

## ISAHLUKO 10

### IMISEBENZI YOLAWULO KARHULUMENTE

#### Imigaqo elawula imisebenzi yolawulo karhulumente

195. (1) Imisebenzi yolawulo karhulumente mayilawulwe yimigaqo yentando yesininzi ekuMgaqo-siseko, kuquka nemigaqo elandelayo:
- makukhuthazwe kuze kulondolozwe umgangatho oxhomileyo wokwenza izinto ngendlela eyiyo;
  - makukhuthazwe ukusetyenziswa kobuncwane ngendlela etyibilikayo, eyongayo nephumelelayo;
  - imisebenzi yolawulo karhulumente mayijolise kuphuhliso;
  - iinkonzo mazinikwe ngokungenamkhethe nangokungakhalazisiyo;
  - makusatyelwe kwiintswelo zabantu, uluntu lukhuthazwe ukuba luthabath'inxaxheba ekuqulunqweni kwenkqubo;
  - imisebenzi yolawulo karhulumente makuphendulwe ngayo;
  - makukhuthazwe ukusebenzela elubala ngokunika uluntu ingcombolo esexesheni, efikelekayo nechanileyo;
  - makukhuthazwe ukuphathwa kakuhle kwabasebenzi nokuphuculwa kwabo emisebenzini yabo, ukuze bafikelele apho banokufikelela khona ngokwesakhono;
  - kwimisebenzi yolawulo karhulumente makubekho iindidi zabantu ngokweendidi zabantu abakhoyo eMzantsi-Afrika, ukuqeshwa nokuphathwa kwabasebenzi kusekelwe kwisakhono, kwinjongo, kubulungisa, nakwimfuneko yokulungisa ubugwenxa bexesha elidlulileyo ukuze abantu bamelwe ngokubanzi.
- (2) Imigaqo engentla isebenza—
- kwimisebenzi yolawulo kuwo onke amanqwanqwa karhulumente;
  - kumacandelo karhulumente;
  - nakumashishini karhulumente.
- (3) Umthetho wepalamente wezwelonke mawuqinisekise ukukhuthazwa kwemigaqo edweliswe kwisiqendwana (1).

- (4) Ukuqeshwa kwabantu abaliqela kwimisebenzi yolawulo karhulumente kucingelwa inkqubo akuthethi kuthi makungenziwa, kodwa umthetho wepalamente wezwelonke mawukulawule oku kuqeshwa kwabasebenzela urhulumente.
- (5) Umthetho wepalamente olawula imisebenzi yolawulo karhulumente unokwahlula phakathi kwamacandelo ahlukeneyo, imisebenzi yolawulo okanye amaziko.
- (6) Uhlobo lwamacandelo ahlukeneyo nemisebenzi yawo, imisebenzi yolawulo okanye amaziko emisebenzi yolawulo karhulumente zizinto ezifanelekileyo zokucingelwa kwimithetho yepalamente elawula imisebenzi yolawulo karhulumente.

### **IKomishoni yaBasebenzi bakaRhulumente**

196. (1) Kukho iKomishoni yaBasebenzi bakaRhulumente enye yeRiphabliki.
- (2) Le Komishoni izimele geqe kwaye mayingabi namkhethe, kwaye mayiwasebenzise amagunya ayo yenze nemisebenzi yayo ingenaloyiko, ingazami kukholisa mntu uthile okanye ukumona, isenzela ukuba imisebenzi yolawulo karhulumente ihlale inempumelelo kwaye ityibilika, kwaye uxhome umgangatho wokwenza izinto ngendlela kwabasebenzela urhulumente. IKomishoni le mayilawulwe ngumthetho wepalamente wezwelonke.
- (3) Amanye amacandelo karhulumente, ngokuwis' imithetho nangeziny' iindlela, mawayincedise kwaye ayikhusele iKomishoni ukuqinisekisa ukuba izimele geqe, ayinamkhethe, inesidima kwaye isebenza ngempumelelo. Akukho mntu okanye candelo likarhulumentemte uvumelekileyo ukuba aphazamise ukusebenza kweKomishoni.
- (4) Amagunya ale Komishoni nemisebenzi yayo—
- (a) kukukhuthaza imigaqo echazwe kwisiqendu 195, kubo bonke abasebenzela urhulumente;
  - (b) kukuphanda, kukubek' esweni nokuphonononga ukulungelelana nolawulo, nezinto ezenziwa ngabasebenzi, kwabasebenzela urhulumente;
  - (c) kukucebisa ngamanyathelo amakathathwe ukuqinisekisa ukuba kusetyenzwa ngempumelelo nangokutyibilikayo kwabasebenzela urhulumente;
  - (d) kukunika imiyalelo enjongo yayo ikukuqinisekisa ukuba iinkqubo ezimayela nabasebenzi eziphathelele ekugayweni kwabo, ekufudusweni kwabo, ekunyuselweni nasekugxothweni kwabo ziyavisisana nemigaqo echazwe kwisiqendu 195;

- (e) kukwenz'ingxelo ngekwenzileyo nangendlela eyenze ngayo imisebenzi yayo, kuquka naziphi na izinto enokuthi izifumanise nemiyalelo namacebiso enokuthi iwanike, nokuhlola ukuba imigaqo echazwe kwisiqu 195 igcinwa kangakanani; nokuthi
- (f) izenzela yona ngokwayo okanye isakufumana isikhalazo—
  - (i) iphande ize iphonononge ukusetyenziswa kweendlela zolawulo kubasebenzi nakuluntu, nokwenz'ingxelo kwigunya elingurhulumente ofanelekileyo neliyindlu yowiso-mthetho efanelekileyo;
  - (ii) kukuphanda izikhalazo zabaqeshwa kwinkonzo karhulumente mayela nezenzo ezenziweyo ngokwasemsebenzini okanye izenzo ezingenziwanga bezifanele kukwenziwa ngokwasemsebenzini;
  - (iii) kukubek' esweni nokuphanda ukuba izinto zenziwa ngokwenkqubo esebenza kuzo kwinkonzo karhulumente;
  - (iv) kukecebisa amacandelo karhulumente kuzwelonke nakumaphondo ngezinto ezenziwa ngabasebenzi kwinkonzo karhulumente, kuquka nezo ziquka ukugaywa kwabasebenzi, ukuqeshwa kwabo, ukufuduswa kwabo, ukugxothwa nezinye izinto zemisebenzi yabaqeshwa kwinkonzo karhulumente
- (g) nokusebenzisa amanye amagunya nokwenza eminye imisebenzi exelwa nguMthetho wePalamente.

[Isiqu (g) songezwa sisiqendu 3 soMthetho Wesibini Wokwenz' Utshintsho KuMgaqo-siseko ka-1998.]

- (5) Ikomishoni le iphendula kwiNdlu yoWiso-mthetho.
- (6) Ikomishoni le mayenz'ingxelo ubuncinane kanye ngonyaka—ngokwesiqendwana (4)(e)—
  - (a) kwiNdlu yoWiso-mthetho;
  - (b) mayela nezinto ezenzileyo kwiphondo, yenz'ingxelo kwindlu yowiso-mthetho yelo phondo.
- (7) Ikomishoni inamalungu ali-14 alandelayo amiselwe nguMongameli:
  - (a) amalungu amahlanu avunywe yiNdlu yoWiso-mthetho ngokwesiqendwana (8)(a);
  - (b) ilungu elinye lephondo ngalinye elityunjwe yiNkulumbuso yephondo ngokwesiqendwana (8)(b).

- (8) (a) ilungu elimiselwe ngokwesiqendwana (7)(a)–
- (i) malinconyelwe yikomiti yeNdlu yoWiso-mthetho eyakhiwe ngamalungu awo onke amaqela amelweyo kwiNdlu; aza
  - (ii) avunywa yindlu yowiso-mthetho ngesigqibo esamkelwe ngevoti exhasayo yesininzi samalungu ayo.
- (b) Ilungu lekomishoni elikhethwe yiNkulumbuso yephondo –
- (i) malinconyelwe yikomiti yendlu yowiso-mthetho yephondo eyakhiwe ngokobungakanani bamalungu awo onke amaqela amelweyo kwindlu yowiso-mthetho; kwaye
  - (ii) malivunywe yindlu yowiso-mthetho ngesigqibo esamkelwenge voti exhasayo yoninzi lwamalungu ayo.
- (9) UMthetho wePalamente mawuyilawule inkqubo yokumiselwa kwamalungu.
- (10) Ilungu limiselwa ixesha eliyiminyaka emihlanu, elinokuvuselelwa esinye isihlandlo esinye kuphela, kwaye makube ngumntu olibhinqa okanye oyindoda–
- (a) ongummi waseMzantsi-Afrika;
  - (b) ongumntu ofanelekileyo onolwazi okanye amava kwimisebenzi yolawulo, ekuphathweni kweenkonzo zikarhulumente nasekunikezelweni kwazo.
- (11) Ilungu linokushenxiswa esikhundleni kuphela–
- (a) lenze into embi, lingakwazi ukusebenza ngenxa yempilo okanye lingawazi umsebenzi walo;
  - (b) xa kufunyaniswe oko yikomiti yeNdlu yoWiso-mthetho okanye, xa kulilungu elityunjwe yiNkulumbuso yephondo, xa kufunyaniswe oko yikomiti yendlu yowiso-mthetho yelo phondo; naxa
  - (c) iNdlu yoWiso-mthetho okanye indlu yowiso-mthetho yephondo yamkele isigqibo ngevoti exhasayo yesininzi samalungu ayo esithi malishenxiswe ilungu esikhundleni.
- (12) UMongameli makalishenxiswe ilungu esikhundleni–
- (a) kusakwamkelwa isigqibo yiNdlu sokuba lishenxiswe; okanye
  - (b) esakube aziswe ngencwadi yiNkulumbuso ukuba indlu yowiso-mthetho yephondo yamkele isigqibo sokuba lishenxiswe ilungu.
- (13) Amalungu ekuthethwe ngawo kwisiqendwana (7)(b) anokusebenzisa amagunya eKomishoni enze nemisebenzi yayo kumaphondo awo ngendlela efunwa ngumthetho wepalamente wezwelonke.

**Inkonzo karhulumente**

197. (1) Ngaphakathi kwimisebenzi yolawulo karhulumente kukho inkonzo karhulumente yeRiphabliki, emayisebenze, yakhiwe, ngokomthetho wepalamente wezwelonke, kananjalo emayiziphumeze iinkqubo ezisemthethweni zorhulumente ophetheyo.
- (2) Imigqaliselo nemiqathango yokuqeshwa kwinkonzo karhulumente mayilawulwe ngumthetho wepalamente wezwelonke. Abaqeshwa banelungelo lomhlalaphantsi ongakhalazisiyo olawulwa ngumthetho wepalamente wezwelonke.
- (3) Akukho mqeshwa wenkonzo karhulumente omakathandwe okanye abukulwe ngenxa nje yokuba exhasa iqela lopolitiko elithile okanye exhasa injongo yeqela lopolitiko ethile.
- (4) Oorhulumente bamaphondo ngabo abanokugaya abasebenzi bakarhulumente, babaqeshe, babanyusele, babafudusele kwezinye iindawo, babagxotho nokubagxotha ngokwemilinganiselo efanayo esebenza kubasebenzi bakarhulumente.