

Provincial Gazette Extraordinary

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OFFICE OF THE SPEAKER
OF THE WESTERN CAPE
PROVINCIAL PARLIAMENT

P.N. 144/2002

6 June 2002

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Act which is hereby published for general information:—

No. 3 of 2002: Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002.

The Act will come into operation on 7 June 2002.

As 'n Nuusblad by die Poskantoor Geregistreer

KANTOOR VAN DIE SPEAKER
WES-KAAPSE PROVINSIALE
PARLEMENT

P.K. 144/2002

6 Junie 2002

Hierby word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

Nr. 3 van 2002: Wet op 'n Gedragskode vir Lede van die Wes-Kaapse Provinsiale Parlement, 2002.

Die Wet sal op 7 Junie 2002 in werking tree.

Ibhaliswe ePosini njengePhephandaba

IOFISI KASOMLOMO
YEPALAMENTE YEPHONDO
LENTSHONA KOLONI

P.N. 144/2002

6 Juni 2002

Kwenziwa isaziso apha sokuba uSomlomo wePalamente yePhondo leNtshona Koloni uwamkele ngokusemthethweni lo Mthetho ulandelayo opapashelwe ulwazi gabalala apha:—

Nomb 3 ka-2002: UMthetho weMigaqo yokuziPhatha waMalungu ePalamente, 2002.

UMthetho uza kuqala ukusebenza ngowe-7 Juni 2002.

(English text signed by the Premier)
(Assented to 3 June 2002)

ACT

To give effect to section 27 of the Constitution of the Western Cape, 1997 (Act 1 of 1998) by providing for a Code of Conduct governing the conduct of members of the Provincial Parliament; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Definitions

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

- “Code of Conduct” means the Code of Conduct contemplated in section 2;
- “Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- “Constitution of the Western Cape” means the Constitution of the Western Cape, 1997 (Act 1 of 1998);
- “Conduct Committee” means the Committee on Conduct and Members’ Interests established in terms of the Standing Rules of the Provincial Parliament;
- “member” means a member elected to the Provincial Parliament but excludes a Member of the Cabinet;
- “Provincial Parliament” means the Western Cape Provincial Parliament;
- “Public Protector” means the Public Protector contemplated in section 181 of the Constitution;
- “Registrar” means the Registrar of Members’ Interests appointed in terms of section 3;
- “Speaker” means the Speaker of the Western Cape Provincial Parliament elected in terms of section 20 of the Constitution of the Western Cape.

Code of Conduct

2. (1) The Provincial Parliament must adopt a Code of Conduct, prescribing standards and rules aimed at promoting open, democratic and accountable government.

(2) Members of the Provincial Parliament must comply with the Code of Conduct in performing their official responsibilities.

(3) The Speaker must publish the Code of Conduct in the *Provincial Gazette*.

(4) The Code of Conduct must—

- (a) include provisions requiring members—
 - (i) at all times to act in good faith and in the best interest of good governance;
 - (ii) to meet all the obligations imposed on them by law;
- (b) include provisions prohibiting members from—
 - (i) undertaking any other paid work without obtaining prior permission from the party of which they are a member;
 - (ii) acting in a way that is inconsistent with their office;
 - (iii) exposing themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests;
 - (iv) using their position or any information entrusted to them, to enrich themselves or improperly benefit any other person;
 - (v) acting in a way that may compromise the credibility or integrity of their office or of the Provincial Parliament;

- (c) require the members to disclose to the Registrar the following—
 - (i) their financial interests when assuming office as well as the financial interests of such persons having a family or other relationship with them, as may be determined in the Code of Conduct;
 - (ii) any financial interests acquired after their assumption of office, including any gifts, sponsored foreign travel, pensions, hospitality and other benefits of a material nature received by them or by such persons having a family or other relationship with them as may be determined in the Code of Conduct; and
 - (d) prescribe that the financial interests to be disclosed in terms of paragraph (c) must at least include the information, and be under the same conditions of public access thereto, as determined by the Conduct Committee from time to time, but may prescribe the disclosure of additional information.
- (5) The Code of Conduct may prescribe any matter that may be necessary for the effective implementation thereof.

Appointment of Registrar

3. The Provincial Parliament must appoint a Registrar of Members' Interests.

Registrar must investigate breaches

4. (1) The Registrar must investigate any alleged breach of the Code of Conduct by a member on receipt of a complaint contemplated in section 5.
- (2) The Registrar must submit a report on the alleged breach of the Code of Conduct within 30 days of receipt of the complaint, to the Conduct Committee.
- (3) If the Registrar reports at the end of the period referred to in subsection (2) that the investigation has not yet been completed, the Registrar must submit a further report when the investigation has been completed.
- (4) When conducting an investigation in terms of this section, the Registrar shall have all the powers as set out in the Code of Conduct.
- (5) The Conduct Committee must within a reasonable time, but not later than 30 days after receiving a report, submit a copy of the report and any comments thereon, together with a report on any action to be taken, to the Provincial Parliament.

Complaints

5. (1) The Registrar must investigate, in accordance with section 4, an alleged breach of the Code of Conduct by a member on receipt of a complaint by a Member of the Cabinet, another member or a member of the public.
- (2) The complaint must be in writing and must contain the following—
 - (a) the name and address of the complainant;
 - (b) full particulars of the alleged conduct of the member; and
 - (c) such other information as may be required by the Registrar or prescribed in the Code of Conduct.
- (3) Nothing in this section shall prevent the Public Protector from investigating any complaint by a member of the public in accordance with the Public Protector Act, 1994 (Act 23 of 1994).

Prosecutions not affected

6. Nothing in this Act shall prevent or delay the prosecution of a member in a court of law.

Short title and commencement

7. This Act shall be called the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002, and shall come into operation on a date determined by the Speaker by proclamation in the *Provincial Gazette*.

(Engelse teks deur die Premier geteken)
(Bekragtig op 3 Junie 2002)

WET

Om uitvoering te gee aan artikel 27 van die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998), deur voorsiening te maak vir 'n Gedragskode wat die gedrag van lede van die Provinsiale Parlement reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - “Gedragskode” die Gedragskode soos bedoel in artikel 2;
 - “Gedragskomitee” die Komitee oor Lede se Gedrag en Belange ingestel ingevolge die Reglement van die Provinsiale Parlement;
 - “Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);
 - “Grondwet van die Wes-Kaap” die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998);
 - “lid” ’n lid wat verkies is tot die Provinsiale Parlement, maar sluit ’n Lid van die Kabinet uit;
 - “Openbare Beskermer” die Openbare Beskermer soos bedoel in artikel 181 van die Grondwet;
 - “Provinsiale Parlement” die Wes-Kaapse Provinsiale Parlement;
 - “Registrateur” die Registrateur van Lede se Belange aangestel ingevolge artikel 3;
 - “Speaker” die Speaker van die Provinsiale Parlement verkies ingevolge artikel 20 van die Grondwet van die Wes-Kaap.

Gedragskode

2. (1) Die Provinsiale Parlement moet ’n Gedragskode aanneem wat standarde en reëls voorskryf wat gemik is op die bevordering van ’n oop, demokratiese en verantwoordbare regering.
- (2) Lede van die Provinsiale Parlement moet in die uitoefening van hulle amptelike pligte aan die Gedragskode voldoen.
- (3) Die Speaker moet die Gedragskode in die *Provinsiale Koerant* publiseer.
- (4) Die Gedragskode moet—
 - (a) bepalings bevat wat van lede vereis om—
 - (i) ten alle tye ter goeder trou en in die beste belange van goeie regering op te tree;
 - (ii) te voldoen aan al die verpligtinge wat hulle regtens opgelê is;
 - (b) bepalings bevat wat lede verbied om—
 - (i) enige ander werk teen betaling te onderneem sonder dat toestemming van die party waarvan hulle ’n lid is, verkry is;
 - (ii) op ’n manier op te tree wat met hulle ampte in stryd is;
 - (iii) hulself bloot te stel aan enige situasie wat die risiko van ’n botsing van belange tussen hulle ampsverpligtinge en private belange tot gevolg kan hê;
 - (iv) hul posisie of enige inligting wat aan hulle toevertrou is te gebruik om hulself te verryk of enige ander persoon onbehoorlik bevoordeel;

- (v) op 'n manier op te tree wat die geloofwaardigheid of integriteit van hulle of die Provinsiale Parlement in die gedrang bring;
- (c) van lede vereis om die volgende aan die Registrateur te verklaar—
 - (i) hulle finansiële belange met ampsaanvaarding asook die finansiële belange van sodanige persone met wie hulle 'n familie- of ander verwantskap het, soos in die Gedragskode bepaal;
 - (ii) enige finansiële belange wat na hulle ampsaanvaarding bekom is, insluitende enige geskenke, geborgde buitelandse reise, pensioene, onthaal- en enige ander voordele van 'n materiële aard wat deur hulle of sodanige persone ontvang is met wie hulle 'n familie- of ander verwantskap het, soos in die Gedragskode bepaal; en
- (d) bepaal dat die finansiële belange wat ingevolge paragraaf (c) verklaar moet word, ten minste die inligting moet insluit, en onder dieselfde voorwaardes van openbare toegang daartoe moet val, soos van tyd tot tyd deur die Gedragskomitee bepaal, maar kan die verklaring van bykomende inligting voorskryf.

(5) Die Gedragskode kan enige saak voorskryf wat nodig mag wees vir die effektiewe implementering daarvan.

Aanstelling van Registrateur

3. Die Provinsiale Parlement moet 'n Registrateur van Lede se Belange aanstel.

Registrateur moet oortredings ondersoek

4. (1) Die Registrateur moet enige beweerde oortreding van die Gedragskode deur 'n lid ondersoek by ontvangs van 'n klagte soos in artikel 5 bedoel.

(2) Die Registrateur moet binne 30 dae na die ontvangs van die klagte 'n verslag oor die beweerde oortreding aan die Gedragskomitee voorlê.

(3) Indien die Registrateur aan die einde van die tydperk genoem in subartikel (2) verslag doen dat die ondersoek nog nie voltooi is nie, moet die Registrateur 'n verdere verslag voorlê wanneer die ondersoek voltooi is.

(4) Wanneer die Registrateur 'n ondersoek ingevolge hierdie artikel doen, het hy al die magte soos in die Gedragskode uiteengesit.

(5) Die Gedragskomitee moet binne 'n redelike tyd, maar nie later nie as 30 dae nadat 'n verslag ontvang is, 'n afskrif van die verslag en enige kommentaar daarop, tesame met 'n verslag oor die stappe wat gedoen staan te word, aan die Provinsiale Parlement voorlê.

Klagtes

5. (1) Die Registrateur moet ingevolge artikel 4 ondersoek instel na 'n beweerde oortreding van die Gedragskode deur 'n lid by ontvangs van 'n klagte deur 'n Lid van die Kabinet, 'n ander lid of 'n lid van die publiek.

(2) Die klagte moet skriftelik wees en moet die volgende bevat—

- (a) die naam en adres van die klaer;
- (b) volle besonderhede van die beweerde gedrag van die lid; en
- (c) enige ander inligting wat die Registrateur mag nodig hê soos in die Gedragskode voorgeskryf.

(3) Niks in hierdie artikel sal die Openbare Beskermer daarvan weerhou om enige klagte deur 'n lid van die publiek ingevolge die Wet op die Openbare Beskermer, 1994 (Wet 23 van 1994) te ondersoek nie.

Vervolgings nie geraak nie

6. Niks in hierdie Wet sal die vervolging van 'n lid in 'n gereghof verhoed of vertraag nie.

Kort titel en inwerkingtreding

7. Hierdie Wet heet die Wet op 'n Gedragskode vir Lede van die Wes-Kaapse Provinsiale Parlement, 2002, en tree in werking op 'n datum wat deur die Speaker by proklamasie in die *Provinsiale Koerant* bepaal word.

(Uhlelo lwesiNgesi lutyikitywe yiNkulumbuso)
(Uvunyelwe ngo we-3 Juni 2002)

UMTHETHO

Ukwenzela ukuba icandelo 27 loMgaqo-siseko weNtshona Koloni lisebenze (uMthetho 1 ka-1998) ngokunikezela ngoluhlu lwemigaqo yokuziphatha elawula ukuziphatha kwamalungu ePalamente yePhondo; kwakunye nokubonelela nangemiba enokwenza noko.

MAWUMISELWE NJENGOMTHETHO yiPalamente yePhondo leNtshona Koloni, ngale ndlela ilandelayo:—

Iinkcazo

1. Kulo Mthetho, ngaphandle kokuba imeko ithetha enye into—

“ULuhlu lweMigaqo yoKuziphatha” luthetha uluhlu lwemigaqo yokuziphatha njengoko kuchaziwe kwicandelo 2;

“UMgaqo-siseko” uthetha uMgaqo-siseko weRiphabhliki yoMzantsi Afrika, 1996 (uMthetho 108 ka-1996);

“UMgaqo-siseko weNtshona Koloni” uthetha uMgaqo-siseko weNtshona Koloni, 1997 (uMthetho 1 ka-1998);

“IKomiti yoKuziphatha” ithetha iKomiti engoKuziphatha kunye neyeZinto zaMalungu emiselwe ngokwemigaqo yeMithetho eSisigxina yePalamente yePhondo;

“ilungu” lithetha ilungu elinyulelwe iPalamente yePhondo kwaye alibandakanyi Lungu leKhabhinethi;

“IPalamente yePhondo” ithetha iPalamente yePhondo leNtshona Koloni;

“UMkhuseli woLuntu” uthetha uMkhuseli woLuntu njengoko kuchaziwe kwicandelo 181 loMgaqo-siseko;

“UMgcini-ziinkcukacha” uthetha lowo ugcina iinkcukacha zezinto zaMalungu oqeshwe ngokwemigaqo yecandelo 4;

“USomlomo” uthetha uSomlomo wePalamente yePhondo leNtshona Koloni onyulwe ngokwemigaqo yecandelo 20 loMgaqo-siseko weNtshona Koloni.

ULuhlu lweMigaqo yoKuziphatha

2. (1) IPalamente yePhondo kufuneka yamkele uLuhlu lweMigaqo yoKuziphatha, oluchaza imigangatho nemithetho ejonge ukukhuthaza urhulumente ongafihlisiyo, olawula ngentando yesininzi nokwaziyo ukuzimela izinto azenzayo.

(2) Amalungu ePalamente yePhondo kufuneka ayithobele iMigaqo yoKuziphatha xa esenza imisebenzi yawo esemthethweni.

(3) USomlomo kufuneka apapashe uLuhlu lweMigaqo yoKuziphatha kwiGazethi yePhondo.

(4) ULuhlu lweMigaqo yoKuziphatha kufuneka—

(a) lubandakanye amasolotya anyanzelisa amalungu ukuba—

(i) ngawo onke amaxesha aziphathe ngohlobo olululo yaye asebenzele ulawulo olululo;

(ii) ahlangabezane nazo zonke iimbophelelo ezibekwe kuwo ngumthetho; kwaye

(b) lubandakanye amasolotya athintela amalungu—

(i) ukuba angathabathi nawuphi omnye umsebenzi ohlawulayo ngaphandle kokufumana imvume kumaqela awo;

(ii) angasebenzi ngandlela inxamnye ne-ofisi yawo;

(Uhlelo lwesiNgesi lutyikitywe yiNkulumbuso)
(Uvunyelwe ngo we-3 Juni 2002)

UMTHETHO

Ukwenzela ukuba icandelo 27 loMgaqo-siseko weNtshona Koloni lisebenze (uMthetho 1 ka-1998) ngokunikezela ngoluhlu lwemigaqo yokuziphatha elawula ukuziphatha kwamalungu ePalamente yePhondo; kwakunye nokubonelela nangemiba enokwenza noko.

MAWUMISELWE NJENGOMTHETHO yiPalamente yePhondo leNtshona Koloni, ngale ndlela ilandelayo:—

Iinkcazo

1. Kulo Mthetho, ngaphandle kokuba imeko ithetha enye into—

“ULuhlu lweMigaqo yoKuziphatha” luthetha uluhlu lwemigaqo yokuziphatha njengoko kuchaziwe kwicandelo 2;

“UMgaqo-siseko” uthetha uMgaqo-siseko weRiphabhliki yoMzantsi Afrika, 1996 (uMthetho 108 ka-1996);

“UMgaqo-siseko weNtshona Koloni” uthetha uMgaqo-siseko weNtshona Koloni, 1997 (uMthetho 1 ka-1998);

“IKomiti yoKuziphatha” ithetha iKomiti engoKuziphatha kunye neyeZinto zaMalungu emiselwe ngokwemigaqo yeMithetho eSisigxina yePalamente yePhondo;

“ilungu” lithetha ilungu elinyulelwe iPalamente yePhondo kwaye alibandakanyi Lungu leKhabhinethi;

“IPalamente yePhondo” ithetha iPalamente yePhondo leNtshona Koloni;

“UMkhuseli woLuntu” uthetha uMkhuseli woLuntu njengoko kuchaziwe kwicandelo 181 loMgaqo-siseko;

“UMgcini-ziinkcukacha” uthetha lowo ugcina iinkcukacha zezinto zaMalungu oqeshwe ngokwemigaqo yecandelo 4;

“USomlomo” uthetha uSomlomo wePalamente yePhondo leNtshona Koloni onyulwe ngokwemigaqo yecandelo 20 loMgaqo-siseko weNtshona Koloni.

ULuhlu lweMigaqo yoKuziphatha

2. (1) IPalamente yePhondo kufuneka yamkele uLuhlu lweMigaqo yoKuziphatha, oluchaza imigangatho nemithetho ejonge ukukhuthaza urhulumente ongafihlisiyo, olawula ngentando yesininzi nokwaziyo ukuzimela izinto azenzayo.

(2) Amalungu ePalamente yePhondo kufuneka ayithobele iMigaqo yoKuziphatha xa esenza imisebenzi yawo esemthethweni.

(3) USomlomo kufuneka apapashe uLuhlu lweMigaqo yoKuziphatha kwiGazethi yePhondo.

(4) ULuhlu lweMigaqo yoKuziphatha kufuneka—

(a) lubandakanye amasolotya anyanzelisa amalungu ukuba—

(i) ngawo onke amaxesha aziphathe ngohlobo olululo yaye asebenzele ulawulo olululo;

(ii) ahlangebezane nazo zonke iimbophelelo ezibekwe kuwo ngumthetho; kwaye

(b) lubandakanye amasolotya athintela amalungu—

(i) ukuba angathabathi nawuphi omnye umsebenzi ohlawulayo ngaphandle kokufumana imvume kumaqela awo;

(ii) angasebenzi ngandlela inxamnye ne-ofisi yawo;

- (iii) angazifaki kwimeko enokubangela ingxubakaxaka yomngcipheko phakathi koxanduva lwawo olusemthethweni kunye nokungumdla kwiziqu zawo;
 - (iv) angasebenzisi izikhundla zawo okanye naluphi na ulwazi olunikezelwe ezandleni zawo, ukuzityebisa okanye kuxhamle nawuphi na omnye umntu ngendlela engeyiyo; kwaye
 - (v) angaziphathi ngendlela apha enokuthoba intembeko okanye isidima se-ofisi yawo okanye iPalamente yePhondo; kwaye
 - (c) lucele amalungu ukuba achaze kuMgcini-ziinkcukacha—
 - (i) imicimbi yawo yezemali xa ethabatha i-ofisi kwakunye nemicimbi yezemali yabantu abaneentsapho okanye abanobudlelane nabo, njengoko kunokumiselwa luLuhlu lweMigaqo yokuziphatha; kwakunye
 - (ii) nemicimbi yezimali athe azifumana emva kokuthabatha i-ofisi, kubandakanywa nazo naziphi na izipho, uhambo lwamazwe angaphandle oluthe lwaxhaswa, imihlala-phantsi, izibele kunye nazo naziphi na ezinye iinzuzo ezizizinto eziphathekayo ezifunyenwe ngawo okanye abo bantu banobudlelane neentsapho zawo okanye obunye ubudlelane njengoko kunokumiselwa njalo kuLuhlu lweMigaqo yoKuziphatha; kwaye
 - (d) lunyanzelise ukuba imicimbi yezemali yaziswe ngokwemigaqo yomhlathi (c), okuncinane mayibandakanye ulwazi, kwaye phantsi kwezo meko zinye abantu bakwazi ukulufumana, njengoko kumiselwe yiKomiti, kodwa isenokufakwa inkcazo yolwazi olongezelelekileyo.
- (5) ULuhlu lweMigaqo yoKuziphatha lunganyanzelisa nayiphi na into ekufuneka yenziwe.

Ukunyulwa koMgcini-ziinkcukacha

3. IPalamente yePhondo kufuneka yonyule uMgcini-ziinkcukacha zeZinto aMalungu anazo.

UMgcini-ziinkcukacha kufuneka aphande ulwaphulo-migaqo

4. (1) UMgcini-ziinkcukacha makaphande nalo naluphi na ulwaphulo loLuhlu lweMigaqo yoKuziphatha olwenziwe lilungu xa athe wafumana isikhalazo njengoko kuchaziwe kwicandelo 5.

(2) UMgcini-ziinkcukacha makafake ingxelo yesityholo solwaphulo loLuhlu lweMigaqo yoKuziphatha ngeentsuku ezingama-30 efumene isikhalazo, kwiKomiti yeMigaqo yoKuziphatha.

(3) Ukuba uMgcini-ziinkcukacha unika ingxelo emveni kwexesha elichazwe kwicandelwana (2) yokuba uphando alukagqitywa, uMgcini-ziinkcukacha makafake enye ingxelo xa uphando luthe lwagqitywa.

(4) Xa esenza uphando ngokwemigaqo yeli candelo, uMgcini-ziinkcukacha uya kuba nawo onke amagunya njengoko ebekiwe kuLuhlu lweMigaqo yoKuziphatha.

(5) IKomiti yeMigaqo yoKuziphatha mayithi ngexesha elifanelekileyo, kodwa zingadlulanga iintsuku ezingama-30 emva kokufumana ingxelo, ifake ikopi yengxelo kwakunye namagqabantshintshi, kwakunye nengxelo yalo naliphi na inyathelo emalithatyathwe, kwiPalamente yePhondo.

IZikhalazo

5. (1) UMgcini-ziinkcukacha makaphande, ngokomgaqo wecandelo 4, isityholo sokwaphulwa koMgaqo woKuziphatha lilungu xa athe wafumana isikhalazo esisuka kwiLungu leKhabhinethi, elinye ilungu okanye ilungu loluntu.

(2) ISikhalazo masibhalwe kwaye siqulathe—

- (a) igama nedilesi yomkhalazi;
- (b) iinkcukacha ezipheleleyo zokuziphatha zelungu elityholwayo; kwakunye
- (c) nolunye ulwazi olunokuthi lufunwe nguMgcini-ziinkcukacha okanye oluchazwe kuluhlu lwemigaqo yokuziphatha.

(3) Akukho nto ekweli candelo eya kuthintela uMkhuseli woLuntu ekuphandeni naso nasiphi na isikhalazo selungu loluntu ngokomgaqo woMthetho woKhuselo loLuntu, 1994 (uMthetho Nomb. 23 ka-1994).

- (iii) angazifaki kwimeko enokubangela ingxubakaxaka yomngcipheko phakathi koxanduva lwawo olusemthethweni kunye nokungumdla kwiziqu zawo;
 - (iv) angasebenzisi izikhundla zawo okanye naluphi na ulwazi olunikezelwe ezandleni zawo, ukuzityebisa okanye kuxhamle nawuphi na omnye umntu ngendlela engeyiyo; kwaye
 - (v) angaziphathi ngendlela apha enokuthoba intembeko okanye isidima se-ofisi yawo okanye iPalamente yePhondo; kwaye
 - (c) lucele amalungu ukuba achaze kuMgcini-ziinkcukacha—
 - (i) imicimbi yawo yezemali xa ethabatha i-ofisi kwakunye nemicimbi yezemali yabantu abaneentsapho okanye abanobudlelane nabo, njengoko kunokumiselwa luLuhlu lweMigaqo yokuziphatha; kwakunye
 - (ii) nemicimbi yezimali athe azifumana emva kokuthabatha i-ofisi, kubandakanywa nazo naziphi na izipho, uhambo lwamazwe angaphandle oluthe lwaxhaswa, imihlala-phantsi, izibele kunye nazo naziphi na ezinye iinzuzo ezizizinto eziphathekayo ezifunyenwe ngawo okanye abo bantu banobudlelane neentsapho zawo okanye obunye ubudlelane njengoko kunokumiselwa njalo kuLuhlu lweMigaqo yoKuziphatha; kwaye
 - (d) lunyanzelise ukuba imicimbi yezemali yaziswe ngokwemigaqo yomhlathi (c), okuncinane mayibandakanye ulwazi, kwaye phantsi kwezo meko zinye abantu bakwazi ukulufumana, njengoko kumiselwe yiKomiti, kodwa isenokufakwa inkcazo yolwazi olongezelelekileyo.
- (5) ULuhlu lweMigaqo yoKuziphatha lunganyanzelisa nayiphi na into ekufuneka yenziwe.

Ukunyulwa koMgcini-ziinkcukacha

3. IPalamente yePhondo kufuneka yonyule uMgcini-ziinkcukacha zeZinto aMalungu anazo.

UMgcini-ziinkcukacha kufuneka aphande ulwaphulo-migaqo

4. (1) UMgcini-ziinkcukacha makaphande nalo naluphi na ulwaphulo loLuhlu lweMigaqo yoKuziphatha olwenziwe lilungu xa athe wafumana isikhalazo njengoko kuchaziwe kwicandelo 5.

(2) UMgcini-ziinkcukacha makafake ingxelo yesityholo solwaphulo loLuhlu lweMigaqo yoKuziphatha ngeentsuku ezingama-30 efumene isikhalazo, kwiKomiti yeMigaqo yoKuziphatha.

(3) Ukuba uMgcini-ziinkcukacha unika ingxelo emveni kwexesha elichazwe kwicandelwana (2) yokuba uphando alukagqitywa, uMgcini-ziinkcukacha makafake enye ingxelo xa uphando luthe lwagqitywa.

(4) Xa esenza uphando ngokwemigaqo yeli candelo, uMgcini-ziinkcukacha uya kuba nawo onke amagunya njengoko ebekiwe kuLuhlu lweMigaqo yoKuziphatha.

(5) IKomiti yeMigaqo yoKuziphatha mayithi ngexesha elifanelekileyo, kodwa zingadlulanga iintsuku ezingama-30 emva kokufumana ingxelo, ifake ikopi yengxelo kwakunye namagqabantshintshi, kwakunye nengxelo yalo naliphi na inyathelo emalithatyathwe, kwiPalamente yePhondo.

IZikhalazo

5. (1) UMgcini-ziinkcukacha makaphande, ngokomgaqo wecandelo 4, isityholo sokwaphulwa koMgaqo woKuziphatha lilungu xa athe wafumana isikhalazo esisuka kwiLungu leKhabhinethi, elinye ilungu okanye ilungu loluntu.

(2) ISikhalazo masibhalwe kwaye siqulathe—

- (a) igama nedilesi yomkhalazi;
- (b) iinkcukacha ezipheleleyo zokuziphatha zelungu elityholwayo; kwakunye
- (c) nolunye ulwazi olunokuthi lufunwe nguMgcini-ziinkcukacha okanye oluchazwe kuluhlu lwemigaqo yokuziphatha.

(3) Akukho nto ekweli candelo eya kuthintela uMkhuseli woLuntu ekuphandeni naso nasiphi na isikhalazo selungu loluntu ngokomgaqo woMthetho woKhuselo loLuntu, 1994 (uMthetho Nomb. 23 ka-1994).

UTshutshiso aluchaphazeleki

6. Akukho nto ekulo Mthetho eya kuthintela okanye ilibazise ukutshutshiswa kwelungu kwinkundla yomthetho.

ISihloko esifutshane noqaliso

7. Lo Mthetho uyakwaziwa njengoMthetho weMigaqo yoKuziphatha waMalungu ePalamente yePhondo leNtshona Koloni, 2002, kwaye uya kuthi usebenze ngosuku oluya kuthi lubekwe yiNkulumbuso ngokuwazisa kwi*Gazethi yePhondo*.

UTshutshiso aluchaphazeleki

6. Akukho nto ekulo Mthetho eya kuthintela okanye ilibazise ukutshutshiswa kwelungu kwinkundla yomthetho.

ISihloko esifutshane noqaliso

7. Lo Mthetho uyakwaziwa njengoMthetho weMigaqo yoKuziphatha waMalungu ePalamente yePhondo leNtshona Koloni, 2002, kwaye uya kuthi usebenze ngosuku oluya kuthi lubekwe yiNkulumbuso ngokuwazisa kwi*Gazethi yePhondo*.