



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

## Provincial Gazette • Provinciale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY – BUITENGEWONE KOERANT – IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)  
(Irejistiwee njengephendaba eposihovisi)

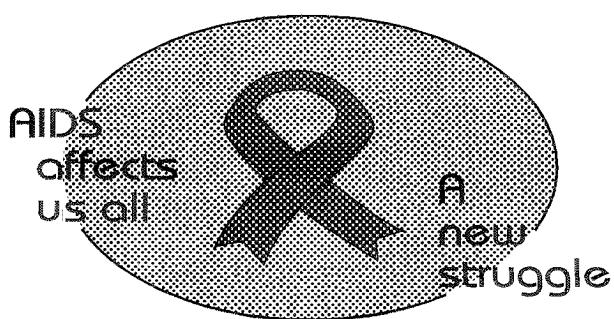
Vol. 7

PIETERMARITZBURG,

7 MAY 2013  
7 MEI 2013  
7 KU NHLABA 2013

No. 943

We all have the power to prevent AIDS



AIDS  
HELPLINE

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will  
not be held responsible for the quality of  
"Hard Copies" or "Electronic Files"  
submitted for publication purposes



### **IMPORTANT NOTICE**

**The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.**

**Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.**

### **CONTENTS**

No.	Page
<b>GENERAL NOTICE</b>	
40	Constitution of the Republic of South Africa (108/1996): Publication of the KwaZulu-Natal Provincial Languages Bill, 2013, in compliance with Section 154(2) of the Constitution of the Republic of South Africa, 1996 .....
	3

### **INHOUD**

No.	Bladsy
<b>ALGEMENE KENNISGEWING</b>	
40	Grondwet van die Republiek van Suid-Afrika (108/1996): Publikasie van die KwaZulu-Natal Wetsontwerp op Proviniale Tale, 2013, in ooreenstemming met artikel 154 (2) van die Grondwet van die Republiek van Suid-Afrika.....
	30

No.	Ikhasi
-----	--------

### **ISAZISO SIKAWONKE WONKE**

40	Isaziso soMthetho osaYilwayo weelwimi wePhondo laKwaZulu-Natala, 2013, ngokulandela icandelo le- 154(2) loMgaqo-Siseko weRiphablikhi yaseMzantsi Afrika, 1996 .....
	57

No.	Ikhasi
-----	--------

### **ISAZISO SIKAWONKE WONKE**

40	Ukushicilelwa koMthethosivivinyo weziLimi zesiFundazwe waKwaZulu-Natali, 2013, ngokulandela isigaba 154(2) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 .....
	86

**GENERAL NOTICE—ALGEMENE KENNISGEWING—ISAZISO SIKAWONKE WONKE****No. 40****7 May 2013****DEPARTMENT OF ARTS, CULTURE, SPORT AND RECREATION****PUBLICATION OF THE KWAZULU-NATAL PROVINCIAL LANGUAGES BILL, 2013, IN  
COMPLIANCE WITH SECTION 154(2) OF THE CONSTITUTION OF THE REPUBLIC OF  
SOUTH AFRICA, 1996**

1. In compliance with section 154(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the KwaZulu-Natal Provincial Languages Bill, 2013, is hereby published for public comment.
2. Organised local government, municipalities and other interested parties are invited to submit comments on the proposed Bill in writing by no later than 30 days after the publication hereof, by –
  - (a) post to the Head of Department: Arts and Culture, Private Bag X9140 Pietermaritzburg, 3200;
  - (b) hand to the 2nd Floor, Heritage House, 222 Jabu Ndlovu Street, Pietermaritzburg, Attention: Mr MB Mnguni;
  - (c) facsimile to: (033) 264 3494; or
  - (d) e-mail to: [mngunim@kzndac.gov.za](mailto:mngunim@kzndac.gov.za).

Given under my Hand at ..... Durban..... on this ....08.... day of ...February...  
Two thousand and Thirteen.

**MRS NN-SIBHIDLA-SAPHETHA, MEC**

Member of Executive Council of the Province of KwaZulu-Natal  
responsible for Arts, Culture, Sport and Recreation

**KWAZULU-NATAL  
PROVINCIAL LANGUAGES BILL, 2013**

**BILL**

**To provide for the determination of provincial official languages in the Province of KwaZulu-Natal; to provide for the regulation and monitoring of the use of provincial official languages by all governmental bodies in the Province of KwaZulu-Natal; to elevate the status and advance the use of indigenous languages spoken in the Province; to provide for the establishment of the KwaZulu-Natal Provincial Language Service; to provide for the establishment of the KwaZulu-Natal Intergovernmental Language Forum; to provide for the development of internal language policies by governmental bodies in the Province; to provide for the development and adoption of the KwaZulu-Natal Development and Advancement of Indigenous Languages Policy; to provide for the repeal of the KwaZulu-Natal Parliamentary Official Languages Act, 1998; and to provide for matters incidental thereto.**

**BE IT ENACTED** by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

**ARRANGEMENT OF SECTIONS***Section***CHAPTER 1  
DEFINITIONS****1. Definitions****CHAPTER 2  
OBJECTS AND APPLICATION OF ACT****2. Objects of Act****3. Application of Act**

### CHAPTER 3

#### PROVINCIAL OFFICIAL LANGUAGES AND TRANSLATION, EDITING AND INTERPRETING SERVICES

4. Determination of provincial official languages
5. Use of provincial official languages in proceedings of Executive Council, Municipal Councils and Provincial Legislature
6. Use of provincial official languages for legislative purposes
7. Use of provincial official languages by governmental bodies in Province
8. Translation, editing and interpreting services

### CHAPTER 4

#### KWAZULU-NATAL PROVINCIAL LANGUAGE SERVICE

9. Establishment of KwaZulu-Natal Provincial Language Service
10. Powers, functions and duties of KwaZulu-Natal Language Service
11. Staff of the Provincial Language Service

### CHAPTER 5

#### KWAZULU-NATAL INTERGOVERNMENTAL LANGUAGE FORUM

12. KwaZulu-Natal Intergovernmental Language Forum (KWANILAFO)

### CHAPTER 6

#### DEVELOPMENT OF INTERNAL LANGUAGE POLICIES AND KWAZULU-NATAL DEVELOPMENT AND ADVANCEMENT OF INDIGENOUS LANGUAGES POLICY

13. Internal language policies
14. KwaZulu-Natal Development and Advancement of Indigenous Languages Policy

### CHAPTER 7

#### INTERNAL COMPLAINTS MECHANISM AND HANDLING OF LANGUAGE DISPUTES

15. Internal complaints mechanism
16. Handling of language disputes

### CHAPTER 8

#### MONITORING OF, AND REPORTING ON, USE OF PROVINCIAL OFFICIAL LANGUAGES

17. Designated language officials or units
18. Monitoring of, and reporting on, use of provincial official languages

## CHAPTER 9 GENERAL PROVISIONS

19. Regulations
20. Delegations
21. Repeal of law
22. Short title

## CHAPTER 1 DEFINITIONS

### **Definitions**

1. In this Act, unless the context indicates otherwise –

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Department**” means the Department in the Province of KwaZulu-Natal responsible for language matters in the Province;

“**eleven official languages**” means the official languages of the Republic of South Africa, contemplated in section 6(1) of the Constitution;

“**Executive Council**” means the Executive Council of the Province of KwaZulu-Natal;

“**financial year**” means the period commencing on 1 April of a particular year and terminating on 31 March of the following year;

“**Gazette**” means the official *Provincial Gazette* of KwaZulu-Natal;

“**governmental body**” means –

- (a) any provincial department or municipality in the Province of KwaZulu-Natal;
- (b) any statutory body, commission, board or council in the provincial or local

sphere of government in the Province of KwaZulu-Natal; and  
(c) the Provincial Legislature;

**"Head of Department"** means the person appointed as the accounting officer of the Department;

**"head of governmental body"** means the accounting officer of any governmental body in the Province or any person acting as such;

**"indigenous languages spoken in the Province"** means those languages which –

- (a) according to historical records, originated in South Africa and spoken in the Province; and
- (b) in the past were not afforded the requisite recognition and status as compared to English and Afrikaans;

**"internal language policies"** means internal language policies developed by respective governmental bodies in the Province, as contemplated in section 13;

**"KWANILAFO"** means the KwaZulu-Natal Intergovernmental Language Forum, contemplated in section 12;

**"language complainant"** means any person who lodges a language complaint contemplated in section 15(1);

**"language complaint"** means a language complaint contemplated in section 15(1);

**"language dispute"** means a language dispute contemplated in section 15(2)(f);

**"Language Dispute Resolution Committee"** means a Language Dispute Resolution Committee, appointed by the responsible Member of the Executive Committee, from time to time, in terms of section 16(2);

**"Municipal Council"** means the Municipal Council of any municipality contemplated in section 157 of the Constitution;

**"PanSALB"** means the Pan South African Language Board, established in terms of section 2 of the Pan South African Language Board Act, 1995;

**"Pan South African Language Board Act"** means the Pan South African Language Board Act, 1995 (Act No. 59 of 1995);

**"prescribed"** means prescribed by regulation under section 19, and **"prescribe"** has a corresponding meaning;

**"Province"** means the Province of KwaZulu-Natal contemplated in section 103 of the Constitution, and **"provincial"** has a corresponding meaning;

**"Provincial Government"** means the government of the Province;

**"Provincial Language Committee"** means the Provincial Language Committee for the Province established by PanSALB in terms of section 8(8)(a) of the Pan South African Language Board Act, 1995;

**"Provincial Language Service"** means the KwaZulu-Natal Provincial Language Service, established in terms of section 9;

**"Provincial Legislature"** means the Legislature of the Province as contemplated in section 105 of the Constitution and having legislative authority for the Province as contemplated in section 104(1) of the Constitution;

**"provincial official languages"** means the provincial official languages contemplated in section 4(1);

**"regulations"** means regulations made in terms of section 19;

**"responsible Member of the Executive Council"** means the Member of the Executive Council of the Province responsible for language matters in the Province; and

"this Act" includes the regulations.

## CHAPTER 2

### OBJECTS AND APPLICATION OF ACT

#### **Objects of Act**

2. The objects of the Act are to –

- (a) determine provincial official languages for the Province;
- (b) regulate and monitor the use of provincial official languages by all governmental bodies in the Province;
- (c) promote parity of esteem and equitable treatment of all provincial official languages in the Province;
- (d) empower the public to use languages of their choice in order to access government services, knowledge and information;
- (e) provide measures aimed at ensuring redress for the previously marginalised indigenous languages in the Province; and
- (f) promote multilingualism and linguistic diversity in the Province.

#### **Application of Act**

3. This Act applies to –

- (a) the Executive Council;
- (b) all Municipal Councils in the Province as contemplated in section 157 of the Constitution; and
- (c) all governmental bodies in the Province.

## CHAPTER 3

### PROVINCIAL OFFICIAL LANGUAGES AND TRANSLATION, EDITING AND INTERPRETING SERVICES

#### **Determination of provincial official languages**

4.(1) The official languages of the Province are isiZulu, English, isiXhosa and Afrikaans.

(2) Notwithstanding subsection (1) –

(a) all eleven official languages of the Republic of South Africa, as contemplated in section 6(1) of the Constitution, must –

- (i) enjoy parity of esteem; and
- (ii) be treated equitably,

in the Province; and

(b) the Provincial Government must, in co-operation with PanSALB –

- (i) promote and create conditions for the usage of –

- (aa) all eleven official languages;
- (bb) the Khoi, Nama and San languages; and
- (cc) South African Sign Language,

in the Province; and

- (ii) promote respect for –

- (aa) all languages commonly used by communities in South Africa; and
- (bb) other languages used for religious purposes.

#### **Use of provincial official languages in proceedings of Executive Council, Municipal Councils and Provincial Legislature**

5.(1) Any of the provincial official languages may be used in any debate or address in any proceedings of –

- (a) the Executive Council;
- (b) any committee of the Executive Council;
- (c) any Municipal Council;
- (d) any committee of any Municipal Council;
- (e) the Provincial Legislature; and
- (f) any committee of the Provincial Legislature.

(2) To give effect to subsection (1), reasonable arrangements must be made for the provision of interpreting services during the sittings of the Provincial Legislature, the Executive Council and Municipal Councils and any committee of the Provincial Legislature, the Executive Council and Municipal Councils.

(3) Any record of –

- (a) the Executive Council;
- (b) Municipal Councils;
- (c) any committee of –
  - (i) the Executive Council; and
  - (ii) Municipal Councils,

may be printed and published in any of the provincial official languages: Provided that any person may request a translated version of the original record or publication in any other provincial official language.

#### **Use of provincial official languages for legislative purposes**

6.(1) Any –

(a) provincial law (Act) or draft provincial law (Bill); and  
(b) regulation, proclamation or rule made under, or by virtue of, any provincial law, published in the *Gazette* or any newspaper circulating in the Province, must be so published in all provincial official languages.

(2) Any notice issued under, or by virtue of, any provincial law and published in the *Gazette* or any newspaper circulating in the Province, must be so published in at least two provincial official languages: Provided that –

- (a) language use and preference of the members of public targeted by the notice must be taken into consideration; and
- (b) one of the languages used to publish the notice must, subject to regional circumstances, be one of the indigenous languages spoken in the Province.

(3) Any municipal by-law, rule or notice published in the *Gazette* or any newspaper by any municipality in the Province must be published in at least two provincial official languages: Provided that –

- (a) local language use and preference must be taken into consideration; and
- (b) one of the languages used to publish the notice must, subject to regional circumstances, be one of the indigenous languages spoken in the Province.

**Use of provincial official languages by governmental bodies in Province**

7.(1) All governmental bodies in the Province must, through internal language policies contemplated in section 13, and subject to –

- (a) language use and preference of the majority of the customers and clients of the relevant governmental body; and
- (b) regional circumstances,

designate at least two provincial official languages for –

- (i) internal, external, written and oral communication; and
- (ii) publication,

purposes: Provided that any governmental body in the Province may, in addition, so designate any one or more of the eleven official languages.

(2) Reasonable arrangements to provide interpreting and translation services must be made to accommodate any member of the public wishing to communicate with any governmental body in the Province, using any other provincial official language not designated in terms of subsection (1).

(3) One of the languages designated in terms of subsection (1) must, subject to language use and preference of the customers and clients of the relevant governmental body, be one of the indigenous languages spoken in the Province.

(4)(a) Any record or publication of any governmental body in the Province may be printed and published in any of the languages designated in terms of subsection (1): Provided that any person may request a translated version of the original record or publication in any other provincial official language.

(b) The responsible Member of the Executive Council may prescribe the period within which a translated version of the original record or publication in any other provincial official language must be provided following a request contemplated in paragraph (a).

(5) Where governmental bodies in the Province –

- (a) identify;
- (b) market; or
- (c) promote,

their services, they must use the provincial official languages designated in terms of subsection

(1) in their signs, letterheads, billboards and promotional material.

(6) Where a governmental body in the Province directs written communication or correspondence to a customer, client or member of the public, such communication or correspondence must be in the preferred provincial official language as may be indicated by such customer, client or member of the public.

#### **Translation, editing and interpreting services**

8.(1) The Provincial Language Service, contemplated in section 9, must –

- (a) in respect of the provincial official languages; and
- (b) within a reasonable time of a request or within such period as may be prescribed by the responsible Member of the Executive Council,

provide translation, editing and interpreting services as may be required by the Provincial Legislature, the Executive Council, any Municipal Council in the Province and any governmental body in the Province.

(2) The Provincial Language Service may, on request, and –

- (a) subject to practicality and expense; and
- (b) within such time frames or periods as may be prescribed by the responsible Member of the Executive Council,

coordinate the provision of translation, editing and interpreting services as may be required by the Provincial Legislature, the Executive Council, any Municipal Council and any governmental body in the Province, in respect of –

- (i) any of the eleven official languages;
- (ii) any of the Khoi, Nama and San languages;
- (iii) South African Sign Language; and
- (iv) Braille.

(3) Any governmental body in the Province requiring any translation, editing or interpreting services, contemplated in subsections (1) and (2), must direct a written request to the Provincial Language Service.

**CHAPTER 4**  
**KWAZULU-NATAL PROVINCIAL LANGUAGE SERVICE**

**Establishment of KwaZulu-Natal Provincial Language Service**

**9.(1)** There is hereby established the KwaZulu-Natal Provincial Language Service, hereinafter referred to as the Provincial Language Service.

**(2) The Provincial Language Service –**

- (a)** is a component within the Department; and
- (b)** is not a juristic person.

**Powers, functions and duties of the Provincial Language Service**

**10.(1)** The Provincial Language Service must –

- (a)** monitor the implementation of the provisions of –
  - (i)** this Act;
  - (ii)** any regulation made in terms of section 19; and
  - (iii)** internal language policies contemplated in section 13,  
by all governmental bodies in the Province;
- (b)** promote and monitor equitable use of provincial official languages by all governmental bodies in the Province in order to ensure equitable access to government services, knowledge and information by all citizens of the Province;
- (c)** provide support to all governmental bodies in the Province in respect of language matters;
- (d)** take practical and positive measures to –
  - (i)** promote multilingualism in the Province;
  - (ii)** promote the use and development of indigenous languages spoken in the Province; and
  - (iii)** entrench language equity in the Province;
- (e)** promote and monitor good language management by all governmental bodies in the Province for efficient public service administration;
- (f)** promote and monitor respect for the language rights of the citizens of the Province by all governmental bodies in the Province;
- (g)** monitor the development, review and implementation of internal language policies,

- as contemplated in section 13, by all governmental bodies in the Province;
- (h) provide translation, editing and interpreting services to any governmental body in the Province;
- (i) monitor and improve the quality of translation, editing and interpreting services in the Province;
- (j) manage terminology and literature development in the Province;
- (k) support the learning and teaching of all provincial official languages in the Province; and
- (l) provide administrative and secretarial support to KWANILAFO contemplated in section 12.

(2) The Provincial Language Service may –

- (a) facilitate training programmes on translation, editing and interpreting techniques;
- (b) foster any cooperation with any governmental body or any non-governmental organisation for the attainment of its objects and the exercise of its powers, functions and duties; and
- (c) generally, do anything –
- (i) necessary or expedient for the carrying out of its powers, functions or duties in terms of this Act; and
- (ii) reasonably incidental or ancillary to the carrying out of such powers, functions or duties.

#### **Staff of Provincial Language Service**

11.(1)The staff of the Provincial Language Service consists of employees appointed by the Head of Department in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(2) The staff of the Provincial Language Service must, collectively, be fully competent to –

- (a) translate, edit, and interpret;
- (b) manage the outsourcing of translation, editing and interpreting services; and
- (c) provide quality control services in respect of any outsourced translation, editing and interpreting work,

in all the provincial official languages.

(3) The staff of the Provincial Language Service must, for the purposes of section 10(1), collectively possess sufficient and appropriate skills, experience and knowledge in policy development.

## CHAPTER 5

### KWAZULU-NATAL INTERGOVERNMENTAL LANGUAGE FORUM

#### **KwaZulu-Natal Intergovernmental Language Forum**

12.(1) There is hereby established the KwaZulu-Natal Intergovernmental Language Forum (KWANILAFO).

(2) The objects, powers, functions and duties of KWANILAFO are to –

- (a) promote general co-ordination, co-operation and consultation between all governmental bodies in the Province on language matters;
- (b) co-ordinate, align and monitor the implementation of internal language policies in the Province;
- (c) investigate any matter relating to the implementation of this Act and advise the responsible Member of the Executive Council;
- (d) promote engagement and dialogue between the Provincial Government and any organisation or person with an interest in language matters in the Province;
- (e) represent the Provincial Government on, and participate in and contribute to, any national intergovernmental language forum; and
- (f) perform such other functions that may be prescribed or assigned to KWANILAFO by the responsible Member of the Executive Council.

(3) KWANILAFO comprises of –

- (a) such members of staff of the Provincial Language Service as designated by the responsible Member of Executive Council;
- (b) language practitioners from all governmental bodies in the Province, designated as such in terms of section 17;
- (c) officials representing specialist language units, contemplated in section 17; and
- (d) such other person as may be designated and appointed by the responsible Member of Executive Council who, in the opinion of the responsible Member of Executive

Council, may assist KWANILAFO in the fulfilment of its objects, the exercise of its powers and the performance of its functions and duties.

(4) The responsible Member of the Executive Council must –

- (a) designate the Chairperson and the Deputy Chairperson of KWANILAFO;
- (b) determine the term of office of the Chairperson and the Deputy Chairperson; and
- (c) determine such other terms and conditions of appointment of the Chairperson and Deputy Chairperson.

(5)(a) The responsible Member of the Executive Council must convene the first meeting of KWANILAFO.

(b) KWANILAFO must, thereafter, meet as often as necessary, but at least four times a year at such times and places as the Chairperson may determine.

(c) Governmental bodies in the Province must, in respect of the officials representing the relevant governmental body in KWANILAFO, and –

- (i) within the allocated resources of that governmental body; and
- (ii) subject to any applicable law or policies governing subsistence and travelling of that governmental body,

make the necessary provision for any subsistence and travelling costs that may be incurred in attending the meetings of KWANILAFO.

(6) The administrative and secretarial work incidental to the performance of the functions of KWANILAFO must be performed by officers or employees of the Department designated for such purpose by the Head of Department in accordance with the Public Service Act, 1994 (Proclamation No. 103 of 1994).

## CHAPTER 6

### DEVELOPMENT OF INTERNAL LANGUAGE POLICIES AND KWAZULU-NATAL DEVELOPMENT AND ADVANCEMENT OF INDIGENOUS LANGUAGES POLICY

#### **Internal language policies**

13.(1) All governmental bodies in the Province must –

- (a) within 18 months of the commencement of this Act; and  
(b) after consultation with the Provincial Language Service, develop and approve their respective internal language policies.
- (2) Internal language policies contemplated in subsection (1) must be consistent with the provisions of this Act and any regulations made under this Act in terms of section 19.
- (3) An internal language policy for any governmental body in the Province, must –
- (a) as contemplated in section 7 –
    - (i) identify at least two of the provincial official languages for purposes of internal and external, written and oral communication and publication purposes, for the relevant governmental body;
    - (ii) stipulate how the relevant governmental body communicates with any member of the public wishing to communicate with that governmental body, using any other language not designated in terms of section 7;
  - (b) provide for an internal complaints mechanism contemplated in section 15; and
  - (c) be published in the Gazette as soon as reasonably practicable, but not later than 90 days after adoption.
- (4) Each governmental body in the Province must –
- (a) inform their customers and clients of the existence of its internal language policy and make it available on request and free of charge;
  - (b) ensure that a copy of its internal language policy is available on request to its customers and clients and the members of the public; and
  - (c) display at all its offices, a summary of its language policy in such a manner and place that it can be seen and read by its customers and clients and members of the public.

#### **KwaZulu-Natal Development and Advancement of Indigenous Languages Policy**

14. The responsible Member of the Executive Council must, after consultation with the Provincial Language Committee and KWANILAFO, develop and adopt the KwaZulu-Natal Development and Advancement of Indigenous Languages Policy.

## CHAPTER 7

### INTERNAL COMPLAINTS MECHANISM AND HANDLING OF LANGUAGE DISPUTES

#### **Internal complaints mechanism**

**15.(1)** Every governmental body in the Province must, through their internal language policies contemplated in section 13, provide for a detailed internal complaints mechanism that –

(a) may be used by any member of the public wishing to lodge a language complaint for any alleged violation or threatened violation of any –

- (i) language right contemplated in the Constitution, this Act or the internal language policy of the relevant governmental body; or
- (ii) provision of this Act or of any internal language policy of that governmental body,

by the governmental body; and

(b) must be followed by –

- (i) the complainant to lodge a language complaint; and
- (ii) the governmental body to investigate and resolve language complaints.

**(2)** The complaints mechanism must –

(a) identify the authority within the governmental body with whom a language complaint may be lodged;

(b) indicate a period within which a language complaint may be lodged: Provided that all language complaints must be lodged within 90 days of the date upon which the language complainant became aware of the violation or threatened violation of any –

- (i) language right;
- (ii) provision of this Act; or
- (iii) provision of the internal language policy of the relevant governmental body;

(c) indicate that language complaints must –

(i) be in writing: Provided that any language complainant who cannot read and write must be assisted by officials of the relevant governmental body to reduce the language complaint to writing;

(ii) specify the provision of this Act or the nature of the right allegedly violated or allegedly threatened to be violated; and

(iii) specify the grounds on which the language complainant bases his or her

- language complaint;
- (d) require the language complainant to identify his or her interest in the matter: Provided that if the person lodging the language complaint is acting on behalf of a third party or a group of individuals, he or she must also submit proof of authority;
- (e) specify the period within which the language complaint lodged with the relevant governmental body must be finalised: Provided that all language complaints must be finalised within 30 days from the date of receipt of the complaint;
- (f) specify that a language complainant aggrieved by –
- (i) the failure of the governmental body concerned to finalise the language complaint within 30 days of receipt, as contemplated in paragraph (e); or
  - (ii) the manner in which the relevant governmental body investigated, handled or finalised his or her language complaint,
- may refer a language dispute, as contemplated in section 16(1), to the responsible Member of the Executive Council for further investigation and resolution in terms of section 16(5);
- (g) specify that the responsible Member of the Executive Council, may –
- (i) in respect of any complaint that remains unresolved; and
  - (ii) on his or her own initiative,
- make a determination that a language dispute, as contemplated in section 16(1) –
- (aa), has arisen; and
  - (bb) must be subjected to further investigation, as contemplated in section 16(5); and
- (h) specify any other information as may be prescribed by the responsible Member of the Executive Council.

#### **Handling of language disputes**

**16.(1)** A language dispute arises when –

- (a) a language complaint remains unresolved as contemplated in section 15(2)(f); or
- (b) when the responsible Member of the Executive Council, in terms of section 15(2)(g), makes a determination that a language dispute has arisen.

**(2)** Where a language dispute arises, a complainant may refer the language dispute to –

- (c) produce any relevant record or document.
- (8) In the event that the language dispute is incapable of an amicable resolution as contemplated in subsection (5)(b) –
- (a) the Language Dispute Resolution Committee must submit a report to the responsible Member of the Executive Council containing –
- (i) factual details of the dispute;
  - (ii) any verbal or written submission made by the –
    - (aa) language complainant; or
    - (bb) relevant governmental body,
  - pertaining to the language dispute; and
  - (iii) recommendations on the appropriate ruling, as contemplated in paragraph (b);
- (b) the responsible Member of the Executive Council, may, within 30 days of receipt of the Language Dispute Resolution Committee's report, contemplated in paragraph (a), determine the dispute by –
- (i) issuing a compliance notice, calling upon the relevant governmental body to rectify any act or omission which gave rise to the language dispute: Provided that the governmental body has 30 days to comply with the compliance notice; or
  - (ii) dismissing the language dispute.

## CHAPTER 8

### MONITORING OF, AND REPORTING ON, USE OF PROVINCIAL OFFICIAL LANGUAGES

#### **Designated language practitioners or specialist language service units**

17.(1) Heads of governmental bodies in the Province, must –

- (a) after consultation with the Provincial Language Service;
  - (b) subject to any law governing the employment of personnel of the relevant governmental body; and
  - (c) subject to the language needs of each governmental body in the Province, designate one or more language practitioners or a specialist language service unit within their establishment.
- (2) The designated language practitioner or specialist language service unit contemplated in

- (a) PanSALB, in terms of section 11 of the Pan South African Language Board Act, 1995; or
- (b) the responsible Member of the Executive Council in terms of subsection (3).

(3) Where the complainant elects to follow the process contemplated in subsection (2)(b), he or she must, within 21 days, refer the language dispute to the responsible Member of the Executive Council for further investigation and resolution as contemplated in subsection (5).

(4) Where the responsible Member of the Executive Council has made a determination, as contemplated in section 15(2)(g), that a language dispute has arisen he or she must, within 21 days, notify –

- (a) the relevant governmental body concerned; and
- (b) the complainant,

of his or her intention to refer the language dispute for further investigation and resolution, as contemplated in subsection (5).

(5) The responsible Member of the Executive Council must, within 30 days –

- (a) and upon receipt of a referral of a language dispute; or
- (b) of the responsible Member of the Executive Council having made a determination, as contemplated in section 15(2)(g), that a language dispute has arisen,

appoint a Language Dispute Resolution Committee.

(6) The Language Dispute Resolution Committee must, within 90 days of appointment –

- (a) investigate the language dispute;
- (b) facilitate an amicable resolution of the language dispute by facilitation, conciliation or negotiation; and
- (c) report and make recommendations to the responsible Member of the Executive Council on the outcome of the language dispute.

(7) The Language Dispute Resolution Committee, appointed by the responsible Member of the Executive Council in terms of subsection (2), may subpoena any person, body or governmental body to –

- (a) appear before it;
- (b) give evidence; and

subsection (1) is responsible for –

- (a) ensuring that the relevant governmental body –
  - (i) implements the provisions of this Act and any regulation in terms of this Act;
  - (ii) develops and implements an internal language policy, contemplated in section 13; and
  - (iii) complies with the reporting requirements contemplated in section 18;
- (b) managing and facilitating all requests for translation, editing and interpretation services, contemplated in section 8, for the relevant governmental body; and
- (c) representing the relevant governmental body on KWANILAFO.

#### **Monitoring of, and reporting on, use of provincial official languages**

**18.(1)** Governmental bodies in the Province must –

- (a) within three months after the end of each financial year; or
- (b) within such other period as may be determined by the responsible Member of the Executive Council,

submit a report to the responsible Member of the Executive Council on –

- (i) steps taken by the relevant governmental body to comply with the provisions of this Act;
- (ii) the development and implementation of an internal language policy, contemplated in section 15;
- (iii) the activities of any specialist language service unit of the relevant governmental body;
- (iv) any complaints received by the relevant governmental body and how these complaints were dealt with; and
- (v) any other matter as may be prescribed by the responsible Member of the Executive Council.

**(2)** KWANILAFO must –

- (a) within three months after the end of each financial year; or
- (b) within such other period as may be determined by the responsible Member of the Executive Council,

provide an annual report to the responsible Member of the Executive Council in respect of –

- (i) the fulfilment of its objects, the exercise of its powers and the performance of

its functions and duties;

- (ii) any issue pertaining to the implementation of this Act; and
- (iii) any other matter as may be prescribed.

(3) The responsible Member of the Executive Council must –

- (a) after consultation with the Provincial Language Committee; and
- (b) within five months after the end of each financial year,

table an annual report in the Provincial Legislature on the implementation of this Act and the provincial language policy in the Province.

## CHAPTER 9

### GENERAL PROVISIONS

#### **Regulations**

19. The responsible Member of the Executive Council may, by notice in the *Gazette* and after consultation with the Provincial Language Committee, make regulations prescribing –

- (a) any matter which is required or permitted to be prescribed in terms of this Act; or
- (b) any administrative or procedural matter necessary to give effect to the provisions of this Act.

#### **Delegations**

20.(1) The responsible Member of the Executive Council may delegate to the Provincial Language Committee or to the Head of Department –

- (a) any power conferred on the responsible Member of the Executive Council by this Act, except the power to make regulations in terms of section 19; or
- (b) any duty imposed on the responsible Member of the Executive Council by this Act.

(2) Any power or duty delegated in terms of subsection (1) must be exercised or performed subject to such conditions as the responsible Member of the Executive Council considers necessary.

(3) Any delegation in terms of subsection (1) –

- (a) must be in writing;
- (b) may not prohibit the responsible Member of the Executive Council from exercising that power or performing that duty; and
- (c) may, at any time, be withdrawn or amended in writing by the responsible Member of the Executive Council.

**Repeal of law**

**21.** The KwaZulu-Natal Parliamentary Official Languages Act, 1998 (Act No. 10 of 1998), is hereby repealed.

**Short title**

**22.** This Act is called the KwaZulu-Natal Provincial Languages Act, 2013.

(e) the repeal of the KwaZulu-Natal Parliamentary Official Languages Act, 1998 (Act No. 10 of 1998); and  
(f) other incidental matters thereto.

(2) Chapter 1 of the Bill provides for the definitions.

(3) Chapter 2 provides for the objects and the application of the Bill. The Bill, once passed into law, will apply to all governmental bodies in the Province.

(4)(a) Chapter 3 of the Bill provides for the determination of isiZulu, English, isiXhosa and Afrikaans as the provincial official languages in KwaZulu-Natal.

(b) Chapter 3 further provides for the use of the provincial official languages in the Province. This chapter also provides for the utilisation of translation, editing and interpreting services.

(5) Chapter 4 provides for the establishment of the Provincial Language Service as a specialist component within the Department. This chapter also provides for the powers, functions and duties of the Provincial Language Service, which include but are not limited to

- 
- (a) monitoring the implementation of this Act, regulations, and internal policies by governmental bodies in the Province;
  - (b) promoting and monitoring good language management by governmental bodies in the Province; and
  - (c) promoting and monitoring respect for language rights of the citizens of the Province by all governmental bodies in the Province.

(6) Chapter 5 provides for the establishment of the Provincial Intergovernmental Forum, called KwaZulu-Natal Intergovernmental Language Forum (KWANILAFO).

(7) Chapter 6 provides for the development of internal language policies by all governmental bodies in the Province. This chapter also provides for the development of the KwaZulu-Natal Policy on the Development and Advancement of Indigenous Languages.

(8) Chapter 7 provides for the issues relating to the handling of language complaints and disputes arising from any violation of language rights or any provisions of this Bill.

(9) Chapter 8 provides for monitoring and reporting mechanisms on the use of provincial official languages in the Province.

(10) Chapter 9 provides for general provisions namely regulations, delegations, the repeal of the KwaZulu-Natal Parliamentary Official Languages, 1998 (Act No. 10 of 1998) and the short title of the Act.

#### **ORGANISATIONAL AND PERSONNEL IMPLICATIONS FOR PROVINCIAL GOVERNMENT**

3. None.

#### **FINANCIAL IMPLICATIONS FOR PROVINCIAL GOVERNMENT**

4. None.

#### **DEPARTMENTS / BODIES CONSULTED**

5. Representatives of all provincial departments and municipalities in the Province, academics and experts on languages were invited to provide input and comments on the Bill.

#### **CONSTITUTIONAL IMPLICATIONS**

6. The Bill seeks to dictate to the Municipalities in the Province as to how they should take cognisance of the languages of preference of their customers when performing their functions; hence section 154(2) of the Constitution of the Republic of South Africa, 1996, is applicable. In terms of the said provision the MEC must, prior to introducing this Bill in the Legislature, publish it for public comment, in a manner that allows organised local government and other interested persons an opportunity to make representations on the Bill.

**MEMORANDUM ON THE OBJECTS  
OF THE  
KWAZULU-NATAL PROVINCIAL LANGUAGES BILL, 2013**

**BACKGROUND**

1.(a) In addition to determining eleven official languages for the Republic of South Africa, section 6 of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), further provides that –

- (i) the State must take practical and positive measures to elevate the status and advance the use of indigenous languages;
- (ii) the National government and provincial government, may, after taking into account usage, practicality, expense, regional circumstances and balance of needs of the target population, use at least any two of the official languages for government purposes. Municipalities must take language usage and preferences of their residents into consideration when deciding on the languages to be used for government purposes; and
- (iii) the National government and provincial governments, by legislation and other measures, must regulate and monitor their use of official languages.

(b) It is against the abovementioned constitutional imperative that the responsible Member of the Executive Council responsible for Arts and Culture in the Province ("the MEC") seeks to introduce the KwaZulu-Natal Languages Bill.

**SALIENT PROVISIONS OF THE BILL**

2.(1) The main objects of the Bill are to provide for –

- (a) the determination of provincial official languages for the Province;
- (b) the regulation and monitoring of the use of provincial official languages by all governmental bodies in the Province;
- (c) the establishment of the KwaZulu-Natal Provincial Language Service and the KwaZulu-Natal Intergovernmental Language Forum;
- (d) measures for the development of indigenous languages and sign language in the Province;

No. 40

7 Mei 2013

**DEPARTEMENT VAN KUNS, KULTUUR, SPORT EN ONTSPANNING****PUBLIKASIE VAN DIE KWAZULU-NATAL WETSONTWERP OP PROVINSIALE TALE, 2013,  
IN OOREENSTEMMING MET ARTIKEL 154(2) VAN DIE GRONDWET VAN DIE REPUBLIEK  
VAN SUID-AFRIKA, 1996**

1. In ooreenstemming met artikel 154(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), word die KwaZulu-Natal Wetsontwerp op Provinciale Tale, 2013, hiermee gepubliseer vir openbare kommentaar.
2. Georganiseerde plaaslike regering, munisipaliteite en ander belanghebbendes word genooi om skriftelike kommentaar op die voorgestelde Wetsontwerp nie later nie as 30 dae na die publikasie van die kennisgewing in te dien, per –
  - (a) pos aan die Departementshoof, Kuns en Kultuur, Privaatsak X9140, Pietermaritzburg, 3200;
  - (b) hand na die 2de vloer, Heritage House, Jabu Ndlovustraat 222, Pietermaritzburg, Aandag: Mnr MB Mnguni;
  - (c) faks na: (033) 264 3494; of
  - (d) e-pos aan: [mngunim@kzndac.gov.za](mailto:mngunim@kzndac.gov.za).

Gegee onder my Hand te ..... Durban ..... op hierdie ..... 08 ..... dag van ..... February.....  
Tweeduisend-en-Dertien.

**ME NN SIBHIDLA-SAPHETHA, LUR**

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal  
verantwoordelik vir Kuns, Kultuur, Sport en Ontspanning

**KWAZULU-NATAL  
WETSONTWERP OP PROVINSIALE TALE, 2013**

## **WETSONTWERP**

**Om voorsiening te maak vir die bepaling van provinsiale amptelike tale in die Provincie van KwaZulu-Natal; om voorsiening te maak vir die regulering en monitering van die gebruik van provinsiale amptelike tale deur alle regeringsliggame in die Provincie van KwaZulu-Natal; om die agting vir en die gebruik van gesproke inheemse tale te bevorder in die Provincie; om voorsiening te maak vir die instelling van die KwaZulu-Natal Provinsiale Taaldiens; om voorsiening te maak vir die instelling van die KwaZulu-Natal Interregerings- taalforum; om voorsiening te maak vir die ontwikkeling van interne taalbeleide deur regeringsliggame in die Provincie; om voorsiening te maak vir die ontwikkeling en aanvaarding van die KwaZulu-Natal Beleid vir die Ontwikkeling en Bevordering van Inheemse Tale; om voorsiening te maak vir die herroeping van die KwaZulu-Natal Wet op Parlementêre Amptelike Tale, 1998; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.**

DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provincie van KwaZulu-Natal bepaal:-

### **RANGSKIKKING VAN ARTIKELS**

#### *Artikel*

#### **HOOFSTUK 1 OMSKRYWINGS**

##### **1. Omskrywings**

#### **HOOFSTUK 2 OOGMERKE EN TOEPASSING VAN WET**

- 2. Oogmerke van Wet**
- 3. Toepassing van Wet**

#### **HOOFSTUK 3 PROVINSIALE AMPTELIKE TALE EN VERTAAL-, REDIGEER- EN TOLKDIENSTE**

4. Bepaling van provinsiale amptelike tale
5. Gebruik van provinsiale amptelike tale in verrigtinge van Uitvoerende Raad, Municipale Rade en Provinsiale Wetgewer
6. Gebruik van provinsiale amptelike tale vir wetgewende doeleinades
7. Gebruik van provinsiale amptelike tale deur regeringsliggame in Provinse
8. Vertaal-, redigeer- en tolkdienste

#### **HOOFSTUK 4**

##### **KWAZULU-NATAL PROVINSIALE TAALDIENS**

9. Instelling van KwaZulu-Natal Provinsiale Taaldiens
10. Bevoegdhede, werksaamhede en pligte van KwaZulu-Natal Taaldiens
11. Personeel van die Provinsiale Taaldiens

#### **HOOFSTUK 5**

##### **KWAZULU-NATAL INTERREGERINGSTAALFORUM**

12. KwaZulu-Natal Interregeringstaalforum (KWANILAFO)

#### **HOOFSTUK 6**

##### **ONTWIKKELING VAN INTERNE TAALBELEIDE EN KWAZULU-NATAL BELEID VIR ONTWIKKELING EN BEVORDERING VAN INHEEMSE TALE**

13. Interne taalbeleide
14. KwaZulu-Natal Beleid vir Ontwikkeling en Bevordering van Inheemse Tale

#### **HOOFSTUK 7**

##### **MEGANISME VIR INTERNE KLAGTES EN HANTERING VAN TAALDISPUTE**

15. Meganisme vir interne klagtes
16. Hantering van taaldispute

#### **HOOFSTUK 8**

##### **MONITERING VAN, EN VERSLAGLEWERING OOR, GEBRUIK VAN PROVINSIALE AMPTELIKE TALE**

17. Aangewese taalbeamptes of -eenhede
18. Monitering van, en verslaglewering oor, gebruik van provinsiale amptelike tale

**HOOFSTUK 9**  
**ALGEMENE BEPALINGS**

19. Regulasies
20. Delegerings
21. Herroeping van wet
22. Kort titel

**HOOFSTUK 1**  
**OMSKRYWINGS**

**Omskrywings**

1. In hierdie Wet, tensy uit die konteks anders blyk, beteken –
  - “Departement” die Departement in die Provincie van KwaZulu-Natal verantwoordelik vir taalaangeleenthede in die Provincie;
  - “Departementshoof” die persoon aangestel as die rekenpligtige beampot van die Departement;
  - “elf amptelike tale” die amptelike tale van die Republiek van Suid-Afrika, soos bedoel in artikel 6(1) van die Grondwet;
  - “finansiële jaar” die tydperk met ingang van 1 April van ’n spesifieke jaar wat eindig op 31 Maart van die daaropvolgende jaar;
  - “Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996;
  - “hierdie Wet” sluit die regulasies in;
  - “hoof van regeringsliggaam” die rekenpligte beampot van enige regeringsliggaam in die Provincie of enige persoon wat sodanig optree;
  - “inheemse tale gepraat in die Provincie” daardie tale wat –
    - (a) volgens historiese rekords, hul oorsprong in Suid-Afrika het en gepraat word in die Provincie; en
    - (b) in die verlede nie die nodige erkenning en status, in vergelyking met Engels

en Afrikaans, gekry het nie;

“**interne taalbeleide**” interne taalbeleide ontwikkel deur onderskeie regeringsliggame in die Provinsie, soos bedoel in artikel 13;

“**koerant**” die amptelike *Provinsiale Koerant van KwaZulu-Natal*;

“**KWANILAFO**” die KwaZulu-Natal Interregeringstaalforum soos bedoel in artikel 12;

“**Munisipale Raad**” die Munisipale Raad van enige munisipaliteit bedoel in artikel 157 van die Grondwet;

“**PanSAT**” die Pan-Suid-Afrikaanse Taalraad, ingestel ingevolge artikel 2 van die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995;

“**provinsiale amptelike tale**” die provinsiale amptelike tale bedoel in artikel 4(1);

“**Provinsiale Regering**” die regering van die Provinsie;

“**Provinsiale Taaldiens**” die KwaZulu-Natal Provinsiale Taaldiens ingestel ingevolge artikel 9;

“**Provinsiale Taalkomitee**” die Provinsiale Taalkomitee vir die Provinsie ingestel deur PanSAT ingevolge artikel 8(8)(a) van die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995;

“**Provinsiale Wetgewer**” die Wetgewer van die Provinsie soos bedoel in artikel 105 van die Grondwet, en beskik oor wetgewende gesag vir die Provinsie soos bedoel in artikel 104(1) van die Grondwet;

“**Provinsie**” die Provinsie van KwaZulu-Natal soos bedoel in artikel 103 van die Grondwet, en “**provinsiaal**” het ‘n ooreenstemmende betekenis;

“**regeringsliggaam**” –

(a) enige provinsiale departement of munisipaliteit in die Provinsie van KwaZulu-

Natal;

- (b) enige statutêre liggaam, kommissie, bestuur of raad in die provinsiale- of plaaslike regeringsfeer in die Provinse van KwaZulu-Natal; en
- (c) die Proviniale Wetgewer;

**"regulasies"** regulasies gemaak ingevolge artikel 19;

**"Resolusiekomitee vir 'n taaldispuut"** 'n Resolusiekomitee vir 'n taaldispuut, van tyd tot tyd aangestel deur die verantwoordelike Lid van die Uitvoerende Raad, ingevolge artikel 16(2);

**"taaldispuut"** 'n taaldispuut soos bedoel in artikel 15(2)(f);

**"taalklaer"** enige persoon wat 'n taalklagte soos bedoel in artikel 15(1) indien;

**"taalklagte"** 'n taalklagte soos bedoel in artikel 15(1);

**"Uitvoerende Raad"** die Uitvoerende Raad van die Provinse van KwaZulu-Natal;

**"verantwoordelike Lid van die Uitvoerende Raad"** die Lid van die Uitvoerende Raad van die Provinse verantwoordelik vir taalaangeleenthede in die Provinse;

**"voorgeskreve"** voorgeskryf deur regulasie volgens artikel 19, en **"voorgeskryf"** het 'n ooreenstemmende betekenis; en

**"Wet op die Pan-Suid-Afrikaanse Taalraad"** die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995 (Wet No. 59 van 1995).

## HOOFSTUK 2

### OOGMERKE EN TOEPASSING VAN WET

#### **Oogmerke van Wet**

2. Die oogmerke van die Wet is om –

- (a) die provinsiale amptelike tale vir die Provinse te bepaal;
- (b) die gebruik van provinsiale amptelike tale deur alle regeringsliggame in die Provinse te reguleer en monitor;
- (c) gelykwaardigheid en regverdighe behandeling van alle provinsiale amptelike tale in die Provinse te bevorder;
- (d) die publiek te bemagtig om tale van hul keuse te gebruik ten einde toegang tot regeringsdienste, kennis en inligting te bekom;
- (e) maatreëls te voorsien wat gemik is daarop om die regstelling van voorheen gemarginaliseerde inheemse tale in die Provinse te verseker; en
- (f) veertaligheid en taalkundige diversiteit in die Provinse te bevorder.

### Toepassing van Wet

3. Die wet is van toepassing op –

- (a) die Uitvoerende Raad;
- (b) alle Municipale Rade in die Provinse soos bedoel in artikel 157 van die Grondwet; en
- (c) alle regeringsliggame in die Provinse.

## HOOFSTUK 3

### PROVINSIALE AMPTELIKE TALE EN VERTAAL-, REDIGEER- EN TOLKDIENSTE

#### Bepaling van provinsiale amptelike tale

4.(1) Die amptelike tale van die Provinse is isiZulu, Engels, isiXhosa en Afrikaans.

(2) Neteenstaande artikel (1) moet –

(a) al elf amptelike tale van die Republiek van Suid-Afrika, soos bedoel in artikel 6(1) van die Grondwet –

- (i) gelykwaardigheid geniet; en
- (ii) regverdiglik behandel word,

in die Provinse; en

(b) die Provinciale Regering moet, in samewerking met PanSAT –

- (i) toestande skep en bevorder vir die gebruik van –

- (aa) al elf amptelike tale;
- (bb) die Khoi-, Nama- en Santale; en
- (cc) Suid-Afrikaanse Gebaretaal,
- in die Provincie; en
- (ii) respek bevorder vir –
- (aa) alle tale meestal gebruik deur gemeenskappe in Suid-Afrika; en
- (bb) ander tale wat gebruik word vir godsdienstdoeleindes.

**Gebruik van provinsiale amptelike tale in verrigtinge van Uitvoerende Raad, Munisipale Rade en Provinsiale Wetgewer**

5.(1) Enige van die provinsiale amptelike tale mag gebruik word in enige debat of toespraak in enige verrigtinge van –

- (a) die Uitvoerende Raad;
- (b) enige komitee van die Uitvoerende Raad;
- (c) enige Munisipale Raad;
- (d) enige komitee van enige Munisipale Raad;
- (e) die Provinsiale Wetgewer; en
- (f) enige komitee van die Provinsiale Wetgewer.

(2) Om uitvoering te gee aan subartikel (1) moet redelike reëlings getref word vir die voorsiening van tolkdienste gedurende sittings van die Provinsiale Wetgewer, die Uitvoerende Raad, Munisipale Rade en enige komitee van die Provinsiale Wetgewer, die Uitvoerende Raad en Munisipale Rade.

(3) Enige rekord van –

- (a) die Uitvoerende Raad;
- (b) Munisipale Rade;
- (c) enige komitee van –
- (i) die Uitvoerende Raad; en
- (ii) Munisipale Rade,

mag gedruk en gepubliseer word in enige van die Provinsiale amptelike tale. Met dien verstande dat enige persoon 'n vertaalde weergawe van die oorspronklike rekord of publikasie in enige provinsiale amptelike taal mag aanvra.

**Gebruik van provinsiale amptelike tale vir wetgewende doeleinades**

6.(1) Enige –

- (a) provinsiale wet (Wet) of konsep-provinsiale wet (Wetsontwerp); en
- (b) regulasie; proklamasie of reël gemaak onder, of uit hoofde van, enige provinsiale wet gepubliseer in die *Koerant* of enige koerant wat versprei word in die Provinse, moet aldus gepubliseer word in alle provinsiale amptelike tale.

(2) Enige kennisgewing uitgereik onder, of uit hoofde van, enige provinsiale wet en gepubliseer in die *Koerant* of enige koerant wat versprei word in die Provinse, moet sodanig gepubliseer word in ten minste twee provinsiale amptelike tale: Met dien verstande dat –

- (a) taalgebruik en voorkeur van die lede van die publiek waarop die kennisgewing betrekking het, in oorweging geneem moet word; en
- (b) een van die tale gebruik in die publisering van die kennisgewing moet, onderhewig aan streeksomstandighede, een van die inheemse tale wees wat in die Provinse gepraat word.

(3) Enige munisipale verordening, reël of kennisgewing gepubliseer deur enige munisipaliteit in die Provinse in die *Koerant* of enige koerant moet gepubliseer word in ten minste twee Provinsiale amptelike tale: Met dien verstande dat –

- (a) plaaslike taalgebruik en -voordeur in oorweging geneem moet word; en
- (b) een van die tale gebruik vir publikasie van die kennisgewing moet, onderhewig aan streeksomstandighede, een van die inheemse tale wees wat in die Provinse gepraat word.

**Gebruik van provinsiale amptelike tale deur regeringsliggame in Provinse**

7.(1) Alle regeringsliggame in die Provinse moet, deur interne taalbeleide soos bedoel in artikel 13, en onderhewig aan –

- (a) taalgebruik en voorkeur van die meerderheid klante en kliënte van die betrokke regeringsliggaam; en
- (b) streeksomstandighede,

ten minste twee van die Provinsiale amptelike tale aanwys vir –

- (i) interne, eksterne, geskrewe en mondelinge kommunikasie-; en
- (ii) publikasie-,

doeleindes: Met dien verstande dat enige regeringsliggaam in die Provinse addisioneel enige een of meer van die elf amptelike tale as sodanig mag aanwys.

(2) Redelike reëlings moet gemaak word vir die voorsiening van tolk- en vertaaldienste ten einde enige lid van die publiek wat verlang om met enige regeringsliggaam in die Provinse te kommunikeer deur die gebruik van enige ander provinsiale amptelike taal wat nie aangewys is nie, ingevolge subartikel (1), te akkommodeer.

(3) Een van die tale aangewys ingevolge subartikel (1) moet, onderhewig aan taalgebruik en - voorkeur van klante en kliënte van die betrokke regeringsliggaam, een van die inheemse tale wees wat in die Provinse gepraat word.

(4)(a) Enige rekord of publikasie van enige regeringsliggaam in die Provinse mag gedruk of gepubliseer word in enige van die tale aangewys ingevolge subartikel (1): Met dien verstande dat enige persoon 'n vertaalde weergawe van die oorspronklike rekord of publikasie mag aanvra in enige ander provinsiale amptelike taal.

(b) Die verantwoordelike Lid van die Uitvoerende Raad mag die tydperk waartydens die vertaalde weergawe van die oorspronklike rekord of publikasie in enige ander provinsiale amptelike taal voorsien moet word, na 'n versoek soos bedoel in paragraaf (a), voorskryf.

(5) Indien regeringsliggame in die Provinse hul dienste –

- (a) identifiseer;
- (b) bemark; of
- (c) bevorder,

moet hulle die provinsiale amptelike tale, aangewys ingevolge subartikel (1), gebruik in hul tekens, briefhoofde, reklameborde en reklamemateriaal.

(6) Indien 'n regeringsliggaam in die Provinse geskrewe kommunikasie of korrespondensie aan 'n klant, kliënt of lid van die publiek rig, moet sodanige kommunikasie of korrespondensie in die gewenste provinsiale amptelike taal wees soos aangedui mag word deur sodanige klant, kliënt of lid van die publiek.

**Vertaal-, redigeer- en tolkdienste**

8.(1) Die Provinciale Taaldiens, bedoel in artikel 9, moet –

- (a) ten opsigte van die provinsiale amptelike tale; en
- (b) binne 'n redelike tyd van 'n versoek of binne sodanige tydperk soos voorgeskryf mag word deur die verantwoordelike Lid van die Uitvoerende Raad,

vertaal-, redigeer- en tolkdienste voorsien soos vereis mag word deur die Provinciale Wetgewer, die Uitvoerende Raad, enige Municipale Raad in die Provinsie en enige regeringsliggaam in die Provinsie.

(2) Die Provinciale Taaldiens mag, op navraag, en –

- (a) onderhewig aan praktiese oorwegings en uitgawes; en
- (b) binne sodanige tydraamwerke of tydperke soos voorgeskryf mag word deur die verantwoordelike Lid van die Uitvoerende Raad.

die voorsiening van vertaal-, redigeer- en tolkdienste koördineer soos vereis mag word deur die Provinciale Wetgewer, die Uitvoerende Raad, enige Municipale Raad en enige regeringsliggaam in die Provinsie, ten opsigte van –

- (i) enige van die elf amptelike tale;
- (ii) enige van die Khoi-, Nama- of Santale;
- (iii) Suid-Afrikaanse Gebaretaal; en
- (iv) Braille.

(3) Enige regeringsliggaam in die Provinsie wat enige vertaal-, redigeer- of tolkdienste benodig, soos bedoel in artikels (1) en (2), moet 'n skriftelike versoek aan die Provinciale Taaldiens rig.

**HOOFTUK 4****KWAZULU-NATAL PROVINSIALE TAALDIENS****Instelling van KwaZulu-Natal Provinciale Taaldiens**

9.(1) Hiermee word die KwaZulu-Natal Provinciale Taaldiens ingestel, hierna verwys na as die Provinciale Taaldiens.

(2) Die Provinciale Taaldiens –

- (a) is 'n komponent binne die Departement; en
- (b) is nie 'n regspersoon nie.

### **Bevoegdhede, werksaamhede en pligte van die Provinciale Taaldiens**

**10.(1) Die Provinciale Taaldiens moet –**

- (a) die implementering van die bepalings van –
  - (i) hierdie Wet;
  - (ii) enige regulasie gemaak ingevolge artikel 19; en
  - (iii) interne taalbeleide bedoel in artikel 13,  
deur alle regeringsliggame in die Provinse monitor;
- (b) regverdig gebruik van provinsiale amptelike tale deur alle regeringsliggame in die Provinse, vir die versekering van regverdig toegang tot regeringsdienste, kennis en inligting vir alle burgers van die Provinse monitor en bevorder;
- (c) ondersteuning aan alle regeringsliggame in die Provinse voorsien ten opsigte van taalaangeleenthede;
- (d) praktiese en positiewe stappe neem om –
  - (i) veeltaligheid in die Provinse te bevorder;
  - (ii) die gebruik en ontwikkeling van inheemse tale wat gepraat word in die Provinse te bevorder; en
  - (iii) taalgelykheid in die Provinse te vestig;
- (e) goeie taalbestuur deur alle regeringsliggame in die Provinse vir doeltreffende openbare diensadministrasie monitor en bevorder;
- (f) respek vir die taalregte van die burgers van die Provinse deur alle regeringsliggame in die Provinse monitor en bevorder;
- (g) die ontwikkeling, hersiening en implementering van interne taalbeleide, soos bedoel in artikel 13, deur alle regeringsliggame in die Provinse, monitor;
- (h) vertaal-, redigeer- en tolkdienste voorsien aan enige regeringsliggaam in die Provinse;
- (i) die kwaliteit van vertaal-, redigeer- en tolkdienste in die Provinse te monitor en verbeter;
- (j) terminologie- en literatuurontwikkeling in die Provinse bestuur;
- (k) die aanleer en onderrig van alle provinsiale amptelike tale in die Provinse ondersteun; en

(I) administratiewe en sekretariële ondersteuning aan KWANILAFO verskaf, soos bedoel in artikel 12.

(2) Die Provinciale Taaldiens mag –

- (a) opleidingsprogramme in vertaal-, redigeer- en tolktegnieke faciliteer;
- (b) enige samewerking met enige regeringsliggaam of enige nie-regerings- organisasie kweek vir die verwesenliking van sy oogmerke en die uitvoering van sy bevoegdhede, werksaamhede en pligte; en
- (c) in die algemeen, enigets doen –
  - (i) wat nodig of voordeilig is vir die uitvoer van sy bevoegdhede, werksaamhede en pligte ingevolge hierdie Wet; en
  - (ii) wat redelik toevallig of bykomend is tot die uitvoering van sodanige bevoegdhede, werksaamhede of pligte.

**Personnel van Provinciale Taaldiens**

11.(1) Die personeel van die Provinciale Taaldiens bestaan uit werknekmers aangestel deur die Departementshoof ingevolge die Staatsdienswet, 1994 (Proklamasie Wet No. 103 van 1994).

(2) Die personeel van die Provinciale Taaldiens moet, as 'n eenheid, ten volle bekwaam wees om –

- (a) te vertaal, redigeer en tolk;
- (b) die uitbesteding van vertaal-, redigeer- en tolkdienste te bestuur; en
- (c) kwaliteitskontroledienste te voorsien ten opsigte van enige uitbestede vertaal-, redigeer- en vertolkwerk,

in al die provinsiale amptelike tale.

(3) Die personeel van die Provinciale Taaldiens moet, vir die doelwitte van artikel 10(1), gesamentlik oor voldoende en toepaslike vaardighede, ondervinding en kennis vir beleidsontwikkeling beskik.

**HOOFSTUK 5**  
**KWAZULU-NATAL INTERREGERINGSTAALFORUM**

**KwaZulu-Natal Interregeringstaalforum**

**12.(1) Hiermee word die KwaZulu-Natal Interregeringstaalforum (KWANILAFO) ingestel.**

**(2) Die oogmerke, bevoegdhede, werkzaamhede en pligte van KWANILAFO is om –**

- (a) algemene koördinasie, samewerking en oorlegpleging rakende taalaangeleenthede tussen alle regeringsliggame in die Provinse te bevorder;**
- (b) die implementering van interne taalbeleide in die Provinse te koördineer, berig en monitor;**
- (c) enige aangeleenthed met betrekking tot die implementering van hierdie Wet te ondersoek en om die verantwoordelike Lid van die Uitvoerende Raad te adviseer;**
- (d) betrokkenheid en dialoog tussen die Provinciale regering en enige organisasie of persoon met 'n belang in taalaangeleenthede in die Provinse te bevorder;**
- (e) die Provinciale regering te verteenwoordig by, deel te neem aan en bydra tot enige Nasionale Interregeringstaalforum; en**
- (f) sodanige ander funksies te verrig wat voorgeskryf of toegewys mag word aan KWANILAFO deur die verantwoordelike Lid van die Uitvoerende Raad.**

**(3) KWANILAFO bestaan uit –**

- (a) sodanige personeellede van die Provinciale Taaldiens soos aangewys deur die verantwoordelike Lid van Uitvoerende Raad;**
- (b) taalpraktisyns van alle regeringsliggame in die Provinse, sodanig aangewys ingevolge artikel 17;**
- (c) verteenwoordigende beamptes van spesialis taaleenhede, soos bedoel in artikel 17; en**
- (d) sodanige ander persoon wat aangewys en aangestel mag word deur die verantwoordelike Lid van Uitvoerende Raad wat, in die opinie van die verantwoordelike Lid van die Uitvoerende Raad, KWANILAFO mag blystaan in die nakoming van sy oogmerke, die uitoefen van sy bevoegdhede en die uitvoer van sy werkzaamhede en pligte.**

**(4) Die verantwoordelike Lid van die Uitvoerende Raad moet –**

- (a) die Voorsitter en Ondervoorsitter van KWANILAFO aanwys;
- (b) die ampstermyn van die Voorsitter en Ondervoorsitter bepaal; en
- (c) sodanige ander bepalings en voorwaardes vir die aanstelling van die Voorsitter en Ondervoorsitter bepaal.

(5)(a) Die verantwoordelike Lid van die Uitvoerende Raad moet die eerste vergadering van KWANILAFO belê.

(b) KWANILAFO moet daarna, so dikwels as moontlik vergader, maar ten minste vier keer 'n jaar op sodanige tye en plekke soos die Voorsitter mag bepaal.

(c) Regeringsliggame in die Provincie moet, ten opsigte van die beampies verteenwoordigend van die betrokke regeringsliggaam in KWANILAFO; en –

- (i) binne die toegewese hulpbronne van daardie regeringsliggaam; en
- (ii) onderhewig aan enige toepaslike wet of beleide wat reis- en verblyfkostes van daardie regeringsliggaam beheer,

die nodige voorsiening maak vir enige reis- en verblyfkostes wat aangegaan mag word as gevolg van die bywoon van vergaderings van KWANILAFO.

(6) Die administratiewe en sekretariële werk bykomend tot die verrigtinge van die werksaamhede van KWANILAFO moet verrig word deur beampies of werknemers van die Departement aangewys vir sodanige doel deur die Departementshoof in ooreenstemming met die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994).

## HOOFSTUK 6

### ONTWIKKELING VAN INTERNE TAALBELEIDE EN KWAZULU-NATAL BELEID VIR ONTWIKKELING EN BEVORDERING VAN INHEEMSE TALE

#### Interne taalbeleide

13.(1) Alle regeringsliggame in die Provincie moet –

- (a) binne 18 maande vanaf inwerkingtreding van hierdie Wet; en
- (b) na oorlegpleging met die Provinciale Taaldiens,

hul onderskeie interne taalbeleide ontwikkel en goedkeur.

(2) Interne taalbeleide bedoel in artikel (1) moet konsekwent wees met die bepalings van hierdie

Wet en enige regulasies gemaak onder hierdie Wet ingevolge artikel 19.

(3) 'n Interne taalbeleid vir enige regeringsliggaam in die Provincie moet –

(a) soos bedoel in artikel 7 –

(i) ten minste twee van die provinsiale amptelike tale identifiseer vir doeleindes van interne en eksterne, geskrewe of mondelinge kommunikasie en publikasie doeleindes vir die betrokke regeringsliggaam; en

(ii) stipuleer hoe die betrokke regeringsliggaam kommunikeer met enige lid van die publiek wat die begeerte het om met daardie regeringsliggaam te kommunikeer deur die gebruik van enige ander taal nie aangewys ingevolge artikel 7 nie;

(b) voorsiening maak vir 'n meganisme vir interne klagtes, soos bedoel in artikel 15; en

(c) gepubliseer word in die *Koerant* so gou as redelik prakties uitvoerbaar, maar nie later nie as 90 dae na aanvaarding.

(4) Elke regeringsliggaam in die Provincie moet –

(a) sy klante en kliënte inlig van die bestaan van sy interne taalbeleid en dit gratis en op versoek beskikbaar stel;

(b) verseker dat 'n afskrif van sy interne taalbeleid beskikbaar is op versoek aan sy klante en kliënte en die lede van die publiek; en

(c) 'n opsomming van sy taalbeleid ten toon stel in al sy kantore en op sodanige wyse en in sodanige posisie dat dit sigbaar is en gelees kan word deur sy klante en kliënte en lede van die publiek.

#### **KwaZulu-Natal Beleid vir Ontwikkeling en Bevordering van Inheemse Tale**

14. Die verantwoordelike Lid van die Uitvoerende Raad moet, na oorlegpleging met die Provinsiale Taalkomitee en KWANILAFO, die KwaZulu-Natal Beleid vir die Ontwikkeling en Bevordering van Inheemse Tale ontwikkel en aanneem.

## HOOFSTUK 7

### MEGANISME VIR INTERNE KLAGTES EN HANTERING VAN TAALDISPUTE

#### **Meganisme vir interne klagtes**

**15.(1)** Elke regeringsliggaam in die Provincie moet, deur hul interne taalbeleide soos bedoel in artikel 13, voorsiening maak vir 'n breedvoerige meganisme vir interne klagtes wat –

- (a) gebruik mag word deur enige lid van die publiek wat verlang om 'n taalklagte in te dien vir enige beweerde oortreding of dreigende oortreding van enige –
- (i) taalreg bedoel in die Grondwet, hierdie Wet of die interne taalbeleid van die betrokke regeringsliggaam; of
  - (ii) voorsiening van hierdie Wet of van enige interne taalbeleid van daardie regeringsliggaam,
- deur die regeringsliggaam; en
- (b) moet nagekom word deur –
- (i) die klaer by die indiening van 'n taalklagte; en
  - (ii) die regeringsliggaam om taalklagtes te ondersoek en op te los.

**(2)** Die meganisme vir klagtes moet –

- (a) die owerheid binne die regeringsliggaam identifiseer by wie die taalklagte ingedien mag word;
- (b) die tydperk aandui vir die indien van 'n taalklagte: Met dien verstande dat alle taalklagtes binne 90 dae ingedien moet word vanaf die datum waarop die taalklaer bewus geword het van die oortreding of dreigende oortreding van enige –
- (i) taalreg;
  - (ii) bepaling van hierdie Wet; of
  - (iii) bepaling van die interne taalbeleid van die betrokke regeringsliggaam;
- (c) aandui dat taalklagtes –
- (i) skriftelik moet wees: Met dien verstande dat enige taalklaer wat nie kan lees of skryf nie bygestaan moet word deur beampies van die betrokke regeringsliggaam om die taalklagte skriftelik vas te lê;
  - (ii) die bepaling van hierdie Wet spesifieer, óf die aard van die reg wat na bewering oortree is óf na bewering 'n dreigende oortreding is; en
  - (iii) spesifieer wat die gronde is waarop die taalklaer se taalklagte gebaseer is;
- (d) vereis dat die taalklaer sy of haar belang in die aangeleentheid identifiseer: Met

dien verstande dat, sou die persoon wat die taalklagte indien optree namens 'n derde party of 'n groep individue, hy of sy ook bewys van magtiging moet indien;

(e) die tydperk vir die afhandeling van die taalklagte wat ingedien is by die regeringsliggaam spesificeer: Met dien verstande dat alle taalklagtes binne 30 dae vanaf datum van ontvangs van die klage afgehandel moet word;

(f) spesificeer dat enige taalklaer wat gegrief is deur –

(i) die versuim van die betrokke regeringsliggaam om die taalklagte af te handel binne 30 dae vanaf ontvangs, soos bedoel in paragraaf (e); of

(ii) die wyse waarop die betrokke regeringsliggaam sy of haar taalklagte ondersoek, hanteer of afgehandel het,

'n taaldispuut mag verwys na die verantwoordelike Lid van die Uitvoerende Raad, soos bedoel in artikel 16(1), vir verdere ondersoek en resolusie ingevolge artikel 16(5);

(g) spesificeer dat die verantwoordelike Lid van die Uitvoerende Raad –

(i) ten opsigte van enige klage wat steeds onopgelos is; en

(ii) op sy of haar eie inisiatief,

'n bepaling mag maak dat 'n taaldispuut, soos bedoel in artikel 16(1) –

(aa) ontstaan het; en

(bb) onderwerp word aan verdere ondersoek, soos bedoel in artikel 16(5); en

(h) enige ander inligting, soos voorgeskryf mag word deur die verantwoordelike Lid van die Uitvoerende Raad, spesificeer.

### **Hantering van taaldispute**

**16.(1)** 'n Taaldispuut ontstaan wanneer –

(a) 'n taalklagte onopgelos bly soos bedoel in artikel 15(2)(f); of

(b) indien die verantwoordelike Lid van die Uitvoerende Raad, ingevolge artikel 15(2)(g), bepaal dat 'n taaldispuut ontstaan het.

**(2)** Waar 'n taaldispuut ontstaan, mag 'n klaer die taaldispuut verwys na –

(a) PanSAT, ingevolge artikel 11 van die Wet op die Pan-Suid-Afrikaanse Taalraad, 1995; of

(b) die verantwoordelike Lid van die Uitvoerende Raad ingevolge subartikel (3).

(3) Indien die klaer verkies om die proses bedoel in subartikel (2)(b) te volg, moet hy of sy, binne 21 dae, die taaldispuut verwys na die verantwoordelike Lid van die Uitvoerende Raad vir verdere ondersoek en resolusie soos bedoel in subartikel (5).

(4) Indien die verantwoordelike Lid van die Uitvoerende Raad 'n beslissing gemaak het, soos bedoel in artikel 15(2)(g), dat 'n taaldispuut ontstaan het, moet hy of sy binne 21 dae –

- (a) die toepaslike regeringsliggaam; en
- (b) die klaer,

in kennis stel van sy of haar voorneme om die taaldispuut te verwys vir verdere ondersoek en resolusie, soos bedoel in subartikel (5).

(5) Die verantwoordelike Lid van die Uitvoerende Raad moet, binne 30 dae –

- (a) en by ontvangs van 'n verwysing van 'n taaldispuut; of
- (b) nadat die verantwoordelike Lid van die Uitvoerende Raad 'n beslissing gemaak het, soos bedoel in artikel 15(2)(g), dat 'n taaldispuut ontstaan het,

'n Resolusiekomitee vir die taaldispuut aanstel.

(6) Die Resolusiekomitee vir die taaldispuut moet, binne 90 dae vanaf aanstelling –

- (a) die taaldispuut ondersoek;
- (b) 'n minlike resolusie vir die taaldispuut bereik deur fasilitering, bemiddeling of onderhandeling; en
- (c) verslag lewer en aanbevelings maak aan die verantwoordelike Lid van die Uitvoerende Raad betreffende die uitkoms van die taaldispuut.

(7) Die Resolusiekomitee vir die taaldispuut, aangestel deur die verantwoordelike Lid van die Uitvoerende Raad ingevolge subartikel (2), mag enige persoon, liggaam of regeringsliggaam dagvaar om –

- (a) voor die komitee te verskyn;
- (b) getuienis te lewer; en
- (c) enige relevante rekord of dokument te verskaf.

(8) Sou dit blyk dat 'n minlike resolusie, soos bedoel in subartikel (5)(b), vir die taaldispuut nie moontlik is nie –

- (a) moet die Resolusiekomitee vir die taaldispuut 'n verslag voorle aan die

verantwoordelike Lid van die Uitvoerende Raad, insluitend –

- (i) feitlike besonderhede van die disput;
- (ii) enige verbale of skriftelike indiening deur die –
  - (aa) taalklaer; of
  - (bb) betrokke regeringsliggaam,

met betrekking tot die taaldispuut; en

  - (iii) voorstelle vir die toepaslike beslissing, soos bedoel in paragraaf (b);
- (b) die verantwoordelike Lid van die Uitvoerende Raad mag, binne 30 dae vanaf ontvangs van die Resolusiekomitee vir die taaldispuut se verslag, soos bedoel in paragraaf (a), die disput beslis deur –
  - (i) 'n nakomingskennisgewing uit te reik wat beroep doen op die betrokke regeringsliggaam om enige daad of weglatting wat geleid het tot die taaldispuut te herstel: Met dien verstande dat die regeringsliggaam binne 30 dae voldoen aan die nakomingskennisgewing; of
  - (ii) die taaldispuut verworp.

## HOOFSTUK 8

### MONITERING VAN, EN VERSLAGLEWERING OOR, GEBRUIK VAN PROVINSIALE AMPTELIKE TALE

#### Aangewese taalpraktisyns of spesialis-taaldienseenhede

- 17.(1) Hoofde van regeringsliggame in die Provinsie moet –
- (a) na oorlegpleging met die Proviniale Taaldiens;
  - (b) onderhewig aan enige wet wat indiensneming van personeel van die betrokke regeringsliggaam beheer; en
  - (c) onderhewig aan die taalbehoeftes van elke regeringsliggaam in die Provinsie, een of meer taalpraktisyns of 'n spesialis-taaldienseenheid binne hul instansie aanwys.
- (2) Die aangewese taalpraktisyn of spesialis-taaldienseenheid bedoel in subartikel (1) is verantwoordelik vir –
- (a) die versekering dat die betrokke regeringsliggaam –
    - (i) die bepalings van hierdie Wet en enige ander regulasies ingevolge hierdie Wet

implementeer;

(ii) 'n interne taalbeleid ontwikkel en implementeer, soos bedoel in artikel 13; en  
(iii) die vereistes vir verslaglewering soos bedoel in artikel 18 nakom;

(b) die bestuur en fasilitering van alle versoekes vir vertaal-, redigeer- en tolkdienste bedoel in artikel 8, van die betrokke regeringsliggaam; en  
(c) verteenwoordiging van die betrokke regeringsliggaam op KWANILAFO.

### **Monitoring van, en verslaglewering oor, gebruik van provinsiale amptelike tale**

**18.(1)** Regeringsliggame in die Provincie moet –

(a) binne drie maande vanaf die einde van elke finansiële jaar; of  
(b) binne sodanige ander tydperk soos bepaal mag word deur die verantwoordelike Lid van die Uitvoerende Raad,

'n verslag voorlê aan die verantwoordelike Lid van die Uitvoerende Raad ten opsigte van –

(i) stappe geneem deur die betrokke regeringsliggaam ter nakoming van die bepalings van hierdie Wet;  
(ii) die ontwikkeling en implementering van 'n interne taalbeleid soos bedoel in artikel 15;  
(iii) die aktiwiteite van enige spesialis-taaldienseenheid van die betrokke regeringsliggaam;  
(iv) enige klagtes ontvang deur die betrokke regeringsliggaam en die wyse waarop die klagtes hanteer is; en  
(v) enige ander aangeleentheid soos voorgeskryf mag word deur die verantwoordelike Lid van die Uitvoerende Raad.

**(2)** KWANILAFO moet –

(a) binne drie maande vanaf die einde van elke finansiële jaar; of  
(b) binne sodanige ander tydperk soos bepaal mag word deur die verantwoordelike Lid van die Uitvoerende Raad,

'n jaarlikse verslag voorlê aan die verantwoordelike Lid van die Uitvoerende Raad ten opsigte van –

(i) die bereiking van sy doelwitte, die uitvoering van sy bevoegdhede en die nakoming van sy werksaamhede en pligte;  
(ii) enige aangeleentheid betreffende die implementering van hierdie Wet; en

(iii) enige ander aangeleentheid soos voorgeskryf mag word.

(3) Die verantwoordelike Lid van die Uitvoerende Raad moet –

- (a) na oorlegpleging met die Provinciale Taalkomitee; en
- (b) binne vyf maande vanaf die einde van elke finansiële jaar,

'n jaarlikse verslag oor die implementering van hierdie Wet en die provinsiale taalbeleid in die Provinse ter tafel lê in die Provinciale Wetgewer.

## HOOFSTUK 9

### ALGEMENE BEPALINGS

#### **Regulasies**

**19.** Die verantwoordelike Lid van die Uitvoerende Raad mag, deur kennisgewing in die *Koerant* en na oorlegpleging met die Provinciale Taalkomitee, regulasies maak wat –

- (a) enige aangeleentheid wat vereis word of toegelaat is om voorgeskryf te word ingevolge hierdie Wet; of
  - (b) enige administratiewe of procedurele aangeleentheid noodsaaklik om uitwerking te gee aan die bepalings van hierdie Wet,
- voorskryf.

#### **Delegerings**

**20.(1)** Die verantwoordelike Lid van die Uitvoerende Raad mag aan die Provinciale Taalkomitee of aan die Departementshoof –

- (a) enige bevoegdheid toegeken aan die verantwoordelike Lid van die Uitvoerende Raad deur hierdie Wet, met uitsondering van die bevoegdheid om regulasies te maak ingevolge artikel 19; of
  - (b) enige opgelegde plig van die verantwoordelike Lid van die Uitvoerende Raad deur hierdie Wet,
- delegeer.

**(2)** Enige bevoegdheid of plig gedelegeer ingevolge subartikel (1) moet uitgeoefen of uitgevoer word onderhewig aan sodanige voorwaardes soos die verantwoordelike Lid van die Uitvoerende

Raad nodig ag.

(3) Enige delegering ingevoige subartikel (1) –

- (a) moet skriftelik wees;
- (b) mag die verantwoordelike Lid van die Uitvoerende Raad nie verhinder om daardie bevoegdheid, of verrigting van daardie plig, uit te voer nie; en
- (c) mag te enige tyd deur die verantwoordelike Lid van die Uitvoerende Raad teruggetrek of gewysig word.

**Herroeping van wet**

21. Die KwaZulu-Natal Wet op Parlementêre Amptelike Tale, 1998 (Wet No. 10 van 1998), word hiermee herroep.

**Kort titel**

22. Hierdie Wet word die KwaZulu-Natal Wet op Proviniale Tale, 2013 genoem.

**MEMORANDUM OOR DIE OOGMERKE  
VAN DIE KWAZULU-NATAL WETSONTWERP OP PROVINSIALE TALE, 2013**

**AGTERGROND**

1. (a) Bykomend tot die bepaling van elf amptelike tale vir die Republiek van Suid-Afrika, voorsien artikel 6 van die Grondwet van die Republiek van Suid-Afrika, 1996 ("die Grondwet") verder dat –

- (i) die Staat praktiese en positiewe stappe moet neem om die status van inheemse tale te verhoog en gebruik van sodanige tale te bevorder;
- (ii) die Nasionale regering en provinsiale regering mag, na inagneming van gebruik, praktiese aspekte, uitgawes, streeksomstandighede en die balansering van die behoeftes van die teikenpopulasie, ten minste twee van die amptelike tale gebruik vir regeringsdoeleindes. Munisipaliteit moet die taalgebruik en taalvoorkoue van hul inwoners in ag neem wanneer besluit word op die tale wat gebruik sal word vir regeringsdoeleindes; en
- (iii) die Nasionale regering en provinsiale regerings, deur wetgewing en ander maatreëls, hul gebruik van amptelike tale reguleer en monitor.

(b) Deur die bogenoemde grondwetlike imperatief beoog die verantwoordelike Lid van die Uitvoerende Raad, verantwoordelik vir Kuns en Kultuur in die Provinsie (die "LUR"), om die KwaZulu-Natal Wet op Tale, 2012 in te dien.

**HOOFBEPALINGS VAN DIE WETSONTWERP**

2. (1) Die hoofoogmerke van die Wetsontwerp is om voorsiening te maak vir –

- (a) die vasstelling van provinsiale amptelike tale vir die Provinsie;
- (b) die regulering en monitering van die gebruik van provinsiale amptelike tale deur alle regeringsliggame in die Provinsie;
- (c) die instelling van die KwaZulu-Natal Provinciale Taaldiens en die KwaZulu-Natal Interregeringstaalforum;
- (d) maatreëls vir die ontwikkeling van inheemse tale en gebaretaal in die Provinsie;
- (e) die herroeping van die KwaZulu-Natal Wet op Parlementêre Amptelike Tale, 1998 (Wet No. 10 van 1998); en
- (f) ander aangeleenthede wat daarmee verband hou.

(2) Hoofstuk 1 van die Wetsontwerp maak voorsiening vir die woordomskrywings.

(3) Hoofstuk 2 maak voorsiening vir die oogmerke en die toepassing van die Wetsontwerp. Die Wetsontwerp, sodra dit aangeneem is as wet, sal van toepassing wees op alle regeringsliggame in die Provincie.

(4)(a) Hoofstuk 3 van die Wetsontwerp maak voorsiening vir die bepaling van isiZulu, Engels, isiXhosa en Afrikaans as die provinsiale amptelike tale in KwaZulu-Natal.

(b) Hoofstuk 3 maak verder voorsiening vir die gebruik van die provinsiale amptelike tale in die Provincie. Hierdie hoofstuk maak ook voorsiening vir die benutting van vertaal-, redigeer- en interpreteerdienste.

(5) Hoofstuk 4 maak voorsiening vir die instelling van die Provinsiale Taaldiens as 'n spesialiseenheid binne die Departement. Hierdie hoofstuk maak ook voorsiening vir die bevoegdhede, werkzaamhede en pligte van die Provinsiale Taaldiens wat insluit, maar nie beperk is nie, tot –

- (a) die monitering van die implementering van hierdie Wet, regulasies en interne beleide deur regeringsliggame in die Provincie;
- (b) bevordering en monitering van goeie taalbestuur deur regeringsliggame in die Provincie; en
- (c) bevordering en monitering van respek vir die taalregte van burgers van die Provincie deur alle regeringsliggame in die Provincie.

(6) Hoofstuk 5 maak voorsiening vir die instelling van die Provinsiale Interregerings- forum, genoem die KwaZulu-Natal Interregeringstaalforum (KWANILAFO).

(7) Hoofstuk 6 maak voorsiening vir die ontwikkeling van interne taalbeleide deur alle regeringsliggame in die Provincie. Hierdie hoofstuk maak ook voorsiening vir die ontwikkeling van die KwaZulu-Natal Beleid vir die Ontwikkeling en Bevordering van Inheemse Tale.

(8) Hoofstuk 7 maak voorsiening vir die aangeleenthede wat verband hou met die hantering van taalklagtes en -dispute wat voorspruit uit enige skending van taalregte of enige bepalings van hierdie Wetsontwerp.

(9) Hoofstuk 8 maak voorsiening vir mekanismes vir monitering en verslaglewering vir die gebruik van provinsiale amptelike tale in die Provincie.

(10) Hoofstuk 9 maak voorsiening vir algemene bepalings naamlik regulasies, delegerings, herroeping van die KwaZulu-Natal Wet op Parlementêre Amptelike Tale, 1998 (Wet No. 10 van 1998), en die korttitel van die Wet.

#### **ORGANISATORIESE- EN PERSONEELIMPLIKASIES VIR PROVINSIALE REGERING**

3. Geen.

#### **FINANSIELLE IMPLIKASIES VIR PROVINSIALE REGERING**

4. Geen.

#### **DEPARTEMENTE / LIGGAME GERAADPLEEG**

5. Verteenwoordigers van alle provinsiale departemente en munisipaliteite in die Provincie, akademici en taaldeskundiges was genooi om insette en kommentaar betreffende die Wetsontwerp te lewer.

#### **GRONDWETLIKE IMPLIKASIES**

6. Die Wetsontwerp beoog om voor te skryf aan munisipaliteite in die Provincie ten opsigte van die wyse waarop kennis geneem moet word van hul klante se taalvoorkeure tydens die uitvoer van hul pligte; daarom is artikel 154(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, van toepassing. Kragtens die vermelde bepaling moet die Lid van die Uitvoerende Raad, voor indiening van die Wetsontwerp by die Wetgewer, dit publiseer vir openbare kommentaar op 'n wyse wat geleentheid bied aan georganiseerde plaaslike regering en ander belanghebbendes om vertoe oor die Wetsontwerp te rig.

No. 40

7 kuMeyi 2013

**ISEBE LEZOBUGCISA, INKCUBEKO, EZEMIDLALO NOLONWABO**

**ISAZISO SOMTHETHO OSAYILWAYO WEELWIMI WEPHONDO LAKWAZULU-NATALA,  
2013, NGOKULANDELA ICANDELO LE- 154(2) LOMGAQO-SISEKO WERIPHABLIKHI  
YASEMZANTSİ AFRIKA, 1996**

1. Ngokulandela icandelo le- 154(2) loMgaqo-Siseko weRiphablikhi yaseMzantsi Afrika, 1996 (uMthetho we- 108 ka- 1996), uMthetho osaYilwayo weeLwimi lePhondo laKwaZulu-Natala, 2013, uyethulwa ukuba uluntu luvakalise izimvo zalo.

2. Amasebe aseburhulumenteni, oomasipala kanye namanye amaqumirhu nemibutho enomdla ayacelwa ukuba avakalise izimvo zaho ngembalelwano ngalo Mthetho osayilwayo kungekapheli iintsuku ezingama-30 emva kokukhutshwa kwesi saziso, ngoku –

- (a) posela iNtloko yeSebe: ezoBugcisa neNkcubeko, Private Bag X9140 Pietermaritzburg, 3200;
- (b) hambisa ngesandla kumgangatho wesibini kwisakhiwo esibizwa nge, Heritage House, 222 Jabu Ndlovu Street, Pietermaritzburg, qondisa ku: Mnumzana MB Mnguni;
- (c) feksela ku: (033) 264 3494; okanye
- (d) thumela i-meyili ku: [mngunim@kzndac.gov.za](mailto:mngunim@kzndac.gov.za).

Sikhutshwe ndim e..... Durban..... ngalo mhla we ..08..... ku .....February.....,  
Amawaka amabini neShumi elineSithathu.

**NKKZ. NN SIBHIDLA-SAPHETHA, UMPATHISWA (MEC)**

iLungu lesiGqeba esiLawulayo sePhondo laKwaZulu-Natala  
elijongene nezoBugcisa, iNkcubeko, ezeMidlalo noLonwabo

**UMTHETHO OSAYILWAYO WEELWIMI WEPHONDO  
LAKWAZULU-NATALA, 2012**

**UMTHETHO OSAYILWAYO**

**Wokulungiselela ukuchongwa kweelwimi ezisemthethweni kwiPhondo laKwaZulu-Natala; ukulungiselela ukulawulwa nokubekwa esweni kokusetyenziswa kweelwimi ezisemthethweni zePhondo ngawo onke amaziko aseburhulumenteni kwiPhondo laKwaZulu-Natala; ukunyusa umgangatho nokuphucula ukusetyenziswa kweelwimi zomthonyama ezithethwayo kwiPhondo; ukulungiselela ukusungulwa kweCandelo leeNkonzo zeeLwimi lePhondo laKwaZulu-Natala; ukulungiselela ukusungulwa kweQumrhu leeLwimi lamaCandelo aSebenzisanayo kaRhulumente aKwaZulu-Natala; ukulungiselela ukuyilwa kwemigaqo-nkqubo yeelwimi yangaphakathi kumacandelo aseburhulumenteni kwiPhondo; ukulungiselela ukusungulwa nokulandelwa kwoMgaqo-nkqubo wokuPhuhliwa nokuPhuculwa kweelwimi zoMthonyama laKwaZulu-Natala; ukulungiselela ukupheliwa koMthetho weeLwimi eziseMthethweni zePalamente yaKwaZulu-Natala, 1998 (uMthetho we-10 ka-1998); nokulungiselela nemiba ephathelene noko.**

**WAKUMISELWA yiNdu yoWiso-mthetho yePhondo laKwaZulu-Natala, ngolu hlobo:-**

**UKUMA KWAMACANDELO**

*Icandelo*

**ISAHLUKO SOKU-1****IINKCAZELO**

**1. Iinkczelo**

**ISAHLUKO SESI-2****IINJONGO NOKUSEBENZA KOMTHETHO**

**2. Iinjongo zoMthetho**

**3. Ukusebenza koMthetho**

**ISAHLUKO SESI-3**

**IILWIMI EZISEMTHETHWENI ZEPHONDO NEENKONZO ZOGUQUULO-MIBHALO,  
UKULUNGISA IMIBHALO KANYE NOKUTOLIKA**

4. Ukubekwa kweelwimi ezisemthethweni zePhondo
5. Ukusetyenziswa kweelwimi ezisemthethweni zePhondo ezintlanganisweni zesiGqeba seBhunga, kumaBhunga ooMasipala nakwiNdlu yoWiso-mthetho yePhondo
6. Ukusetyenziswa kweelwimi ezisemthethweni zePhondo kwimicimbi esemthethweni
7. Ukusetyenziswa kweelwimi ezisemthethweni zePhondo ngamaziko aseburhulumenteni kwiPhondo
8. Iinkonzo zoguquulo-mibhalo, ukulungisa imibhalo nokutolika

**ISAHLUKO SESI-4**

**ICANDELO LEENKONZO ZEELWIMI LEPHONDO LAKWAZULU-NATALA**

9. Ukusekwa kweCandelo leeNkonzo zeeLwimi lePhondo laKwaZulu-Natala
10. Amagunya, uxanduva nemisebenzi yecandelo leeNkonzo zeeLwimi laKwaZulu-Natala
11. Abasebenzi beCandelo leeNkonzo zeeLwimi lePhondo

**ISAHLUKO SESI-5**

**ISIGQEBA SEELWIMI SAMACANDELO ASEBENZISANAYO KARHULUMENTE  
WAKWAZULU-NATALA**

12. IQumrhu laKwaZulu-Natala leeLwimi IamaCandelo aSebenzisanayo kaRhulumente (*KwaZulu-Natala Intergovernmental Language Forum - KWANILAFO*)

**ISAHLUKO SESI-6**

**UKUSEKWA NGOKUSESIKWENI KWEMIGAQO-NKQUBO YEELWIMI YANGAPHAKATHI  
NOMGAQO-NKQUBO WOKUPHUHLISWA NOKUPHUCULWA KWEELWIMI ZOMTHONYAMA  
ZAKWAZULU-NATALA**

13. Imigaqo-nkqubo yeelwimi yangaphakathi
14. Umgaqo-nkqubo wokuPhuhliswa kweelwimi zoMthonymama zaKwaZulu-Natala

**ISAHLUKO SESI-7**

**UHLELO LWEZIKHALAZO LWANGAPHAKATHI NOKUXAZULULWA KOKUNGABONI  
NGASOLINYE MALUNGA NEELWIMI**

15. Uhlelo Iwezikhalazo Iwangaphakathi

16. Ukuxazululwa kokungaboni ngasolinye malunga neelwimi

**ISAHLUKO SESI-8**

**UKUQWALASELWA NOKUKHUTSHWA KWENGXELO YEPHONDO NGOKUSETYENZISWA  
KWEELWIMI EZISEMTHETHWENI**

17. Abasebenzi okanye amacandelo eelwimi amiselweyo

18. Ukuqwalaselwa nokukhutshwa kweengxelo ngokusetyenziswa kweelwimi ezisemthethweni zePhondo

**ISAHLUKO SE-9**

**IMITHETHO GABALALA**

19. Imigaqo

20. Ukugqithiselwa kwamagunya

21. Ukupheliswa komthetho

22. Isihloko esishwankathelweyo

**ISAHLUKO SOKU-1**

**IINKCAZELO**

**linkcazelو**

Kulo Mthetho, ngaphandle kokuba umxholo utsho okwahlukileyo –

"umGaqo-siseko" uthetha umGaqo-siseko weRiphablikhi yaseMzantsi Afrika, 1996 (uMthetho we-108 ka-1996);

"iSebe" lithetha iSebe lePhondo laKwaZulu-Natala elijongene nemicimbi yeelwimi kweli Phondo;

"iilwimi ezisemthethweni ezilishumi elinanye" lithetha iilwimi ezisemthethweni kwiphablikhi yaseMzantsi Afrika, ezidweliswe kwicandelwana 6(1) iomGaqo--siseko;

"iSigqeba seBhunga" sithetha iSigqeba seBhunga sePhondo laKwaZulu-Natala;

"uNyaka-mali" uthetha ixesha eliqala ngomhla woku-1 kuTshazimpuzi ukuya kumhla

wama-31 kweyoKwindla kunyaka olandelayo;

"**iGazethi**" ithetha iGazethi esemthethweni yePhondo laKwaZulu-Natala;

"**iziko likaRhulumente**" lithetha –

- (a) nokuba liliphi isebe lePhondo okanye umasipala okwiSebe laKwaZulu-Natala;
- (b) nokuba liliphi iziko elisemthethweni, ikhomishoni, ibhodi okanye ibhunga elikwinqanaba lePhondo okanye loorhulumente basekhaya kwiPhondo laKwaZulu-Natala; Kunye
- (c) neNdlu yoWiso-mthetho yePhondo;

"**iNtloko yeSebe**" ithetha umntu otyunjwe njengetosa elijongene neemali zeSebe;

"**intloko yesigqeba sikarhulumente**" ithetha igosa elijongene neemali zalo naliphi iziko likarhulumente ePhondweni okanye nawuphi umntu obambe eso sikhundla;

"**iilwimi zomthonyama ezithethwayo kwiPhondo**" zithetha ezoo lwimi –

- (a) ezizomthonyama eMzantsi Afrika, ngokweerekodi zembali zikwathethwa kwiPhondo; yaye
- (b) ebezikade zingathathelwa ngqalelo yaye zingahlonitshwa ngendlela elinganayo nesiNgesi nesiBhulu;

"**imigaqo-nkubo yeelwimi yangaphakathi**" ithetha imigaqo-nkubo yeelwimi yangaphakathi esungulwe ngamaziko aseburhulumenteni ngokokuhluka-hlukana kwayo kwiPhondo, njengoko kubekiwe kwicandelwana le-13;

"**i-KWANILAFO**" ithetha iQumrhu leeLwimi laKwaZulu-Natala lamaCandelo aSebenzisanayo asebuRhulumenteni, acaciswe kwicandelwana le-12;

"**umfaki-sikhala zo esiphathelene neelwimi**" uthetha nokuba ngowuphi na umntu ofaka isikhala zo esiphathelene neelwimi, ocaciswe kwicandelwana 15(1);

"**Isikhala zo esiphathelene neelwimi**" sithetha isikhala zo esiphathelene neelwimi esicaciswe kwicandelwana le- 15(1);

"**ukungaboni ngasonye malunga neelwimi**" kuthetha ukungaboni ngasonye okuphathelene neelwimi njengoko kucaciswe kwicandelwana le- 15(2)(f);

"**iKomiti yokuXazulula ukuNgaboni Ngasonye okuphathelene neelwimi**" ithetha iKomiti yokuXazulula ukuNgaboni Ngasonye okuphathelene neelwimi, etyunjwa nguMphathiswa wePhondo, amaxesha ngamaxeshwa, ngokwecandelwana le- 16(2);

"**iBhunga likaMasipala**" lithetha iBhunga likaMasipala lawo nawuphi na umasipala njengoko kucacisiwe kwicandelwana le-157 lomGaquo-siseko

"**iPanSALB**" ithetha iBhodi kaZwelonke yeeLwimi yaseMzantsi Afrika, eyasungulwa ngokwecandelo lesi-2 loMthetho weBhodi yeeLwimi kaZwelonke yaseMzantsi Afrika;

"**uMthetho weBhodi kaZwelonke yeeLwimi yaseMzantsi Afrika**" uthetha uMthetho weBhodi kaZwelonke yeeLwimi yaseMzantsi Afrika, ka-1995 (uMthetho wama-59 ka-1995);

"**okumiselweyo**" kuthetha okumiselwe ngumgaqo phantsi kwecandelwana le-19, yaye igama "**ukumisela**" linenkcazeloe ffanayo;

"**iPhondo**" lithetha iPhondo IaKwaZulu-Natala elicaciswe kwicandelwana le-103 lomGaquo-siseko, yaye igama "**yePhondo**" linenkcazeloe ffanayo;

"**uRhulumente wePhondo**" uthetha urhulumente wePhondo IaKwaZulu-Natala;

"**iKomiti yeeLwimi yePhondo**" ithetha iKomiti yeeLwimi yePhondo esungulwe iPanSALB ngokwecandelwana le-8(8)(a) loMthetho weBhodi kaZwelonke yeeLwimi yaseMzantsi Afrika, ka-1995 (uMthetho wama-59 ka-1995);

"**iCandelo leeNkonzo zeeLwimi zePhondo**" lithetha iCandelo leeNkonzo zeeLwimi zePhondo IaKwaZulu-Natala elisungulwe ngokwecandelwana le-9;

"**iNdlu yoWiso-mthetho yePhondo**" lithetha iNdlu yoWiso-mthetho yePhondo njengoko

icaciswe kwicandelwana le-105 lomGaqo-siseko, ikwanamagunya okubeka imithetho yePhondo njengoko kucaciswe kwicandelwana le-104(1) lomGaqo-siseko;

"**iilwimi ezisemthethweni zePhondo**" zithetha iilwimi ezisemthethweni zePhondo ezidweliswe kwicandelwana lesi-4(1);

"**imigaqo**" ithetha imigaqo esungulwe ngokwecandelwana le-19;

"**uMphathiswa wePhondo ofanelekileyo**" uthetha uMphathiswa wePhondo ojongene nemicimbi ephathelene neelwimi kwiPhondo; yaye

"**lo Mthetho**" ubandakanya nemigaqo yawo.

**ISAHLUKO SESI-2**  
**IINJONGO NOKUSEBENZA KOMTHETHO**

**linjongo zoMthetho**

**2. linjongo zoMthetho –**

- (a) ukubeka iilwimi ezisemthethweni zePhondo;
- (b) ukulawula nokuqwalasela ukusetyenziswa kweelwimi ezisemthethweni zePhondo ngawo onke amacandelo aseburhulumenteni kwiPhondo;
- (c) ukukhuthaza ukuhlonitshwa nokuphathwa ngokulinganayo kwazo zonke iilwimi ezisemthethweni zePhondo;
- (d) ukuxhobisa uluntu ukuba lusebenzise iilwimi oluzikhethela lona ukufumana iinkonzo nolwazi kurhulumente;
- (e) ukunika iindlela eziijolise ekuqinisekiseni ngokubuyisela isidima seelwimi zomthonyama kwiPhondo; kunye
- (f) nokukhuthaza ukusetyenziswa kweelwimi ezininzi neelwimi ezahlukahlukene kwiPhondo.

**Ukusebenza koMthetho**

**3. Lo Mthetho usebenza –**

- (a) KwisiGqeba seBhunga;
- (b) kuwo onke amaBhunga ooMasipala kwiPhondo njengoko kucacisiswe kwicandelwana le-157 lomGaquo-siseko; kunye
- (c) nakuwo onke amacandelo aseburhulumenteni kwiPhondo.

### ISAHLUKO SESI-3

#### IILWIMI EZISEMTHETHWENI ZEPHONDO NEENKONZO ZOGUQULO-MIBHALO, UKULUNGISA IMIBHALO NOKUTOLIKA

##### **Ukubekwa kweelwimi ezipsemthethweni zePhondo**

4.(1) iilwimi ezipsemthethweni zePhondo sisiZulu, isiNgesi, isiXhosa nesiBhulu.

(2) Ngaphandle kokutshivo licandelwana (1) –

- (a) zonke iilwimi ezilishumi elinanye zeRiphablikhi yaseMzantsi Afrika, njengoko kubekiwe kwicandelwana lesi-6(1) lomGaquo-siseko, kufuneka –
  - (i) zihlonitshwe ngendlela elinganayo; kwaye
  - (ii) ziphathe we ngokufanelekileyo ngokwamanani abantu abazithethayo, kwiPhondo; yaye
- (b) uRhulumente wePhondo kufuneka, ngokubambisana nePanSALB –
  - (i) akhuthaze, kwaye adale iimeko zokuba ukusetyenziswa –
    - (aa) kwazo zonke iilwimi ezipsemthethweni ezilishumi elinanye;
    - (bb) ulwimi Iwama-Khoi, olwama-Nama noLwama-San; kunye
    - (cc) noLwimi loMjeku (Iwezandla) IwaseMzantsi Afrika, kwiPhondo; yaye
  - (ii) akhuthaze ukuhlonitshwa –
    - (aa) kwazo zonke iilwimi eziqhele ukusetyenziswa luluntu IwaseMzantsi Afrika; kunye
    - (bb) nezinye iilwimi ezipseyenziselwa ezenkolo.

**Ukusetyenziswa kweelwimi ezipsemthethweni zePhondo kwiintlanganiso zesiGqeba seBhunga, ezamaBhunga ooMasipala nezeNdlu yoWiso-mthetho yePhondo**

**5.(1) Kungasetyenziswa nokuba luluphi ulwimi olusemthethweni IwePhondo xa kuqhutywa iingxoxo-mpikiswano okanye kusenziwa iintetho ezintlanganisweni –**

- (a) zesiGqeba seBhunga;
- (b) zayo nayiphi na ikomiti yesiGqeba seBhunga;
- (c) zalo nokuba liliphi na iBhunga likaMasipala;
- (d) zayo nokuba yiypiphi na ikomiti yeBhunga likaMasipala;
- (e) zeNdlu yoWiso-mthetho yePhondo; kunye
- (f) nezayo nayiphi na ikomiti yeNdlu yoWiso-mthetho yePhondo.

**(2) Ukuze kufezeke okuthethwe kwicandelwana (1), kumele kwensiwe iindlela zokubonelela ngeenkonzko zokutolika xa kuchotshelwa iintlanganiso zeNdlu yoWiso-mthetho yePhondo, zesiGqeba seBhunga nezamaBhunga kaMasipala, ngokunjalo nakuyo nayiphi na ikomiti yeNdlu yoWiso-mthetho yePhondo, yesiGqeba seBhunga neyeziGqeba zamaBhunga kaMasipala.**

**(3) Nokuba yiypiphi na irekhodi –**

- (a) yesiGqeba seBhunga;
- (b) yeziGqeba zamaBhunga kaMasipala;
- (c) yayo nokuba yiypiphi na ikomiti –
  - (i) yesiGqeba seBhunga; kunye
  - (ii) neyamaBhunga kaMasipala.

ingashicilelwa ze ipapashwe nangaluphi na kwilwimi ezipsemthethweni zePhondo: Ngokuxhomekeke ekubenit nawuphi na umntu angacela ukuguqulelwa kwaloo rekhodi okanye upapasho lusiwe kulo naluphi na olunye ulwimi olusemthethweni IwePhondo.

#### **Ukusetyenziswa kweelwimi ezipsemthethweni zePhondo xa kuwiswa imithetho**

**6.(1) Nokuba ngowuphi –**

- (a) umthetho wePhondo (uMthetho) okanye umthetho osayilwayo wePhondo (uMthetho osaYilwayo); kunye
- (b) nomgaqo, isibhengezo okanye umthetho owenziwe ngokulandela nokuba ngowuphi umthetho wePhondo,

oshicilelwe kwiGazethi okanye kulo naliphi iphephandaba elifundwa kwiPhondo gabalala, kumele ushicilelwe ngazo zonke illwimi ezipsemthethweni zePhondo.

(2) Nasiphi isaziso esikhutshwe ngokulandela nokuba ngowuphi umthetho wePhondo saza sashicilelwa kwiGazethi okanye kulo naliphi iphephandaba elifundwa kwiPhondo gabalala, kumele sishicilelwe ubuncinane ngeelwimi ezimbini ezisemthethweni zePhondo: Ngokuxhomekeke ekubeni –

- (a) kuyaqwalaselwa ukuba ulwimi olusetyenziswayo lolwabo bantu isaziso esibhekisa kubo; yaye
- (b) olunye kwiilwimi ezisetyenziswayo ukupapasha eso saziso luyinxalenye yeelwimi zomthonyama ezithethwayo kwiPhondo, ngokweemeko zengingqi leyo.

(3) Nokuba ngowuphi na umthetho kamasipala, isiggibo, nokuba sisaziso esipapashwe ngumasipala kwiGazethi okanye nokuba liliphi iphephandaba kwiPhondo, kumele ushicilelwe ubuncinane ngeelwimi ezimbini ezisemthethweni zePhondo: Ngokuxhomekeke ekubeni –

- (a) luthathelwa ingqalelo ulwimi olusetyenziswayo nolukhethwa ngabantu; kwaye
- (b) olunye lweelwimi ezisetyenziswayo xa kushicilelwa isaziso malube ngolunye leelwimi zomthonyama ezithethwayo kwiPhondo, ngokuxhomekeke kwindingqi ngayinye.

**Ukusetyenziswa kweelwimi ezisemthethweni zePhondo ngamacandelo aseburhulumenteni ePhondo**

7.(1) Onke amacandelo aseburhulumenteni kwiPhondo, ngokusebenzia imigaqo-nkqubo yeelwimi yangaphakathi edweliswe kwicandelwana le-13, nangokuxhomekeke ekubeni –

- (a) kusetyenziswa ulwimi oluthethwa, lukwakhethwa luninzi lwabathengi neeklayenti zaloo macandelo karhulumente; kwaye
- (b) kuqwalaselwe iimeko zeengingqi,

kufuneka kutyunjwe ubuncinane iilwimi ezimbini ezisemthethweni zePhondo ngenjongo –

- (i) yokunxibelelana kwangaphakathi, kwangaphandle, yokubhala neyokuthetha; kunye
- (ii) neenjongo zokupapasha;

Kuxhomekeke ekubeni naliphi icandelo laseburhulumenteni lePhondo, ngaphezu koko llinokukhetha olunye, okanye ezinye iilwimi kwezo zilishumi elinanye ezisemthethweni.

(2) Kufuneka kwenziwe amalungiselelo okunka iinkonzo zoguqulo-mibhalo, ukulungiswa kwemibhalo kanye nokutolika ukwenzela ukuba bonke abantu abanqwenelela ukunxibelelana nalo naliphi na icandelo laseburhulumenteni kwiPhondo besebenzise naluphi na olunye ulwimi

olusemthethweni IwePhondo olubekwe ngokwecandelwana loku- (1).

(3) Olunye Iweelwimi ezichazwe kwicandelwana loku- (1) kufuneka, ngokuxhomekeke ekubeni iklayenti kanye nabathengi balo elo candelo laseburhulumenteni, basebenzisa kwaye bakhetha naluphi ulwimi, kodwa kufuneka lube lolunye Iweelwimi zomthonyama ezithethwayo kwiPhondo.

(4)(a) Nayiphi irekhodi okanye upapasho Iwalo naliphi icandelo laseburhulumenteni kwiPhondo lushicilelwu okanye lupapashwe ngalo naluphi ulwimi olutyunjwe ngokwecandelwana loku- (1): Ngokuxhomekeke ekubeni nawuphi na umntu angacela ukuba loo rekhodi yoqobo iguqulelwu kulo naluphi olunye ulwimi olusemthethweni IwePhondo.

(b) UMphathiswa wePhondo ofanelekileyo angathabatha isiggibo sexesha eliya kuthathwa, ukuguqulela loo rekhodi okanye upapasho luguqulelwu kolunye ulwimi olusemthethweni IwePhondo emva kokufumana isicelo esicaciswe kwicandelwana (a).

(5) Ukuba amacandelo aseburhulumenteni ePhondo –

- (a) achonge;
- (b) akhuphe iintengiso; okanye
- (c) asasaze,

iinkonzo zawo, kufuneka asebenzise iilwimi ezisemthethweni zePhondo ezityunjwe ngokwecandelwana loku- (1) kwizinto azixhomayo, ezihlkweni zemibhalo, kwiibhodi zeentengiso nasezintweni zokuzithengisa.

(6) Ukuba icandelo laseburhulumenteni lePhondo libhalela umthengi, iklayenti okanye ilungu loluntu incwadi, loo ncwadi okanye imbaletwano kumele ibhalwe ngolwimi olusemthethweni IwePhondo olutyunjwe nguloo mthengi okanye elo lungu loluntu.

#### **Iinkonzo zoguqulo-mibhalo, ukulungisa imibhalo nokutolika**

8.(1) ICandelo leeNkonzo zeelwimi zePhondo, elicaciswe kwicandelo le-9, kufuneka –

- (a) malunga neelwimi ezisemthethweni zePhondo; kunya
- (b) nangexesa elifanelekileyo kufumanekie isicelo okanye ngexesa elithile elinokuqingqwa liLungu lesiGqeba esiPhezulu,

libonelele ngeenkonzo zemisebenzi yoguqulo-mibhalo, ukulungisa imibhalo nokutolika ngaloo ndlela iNdlu yoWiso-mthetho yePhondo inokufuna ngayo, isiGqeba seBhunga, naso nasiphi na

isiGqeba seBhunga likaMasipala kanye nalo naliphi icandelo laseburhulumenteni lePhondo.

(2) Icandelo leeNkonzo zeLwimi lePhondo, xa lifumana isicelo, kwaye –

(a) ngokuxhomekeke ekuberi singafezekwa na nasezindlekweni elingangena kuzo; yaye

(b) nangamaxeshwa abekiweyo anokusuka kwilungu lesiGqeba esiPhezulu,

linokulungiselela ukuba kunikwe iinkonzo zokuguqulwa kwemibhalo, ukulungiswa kwemibhalo nokutolika ngokokufuna kweNdlu yoWiso-mthetho yePhondo, isiGqeba seBhunga, okanye nokuba sisiGqeba seBhunga likaMasipala kanye nalo naliphi icandelo laseburhulumenteni kwiphondo, malunga –

(i) nalo naluphi ulwimi kwezilishumi elinanye ezisemthethweni;

(ii) nalo naluphi ulwimi Iwama-Khoi, Iwama-Nama nolwama-San;

(iii) noLwimi loMjeku IwaseMzantsi Afrika; kanye

(iv) noLwimi IwaBangaboniyo (Iwamaqhuqhuva).

(3) Naliphi icandelo laseburhulumenteni kwiphondo elidinga uncedo kwiinkonzo zokuguqulwa kwemibhalo, ezokulungiswa kwemibhalo okanye ezokutolika, ngokucaciswe kumacandelwana oku-(1) nelesi- (2), kufuneka lifake isicelo esibhalwe phantsi kwicandelo leeNkonzo zeeLwimi zePhondo.

#### ISAHLUKO SESI-4

#### ICANDELO LEENKONZO ZEEIWIMI LEPHONDO LAKWAZULU-NATALA

##### **Ukusungulwa kweCandelo leeNkonzo zeeLwimi lePhondo laKwaZulu-Natala**

9.(1) Ngolu hlobo kusungulwa iCandelo leeNkonzo zeeLwimi ePhondo laKwaZulu-Natala, ekuya kuthethwa ngalo apha njengeCandelo leeNkonzo zeeLwimi lePhondo.

(2) ICandelo leeNkonzo zeeLwimi zePhondo –

(a) liyinxalenye yeSebe; kwaye

(b) alingomntu ngokomthetho.

##### **Amagunya, uxanduva nemisebenzi yeCandelo leeNkonzo zeeLwimi zePhondo**

10.(1) Icandelo leeNkonzo zeeLwimi lePhondo kufuneka –

(a) liqwalasele ukulandelwa kwemigaqo –

(i) yalo Mthetho;

(ii) yawo nawuphi na umthetho osungulwe ngokwecandelo le-19; kunye

(iii) nemigaqo-nkqubo yeelwimi yangaphakathi edweliswe kwicandelo le-13, ngawo onke amacandelo aseburhulumenteni kwiPhondo;

(b) likhuthaze kwaye liqwalasele ukusetyenziswa kwazo zonke iilwimi ezipsemthethweni zePhondo ukuze kuqinisekiswe ukuba bonke abemi bePhondo bayakwazi ukufikelela kwinkonzo nolwazi kurhulumente ngendlela elingana namanani abo;

(c) linika inkxaso kuwo onke amacandelo aseburhulumenteni kwiPhondo ngokuphathelene nemicimbi echaphazela iilwimi;

(d) lithabathe amanyathelo adingekayo nafanelekileyo –

(i) ukukhuthaza ukusetyenziswa kweelwimi ezininzi kwiPhondo;

(ii) ukukhuthaza ukusetyenziswa nokupuhliswa kweelwimi zomthonyama ezithethwa kwiPhondo; kunye

(iii) nokuqinisekisa ukusetyenziswa kweelwimi ngokulinganayo kwiPhondo;

(e) likhuthaze yaye liqwalasele ukuphathwa kakuhle kweelwimi kuwo onke amaqumrhu aseburhulumenteni kwiPhondo ukuze imisebenzi karhulumente iqhutywe ngendlela efanelekileyo;

(f) likhuthaze kwaye liqwalasele ukuhlonitshwa kwamalungelo eelwimi zabahlali bePhondo ngawo onke amaqumrhu aseburhulumenteni kwiPhondo;

(g) liqwalasele ukuba onke amaqumrhu aseburhulumenteni kwiPhondo asungula, aphengulule yaye aqalise imigaqo-nkqubo yangaphakathi yeelwimi, njengoba kucaciwi kwicandelwana le-13;

(h) libonelele amaqumrhu aseburhulumenteni kwiPhondo ngoncedo lweenkonzo zoguqulo-mibhalo, ukulungiswa kwemibhalo nokutolika;

(i) liqwalasele lize lipuhlise umgangatho wokuguquwa kwemibhalo, ukulungiswa kwemibhalo nokutolika kwiPhondo;

(j) lilawule uphuhtiso lwasigama noncwadi kwiPhondo;

(k) lixhase ukufundwa nokufundiswa kwazo zonke iilwimi ezipsemthethweni zePhondo; yaye

(l) lincedise i-KWANILAFO ngezokuphatha neenkonzo zobubhalane njengoba kucaciwi kwicandelwana le-12.

(2) Icandelo leeNkonzo zeeLwimi zePhondo –

- (a) lingalungiselela iinkqubo zoqequesho kuguqulo-mibhalo, ukulungiswa kwemibhalo nokutolika;
- (b) lingabambisana nalo nokuba liliphi iqumrhu laseburhulumenteni okanye umbutho ongekho ngaphantsi kukarhulumente ukuze lifezekise iinjongo zalo, lisebenzise amagunya alo, lifezekise uxanduva lwalo ukuze lenze imisebenzi yalo; yaye
- (c) lingenza nokuba yintoni –
  - (i) edingekayo ukuze lisebenzise amagunya alo lenze nemisebenzi yalo ngokwalo Mthetho; kwaye
  - (ii) ehambisanayo okanye edibene nokusetyenziswa kwamandla alo, nokufezekisa uxanduva alo nokwenza imisebenzi yalo.

**Abasebenzi beCandelo IweeNkonzo zeeLwimi lePhondo**

11. (1) Icandelo leeNkonzo zeeLwimi lePhondo linabasebenzi abatyunjwe yiNtloko yeSebe ngokoMthetho wabaSebenzi bakaRhulumente, ka-1994 (IsiBhengezo se-103 singo-1994).

(2) Abasebenzi beCandelo IweeNkonzo zeeLwimi lePhondo, kufuneka, bebonke babe nesakhono –

- (a) sokuguqula imibhalo, sokulungisa imibhalo nesokutolika;
  - (b) sokulawula ukudluliselwa kwezinye iingcali imisebenzi yoguqulo-mibhalo, yokulungisa imibhalo neyokutolika; kanye
  - (c) nesokuqwelasela umgangatho womsebenzi kuloo misebenzi yoguqulwa kwemibhalo, ukulungiswa kwemibhalo nokutolika edluliselwe kubasebenzi abazimele beelwimi bangaphandle,
- kuzo zonke iilwimi ezsizemthethweni zePhondo.

(3) Abasebenzi beCandelo leeNkonzo zeeLwimi lePhondo, ngokweenjongo zecandelwana le-10(1), kumele ngokuhlanganyela babe nezakhono, amava nolwazi olufanelekileyo noludingekayo lokusungula imigaqo-nkqubo.

ISAHLUKO SESI-5

IQUMRHU LAMACANDELO EELWIMI ASEBENZISANAYO ASEBURHULUMENTENI

## AKWAZULU-NATALA

### **IQumrhu lamaCandelo eeLwimi aSebenzisanayo aseBurhulumenteni aKwaZulu-Natala**

**12.(1) Ngale ndlela kusungulwa iQumrhu lamaCandelo eeLwimi aSebenzisanayo aseBurhulumenteni aKwaZulu-Natala (i-KWANILAFO).**

**(2) Iinjongo, amagunya, uxanduva nemisebenzi yeKWANILAFO –**

- (a) kukukhuthaza ukusebenzisana, ukubambisana nokubonisana kwawo onke amacandelo aseburhulumenteni kwiPhondo malunga nemicimbi ephathelene neelwimi;
- (b) ukulungiselela, ukulungelelanisa kunye nokuqwalasela ukusetyenziswa kwemigaqonkubo yeelwimi yangaphakathi kwiPhondo;
- (c) ukuphanda malunga nawo nawuphi umcimbi ochaphazela nokuqaliswa kwalo Mthetho, kanye nokucebisa uMphathiswa wePhondo;
- (d) kukukhuthaza ukubonisana neengxoxo phakathi kukaRhulumente wePhondo nawo nawuphi na omnye umbutho okanye umntu onentshisekelo kwimiba echaphazela iilwimi kwiPhondo;
- (e) kukumela uRhulumente wePhondo, nokuthabatha inxaxheba, kanjalo nokuba negalelo kulo naliphi iqumrhu lamacandelo asebenzisanayo asebuRhulumenteni bukaZwelonke; kunye
- (f) nokwenza eminye imisebenzi uMphathiswa wePhondo angathabatha isiggibo sokokuba yensiwe yi-KWANILAFO.

**(3) I-KWANILAFO yakhiwe –**

- (a) ngamalungu abasebenzi beCandelo leeNkonzo zeeLwimi lePhondo abatyunjwe nguMphathiswa wePhondo;
- (b) ngabasebenzi beelwimi bawo onke amacandelo karhulumente kwiPhondo, abatyunjelwe oko ngokwecandelwana le-17;
- (c) ngabasebenzi abamele imibutho namaqumrhu amele abasebenza ngeelwimi, okudweliswe kwicandelwana le-17; kanye
- (d) nokokuba ngomphi-na omnye umntu ongatyunjwa okanye aqeshwe nguMphathiswa wePhondo, ngokokubona kwakhe uMphathiswa wePhondo, ongancedisa i-KWANILAFO ekufezekiseni iinjongo zayo, ekusebenziseni amandla ayo nasekwenzeni imisebenzi kanye noxanduva lwayo.

(4) UMphathiswa wePhondo kufuneka –

- (a) akhethe uSihlalo kanye noSekela Sihlalo beKWANILAFO;
- (b) enze isigqibo ngexesha lokuba sesikhundleni sikaSihlalo neSekela lakhe; yaye
- (c) enze isigqibo ngeminye imigaqo-nkqubo nemibandela yokuqeshwa kukaSihlalo kanye neSekela lakhe.

(5)(a) UMphathiswa wePhondo kumele abize intlanganiso yokuqala ye-KWANILAFO.

- (b) Emva koko kumele i-KWANILAFO ihlangane rhoqo xa kuthe kwabakhona isidingo, kodwa ubuncinane kube zizihlandlo ezine ngonyaka, ngalawo maxesha kanye nakuloo ndawo eyakuthi ilathwe nguSihlalo.
- (c) Amaziko asebuRhulumenteni kwiPhondo kufuneka, malunga nabasebenzi abamele lawo maziko aseburhulumenteni kwi-KWANILAFO –

(i) nangezoo nkonzoo ezifumaneka kuloo maziko asebuRhulumenteni; kwaye  
 (ii) kuxhomekeke ekubeni ngeyiphi na imithetho nemigaqo-nkqubo ekhona elawula ukubhatalwa, ngokuhamba ngokomsebenzi walo neliphi-na iziko,  
 ibonelele okanye iqwalasele nokuba ziziphi iindleko zokuhamba ngokomsebenzi ezingadalwa kukumanyelwa kweentlanganiso ze-KWANILAFO.

(6) Imisebenzi yezokuphatha neyobubhalane ehambisana nokwenziwa kwemisebenzi ye-KWANILAFO kumele yensiwe ngamagosa okanye abasebenzi beSebe abatyunjelwe oko yiNtloko yeSebe ngokuhambisana noMthetho wemiSebenzi kaRhulumente, wonyaka we-1994 (Isibhenjezo se-103 sango-1994).

#### ISAHLUKO SESI-6

UKUSEKWA NGOKUSESIKWENI KWEMIGAQO-NKQUBO YEELWIMI YANGAPHAKATHI  
 NOMGAQO-NKQUBO WOKUPHUHLISWA NOKUPHUCULWA KWEELWIMI ZOMTHONYAMA  
 YAKWAZULU-NATALA

**Imigaqo-nkqubo yeelwimi yangaphakathi**

13.(1) Onke amaziko aseburhulumenteni kwiPhondo kufuneka –

- (a) zingadlulanga iinyanga ezili-18 kuqaliswe lo Mthetho;
- (b) nangemva kokubonisana neCandelo leeNkonzo zeeLwimi lePhondo,  
Asungule, yaye agunyaze imigaqo-nkqubo yawo yeelwimi yangaphakathi.
- (2) Imigaqo-nkqubo yeelwimi zangaphakathi edweliswe kwicandelwana (1) kufuneka ihambisane nemigaqo yalo Mthetho nayo nokuba ngeyiphi imithethonkqubo esungulwe ngokwalo Mthetho ngokwecandelwana lwe-19.
- (3) Umgaqo-nkqubo weelwimi zangaphakathi wanalo nokuba liliphi na iziko laseburhulumenteni kwiPhondo, kufuneka –
- (a) njengoba kudweliswe kwicandelwana llesi-7 –
- (i) uthabathe isiggibo okungenani ngeelwimi ezimbini eziemthethweni zePhondo ezizosetyenziselwa unxibelelwano Iwangaphakathi nolwangaphandle, unxibelelwano ngokubhala nangokuthetha, kanjalo nangeenjongo zokushicilela zalo eloo ziko laseburhulumenteni;
  - (ii) uthabathe isiggibo ukuba eloo ziko laseburhulumenteni lizonxibelelana njani namalungu oluntu anqwenela ukunxibelelana nafo, kusetyenziswa nokuba luluphina olunye ultwimi olungatyunjwanga ngokwecandelwana llesi-7;
- (b) ubonelele uhlelo Iwangaphakathi lokufaka izikhala, oludweliswe kwicandelwana lwe-15; kwaye
- (c) ushicilelwwe kwiGazethi ngokukhawuleza, kodwa zingakedluli iintsuku ezingama-90 yamkelwe ngokusemthethweni.
- (4) Iziko ngalinye laseburhulumenteni kwiPhondo kufuneka –
- (a) lazise abathengi balo ukuba ukhona umgaqo-nkqubo weelwimi wangaphakathi yaye uyafumaneka simahla xa ngaba kukhona owufunayo;
  - (b) liqinisekise ukuba ikhophi yomgaqo-nkqubo weelwimi yangaphakathi iyafumaneka xa ngaba icelwa ngabathengi kanjalo namalungu oluntu; yaye
  - (c) libonakalise kuzo zonke ii-ofisi zalo, umgaqo-nkqubo walo oshwankathelwe ngendlela efanelekileyo nasezindaweni apho izobonakala khona yaye ifundwe kalula ngabathengi balo kanjalo namalungu oluntu.

**Umgaqo-nkqubo wokuPhuhliswa nokuPhucuiwa kweelwimi zoMthonyama waKwaZulu-Natala**

14. UMphathiswa wePhondo kufanele, ngemva kokubonisana neKomiti yeElwimi yePhondo ne-KWANILAFO, asungule yaye aqalise uMgaqo-nkqubo wokuPhuhliswa nokuPhucuiwa kweelwimi zoMthonyama waKwaZulu-Natala.

**ISAHLUKO SESI-7**

**UHLELO LWANGAPHAKATHI LOKUJONGANA NEZIKHALAZO NOKUXAZULULWA**

**KOKUNGABONI NGASOLINYE MALUNGA NEELWIMI**

15.(1) Onke amaziko aseburhulumenteni kwiPhondo kufuneka, ngokusebenzisa imigaqo-nkqubo yawo yangaphakathi yeElwimi edweliswe kwicandelwana Iwe-13, abonelele ngohlelo olunzulu lwezikhalazo lwangaphakathi –

(a) olungasetyenziswa ngalo naliphi-na ilungu loluntu elinqwenela ukufaka isikhala zo malunga nokokuba zeziphi izityholo okanye imizamo yokunyathelwa phantsi –

(i) nokokuba liliphi ilungelo lolwimi njengoba kudweliswe kuMgaqo-siseko, kulo Mthetho okanye kuMgaqo-nkqubo weelwimi zangaphakathi walawo maziko aseburhulumenteni;

(ii) nokokuba yeypipi-na imigaqo yalo Mthetho nokuba yeyawuphi na umgaqo-nkqubo weelwimi zangaphakathi kweloo ziko laseburhulumenteni,

; kwaye

(b) okufanele kulandelwe –

(i) ngulowo ofaka isikhala zo xa ngaba efake isikhala zo esiphathelene neelwimi; kanye

(ii) liziko laseburhulumenteni eliyophengulula de libe lixazulula izikhala zo eziphathelene neelwimi.

(2) Uhlelo lokufaka izikhala zo kufuneka –

(a) lubonelele ngegosa ngaphakathi kwiziko laseburhulumenteni okufaka kulo isikhala zo esiphathelene neelwimi;

(b) Iwenze isiggibo ngokunxulumene nexesha okungafakwa ngalo izikhala zo eziphathelene neelwimi: Kuxhomekeke ekubeni zonke izikhala zo eziphathelene neelwimi kumele zifakte zingekadluli iintsuku ezingama-90 kusukela ngomhlia apho kuqaliswe ngawo ukufaka isikhala zo malunga nokungahlionitshwa okanye kunemizamo

yokungahloniphi – nokuba

- (i) liliphi ilungelo lolwimi;
- (ii) yiypipi imigaqo yalo Mthetho; okanye
- (iii) isibonelelo somgaqo-nkqubo wangaphakathi weelwimi walo elo ziko laseburhulumenteni

(c) Iuveze ukuba izikhala zo malunga neelwimi kufuneka –

- (i) zibhalwe phantsi: Kuxhomekeke ekubeni nokuba ngomphi na umntu ofaka isikhala zo malunga neelwimi ongakwazi ukubhala nokufunda kumele ancediswe ngabasebenzi balo elo ziko laseburhulumenteni ukuba abhale phantsi eso sikhala zo esiphathelene neelwimi;
  - (ii) zicacise imigaqo yalo Mthetho okanye uhlolo lwelungelo okurhaneleka ukuba alihlonitshwanga okanye okunemizamo yokuba lingahlonitshwa; kwaye
  - (iii) zicacise izizathu lowo ofaka isikhala zo esiphathelene neelwimi ezingunobangela wesikhala zo sakhe;
- (d) Lunyanzelise ofaka isikhala esiphathelene neelwimi ukuba aveze ukuchaphazeleka kwakhe kolo daba: Kuxhomekeke ekubeni xa ngaba umntu ofaka isikhala zo esiphathelene neelwimi emele omnye umntu okanye umbutho wabantu, kumele apha the incwadi emgunyaza ukuba enje njalo;

(e) Lubalule ixesha okufanele elo ziko laseburhulumenteni eliphaphazelekayo ligqibezele ngalo ukushukuxwa kwasikhala zo esiphathelene neelwimi: Kuxhomekeke ekubeni zonke izikhala zo eziphathelene neelwimi kufanele zigqityezelwe ezintsukwini ezingama-30 kusukela osukwini okufumanekengalo isikhala zo;

(f) Lubalule ukuba nokuba ngomphi na umntu ofaka isikhala zo esibangelwe –

- (i) kukwehluleka kweloo ziko laseburhulumenteni ukuggibeza isikhala zo sakhe esiphathelene neelwimi ezintsukwini ezingama-30 lifumene isikhala zo, njengoba kudeliswe kwicandelwana (e); okanye
- (ii) indlela elo ziko laseburhulumenteni olwenze ngayo uphando, eliphaphethe ngayo okanye eligqibezele ngayo isikhala zo sakhe esiphathelene neelwimi, angaduliseloso sikhala zo sakhe, njengoba kudweliswe kwicandelwana Iwe-16(1), kuMphathiswa wePhondo ukuze siphinde siphandwe kude kufumanekengalo isisombululo, ngokwecandelwana Iwe-16(5);

(g) Lubalule ngokucacileyo kuMphathiswa wePhondo ukuba, -

- (i) malunga nokuba sisiphi isikhala zo esingasonjululiwe; yaye
- (ii) ngokuzithathela kwalo amanyathelo,

lingathabatha isiggibo sokuba ukungaboni ngasolinye malunga neelwimi, njengoba kudweliswe kwicandelwana lwe-16(1) –

(aa) kukhona; yaye

(bb) kufanele kwensiwe olunye uphando, njengoba kudweliswe kwicandelwana lwe-16(5); yaye

(h) lubalule nokokuba kungeziphi na ezinye iinkcukacha, kungenziwa esinye isiggibo nguMphathiswa wePhondo.

#### **Ukusonjululwa kokungaboni ngasolinye malunga neelwimi**

**16.(1) Ukungaboni ngasolinye malunga neelwimi kudaleka –**

(a) xa ngaba isikhala zo malunga neelwimi singasombululeki njengoba kudweliswe kwicandelwana lwe-15(2)(f); okanye

(b) xa ngaba uMphathiswa wePhondo, ngokwecandelwana lwe-15(2)(g), ethabatha isiggibo sokokuba sekube nokungaboni ngasolinye malunga neelwimi.

**(2) Xa ngaba kuba nokungaboni ngasolinye, ofaka isikhala zo angabhekisa isikhala zo sakhe –**

(a) kwi-PanSALB ngokwecandelwana lwe-11 loMthetho weBhodi yeeLwimi kaZwelonke; okanye

(b) kuMphathiswa wePhondo ngokwecandelwana lwei- (3).

**(3) xa ngaba ofaka isikhala zo ekhetha ukulandela inkqubo ebekwe kwicandelwana lwe-(2)(b), kufanele, ezintsukwini ezingama-21, azise uMphathiswa wePhondo ngokungaboni ngasolinye malunga neelwimi ukuze kuhinde kuphandwe kude kufumanek eisisombululo njengoba kudweliswe kwicandelwana lwei- (5).**

**(4) Xa ngaba uMphathiswa wePhondo ethabathe isiggibo, njengoba kudweliswe kwicandelwana lwe-15(2)(g), sokokuba kunokungaboni ngasolinye, kufanele ezintsukwini ezingama-21, azise –**

(a) iziko laseburhulumenteni elichaphazelekayo; kanye

(b) nalowo ofake isikhala zo,

nganjongo yokudlulisa umcimbi wokungaboni ngasolinye malunga neelwimi ukuze kuhinde kuphandwe kude kufumanek eisisombululo, njengoba kudweliswe kwicandelwana lwe-(5).

(5) UMphathiswa wePhondo kufanele, zingakedluli iintsuku ezingama-30 –

- (a) aziswe ngomcimbi wokungaboni ngasolinye malunga neelwimi odluliselwe kuye; okanye
- (b) athabathe isiggibo njengoba kudweliswe kwicandelwana le-15(2)(g), sokokuba xa ngaba kukhona ukungaboni ngasolinye malunga neelwimi,  
atyumbe iKomiti yokuXazulula ukuNgaboni Ngasolinye malunga neelwimi.

(6) IKomiti yokuXazulula ukuNgaboni Ngasolinye malunga neelwimi, kufanele zingakendluli iintsuku ezingama-90 ityunjiwe –

- (a) iphande ngomcimbi wokungaboni ngasolinye malunga neelwimi;
- (b) ivele nesisisombululo saloo mcimbi wokungaboni ngasolinye malunga neelwimi, ngokuthi kulungiswe iimpazamo, kubuyiswane okanye kuthethwa-thethwane; yaye
- (c) ikhuphe ingxelo iphinde yenze iziphakamiso kuMphathiswa wePhondo malunga neziphumo zokuxazululwa kwako oko kungaboni ngasolinye.

(7) IKomiti yokuXazulula ukuNgaboni Ngasolinye, etyunjwe nguMphathiswa wePhondo ngokwecandelwana (2), ingabizela esigcawini nokokuba ngomphi na umntu, umbutho okanye iziko laseburhulumenteni ukuba –

- (a) avele phambi kwayo;
- (b) ethule ubungqina; yaye
- (c) aveze nokokuba yiyphi na irekhodi okanye umbhalo odingekayo.

(8) Ukuba kwenzeka ukuba ukuxazululwa kokungaboni ngasolinye malunga neelwimi akuphumi nesisombululo esenelisayo njengoba kudweliswe kwicandelwana (5)(b) –

(a) iKomiti yokuXazulula ukuNgaboni Ngasolinye kufanele ithumele ingxelo kuMphathiswa wePhondo equukethe –

- (i) iinkcukacha yezithintelo ezibe khona ngeli xesha kusonjululwa ukungaboni ngasolinye;
- (ii) nokokuba ngeyiphi ingxelo ebhalwe phantsi okanye ethethwe ngomlomo eyethulwe –
  - (aa) ngofake isikhala zo esiphathelene neelwimi; okanye
  - (bb) eloo ziko elichaphazelekayo,
- (iii) yenze iziphakamiso malunga nezigqibo ezifanele ukuthatayathwa, njengoba

kudweliswe kwicandelwana (b);

(b) uMphathiswa wePhondo, zingakendluli izintsuku ezingama-30 efumene ingxelo yeKomiti yokuXazulula ukuNgaboni Ngasolinye njengoba kudweliswe kwicandelwana – (a), angathabatha isiggibo ngakho oko kungaboni ngasolinye ngokuthi –

(i) akhuphe isaziso sokuba kulandelwe umthetho, esicela elo bhodi laseburhumenteni ukuba lilungise nokokuba sisiphi isenzo okanye impazamo engunobangela wokuba kube nokungaboni ngasolinye: Kuxhomekeke ekubeni ibhodi laseburhumenteni lisikelwe iintsuku ezingama-30 ukuba lenze okutshiwo sisaziso sokokuba kulandelwe umthetho; okanye

(ii) lichithe oko kungaboni ngasolinye malunga neelwimi.

#### ISAHLUKO SESI-8

#### UKUQWALASELWA, UKUKHUSHWA KWENGXELO MALUNGA NOKUSETYENZISWA

#### KWEELWIMI EZISEMTHETHWENI ZEPHONDO

#### **Abasebenzi abatyunjiwe beelwimi okanye amacandelo ezingcali zeelwimi**

17. (1) liNtloko zamabhodi aseburhumenteni kwiPhondo –

(a) ngemva kokuqhagamshelana neCandelo leeNkonzo zeeLwimi zePhondo;

(b) kuxhomekeke kuwo nokokuba ngomphi umthetho olawula ukuqeshwa kwabasebenzi balo elo bhodi laseburhumenteni; yaye

(c) kuxhomekeke kwizidingo zolwimi enazo leyo bhodi yaseburhumenteni kwiPhondo, kumele ziqaeshe umsebenzi okanye abasebenzi beelwimi okanye zisungule icandelo leenkondo zeelwimi ngaphantsi kwamaziko azo.

(2) Umsebenzi otyunjiwe weelwimi okanye icandelo leengcali zeelwimi elidweliswe kwicandelwana (1) ubonelela –

(a) ukuqinisekisa ukuba elo bhodi laseburhumenteni elichaphazelekayo –

(i) liqalisa ukusebenza kwezimiselo zalo Mthetho nanokuba ngowuphi na umthethonkqubo owakhwiwe ngokwalo Mthetho;

(ii) lisungula aze liqalise umgaqo-nkqubo yeelwimi wangaphakathi, njengoba kudweliswe kwicandelwana le-13; yaye

(iii) liyahambisana nezidingo ezimalunga nokwenza ingxelo ezidweliswe kwicandelwana le-18;

(b) ukulawulwa nokubonelela zonke izicelo zemicimbi yokuguqulwa kwemibhalo.

ukulungiswa kwemibhalo kanye nokutolika ezidweliswe kwicandelwana lesi-8, kwelo bhodi laseburhumenteni elichaphazelekayo; kanye  
(c) nokumela elo bhodi laseburhumenteni kwi-KWANILAFO.

**Ukuqwalaselwa, kanye nokukhupha ingxelo malunga nokusetyenziwa kweelwimi ezisemthethweni zePhondo**

**18.(1) Amabhodi aseburhumenteni kwiPhondo kumele –**

- (a) zingekandluli iinyanga ezintathu kuphele unyaka-mali ngamnye; okanye
- (b) ngelo xesha esingabekwa yiLungu LesiGqeba Esiphezulu,

athumele ingxelo kwiLungu lesiGqeba Esiphezulu malunga –

- (i) namanyathelo ekufuneka athathwe lelo bhodi laseburhumenteni ukuhambisana nezimiselo yalo Mthetho;
- (ii) nokusungulwa kanye nokuqaliswa kwomgaqo-nkqubo yangaphakathi, njengoba kudweliswe kwicandelwana le-15;
- (iii) nemisebenzi yalo nokokuba leliphi icandelo teenkonzo zeelwimi nalo elo bhodi laseburhumenteni;
- (iv) nazo nokokuba ziziphi na izikhalazo ezifunyenwe lelo bhodi laseburhumenteni kanye nokokuba kuthatyathwe manyathelo mani na ngezoo zikhalazo; kanye
- (v) nawo nawuphi na omnye umcimbi okungathi isiggibo sawo senziwe yiLungu lesiGqeba Esiphezulu.

**(2) I-KWANILAFO kumele –**

- (a) zingaphelanga iinyanga ezintathu ngemva kokuphela konyaka-mali ngamnye; okanye
- (b) ngelo xesha elingaqeqwa yiLungu lesiGqeba Esiphezulu elixhomekekile, lihlinzeke ingxelo yonyaka kwiLungu Lebhunga Lolawulo Oluphezulu malunga –
  - (i) nokufezekisa kwalo iinjongo zalo, ukusebenzisa amandla alo kanye nokwenza imicimbi noxanduva lwalo;
  - (ii) nawo nokokuba ngowuphina umcimbi ochaphazelwa ukuqaliswa kokusebenza kwalo Mthetho; kanye
  - (iii) nawo nokokuba ngowuphi na engacinga lifanelekile ukuba na lithatshathwe.

**(3) Ilungu Lesigqeba Esiphezulu kumele –**

(a) ngemva koqhaqhamshelana neKomiti yeeLwimi zePhondo; yaye  
 (b) zingekandluli iinyanga ezintlanu ngemva kokuphela konyaka-mali ngamnye,  
 kumele ethulele iNdlu yoWisomthetho yePhondo ingxelo yonyaka malunga nokuqaliswa  
 kokusebenza kwalo Mthetho nangawo nawuphi na omnye umgaqo-nkqubo weelwimi zePhondo.

**ISAHLUKO SE-9**  
**IZIMISELO GABALALA**

**Imithethonkqubo**

**19. Ilungu lesiGqeba Esiphezulu, ngesaziso kwiGazethi nasemva kokubonisana neKomiti yeeLwimi zePhondo, lingasungula imithethonkqubo ethabatha iziggibo –**

- (a) ngawo nawuphi na umcimbi okudingeka okanye okuvumeleke ukuba yenze isiggibo ngawo ngokwalo Mthetho; okanye
- (b) ngawo nawuphi na umcimbi ophathelene nezokuphatha okanye neenkqubo ukuze kuqaliswe ukusebenza kwemigaqo yalo Mthetho.

**Ukuggithiselwa kwamagunya**

**20.(1) Ilungu lesiGqeba Esiphezulu lingaggithisela kwiKomiti yeeLwimi yePhondo okanye kwiNtloko yeSebe –**

- (a) nokokuba ngamaphi na amandla Ilungu lesiGqeba Esiphezulu eliphathiswe wona ngokwalo Mthetho, ngaphandle kwamandla okusungula imithethonkqubo ngokwecandelwana le-19; okanye
- (b) nokokuba loluphi na uxanduva elinikezwé Ilungu lesiGqeba Esiphezulu ngulo Mthetho.

**(2) Nokokuba ngamaphi na amandla okanye uxanduvaka olugqithiselwe ngokwecandelwana (1) okufuneka ukuba kusetyenziswe okanye kwensiwe ngokuxhomekeke kuleyo mibandela Ilungu lesiGqeba Esiphezulu elingayibona ifanelekile.**

**(3) Nokokuba ngokuphi na ukudululiselwa kwamandla ngokwecandelwana (1) –**

- (a) kufuneka kubhalwe phantsi;
- (b) akusoze kwanginda Ilungu lesiGqeba Esiphezulu ukuba lisebenzise lawo mandla

okanye luqhube elo xanduva; yaye

(c) nokokuba liliphi na ixesha, llungu lesiGqeba Esiphezulu elixhomekekileyo lingarhoxisa okanye lichibiyele ngokubana libhale phantsi.

**Ukuchithwa komthetho**

**21.** UMthetho weeLwimi eziseMthethweni zePhalamente yaKwaZulu-Natala, 1998 (uMthetho we-10 ka-1998), ngale ndlela uyachithwa.

**Isihloko esishwankathelweyo**

**22.** Lo Mthetho ubizwa ngoMthetho weeNkonzo zeeLwimi zePhondo laKwaZulu-Natala, 2012.

**IMEMORANDAMU NGEENJONGO ZOMTHETHO OSAYILWAYO WEELWIMI ZEPHONDO  
LAKWAZULU-NATALA, 2012**

**IMVELAPHI**

1. (a) Ngaphezu kokuthabatha isigqibo ngeelwimi ezilishumi nanye ezisemthethweni zeRiphabhlikhi yaseMzantsi Afrika, icandelo lesi-6 lomGaqo-siseko weRiphabhlikhi yaseMzantsi Afrika, 1996 ("umGaqo-siseko") liphinde libonelele ngokuthi –

- (i) uRhulumente kufanele athabathe amanyathelo abonakalayo nafanelekileyo ukutyevisa nokupuhlisa ukusetyenziswa kweelwimi zomthonyama;
- (ii) uRhulumente kazwelonke nowePhondo, ngemva kokuqwalasela ukusetyenziswa kweelwimi, amathuba akhona, iindleko, iimeko zeengingqi kanye nokuqwalasela izidingo zabo bantu okusingiselwe kubo, angasebenzisa okungenani iilwimi ezimbini ezisemthethweni ngenjongo yokuqhube imisebenzi karhulumente. Oomasipala kufanele baqwalasele iilwimi ezithethwa nezikhethwa ngabemi babo, xa ngaba bethabatha isigqibo malunga neelwimi ezizosetyenziswa xa ngaba kuqhutywa imisebenzi karhulumente; yaye
- (iii) uRhulumente kazwelonke nooRhulumente bamaPhondo kufanele balawule baze baqwalasele ukusetyenziswa kweelwimi ezisemthethweni ngokuthi basungule imithetho okanye ezinye iindlela.

(b) Ngenxa yale mibandela yomgaqo-siseko ebekwe ngasentla, iLungu lesiGqeba Esiphezulu elijongene nezoBugcisa neNkcubeko kwiPhondo ("uMphathiswa wePhondo") linqwenela ukwethula uMthetho Osayilwayo weeLwimi zePhondo laKwaZulu-Natala.

**OKUTHETHWA YIMIGAQO YOMTHETHO OSAYILWAYO**

2. (1) linjongo ezingundoqo zoMthetho osayilwayo kukubonelela –

- (a) ukuqulunqwa kweelwimi ezisemthethweni zePhondo;
- (b) ukulawulwa nokuqwalaselwa kokusetshenziswa kweelwimi ezisemthethweni zePhondo ngawo onke amaziko aseburhulumenteni kwiPhondo;
- (c) ukusungulwa kweCandelo lweeNkonzo zeeLwimi zePhondo laKwaZulu-Natala nesiGqeba seeLwimi samaZiko asebuRhulumente KwaZulu-Natala;
- (d) iindlela zokupuhlisa iilwimi zomthonyama noLwimi loMjeku kwiPhondo;
- (e) ukuchithwa koMthetho weeLwimi eziseMthethweni zePalamente yaKwaZulu-

Natala, 1998 (uMthetho we-10 ka-1998); kanye  
(f) nokubonelela okunye okupathelene nako oko.

(2) ISahluko 1 soMthetho osayilwayo sibonelela ngeenkcazel.

(3) ISahluko 2 sibonelela ngeenjongo nokusebenza koMthetho osayilwayo. UMthetho osayilwayo, xa ngaba sewuphumelele wapasiswa waba nguMthetho, uya kusebenza kuwo wonke amaziko aseburhulumenteni kwiPhondo.

(4)(a) ISahluko 3 soMthetho osayilwayo siphakamisa ukubekwa kweelwimi ezisemthethweni zePhondo laKwaZulu-Natala ezisisiZulu, isiNgesi, isiXhosa nesiBhulu.

(b) ISahluko 3 okwakhona sibonelela ngokusetyenziswa kweelwimi ezisemthethweni zePhondo. Esi sahluko siphinde sibonelele nangemisebenzi yokuguqulwa kwemibhalo, ukulungiswa kwemibhalo nokutolika.

(5)(a) ISahluko 4 sicacisa ngokusekwa kweCandelo leeNkonzo zeeLwimi zePhondo, eli licandelo elikhethekileyo elingaphakathi kwiSebe. Esi sahluko siphinde sibonelele ngamandla, imisebenzi noxanduva IweCandelo IweeLwimi zePhondo, ebandakanya phakathi kokunye kodwa kungaggibeli apho:

- (i) ukuqwalasela ukusetyenziswa kwalo Mthetho, imigaqo, nemigaqo-nkqubo yangaphakathi, ngamacandelo karhulumente kwiPhondo;
- (ii) ukuquuzelela kanye nokuqwalasela ukupathwa kakuhle kweelwimi kumaziko aseburhulumente kwiPhondo; kunye
- (iii) nokuquuzelela ukuhlonitshwa kwamalungelo eelwimi abemi bePhondo kuwo onke amacandelo karhulumente kwiPhondo.

(6) ISahluko 5 sibonelela ngokusekwa kwesigqeba seelwimi samaZiko asebuRhulumenteni, esibizwa ngesiGqeba seeLwimi samaZiko asebuRhulumenteni aKwaZulu-Natala (KWANILAFO).

(7) ISahluko 6 sibonelela ngokusungulwa nokusekwa kwemigaqo-nkqubo yangaphakathi yeelwimi ngawo onke amaziko aseburhulumenteni kwiPhondo. Esi sahluko siphinde sibonelele ngokusekwa kwomgaqo-nkqubo waKwaZulu-Natala wokupuhuhliswa nokuphuculwa kweelwimi zomthonyama.

(8) ISahluko 7 sibonelela ngemicimbi echaphazela ukumanyelwa kwezikhalazo nokungaboni ngaso linye okudalwa kukungahlonitshwa kwanokuba ngamaphi amalungelo eelwimi okanye kwanokuba yiypifi imigaqo yalo Mthetho osayilwayo.

(9) ISahluko 8 sibonelela ngeendlela zokuqwalaselwa nokukhutshwa kwengxelo malunga nokusetyenziswa kweelwimi ezisemthethweni zePhondo.

(10) ISahluko 9 sibonelela iinkonzo nemigaqo gabalala, eyimithetho, ukugqithiselwa kwamandla, ukuchithwa koMthetho weelwimi eziseMthethweni zePhalamente yaKwaZulu-Natala, 1998 (uMthetho we-10 ka-198) nesihloko esishwankathelwe soMthetho.

#### **IMICELINGENI YEZOKUPHATHA NEZABASEBENZI KURHULUMENTE WEPHONDO**

**Ayikho**

#### **IIMALI EZIZA KUFUNEKA KURHULUMENTE WEPHONDO**

**Azikho**

#### **AMASEBE/IMIBUTHO NAMAQMURHU EKUBONISENWE NAYO**

5. Kwamenya bonke abamele onke amaSebe ePhondo noomasipala bePhondo, izifundiswa kanye neenkubabuchopho kwezelwimi nabo bamenya ukuba babeke izimvo nemibono yabo ngalo Mthetho osayilwayo.

#### **IMICELINGENI NGOKOMGAQO-SISEKO**

6. UMthetho osayilwayo unqwenela ukwenekela ooMasipala kwiPhondo umthetho malunga nokuthi kufuneka balihloniphe kanjani ilungelo labathengi abo malunga neelwimi xa ngaba benza imisebenzi yabo; kungako-ke kusebenza icandelwana le- 154(2) somGaqo-siseko weRiphabhlikhi yaseMzantsi Afrika, 1996. Ngokwale migaqo kuthethwe ngayo, uMphathiswa wePhondo kumele ngaphambi kokubhengezwa kwalo Mthetho osayilwayo kwiNdlu yoWiso-mthetho, iwupapashe ukuze uluntu lubeke imibono yalo, ngendlela evumela ukuba orhulumente basekhaya kanjalo nabantu abanentshisekelo bafumane ithuba lokwenza iziphakamiso ngoMthetho osayilwayo.

No. 40

7 kuNhlaba 2013

**UMNYANGO WEZOBUCIKO, EZAMASIKO, EZEMIDLALO NEZOKUVAKASHA**

**UKUSHICILELWA KOMTHETHOSIVIVINYO WEZILIMI ZESIFUNDAZWE WAKWAZULU-NATALI, 2013, NGOKULANDELA ISIGABA 154(2) SOMTHETHOSISEKELO WERIPHABHULIKHI YASENINGIZIMU AFRIKA, 1996**

1. Ngenhloso yokulandela isigaba 154(2) soMthethosisekelo weRiphabhlukhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996), ngalokhu kushicilelwa uMthethosivivinyo weziLimi zesiFundazwe waKwaZulu-Natali, 2013 ukuze kutholakale izimvo zomphakathi.

2. Izinhla ka zohulumeni basekhaya, omasipala nabantu abathintekayo bayamenywa ukuba bathumele izimvo zabo ezibhalwe phansi mayelana nalo Mthethosivivinyo chlongozwayo zingakedluli izinsuku ezingamashumi amathathu (30) kushicilelwe lesi saziso, –

- (a) ngeposi kwiNhloko yoMnyango wezobuCiko namaSiko, Private Bag X9140 Pietermaritzburg, 3200;
- (b) ngesandla e-2<sup>nd</sup> Floor, Heritage House, 222 Jabu Ndlovu Street, Pietermaritzburg, Zibhekiswe ku-Mnu. MB Mnguni;
- (c) ngefeksi ku: (033) 264 3494; noma
- (d) nge-imeyili ku: [mngunim@kzndac.gov.za](mailto:mngunim@kzndac.gov.za).

Sikhishwe ngaphansi kwesandla sami eMgungundlovu ngalolu suku mhla zi.....08.....ku.....February 2013., oNyakeni weziNkulungwane eziMbili neShumi naNtathu.

**NKK. NN SIBHIDLA-SAPHECHA**

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali  
elibhekeli ezobuCiko, ezamaSiko, ezemidlalo nezokuNgcebeleka

**UMTHETHOSIVIVINO WEZILIMI ZESIFUNDAZWE  
WAKWAZULU-NATALI, 2013**

## **UMTHETHOSIVIVINYO**

Wokuhlinzekela ukunqunywa kwezilimi ezisemthethweni esiFundazweni saKwaZulu-Natali; wokuhlinzekela ukulawulwa nokuqashwa kokusetshenziswa kwezilimi ezisemthethweni zesiFundazwe izonza zonke izinhlaka zikahulumeni esiFundazweni saKwaZulu-Natali; wokwennyusa izinga nokuthuthukisa ukusetshenziswa kwezilimi zomdabu ezikhulunywa esiFundazweni; wokuhlinzekela ukusungulwa koPhiko IweziLimi IwesiFundazwe saKwaZulu-Natali; wokuhlinzekela ukusungulwa kwesiGungu seziLimi seziNhlaka zikaHulumeni saKwaZulu-Natali; wokuhlinzekela ukusungulwa kwezinquqomgommo zezilimi zangaphakathi zezinhlaka zikahulumeni esiFundazweni; wokuhlinzekela ukusungulwa nokulandelwa kweNqubomgommo yokuThuthukiswa nokuNothiswa kweziLimi zoMdabu yaKwaZulu-Natali; wokuhlinzekela ukuchithwa koMthetho weziLimi eziseMthethweni zePhalamende laKwaZulu-Natali, 1998 (uMthetho No. 10 ka 1998); nokuhlinzekela okunye okuphathelene nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

### **UHLELEKA KWEZIGABA**

*/sigaba*

**ISAHLUKO 1**  
**IZINCAZELO**

**1. Izincazelolo**

**ISAHLUKO 2**  
**IZINHLOSO NOKUSEBENZA KOMTHETHO**

**2. Izinhoso zoMthetho**  
**3. Ukusebenza koMthetho**

### ISAHLUKO 3

#### IZILIMI EZISEMTHETHWENI ZESIFUNDAZWE NEMISEBENZI YOKUHUMUSHA, YOKUHLELA NEYOKUTOLIKA

4. Ukunqunywa kwezilimi ezisemthethweni zesifundazwe
5. Ukusetshenziswa kwezilimi ezisemthethweni zesifundazwe emihlanganweni yoMkhandlu oPhethe, yeMikhandlu yoMasipala neyesiShayamthetho sesiFundazwe
6. Ukusetshenziswa kwezilimi ezisemthethweni zesifundazwe uma kushaywa imithetho
7. Ukusetshenziswa kwezilimi ezisemthethweni zesifundazwe yizinhlaka zikhulumeni esifundazweni
8. Imisebenzi yokuhumusha, yokuhlela neyokutolika

### ISAHLUKO 4

#### UPHIKO LWEZILIMI LWESIFUNDAZWE SAKWAZULU-NATALI

9. UkuSungulwa koPhiko IweziLimi IwesiFundazwe saKwaZulu-Natali
10. Amandla, amajoka nemisebenzi yoPhiko IweziLimi IwaKwaZulu-Natali
11. Abasebenzi boPhiko IweziLimi IwesiFundazwe

### ISAHLUKO 5

#### ISIGUNGU SEZILIMI SEZINHLAKA ZIKAHULUMENI SAKWAZULU-NATALI

12. IsiGungu seziLimi seziNhlaka zikaHulumeni saKwaZulu-Natali (i-KWANILAFO)

### ISAHLUKO 6

#### UKUSUNGULWA KWEZINQUBOMGOMO ZEZILIMI ZANGAPHAKATHI NENQUBOMGOMO YOKUTHUTHUKISWA NOKUNOTHISWA KWEZILIMI ZOMDABU YAKWAZULU-NATALI

13. Izinqubomgomo zezilimi zangaphakathi
14. INqubomgomo yokuThuthukiswa nokuNothiswa kweziLimi zoMdabu yaKwaZulu-Natali

### ISAHLUKO 7

#### UHLELO LWEZIKHALO LWANGAPHAKATHI NOKUXAZULULWA KOKUNGABONI NGASOLINYE MAYELANA NEZILIMI

15. Uhlelo Iwezikhalo Iwangaphakathi
16. UkuXazululwa kokungaboni ngasoliniye mayelana nezilimi

**ISAHLUKO 8****UKUQAPHA NOKUBIKA NGOKUSETSHENZISWA KWEZILIMI EZISEMTHETHWENI  
ZESIFUNDAZWE**

17. Abasebenzi noma izimpiko zemisebenzi yezilimi
18. Ukuqapha nokubika ngokusetshenziwa kwezilimi ezisemthethweni zesifundazwe

**ISAHLUKO 9****IZINHLINZEKO EZEJWAYELEKILE**

19. Imithethonqubo
20. Ukudluliselwa kwamandla
21. Ukuchithwa komthetho
22. Isihloko esifingqiwe

**ISAHLUKO 1****IZINCAZELO****Izincazelo**

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile –  
"uMthethosisekelo" kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika,  
1996;  
  
"uMnyango" kushiwo uMnyango wesiFundazwe saKwaZulu-Natali obhekele izindaba  
zezilimi;  
  
"izilimi eziyishumi nanye ezisemthethweni" kushiwo izilimi ezisemthethweni  
kwiRiphabhulikhi yaseNingizimu Afrika, ezihlongozwe esigabeni 6(1) soMthethosisekelo;  
  
"uMkhandlu oPhethe" kushiwo uMkhandlu oPhethe wesiFundazwe saKwaZulu-Natali;  
  
"unyaka wezimali" kushiwo isikhathi esiqala mhla lu-1 kuMbasa kuya kumhla zingama-  
31 kuNdasa wonyaka olandelayo;

"**iGazethi**" kushiwo iGazethi esemthethweni yesiFundazwe saKwaZulu-Natali;

"**uhlaka lukahulumeni**" kushiwo –

- (a) noma imuphi umnyango wesifundazwe noma umasipala esiFundazweni saKwaZulu-Natali;
- (b) noma iluphi uhlaka olusemthethweni, ikhomishana, ibhodi noma umkhandlu ezingeni lesifundazwe noma lohulumeni basekhaya esiFundazweni saKwaZulu-Natali; kanye
- (c) nesiShayamthetho sesiFundazwe;

"**iNhloko yoMnyango**" kushiwo umuntu oqokwe njengesikhulu esinesibopho sokubika soMnyango;

"**inhloko yohlaka lukahulumeni**" kushiwo isikhulu esinesibopho sokubika sanoma iluphi uhlaka lukahulumeni wesiFundazwe noma umuntu obambe kuleso sikhundla;

"**izilimi zomdabu ezikhulunywayo esiFundazweni**" kushiwo lezo zilimi, –

- (a) ngokwamarekhodi omlando okungezomdabu eNingizimu Afrika futhi ezikhulunywa esiFundazweni; futhi
- (b) phambilini ebezingahlonishwa ngokwanele futhi zingasetshenziwa ngendielia elinganayo nesiNgisi nesiBhunu;

"**izinqubomgomu zangaphakathi zezilimi**" kushiwo izinqubomgomu zangaphakathi zezilimi ezsungulwe izinhlaka zikahulumeni ezahlukahlukene esiFundazweni, njengoba kuholngozwe esigabeni 13;

"**i-KWANILAFO**" kushiwo isiGungu seziLimi seziNhlaka zikaHulumeni saKwaZulu-Natali, esihlongozwe esigabeni 12;

"**ofaka isikhalo esiphathelene nezilimi**" kushiwo noma imuphi umuntu ofaka isikhalo esiphathelene nezilimi ohlongozwe esigabeni 15(1);

"**isikhalo esiphathelene nezilimi**" kushiwo isikhalo esiphathelene nezilimi esihlongozwe esigabeni 15(1);

**"ukungaboni ngasoliniye mayelana nezilimi"** kushiwo ukungaboni ngasoliniye okuphathelene nezilimi njengoba kuhlongozwe esigabeni 15(2)(f);

**"iKomidi lokuXazulula ukuNgaboni Ngasoliniye okuphathelene neziLimi"** kushiwo iKomidi lokuXazulula ukuNgaboni Ngasoliniye okuphathelene neziLimi, eliqokwe iLungu loMkhandlu oPhethe, izikhathi ngezikhathi, ngokwesigaba 16(2);

**"uMkhandlu kaMasipala"** kushiwo uMkhandlu wanoma imuphi uMasipala njengoba kuhlongozwe esigabeni 157 soMthethosisekelo;

**"i-PanSALB"** kushiwo iBhodi yeziLimi kaZwelonke, eyasungulwa ngokwesigaba 2 soMthetho weBhodi yeziLimi kaZwelonke;

**"uMthetho weBhodi yeziLimi kaZwelonke"** kushiwo uMthetho weBhodi yeziLimi kaZwelonke, 1995 (uMthetho No. 59 ka 1995);

**"okunqunyiwe"** kushiwo okunqunyiwe umthethonqubo ngaphansi kwasigaba 19, kanti igama **"ukunquma"** linencazelo efanayo;

**"isiFundazwe"** kushiwo isiFundazwe saKwaZulu-Natali esihlongozwe esigabeni 103 soMthethosisekelo, kanti igama **"okwesiFundazwe"** linencazelo efanayo;

**"uHulumeni wesiFundazwe"** kushiwo uhulumeni wesiFundazwe saKwaZulu-Natali;

**"iKomidi leziLimi lesiFundazwe"** kushiwo iKomidi leziLimi lesiFundazwe elisungulwe yi-PanSALB ngokwesigaba 8(8)(a) soMthetho weBhodi yeziLimi kaZwelonke, 1995 (uMthetho No. 59 ka 1995);

**"uPhiko IweziLimi IwesiFundazwe"** kushiwo uPhiko IweziLimi IwesiFundazwe saKwaZulu-Natali olusungulwe ngokwesigaba 9;

**"isiShayamthetho sesiFundazwe"** kushiwo isiShayamthetho sesiFundazwe njengoba kuhlongozwe esigabeni 105 soMthethosisekelo, futhi esinamandla okushaya imithetho

yesiFundazwe njengoba kuhlongozwe esigabeni 104(1) soMthethosisekelo;

"izilimi ezisemthethweni zesifundazwe" kushiwo izilimi ezisemthethweni zesifundazwe ezhlongozwe esigabeni 4(1);

"imithethonqubo" kushiwo imithethonqubo esungulwe ngokwesigaba 19;

"iLungu IoMkhandlu oPhethe" kushiwo iLungu IoMkhandlu oPhethe esiFundazweni elibhekele izindaba eziphathelene nezilimi esiFundazweni; kanti

"Io Mthetho" ubandakanya nemithethonqubo.

## ISAHLUKO 2

### IZINHLOSO NOKUSEBENZA KOMTHETHO

#### Izinhloso zoMthetho

##### 2. Izinhloso zoMthetho –

- (a) ukunquma izilimi ezisemthethweni zesifundazwe;
- (b) ukulawula nokuqapha ukusetshenziswa kwezilimi ezisemthethweni zesifundazwe izona zonke izinhlaka zikahulumeni esiFundazweni;
- (c) ukugqugquzela ukuba kuhlonishwe futhi kuphathwe ngokulingana zonke izilimi ezisemthethweni zesifundazwe;
- (d) ukweseka umphakathi ukuthi usebenzise izilimi ngokuzikhethela uma ufunu ukuthola izidingo notwazi kuhulumeni;
- (e) ukuhlinzeka amasu okuhloswe ngawo ukuqinisekisa ukuthi izilimi zomdabu ebezingashaywa ndiva esiFundazweni ziyabhekelelw; kanye
- (f) nokugqugquzela ubuliminingi nokusetshenziswa kwezilimi ezahlukahlukene esiFundazweni.

#### Ukusebenza koMthetho

##### 3. Lo Mthetho usebenza –

- (a) eMkhandlwini oPhethe;

- (b) kuyo yonke imiKhandlu yoMasipala esiFundazweni njengoba kuhlongozwe esigabeni 157 soMthethosisekelo;
- (c) nakuzo zonke izinhlaka zikahulumeni esiFundazweni.

### ISAHLUKO 3

#### IZILIMI EZISEMTHETHWENI ZESIFUNDAZWE NEMISEBENZI YOKUHUMUSHA, YOKUHLELA NEYOKUTOLIKA

**Ukuqokwa kwezilimi ezisemthethweni zesifundazwe**

4.(1) Izilimi ezisemthethweni zesifundazwe isiZulu, isiNgesi, isiXhosa nesiBhunu.

(2) Ngale kokushiwo yisigatshana (1) –

- (a) zonke izilimi eziyishumi nanye zeRiphabhulikhi yaseNingizimu Afrika, njengoba kuhlongozwe esigabeni 6(1) soMthethosisekelo, kumele –
  - (i) zihlonishwe ngendlela elinganayo; futhi
  - (ii) ziphathe ngendlela efanayo,  
esiFundazweni; futhi
- (b) uHulumeni wesiFundazwe kumele, ngokubambisana ne-PanSALB –
  - (i) agqugquzele futhi aqinisekise ukusetshenziswa –
    - (aa) kwazo zonke izilimi ezisemthethweni eziyishumi nanye;
    - (bb) kolimi Iwama-Khoi, Iwama-Nama nolwama-San; kanye
    - (cc) noLimi lweziMpawu lwaseNingizimu Afrika,  
esiFundazweni; futhi
  - (ii) agqugquzele ukuhlonishwa –
    - (aa) kwazo zonke izilimi ezivame ukusetshenziswa yimiphakathi yaseNingizimu Afrika; kanye
    - (bb) nezinye izilimi ezisetshenziselwa ezenkolo.

**Ukusetshenziswa kwezilimi ezisemthethweni zesifundazwe emihlanganweni yoMkhandlu oPhethe, yeMkhandlu yoMasipala neyesiShayamthetho sesiFundazwe**

5.(1) Kungasetshenziswa noma iluphi ulimi olusemthethweni lwasifundazwe uma kunezingxoxo, izinkulumompikiswano noma kwethulwa inkulumo emhlanganweni –

- (a) woMkhandlu oPhethe;
- (b) wanoma iliphi ikomidi loMkhandlu oPhethe;
- (c) wanoma imuphi uMkhandlu kaMasipala;
- (d) wanoma iliphi ikomidi loMkhandlu kaMasipala;
- (e) wesiShayamthetho sesiFundazwe; kanye
- (f) nowanoma iliphi ikomidi lesiShayamthetho sesiFundazwe.

(2) Ukuze kufezeke okushiwo kwisigatshana (1), kumele kube nezinhlelo ezithile zokuhlinzeka ngosizo lokutolika uma kunomhlangano wesiShayamthetho sesiFundazwe, woMkhandlu oPhethe nowoMkhandlu kaMasipala, kanjalo nowanoma iliphi ikomidi lesiShayamthetho sesiFundazwe, loMkhandlu oPhethe neloMkhandlu kaMasipala.

(3) Noma iliphi irekhodi –

- (a) loMkhandlu oPhethe;
- (b) loMkhandlu kaMasipala;
- (c) lanoma iliphi ikomidi –
  - (i) loMkhandlu oPhethe;
  - (ii) neloMkhandlu kaMasipala,

lingagaywa bese lishicilelw nganoma iluphi ulimi olusemtethweni lwsifundazwe: Kuncike ekutheni noma imuphi umuntu angacela ukuhunyushelwa irekhodi noma ushicilelo nganoma iluphi olunye ulimi olusemtethweni lwsifundazwe.

#### **Ukusetshenziswa kwezilimi ezsenthethweni zesifundazwe uma kushaywa imithetho**

**6.(1) Noma imuphi –**

- (a) umthetho wesifundazwe (uMthetho) noma umthetho osewuhlaka wesifundazwe (uMthethosivivinyo); kanye
- (b) nomthethonqubo, nesimemezelo noma isinqumo esithathwe ngokulandela noma imuphi umthetho wesifundazwe,

oshicilelw kwiGazethi noma ephephandabeni elifundwa kakhulu esiFundazweni, kumele kushicilelw ngazo zonke izilimi ezsenthethweni zesifundazwe.

(2) Noma isiphi isaziso esikhishwe ngokulandela noma imuphi umthetho wesifundazwe futhi sashicilelw kwiGazethi noma ephephandabeni elifundwa kakhulu esiFundazweni, kumele

sishicilelwé okungenani ngezilimi ezimbili ezisemthethweni zesifundazwe: Kuncike ekutheni –

- (a) kuyaqikelelwé ukuthi ulimi oluzosetshenziswa yilolo olusetshenziswa amalungu omphakathi okuyiwona okubhekiswe kuwo leso saziso; futhi
- (b) kuyaqinisekiswa ukuthi olunye phakathi kwezilimi ezhikhethwayo uma kushicilelwé isaziso, lungolunye lwezilimi zomdabu ezikhulunywayo esiFundazweni.

(3) Noma imuphi umthetho kamasipala, isinqumo noma isaziso esishicilelwé umasipala kwigazethi nakunoma iliphi iphephandaba esiFundazweni, kumele kushicilelwé okungenani ngezilimi ezimbili ezisemthethweni zesifundazwe: Kuncike ekutheni –

- (a) kumele kubhekelelwé ukuthi ulimi olusetshenziswa kuleyo ndawo alusali; futhi
- (b) kumele olunye lwezilimi eziisetshenziswayo uma kushicilelwé isaziso, kuncike esifundeni ngasinye, lube ngolunye lwezilimi zomdabu ezikhulunywayo esiFundazweni.

**Ukusetshenziswa kwezilimi ezisemthethweni zesifundazwe izinhlaka zikahulumeni wesiFundazwe**

7.(1) Zonke izinhlaka zikahulumeni esiFundazweni, ngokusebenzia izinqubomgomu zangaphakathi zezilimi ezihlongozwe esigabeni 13, futhi kuncike ekutheni –

- (a) kusetshenziswa ulimi olukhulunywa futhi olukhethwa yiningi lamakhasimende namakilayenti alolo hlaka lukahulumeni; futhi
- (b) kubhekelelwé izimo zaleso naleso sifunda,

Kumele ziqoke okungenani izilimi ezimbili ezisemthethweni zesifundazwe ngenhoso –

- (i) yezokuxhumana kwangaphakathi, kwangaphandle, yokubhala kanjalo neyokukhuluma; kanye
- (ii) neyokushicilela:

Kuncike ekutheni noma iluphi uhlaka lukahulumeni esiFundazweni, ngaphezu kwalokho, lungaqoka olunye noma ezinye izilimi kulezo eziyishumi nanye ezisemthethweni.

(2) Kumele kwenziwe izinhlelo ezithile mayelana nokutolika nokuhumusha ukubhekelela amalungu omphakathi afisa ukuxhumana nanoma iluphi uhlaka lukahulumeni esiFundazweni akhuluma noma iluphi olunye ulimi olusemthethweni lwsifundazwe olungaqokwanga ngokwesigatshana (1).

(3) Olunye lwezilimi oluqokwe ngokwesigatshana (1), kuncike ekutheni amakhasimende alolo

hlaka lukahulumeni asebenzisa futhi akhetha luphi ulimi, kumele kube olunye Iwezilimi zomdabu ezikhulunywayo esiFundazweni.

(4)(a) Noma iliphi irekhodi noma ushicilelo Iwanoma iluphi uhlaka lukahulumeni esiFundazweni lingagaywa noma lishicilelwe nganoma iluphi ulimi oluqokwe ngokwesigatshana (1): Kuncike ekutheni omunye umuntu angacela ukuhunyushelwa lelo rekhodi noma lolo shicilelo ngolunye ulimi olusemthethweni Iwesifundazwe.

(b) ILungu loMkhandlu oPhethe linganquma isikhathi okumele kuhlinzekwe ngaso irekhodi noma ushicilelo oluhunyushwe ngolunye ulimi olusemthethweni Iwesifundazwe ngemuva kokuthola isicelo esihlongozwe endimeni (a).

(5) Uma izinhlaka zikahulumeni esiFundazweni –

- (a) ziveza;
- (b) zikhangisa; noma
- (c) ziqhakambisa,

imisebenzi eziyenzayo, kumele zisebenzise izilimi ezisemthethweni zesifundazwe eziqokwe ngokwesigatshana (1) ezimpawini zazo, ezihlokweni zemibhalo, emabhodini ezikhangiso nasezintweni zokukhangisa.

(6) Uma uhlaka lukahulumeni esiFundazweni lubhalela ikhasimende noma ilungu lomphakathi incwadi, leyo ncwadi kumele ibhalwe ngolimi olusemthethweni Iwesifundazwe oluqokwe ilelo khasimende noma ilelo lungu lomphakathi.

#### **Imisebenzi yokuhumusha, yokuhlela neyokutolika**

8.(1) UPhiko IweziLimi IwesiFundazwe, oluhlongozwe esigabeni 9, kumele –

- (a) mayelana nezilimi ezisemthethweni zesifundazwe;
- (b) nangesikhathi esithile kutholakale isicelo noma ngesikhathi esithile esinganqunywa iLungu loMkhandlu oPhethe,

Iuhlinzeke ngemisebenzi yokuhumusha, yokuhlela neyokutolika njengoba kunganxusa isiShayamthetho sesiFundazwe, uMkhandlu oPhethe, noma imuphi uMkhandlu kaMasipala kanye nanoma iluphi uhlaka lukahulumeni wesifundazwe.

(2) UPhiko IweziLimi twesiFundazwe, uma luthola isicelo, futhi –

- (a) kuncike ekutheni singafezeka nasezindlekweni olungangena kuzona;
- (b) nangezikathathi ezibekiwe njengoba kunganquma iLungu loMkhandlu oPhethe, lungahlela ukuba kuhunyushwe, kuhlelwe futhi kutolikwe njengoba kungacela isiShayamthetho sesiFundazwe, uMkhandlu oPhethe, noma imuphi uMkhandlu kaMasipala kanye nanoma iluphi uhlaka lukahulumeni esiFundazweni, mayelana –
- (i) nanoma iluphi ulimi kweziyishumi nanye ezipenthethweni;
  - (ii) nanoma iluphi ulimi Iwama-Khoi, Iwama-Nama nolwama-San;
  - (iii) noLimi IweziMpawu IwaseNingizimu Afrika; kanye
  - (iv) noLimi IwaBangaboni emehlwani.
- (3) Noma iluphi uhlaka lukahulumeni esiFundazweni oludinga usizo Iwezokuhumusha, Iwezokuhlela noma Iwezokutolika, oluhlongozwe ezigatshaneni (1) no (2), kumele lufake isicelo esibhalwe phansi oPhikweni IweziLimi IwesiFundazwe.

#### ISAHLUKO 4

#### UPHIKO LWEZILIMI LWESIFUNDAZWE SAKWAZULU-NATALI

##### **Ukusungulwa koPhiko IweziLimi IwesiFundazwe saKwaZulu-Natali**

9.(1) Ngalokhu kusungulwa uPhiko IweziLimi IwesiFundazwe saKwaZulu-Natali, ngemuva kwalokhu oluzobizwa ngoPhiko IweziLimi IwesiFundazwe.

(2) UPhiko IweziLimi IwesiFundazwe –

- (a) luwuPhiko olungaphakathi eMnyangweni; futhi
- (b) aluyena umuntu ngokomthetho.

##### **Amandla, amajoka nemisebenzi yoPhiko IweziLimi IwesiFundazwe**

10.(1) UPhiko IweziLimi IwesiFundazwe kumele –

(a) luqaphe ukusetshenziswa kwezinhlizuko –

- (i) zalo Mthetho;
- (ii) zanoma imuphi umthethonqubo osungulwe ngokwesigaba 19; kanye
- (iii) nezinqu bomgomu zezilimi zangaphakathi ezihlongozwe esigabeni 13, izona zonke izinhlaka zikahulumeni esiFundazweni;

- (b) lugqugquzele futhi luqaphe ukusetshenziwa ngendlela elinganayo kwazo zonke izilimi ezisemthethweni zesifundazwe ukuze kuqinisekiswe ukuthi zonke izakhamizi zesifundazwe zithola izidingo kanjalo nolwazi kuhulumeni ngendlela elinganayo;
- (c) lweseke zonke izinhlaka zikahulumeni esifundazweni maqondana nezindaba ezipatheleni nezilimi;
- (d) luthathe izinyathelo ezidingekayo nezfanele –
  - (i) ukugqugquzelu ubuliminingi esifundazweni;
  - (ii) ukugqugquzelu ukusetshenziwa nokuthuthukiswa Iwezilimi zomdabu ezikhulunywayo esifundazweni; kanye
  - (iii) nokuqinisekisa ukulingana kwezilimi esifundazweni;
- (e) lugqugquzele futhi luqaphe ukupathwa kahle kwezilimi kuzona zonke izinhlaka zikahulumeni esifundazweni ukuze imisebenzi kahulumeni iqhatshwe ngendlela efanele;
- (f) lugqugquzele futhi luqaphe ukuhlonishwa kwamalungelo ezilimi ezakhamizi zesifundazwe izona zonke izinhlaka zikahulumeni esifundazweni;
- (g) luqaphe ukuthi zonke izinhlaka zikahulumeni esifundazweni zisungula, zibuyekeza futhi ziqalisa izinqubomgomu zangaphakathi zezilimi, njengoba kuhlongozwe esigabeni 13;
- (h) luhlinzeke izinhlaka zikahulumeni esifundazweni ngosizo lokuhumusha, lokuhlela nolokutolika;
- (i) luqaphe futhi luthuthukise izinga lokuhumusha, lokuhlela nolokutolika esifundazweni;
- (j) lulawule uhelo lokuqanjwa kwamagama nokubhalwa kwezincwadi esifundazweni;
- (k) lweseke ukufundwa nokufundiswa kwazo zonke izilimi ezisemthethweni zesifundazwe; futhi
- (l) lweseke i-KWANILAFO ngezokuphatha nemisebenzi yobubhalane njengoba kuhlongozwe esigabeni 12.

**(2) UPhiko IweziLimi IwesiFundazwe –**

- (a) lungahlela izinhlelo zokuqeleshwa mayelana namasu okuhumusha, okuhlela nawokutolika;
- (b) lungabambisana nanoma iluphi uhlaka lukahulumeni noma inhlango engekho ngaphansi kukahulumeni ukuze lufezekekise izinhloso zalo, lusebenzise amandla alo, lufeze amajoka alo futhi lwenze imisebenzi yalo; futhi
- (c) lungenza noma yini –

- (i) edingekayo ukuze lusebenzise amandla alo, lufeze amajoka alo futhi lwenze imisebenzi yalo ngokwalo Mthetho; futhi
- (ii) ehambisanayo noma ehlobene nokusetshenziswa kwamandla alo, nokufeza amajoka alo nokwenza imisebenzi yalo.

**Abasebenzi boPhiko IweziLimi IwesiFundazwe**

11.(1) UPhiko IweziLimi IwesiFundazwe lunabasebenzi abaqokwe iNhloko yoMnyango ngokoMthetho wemiSebenzi kaHulumeni, 1994 (Isimemezelo No. 103 ka 1994).

(2) Abasebenzi boPhiko IweziLimi IwesiFundazwe, kumele, bebonke babe nekhono –

- (a) lokuhumusha, lokuhlela nelokutolika;
- (b) lokulawula ukudlulisewa kwabanye ongoti kwemisebenzi yokuhumusha, yokuhlela neyokutolika; kanye
- (c) nelokuqapha izinga lomsebenzi kuleyo misebenzi yokuhumusha, yokuhlela neyokutolika edlulisewa kwabanye ongoti,

kuzona zonke izilimi ezsenthethweni zesifundazwe.

(3) Abasebenzi boPhiko IweziLimi IwesiFundazwe, ngokwezinholo zesigaba 10(1), bebonke kumele babe namakhono, isipiliyonu nolwazi olufanele futhi oludingekayo ukusungula inqubomgomu.

**ISAHLUKO 5**

**ISIGUNGU SEZILIMI SEZINHLAKA ZIKAHULUMENI SAKWAZULU-NATALI**

**IsiGungu seziLimi seziNhlaka zikaHulumeni saKwaZulu-Natali**

12.(1) Ngalokhu kusungulwa isiGungu seziLimi seziNhlaka zikaHulumeni saKwaZulu-Natali (i-KWANILAFO).

(2) Izinhloso, amandla, amajoka nemisebenzi ye-KWANILAFO –

- (a) ukugqugquzela ukusebenzisana, ukubambisana nokubonisana kuzona zonke izinhlaka zikahulumeni esifundazweni mayelana nezindaba ezithinta izilimi;

- (b) ukudidiyela, ukuhlela kanye nokuqapha ukuqaliswa kwezinqu bomgommo zangaphakathi zezilimi esiFundazweni;
- (c) ukuphenya nganoma iluphi udaba oluphathelene nokuqaliswa kwalo Mthetho nokweluleka iLungu loMkhandlu oPhethe;
- (d) ukugqugquzelu ukubonisana nezingxoxo phakathi kukaHulumeni wesiFundazwe nanoma iyiphi enye inhlango noma umuntu onentshisekelo ezindabeni ezithinta izilimi esiFundazweni;
- (e) ukumela uHulumeni wesiFundazwe, nokubamba iqhaza kanjalo nokuba negalelo kunoma isiphi isiGungu seziLim i seziNhlaka zikaHulumeni sikaZwelonke; kanye
- (f) nokwenza eminye imisebenzi iLungu loMkhandlu oPhethe elinganquma ukuba yenziwe i-KWANILAFO.

**(3) I-KWANILAFO yakhiwe –**

- (a) amalungu abasebenzi boPhiko IweziLim i wesiFundazwe abaqokwe iLungu loMkhandlu oPhethe;
- (b) abasebenzi bezilimi bazo zonke izinhlaka zikahulumeni esiFundazweni, abaqokelwe lokho ngokwesigaba 17;
- (c) abasebenzi abamele izinhlaka ezisebenza ngezilimi, ezihlongozwe esigabeni 17; kanye
- (d) nanoma imuphi omunye umuntu ongaqokwa noma ongaqashwa iLungu loMkhandlu oPhethe, ngokubona kwalo iLungu loMkhandlu oPhethe, ongasiza i-KWANILAFO ekufezekiseni izinhloso zayo, ekusebenziseni amandla ayo nasekwenzeni imisebenzi namajoka ayo.

**(4) iLungu loMkhandlu oPhethe kumele –**

- (a) liqoke uSihlalo neSekela likaSihlalo be-KWANILAFO;
- (b) linqume isikhathi sokuba sesikhundleni sikaSihlalo neSekela lakhe; futhi
- (c) linqume eminye imigomo nemibandela yokuqashwa kukaSihlalo neSekela lakhe.

- (5)(a) iLungu loMkhandlu oPhethe kumele libize umhlango wokuqala we-KWANILAFO.**
- (b) Ngemuva kwalokho kumele i-KWANILAFO ihlangane njalo uma kunesidingo, kodwa okungenani kane ngonyaka, ngalezo zikhathi nakuleyo ndawo enganqunywa uSihlalo.
- (c) Izinhlaka zikahulumeni esiFundazweni, kumele, mayelana nabasebenzi abamele lezo zinhlaka zikahulumeni kwi-KWANILAFO –

- (i) nangalezo zinsiza ezinazo lezo zinhlaka zikahulumeni; futhi
  - (ii) kuncike kunoma imiphi imithetho nezinqubomgomu ezikhona ezilawula ukukhokhelwa ngokuhamba ngokomsebenzi zalolo nalolo hlaka, ihlinzekele noma iziphi izindleko zokuhamba ngokomsebenzi ezingabangelwa ukwethanyelwa kwemihlangano ye-KWANILAFO.
- (6) Imisebenzi yezokuphatha neyobubhalane ehambisana nokwenziwa kwemisebenzi ye-KWANILAFO kumele yenziwe izikhulu noma abasebenzi boMnyango abaqokelwe lokho iNhloko yoMnyango ngokuhambisana noMthetho wemiSebenzi kaHulumeni, 1994 (Isimemezelo No. 103 sika 1994).

#### ISAHLUKO 6

#### UKUSUNGULWA KWEZINQUBOMGOMO ZEZILIMI ZANGAPHAKATHI NENQUBOMGOMO YOKUTHUTHUKISWA NOKUNOTHISWA KWEZILIMI ZOMDABU YAKWAZULU-NATALI

##### **Izinqubomgomu zezilimi zangaphakathi**

- 13.(1) Zonke izinhlaka zikahulumeni esiFundazweni kumele –
- (a) zingakedluli izinyanga eziyi-18 kuqaliswe lo Mthetho;
  - (b) nangemuva kokubonisana noPhiko IweziLimi IwesiFundazwe, zisungule futhi zigunyaze izinqubomgomu zazo zezilimi zangaphakathi.

(2) Izinqubomgomu zezilimi zangaphakathi ezihlongozwe kwisigatshana (1) kumele zihambisane nezinhlinze ko zalo Mthetho nezanoma imiphi imithethonqubo esungulwe ngokwalo Mthetho ngokwesigaba 19.

(3) Inqubomgomu yezilimi yangaphakathi yanoma iluphi uhlaka lukahulumeni esiFundazweni, kumele –

- (a) njengoba kuhlongozwe esigabeni 7 –
  - (i) inqume okungenani izilimi ezimbili ezisemthethweni zesifundazwe ezizosetshenziselwa ukuxhumana kwangaphakathi nokwangaphandle, ukuxhumana ngokubhala nangokukhuluma kanjalo nangezinhlosa zokushicilela, zalolo hlaka lukahulumeni;

- (ii) inqume ukuthi lolo hlaka lukahulumeni luzoxhumana kanjani namalungu omphakathi afisa ukuxhumana nalo, kusetshenziswa noma iluphi olunye ulimi olungaqokiwe ngokwesigaba 7;
- (b) ihlizelwe uhlelo Iwangaphakathi lokufaka izikhalo, oluhlongozwe esigabeni 15; futhi
- (c) ishicilelwe kwiGazethi ngokushesha, kodwa zingakedluli izinsuku ezingama-90 yamukelwe ngokusemthethweni.

**(4) Uhlaka ngalunye lukahulumeni esiFundazweni kumele –**

- (a) Iwazise amakhasimende alo ukuthi ikhona inqubomgomo yezilimi yangaphakathi futhi itholakala mahhala uma kukhona oyidingayo;
- (b) luqinisekise ukuthi ikhophi yenqubomgomo yezilimi yangaphakathi iyatholakala uma icelwa amakhasimende kanjalo namalungu omphakathi; futhi
- (c) Lukhangise kuwona wonke amahhovisi alo, inqubomgomo yalo efingqiwe ngendlela nasendaweni lapho izobonakala khona futhi ifundwe katula amakhasimende alo kanjalo namalungu omphakathi.

**iNqubomgomo yokuThuthukiswa nokuNothiswa kweziLimi zoMdabu yaKwaZulu-Natali**

14. ILungu loMkhandlu oPhethe kumele, ngemuva kokubonisana neKomidi leziLimi lesiFundazwe ne-KWANILAFO, lisungule futhi liqalise iNqubomgomo yokuThuthukiswa nokuNothiswa kweziLimi zoMdabu yaKwaZulu-Natali.

**ISAHLUKO 7**

**UHLELO LWEZIKHALO LWANGAPHAKATHI NOKUXAZULULWA KOKUNGABONI  
NGASOLINYE MAYELANA NEZILIMI**

**Uhlelo Iwezikhalo Iwangaphakathi**

15.(1) Zonke izinhlaka zikahulumeni esiFundazweni kumele, ngokusebenzisa izinqubomgomo zazo zangaphakathi zezilimi ezihlongozwe esigabeni 13, zihlinzelele uhlelo olunzulu Iwezikhalo Iwangaphakathi –

- (a) olungasetshenziswa inoma iliphi ilungu lomphakathi elifisa ukufaka isikhalo mayelana nanoma iziphi izinsolo noma imizamo yokucekela phansi –
  - (i) noma iliphi ilungelo lolimi njengoba kuhlongozwe kuMthethosisekelo, kulo

Mthetho noma kwinqubomgomu yezilimi yangaphakathi yalezo zinhlaka zikhulumeni;

(ii) nanoma iziphi izinhlinzuko zalo Mthetho noma zanoma iyiphi inqubomgomu yezilimi yangaphakathi yalolo hlaka lukahulumeni,

uhlaka lukahulumeni; futhi

(b) okumele lulandelwe –

(i) ofaka isikhalo ukuze afake isikhalo esiphathelene nezilimi; kanye

(ii) nohlaka lukahulumeni oluyophenya futhi luxazulule izikhalo eziphathelene nezilimi.

(2) Uhlelo lokufaka izikhalo kumele –

(a) luholenze isiphathimandla ngaphakathi ohlakeni lukahulumeni okufakwa kulona isikhalo esiphathelene nezilimi;

(b) lunqume isikhathi okungafakwa ngaso izikhalo esiphathelene nezilimi: Kuncike ekutheni, zonke, izikhalo eziphathelene nezilimi kumele zifakte zingakedluli izinsuku ezingama-90 kusukela osukwini lapho ofaka isikhalo mayelana nezilimi ebone ngalo kungahlonishwa noma kunemizamo yokungahloniphi noma –

(i) iliphi ilungelo lolimi;

(ii) iziphi izinhlinzuko zalo Mthetho; noma

(iii) inhlinzuko yenqubomgomu yangaphakathi yezilimi yalolo hlaka lukahulumeni;

(c) lubeze ukuthi izikhalo mayelana nezilimi kumele –

(i) zibhalwe phansi: Kuncike ekutheni noma imuphi umuntu ofaka isikhalo mayelana nezilimi ongakwazi ukubhala nokufunda kumele asizwe abasebenzi balolo hlaka lukahulumeni ekutheni abhale phansi leso sikhalo esiphathelene nezilimi;

(ii) zicacise izinhlinzuko zalo Mthetho noma uhlobo kwelungelo okusolakala ukuthi alingahlonishwanga noma okunemizamo yokuthi lingahlonishwa; futhi

(iii) zicacise izizathu lowo ofaka isikhalo esiphathelene nezilimi eziyimbangela yesikhalo sakhe;

(d) luphoqe ofaka isikhalo esiphathelene nezilimi ukuba aveze ukuthinteka kwakhe kulolo daba: Kuncike ekutheni uma umuntu ofaka isikhalo esiphathelene nezilimi emeles omunye umuntu noma iqembu labantu, kumele alethe incwadi emgonyaza ukuba enza njalo;

(e) lubalule isikhathi okumele lolohlaka lukahulumeni oluthintekayo lupothule ngaso

ukudingidwa kwenekhalo esiphathelene nezilimi; Kuncike ekutheni zonke izikhalo eziphathelene nezilimi kumele ziphothulwe ezinsukwini ezingama-30 kusukela osukwini okutholakale ngalo isikhalo;

(f) lubalule ukuthi noma imuphi umuntu ofaka isikhalo esibangelwe –

(i) ukwehluleka kwalolo hlaka lukahulumeni ukuphothula isikhalo sakhe esiphathelene nezilimi ezinsukwini ezingama-30 uthole isikhalo, njengoba kuhlongozwe endimeni (e); noma

(ii) indlela lolo hlaka lukahulumeni olwenze ngayo uphenyo, oluphathe ngayo noma oluphethule ngayo isikhalo sakhe esiphathelene nezilimi,

angadlulisela leso sikhalo sakhe, njengoba kuhlongozwe esigabeni 16(1), kwiLungu loMkhandlu oPhethe ukuze siphinde siphenywe futhi kutholakale isixazululo ngokwesigaba 16(5);

(g) lubalule ukuthi iLungu loMkhandlu oPhethe, -

(i) mayelana nanoma isiphi isikhalo esingaxazululiwe; futhi

(ii) ngokuzithathela kwalo izinyathelo,

linganquma ukuthi ukungaboni ngasoliniye mayelana nezilimi, njengoba kuhlongozwe esigabeni 16(1) –

(aa) kukhona; futhi

(bb) kumele kwenziwe olunye uphenyo, njengoba kuhlongozwe esigabeni 16(5); futhi

(h) lubalule noma imiphi eminye imininingwane njengoba kunganquma iLungu loMkhandlu oPhethe.

### **Ukuxazululwa kokungaboni ngasoliniye mayelana nezilimi**

**16.(1) Ukungaboni ngasoliniye mayelana nezilimi kudalwa –**

(a) ukuthi isikhalo mayelana nezilimi singaxazululeki njengoba kuhlongozwe esigabeni 15(2)(f); noma

(b) ukuthi iLungu loMkhandlu oPhethe, ngokwesigaba 15(2)(g), linqume ukuthi sekube nokungaboni ngasoliniye mayelana nezilimi.

**(2) Uma kuba nokungaboni ngasoliniye, ofaka isikhalo angabhekisa isikhalo sakhe –**

(a) kwi-PanSALB ngokwesigaba 11 soMthetho weBhodi yeziLimi kaZwelonke; noma

(b) kwiLungu loMkhandlu oPhethe ngokwesigatshana (3).

(3) Uma ofaka isikhalo ekhetha ukulandela inqubo ebekwe kwisigatshana (2)(b), kumele, ezinsukwini ezingama-21, azise iLungu loMkhandlu oPhethe ngokungaboni ngasolinye mayelana nezilimi ukuze kuhinde kuphenywe futhi kutholakale isixazululo njengoba kuhlongozwe kwisigatshana (5).

(4) Uma iLungu loMkhandlu oPhethe selithathe isinqumo, njengoba kuhlongozwe kwisigaba 15(2)(g), sokuthi kunokungaboni ngasolinye, kumele ezinsukwini ezingama-21, lazise –

(a) uhlaka lukahulumeni oluthintekayo; kanye

(b) nalowo ofaka isikhalo,

ngenhoso yalo yokudlulisa udaba lokungaboni ngasolinye mayelana nezilimi ukuze kuhinde kuphenywe futhi kutholakale isixazululo, njengoba kuhlongozwe kwisigatshana (5).

(5) iLungu oMkhandlu oPhethe kumele, zingakedluli izinsuku ezingama-30 –

(a) lazisiwe ngodaba lokungaboni ngasolinye mayelana nezilimi oludluliselwe kulo; noma

(b) lithathe isinqumo njengoba kuhlongozwe kwisigaba 15(2)(g), sokuthi kukhona ukungaboni ngasolinye mayelana nezilimi,

liqoke iKomidi lokuXazulula ukuNgaboni Ngasolinye mayelana neziLim.

(6) iKomidi lokuXazulula ukuNgaboni Ngasolinye mayelana neziLim, kumele zingakedluli izinsuku ezingama-90 liqokiwe –

(a) liphenye ngodaba lokungaboni ngasolinye mayelana nezilimi;

(b) liqhamuke nesixazululo salolo daba lokungaboni ngasolinye mayelana nezilimi, ngokuthi kulungiswe amaphutha, kubuyiswane noma kuxoxiswane; futhi

(c) libike liphinde lenze izincomo kwiLungu loMkhandlu oPhethe mayelana nemiphumela yokuxazululwa kwalokho kungaboni ngasolinye.

(7) iKomidi lokuXazulula ukuNgaboni Ngasolinye, eliqokwe iLungu loMkhandlu oPhethe ngokwesigatshana (2), lingabizela esigcawini noma imuphi umuntu, umgwamanda noma uhlaka lukahulumeni ukuba –

(a) luvele phambi kwalo;

(b) lwethule ubufakazi; futhi

(c) luveze noma iliphi irekhodi noma umbhalo odingekayo.

(8) Uma kwenzeka ukuthi ukuxazululuwa kokungaboni ngasolinye mayelana nezilimi akuqhamuki nesixazululo esigcuisayo njengoba kuhlongozwe kwisigatshana (5)(b) –

(a) iKomidi IokuXazulula ukuNgaboni Ngasolinye kumele lithumele umbiko kwiLungu IoMkhandlu oPhethe oqukethe –

(i) imininingwane yezihibe ezibe khona ngenkathi kuxazululuwa ukungaboni ngasolinye;

(ii) noma imuphi umbiko obhalwe phansi noma owethulwe ngomlomo owethulwe –

(aa) ofake isikhalo esiphathelene nezilimi; noma

(bb) ilolo hlaka oluthintekayo,

mayelana nalokho kungaboni ngasolinye; futhi

(iii) lenze izincomo mayelana nezinqumo ezifanele ukuthathwa, njengoba kuhlongozwe endimeni (b);

(b) iLungu IoMkhandlu oPhethe, zingakedluli izinsuku ezingama-30 lithole umbiko weKomidi IokuXazulula ukuNgaboni Ngasolinye njengoba kuhlongozwe endimeni (a), lingathatha isinqumo ngalokho kungaboni ngasolinye ngokuthi –

(i) likhiphe isaziso sokuba kulandelwe umthetho, esinxusa lolo hlaka lukahulumeni ukuba lulungise noma isiphi isenzo noma iphutha elibangele ukuthi kube nokungaboni ngasolinye: Kuncike ekutheni uhlaka lukahulumeni lunqunyelwe izinsuku ezingama-30 ukuthi lenze okushiwo isaziso sokuba kulandelwe umthetho; noma

(ii) lichithe lokho kungaboni ngasolinye mayelana nezilimi.

## ISAHLUKO 8

### UKUQAPHA NOKUBIKA MAYELANA NOKUSETSHENZISWA KWEZILIMI EZISEMTHEHWENI ZESIFUNDAZWE

#### **Abasebenzi abaqashwayo noma izimpiko ezikhethekile zezilimi**

**17.(1) Izinhloko zezinhlaka zikahulumeni esiFundazweni –**

(a) ngemuva kokubonisana noPhiko IweziLimi IwesiFundazwe;

(b) kuncike kunoma imuphi umthetho olawula ukucashwa kwabasebenzi balolo hlaka lukahulumeni; futhi

(c) kuncike kwizidingo zolimi olunazo lolo hlaka lukahulumeni esiFundazweni,

kumele ziqashe umsebenzi noma abasebenzi bezilimi noma zisungule uphiko lwezilimi ngaphansi kwezinhlaka zazo.

(2) Umsebenzi wezilimi oqashiwe noma uphiko lwezilimi oluhi longozwe kwi sigatshana (1) lubhekele –

(a) ukuqinisekisa ukuthi lolo hlaka lukahulumeni –

(i) luqalisa izinhlinzuko zalo Mthetho nanoma imuphi umthethonqubo owakhiwe ngokwalo Mthetho;

(ii) lusungula futhi luqalisa inqu bomgomo yezilimi yangaphakathi, njengoba kuhlongozwe esigabeni 13; futhi

(iii) luyahambisana nezidingo ezimayelana nokubika ezi hlongozwe esigabeni 18;

(b) ukulawulwa nokubhekelela zonke izicelo ezipathelene nokuhumusha, nokuhlela kanye nokutolika ezi hlongozwe esigabeni 8, kulolo hlaka lukahulumeni oluthintekayo; kanye

(c) nokumela lolo hlaka lukahulumeni kwi-KWANILAFO.

**Ukuqapha nokubika mayelana nokusetshenziswa kwezilimi ezi semthethweni zesifundazwe 18.(1) Izinhlaka zikahulumeni esiFundazweni kumele –**

(a) zingakedluli izinyanga ezintathu kuphele unyaka wezimali ngamunye; noma

(b) ngaleso sikhathi esinganqunywa iLungu loMkhandlu oPhethe,

zithumele umbiko kwiLungu loMkhandlu oPhethe mayelana –

(i) nezinyathelo ezithathwe ilolo hlaka lukahulumeni ukuhambisana nezinhlinzuko zalo Mthetho;

(ii) nokusungulwa kanye nokuqaliswa kwenqu bomgomo yangaphakathi, njengoba kuhlongozwe esigabeni 15;

(iii) nemisebenzi yanoma iluphi uphiko lwezilimi lwalolo hlaka lukahulumeni;

(iv) nanoma iziphi izikhalo ezitholwe yilolo hlaka lukahulumeni nokuthi kubhekwanie kanjani nalezo zikhalo; kanye

(v) nanoma iluphi olunye udaba olunganqunywa iLungu loMkhandlu oPhethe.

(2) I-KWANILAFO kumele –

(a) zingakedluli izinyanga ezintathu ngemuva kokuphela konyaka wezimali ngamunye; noma

- (b) ngaléso sikhathi esinganqunywa iLungu oMkhandlu oPhethe, yethulele iLungu loMkhandlu oPhethe umbiko wonyaka mayelana –
- (i) nokufezekisa kwayo izinhloso zayo, nokusebenzisa amandla ayo kanye nokwenza imisebenzi namajoka ayo;
  - (ii) nanoma iluphi udaba oluthinta ukusetshenziswa kwalo Mthetho; kanye
  - (iii) nanoma iluphi udaba olunganqunywa ukuba ilwethule.

**(3) iLungu loMkhandlu oPhethe –**

- (a) ngemuva kokubonisana neKomidi leziLimi lesiFundazwe; futhi
  - (b) zingakedluli izinyanga ezinhlanu ngemuva kokuphela konyaka wezimali ngamunye,
- kumele lethulele isiShayamthetho sesiFundazwe umbiko wonyaka mayelana nokuqaliswa kwalo Mthetho nanoma iyiphi enye inqubomgomo yezilimi yesifundazwe.

**ISAHLUKO 9**  
**IZINHLINZEKO EZEJWAYELEKILE**

**Imithethonqubo**

**19.** iLungu loMkhandlu oPhethe, ngesaziso kwiGazethi futhi ngemuva kokubonisana neKomidi leziLimi lesiFundazwe, lingasungula imithethonqubo enquma –

- (a) nganoma iluphi udaba okudingeka noma okuvumeleke ukuba inqume ngalo ngokwalo Mthetho; noma
- (b) nganoma iluphi udaba oluphathelene nezokuphatha noma nezinqubo ukuze kuqaliswe izinhlinzezo zalo Mthetho.

**Ukudluliselwa kwamandla**

**20.(1)** iLungu loMkhandlu oPhethe lingadluliselala eKomidini leziLimi lesiFundazwe noma kwiNhloko yoMnyango –

- (a) noma imaphi amandla iLungu loMkhandlu oPhethe elithweswe wona ngokwalo Mthetho, ngaphandle kwamandla okusungula imithethonqubo ngokwesigaba 19; noma
- (b) noma iliphi ijoka elinikezwe iLungu loMkhandlu oPhethe yilo Mthetho.

(2) Noma imaphi amandla noma amajoka adluliselwe ngokwesigatshana (1) kumele

asetshenziswe noma afezwe kuncike kuleyo mibandela iLungu oMkhandlu oPhethe eliyibona ifanele.

(3) Noma ikuphi ukudluliselwa kwamandla ngokwesigatshana (1) –

- (a) kumele kubhalwe phansi;
- (b) angeke kuvimbele iLungu loMkhandlu oPhethe ukuba lisebenzise lawo mandla loma lifeze lawo majoka; futhi
- (c) kungahoxiswa noma kuchitshiyelwe nganoma isiphi isikhathi ngencwadi yiLungu loMkhandlu oPhethe.

**Ukuchithwa komthetho**

21. UMthetho weziLim ieziseMthethweni zePhalamende waKwaZulu-Natali, 1998 (uMthetho No. 10 ka 1998), ngalokhu uyachithwa.

**Isihloko esifingqiw**

22. Lo Mthetho ubizwa ngoMthetho weziLim ieziseFundazwe waKwaZulu-Natali, 2013.

**IMEMORANDAMU****NGEZINHLOSO****ZOMTHETHOSIVIVINYO WEZILIMI ZESIFUNDAZWE SAKWAZULU-NATALI, 2013****ISENDLALELO**

1.(a) Ngaphezu kokunquma izilimi eziyishumi nanye ezisemthethweni zeRiphabhulikhi yaseNingizimu Afrika, isigaba 6 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 ("uMthethosisekelo") siphinde sihlinzeke ngokuthi –

- (i) uMbuso kumele uthathe izinyathelo ezibonakalayo nezifanele ukunothisa nokuthuthukisa ukusetshenziswa kwezilimi zomdabu;
- (ii) uhulumeni kazweloneko nowesifundazwe, ngemuva kokubheka ukusetshenziswa kwezilimi, izinyathelo ezingasebenza, izindleko, izimo zezifunda kanye nokubhekelela izidingo zalabo bantu abahlosiwe, angasebenzisa okungenani izilimi ezimbili ezisemthethweni ngenhoso yokuqhuba imisebenzi kahulumeni. Omasipala kumele babhekelele izilimi ezikhulunywa nezikhethwa izakhamizi zabo, uma benquma mayelana nezilimi ezizosetshenziswa uma kuqhutshwa imisebenzi kahulumeni; futhi
- (iii) uhulumeni kazweloneko nohulumeni bezifundazwe kumele balawule futhi baqaphe ukusetshenziswa kwezilimi ezisemthethweni ngokuthi basungule imithetho noma ngezinye izindlela.

(b) Ngenxa yale mibandela yoMthethosisekelo ebekwe ngasenhla, iLungu IoMkhandlu oPhethe elibhekele ezobuciko namasiko esiFundazweni ("iLungu IoMkhandlu oPhethe") lihlose ukwethula uMthethosivivinyo weziLimi zesiFundazwe saKwaZulu-Natali.

**OKUSHIWO YIZINHLINZEKO ZOMTHETHOSIVIVINYO**

2.(1) Izinhlosongqangi zoMthethosivivinyo ukuhlinzekela –

- (a) ukunqunywa kwezilimi ezisemthethweni zesifundazwe;
- (b) ukulawulwa nokuqashwa kokusetshenziswa kwezilimi ezisemthethweni zesifundazwe izona zonke izinhlaka zikahulumeni esiFundazweni;
- (c) ukusungulwa koPhiko IweziLimi IwesiFundazwe saKwaZulu-Natali nesiGungu seziLimi seziNhlaka zikaHulumeni saKwaZulu-Natali;
- (d) izindlela zokuthuthukisa izilimi zomdabu nolimi Iwezimpawu esiFundazweni;

- (e) ukuchithwa koMthetho weziLimi eziseMthethweni zePhalamende waKwaZulu-Natali, 1998 (uMthetho No. 10 ka 1998); kanye  
(f) nokuhlinzekela okunye okupathelene nalokho.

(2) ISahluko 1 soMthethosivivinyo sihlinzekela izincazelo.

(3) ISahluko 2 sihlinzekela izinhloso nokusebenza koMthethosivivinyo. UMthethosivivinyo, uma usuphasisiwe waba uMthetho, uyosebenza kuzona zonke izinhlaka zikahulumeni esiFundazweni.

(4)(a) ISahluko 3 soMthethosivivinyo sihlinzekela ukunqunywa kwezilimi ezisemthethweni zesiFundazwe saKwaZulu-Natali okuyisiZulu, isiNgisi, isiXhosa nesiBhunu.

(b) ISahluko 3 sihlinzekela ukusetshenziswa kwezilimi ezisemthethweni zesiFundazwe. Lesi sahluko siphinde sihlinzekele nemisebenzi yokuhumusha, yokuhiela neyokutolika.

(5)(a) ISahluko 4 sihlinzekela ukusungulwa koPhiko IweziLimi IwesiFundazwe, okuwuphiko olukhethekile olungaphakathi eMnyangweni. Lesi sahluko siphinde sihlinzekele amandla, imisebenzi namajoka oPhiko IweziLimi IwesiFundazwe, ebandakanya phakathi kokunye -

- (i) ukuqapha ukusetshenziswa kwalo Mthetho, imithethonqubo, nezinqubomgommo zangaphakathi, izinhlaka zikahulumeni esiFundazweni;
- (ii) ukugqugquzela nokuqapha ukupathwa kahle kwezilimi izinhlaka zikahulumeni esiFundazweni; kanye
- (iii) nokugqugquzela nokuqapha ukuhlonishwa kwamalungelo ezilimi zezakhamuzi zesiFundazwe izona zonke izinhlaka zikahulumeni esiFundazweni.

(6) ISahluko 5 sihlinzekela ukusungulwa kwestigungu sezilimi seziNhlaka zikaHulumeni, esibizwa ngesiGungu seziLimi seziNhlaka zikaHulumeni saKwaZulu-Natali (KWANILAFO).

(7) ISahluko 6 sihlinzekela ukusungulwa kwezinqubongomo zangaphakathi zezilimi izona zonke izinhlaka zikahulumeni esiFundazweni. Lesi sahluko siphinde sihlinzekele ukusungulwa kwenqubomgommo yaKwaZulu-Natali yokuthuthukiswa nokunothiswa kwezilimi zomdabu.

(8) ISahluko 7 sihlinzekela izindaba ezipathelene nokulalelwia kwezikhalo nokungaboni

ngaso linye okudalwa ukungahlionishwa kwanoma imaphi amalungelo ezilimi noma kwanoma iziphi izinhlinzuko zalo Mthethosivivinyo.

(9) ISahluko 8 sihlinzekela izinhlelo zokuqapha nokubika mayelana nokusetshenziswa kwezilimi ezisemthethweni zesifundazwe.

(10) ISahluko 9 sihlinzekela izinhlinzoko ezejwayelekile okuyimithethonqubo, ukudluliselwa kwamandla, ukuchithwa koMthetho weziLimi eziseMthethweni zePhalamende waKwaZulu-Natali, 1998 (uMthetho No. 10 ka 198) nesihloko esifingqiwe soMthetho.

### **IZINGQINAMBA KWEZOKUPHATHA NEZABASEBENZI KUHULUMENI WESIFUNDAZWE**

3. Azikho.

### **IZIMALI EZIZODINGEKA KUHULUMENI WESIFUNDAZWE**

4. Azikho.

### **IMINYANGO/IMIGWAMANDA OKUBONISWENE NAYO**

5. Kwamenya bonke abamele yonke iMinyango yesiFundazwe nomasipala besiFundazwe, izifundiswa nongoti kwezezilimi nabo bamenya wa ukuba babeke izimvo nemibono yabo ngalo Mthethosivivinyo.

### **IZINGQINAMBA NGOKOMTHETHOSISEKELO**

6. UMthethosivivinyo uhlose ukushayela oMasipala esiFundazweni umthetho mayelana nokuthi kumele balihloniphe kanjani ilungele lamakhasimende abo mayelana nezilimi uma benza imisebenzi yabo; yingakho kusebenza isigaba 154(2) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996. Ngokwalezi zinhlinzoko okukhulunywe ngazo, iLungu loMkhandlu oPhethe kumele ngaphambi kokwethula lo Mthethosivivinyo kwisiShayamthetho, liwushicilele ukuze umphakathi ubeke izimvo nemibono yawo, ngendlela evumela ukuthi ohulumeni basekhaya kanjalo nabantu abanentshisekelo bathole ithuba lokwenza izethulo ngoMthethosivivinyo.





