

ISAHLUKO 9

AMAZIKO KARHULUMENTE AXHASA INTANDO YESININZI YOMGAQO-SISEKO

Ukusekwa kwawo nemigaqo engundoqo

181. (1) Amaziko karhulumente alandelayo omeleza intando yesininzi yoMgaqo-siseko kwiRiphabliki:
- (a) UMkhuseli woLuntu;
 - (b) iKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika;
 - (c) iKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokweNkcubeko yalo, ngokoNqulo lwalo nangokoLwimi lwalo;
 - (d) iKomishoni Yokulingana Ngokwesini;
 - (e) uMphicothi-zimali-Jikelele;
 - (f) iKomishoni yoNyulo.
- (2) La maziko azimele geqe, elawulwa nguMgaqo-siseko nangumthetho kuphela, kwaye makangabi namkhethe, kananjalo awasebenzise amagunya awo ayenze nemisebenzi yawo engenaloyiko, engafuni kukholisa mntu uthile okanye ukumona.
- (3) Amanye amacandelo karhulumente, ngokuwis' imithetho nangeziny' iindlela, makawancedise awakhusele la maziko ukuqinisekisa ukuzimela geqe kwawo, ukungabi namkhethe kwawo, isidima sawo nokusebenza kwawo ngempumelelo.
- (4) Akukho mntu okanye icandelo likarhulumente ovumelekileyo ukuba aphazamise ukusebenza kwala maziko.
- (5) La maziko aphenjula kwiNdlu yoWiso-mthetho, kwaye mawenze ingxelo kwiNdlu ngakwenzayo nangendlela ayenze ngayo imisebenzi yawo, ubuncinane kanye ngonyaka.

UMkhuseli woLuntu

Imisebenzi yoMkhuseli woLuntu

182. (1) UMkhuseli woLuntu unegunya, njengoko lilawulwa ngumthetho wepalamente wezwelonke—

- (a) lokuphanda nasiphi na isenzo kwimicimbi karhulumente, okanye kulawulo likarhulumente nakuliphi inqwanqwa likarhulumente, ekuthiwa okanye ekurhanelwa ukuba asifanelekanga okanye sidala isiphumo esingafanelekanga okanye umonakalo;
 - (b) lokwenza ingxelo ngeso senzo;
 - (c) nelokuthabath' inyathelo lokulungis' imeko elifanelekileyo.
- (2) UMkhuseli woLuntu unamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.
 - (3) UMkhuseli woLuntu akavumelekanga ukuba aphande izigqibo zeenkundla.
 - (4) Bonke abantu mabakwazi ukufikelela kuMkhuseli woLuntu.
 - (5) Nayiphi na ingxelo ekhutshwe nguMkhuseli woLuntu mayivulekele uluntu ngaphandle kokuba iimeko ezingaqhelekanga, emazixelwe ngumthetho wepalamente wezwelonke, zifunisa ukuba ingxelo iginwe iyimfihlo.

Ubude bexesha lokuba sesikhundleni

183. UMkhuseli woLuntu umiselwa ixesha elingenakuvuselelwa eliyiminyaka esixhenxe.

IKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika

Imisebenzi yeKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika

184. (1) IKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika—
- (a) mayikhuthaze ukuhlonelwa kwamalungelo oluntu nokuwazi amalungelo oluntu;
 - (b) mayikhuthaze ukukhuselwa, ukuphuhlisa nokuzwisa kwamalungelo oluntu; kananjalo
 - (c) mayikubek' esweni ize ikuphonononge ukuhlonelwa kwamalungelo oluntu kwiRiphabliki.
- (2) IKomishoni yamaLungelo oLuntu inamagunya, alawulwa ngumthetho wepalamente wezwelonke, ayimfuneko ukuze yenze imisebenzi yayo, kuquka negunya—
- (a) lokuphanda ngokuhlonelwa kwamalungelo oluntu nokwenz' ingxelo ngophando lwayo;

- (b) lokuthabath' amanyathelo okufumana ukulungiswa kwemeko okufanelekileyo xa amalungelo oluntu ethe anyhashwa;
 - (c) lokuphengulula;
 - (d) nelokufundisa.
- (3) Unyaka ngamnye, iKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika mayifune ukuba amacandelo karhulumente achaphazelekayo ayinike ingcombolo ngamanyathelo athatyathiweyo ukuze afezekiswe amalungelo akuMqulu wamaLungelo mayela nezindlu, ukunonophelwa kwempilo, ukutya, amanzi, ukhuseleko loluntu, imfundo nokusingqongileyo.
- (4) IKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika inamanye kwakhona amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

iKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokweNkcubeko Yalo, ngokoNqulo Lwalo nangokoLwimi Lwalo

Imisebenzi yeKomishoni

185. (1) Iinjongo eziphambili zeKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokweNkcubeko Yalo, ngokoNqulo Lwalo nangokoLwimi Lwalo—
- (a) kukukhuthaza ukuhlonelwa kwamalungelo oluntu oluphila ngokwenkcubeko yalo, ngokonqulo lwalo nangokolwimi lwalo;
 - (b) kukukhuthaza uxolo, ubuhlobo, ubuntu, ukunyamezelana nobunye belizwe lonke phakathi koluntu oluphila ngokwenkcubeko yalo, ngokonqulo lwalo nangokolwimi lwalo, phezu kwesiseko esikukulingana, ukungacalulwa nokuzimanya ngokukhululeka naye nabani na;
 - (c) nokuncomela ukusekwa okanye ukwamkelwa kwebhunga okanye amabhunga enkcubeko okanye awenye into engawoluntu eMzantsi-Afrika, kusenziwa oko ngokomthetho wepalamente wezwelonke.
- (2) IKomishoni le inegunya, elilawulwa ngumthetho wepalamente wezwelonke, eliyimfuneko ukuze izifeze iinjongo zayo eziphambili, kuquka negunya lokubek' esweni, lokuphanda, lokuphengulula, lokufundisa, lokuphembelela, lokucebisa nelokwenz' ingxelo ngemibandela emayela namalungelo oluntu oluphila

ngokwenkcubeko yalo, ngokonqulo lwalo nangokolwimi lwalo.

- (3) IKomishoni le inokubika nawuphi na umcimbi owela ngaphakathi kwemida yamagunya ayo nemisebenzi yayo iwubika kwiKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika ukuze uphandwe.
- (4) IKomishoni le inamanye amagunya nemisebenzi axelwa ngumthetho wepalamente wezwelonke.

Indlela eyakhiwe ngayo iKomishoni

186. (1) Inani lamalungu eKomishoni Yokukhuthazwa Nokukhuselwa kwamaLungelo oLuntu Oluphila ngokwenkcubeko malixelwe ngumthetho wepalamente wezwelonke.
- (2) Indlela eyakhiwe ngayo iKomishoni le—
 - (a) mayibonise ukuba kuyo kukho iindidi eziphambili zoluntu lwaseMzantsi-Afrika ngokwenkcubeko, ngokonqulo nangokolwimi; kananjalo
 - (b) mayibonise ukuba kuyo kukho amadoda namabhinqa ngokobungakanani babo eMzantsi-Afrika.

IKomishoni Yokulingana Ngokwesini

Imisebenzi yeKomishoni Yokulingana Ngokwesini

187. (1) IKomishoni Yokulingana Ngokwesini mayikhuthaze ukuhlonelwa kokulingana kwabantu ngokwesini nokukhuselwa, ukuphuhlisa nokufikelelwa kwenqanaba lokulingana ngokwesini.
- (2) IKomishoni Yokulingana Ngokwesini inegunya, elilawulwa ngumthetho wepalamente wezwelonke, eliyimfuneko ukuze yenze imisebenzi yayo, kuquka negunya lokubek' esweni, ukuphanda, ukuphengulula, ukufundisa, ukuphembelela, ukucebisa nokwenz' ingxelo ngemibandela engokulingana ngokwesini.
- (3) IKomishoni Yokulingana Ngokwesini inamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

UMphicothi-zimali-Jikelele

Imisebenzi yoMphicothi-zimali-Jikelele

188. (1) UMphicothi-zimali-Jikelele makaphicothe iimali, izitetimenti zeemali, nokuphathwa kweemali, aze enze ingxelo ngako—
- kuwo onke amasebe karhulumente ezwelonke nawamaphondo nakumaziko olawulo;
 - kubo bonke oomasipala;
 - nakulo naliphi na elinye iziko okanye iqumrhu eliphath' iimali ekufunwa ngumthetho wepalamente wezwelonke okanye wephondo ukuba kuphicothwe iimali zalo nguMphicothi-zimali-Jikelele.
- (2) Ukongezelela kwimisebenzi exelwe sisiqendwana (1), nangokulawulwa nguwo nawuphi na umthetho wepalamente, uMphicothi-zimali-Jikelele nokuphicotha iimali, izitetimenti zeemali, nokuphathwa kweemali aze enze ingxelo ngako—
- kulo naliphi na iziko elixhaswa ngemali ephuma kwiNgxowa-mali yeNgeniso yeZwelonke okanye kwiNgxowa-mali yeNgeniso yePhondo okanye kumasipala; okanye
 - kulo naliphi na iziko eligunyaziweyo ngokwawo nawuphi na umthetho ukuba lifumane imali ngenjongo yokunceda uluntu.
- (3) UMphicothi-zimali-Jikelele makangenise iingxelo zokuphicothwa kwemali ezingenisa kuyo nayiphi na indlu yowiso-mthetho enomdla kolo phicotho-mali, nakulo naliphi na elinye igunya elixelwa ngumthetho wepalamente wezwelonke. Zonke iingxelo mazidandalaziswe esidlangalaleni.
- (4) UMphicothi-zimali-Jikelele unamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

Ubude bexesha lokuba sesikhundleni

189. UMphicothi-zimali-Jikelele makamiselwe ixesha eliqingqiweyo, elingenakuvuselelwa eliphakathi kweminyaka emihlanu nelishumi.

IKomishoni yoNyulo

Imisebenzi yeKomishoni yoNyulo

190. (1) IKomishoni yoNyulo—
- (a) mayongamele unyulo lwamaqumrhu owiso-mthetho ezwelonke, awamaphondo nawoomasipala ngokuvumelana nomthetho wepalamente wezwelonke;
 - (b) mayiqinisekise ukuba olo nyulo lukhululekile kwaye alukhalazisi; ize
 - (c) ize ibhengeze iziphumo zolo nyulo lingaphelanga ixesha emalitshiwo ngumthetho wepalamente wezwelonke, xesha elo emalibe lifutshane kangango kunokwenzeka.
- (2) IKomishoni yoNyulo inamanye amagunya nemisebenzi exelwa ngumthetho wepalamente wezwelonke.

Indlela eyakheke ngayo iKomishoni yoNyulo

191. IKomishoni mayibe nabantu abathathu ubuncinane. Inani lamalungu namaxesha okuba sesikhundleni kwabo makuxelwe ngumthetho wepalamente wezwelonke.

Igunya Elizimele Geqe Lokulawula Usasazo

Igunya lokusasaza

192. Umthetho wepalamente wezwelonke mawuseke igunya elizimele geqe lokulawula usasazo ngenjongo yokuba kuncedakal' uluntu, nangenjongo yokuqinisekisa ukungakhalazisi nokuthi ziyahluka-hluka iimbono ezimela uluntu lwaseMzantsi-Afrika ngokubanzi.

Gabalala

Ukumiselwa

193. (1) UMKhuseli woLuntu kunye namalungu ayo nayiphi na iKomishoni esekwe sesi Sahluko makube ngabantu ababhinqileyo okanye abangamadoda—
- (a) abangabemi boMzantsi-Afrika;

- (b) abangabantu abafanelekileyo ukuba babe kwisikhundla abakuso;
 - (c) nabanayo nayiphi na enye into efunwa ngumthetho wepalamente wezwelonke.
- (2) Xa kumiselwa amalungu kule Komishoni makucingelwe imfuneko yokuba iKomishoni esekwe sesi Sahluko ibonise ngokubanzi indlela owakheke ngayo uMzantsi-Afrika ngokweentlanga nangokobuni.
- (3) UMphicothi-zimali-Jikelele makube ngumntu olibhinqa okanye oyindoda ongummi waseMzantsi-Afrika nokwangumntu ofanelekileyo ukuba abe kwesi sikhundla. Xa kumiselwa umntu ukuba abe nguMphicothi-zimali-Jikelele makucingelwe ulwazi olukhethekileyo namava ekuphicotheni iimali zikarhulumente nakwimisebenzi yolawulo karhulumente.
- (4) UMongameli, ngoncomelo lweNdlu yoWiso-mthetho, makamisele uMkhuseli woLuntu, uMphicothi-zimali-Jikelele kunye namalungu—
- (a) eKomishoni yamaLungelo oLuntu yaseMzantsi-Afrika;
 - (b) eKomishoni Yokulingana Ngokwesini;
 - (c) naweKomishoni yoNyulo.
- (5) INdlu yoWiso-mthetho mayincomele abantu—
- (a) abatyunjwe yikomiti yeNdlu eyakhiwe ngamalungu awo onke amaqela amelweyo kwiNdlu;
 - (b) nabavunywe yiNdlu ngesigqibo esamkelwe ngevoti exhasayo—
 - (i) ubuncinane yama-60 ekhulwini amalungu eNdlu, ukuba uncomelo lungokumiselwa koMkhuseli woLuntu okanye uMphicothi-zimali-Jikelele; okanye
 - (ii) yesininzi samalungu eNdlu, ukuba uncomelo lungokumiselwa kwelungu leKomishoni.
- (6) Ukubandakanyeka koluntu kwinkqubo yoncomelo kunokubonelelwa ngendlela ekuthethwa ngayo kwisiqendu 59(1)(a).

Ukushenxiswa esikhundleni

194. (1) UMkhuseli woLuntu, uMphicothi-zimali-Jikelele okanye ilungu leKomishoni esekwe sesi Sahluko linokushenxiswa esikhundleni kuphela—
- (a) ngesizathu esikukwenza into embi, ukungakwazi ukusebenza ngenxa yempilo okanye ukungakwazi ukuwenza umsebenzi;

- (b) xa kufunyanisekwe oko yikomiti yeNdlu yoWiso-mthetho; naxa
 - (c) iNdlu yamkele isigqibo esithi makashenxiswe loo mntu esikhundleni.
- (2) Isigqibo seNdlu yoWiso-mthetho sokushenxiswa esikhundleni—
- (a) koMkhuseli woLuntu okanye uMphicothi-zimali-Jikelele masamkelwe ngevoti exhasayo ubuncinane yesibini kwisithathu samalungu eNdlu; okanye
 - (b) kwelungu leKomishoni masamkelwe ngevoti exhasayo yesininzi samalungu eNdlu.
- (3) UMongameli —
- (a) unokumqumamisa umntu esikhundleni nangaliphi na ixesha emva kokuba iqalisile inkqubo yekomiti yeNdlu yoWiso-mthetho yokushenxiswa kwaloo mntu;
 - (ii) makamshenxisa umntu esikhundleni kusakwamkelwa isigqibo sokumshenxisa yiNdlu.