

ISIAHLUKO 9

IZIKHUNGO ZOMBUSO EZESEKA UMTHETHOSISEKELO WENTANDO YENINGI

Ukumiswa nemigomo ephethe

181. (1) Lezi zikhungo ezilandelayo zisiza ekuqiniseni umbuso wentando yeningi eRiphabhuliki -
- (a) UMvikeli Womphakathi.
 - (b) IKhomishani YaseNingizimu Afrika Yamalungelo Esintu.
 - (c) IKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi.
 - (d) IKhomishani Yokulingana Ngokobulili.
 - (e) UMcubunguli-Mabhuku Jikelele Wezimali Zombuso.
 - (f) IKhomishani Yokhetho.
- (2) Lezi zikhungo zizimele futhi zisebenza kuphela ngokulandela uMthethosisekelo nomthetho, futhi kufanele zingathathi hlangothi futhi kufanele zisebenzise amandla ezinikwe wona ngaphandle kokwesaba, ukwenzelela, nokukhetha.
- (3) Ezinye izingxenywe zombuso, ngokusebenzisa imithetho nangezinye izinyathelo, kufanele zelekelele futhi zivikele lezi zikhungo ukuze kuqinisekiswa ukuzimela, ukungathathi cala, isithunzi kanye nokusebenza kwazo ngendlela efanele.
- (4) Akukho muntu futhi akukho ngxenye yombuso okufanele igxambukele ekusebenzeni kwalezi zikhungo.
- (5) Lezi khungo ziphendula kusiGungu Sikazwelonke futhi kufanele zethule imibiko ngokusebenza kwazo okungenani kanye ngonyaka kusiGungu.

Imisebenzi Yomvikeli Womphakathi

182. (1) UMvikeli Womphakathi unamandla, njengoba elawulwa ngumthetho kazwelonke –
- (a) okuphenya nganoma yisiphi isenzo ezindabeni zezwe, noma ekuphathweni kwemisebenzi yomphakathi kunoma yimuphi umkhakha kahulumeni, okuthiwa noma okusolelwa ukuthi asilungile noma esingaba nomphumela ongalungile noma onokwenzelela;
 - (b) okunika umbiko ngaleso senzo; kanye

- (c) nawokuthatha izinyathelo ezifanele zokusilungisa.
- (2) UMvikeli Womphakathi unamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.
- (3) UMvikeli Womphakathi akanakuphenya izinqumo zenkantolo.
- (4) Umvikeli Womphakathi kufanele akwazi ukufinyelelwa yibo bonke abantu nemiphakathi.
- (5) Umbiko okhishwe nguMvikeli Womphakathi abantu kufanele bavunyelwe ukuba babubone ngaphandle kwalapho kunezimo ezithile ezingavamile, ezinyonqunywa ngumthetho kazwelonke nezidinga ukuba umbiko ugcinwe uyimfihlo.

Isikhathi sesikhundla

183. UMvikeli Womphakathi uqokelwa isikhathi esiyiminyaka eyisikhombisa esingavuselelwa.

Ikhomishani YaseNingizimu Afrika YamaLungelo Esintu

Imisebenzi Yekhomishani Yamalungelo Esintu

184. (1) Ikhomishani YaseNingizimu Afrika Yamalungelo Esintu kufanele –
- (a) ikhuthaze ukuhlonishwa kwamaLungelo esintu nesiko lamalungelo obuntu;
 - (b) ikhuthaze ukuvikelwa, ukuthuthukiswa nokutholakala kwawamaLungelo esintu; futhi
 - (c) iqaphe futhi ihlole izinga lokuhlonishwa kwamaLungelo esintu eRiphabhuliki.
- (2) Ikhomishani YaseNingizimu Afrika Yamalungelo Esintu inamandla, njengoba ilawulwa ngumthetho kazwelonke, adingekile okwenza imisebenzi yayo, kumbandakanya amandla –
- (a) okuphenya nokubika ngokuhlonishwa kwamaLungelo esintu;
 - (b) okuthatha izinyathelo ezifanele zokunikeza ukunxeshezela okufanele lapho kuhlukunyezwe amalungelo esintu;
 - (c) okwenza ucwaningo; kanye
 - (d) nawokufundisa.
- (3) Minyaka yonke iKhomishani YaseNingizimu Afrika Yamalungelo Esintu kufanele ifune ukuthi izingxenye zombuso ezifanele zihlinzeke iKhomishani ngolwazi mayelana nezinyathelo ezizithathayo ukufeza amalungelo akuMqulu WamaLungelo

Esintu athintene nezezindlu, ukunakekelwa kwezempilo, ukudla, amanzi, ezenhlalakahle yomphakathi, imfundo, kanye nendawo okuphilwa kuyo.

- (4) IKhomishani Yamalungelo Esintu inamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.

IKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi

Imisebenzi yeKhomishani

185. (1) Izinjongo ezisemqoka zeKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi –
- (a) ukukhuthaza ukuhlonishwa kwamaLungelo amasiko, enkolo nezilimi zemiphakathi;
 - (b) ukukhuthaza nokuthuthukiswa kokuthula, ubungane, ubuntu ukubezelelana kanye nokubumbana kwesizwe phakathi kwemiphakathi enamasiko, nezinkolo nezilimi ezahlukene, phezu kwesisekelo sokulingana nokungabandlululani nokuhlangana ngokukhululeka; kanye
 - (c) nokuncoma ukumiswa nokwemukelwa, ngokuhambisana nomthetho kazwelonke, komkhandlu noma eminye imikhandlu yamasiko noma imikhandlu yomphakathi noma yemiphakathi eNingizimu Afrika.
- (2) IKhomishani inamandla, njengoba kulawula umthetho kazwelonke, adingekayo ukuphumelelisa izinjongo zayo ezimqoka, kumbandakanya amandla okuqapha, okuphenya, okucwaninga, okufundisa, okukhankasela imibono ethile, okweluleka nawokubika mayelana namalungelo amasiko, enkolo nezilimi zemiphakathi.
- (3) IKhomishani ingenza umbiko nganoma yiluphi udaba oluwela ngaphakathi kwamandla nemisebenzi yeKhomishani YaseNingizimu Afrika Yamalungelo nto, ukuze luphenywe.
- (4) IKhomishani inamandla nemisebenzi eyengeziwe emiswe ngumthetho kazwelonke.

Ukwakheka kweKhomishani

186. (1) Inani lamalungu eKhomishani Yokuthuthukiswa Nokuvikelwa KwamaLungelo Amasiko, Enkolo Nezilimi Zemiphakathi nokuqokwa kwawo nesikhathi sokuba sesikhundleni kumelwe kumiswe ngumthetho kazwelonke.

- (2) Ukwakheka kweKhomishana kufanele –
 - (a) kubonise ukumelwa kabanzi kwemiphakathi ebalulekile yamasiko, yezinkolo nezilimi eNingizimu Afrika; futhi
 - (b) kubonise kabanzi ukwakheka ngokobulili komphakathi waseNingizimu Afrika.

IKhomishani Yokulingana Ngokobulili

Imisebenzi yeKhomishana yokuLingana ngokoBulili

187. (1) IKhomishani Yokulingana Ngokobulili kufanele ikhuthaze ukuhlonishwa kokulingana ngokobulili kanye nokuvikelwa, ukuthuthukiswa nokuphumelelisa ukulingana ngokobulili.
- (2) IKhomishani Yokulingana Ngokobulili inamandla, ngokulawulwa ngumthetho kazwelonke, adingekayo ukuze yenze imisebenzi yayo, kuhlanganisa amandla okuqapha, ukuphenya, ukucwaninga, ukufundisa, ukukhankasela, ukweluleka nokubika ngezindaba ezithinta ukulingana ngokobulili.
- (3) IKhomishani Yokulingana Kobulili inamandla nemisebenzi eyengeziwe, njengoba kumiswe ngumthetho kazwelonke.

UMcubunguli-Mabhuku Jikelele Wezimali Zombuso

Imisebenzi yoMcubunguli-Mabhuku Jikelele Wezimali Zombuso

188. (1) Umcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele acubungule futhi anikeze imibiko mayelana nokusetshenziswa kwezimali, isimo samabhuku ezimali kanye kuphathwa kwezimali –
- (a) kwayo yonke iminyango nemisebenzi yombuso kazwelonke nowezifundazwe;
 - (b) yabo bonke omasipala; kanye
 - (c) neyanoma iyiphi enye inhlango noma abantu abanesibopho sokuphendula okudingekayo ukuthi bacutshungulwe nguMcubunguli Mabhuku Jikelele Wezimali Zombuso, ngokomthetho kazwelonke noma wesifundazwe.
- (2) Ngaphezulu kwezibopho ezibekwe kusigatshana soku (1), kanye nangokwanoma yimuphi umthetho, uMcubunguli Mabhuku Jikelele angacubungula futhi anikeze umbiko ngokusetshenziswa kwezimali, isimo samabhuku ezimali kanye nokuphathwa kwezimali -

- (a) kwanoma iyiphi inhlango ethola imali esiKhwameni Sezimali Sikazwelonke, esiKhwameni Sezimali Zesifundazwe, noma kumasipala; noma
- (b) kwanoma iyiphi inhlango egunyazwe ngokusho kwanoma yimuphi umthetho ukuba yemukele izimali ezizosetshenziselwa izinjongo zomphakathi.
- (3) UMcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele anikeze imibiko yokucutshungulwa kwanoma yisiphi isishayamthetho esithintekayo ngalokho kukubungula, futhi nakunoma iyiphi enye inhlango ephethe ebekwe ngumthetho kazwelonke. Yonke imibiko kufanele iverelwe umphakathi.
- (4) UMcubunguli-Mabhuku Jikelele Wezimali Zombuso unamanye amandla nemisebenzi ayinikezwe ngumthetho kazwelonke.

Isikhathi sesikhundla

189. UMcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele aqokelwe esikhundleni isikhathi esimile, esingenakuvuselelwa seminyaka ephakathi kweyisihlanu neyishumi.

Ikhomishani Yokhetho

Imisebenzi yeKhomishani yoKhetho

190. (1) Ikhomishani yoKhetho kufanele –
- (a) iphathe ukhetho lwezinhlangano zokushaya imithetho zikazwelonke, zezifundazwe kanye nezomasipala, njengoba kubekwe ngumthetho kazwelonke;
 - (b) iqinisekise ukuthi ukhetho lolo lukhululekile futhi luyagculisa; futhi
 - (c) imenzelele umphumela wokhetho lolo singakapheli isikhathi okufanele simiswe ngumthetho kazwelonke futhi nesifushane ngendlela efanelekile.
- (2) Ikhomishani Yokhetho inamandla nemisebenzi eyengeziwe ebekwe ngumthetho kazwelonke.

Ukwakheka kweKhomishani Yokhetho

191. IKhomishani Yokhetho kufanele yakhiwe okungenani ngabantu abathathu. Inani lamalungu kanye nesikhathi abazoba sesikhundleni ngaso kufanele kubekwe ngumthetho kazwelonke.

IsiPhathimandla Esizimele Esilawula Ukusakaza

IsiPhathimandla Sokusakaza

192. Umthetho kazwelonke kufanele umise isiphathimandla esizimele esizolawula ukusakaza ngokwezidingo zomphakathi, futhi siqinisekise imibono elungile neyehlukahlukene emele kabanzi umphakathi waseNingizimu Afrika.

Izimisob ezejwayelekile

Ukuqokelwa ezikhundleni

193. (1) UMvikelisi Womphakathi kanye namalungu anoma iyiphi iKhomishani emiswe ngokwalesi Sahluko kufanele kube ngabesifazane nabesilisa –
- (a) abayizakhamuzi zaseNingizimu Afrika;
 - (b) abakulungele nabakufanele ukuphatha isikhundla ehhovisi elithile; futhi
 - (c) bahambisana nanoma iziphi izidingo ezimiswe ngumthetho kazwelonke.
- (2) Isidingo sokuthi iKhomishani imiswe ngalesi Sahluko ukubonisa kabanzi ukwakheka ngokobulili nangokobuzwe komphakathi waseNingizimu Afrika kufanele siqashelwe uma kuqokwa amalungu.
- (3) Umcubunguli-Mabhuku Jikelele Wezimali Zombuso kufanele kube umuntu wesifazane noma wesilisa oyoisakhamuzi saseNingizimu Afrika okulungele nokufanele ukuphatha lesi sikhundla. Ulwazi olukhethekile kanye, noma ukuthi umuntu uke wasebenza yini njengomcubunguli wamabhuku ezemali, lwezimali zombuso, kufanele kunakwe ngendlela efanele uma kuqokelwa esikhundleni uMcubunguli-Mabhuku Jikelele Wezimali Zombuso.

- (4) UMongameli, ngokulandela isincomo sePhalamende, kufanele aqokele esikhundleni uMvikeli Womphakathi, uMcubunguli-Mabhuku Jikelele Wezimali Zombuso, kanye namalungu –
- (a) eKhomishani Yaseningizimu Afrika Yamalungelo Esintu;
 - (b) eKhomishani Yokulingana Ngobulili ; kanye
 - (c) neKhomishani Yokhetho.
- (5) IsiGungu Sikazwelonke kufanele siphakamise izincomo ngabantu –
- (a) amagama abo aphakanyiswe yikomiti lesiGungu elakhiwe ngamalungu awo wonke amaqembu amelwe esiGungwini; futhi
 - (b) abemukelwe yiPhalamende ngesinqumo esithathwe ngokwesekwa amavoti –
 - (i) okungenani angamaphesenti angama 60 amalungu ePhalamende, uma izincomo ziphathelene nokuqashwa koMvikeli womphakathi noma uMcubunguli-Mabhuku Jikelele Wezimali; noma
 - (ii) eningi lamalungu ePhalamende, uma isincomo siphathelene nokuqashwa kwelungu leKhomishani.
- (6) Ukubamba iqhaza komphakathi ekwenzeni izincomo kungahlinzekelwa njengoba kulindelwe esigabeni sama 59(1)(a).

Ukususwa esikhundleni

194. (1) UMvikeli Womphakathi, uMcubunguli-Mabhuku Jikelele Wezimali Zombuso noma umuntu oyilungu leKhomishani omiswe yilesi Sahluko bangasuswa esikhundleni kuphela –
- (a) ngezizathu zokungaziphathi kahle, ukungakwazi ukusebenza noma ukungawenzi ngendlela umsebenzi;
 - (b) uma ikomiti loMkhandlu lithole kukhona lesimo; kanye
 - (c) ngokwemukelwa kwesiGungu Sikazwelonke kwesinqumo sokuthi lowo muntu asuswe esikhundleni.
- (2) Isinqumo sesiGungu Sikazwelonke esiphathelene nokususwa esikhundleni –
- (a) koMvikeli Womphakathi noma uMcubunguli Mabhuku Jikelele Wezimali Zombuso kufanele sivunywe ngokwesekwa okungenani ngamavoti ababili kwabathathu amalungu esiGungu; noma
 - (b) kweselungu leKhomishani kufanele sivunywe ngokwesekwa ngamavoti eningi lamalungu esiGungu.

- (3) UMongameli –
- (a) angammisa umuntu esikhundleni okwesikhashana noma yinini ngemuva kokuqala kwezinyathelo zekomiti lesiGungu Sikazwelonke esiphathelene nokususwa kwalowo muntu esikhundleni; futhi
 - (b) kufanele amsuse esikhundleni umuntu ngemuva kokuthathwa kwesinqumo sokususwa kwalowo muntu esikhundleni yisiGungu Sikazwelonke.