IRIPHABHULIKI YASENINGIZIMU AFRIKA

UMTHETHOSIVIVINYWA WENDABUKO NOBUHOLI BAMAKHOI-SANA, WEZI-2015

(Njengoba wethulwe esiGungwini sikaZwelonke njengeMthethosivivinywa wesigaba sama-76; uMthethosivivinywa ushicilelwe kuSomqulu kaHulumeni Ka. of)
(Umbhalo wesiNgisi umbhalo osemthethweni woMthethosivivinywa)

(UNGQONGQOSHE WOKUPHATHA NGOKUBAMBISANA KANYE NEZINDABA ZENDABUKO)

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UMTHETHOSIVIVINYWA

Uhlinzekela ngokuveza imiphakathi yendabuko yama-Khoi-San, izikhundla zobuholi nokuhoxisa lokho; ukuhlinzekela ngemisebenzi nendima yabaholi bezendabuko nama-Khoi-San; ukuhlinzekela ngokwamukela, ukusungula, imisebenzi, indima nokusingathwa kwemikhandlu yobukhosi noma yobundlovukazi; imikhandlu yendabuko eyinhloko, imikhandlu yendabuko, imikhandlu yamaKhoi-San nemikhandlu yendabuko engaphansi kweminye, kanye nokweseka le mikhandlu ngamunye; ukuhlinzekela ngokusungula, ukwakhiwa nokusebenza kweNdlu kaZwelonke yabaHoli beNdabuko nabaHoli bamaKhoi-San; ukuhlinzekela ngokusungula izindlu zesifundazwe zabaholi bendabuko nabaholi bamaKhoi-San; ukuhlinzekela ngokusungula kanye nokwakha izindlu zasekhaya zabaholi bendabuko nabaholi bamaKhoi-; ukuhlinzekela ngokusungula nangokusebenza kweKhomishana yeziNgxabano neziCelo zobuHoli beNdabuko, neKomidi Eluleka ngeziNdaba zamaKhoi-San; ukuhlinzekela ngenqubo yokuziphatha kwamalungu eNdlu kaZwelonke, izindlu zesifundazwe, izindlu zasekhaya nayo yonke imikhandlu yendabuko neyamaKhoi-San; ukuhlinzekela uNgqongqoshe kanye noNdunankulu

ngamandla okulawula; ukuhlinzekela ngamalungiselelo esikhashana; ukuchibiyela imithetho ethile; ukuhlinzekela ngokuchitha umthetho; kanye nokuhlinzekela izindaba ezihambisana nawo.

NGAKHO-KE UZOMISHWA iPhalamende laseRiphabhuliki yaseNingizimu Afrika, ngale ndlela elandelayo:—

UKUHLELWA KWEZIGABA

ISIGABA 1
UKUHUNYUSHWA, UKUSEBENZA NENQUBOMGOMO

1. Izincazelo nokusebenza koMthetho
2. Inqubo engumhlahlandlela

ISAHLUKO 2
UBUHOLI NOKUNGAMELA

Ingxenye 1
Indabuko nemiphakathi yama-Khoi-San

3. Ukuhlonishwa kobukhosi noma ubundlovukazi, imiphakathi yendabuko, nezinhloko ezingamele
4. Ukuhoxiswa kokwamukelwa kobukhosi noma kobundlovukazi, umphakathi wendabuko oyinhloko, umphakathi wendabuko, nezinhloko ezingamele
5. Ukwamukela umphakathi wamaKhoi-San namagatsha
6. Ukuhoxisa ukuhlonipha umphakathi wamaKhoi-San namagatsha

Ingxenye 2
Abaholi bendabuko nabaholi bamaKhoi-San

7. Ukuhlonipha izikhundla zobuholi
8. Ukuhlonipha inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, izinduna
9. Ukuhoxisa ukwamukela inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu nenduna
10. Ukwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma kwenhloko yegatsha
11. Ukuhoxisa ukwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha
12. Ukwamukelwa kombambeli
13. Ukwamukela ibamba lomholi wendabuko nelomholi wamaKhoi-San
14. Ukwamukela iphini lomholi wendabuko nelomholi wamaKhoi-San
15. Imisebenzi nezinsiza zabaholi bendabuko nabaholi bamaKhoi-San

Ingxenye 3
Imikhandlu yendabuko yama-Khoi-San

16. Ukusungulwa komkhandlu wobukhosi noma wendlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko
17. Ukusungulwa kwemikhandlu yendabuko engaphansi kweminye
18. Ukusungulwa komkhandlu wama-Khoi-San
19. Imisebenzi yomkhandlu wobukhosi noma yobundlovukazi nomkhandlu wendabuko oyinhloko
20. Imisebenzi yomkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye, umkhandlu wama-Khoi-San namagatsha
21. Uukhethwa kwamalungu omkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye nomkhandlu wama-Khoi-San nokugcwalisa izikhala
22. Ukusingathwa komkhandlu wobukhosi noma wendlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wama-Khoi-San nomkhandlu wendabuko ongaphansi komunye
23. Ukuseka umkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wama-Khoi-San nomkhandlu wendabuko ongaphansi komunye
24. Ukusebenzisana nezivumelwane
25. Ukwaba imisebenzi yomkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wamaKhoi-San, umkhandlu wendabuko ongaphansi komunye kanye nabaholi bendabuko bamaKhoi-San

ISAHLUKO 3
IZINDLU ZABAHOLI BENDABUKO BAMA-KHOI-SAN

Ingxenye 1
Izindlu zendabuko zabaholi bama-Khoi-San

26. Izindlu zabaholi bendabuko nabaholi bamaKhoi-San

Ingxenye 2

Indlu yabaholi bendabuko bama-Khoi-San

27. Ukusungulwa nemkhawulo wokusebenza eNdlini kaZwelonke
28. Ukwakheka kweNdlu kaZwelonke
29. Ukukhetha nokuqokwa kwamalungu eNdlu kaZwelonke
30. Abangafanele ukuba amalungu eNdlu kaZwelonke
31. Ukushiya izikhundla
32. Ukugcwalisa izikhala zomsebenzi
33. Izihlalo nemihlangano yeNdlu kaZwelonke
34. Usihlalo nephini likasihlalo beNdlu kaZwelonke
35. Izinga/isimo lamalungu eNdlu kaZwelonke
36. Imisebenzi yeNdlu kaZwelonke
37. Ukusingathwa kweNdlu kaZwelonke
38. Imisebenzi yeNdlu kaZwelonke
39. Ukudlulisa iMithethosivivinywa eNdlini kaZwelonke
40. Ubudlelwano phakathi kweNdlu kaZwelonke, amakhosi nezindlovukazi
41. Ubudlelwano phakathi kweNdlu kaZwelonke nezindlu zesifundazwe

42. Ukuseka iNdlu kaZwelonke
43. Umbiko wonyaka weNdlu kaZwelonke
44. Amalungelo nokungezona izibophezelo kumalungu eNdlu kaZwelonke
45. Umholo nenzuzo kumalungu eNdlu kaZwelonke
46. Imithetho, imiyalelo namakomidi eNdlu kaZwelonke
47. Ukuchithwa kweNdlu kaZwelonke
48. Ukufunga noma isiqinisekiso samalungu eNdlu kaZwelonke

Ingxenye 3
Izindlu zabaholi bendabuko besifundazwe nabasakhaya bamaKhoi-San

49. Izindlu zabaholi bendabuko besifundazwe nabasakhaya bamaKhoi-San
50. Izindlu zendawo zabaholi bendabuko nabaholi bamaKhoi-San

ISAHLUKO 4
IKHOMISHANA NEKOMIDI ELILULEKAYO

Ingxenye 1
IKhomishana yezingxabano nezinsolo okuqondiswe kubaHoli beNdabuko

51. Ukusungulwa kweKhomishana
52. Ukuqokwa kwamalungu eKhomishana
53. Izikhala zomsebenzi
54. Imibandela yokuqokwa kwamalungu eKhomishana
55. Ukuseka nemibiko yeKhomishana
56. Imisebenzi yeKhomishana
57. Izincomo zeKhomishana
58. Amakomidi eKhomishana esifundazweni

Ingxenye 2
Ikomidi Eluleka ngeziNdaba zama-Khoi-Sans

59. Ukusungulwa kweKomidi Elulekayo
60. Ukuqokwa kwamalungu eKomidi Elulekayo
61. Izikhala zomsebenzi
62. Imibandela yokuqokwa kwamalungu eKomidi Elulekayo
63. Ukuseka nemibiko yeKomidi Elulekayo
64. Ukufaka isicelo sokwamukelwa kwemiphakathi yamaKhoi-San, amagatsha, abaholi bamaKhoi-San abasesikhundleni esiphezulu nezinhloko zamagatsha
65. Imisebenzi yeKomidi Elulekayo
66. Izincomo kanye nezinqumo

ISAHLUKO 5
IMIBANDELA EJWAYELEKILE

67. Izimiso zomthetho
68 Ukudlulisa amandla nemisebenzi ku dluliswa uNdunankulu
69. Ukuqapha
70. Amalungiselelo esikhashana

71. Ukuchibiyela umthetho
72. Ukuchithwa komthetho nezimvume
73. Isihloko esifingqiwe nokuqala ukusebenza koMthetho

ISITHASISELO 1
Inqubo yokuziphatha

ISITHASISELO 2
Izifungo noma iziqinisekiso zamalungu eNdlu kaZwelonke, iziNdlu zesiFundazwe neziNdlu zaseKhaya

ISITHASISELO 3
Ukuchibiyela umthetho

ISITHASISELO 4
Ukuchitha umthetho
ISAHLUKO 1

UKUHUNYUSHWA, UKUSEBENZA KOMTHETHO NEMIGOMO

Izincazelo nokusebenza koMthetho

1. (1) Kulo Mthetho, ngaphandle uma ingqikithi ibeka ngenye indlela—
"iKomidi Elulekayo" lichaza iKomidi Elilulekayo eziNdabeni zama-Khoi-San elisungulwe ngemigomo yesigaba sama-59;
"indawo yegunya" ichaza indawo yegunya echazelwe umkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko nomkhandlu wendabuko ongaphansi komunye;
"igatsha" lichaza igatsha eligunyaziwe ngokwemigomo yesigaba sesi-5(5);
"inhloko yegatsha" ichaza umholi wama-Khoi-San oyinhloko yegatsha futhi oqokwe njengenhloko yegatsha ngokwemigomo yesigaba se-10;
"inqubo yokuziphatha" ichaza inqubo yokuziphatha evezwe esiThasiselweni soku-1;
"iKhomishana" ichaza iKhomishana neziNgxabano neziNsolo zobuHoli beNdabuko esungulwe ngokwemigomo yesigaba sama-51;
"uMnyango" uchaza umnyango kazwelonke obhekele izindaba zendabuko;
"umasipala wesifunda" uchaza umasipala wesifunda njengoba kuchaziwe esigabeni soku-1 se-*Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*;
"izinduna" zichaza isikhundla sobuholi bendabuko esivezwe esigabeni sesi-7—
(a) esingaphansi kwegunya, noma sokusebenzisa igunya endaweni yegunya lomholi wendabuko osesikhundleni esiphezulu ngokulandela umthetho wamasiko noma wenkambiso; futhi
(b) eziqokelwe lokhu ngokwemigomo yesigaba sesi-8;
"ubunduna" buchaza ubunduna obuhlonishwayo ngokwemigomo yesigaba sesi-3;
“Khoi-San” achaza noma ubani ophila ngokulandela imikhuba nomthetho wesintu wama-Cape-Khoi, Griqua, Koranna, Nama noma abantu abangama-San, noma amanye amaqembu abo, futhi liyilungu lomphakathi wama-Khoi-San njengoba kuveziwe esigabeni sesi-5;

"umphakathi wama-Khoi-San" uchaza umphakathi wama-Khoi-San ohlonishwayo ngokwemigomo yesigaba sesi-5;
"umkhandlu wama-Khoi-San" uchaza umkhandlu osungulwe ngokwemigomo yesigaba se-18;
"umholi wama-Khoi-San" uchaza umuntu oqokwe njengomholi wama-Khoi-San noma njengenhloko yegatsha ngokwemigomo yesigaba se-10 futhi kubandakanya ibambela, umholi wama-Khoi-San olibamba nephini lomholi wama-Khoi-San;
"inkosi noma indlovukazi" ichaza umuntu oqokwe njengenkosi noma njengendlovkazi ngokwemigomo yesigaba sesi-8;
“ubukhosi noma ubundlovukazi" buchaza ubukhosi noma ubundlovukazi obuhlonishwayo ngokwemigomo yesigaba sesi-3;
"umkhandlu wobukhosi noma wobundlovukazi" uchaza umkhandlu wobukhosi noma wobundlovukazi ovezwe esigabeni se-16;
"indlu yasekhaya" uchaza indlu yasekhaya yobuholi bendabuko bama-Khoi-San evezwe esigabeni sama-50;
"umasipala wendawo" uchaza umasipala wendawo njengoba kuchaziwe esigabeni soku-1 se-*Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*;
"umasipala omkhulu wedolobha" uchaza umasipala wedolobha elikhulu njengoba kuchaziwe esigabeni soku-1 se-*Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*;
"uNgqongqoshe" uchaza uNgqongqosh kazwelonke obhekele izindaba zobuholi bendabuko bama-Khoi-San;
"indlu kaZwelonke" ichaza iNdlu kaZwelonke yabaHoli beNdabuko bama-Khoi-San esungulwe ngokwemigomo yesigaba sama-27;
"okunqunyiwe" kuchaza okunqunywe ngezimiso zomthetho ngokwemigomo yesigaba sama-67;
"umphakathi wendabuko oyinhloko" uchaza umphakathi othathwa njengomphakathi wendabuko oyinhloko ngokwemigomo yesigaba sama- 28(9)*(c)* se-*Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003)*, ngaphambi kokuba kuchithwe lowo Mthethho, noma njengoba kuveziwe esigabeni sama-70(8)*(c)* salo Mthetho;
"umkhandlu wendabuko oyinhloko" uchaza umkhandlu osunguliwe wagunyazwa ngaphansi kwesigaba se-16;
"umholi wendabuko oyinhloko" uchaza umuntu othathwa njengomholi wendabuko ngokwemigomo yesigaba sama-28(9)*(c)* se-*Traditional Leadership and Governance Framework Act, 2003*, ngaphambi kokuchithwa koMthetho, noma njengoba kuveziwe esigabeni sama-70(8)*(c)* salo Mthetho, noma olandele lowo muntu njengoba kuveziwe esigabeni sesi-8;
"indlu yesifundazwe" ichaza indlu yesifundazwe yabaholi bendabuko bama- Khoi-San njengoba kuveziwe esigabeni sama-49;
"ibamba" lichaza umuntu, ngokwesigaba se-12, osesikhundleni sendabuko noma sobuholi bama-Khoi-San okwesikhashana kuze kungene lowo ozongena kuleso sikhundla, osayingane, akhule njengoba kuveziwe esigabeni se-17 se-*Children’s Act, 2005 (Act No. 38 of 2005)* futhi owaziwayo ngokwalo Mthetho; ngokwemigomo yalo Mthetho;
"umndeni wasebukhosini" uchaza isikhungo sezamasiko esisemqoka noma isakhiwo esakhiwe izihlobo zomndeni ophethe emphakathini wendabuko wama-Khoi-San, ogunyaziwe ngokwemigomo yemithetho yamasiko noma yenkambiso, futhi kubandakanya, uma kwenzeka, amanye amalungu omndeni ayizihlobe ezisondelene nomndeni ophethe;

"imithetho nemiyalelo" ichaza imithetho nemiyalelo yeNdlu kaZwelonke njengoba kuveziwe esigabeni sama-46;
"uNobhala" uchaza uNobhala weNdlu kaZwelonke oqokwe ngokwemigomo yesigaba sama-37;
"umholi wendabuko osesikhundleni esiphezulu" uchaza umuntu ogunyazwe njengomholi wendabuko ngokwemigomo yesigaba sesi-8;
"umholi wama-Khoi-San osesikhundleni esiphezulu" uchaza umuntu ogunyazwe njengomholi osesikhundleni esiphezulu wama-Khoi-San ngokwemigomo yesigaba se-10;
"lo Mthetho" ubandakanya izimiso zomthetho eziomisiwe ngokwemigomo yanoma omuphii umbandela walo Mthetho;
"umphakathi wendabuko" uchaza umphakathi wendabuko ogunyazelwe lokho ngokwemigomo yesigaba sesi-3;
"umkhandlu wendabuko" uchaza umkhandlu wendabuko ovezwe esigabeni se-16 futhi ubandakanya umkhandlu wendabuko ongaphansi komunye ovezwe esigabeni se-17;
"umholi wendabuko" uchaza umuntu ogunyazwe njengenkosi noma njengendlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu noma induna ngokwemigomo yesigaba sesi- 8 futhi kubandakanya amabamba, abaholi bendabuko ababambile namaphini abaholi bendabuko;
"ubuholi bendabuko" buchaza isikhungo noma isakhiwo esisungulwe ngokwemigomo yomthetho wamasiko noma wenkambiso, noma ngohlelo lwamasiko noma ngenqubo yokungamela, bagunayzwa, obusetshenziswayo noma obuqhutshwa imiphakathi yendabuko;
"umkhandlu wendabuko ongaphansi komunye" uchaza umkhandlu wendabuko ongaphansi komunye ovezwe esigabeni se-17.

(2) Akukho okuqukethwe kulo Mthetho okungathathwa njengokuvimbela amalungu omphakathi wendabuko wama-Khoi-San ukuba adingide ubuholi bendabuko noma bama-Khoi-San ngokwamasiko awaqokile ngokosiko, kodwa lawo masiko aqokiwe akujivazi noma okwengeza ezingeni, endimeni nasemisebenzini yomholi wendabuko wama-Khoi-San njengoba kuveziwe kulo Mthetho.

(3) Abaholi bendabuko bama-Khoi-San bangagunyaza noma baveze amazing ahlukene ezikhundla kubona ngokulandela amasiko, futhi akukho okuqukethwe izincazelo zesigatshana soku-(1) okufanele kuthathwe njengokunikeza noma njengokuphambuka kuleso sikhundla esiphakeme.

(4) Noma omuphi umbandela walo Mthetha okufanele kuxoxiswane ngawo endlini yesifundazwe nasendleni yendabuko nabaholi bama-Khoi-San okufanele ulandelwe kuphela uma leyondlu isisunguliwe: Inqobo nje uma indlu leyo ingakasungulwa, lezi zimfanelo azisebenzi futhi ngeke zibe nomthelela ezinyathelweni noma ezinqumweni ezithathwe ngokwemigomo yombandela othile.

(5) Imibandela yalo Mthetho ohambisana nokwamukelwa kwamasiko noma umphakathi wama-Khoi-San noma umholi akufanele uthathwe njengoyisibophezelo kulowo mphakathi noma kulowo mholi ezimweni ezikhethekile zendabuko, ubuzwe bokuqala noma isimo esifana nalezi.

Imigomo engumhlahlandlela

2. (1) Ubukhosi noma ubundlovukazi, umphakathi wendabuko oyinhloko, umphakathi wendabuko, ubunduna nomphakathi wama-Khoi-San

kufanele uguqule futhi wamukele umthetho wamasiko namasiko asemqoka uma kusetshenziswa lo Mthetho ukuze kulandelwe imigomo esemqoka equkethwe kuSomqulu wamaLungelo kuMthethosisekelo, ikakhulukazi ngoku—

(a) nqanda ukucwasana okungafanele;

(b) ukukhuthaza ukulingana; kanye

(c) nenhloso yokukhuthaza ukumela ubulili uma kuthatha izikhundla zobuholi bendabuko.

(2) Izinsiza zomphakathi, umholi, umkhandlu, indlu, iKhomishana noma ikomidi egunyaziwe noma esungulwe ngokulandela umbandela walo Mthetho—,

(a) akufanele usetshenziswe ukukhuthaza noma ukubandlulula izintshisekelo zeqembu lombangazwe; futhi

(b) zingasetshenziswa kuphela uma kwenziwa le misebenzi, izibophezelo nejoka elithweswe ngalo Mthetho kulowo mphakathi, umholi, umkhandlu, indlu, iKhomishana noma ikomidi.

ISAHLUKO 2
UBUHOLI NOKUNGAMELA

Ingxenye 1
Indabuko nobukhosi bama-Khoi-San

Ukwamukela ubukhosi noma ubundlovukazi, imiphakathi yendabuko, nezinhloko ezingamele

3. (1) Imiphakathi yendabuko ihlanganiswe ngamaqembu ndawonye ingahlonishwa njengeyasebukhosini uma—

(a) yamukelwa ngokuthi imiphakathi yendabuko ngokwemigomo yesigatshana sesi-(4);

(b) ngamunye unomkhandlu wezendabuko onegunya elivezwe esigabeni se-16;

(c) ngamunye unomholi wendabuko osesikhundleni esiphezulu njengoba kuveziwe esigabeni sesi-8;

(d) bamukela njengenkosi noma indlovukazi, umholi othile osesikhundleni esiphezulu, ngokwemigomo yenkambiso kanye nomthetho wendabuko isesikhundleni esiphezulu esidlula abanye abaholi bendabuko abasesikhundleni esiphezulu;

(e) bezamukela njengeqembu lesifunda emiphakathini yendabuko ngomlando okhona ofakazelwe, kusukela esikhathini esithile kuze kube imanje, isifunda semiphakathi yendabuko neminye imiphakathi yendabuko;

(f) benohlelo lobukhosi bendabuko ezingeni lobukhosi noma lobundlovukazi; futhi

(g) benamasiko endabuko ahlukile aveza umlando.

(2) *(a)* Imiphakathi yendabuko ehambisana nenqubo evezwe esigatshaneni soku-(1), ingafaka kuMongameli sokwamukelwa njengeyasebukhosini noma eyobundlovukazi futhi leso sicelo kufanele sihambisana nesinqumo somkhandlu wendabuko ngamunye ovezwe esigatshaneni soku-(1)*(b)*, esiveza ukuthi lowo mkhandlu uyingxenye yobukhosi noma yobundlovukazi obufakelwe isicelo.

(b) Isicelo esifakiwe ngokwemigomo yendima *(a)* kufanele sihambisane nesicelo sokwamukelwa kwesikhundla senkosi noma sendlovukazi kuleyo miphakathi njengoba kuveziwe esigabeni sesi-8.

(3) *(a)* UMongameli, ngemuva kokuxoxisana noNgqongqoshe, angasebenzisa isaziso kuSomqulu sokwamukela imiphakathi yendabuko evezwe esigatshaneni soku-(1) nesesi-(2) njengesobukhosi noma sobundlovukazi.

(b) UMongameli, ngaphambi kokwamukela ubukhosi noma ubundlovukazi obuvezwe endimeni *(a)*—

(i) angayalela ukuba kwenziwe uphenyo uNgqongqoshe ukuze anqume ukuthi ngabe leyo miphakathi yendabuko iyayilandela inqubo evezwe esigatshaneni soku-(1);

(ii) angayalela uNgqongqoshe ukuba axoxisane noNdunankulu oqondene, indlu yesifundazwe esifundazweni esifanele, iNdlu kaZwelonke nabaholi bendabuko abasezikhundleni eziphezulu abangaphansi kobukhosi noma kobundlovukazi obufake isicelo; futhi

(iii) anganquma isikhathi okufanele uNgqongqoshe aphothule ngaso uphenyo noma izingxoxo ezivezwe endimanenini (i) neyesi (ii).

(4) Umphakathi ungamukelwa njengomphakathi wendabuko uma—

(a) unehlelo lobuholi bendabuko ezingeni eliphezulu lobukhosi bendabuko obamukelwe ngeminye imiphakathi yendabuko;

(b) ulandela uhlelo lwemithetho yamasiko abantu;

(c) uzithatha njengomphakathi ohlukile wendabuko onomlando ookhona owubufakazi, uhlukile kweminye imiphakathi yendabuko;

(d) uhlala endaweni ethile;

(e) unezinto ezibonakalayo ezifakazelo amagugu osiko ahlukile; futhi

(f) uma kungenzeka, unezinduna.

(5) *(a)* Umphakathi uhambisana nenqubo evezwe esigatshaneni sesi-(4), ungafaka isicelo kuNdunankulu oqondene sokwamukelwa njengomphakathi wendabuko.

(b) Isicelo, ngokwemigomo yendima *(a)* kufanele sihambisane nesicelo sokwamukelwa kwesikhundla somholi wendabuko osezingeni eliphezulu kulowo mphakathi njengoba kuveziwe esigabeni sesi-8.

(6) UNdunankulu oqondene, ngemuva kokuxoxisana nendlu yesifundazwe efanele futhi wakhipha isaziso kuSomqulu wesiFundazwe esiqondene angamukela umphakathi ovezwe esigatshaneni sesi-(4) njengomphakathi wendabuko.

(7) Ubunhloko bungamukelwa uma—

(a) kunohlelo bobuholi bendabuko ezingeni lobunhloko futhi bamukelwa umphakathi wendabuko oqondene;

(b) busendaweni engaphansi kwegunya lomkhandlu wendabuko emphakathini wendabuko oqondene; futhi

(c) buzobamba iqhaza ngendlela eyimpumelelo futhi ewusizo ekusingatheni umkhandlu othile wendabuko.

(8) *(a)* Ingxenye yomphakathi wendabuko olandela inqubo evezwe esigatsheneni sesi-(7), ingacela umkhandlu wendabuko oqondene ukuba ufake isicelo kuNdunankulu oqondene wokwamukelwa kwaleyo ngxenye yomphakathi njengoyinhloko.

(b) Uma umkhandlu wendabuko ubona ukuthi leyo ngxenye yomphakathi wendabuko ovezwe endimeni *(a)* uwuhlangabezani nenqubo evezwe

esigatshaneni sesi-(7), umkhandlu wendabuko kufanele wazise umphakathi noNdunankulu ngendlela efanele futhi unikeze nezizathu zalokho.

(9) UNdunankulu oqondene, ngemuva kokuxoxisana nomkhandlu wendabuko oqondene futhi wakhipha isaziso kuSomqulu wesiFundazwe, angamukela ubunhloko obuvezwe esigatshanini sesi-(7).

(10) UNgqongqoshe, ngokulandela imibandela yesigaba sama-67, angamisa izimiso zomthetho ezimayelana—

(a) nohlelo oluzovumela izingxoxo ezanele ezivezwe esigabeni sesi-(6) nesesi-(9); kanye

(b) nesikhathi uNdunankulu okufanele athathe isinqumo esimayelana nokwamukela imiphakathi njengoba kuveziwe esigatshaneni sesi-(6) nesesi-(9).

(11) UNdunankulu oqondene angayalela ukuba kwenziwe uphenyo ilungu loMkhandlu weziPhathimandla obhekele izindaba zendabuko zesifundazwe esiqondene ukuthi linqume ukuthi ngabe umphakathi wendabuko noma ingxenye yomphakathi wendabuko, noma omunye wayo, uyayilandela yini inqubo evezwe esigabeni sesi-(4) nesesi-(7) ngokulandelana, futhi ngemigomo eyimihlahlandlela evezwe esigabeni sesi-2.

Ukuhoxiswa kokwamukelwa kobukhosi noma kobundlovukazi, umphakathi wendabuko oyinhloko, umphakathi wendabuko, nezinhloko ezingamele

4. (1) Ukuhoxiswa kokwamukelwa kobukhosi noma ubundlovukazi noma umphakathi wendabuko oyinhloko, noma okunye kwakho, ngokulandela isigatshana se-(12), kungabhekwa kuphela uma iningi lemiphakathi yendabuko engaphansi kwegunya lobukhosi noma lobundlovukazi noma umphakathi wendabuko oyinhloko oqondene licela uMongameli, uma kuwubukhosi noma kuwubundlovukazi, noma uNdunankulu oqondene, uma kuwumphakathi wendabuko oyinhloko, ukuba ahoxise ukwamukelwa kobukhosi balo noma kobundlovukazi noma komphakathi wendabuko oyinhloko: Inqobo nje uma leso sicelo kufanele sihambisane nezizathu leso sicelo esisuselwa kuzona.

(2) UMongameli noma uNdunankulu oqondene, noma omunye wabo, kufanele ngaphambi kokuba athathe isinqumo ngokwemigomo yesigatshana soku-(1) ayalele uNgqongqoshe noma ilungu loMkhandlu weziPhathimandla elibhekele izindaba zendabuko esifundazweni esiqondene, noma omunye wabo, ukuba enze uphenyo, ukuze athole ukuthi ngabe ukhona umsuka ogcwele wokuhoxisa ukwamukelwa kobukhosi noma kobundlovukazo noma komphakathi wendabuko oyinhloko.

(3) *(a)* Ukuhoxiswa kokwamukelwa kobukhosi noma kobundlovukazi kufanele kwenziwe uMongameli ngesaziso kuSomqulu ngemuva kokuxoxisana nomkhandlu wobukhosi noma wobundlovukazi, iNdlu kaZwelonke, uNgqongqoshe, uNdunankulu oqondene nendlu yesifundazwe eqondene.

(b) UMongameli angayelela uNgqongqoshe ukuba aqhube izingxoxo ezivezwe endimeni *(a)* futhi anqume isikhathi okufanele kuphothulwe ngaso lezo zingxoxo.

(4) *(a)* Ukuhoxiswa kokwamukelwa komphakathi wendabuko oyinhloko kufanele kwenziwe uNdunankulu oqondene ngesaziso kuSomqulu wesiFundazwe.

(b) Ngaphambi kokuhoxisa ukwamukelwa okuvezwe endimeni *(a)*, uNdunankulu oqondene kufanele axoxisane nendlu yesifundazwe eqondene, umphakathi

okungenzeka ukuthi uyathinteka nabaholi bendabuko abasesikhundleni esiphezulu abayingxenye yomphakathi wendabuko oyihloko.

(c) UNdunankulu oqondene angakhipha umyalelo elungwini loMkhandlu weziPhathimandla elibhekele izindaba zendabuko esifundazweni esiqondene ukuba liqhube izingxoxo ezivezwe endimeni *(b)* futhi linqume nesikhathi okufanele izingxoxo ziphothulwe ngaso.

(5) Ukuhoxiswa kokwamukelwa komphakathi njengomphakathi , ngokwesigatshana se-(12), kungamukelwa kuphela uma—

(a) lowo mphakathi ucela uNdunankulu oqondene ukuba ahoxise ukwamukelwa kwawo njengomphakathi wendabuko: Inqobo nje uma lowo mphakathi wendabuko uyingxenye yobukhosi noma yobundlovukazi noma umphakathi wendabuko oyinhloko, leso sicelo singathunyelwa kuphela ngemuva kokuba umphakathi wendabuko usuxoxisene nomkhandlu wengonyama noma wendlovukazi noma umkhandlu wendabuko oyinhloko;

(b) umkhandlu wengonyama noma wendlovukazi noma umkhandlu wendabuko oyinhloko ucela uNdunankulu oqondene ukuba ahoxise ukwamukelwa komphakathi wendabuko oyingxenye yengonyama, indlovukazi noma umphakathi wendabuko oyinhloko: inqobo nje uma leso sicelo singathunyelwa uma sekuxoxisenwe nomkhandlu wengonyama noma wendlovukazi noma nomkhandlu wendabuko oyinhloko: Inqobo nje uma leso sicelo singathunyelwa kuphela uma umkhandlu wengonyama noma wendlovukazi noma womphakathi wendabuko oyinhloko usuxoxisene nomphakathi wendabuko oyinhloko oqondene;

(c) uNdunankulu oqondene ecelwa umphakathi othintekayo noma imiphakathi ukuba abuyekeze isimo salowo mphakathi noma saleyo miphakathi obukade uhlukene noma owawukade uhlukene noma owahlanganiswa ngaphambi kuka-1994 ngokwemigomo yomthetho osebenzayo; noma

(d) imiphakathi eyamukelwe emibini noma edlulile kwemibili icela undunankulu oqondene ukuba ahlanganise leyo miphakathi ibe umphakathi owodwa wendabuko: Inqobo nje uma isicelo sokuhoxisa ukwamukelwa komphakathi wendabuko kufanele sihambisane nezizathu ezihambisana nesicelo: Futhi inqobo nje uma esinye isicelo kufanele sihambisane nemininingwane eveza imininingwane yokuxoxisana okuvezwe kulesi sigatshana.

(6) *(a)* Ukuhoxisa kokwamukelwa komphakathi njengomphakathi wendabuko kufanele kwendiwe undunankulu oqondene ngesaziso kuSomqulu wesiFundazwe esiqondene.

(b) Ngaphambi kokuba kuhoxiswe ukwamukelwa okuvezwe endimeni (*a)*, uNdunankulu oqondene kufanele axoxisane nendlu yesifundazwe eqondene, umphakathi okunokwenzeka ukuthi uyathinteka futhi, uma kungenzeka, nomkhandlu wasebukhosini noma wobundlovukazi noma nomkhandlu wendabuko oyinhloko ovezwe esigatshaneni sesi-(5)*(a)* kanye no-*(b),* ngaphambi kokuba ukuhoxiswa kokwamukelwa komphakathi wendabuko kushicilelwe ngesaziso kuSomqulu wesiFundazwe.

(7) *(a)* UNdunankulu oqondene kufanele, asebenzise isaziso kuSomqulu wesiFundazwe, ukwamukela umphakathi wendabuko ohlanganisiwe ovezwe esigatshaneni sesi-(5)*(d)* futhi ahlakaze nemiphakathi ezimele yendabuko ecela ukuba ihlanganiswe.

(b) Isaziso esivezwe endimeni *(a)* kufanele sibeke izinyathelo zomthetho, zenqubo nezinye zokuhlanganiswa nezokuhlakazwa, kubandakanya—

(i) if applicable, ukudluliswa kwempahla, izikweleti, ukuphatha namarekhodi okuhlakazwa komphakathi wendabuko uma ekhona; futhi

(ii) isikhundla sobukhosi somphakathi wendabuko ohlanganisiswe nokushiya izikhundla kulabo abakade besezikhundleni zomphakathi wendabuko ohlakaziwe.
(8) *(a)* Ukuhoxiswa kokwamukelwa kwezinhloko ezingamele, ngokulandela isigatshana se-(12), kuz okwenziwa kuphela uma umkhandlu wendabuko oqondene ucela uNdunankulu oqondene ukuba ahoxise lokho kwamukelwa.

(b) Isicelo esivezwe endimeni *(a)* kufanele sihambisane nezizathu zomsuka wesicelo.

(9) UNdunankulu oqondene, ngemuva kokuxoxisana nomkhandlu wendabuko oqondene futhi ngokusebenzisa isaziso kuSomqulu wesiFundazwe, angahoxisa ukwamukelwa kwezinhloko ezingamele njengoba kuveziwe esigatshaneni sesi-(8).

(10) UNdunankulu oqondene, ngaphambi kokuba ahoxise ukwamukelwa komphakathi wendabuko, izinhloko ezingamele, angayalela ukuba kuqhutshwe uphenyo ukuze kutholakale ukuthi ngabe kunomsuka ogcwele wokuhoxisa ukwamukelwa.
(11) Ngokulandela imibandela yesigaba sama-67, uNgqongqoshe angamisa izimiso zomthetho ezimayelana—
(a) nohlelo oluzovumela izingxoxo ezanele njengoba kuveziwe esigatsheni se-(4), (5), (6) nesesi-(9); kanye
(b) nesikhathi okufanele uNdunankulu athathe isinqumo mayelana nokuhoxiswa kwemiphakathi evezwe kulesi sigaba.
(12) *(a)* Ukwamukelwa kwengonyama noma kwendlovukazi, umphakathi wendabuko oyinhloko, umphakathi wendabuko, izinduna kufanele kuhoxiswe uma inkantolo ikhipha lowo myalelo.

(b) Uma kuyingonyama noma indlovukazi, uMongamelo, futhi uma kungumphakathi wendabuko oyinhloko, umphakathi wendabuko nezinduna, uNdunankulu, kufanele akhiphe isaziso kuSomqulu noma kuSomqulu wesiFundazwe, noma kokunye kwalokhu, sokuhoxiswa kokwamukelwa ngokulandela umyalelo wenkantolo.
(c) Isaziso esivezwe endimeni *(b)* kufanele siveze eminye imibandela yomthetho, ephathekayo neminye mayelana nokuhoxiswa kokwamukelwa.

Ukwamukela umphakathi wamaKhoi-San namagatsha

5. (1) *(a)* Ngokwendima *(b)* , umphakathi ungafaka isicelo kuNdunankulu oqondene sokwamukelwa njengomphakathi wamaKhoi-San uma—
(i) unomlando wokuzigqaja kwamalungu alowo mphakathi oqondene, njengomphakathi ohlukile kweminye imiphakathi;
(ii) ulandela imithetho yamasiko nenkambiso ehlukile asungulwe ngamaKhoi-San;
(iii) ulandela uhlelo lobuholi ngokokuzalana noma lokukhethwa kwabaholi bamaKhoi-San nezakhiwo ezisebenzisa igunya ngokwemigomo yomthetho wabantu nenkambiso yalowo mphakathi;
(iv) unamagugu Akona abonisa isiko elihlukile;
(v) unomlando ofakazelwe wokuba khona kwalowo mphakathi kusukela ngesikhathi esithile kuze kube manje; futhi
(vi) uhlala endaweni ethile noma ezindaweni ezithile ndawonye nabanye abangeyona ingxenye yalo mphakathi:
Inqobo nje uma, zonke izicelo zokwamukelwa njengoba ziveziwe kulesi sigaba kufanele zifakwe eKomidini Elilulekayo futhi kwadingidwa ngokulandela inqubo

evezwe esigabeni sama-66 kuze kuphele leso sikhathi esivezwe esigabeni sama-65(2)*(a,)* futhi ngemuva kwaleso sikhathi zonke izicelo zokwamukelwa kufanele zifakwe kuNdunankulu ngokwemigomo yalesi sigaba.

(b) Isicelo ngokwemigomo yendima *(a)* kufanele sihambisane—

(i) isicelo sokwamukelwa esikhundleni somholi wamaKhoi-San kulowo mphakathi njengoba siveziwe esigabeni se-10; kanye

(ii) uhlu lwawo wone amalungu omphakathi: Inqobo nje uma lolu uhla oluphathelene nomphakathi luqukethe—

(aa) amagama nesibongo sakhe ngokugcwele;

(bb) inombolo kamazisi kanye nekhophi efungelwe kamazisi wakhe noma iphasiphothi, noma uma kuyilungu lomphakathi elingaphansi kweminyaka eyi-16 ubudala, kube ikhophi efungelwe yesitifiketi sakhe sokuzalwa;

(cc) ikheli lendawo elifakazelwa umqulu ongubufakazi, kubalwa negama lesifundazwe lelo kheli lendawo elizinze kusona;

(dd) imininingwane yokuxhumana;

(ee) ukusayinda okubonisa ukuzibandakanya nalowo mphakathi; kanye

(ff) neminye imininingwane engacelwa iKomidi Elelulekayo noma enganqunywa uNgqongqoshe:

Inqobo nje uma kuyilungu lomphakathi elingaphansi kweminyaka yobudala eyi-16, imininingwane edingekayo kule ndimana kufanele ikhishwe umzali noma umqaphi osemthethweni walelo lungu futhi lowo mzali noma umqaphi osemthethweni kufanele asayinde uhlu emele lelo lungu:

Futhi uma amalungu omphakathi aneminyaka eyi-18 noma emadala kunalokhu engabamba iqhaza eizndabeni ezisemthethweni zomphakathi wama-Khoi-San noma emkhandlwini njengoba kuveziwe kulo Mthetho.

(c) Umuntu owenze isiqiniseko sokuba ingxenye yomphakathi wama-Khoi-San othile ngokusayinda uhlu oluvezwe endimeni *(b)*(ii), ngeke abe ilungu lomunye umphakathi wama-Khoi-San.

(d) Uma sekusungulwe umkhandlu wama-Khoi-San emphakathini othile wama-Khoi-San, lowo mkhandlu kufanele uvuselele uhlu lwamalungu avezwe endimeni *(b)*(ii) okungenani njalo ngonyaka futhi adlulisele amakhophi ohlu kuNgqongqoshe, uNdunankulu wesifundazwe kule ndawo lapho umkhandlu uzinze khona kanye noNdunankulu bezifundazwe lapho igatsha lalowo mphakathi elamukelwa khona: Inqobo nje uma uNgqongqoshe noma uNdunankulu oqondene engakwazi ukuthatha izinyathelo ezifanele ukuze athole imininingwane esohlwini olugunyaziwe.

(2) UNdunankulu oqondene angayalela ukuba kuqhutshwe uphenyo ukuze kunqunywe ukuthi ngabe umphakathi uyayilandela inqubo evezwe esigatshaneni soku-(1) nasemigomweni engumhlahlandlela evezwe esigabeni sesi-2.

(3) UNdunankulu oqondene, ngemuva kokuxoxisana nendlu eqondene yesifundazwe, angasebenzisa isaziso kuSomqulu wesiFundazwe, ukwamukela umphakathi ovezwe esigatshaneni soku-(1) njengomphakathi wamaKhoi-San.

(4) *(a)* Umphakathi wamaKhoi-San uma kunokwenzeka, ungaba namagatsha amukelwe ngokwemigomo yesigatshana sesi-(5).

(b) Igatsha lingamukelwa ngokwemigomo yesigatshana sesi-(5) uma—

(i) lamukelwa umphakathi wamaKhoi-San njengegatsha lomphakathi;

(ii) (ii) lakhiwe inani lamalungu angaphansi kwe-10% alowo mphakathi njengoba kuveziwe ohlwini lwamalungu omphakathi oluvezwe esigatshaneni soku-(1)*(b)*(ii);

(iii) lizobamba iqhaza ekusingatheni umkhandlu wamaKhoi-San ngendlela ewusizo futhi efanele; futhi

(iv) lihlonipha umholi osezingeni wamaKhoi-San osezingeni eliphezulu ngokwemigomo yemithetho yesintu nenkambiso.

(5) *(a)* Umkhandlu wamakhoi-San, ngokulandela indima *(b)* no *(c)*, ungafaka isicelo kuNdunankulu wesifundazwe lapho lowo mkhandlu uzinze khona, sokwamukelwa kwegatsha uma lihambisana nenqubo evezwe esigatshaneni sesi-(4).

(b) Uma uNdunakulu ekholelwa ukuthi igatsha lihambisana nenqubo evezwe esigatshaneni sesi-(4), kodwa lelo gatsha lizinze esifundazweni okungesona isifundazwe lapho kuzinze khona umkhandlu wamaKhoi-San, uNdunankulu wesifundazwe lapho kuzinze khona umkhandlu kufanele acele uNdunankulu wesifundazwe lapho kuzinze khona lelo gatsha ukuba alamukele lelo gatsha.

(c) Ukwamukela igatsha okuvezwe endimeni *(a)* noma *(b)* kulandela izigatshana sesi-(6), (7) nesesi-(8).

(6) UNdunankulu wesifundazwe lapho kuzinze khona igatsha angayalela ukuba kuqhutshwe uphenyo ukuze kunqunywe ukuthi ngabe igatsha liyahlangabezana nenqubo evezwe esigatshaneni sesi-(4).

(7) UNdunankulu wesiFundazwe lapho kuzinze khona igatsha, ngokulandela isigatshana sesi-(8), angamukela igatsha elihambisana nenqubo evezwe esigatshaneni sesi-(4).

(8) Uma umphakathi wamaKhoi-San wakhiwe amagatsha asezifundazweni ezihlukene, ukwamukelwa kwalawo magatsha kufanele kwenziwe oNdunankulu abaqondene ngesaziso kuSomqulu wesiFundazwe wezifundazwe lapho amagatsha ezinze khona.

(9) *(a)* UNdunankulu njalo ngonyaka, noma uma ecelwa uNgqongqoshe, athumele umbiko kuNgqongqoshe wakwamukelwa kwemiphakathi yama-Khoi-San kanye neyamagatsha.

(b) Ikhophi yombiko evezwe endimeni *(a)* kufanele ithunyelwe endlini yesifundazwe eqondene ukuze yamukelwe.

Ukuhoxisa ukuhlonipha umphakathi wamaKhoi-San namagatsha

6. (1) Ukuhoxisa ukwamukela umphakathi wamaKhoi-San noma igatsha, ngokwesigatshana sesi-(5) kungenziwa kuphela uma—

(a) umkhandlu wamaKhoi-San ucela uNdunankulu oqondene ukuba ahoxise ukuhlonishwa komphakathi wamaKhoi-San noma ukuhlonishwa kwegatsha noma kwamagatsha alowo mphakathi; noma

(b) umkhandlu wamaKhoi-San wemiphakathi emibili noma edlulile kwemibili yamaKhoi-San icela uNdunankulu oqondene ukuba ahlanganise leyo miphakathi ibe umphakathi owodwa wamaKhoi-San:

Inqobo nje uma leso sicelo sihambisana nezizathu ezingumsuka wesicelo.

(2) *(a)* Ngokwendima *(b)* nesigatshana sesi-(3), uNdunankulu oqondene, ngemuva kokuxoxisana nendlu yesifundazwee qondene, angasebenzisa isaziso kuSomqulu wesiFundazwe esiqondene ukuhoxisa ukwamukelwa

komphakathi wamaKhoi-San noma kwegatsha njengoba kuveziwe esigatshaneni soku-(1)*(a)*.

(b) Uma amagatsha omphakathi wamaKhoi-San azohoxiswa, ezinze ezifundazweni ezingaphezulu kwesisodwa, oNdunankulu bezifundazwe lapho kuzinze khona amagatsha, ngokulandela isigatshana sesi-(3), kufanele basebenzise isaziso koSomqulu beziFundazwe eziqondene ukuhoxisa ukwamukelwa kwamagatsha.

(3) Undunankulu noma oNdunankulu abaqondene, ngaphambi kokuba bahoxise ukwamukelwa komphakathi wamKhoi-San noma igatsha ngokwemigomo yesigatshana sesi-(2), bangakhipha umyalelo wokuba kuqhutshwe uphenyop ukuze kunqunywe ukuthi ngabe imiphakathi ezothintwa isicelo esivezwe esigatshaneni soku-(1) kwaxoxiswana nayo futhi yasiseka leso sicelo.

(4) *(a)* UNdunankulu oqondene kufanele amukele umphakathi wamaKhoi-San ohlanganisiwe ovezwe esigatshaneni soku-(1)*(b)* futhi ahlakaze imiphakathi yamaKhoi-San ezimele ecela ukuba ihlanganiswe, ngesaziso kuSomqulu wesiFundazwe.

(b) Noma nini uma kuhlanganiswa imiphakathi yama-Khoi-San, lokhu kuhlanganiswa kuhlangaza igatsha noma umkhandlu wama-Khoi-San owasungulelwa leyo miphakathi: Umphakathi ohlanganisiwe kufanele usungule umkhandlu wama-Khoi-San ngokulandela imibandela yesigaba se-18 futhi ungacela ukuba amagatsha amasha alo mphakathi ohlanganisiwe amukelwe ngokulandela imibandela yesigaba sesi-5.

(c) Isaziso esivezwe endimeni *(a)* kufanele sibeke izinyathelo zomthetho, inqubo nezinye izinyathelo zokuhlanganiswa kanye nezokuhlakazwa kubandakanya—

(i) ukudluliswa kwempahla, izikweleti, ukusingatha nemanye amarekhodi omphakathi wamaKhoi-San uma kukhona; amagatsha kanye nemikhandlu; kanye

(ii) isikhundla sobuholi emphakathini wamaKhoi-San ohlanganisiwe nokushiya izikhundla kwabasezikhundleni zomphakathi wamaKhoi-San ohlakaziwe noma igatsha.

(5) *(a)* Ukwamukelwa komphakathi wama-Khoi-San noma kwegatsha kufanele kuhoxiswe uma inkantolo ikhipha umyalelo.

(b) UNdunankulu oqondene kufanele akhiphe isaziso kuSomqulu wesiFundazwe mayelana nokuhoxiswa kokwamukelwa ngokulandela umyalelo wenkantolo.

(c) Isaziso esivezwe endimeni *(b)* kufanele siveze umthelela womthetho, okungenzeka kanye neminye imithelela yokuhoxiswa kokwamukelwa.

Ingxenye 2
Abaholi bendabuko nabaholi bamaKhoi-San

Ukuhlonipha izikhundla zobuholi

7. (1) (a) Kunalezi zikhundla zobuholi ezilandelayo:

(i) iNgonyama noma indlovukazi;

(ii) umholi wendabuko oyinhloko;

(iii) umholi wendabuko osesikhundleni esiphezulu;

(iv) izinduna noma induna yegatsha:

Uma isikhundla somholi wendabuko oyinhloko sisebenza kuphela kumuntu okufanele abe umholi wendabuko oyinhloko njengoba kuchaziwe esigabeni soku-1.
(b) kunalezi zikhundla ezilandelayo zobuholi bama-Khoi-San:
(i) umholi wama-Khoi-San osesikhundleni esiphezulu; kanye
(ii) nenhloko yegatsha.
(2) Le nqubo elandelayo isebenza noma nini uma kufanele kuhlonisjwe isikhundla sobuholi:
(a) Umlando ofakazelwayo wokuba khona kwaleso sikhundla sobuholi kulowo mphakathi oqondene;
(b) umlando ofakazelwe wokwamukelwa kwaleso sikhundla sobuholi emphakathini oqondene;
(c) umlando wemisebenzi namandla esikhundla sobuholi obuthile ngokwemigomo yomthetho wesintu nenkambiso emphakathini othile;
(d) ukwamukelwa komphakathi ngokwemigomo yalo Mthetho; kanye
(e) nomlando ofakazelwe okungenzeka kube—
(i) owobuholi ngokuzalana ngokwemigomo yomthetho wesintu noma yenkambiso yomphakathi, ngendima noma ngaphandle kwendima yesintu yokubandakanya umphakathi uma kunqunywa noma kuqinisekiswa othile njengomholi; noma
(ii) ubukhosi obukhethiwe, ngokwemigomo yomthetho wesintu noma wenkambiso yomphakathi oqondene, lapho umholi ekhethwa khona.
(3) *(a)* Isicelo sokwamukela isikhundla senkosi noma sendlovukazi kufanele sithunyelwe kuMongameli.
(b) Isicelo sokwamukela isikhundla somholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, umholi wamaKhoi-San osesikhundleni esiphezulu, izinduna noma induna yegatsha kufanele sithunyelwe kuNdunankulu oqondene: Inqobo nje uma zonke izicelo zokwamukelwa kwesikhundla somholi wamaKhoi-San osesikhundleni esiphezulu noma induna yegatsha kuzofakwa eKomidini Elilulekayo kuze kudlule leso sikhathi esivezwe esigatsheni sama-65(2)*(a)* okuyothi ngemuva kwalapho zonke izicelo zokwamukelwa zifakwe kuNdunankulu ngokwemigomo yesigaba sesi5 nese-10 ngokulandelana.
(4) Uma kunobufakazi noma nezinsolo zokuthi isikhundla sobuholi asilandeli inqubo evezwe esigatshaneni sesi-(2), uMongameli noma uNdunankulu, noma omunye wabo angakhipha umyalelo wokuba ikomidi eliqhuba uphenyo elikhethwe uMongameli noma uNdunankulu, noma omunye wabo, ukuba lenze uphenyo, lelo komidi kufanele likhiphe umbiko wokuthi ngabe leso siphundla sobuholi siyayilandela leyo nqubo: Inqobo nje uma kuyisikhundla sobuholi bengonyama noma sendlovukazi, okungenani ilungu elilodwa lekomidi eliphenyayo kufanele kube ilungu leNdlu kaZwelonke futhi uma kuyisikhundla sobunye ubuholi, okungenani ilungu elilodwa lekomidi eliphenyayo kufanele kube ilungu lendlu yesifundazwe eqondene.
(5) UMongameli noma uNdunankulu, nom aomunye wabo, ngemuva kokubheka umbiko wekomidi eliphenyayo, angamukela isikhundla sobuholi.
(6) Ukwamukela isikhundla sobuholi ngokwemigomo yalesi sigaba kufanele kwenziwe ngesaziso kuSomqulu noma kusomqulu wesiFundazwe, noma omunye wayo.
(7) *(a)* Noma nini uma kwamukelwa umholi wendabuko osesikhundleni esiphezulu ukuba abe ingonyama noma indlovukazi ngokwemigomo yalo Mthetho noma seyamukelwa ngaphambi kokuba kuqale ukusebenza kwalo Mthetho, leso

sikhundla sobuholi bendabuko esiphezulu sizoba nesikhala noma sizothathwa njengesinesikhala, noma ngokunye kwalokhu.
(b) Isikhundla sobuholi bendabuko esiphezulu esingenamuntu njengoba kuveziwe endimeni *(a)*, ngokwendima *(c)* futhi zingakapheli izinsuku ezingama-90 kuvuleke leso sikhala noma, esimweni uma kwamukelwa ingonyama noma indlovukazi ngaphambi kokuqala ukusebenza kwalo Mthetho, zingakapheli izinsuku ezingama-90 kuqale ukusebenza kwalo Mthetho, singagcwaliswa—
(i) ngokwamukela omunye umuntu ukuba abe umholi wendabuko osesikhundleni esiphezulu ngokulandela imibandela yesigaba sesi-8; noma
(ii) ngokuveza iphini lomholi wendabuko ngokulandela imibandela yesigaba se-14.
(c) Noma nini uma kuhoxiswa ukwamukelwa kwengonyama noma kwendlovukazi ngokwemigomo yesigaba sesi-4, lokhu kuhoxiswa kuzoholela—
(i) ukuba leyo ngonyama noma indlovukazi eyamukelwe ibuyele esikhundleni somholi wendabuko ophezulu okuyileso sikhundla abekade ekusona ngaphambi kokuba amukelwe njengendlovukazi noma njengengonyama; futhi
(ii) ukuhoxiswa kokwamukelwa komholi wendabuko osesikhundleni esiphezulu ovezwe endimeni *(b)*(i) noma ukuphelelwa isikhathi kokwamukelwa kwephini lomholi wendabuko ovezwe endimeni *(b)*(ii).
(d) Umuntu ukwamukelwa kwakhe njengomholi wendabuko osesikhundleni esiphezulu osekuhoxisiwe njengoba kuveziwe endimeni *(c)*(ii)—
(i) unikezela ngemisebenzi, indima, izibophezelo, igunya namalungelo ahambisana naleso sikhundla sokuba umholi wendabuko osesikhundleni esiphezulu;
(ii) kufanele aqhubeke athole umholo nenzuzo ehambisana naleso sikhundla sobuholi bendabuko esiphezulu aze adlule emhlabeni; futhi
(iii) akasenalo ilungelo lokuthola izibonelelo noma izinsiza zokuphila ezivezwe i-*Independent Commission for the Remuneration of Public Office-Bearers Act, 1997*.
(8) *(a)* Noma omuphi umholi wendabuko wama-Khoi-San angasula esikhundleni sokuba umholi: Uma ezosula ngencwadi futhi kufanele, uma kuyingonyama noma indlovukazi, ithunyelwe kuMongameli futhi uma kungobunye ubuholi obamukelwa kuma-Khoi-San, leyo ncwadi ithunyelwe kuNdunankulu owamukela lowo mholi: Futhi uma kungumholi wama-Khoi-San owamukelwa uNgqongqoshe ngokwemigomo yesigaba sama-66, ukusula kwakhe esikhundleni kufanele kuthunyelwe kuNgqongqoshe futhi ikhophi yayo kufanele ithunyelwe kuNdunankulu wesifundazwe lapho lowo mholi wama-Khoi-San ehlala khona.
(b) Umholi wendabuko noma wama-Khoi-San osula esikhundleni sokuba umholi uzophelelwa, kusukela ngosuku asula ngalo, umholo, izibonelelo, inzuzo namalungelo ahambisana nesikhundla sobuholi abekuso ngaphambi kokuba asule esikhundleni.
(c) Umholi wendabuko noma wama-Khoi-San osesule esikhundleni ngeke asakwazi ukuphinda afake isicelo sokwamukelwa.
(d) Noma nini uma uhloli wendabuko noma wama-Khoi-San esula esikhundleni njengoba kuveziwe kulesi sigatshana, leso sikhundla sizoba nesikhala futhi kufanele sigcwaliswe ngokulandela imibandela ethile yalo Mthetho, ngokubuka futhi ukuthi ukusula esikhundleni akunawo umthelela kozongena esikhundleni ngokwemigomo yomthetho wendabuko nenkambiso yomphakathi othile.
(9) Noma ubani ongeyena umholi owamukelwe njengoba kuveziwe esigatshaneni soku-(1) kodwa ezenza umholi, unecala futhi uma eselahlwe icala uzobhekana nenhlawulo noma aboshwe iminyaka engadlulile kwemithathu.

Ukwamukela inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, izinduna

8. (1) 1) Noma nini uma kufanele kugcwaliswe isikhala senkosi noma sendlovukazi or the successor to a principal traditional leader is to be identified, kusebenza lolu hlelo olulandelayo:

(a) Umndeni wasebukhosini oqondene, esikhathini esifanele ngemuva kokuvela kwesikhundla senkosi noma sendlovukazi, noma somholi wendabuko oyihloko okufanele sivalwe, futhi ngokubuka umthetho wesintu noma inkambiso esebenzayo kufanele—

(i) uveze umuntu ofanele ngokwemigomo yomthetho wesinto nenkambiso ukuthatha isikhundla senkosi noma sendlovukazi, noma somholi wendabuko oyinhloko, noma omunye wabo, ngemuva kokubheka ukuthi ngabe izizathu ezivezwe esigabeni sesi- 9(1) noma 16(11)*(h)* noma 16(14) *(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu; futhi

(ii) ufake isicelo kuMongameli noma kuNdunankulu, nom akomunye wabo, sokwamukelwa komuntu oveziwe njengenkosi noma njengendlovukazi, ngokulandela isigaba sesi-3(2), noma njengomholi wendabuko oyinhloko okufanele leso sicelo sihambisane—

(aa) nemininingwane yomuntu oveziwe ozovala isikhundla senkosi noma sendlovukazi, noma somholi wendabuko oyinhloko; kanye

(bb) nezizathu zokuveza lowo muntu njengenkosi noma njengendlovukazi, noma njengomholi wendabuko osesikhundleni esiphezulu.

(b) Ngemuva kokuxoxisana noNgqongqoshe noNdunankulu oqondene, futhi ngokulandela isigatshana sesi-(3) nesesi-(4), uMongameli angamukela njengenkosi noma njengendlovukazi umuntu oveziwe ngokwemigomo yendima *(a)*(i), ngokubheka ukuthi ngabe lobo bukhosi noma ubundlovukazi bamukelwe ngokwemigomo yesigaba sesi-3.

(c) UNdunankulu angamukela umholi wendabuko oyinhloko njengomuntu ozothatha isikhundla ongumuntu ovezwe ngokulandela imigomo yendima *(a)*(i), ngokubheka ukuthi ngabe lowo mphakathi wendabuko oyinhloko usakhona yini.

(2) Noma nini uma kufanele kuvalwe isikhundla somholi wendabuko osesikhundleni esiphezulu, izinduna, ngokulandela isigatshana sesi-(3)—

(a) umndeni wasebukhosini obuqondene, uma kulandelwana ngokukuzalwa, esikhathini esifanele futhi uma kunesidingo sokuba kuvalwe lezo zikhundla, kufanele uveze umuntu ofanele ngokwemigomo yomthetho wesintu noma yenkambiso ukuba avale leso sikhundla, ngokubheka ukuthi ngabe izizathu ezivezwe esigabeni sesi-(1) noma 16(11)*(h)* noma 16(14) *(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu;

(b) uma kuyisikhundla sokulandelana ngokokuzalana singasebenzi, umuntu okufanele avale leso sikhundla senduna, ngokwemigomo yomthetho wesintu kufanele avezwe noma akhethwe umphakathi oqondene, esikhathini esifanele ngemuva kokuvela kwesidingo sokuvala leso sikhundla, kubhekwa nokuthi ngabe izizathu ezivezwe esigabeni sesi-(1) noma 16(11)*(h)* noma 16(14)*(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu;

(c) umndeni wasebukhosini uma kulandelwano ngokuzalwana okuvezwe endimeni *(a)*, ngokusebenzisa isakhiwo sesinti esiqondene, nomkhandlu wendabuko oqondene uma kuvezwe noma kukhethwa induna evezwe endimeni *(b)*, kufanele ufake isicelo kuNdunankulu sokwamukela umuntu oveziwe noma okhethiwe futhi unikeze undunankulu imininingwane yalowo muntu; futhi

(d) uNdunankulu oqondene, ngokulandela isigatshana sesi-(3), kufanele amukele umuntu oveziwe noma okhethiwe njengomholi wendabuko osesikhundleni esiphezulu, njengenduna, noma omunye wabo.

(3) Noma nini uma uMongameli amukela inkosi noma indlovukazi, noma uNdunankulu amukela ozothatha isikhundla ongumholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu owamukelwa, izinduna, uMongameli noma uNdunankulu, noma omunye wabo, kufanele—

(a) ashicilele isaziso kusomqulu ukwamukela lowo muntu njengenkosi noma njengendlovukazi,noma ashicilele isaziso kuSomqulu wesifundazwe esiqondene ukwamukela lowo muntu njengomholo wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, njengenduna;

(b) akhiphe isitifiketi sokwamukela lowo muntu; futhi

(c) azise iNdlu kaZwelonke ngokwamukelwa kwenkosi noma kwendlovukazi futhi azise indlu yesifundazwe eqondene ngokwamukelwa komholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna.

(4) Uma kunobufakazi noma izinsolo zokuthi ukuvezwa komuntu njengenkosi noma njengendlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu, noma ukuvezwa nom aukukhethwa komuntu njengenduna, akuqhutshwango ngokulandela imigomo yomthetho wesintu nenkambiso, uMongameli noma uNdunankulu, noma omunye wabo—

(a) kufanele akhiphe umyalelo wokuqhuba uphenyo ekomidini eliphenyayo eliqokwe uMongameli noma uNdunankulu, noma omunye wabo, lelo komidi okufanele, uma kuyikomidi eliqokwe uMongameli, libandakanye okungenani ilungu elilodwa leNdlu kaZwelonke futhi uma kuyikomidi eliqokwe uNdunankulu, libandakanye okungenani ilungu elilodwa lendlu yesifundazwe, ukuba likhiphe umbiko wokuthi ngabe ukuvezwe noma ukukhethwa komuntu oqondene kwenziwa ngokulandela umthetho wesintu nenkambiso futhi uma kungenjalo, ubani okufanele avezwe noma kufanele kubanjwe ukhetho olusha; futhi

(b) kufanele, uma imiphumela yekomidi eliphenyayo iveza ukuthi ukuvezwa noma ukukhethwa komuntu okuvezwe esigatshaneni soku-(1) nesesi-(2) akwenziwanga nokulandela imigomo yomthetho wesintu nowenkambiso, athumele lowo mbiko ovezwe endimeni *(b)* emndenini wasebukhosini noma emkhandlwini ofanele wezendabuko uma kukhethwa induna, ukuze ufake uvo lwawo.

(5) UMongameli noma uNdunankulu, noma omunye wabo, ngemuva kokubheka umbiko wekomidi ephenyayo kanye nemibono yomndeni wasebukhosini, ngokulandela isigatshana sesi-(3) angamukela inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, noma omunye wabo.

(6) Ngokulandela imibandela yesigaba sama-67, uNgqongqoshe angamisa izimiso zomthetho ezimayelana—

(a) nezingxoxo zikaNdunankulu oqondene nomkhandlu wendabuko uma kufanele kuvalwe isikhala somholi wendabuko osesikhundleni esiphezulu nenduna; futhi

(b) ezimayelana nenqubo ezoandelwa uma kuvezwa noma kukhethwa umholi wendabuko osesikhundleni esiphezulu, nenduna ezimweni lapho imithetho yesintu noma yenkambiso ingewo umbandela wokuveza noma wokukhetha umuntu.

Ukuhoxisa ukwamukela inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu nenduna

9. (1) Ukwamukelwa kwenkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna ngokulandela isigatshana sesi-(2) nesesi-(3)—

(a) kufanele kuhoxiswe uma—

ilahlwa icala wagwetshwa isigweboo esidlulile ezinyangeni eziyi-12 yanganikezwa ithuba lokukhokha inhlawulo;

inkantolo imemezela ukuthi ayiphilile kahle emqondweni noma iphazamisekile ekhanda; noma

ingasahlali endaweni yomkhandlu wenkosi noma wobundlovukazi, umkhandlu womholi wendabuko oyinhloko, noma emkhandlwini wendabuko, noma omunye wayo; noma

(b) kungahoxiswa uma—

ikhishiwe esikhundleni ngokwemigomo yenqubo yokuziphatha; noma

yaphule umthetho wesintu noma inkambiso,

ngesizathu esiqinisekisa ukuhoxiswa kokwamukelwa.

(c) kufanele kuhoxiswe uma inkantolo ikhiphe umyalelo.

(2) *(a)* Noma nini uma inkosi noma indlovukazi, izizathu ezivezwe esigatshaneni soku-(1) zifika emndenini wasebukhosini, umndeni wasebukhosini kufanele, esikhathini esifanele futhi ngokulandela uhlaka olufanele lwesintu—

(i) wazise uMongameli, uNdunankulu oqondene uNgqongqoshe nabaholi bendabuko abasesikhundleni esiphezulu kulobo bukhosi noma kulobo bundlovukazi ngemininingwane yaleyo nkosi noma yaleyo ndlovukazi nemininingwane emayelana nezizathu ezivezwe esigatshaneni soku-(1); futhi

(ii) unikeze isiqinisekiso esibhaliwe kuMongameli esibeka ukuthi uNdunankulu oqondene wazisiwe ngendlela efanele.

(b) Uma izizathu ezivezwe esigatshaneni soku-(1)*(b)* zifika emndenini wasebukhosini, umndeni wasebukhosini ungaphakamisa ukuba kuhoxiswe ukwamukelwa kwenkosi noma kwendlovukazi futhi kufanele uthumele kuMongameli izizathu zalezo ziphakamiso.

(3) *(a)* Esimweni somholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, kufika izizathu ezivezwe esigatshaneni soku-(1) emndenini wasebukhosini noma, uma kukhethwe induna, zifika emkhandlwini wendabuko oqondene, umndeni wasebukhosini noma umkhandlu wendabuko oqondene kufanele, esikhathini esifanele ngokusebenzisa uhlaka olufanele lwesintu wazise uNdunankulu oqondene nabaholi bendabuko abasezikhundleni eziphezulu emphakathini wendabuko oyinhloko noma emphakathini wendabuko, noma komunye wayo, mayelana nemininingwane yalo mholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esipheuzlu, induna kanye nemininingwane emayelana nesizathu esivezwe esigatshaneni soku-(1).

(b) Uma izizathu ezivezwe esigasthaneni soku-(1)*(b)* zifika emndenini wendabuko noma, uma kuyinduna ekhethiwe, zifika emkhandlwini wendabuko oqondene, umndeni wasebukhosini noma umkhandlu wendabuko, noma omunye wabo, angaphakamisa ukuhoxiswa kokwamukelwa komholi wendabuko

oyinhloko, umholi wendabuko osesikhundleni esipheuzlu, induna futhi kufanele uthumele kuNdunankulu izizathu zalezo zincomo.

(4) *(a)* Uma uMongameli noma uNdunankulu oqondene azisiwe ngezizathu ezikhona eizvezwe esigatshaneni soku-(1)*(a)*, uMongameli noma uNdunankulu kufanele, ngemuva kokuxoxisana noNgqongqoshe noma nelungu loMkhandlu weziPhathimandla ezibhekele izindaba zendabuko kuleso sifundazwe, noma omunye wabo, futhi ngokulandela isigatshana sesi-(5) nesesi-(6), ahoxise ukwamukelwa kwaleyo nkosi noma kwendlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu noma induna.

(b) Uma uMongameli noma uNdunankulu oqondene azizsiwe ngezizathu ezikhona ezivezwe esigatshaneni soku-(1)*(b)*, uMongameli noma uNdunankulu, ngemuva kokuxoxisana noNgqongqoshe noma nelungu loMkhandlu weziPhathimandla ezivezwe endimeni *(a)*, futhi—

(i) ngemuva kokubheka imininingwane evezwe esigatshaneni sesi-(2)*(a)*(i); futhi

(ii) uma kwenzeka, ngemuva kokubheka iziphakamiso nezizathu ezivezwe esigatshaneni sesi-(2)*(b)*,

wahoxisa ukwamukelwa kwenkosi noma kwendlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleeni esiphezulu noma kwenduna noma enqaba ukuhoxisa lokho okwamukelwe: Inqobo nje uma uMongameli noma uNdunankulu enqaba ukuhoxisa lokho okwamukelwe, noma omunye wabo, kufanele anikeze izizathu ezibhaliwe emndenini wasebukhosini noma, uma kuyinduna ekhethiwe, azithumele emkhandlwini wendabuko oqondene: Futhi inqobo nje uma uMongameli enqaba ukuhoxisa ikwamukelwa, kufanele azise uNdunankulu noNgqongqoshe oqondene ngendlela efanele.

(5) Uma uMongameli noma uNdunankulu oqondene ehoxisa ukwamukela inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna—

(a) uMongameli kufanele akhiphe umyalelo wokushicilela isaziso esinemininingwane yaleyo nkosi noma yaleyo ndlovukazi nosuku okuzohoxiswa ngalo okwamukelwa ukuba kushicilelwe kuSomqulu;

(b) uNdunankulu oqondene kufanele akhiphe umyalelo okuba kushicilelwe isaziso esinemininingwane yalowo mholi oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna kanye nosuku okuzohoxiswa ngalo okwamukelwa ukuba ishicilelwe kuSomqulu wesiFundazwe oqondene; futhi

(c) uMongameli noma uNdunankulu, noma omunye wabo, kufanele azise umndeni wasebukhosini noma umkhandlu wendabuko oqondene kanye nenkosi noma nendlovukazi eqondene, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna ngesihoxiso.

(6) *(a)* Uma kunobufakazi noma nezinsolo zokuthi—

(i) ukuhoxisa kokwamukelwa kwenkosi noma kwendlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna akususelwanga ezizathwini eizvezwe esigatshaneni soku-(1);

(ii) imininingwane eyathunyelwa kuMongameli noma kuNdunankulu ngokulandela isigatshana sesi-(2)*(a)*(i) yanikezwa ngenhloso engeyinhle; noma

(iii) iziphakamiso ezenziwa umnden wasebukhosini noma umkhandlu wendabuko oqondene, uma kuyinduna ekhethiwe, njengoba kuveziwe esigatshaneni sesi-(2)*(b)* kwenziwa ngenhloso embi,

uMongameli noma uNdunankulu, noma omunye wabo, kufanele akhiphe umyalelo wokuba ikomidi ephenyayo eqokwe uMongameli noma uNdunankulu iqhube uphenyo leyo kumodi kkufanele, uma kuyinkosi noma indlovukazi ibandakanye okungenani ilungu elilodwa leNdlu kaZwelonke futhi uma kungumholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma indunakubandakanywe okungenani ilungu elilodwa lendlu yesifundazwe eqondene, ukuba bahlanganise umbiko neziphakamiso zokuthi ngabe ukuhoxisa ukwamukela lowo muntu oqondene kwenziwa ngokulandela izizathu ezivezwe esigatshaneni soku-(1) noma ngabe imininingwane ekhishelwe uMongameli noma uNdunankulu yakhishwa ngenhloso elungile noma engalungile, noma ngabe iziphakamiso zomndeni wasebukhosini noma zomkhandlu wendabuko oqondene zenziwa nenhloso elungile noma engalungile.

(b) Uma umbiko wekomidi ephenyayo uveza ukuthi —

(i) ukuhoxisa ukwamukela inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna kwenziwa ngokulandela izizathu ezivezwe esigatshaneni soku-(1);

(ii) imininingwane ethunyelwe kuMongameli noma kuNdunankulu yathunyelwa ngenhloso engalungile; noma

(iii) iziphakamiso zomndeni wasebukhosini nom azomkhandlu wendabuko oqondene zenziwa ngenhloso engalungile,

uMongameli noma uNdunakulu, noma omunye wabo, kufanele adlulisele lo mbiko emndenini wasebukhosini noma emkhandlwini wendabuko ukuze uphawule futhi umndeni wasebukhosini noma umkhandlu wendabuko kufanele unikeze uMongamelinoma uNdunankulu imibono ebhaliwe zingakapheli izinsuku ezingama-60 kusukela ngosuku owadluliswa ngalo.

(c) UMongameli noma undunankulu, ngemuva kokubheka umbiko wekomidi ephenyayo nemibono yomndeni wasebukhosini noma yomkhandlu wendabuko uma ukhona anga—

(i) nqaba ukuhoxisa ukwamukelwa kwenkosi noma kwendlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna uma imininingwane ethunyelwe noma iziphakamiso ezenziwe umndeni wasebukhosini noma umkhandlu wendabuko kwenziwa ngenhloso engalungile; noma

(ii) sebenzisa isaziso kuSomqulu noma kuSomqulu wesiFundazwe, noma komunye wayo, ukuqinisekisa ukuhoxisa ukwamukela umholi wendabuko othile noma achithe lokhu kuhoxiswa kokwamukelwa: Inqobo nje uma ukuhoxiswa kokwamukelwa kuchithwa, umholi wendabuko oqondene ngokulandela lapho

kufanele ithathwe njengebuyiselwe eiskhundleni kusukela ngosuku okwahoxiswa ngalo ukwamukelwa.

(7) Uma kwamukela inkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna kuhoxiswa ngokulandela isigatshana (1)*(a)*, *(b)* noma *(c)*, umndeni wasebukhosini kufanele uveze ozongena esikhundleni ngokulandela isigaba sesi-8 kanye nomthetho wendabuko oqondene noma, uma kusetshenziswa isigatshana (1)*(a)*(i), ungaveza umholi oyibamba njengoba kuveziwe esigabeni se-13 (1): Uma ongafanele ukuba sesikhundleni ngokwemigomo yalo Mthetho okuhambisana nesigwebo sokuboshwa isikhathi esidlulile ezinyangeni eziyi-12 ngaphandle kokuthola ithuba lokukhokha inhlawulo siphela eminyakeni emihlanu ngemuba kokuphela kwesigwebo.

Ukwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma kwenhloko yegatsha

10. (1) Uma kunesikhundla somholi wamaKhoi-San noma senhloko yegatsha okufanele sivalwe, ngokulandela isigaba sama-64, 65 nama-66—

(a) umndeni wasebukhosini oqondene, uma kulandelwana ngokuzalana kufanele, esikhathini esifanele uma kuba nesidingo sokuba kuvalwe isikhundla futhi ngokubheka umthetho wesintu nenkambiso esebenzayo, kufanele uveze umholi wamaKhoi-San osesikhundleni esiphezulu njengozothatha isikhundla ngokuzalana , ngokubuka izizathu ezivezwe esigabeni se-11(1) noma, nezinguquko ezifanele, ezinye izizathu ezivezwe esigabeni se-16(14)*(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu;

(b) umkhandlu wamaKhoi-San oqondene, uma ozolandela esikhundleni ezokhethwa, zingakapheli isikhathi esifanele ngemuva kokubonakala kwesidingo sokuvala isikhundla futhi ngokubheka umthetho wesintu nenkambiso esebenzayo, kufanele ukhethe umholi wamaKhoi-San osesikhundleni eisphezulu noma inhloko yegatsha ukuba ingene kuleso sikhundla, ngokubuka izizathu ezivezwe esigabeni se-11(1) noma, nezinguquko ezifanele, ezinye izizathu ezivezwe esigabeni se-16(14)*(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu;

(c) umndeni wasebukhosini nom aumkhandlu wamaKhoi-San, noma omunye wabo, kufanele afake isicelo kuNdunankulu sokwamukelwa komuntu oveziwe noma okhethiwe ngokwemigomo yendima *(a)* no *(b)*.

(2) Inhloko yegatsha ekhethwe ngokwemigomo yesigatshana soku-(1)*(b)* izolandela imibandela yesigaba sesi-6(4)*(b)*, ikhethelwa isikhathi esiyiminyaka emihlanu leso sikhathi kufanele sihambisane nesikhathi somkhandlu wamaKhoi-San oqondene.

(3) Ukhetho oluvezwe esigatshaneni soku-(1)*(b)* kufanele luqhutshwe ngokwemigomo yemithetho nenqubo eyamukelwa umkhandlu wamaKhoi-San oqondene.

(4) Umndeni wasebukhosini noma umkhandlu wamaKhoi-San, noma omunye wabo, kufanele wazise uNdunankulu oqondene ngemininingwane yomuntu oveziwe noma okhethiwe njengoba kuveziwe esigatshaneni soku-(1).

(5) UNdunakulu oqondene, ngokulandela isigatshana sesi-(6) kanye (7), uma sekukhethwe noma kwavezwa umholi wamaKhoi-San osesikhundleni esiphezulu noma unhloko yegatsh, kufanele—

(a) asebenzise isaziso kuSomqulu wesiFundazwe esiqondene ukwamukela umuntu oveziwe noma okhethiwe ngokwemigomo yesigatshana soku-(1);
(b) akhiphele umuntu oveziwe noma okhethiwe isitifiketi sokumamukela futhi, ngokulandela isigatshana sesi-(2), aveze nesikhathi sokuba sesikhundleni komuntu okhethiwe;futhi
(c) azise uNgqongqoshe nendlu yesifundazwe eqondene ngemininingwane yomuntu ovezwe endimeni *(a)*.

(6) *(a)* Uma inhloko yegatsha ekhethiwe ihlala esifundazweni okungesona leso sifundazwe umkhandlu wamaKhoi-San ozinze kusona, uNdunankulu wesifundazwe lapho kuzinze khona igatsha kufanele, asebenzise isaziso kuSomqulu wesiFundazwe esiqondene futhi ngemuva kokuxoxisana noNdunankulu wesifundazwe lapho kuzinze khona umkhandlu wamaKhoi-San, amukele inhloko yegatsha eqondene.

(b) Imibandela yesigatshana sesi-(5)*(b)* no *(c)* isebenza uma kwamukelwa inhloko yegatsha ngokwemigomo yendima *(a)*.

(7) Uma kunobufakazi noma nezinsolo zokuthi ukukhethwa noma ukuvezwa komuntu ovezwe esigatshaneni soku-(1) akwenziwanga ngokulandela imithetho nenqubo evezwe esigatshaneni sesi-(3) noma umthetho wesinto nenkambiso, uNdunankulu oqondene—

(a) kufanele akhiphe umyalelo wokuba ikomidi ephenyayo eqokwe uNdunankulu iqhube uphenyo leyo komidi kufanele okungenani ibandakanye ilungu elilodwa lamaKhoi-San lendlu yesifundazwe, ukuba lizokhipha umbiko wokuthi ngabe ukuvezwa noma ukukhethwa komuntu ovezwe esigatshaneni soku-(1) kwenziwa ngokulandela umthetho wesintu nenkambiso noma imithetho nenqubo evezwe esigatshaneni sesi-(3) futhi uma kungenjalo, omuphi umuntu okufanele avezwe noma ngabe kufanele kubanjwe olunye ukhetho; futhi
(b) kufanele, uma imiphumela yekomidi eliphenyayo iveza ukuthi ukuvezwa noma ukukhethwa komuntu ovezwe esigatshaneni soku-(1) akwenziwanga ngokwemigomo yomthetho wesintu nenkambiso noma ngemithetho nenqubo evezwe esigatshaneni sesi-(3), kufanele adlulisele umbiko ovezwe endimeni *(a)* emndenini wendabuko noma emkhandlwini wamaKhoi-San, noma komunye wabo, ukuze baphawule.

(8) UNdunankulu oqondene, ngemuva kokubhela umbiko wekomido ephenyayo nemibono yomndeni wasebukhosini noma yomkhandlu wamaKhoi-San—
(a) angamukela umuntu njengomholi wamaKhoi-San osesikhundleni esiphezulu noma njengenhloko; noma
(b) angaluleka umkhandlu wamaKhoi-San ukuthi ukukhethwa komholi wamaKhoi-San osesikhundleni esiphezulu noma kwenhloko yegatsha akwenziwanga ngokwemigomo yomthetho wesintu noma wenkambisa noma ngokulandela imithetho nenqubo evezwe esigatshaneni sesi-(3) nokuthi kufanele kufanele kubanjwe kabusha ukhetho kuleso sikhathi esinqunywe uNdunankulu.

(9) *(a)* UNdunankulu njalo ngonyaka, noma uma ecelwa uNgqongqoshe, athumele kuNgqongqoshe umbiko wokwamukelwa kwabaholi bama-Khoi-San nezinhloko zamagatsha.

(b) Ikhophi yombiko ovezwe endimeni *(a)* kufanele ithunyelwe endlini yesifundazwe eqondene ukuze yamukelwe.

Ukuhoxisa ukwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha

11. (1) Ukwamukelwa komholi wamaKhoi-San osesikhundleni eisphezulu noma inhloko yegatsha, ngokulandela imibandela yesigatshana sesi-(2)—

(a) kufanele ahoxiswe uma—

(i) elahlwe icala waboshwa isikhathi esidlulile ezinyangeni eziyi-12 wangatholi ithuba lokukhokha inhlawulo;

(ii) emenyezelwa inkantolo njengomuntu ogula ekhanda noma ongathathi kahle ekhanda; noma

(b) angahoxiswa uma—

(i) ekhishiwe esikhundleni ngokwemigomo yenqubo yokuziphatha; noma

(ii) aphule umthetho wesintu noma inkambiso,

ngezizathu eziqinisekisa ukuhoxisa ukwamukelwa.

(c) kufanele kuhoxiswe uma inkantolo ikhipha umyalelo.

(2) *(a)* Uma izizathu ezivezwe esigatshaneni soku-(1) zifika emndenini wasebukhosini noma eMkhandlwini wamaKhoi-San, noma komunye wabo, umndeni wasebukhosini noma uMkhandlu wamaKhoi-San, kufanele eiskhathini esifanele futhi ngokusebenzisa uhlaka lwesintu olufanele wazise uNdunankulu wesifundazwe lapho kuzinze khona umndeni wasebukhosini noma igatsha, ngemininingwane yalowo mholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha kanye nemininingwane emayelana nesizathu esithile esivezwe esigatshaneni soku-(1).

(b) Um a izizathu esivezwe esigatshaneni soku-(1)*(b)* zifika emndenini wasebukhosini noma emkhandlwini wamaKhoi-San, umndeni wasebukhosini noma umkhandlu wamaKhoi-San ungaphakamisa ukuba kuhoxiswe ukwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma kwenhloko futhi kufanele uthumele kuNdunankulu izizathu zalezo ziphakamiso.

(3) *(a)* Uma uNdunankulu aziswa ngezizathu eizkhona ezivezwe esigatshaneni soku-(1)*(a)*, uNdunankulu kufanele, ngokulandela isigatshana sesi-(4) nesesi-(5), ahoxise ukwamukelwa komholi wamaKhoi-San osesijhundleni esiphezulu noma kwenhloko yegatsha.

(b) Uma uNdunankulu azisiwe ngeizzathu eizkhona ezivezwe esigatshaneni soku-(1)*(b)*, uNdunankulu—

(i) ngemuva kokubheka imininingwane evezwe esigatshaneni sesi-(2)*(a)*; futhi

(ii) uma kwenzeka, ngemuva kokubheka iziphakamiso nezizathu ezivezwe esigatshaneni sesi-(2)*(b)*,

angahoxisa ukwamukela umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha noma anqabe ukuhoxisa lowo owamukelwe: Inqobo nje uma

uNdunankulu enqaba ukuhoxisa lowo owamukelwe, kufanele abhale phansi izizathu azibhalele umndeni wasebukhosini noma umkhandlu wamaKhoi-San council, noma omunye wabo.

(4) Uma uNdunankulu ehoxisa ukwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha, uNdunankulu kufanele—

(a) akhiphe umyalelo wokuba kushicilelwe isaziso esinemininingwwane yalowo mholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha kanye nosuku lokhu kuhoxiswa okuzoshicilelwa ngalo kuSomqulu wesiFundazwe; futhi

(b) azise umndeni wasebukhosini noma umkhandlu wamaKhoi-San oqondene nomholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha eqondene ngalokhu kumhoxisa.

(5) *(a)* Uma kunobufakazi noma nezinsolo zokuthi ukuhoxiswa kokwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha akulandelanga izizathu ezivezwe esigatshaneni soku-(1), noma imininingwane eyakhishelwa uNdunankulu ngokulandela isigatshana sesi-(2)*(a)* ayikhishwanga ngenhloso elungile, noma lezo ziphakamiso ezenziwa umndeni wasebukhosini noma umkhandlu wamaKhoi-San njengoba kuveziwe esigatshaneni sesi-(2)*(b)* kwenziwa ngenhloso engalungile, uNdunankulu kufanele akhiphe umyalelo wokuba ikomidi ephenyayo eqokwe uNdunankulu iqhube uphenyo futhi leyo komidi kufanele ibandakanye okungenani ilungu elilodwa lamaKhoi-San lendlu yesifundazwe eqondene, ukuba likhiphe umbiko neziphakamiso eziveza ukuthi ngabe ukuhoxiswa kokwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha kwenziwa ngokulandela izizathu ezivezwe esigatshaneni soku-(1), noma ngabe imininingwane enikezwe uNdunankulu yakhishwa ngenhloso elungile noma engalungile, noma ngabe iziphakamiso zomndeni wasebukhosini noma zomkhandlu wamaKhoi-San kwenziwa ngenhloso elungile noma engalungile.

(b) Uma umbiko wekomidi ephenyayo uveza ukuthi ukuhoxiswa kokwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha kwenziwa zingalandelwanga izizathu ezivezwe esigatshaneni soku-(1) noma imininingwane eyanikezwa uNdunankulu yenziwa ngenhloso engalungile noma iziphakamiso zomndeni wasebukhosini noma zomkhandlu wamaKhoi-San kwenziwa ngenhloso engalungile, uNdunankulu kufanele athumele umbiko emndenini wasebukhosini noma emkhandlwini wamaKhoi-San, noma komunye wabo, ukuze banikeze imibono futhi umndeni wasebukhosini noma umkhandlu wamaKhoi-San kufanele unikeze uNdunankulu imibono ebhaliwe zingakapheli izinsuku esingama-60 kusukela ngosuku owadlulisw ngalo.

(c) UNdunankulu, ngemuva kokubhela umbiko wekomidi ephenyayo nemibono yomndeni wasebukhosini noma yomkhandlu wamaKhoi-San uma ukhona—

(i) anganqaba ukuhoxisa ukwamukela umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha uma imininingwane enikeziwe noma iziphakamiso ezenziwe umndeni wasebukhosini noma umkhandlu wamaKhoi-San kwenziwa ngenhloso engalungile;

(ii) angasebenzisa isaziso kuSomqulu wesiFundazwe, ukuqinisekisa ukuhoxiswa kokwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha eqondene noma angachitha ukuhoxiswa kokwamukelwa: Inqobo nje uma ukuhoxiswa kokwamukelwa kuchithwa, umholi wamaKhoi-San osesikhundleni esiphezulu oqondene noma inhloko yegatsha kufanele ngemuva kwalokho bathathwe njengababuyiselwe esikhundleni kusukela ngosuku okwahoxiswa ngalo ukwamukelwa.

(6) Uma umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha okuhoxiswe ukwamukelwa kwayo—

(a) esesikhundleni sokulandelana ngokokuzalana njengoba kuveziwe esigabeni sesi-7 (2)*(e)*(i), ozolandela esikhundleni noma umholi osesikhundleni esiphezulu wama-Khoi-San njengoba kuveziwe esigabeni se-13(1)*(c)*(iii), noma omunye wabo, kufanele avezwe umndeni wasebukhosini ngokulandela imibandela yesigaba se-10 noma se-13 ngokulandelana;

(b) wakhethwa njengoba kuveziwe esigabeni sesi-7(2)*(e)*(ii), olandela esikhundleni kufanele akhethwe umkhandlu wamaKhoi-San ngokulandela imibandela yesigaba se-10: Inqobo nje uma umuntu okhethiwe njengenhloko yegatsha ngokwemigomo yale ndima ekhethwe isikhathi esingenamkhawulo salowo amlandelayo.

(7) *(a)* Uma umndeni wasebukhosini noma umkhandlu wamaKhoi-San, noma omunye wabo, ephakamise ukuhoxiswa kokwamukelwa kwenhloko yegatsha ehlala esifundazweni okungesona leso sifundazwe okuzinze kusona umkhandlu wamaKhoi-San, uNdunankulu wesifundazwe lapho kuzinze khona umkhandlu wamaKhoi-San kufanele acele uNdunankulu waleso sifundazwe esamukela inhloko yegatsha ukuba ahoxise ukwamukelwa kwaleyo nhloko yegatsha.

(b) Imibandela yesigatshana sesi-(4) nesesi-(5) isebenza uma kohoxiswa ngokwemigomo yendima *(a)*.

Ukwamukelwa kombambeli

12. (1) Uma oyindlalifa ozolandela esikhundleni senkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna noma umholi wamaKhoi-San osesikhundleni esiphezulu eveziwe ngokwemigomo yesigaba sesi-8 noma se-10, noma esinye sazo ethathwa ngokuthi uyingane,—
(a) umndeni wasebukhosini oqondene kufanele, zingakapheli izinsuku ezingama-6 0 kulkhotheme inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu , induna noma umholi wamaKhoi-San—
(i) kufanele uveze umbambeli ukuba angene esikhundleni futhi aqhube imisebenzi yoyingane ngemuva kokubheka ukuthi, uma kuyibamba elisesikhundleni sengonyama, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna noma esiphi isizathu esivezwe esigabeni sesi-9(1) noma 16(11)*(h)* noma 16(14)*(a)*, *(c)*, *(d)* noma *(e)* sisebenza kulowo oyibamba, noma uma kuyibamba lomholi wama-Khoi-San osesikhundleni esiphezulu, noma esiphi isizathu esivezwe esigabeni se-11(1) noma 16(14)*(a)*, *(c)*, *(d)* noma *(e)* siyasebenza kulowo oyibamba; futhi

(ii) ngokusebenzisa uhlaka lwesintu oluqondene futhi ngokubheka umthetho wesintu nenkambiso esebenzayo, kufanele wazise uNdunankulu oqondene ngemininingwane yomuntu ovezwe njengebamba kanye nezizathu zokuveza lowo muntu; futhi

(b) uNdunankulu oqondene kufanele, ngokubheka umthetho wesintu noma inkambiso futhi ngokulandela isigatshana sesi-(2) nesesi-(3), amukele umbambeli ovezwe umndeni wasebukhosini kuleso sikhundla senkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu , induna noma umholi wamaKhoi-San osesikhundleni esiphezulu:

Inqobo nje uma ukwamukela kombambeli kufanele kubuyekezwe uNdunankulu oqondene okungenani njalo eminyakeni emibili.

(2) Uma umndeni wasebukhosini uhluleka ukuveza umbambeli njengoba kuveziwe esigatshaneni soku-(1), uNdunankulu kufanele, ngemuva kokuxoxisana nomndeni wasebukhosini, uveze umuntu ofanele ozoba umbambeli

(3) Uma uNdunankulu amukela umbambeli njengoba kuveziwe esigatshaneni soku-(1), kufanele—

(a) ashicilele isaziso kuSomqulu wesiFundazwe esifanele sokwamukela umuntu ovezwe njengombambeli ngokwemigomo yesigatshana soku-(1);

(b) akhiphe isitifiketi sokwamukela umbambeli oveziwe; futhi

(c) azise indlu yesifundazwe eqondene ngokwamukelwa kombambeli.

(4) Umbambeli ubhekele ukuqhutshwa kwemisebenzi eqondiswe kulowo msebenzi futhi unelungelo lokuthola umholo nezimfanelo ezihambisana naleso sikhundla.

(5) Imibandela yesigaba se-10(7) isebenza nezinguquko ezifanele kulewo oyibambela elivezwe njengomholi wamaKhoi-San osesikhundleni esiphezulu.

(6) Uma kunobufakazi noma neiznsolo zokuthi ukuvezwa komuntu njengombambeli akwenziwanga ngokulandela umthetho wesintu noma inkambiso, uNdunankulu oqondene —

(a) kufanele akhiphe umyalelo wokuba ikomidi ephenyayo eqokwe uNdunankulu iqhube uphenyo leyo komisi kufanele ibandakanye okungenani ilungu elilodwa lendlu yesifundazwe, ukuba likhiphe umbiko oveza ukuthi ngabe ukuvezwa komuntu ovezwe esigatshaneni soku-(1) kwenziwa ngokulandela umthetho wesintu nenkambiso futhi uma kungenjalo, ubani okufanele avezwe; futhi

(b) uma umphumela wekomidi eliphenyayo uveza ukuthi ukuvezwa komuntu ovezwe esigatshaneni soku-(1) akwenziwanga ngokwemigomo yomthetho wesintu nenkambiso, kufanele adlulisele umbiko ovezwe endimeni *(a)* emndenini wasebukhosini ukuze uphawule.

(7) UNdunankulu oqondene, ngemuva kokubheka umbiko wekomidi ephenyayo nemibono yomndeni wasebukhosini, kufanele amukele lowo muntu njengombambeli.

(8) Uma obekufanele angene esikhundleni senkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu , induna noma umholi wamaKhoi-San osesikhundleni esiphezulu esekhulile, umbambeli owamukelwa ngokwemigomo yesigatshana soku-(1) kufanele anikezele ngesikhundla leso sokuba umbambeli, konelungelo lokungena esikhundleni—

(a) uma kuyinkosi noma indlovukazi, kufanele amukelwe uMongameli ngmuva kokuxoxisana noNgqongqoshe njengoba kuveziwe esigabeni sesi- 8(1)*(b)*, futhi isitifiketi sokwamukelwa njengoba kuveziwe esigabeni sesi-8(3)*(b)* kufanele sikhishwe ngemuva kokuba igama lakhe selishicilelwe kuSomqulu;

(b) uma kuwumholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu noma induna, kufanele amukelwe uNdunankulu oqondene ngokwemigomo yesigaba sesi-8(1)*(c)* noma sesi-8(2)*(d)*, noma esinye sazo, futhi isitifiketi sokwamukela esivezwe esigatshaneni sesi-8(3)*(b)* kufanele sikhishwe ngemuva kokuba igama lakhe selishicilelwe kuSomqulu wesiFundazwe; noma

(c) uma kuwumholi wamaKhoi-San osesikhundleni esipheuzlu, kufanele amukelwe uNdunankulu oqondene ngokwemigomo yesigaba se-10(5)*(a)*, futhi istifiketi sokwamukelwa esivezwe esigabeni se-10(5)*(b)* kufanele sikhishwe ngemuva kokuba igama lakhe selishicilelwe kuSomqulu wesiFundazwe.

(9) Uma ongumbambeli amukelwe esikhundleni senkosi noma sendlovukaiz, uNdunankulu oqondene kufanele azise uMongameli noNgqongqoshe –

(a) ngemininingwane yongumbambeli;

(b) kunini lapho umbambeli kufanele anikezele ngesikhundla sakhe sokuba ngumbambeli; futhi

(c) uma kunokwenzeka, ngokuhoxiswa kokwamukelwa kongumbambeli.

(10) uma ongene esikhundleni sengonyama, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna noma umholi wendabuko wama-Khoi-San edlula emhlabeni esayingane, ibambela lizophelelwa umsebenzi walo wesikhundla.

(11) Esimweni lapho—

(a) isikhundla sengonyama, indlovukazi, umholi wendabuko osesikhundleni esiphezulu, induna noma umholi wama-Khoi-San osesikhundleni esiphezulu amukelwe okokuqala ngokwemigomo yesigaba sesi-8 noma se-10, noma ngesinye sazo;

(b) leso sikhundla sobuholi sithathwa ngokuthi esobundlalifa; futhi

(c) umuntu oveziwe noma okhethiwe ukuba athathe leso sikhundla eseyingane, imibandela yalesi sigaba izosebenza nezinguquko ezifanele.

Ukwamukela ibamba lomholi wendabuko nelomholi wamaKhoi-San

13. (1) Zingakapheli izinsuku ezingama-60 sekwaziwa izigameko ezivezwe endimeni *(i)*, *(ii)* no *(iii)* —

(a) umndeni wasebukhosini kufanele uveze umuntu ofanele ozobamba njengenkosi noma indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna, ngemuva kokubuka ukuthi izizathu ezivezwe esigabeni sesi-9(1) noma se-16(11)*(h)* noma 16(14)*(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu; noma

(b) umndeni wasebukhosini noma umkhandlu wama-Khoi-San, noma okunye kwalokhu, kufanele uveze umuntu ofanele ozoba umholi wama-Khoi-San osesikhundleni esiphezulu noma inhloko yegatsha, noma okunye kwalokhu, ngokubuka ukuthi ngabe izizathu ezivezwe esigabeni se-11(1) noma 16(14)*(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu, uma—

(i) ozolandela—

(A) esikhundleni oyindlalifa yenkosi noma ye ndlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna noma umholi wamaKhoi-San osesikhundleni esiphezulu eseveziwe umndeni wasebukhosini oqondene ngokwemigomo yesigaba sesi-8 noma se-10, noma esinye sazo; noma

(B) esikhundleni somholi wamaKhoi-San osesikhundleni esiphezuu noma senhloko yegatsha engakakhethwa umkhandlu wamaKhoi-San njengoba kuveziwe esigabeni se-10(1) *(b)*;
(ii) ukuveza ozolandela esikhundleni senkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha kudingidwa ngokwemigomo yesigaba sesi-8(4) noma se-10(7), noma esinye sazo; noma
(c) inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, umholi wamaKhoi-San osesikhundleni esiphezulu, noma omunye wabo, engakwazi ukuqhuba imisebenzi yakhe ngaphansi kwezimo okungezona lezo ezivezwe esigabeni se-14—
(A) elashwa ukugula izinyanga ezedlule kwezintathu;
(B) efunda isikhathi esedlule izinyanga ezintathu; noma
(C) enza okunye okusemthethweni.
futhi lowo mndeni wasebukhosini noma umkhandlu, uma kukhona oboshiwe njengoba kuveziwe esigabeni sesi-9(1)*(a)*(i) futhi ngokulandela isigaba sesi-9(7) kanye nemibandela yalesi sigaba, uveza umuntu ozobamba esikhundleni somholi okuhoxiswe ukwamukelwa kwakhe ngoba eboshiwe.

(2) Uma umndeni wasebukhosini noma umkhandlu wamaKhoi-San uhluleka ukuveza umuntu ofanele njengoba kuveziwe esigatshaneni soku-(1), uNdunankulu kufanele, ngemuva kokuxoxisana nomndeni wasebukhosini noma nomkhandlu wamaKhoi-San, noma omunye wabo, uveze umuntu ofanele ozobamba njengenkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha, noma omunye wabo.

(3) Uma eseveziwe umuntu ozobambela inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha, umndeni wasebukhosini noma umkhandlu wamaKhoi-San, noma omunye wabo, kufanele zingakapheli izinsuku eziyisikhombisa eveziwe umuntu ozobamba, wazise uNdunankulu oqondene ngemininingwane yomuntu oveziwe nezizathu zokuveza lowo muntu.

(4) Umuntu oveziwe ozoba ibamba lenkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha kufanele,ngokulandela isigatshana sesi-(5), amukelwe uNdunankulu oqondene ngesaziso kuSomqulu wesiFundazwe futhi uNdunankulu kufanele—
(a) akhiphe isitifiketi okwamukela umuntu oveziwe ozobamba kuleso sikhundla; futhi
(b) azise uNgqongqoshe ngokwamukelwa kwenkosi noma kwendlovukazi ebambile futhi azise indlu yesifundazwe eqondene ngokwamukelwa komholi obambile:
Inqobo nje uma ukwamukelwa kobambile kufanele kubuyekezwe okungenani njalo eminyekeni emibili uNdunankulu oqondene.

(5) *(a)* Uma kunobufakazi noma nezinsolo zokuthi ukuvezwa komuntu njengozoba ibamba lenkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna akwenziwanga ngokulandela umthetho wesintu noma inkambiso, uNdunankulu oqondene—
(ii) kufanele akhiphe umyalelo wokuba ikomidi ephenyayo eqokwe uNdunankulu lelo komidi kufanele okungenani libandakanye ilungu elilodwa lendlu yesifundazwe,

likhiphe umbiko wokuthi ngabe ukuvezwa komuntu ovezwe esigatshaneni soku-(1) kwenziwa ngokulandela umthetho wesintu nenkambiso uma kungenjalo, ubani okufanele avezwe; futhi

(iii) uma umphumela wekomidi eliphenyayo uveza ukuthi ukuvezwa komuntu ovezwe esigatshaneni soku-(1) akwenziwanga ngokwemigomo yomthetho wesintu nenkambiso, kufanele adlulisele umbiko ovezwe endimaneni *(b)* emndenini wasebukhosini ukuze uphawule.

(b) Imibandela yesigaba se-10(7) sebenza nezinguquko ezifanele ezihambisana nokuvezwa komholi wamaKhoi-San oyibamba noma inhloko yegatsha.

(6) Umuntu owamukelwa njengebamba lenkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, umholi wamaKhoi-San osesikhundleni esiphezulu noma inhloko yegatsha ngokwemigomo yalesi sigaba, ubhekele ukuqhuba imisebenzi ehambisana naleso sikhundla futhi unelungelo lokuthola umholo nezimfanelo ezihambisana naleso sikhundla: Inqobo nje uma inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, umholi wamaKhoi-San osesikhundleni esiphezulu nenhloko yegatsha isesikhundleni soqhuba imisebenzi yomuntu owamukelwe ukuba abambe ngokwemigomo yalesi sigaba, engenalo ilungelo lokuthola umholo nezimfanelo ezihambisana naleso sikhundla kuleso sikhathi sokwamukela lowo muntu obambile.

(7) uma kuvezwe umuntu njengebamba lenkosi noma lendlovukazi, uNdunankulu oqondene kufanele azise uMongameli noNgqongqoshe mayelana—

(a) nokwamukelwa kobambile; futhi

(b) uma kwenzeka, nangokuhoxiswa kokwamukelwa komuntu ovezwe njengebamba lenkosi noma lendlovukazi.

(8) Uma esevezwe noma esekhethiwe ozolandela esikhundleni njengoba kuveziwe esigatshaneni soku-(1)*(a)*, noma uphenyo oluvezwe esigatshaneni soku-(1)*(b)* seluphothuliwe, noma izimo ezivezwe esigatshaneni soku-(1)*(c)* zingasasebenzi, aukubamba okwamukelwa kuzophela ngosuku lapho umholi ovezwe esigatshaneni soku-(1)*(a)* noma *(b)* samukelwe ngesaziso kuSomqulu noma kuSomqulu wesiFundazwe, noma komunye wayo, noma ngosuku umholi ovezwe esigatshaneni soku-(1)*(c)* eqala imisebenzi yakhe: Uma kungumholi okwahoxiswa ukwamukelwa kwakhe njengoba kuveziwe esigabeni sesi-9(1)*(a)*(i) futhi, ngokwesigaba sesi-9(7), ongaqala imisebenzi yakhe, imibandela yesigaba sesi-8(3) kufanele ilandelwe kanye nosuku lwesaziso esivezwe esigabeni sesi-8(3)*(a)* kufanele kube usuku lapho umholi ezoqala imisebenzi futhi okuzophela ngalo ukuba ibamba elamukelwe.

Ukwamukela iphini lomholi wendabuko nelomholi wamaKhoi-San

14. (1) Inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna esesikhundleni ngokuba indlalifa kufanele, ngokuxoxisana nomndeni wasebukhosini oqondene, zingakapheli izinsuku ezingama-60 kunoma esiphi isimo esivezwe endimeni *(a)* kuya ku-*(f)* esenzekayo, uveze iphini elizobamba futhi lenze nemisebenzi uma ingonyama, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna,—

(a) ngokugcwele iba ilungu lomkhandlu kamasipala;

(b) ikhethwa njenjelungu lesishayamthetho sesifundazwe;

(c) ikhethwa njengelungu lesiGungu sikaZwelonke;
(d) iqokwa ngokugcwele njengesithunywa soMkhandlu kaZwelonke weziFundazwe;
(e) ibamba isikhundla ngokugcwele kunoma eyiphi indly yabaholi bendabuko nabaholi bama-Khoi-San; noma
(f) eqashwe ngokugcwele ngomunye umqashi:
Uma leyo ngonyama, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna kufanele, ngaphambi kokuvezwa kwephini, ibheke ukuthi ngabe esinye sezizathu esivezwe esigabeni sesi-9(1) noma 16(11)*(h)* noma 16(14)*(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza yini kulowo oyiphini.

(2) Uma inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna ihluleka ukuveza umuntu ofanele njengoba kuveziwe esigatshaneni soku-(1), uNdunankulu kufanele, ngemuva kokuxoxisana nomholi ofanele, aveze umuntu ofanele ozoba iphini.

(3) Umholi wamaKhoi-San osesikhundleni esiphezulu ngokuzalana, ngokuxoxisana nomndeni wasebukhosini ofanele, kanye nomholi wamaKhoi-San okhethiwe, ngokuxoxisana nomkhandlu wamaKhoi-San ofanele, zingakapheli izinsuku ezingama-60 kwehle izigameko esivezwe esigatshaneni soku-(1)*(a)* ukuya ku *(f)*, uveza umuntu ofanele ukubamba njengephini futhi ozoqhuba nemisebenzi yomholi wamaKhoi-San: Uma lowo mholi wama-Khoi-San osesikhundleni esiphezulu, ngaphambi kokuba kuvezwe iphini, ebuka ukuthi ngabe izizathu ezivezwe esigabeni se-11(1) noma se-16(14)*(a)*, *(c)*, *(d)* noma *(e)* ziyasebenza kulowo muntu.

(4) Uma umndeni wasebukhosini obuphezulu wamaKhoi-San uhluleka ukuveza umuntu ofanele ovezwe esigatshaneni sesi-(3), uNdunankulu kufanele, ngemuva kokuxoxisana nomholi oqondene nomndeni wasebukhosini, abaveze umuntu ofanele ukuba iphini.

(5) *(a)* Umndeni wasebukhosini noma umkhandlu wamaKhoi-San ovezwe esigatshaneni soku-(1) noma sesi-(3) , zingakapheli izinsuku eziyisikhombisa uveze iphini futhi wasebenzisa nohlaka lwesintu olufanele, kufanele wazise undunankulu oqondene ngemininingwane yomuntu ovezwe njengephini lomholi wendabuku ngokwemigomo yesigatshana soku-(1) noma iphini lomholi ophezulu wamaKhoi-San ngokwemigomo yesigatshana sesi-(3), kanye nezizathu zokuvezwa kwalowo muntu.

(b) Umndeni wasebukhosini noma umkhandlu wamaKhoi-San ovezwe esigatshaneni sesi-(3), noma omunye wabo, kufanele zingakapheli izinsuku eziyisikhombisa uveze iphini wazise uNdunankulu oqondene ngemininingwane yomuntu ovezwe njengephini lomholi wamaKhoi-San osesikhundleni esiphezulu kanye nezizathu zokuvezwa kwalowo muntu.

(6) UNdunankulu oqondene, ngokulandela umthetho wesintu osebenzayo noma inkambiso futhi ngokulandela isigatshana sesi-(8), angamukela iphini elivezwe umndeni wasebukhosini ngokwemigomo yesigatshana soku-(1) noma sesi(3) futhi kufanele—
(a) akhiphe isitifiketi sokwamukela lelo phini lomholi wendabuko noma kumholi wama-Khoi-San osesikhundleni esiphezulu oyiphini; futhi
(b) azize uNgqongqoshe ngokwamukelwa kwephini lenkosi noma lendlovukazi futhi azise indlu yesifundazwe efanele ngokwamukela kwamanye amaphini abaholi.
Inqobo nje uma ukwmaukelwa komuntu njengephini kuzophelelw aisikhathi kusukela ngosuku lapho inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko

osesikhundleni esiphezulu, induna noma umholi wamaKhoi-Sanosesikhundleni esiphezulu esuka esikhundleni njengoba kuevziwe esigatshaneni soku-(1).

(7) Imibandela yesigaba se-10(7) isebenza nezinguquko ezifanele mayelana nokuvezwa kwephini lomholi wama-Khoi-San osesikhundleni esiphezulu.

(8) Uma kunobufakazi noma izinsolo zokuthi ukuvezwa komuntu ozoba iphini lenkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, noma induna akwenziwanga ngokulandela umthetho wesintu noma inkambiso, uNdunankulu oqondene—

(a) angakhipha umyalelo wokuba ikomidi ephenyayo eqokwe uNdunankulu iqhube uphenyo leyo komidi kufanele ibandakanye ilungu elilodwa lendlu yesifundazwe eqondene, ukuba bakhiphe umbiko wokuthi ngabe ukuvezwa komuntu ovezwe esigatshaneni soku-(1) kwenziwa ngokulandela umthetho wesintu nenkambiso uma kungenjalo, ubani okufanele avezwe; futhi

(b) uma umphumela wekomidi eliphenyayo uveza ukuthi ukuvezwa kwalowo muntu okuvezwe esigatshaneni soku-(1) akwenziwanga ngokwemigomo yomthetho wesintu nenkambiso, kufanele adlulisele umbiko ovezwe endimeni *(b)* emndenini wasebukhosini ukuze uphawule.

(9) Ukwamukelwa ngokwemigomo yalesi sigaba kufanele kubuyekezwe uNdunankulu oqondene okungenani njalo eminyakeni emibili ukuze kutholakale ukuthi ngabe izizathu zokuveza nokwamukela iphini zisasebenza.

(10) Umuntu owamukelwe njengephini ngokwemigomo yalesi sigaba ubhekele ukuqhutshwa kwemisebenzi ehambisana nesikhundla esiqondene futhi unelungelo lokuthola umholo nezimfanelo ezihambisana naleso sikhundla: Inqobo nje uma inkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna noma umholi wamaKhoi San osesikhundleni esiphezu eqhuba imisebenzi yomuntu owamukelwa njengephini ngokwemigomo yalesi sigaba, engawutholi umholo nezimfanelo ezihambisana naleso sikhundla kuleso sikhathi sokwamukelwa kwephini.

Imisebenzi nezinsiza zabaholi bendabuko nabaholi bamaKhoi-San

15. (1) Umholi wendabuko noma umholi wamaKhoi-San uqhuba imisebenzi ebekwe—

(a) ngokwemigomo yomthetho wesinto nenkambiso yomphakathi wendabuko wamaKhoi San oqondene; futhi

(b) ngokwemigomo yomthetho kazwelonke noma wesifundazwe osebenzayo.

(2) UNgqongqoshe, ngokubheka izincomo ezimiswe iKhomishana yamaHolo yabaseziKhundleni ngokwemigomo yesigaba sesi-8(4)*(c)* se- *Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997)*, futhi ngemuva kokuxoxisana nabo bonke oNdunankulu, angasebenzisa isaziso kuSomqulu ukunquma izinsiza ezizotholakala kubaholi bendabuko bama-Khoi-San ezizoba usizo ukuze bakwazi ukuqhuba imisebenzi yabo ngempumelelo.

Ingxenye 3
Umkhandlu wendabuko nomkhandlu wamaKhoi-San

Ukusungulwa komkhandlu wenkosi noma wendlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko

16. (1) Uma uMongameli amukele ubukhosi noma ubundlovukazi, noma umphakathi usuthathwa ngokuthi umphakathi wendabuko oyinhloko njengoba kuveziwe esigabeni sama-70(8)*(c)*, noma uNdunankulu amukele umphakathi wendabuko njengoba kuveziwe esigabeni sesi-3, lobo bukhosi noma ubundlovukazi, umphakathi wendabuko oyinhloko noma umphakathi wendabuko, kufanele ungakapheli unyaka owodwa wamukelwe noma esinye isikhathi esinganqunywa uNgqongqoshe, uma kusebukhosini noma ubundlovukazi, noma uNdunankulu, uma kuwumphakathi wendabuko oyinhloko noma umphakathi wendabuko, anganquma ngesaziso kuSomqulu noma kuSomqulu wesiFundazwe, noma komunye wayo, asungule umkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko, noma omunye wayo: Esimweni lapho ingonyama noma indlovukazi, umphakathi wendabuko oyinhloko noma umphakathi wendabuko wamukelwa ngaphambi kokuba kushicilelwe uhlelo oluvezwe esigatshaneni sesi-(2), isikhathi sonyaka owodwa kufanele siqale kusukela ngosuku lokushicilelwa kwalolo hlelo.

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(2) *(a)* umkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko yakhiwe amalungu anqunywe uNgqongqoshe, ngendlela eshicilelwe ngesaziso kuSomqulu ngemuva kokuxoxisana—

(i) uma kuwumkhandlu wasebukhosini noma wobundlovukazi noma umkhandlu wendabuko oyinhloko—

(aa) nenkosi noma nendlovukazi, noma nomholi wendabuko oyinhloko, noma omunye wabo;

(bb) isithangamu esinamalungu angadlulile kwayisihlanu omndeni wasebukhosini aqokwe umndeni wasebukhosini; kanye

(cc) nesithangamu esinabaholi bendabuko abangadlulile ema-20 ngaphansi kobukhosi noma kwendlovukazi noma komphakathi wendabuko oyinhloko, aqokwe abaholi bendabuko abassesikhundleni esiphezulu bebekhipha kubona;

(ii) uma kuwumkhandlu wendabuko, bonke oNdunankulu nezindlu zesifundazwe: Ifomula kufanele ishicilelwe kuSomqulu ingakapheli iminyaka emibili kusukela ngosuku lokuqala ukusebenza kwalo Mthetho.

(b) Okungenani amalungu amathathu asemkhandlwini wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko kufanele ube ngabantu besifazane : Inqobo nje uma izimfanelo kungeke kuhlangatshezwane nazo, uNgqongqoshe anganquma izinga eliphansi lomkhandlu wasebukhosini noma wobundlovukazi noma uNdunankulu oqondene anganquma izinga eliphansi emkhandlwini wendabuko oyinhloko noma emkhandlwini wendabuko.

(c) Ubulungu bomkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko bakhiwe—

(i) 60% abaholi bendabuko namalungu omphakathi wendabuko akhethwe, ngokulandela isigatshana sesi-(3) futhi ngokwemigomo yenkambiso yalowo mphakathi, inkosi, noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko owayeyilungu noma usuhlalo womkhandlu othile, ngokubheka izidingo zokulandela indima *(b)*: Inqobo nje uma, emikhandlwini yendabuko, zingekho izinduna, kufanele kukhethwe kuphela amalungu omphakathi; kanye

(ii) 40% amalungu akhethwe ngokwemigomo yendima *(f)* emkhandlwini wasebukhosini noma wobundlovukazi noma emkhandlwini wendabuko oyinhloko,

noma akhethwe ngokwemigomo yesigaba sama-21 uma kuwumkhandlu wendabuko.

(d) Ukukhethwa kwamalungu omkhandlu wasebukhosini noma wasebundlovukazini, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko ovezwe kulesi sigaba kufanele uphothulwe ngaphambi kokhetho lwamalungu oluvezwe kulesi sigaba, futhi amagama amalungu akhethiwe kufanele ashicilelwe emphakathini: Inqobo nje uma ukhetho lomkhandlu wasebukhosini noma wobundlovukazi noma omkhandlu wendabuko oyinhloko kufanele kwenziwe zingakapheli izinsuku ezingama-21kushicilelwe emphakathini amagama amalungu akhethiwe.

(e) Ubukhosi noma ubundlovukazi, umphakathi wendabuko oyinhloko noma umphakathi wendabuko, kufanele zingakapheli izinsuku ezingama-21 ngemuva kosuku lokhetho, uthumele amagama amalungu akhethiwe naqokiwe kuNdunankulu ofanele.

(f) Umkhandlu wendabuko ngamunye owela ngaphansi kwegunya lobukhosi noma lobundlovukazi, noma lomphakathi wendabuko oyinhloko oqondene, kufanele ukhethe umuntu oyedwa kumalungu akhethiwe naqokiwe emkhandlu, ukuze asebenze njengelungu elivezwe endimeni *(c)*(ii): Inqobo nje uma inani labantu abakhethiwe lingaphansi kwenani lamalungu evezwe endimeni *(c)*(ii), umkhandlu wendabuko kufanele ngamunye ukhethe omunye umuntu kumalungu akhethiwe alowo mkhandlu: Inqobo nje futhi uma inani labantu abakhethiwe lidlula inani labantu abavezwe endimeni *(c)*(ii), abantu abakhethwe imikhandlu yendabuko kufanele bakhetha kubona inani labantu abavezwe endimeni *(c)*(ii).

(3) *(a)* Ngaphambi kokhetho oluvezwe esigatshaneni sesi-(2)*(c)*(i), umndeni wasebukhosini kufanele uqoke kumalungu awo isithangamu samalungu angekho ngaphansi kwayisihlanu futhi angadluli kwayi-10 azosiza okhethweni.

(b) Ukukhethwa kwamalungu avezwe esigatshaneni sesi-(2)*(c)*(i) ekhethwa inkosi noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu kuvunyelwano nesithangamu esivezwe endimeni *(a)*.

(c) Uma kungavunyelwana njengoba kuveziwe endimeni *(b)*, inkosi noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu, noma omunye wabo, kufanele athumele amagama abantu abaphakanyiselwe ukhetho njengoba kuveziwe endimeni *(a)* kuNdunankulu oqondene futhi uNdunankulu kufanele, ngemuva kokuxoxisana nomholi ngamunye nesithangamu esivezwe endimeni *(a)*, akhethe inani elidingekayo lamalungu njengoba kuveziwe esigatshaneni sesi-(2)*(c)*(i).

(4) *(a)* Isikhathi sokusebenza samalungu omkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko, kukhiphela eceleni inkosi noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu, asidlulile eminyakeni emihlanu futhi kufanele siqondane nesikhathi sokusebenza seNdlu kaZwelonke: Nakuba kunokunye okushayisana nalokhu okuqukethwe kulo Mthetho, inqobo nje uma isikhathi sokusebenza somkhandlu wenkosi noma wendlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko owasungulwa futhi wakhiwa ngaphambi kokuqala ukusebenza kwalo Mthetho, uzophelelwa isikhathi mhlaka 31 Mashi 2017: Futhi inqobo nje uma isikhathi sokusebenza salowo mkhandlu osunguliwe noma owakhiwe ngemuva kokuqala ukusebenza kwalo

Mthetho, sizophela njalo emva kweminyaka emihlanu mhlaka 31 Mashi sibalwa ukusuka mhlaka 31 Mashi 2017.

(b) Ukukhethwa kwamalungu ngokwemigomo yesigatshana sesi-(2)*(c)*(i), uma kuwumkhandlu wasebukhosini noma wobundlovukazi, noma umkhandlu wendabuko oyinhloko, kufanele kuphothulwe zingakapheli izinsuku ezingama-60 ngaphambi kokuphela kwesikhathi sokusebenza samalungu alowo mkhandlu, futhi uma kuwumkhandlu wendabuko, zingakapheli izinsuku ezingama-45 ngaphambi kokuphela kwesikhathi sokusebenza samalungu alowo mkhandlu.

(5) (a) UNdunankulu oqonden, kufanele asebenzise isaziso kuSomqulu wesiFundazwe esifanele futhi ngokulandela lo Mthetho, ukwamukela umkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko walobo bukhosi noma ubundlovukazi, umphakathi wendabuko oyinhloko noma umphakathi wendabuko futhi achaze igunya lawo, ngokubheka imibandela yesigaba sesi-3(1)*(b)* nesesi-(2)*(a)* futhi uma kuwubukhosi noma ubundlovukazi: Inqobo nje uma uNdunankulu azise uMongameli noNgqongqoshe ngokwamukelwa komkhandlu wasebukhosini noma wobundlovukazi: Futhi inqobo nje uma igunya lomkhanldu wendabuko kufanele libandakanye indawo yendabuko engaphansi komkhandlu, uma ikhona.

(b) Isaziso esivezwe endimeni *(a)* kufanele sibe namagama amalungu omkhandlu.

(6) Umkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko nomkhandlu wendabuko uhlangana uma singathwa umkhandlu othile.

(7) Inani lamalungu agunyaza umhlangano womkhandlu wasebukhosini noma wobundlovukazi, umkhandli wendabuko oyinhloko noma umkhandlu wendabuku ilelo nani eloningi lamalungu akhona alowo mkhandlu.

(8) Umkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuku kufanele ukhethe ilungu elilodwa kumalungu awo libe iphini likasihlalo ozoba usihlalo uma inkosi noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu, noma omunye wabo, engekho.

(9) (a) Umkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko kufanele uhlangane njalo ezinyangeni eizntathu futhi umkhandlu wendabuko kufanele uhlangene njalo ezinyangeni ezimbili: Inqobo nje uma inkosi noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu, noma omunye wabo, ngokuvumelana noNdunankulu ofanele, bengabamba eminye imihlangano ejwayelekile noma ekhethekile yomkhandlu oqondene.

(b) Ingonyama, indlovukazi noma umholi wendabuko oyinhloko kanye ngonyaka angahlangana nabo bonke abaholi bendabuko abasesikhundleni esiphezulu abawela ngaphansi kwaleyo ngonyama, indlovukazi noma ubuholi bendabuko obuyinhloko.

(10) Inngonyama noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu, noma omunye wabo, ukuze babambe umhlangano okhethekile, kufanele athumele isaziso kumalungu ezinsukwini eizyisikhombisa kumalungu omkhandlu wasebukhosini noma wendlovukazi, umkhandlu wendabuko oyinhloko noma kumkhandlu wendabuko.

(11) Ilungu lomkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko kufanele lishiye isikhundla uma—

(a) lingasesona isakhamuzi saseNingizimu Afrika;

(b) lilahlwe icala laboshwa isikhathi esingaphezulu kwezinyanga eziyi-12 langanikezwa ithuba lokukhokha inhlawulo;

(c) lisula esikhundleni;

(d) inkantolo imemezela ukuthi aliphilile kahle ekhanda noma lithikamezekile ngokomqondo;

(e) sekuphele isikhathi elalikhethelwe sona;

(f) selingafanele ngokwemigomo yesigatshana se-(14);

(g) lakhishwa esikhundleni ngokwemigomo yenqubo yokuziphatha;

(h) lingasahlali endaweni engaphansi kwegunya lomkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko, noma omunye wayo; noma

(i) kuyilungu elikhethiwe futhi ukwamukelwa kwalo njengomholi wendabuko sekuhoxisiwe.

(12) Uma ilungu lomkhandlu wasebukhosini noma lobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko likhothama noma lishiya isikhundla ngaphambi kokuphela kwesikhathi salo sokusebenza, leso sikhala kufanele sigcwaliswe ngendlela evezwe esigatshaneni sesi-(2)*(c)*(i) noma (ii), noma esinye sazo, zingakapheli izinsuku ezingama-30 kuvele leso sikhala.

(13) Umuntu oqokiwe ukuba agcwalise isikhala emkhandlwini wasebukhosini noma wobundlovukaiz, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko njengoba kuveziwe esigatshaneni se-(12), uzohlala esikhundleni leso sikhathi esingakapheli salowo obesesikhundleni.

(14) Akufanele umuntu akhethwe njengelungu lomkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko uma lowo muntu—

(a) engesona isakhamuzi saseNingizimu Afrika;

(b) engaphansi kweminyaka eyi-18;

(c) walahlwa icala waboshwa isikhathi esidlulile ezinyangeni eziyi-12 wanganikezwa ithuba lokukhokha inhlawulo;

(d) amenyezelwe njengowahluleka ukukhokha izikwele;

(e) engaphili kahle ekhanda futhi wamenyezelwa inkantolo efanele;

(f) eyilungu eligcwele lomkhandlu kamasipala;

(g) ekhethwe njengelungu lesishayamthetho sesifundazwe;

(h) ekhethwe njengelungu lesiGungu sikaZwelonke;

(i) eqokwe njengesithunywa ngokugcwele soMkhandlu kaZwelonke weziFundazwe; noma

(j) ekhethelwe isikhundla ngokugcwele endlini yabaholi bendabuko.

(k) engahlali ngaphansi kwendawo yegunya yomkhandlu wobungonyama noma wendlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko, noma okunye kwalokhu.

(15) *(a)* Ukuhoxisa ukwamukela inkosi noma indlovukazi, umphakathi wendabuko oyinhloko noma umphakathi wendabuko ngokwemigomo yesigaba sesi-4, kuholela ekuchithekeni komkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko futhi nokuhoxiswa kokwamukelwa kwenkosi noma indlovukazi, umholi wendabuko oyinhloko noma umholi wendabuko osesikhundleni esiphezulu.

(b) Ukuhlakazwa komkhandlu wasebukhosini noma wobundlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko kufanele kwenziwe uNdunankulu oqondene ngesaziso kuSomqulu wesiFundazwe oqondene.

(16) Isaziso esivezwe esigatshaneni se-(15)*(b)* kufanele sibeke izimo zomthetho, ezingenzeka nezinye izimo zokuhlakazwa komkhandlu wengonyama noma wendlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko, kubalwa nokudluliswa kwempahla, izikweleti, abasebenzi, ukuphathwa kanye namanye amarekhodi, ngokubheke neminye imithetho esebenzayo.

(17) Noma omuphi umbandela walo Mthetho ohambisana nokusungulwa komkhandlu wengonyama noma wendlovukazi, umkhandlu wendabuko oyinhloko noma umkhandlu wendabuko, uyasebenza uma kusungulwa okokuqala lowo mkhandlu noma umkhandlu ongaphansi kwawo futhi okuhle okusungulwa kabusha komkhandlu noma komkhandlu ongaphansi komunye ngemuva kokuphelelwa isikhathi: Ngokulandela isigatshana sesi-(18) noma se-(19), noma esinye sazo, imibandela yesigatshana sesi-(5) nesigaba se-17(2) ehambisana nomkhakha wegunya awusebenzi uma wkakhiwa kabusha lowo mkhandlu noma umkhandlu ongaphansi kwawo.

(18) Noma nini uma indawo yegunya yomkhandlu wendabuko kufanele ichitshiyelwe, uNdunankulu, ngemuva kokuxoxisana nomkhandlu wendabuko ofanele kanye nomkhandlu kamasipala, ngokusebenzisa isaziso kuSomqulu wesiFundazwe kufanele achaze kabusha indawo yegunya.

(19) Noma nini uma indawo yegunya lomkhandluongaphansi komunye kufanele ichitshiyelwe, uNdunankulu, ngemuva kokuxoxisana nomkhandlu wendabuko oqondene kanye nomkhandlu ongaphansi komunye, angasebenzisa isaziso kuSomqulu wesiFundazwe ukuchaza kabusha leyo ndawo yegunya.

Ukusungulwa kwemikhandlu yendabuko engaphansi kweminye

17. (1) *(a)* Nakuba kunemibandela yesigaba se-16, uNdunankulu oqondene uma ecelwa umkhandlu wendabuko, endaweni okuhlala kuyona umphakathi wendabuko ezindaweni ezimbini noma ezidlulile kwezimbili esifundazweni, angasungula umkhandlu wendabuko ongaphansi komunye endaweni engaphandle kwendawo engamele umphakathi wendabuko, uma uNdunankulu ekholelwa ukuthi ukusungulwa kwawo kuzophucula ukusingathwa komphakathi wendabuko.

(b) Umkhandlu wendabuko ongaphansi komunye wakhiwe inani lamalungu anqunywe uNdunankulu oqondene, ngemuva kokuxoxisana nomkhandlu omkhulu wendabuko.

(2) UNdunankulu oqondene, ngokulandela imibandela yesigaba se-16(5), (17) kanye ne-(19)kufanele amukele umkhandlu wendabuko ongaphansi komunye njengengxenye yomkhandlu wendabuko omkhulu futhi achaze negunya lawo ngesimemezelo kuSomqulu wesiFundazwe.

(3) *(a)* Inani lakuthathu kumalungu omkhandlu wendabuko ongaphansi komunye kufanele kube abantu besifazane.

(b) Amalungu omkhandlu wendabuko ongaphansi komunye kufanele kube—

(i) 60% amalungu endabuko namalungu omphakathi wendabuko, akhethwe ngabaholi bendabuko abaqondene abasesikhundleni, ngokwemigomo yenkambiso

yomphakathi, kubhekwa izidingo zokulandelwa indima *(a)*: Inqobo nje uma ingekho induna eyamukelwe, amalungu omphakathi kuphela okufanele akhethwe; futhi

(ii) 40% amalungu omphakathi wendabuko ongaphansi komunye akhethwe amalungu omphakathi wendabuko ongaphansi komunye ngokulandela imibandela yesigaba sama-21.

(4) Umbandela wesigaba se-16(2)*(b)* no-*(d)* usebenza kumthethosisekelo nasekwakhiweni komkhandlu wendabuko ongaphansi komunye futhi okuqondiswe kule ndima kumalungu omkhandlu wendabuko kufanele kuthathwe njengokuqondiswe kumalungu omkhandlu wendabuko ongaphansi komunye.

(5) Usihlalo womkhandlu wendabuko ongaphansi komunye kufanele aqokwe umkhandlu wendabuko.

(6) Usihlalo oqokwe ngokwemigomo yesigatshana sesi-(5) kufanele abe ilungu lomkhandlu wendabuko.

(7) Isikhathi sokusebenza kwamalungu omkhandlu wendabuko ongaphansi komunye kufanele sihambisane nesikhathi sokusebenza kwamalungu omkhandlu wendabuko omkhulu.

(8) *(a)* Umkhandlu wendabuko ongaphansi komunye kufanele uhlangane njalo ezinyangeni ezimbili futhi uqhube imisebenzi evezwe esigabeni sama-20 ethweswe yona umkhandlu wendabuko oqondene.

(b) Umkhandlu wendabuko ongaphansi komunye, ngendlela futhi esikhathini esinqunywe umkhandlu wendabuko, kufanele uthumele umbiko emkhandlwini wendabuko omayelana nokuqhuba imisebenzi othweswe yona.

(9) *(a)* Ukuhoxiswa kokwamukelwa komphakathi njengomphakathi wendabuko ngokwemigomo yesigaba sesi-4, kuholela ekuhlakazekeni komkhandlu wendabuko ongaphansi komunye.

(b) Ngemuva kokuxoxisana nomkhandlu wendabuko, uma uNdunankulu ekholelwa ukuthi umkhandlu ongaphansi komunye awusabambile iqhaza ekusingatheni ngendlela eyimpumelelo kwalowo mphakathi wendabuko, uNdunankulu angahoxisa ukwamukelwa kwalowo mkhandlu ongaphansi komunye.

(c) Ukuhoxiswa kokwamukelwa komkhandlu ongaphansi komunye kufanele kwenziwe uNdunankulu oqondene ngesaziso kuSomqulu wesiFundazwe esiqondene.

(d) Imibandela yesigaba se-16(16) isebenza nezinguquko ezifanele zokuhoxiswa komkhandlu wendabuko ongaphansi komunye.

Ukusungulwa komkhandlu wamaKhoi-San

18. (1) Uma uNdunankulu noma uNgqongqoshe samukele umphakathi wamaKhoi-San ngokulandela imibandela yesigaba sesi-5 noma sama-56 ngokunjalo, lowo mphakathi kufanele ingakapheli iminyaka emihlanu wamukelwe noma esinye isikhathi esinganqunywa uNdunankulu ngesimemezelo kuSomqulu wesiFundazwe, asungule umkhandlu wamaKhoi-San: Uma esimweni lapho umphakathi wama-Khoi-San wamukelwe ngaphambi kokushicilelwa kohlelo oluvezwe esigatshaneni sesi-(2)*(a)*, i sikhathi sonyaka owodwa kufanele siqale ngosuku lokushicilelwa kwalolo hlelo.

(2) *(a)* Umkhandlu wamaKhoi-San wakhiwe inani lamalungu anqunywe uNgqongqoshe ngendlela eshicilelwe kuSomqulu, ngemuva kokuxoxisana nabo bonke oNdunankulu: Uma uhlelo kufanele lushicilelwe

kuSomqulu ingakapheli iminyaka emibili kusukela ngosuku lokuqala ukusebenza kwalo Mthetho.
bezifundazwe lapho imiphakathi yamaKhoi-San yamukelwe khona.
(b) Amalungu omkhandlu wamaKhoi-San kufanele kube—
(i) 60% amalungu ahlanganisa—
(aa) umholi wamaKhoi-San osesikhundleni esiphezulu oqondene owayeyilungu nosihlalo womkhandlu wamaKhoi-San; futhi
(bb) uma umphakathi omkhulu unamagatsha, izinhloko zamagatsha: Inqobo nje uma umholi wamaKhoi-San osesikhundleni esiphezulu nezinhloko zamagatsha bengaphansi kwenani elifunekayo lamalungu, umholiwamaKhoi-San osesikhundleni esiphezulu kufanele akhethe abasele kumalungu omphakathi omkhulu ngemuva kokuxoxisana nezinhloko zamagatsha futhi, uma kunomndeni wasebukhosini, kufanele futhi akhethe nakumalungu omndeni wasebukhosini ngokuvumelana nesithangamu njengoba kuveziwe endimaneni *(cc)*: Futhi inqobo nje uma inani lezinhloko zegatsha lidlulile elanini elidingekayo lamalungu, izinhloko zamagatsha kufanele zikhethe inani elifanele kuwona, ngokuqikelela ukuthi izifundazwe ziyamelwa; noma
(cc) uma umphakathi omkhulu ungenawo amagatsha, umholi wamaKhoi-San osesikhundleni esiphezulu, uma ekhona, ngokuvumelana nesithangamu esinamalungu angekho ngaphansi kwamahlanu futhi angadlulile kwayi-10 aqokwe umndeni wasebukhosini, kufanele ukhethe inani elifanele lamalungu kumalungu asemndenini wasebukhosini namalungu omphakathi omkhulu, noma uma ungekho umndeni wasebukhosini, umholi wamaKhoi-San osesikhundleni esiphezulu kufanele akhethe inani elifanele lamalungu emphakathini omkhulu kuphela: Inqobo nje uma imibandela yesiagaba ses-16(3)*(c)* izosebenza nezinguquko ezifanele ezimweni lapho kungekho ukuvumelana;
(ii) 40% wamalungu akhiwe amalungu omphakathi omkhulu akhethwe umphakathi omkhulu ngokulandela imibandela yesigaba sama-21.
(c) Ukukhethwa kwamalungu ngokwemigomo yendima *(b)*(ii) kufanele kwenziwe ngokulandela imibandela yesigaba sama-21.
(3) UNdunankulu oqondene, kufanele asebenzise isaziso kuSomqulu wesiFundazwe esiqondene, ukwamukela umkhandlu wamaKhoi-San emphakathini wamaKhoi-San futhi aveze nokunganyelwa kwalowo mkhandlu wamaKhoi-San.
(4) Igunya lomkhandlu wamaKhoi-San lizosebenza kumalungu omphakathi wamaKhoi-San ovezwe esigabeni sesi-5(1) nesesi-(3).
(5) Imibandela yesigaba se-16(2)*(b)* no *(d)*, (4), (5), (b), (7), (8), (11), (14)(a) ukuya (j), (15) kanye (16) isebenza emkhandlwini wamaKhoi-San futhi okuqondiswe kulesi sigaba emkhandlwini wendabuko, kumholi wendabuko oyinhloko noma ezinduneni kufanele, kuthathwe ngokuqondiswe kumkhandlu wamaKhoi-San, umholi wamaKhoi-San osesikhundleni esiphezulu nasezinhlokweni zamagatsha.
(6) Noma omuphi umbandela walo Mthetho ohambisana nokusungulwa komkhandlu wama-Khoi-San usebenza uma kusungulwa okokuqala umkhandlu futhi uma usungulwa kabusha umkhandlu ngokulandelayo ngemuva kokuphela kwaleso sikhathi sawo.
(7) Umkhandlu wama-Khoi-San kufanele uhlangane njalo ezinyangeni ezintathu: Uma nje umholi wama-Khoi-San osesikhundleni esiphezulu, ngokuxoxisana noNdunankulu wesifundazwe lapho umkhandlu wamukelwa khona, bengabamba umunye umhlangano ojwayelekile noma umhlangano okhethekile womkhandlu oqondene: Futhi uma ezinjongweni zokubamba umhlangano okhethekile, umholi

wama-Khoi-San osesikhundleni esiphezulu kufanele akhiphe isaziso esingekho ngaphansi kwezinsuku eziyisikhombisa kumalungu omkhandlu wama-Khoi-San oqondene.

Imisebenzi yomkhandlu wobukhosi noma ubundlovukazi nomkhandlu wendabuko oyinhloko

19. (1) Umkhandlu wasebukhosini noma wobundlovukazi nomkhandlu wendabuko oyinhloko inale misebenzi elandelayo:

(a) Ukusingatha izindaba zasebukhosini noma zobundlovukazi noma umphakathi wendabuko oyinhloko ngokulandela umthetho wesintu nenkambiso;

(b) ukusiza, ukweseka nokuqapha abaholi bendabuko abasezikhundleni eizphezulu nemikhandlu yendabuko ewela ngaphansi kwegunya lobukhosi noma ubundlovukazi noma umphakthi wendabuko oyinhloko oqondene uma beqhuba imisebenzi yabo;

(c) ukusiza inkosi noma indlovukazi, noma umholi wendabuko oyinhloko ukuqhuba imisebenzi yesintu ehambisana nokwamukelwa kwabaholi bendabuiko abasezingeni eliphezulu, uma bekhona;

(d) ukusiza inkosi noma indlovukazi, noma umholi wendabuko oyinhloko ukuxazulula izingxabano eizphakathi kwabaholi bendabuko abasezikhundleni eziphezulu abawela ngaphansi kwegunya lobukhosi noma ubundlovukazi noma komphakathi wendabuko oyinhloko;

(e) ukukhuthaza ubumbano phakathi kwemiphakathi yendabuko ewela ngaphansi kwegunya lobukhosi noma kobundlovukazi noma komphakathi wendabuko oyinhloko; kanye

(f) nokusiza inkosi noma indlovukazi, noma umholi wendabuko oyinhloko ukuqhuba imisebenzi nezibophezelo athweswe zona ngokwemigomo yezimiso zomthetho ezimiswe ngokulandela imibandela yesigaba sama-67.

(2) Umkhandlu wobukhosi noma wobundlovukazi noma umkhandlu wendabuko oyinhloko kufanele—

(a) ugcine amarekhodi afanele;

(b) kuhlaziywe izitatimende zawo zemali uMcwaningimabhuku-Jikelele futhi uthumele lezo zitatimende ezicwaningiwe kuNdunankulu ingakapheli inyanga eyodwa kusukela ngosuku owazithola ngazo;

(c) udalule izipho ozitholile kuNdunankulu oqondene;

(d) ulandele inqubo yokuziphatha; futhi

(e) ululeke futhi useke yonke imikhandlu yendabuko ewela ngaphansi kwegunya lawo.

Imisebenzi yomkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye, umkhandlu wamaKhoi-San namagatsha

20. (1) Umkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye ngokulandela isigaba se-17(8), umkhandlu wamaKhoi-San namagatsha anale misebenzi elandelayo:

(a) Ukusingatha izindaba zendabuko noma umphakathi wamaKhoi-San ngokulandela isiko nenkambiso;

(b) ukusiza, ukweseka nokuqapha abaholi bendabuko nabamaKhoi-San uma beqhuba imisebenzi;

(c) ukweseka omasipala uma beveza izidingo zomphakathi;

(d) ukwenza lula ukuzibandakanya komphakathi wendabuko nowamaKhoi-San ekuthuthukiseni noma ekuchibiyeleni uhlelo lwentuthuko oludidiyelwe kumasipala lapho umphakathi uhlala khona;
(e) ngemuva kokuxoxisana nezindlu ezioqndene zendawo nezesifundazwe, ukuphakamisa ukungenelela okufanele kuhulumeni okuzobamba iqhaza entuthukweni nasekunikezeleni negzidingo endaweni engaphansi kwegunya lomkhandlu wendabuko noma endaweni kamasipala lapho isizinda sokuphatha somkhandlu wamaKhoi-San sizinze khona;
(f) ukubamba iqhaza ekuthuthukiseni inqubomgomo nomthetho ezingeni likamasiapala;
(g) ukubamba iqhaza ekuthuthukiseni izinhlelo zezinhlaka zikahulumeni wendawo, wesifundazwe nokazwelonke;
(h) ukuthuthukisa ukubambisana kohulumeni, ukuhlela ngokudidiyela, nentuthuko esimeme nokunikezelwa kwezidingo;
(i) ukuthuthukisa uhlelo lolwazi lwasekhaya entuthukweni esimeme nokusingatha izibhicongo;
(j) ukuqwashisa umasipala ofanele ngengozi noma ngengcuphe, nokubamba iqhaza ekungameleni izibhicongo ngokujwayelekile;
(k) ukwabelana ngemininingwane nokusebenzisana neminye imikhandlu yendabuko yamaKhoi-San; kanye
(l) nokuqhuba imisebenzi ethweswe ngomthetho wesintu, inkambiso nangomthetho ohambisana noMthethosisekelo.

(2) Umkhandlu wendabuko nomkhandlu wamaKhoi-San kufanele—
(a) ugcine amarekhodi afanele;
(b) kuhlaziywe izitatimende zawo zemali uMcwaningimabhuku-Jikelele futhi uthumele lezo zitatimende ezicwaningiwe kuNdunankulu ingakapheli inyanga eyodwa kusukela ngosuku owazithola ngazo;
(c) udalule izipho ozitholile kuNdunankulu oqondene;
(d) ulandele inqubo yokuziphatha; futhi

(3) Umkhandlu wendabuko nomkhandlu wamaKhoi-San kufanele—
(a) usebenzisane nekomidi elifanele lesigceme elisungulwe ngemigomo yesigaba sama-73 se-*L ocal Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*; futhi
(b) ngokunjalo uhlangane okungenani kanye ngonyaka nomphakathi oqondene wendabuko noma wamaKhoi-San omkhulu ukuzobika ngemisebenzi nangemali yomkhandlu wendabuko noma wamaKhoi-San.

Ukukhethwa kwamalungu omkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye nogcwalisa izikhala

21. (1) Uma kuzokhethwa ilungu lomkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye noma umkhandlu wamaKhoi-San, uNdunankulu oqondene ngemuva kokuxoxisana nendlu yesifundazwe eqondene, angaqhuba lolu khetho—
(a) ngeKhomishana yoKhetho esungulwe ngokwemigomo ye-*Electoral Commission Act, 1996 (Act No. 51 of 1996)*: uma iKhomishana yoKhetho kanye noNdunankulu wesifundazwe oqondene enza isivumelwane ezihambisana nalolo khetho, leso sivumelwane okufanele sibandakanye imibandela ehambisana nendlela ukhetho oluzoqhutshwa ngayo: Inqobo nje uma le ndima ingasetshenziswa

ukugcwalisa isikhala esivele ngesikhathi sokusebenza komkhandlu oqondene ; noma

(b) ngokulandela isigatshana sesi-(2)—

(i) ngomhlangano nomphakathi; noma

(ii) ngezinhlangothi ezakhiwe umuntu oyedwa noma abangaphezulu koyedwa abaqokwe uNdunankulu.

(2) UNdunankulu, angasebenzisa isaziso kuSomqulu wesiFundazwe, ukumisa izimiso zomthetho ezimayelana—

(a) nokhetho oluvezwe esigatshaneni soku-(1)*(b)* ezihambisana nenqubo ezolandelwa nezikhathi lolo khetho okufanele luqhutshwe ngazo; futhi

(b) ngokulandela imibandela yalo Mthetho, yokugcwalisa izikhala.

Ukusingathwa komkhandlu wobukhosi noma wendlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wamaKhoi-San nomkhandlu wendabuko ongaphansi komunye

22. (1) komkhandlu wobukhosi noma wendlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wamaKhoi-San nomkhandlu wendabuko ongaphansi komunye (kulesi sigaba ebizwa ngomkhandlu) kufanele izame ukuqhuba izibophezelo zayo zesintu nezomthetho ngokubhekela umphakathi futhi ibike kuNdunankulu oqondene ngokuqhuba lezo zibophezelo ngempumelelo.

(2) UNdunankulu kufanele aqaphe umkhandlu ozinze esifundazweni sakhe ukuqikelela ukuthi uqhuba imisebenzi yawo yesintu neyomthetho ngendlela efanele futhi eyimpumelelo.

(3) Uma uNdunankulu ekholelwa ukuthi umkhandlu ngeke ufeze izibophezelo zesintu noma zomthetho ezibophezela lowo mkhandlu, uNdunankulu kufanele–

(a) abhale isaziso, acele umkhandlu ukuba unikeze uNdunankulu imininingwane ephathelene nendlela umkhandlu oqhuba ngayo lezo zibophezelo ezidingeka ngesaziso; noma

(b) uma uNdunankulu ebona kunesidingo, aqoke umuntu noma abantu abazophenya lolu daba.

(4) Uma uNdunankulu egculiseka ukuthi umkhandlu awukwazi ukuzifezekisa noma ngeke ukwazi ukufezekisa izibophezelo zesintu noma zomthetho, uNdunankulu angangenelela ngokuqoka noma ubani noma abantu isikhathi esizonqunywa uNdunankulu ngencwadi—

(a) ukusiza umkhandlu oqondene ukuqhuba izibophezelo noma zonke izibophezelo zomthetho nezesintu ezithweswe lowo mkhandlu; noma

(b) ozoqhuba umsebenzi wezibophezelo zomthetho nezesintu zalowo mkhandlu.

(5) Uma kuqokwa umuntu noma abantu ngokwemigomo yesigatshana sesi-(4), umkhandlu oqondene uyaphucwa izibophezelo zawo zomthetho nezesintu, noma ezinye zazo.

(6) Umuntu noma abantu abaqokiwe ngokwemigomo yesigatshana sesi-(4) kufanele kube umuntu okwazi ukuqhuba okungenani izibophezelo ezithile noma zonke izibophezelo zomthetho zalowo mkahndlu noma kokubili nona okunye kwakho..

(7) Umuntu noma abantu abaqokwe ngokwemigomo yesigatshana sesi-(4) kufanele athumele umbiko wonyaka kundunankulu oqondene oveza izinyathelo ezithathiwe nenqubekela phambili mayelana nokuqhuba izibophezelo

ezithile noma zonke izibophezelo zomkhandlu zomthetho nezesinti, noma ezinye zazo.

(8) Ukuqokwa okwenziwayo ngokwemigomo yesigagatsha sesi-(4) kufanele kubuyekezwe ngaphambi kokuba kuphele isikhathi sezinsuku ezingama-180: Inqobo nje uma leso sikhathi, ezikhathini eziningi uNdunankulu oqondene azobona zifanele ukuqikelela ukuqhutshwa kwezibophezelo ezithile ngendlela efanele nangempumelelo noma zonke izibophezelo zomkhandlu othile zomthetho nezesintu, zivuselelwe futhi isikhathi esiyizinsuku ezingama-180 futhi kufanele zibuyekezwe ngaphambi kokuphela kwezinsuku ezingama-180.

Ukuseka umkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wamaKhoi-San nomkhandlu wendabuko ongaphansi komunye

23. (1) Uhulumeni kazwelonke kanye nohulumeni wesifundazwekufanele bamukele lezo zinyathelo zomthetho noma ezinye izinyathelo ezifanele—

(a) ukuseka nokudlondlobalisa amandla, kubandakanya namandla ezezimali nokusingatha, umkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wamaKhoi-San nomkhandlu wendabuko ongaphansi komunye, ukufeza imisebenzi yawo, futhi ukuwuseka kubandakanya umbandela wokuphatha nosizo lwezezimali; kanye.

(b) nokuqapha nokusingatha izimali zeleyo mikhandlu.

(2) UNdunankulu wesifundawe, ngemuva kokuxoxisana nomkhandlu wengonyama noma wendlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, noma umkhandlu wamaKhoi-San ozinse esifundazweni ezithile—

(a) anganquma inani lezinga lomholo ezikhaleni zomsebenzi ezidingekayo ukuqhuba imisebenzi yokuphatha, eyezimali neminye imisebenzi ehambisana nemisebenzi ethile yomkhandlu.

(b) anqume eminye imibandela yokusebenza esebenzayo kulezo zikhundla zomsebenzi; futhi

(c) aqoke abantu abafanele kulezo zikhundla ngokulandela inqubo yokuqasha esebenzayo kulowo hulumeni wesifundazwe noma aphakamise amagama abantu kuhulumeni wesifundazwe ukuba baqhube le misebenzi.

(3) *(a)* Ngokwesigatshana soku-(1) uNdunankulu, ngokuxoxisana noMnyongo wesiKhwama seziMali sesiFundazwe futhi ngokulandela umthetho noma ezinye izinyathelo ezivezwe esigatshaneni soku-(1), avule i-akhawunti yomkhandlu ngamunye osunguliwe ovezwe esigatshaneni soku-(1) okufanele kukhokhwe kuyona—

(i) yonke iminikelo anikelwe amalungu omphakathi othile;

(ii) yonke imali yempahla yalowo mkhandlu noma ephethwe ilowo mkhandlu;

(iii) iminikelo yemali enikelelwa lowo mkhandlu ivela kubantu, emagatsheni noma ezikhungweni;

imali ekhokhelwa umkhandlu ngokulandela imibandela yokusebenzisana noma isivumelwane esivezwe esigabeni sama-24; kanye

(v) nenye imali enganqunywa noma kuvunyelwane ngayo noNdunankulu.

(b) Ukuze kusingathwe i-akhawunti evezwe endimeni *(a)*, uNdunankulu, ngokuxoxisana noMnyango weziMali esiFundazweni futhi

ngokulandela umthetho nezinye izinyathelo ezivezwe esigatshaneni soku-(1), banquma—

(i) izinhlelo zezimali futhi balawule leyo akhawuntu;

(ii) imibandela esebenzayo kulawo ma-akhawunti;

(iii) ukutshalwa kwezimali ezitshalwa umkhandlu oqondene;

(iv) ukukhokha izindlela ezikhokhwa umkhandlu oqondene;

(v) izinjongo okuzosetshenziswa kuzona imali kuleyo akhawunti isetshenziswa umkhandlu oqondene;

(vi) ukuvalwa kwamanye ama-akhawunti, kubalwa ne-akhawunti yomfelandawonye kodwa kungabandakanyi i-akhawunti yomfelandawonye njengoba kuveziwe esigabeni se-10 se-*Trust Property Control Act, 1988 (Act No. 57 of 1988)*, kanye nokudluliswa kwemali kwamanye ama-akhawunti noma ku-akhawunti yomfelandawonye iyiswa ku-akhawunti evezwe endimeni *(a)*;

(vii) izimfanelo zokubika ezisebenza kuleyo akhawunti; kanye

(viii) nezinye izinyathelo ezifanele ngokubona kukaNdunankulu ukuqikelela ukusingathwa kwe-akhawunti ngendlela ewusizo futhi eyimpumelelo,

futhi bangaqoka noma omuphi umsebenzi kuhulumeni wesifundazwe ukuba asize umkhandlu oqondene ngokusingatha leyo akhawunti noma ukusingathwa kwaleyo akhawunti yomkhandlu othile: Uma ngokwendima (ii) ukuya endimeni (vii) uNdunankulu kufanele axoxisane nomkhandlu ofanele ngaphambi kokunquma okuvezwe kulezi zindimana.

(4) *(a)* Uhulumeni wesifundazwe lapho kwamukelwa khona igatsha lomphakathi wama-Khoi-San angamukela lezi zinyathelo zomthetho noma ezinye izinyathelo ezifanele ukuhlinzekela ngokweseka ngokuphatha kulelo gatsha: Uma igatsha lizinze esifundazweni okungesona leso sifundazwe umkhandlu wama-Khoi-San owamukelwa kusona, uNdunankulu wesifundazwe lapho kuzinze khona igatsha kufanele aqale axhumane noNdunankulu wesifundazwe lapho kuzinze khona umkhandlu wama-Khoi-San ukuqinisekisa ukuhambisana kwendlela yokuphakela ngosizo lokuseka.

(b) Uhulumeni wesifundazwe esifundazweni lapho igatsha lomphakathi wama-Khoi-San lamukelwa khona ubhekele izindleko zezimali ezihambisana nokuthamela imihlangano yomkhandlu yama-Khoi-San ethanyelwa inhloko yegatsha eliqondene.

Ukusebenzisana nezivumelwane

24. (1) Uhulumeni kazwelonke kanye nohulumeni bezifundazwe, ngokusebenzisa izinyathelo zomthetho noma ezinye izinyathelo, bangalawula ukusebenzisana kanye nezivumelwane ezivezwe kulesi sigaba.

(2) Umkahndlu wengonyama noma wendlovukazi, imikhandlu yendabuko eyinhloko, imikhandlu yendabuko, imikhandlu yama-Khoi-San kanye nemikhandlu yendabuko engaphansi kweminye ingasebenzisana futhi yenze izivumelwane neminye, futhi kanye—

(a) nomasipala;

(b) iminyango kahulumeni; kanye

(c) nomunye umuntu, igatsha noma isikhungo.

(3) Ukusebenzisana noma isivumelwane esenziwe imikhandlu esivezwe esigatshaneni sesi-(2) kufanele kubhalwe phansi futhi—

(a) sihlomulise umphakathi omelwe umkahndlu;

(b) ukwengeza kweminye imibandela, kufanele sibe nombandela osobala wemisebenzi yeqembu ngalinye nokuphela kokusebenzisana noma kwesivumelwane;
(c) kuhambisane nesinqumo sokuqala salowo mkhandlu siveze ngokubhaliwe ukwesekwa umkhandlu ekusebenzisaneni okuthile noma esivumelwaneni esithile;
(d) futhi kuzohlolwa uNdunankulu wesifundazwe lapho kuzinze khona lowo mkhandlu futhi ngeke kusebenze kuze kuhlaziywe uNdunankulu; futhi
(e) angeke kubophezele umbuso noma umuntu, igatsha noma izikhungo esingeyona ingxenye yabasebenzisanayo noma yesivumelwane.

(4) Ukusebenzisana noma isivumelwane esivezwe esigatshaneni sesi- (2) kufanele—
(a) kuhambisane nemigomo yokuhloniphana nokwamukela izinga nendima yezinhlangano ezithile; futhi
(b) kulawulwe futhi kuhambisane nemigomo yokusebenzisana kuhulumeni.

(5) Umkahndlu ovezwe esigatshaneni sesi-(2), ungenza isivumelwane sokuphakela ngezidingo nomasipala ngokulandela i-*Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)*, kanye nomunye umthetho osebenzayo.

(6) UNdunankulu kufanele—
(a) aqaphe konke ukusebenzisana nezivumelwane njengoba kuveziwe kulesi sigaba futhi athathe izinyathelo ezifanele ukuqikelela ukusetshenziswa noma ukuqedwa kwazo ngendlela efanele futhi eyimpumelelo; futhi
(b) adlulisele kuNgqongqoshe amakhophi akho konke ukusebenzisana noma izivumelwane ezivezwe esigatshaneni sesi-(3)*(d)* kanye nesesi-(7).

(7) *(a)* UNdunankulu, uma ebheka ukulungiswa kokusebenzisana noma kwesivumelwane njengoba kuveziwe esigatshaneni sesi-(3)*(d)*, kufabene agculiseke ukuthi imibandela yesigatshane sesi-(3)*(a)*, *(b)*, *(c)* kanye no-*(e)* ilandelwe.

(b) Uma uNdunankulu ekholelwa ukuthi ukusebenzisana noma isivumelwane asihambisani nemibandela yesigatshana sesi-(3)*(a)*, *(b)*, *(c)* noma *(e)*, uNdunankulu kufanele adlulisele ukusebenzisana noma isivumelwane ezinhlanganweni ezisebenzisanayo noma ezenze leso sivumelwane, kanye nezizathu zakhe zokungagunyazi ukusebenzisana noma isivumelwane, futhi azicele ukuba zilungise imithelela engemihle njengoba kuveziwe ezizathwini zakhe.

(8) Imibandela yesigatshana sesi-(3)*(d)* ayisebenzi uma kusetshenziswana noma esivumelwaneni esiphakathi kwezinhlangano ezivezwe esigatshaneni sesi-(2), esenziwe ngokwemigomo yomunye umthetho kazwelonke: Uma umkhandlu oyingxenye yokusebenzisana noma yesivumelwane, kufanele udlulisele amakhophi awo kuNgqongqoshe kanye nakuNdunankulu oqondene.

Ukwaba imisebenzi yomkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wamaKhoi-San, umkhandlu wendabuko ongaphansi komunye kanye nabaholi bendabuko bamaKhoi-San

25. (1) Umnyango ongaphansi kohlaka lukahulumeni lwesifundazwe noma kazwelonke, noma omunye wayo, ungasebenzisa izinyathelo zomthetho noma

ezinye izinyathelo ukuqhuba umsebenzi womkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wamaKhoi-San, umkhandlu wendabuko ongaphansi komunye kanye nabaholi bendabuko bamaKhoi-San emkhakheni walowo mnyango: Uma leyo misebenzi ingeke ihambisane namandla okuthatha izinqumo.

(2) Uhlelo nenqubo ezolandelwa ukuhlinzekela ngomsebenzi ovezwe esigatshaneni soku-(1) kweminye imikhandlu noma kubaholi abavezwe kuleso siga tshana, nendlela nemibandela nezinsiza ehambisana nalowo mbandela, kunganqunywa umnyango oqondene.

(3) Uma umnyango ubeke umbandela womsebenzi womkhandlu noma womholi ovezwe esigatshaneni soku-(1), lowo mnyango kufanele uqaphe ukuqhutshwa kwalowo msebenzi futhi uqikelele ukuthi—

(a) ukuqhutshwa komsebenzi kuhambisana noMthethosisekelo kanye nomunye umthetho oqondene;futhi

(b) lowo msebenzi uqhutshwa ngendlela efanele nangempumelelo.

(4) Uma imikhandlu noma abaholi abevezwe esigatshaneni soku-(1) bengawuqhubi umsebenzi ovezwe esigatshaneni sesi-(3), izinsiza ezinikezwe lowo mkhandlu noma lowo mholi ukuba baqhube umsebenzi kungahoxiswa ngumnyango oqondene.

ISAHLUKO 3
IZINDLU ZABAHOLI BENDABUKO NABAHOLI BAMAKHOI SAN

Ingxenye 1
Izindlu zabaholi bendabuko nabaholi bamaKhoi-San

Izindlu zabaholi bendabuko nabaholi bamaKhoi-San

26. Iizndlu zabaholi bendabuko nabaholi bamaKhoi-San—

(a) ziyiNdlu zikaZwelonke zabaHoli beNdabuko nabaHoli bamaKhoi-San ezisungulwe ngokwemigomo yesigaba sama-27;

(b) ziyizindlu zesifundazwe zabaholi bendabuko nabaholi bamaKhoi-San ezingasungulwa ngokwemigomo ebekwe esigabeni sama-49; futhi

(c) izindlu zasekhaya zabaholi bendabuko nabaholi bamaKhoi-San ezingasungulwa ngokulandela imigomo ebekwe esigabeni sama-50.

Ingxenye 2
INdlu kaZwelonke yabaHoli benDabuko nabaHoli bamaKhoi San

Ukusungulwa komkhawulo wokusebenza eNdlini kaZwelonke

27. (1) Ngakho-ke sekusungulwe iNdlu kaZwelonke ezobizwa ngokuthi iNdlu kaZwelonke yabaHoli beNdabuko nabaHoli bamaKhoi-San.

(2) Umkhawulo wokusebenza kweNdlu kaZwelonke iminyaka emihlanu: Nakuba kunokunye okushayisana nokuqukethwe omunye umthetho, inqobo nje uma kodwa ngokwesigaba sama-70(12), umkhawulo weNdlu kaZwelonke wasungulwa ngokwemigomo ye-*National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009)*, ngaphambi kokuqala ukusebenza kwalo Mthetho, sizophela mhlaka 31 Meyi 2017: Futhi inqobo nje uma umkhawulo olandelayo wokusebenza

kweNdlu kaZwelonke esakhiwe kabusha ngemuva kokuqala ukusebenza kwalo Mthetho, kufanele siphele njalo eminyakeni emihlanu mhlaka 31 Meyi kubalwa ukusuka mhlaka 31 May 2017.

Ukwakheka kweNdlu kaZwelonke

28. (1) INdlu kaZwelonke yakhiwe—

(a) abantu abathathu abangabaholi bendabuko abasesikhundleni esiphezulu nona abangabaholi bamaKhoi-San abakhethwe indlu ngayinye yesifundazwe ngokulandela imibandela yesigaba sama-29 : Inqobo nje uma abaholi bamaKhoi-San abasesikhundleni esiphezulu kufanele bakhethwe njengamalungu eNdlu kaZwelonke; futhi

(b) uma kunesidingo, abantu abavezwe ngokwemigomo yesigatshana sesi-(2).

(2) Imibandela yesigatshana soku-(1)*(b)* isebenza kuphela esimweni lapho indlu yesifundazwe ingakasungulwa esifundazweni esithile, futhi izosebenza ngale ndlela—

(a) Uma kunemikhandlu yendabuko emithathu nemikhandlu yamaKhoi-San kuleso sifundazwe, osihlalo baleyo mikhandlu kufanele bakhetha kubona abantu abathathu abazobamela eNdlini kaZwelonke; noma

(b) uma kunemikhandlu yendabuko emithathu noma engaphansi kwemithathu nemikhandlu yamaKhoi-San kuleso sifundazwe, osihlalo bale mikhandlu yendabuko noma bemikhandlu yamaKhoi-San kungabantu ababengamalungu eNdlu kaZwelonke.

(3) Okungenani inani lokuthathi kumalungu eNdlu kaZwelonke kufanele kube abantu besifazane: Uma izimfanelo kungeke kuhlangatshezwane nazo, uNgqongqoshe egculisekile ukuthi alikho inani elanele labesifazane ababambe iqhaza eNdlini kaZwelonke, uNgqongqoshe kufanele, ngemuva kokuxoxisana noNdunankulu abaqondene nezindlu zesifundazwe eziqondene, anqume inani elincane mayelana nokumelwa kwabesifazane eNdlini kaZwelonke.

Ukukhethwa nokuqokwa kwamalungu eNdlu kaZwelonke

29. (1) UNgqongqoshe kufanele, zingakapheli izinsuku ezingama-60 ngaphambi kokuphela komkhawulo wokusebenza kweNdlu kaZwelonke, acele oNdunankulu ukuba bazise izindlu zezifundazwe ukuba ziqoke ngokulandela isigaba sama-28, abaholi bendabuko abasesikhundleni esiphezulu futhi uma kunesidingo nabaholi bamaKhoi-San abasesikhundleni esiphezulu ukuba basebenze njengamalungu eNldu kaZwelonke.

(2) Amalungu endlu kazwelonke avezwe esigabeni sama-28(1) kufanele akhethwe, zingakapheli izinsuku eizngama-21 ngemuva kokuthola isaziso esivela kuNdunankulu oqondene ngokwemigomo yesigatshana soku-(1), ngamalungu aleyo ndlu yesifundazwe emhlanganweni obizelwe lokho futhi wathanyelwa inani lamalungu amabili kokuthathu endlu eqondene: Inqobo nje uma amalungu endlu yesifundazwe avezwe esigabeni sama-28(1)*(a)*, kungeke kube amalungu angamalungu ngokungcwele kuleyo ndlu yesifundazwe.

(3) Izinhlelo zokhetho ezivezwe esigatshaneni sesi-(2) kufanele ziphathwe futhi zinganyelwe uNdunankulu oqondene noma umuntu oqokwe

uNdunankulu, futhi kufanele zibhekwe abasebenzi beNdlu kaZwelonke neminyango yesifundazwe ebhekele izindaba zendabuko.

(4) Ukhetho oluvezwe esigatshaneni sesi-(2) kufane lube imfihlo kumalungu endlu yesifundazwe eqondene kulowo mhlangano lapho kuphakanyiswa khona amalungu.

(5) Indlu ngayinye yesifundazwe kufanele iqoke ilungu elilodwa elikhethiwe njengoba kuveziwe esigatshaneni sesi-(2) njengomholo wamalungu akhethiwe.

(6) UNdunankulu kufanele athumele kuNgqongqoshe, mayelana nawo wonke umuntu okhethiwe futhi waoqkwa, imininingwane yalowo muntu—

(a) yokwamukela ukukhethwa noma ukuqokwa;

(b) amagama agcwele nesibongo;

(c) imininingwane kamazisi; kanye

(d) nemininingwane yokuxhumana.

(7) Uma indlu yesifundazwe ihluleka ukukhetha ilungu elilodwa noma angaphezulu kwelilodwa ukuba asebenze eNdlini kaZwelonke esikhathini eivezwe esigatshaneni sesi-(2), uNdunankulu oqondene kufanele aqoke amalungu endlu yesifundazwe eoqndene ukuba asebenze eNdlini kaZwelonke.

(8) Ilungu leNdlu kaZwelonke ngeke lisebenze imikhawulo edlulile kwemibili ilandelana njengelungu leNdlu kaZwelonke.

Abangafanele ukuba amalungu eNdlu kaZwelonke

30. Umuntu akufanele abe ilungu leNdlu kaZwelonke uma lowo muntu—

(a) eyilungu lomkhandlu kamasipala, ilungu lesishayamthetho sesifundazwe noma ilungu lePhalamende;

(b) ngesikhathi kukhethwa amalungu eNdlu kaZwelonke, eboshiwe;

(c) wamenyezelwa njengohlulekile ukukhokha izikweleti;

(d) engaphilile kahle ekhanda futhi wamenyezelwa inkantalo;

(e) walahlwa icala lobulelesi waboshwa isikhathi esidlulile ezinyangeni eziyi-12 eanganikezwa ithuba lokukhokha inhlawulo, eRiphabhuliki noma ngaphandle kwaseRiphabhuliki, uma ukuziphatha kulelo cala bekuzoba icala eRiphabhuliki, kodwa akekho umuntu okuzothathwa ngokuthi ugwetshiwe kuze kufakwe isicelo sokudluliswa kwecala elimlahlile noma isigwebo sesinqunyiwe noma kuze kuphele isikhathi sokudlulisa icala;

(f) ongelona ilungu lendlu yesifundazwe;

(g) engesona isakhamuzi saseNingizimu Afrika; noma

(h) engesona isakhamuzi saseRiphabhuliki ngokugcwele.

Ukushiya izikhundla

31. Kuvela isikhundla selungu eNdlini kaZwelonke uma—

(a) ilungu lidlula emhlabeni;

(b) ilungu lisula libhalela uNgqongqoshe isaziso;

(c) ilungu liba ngelingafanele ukuba ilungu ngokwemigomo yesigaba sama-30;

(d) uma ilungu liba ilungu lomkhandlu kamasipala ngokugcwele, ilungu lesishayamthetho sesifundazwe noma ilungu lePhalamende;

(e) uma ilungu lilahlwe icala lagwetshwa isikhathi esidlulile ezinyangeni eziyi-12 langanikezwa ithuba lokukhokha inhlawulo;

(f) ilungu likhishiwe esikhundleni ngokwaphula inqubo yokuziphatha; noma
(g) uma kuyilungu elivezwe esigabeni sama-28(1)(a), uma lelo lungu liyela ukuba ilungu lendlu yesifundazwe emkhethile, futhi uma kuyilungu elivezwe esigabeni sama-(28)(1)(b) kanye nesesi-(2), uma ilungu liyeka ukuba usihlalo noma ilungu lomkhandlu wendabuko noma wama-Khoi-San, noma omunye wayo.

Ukugcwalisa izikhala zomsebenzi

32. (1) Uma kuvela isikhala somsebenzi eNdlini kaZwelonke uNgqongqoshe kufanele, zingakapheli izinsuku eziyi-14 ngemuva kokwaziswa ngaleso sikhala somsebenzi uNobhala, azise uNdunankulu oqondene ngaleso sikhala somsebenzi.

(2) Isikhala somsebenzi eNdlini kaZwelonke kufanele, ngokulandela isigaba sama-28 nama-29, zivalwe zingakapheli izinsuku ezingama-45 zivulekile, ngokuba kukhethwe ilungu likhethelwe lowo mkhawulo ongakapheli wesikhundla selungu elikhethelwa sona, futhi ngendlela efanayo naleyo okwaqokwa ngayo ilungu laphambilini.

Izihlalo nemihlangano yeNdlu kaZwelonke

33. (1) *(a)* Umhlangano wokuqala weNdlu kaZwelonke ngemuva kokwakhiwa kwayo ngokwemigomo yesigaba sama-28 nama-29, kufanele ibanjwe ngeiskhathi futhi endaweni ezonqunywa uBobhalam, ngokulandela isigatshana sesi-(5) .

(b) UMongameli noma umuntu amqokile kufanele athule inkulumo uma sekuvulwa ngokusemthethweni iNdlu kaZwelonke.

(2) Imihlangano ejwayelekile yeNdlu kaZwelonke, ngokulandela isigatshana sesi-(5), ingenziwa endaweni nangesikhathi esinqunywe uNobhala ngokuxoxisana noSihlalo.

(3) Imihlangano ekhethekile yeNdlu kaZwelonke, ngokulandela isigatshana sesi-(5), ingabanjwa endaweni nangesikhathi esinganqunywa iKomidi yeziPhathimandla zeNdlu kaZwelonke noma, uma iKomidi yeziPhathimandla igunyaze uSihlalo weNdlu kaZwelonke: Inqobo nje uma uNgqongqoshe ngezikhathi ezihlukene engayalela iNdlu kaZwelonke ukuba ibambe imihlangano ekhethekile ukuze idingide izindaba ezisemqoka ngesikhathi nasendaweni enqunywe uNgqongqoshe.

(4) INdlu kaZwelonke kumele okungenani ihlangane kanye ekoteni ngesikhathi sokuhlala kwePhalamende.

(5) Inhloko engamele iNdlu kaZwelonke izinze lapho kuzinze khona ikomkhulu loMnyango futhi imihlangano yeNdlu kaZwelonke ingabanjelwa enhlokweni engamele noma ePhalamende.

(6) Inani eligunyaza imihlangano yeNdlu kaZwelonke ngamaphesenti angamashumi amahlanu nelilodwa enani lamalungu eNdlu kaZwelonke.

(7) Izinqumo zeNdlu kaZwelonke kufanele zithathwe ngokuvumelana, noma uma kuvotwa, kulandelwe isigatshana sesi-(6), samalungu amabili kwamathathu akhona futhi avotayo emihlanganweni.

Usihlalo nephini likasihlalo beNdlu kaZwelonke

34. (1) Emhlanganweni wokuqala ngemuva lokuba isisunguliwe ngokulandela isigaba sama-28 nama-29, iNdlu kaZwelonke kufanele, noMongameli noma nomunye umuntu oqokwe uMongameli owengamele, bakhetha ilungu elilodwa ukuba libe usihlalo futhi kufanele ngemuva kwalokho akhethe omunye umuntu ozoba iphini likasihlalo.

(2) Usihlalo unikezwe eonke amandla nemisebenzi ethweswe usihlalo ngokwemigomo yalo Mthetho, imithetho nemiyalelo yeNdlu kaZwelonke.

(3) Usihlalo ungamela imihlangano yeNdlu kaZwelonke.

(4) Uma usihlalo engekho noma engeke akwazi ukuqhuba imisebenzi noma ukusebenzisa amandla athweswe isikhundla sikasihlao, noma uma kunesikhala sikasihlalo, iphini likashalalo kufanele libambele usuhlalo ngesikhathi usihlalo engekho noma kuze kukhethwe usihlalo.

(5) Uma bobabili usihlalo nephini likasihalalo bengekho, ilungu leNdlu kaZwelonke eliqokwe ngokwemigomo yemithetho nemiyalelo yeNdlu kaZwelonke kufanele lisebenze njengosihlalo uma kunalezi zimo ezibaluliwe.

(6) Iphini likasihlalo noma ilungu eliqokwe ngokwemigomo yalo Mthetho, elisebenza njengosihlalo, lingasebenzisa amandla futhi liqhube imisebenzi ethweswe usihlalo kuleso sikhundla.

(7) Ngesikhathi lingamele umhlangano weNdlu kaZwelonke, ilungu leNdlu linevoti elijwayelekile nevoti elingunqamulajuqu uma amavoti elingana.

(8) Usuhlalo noma iphini likasihlalo kufanele lishiye isikhundla uma uma sekungafanele libe sesikhundleni ngokwemigomo yesigaba sama-30.

(9) Uma isikhundla sikasihlalo sivela, uNgqongqoshe noma umuntu oqokwe uNgqongqoshe kufanele angamele ukhetho lelungu leNdlu kaZwelonke ukuvala leso sikhala.

(10) Uma kuvela isikhundla sephini likasihlalo, usihlalo kufanele angamele ukhetho lwelungu leNdlu kaZwelonke ukuvala leso sikhala.

(11) Uma isikhundla sikasihlalo nephini likasihlalo beNdlu kaZwelonke sivela, iNdlu kaZwelonke kufanele, ngokubambisana noNgqongqoshe noma umuntu oqokwe uNgqongqoshe ongamele, bakhetha amalungu eNdlu kaZwelonke ukuvala lezo zikhala.

(12) Usihlalo noma iphini likasihlalo bangaphinda bakhethwe futhi: Inqobo nje uma lingekho ilungu elizoba usihlalo noma iphini likasihlalo eNdlini kaZwelonke izikhawu ezimbili zilandelana.

Isimo samalungu endlu kaZwelonke

35. (1) Usihlalo nephini likasihlalo bangamalungu eNdlu kaZwelonke ngokugcwele.

(2) UNgqongqoshe, ngemuva kokuxoxisana neNdlu kaZwelonke futhi ngokulandela isigatshana soku-(1), kufanele anqume ukuthi amanye amalungu angamalungu eNdlu ngokugcwele..

Imisebenzi yeNdlu kaZwelonke

36. (1) Imisebenzi yeNdlu kaZwelonke uku—

(a) sebenzisana nezindlu zezifundazwe zabaholi bendabuko, ukukhuthaza—

(i) indima yabaholi bendabuko nama-Khoi-San kumthethosisekelo wentando yeningi;

(ii) ukwakha isizwe;
(iii) ukuthula, ukusimama nobumbano emiphakathini;
(iv) ukugcina ukuzwana nokusimamisa umphakathi;
(v) ukugcina isiko nezendabuko emiphakathini;
(vi) ukuthuthukisa umnotho nenhlalakahle nokunikezela ngezidingo;
(vii) inhlalakahle eimiphakathini; kanye
(viii) nenguquko nokwamukela umthetho wesintu nenkambiso ukuze kulandelwe imibandela yoMqulu wamaLungelo kuMthethosisekelo, ikakhulukazi ngoku—
(aa) nqanda ukucwasana;
(bb) khuthaza ukulingana; futhi
(cc) ngokukhuthaza ukumelwa kobulili ngokuthatha kwabalandelayo ezikhundleni zobuholi bendabuko nobuholi bama-Khoi-San; futhi
(b) qhakambisa ukusebenzisana phakathi kweNdlu kaZwelonke nezinye izindlu zezifundazwe ngenjongo yokudingida izindaba ezihambiselanayo.

(2) INdlu kaZwelonke—
(a) kufanele idingide iMithethosivivinywa yePhalamende ethunyelwe kuyona uSihlalo wePhalamende ngokwemigomo yesigaba sama-39;
(b) ingaluleka uhulumeni kazwelonke futhi yenze izincomo mayelana—
(i) nezindaba ezihambisana nenqubomgomo nomthetho ophathelene nobuholi bendabuko nobuholi bama-Khoi-San;
(ii) indima edlalwa abaholi bendabuko nobuholi bama-Khoi-San ;
(iii) umthetho wesintu; kanye
(iv) nenkambiso yemiphakathi ukubheka uhlelo lomthetho wesintu;
(c) ingaphenya futhi inikeze ngemininingwane yobuholi bendabuko nobuholi bama-Khoi-San, imiphakathi yendabuko, umthetho wesintu nenkambiso;
(d) kufanele, uma icelwa uNgqongqoshe, iluleke ilungu leKhabhinethi kaZwelonke, imluleke mayelana nodaba oluvezwe kulesi sigaba;
(e) kufanele ihambisane futhi iseke umsebenzi eizngeni likahulumeni kazwelonke;
(f) ingakha ubudlelwano bokusebenzisana nohulumeni eizngeni likazwelonke mayelana nentuthuko nokunikezela ngezidingo;
(g) ingabamba iqhaza futhi yakhe ubudlelwane ezinhlelweni zamazwe omhlaba nezikazwelonke okuhloswe ngazo ukuthuthukisa imiphakathi yasemakhaya;
(h) ingabamba iqhaza emizamweni kazwelonke okuhloswe ngayo ukuqapha, ukubuyekeza nokuhlola izinhlelo zikahulumeni emiphakathini yasemakhaya; futhi
(i) kufanele iqhube imisebenzi enganqunywa uMongameli noma uNgqongqoshe noma engahlinzekelwa ngokomthetho.

(3) Ilungu leKhabhinethi kaZwelonke elibhekele izinhlelo zentuthuko kuhulumeni kazwelonke ezinomthelela noma ezingaba nomthelela emiphakathini yendabuko noma yama-Khoi-San, kufanele l ixhumane neNdlu kaZwelonke ngaphambi kokuba lolo hlelo luqalwe, luchitshiyelwe noma lumiswe.

Ukusingathwa kwendlu kaZwelonke

37. (1) UMqondisi-Jikelele woMnyango, ngokuxoxisana nosihlalol weNdlu kaZwelonke futhi ngokulandela imithetho elawula umsebenzi kahulumeni, angaphakamisa noma aqokee abasebenzi abaningi eMnyangweni abona ukuthi bafanele, ukuqhuba umsebenzi wokungamela iNdlu kaZwelonke.

(2) UMqondisi-Jikelele woMnyango kufanele, ngokwemigomo yomthetho ongamela umsebenzi kahulumeni futhi ngokuxoxisana nosihlalol weNdlu kaZwelonke, aqoke umuntu ozoba uNobhala weNdlu, okufanele—

(a) aqhube imisebenzi noma asebenzise amandla aslulisselwe noma athweswe uSihlalo ngalo Mthetho, nemithetho kanye nemiyalelo yeNdlu kaZwelonke; futhi

(b) ngokulandela imiyalelo yeNdlu kaZwelonke, kufanele aqhube lowo msebenzi ohambisana nokuqhuba umsebenzi noma nokusebenzisa amandla eNdlu kaZwelonke; futhi

(c) aqikelele ukuthi iNdlu kaZwelonke namanye amakomidi eNdlu enza noma aqhuba imisebenzi, izibophezelo kanye nejoka ngendlela efanele futhi angasaphazi imali.

(3) UNobhala kufanele asekwe uma eqhuba imisebenzi noma esebenzisa amandla ezikhundla zoMnyango eziphakanyiswe noma eziqokwe ngokwemigomo yesigatshana soku-(1) ziqokelwa lowo msebenzi.

Imisebenzi yeNdlu kaZwelonke

38. (1) INdlu kaZwelonke kufanele—

(a) ihlanganise uhlelo lwamaqhinga lweminyaka emihlani futhi ilubuyekeze njalo ngonyaka;

(b) ihlanganise uhlelo lonyaka lokuqhuba umsebenzi;

(c) igcine amarekhodi afanele;

(d) ukwengeza emihlanganweni yamakota, ibambe umhlangano wonyaka nezindlu zezifundazwe ukuzobika ngemisebenzi nangemali yeNdlu kaZwelonke;

(e) ibophezele inqubo yokuziphatha;

(f) isungule ubudlelwano obusobala nezindlu zezifundazwe futhi yenze lula ukusebenzisana nokuxhumana phakathi wayo nezindlu zezifundazwe, futhi naphakathi kwezindlu ezihlukene zezifundazwe;

(g) ithwese imisebenzi ebonakalayo ukuze kusingathwe futhi kusetshenziswane eNdlini kaZwelonke futhi ibhekelele ukusingathwa jikelele kweNdlu kaZwelonke

(h) iqhakambise ukuxhumana ngokusobala nokuthatha izinqumo zokusingatha iNdlu kaZwelonke;

(i) i bandakanye uNobhala weNdlu kaZwelonke ezinqumweni ezithinta ukusingathwa jikelele kweNdlu kaZwelonke, uma kwenzeka;

(j) ikhuthaze ukulingana, ukungenzeleli, ukuvuleleka, ukungacwasi nokweseka zonke izindlu zezifudnazwe; futhi

(k) ihlinzekele ngokulingana, ukungenzeleli, ukuvuleleka, ukungacwasi nondawo yokweseka amalungu eNdlu kaZwelonke.

(2) *(a)* Uhlelo lwamaqhinga nohlelo lonyaka lwendlela yokuqhuba umsebenzi oluvezwe esigatshaneni soku-(1)*(a)* no *(b)* kufanele luthunyelwe kuNgqongqoshe ukuze alugunyaze, ngaphambi kosuku olunqunywe uNgqongqoshe.

(b) INdlu kaZwelonke kufanele ithumele umbiko wekota kuNgqongqoshe omayelana nohlelo lwamaqhinga nohlelo lonyaka lokuqhutshwa komsebenzi.

(c) INdlu kaZwelonke, kufanele zingakapheli izinsuku ezingama- 60 ngemuva kokuba uNgqongqoshe esegunyaze uhlelo lwamaqhinga

noma uhlelo lwamaqhinga olubuyekezwayo njengoba kuvezwe esigatshaneni soku-(1)*(a)*, ethule uhlelo lwamaqhinga ePhalamende.

(3) Uma kwenzeka, iNdlu kaZwelonke kufanele, –

(a) inqume izizathu zokuthi kungani izimfanelo zabantu besifazane abangokukodwa kokuthathu abamele abantu besifazane endlini yesifundazwe kungakahlangatshezwana nazo; futhi

(b) ekuxoxisaneni nendlu yesifundazwe eqondene, inqume izizathu zokuthi kungani lezi zimfanelo indlu yasekhaya, umkhandlu wengonyama noma wendlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye noma umkhandlu wama-Khoi-San, futhi yenze izincomo kuNgqongqoshe nakuNdunankulu, endlini nasemkhandlwini oqondene nokuthi kungaqhakanjiswa kanjani ukumelwa kwabantu besifazane kuleyo ndlu noma emkhandlwini ukuqinisekisa ukuthi izimfanelo zokukodwa kokuthathu kuhlangatshezwana nazo.

Ukudlulisa iMithethosivivinywa eNdlini kaZwelonke

39. (1) *(a)* UMthethosivivinywa wasePhalamende ongaba nomthelela emiphakathini yendabuko noma emiphakathini yama-Khoi-San noma ohambisana nomthetho wesintu noma nenkambiso yendabuko noma nemiphakathi yamaKhoi-San noma ephathelene nodaba oluvezwe esigabeni se-154(2) soMthethosivivinywa kufanele, ngaphambi kokuba ugunyazwe indlu yePhalamende lapho wethulw akhona, uNobhala wePhalamedne awuthumele eNdlini kaZwelonke ukuze iphawule.

(b) INdlu kaZwelonke kufanele, zingakapheli izinsuku ezingama-60 kusukela ngosuku lokuwudlulisa, aphawule futhi uma ifisa bese ithumela leyo mibono kuNobhala wePhalamende: Inqobo nje uma iNdlu kaZweleonke ingadlulisela uMthethosivivinywa ofana nalo endlini yesifundazwe ukuze iphawule: Futhi uma iNdlu kaZwelonke ingenayo imibono kuMthethosivivinywa odluliselwe kuyona, iNdlu kaZwelonke kufanele yazise uNobhala wePhalamende ngendlela efanele.

(2) Isishayamthetho sesifundazwe noma umkhandlu kamasipala ungamukela inqubo efanayo naleyo evezwe esigatshaneni soku-(1) mayelana nokuthunyelwa koMthethosivivinywa wesifundazwe noma umthetho kamasipala ohlongozwayo endlini yesifundazwe noma endlini yasekhaya, noma enye yazo.

Ubudlelwano phakathi kweNdlu kaZwelonke, izingonyama nezindlovukazi

40. INdlu kaZwelonke ingahlangana naezingonyama nezindlovukazi ezamukelwe ukuzoxoxa—

(a) ngemisebenzi nezinhlelo zendlu kaZwelonke;

(b) izindaba ezisemqoka zamakhosi nezindlovukazi;

(c) izindaba ezihambisana nokuthunyelwa kwezidingo nentuthuko emiphakathini yendabuko; kanye

(d) nezinye izindaba eziveziwe futhi zaphakanyiswa olunye uhlangothi futhi kwavunyelwana ngazo izinhlangothi zombili.

Ubudlelwano phakathi kweNdlu kaZwelonke nezindlu zesifundazwe

41. (1) INdlu kaZwelonke inga—

(a) phenya izindaba ezidluliselwe kuyona izindlu yesifundazwe futhi yenze nezincomo ngazo;

(b) iluleke izindlu zesifundazwe mayelana nokusingathwa kwezindaba zazo; futhi

© ibambe umhlangano nendlu yesifundazwe ukuzodingida inqubekela phambili ngezindaba ezihambisana nezinto ezijwayelekile nenhlalakahle emiphakathini yendabuko neyama-Khoi-San.

(2) Uma iNdlu kaZwelonke ifisa ukusebenzisana nendlu yasekhaya noma nomkhandlu wendabuko noma nomkhandlu wamaKhoi-San, lokho kusebenzisana kufanele kwenziwe ngokuxoxisana nendlu yesifundazwe eqondene: Inqobo nje uma ingekho indlu yesifundazwe esisunguliwe, iNdlu kaZwelonke, ngemuva kokwazisa uNdunankulu oqondene, ingaxosana ngqo nendlu yasekhaya noma nomkhandlu wendabuko noma nomkhandlu wamaKhoi-San.

(3) Usihlalo weNdlu kaZwelonke kufanele asungule igatsha losihlalo bezindlu zesifundazwe elizoxoxisana neNdlu kaZwelonke njalo mayelana nezindaba ezifanayo.

(4) UNobhala weNdlu kaZwelonke kufanele asungule igatsha loNobhala bezindlu zezifundazwe elizoxoxisana neNdlu kaZwelonke njalo ngezindaba ezifanayo.

Ukuseka iNdlu kaZwelonke

42. (1) UMnyango kufanele useke iNdlu kaZwelonke ukusiza iNdlu kaZwelonke ukuqhuba imisebenzi ethweswe yona, futhi lokhu kweseka–

(a) kungabandakanya umbandela—

(i) wengqalasizinda;

(ii) ozonsiza zokusebenza ezivezwee sigabeni sama-37(1);

(iii) izinhlelo zokuthuthukisa amakhono; kanye

(iv) nezinhlelo zokusingatha; futhi

(b) kufanele kubandakanye usizo kwezemali.

(2) Ngokwesigatshana soku-(1)*(b)*, iNdlu kaZwelonke kufanele ithumele kuMqondisi-Jikelele woMnyango, ngaphambi kosuku olunqunywe uMqondisi-Jikelele, isilinganiso sonyaka sezindleko eonyaka olandelayo.

Umbiko wonyaka weNdlu kaZwelonke

43. (1) INdlu kaZwelonke njalo ngonyaka futhi ungakadluli umhlala 30 Juni onyakeni othile, ithumele kuNgqongqoshe umbiko omayelana nonyaka waphambilini, ngokulandela isigatshana sesi-(2), mayelana nemisebenzi nezinhlelo futhi, zingakapheli izinsuku ezingama-30 ngemuva kokuba uNgqongqoshe esegunyaze umbiko, awethule ePhalamende.

(2) Imininingwane eukethwe embikweni ovezwe esigatshaneni soku-(1), ibandakanya, imininingwane—

(a) yokwakheka kweNdlu kaZwelonke;

(b) ukuvala izikhala;

(c) abangafanele ukuba ilungu;

(d) imihlangano yeNdlu kaZwelonke, oqondene nemihlangano ebanjwa amakhosi nezindlovukazi, nemihlangano ebanjwa izindlu zesifundazwe;
(e) ukwamukelwa koMthethosivivinywa odluliselwe eNdlini kaZwelonke;
(f) ukuqhuba imisebenzi eyNdlu kaZwelonke njengoba kuveziwe esigabeni sama-36;
(g) imisebenzi yeNdlu kaZwelonke njengoba iveziwe esigabeni sama-38;
(h) isabelomali nezindleko zeNdlu kaZwelonke;
(i) udaba uMongameli noma uNgqongqoshe alukhiphele umyalelo; kanye
(j) nolunye udaba iNdlu kaZwelonke ebona lufanele.

(3) *(a)* UNgqongqoshe, ngaphambi kokugunyaza umbiko athunyelelwe wona njengoba kuveziwe esigatshaneni soku-(1), angacela ukubamba umhlangano neNdlu kaZwelonke ukuzoxoxa ngokuqukethwe umbiko.

(b) INdlu yasePhalamende, uma umbiko ovezwe esigatshaneni soku-(1) sewethulwe ePhalamende, ingacela umhlangano neNdlu kaZwelonke ukuzoxoxa ngokuqukethwe umbiko.

Amalungelo nokungezona izibophezelo kumalungu eNdlu kaZwelonke

44. (1) INdlu kaZwelonke unegunya lokulawula, ukungamela nokuxazulula izindaba zangaphakathi futhi inawo wonke lawo malungelo nokungezona izibophezelo, okunganqunywa ngoMthethosisekelo.

(2) *(a)* Amalungu eNdlu kaZwelonke anenkululeko yokukhuluma noma yini eNdlini kaZweleonke nasemakomidini ayo, ngokulandela imithetho nemiyalelo yeNdlu kaZwelonke.

(b) Amalungu eNdlu kaZwelonke ngeke athathelwe izinyathelo zomthetho noma zobulelesi, aboshwe noma ngomonakalo—
(i) wakushilo, akudalulile eNdlini kaZwelonke noma emakomidini awo; noma
(ii) okudalulwe ngesizathu salokhu akushilo eNdlini kaZwelonke noma emakomidini awo.

Umholo nenzuzo kumalungu eNdlu kaZwelonke

45. Umholo nenzuzo kumalungu eNdlu kaZwelonke kunqunywa ngokwemigomo ye-*Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998)*.

Imithetho, imiyalelo namakomidi eNdlu kaZwelonke

46. (1) INdlu kaZwelonke kufanale imise imithetho nemiyalelo ehambisana nendlela ephethe ngayo imisebenzi yayo, kubandakanya nemithetho nemiyalelo elawula—
(a) ngokwesigaba sesi-(2), ukusungulwa, ukwakheka, amandla nemisebenzi, inqubo nomkhawulo wamakomidi eNdlu kaZwelonke;
(b) inqubo ezolandelwa emihlanganweni yeNdlu kaZwelonke;
(c) imikhawulo wokufinyelele kulawo makomidi;
(d) ulwazi lwalawo makomidi lokuqhuba umsebenzi ezindaweni okungezona lezo okusetshenzelwa kuzona iNdlu kaZwelonke;
(e) ukuqokwa kwamalungu azongamela imihlangano yamakomidi eNdlu kaZwelonke; kanye

(f) nokuthamela umhlangano weNdlu kaZwelonke ngabantu abangewona amalungu eNdlu kanye nezinga lalowo muntu kulowo mhlangano.

(2) Kungaba namakomidi eziphathimandla anosihlalo nephini likasihlalo nalawo malungu avezwe esigabeni sama-29(5).

Ukuchithwa kweNdlu kaZwelonke

47. (1) INdlu kaZwelonke kufanele ichithwe—

(a) uma isiphelelwe isikhathi sokusebenza; noma

(b) ngemuva kwevoti esekwa inani lababili kokuthathu amalungu agcwele eNdlu kaZwelonke emhlanganweni weNdlu kaZwelonke obizelwe lokho: Inqobo nje uma kuleso simo iNdlu kaZwelonke kufanele iphinde isungulwe kabusha ngokulandela imibandela yesigaba sama-28 nama-29, futhi ukusungulwa kwayo kabusha kufanele isebenze isikhathi esisasele seNdlu kaZwelonke echithiwe njengoba kuveziwe esigabeni sama-27(2).

(2) Nakuba kuchithwa iNdlu kaZwelonke, uNgqongqoshe angabizela iNdlu kaZwelonke emhlanganweni ongajwayelekile ukuba izodingida izindaba ezisemqoka, esikhathini esilandela ukuchithwa kwayo kuze kube usuku olungaphambi komhlangano wokuqala weNdlu kaZweloenke elandelayo futhi ngale njongo—

(a) wonke umuntu ngosuku lokuchithwa kweNdlu kaZwelonke oyilungu, uzohlala abe ilungu leNdlu; futhi

(b) iNdlu kaZwelonke izoqhubeka nokusebenza.

Ukufunga noma isiqinisekiso samalungu eNdlu kaZwelonke

48. Amalungu eNdlu kaZwelonke kufanele, ngaphambi kokuba aqale ukuqhuba imisebenzi yawo eNdlini kaZwelonke, kufanele afungenoma enze isiqinisekiso njengoba kuveziwe esiThasiselweni sesi-2 salo Mthetho, ngaphambi kweJaji Elikhulu noma ijaji eliqokwe iJali Elikhulu.

Ingxenye 3

Izindlu zabaholi bendabuko besifundazwe nabasakhaya bamaKhoi-San

Izindlu zabaholi bendabuko besifundazwe nabasakhaya bamaKhoi-San

49. (1) Izindlu zesifundazwe zingasungulwa izifundazwe ngokwemigomo yomthetho wesifundazwe futhi ngokulandela imibandela yalo Mthetho.

(2) Umthetho wesifundazwe ovezwe esigtshaneni soku-(1) kufanele ubandakanye imibandela ehlinzekela—

(a) ngokumela abantu besifazane endlini yesifundazwe futhi okungenani oyedwa kulabo abakhethiwe abamele indlu yesifundazwe eNdlini kaZwelonke kube abantu besifazane;

(b) isikhathi sokusebenza kwezindlu zesifundazwe iminyaka emihlanu: Inqobo nje uma, nakuba kunokunye okushayisana nokuqukethwe komunye umthetho, kodwa ngokulandela isigaba sama-70(13), isikhathi sokusebenza kwendlu yesifundazwe eyasungulwa yakhiwa ngaphansi komthetho oseebnzayo ngaphambi kokuqala

ukusebenza kwalo Mthetho, sozophela mhlaka 30 Epreli 2017: Inqobo nje futhi uma esinye isikhathi sokusebenza kwezindlu zesifundazwe ezakhiwe kabusha noma ezasungulwa ngemuva kokuqala ukusebenza kwalo Mthetho, kufanele siphele njalo emva kweminyaka emihlanu mhlaka 30 Epreli, ukubala ukusuka kumhlaka 30 Epreli 2017;

(c) uma kwenzeka, ubulungu bobaholi bendabuko obusezingeni eliphezulu nobabaholi bamaKhoi-San ezindlini zesifundazwe;

(d) ngokukhethwa kwabaholi bendabuko abasesikhundleni esiphezulu uma kwenzeka, abaholi bamaKhoi-San abasesikhundleni esiphezulu njengoba kuveziwe esigabeni sama-28(1)*(a)*;

(e) uma kwenzeka, ngobudlelwano phakathi kwendlu yesifundazwe nomkhandlu wobukhosi noma wobundlovukazi noma umkhandlu wendabuko oyinhloko esifundazweni esithile; kubandakanya nemihlangano naleyo mikhandlu noma nalabo baholi bendabuko abamukelwe;

(f) nakumalungu ngokugcwele nalawo angamalungu ngokungagcwele endlini yesifundazwe; kanye

(g) ukweseka ngezokuphatha nangezimali endlini yesifundazwe,

futhi ungahlinzekela ngenqubo yokuziphatha kwamalungu endlu yesifundazwe njengoba kuveziwe ngenqubo yokuziphathi equkethwe kusiThasiselo soku-1 salo Mthetho.

(3) *(a)* Ubulungu obuvezwe esigatshaneni sesi-(2)*(c)* kufanele kwakhiwe ngendlela yokumela bobabili abaholi bendabuko abasezingeni eliphezulu nabaholi bamaKhoi-San abasezingeni eliphezulu abamelwe ezindlini zasekhaya bamelwe endlini yesifundazwe ngengxenye efanayo naleyo abamelwe ngayo kulezo zindlu zasekhaya: Inqobo nje uma indlu yasekhaya inomholi oyedwa osezingeni eliphezulu wamaKhoi-San oyilungu, lowo mholi wamaKhoi-San osezingeni eliphezulu kufanele abe ilungu lendlu yesifundazwe esiqondene.

(b) Ukuthi abaholi bendabuko abasezingeni eliphezulu noma abaholi bamaKhoi-San abasezingeni eliphezulu kuphela abamukelwe esifundazweni akuvimbeli isifundazwe ukuba sisungule indlu yesifundazwe.

(4) Amalungu endlu yesifundazwe kufanele, ngaphambi kokuba aqale ukuqhuba imisebenzi yawo endlini yesifundazwe, afunge noma anikeze isiqiniseko njengoba kuveziwe ngesiThasiselo sesi-2 salo Mthetho, ngaphambi kwejaji leNkantolo Ephakeme eqokwe iJaji Elingamele eliqondene nalokho.

Izindlu zendawo zabaholi bendabuko nabaholi bamaKhoi-San

50. (1) Ngokwemibandela yalo Mthetho nezimiso zomthetho ezihambisana nezindlu zasekhaya njengoba kuveziwe esigatshaneni se-(11), uNdunankulu angasebenzisa isaziso kuSomqulu wesifundazwe ukusungula indlu yasekhaya yabaholi bendabuko nabaholi bamaKhoi-San kumagunya amathathu kamasipala wendawo, umasipala wedolobha elikhulu lapho kukhona umkhandlu wendabuko owodwa noma engaphezulu kweminili noma imikhandlu yamaKhoi-San.

(2) Indlu yasekhaya kufanele ingabi namalungu angaphansi kwayisihlanu, okufanele elilodwa lawo kube umholi wendabuko osesikhundleni esiphezulu noma umholi wamaKhoi-San osesikhundleni esiphezulu.

(3) Bonke abaholi bendabuko abasesikhundleni esiphezulu nabaholi bamaKhoi-San abahlala endaweni yegunya likamasipala wasekhaya, umasipala wedolobha elikhulu noma umasipala omkhulu bangamalungu endlu yasekhaya esungulwe kuleyo ndawo.

(4) Uma endaweni kamasipala wasekhaya, umasipala wesifunda noma kamasipala wedolobha elikhulu—

(a) kunomkhandlu wendabuko owodwa noma umkhandlu owodwa wamaKhoi-San, indlu yasekhaya inamalungu amane ekhethwe umkhandlu wendabuko noma umkhandlu wamaKhoi-San kumalungu awo nomholi wendabuko osesikhundleni esiphezulu noma umholi wamaKhoi-San osesikhundleni esiphezulu owayeyilungu nosihlalo wendlu yasekhaya;

(b) uma isihlanene iminingi kunowodwa kodwa ayidluli emikhandlwini yendabuko emihlanu, imikhandlu yamaKhoi-San, imikhandlu yendabuko engaphansi kweminye noma amagatsha, indlu yasekhaya—

(i) inabaholi bonke bendabuko abasesikhundleni esiphezulu nabaholi bamaKhoi-San abasesikhundleni esipheuzlu;

(ii) bonke osihlalo bale mikhandlu engaphansi kweminye; futhi

(iii) zonke izinhloko zamagatsha alawa magatsha:

Inqobo nje uma kunelilodwa—

(aa) igatsha lomphakathi ofanayo wamaKhoi-San, umkhandlu wamaKhoi-San kufanele ukhethe inhloko yegatsha eyodwa;

(bb) umkhandlu wendabuko ongaphansi komunye womphakathi wendabuko ofanayo, umkhandlu wendabuko kufanele ukhethe usihlalo oyedwa,

abe ilungu lendlu yasekhaya: Inqobo nje futhi uma kunenani labaholi bendabuko abasesikhundleni esiphezulu, abaholi bamaKhoi-San abasesikhundleni esiphezulu, izinhloko zamagatsha nosihlalo bemikhandlu yendabuko engaphansi kweminye engadlulile kwemihlanu , abaholi bendabuko abasesikhundleni esiphezulu nabaholi bamaKhoi-San abasesikhundleni esiphezulu kufanele baqoke inani lamalungu elidingekayo emikhandlwini yabo: Inqobo nje futhi uma umholi wendabuko osesikhundleni esiphezulu oyedwa noma umholi wamaKhoi-San osesikhundleni esiphezulu kufanele aqoke, labo abaqokile kufanele baqokwe ngokuvumelana nabaholi bendabuko abasesikhundleni esiphezulu abaqondene nabaholi bamaKhoi-San abasesikhundleni esiphezulu, noma omunye kulaba;

(c) uma iyonke idlula imikhandlu yendabuko emihlanu, imikhandlu yamaKhoi-San, imikhandlu yendabuko engaphansi kweminye noma amagatsha, indlu yasekhaya yakhiwe—

(i) bonke abaholi bendabuko abasesikhundleni esiphezulu nabaholi bamaKhoi-San abasesikhundleni esiphezulu;

(ii) bonke osihlalo bemikhandlu engaphansi kweminye; kanye

(iii) nazo zonke izinhloko zamagatsha kulawo magatsha:

Inqobo nje uma kunelolodwa—

(aa) igatsha lomphakathi wamaKhoi-San ofanayo, umkhandlu wamaKhoi-San kufanele ukhethe inhloko yegatsha eyodwa;

(bb) umkhandlu wendabuko ongaphansi komunye womphakathi wendabuko ofanayo, umkhandlu wendabuko kufanele ukhethe usihlalo oyedwanjengelungu lendlu yasekhaya.

(5) Uma indawo yomkhandlu wendabuko izinze komasipala bendawo abangaphezulu kowodwa noma kumasipala wasekhaya nowesifunda noma wendawo kanye nowasedolobheni elikhulu—

(a) umholi wendabuko osesikhundleni esiphezulu uyilungu lendlu yasekhaya lapho ehlala khona; futhi

(b) umkhandlu wendabuko kufanele ukhethe induna ezindaweni ezikomasipala wasekhaya, isifunda noma bamadolobha amakhulu okungeyona keyo ndawo lapho

kuhlala khona umholi wendabuko osesikhundleni esiphezulu, ukuba abe ilungu lendlu yasekhaya eqondene.

(6) Imisebenzi yendlu yasekhaya—

(a) ukululeka umasipala wasekhaya, wesifunda noma wedolobha elikhulu mayelana —

(i) nezindaba ezimayelana nomthetho wesintu, inkambiso, ubuholi bendabuko nobamaKhoi-San nemiphakathi yendabuko nemiphakathi yamaKhoi-San kulaba omasipala;

(ii) ukuthuthukisa uhlaka lokuhlela olunomthelela emiphakathini yendabuko nemiphakathi yamaKhoi-San; futhi

(iii) ukuthuthukisa imitheth yomasipala enomthelela emiphakathini yendabuko nasemiphakathini yamaKhoi-San;

(b) ukubamba iqhaza ezinhlelweni zasekhaya ekufanele ezinentuthuko emiphakathini yendabuko nasemiphakathini yamaKhoi-San; kanye

(c) nokubamba iqhaza emizamweni yasekhaya okuhlose ngayo ukuqapha, ukubuyekeza noma ukuhlola izinhlelo zikahulumeni emiphakathini yendabuko nasemiphakathini yamaKhoi-San.

(7) Indlu yasekhaya kufanele okungenani ihlangane kanye ngonyaka.

(8) Umkhawulo wokusebenza kwendlu yasekhaya iminyaka emihlanu: Inqobo nje uma, nakuba kunokunye okushayisana nokuqukethwe komunye umthetho, kodwa ngokwesigaba sama-70(14), igama lendlu yasekhaya eyasungulwa futhi yakhiwo ngokwemigomo yomthetho oseebnzayo ngaphambi kokuqala ukusebenza kwalo Mthetho, uzophela mhlaka 31 Mashi 2017: Inqobo nje futhi uma umkhawu wesikhundla sezindlu zasekhaya wakhiwe kabusha noma usungulwe ngemuva kokuqala ukusebenza kwalo Mthetho, kufanele uphele njalo emva kweminyaka emihlanu mhlaka 31 Mashi, kubalwe ukusuka mhlaka 31 Mashi 2017.

(9) abaholi bendabuko nabaholi bama-Khoi-San ababamba iqhaza kokuqhutshwa umkhandlu kamasipala njengoba kuveziwe esigabeni sama-81 se-*Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*, kufanele babike ngokuzibandakanya kwabo ngokulandela imibandela yaleso sigaba.

(10) Isifundazwe kufanele siseke ngokusingatha nangezimali izindlu zasekhayalolo sizo lubandakanya, ihhovisi nabasebenzi: Uma izindlu zasekhaya zisungulwe endaweni yegunya lomasipala basekhaya, usizo lwezokuphatha kulezi zindlu kufanele luthunyelwe lune umsebenzi wokwabelana esifundeni noma ezingeni ledolobha elikhulu.

(11) UNgqongqoshe ngokulandela imibandela yesigaba sama-67, angamisa izimiso zomthetho ezimayelana—

(a) namalungu angafanele ukuba awendlu yasekhaya;

(b) amalungelo nokungabophezelekile kumalungu endlu yasekhaya;

(c) uma kwenzeka, ukukhethwa kwabamele indlu ethile yesifundazwe;

(d) nemihlangano nendlu yasekhaya, kubandakanya nenani lamalungu agunyaza umhlangano nenani eliningi elidingekayo;

(e) ukushiya izihlalo nokuvala izikhala;

(f) ngokwesigatshana sesi-(6), amandla, imisebenzi nezibophezelo zendlu yasekhaya;

(g) ngokwesigatshana sesi-(4)*(a)*, usihlalo nephini likasihlalo bendlu yasekhaya;

(h) imithetho nemiyalelo yendlu yasekhaya;

(i) ngokwesigatshana se-(10), ukweseka ngokungamela nangezimali okuzonikezwa indlu yasekhaya;
(j) ubudlelwano phakathi kwezindlu zasekhaya nendlu yesifundazwe ngokubheka imibandela yesigaba sama- 41;
(k) ikhambi nenqubo ezovumela inani elifanele lokumelwa kwabesifazane ezindlini zasekhaya; kanye
(l) nenqubo yokuziphatha kumalungu ezindlu zasekhaya ehambisana nenqubo yokuziphatha equkethwe esiThasiselweni soku-1 salo Mthetho.

12) UNdunankulu angamisa izimiso zomthetho mayelana nezindaba ezibalulwe esigatshaneni se-(11): Uma lezi zimiso zomthetho zingeke zishayisane nezimiso zomthetho ezamiswa uNgqongqoshe ngokwemigomo yesigatshana se-(11): Futhi uma imibandela yesigaba sama- 67(2)*(a)* isebenza nezinguquko ezifanele ezimisweni zomthetho ezamiswa uNdunankulu ngokwemigomo yalesi sigatshana.
(13) Amalungu endlu yasekhaya kufanele, ngaphambi kokuba aqale imisebenzi yawo endlini yasekhaya, afunge noma enze isiqinisekiso esivezwe esiThasiselweni sesi-2 salo Mthetho, ngaphambi kwejaji leNkantolo Ephakeme eliqokwe iJaji Elikhulu liqokelwa leyo njongo.

ISAHLUKO 4
IKKHOMISHANA NEKOMIDI ELILULEKAYO

Ingxenye 1
IKhomishana yezingxabano nezinsolo okuqondiswe kubaHoli beNdabuko

Ukusungulwa kweKhomishana

51. (1) Ngakho-ke sekusungulwe iKhomishana ngokwesigaba sama-70(10), ebizwa ngokuthi iKhomishana yezingxabano nezinsolo okuqondiswe kubaHoli beNdabuko.
(2) Le Khomishana kufanele iqhube umsebenzi ngendlela engenzeleli, efanayo futhi engacwasi.

Ukuqokwa kwamalungu eKhomishana

52. (1) *(a)* Ngokwesigaba sama-70(10), Ngemuva kokuxoxisana neNdlu kaZwelonke, uNgqongqoshe kufanele aqoke usihlalo, iphini likasihlalo nabanye abantu abangadlulile kwabathathu abanolwazi ngomthetho wesintu, inkambiso nokuqhutshwa kobuholi bendabuko, ukuba babe amalungu eKhomishana, isikhathi esingadlulile iminyaka emihlanu njengoba kuveziwe esigabeni sama-56(4)*(b)* noma esinye isikhathi uNgqongqoshe angasinquma ngesaziso kuSomqulu.
(b) UNgqongqoshe kufanele ashicilele kuSomqulu igama likasihlalo, iphini likasihlalo nabanye abantu abaqokwe njengamalungu eKhomishana, nosuku abaqokwe ngalo.
(2) Ilungu leKhomishana liyilungu ngokugcwele noma ngokungagcwele, ngendlela uNgqongqoshe anganquma ngayo.
(3) Iphini likasihlalo weKhomishana kufanele libe usihlalo uma usihlalo weKhomishana engekho.
(4) Uma ilungu leKhomishana lidlula emhlabeni noma lishiya isikhundla salo ngaphambi kokuphela kwesikhathi elaqokelwa sona, uNgqongqoshe

kufanele aqoke, ngokulandela imibandela yesigatshana soku-(1), umuntu ozogcwalisa isikhala leso sikhathi esingakapheli lelo lungu elaliqokelwe sona.

(5) Ngokwe-*Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)*, uNgqongqoshe angasusa ilungu leKhomishana ngezizathu—

(a) zokulahlwa icala laboshwa isikhathi esidlulile ezinyangeni eziyi-12 ngaphandle kokukhokhiswa inhlawulo;

(b) inkantolo imemezele ukuthi lelo lungu selahlulw aukukhokha izikweleti;

(c) lelo lungu limenyezelwe njengelingaphili kahle ekhanda noma njengelingathathi kahle ngokomqondo; futhi

(d) lingaziphethe kahle, lingakwazi ukusebenza noma lihlulwa ukusebenza.

(6) *(a)* Isinqumo sokususa ilungu njengelungu leKhomishana ngezizathu zokungaziphathi kahle noma ukuhlulwa ukusebenza kufanele zisuselwe kumphumela wekomidi ephenyayo eqokwe uNgqongqoshe.

(b) UNgqongqoshe angamisa ilungu leKhomishana eliphenywayo ngokwemigomo yendima *(a)*.

Izikhala zomsebenzi

53. Isikhala somsebenzi esivela uma ilungu leKhomishana—

(a) lisula ngokubhalela uNgqongqoshe isaziso;

(b) lisusiwe ngokwemigomo yesigaba sama-52(5); noma

(c) liba ilungi lesiGungu sikaZwelonke, ilungu lesishayamthetho sesifundazwe, ilungu eligcwele lomkhandlu kamasipala noma isithunywa gokugcwele soMkhandlu weziFundazwe kazwelonke.

Imibandela yokuqokwa kwamalungu eKhomishana

54. (1) Ngemuva kokuxoxisana noNgqongqoshe weziMali, uNgqongqoshe kufanele anqume imibandela yokuqokwa kwamalungu eKhomishana, ngokubheka—

(a) indima, umsebenzi nezibophezelo zamalungu eKhomishana;

(b) ulwazi lwemisebenzi yeKhomishana; kanye

(c) izinga lamakhono nolwazi oludingeka kumalungu eKhomishana.

(2) Imibandela yokuqokwa ingahluka—

(a) kusihlalo namalungu eKhomishana;

(b) amalungu ngokugcwele nangamalungu ngokungagcwele; kanye

(c) nezinye izimo ezifanele.

Ukuseka nemibiko yeKhomishana

55. (1) *(a)* UMnyango kufanele uhlinzekele ngokungamela nangezimali iKhomishana ukuzsiza iKhomishana ukuqhuba imisebenzi ethweswe iKhomishana.

(b) IKhomishana, ngokulandela imibandela ye-*Public Finance Management Act, 1999 (Act No. 1 of 1999)*, ingaqoka umuntu noma isikhungo esizoqhuba ucwaningo lwayo.

(2) Njalo ngekota noma uma icelwa uNgqongqoshe, iKhomishana kufanele ithumele umbiko ogcwele kuNgqongqoshe omayelana nemisebenzi yayo.

Imisebenzi yeKhomishana

56. (1) IKhomishana isebenza kazwelonke kumakomidi ezithangamu nawezifundazwe futhi inegunya lokuphenya nokwenza iziphakamiso ngezingxabano nezinsolo zobukhosi bendabuko ezivezwe esigatshaneni sesi-(2).

(2) *(a)* IKhomishana kufanele iphenye futhi yenze ziphakamiso mayelana—

(i) ezimweni lapho kunokungabaza ukuthi ngabe ubukhosi noma ubundlovukazi, ubuholi bendabuko obuyinhloko, ubuholi bendabuko obusesikhundleni eisphezulu, induna kwasungulwa ngokulandela umthetho wesintu nenkambiso;

(ii) nesikhundla sobuholi bendabuko izinga laso noma amalungelo alowo muntu kunempikiswano ngawo;

(iii) izicelo zemiphakathi zokwamukelwa njengenkosi noma indlovukazi,imiphakathi yendabuko eyinhloko, imiphakathi yendabuko noma izinduna;

(iv) ukuba semthethweni kokusungulwa noma kokuchithwa "kwesizwe" noma kwezinduna;

(v) izingxabano ezibangelwa ukunqunywa kwemingcele yegunya kwezendabuko ngoba kuhlanganiswa noma kuhlukaniswa "izizwe";

(vi) zonke izicelo zobukhosi bendabuko nezingxabano okufakwe kusukela mhlaka 1 Septhemba 1927 kuze kuqale ukusebenza umthetho wesifundazwe obhekene nobukhosi bendabuko nezindaba zokungamela: Inqobo nje uma iKhomishana ingabheka noma yini esebenza eizngxabanweni noma ezicelweni zangaphambi komhlaka 1 Septhemba 1927; kanye

(vii) nezindaba eziphathelene nobulili bezikhundla zabaholi bendabuko ezivele ngemuva komhlaka 27 Epreli 1994.

(b) Ingxabano noma isicelo okuvezwe kulo Mthetho kungafakwa inoma ubani futhi kufanele kuhambisane nemininingwane eveza umsuka wengxabano noma wesicelo neminye imininingwane esemqoka.

(c) IKhomishana inganquma ukungayibheki ingxabano noma isicelo ngezizathu zokuthi umuntu ofake leyo ngxabano noma leso sicelo akanikezanga iKhomishana imininingwane efanele noma eyanele.

(3) *(a)* Uma kubhekw aingxabano noma isicelo, iKhomishana kufanele ibheke futhi isebenzise umthetho wesintu nenkambiso yomphakathi wendabuko oqondene esebenzayo kuleso simo esibangele ingxabano noma isicelo.

(b) IKhomishana kufanele—

(i) mayelana nobukhosi noma nobundlovukazi, ilandele inqubo efanele evezwe esigabeni sesi-3 nesesi-8; futhi

(ii) mayelana nokukhosi bendabuko obuyinhloko, ubuholi bendabuko obusesikhundleni esiphezulu, induna, bulandele umthetho wesintu nenkambiso nenqubo yokusungulwa kobukhosi bendabuko obuyinhloko, ubuholi bendabuko obusesikhundleni esiphezulu, noma izinduna , noma okunye kwakho, njengoba kuveziwe kulo Mthetho.

(c) Uma iKhomishana iphenya izingxabano ezibangelwe ukunquma imingcele yegunya lendabuko noma ukuhlanganisa noma ukuhlukanisa "izizwe", iKhomishana kufanele, ngaphambi kokuba yenze izincomo ngokwemigomo yesigaba sama-57, ixoxisane neBhodi kaMasipala Enqumayo esungulwe ngesigaba sesi-2 se-*Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998)*, lapho umkhandlu wendabuko ithinta imingcele yomasipala ababili kanye noma imingcele yessifundazwe.

(4) Ngokwesigatshana sesi-(5) iKhomishana—

(a) ingaphenya kuphela futhi yenze izincomo ngalezo zingxabano nezicelo obekufekwe kuKhomishana ngaphambi komhlaka 1 Agasti 2010; futhi
(b) ngokwesigatshana sama-70(10) , kufane iphothule izindaba ezivezwe endimeni *(a)* esikhathini esiyiminyaka emihlanu, leso sikhathi esizoqala ngosuku lokuqokwa kwamalungu eKhomishana, noma esinye isikhathi esinganqunywa uNgqongqoshe.

(5) IKhomishana—

(a) ingadlulisa imisebenzi evezwe kulesi sigaba, ngaphandle kodaba oluhambisana nobukhosi noma ubundlovukazi, kukomidi evezwe esigabeni sama-58; futhi
(b) kufanele ihlele futhi iluleke ngomsebenzi wamakomidi ovezwe esigabeni sama-58.

(6) Isigaba sesi-2, 3, 4, 5 nesesi- 6 ze-*Commissions Act, 1947 (Act No. 8 of 1947)*, zisebenza, zisebenza, , nezinguquko ezifanale, kuKhomishana.

(7) IKhomishana ingamukela imithetho yokuqhuba umsebenzi weKhomishana neyamakomidi avezwe esigabeni sama-58.

(8) *(a)* Ingxabano yobbukhosi bendabuko ephathelene nenkosi, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, induna, ubukhosi ubundlovukazi, umphakathi wendabuko oyinhloko, umphakathi wendabuko noma nobunduna, okungeyona ingxabano idingidwe iKhomishana ngokulandela imibandela yalo Mthetho, kufanele kudingidwe uMongameli uma kuyinkosi, indlovukazi, ubukhosi noma ubundlovukazi futhi zidingizwe uNdunankulu oqondene uma kungezinye izingxabano kube uMongameli noma uNdunankulu, noma omunye wabo, kufanele—

(i) akhiphe umlayelo wokuba ikomidi ephenyayo ayiqokile iqhube uphenyo leyo komidi kufanele, uma kuyingxabano ephathelene nenkosi, indlovukazi, ubukhosi noma ubundlovukazi kubandakanya okungenani ilungu elilodwa leNdlu kaZwelonke futhi uma kungezinye izingxabano kubandakanye okungenani ilungu elilodwa lendlu yesifundazwe efanele, ukuba lihlinzekele ngombiko neziphakamiso mayelana ngalolo daba lwengxabano;

(ii) adlulisele umbiko emndenini wasebukhosini ofanele noma, uma kunesidingo, emkhandlwini wendabuko oqondene nemibono yawo ebhaliwe okufanele ithunyelwe kuMongameli noma kuNdunankulu, noma komunye wabo, zingakapheli izinsuku eziyi-60 kusukela ngosuku lokuthunyelwa kwawo.

(b) Ngemuva kokubheka umbiko wekomidi ephenyayo kanye nemibono yomndeni wasebukhosini noma umkhandlu wendabuko, uMongameli noma uNdunankulu oqondene, noma omunye wabo, kufanele athathe isinqumo ngalolu daba olususe ingxabano futhi azise izinhlangothi ezithintekayo kule ngxabano ngencwadi mayelana nesinqumo sakhe.

Izincomo zeKhomishana

57. (1) Izincomo zeKhomishana kufanele kuvunyelwane ngazo okungenani ngamalungi amabili kamathathu eKhomishana.

(2) Izincomo zeKhomishana kufanele, zingakapheli izinsuku ezinga-30 kwenziwe izincomo, zidluliselwe—

(a) kuMongameli nakuNgqongqoshe lapho isikhundla senkosi noma sendlovukazi noma sobukhosi noma sobundlovukazi esithintekayo ngalezo zincomo; futhi
(b) uhulumeni wesifundazwe oqondene namanye amagatsha aseqoka asebenzayo lapho kusebenza khona izincomo zeKhomishana ngokulandela

umthetho wesifundazwe osebenzayo, mayelana nokubheka izincomo ezingahambisani nokwamukelwa noma ukuhoxiswa kokwamukelwa kobukhosi noma kobundlovukazi ngokwemigomo yesigaba sesi-3 nesesi-4, noma nenkosi noma nendlovukazi ngokwemigomo yesigaba sesi-8 kanye nesesi-9.

(3) *(a)* UMongameli noma elinye igatsha eliqondene elisebenzayo elithunyelelwe izincomo ngokwemigomo yesigatshana sesi-(2) kufanele, zingakapheli izinsuku ezingama-90 lithole izincomo, lenze isinqumo ngalezo zincomo.

(b) UNgqongqoshe kufanele athumele isinqumo esithathwe uMongameli ngokwendima *(a)* kwiKhomishana nalowo ofake isicelo.

(c) Isinqumo esithathiwe igatsha elisebenzayo eliqondene ngokwemigomo yendima *(a)* kufanele sidluliselwe kwiKhomishana nalowo ofake isicelo idluliswa ilelo gatsha elisebenzayo.

(d) Imibandela yesigaba sesi-3(3)*(a)*, (6) kanye nesi-(9), 4(3)*(a)*, (4)*(a)*, (6)*(a)* kanye nesi-(9), 8(3) kanye nesi-9(5) isebenza nezinguquko ezifanele ezinqunyweni ezivezwe endimeni *(a)*.

(4) Uma uMongameli noma igatsha elisebenzayo eliqondene lithatha isinqumo esingafani nezincomo zeKhomishana, uMongameli noma igatsha elisebenzayo eliqondene, noma omunye wabo, kufanele athumele iKhomishana izizathu eizbhaliwe zaleso sinqumo.

(5) *(a)* Bonke oNdunankulu abaqondene kufanele, njalo ngonyaka noma uma becelwe uNgqongqoshe, bathumele umbiko kuMongameli nakuNgqongqoshe omayelana nokuthathwa kwezinqumo zikaMongameli njengoba kuveziwe kulesi sigaba.

(b) Ikhophi yombiko ovezwe endimeni *(a)*, kufanele ithunyelwe endlini yesifundazwe eqondene ukuze yazi.

Amakomidi eKhomishana esifundazweni

58. (1) *(a)* UNdunankulu, ngemuva kokuxoxisana noNgqongqoshe neKhomishana, angasungula ikomidi yesifundazwe esifundazweni esithile, ukuba idingide izingxabano nezicelo ezihambisana nobuholi bendabuko, noma achithe ikomidi yesifundazwe ekhona.

(b) Ngokwendima *(a)*, uNdunankulu oqondene kufanele abheke iseluleko sikaNgqongqoshe neKhomishana, futhi nokunye okuhambisana nengxabano nesicelo, kubandakanya inani lezingxabano nezicelo okufakiwe nokujula kwalezo zicelo nezingxabano.

(c) Uma lingekho ikomidi lesifundazwe elisunguliwe noma uma ikomidi lesifundazwe lachithwa, iKhomishana kufanele idingide izingxabano nezicelo eziqondene naleso sifundazwe.

(d) Ikomidi yesifundazwe esungulwe ngaphambi kosuku lokuqala ukusebenza kwalo Mthetho, kuthathwa ngokuthi isungulwe ngokulandela imibandela yendima *(a)*.

(2) *(a)* Ikomidi ngayinye yesifundazwe evezwe esigatshaneni soku-(1) inamalungu amaningi anganqunywa uNdunankulu oqondene ngemuva kokuxoxisana noNgqongqoshe neKhomishana, futhi lawo malungu aqokwa uNdunankulu, ngesaziso kuSomqulu wesiFundazwe, isikhathi esingadlulile eminyakeni emihlanu.

(b) Umkhawulo wokusebenza kwamalungu amakomidi esifundazwe kufanele uhambisane nowamalungu amakomidi esifundazwe eKhomishana avezwee sigabeni sama-52(1)*(a)*.

(c) Amalungu amakomidi esifundazwe kufanele abe nolwazi olufanayo namalungu eKhomishana njengoba kuveziwe esigabeni sama-52(1)*(a)*.

(3) Ikomidi ngayinye yesifundazwe evezwe esigatshaneni soku-(1), kufanele inganyelwe ilungu leKhomishana eliqokwe iKhomishana ngemuva kokuxoxisana noNdunankulu oqondene: Inqobo nje uma lelo lungu leKhomishana lingeke libe usihlalo kumakomidi edlulile kwelilodwa.

(4) Imibandela yesigaba sama-52(4), (5) nesezi-(6), 53, 54, 55 nama-56(2) ukuya kwesesi-(4) esesi-(6) nama-57(1), isebenza kumakomidi esifundazwe futhi okuqondiswe kulezi zigaba kuNgqongqoshe, iKhomishana, uNgqongqoshe wezezimali noMnyango kaZwelonke obhekele izindaba izindaba zendabuko kufanele, ngokufanele, kuthathwe ngokuthi kuqondiswe kuNdunankulu oqondene, ikomidi lesifundazwe elisungulwe ngokulandela imibandela yalesi sigaba, ilungu loMkhandlu weziPhathimandla obhekele izimali esifundazweni nomnyango wesifundazwe obhekele izindaba zendabuko esifundazweni.

(5) Ikomidi yesifundazwe kufanele iqhube le misebenzi ethweswe yona iKhomishana ngokwemigomo yesigaba sama-56(5).

(6) Ikomidi yesifundazwe ingenza izincomo ezingunqamulajuqu ezindabeni zonke ezidluliselwe ngokwemigomo yesigaba sama-56(5): Inqobo nje ma ikomidi ikholelwa ukuthi kunezimo ezikhethekile, ingadlulisa lolo daba kwiKhomishana ukuze iluleke ngalo.

(7) Imibandela yesigaba sama-57(2) *(b)* isebenza eziphakamisweni zekomidi yesifundazwe futhi okuqondiswe kulesi sigaba kwiKhomishana kufanale kuthathwe ngokuthi kuqondiswe ekomidini lesifundazwe eliqondene.

(8) Ikomidi ngalinye lesifundazwe kufanele, kane ngonyaka noma uma licelwe iKhomishana, lithumele umbiko kwiKhomishana omayelana nezingxabano nezicelo lelo komidi lesifundazwe elizidingidile ekoteni edlule noma esikhathini esicelwe iKhomishana.

Ingxenye 2
IKomidi Eluleka ngeziNdaba zamaKhoi-San

Ukusungulwa kweKomidi Elulekayo

59. (1) Ngakho-ke sekusungulwe iKomidi Eluleka ngeziNdaba zamaKhoi-San.

(2) IKomidi Elulekayo kufanele iqhube imisebenzi yayo ngendlela engenzeleli, engacwasi futhi efanele.

Ukuqokwa kwamalungu eKomidi Elulekayo

60. (1) *(a)* UNgqongqoshe kufanele, ngokulandela indima *(b), (c), (e), (f) kanye no-(g)* futhi ngemuva kokucela ukuphakanyiswa kwamagama abantu emphakathini, aqoke usihlalo, iphini likasihlalo nabantu abangadlulile kwabayisihlanu, ukuba babe amalungu eKomidi Elulekayo isikhathi esingadlulile iminyaka emithathu noma esinye isikhathi uNgqongqoshe angasinquma ngesaziso kuSomqulu.

(b) Ilungu leKomidi Elulekayo kufanele kube isakhamuzi saseNingizimu Afrika futhi sibe neziqu noma nolwazi lomsebenzi noma nolwazi olufanele—

(i) mayelana nemvelaphi yomuntu

(ii) umlando wama-Khoi-San;

(iii) umthetho wesintu nenkambiso nezikhungo zobukhosi bamaKhoi-San; noma

(iv) umthetho.

(c) Amalungu eKomidi Elulakayo avezwe endimeni *(b)*(i), (ii) no-(iii) kufanele kube abantu okuthi uma behlangene babonise ulwazi olumayelana nezindaba eziqondene namaqembu asemqoka amaKhoi-San.

(d) Igama likasihlalo, iphini likasihlaloo namalungu aoqkwe ngokwemigomo yendima *(a)*, nosuku aqokwa ngalo, kufanele kushicilelwe kuSomqulu.

(e) UNdunankulu angaqoka iphaneli eyakhiwe uMqondisi-Jikelele eMnyangweni nabantu abangadlulile kwabathathu ukuba benze izincomo kuNgqongqoshe ngamagama aphakanyisiwe, ngokuhambisana nezimfanelo ezivezwe kulesi sigatshana, afanele ukusebenzela iBhodi lokwaLuleka.

(f) UNgqongqoshe, ngemuva kokuthola izincomo zephanele ekhethiwe evezwe endimeni *(e)*, udlulisela izincomo koNdunankulu ukuze baphawule. *(g)* Amagama aphakanyiswe umphakathi kufanele abe nemininingwane yonke engavezwa ngesimemo futhi kufanele abonise ukuthi ngane ophakanyisiwe angakwazi yini ukwamukelwa njengomholi wama-Khoi-San noma uyilungu lomphakathi ongafaka isicelo sokwamukelwa njengomphakathi wama-Khoi-San: Akekho kulaba bantu okufanele asebenze eKomidini Elelulekayo.

(2) Ilungu leKomidi Elulekayo kungaba ilungu ngokugcwele noma ilungu ngookungagcwele, ngokunquma kukaNgqongqoshe.

(3) Uma ilungu leKomidi Elulekayo lidlula emhlabeni noma lishiya esikhundleni ngaphambi kokuphela komkhawulo elaliqokelwe wona, uNgqongqoshe, ngokulandela imibandela yesigatshana soku-(1), angaqoka umuntu ozovala isikhundla somkhawulo ongakapheli lelo lungu elaliqokelwe wona.

(4) UNgqongqoshe angasusa ilungu leKomidi Elilulekayo ngezizathu—

(a) zokulahlwa icala laboshwa isikhathi ezidlulile ezinyengeni eziyi-12 langanikezwa ithuba lokukhokha inhlawulo;

(b) lelo lungu limenyezelwe inkantolo efanele ukuthi aliphilile kahle emqondweni noma ligula ngekhanda;

(c) inkantolo yalimemezela njengelihlulwe ukukhokha izikweleti;

(d) sokungaziphathi kahle, ukungakwazi ukusebenza nom aukuhlulwa ukusebenza; noma

(e) lelo lungu kufanele lamukelwe njengomholi wama-Khoi-San osesikhundleni esiphezulu noma njengenhloko yegatsha, noma kuyilungu lomphakathi ofake isicelo sokwamukelwa njengomphakathi wama-Khoi-San.

(5) *(a)* Isinqumo sokususa ilungu leKomidi Elulekayo ngezizathu zokungaziphathi ngendlela efanele noma ukuhlulwa ukusebenza kufanele zisuselwe ophenyweni lwekomidi ephenya ngalokho eqokwe uNgqongqoshe.

(b) UNgqongqoshe angamisa ilungu leKomidi Elulekayo esaphenywa ngokwemigomo yendima *(a)*.

Izikhala zomsebenzi

61. Isikhala somsebenzi esivela uma ilungu leKomidi Elulekayo—

(a) lisula ngokuthumela isaziso kuNgqongqoshe;

(b) lisusiwe ngokwemigomo yesigaba 60(4); noma

(c) liba ilungu lesiGungu sikaZwelonke, ilungu lesishayamthetho sesifundazwe, ilungu eligcwele lomkhandlu kamasipala noma isithunywa ngokugcwele kuMkhandlu kaZwelonke weziFundazwe.

Imibandela yokuqokwa kwamalungu eKomidi Elilulekayo

62. Imibandela ehambisana nokuqokwa kwamalungu eKhomishana njengoba kuveziwe esigabeni sama-54(1)*(a)* no-*(c)* nesesi-(2), isebenza, nezinguquko ezifanele, kumalungu eKomidi Elulekayo.

Ukweseka nemibiko yeKomidi Elulekayo

63. (1) *(a)* UMnyango kufanele uhlinzekele ngokuseka kwezokuphatha nangezimali eKomidini Elulekayo ukuze iqhube imisebenzi ethweswe yona ngendlela efanele futhi ungaphakamisa noma uqoke abasebenzi boMnyango kulo msebenzi noma ukuba baqhube ucwaningo lweKomidi Elulekayo.

(b) IKomidi Elulekayo, ngokulandela imibandela ye-*Public Finance Management Act, 1999 (Act No. 1 of 1999)*, futhi ngokugunyazwa uMqondisi-Jikelele woMnyango, ingaqoka umuntu ofanele noma abantu abazoyenzela ucwaningo.

(2) IKomidi Elulekayo kufanele kane ngonyaka, noma uma icelwa uNgqongqoshe, ithumele umbiko ogcwele ngemisebenzi yayo.

Ukufaka isicelo sokwamukelwa kwemiphakathi yamaKhoi-San, amagatsha, abaholi bamaKhoi-San abasesikhundleni esiphezulu nezinhloko zamagatsha

64. (1) Umphakathi ohlangabezana nenqubo evezwe esigatsheni sesi-5, ingafaka isicelo esigcwele esibhaliwe eKomidini Elilulekayo sokwamukelwa kwalowo mphakathi futhi uma kwenzeka, amagatsha alowo mphakathi kanye nokwamukelwa komholi wamaKhoi-San osesikhundleni esiphezulu ohlangabezana nezimfanelo ezivezwe esigabeni sesi-7 futhi uma kwenzeka nenhloko yegatsha.

(2) Isicelo esivezwe esigatshaneni soku-(1) kufanele sibe sesimweni esinganqunywa iKomidi Elilulekayo, kufanele sihambisane nemibandela yesigaba sesi-5(1)*(b)* futhi kufanele—

—

(a) sifakwe ilungu lomphakathi eligunyazwe ilowo mphakathi noma umndeni
wasebukhosini oqondene, noma omunye wabo, futhi

(b) (i) sihambisane nemininingwane eveza imininingwane yesicelo sokwamukelwa
komphakathi nomsuka wezikhundla zobuholi;

(ii) sihambisane nemininingwane yendawo noma izindawo ezivezwe esigabeni sama-5(1)*(a)* futhi, ngokulandela isigaba sesi-5(1)(c), nenani lamalungu omphakathi akuleyo ndawo;

(iii) sihanjiswe esikhathini seminyaka emibili evezwe esigabeni sama-65(2)*(a)*; futhi

(iv) uma umphakathi ovezwe esigatshaneni soku-(1) unomlando ofakazelwe wobukhosi ngokuzalana noma ubuholi obukhethwayo, sihambisane nemininingwane yesikhundla yokuzalana neyobuholi bokukhethwa.

(3) Uma kubhekwa isicelo, iKomidi Elulekayo kufanele ibheke futhi isebenzise umthetho wesintu nenkambiso yomphakathi wamaKhoi-San oqondene.

(4) IKomidi Elulekayo kufanele, mayelana nesicelo sokwamukelwa—

(a) komphakathi namagatsha, isebenzise inqubo evezwe esigabeni sesi-5; futhi

(b) abaholi ngokuzalana noma abakhethiwe bamaKhoi-San, basebenzisa inqubo evezwe esigabeni se-7 kanye nese-10.

(5) IKomidi Elulekayo kufanele, kane ngonyaka, yazise oNdunankulu abaqondene ngezicelo ezamukelwe ngokwemigomo yalesi sigaba.

Imisebenzi yeKomidi Elulekayo

65. (1) IKomidi Elulekayo kufanele iphenye futhi yenze iziphakamiso kuNgqongqoshe ngokwamukelwa—

(a) kwemiphakathi yamaKhoi-San;

(b) ngokuzalana kwabaholi bamaKhoi-San abasezikhundleni eziphezulu;

(c) abaholi bamaKhoi-San abasezikhundleni eziphezulu abakhethiwe; kanye

(d) namagatsha neiznhloko zamagatsha.

(2) IKomidi Elulekayo—

(a) ingaphenya kuphela futhi yenze iziphakamiso mayelana nezicelo ezifakwe eKomidimi Elulekayo ngokwemigomo yesigaba sama-64, ingakapheli iminyaka emibili kusukela ngosuku olunqunywe uNgqongqoshe ngesaziso kuSomqulu, nomq esinye isikhathi esinganqunywa uNgqongqoshe ngesaziso kuSomqulu; futhi

(b) kufanele iphothule uphenyo futhi yenze izincomo ezivezwe endimeni *(a)* esikhathini seminyaka emithathu evezwe esigabeni sama-60(1)*(a)*, noma kwesinye isikhathi esinganqunywa uNgqongqoshe.

(3) Isicelo esingafakiwe eKomidini Elulekayo esikhathini esivezwe esigastaheneni sesi-(2)*(a)*, ngeke sidingidwe iKomidi elulekayo futhi kufanele sidingidwe ngokulandela imibandela yesigaba sesi-5 nese-10, noma esinye sazo.

(4) Ingxabano engaba khona ngemuva kwesikhathi esivezwe esigatshaneni sesi-(2)*(a)*, kufanele idingidwe uNdunankulu oqondene futhi ngokwale mibandela yesigaba sama-56(8) isebenza nezinguquko ezifanele.

Izincomo kanye nezinqumo

66. (1) Izincomo zeKomidi Elulekayo kufanele kuvunyelwane ngazo okungenani ngamalungu amabili kwamathathu eKomidi Elulekayo.

(2) (a) Izincomo zeKomidi Elulekayo kufanele, emasontweni amabili kwenziwe, zidluliselwe kuNdunankulu wesifundazwe ukuze aphawule lapho kuzinze khoma umphakathi, umholi nenhloko yegatsha kuzinze khona noma lapho igatsha lizinze khona lofake isicelo.

(b) UNdunakulu kufanele athumele imibono yakhe eKomidini Elilulekayo zingakapheli izinsuku ezingama-60 kusukela ngosuku okwadluliswa ngalo iziphakamiso: Uma ingekho imibono etholakalayo ezinsukwini ezingama-60, kufanele kuthathwe ngokuthi uNdunankulu weseka lezo ziphakamiso.

(c) IKomidi Elulekayo kufanele, engakapheli amasonto amabili kusukela kuphele izinsuku ezingama-60 ezivezwe endimeni *(b)*, lithumele izincomo kanye nemibono kaNdunankulu, uma ikhona, kuNgqongqoshe.

(3) UNgqongqoshe kufanele, zingakapheli izinsuku ezingama-60 kusukela ngosuku lokwamukela izethulo ezivezwe esigatshaneni sesi-(2)*(c)*, athathe isinqumo mayelana neziphakamiso.

(4) Uma uNNgqongqoshe ethatha isinqumo esingafani nezincomo ezithunyelwe ngokwemigomo yesigatshana sesi-(2), uNngqongqoshe kufanele akhiphe izizathu ezibhaliwe zaleso sinqumo eKomidini Elulekayo nakuNdunankulu oqondene.

(5) Ngokulandela isinqumo sikaNgqongqoshe njengoba siveziwe esigatshaneni sesi-(3), uNgqongqoshe kufanele-

(a) amukele umphakathi wama-Khoi-San, igatsha, umholi wama-Khoi-San noma inhloko yegatsha, noma omunye wabo, ngokusebenzisa isaziso kuSomqulu; futhi

(b) akhiphe isitifiketi sokwamukela lowo mholi.

ISAHLUKO 5
IMIBANDELA EJWAYELEKILE

Izimiso zomthetho

67. (1) UNgqongqoshe, angasebenzisa isaziso kuSomqulu, ukumisa izimiso zomthetho ezimayelana—

(a) nodaba okufanele noma olunganqunywa ngemigomo yalo Mthetho;

(b) nosiko, imigubho nenye indima nemisebenzi yenkosi noma yendlovukazi, noma yomholi wendabuko oyinhloko, ngemuva kokuxoxisana nezithunywa zamalungu angadlulile kwamabili okhandlu wobukhosi noma wobundlovukazi ngabunye noma nomkhandlu wendabuko oyinhloko, noma omunye wayo, aqokwe ile mikhandlu;

(c) udaba olufanele ukuqikelela ukuthi indlu yasekhaya isebenza ngendlela efanele, kubandakanya udaba oluvezwe esigabeni sama- 50(11); kanye

(d) nodaba oluhambisanayo noma lokusingatha olufanele ukunqunywa ukuze kusebenze noma kusingathwe lo Mthetho ngendlela efanele.

(2) Ngaphambi kokuba kumiswe izimiso zomthetho ngaphansi kwalesi sigaba, uNgqongqoshe kufanele—

(a) mayelana nezimiso zomthetho ezivezwe esigatshaneni soku-(1)*(a)*, *(c)* no *(d)*, axhumane —

(i) namalungu eMikhandlu yeziPhathimandla abhekele izindaba zendabuko nezobuholi bama-Khoi-San ezifundazweni eziqondene; kanye

(ii) nezindlu zesifundazwe eziqondene;

(b) mayelana nezimiso zomthetho ezivezwe esigatshaneni soku-(1)*(b)*, axhumane—

(i) noNdunankulu abaqondene;

(ii) amalungu eMikhandlu yeziPhathimandla abhekele izindaba zendabuko nezobuholi bamaKhoi-San ezifundazweni eziqondene;

(iii) iNdlu kaZwelonke; kanye

(iv) nezindlu zesifundazwe eziqondene.

(c) ashicilele izimiso zomthetho ezihlongozwayo kuSomqulu ukuze umphakathi uphawule.

Ukudlulisa amandla nemisebenzi kudluliswa uNdunankulu

68. (1) UNdunankulu, ngokulandela imibandela angayinquma, ngokubhalwe phansi, angadlulisa amandla noma imisebenzi athweswe yona ngalo Mthetho, ngaphandle kwamandla okwamukela umphakathi noma umholi noma okuhoxisa ukwamukela, elungwini loMkhandlu weziPhathimandla obhekele izindaba zendabuko esifundazweni esiqondene.

(2) Ukudlulisa amandla ngokwemigomo yesigatshana soku-(1) akuvimbeli ukusebenzisa amandla noma ukuqhuba umsebenzi kaNdunankulu.

(3) UNdunankulu noma nini, ngokubhala phansi, angahoxisa noma achibiyele okudlulisiwe okuvezwe esigatshaneni soku-(1).

(4) Ilungu loMkhandlu weziPhathimandla elidluliselwe amandla, ngeke lidlulisele lawo mandla noma leyo misebenzi, ngaphandle kwemvume yaNdunankulu.

Ukuqapha

69. (1) UMnyango ungaqapha ukusetshenziswa kwalo Mthetho kanye nezimiso zomthetho ezimisiwe ngokwemigomo yalo Mthetho, kubalwa nokusebenza kweKhomishana, amakomidi, indlu, umphakathi, umholi, umkhandlu noma igatsha okuhlinzekelwe kulo Mthetho, futhi ungathumela imibiko ngalokhu futhi wenze izincomo ngokusetshenziswa noma ngokusebenza kwawo kuNgqongqoshe, uNdunankulu oqondene noma koNdunankulu ngokujwayelekile, kanye neKhomishana eqondene, ikomidi, indlu, umphakathi, umholi, umkhandlu noma igatsha.

(2) UMnyango ungaqapha ukusebenza kwesigaba sama-81se-*Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*, futhi wenze izincomo mayelana nokusebenza kwaso kuNgqongqoshe, kuNdunankulu, indlu eqondene yendabuko nakubaholi bama-Khoi-San, nakomunye umholi wendabuko osesikhundleni esiphezulu noma umholi wama-Khoi-San osesikhundleni esiphezulu obambe iqhaza kokwenziwa umkhandlu kamasipala ngokulandela imibandela yalowo Mthetho.

(3) UNgqongqoshe, ngemuva kokuthola umbiko noma izincomo ezivezwe esigatshaneni soku-(1) nesesi-(2), noma esinye sazo, futhi ngokuxoxisana noNdunankulu, angathatha izinyathelo ezifanele ukuqinisekisa ukuthi imibandela yalo Mthetho kuhlangatshezwana nayo.

Amalungiselelo esikhashana

70. (1) Umholi wendabuko —

(i) oqokiwe noma owamukelwe ngokwemigomo yomthetho wesifundazwe osebenzayo futhi waphinda wamukelwa njengomholi wendabuko ngaphambi komhlaka 24 Septhemba 2004, noma

(ii) owamukelwe ngale ndlela ngokwemigomo ye-*Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003)* (kulokhu ebizwa nge-*Framework Act*), ngaphambi kokuba kuchithwe lo Mthetho, noma ngokwemigomo yomthetho osebenzayo wesifundazwe ongahambisani ne-*Framework Act*, noma nale mithetho,

uthathwa ngokuthi wamukelwe ngale ndlela ngokwemigomo yesigaba sesi-8 salo Mthetho, ngokulandela izincomo zeKhomishana ngokwemigomo yesigaba sama-57 lapho sisebenza khona.

(b) Ubungonyama noma ubundlovukazi, umphakathi wendabuko oyinhloko, umphakathi wendabuko futhi ngokulandela indima *(c)*, induma eyamukelwa ngale ndlela ngokwemigomo ye-*Framework Act* ngaphambi kokuchithwa kwalo Mthetho, noma ngokwemigomo yanoma omuphi umthetho wesifundazwe osebenzayo ongahambisani ne-*Framework Act*, noma nale mithethi, kuthathwa ngokuthi kwamukelwa ngokwemigomo yesigaba sesi-3 salo Mthetho, ngokulandela izincomo zeKhomishana ngokwemigomo yesigaba sama-57 lapho sisebenza khona.

(c) (i) UNdunankulu, ingakapheli iminyaka emithathi kuqale ukusebenza kwalo Mthetho noma esinye isikhathi esinganqunywa uNgqongqoshe, kufanele aqalise uphenyo lokunquma ukuthi ngabe isikhundla sobunduna esasungulwa noma esamukelwa ngokwemigomo yomthetho osebenzayo ngaphambi noma kusukela kuqale ukusebenza i-*Framework Act*, kanye nezinduna eziqokwe noma ezamukelwa kuleoz zikhundla zokuba izinduna, ziyahambisana nenqubo evezwe esigabeni sesi-3, 7 kanye nesesi-8 salo Mthetho.

(ii) Uma uphenyo oluvezwe endimaneni (i) luveza ukuthi izinduna azihambisani nohlelo oluvezwe esigabeni sesi-3, 7 kanye nesesi-8 salo Mthetho, leso sikhundla sokuba induna kufanele siqedwe uma kudlula emhlabeni noma kusula leyo nduna futhi ukuqokwa noma ukwamukelwa kwesikhundla senduna, kufanele kuthathwe njengokuhoxisiwe.

(iii) UNdunankulu angasebenzisa isaziso kuSomqulu wesiFundazwe ngokubeka ezomthetho, okungenziwa kanye nezinye izinyathelo zokuhlakazwa okuvezwe endimaneni (ii).

(d) Umkhandlu wengonyama noma wendlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko noma umkhandlu wendabuko ongaphansi komunye osungulwe ngokwemigomo ye-*Framework Act* ngaphambi kokuchithwa kwalo Mthetho, ngokwemigomo yomthetho wesifundazwe osebenzayo ohambisana ne-*Framework Act*, kuthathwa ngokuthi wasungulwa ngokwemigomo yesigaba se-16 noma ne-17 salo Mthetho, noma salezi zigaba.

(2) Umuntu owamukelwa noma owaqokwa ukuba abe ibamba, umholi obambile noma iphini lomholi ngokwemigomo ye-*Framework Act*, ngaphambi kokuba kuchithwe lo Mthetho, noma ngokwemigomo yanoma omuphi umthetho wesifundazwe osebenzayo ohambisana ne-*Framework Act*, noma nale mithetho, kuthathwa ngokuthi wamukelwa ngaleyo ndlela ngokwemigomo yesigaba se-12, 13 noma ye-14 salo Mthetho, nama salezi zigaba.

(3) "Isizwe" okuthi ngaphambi komhlaka 24 Septhemba 2004, sasungulwa ngokwemigomo yomthetho osebenzayo futhi samukelwa kanjalo, sithathwa njengomphakathi wendabuko ovezwe esigabeni sesi-3 salo Mthetho, ngokulandela—

(a) ukuhoxisa kokwamukelwa ngokulandela imibandela yesigaba sesi-4; noma

(b) izincomo zeKhomishana ngokwemigomo yesigaba sama-57 lapho sisebenza khona.

(4) Umikhandlu wesizwe okuthi ngaphambi komhlaka 24 Septhemba, wasungulwa futhi wamukelwa, uthathwa ngokuthi umkhandlu wendabuko ovezwe esigabeni se-16 salo Mthetho futhi kufanele uqhube imisebenzi evezwe esigabeni sama-20: Inqobo nje uma lowo mkhandlu wendabuko kufanele ulandele isigaba se-16(2) ungakapheli unyaka kusukela ngosuku lokuqala

ukusebenza kwalo Mthetho: Inqobo nje futhi uma isikhathi sonyaka owodwa singalandelwanga, uNgqongqoshe kufanele athathe izinyathelo ezifanele ukuqikelela ukuthi imibandela yesigaba se-16(2) siyalandelwa.

(5) (a) Igunya lomphakathi elisungulwe ngokwemigomo yomthetho osebenzayo futhi elisebenzayo ngaphambi komhlaka 24 September 2004, lizoqhubeka nokusebenza lize lchithwe ngokulandela umthetho wesifundazwe, futhi ukuchithwa kwalo kufanele kwenzeke ingakapheli iminyaka emithathu kusukela ngosuku lokuqala ukusebenza kwalo Mthetho, ngaphamndle uma ubuholi bendabuko balowo mkhandlu womphakathi buspahenywa iKhomishana ngokwemigomo yesigaba sama-56(2) kuleso simo igunya lalowo mphakathi kufanele lisingathwe sengathi umthetho oqondene wokusungulwa kwalo awukachithwa.

(b) Umthetho wesifundazwe ovezwe endimeni *(a)* kufanele uqaphe umthetho, okwenzekayo nezinye izinyathelo zokuhlakazwa, kubandakanya—

(i) ukudluliswa kwempahla, izikweleti nezokuphatha kanye namarekhodi egatsheni elifanele;

(ii) ukushiya esikhundleni kwabasesikhundleni kulelo gatsha lomphakathi; kanye

(iii) nokudluliselwa kwabasebenzi balelo gatsha lomphakathi ngokulandela umthetho osebenzayo.

(c) Uma isikhathi esivezwe endimeni *(a)* igatsha lomphakathi lingahlangabezananga naso, uNgqongqoshe angathatha izinyathelo ezifanele ukuqikelela ukuthi imibandela yalesi sigatshana kuhlangatshezwana nayo.

(6) *(a)* Ilungu loMkhandlu weziPhathimandla zesifundazwe ezibhekele izindaba zasekhaya, lingasebenzisa isaziso kuSomqulu wesiFundazwe, ungakapheli unyaka owodwa uqalile ukusebenza lo Mthetho ukuchitha igunya lesifunda, Ibandla Lamakhosi, uMkhandlu wamaKhosi noMkhandlu wewadi osebenza ngaphansi kwemikhandlu esungulwe ngokwemigomo yomthetho osebenzayo ngaphambi kokuqala ukusebenza kwalo Mthetho.

(b) Isaziso esichitha umkhandlu wesifunda, Ibandla Lamakhosi, uMkhandlu wamaKhosi noma umkhandlu wewadi kufanele sibeke umthetho, ukuqhutshwa nokunye okuphathelene nokuchithwakwawo, kubandakanya—

(i) ukudluliswa kwempahla, izikweleti, ukusingathwa namanye amarekhodi emnyangweni wesifundazwe ofanele, kumasipala noma endlini yasekhaya yabaholi bendabuko, ngokulandela izimo ezifanele;

(ii) ukushiya isikhundla kosesikhundleni kulowo mkhandlu wesifunda; kanye

(iii) kokudlulisela abasebenzi bomkhandlu wesifunda ngokulandela umthetho osebenzayo.

(c) Uma isikhathi sonyaka owodwa esivezwe endimeni *(a)* singalandelwanga umkhandlu wesifunda, Ibandla Lamakhosi, uMkhandlu wamaKhosi noma umkhandlu wewadi, uNgqongqoshe angathatha izinyathelo ezifanele ukuqikelela ukuthi imibandela yalesi sigatshana iyalandelwa.

(7) *(a)* Uma kuqhutshwa uphenyo ngokwemigomo yesigaba sama-28(7) se-*Framework Act* , iKhomishana yanquma ukuthi osesikhundleni esiphezulu kufanele amukelwe njengenkosi noma njengendlovukazi, lesi sikhundla esiphezulu kuthathwa ngokuthi samukelwe njengobukhosi noma njengobundlovukazi ngokwemigomo yesigaba sesi-3 salo Mthetho.

(b) Amakhosi asesikhundleni esiphezulu, mayelana nobukhosi noma nobundlovukazi obuvezwe endimeni *(a)*, athathwa ngokuthi

amukelwe njengamakhosi noma njengezindlovukazi ngokwemigomo yesigaba sesi-8 salo Mthetho.

(8) *(a)* Uma kuqhutshwa uphenyo ngokwemigomo yesigaba sama-28(7) se-*Framework Act,* iKhomishana yanquma ukuthi osesikhundleni esiphakeme akufanele amukelwe njengenkosi noma njengendlovukazi, lowo osesikhundleni esiphakeme, nakuba kunesinqumo seKhomishana ngokulandela indima *(c)*, kufanele athathwe njengenkosi noma njengendlovukazi ngokwemigomo yesigaba sesi-3 salo Mthetho.

(b) Uma kuqhutshwa uphenyo ngokwemigomo yesigaba sama-28(7) se-*Framework Act*, iKhomishana inqume ukuthi leyo nkosi esesikhundleni esiphakeme akufanele yamukelwe njengenkosi noma njengendlovukazi, leyo nkosi esesikhundleni esiphezulu, umbambeli noma ibamba lenkosi esesikhundlen esiphezulu, nakuba kunesinqumo seKhomishana futhi ngokulandela indima, *(c)*, kufanele kuthathwe ngokuthi yamukelwe njengenkosi noma njengendlovukazi ngokwemigomo yesigaba sesi-8 noma umbambeli noma ibamba lenkosi noma lendlovukazi ngokwemigomo yesigaba se-12 noma se-13 salo Mthetho, ngokulandelana.

(c) Ubukhosi noma ubundlovukazi kanye nenkosi noma nendlovukazi eyamukelwe ngokwemigomo yendima *(a)* no *(b)* lbaphelelwa isikhathi—

(i) uma, mhlaka 1 Febhuwari 2010, leso sikhundla singenamuntu;

(ii) uma kukhothama inkosi noma indlovukazi isikhundla saleyo nkosi noma saleyo ndlovukazi sinomuntu okusona ngokugcwele;

(iii) uma isikhundla saleyo nkosi noma sendlovukazi sinombambi noma ibamba, uma lowo ongumbambi noma ibamba noma ngosuku lokwamukelwa kozolandela, ngemuva kwalokho ubukhosi noka ubundlovukazi nenkosi noma nendlovukazi, noma omunye wabo, uzothathwa njengomphakathi wendabuko oyinhloko futhi njengomholi wendabuko oyinhloko: Inqobo nje uma umholi noma umphakathi uba umholi wendabuko oyinhloko noma umphakathi wendabuko oyinhloko ngokwemigomo yale ndima, uNdunankulu oqondene kufanele ashicilele isaziso kuSomqulu wesiFundazwe wokwamukela lowo mholi wendabuko oyinhloko nomphakathi wendabuko oyinhloko, futhi akhiphe isitifiketi sokwamukelwa umholi wendabuko oyinhloko nomphakathi wendabuko oyinhloko, futhi akhiphele lowo mholi wendabuko oyinhloko isitifiketi sokumamukela.

(9) Uma umkhandlu wobukhosi noma wobundlovukazi usungulelwe ubukhosi noma ubundlovukazi obuvezwe esigatshaneni sesi-(8)*(a)* futhi ukwamukelwa kwalobo bukhosi noma kobundlovukazi kufanele kuthathwe njengomkhandlu wendabuko oyinhloko.

(10) *(a)* IKhomishana esungulwe ngesigaba sama-22 se-*Framework Act*, (kulokhu owaziwa ngokuthi "iKhomishana endala"), kuthathwa ngokuthi yasungulwa ngokundela isigaba sama-51 salo Mthetho, (kulokhu eyaziwa ngokuthi "iKhomishana entsha."),

(c) Isikhathi sokusebenza seKhomishana entsha kufanele kube ileso sikhathi ebesingakapheli sesikhathi ebesisasele seKhomishana endala, kubalwa nomkhawulo onwetshiwe wesikhundla njengoba kuveziwe esigabeni sama-25(4)*(b)* se-*Framework Act*.

(b) Zonke izingxabano nezicelo okwakufakwe kuKhomishana endala kuzothathwa ngokuthi kufakwe kuKhomishana entsha.

(11) Zonke izicelo nezingxabano angakenziwa amalungiselelo azo mhlaka 1 Febhuwari 2010, kufanele kuthathwe ngokuthi kulandela imibandela yesigaba sama-21(1) nesesi-(2) se-*Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003)*, nakuba lowo Mthetho uchithwe ilo Mthetho, futhi lezo zicelo nezingxabano kufanele kudingidwe ngokulandela imibandela yesigaba sama-56, 57 nesama-58 zalo Mthetho.

(12) Nakuba kunemibandela yesigaba sama-28, abaholi bendabuko, ngokuqala ukusebenza kwalo Mthetho ababengamalungu eNdlu kaZwelonke yabaHoli beNdabuko eyasungulwa ngokwemigomo ye-*National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009)*, azoqhubeka nokuba amalungu aleyo Ndlu futhi aqhubeke sengathi lowo Mthetho awukachithwa, kuze kushaye umhlaka 31 Meyi 2017 lapho leyo Ndlu kufanele yakhiwe ngokwemigomo yalo Mthetho: Uma yonke into eyenziwe iNdlu kaZwelonke ngokulandela umbandela we-*National House of Traditional Leaders Act, 2009*, ngaphambi kokuqala ukusebenza kwalo Mthetho, kufanele kuthathwe ngokuthi yenziwe ngokwemigomo yemibandela ehambisana nalo Mthetho.

(13) Nakuba kunemibandela yesigaba sama-49, abaholi bendabuko ngosuku lokuqala ukusebenza kwalo Mthetho babengamalungu ezindlu zabaholi bendabuko zesifundazwe ezasungulwa futhi zakhiwa ngokwemigomo yomthetho wesifundazwe, azoqhubeka ukuba amalungu endlu yesifundazwe eqondene, kuze kushaye umhlaka 30 Epreli 2017 futhi ukuyisungula kabusha okulandelayo kwaleyo ndlu kuzofanele kulandele imibandelaI yesigaba sama-49.

(14) Nakuba kunemibandela yesigaba sama-50,amalungu endlu yasekhaya yabaholi bendabuko, ngosuku lokuqala ukusebenza kwalo Mthetho abekade engamalungu edlu yasekhaya eyasungulwa futhi yakhiwa ngokwemigomo yomthetho wesifundazwe osebenzayo noma kazwelonke, azoqhubeka abe ngamalungu aleyondlu yasekhaya, kuze kube umhlaka 31 Mashi 2017futhi ukusungulwa kabusha kwaleyondlu futhi okulandelayo kuzofanele kulandela isigaba sama-50.

(15) Indlela noma imihlahlandlela enqunyiwe noma ekhishiwe ngokulandela umbandela we-*Framework Act*, ngaphambi kokuqala ukusebenza kwalo Mthetho, uzoqhubeka nokusebenza uze uvalwe umhlahlandlela okhishwe ngokwemigomo yemibandela esebenzayo yalo Mthetho.

(16) Ukuxoxisana okwenziwe mayelana nokusungula umkhandlu wengonyama noma wendlovukazi njengoba kuveziwe esigabeni 3A(2)*(a)* se-*Framework Act* ngaphambi kokuqala ukusebenza kwalo Mthetho, kuzothathwa ngokuthi kuhambisana nemibandela yesigaba se-16(2) salo Mthetho.

Ukuchibiyela umthetho

71. Ngakho-ke umthetho obalulwe esiThasiselweni sesi-3 kulo Mthetho, uyachitshiyelwa ngendlela evezwe kuleso siThasiselo.

Ukuchithwa komthetho nemvume

72. (1) Umthetho ovezwe ngesithasiselo sesi-4 salo Mthetho, uyachithwa ngendlela evezwe kukholamu yesithathu yaleso siThasiselo.

(2) Noma yini eyenziwe noma ethathwa ngokuthi yenziwe ngaphansi kombandela womthetho ochithwe ngesigatshana soku-(1) futhi

engenziwa noma okufanele yenziwe ngokwemigomo yalo Mthetho, kuthathwa ngokuthi yenziwe ngokwemigomo yombandela ohambisana nalo Mthetho.

Isihloko esifishane nokuqala ukusebenza koMthetho

73. Lo Mthetho ubizwa ngokuthi uMthetho weziNdaba zeNdabuko, wezi-2013 futhi uzoqala ukusebenza ngosuku oluzonqunywa uMongameli ngesimemezelo kuSomqulu.

ISITHASISELO 1

Inqubo yokuziphatha

1. Izincazelo
2. Inqubo ejwayelekile kumalungu
3. Ukuthamela imihlangano
4. Izijeziso kulabo abangayithameli imihlangano
5. Ukumemezela inzuzo
6. Ukuzuza
7. Ukudalula inzuzo
8. Imiklomeliso, izipho nokwenzelela
9. Ukudalula imininingwane okungagunyaziwe
10. Ukwaphula ikambiso kumalungu eNdlu kaZwelonke
11. Ukwaphula inkambiso kumalungu endlu yesifundazwe, indlu yasekhaya noma yomkhandlu

Izincazelo

1. Kulesi sithasiselo, ngaphandle uma ingqikithi ibeka ngenye indlela—

(a) **"iNdlu"** ichaza iNdlu kaZwelonke yabaHoli beNdabuko nabaHoli bamaKhoi-San, indlu yesifundazwe yabaholi bendabuko nabaholi bama Khoi-San nendlu yasekhaya yabaholi bendabuko nabaholi bamaKhoi-San;

(b) **"ilungu"** lichaza ilungu leNdlu noma lomkhandlu;

(c) **"umkhandlu"** uchaza umkhandlu wobukhosi noma wobundlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko ongaphansi komunyr, umkhandlu wamaKhoi-San negatsha.

Inqubo ejwayelekile kumalungu

2. Ilungu—

(a) kufanele liqhube imisebenzi yalo ngendlele efanele nangokuthembeka, lingacwasi futhi ngokuvulelekile;

(b) ngaso sonke isikhathi lisebenzele iNdlu noma umkhandlu futhi ngaleyo ndlela ukuze ubuqotho beNdlu noma bomkhandlu bungacekeleki phansi;

(c) ngeke lize ngamabomu noma yini engacekela phansi isithunzi selinye ilungu;

(d) ngeke lisebenzise amandla esikhundla salo ukuthola noma ukufuna ukuzuza ukuze lizuze ngendlela engahambisani nomphakathi; futhi

(e) akufanele lidalule imininingwane eyimfihlo eliyithole ngesikhathi liqhuba umsebenzi, ngaphandle uma kufanele ngokomthetho ukuba lenze njalo noma ezimweni okufanele livikele umuntu wesithathu.

Ukuthamela imihlangano

3. Ilungu kufanele lithamele umhlangano weNdlu noma womkhandlu futhi nowekomidi leNdlu noma lomkhandlu eliyilungu lawo, ngaphandle uma—

(a) kukhishwe imvume yokuba lingathameli ngokwemigomo yomthetho osebenzayo noma njengoba kunqunywe ngemithetho nangemiyalelo yeNdlu noma yomkhandlu; noma

(b) lelo lungu kufanele ngokwemigomo yale nqubo yokuziphatha lihoxe emhlanganweni.

Izijeziso kulabo abangayithameli imihlangano

4. (1) Ilungu elingayithamelanga imihlangano emithathu noma engaphezulu kwemithathu yeNdlu noma yomkhandlu obekufanele lelo lungu liyithamele, ngaphandle kwemvume yokungayithameli, kufanele likhishwe esikhundleni sokuba ilungu leNdlu noma lomkhandlu.

(2) Ukukhipha ilungu esikhundleni ngokwemigomo yohlamvu loku-(1) kulandelwa imibande;a yohlamvu lwe-10 uma kuyilungu leNdlu kaZwelonke futhi kulandelwa uhlamvu lwe-11 uma kuyilungu lendlu yesifundazwe, indlu yasekhaya noma umkhandlu.

Ukudalula inzuzo

5. (1) Ilungu kufanele—

(a) lidalulele iNdlu noma umkhandlu, noma elinye ikomidi leNdlu noma umkhandlu eliyilungu kuwona, ngenzuzo yalo noma yebhizinisi langasese, noma lapho umlingani, elihlalisana naye, elisebenzisana naye noma ilungu lomndeni elisondelene nalelo lungu, elingase libe nodaba olufakwe eNdlini noma emkhandlwini noma ekomidini leNdlu noma emkhandlwini; futhi

(b) lihoxe kokuqhutshwa indlu noma umkhandlu uma kunodaba oluvezwe endimeni *(a)* ludingidwa indlu, umkhandlu noma ikomidi, ngaphandle uma iNdlu noma umkhandlu noma ikomidi linquma ukuthi inzuzo yelungu kulolo daba incane noma ayibalulekile.

(2) Ilungu umlingane walo, elihlala naye, elisebenzisana naye noma ilungu lomndeni elisondele, elathola noma okufanele lithole inzuzo esivumelwaneni eziphothulwe iNdlu noma umkhandlu, kufanele lidalule imininingwane egcwele yenzuzo lelo lungu elinolwazi ngayo, emhlanganweni wokuqala weNdlu noma womkhandlu, uma lingakwazi ukudalula lokho.

Ukuzuza

6. (1) Ngokulandela uhlamvu lwesi-2*(e)*, ilungu ngeke lisebenzise isikhundla noma amalungelo okuba ilungu, noma imininingwane eliyithole ngoba liyilungu, ukuze lizuze lona noma kuzuze omunye umuntu ngendlela engafanele.

(2) Ngaphandle uma lithole imvume kuqala eNdlini noma emkhandlwini, ilungu ngeke—

(a) libe ingxenye noma libe indlalifa yesivumelwano sokuhlinzekela ngempahla noma ngosizo eNdlini noma emkhandlwini;

(b) lithole inzuzo yemali kokuqhutshwa iNdlu noma umkhandlu; noma

(c) ngemali noma ngokunye limele omunye umuntu eNdlini noma emkhandlwini noma ekomidini leNdlu noma lomkhandlu.

(3) Uma ikota edlulile kweyodwa yamalungu eNdlu noma omkhandlu ngokulandela imvume ekhishelwe ilungu ngokwemigomo yohlamvana lwesi-(2), leyo mvume ingakhishelwa kuphela ilungu ngokuvumelana noNgqongqoshe uma kuyiNdlu kaZwelonke noNdunankulu oqondene uma kuyindlu yesifundazwe, indlu yasekhaya noma umkhadlu.

Ukumemezela inzuzo

7. (1) Uma selikhethiwe noma seliqokiwe, ilungu kufanele zingakapheli izinsuku ezingama-60 seliqokiwe noma selikhethiwe, limemezele ngencwadi kosesikhundleni eNdlini noma ekhandlwini, oqokwe uNgqongqoshe uma kuyiNdlu kaZwelonke noma kuNdunankulu oqondene uma kuyindlu yesifundazwe, indlu yasekhaya noma umkhandlu, le nzuzo yemali yalelo lungu:

(a) Amasheya nezibambiso ezinkampanini;
(b) ubulungu ebhizinisini;
(c) inzuzo yomfelandawonye;
(d) ubuqondisi;
(e) ukusebenzisana;
(f) enye inzuzo yemali kokuqhutshwa ebhizinisini;
(g) ukuqashwa nomholo;
(h) inzuzo yempahla;
(i) yempesheni; kanye
(j) usizo, izibonelelo noxhaso lwenye inhlangano.

(2) Ushintsho lomsuka noma imininingwane yenzuzo yemali yelungu kufanele njalo imenyezelwe ngokunhalwe phansi kulowo osesikhundleni ovezwe kuhlamvana loku-(1).

(3) Izipho ezitholwe ilungu ezinesamba esingaphezulu kwesamba esinqunywe uNgqongqoshe ngesaziso kuSomqulu, kufanele nazo zimenyezelwe ngokulandela uhlamvana loku-(1).

(4) INdlu noma umkhandlu kufanele unqume ukuthi ngeyiphi inzuzo yemali evezwe esigatshaneni soku-(1) okufanele idalulwe nokubheka imfihlo nokudalulela umphakathi.

Imiklomeliso, izipho nokwenzelela

8. Ilungu akufanele licele, linxenxe noma lamukele umklomelo, isipho noma ukwenzelela—

(a) ngokuvota noma ukungavoti ngendlela ethile odabeni olufakwe eNdlini noma emkhandlwini noma ekomidini leNdlu noma lomkhandlu, eliyilungu kuwona;
(b) ngokukhuthaza indlu noma umkhandlu noma ikomidi noma ikomidi leNdlu noma umkhandlu mayelana nokusebenzisa amandla, ukuqhuba umsebenzi negunya;
(c) uma kwethulwa izethulo eNdlini noma emkhandwini noma ekomidini leNdlu noma lomkhandlu; noma
(d) ukudalula imininingwane yegunya noma imininingwane eyimfihlo.

Ukudalula imininingwane okungagunyaziwe

9. (1) Ilungu ngaphandle kwemvume yeNdlu noma yomkhandlu noma yekomidi leNdlu noma lomkhandlu, ngeke lidalule imininingwane yegunya noma eyimfihlo yeNdlu noma yomkhandlu noma yalelo komidi kumuntu ongafanele.

(2) Ngokwalolu hlamvu "imininingwane yegunya noma eyimfihlo" ibandakanya imininingwane—

(a) ebekwe iNdlu noma umkhandlu noma ikomidi leNdlu noma lomkhandlu, njengeyegunya noma eyimfihlo;

(b) edingidwe ngasese iNdlu noma umkhandlu noma ikomidi leNdlu noma lomkhandlu;

(c) ukudalulwa kwayo kungashayisana nelungelo lomuntu lemfihlo; noma

(d) emenyezelwe njengeyigunya, imfihlo noma okungafanele idalulwe ngokwemigomo yalo mthetho.

(3) Lolu hlamvu aluphambuki kumalungelo omuntu okufaka isicelo sokuthola imininingwane ngokwemigomo yomthetho kazwelonke osebenzayo.

Ukwaphula inqubo yokuziphatha kwamalungu endlu kaZwelonke

10. (1) Uma iNdlu kaZwelonke, ngezizathu ezizwakalayo, ibona ukuthi umbandela wenqubo yokuziphatha uphulwe ilungu, iNdlu kaZwelonke kufanele—

(a) igunyazwe uphenyo ngomsuka wokwaphula okusolwayo; futhi

(b) inikeze ilungu leNdlu kaZwelonke ithuba elanele lokuphendula ngencwadi mayelana nalezo zinsolo zokwaphula umbandela: Uma iNdlu kaZwelonke ingamisa ilungu elithile ngesikhathi kusenophenyo.

(2) INdlu kaZwelonke kufanele yazise uNgqongqoshe ngomphumela wophenyo.

(3) UNobhala kufanele aqikelele ukuthi ilungu ngalinye leNdlu kaZwelonke, uma lithatha isikhundla, linekezwa ikhophi yenqubo yokuziphatha futhi leyo khophi itholakala kumagumbi wonke noma endaweni lapho kuhlanganyela khona iNdlu kaZwelonke noma ikomidi leNdlu kaZwelonke.

(4) Uma iNdlu kaZwelonke igunyazwe uphenyo, kufanele isungule ikomidi ephenyayo—

(a) ukuba iphenye futhi ikhiphe nomphumela wezinsolo zokwaphula inzubo yokuziphatha; futhi

(b) yenze izincomo mayelana nesijeziso noma nezijeziso zeNdlu kazwelonke.

(5) Uma ikomidi ephenyayo eqokwe iNdlu kaZwelonke ukuba iqhube uphenyo ithola ukuthi ilungu leNdlu kaZwelonke, kubandakanya usihlalo noma iphini likasihlalo baphule umbandela wenqubo yokuziphatha, iNdlu kaZwelonke inga—

(a) khiphela lelo lungu isixwayiso esisemthethweni;

(b) igxeke lelo lungu;

(c) imise lelo lungu isikhathi esinikeziwe iNdlu kaZwelonke; noma

(d) isuse lelo lungu esikhundleni.

(6) *(a)* Ilungu leNdlu kaZwelonke elikhishelwe isixwayiso, lagxekwa, lamiswa noma lakhishwa esikhundleni ngokwemigomo yendima *(a)* , *(b)*, *(c)* noma *(d)* yohlamvana lwesi-(5), zingakapheli izinsuku eziyi-14 lazisiwe ngesinqumo seNdlu kaZwelonke, lingafaka isicelo sokubuyekeza kuNgqongqoshe liveze nezizathu zesicelo sokubuyekeza.

(b) Ikhophi yesicelo sokubuyekeza kufanele inikezwe iNdlu kaZwelonke.

(c) INdlu kaZwelonke, zingakapheli izinsuku eziyi-14 uma isithole isicelo sokubuyekeza esivezwe endimeni *(b)*, ingenza izethulo ezimayelana nesicelo sokubuyekeza kuNgqongqoshe ngokubhalwe phansi.

(d) UNgqongqoshe ngemuva kokubheka isicelo sokubuyekeza, angaqinisekisa, achithe noma aphambuke esinqumweni seNdlu kaZwelonke futhi azise ilungu eliqondene leNdlu kaZwelonke neNdlu ngomphumela wesicelo sokubuyekeza.

(7) *(a)* UNgqongqoshe angaqoka umuntu noma ikomidi elizophenya ngezinsolo zokwaphula imibandela yenqubo yokuziphatha kwelungu leNdlu kaZwelonke nokwenza izincomo zesijeziso esifanele ngokwemigomo yohlamvana lwesi-(5), uma iNdlu kaZwelonke ingaluqhubanga uphenyo njengoba kuveziwe uhlamvana loku-(1) futhi uNgqongqoshe wakubona kufanele: Uma iNdlu kaZwelonke ingamisa ilungu elithile ngesikhathi kusenophenyo.

(b) Uma uNgqongqoshe ebona ukuthi ilungu leNdlu kaZwelonke liphule umbandela wenqubo yokuziphatha, futhi ukuwaphula kunikeza igunya lokumisa noma lokususa ilungu esikhundleni, uNgqongqoshe anga—

(i) misa ilungu leNdlu kaZwelonke isikhathi nangemibandela enqunywe uNgqongqoshe; noma

(ii) asuse ilungu leNdlu kaZwelonke esikhundleni.

(8) Uphenyo ngokwemigomo yalolu hlamvu kufanele luqhutshwe ngokulandela imibandela ye-*Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)*.

Ukwaphula inqubo yokuziphatha kumalungu endlu yesifundazwe, indlu yasekhaya noma omkhandlu

11. (1) Uma indlu yesifundazwe, indlu yasekhaya noma umkhandlu, noma ilungu laleyo ndlu noma lomkhandlu, ngezizathu ezizwakalayo, likholelwa ukuthi ilungu laleyo ndlu noma lomkhandlu, kungabandakanyi usihlalo, liphule umbandela wenqubo yokuziphatha, leyo ndlu noma lowo mkhandlu kufanele usungule ikomidi ephenyayo—

(a) ezophenya futhi ikhiphe umphumela wezinsolo zokwaphula inqubo yokuziphatha okusolwayo; futhi

(b) ezokwenza iziphakamiso endlini noma emkhandlwini ofanele:

Uma iNdlu kaZwelonke ingamisa ilungu elithile ngesikhathi kusenophenyo.

(2) Uma umkhandlu ophenyayo uthola ukuthi ilungu lendlu yesifundazwe, indlu yasekhaya noma umkhandlu uphule umbandela wenqubo yokuziphatha, indlu efanele noma umkhandlu unga—

(a) khiphela lelo lungu isixwayiso esisemthethweni;

(b) gxeke lelo lungu;

(c) cele uNdunankulu oqondene ukuba amise lelo lungu isikhathi esinqunywe uNdunankulu; noma

(d) ucele uNdunankulu ukuba akhiphe lelo lungu esikhundleni.

(3) *(a)* UNdunankulu angaqoka umuntu noma ikomidi ukuba liphenye ukwaphula inqubo yokuziphatha okusolwayo futhi lenze iziphakamiso zesijeziso esifanele ngokwemigomo yohlamvana lwesi-(2), uma indlu yesifundazwe efanele, indlu yasekhaya noma umkhandlu unggalwenzanga uphenyo oluvezwe uhlamvana loku-(1) futhi uNdunankulu ebona kunesidingo: Inqobo nje uma kunezinsolo zokuphula inqubo yokuziphatha eziqondiswe kusihlalo wendlu

yesifundazwe, indlu yasekhaya noma womkhandlu, imibandela yalolu hlamvu kufanele isetshenziswe uNdunankulu: Uma iNdlu kaZwelonke ingamisa ilungu elithile ngesikhathi kusenophenyo.

(b) Uma uNdunankulu ekholelwa ukuthi ilungu lendlu yesifundazwe, indlu yasekhaya noma umkhandlu uphule umbandela wenqubo yokuziphatha futhi ukuwaphula kugunyaza ukumisa noma ukususa lelo lungu esikhundleni, uNdunankulu anga—

(i) khiphela lelo lungu isixwayiso esisemthethweni;

(ii) gxeka lelo lungu;

(iii) misa ilungu isikhathi futhi nangemibandela angayinquma; noma

(iv) akhiphe ilungu esikhundleni: Inqobo nje uma kuwusihlalo womkhandlu, ukumsusa esikhundleni kulandelwa umbandela oqondene woMthetho obhekele ukuhoxisa ukwamukela isikhundla sobuholi obuqondene.

(4) I-*Commissions Act, 1947 (Act No. 8 of 1947)*, noma uma kunesidingo, umthetho wesifundazwe osebenzayo, ungasetshenziswa ophenyweni ngokwemigomo yohlamvana lwesi-(3).

(5) Uphenyo ngokwemigomo yalolu hlamvu kufanele luqhutshwe ngokulandela imibandela ye-*Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)*.

ISITHASISELO 2

INGXENYE A
ISIFUNGO SAMALUNGU ENDLU KAZWELONKE, IZINDLU ZESIFUNDAZWE NEZINDLU ZASEKHAYA

Mina, …… ……..... (igama lelungu), ngiyafunga ukuthi ngizothembeka eNdlini futhi ngokuthembeka ngiyathembisa ukuthi ngaso sonke isikhathi ukuthi ngizokhuthaza okuzoqhakambisa, futhi ngizophikisana nakho konke okungaphazamisa, iNdlu; ukulalela, ukulandela, ukuqhakambisa nokugcina imithetho, imiyalelo nenqubo yeNdlu neminye imithetho yaseRiphabhuliki yaseNingizimu Afrika; ukuqhuba imisebenzi yami ngamandla nangekhono ngolwazi enginalo nangeqiniso ngokonembeza wami; ukwenza ubulungiswa kubo bonke; nokuzinikela kwinhlalakahle yeNdlu nakumalungu ayo.

Ngicela usomandla ngoMusa wakhe futhi noma amadlozi angihole futhi angisize ukugcina leso sifungo ngokuhlonipheka nangesithunzi.

Ngicela uNkulunkulu angisize.

…….
Kusayinda iLungu
Usuku:

INGXENYE B
ISIQINISEKISO SAMALUNGU ENDLU KAZWELONKE, IZINDLU ZEZIFUNDAZWE NEZINDLU ZASEKHAYA

Mina, …… ……..... (igama lelungu), ngiqinisekisa ukuthi ngizothembeka eNdlini futhi ngiyathembisa ukuthi ngaso sonke isikhathi ngizokhuthaza okuzoqhakambisa, futhi ngizophikisana nakho konke okungaphazamisa, iNdlu; ukulalela, ukulandela, ukuqhakambisa nokugcina imithetho, imiyalelo nenqubo yeNdlu neminye imithetho yaseRiphabhuliki yaseNingizimu Afrika; ukuqhuba imisebenzi yami ngamandla nangekhono ngolwazi enginalo nangeqiniso ngokonembeza wami; ukwenza ubulungiswa kubo bonke; nokuzinikela kwinhlalakahle yeNdlu nakumalungu ayo.

Sengathi amadlozi angangihola futhi angisize ukubambelela kulesi siqinisekiso ngenhlonipho nangesithunzi.

……..
Kusayinda ilungu
Usuku:

ISITHASISELO 3

UKUCHIBIYELA UMTHETHO
Isigaba 71

Ukuchibiyela i-*Independent Commission for the Remuneration of Public Office-bearers Act, 1997*

1. Ngakho-ke i-*Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act No. 92 of 1997)*, ichitshiyelwe ngokufaka endaweni yesigaba soku-1 sendima (*e*) incazelo **'isesikhundleni'** nale ndima elandelayo: "*(e)* noma eliphi **[ilungu leNdlu kaZwelonke yabaHoli beNdabuko, ilungu lendlu yesifundazwe yabaholi bendabuko noma umholi wendabuko]**

ingonyama, indlovukazi, umholi wendabuko oyinhloko, umholi wendabuko osesikhundleni esiphezulu, umholi wama-Khoi-San osesikhundleni esiphezulu, izinduna nenhloko yegatsha owamukelwa ngokulandela imibandela ethile ye-*Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003)*, ngaphambi kokuchithwa kwalowo Mthetho noma njengoba kuveziwe esigabeni sama-28 salowo Mthetho, noma eyamukelwe ngokulandela imibandela ethile ye-*Traditional and Khoi-San Leadership Act, 2015*;
amalungu eNdlu kaZwelonke yabaHoli beNdabuko nabaHoli bama-Khoi-San leaders, indlu yesifundazwe yabaholi bendabuko nabama-Khoi-San kanye nendlu yasekhaya yabaholi bendabuko nabama-Khoi-San ngokulandela imibandela ethile ye-*Traditional and Khoi-San Leadership Act, 2015* noma ngokulandela imibandela yomthetho wesifundazwe osebenzayo; kanye
nelungu elingeyena umholi wendabuko emkhandlwini wengonyama noma wendlovukazi, umkhandlu wendabuko oyinhloko, umkhandlu wendabuko, umkhandlu wendabuko ongaphansi komunye, umkhandlu wama-Khoi-San noma igatsha elisungulwe ngokulandela imibandela ethile ye-*Traditional and Khoi-San Leadership Act, 2015* noma njengoba kuveziwe esigabeni sama-70 soMthetho: Uma ilungu elingeyena umholi wendabuko izincomo zingenziwa mayelana nezibonelelo njengoba kuveziwe esigabeni sesi-8(4)(*a*) kanye (*c*);".

Ukuchibiyela i-*Remuneration of Public Office Bearers Act, 1998*

2. I-*Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998)*, (kulokhu obizwa ngokuthi i-*Remuneration Act),* iyachitshiyelwa ngokufaka endaweni yesihloko eside lesi sihloko eside esilandelayo:
"Ukuhlinzekela ngohlaka lokunquma amaholo nezibonelelo zikaMongameli, amalungu esiGungu sikaZwelonke, izithunywa ngokugcwele eMkhandlini kaZwelonke weziFundazwe, iPhini likaMongameli, oNgqongqoshe, amaPhini oNgqongqoshe, abaholi bendabuko, abaholi bamaKhoi-San, amalungu angebona abaholi bendabuko [zomkhandlu wendabuko, amalungu angebona abaholi bendabuko emikhandlwini yobukhosi noma yobundlovukazi, amalungu angebona abaholi bendabuko emikhandlwini engaphansi kweminye, amalungu angebona abaholi bendabuko emikhandlwini yendabuko eyinhloko, amalungu eziNdlu zasekhaya zabaHoli beNdabuko] kanye namalungu ezindlu, ukuhlinzekela ngohlaka lokunquma inani lamaholo nezibonelelo zoNdunankulu, amalungu eMikhandlu yeziPhathimandla, amalungu ezishayamthetho zesifundazwe namalungu eMikhandlu yoMasipala; ukuhlinzekela ngohlaka lokunquma ngempesheni nenzuzo yemedical eydi kubasebenzi abasezikhundleni; ukuhlinzekela ngokuchitha imithetho ethile; kanye nokuhlinzekela ngezindaba ezihambisana nawo.".

3. Isigaba soku-1 se-*Remuneration Ac*t ngakho-ke siyachitshiyelwa—
(a) ngokuguqula incazelo **"inzuzo"** ibe ile ncazelo elandelayo:
" 'inzuzo' kumholi wendabuko, umholi wamaKhoi-Sanr, ilungu elingeyena umholi wendabuko **[kumkhandlu wendabuko, amalungu angebona abaholi bendabuko emikhandlwini yendabuko engaphansi kweminye, amalungu angebona abaholi bendabuko emikhandlwini yendabuko eyinhloko; ilungu lomkhanldu wobukhosi noma wobundlovukazi; amalungu angebona abaholi bendabuko emikhandlwini yobukhosi noma yobundlovukazi, ilungu leNdlu yasekhaya yabaHoli beNdabuko, ilungu lendlu yasifundazwe yabaHoli beNdabuko nelungu leNdlu kaZwelonke yabaHoli beNdabuko]** kanye namalungu endlu ichaza leyo nzuzo enganqunywa uMongameli ngokwemigomo yesigaba sesi-5(3), futhi kwabanye abasezikhundleni, ichaza iminikelo evezwe esigabeni sesi-8(2) nesesi-(5) nesesi-9(2) nesesi-(5);";
(b) ngokushutheka ngemuva kwencazelo **"uMkhandlu weziPhathimandla"** lezi zincazelo ezilandelayo:
" 'umholi wamaKhoi-San' uchaza umholi wamaKhoi-San njengoba kuchaziwe esigabeni soku-1 se-*Traditional and Khoi-San Leadership Act, 2015*;
" 'ilungu lendlu' lichaza ilungu leNdlu kaZwelonke yabaHoli beNdabuko nabaHoli bamaKhoi-San, indlu yesifundazwe yabaholi bendabuko nabaholi bamaKhoi-San kanye nendlu yasekhaya yabaholi bendabuko nabaholi bamaKhoi-San esungulwe ngokulandela imibandela ethile ye-*Traditional and Khoi-San Leadership Act, 2015*, noma omunye umthetho wesifundazwe osebenzayo;";
(c) ngokushutheka ngemuva kwencazelo **"uNgqongqoshe"** le ncazelo elandelayo:
" 'ilungu elingeyena umholi wendabuko' lichaza ilungu elingeyena umholi wendabuko emkhandlwini wobukhosi noma wobundlovukazi, emkhandlwini wendabuko oyinhloko, emkhandlini wendabuko, emkhandlwini wendabuko ongaphansi komunye, emkhandlwini wamaKhoi-San noma igatsha elisungulwe ngokulandela imibandela ye-*Traditional and Khoi-San Leadership Act, 2015*;" ;

(d) ngokufaka endaweni yencazelo **"osesikhundleni"** le ncazelo elandelayo:
" 'osesikhundleni' uchaza iPhini likaMongameli, uNgqongqoshe, iPhini likaNgqongqoshe, ilungu lesiGungu sikaZwelonke, isithunywa ngokugcwele, uNdunankulu, ilungu loMkhandlu weziPhathimandla, ilungu lesishayamthetho sesifundazwe, umholi wendabuko, umholi wamaKhoi-San, ilungu elingeyena umholi wendabuko, **[lomkhandlu wendabuko, ilungu lomkhandlu wobukhosi noma wobundlovukazi, ilungu elingeyena umholi wendabuko emikhandlwini yendabuko engaphansi kweminye, amalungu angebona abaholi bendabuko emikhandlwini yendabuko eyinhloko; ilungu leNdlu yasekhaya yabaHoli beNdabuko, ilungu lendlu yesifundazwe yabaHoli beNdabuko, ilungu leNdlu kaZwelonke yabaHoli beNdabuko], ilungu lendlu** kanye nelungu loMkhanldu kaMasiapala;"; futhi

(e) ngokufaka endaweni yencazelo **"umholi wendabuko"** le ncazelo elandelayo:
" 'umholi wendabuko ' uchaza umholi wendabuko njengoba kuchaziwe esigabeni soku-1 se-*Traditional **[Leadership and Governance Framework Act, 2003]** and Khoi-San Leadership Act, 2015*.".

3. TNgakho-ke lesi sigaba esilandelayo sifakwe endaweni yesigaba sesi-5 se-*Remuneration Act, 1998*:
"Umholi, izibonelelo nenzuzo yabaholi bendabuko, abaholi bamaKhoi-San , amalungu angebona abaholi bendabuko kanye namalungu ezindlu [zemikhandlu yendabuko, amalungu emikhandlu yobukhosi noma yobundlovukazi, amalungu eziNdlu zasekhaya zabaHoli beNdabuko, amalungu ezindlu zesifundazwe zabaHoli beNdabuko namalungu eNdlu kaZwelonke yabaHoli beNdabuko] kanye namalungu ezindlu.

5. (1) Abaholi bendabuko, abaholi bamaKhoi-San, amalungu angebona abaholi bendabuko **[zomkhandlu wendabuko, amalungu angebona abaholi bendabuko emkhandlwini yobukhosi noma yobundlovukazi, amalungu angebona abaholi bendabuko emikhandlwini yendabuko engaphansi kweminye, amalungu angebona abaholi bendabuko emikhandlwini yendabuko eyinhloko; amalungu anoma ngeyiphi iNdlu yasekhaya yabaHoli beNdabuko namalungu eNdlu kaZwelonke yabaHoli beNdabuko]** kanye namalungu ezindlu kufanele, nakuba kunokushayisana nokunye okuqukethwe omunye umthetho, anelungelo lokuthola umholo nezibonelelo ezinganqunywa ngokuhamba kwesikhathi uMongameli ngemuva kokuxoxisana noNdunankulu oqondene ngesimemezelo kuSomqulu, ngemuva kokubheka—

(a) izincomo zeKhomishana;
(b) indima, izinga, izibophezelo, imisebenzi nejoka lemikhakha ehlukene yahaboli bendabuko, abaholi bamaKhoi-San, amalungu angebona abaholi bendabuko **[zemikhandlu yendabuko, amalungu angebona abaholi bendabuko emikhandlwini yendabuko engaphansi kweminye, amalungu angebona abaholi bendabuko emikhandlwini yendabuko eyinhloko; amalungu emikhandlu yobukhosi noma yobundlovukazi, amalungu angewona emikhandlu yendabuko yobukhosi noma yobundlovukazi, amalungu ahlukene eziNdlu zasekhaya zabaHoli beNdabuko, amalungu ahlukene eziNdlu zabaholi beNdabuko ezifundazweni ezihlukene namalungu ahlukene eNdlu kaZwelonke yabaHoli beNdabuko]** kanye namalungu ahlukene ezindlu;

(c) ukuhlinzekela ngamazinga ahlukene emiholo kubasebenzi abasezikhundleni;
(d) imigomo ekhona namazinga omholo emphakathini wonkana;
(e) isidingo sokukhuthaza ukulingana namaholo afanayo nezibonelelo emsebenzini ofanayo owenziwe;
(f) ukuqhakambisa ukusebenzisana, ubumbano nokuqonda imiphakathi yendabuko kanye nemiphakathi yamaKhoi-Sans kuzwelonke;
(g) izinga lendima nemisebenzi yabaholi bendabuko kanye nabaholi bamaKhoi-San emigceleni yezifundazwe; kanye
(h) nokunyuka kwamandla emali.

(2) Nakuba kunemibandela yesigatshana soku-(1), umholi wendabuko, umholi wamakhoi-San, ilungu elingeyena umholi wendabuko **[emikhandlwini yendabuko, amalungu angebona abaholi bendabuko emikhandlwini engaphansi kweminye, amalungu angebona abaholi bendabuko emikhandlwini yendabuko eyinhloko, ilungu lomkhandlu wobukhosi noma wobundlovukazi, ilungu leNdlu yasekhaya yabaHoli beNdabuko, ilungu lendlu yesifundazwe yabaHoli beNdabuko noma ilungu leNdlu kaZwelonke yabaHoli beNdabuko]** elibambe izikhundla ezihlukene ngesikhathi esisodwa kuhulumeni, linelungelo lokuthola umholo, izibonelelo nenzuzo kuphela yesikhundla sikahulumeni leso esiholela kakhulu, kodwa—
(a) lesi sigaba asivimbeli ukuzikhokhela izindleko zokuqhuba imisebenzi okungeyona leyo umsebenzi osesikhundleni ayiholela lowo mholo ophezulu; futhi
(b) uma izibonelelo zinqunywe ngokwemigomo yesigatshana soku-(1) kumalungu abaholi bendabuko noma kubaholi bamaKhoi-San neNdlu yasekhaya yabaHoli beNdabuko kanye nabaholi bamaKhoi-San, indlu yesifundazwe yabaHoli beNdabuko kanye nabaholi bamaKhoi-San , lowo mholi wendabuko noma umholi wamaKhoi-San kufanele abe nelungelo lezibonelelo ukwengeza emholweni wakhe, izibonelelo nenzuzo yomholi wendabuko noma umholi wamaKhoi-San.

(3) *(a)* UMongameli uma ebona kunesidingo ngemuva kokuxoxisana noNgqongqoshe noNdunankulu oqondene, angasebenzisa isimemezelo kuSomqulu ukunquma inzuzo okufanele umholi wendabuko, umholi wamaKhoi-San, ilungu elingeyena umholi wendabuko **[yomkhandlu wendabuko, ilungu lomkhandlu wobukhosi noma wobundlovukazi, amalungu angewona omkhandlu wendabuko wobukhosi noma wobundlovukazi, ilungu leNdlu yasekhaya yabaHoli beNdabuko, ilungu lanoma eyiphi indlu yesifundazwe yabaHoli beNdabuko]** noma ilungu lendlu kufanale liyithole, ngokulandela imibandela enganqunywa uMongameli.

(b) Uma uMongameli enquma inzuzo, indlela eevzwe endimeni *(a)* ukuya ku-*(h)* yesigatshana soku-(1) kufanale isetsehnziswe, nezinguquko ezifanele.

(4) Isamba esikhokhwayo mayelana nomholo, izibonelelo nenzuzo kubaholi bendabuko, abaholi bamaKhoi-San, amalungu angebona abaholi bendabuko **[somkhandlu wendabuko, ilungu elingeyena umholi wendabuko emkhandlwini yendabuko engaphansi kweminye, amalungu angebona abaholi bendabuko emikhandlwini yendabuko eyinhloko, amalungu omkhandlu wengonyama noma wendlovukazi, amalungu angebona abaholi bendabuko emkhandlwini wengonyama noma wendlovukazi; amalungu ezindlu zasekhaya zabaHoli beNdabuko kanye namalungu eNdlu kaZwelonke yabaHoli beNdabuko]** kanye namalungu ezindlu kufanele kukhokhwe ngemali eyabiwe iphalamende liyabela iNdlu kaZwelonke yabaHoli beNdabuko kanye nabaholi bamaKhoi-San futhi ikhokhwe isishayamthetho sesifundazwe uma kungabaholi

bendabuko, abaholi bamaKhoi-San, amalungu angebona abaholi bendabuko **[emikhandlwini yendabuko, kumalungu emikhandlu yobukhosi noma yobundlovukazi, kumalungu angebona abaholi bendabuko emikhandlwini yobukhosi noma yobundlovukazi]**, amalungu ezindlu zasekhaya zabaHoli beNdabuko kanye nabaHoli beNdabuko bamaKhoi-San kanye namalungu ezindlu zesifundazwe zabaHoli beNdabuko kanye nabaHoli bamaKhoi-San , noma emunye wabo.

(5) …..

(6) Nakuba kunemibandela yesigatshana soku-(1), ilungu lendlu kaZwelonke yabaHoli beNdabuko kanye nabaHoli bamaKhoi-San kufanele libe nelungelo lezibonelelo ezinqunywe uMongameli ngesimemezelo kusomqulu zomsebenzi eliwenzile kusukela mhlaka 10 Epreli 1997 kuze kunqunywe ngokwemigomo yesigatshana soku-(1).".

5. Isigatshana sesi-8 se-*Remuneration Act, 1998*, ngakho-ke siyachitshiyelwa ngokufaka endaweni yesigatshana sesi-(6) lesi sigatshana esilandelayo:

"(6) Imibandela yalesi sigaba kufanele, ngokulandela isigaba sesi-5(3), ingasebenzi kumholi wendabuko, umholi wamaKhoi-San, ilungu elingeyena umholi wendabuko **[yomkhandlu wendabuko, ilungu elingeyena umholi wendabuko emikhandlwini yendabuko engaphansi kweminye, ilungu elingeyena umholi wendabuko emikhandlwini yendabuko eyinhloko, ilungu lomkhandlu wobukhosi noma wobundlovukazi, ilungu elingeyena umholi wendabuko emikhandlwini yobukhosi noma yobundlovukazi, ilungu leNdlu yasekhaya yabaHoli beNdabuko, ilungu lendlu yesifundazwe yabaHoli beNdabuko nelungu leNdlu kaZwelonke yabaHoli beNdabuko]** noma ilungu lendlu.".

6. Isigaba sesi-9 se-*Remuneration Act, 1998*, ngakho-ke sichitshiyelwe ngokufaka endaweni yesigatshana sesi-(6) lesi sigatshana esilandelayo:

"(6) Imibandela yalesi sigaba kufanele, ngokulandela isigaba sesi-5(3), ingasebenzi kumholi wendabuko, umholi wamaKhoi-San, ilungu elingeyena umholi wendabuko **[yomkhandlu wendabuko, ilungu elingeyena umholi wendabuko emikhandlwini yendabuko engaphansi kweminye, ilungu elingeyena umholi wendabuko emikhandlwini yendabuko eyinhloko, ilungu lomkhandlu wobukhosi noma wobundlovukazi, ilungu elingeyena umholi wendabuko emikhandlwini yobukhosi noma yobundlovukazi, ilungu leNdlu yasekhaya yabaHoli beNdabuko, ilungu lendlu yesifundazwe yabaHoli beNdabuko nelungu leNdlu kaZwelonke yabaHoli beNdabuko]** noma ilungu lendlu.".

Ukuchibiyela i-*Local Government: Municipal Structures Act, 1998*

6. (1) I-*Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*, ngakho-ke sichitshiyelwe ngokufaka endaweni yesigatshana sama-81 lezi zigaba ezilandelayo:

"81. "(1) Kulesi sigaba, ngaphandle uma inggikithi ibeka ngenye indlela– **'igatsha'** l ichaza igatsha lomphakathi wama-Khoi-San owamukelwe ngaleyo ndlela ngokwemigomo yesigaba sesi-5(5) se-TKLA;

"umkhandlu wama-Khoi-San" uchaza umkhandlu wama-Khoi-San osungulwe ukuba wamukele umphakathi wama-Khoi-San ngokulandela imibandela yesigaba se-18 se-TKLA ;
"TKLA" ichaza i-*Traditional and Khoi-San Leadership Act, 2015*;
"indlu yasekhaya"ichaza indlu yasekhaya yabaholi bendabuko nabaholi bama-Khoi-San njengoba kuveziwe esigabeni sama-50 se-TKLA;
"MEC" uchaza ilungu noMkhandlu weziPhathimandla elibhekele izindaba zohulumeni basekhaya esifundazweni esithile;
"ilungu elibambe iqhaza" lichaza usihlalo wendlu yasekhaya, ilungu noma amalungu akhethwe ileyondlu yasekhaya njengoba kuveziwe esigatshaneni sesi-(2)*(a)* no-*(b)*, noma umuntu noma abantu abaphakanyisiwe njengoba kuveziwe esigatshaneni sesi-(2)*(c)*;
"umkhandlu wendabuko" uchaza umkhandlu wendabuko osungulwe ukuba wamukele umphakathi wendabuko ngokulandela imibandela yesigaba se-16 se-TKLA;
'umkhandlu wendabuko ongaphansi komunye' uchaza umkhandlu wendabuko ongaphansi komunye njengoba uchaziwe esigabeni se-17 se-TKLA.
(2) *(a)* Uma indlu yasekhaya isisunguliwe endaweni yegunya likamasipala wendawo noma wedolobha elikhulu, usihlalo wendlu yasekhaya namanye amalungu amabili akhethwe ileyo ndlu angabamba iqhaza kokuqhubekayo emkhandlwini walowo masipala wendawo noma wedolobha elikhulu.
(b) Uma indlu yasekhaya isisunguliwe endaweni yegunya likamasipala wesifunda—
(i) usihlalo wendlu yasekhaya kanye namalungu amabili akhethwe ile ndlu yasekhaya angaba ingxenye yokuqhutshwa umkhandlu kamasipala wesifunda; futhi
(ii) indlu yasekhaya, kumasipala ngamunye wendawo owela endaweni yegunya likamasipala wesifunda, ungakhetha okungenani ilungu kodwa angadluli kwamabili ukuba abe ingxenye yokuqhutshwa umkhandlu kulowo masipala wendawo: Uma usihlalo kanye namalungu endlu yasekhaya avezwe endimaneni (i) angeke amukelwe kule ndimana: Futhi uma umuntu noma abantu abazokhethelwa le ndimana kufanele kube abantu abahlala endaweni yegunya lalowo masipala wendawo.
(c) Uma zingekho izindlu zasekhaya endaweni yegunya likamasipala wendawo, isifunda noma wedolobha elikhulu, kodwa kunemikhandlu yendabuko kanye nemikhandlu yama-Khoi-San—
(i) u-MEC kufanele abambe imihlangano ilandelane nabo bonke abaholi bendabuko abamukelwa abasesikhundleni esiphezulu kanye nabaholi bama-Khoi-San abamukelwa abasesikhundleni esiphezulu abangena ngaphansi kwegunya likamasipala othile; futhi
(ii) umholi wendabuko osesikhundleni esiphezulu kanye abasesikhundleni esiphezulu bama-Khoi-San kulowo mhlangano, kufanele kubona—
(aa) bakhetha umuntu oyedwa kulowo masipala ozoba ingxenye yokuqhutshwa umasipala; futhi
(bb) bakhetha umuntu oyedwa kumasipala ngamunye uzongena esikhaleni somholi obambe iqhaza esizovuleka:
Uma kungabibikho ukuvumelana ngomholi obambe iqhaza noma ngomuntu ozogcwalisa isikhala, umholi kufanele avotele amagama abaphakanyisiwe ngendlela u-MEC abona ukuthi ifanele.

(d) Okungenani okuthathu kunani lamalungu akhethiwe noma aphakanyisiwe ngokwemigomo yendima *(a)*, *(b)* noma *(c)* kufanele kube abantu besifazane.
(e) Usihlalo wendlu yasekhaya, kufanele, engakapheli amasonto amabili kusukela ngosuku lokukhetha okuvezwe endimeni *(a)* noma *(b)*, anikeze u-MEC amagama aphelele nesibongo, inombolo kamazisi nemininingwane yokuxhumana yakhe kanye nabo bonke abantu abakhethiwe.
(f) U-MEC kufanele, mayelana nosihlalo ngamunye nomuntu okhethiwe noma ophakanyisiwe njengoba kuveziwe kulesi sigatshana, athumele kumasipala wasekhaya, wesifunda noma wedolobha elikhulu imininingwane evezwe endimeni *(e)*.
(g) Ukhetho kanye nokuphakanyiswa kwamagama kwabaholi ababambe iqhaza njengoba kuveziwe endimeni *(a)*, *(b)* kanye *(c)* kufanele kuqale okungenani enyangeni eyodwa ngaphambi kosuku lokukhetha emkhandlwini kamasipala futhi kufanele kuphele ngaphambi kwalolu suku: Uma u-MEC enganquma isikhathi eside esingeke sibe side ukwedlula inyanga eyodwa ngemuva kosuku lokukhetha umkhandlu othile kamasipala.
(3) *(a)* Umuntu ngeke abe umholi obambe iqhaza uma—
(i) engaphansi kweminyaka eyi-18;
engeyena waseNingizimu Afrika;
engeyena umholi wendabuko owamukelwe noma umholi wama-Khoi-San osesikhundleni esiphezulu njengoba kuveziwe ku-TKLA;
alahlwa icala wagwetshwa izinyanga ezidlule kweziyi-12 ngaphandle kokuthola ithuba lokukhokha inhlawulo;
ekhubazekile ngendlela yokuthi ngeke akwazi ukubamba iqhaza kokuqhutshwa umkhandlu kamasipala;
amenyezelwa inkantolo njengomuntu owahlulwa ukukhokha izikweleti noma esenze isivumelwane nalabo abakweletayo;
engaphilile kahle ngokomqondo futhi lowo myalelo wakhishwa inkantolo;
eyikhansela elikhethiwe lomkhandlu kamasipala;
eyilungu lesishayamthetho sesifundazwe;
eyilungu lesiGungu sikaZwelonke;
eyisithunywa ngokugcwele eMkhandlwini kaZwelonke weziFundazwe; noma
eyilungu ngokugcwele lanoma eyiphi indlu yabaholi bendabuko nabama-Khoi-San.
(b) Umholi obambe iqhaza ngeke asababamba iqhaza kokuqhutshwa umkhandlu kamasipala uma—
(i) ezinye zezimo ezivezwe ezindimaneni (ii) kuya (xii) endimeni *(a)* kwenzeka kumholi obambe iqhaza; noma
(ii) esulile esikhundleni sakhe sokubamba iqhaza.
(c) Umholi obambe iqhaza ngeke akhethwe noma kuphakanyiswe igama lakhe ukuba abambe iqhaza kumkhandlu emkhakheni edlulile kowodwa kamasipala.
(d) Ukudlula emhlabeni komholi obambe iqhaza noma esinye sezimo ezivezwe endimeni *(b)* kuzoholela esikhaleni sosikhundla somholi obambe iqhaza lelo sikhala okufanele sigcwaliswe ngokulandela imibandela yesigatshana sesi-(2)*(a)*, *(b)* noma *(c)*, noma esinye sazo, futhi ngokulandela isigatshana sesi-(2)*(d)*, *(e)* kanye *(f)*.
(4) Umholi obambe iqhaza kokuqhutshwa umasipala wendawo, wesifunda noma wedolobha elikhulu, noma omunye kule, futhi—
kufanele aqhube le misebenzi noma imisebenzi ehambisana nemigubho engacelwa umkhandlu kamasipala ukuba ayiqhube;
kufanele athamele futhi abe ingxenye yemihlangano yomkhandlu kamasipala futhi, ngokulandela imithetho nemiyalelo yomkhandlu kamasipala, angathumela iziphakamiso, enze izincomo futhi abuze umbuzo;

kufanele athamele futhi abambe iqhaza emihlanganweni yekomidi lomkhandlu kamasipala othile lewo mholi okhethelwe wona ngokwemigomo yesigaba sama-79(2)*(d)* salo Mthetho;
kufanele alandele imibandela efanele yeNdlela yokuziPhatha etholakala kusiThasiselo soku-1 se-*Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)*, kanye nemithetho engaguquki nemiyalelo kamasipala othile;
akufanele avote emihlanganweni yomkhandlu kamasipala noma ekomidini lomkhandlu futhi ngeke abambe ingxenye yenani lamalungu angabamba umhlangano emkhandlwini kamasipala noma ekomidini lomkhandlu; futhi
angadingida izindaba zomkhandlu kamasipala eizphathelene—
nezindaba ezithinta nggo noma ezithinta ngenye indlela ubuholi bendabuko boma bama-Khoi-San noma isiko elithile noma umkhandlu wama-Khoi-San noma umphakathi; noma
olunye udaba oluphathelene nemiphakathi yendabuko noma yama-Khoi-San endaweni yegunya lomkhandlu othile kamasipala.
Umholi obambe iqhaza—
Angabamba iqhaza kokuqhutshwa umkhandlu othile kamasipala ngesikhathi lowo mkhandlu usasebenza njengoba kuveziwe esigabeni sama-24 salo Mthetho;
Ngeke asebenze imikhawulo ilandelana: Inqobo nje uma bengekho abaholi bendabuko abamukelwa abasesikhundleni esiphezulu noma umholi wama-Khoi-San owamukelwa osesikhundleni esiphezulu okhona ongakhethelwa noma aphakanyiswe njengoba kuveziwe esigatshaneni sesi-(2) uma kukhethwa umkhandlu omusha kamasipala, umholi obambe iqhaza owake wakhethwa phambilini noma kwaphakanyiswa igama lakhe angasebenza imikhawulo ilandelana;
Ngeke acele omunye umuntu ukuba abambe iqhaza kokuqhubekayo emkhandlwini kamasipala amele yena.

(6) Umholi obambe iqhaza kufanele, engakapheli amasonto amathathu kusukela ngosuku lomhlangano womkhandlu kamasipala, kufanele ahlanganise umbiko wazo zonke izindaba ezithinta imiphakathi yendabuko ethile neyama-Khoi-San, njengoba kuxoxiswene futhi kwanqunywa ilowo ilowo mkhandlu kamasipala, futhi athumele umbiko endlini yasekhaya nayendabuko nasemkhandlwini wama-Khoi-San engenangaphansi kwendawo yegunya lalowo masipala: Inqobo nje uma kunomholi oyedwa obambe iqhaza kokuqhutshwa umkhandlu kamasipala, lowo mholi kufanele, engakapheli amasonto amabili kusukela ngosuku lomhlangano womkhandlu kamasipala, bahlangane ukuze bahlanganise umbiko ovezwe kulesi sigatshana.

(7) Ikomidi lomkhandlu kamasipala elivezwe esigatshaneni sesi-(4)*(c)*, lingamema noma omuphi umholi wendabuko owamukelwa noma umholi wama-Khoi-San owamukelwa, ukuba akhulume nalelo komidi nganoma oluphi udaba oluthinta umphakathi wendabuko othile noma umphakathi wama-Khoi-San noma umphakathi.

(8) Umholi obambe iqhaza kufanele asebenze ngendlela engenzeleli futhi kufanele—

aseke imikhandlu yomasipala ngokuveza izidingo ezithile zomphakathi wendabuko nowama-Khoi-San owela ngaphansi kwendawo kamasipala;
asize ngokubamba iqhaza imiphakathi yendabuko nemiphakathi yama-Khoi-San ekuthuthukiseni noma ekuchitshiyelweni kohlelo lwezentuthuko oludidiyelwe lukamasipala othile;
aseke umasipala othile ekuthuthukiseni intuthuko yomnotho wendawo edidiyelwe kanye nokuhlela;
asize ekuzibandakanyeni kwemiphakathi ethile yendabuko neyama-Khoi-San ezindabeni zomasipala ezidinga noma okufanele umphakathi uzibandakanye nazo, kubalwa nezindaba zamawadi amakomidi;
enze izincomo futhi aphakamise ukungenelela ngendlela efanele mayelana nokunikezelwa ngezinsiza endaweni ethile yegunya lemikhandlu ethile yendabuko;

bambe iqhaza ekuthuthukiseni ingubomgomo nemithetho yomasipala ezingeni likamasipala;
bambe iqhaza ezinhlelweni ezithile zentuthuko kamasipala;
thuthukise ukuqhakanjiswa kokusebenzisana kohulumeni, ukuhlela intuthuko ngokudidiyela, intuthuko esimeme kanye nokunikezela ngezidingo;
khuthaze izinhlelo zolwazi lwendabuko;
bambe iqhaza futhi aqikelele ukubamba iqhaza kwemiphakathi yendabuko neyama-Khoi-San ezinhlalweni zendawo zikamasipala;
qwashise umasipala ngezingozi ezikhona noma olengela kuzona noma ngenhlekelele echaphazela noma engase ichaphazele indawo kamasipala,

futhi angase aluleke umkhandlu kamasipala othile ngezindaba ezithinta amagugu, ulimi, inkambiso namasiko emiphakathi ethile yendabuko kanye neyama-Khoi-San.

(9) Amakhansela emikhandlu kamasipala kanye nabaholi ababambe iqhaza kufanele—

bamukele futhi bahloniphe izinga labanye kanye nendima abayidlalayo ngaphansi kwezindaba zikamasipala;
bamukele futhi bahloniphe uhlaka lukahulumeni wasekhaya njengohlaka oluhlukile, oluzimele lukahulumeni njengoba kuveziwe kuMthethosisekelo; futhi
basebenzisane ngokuthembana futhi ngokuzwana ngokuba—
bakhuthaze ubudlelwane bokusebenzisana nabanye; futhi
basizane futhi basekane uma beqhuba imisebenzi yabo nendima yabo.

(10) *(a)* Uma kwaphulwa, noma ingalandelwa, imibandela esebenzayo yeNdlela yokuziPhatha equkethwe isiThasiselo soku-1 ye-*Local Government: Municipal Systems Act, 2000*, umholi obambe iqhaza, umkhandlu kamasipala ogondene kufanele wazise —

indlu yesifundazwe yendabuko egondene kanye nabaholi bama-Khoi-San, uma indlu efana nale yasungulwa;
indlu yendawo yabaholi bendabuko nabama-Khoi-San endaweni kamasipala, uma indlu efana nale seyasungulwa; futhi
imikhandlu yendabuko kanye nemikhandlu yama- Khoi-San endaweni kamasipala, yalokhu okuphuliwe okusolwayo.

(b) Okusolwa ukuthi kuphuliwe, noma ukungayilandeli, imibandela esebenzayo yeNdlela yokuziPhatha okuvezwe endimeni *(a)* , kufanele kudingidwe ngokulandela imibandela yohlamvu lwe-15 lwaleyo Ndlela yokuziPhatha.

(c) Imiphumela yophenyo oluvezwe kuhlamvu lwe-15 lweNdlela yokuziPhatha kanye nonswinyo oluthweswe ngaphansi kwalolo hlamvu, kufanele ludluliswe umkhandlu kamasipala noma u- MEC, noma omunye wabo, kudluliselwe—

(i) kumholi obambe iqhaza ogondene;

(ii) u-MEC ogondene uma kuwuphenyo oluqhutshwa umkhandlu kamasipala noma ikomidi elikhethekile njengoba kuveziwe ohlamvini lwe-14(1) lwesiThasiselo soku- 1 se- *Local Government: Municipal Systems Act, 2000*;

(iii) umkhandlu kamasipala uma uphenyo luqhutshwa umuntu noma ikomidi egokwe u-MEC njengoba kuveziwe ohlamvini lwe-15(4) lwesiThasiselo soku-1 se-*Local Government: Municipal Systems Act, 2000*; futhi

(iv) izindlu kanye nemikhandlu evezwe endimeni *(a)*.

(d) Nakuba kunemibandela yendima *(a)* ,umholi obambe iqhaza uzoqhubeka nokulandela iNdlela yokuziPhatha etholakala kusiThasiselo se-TKLA, kanye nendlela yokuziphatha esifundazweni kusishayamthetho sesifundazwe ehambisana nobuholi bendabuko nobuholi bama-Khoi-San.

(11) U-MEC—

(a) kufanele, ngezindlela ezifanele, aqaphe ukusetshenziswa kwalesi sigaba esifundazweni futhi enze izincomo ngokusetshenziswa kwaso endlini yabaholi bendabuko egondene nasendlini yama-Khoi-San, komasipala bonke abaoqndene nakubaholi bonke ababambe iqhaza; futhi

(b) anganikezela ngamandla akhe avezwe kulesi sigaba, ngaphandle kwamandla okunquma isikhathi eside esivezwe esigatshaneni sesi-(2)*(g)*, kuMoqndisi-Jikelele womnyango oqondene nezindaba zendabuko nezama-Khoi-San esifundazweni ezithile, noma kumsebenzi walowo mnyango.

(12) UNdunankulu, angasebenzisa isaziso kuSomqulu wesiFundazwe ukumisa izimiso zomthetho ngodaba olufanele ukuze kusetshenziswe ngendlela efanele lesi sigaba: Uma lezo zimiso zomthetho zingeke zishayisane nalesi sigaba.

(13) *(a)* Umholi obambe iqhaza, kusabelomali somkhandlu kamasipala oqondene, angakhokhelwa izindleko azikhokhele ngokwakhe: Ngokwalesi sigaba, "izindleko azikhokhele ngokwakhe" zichaza izindleko zangampela nezifanele zomholi obambe iqhaza mayelana nezokuthutha, ezokuthutha umphakathi nokupaka, lezi zindleko kufanele zihambisane nomhlangano noma umcimbi ohlelwe umkhandlu kamasipala noma ikomidi lalowo mkhandlu, noma imikhosi noma imisebenzi yesikhundla lowo mholi obambe iqhaza aceliwe ukuba ayithamele ecelwa umkhandlu kamasipala.

(b) Izindleko azikhokhele ngokwakhe kufanele zigunyazwe umasipala ngaphambi komhlangano noma komcimbi ovezwe endimeni *(a)*.

(c) Izindleko azikhokhele ngokwakhe azithinti umholo, izibonelelo noma inzuzo evezwe ku-*Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998)*, noma izinsiza njengoba kuveziwe ku-*Independent Commission for the Remuneration of Public Office-Bearers Act, 1997 (Act No. 92 of 1997)*.

(d) Ukuze kuqikelelwe ukwenziwa kweiznto ezifanayo ezifundazweni, uNgqonggoshe, ngemuva kokuxoxisana noNdunankulu futhi ngokusebenzisa isaziso kuSomqulu, angamisa izimiso zomthetho ezimayelana nezindleko azikhokhele ngokwakhe.".

(2) Ngakho-ke isiThasiselo sesi-6 se-*Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)*, sichithiwe.

(3) Imibandela yesigatshana soku-(1) nesesi-(2) izoqala ukusebenza ngosuku lokuqala ukusebenza koMthetho weNdabuko nobuHoli bama-Khoi-San, 2015.

UKUCHITHWA KOMTHETHO
(Isigaba 72)

Inombolo	**Isihloko, inombolo nonyaka womthetho**	**Indlela ochithwe ngayo**
1	*Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003)*	Wonke

2	*Traditional Leadership and Governance Framework Amendment Act, 2009 (Act No. 23 of 2009)*	Wonke
3	*National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009)*	Wonke

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