

ISAHLUKO 10

ZOKUPHATHA KURHULUMENDE

Amagugu Aqakathekileko Nekambisolawulo Elawula Zokuphatha KuRhulumente

195. (1) Ukuphatha kuRhulumente kumele kulawulwe magugu asekelo intando yesitjhaba nemigomo emumethwe mThethosisekelo okufaka hlangana:
- (a) izinga eliphakemeko lepatho eyamukelwako kufanele lithuthukiswe beliphumeleliswe.
 - (b) imithombo ifanele isetjeniswe ngekhono nangokubabalela iindleko okumele ziphunyeeleliswe.
 - (c) ukuphatha kuRhulumente kumele kuphunyeeleliswe.
 - (d) imisebenzi kumele yethulwe ngaphandle kokuthatha ihlangothi, ngokufaneleko, ngokulinganako nangaphandle kokuveza iinrhuluphelo zalowo owethula umsebenzi.
 - (e) iindingo zabantu kumele zibonelelwe begodu umphakathi kumele ukhuthazwe bona ubenesandla ekuthatheni iinqunto ezimanqophana nokuphatha.
 - (f) ukuphatha kwakuRhulumente kumele kube nokuziphendulela.
 - (g) ukuphatha kwakuRhulumente kumele kube setjhatjhalazini ngokubonelela umphakathi ngamaqiniso ngeenkathazi ezifaneleko.
 - (h) ubudlelwano hlangana nabantu netuthuko yokuthwasiselwa imisebenzi kumele kungezelelwe begodu kutjalwe emphakathini.
 - (i) ukuphatha kwakuRhulumente kumele kutjengise ukujanyelwa ngokunabileko babantu beSewula Afrika, ukuqatjha nekambiso yokuphatha kumele kusekelwe phezu kwekhono, kumele kuzaliswe neendingo zokukhuphula labo abatjhiyeke emva ngebanga lebandlululo kuze kufikelele ubujamo obulinganako.
- (2) linkambisolawulo ezingehla zisetjenziswa—
- (a) kwezokuphatha kunanyana ngiliphi izinga likaRhulumente;
 - (b) eenjamisweni zombuso; begodu
 - (c) nakumabhezini wombuso.
- (3) UmThetho weNarha kumele uqinisekise ukwenyulwa kwezinga lamagugu neenkambisolawulo ezirheliswe esigatjaneni (1).

- (4) Ukuqatjiswa kwenani labantu emsebenzini wezokuphatha kuRhulumente ngokutjhejwa komthethokambiso akukavimbelwa, kodwana umThetho weNarha kumele alawule ukuqatjiswa emsebenzini womphakathi.
- (5) UmThetho olawula ukuphatha kwakaRhulumente uqhulunisa phakathi kweengcenyane ezahlukeneko, zokuphatha namkha iinkhundo.
- (6) Umhlobo nemisebenzi yeengcenyane ezahlukeneko, zezokuphatha namkha iinkhundo zokuphathwa komphakathi zimaphuzu aqakathekileko okumele atjhejwe emThethweni olawula zokuphatha komphakathi.

IKomitjhini YeenSebenzi ZikaRhulumente

196. (1) KuneKomitjhini yabasebenzi bakaRhulumente eyodwa yeRiphabliki.
- (2) IKomitjhini izijamele begodu kumele ingakhethi, begodu kumele isebenzise amandlayo yenze nemisebenzayo ngaphandle kokwesaba, ukuthatha ihlangothi namkha ukulimaza ngenrhuluphelo lokutjhejwa lokuphathwa komphakathi ngepumelelo nangekghono begodu nezinga eliphezulu lobukghoni emsebenzini womphakathi. IKomitjhini kumele ilawulwe mThetho weNarha.
- (3) Ezinye iinjamiliso zombuso, ngokusetjenziswa komthetho namanye amagadango, kumele zivikele bezisize iKomitjhini ukuqinisekisa ukuziphatha, ukungakhethi, isithunzi kunye nokuphumelela kweKomitjhini. Akunamuntu namkha ihlangano yombuso engangenangena hlangana ukusebenza kweKomitjhini le.
- (4) Amandla nemisebenzi yeKomitjhini le nginaka alandelako—
 - (a) kunyula amagugu neenkambisolawulo ezendlalwe esigabeni 195 kizo zoke iinkhundo zomsebenzi womphakathi;
 - (b) kuphenya, ukubeka ilihlo nokutjhejisisa ukuhleleka nekambiso begodu namagadango athathwa ziinsebenzi, zomsebenzi womPhakathi;
 - (c) kwenza iimpakamiso zamagadango angahle athathwe ukuqinisekisa ipumelelo nobukghoni bokusebenza umsebenzi womphakathi;
 - (d) kukhupha iinqophiso ezinqophe ukuqinisekisa bona indlela yekambiso ephathelene nokutholela abantu umsebenzi, ukutjhidiselwa kwabasebenzi kezinye iindawo, ukukhutjhwala eenkhundleni begodu nokukhutjhwala emsebenzini ukobana, iyakhambisana yini nemihlinzeko neenkambisolawulo ezitjhiwo esigabeni 195;
 - (e) kukwethula umbiko manqophana nemisebenzayo okufaka hlangana neenqunto ezithetheko, iimpakamiso nokweluleka ekunikelweko ukufikela

ezingeni lapha imihlinzeko neenkambisolawulo ezendlalwe esigabeni 195 zizalisiwe; begodu

- (f) nayinye yeenrhuluphelo zayo namkha ukwamukelwa kwananyana ngiziphi iinghonyayo zayo okumele—
- (i) iphenye namkha ihlolise amagadango wezokuphatha anamatha abasebenzi nokwethula umbiko kusiphathiswa esiqondeneko namkha kwiBethamthetho;
 - (ii) ukuphenyisisa iinghonyayo zeensebenzi zombuso manqophana namagadango wangokomThetho namkha ukubhalelwa kuthatha amagadango lawo, begodu yenze iimphakamiso zeensombululo; ukuhlolisisa nokuphenyisisa ukulandelwa kweenkambiso ezifaneleko kwezomsebenzi womphakathi; begodu
 - (iii) ukutjheja nokuphenya bona kubanjelelwe kangangani eenkambisweni ukusetjenzelwa komphakathi; begodu
 - (iv) nokuyelelisa amatjja womBuso weNarha newesiFunda manqophana neekambiso ezimanqophana neensebenzi zombuso okufaka hlangana lezo ezimanqophana nokuqatjha, ukuthunyelwa kwenye indawo yesisebenzi namkha ukuphiwa omunye umsebenzi, wokuqatjha neminye imininigwana emanqophana neensebenzi zombuso.
- (g) Ukusebenzisa amandla namkha imisebenzi engezelelweko etholakala emThethweni wePalamende.

[Ipharagrafu (g) ifakelelwe ngesigaba 3 somThethosisekelo oliTjhuguluko lesiBili lomThetho womnyaka we-1998.]

- (5) IKomitjhini iziphendulela esiBethamthethweni seNarha.
- (6) IKomitjhini kumele yethule umbiko okungasenani kanye ngomnyaka ngokuya kwesigatjana (4)(e)—
 - (a) esiBethamthethweni seNarha; begodu
 - (b) manqophana nemisebenzayo esiFundeni, esiBethamthethweni sesiFundeso.
- (7) IKomitjhini inaboKomitjhinara abali-14 abalandelako ababekwe eenkhundleni nguMongameli:
 - (a) aboKomitjhinara abahlanu abavunywe siBethamthetho seNarha ngokwesigatjana (8) (a); begodu
 - (b) uKomitjhinara oyedwa qobe siFunda okhethwe nguNdunakulu wesiFundeso ngokuya kwesigatjana (8)(b).

- (8) (a) uKomitjhina obekwe esikhundleni ngokuya kwesigatjana (7)(a) kumele—
- (i) aphakanyiswe yiKomidi yesiBethamthetho ebunjwe ngokulinganako manqophana neenhlango zoke ezijanyelwe kusiBethamthetho; begodu
 - (ii) avunywe siBethamthetho seNarha ngesiqunto esithethwe ngevowudu esekelwa linengi lamalungalo.
- (b) UKomitjhina okhethwe nguNdunakulu wesiFunda okumele—
- (i) aphakanyiswe yiKomidi yesiBethamthetho sesiFunda ebunjwe ngokulinganako manqophana neenhlango zoke ezijanyelweko esiBethamthethweni; begodu
 - (ii) avunywe siBethamthetho ngesiqunto esithathwe ngevowudu esekelwa linengi lamalungaso.
- (9) UmThetho wePalamende kumele, ulawule indlela yekambiso yokunikelwa umsebenzi kwaboKomitjhina.
- (10) UKomitjhina ubekwa anikelwe umsebenzi isikhathi seminyaka emihlanu, evuselelwa isikhathi esingezelweko sonyaka munye kwaphela, begodu okumele abengumma namkha ubaba—
- (a) osisakhamuzi seSewula Afrika; begodu
 - (b) nomumuntu okulungeleko begodu nonelwazi le, namkha ilemuko lokwenza, ukuphatha namkha ukunikela ngemisebenzi kaRhulumente.
- (11) UKomitjhina angakhutjha emsebenzini kwaphela ngebanga—
- (a) lokungaziphathi kuhle, ukungakghoni namkha ukubhalelwa ukwenza umsebenzi;
 - (b) sokutholwa anephoso ngalokho siBethamthetho seNarha namkha nange kunguKomitjhina owenyulwe nguNdunakulu wesiFunda, namkha yiKomidi yesiBethamthetho sesiFunda leyo; begodu.
 - (c) nangesiqunto esithethwe siBethamthetho seNarha namkha siBethamThetho sesiFunda esithintekako, ngesiqunto sevowudu elisekelwe linengi lamalungaso bona uKomitjhina akhuthjwe emsebenzini.
- (12) UMongameli kumele akhuphe uKomitjhina othintekako emsebenzini nangabe—
- (a) isiBethamthetho seNarha yamukele isiqunto esitjho bona uKomitjhina lowo asuswe.
 - (b) isaziso esitlolwe nguNdunakulu bona iPalamende yesiFunda ithethe isiqunto sokobana uKomitjhina lowo akhuthjwe.

- (13) AboKomitjhina abatjiwo esigatjaneni (7) (b) bangasebenza amandla bebenze imisebenzi yeKomitjhini eemFundeni zabo njenganyana kuquntwe mThetho weNarha.

ZemiSebenzi KaRhulumende

197. (1) Ngaphakathi kwezokuphatha komphakathi kunemisebenzi kaRhulumende weRiphabliki, okumele isebenze begodu yakhiwe ngokuya komThetho weNarha begodu nokumele bona ngokwethembeka yethulwe ngemithethokambiso esemthethweni kaRhulumende wanamhlanjesi.
- (2) Imininingwana nemibandela yokuqatjha kweensebenzi zikaRhulumende kumele ilawulwe mThetho weNarha. Iinsebenzi zinamalungelo wokuthola umhlalaphasi njengombana ulawulwa mThetho weNarha.
- (3) Asikho isisebenzi sikaRhulumende esizakuphatha ngcono kunabanye namkha akhubazeke ngebanga kwaphela lokusekela ihlangano ethileko yezombanganarha namkha umnqopho wayo.
- (4) Kusemahlombe kaRhulumende weemfunda ukuzifunela ukuqatjha, ukukhuphula emsebenzini, ukuthumela kwenye indawo yokusebenza namkha ukwenza omunye umsebenzi nokuqatjha kwabasebenzi bakaRhulumende ngakwezokuphatha ngeendaweni zakhe , kodwana ngokulandela imigomo efanako namazinga asetjenziswa kwezomsebenzi kaRhulumende .