ISAZISO SOBURHULUMENTE BASMAKHAYA

UMASIPALA WASENGQUSHWA

UMTHETHO WEDOLOPHU NGOKUPHATHELELE KWIKOMITI ZEWADI

uManejala kaMasipala upapasha ngokuphathelel kwiCandelo 12 lobuRhulumente wasemakhaya umthetho wenkqubo kaMasipala, 2000 (Umtetho No.32 ka 2000) funda kanye necandelo 162 loMgaqo-Siseko weRiphabliki yaseMzantsi Afrika, 1996 (umthetho ongu 108 ka 1996) umthetho wedolophu ophathelele kwikomiti zewadi.

Injongo yoMthetho weDolophu

Injongo yalomthetho wedolophu kukunika intsingiselo kuMgaqo-Nkqubo ophathelele kwikomiti zewadi kwanokufezekiswa nokunyanzeliswa ngoko ke.

1. **Ingcaciso** – Kulo mthetho wedolophu amagama asetyenziswe kwisini somadoda kubandakanya abasetyini, isinye sibandakanya isininzi kwangokunjalo kwaye, ngaphandle xa lukhona utshintsho –

   'Indlela Yokuziphatha' oku kuthetha indlela yokuziphatha yamalungu eKansile efumaneka kwisheduli 1 korhulumente basekhaya kumthetho iMunicipal Systems ka2000 (Umthetho No.32 ka 2000);

   'uMgaqo Siseko' ubhekisa kumgaqo siseko weRhiphabliki yoMzantsi Afrika, 1996 (Umthetho No108 ka 1996);

   'usuku' kuthetha usuku lonyaka olubandakanya uMgqibelo, iCawa neholide;

   'usodolphu' oku kuthetha usodolophu onyulwe ngokwecandelo lomgaqo 55 korhulumente basemakhaya umthetho iMunicipal Structures, 1998 (Umthetho No.117 ka 1998)

   'umasipala' ubhekisa kuMasipala waseNgqushwa osekwe ngokwecandelo 12 lomthetho iMunicipal Structures, 1998 (Umthetho No.117 ka 1998) obandakanya ezobupolitiko nelungu lezoburhulumente weKansile;

   'iKansile kaMasipala' ibhekisa kwekansile kaMasipala negama kansile loba nentsingiselo efanayo

'imanejala kaMasipala' ibhekisa kwigosa eleqeshwe ngokwecandelo 82 lorhulumente basekhaya umthetho iMunicipal Structures, 1998 (Umthetho No.117 ka 1998)

'umthetho weMunicipal Structures' obhekisa korhulumente basemakhanya iMunicipal Structures Umthetho No.117 ka 1998.

'Umthetho weMunicipal Systems' obhekisa koRhulumente basemakhaya iMunicipal Systems Umthetho No.32 ka 2000.

'Ummeli wezepolitiko' ubhekisa kuSomlomo, uSodolophu nesekela Sodolophu okanye ilungu lekomiti ekubhekiswa kulo ngokoRhulumente basemakhanya. Umthetho weMunicipal Structures, 1998 (Umthetho No.117 ka 1998)

'Isaziso seCandelo 12' kuthetha nasiphina isaziso esipapashwe kwiGazethi yePhondo ngokwe Candelo 12 koRhulumente basekhaya kumthetho iMunicipal Structures Act 1998 (Umthetho No.117 ka 1998) apho uMasipala sele esebenza.

'uSomlomo' ubhekisa kwilungu leKansile elenyulwe ngokweCandelo 36 loRhulumente basekhaya iMunicipal Structure Act 1998 (Umthetho No.117 ka 1998) libe ngusihlalo weKansile njengoko icandelo 160 lomthetho woMgaqo-Siseko.

'Ilungo leKansile yewadi' kuthetha ilungu lekansiel elingummeli wewadi kuMasipala

2. **Ukusekwa kwekomiti zewadi**

uMasipala unokumisela ikomiti yewadi kwiwadi ngaye ekwinida kaMasipala phantsi kwngunya neziseko zesaziso esikwiCandelo 12

3. **Imisebenzi negunya lekomiti zewadi**

(1) Ikomiti yewadi inokwenza izincomo nakowuphina umba ochaphazela iwadi –

(a) Kwilungu leKansile yewadi; okanye

(b) Ngelungu leKansile yewadi inokubhekisa kwiKansile, kwikomiti yolawulo, uSodolophu okanye naliphina ilungu lommeli wezopolitiko

(2) Ikomiti yewadi yoba namagunya kwanemisebenzi eyothi igqitywe nguMasipala ngokweCandelo 59 lomthetho iMunicipal System.

(3) uMasipala unokudlulisela igunya lokwenza lemisebenzi ilandelayo –

(a) Ukusebenza njengequmrhu elgunyazisiweyo likaMasipala

(b) Ukuqiniseka ubudlelwane phakathi koluntu kwanoMasipala ngezindlela zilandelayo

(i) Ukucebisa nokwenza izincomo kwilungu lekansile yewadi kwimiba yongaqo echapazela iwadi

(ii) Ukuncedisa ilungu leKansile yewadi ekuqapheleni imfuno zabahlali.

(iii) Ukundlulisa ulwazi ngokunxulumene nemiba kaMasipala enjengo lwabiwo-mali ucwaningo ngophuhliso oludibeneyo ukulawulwa komsebenzi, inkonzo nempahla kaMasipala

(iv) Ukwamkelwa kwezikhalazo nemibuzo enela kubahlali ngokuziswa kwenkonzo zikaMasipala eluntwini, nokugqithisela izikhalazo nemibuzo kuMasipala nokunisa ingcebiso eluntwini.

(v) Ukuqinisekisa intsenbenziswana eluqilima phakathi koMasipala noluntu nendlela abemi bewadi ababamba intlanganiso zabo.

(vi) Unxibelelwanao phakathi kwamaqumrhu neforam ngemiba echapazela iwadi.

(c) Basebenze njengommeli kwintshukumo zoluntu.

(i) Bakhathelele zonke izinto ezichaphazela uluntu

(ii) Basebenze ukuzalisekisa iminqweno yoluntu

(iii) Baqinisekise ngenxaxheba yolunty

(aa) Amaphulo okuhlawulela inkonzo

(bb) Umba wokucwangcisa ngophuhliso oludibenyo

(cc) Ulwabiwo-mali lukaMasipala

(dd) Izigqibo ngokuziswa kwenkonzo

(ee) Izigqibo eziphathelelel kwimithetho yedolophu

(iv) Ukuchotshelwa kwentlanganiso

(4) Akukho magunya olawulo ayakunikelwa kwikomiti zewadi

(5) Ikomiti yewadi isenkuvakalisa ukungoneliseki ngokusebenza kwelungu lekansile yewadi ngembalelwano kuMasipala

4. **Uxanduva lukaSomlomo**

(1) uSomlomo wo –

(a) Kwenza izicwangciso zolawulo ukuncedisa na nekomiti yewadi ekwenzeni umsebenziwayo ekufezekiseni igunya layo

(b) Ukuqinisekisa ukusebenza kwekomiti yewadi ngaphandle kwamaginxigingxi bencedisana nelungu lekansie yewadi kwanonobhala wekomiti

(c) Ukuncedisana wekomiti yewadie ngonobahla wayo ukugqiba ngendawo sentlanganiso nezinye imfuno

(d) Nika amalungu ekomiti yewadi nonobhala izixhobo ze-ofisi ukuze bawenza kakuhle emsebenzi wabo

(e) Nenxaxheba ekulawuleni unyulo lwamalungu ekomiti yewadi

(2) Noxa amagunya nemisebenzi yekomiti yewadi efezekiswa yiyo iyakuba luxanduva lukaMasipala ukuqinisekisa ukuthathathwa kwenxaxheba luluntu kaMasipala

5. **Ukubunjwa kwekomiti zewadi**

(1) Ikomiti yewadi –

(a) Yokwenziwa lilungu leKansile lewadi

(b) Neshumi labanye abanye abantu ubuninzi

(2) Abameli bekomiti yewadi abayikusekwa ngokublungu babao bepolitike, kako bobandakanya –

(a) Ulutsha

(b) Absetyhini

(c) Amaqela enkonzo

(d) Ezemidlalo nenkcubeko

(e) Ezempilo nezoluntu

(f) Ezoshishino

(g) Ezendalo

(h) Ezemfundo

(i) Abantu abadala

(j) Ezokhuseleko eluntwini

(k) Imibutho yamaqunrhu

(l) Abahlawuli berhafu nemibutho yasekuhlaleni

(m) Inkokheli zemveli

(n) Imibutho yezolimo

(o) Abarhwebi

(p) Abakhubazekileyo

(q) Abasezifama

(r) Abasebenzi

(s) Abezotyelelo kwa

(t) Nemibutho yabasebenzo

6. **Unyulo lwamalunge ekomiti yewadi –**

(1) uMasipala woseka imigaqo nendlela okufanele zifezekiswe ngabazigqatsele unyulo ethathela ingqiqo oku –

(a) Imfuneko –

(i) Yabafazi ukuba bamelwe kwikomiti yewadi

(ii) Kubandakanye imbono nomdla woluntu kwiwadi

(b) Oko kubandakanywe kwicandelo 5

(2) iKansile kaMasipala yokwenza uluhlu lwezi zinto zilandelayo kwabazigqatsele unyulo

(b) umntu obhalisilwyo njengomvoti

(c) angalungeneli unyulo xa engumsebenzi kaMasipala

(d) abe uyazihlawula kakuhle irhafu nenkonzo, engekhomva ngokweisthuba senyanga ezitathu

(e) abe nenxaxhebo kwiqumrhu alimeleyo

(f) azithathe njengongavumelekanga kunyulo xa athe –

(ii) otshonileyo ematyaleni

(iii) ophantsi kwenkundla zolawulo

(iv) umntu othe emva koFebhuwari 1997 wefunyanwa enetyala wagetyelwas ngaphakati engenathuba lakuhlawuliswa endaweni yoko

(v) engaphilanga ngengqondo ngokomyalelo wenkundla ephakamileyo

(3) Emva konxibelelwano noSomlomo, neManejala kaMasipala ilungu lekomiti yewadi lopapasha emaphepheni okanye konomathotholo kumema abo banomdla bafake isicelo sobulungu kwikomiti yewadi

(4) Ilungu leKansile yeWadie loqinisekisa ukuba isaziso ekubhekiswa kuso ngasentla apha –

(c) longeniswa ngokubhaliweyo likwifomu evumelekileyo

(d) kwisithuba sentsuku eziki kusuka mhla yapapashwa

(5) Intlanganiso yawo onke amalungu angabavoti abhalisiwe kwiwadi yochotshelwa lilungu leKansile yewadi kwisithuba sentsuku ezi21 ukususela mhla kwangeniswa amagama abasigqatsileyo ngenjongo yokunyula amalungu ewadi

(6) Abazigqatsele ubulungu bekomiti yewadi baya –

(a) bakwanelisa imfuno zonyulo ezikhethwe nguMasipala

(b) bayakonyulwa sisininzi sababhalisele uvoto

(7) Xa ilungu lonyulelwe kwikomiti yewadi liya –

(a) lakuvuma ngokubhaliweuo ukuba liyafumaneka kwikomiti

(b) lonikwa imigaqo yokuziphatha lilungu leKansile yewadi okanye uNobhala wayo, livume ngokubhaliweyo ukuba liyakuqonda okubhaliweyo

(8) Okubhaliweyo kungqina ukwamkela kwelungu ukwamkelwa kwalo lunga luhlobo lwefomu kaMasipala

7. **Izihlalo zangaphakati**

(1) Ilungu leKansile elimele iwadi kuMasipala lakuba ngumhlalingaphambi wekomiti yewadi

(2) Ikomiti yewadi ingonyula amalungu okwenza lemisebenzi ilandelayo –

(a) unobhala

(b) usekela nobhala

(3) Ikomitana zingasekwe yikomiti yewadi –

(a) ukuzalisekisa ukweniziswa kwemisebenzi nokuzalisekiswa kwamagunya

(b) ukukhuthaza ukuthatyathwa kwenxaxheba yimibutho ebandakanyekaya

8. **Ithuba lokusebenza kwamalungu**

(a) Ithuba lokusebenza kwamalungu ewadi loba yiminyaka emibini

(b) uMasipala emva kokunxulumana namaqeka anenxaxheba, ithuba lamalungu ekomiti yewadi liyakongezwa.

9. **Izohlwayo ngokunxulumene nokugayithobeli imigaqo yokuziphatha**

(1) Imigaqo yokuziphatha yosebenza –

(a) ekutezekisweni kwamagunya nemisebenzi lelungu lekomiti yewadi

(b) ekungavumini ukwenza umsebenzi ogunyazisiweyo

(2) Ngokunxulumene nokungahanjwa kwentlanganiso lilungu lekomiti yewadi –

(a) isohlwayo ezingadlulanga kwiR50 –

(i) ukungaphumeleli ezintlangisweni kwelungu icandelo 11

(ii) ukungahlali esintlanganisweni

(b) ilungu lekusususwa kwikomiti yewadi xa lithe alaphumelela kwintlanganiso ezintanthu ezilandelelanayo lungenzanga singxengxezo kusihlalo okanye uSomlomo

(c) nasiphina isohlwayo solandela oku –

(i) iCandelwana (a), isigqibo sothatyathwa nguSihlalo

(ii) iCandelwana (b), isigqibo sothatyathwa nguSihlalo ngaphandle kokuba –

(aa) kwisithuba sentsuku ezsi 7 usihlalo wonyula ikomiti yamalungu amabini enze uphando ngesityholo eso

(bb) Ikomiti iyakuphanda imeme ilungu elibandakanyekayo kwisithuba se14 yentsuku yonyuliwe

(cc) Kwintsuku ezisixhenxe ikomiti yokwenza ingxelo inike nezincomo zayo

(dd) Usihlalo uyakuphononga ubungqina enze ezakhe izincomo kuSomlomo

(ee) uSomlomo uyakuphumeza okanye asichithachite isigqibo kwintsuku ezingama21 okanye ayidlulisele kusihlalo

(ff) uSihlalo uyakusisebenzisa eso sigqibo sisuka kuSomlomo, emazise abandakanyekayo.

(3) Isohlwayo esibhekisele kulwaphulo-migaqo ekwicandelwana (2) yogqitywa nguSomlomo elandela imigaqo yokuziphatha

(4) Xa ingusihlalo wekomiti yewadi osolekayo uSomlomo nguye oyakuthabatha amanyathelo ngokomgaqo wokuziphatha

10. **Izithuba**

(1) Isithuba kwikomiti yewadi sovela xa ilungu lithe –

(a) Lasweleka

(b) Larhoxa

(c) Lafukuka kulo wadi

(d) Lanyulelwa isikhundla sokuba lilungu leKansile

(e) Lisusiwe ngokwecandelo 9

(f) Ligxothiwe ngokwesigqibo sekomiti yewadi, uSodolophu, ikomiti elawulayo.

(g) Liphelelwe ukuba lilungu lombutho eliwumeleyo

(h) Lintyumpantyumpeka ematyaleni okanye liphazamisekile engqondweni

(2) Xa kuthe kwakho isithuba kwikomiti yewadi unobala wenye yekomiti zewadi wazisa ikomiti yewadi ngosihlalo wayo yena wochazela uSomlomo

(3) Ukuba isithuba siye savela kwikomiti yewadi unyulo lovalosikhewu luyakubanjwa ukuvala isithuba eso ngokweCandelo 6

11. **Inkqubo zentlanganiso**

(1) Amalungu ekomiti yewadi ohlangana kanye nekota ubuncinane anike inkcazelo ngentshukumo zabo benze izincomo ngemiba ethunyelwe kubo ngoSomlomo ngalo ilungu leKansile yewadi.

(2) Ilungu lekomiti yewadi lakuchophela intlanganiso zekomiti yewadi lingekho okanye lengenako ukuchopela intlanganiso konyulwa elinye ilungu libambe endaweni yalo.

(3) Xa ilungu leKansile yewadi lingekho okanye lingenako ukuchophela intlanganiso konyulwa elinye ilungu ibambe endaweni yalo.

(4) Ikomiti yewadi iyakonyula unobhela woyo kumalunga ayo, ukuze abhale imiba yentlanganiso enze nemisebenzi ye-ofisi

(5) Inkqubo yentlanganiso yekomiti yewadi ihamba ngoluhlobo –

(a) Ukuvula

(b) Izinxengxezo

(c) Ukufundwa kwmizuzu

(d) Inkcazi kaSomlomo okanye imanejala kaMasipala

(e) Inkcazo yelungu leKansile lewadi

(f) Inkcazi kaSihlalo xa ikhona

(g) Inkcazi yamalungu

(h) Umkhombandlela

(i) Umhla wentlanganiso elandelayo

(j) Ukuvala

(6) Zonke izigqibo zekomiti yewadi zakwamkelwa ngokwesininzi sevoti samalungu akhoyo

(7) Inani elifanelekileyo lokuqhutywa kwentlanganiso yekomiti yewadi iyakuba sisininzi samalungu, engabandakanywa usihlalo

(8) Yonke imieimbi efuna kuthatyathwe isigqibo ngayo yothunyelwa kunobhala ngoSomlomo okanye ummeli wakhe

(9) Intlanganiso zekomiti zewadi zoqhutywa ngokwemithetho emiyo kaMasipal

12. **Intlawulo yamalungu**

(a) Ngokomthetho wesizwe akusayi kubakho ntlawulo kumalungu ekomiti ejongene nokuhankwa kwentlanganiso

(b) uMasipala unako ukuwahlawula amalungu ekomiti zewadi ngendleko zawo ngenkitho yokuhamba neminye imiba avumelekileyo xa bathe bangeniso unbungqina.

13. **Ukuchithwa kwekomiti**

Ikomiti yewadi isenokuchithwa nguMasipala phantsi kwezi zizathu –

(a) Xa ithe ayahlangana amathuba de amathathu elandelelana

(b) Xa amalungu egqibe ukuba arhoxe isigqibo eso sinokuthathwa ne 2/3 samalungu akhoyo

(c) Xa kukho ubungqina bezityholo zokunganyaniseko, zorhwaphilizo ngakumalungu ekomiti yewadi,into efaka igama likaMasipala eludakeni, NguSomlomo yedwa enokukhuthaza ukuba benze njalo

(d) Xa ithe ayaphumele ukwenza umsebenzi wayo nokufezekisa amagunya anikwe yona

14. **Uxanduva kwekomiti zewadi**

(a) uSomlomo nguye onaxanduva lokusebenza kwekomiti zewadi yaye uyakuthi ngekota nganye abambe intlanganiso namalunga eKansile ywadi ukuxoxa ngemiba efuna iwadi kwanengxaki zayo.

(b) uSomlomo kwisithuba senyange ezi6 wongenisa inkcazo ebhaliweyo ngentshukumo zekomiti zewadi memiba nezincomo ethe yoxovulwa ngabo.

15. **Izikhokelo ngokuselkwa nokusebenza zewadi**

Ekusekweni nokusebenza kwelomiti sewadi uMasipala wokwenza izikhokele ngokunxulumene necandelo 120, libandkanya incandelo 22 lomtetho iMunicipal Systems.

16. **Imigaqo**

uMasipala angeza imigaqo engachasananga nomthetho wedolophu ngoluhlobo –

(a) nayiphina imiba enokukhankanywa ngokomthetho wedolophu

(b) nayiphina imiba efezekisa ukusebenza komthetho wedolophu

17. **Ukurhoxisa umthetho wedolophu**

Nawuphina umthetho wedolophu ophathelele kwikomitio zewadi owamkelweyo nguMasipala okanye nayiphi iKansile kaMasipala equlahe icandelo lolawulo lukaMasipala uzakurhoxiswa kuususela kumhla lo mthetho obhengezwe ngawo.

18. **Itayitile emfutshane**

Lo mthetho wedolophu ubizwa ngokuba ngumthetho wedolophu ophathelele kwikomiti zewadi, 2004, usebenza ngomhla ogqitye nguMasipala ngokuchazwi yiGazethi yePhondo.