kufuneka zibhalwe phantsi izizathu zaso.*

(5) *IBhunga likaMasipala kumele ukuba liwuqwalasele lo mthetho kaMasipala uphakanyiswayo kwintlanganiso yalo elandelayo kwaye ingacela ukuba uManejala kaMasipala aphawule ngawo.*

(6) *Ukuba ngaba iBhunga likaMasipala lithe alawamkela lo mthetho kaMasipala uphakanyiswayo, kufuneka ukuba eloo Bhunga lazise iBhunga leMveli, ngokubhala phantsi, ngesigqibo elisithabathileyo kwaye linike izizathu zesigqibo eso."*

UKUMISELWA KWEKOMITI YEENJONZO EHLANGANYELWEYO

4.(1) Kuza kufuneka ukuba kwakhiwe ubudlelwane obunentsebenziswano phakathi kooMasipala kunye namaBhunga eeNkokeli zeMveli ukuze kuphunyezwe ubonelelo lweenkonzo oluzinzileyo kwimimandla yasemaphandleni, ingakumbi ngokuphathelele kumsebenzi ongekenziwa wobonelelo lweenkonzo ochongiweyo kwiinkonzo ezingundoqo ezifana namanzi, ezococeko, izindlu, ukubonelelwa ngombane kunye nolondolozo lwezempilo.

(2) Kuyabonakala ukuba zinqongophele iinkqubo zolondolozo lwezibonelelo ezifana neendlela, izikolo, izibhedlele, njalo njalo, kwaye izinga lokuthembana nelonxibelelwano ngomsebenzi liphantsi phakathi kooMasipala kunye namaBhunga eeNkokeli zeMveli, ngenxa yokungabikho kobudlelwane obuhle obusesikweni phakathi kwala maqela mabini.

(3) Ukuze kubonelelwe ngeenkonzo ezidingwayo kakhulu ngempumelelo nangeyona ndlela inoqoqosho, ooMasipala badinga intsebenziswano yamaKhosi akwiindawo abalawula kuzo, kwaye ukuze kuphunyezwe oku, kuphakanyiswa ukuba kumiselwe iiKomiti zeeNkonzo eziHlanganyelweyo, ezenziwe ngooCeba kunye namaKhosi, phantsi kwemida yooMasipala beeNgingqi, ukuze kuqinisekiswa ukuba iiNkokeli zeMveli zithabatha inxaxheba kwizigaba zokwenziwa kwezicwangciso, ezokuphunyezwa, kunye nezo zasemva kokuphunyezwa.

IMIGQALISELO NEMIDA YEEKOMITI ZEENKONZO EZIHLANGANYELWEYO

5. IKomiti yeeNkonzo eHlanganyelweyo kuza kufuneka ukuba iqwalasele imiba ephathelele kubonelelo lweenkonzo zezibonelelo zoluntu kwaye iphonononge zonke ezinye iingxaki eziphathelele

kwiimfuno zemveli njengoko zimane zibhekiswa kwikomiti amaxesha ngamaxesha, kwaye iza kuthabatha nenxaxheba kwezi nkqubo zilandelayo:

- (a) ukwamkelwa kweSicwangciso soPhuhliso esiHlanganyelweyo;
- (b) uqeqesho lwabantu kwiinkonzo zaManzi nezoCoceko;
- (c) ukuqwalaselwa kwemithetho kaMasipala kunye neziphakamiso ezibhekisele kuyo;
- (d) ukusetyenziswa nokulondolowa kweenkqubo zamanzi acocekileyo nezamanzi amdaka;
- (e) ukubekwa esweni kokukhutshwa kwazo zonke iiNkqubo zeeNkonzo zaManzi;
- (f) ukuqulunqwa nokuphunyezwa komgaqo-nkqubo kaMasipala weenkonzo ezingundoqo zasimahla;
- (g) ukuphengululwa kweenkqubo zokubonelela ngeeNkonzo zaManzi acocekileyo nezaManzi amdaka;
- (h) ukuqulunqwa kweziCwangciso zoPhuhliso lweeNkonzo zaManzi;
- (i) ukuqulunqwa kweenkqubo zokuBonelela ngeeNkonzo zaManzi nezoCoceko nokucebisa iGunya leenkonzo zaManzi nezi nkqubo;
- (j) ukuqwalaselwa kwayo nayiphi na into enokuthi ichaphazele iimfuno zezibonelelo zoluntu, ingakumbi kwimimandla yasemaphandleni;
- (k) ukuthuthwa kwenkukuma;
- (l) ukuqulunqwa nokubekwa esweni kweeNkqubo zoLawulo lokuSetyenziswa koMhlaba;
- (m) ukufaka isandla kwiiNkqubo zoPhuhliso lwaseMaphandleni; kunye
- (n) nophuhliso lwezindlu zasemaphandleni.

ISIKHOKELO SEENKQUBO ZEKOMITI YEENKONZO EHLANGANYELWEYO

6.(1) IiKomiti zeeNkonzo eziHlanganyelweyo kumele ukuba zibe nenani elilinganayo looCeba abaphuma kwiBhunga loMasipala namaKhosi aphuma kumaBhunga eeNkokeli zeMveli afanelekileyo, aza kuba sesikhundleni ngexesha lokuba ngamalungu azo kuMasipala okanye kumaBhunga eeNkokeli zeMveli afanelekileyo, kodwa oku kuxhomeke ekubeni—

- (a) ilungu kunye nelungu elililalela elonyulwe yiKomiti lelo ziko okanye nguloo mbutho ufanelekileyo, liza kuthi ngokokubona kweziko okanye umbutho olunyulileyo, libe nelungelo lokuba liphinde lonyulwe kwakuphela ixesha ebelonyulelwe lona;
- (b) eloo ziko kubhekiswa kulo kumele ukuba lizalise nasiphi na isithuba esivelayo samalungu, lithatha kumalungu angamalalela eKomiti onyulwe ngumbutho ofanelekileyo ukuba asebenze kuloo Komiti;
- (c) ilungu elililalela linako ukuzimasa nayiphi na intlanganiso yeKomiti xa ilungu elisisigxina elithatha indawo yalo lingaphumeleli ukuya entlanganisweni, kwaye lingathetha kwaye livote kwezi ntlanganiso xa lithe lazizimasa;
- (d) uSihlalo kumele ukuba onyulwe kooCeba, kwaye kukhethwa ukuba onyulwe nguSodolophu okanye nguCeba onesihlalo kwiKomiti yeSigqeba;
- (e) uSekela-Sihlalo kumele ukuba onyulwe yiKomiti kwintlanganiso yayo yokuqala, kumalungu eKomiti;

(f) iKomiti kumele ukuba ihlangane kanye ubuncinane ngekota nganye enyakeni ngamnye; kwaye

(g) ilungu okanye ilungu elililalela eKomitini alinako ukuba lingasebenzisa isikhundla salo okanye amagunya okanye ulwazi oluyimfihlelo olulufumene njengelungu leKomiti ukuze lizuze okuthile okanye lenze ukuba kuzuze omnye umntu ngendlela engafanelekanga, kwaye ilungu ngalinye okanye ilungu elililalela kumele ukuba lithi lakonyulwa kwiKomiti, lityikitye isifungo esilibophelelayo koku.

(2) Ilungu ngalinye leKomiti, kubandakanya nawo onke amalungu angamalalela eKomiti, kumele ukuba—

(a) azame kangangoko ukuqinisekisa ukhuseleko olufanelekileyo lwee-asethi kunye neengxelo zemib utho ethabatha inxaxheba;

(b) aziphathe ngokuthembekileyo, ngenyaniso nangentembeko, kwaye konke akwenzayo akwenze ngeyona ndlela ifanelekileyo nangeenjongo zokusebenzela iKomiti kunye nemibutho ethabatha inxaxheba;

(c) athi xa eceliwe, adandalazise elubala kwimibutho ethabatha inxaxheba, zonke iinkcukacha ezingundoqo, kubandakanya nezo zisenokufunyanwa, nezinokuthi ngendlela ethile zibe nempembelelo kwizigqibo okanye kumanyathelo emibutho ethabatha inxaxheba;

(d) azame ukuthintela nakuphi na ukuchaphazeleka kakubi kweemali zemibutho ethabatha inxaxheba; kwaye

(e) adandalazise elubala zonke iinkcukacha zoshishino ezizezakhe okanye zabucala eKomitini, elinokuthi ilungu okanye iqabane lalo lomtshato, iqabane elivana nalo okanye ilungu losapho elisondeleyo kakhulu kulo libe nomdla ngokubhekiselele kuwo nawuphi na umba ophambi kweKomiti.

IMIGAQO YOKUSEBENZA KWEKOMITI

7.(1) Iziphakamiso zingenziwa xa kuthe kwagqitywa kuzo ngawo onke amaqela achaphazelekayo, kodwa oku kuxhomekeke ekubeni iBhunga likaMasipala liza kuba nevoti yoqhawulo-lingano ukuba ngaba kuthe akwafikelelwa kwisivumelwano ngamaqela onke.

(2) Ngaphandle kokunye okumiselwe ngawo nawaphi na amalungiselelo omsebenzi, isigqibo sesininzi samalungu siza kuthatyathwa njengesigqibo esithatyathiweyo ngawo onke amalungu kwaye sithunyelwe kuMasipala ukuze siphunyezwe.

(3) Kufuneka kwaziswe ngexesha elifanelekileyo ngeentlanganiso eziza kubanjwa, kwaye oku kuza kumiselwa kwintlanganiso yokuqala yeKomiti, kwaye uninzi lwamalungu luza luba linani lamalungu anokuqhuba intlanganiso (ikhoram), kodwa oku kuxhomekeke ekubeni omabini amaqela anamalungu awameleyo kuyo nayiphi na intlanganiso ebanjwayo.

(4) Zonke iintlanganiso kumele ukuba zivululeleke eluntwini, kubandakanya nakumajelo eendaba, kodwa uluntu kunye namajelo eendaba asenokungavunyelwa ukuba ngaba kukho isizathu esifanelekileyo sokwenza oku, esiphathelele kuhlobo lwemicimbi exoxwayo.

(5) UManejala kaMasipala kumele ukuba abonelele kwaye aphumeze yonke inkxaso yolawulo kunye nemisebenzi yobunobhala eyimfuneko, ukuze ikwazi ukusebenza kakuhle nangempumelelo iKomiti.

(6) UManejala kaMasipala kumele ukuba abize iintlanganiso zekota njengoko zicwangcisiwe, okanye xa athe wayalelwa nguSihlalo weKomiti, kwaye amalungu amahlanu eKomiti, nokuba ngawaphi na, asenako ukucela uMasipala ukuba abize iintlanganiso yeKomiti.

(7) Umntu omakachophele zonke iintlanganiso ngu Sihlalo, kunye noSekela-Sihlalo ukuba ngaba uSihlalo akekho entlanganisweni, ukanti lilungu leKomiti elonyulelwe loo msebenzi kuloo ntlanganiso xa bengekho bobabini uSihlalo kunye noSekela-Sihlalo, kodwa eloo gosa alizukuba nagunya levoti yoqhawulo.

(8) IKomiti kumele ukuba igcine imizuzu ebhalwe phantsi yazo zonke iintlanganiso zayo, kwaye zonke iziphakamiso ezenziweyo yikomiti kumele ukuba zibhalwe phantsi nazo zize zithunyelwe kwiBhunga likaMasipala ukuze kuthatyathwe izigqibo ngazo kanjalo ziphunyezwe, zithunyelwe nakwintlanganiso yeKomiti yeeNkonzo eHlanganyelweyo ukuze zibhalwe phantsi njengenqaku.

(9) Imizuzu yentlanganiso nganye kumele ukuba ivunywe ngokusesikweni njengengxelo echanekileyo yentlanganiso leyo ibhekisa kuyo, kwintlanganiso elandela leyo ebanjwayo yiKomiti.

(10) Nasiphi na isenzo okanye into eshiyiweyo ngamalungu eKomiti engafakwanga kule mizuzu yamkelweyo, iza kuthatyathwa njengengenagunya kwaye ayizukusetyenziswa ingazukuba nayo nempembelelo.

(10) IKomiti iza kuba namandla okuqwalasela nokuxoxa nawuphi na umba onokuchaphazela okanye ube neziphumo ezibi kuphuhliso nolawulo lwemimandla yasemaphandleni okanye yeelali zemveli ngokweSicwangciso soShishino soLawulo lokuSetyenziswa koMhlaba.

IMIMISELO YOLAWULO YE KOMITI YEE NKONZO EHLANGANYELWEYO

B.(1) Uluhlu lwemicimbi (i-ajenda) yeKomiti yeeNkonzo eHlanganyelweyo kumele ukuba iqulunqwe nguManejala kaMasipala abonisane kuye nabameli abaphuma kuyo yonke imibutho ethabatha inxaxheba, kwaye amanyathelo aphumeza iziphakamiso zeKomiti kumele ukuba alungelelaniswe kwaye aphunyezwe yi-ofisi kaManejala kaMasipala.

(2) lindleko zokuhlulwa iindawo ekubanjelwa kuzo iintlanganiso, ukuhoywa kweendwendwe ezizimase iintlanganiso kunye neenkonzobunobhala zeKomiti yeeNkonzo eHlanganyelweyo, kumele ukuba zihlawulwe nguMasipala waloo ndawo ngemali ayabelweyo nguRhulumente wePhondo.

(3) Amalungu eKomiti angabuyekwezwa ngokuzimasa iintlanganiso ngokwemimiselo yasemthethweni kunye nemirhumo emiselweyo yemivuzo yooCeba, kodwa oku kuxhomekeke ekubeni—

(a) akukho mbuyekezo ingenye iza kuhlawulwa kwamanye amalungu eKomiti; nokuba

(b) amaKhosi athabatha inxaxheba aza kuhlawulwa imali yokuzimasa iintlanganiso ngokwamazinga asetyenziswayo okuhlulwa ooCeba abanelungelo lokuhlulwa iimali zenentlanganiso, kwaye aza kubuyekwezwa neendleko zohambo abazihlawuleyo ukuza kuzimasa iintlanganiso leyo.

(4) lindleko zabasebenzi abazimase iintlanganiso okanye ababandakanyekayo ekuthatyathweni kwezigqibo zezi ntlanganiso kumele ukuba zithwalwe nguMasipala wendawo leyo.

UKUXHOTYISWA KWABANTU NOQEQESHO

9. Ukuze kuqinisekise ukuba amaKhosi athabatha inxaxheba kangangoko, nokuphuhlisa ukuxhotyiswa kwamaKhosi ukuze akwazi ukuphumeza imisebenzi yawo njengamalungu eKomiti yeeNkonzo eHlanganyelweyo kangangoko kusemandleni awo, uhlahlo lwabiwo-mali luza kwabelwa oku —

(a) kwiinkqubo ezikhethekileyo zoqeqesho lwamaKhosi ngokwemimiselo yomGaqo-siseko kunye neemfuno zamanye amagunya omthetho;

(b) ekuncedisweni kukaMasipala ukuze kuqinisekise ukuba iiNkokeli zeMveli zizimasa iindibano zocweyo okanye iingqungquthela ezikwiingingqi zazo, ezePhondo nezikaZwelonke, ngokwemida yamalungelo azo.

ISIPHELO

10. Kumele ukuba kutyikitywe uxwebhu lwesivumelwano esisisiseko sokuqhubela phambili ukuze kumiselwe ngokusesikweni isivumelwano semithetho yokuziphatha sooMasipala kunye neeNkokeli zeMveli, ngendlela ehambelana kangangoko neSihlomelo "A", ze esi sivumelwano sityikitywe ngooMasipala kunye namaBhunga eeNkokeli zeMveli ezo ndawo alawula kuzo la maqela.

UMHLA WOKUQALISA UKUSEBENZA KWALO MGAQO-NKQUBO

11. Lo mGaqo-nkqubo uza kuqalisa ukusebenza ukususela ngomhla wokutyikitya kwawo yiNtloko yeSebe lezooRhulumente beeNgingqi neMicimbi yezeMveli.

ISIHLOMELO "A"

**UXWEBHU LWESIVUMELWANO ESISISISEKO
SOKUQHUBELA PHAMBILI**

EKUVUNYELWENE NGASO NESITYIKITYWE NGALA MAQELA

UMASIPALA WENGINQI _____

Omelwe ngu- _____ apha, kwisikhundla sakhe agunyaziswe kuso njengoSodolophu
woMasipala wase- _____

KUNYE

NEBHUNGA LEMVELI LOLUNTU LWEMVELI LWASE-

Olumelwe ngu- _____ apha, kwisikhundla sakhe agunyaziswe kuso njengoSihlalo
weBhunga leMveli

NJENGOKO

- A. UmGaqo-siseko weRiphabliki yaseMzantsi Afrika, ka-1996 uthi onke amaqanaba karhulumente kunye namaziko karhulumente kumele ukuba asebenzisane ngokuthembana nangentembeke;
- B. UmGaqo-siseko wazise inkqubo yoorhulumente beengingqi eyenza ukuba yonke imimandla mayibandakanywe kooMasipala beeNgingqi;
- C. UmGaqo-siseko uyayivuma iinxaxheba yeeNkokeli zeMveli neyemithetho yemveli;
- D. Bobabini ooMasipala beeNgingqi kunye neeNkokeli zeMveli banoxanduva abaluhlanganyeleyo lokuhoya uluntu abalukhonzayo ngeyona ndlela ifanelekileyo, baqwalasele neemfuno zalo ngokuluphuhlisa nangokulubonelela ngeenkono;
- E. Ukuzibophelela kweeNkokeli zeMveli ekuthabatheni inxaxheba kubalulekile ukuze ooMasipala bakwazi ukuphumeza uxanduva abalugunyazisiweyo lwemisebenzi yabo ephambili yokubonelela ngeenkono, neenjongo zabo kunye noko bajolise kuko.

KUNGOKO KE LA MAQELA EVUMELANA NGOLU HLOBO:**IMIMISELO YEZOMTHETHO NEYOMGAQO-NKQUBO**

1. Abantu abatyikitye esi sivumelwano bayakwamkela ukuba esi sivumelwano sisekelwe phezu koku–
- (a) icandelo 3(1) lomthetho i-Local Government: Municipal Systems Act, ka-2000 (umThetho onguNombolo 32 ka-2000), omisela ukuba uMasipala kumele ukuba asebenzise igunya lakhe lolawulo nelomthetho ngokwemida yenkqubo yolawulo olunentsebenziswano;
 - (b) icandelo 5 lomthetho i-Traditional Leadership and Governance Framework, ka-2003 (umThetho onguNombolo 41 ka-2003), omisela ukuba ukubambisana phakathi kooMasipala kunye namaBhunga eeNkokeli zeMveli kumele ukuba kukhokelwe ngummiselo wolawulo olunentsebenziswano;
 - (c) nakwiSicwangciso somGaqo-nkqubo wemiThetho yokuZiphatha eseNzelwe uKwakha iNtsebenziswano nokuBambisana phakathi kooMasipala beeNgingqi kunye namaBhunga eeNkokeli zeMveli kwaZulu-Natal.

INKCAZELO

2. Kwesi Sivumelwano, ngaphandle kokuba umxholo ubonisa enye into–
- (a) intetho ebhekisa kuso nasiphi na isini, ibandakanya nezinye izini, umntu ubandakanya umntu ophilayo kunye nomntu ngokwasemthethweni ngokuphendulelekileyo, kanjalo nesinye sibandakanya isininzi ngokuphendulelekileyo;

(b) izihloko zamagatya zenzelwe ukuba kube lula ukufunda kuphela kwaye azibekwanga ngokwendlela ezitolikwa ngayo, kanjalo ezi ntetho zilandelayo zineentsingiselo ezinikezwe zona kwaye ezifana nazo zineentsingiselo ezihambelana nazo—

“**isivumelwano**” sichaza olu xwebhu lweSivumelwano esisiSiseko sokuQhubela Phambili kunye nazo zonke iziHlomelo ezihamba naso;

“**iKomiti**” ichaza iKomiti yeeNkonzo eHlanganyelweyo ekubhekiswe kuyo kwigatya lesi-5 lesi sivumelwano;

“**amaqela**” kubhekiswa kuMasipala weNgingqi yase- _____, kunye neBhunga leMveli loLuntu lweMveli lwase- _____; kanjalo

(c) amagama neentetho ezichaziweyo kumagatyana, ayinxalenye yamagatya athile, anentsingiselo enikwe la magama neentetho kwelo gatya; kwaye

(d) esi sivumelwano silawulwa kwaye siqulunqwe ngokwemithetho yeRiphabliki yoMzantsi Afrika.

INTSEBENZISWANO KUNYE NOLUNGELELANISO

3. Apha la maqela—

(a) enza isithembiso sokujolisa, ukusebenzisana nokulungelelanisa imizamo yabo ukuze kukhuthazwe ulawulo olunentsebenziswano; kwaye

(b) ayavuma ukuba lilelo iqela lithabatha amanyathelo ngokuzimela nokuba alikho iqela kuwo elinelungelo okanye igunya lokwenza izinto egameni lelinye, okanye lithabathe amanyathelo asenokulibophelela elinye, ngaphandle kokufumana imvume y elinye eloo ebhalwe phantsi.

UKUKHUTHAZWA KOLAWULO OLUNENTSEBENZISWANO

4. Ukuze kukhuthazwe ulawulo olunentsebenziswano, la maqela ayavuma ukuba—

(a) kumele ukuba kuqulunqwe iingxelo zombono kunye neminqophiso efanayo yalo mamandla kaMasipala;

(b) kumele ukuba kuqulunqwe iinjongo zophuhliso ezifanayo kwiSicwangciso soPhuhliso esiHlanganyelweyo sikaMasipala;

(c) iiNkokeli zeMveli kumele ukuba zikhuthaze uluntu lwazo ukuba luzibandakanye kwiinkqubo zocwangciso loPhuhliso oluHlanganyelweyo;

(d) iiNkokeli zeMveli kumele ukuba zincedise uMasipala ekuchongeni iimfuno kwiindawo zasemaphandleni;

(e) kumele ukuba kwenziwe iinzame zokufikelela kwimvumelwano;

(f) onke amphulo ophuhliso kumele ukuba alungelelaniswe yiKomiti;

(g) iiNkokeli zeMveli kumele ukuba zisebenzisane kwaye zimncedise uMasipala ngokubonelela ngeenkono;

(h) kumele ukuba kuqwalaselwe intsebenziswano okanye izivumelwano zokubonelela ngeenkono;

- (i) iiprowujekthi zophuhliso kumele ukuba ziqhutywe zingapheli;
- (j) ukufunyanwa komhlaba weeprowujekthi zophuhliso ezifana nezindlu, iindawo zamangcwaba kunye neendawo zokulahla inkukuma, kumele ukuba kube liphulo elihlanganyelweyo;
- (k) ulawulo lomhlaba kusenzelwa iiprowujekthi zophuhliso kwimimamda yasemaphandleni kumele ukuba lube luxanduva oluhlanganyelweyo ngala maqela;
- (l) iiprowujekthi zoPhuhliso loQoqosho lweNgingqi kumele ukuba zisungulwe ngokuhlanganyelweyo ngala maqela;
- (m) iiprowujekthi zophuhliso lweengingqi kumele ukuba zixhaswe kwimo ekhuselekileyo nenomtsalane;
- (n) iiNkokeli zeMveli kumele ukuba zizinikezele iiprowujekthi ezigqityiweyo kwiindawo zazo;
- (o) la maqela aza kusebenzisana ekuboneleleni ngezemidlalo kunye nezinye izibonelelo ezihambelana noku, kulutsha lwemimandla yasemaphandleni;
- (p) uMasipala uza kuzibandakanya iiNkokeli zeMveli kuzo naziphi na iinkqubo ezifanelekileyo zokuxhotyiswa nokuqeqeshwa kwabantu;
- (q) iikomiti zeewadi ezidalwe ngumthetho ziza kumiselwa ngendlela engafihliyo nenedemokhrasi; kwaye
- (r) iiNkokeli zeMveli ziza kuvunyelwa ukuba ziwasebenzise amagumbi eBhunga.

AMALUNGISELELO EZIKO

5. La maqela ayavuma ukumisela umbutho ohlanganyelweyo oyiKomiti yeeNkonzo eHlanganyelweyo, njengoko kuchaziwe kwi 79 lomthetho i-Local Government: Municipal Structures Act, ka-1998 (umThetho onguNombolo 117 ka-1998), kwaye kuyavunywa ukuba—

- (a) uSodolophu uza kuba nguye onguSihlalo weKomiti;
- (b) iKomiti iza kuba namalungu alinganayo ooCeba kunye neeNkokeli zeMveli;
- (c) iKomiti iza kuba nalo ilungelo lokonyula amanye amalungu;
- (d) izigqibo ezithatyathwayo ziza kuthatyathwa ngemvumelwano;
- (e) izigqibo kuza kufuneka ukuba ziphunyezwe liBhunga likaMasipala;
- (f) imigqaliselo nemida yokusebenza kweKomiti iza kusekelwa phezu kwamalungiselelo aphejlelwa yimimiselo yomgaqo-siseko wolawulo olunentsebenziswano; kwaye
- (g) iKomiti kumele ukuba ihlangane ubuncinane kanye qho ngekota.

UKUSONJULULWA KWEMBAMBANO

6. Naliphi na iqela kula esi sivumelwano, linako ukuba lithi xa kuthe kwabakho imbambano ekhoyo ngenxa yemimiselo yesi sivumelwano, liyithumele ukuba isonjululwe le mbambano, njengoko kuchaziwe kwiSahluko 3 somGaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996, kunye nemimiselo yeSahluko 4 somthetho i-Intergovernmental Relations Framework Act, ka-2005 (umThetho onguNombolo 13 ka-2005).

IIDILESI

7. Kubhaliwe phantsi ukuba yonke imbalelwano ephakathi kwaia maqela kumele ukuba ibhalwe idilesi ngolu hlobo:

(a) OHloniphekileyo uSodolophu

_____ Masipala weNgingqi yase-

Ifeksi: _____

(b) OHloniphekileyo uSihlalo

_____ ULuntu lweMveli

Ifeksi: _____

EMINYE IMIBA NGOKUBANZI

8.(1) Esi sivumelwano siza kuqalisa ukusebenza ngomhla wokutyikitywa kwaso.

(2) Nayiphi na imiba ebangelwa sesi sivumelwano nengenzelwanga malungiselelo apha, kumele ukuba iqwalaselwe ngokwemiyalelo ebhalwe phantsi liBhunga likaMasipala.

(3) Esi sivumelwano singalungiswa ngemvumelwano ebhalwe phantsi yamaqela omabini, kodwa oku kuxhomekeke ekubeni kuyavunywa ukuba esi isivumelwano, kunye nezihlomelo zaso, sikukuphela kwengxelo yesivumelwano esiphakathi kwala maqela esinalo mxholo.

(4) Igatya ngalinye lesi sivumelwano singazimela kwamanye amagatya kwaye ukuba ngaba naliphi na igatya elikwesi sivumelwano kufumaniseke ukuba alikho semthethweni, alinagunya kwaye okanye alikwazi kuphunyezwa ngenxa yesizathu esithile ebesingalindelwanga, amagatya aseleyo aza kuhlala esebenza wona ngokupheleleyo.

(5) Okuqulethwe kwesi sivumelwano kuyabophelela kubantu abangena esihlalweni sabo bakhoyo ngoku kula maqela, kwaye amalungelo noxanduva lweqela ngalinye oluphathiswe iqela ngalinye ngenxa yesi sivumelwano, okanye olwenzekayo emva kokutyikitywa kwesi sivumelwano, luza kuwa phezu kwabantu abangena ezikhundleni emva koku kwaye lubabophelele.

SITYIKITWE E- _____ NGALO MHLA ____ KU_ _____
20__

ABATYIKITYE NJENGAMANGQINA:

1. _____
_____ **USODOLOPHU**

2. _____
_____ **USIHLALO**
