Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

IPHONDO LENTSHONA KOLONI

Isongezelelo kwiGazethi yePhondo

7059

uLwesihlanu, 30 Novemba 2012

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

(Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e 7 Wale Street, eKapa 8001.)

ISAZISO SEPHONDO

Esi siqulunqo soMthetho oYilwayo sipapashelwa ulwazi jikelele:

Isiqulunqo seziLungiso zoMthetho oYilwayo weNtshona Koloni woKhuthazo loKhenketho, uRhwebo noTyalo-mali, 2012

_____

I.S. 339/2012 30 Novemba 2012

Nawuphi na umntu onqwenela ukunika izimvo kwesi siqulunqo soMthetho oYilwayo uyacelwa ukuba akwenze oko ngokuthi asibhalele phambi okanye ngomhla we-14 Disemba 2012:

(a) **Ngeposi:**
Chief Director: Tourism, Arts and Entertainment, Department of Economic Development and Tourism, Western Cape Government
PO Box 979
Cape Town
8000
Inikwe u-: Ms Riana Meyer

(b) **Ngokuyizisa ngokwakho:**
Chief Director: Tourism, Arts and Entertainment, Department of Economic Development and Tourism, Western Cape Government
10th Floor
80 St Georges Mall
NBS Waldorf Building
Corner Castle and Burg Streets
8001
Inikwe u-: Ms Riana Meyer

(c) **Ngemeyile:**
Riana.Meyer@westerncape.gov.za
Uyithumele ku-: Ms Riana Meyer

(d) **Ngefeksi:**
021 483 8776
Inikwe u-: Ms Riana Meyer

Imibuzo ingabhekiswa kuNkszn. Riana Meyer:
Umnxeba: 021 483 9035, okanye
Imeyile: Riana.Meyer@westerncape.gov.za; okanye
Ifeksi: 021 483 8776

Iikopi zesiqulunqo soMthetho oYilwayo ziyafumaneka kule webhusayithi:
http://www.westerncape.gov.za

INQAKWANA LOKUCACISA NGOKUBANZI:

[ ] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere abonisa loo magama ashiyiweyo kwimithetho ekhoyo ngoku.

Amagama akrwelwe ngaphantsi ngomgca ongqindilili abonisa oko kuye kwafakelwa kwimithetho ekhoyo ngoku.

UMTHETHO OYILWAYO

Owenza izilungiso kuMthetho weNtshona Koloni weArhente yoKhuthazo loTyalo-mali noRhwebo, 1996; ngenjongo zokwandisa iinjongo, amagunya kunye nomsebenzi we-Arhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo namagunya nemisebenzi yabalawuli beBhodi yeArhente (iBhodi) kuquka nokukhuthaza ezokhenketho, osusa iinkcazo-magama ephelelwe lixesha kunye neemfuno ezingqamene namalungu eArhente, omisela igama lorhwebo lweArhente, owenza izilungiso kumgaqo-siseko weBhodi ngokususa abameli kumalungu eArhente nangokunika abameli abasuka kurhulumente wommandla, ofuna amaxwebhu afanelekileyo ezokhenketho namava abalawuli beBhodi, okunikela uMphathiswa amisele usihlalo okanye usekela-sihlalo weBhodi, ovuma isithuba seminyaka emithathu sokumiselwa kwamalungu eBhodi, ukunikela iBhodi imisele usihlalo weKomiti nganye yeBhodi, owenza izilungiso kwigama leArhente, oyekisa uMbutho wokuMaketha iNdawo yokuFikela, olungiselela utshitshiso lweWestern Cape Tourism Act, 2004, nolungiselela neminye imiba enxulumene nale.

KUWISWA UMTHETHO ke yiPalamente yePhondo leNtshona Koloni ngolu hlobo lulandelayo:—

Inkcazo-magama

1. Kulo Mthetho, ngaphandle kwalapho iimeko elisetyenziswe kuyo igama ilinika enye intsingiselo—

"igosa elinika inkcazo" lithetha intloko yesebe kwiphondo eyongamele uphuhliso loqoqosho nokhenketho;

"UMbutho wokuMaketha iNdawo yokuFikela" lithetha iqumrhu iUMbutho wokuMaketha iNdawo yokuFikela eyamiselwa ngokwecandelo 2(1) loMthetho iWestern Cape Tourism Act, phambi kokuba litshitshiswe ngulo Mthetho;

"umhla ofanelekileyo" lithetha umhla woku-1 Apreli 2012 ongumhla wokukhutshelwa kwabasebenzi kunye neempahla zoMbutho wokuMaketha iNdawo yokuFikela zisiya kwiArhente ngokwemiqathango yesivumelwano phakathi kweArhente neUMbutho wokuMaketha iNdawo yokuFikela sangomhla wama-26 Matshi 2012;

"UMphathiswa owongameleyo" lithetha ilungu leKhabhinethi yePhondo elongamele uphuhliso loqoqosho nokhenketho;

"IArhente" lithetha iArhente yeNtshona Koloni yoKhuliso loTyalo-mali noRhwebo esekwe ngokwemiqathango yecandelo 2 loMthetho iArhente yeNtshona Koloni yoKhuliso loTyalo-mali noRhwebo, ka-1996 (uMthetho 3 ka-1996) njengoko ulungisiwe kulo Mthetho;

"IWestern Cape Tourism Act" lithetha uMthetho iWestern Cape Tourism Act, ka-2004 (UMthetho 1 ka-2004).

Ukufakelwa kwembulambethe kuMthetho 3 ka-1996, njengoko ufakelwe ngokwecandelo 1 loMthetho 1 ka-2005

2. Le mbulambethe ilandelayo ifakwe endaweni yembulambethe yoMthetho weNtshona Koloni woKhuthazo loTyalo-mali noRhwebo, 1996 (uMthetho 3 ka-1996) (uMthetho wanqangi):

"**NJENGOKO** urhulumente wephondo leNtshona Koloni enoxanduva lokukhuthaza urhwebo ukhenketho notyalo-mali kweli phondo, nanjengoko ekholelwa ukuba ukufezekiseka kwezi njongo kungenzeka ngocikizeko ngokusebenzisana ngobuhlakani necandelo labucala nolawulo lweedolophu nezithili, nanjengoko urhulumente enqwenela ukuseka ngomthetho wephondo eli, isigqeba esizimeleyo esiliziko likarhulumente wephondo sokukhuthaza utyalo-mali norhwebo olunozinzo ngokwakokusingqongileyo nolunika inkxaso kwintlalo yoluntu kukhenketho, urhwebo, **[neli]** notyalo-mali kuqoqosho lweli phondo, ngoko ke ngoku**[:],**".

Ukwenziwa kwezilungiso kwicandelo 1 loMthetho 3 ka-1996, njengoko ulungisiwe kwicandelo 2 loMthetho 1 ka-2005

3. Icandelo 1 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi kususwe inkcazo-gama "yelungu", na-

(b) ngokuthi kususwe inkcazo-gama "indawo yokusebenzela".

Ukwenziwa kwezilungiso kwicandelo 2 loMthetho 3 ka-1996, njengoko ufakelwe kwicandelo 4 loMthetho 1 ka-2005

4. Icandelo 2 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi endaweni yecandelwana (2) kufakwe eli candelwana lilandelayo:

"(2) Le Arhente iza kuba sisigqeba esinokuthatha nesinokuthathelwa amanyathelo omthetho ngegama laso, sinokuba nobutyala obunemida nesikwaziyo ukwenza yonke loo misebenzi iyimfuneko okanye iphathelele ekufezekisweni kweenjongo zaso nasekusetyenzisweni kwamagunya aso ngokwakulo Mthetho, kwaye akukho **[lungu okanye]** mlawuli wesi sigqeba uya kuthi athwale naliphi na ityala okanye naziphi na iilahleko zaso, kunye

(b) nangokuthi kongezwe eli candelwana lilandelayo emva kwecandelwana (3):

"(4) IBhodi ingakwazi, emva kokudibana noMphathiswa, ukumisela igama loshishino lweArhente".

Ukwenziwa kwezilungiso kwicandelo 3 loMthetho 3 ka-1996, njengoko ufakelwe kwicandelo 5 loMthetho 1 ka-2005

5. Icandelo 3 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi kufakelwe endaweni yecandelwana (2) eli candelwana lilandelayo:

"(2) IBhodi inabalawuli abangadlulanga kwabali-15, abangaba—

(a) igosa eliphezulu elinye elinyulwe nguMphathiswa, ngokwesi-khundla salo;

(b) igosa eliphezulu elinye elinyulwe nguSodolophu olawulayo, ngokwesikhundla salo;

(c) kuthathelwe icandelwana (3) ingqalelo, abalawuli abangadlulanga kwabalishumi abanyulwe nguMphathiswa;

(d) **kuthathelwe icandelwana (4) ingqalelo, abalawuli abangadlulanga** kwababini abanyulwe ngurhulumente wommandla olungisiweyo,omnye uzakumela uluhlu B loomasipala ukuze omnye amele uluhlu C loomasipala**(kula malungu);** kunye

(e) negosa elilawulayo eliyintloko elinyulwe ngokwemiqathango yecandelo 10, njengomlawuli ngokwesikhundla salo.

(b) ngokuthi kufakelwe endaweni yeli binzana kwicandelwana (3) ‘‘iBhodi yaBalawuli’’ eli ibinzana ‘‘iBhodi yabalawuli’’;

(c) ngokuthi kufakelwe endaweni yecandelwana (4) eli candelwana lilandelayo:

‘‘(4)**[*(a)* Aba Balawuli beBhodi bakhankanywe kwicandelwana (2)*(d)*, banokuthi banyulwe nguMphathiswa kuphela emva kokuba kuye kwalandelwa inkqubo yonyulo yangaphakathi ngokwezo zikhokelo zinokumana zikhutshwa yiBhodi.**

(b)] Aba **[Balawuli]** abalawuli beBhodi **[bakhankanywe kumhlathi *(a)*]** kufuneka ukuba, phezu kokuba bethe bayifezekisa le miqathango ikhankanywe kwicandelwana (5), babe ngabantu abakwizihlalo zobunkokeli nabanezakhono zobunkokeli ezivunyiweyo.’’;

(d) ngokufakela endaweni yecandelwana (5) eli candelwana lilandelayo:

‘‘(5) Nawuphi na umlawuli, kubandakanya nalo mlawuli ungene ngokwesikhundla sakhe, kufuneka—

(a) abe nolwazi ngokhenketho, urhwebo **[kunye]** okanye notyalo-mali;

(b) abe namava kukhuthazo ngokhenketho, urhwebo **[kunye]** okanye notyalo-mali;

(c) akwazi ukwenza igalelo kubhengezo olumanyanisiweyo nolunxibelelisekileyo lwegama loshishino lweli Phondo;

(d) abe ngumhlali weli Phondo isigxina; kananjalo

(e) abe ngumntu obufaneleyo obu bulawuli.’’; kananjalo

(e) ngokuthi kufakelwe eli candelwana lilandelayo emva kwecandelwana (6):

‘‘(7) UMphathiswa, emva kokuba edibene noSodolophu olawulayo, makakhethe usihlalo nosekela sihlalo weBhodi kubalawuli beBhodi abakhoyo, kungadluli iminyaka emithathu, njengoko kumiselwe nguMphathiswa ngexesha lokukhethwa kwabo’’.

Ukwenziwa kwezilungiso kwicandelo 3A loMthetho 3 ka-1996, njengoko ufakiwe licandelo 6 loMthetho 1 ka-2005

6. Icandelo 3A loMthetho wanqangi lilungisiwe—

(a) ngokuthi kufakelwe endaweni yecandelwana (1) eli candelwana lilandelayo:

‘‘(1) Aba Balawuli beBhodi bakhankanywe kwicandelo 3(2)*(a)* ukuya ku-*(d)* **[, *(b)* kunye no*(c)*]**, banyulelwa eso sithuba sithe sabekwa ngexesha lokunyulwa kwabo, kodwa ke singasayi kudlula kwiminyaka **[emibini]** emithathu.’’; kananjalo

(b) ngokuthi kususwe icandelwana (2).

Ukwenziwa kwezilungiso kwicandelo 4 loMthetho 3 ka-1996, njengoko ufakelwe kwicandelo 7 loMthetho 1 ka-2005

7. Icandelo 4 loMthetho wanqangi lenziwa izilungiso ngokuthi kufakelwe endaweni yomhlathi *(a)* lomhlathi ulandelayo:

‘‘*(a)* ukukhuthaza **[utyalo-mali kunye]** ukhenketho, urhwebo **[phakathi]** kananjalo notyalo-mali kwiPhondo eli; kananjalo’’.

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho 3 ka-1996,njengoko ulungisiwe kwicandelo 8 loMthetho 1 ka-2005

8. Icandelo 5 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi kufakelwe endaweni yomhlathi *(f)* lo mhlathi ulandelayo:

‘‘*(f)* lokunika naliphi na ishishini, inkampani okanye imbumba yabantu uncedo lokubhengeza ukhenketho, urhwebo notyalo-mali neengcebiso zobungcali, iinkcukacha nezikhokelo, ethe yayicela njalo iArhente le **[kananjalo/okanye]** okanye nenokuthi iyincedise iArhente le ekufezekiseni **[Iinjongo]** iinjongo zayo;’’;

(b) ngokuthi kufakelwe endaweni yomhlathi *(h)* lo mhlathi ulandelayo:

‘‘*(h)* lokusebenza njengearhente yokhuthazo lokhenketho, urhwebo notyalo-mali egameni lePhondo eli, **[elakhe nawuphi na umasipala okanye naliphi na inqanaba loburhulumente okanye nawuphi na umntu okanye umbutho othathwa yiBhodi njengomnye kumaqela achaphazelekayo kuqoqosho]** nokuququzelelela

imisebenzi ecwangcisiweyo yoshishino oluya kwindawo ngeendawo lweNtshona Koloni;'';

(c) ngokuthi kufakelwe endaweni yomhlathi *(j)* lomhlathi ulandelayo:

''*(j)* lokufuna nokwamkela amalizo okanye nelokuthatha naziphi na iimali ezinikwayo okanye efanele kuzifumana ngeenjongo zokukhuthaza ukhenketho ,urhwebo notyalo-mali eNtshona Koloni;'';

(d) ngokuthi kufakelwe endaweni yomhlathi *(l)* lo mhlathi ulandelayo:

''*(l)* ukuphuhlisa, ukuqulunqa nokukhuthaza ukhenketho, urhwebo notyalo-mali lwephondo kunye **[nokucwangcisa kananjalo]** nokuqulunqa nayiphi na iprowujekthi **[okanye urhwebo]** oluya kuthi**[luphucule luphucule utyalo-mali norhwebo]** luthathele ingqalelo kuqoqosho lweNtshona Koloni;'';

(e) ngokufakela endaweni yomhlathi *(m)* lomhlathi ulandelayo:

''*(m)*lokufaka kutyalo-mali naziphi na iimali ekungangxamelekanga ukusetyenziswa kwazo kwimicimbi yayo **[, kunye]**;'';

(f) ngokufaka endaweni yomhlathi *(n)* lo mhlathi ulandelayo:

''*(n)* nelokusebenzisa nawuphi na amanye amagunya anokuthi abeyimfuneko ekufezekisweni kweenjongo zayo, ngokokubona koMphathiswa nalapho uMphathiswa, ngothethwano neBhodi, anokuthi anikwe iArhente ngesaziso esikhutshwe *kwiGazethi yePhondo***[.]**;''; ngokunjalo

(g) ngokuthi kongezwe le mihlathi ilandelayo emva komhlathi *(n)*:

''*(o)* ukukhuthaza iPhondo ngenjendawo yokhenketho;

(p) ukukhuthaza iiholide nokhenketho loshishino nemisebenzi, kananjalo

(q) ukukhuthaza ulungelelwano lwemisebenzi yoshishino yephondo kumacandelo onke okhenketho kwiPhondo lisebenzisana namashishini karhulumente nawabucala.''.

Ukutshitshiswa kwecandelo 6 loMthetho 3 ka-1996,njengoko efakwe kwicandelo 9 loMthetho 1 ka2005

9. Icandelo 6 loMthetho wanqangi liyatshitshiswa.

Ukwenziwa kwezilungiso kwicandelo 7 loMthetho 3 ka-1996, njengoko ufakwe kwicandelo 10 loMthetho 1 ka-2005

10. Icandelo 7 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi kususwe icandelwana (5);

(b) ngokuthi kufakelwe endaweni yomhlathi *(a)* wecandelwana (7) lo mhlathi ulandelayo:

''*(a)* **[Amalungu]** abalawuli beBhodi abangene ngokwezikhundla zabo ngokwemiqathango yecandelo **[3(5)*(a)*]** 3(2)*(a)*, *(b)* no-*(e)* akanamalungelo okuvota, kodwa ke analo ilungelo lokungena ezingxoxweni zayo yonke imiba ephambi kweBhodi.''; kananjalo

(c) ngokuthi kufakelwe endaweni yecandelwana (9) eli candelwana lilandelayo:

''(9) Isigqibo esithe sathathwa yiBhodi ngexesha ebekukho isikhewu kumalungu ayo, xa bekukho nawuphi na umntu owayengafanelanga kuhlala njengo**[lungu]**mlawuli leBhodi owathi wahlala njengo**[lungu]**mlawuli, asisosigqibo singekho mthethweni ukuba—

(a) isigqibo eso sathathwa sisininzi sabo bonke **[amalungu]** abalawuli beBhodi; kwaye

(b) babe abo **[malungu]** balawuli bebeseso sininzi ingabalawuli **ababenelungelo lokuhlala njenga[amalungu]** balawuli.''

Ukwenziwa kwezilungiso kwicandelo 8 loMthetho 3 ka-1996, njengoko ulungisiwe kwicandelo 11 loMthetho 1 ka-2005

11. Icandelo 8 loMthetho wanqangi lenziwa izilungiso—

(a) ngokuthi kufakwe endaweni yomhlathi *(a)* yecandelwana (3) lo mhlathi ulandelayo:

"*(a)* Ithathele ingqalelo **[imihlathi *(b)* kunye]** nomhlathi *(c)*, iBhodi isenokuthi iseke **[ikomiti yokuqwalasela—**

(i) ulawulo lwezabasebenzi;

(ii) uhlahlolwabiwo-mali nemicimbi yezemali;

(iii) ukhuthazo lorhwebo; okanye

(iv) ukhuthazo lotyalo-mali;]

nayiphi na ikomiti eyibona iyimfuneko ekusebenziseni amagunya ayo nokwenza umsebenzi wayo: **[kuqondakale]** Kuqondakale ke phofu ukuba amalungu ezo komiti kufuneka abe nazakhono eziyimfuneko kwiinkalo **[ezifanelekileyo]**.";

(b) ngokususa umhlathi *(b)*;

(c) ngokuthi kufakwe endaweni yomhlathi *(c)* kwicandelo (3) lo mhlathi ulandelayo:

"*(c)* Le komiti ikhankanywe kumhlathi **[*(a)*(iii) okanye (iv)]** *(a)* kufuneka ingabi namalungu adlulileyo kumalungu alishumi, njengoko kumiselwe yiBhodi **[nekufuneka elinye lawo libe ngumlawuli, aze onke amanye ibe ngala akhankanywe kwicandelo 6]**."; kananjalo

(d) ngokuthi kufakwe endaweni yecandelwana (4)eli candelwana lilandelayo:

"(4) **[Kwikomiti nganye kwezi zikhankanywe kwicandelwana (3)*(c)* kufuneka kubekho ilungu elinye elililungu nakwenye ikomiti]**. IBhodi mayonyule usihlalo wekomiti ngaye kubalawuli bebhodi.".

Ukwenziwa kwezilungiso kwicandelo 10 loMthetho 3 ka-1996, njengoko ufakwe kwicandelo 13 loMthetho 1 ka-2005

12. Icandelo 10 loMthetho wanqangi lenziwa izilungiso ngokuthi kufakwe endaweni yecandelo (1) eli candelo lilandelayo:

"(1) IBhodi, ngothethwano noMphathiswa noSodolophu olawulayo nasemva kokuba kuyekwaqhutywa iphulo lobhengezo, kufuneka inyule umntu ofanelekileyo onolwazi namava ngokhuthazo **[lotyalo-mali kunye]** lokhenketho urhwebo notyalo-mali njengegosa elilawulayo eliyintloko leBhodi.".

Ukwenziwa kwezilungiso kwicandelo 11 loMthetho 3 ka-1996, njengoko ufakwe kwicandelo 14 loMthetho 1 ka-2005

13. Icandelo 11 loMthetho wanqangi lenziwa izilungiso ngokuthi kufakwe endaweni yomhlathi *(g)* lo mhlathi ulandelayo:

"*(g)* liqinisekise ukuba iArhente le iyazilandela ekusebenzeni kwayo zonke izivumelwano zeekhontrakthi nokuba iyayisebenzisa imigaqo-nkqubo **[lotyalo-mali kunye]** lokhenketho,urhwebo,kunye notyalo-mali norhwebo."

Ukwenziwa kwezilungiso kwicandelo 12 loMthetho 3 ka-1996, njengoko kufakwe kwicandelo 15 loMthetho 1 ka-2005

14. Icandelo 12 loMthetho wanqangi lenziwa izilungiso ngokuthi kususwe umhlathi *(d)* wecandelwana (1).

Ukufakelwa endaweni yebinzana

15. UMthetho, wanqangi,ngaphandle kwecandelo 20, wenziwe izilungiso ngokuthi kufakelwe endaweni yebinzana "Arhente loTyalo-mali,noRhwebo", naphi na apho livela khona, eli binzana "Arhente yoKhuthazo lokhenketho,uTyalo-mali,noRhwebo".

Ukutshitshiswa koMbutho wokuMaketha iNdawo yokuFikela

16. UMbutho wokuMaketha iNdawo yokuFikela uyatshitshiswa.

Ukurhoxiswa koMthetho iWestern Cape Tourism Act

17. UMthetho iWestern Cape Tourism Act uyarhoxiswa.

Amanyathelo exeshana

18. (1) Le Arhente ingene ngokusemthethweni endaweni yoMbutho wokuMaketha indawo yokuFikela.

(2) Ukusuka ngomhla wokusebenza kwayo, abo basebenzi bebeqashwe nguMbutho wokuMaketha iNdawo yokuFikela ngalo mhla, bakhutshelelwa kwiArhente ngesivumelwano soMthetho weMicimbi yezaBasebenzi, ka-1995 (uMthetho 66 ka-1995).

(3) Xa uqalisa ukusebenza loMthetho—

(a) ii-asethi,amatyala, namarekhodi oMbutho wokuMaketha iNdawo yokuFikela ebebenazo phambi kokuqala kwalo Mthetho, zikhutshelelwa kwiArhente,kwaye

(b) ixesha elingekapheli lamalungu akhethiweyo eBhodi yoMbutho wokuMaketha iNdawo yokuFikela liyaphela, phambi kokuqalisa kwalo.

(4) IBhodi yabalawuli beArhente inoxanduva lokucwangcisa nokufaka ingxelo-mali ngengxelo yonyaka, nokugqityezelewa kwayo yonke imiba ebishiyekile yoMbutho wokuMaketha kunyaka-mali ka-2012/13 no-2013/14 ukuba kufanelekile, iNdawo yokuFikela ngokwemiqathango yoMthetho iPublic Finance Management Act, 1999 (uMthetho 1 ka-1999).

(5) UMphathiswa owongameleyo okanye igosa elinika inkcazo, ukuba linikiwe igunya nguMphathiswa owongameleyo, banganika umkhombandlela ekusebenzeni kweli candelo.

Amanyathelo azakugcinwa

19. (1) Iziko elizimeleyo lokaRhulumente elisekwe kwicandelo 2 loMthetho wanqangi, phambi kokuba lenziwe izilungiso nguloMthetho, kananjalo ekwadweliswe njengeziko elizimeleyo likarhulumente kwiShedyuli 3 yoMthetho i Public Finance Management Act ka-1999, njengoko iArhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo, iqhubeka nokubonakala njengeziko likarhulumente elizimeleyo,kodwa izakwaziwa ngokuba yiArhente yeNtshona Koloni yoKhuthazo loKhenketho,uTyalo-mali noRhwebo,emva kokuba lo Mthetho usebenza.

(2) Isalathiso kuye nawuphi na umthetho okanye uxwebhu esimalunga neArhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo masifundwe njengesalathiso esimalunga neArhente yeNtshona Koloni yoKhuthazo loKhenketho, uTyalomali noRhwebo.

(3) Isigqeba somthetho, amalungelo noxanduva lweliziko likarhulumente lizimeleyo njengoko kubhekiselelwe kwicandelwana (1) azichatshazelwa lutshintsho lwegama.

(4) Ngaphandle kwamacandelo 5, 6, 10, 11,12 no-15 alo Mthetho, naye nawuphi na umntu onesikhundla, njengomlawuli weBhodi,ilungu lekomiti okanye usihlalo ngokwecandelo 3(2) no7(5) loMthetho wanqangi , phambi kokwenziwa kwezilungiso kulo Mthetho, uyaqhubeka kwisikhundla sakhe kangangexesha ebemiselwe lona kwaye uthathwa njengomlawuli weBhodi okanye ilungu lalo komiti okanye usihlalo onyulwe ngokufanelekileyo, kuxhomekeke ngokwemeko leyo, ngeli thuba lingekaphelelwa ixesha labo kwezo zikhundla.

Isihlokwana esifutshane

20. Lo Mthetho uya kubizwa ngokuba nguMthetho weNtshona Koloni weArhente yoKhuthazo loKhenketho,uTyalo-mali noRhwebo ka-2012.

IMEMORANDAM YEENJONGO ZESIQULUNQO SOLUNGISO LOMTHETHO OYILWAYO WENTSHONA KOLONI WOKHUTHAZO LOKHENKETHO,URHWEBO NOTYALO-MALI, 2012

1. IMVELAPHI

1.1 Imisebenzi enxulumene nokhuthazo lorhwebo, utyalo-mali nokhenketho kwiPhondo yenziwe ngamaziko azimeleyo kaRhulumente amabini, abizwa ngokuba nguMbutho wokuMaketha iNdawo yokuFikela emiselwe ngokwemiqathango yoMthetho iWestern Cape Tourism Act, 2004 (uMthetho 1 ka-2004) neArhente yeNtshona Koloni yoKhuthazo loTyalo-mali noRhwebo (Wesgro) emiselwe ngokwemiqathango yoMthetho weNtshona Koloni woKhuthazo loTyalo-mali noRhwebo, 1996 (uMthetho 3 ka-1996), (‘‘uMthetho iWesgro’’).

1.2 Ukuze kuphunyezwe ucwangciso lwenkqubo ehlanganisiweyo kukhuthazo lorhwebo kunye notyalo-mali nokhenketho kananjalo nonikezelo lwenkonzo olusebenzayo, kufuneka inkqubo enye yokuhanjiswa kweenkonzo nearhente. Oku kuzakuqinisekisa indlela epheleleyo kuhlobo lophuhliso loqoqosho oluquka urhwebo noshishino lokhenketho kwindawo ngendawo njengonobangela wokhuthazo loqoqosho. Inkqubo enye yokuhanjiswa kweenkonzo izakuqinisekisa ukusetyenziswa okukuko kumaxabiso ezibonelelo zikarhulumente.

1.3 UMthetho iWesgro unika igunya elipheleleyo iWesgro kuphuhliso loqoqosho olunokwandiswa lula ukuze luquke ukhuthazo lokhenketho. Ngenxa yoko kwenziwa izindululo kwizilungiso zomthetho ezifanelekileyo ukuze zandise imisebenzi yeWesgro kuquka ukhuthazo lokhenketho ukuze inike inkqubo enye yokuhanjiswa kweenkonzo kukhuthazo lokhenketho,urhwebo notyalo-mali. Ukunika igunya elisemthethweni kwimibutho yokhenketho esekuhlaleni kuzakupheliswa njengoko ubonelelo ngemali nobume bale mibutho buququzelelwa ngoomasipala.

1.4 Ukwandiswa kwemisebenzi yeWesgro ukuze yenze ukhuthazo lokhenketho kuvuma oku:

1.4.1 ucwangciso lwenkqubo ehlanganisiweyo ngokubhekiselele ekumaketheni iNtshona Koloni njengendawo yokhuthazo lorhwebo notyalo-mali nokhenketho; kananjalo

1.4.2 nokuzinzisa inkqubo enye yokuhanjiswa kweenkonzo ukukhuthaza urhwebo,utyalo-mali nokhenketho.

1.5 IWesgro yamkelwe ke ngoko njengeziko elifanelekileyo elisebenza njengenkqubo enye yonikezelo ngeenkonzo zokhuthazo lokhenketho, urhwebo notyalo-mali. IWesgro ke ngoko kufuneka isebenze njengearhente yePhondo yonikezelo ngophuhliso loqoqosho.

1.6 Ukuphuculwa kweWesgro yeyona nto ibalulekileyo kwaye njengenxalenye yoku, isicelo sokuba lilungu leWesgro sizakupheliswa. Ngoku iWesgro ayinawo amalungu. Amalungu eWesgro awanikwa mpatho ikhethekileyo kwabo bangengomalungu kwaye akukho nto ifunyanwayo ngokuba lilungu. Zonke iinkonzo,imisebenzi, ucweyo kunye neminye imisitho yeWesgro zinikezelwa simahla kubo bonke oosomashishini balapha eNtshona Koloni, ukuze kuzalisekiswe umbono weWesgro wokunceda lonke uphuhliso lwamashishini eNtshona Koloni. Izilungiso ezibalulekileyo ezibhekiselele kwezi zindululo ziquka ukonyulwa kwabalawuli beBhodi yeWesgro (‘‘iWesgro’’) kubameli abasuka kurhulumente ocwangcisiweyo wommandla nowoluntu, endaweni yokonyulwa kwabalawuli ababini kumalungu eWesgro.

1.7 Esi sindululo sesiqulunqo soMthetho oYilwayo sikwanikeza ngokonyulwa kosihlalo nosekela sihlalo nguMphathiswa olawulayo woPhuhliso loQoqosho noKhenketho, besizisa umthetho ohambelana nomnye umthetho,

onjengoMthetho oLawulayo woTywala eNtshona Koloni (uMthetho 4 ka-2008) olawulwa liSebe. Kwenziwa isindululo kananjalo sokwenziwa kwezilungiso kwithuba lexesha abalawuli beBhodi amabonyulwe ngalo lisuka kwithuba elingadlulanga kweminyaka emibini lisiya kwithuba elingadlulanga kwiminyaka emithathu.

2. IINJONGO ZOMTHETHO OYILWAYO

2.1 Iinjongo zesinqulunqo soMthetho oYilwayo kukutshitshisa iWestern Cape Tourism Act, 2004 (uMthetho 1 ka-2004) nokwenza izilungiso kuMthetho weNtshona Koloni weArhente yoKhuthazo loTyalo-mali noRhwebo, , 1996 (uMthetho 3 ka-1996), (''uMthetho wanqangi''), ukuvumela iWesgro kukhuthazo lokhenketho kwiPhondo.

2.2 UMthetho oYilwayo wenza izilungiso kananjalo kumgaqo-siseko webhodi yeWesgro nasekususweni kwamagatya abhekiselele kubulungu beWesgro.

3. ISIQULATHO SOMTHETHO OYILWAYO

Igatya 1

Yinkcazo-gama igatya.

Igatya 2

Eli gatya lenza izilungiso kwimbulambethe yoMthetho wanqangi kuquka okubhekiselele kwezokhenketho.

Igatya 3

Eli gatya lisusa inkcazo-gama ''ilungu'' no ''indawo yokusebenzela''.

Igatya 4

Eli gatya lisusa okubhekiselele kwi ''lungu'' inike iinjongo yegama iWesgro.

Igatya 5

Eli gatya lenza izilungiso kumgaqo-siseko weBhodi ngokususa okufunwayo xa kusonyulwa abalawuli kumalungu eWesgro nangokunika ulonyulo ngabameli bakarhulumente wommandla. Eli gatya likwalungisa okufunwayo njengesingqiniso samalungu ebhodi ukuze kuquke ulwazi kunye namava kukhenketho,urhwebo notyalo-mali kananjalo nokuba bonke abalawuli mababe kwizikhundla zobunkokheli kwaye babenesakhono sokukhokhela. UMphathiswa uyakhuthazwa kananjalo, ukuba emva kothethwano noSodolophu olawulayo, akhethe usihlalo nosekela sihlalo weBhodi kubalawuli.

Igatya 6

Eli gatya lenza izilungiso kwithuba lokonyulwa kwabalawuli beBhodi kusuka kwithuba elingadlulanga kwiminyaka emibini ukuya kwithuba elingadlulanga kweminyaka emithathu. Amalungiselelo anxulumene nokunyulwa kwabalawuli kumalungu eWesgro isusiwe.

Igatya 7

Eli gatya lenza izilungiso kwiinjongo zeWesgro ukuze ziquke nokhuthazo lokhenketho.

Igatya 8

Eli gatya lenza izilungiso kumagunya eWesgro ukuze iquke la magunya—

— ukubhekiselela ekumaketheni ukhenketho;

— ukusebenza njengearhente yokhuthazo lokhenketho;

— ukuququzelela imisebenzi ecwangcisiweyo yokumaketha indawo zokufikela;

— ukwamkela izipho zokhuthazo lokhenketho;

— ukukhuthaza iPhondo njengendawo yokufikela yokhenketho kunye nokukhuthaza iiholide zokhenketho, imisitho noshishino lokhenketho; kananjalo- nokukhuthaza ukuhambelana kwemisebenzi yokumaketha ukhenketho.

Igatya 9

Eli gatya litshitshisa iimfuno ezibhekiselele kumalungu eWesgro.

Igatya 10

Eli gatya lisusa izingqiniso eziphelelwe lixesha kumalungu eWesgro kwaye lisusa negunya leBhodi lokukhetha usihlalo.

Igatya 11

Eli gatya linika iBhodi ukuba ingamisela nayiphi na ikomiti eyibona iyimfuneko ekusebenziseni amagunya nasekwenzeni umsebenzi wayo, ukuba loo malungu ezo komiti anezakhono ezifanelekileyo. Eli gatya likwasusa izingqiniso eziphelelwe lixesha zamalungu eWesgro.

Igatya12 and 13

La magatya enza izilungiso kwiziqinisekiso ezifanelekileyo nakwimisebenzi yeofisi elawulayo eyiNtloko kuze iquke nokhenketho.

Igatya 14

Eli gatya lisusa izingqiniso eziphelelwe lixesha kwiintlawulo zobulungu.

Igatya 15

Eli gatya lifaka endaweni yegama ‘‘Wesgro’’ igama elitsha elithi, iArhente yeNtshona Koloni yoKhuthazo loKhenketho,uRhwebo noTyalo-mali kuxwebhu lo Mthetho wanqangi kwaye lenza izilungiso kwisihloko esifutshane soMthetho wanqangi ukuze uhambelane nenkcazelo entsha.

Igatya 16

Eli gatya lirhoxisa uMbutho wokuMaketha iNdawo yokuFikela omiselwe ngokwemiqathango yoMthetho iWestern Cape Tourism Act, 2004.

Igatya 17

Eli gatya litshitshisa iWestern Cape Tourism Act, 2004.

Igatya 18

Eli gatya linika iWesgro ukuba ithathe isikhundla soMbutho wokuMaketha iNdawo yokuFikela kwaye ibe noxanduva kubo bonke abasebenzi, ii-asethi namatyala kananjalo neengxelo nemiba yemali eshiyekileyo yoMbutho wokuMaketha iNdawo yokuFikela. UMphathiswa anganika umkhomba-ndlela ngale miba.

Igatya 19

Eli gatya linika igunya iWesgro ukuba iqhubeke nokuzibonakalisa nangona itshintshe igama layo kunye nokuba abalawuli namalungu ekomiti aqhubeke kwizikhundla zawo.

Igatya 20

Eli gatya liqulathe isihloko esifutshane sesiqulunqo soMthetho.

4. IMIPHUMELA NGOKWEZIMALI

Ulwabelo olunxumene nemisebenzi yokhenketho lubekelwe bucala imali kolu hlahlo-lwabiwo mali lwangoku.

5. UTHETHWANO

La maSebe alandelayo kuthethwene nawo:

ISebe leNkulumbuso: Iinkonzo zoMthetho

ISebe leNkulumbuso: IMicimbi yezabaSebenzi

UNondyebo wePhondo

IBhodi yeWesgro

IBhodi yeCTRU

OoMasipala

Abadlale indima kushishino loKhenketho abamelwe kuBambiswano loKhenketho, ubuGcisa noLonwabo.

6. AMAGUNYA OMTHETHO

UMphathiswa wePhondo olawula iziMali, uPhuhliso loQoqosho noKhenketho, wanelisekile kukuba onke amalungiselelo esi siqulunqo soMthetho oYilwayo aphantsi kwamagunya omthetho ePhondo.

Typeset and printed by Creda Communications —— www.creda.co.za —— 021 505 6100