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KWAZULU-NATAL PROVINSIE
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PART 1 OF 2

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ACTS • WETTE

NOTICE 15 OF 2023

[English text signed by the Premier]

KWAZULU-NATAL
TOURISM AND FILM AUTHORITY ACT, 2024
(Act No. 02 of 2024)



Assented to on 09/04/2024

ACT

To provide for the establishment of the KwaZulu-Natal Tourism and Film Authority in order to effect the governance and regulation of the tourism sector and audio-visual industry in the Province under the auspices of the KwaZulu-Natal Tourism and Film Authority; to provide for the dissolution of the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority and the transfer of the powers, functions and duties of the former Commission and the former Authority to the KwaZulu-Natal Tourism and Film Authority; to repeal the KwaZulu-Natal Film Commission Act, 2010, and the KwaZulu-Natal Tourism Act, 1996; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:

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CHAPTER 1
INTERPRETATION, OBJECTIVES, APPLICATION AND PRINCIPLES

Definitions

1.(1) Words derived from the word or terms defined have corresponding meanings, unless the context indicates otherwise.

(2) Any term or provision of this Act must be reasonably interpreted in a manner that is consistent with the purpose and objectives of this Act.

(3) In this Act, unless the context otherwise indicates –

“**Agency**” means the KwaZulu-Natal Tourism and Film Authority established in terms of section 7;

“**annual performance plan**” has the meaning ascribed to it by the national Department of Planning, Monitoring and Evaluation in its Framework for Strategic Plans and Annual Performance Plans published from time to time;

“**audio-visual**” includes the use of recorded pictures, images, videos and sound, or the equipment that produces such recorded pictures, images, videos and sound;

“**audio-visual industry**” means the industry related to the development, promotion, marketing, production and use of recorded pictures, images, videos and sound, and includes audio-visual content creators, audio-visual activity operators, audio-visual establishments and other audio-visual stakeholders;

“**audit committee**” means an audit committee as contemplated in section 77 of the Public Finance Management Act;

“**Board**” means the Board of the Agency established in terms of section 10;

“**business day**” means any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;

“**Chairperson**” means the Chairperson of the Board, and includes a person who is acting as Chairperson;

“**Chief Executive Officer**” means the Chief Executive Officer of the Agency appointed in terms of section 36;

“**committee**” means a committee of the Board established in terms of section 25;

“**company**” means a company as defined in the Companies Act, 2008 (Act No. 71 of 2008);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Department**” means the department or departments responsible for the promotion, development, marketing and regulation of the tourism sector and audio-visual industry in the Province;

“**direct interest**” means –

- (a) the ownership of shares in a company or entity;
- (b) an interest in a close corporation;
- (c) an interest in a partnership;
- (d) a real or personal right in property used by a company, corporation, trust, business or other legal entity;
- (e) an interest in a trust;
- (f) in respect of a business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity;
- (g) remuneration, directorship, consultancy and retainership;
- (h) a loan account;
- (i) a remuneration, income, revenue, entitlement to revenue, shares, interest, donation, gift or any other benefit accruing to a person prior to or pursuant to the registration, accreditation, classification, grading and certification of a tourism establishment or a tourism or audio-visual operator;
- (j) the conclusion or existence of any contract or agreement with an applicant for a licence, an existing licence holder or a registrant in terms of this Act; and
- (k) a personal interest,

and “**indirect interest**”, in respect of a relative, business partner, associate or employer, other than the State, has a corresponding meaning;

“**Executive Council**” means the Executive Council of the Province contemplated in section 132 of the Constitution;

“**Gazette**” means the official *Provincial Gazette* of the Province;

“**Head of Department**” means the head of the department or heads of the departments responsible for the promotion, development, marketing and regulation of the tourism sector and audio-visual industry in the Province;

“**interim Board**” means the interim Board contemplated in section 59(1)(a)(i);

“**interim Chief Executive Officer**” means the interim Chief Executive Officer as contemplated in section 59(1)(b);

“**internal audit**” means a system of internal audit as contemplated in sections 51(1)(a)(ii) and 76(4)(e) of the Public Finance Management Act;

“**MEC**” means the Member or Members of the Executive Council responsible for the promotion, development, marketing and regulation of the tourism sector and audio-visual industry in the Province;

“**member**” means a member of the Board as contemplated in section 13;

“**member of a committee**” means a member of a committee established by the Board in terms of section 25;

“**municipality**” means a municipality as contemplated in section 155 of the Constitution of the Republic of South Africa, 1996, and established by and under sections 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000), and “**district municipality**” and “**metropolitan municipality**” have a corresponding meaning;

“**municipal organ of state**” means an organ of state in the local sphere of government;

“**National Film and Video Foundation Act**” means the National Film and Video Foundation Act, 1997 (Act No. 73 of 1997), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**national Tourism Act**” means the Tourism Act, 2014 (Act No. 3 of 2014), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**organ of state**” has the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

“**person**” includes a natural or a juristic person, a group of such persons or a corporate body;

“**policy**” means a policy approved by –

- (a) national Cabinet and published in the *Government Gazette*;
- (b) the Executive Council or a municipal council and published in the *Gazette*; or
- (c) the Board,

as the case may be;

“**political office bearer**” means a –

- (a) member of the National Assembly, the National Council of Provinces or the national Cabinet;
- (b) member of a Provincial Legislature or a provincial Executive Council;
- (c) municipal councillor;
- (d) diplomatic representative of the Republic who is not a member of the public service;
- (e) member of a house of traditional and Khoi-San leaders;
- (f) traditional leader or Khoi-San leader recognised in terms of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019); or
- (g) national, provincial or local office bearer of a political party, organisation, body, alliance or movement registered in terms of section 15 or 15A of the Electoral Commission Act, 1996 (Act No. 51 of 1996);

“**Portfolio Committee**” means the Portfolio Committee or Portfolio Committees of the Provincial Legislature responsible for the promotion, development, marketing and regulation of the tourism sector and audio-visual industry in the Province;

“**Promotion of Access to Information Act**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**Protection of Personal Information Act**” means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**Province**” means the Province of KwaZulu-Natal contemplated in section 103 of the Constitution and “**provincial**” has a corresponding meaning;

“**Provincial Legislature**” means the Legislature of the Province as contemplated in section 105 of the Constitution, and having the legislative authority of the Province as contemplated in section 104 of the Constitution;

“**Provincial Treasury**” means the Treasury established for the Province in terms of section 17 of the Public Finance Management Act;

“**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999), and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof;

“**regulations**” means a regulation or regulations made in terms of this Act;

“**relative**” means a –

- (a) person who is party to a civil union, a marriage, including a customary marriage, or a party to a permanent relationship which calls for cohabitation and mutual financial and emotional support; or
- (b) person's child, parent, brother or sister, whether such relationship results from birth, marriage or adoption;

“**staff member**” means a member of staff of the Agency transferred to, or appointed by, the Agency in terms of section 39 or 40, as the case may be;

“**sworn declaration**” includes a confirmed statement made before a commissioner of oaths; and

“**this Act**” means the KwaZulu-Natal Tourism and Film Authority Act, 2024, and includes any regulations, notices, practice notes or circulars, made, issued or published in terms thereof.

Objectives of Act

2. The objectives of this Act are to establish the KwaZulu-Natal Tourism and Film Authority as a provincial public entity in accordance with the provisions of the Public Finance Management Act and to provide for the governance structures, management and administration of the Agency to govern and regulate the –

- (a) tourism sector; and
- (b) audio-visual industry,

with reference to applicable national legislation and other relevant provincial legislation.

Application of Act

3. This Act –

- (a) applies to the Province as a whole; and
- (b) binds all provincial and municipal organs of state.

Principles

4.(1) In the application of this Act, the Agency must –

- (a) act in –
 - (i) an efficient;
 - (ii) an effective;
 - (iii) a transparent;
 - (iv) a legitimate; and
 - (v) a credible,

manner;

- (b) act with integrity;
- (c) observe high ethical standards;
- (d) commit to service excellence;
- (e) commit to deliver on its mandate;
- (f) ensure –
 - (i) just administrative action, reasonableness, procedural and substantive fairness and impartiality with regard to all matters within its functional domain; and
 - (ii) effective, transparent, accountable and coherent consultation and cooperation with all provincial and municipal organs of state and other stakeholders; and
- (g) adhere to the principles of sound corporate governance.

(2) The Agency must exercise its powers, perform its functions and carry out its duties in accordance with –

- (a) applicable constitutional provisions, including the provisions governing cooperative governance;
- (b) the provisions of this Act and other applicable legislative and policy provisions; and
- (c) the principles set out in subsection (1).

CHAPTER 2

DISESTABLISHMENT OF KWAZULU-NATAL FILM COMMISSION AND KWAZULU-NATAL TOURISM AUTHORITY

Disestablishment of KwaZulu-Natal Film Commission and KwaZulu-Natal Tourism Authority

5. The KwaZulu-Natal Film Commission, established in terms of section 2(1) of the KwaZulu-Natal Film Commission Act, 2010 (Act No. 3 of 2010), and the KwaZulu-Natal Tourism Authority, established in terms of section 2(1) of the KwaZulu-Natal Tourism Act, 1996 (Act No. 11 of 1996), are hereby disestablished.

Consequences of disestablishment

6.(1) The Agency is the successor-in-law to the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority.

(2) The Agency is responsible for –

- (a) the management of operations and all risks associated with the –
 - (i) disestablishment of the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority; and
 - (ii) establishment of the Agency; and
- (b) any power exercised, function performed, and duty carried out by the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority prior to their disestablishment.

(3)(a) All assets, liabilities, rights and obligations vested in, and all administrative, financial and other records kept by, the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority, vest in the Agency.

(b) The Registrar of Deeds must make the necessary entries or endorsements for the transfer of any property in terms of paragraph (a), and no transfer fee, office fee or other charge is payable in respect of that entry or endorsement.

(4) With effect from the date of commencement of this Act –

- (a) all staff members of the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority are deemed to be staff members of the Agency as contemplated in section 39; and
- (b) the members of the boards of the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority are deemed to have resigned from their positions as members of the respective boards.

CHAPTER 3

ESTABLISHMENT OF KWAZULU-NATAL TOURISM AND FILM AUTHORITY

Establishment of Kwazulu-Natal Tourism and Film Authority

7.(1) A juristic person to be known as the KwaZulu-Natal Tourism and Film Authority is hereby established as a provincial public entity in accordance with the provisions of the Public Finance Management Act.

(2) The Agency may only be dissolved in terms of an Act of the Provincial Legislature.

Objectives of Agency

8. The objectives of the Agency are to –

- (a) market and promote the tourism sector and audio-visual industry;
- (b) facilitate the development of the tourism sector and audio-visual industry;
- (c) create an enabling environment for sustainable growth and job creation in the tourism sector and audio-visual industry;
- (d) contribute to job creation in the tourism sector and audio-visual industry; and
- (e) address historical imbalances in infrastructure and the distribution of skills and resources in the tourism sector and audio-visual industry,

in the Province.

Powers, functions and duties of Agency

9.(1) The Agency must exercise the powers, perform the functions and carry out the duties as set out in –

- (a) this Act;
- (b) applicable national and provincial legislation; and
- (c) any other law.

(2) The Agency has the following powers, functions and duties:

- (a) act as the custodian for the integrated marketing and promotion of the Province as a tourism and audio-visual destination to local and international markets;
- (b) act as a hub for tourism and audio-visual-related information;
- (c) attract local and foreign investment for the establishment, development and growth of tourism and audio-visual infrastructure, facilities and products;
- (d) provide financial and non-financial support for the development and transformation of the tourism sector and audio-visual industry;
- (e) attract leisure tourism, business events and audio-visual productions;
- (f) encourage existing role players and new entrants into the tourism sector and audio-visual industry to support enterprises, employ people, and partner with business entities in the Province;
- (g) provide support programmes targeting small, medium and micro enterprises in order to facilitate empowerment and employment in the Province;
- (h) raise additional funds from sources other than appropriations from the Provincial Legislature, to enhance the implementation of the objectives of this Act;
- (i) advocate for an environment that is conducive to the promotion, growth and transformation of the tourism sector and audio-visual industry;

- (j) promote coherence of, and cooperation between, all organs of state in respect of tourism sector and audio-visual industry matters through the establishment of appropriate coordinating structures;
- (k) liaise and interact with all stakeholders and role-players in the tourism sector and audio-visual industry;
- (l) facilitate and coordinate industry development in the tourism sector and audio-visual industry; and
- (m) partner with local, national, regional, African and global organisations to further the objectives of this Act.

(3) The Agency may exercise such other powers, perform such other functions and carry out such other duties as may be reasonably necessary or expedient for the achievement of the objectives of this Act, the Acts referred to in subsection (1)(a) and (b), and any other law referred to in subsection (1)(c), to the extent that such other law is applicable to the Agency.

CHAPTER 4 GOVERNANCE ARRANGEMENTS

Establishment of Board

10.(1) The Agency is governed by a Board which –

- (a) is responsible for governance, oversight and monitoring; and
- (b) directs the Agency in the exercise of its powers, the performance of its functions, and the carrying out of its duties in accordance with this Act, the Public Finance Management Act and the principles of good governance.

(2) The Board, after consultation with the MEC and the Chief Executive Officer, may restructure the Agency if, in its opinion, it is necessary for the effective exercise of powers, performance of functions and carrying out of duties by the Agency.

(3) The Board is the accounting authority as contemplated in section 49(2)(a) of the Public Finance Management Act.

(4) The Board must, within a period not exceeding three months after its appointment, conclude a mutually binding agreement with the MEC to regulate the relationship between the MEC and the Board.

(5) The Board must, within a period not exceeding three months after its appointment, approve a board charter to –

- (a) regulate the proceedings of the Board and any committee established in accordance with section 25;
- (b) determine the powers, functions and duties of committees established in accordance with section 25;
- (c) determine the relationship between the Board and –
 - (i) the Chief Executive Officer;
 - (ii) the board secretary; and
 - (iii) internal audit; and
- (d) provide for any other matter that may be required for the effective and optimal operation of the Board:

Provided that the Board must annually, within a period not exceeding three months after the beginning of every financial year, review the board charter.

Role of MEC

11.(1) The MEC –

- (a) is the executive authority as contemplated in section 1 of the Public Finance Management Act;
- (b) must, within a period not exceeding three months after the commencement of this Act, appoint the Board as contemplated in section 13; and
- (c) must monitor the Agency and the Board in the exercise of their powers, the performance of their functions and the carrying out of their duties.

(2) The members referred to in section 13(c) must –

- (a) facilitate liaison between the MEC and the Board; and
- (b) report to the MEC from time to time regarding matters which are considered relevant.

(3) The MEC may –

- (a) by notice in the *Gazette*, determine –
 - (i) norms and standards for the exercise of the Agency's powers, the performance of its functions and the carrying out of its duties; and
 - (ii) limits on fees charged by the Agency in the exercise of its powers, the performance of its functions and the carrying out of its duties; and
- (b) issue directives to the Agency on –

- (i) policy, planning, strategy and procedural issues to ensure its effective and efficient functioning; and
- (ii) measures to achieve the norms and standards contemplated in paragraph (a)(i).

Role of Head of Department

12. The Head of Department is the designated accounting officer of the Department as contemplated in the Public Finance Management Act.

Composition of Board

13. The Board consists of –

- (a) at least seven and no more than 11 members appointed by the MEC, comprised of
 -
 - (i) one person with knowledge of and experience in the tourism sector and audio-visual industry nominated by the KwaZulu-Natal provincial structure of the South African Local Government Association as contemplated in section 2 of the Organised Local Government Act, 1997 (Act No. 52 of 1997), representing organised local government in the Province: Provided that he or she may not be an elected representative of local government; and
 - (ii) the members appointed as provided for in section 15;
- (b) the Chief Executive Officer as an *ex officio* member, who does not have the right to vote at meetings of the Board or any of its committees; and
- (c) one or more employees of the Department, whom the MEC may, in his or her discretion, appoint as his or her representative or representatives on the Board, which representative or representatives may attend meetings of the Board and any of its committees and participate in discussions, but do not have the right to vote at such meetings: Provided that the MEC may vary or remove such representative or representatives as he or she deems necessary.

General requirements for members

14.(1) Members must –

- (a) be fit and proper persons;
- (b) hold office in the best interest of the Agency and the Province;

- (c) have appropriate qualifications and experience; and
- (d) be independent, impartial and fair.

(2) A person is disqualified from becoming or remaining a member if that person –

- (a) is not or is no longer a citizen of the Republic;
- (b) is a political office bearer;
- (c) with the exception of a member contemplated in section 13(a)(i), (b) and (c), is in the full-time employ of an organ of state;
- (d) is an advisor or a special advisor to an organ of state or to a political office bearer;
- (e) is an official or employee of a municipality established in terms of section 155(1) of the Constitution;
- (f) has or acquires a direct or indirect interest in any tourism sector or audio-visual industry activity;
- (g) has or acquires a direct or indirect interest in any business or enterprise that may conflict or interfere with the proper performance of his or her functions as a member;
- (h) fails to disclose a direct or indirect interest in accordance with section 17(4) or attended or participated in the proceedings of the Board while having an interest referred to in that section;
- (i) has a direct or indirect interest in any contract with the Agency and fails to declare his or her interest and the nature thereof in the manner required by this Act;
- (j) is or becomes an unrehabilitated insolvent;
- (k) is or has been declared by a competent court to be of unsound mind;
- (l) is or becomes a person under curatorship;
- (m) is or has been removed from office in terms of section 19(1) or (2);
- (n) is or has been declared a delinquent director as contemplated in section 162 of the Companies Act, 2008 (Act No. 71 of 2008);
- (o) is or has, at any time, been removed from any office of trust on account of misconduct or dishonesty; or
- (p) is or has been convicted, in the Republic or elsewhere, of an offence –
 - (i) involving dishonesty, theft, fraud, forgery or uttering a forged document, or perjury;
 - (ii) under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
 - (iii) under Chapter 2 or 3 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998);
 - (iv) under the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001);
 - (v) under the Companies Act, 2008 (Act No. 71 of 2008);

- (vi) under this Act; or
- (vii) under any other similar law:

Provided that a disqualification in terms of this paragraph ends five years after the sentence has been completed.

(3)(a) If any member during his or her term of office is disqualified in terms of subsection (2), or acquires an interest which is likely to be a direct or indirect interest, he or she must, within a period not exceeding ten business days after he or she has been disqualified or after the acquisition of such interest, or after he or she has become aware of such information, in writing declare such interest to the –

- (i) Chairperson, or if the declaration concerns the Chairperson, the Deputy Chairperson; and
- (ii) MEC.

(b) Upon receipt of information from a member as contemplated in paragraph (a), the MEC must, subject to section 19(2), terminate with immediate effect the term of office of such member.

Appointment procedure

15.(1) Whenever it is necessary to appoint a member or members as contemplated in section 13(a)(ii), the MEC must, within 20 business days –

- (a) invite nominations through advertisements in the *Gazette* and at least two provincial newspapers, one in English and one in *isiZulu*, which advertisements must prescribe –
 - (i) the nomination procedure and the closing date by which nominations must be received; and
 - (ii) the information, qualifications and experience required for nomination; and
- (b) compile a list of the names of persons nominated, setting out the full particulars of each individual nominee.

(2) Any nomination made pursuant to an advertisement in terms of subsection (1)(a) must be supported by –

- (a) the personal and contact details of the nominee;
- (b) particulars of the nominee's qualifications and experience; and
- (c) any other information that may be prescribed as contemplated in subsection (1)(a).

(3) A person who has been nominated to serve on the Board in terms of subsection (2) must, within ten business days of being nominated, submit to the MEC his or her –

- (a) signed acceptance of the nomination;
- (b) sworn statement declaring that he or she is not disqualified from appointment in terms of section 14(1) and (2); and
- (c) sworn declaration of all his or her direct and indirect interests.

(4) Any failure by the nominee to disclose any disqualification criterion or any direct or indirect interest in terms of subsection (3)(b) and (c) disqualifies the nominee from being considered for the position of a member.

(5) The MEC must appoint a panel to review and evaluate all the nominations and thereafter to shortlist and make recommendations to him or her regarding the nominees: Provided that the shortlist and recommendations must be submitted to the MEC within 20 business days after the appointment of the panel.

(6) The MEC must, within ten business days of receiving the shortlist and recommendations contemplated in subsection (5) –

- (a) consider the recommendations; and
- (b) make the required number of appointments from the list of nominees referred to in subsection (1)(b): Provided that if the shortlisted nominees do not comply with the requirements for qualification and the criteria provided for in this Act, the MEC must advertise for nominations again for the outstanding number of appointments in accordance with the provisions of this section.

(7) In appointing a member or members contemplated in this section, the MEC must ensure that the Board is broadly representative and collectively composed of persons with corporate governance experience and a broad range of other applicable skills, expertise and experience, and who are preferably resident in KwaZulu-Natal, with specific representation by at least one person who –

- (a) is qualified as a marketer in the Republic and has, for a cumulative period of at least ten years after having so qualified, practised as a marketer in the tourism sector or audio-visual industry;
- (b) has proven business acumen in, and knowledge of, the audio-visual industry;
- (c) has proven business acumen in, and knowledge of, the tourism sector;
- (d) is qualified to be admitted to practise as a legal practitioner in the Republic and has, for a cumulative period of at least ten years after having so qualified, practised as a legal

practitioner or performed services related to the application or administration of commercial law;

(e) is qualified and registered as a chartered accountant in the Republic and has, for a cumulative period of at least ten years after having so qualified, practised as a chartered accountant; and

(f) is qualified as a human resource specialist in the Republic and has, for a cumulative period of at least ten years after having so qualified, practised as a human resource specialist.

(8) The MEC must notify, in writing, the persons appointed to the Board of their appointment and the date upon which the appointment to the Board takes effect.

(9) The MEC must, within ten business days of making an appointment as contemplated in subsection (6)(b) –

(a) inform the –

(i) Executive Council;

(ii) Portfolio Committee; and

(iii) portfolio committee responsible for finance in the Province,

of the names of all persons appointed to the Board; and

(b) publish the names by notice in the *Gazette* and in at least two provincial newspapers, one in English and one in *isiZulu*.

(10) Where it is shown that any one or more members were not properly appointed, such circumstance does not invalidate or affect any resolution, decision, authority or action taken by the Board, unless a Court considering the validity of a particular resolution, decision, authority or action decides that such resolution, decision, authority or action must be set aside.

Chairperson and Deputy Chairperson

16.(1) The MEC must appoint a Chairperson and a Deputy Chairperson from the members: Provided that the Chairperson and Deputy Chairperson must be a member as contemplated in section 13(a)(ii).

(2) The MEC may, for good reason, withdraw or vary such appointments.

(3) The Chairperson and Deputy Chairperson are appointed for such a period as the MEC may determine: Provided that such appointments may not extend beyond their term of office as members as contemplated in section 18.

(4) The Deputy Chairperson must exercise the powers, perform the functions and carry out the duties of the Chairperson if the Chairperson is absent, incapacitated, refuses or fails to act as Chairperson, or if the MEC withdraws the Chairperson's appointment.

(5) If both the Chairperson and Deputy Chairperson are absent, incapacitated, refuse or fail to exercise their powers, perform their functions or carry out their duties, or if the MEC withdraws their appointments, the MEC must appoint another member as acting Chairperson.

Standard of conduct and declaration of interests

17.(1) For purposes of this section, "**member**" includes any –

- (a) member contemplated in section 13; and
- (b) member of a committee appointed in accordance with section 25.

(2) A member contemplated in subsection (1) –

- (a) must perform the functions of office in good faith and without favour or prejudice;
- (b) may not use the position, privileges or knowledge of a member for private gain or to improperly benefit another person;
- (c) may not directly or indirectly receive anything of value from any person or business that may conflict or interfere with the proper performance of his or her functions or benefit in any manner from the office that he or she holds; and
- (d) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the Agency.

(3)(a) A member contemplated in section 13(a) and (c) must submit a sworn declaration to the MEC of his or her direct or indirect interests as contemplated in this Act upon assuming office and thereafter at the beginning of every financial year: Provided that in the event that such a member acquires a direct or indirect interest at any time after the beginning of any specific financial year, he or she must, in writing, declare such interest to the MEC within ten business days of the date of acquisition of such interest.

(b) A declaration contemplated in paragraph (a) must be in the format provided in Schedule 2.

(4) A member contemplated in subsection (1) must –

- (a) at the commencement of any meeting, submit to the Chairperson of the Board or committee a written declaration of his or her direct or indirect interests in any matter before the Board or committee, in the format provided for in Schedule 2;
- (b) recuse himself or herself from a matter being discussed, considered or voted upon by the Board or committee if he or she has a direct or indirect interest, or if there is a possibility that a direct or indirect interest might arise, unless the Board or committee has determined and decided that the interest disclosed is trivial or not material; and
- (c) if at any stage during the course of any proceedings before the Board or a committee, it appears that he or she has or may have a direct or indirect interest, disclose the nature of such interest, recuse himself or herself and leave the meeting, unless the Board or committee has determined and decided that the interest disclosed is trivial or not material.

(5) Any disclosure made in terms of subsection (4) must be recorded in the minutes of the meeting in question.

(6) If it is subsequently established that the Board or committee took a decision on a matter in respect of which a member failed to disclose a direct or indirect interest referred to in subsections (3) or (4), such decision by the Board or committee must be reconsidered without the participation of the affected member as soon as reasonably possible after the Board or committee becomes aware of the non-disclosure: Provided that if such decision adversely affects the rights of any person and has a direct external legal effect, the Board must apply to a competent court to set such decision aside.

(7) A member contemplated in subsection (1) who contravenes or fails to comply with subsections (2), (3) and (4), as the case may be, –

- (a) is guilty of misconduct; and
- (b) may be removed by the MEC if, in his or her view, such contravention or failure constitutes good reason for removal.

(8) Any person may make an application, orally or in writing, for a member to recuse himself or herself where that person has reason to believe that a member has or could reasonably be expected to have a direct or indirect interest in the outcome of a decision of the Board or committee: Provided that the person making such application must give clear reasons for his or her request.

(9) An application referred to in subsection (8) must be addressed to –

- (a) the Chairperson of the Board or committee, as the case may be; or
- (b) the Deputy Chairperson of the Board or committee, as the case may be, if the application concerns the Chairperson,

who must decide on the matter and report the decision to the Board or committee, which decision must be recorded in the minutes of the meeting in question.

(10) The MEC must keep an updated register of members' interests disclosed in terms of this section, which register is a public document to which members of the public may, subject to the provisions of the Promotion of Access to Information Act and the Protection of Personal Information Act, request access during office hours.

Term of office

18.(1) Members contemplated in section 13(a) are –

- (a) appointed for a term of five years or such lesser term as the MEC may determine, or, if subsection (2) applies, for a term determined in terms of that subsection;
- (b) eligible for reappointment for one additional term not exceeding five years after completion of a term contemplated in paragraph (a), subject to the provisions of sections 14 and 15; and
- (c) after a break of at least three years after an additional term contemplated in paragraph (b) has ended, again eligible for appointment in terms of paragraph (a), subject to the provisions of sections 14 and 15, and if so appointed, again eligible for reappointment in terms of paragraph (b).

(2) Any appointment in terms of subsection (1) may, on good cause shown, be extended by the MEC for a specified period not exceeding one year.

Termination of membership, suspension from and vacating of office

19.(1) The appointment of a member contemplated in section 13(a) is terminated when he or she –

- (a) is no longer eligible to be a member in terms of section 14(2);
- (b) exceeds the member's term of office where his or her term is not extended by the MEC as provided for in section 18(2);
- (c) resigns;

- (d) is unable to serve due to death or incapacity; or
- (e) is removed from office in terms of subsection (2).

(2) The appointment of a member contemplated in section 13(a) may be terminated by the MEC if –

- (a) he or she is absent from three or more consecutive meetings of the Board; or
- (b) the MEC has made a finding that there is sufficient evidence of misconduct, dishonesty, incapacity or incompetence in respect of such member, subject to compliance with due process: Provided that the MEC may suspend a member under investigation without remuneration, subject to compliance with due process.

(3) A member contemplated in section 13(a) may resign by giving at least 20 business days' written notice to the Chairperson and the MEC: Provided that the MEC may, in his or her discretion, waive the notice period.

(4) When a member ceases to be a member, he or she may no longer represent the Board in any committee or any other body of the Board.

Filling of vacancies

20. Whenever a vacancy occurs on the Board, the MEC must, within a period not exceeding six months, appoint a person to fill such vacancy for the unexpired portion of the term of office of the member in whose place such person is appointed, in accordance with the provisions of section 13(a)(i) or section 15, as the case may be.

Conditions of appointment and remuneration

21.(1) In this section "**member**" includes any –

- (a) member contemplated in section 13; and
- (b) member of a committee who is not a member of the Board, as contemplated in section 25.

(2) The MEC must determine the conditions of appointment of members.

(3)(a) Subject to subsections (3)(b) and (4)(a), a member may be paid from the funds of the Agency such remuneration and allowances as may be determined by the MEC in consultation

with the Member of the Executive Council responsible for finance in the Province.

(b) A member who receives remuneration, allowances or other benefits by virtue of his or her office, position, post or employment in –

- (i) the National Government;
- (ii) a provincial government;
- (iii) a municipality;
- (iv) a corporation, body or institution in which the national or a provincial government has a controlling interest; or
- (v) a public entity, a national government business enterprise or a provincial government business enterprise as defined in section 1 of the Public Finance Management Act,

and who continues to receive such remuneration, allowances or other benefits while serving as a member as contemplated in subsection (1), may only receive remuneration and allowances referred to in paragraph (a) to the extent required to place such member in the financial position he or she would have been in were it not for such office, position, post or employment.

(c) Different remuneration and allowances may be determined for the following categories of members –

- (i) the Chairperson;
- (ii) the Deputy Chairperson;
- (iii) other members of the Board;
- (iv) the Chairperson of a committee;
- (v) members of committees; and
- (vi) members of committees who are not members of the Board:

Provided that a member contemplated in section 13(a)(i) and (c) may only be reimbursed for expenses as contemplated in subsection (4)(a).

(4)(a) A member may, in respect of his or her functions as such a member, receive reimbursement from the funds of the Agency for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Board or a committee or an official function or event attended in his or her capacity as a member: Provided that a member contemplated in section 13(c) must receive such reimbursement from the funds of the Department.

(b) The Member of the Executive Council responsible for finance in the Province must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and travelling expenses contemplated in paragraph (a).

(5) Members are appointed part-time and in a non-executive capacity.

Absence of functional Board

22.(1) If, in the opinion of the MEC, the Board does not exercise its powers, perform its functions or carry out its duties as set out in this Act, the Public Finance Management Act, any other relevant law, or in accordance with the principles of good corporate governance, the MEC may, after giving the Board the opportunity to submit written representations, declare the Board dysfunctional by notice in the *Gazette*.

(2) If the Board has been declared dysfunctional in terms of subsection (1), or in the event that the Board is no longer properly constituted in accordance with the provisions of section 13, the –

- (a) powers, functions and duties of the accounting authority temporarily vest in the Chief Executive Officer in accordance with the provisions of section 49(2)(b) of the Public Finance Management Act; and
- (b) MEC must, as soon as reasonably possible, but in any event within a period not exceeding three months, take all necessary steps to ensure that the Agency is governed by a functional Board.

Meetings of Board

23.(1) The Chairperson decides where and when the Board meets: Provided that the –

- (a) first meeting of the Board must be held at a place and date determined by the MEC;
- (b) Board must meet at least quarterly;
- (c) MEC may, in writing, direct the Board to meet, and may direct the place and date of the meeting; and
- (d) majority of the members contemplated in section 13(a) may request the Chairperson in writing to convene a meeting at a place and date as set out in the request, in which event the Chairperson must call such a meeting of the Board.

(2) The Chairperson, or in his or her absence, the Deputy Chairperson, presides at meetings of the Board: Provided that if both the Chairperson and Deputy Chairperson are absent from a part of a meeting, the members present must elect another member to preside at that part of the meeting.

(3) The Board may invite any staff member or any other person to attend any of its meetings where it is deemed necessary or appropriate: Provided that any such staff member or other person –

- (a) must comply with section 17; and
- (b) may not participate in any decision or vote at such a meeting.

(4)(a) The Board may, in its discretion, allow members of the public to attend any meeting of the Board.

(b) Any meeting of the Board convened for the purpose of considering representations or objections in relation to any matter concerning the tourism sector and audio-visual industry, must be accessible to the public.

(c) The Chairperson may, in his or her discretion, direct that any person whose presence is not desirable at a meeting contemplated in paragraph (a) or (b) may not attend the meeting or must leave the meeting.

(d) Deliberations with a view to making decisions and to voting thereon in respect of any matter at a meeting, must take place behind closed doors.

(5) The Board may determine its own procedures subject to the other provisions of this Act.

Quorum and decisions

24.(1) A majority of the members contemplated in section 13(a) constitutes a quorum for a meeting of the Board.

(2) A matter before the Board is decided by the votes of a majority of the members present at the meeting: Provided that only a member contemplated in section 13(a) has the right to vote at a meeting.

(3) If, on any matter before the Board, there is an equality of votes, the member presiding at the meeting must exercise a casting vote in addition to his or her vote as a member.

(4) No decision of the Board is invalid merely by reason of a vacancy in the Board, subject to the provisions of subsections (1) and (2).

Committees**25.(1) The Board –**

- (a) must establish an audit committee;
- (b) may establish one or more other committees to assist it in the exercise of its powers, the performance of its functions, and the carrying out of its duties;
- (c) must, for each committee, appoint a Chairperson and other members;
- (d) may remove a member of a committee from office at any time on good cause shown; and
- (e) may dissolve a committee at any time.

(2) When appointing members to the audit committee, the Board must –

- (a) appoint as Chairperson of the audit committee –
 - (i) a person who is a member as contemplated in section 13(a)(ii); or
 - (ii) a person who is not a member of the Board;
- (b) include persons who are not members of the Board; and
- (c) ensure compliance with sections 51(1)(a)(ii) and 76(4)(d) of the Public Finance Management Act.

(3) When appointing members to any committee contemplated in subsection (1)(b), the Board may include members who are not members of the Board.**(4) A member of a committee who is not a member of the Board –**

- (a) must comply with section 17; and
- (b) may, except in the case of a member of the audit committee, not participate in any decision of, or vote in, such a committee.

(5) A committee may make recommendations to the Board for discussion, amendment, rejection or adoption by the Board.**(6) The provisions of section 21 apply, with the necessary changes, to the conditions of appointment of members of committees.****(7) A staff member of the Agency appointed to a committee, or invited by a committee to attend a meeting –**

- (a) must comply with section 17(2) and (4): Provided that, in respect of a staff member invited to attend a meeting, section 17(7)(b) does not apply;
- (b) may not participate in any decision of, or vote in, such a committee; and

(c) serves on the committee, or attends a meeting of the committee, subject to the terms and conditions of his or her employment.

Minutes of meetings

26.(1) The Board must ensure that minutes of every meeting of the Board and its committees are compiled and circulated to all members of the Board or such committee, as the case may be, within a period not exceeding ten business days after such meeting.

(2) All minutes of meetings referred to in subsection (1) must be –

- (a) tabled at the next meeting of the Board or committee, as the case may be, for adoption and are, once adopted and signed by the Chairperson of the Board or a committee, deemed to be a correct record of the meeting and constitute *prima facie* evidence of the decisions taken by the Board or committee at such meeting; and
- (b) listed in a register and kept in hard copy and electronic format once adopted and signed.

(3) The minutes of all meetings of the Board and its committees are public documents to which members of the public may, subject to the provisions of the Promotion of Access to Information Act and the Protection of Personal Information Act, request access during office hours.

Consultation and assistance to Board

27.(1) The Board may, whenever necessary, appoint or call to its assistance any person, organisation or institution for purposes of assisting or advising the Board on any matter pertaining to the exercise of its powers, the performance of its functions and the carrying out of its duties in terms of section 10 of this Act.

(2) The Board must, on appointing a person or entity as contemplated in subsection (1) –

- (a) comply with the supply chain management system as contemplated in sections 51(1)(a)(iii) and 76 of the Public Finance Management Act; and
- (b) conclude a written agreement with such person or entity concerned, which must include a description of the service to be rendered by the person or entity and the date by which he or she must furnish the Board with a report and recommendations in regard thereto.

(3) The terms, conditions, remuneration and allowances pertaining to the appointment of a

person or entity in terms of this section must be paid out of funds of the Agency as may be determined by it and must be included in the written agreement contemplated in subsection (2).

(4) A person or entity so appointed or called upon may not participate in any decision of, or vote at, a meeting of the Board or a committee.

Delegation by Board

28.(1) When necessary for the proper performance of its functions, the Board may delegate any of its powers, functions or duties, excluding those mentioned in subsection (2), to –

- (a) a member contemplated in section 13(a);
- (b) a committee established in terms of section 25; or
- (c) the Chief Executive Officer:

Provided that every delegation must comply with the provisions of section 50(2) and (3).

(2) The Board may not delegate the following powers, functions and duties:

- (a) the appointment or reappointment of the Chief Executive Officer and any determination of the Chief Executive Officer's terms and conditions of employment as contemplated in section 36;
- (b) the determination of the employment policy, financial limits and general terms and conditions of employment for staff members as contemplated in section 40(1) and (3)(a);
- (c) the financial management responsibilities assigned to the Board in terms of sections 29, 30, 31, 32, and 34; and
- (d) the approval of the budget as contemplated in section 31(1)(b)(ii).

CHAPTER 5

FUNDING, FINANCIAL MANAGEMENT AND REPORTING

Funds of Agency

29.(1) The funds of the Agency consist of –

- (a) money appropriated to it by the Provincial Legislature;
- (b) any amounts payable to the Agency in terms of this Act; and
- (c) money lawfully derived from any other source.

- (2) The Agency must utilise its funds –
- (a) for the payment of remuneration, allowances and subsistence and travelling expenses of –
 - (i) members;
 - (ii) members of committees;
 - (iii) the Chief Executive Officer;
 - (iv) staff members; and
 - (v) persons and entities as contemplated in section 27; and
 - (b) to cover the costs of –
 - (i) the day-to-day operation and administration of the Agency, the Board and committees;
 - (ii) the management of the Agency; and
 - (iii) the exercise of the powers, performance of the functions and carrying out of the duties of the Agency in terms of this Act.
- (3) The Chief Executive Officer must, subject to the provisions of the Public Finance Management Act and with the concurrence of the Board –
- (a) open an account in the name of the Agency with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
 - (b) deposit therein all funds received in terms of subsection (1).
- (4) With effect from the date when this Act comes into operation, any bank accounts or funds operated, or investments held, by the predecessors-in-title to the Agency referred to in section 5 are deemed to be the bank accounts, funds or investments of the Agency.
- (5) The Agency may, subject to the provisions of the Public Finance Management Act and any investment or other policy prescribed in terms thereof, invest monies deposited into its account which are not required for immediate use: Provided that the Board must take reasonable steps to ensure that the investment is not of a speculative nature.

Financial accountability and corporate governance

30. The Board must ensure that the Agency, as a provincial public entity, complies with the provisions of the Public Finance Management Act and sound corporate governance principles and practice.

Financial management

31.(1) The Board must ensure that the Agency –

- (a) keeps full, proper and up-to-date books of account and all the necessary records in relation thereto; and
- (b) prepares and submits the following to the Board for its approval and subsequent submission to the relevant authorities as contemplated in the Public Finance Management Act and other legislative and policy prescripts:
 - (i) strategic plans;
 - (ii) annual budgets;
 - (iii) audited financial statements;
 - (iv) annual performance plans;
 - (v) corporate plans;
 - (vi) annual and other reports;
 - (vii) returns;
 - (viii) notices; and
 - (ix) any other documentation or information that may be required.

(2) The Chief Executive Officer must submit to the Board for approval –

- (a) an annual performance plan for the Agency for the next financial year, containing measurable objectives and other information reasonably required by the Board; and
- (b) a statement of the estimated income and expenditure of the Agency in respect of the following three financial years,

at least six months before the beginning of each financial year.

(3) The Chief Executive Officer must, on a quarterly basis, submit to the Board up-to-date income and expenditure statements with projected expenditure per programme for that financial year.

(4) In any financial year, the Chief Executive Officer must submit to the Board for approval every adjusted or supplementary statement of the estimated income and expenditure of the Agency for that financial year.

(5) The Agency may not enter into any financial commitment beyond its approved budget and its accumulated reserves.

(6) The Chief Executive Officer may, with the prior approval of the Board, establish surplus and reserve funds and deposit into them such amounts as the Board approves: Provided that such deposits must be disclosed to the Provincial Treasury and the Auditor-General within one month of the date of a deposit being made.

Audit, reporting and annual report

32.(1) The Auditor-General must audit the financial statements of the Agency.

(2)(a) The Board must, within a period of five months after the end of the financial year, submit an annual report on the activities of the Agency to –

- (i) Provincial Treasury; and
- (ii) through the Head of Department, to the MEC.

(b) The MEC must, within one month of receiving the annual report from the Head of Department as contemplated in subsection 2(a)(ii), table the annual report in the Provincial Legislature.

(3) The annual report must –

- (a) include financial statements as defined in section 1 of the Public Finance Management Act;
- (b) state the extent to which the Agency has achieved or advanced its objectives referred to in section 8 and the measurable objectives as set out in its annual performance plan during the financial year concerned; and
- (c) contain relevant information on –
 - (i) the efficient, effective and economical application and use of the Agency's funds and resources; and
 - (ii) planned indicators and actual performance indicators as set out in its annual performance plan.

(4) Within five months after the annual report has been tabled, a delegation consisting of the Chairperson, the Chief Executive Officer and at least two other members must brief the Portfolio Committee on the annual report.

Financial year

33. The financial year of the Agency commences on 1 April of a particular year and ends on 31 March of the following year.

Immovable property

34. The Agency may, in terms of a policy and procedure determined by the Board and with the written approval of the MEC, acquire, hold or dispose of any immovable property in the course of its business.

Legal proceedings

35. The Agency is an organ of state as contemplated in paragraph (c) of the definition thereof in section 1 of the Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act No. 40 of 2002), and any legal proceedings against the Agency must be instituted in accordance with that Act.

CHAPTER 6

CHIEF EXECUTIVE OFFICER AND OTHER STAFF

Appointment of Chief Executive Officer

36.(1) The Board, in consultation with the MEC, must appoint a fit and proper, suitably qualified, skilled and experienced person as the Chief Executive Officer of the Agency.

(2) A person contemplated in subsection (1) must, prior to his or her appointment, submit to the Board a sworn declaration specifying all disciplinary enquiries and proceedings instituted against him or her, whether completed or not, during all previous employment.

(3) The Chief Executive Officer –

(a) is appointed for a term not exceeding seven years; and

(b) may be reappointed by the Board in consultation with the MEC for such further periods, each of which may not exceed five years, as may be deemed appropriate.

(4) The Chief Executive Officer is employed on such terms and conditions of employment as the Board may determine in consultation with the MEC, after he or she has consulted the Member of the Executive Council responsible for finance in the Province.

(5)(a) The appointment of the Chief Executive Officer is subject to the conclusion of a written annual performance agreement entered into between the Board and the Chief Executive

Officer.

(b) The Board and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(6) For purposes of the submission of a sworn declaration of direct and indirect interests, the provisions of section 40(3)(c) apply, with the necessary changes, to the Chief Executive Officer: Provided that the Chief Executive Officer must declare his or her interests to the Board.

(7) The Chairperson of the Board must –

(a) if the Chief Executive Officer is absent or unable to perform his or her functions for any reason, appoint another suitable staff member as acting Chief Executive Officer: Provided that any such appointment may not exceed a period of three months; and

(b) if the position of Chief Executive Officer is vacant, appoint another staff member as acting Chief Executive Officer in consultation with the Board and the MEC: Provided that any such acting appointment may not exceed a period of six months.

(8) An acting Chief Executive Officer –

(a) has all the powers, functions and duties of the Chief Executive Officer; and

(b) is employed subject to such terms and conditions of employment as determined in accordance with subsection (4).

Resignation, disqualification and removal of Chief Executive Officer

37.(1) The Chief Executive Officer vacates office –

(a) in the case of resignation, when the resignation takes effect;

(b) when he or she has become disqualified to be director of a company in terms of the Companies Act, 2008 (Act No. 71 of 2008); or

(c) upon having been removed from office in terms of subsection (2).

(2) The Board may, in consultation with the MEC, terminate the employment of the Chief Executive Officer subject to applicable law and due process.

Powers, functions and duties of Chief Executive Officer

38.(1) The Chief Executive Officer –

- (a) is accountable to the Board for the exercise of his or her powers, the performance of his or her functions and the carrying out of his or her duties in terms of this Act, and must report to the Board on the management and activities of the Agency at such frequency and in such manner as the Board may determine; and
- (b) must exercise the powers, perform the functions and carry out the duties as the Board may delegate to him or her.

(2) The Chief Executive Officer is responsible for –

- (a) the overall management of the Agency in order to achieve the objectives of this Act;
- (b) the appointment of staff in accordance with the provisions of section 40;
- (c) the management of staff, including the maintenance of discipline over staff;
- (d) the determination, in consultation with the Board, of a code of conduct, applicable to the Chief Executive Officer and all other staff, that is justiciable for purposes of disciplinary proceedings, to ensure –
 - (i) compliance with this Act and any other applicable law;
 - (ii) the efficient, effective and economical application and use of the Agency's funds and resources;
 - (iii) the promotion and maintenance of a high standard of professional ethics;
 - (iv) the prevention of conflicts of interest;
 - (v) the protection of confidential information held by the Board and the Agency;and
- (vi) transparent, professional, honest, impartial, fair, ethical and equitable service delivery;
- (e) the keeping and maintenance of the register of interests declared by staff members as contemplated in section 40(3)(c);
- (f) ensuring that the Agency complies with the provisions of this Act, the Public Finance Management Act, and any other applicable legislative and policy prescripts; and
- (g) exercising other powers, performing other functions and carrying out other duties as contemplated in this Act.

(3) When necessary for the proper performance of his or her functions, the Chief Executive Officer may delegate any of his or her powers, functions or duties to a staff member: Provided that –

- (a) the Board may determine that a specific power, function or duty may not be delegated by the Chief Executive Officer; and
- (b) every delegation must comply with the provisions of section 50(2) and (3).

Transfer of existing staff to Agency

39.(1) All persons employed by the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority are, from the commencement date of this Act and with due regard to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), deemed to be employed by the Agency –

- (a) at the same remuneration and salary scale;
- (b) with the same benefits and privileges; and
- (c) on the same terms and conditions of employment,

as those which governed such person's previous employment with the KwaZulu-Natal Film Commission or the KwaZulu-Natal Tourism Authority, as the case may be: Provided that –

- (i) no person contemplated in this subsection may be dismissed on grounds of operational requirements flowing from the disestablishment of the KwaZulu-Natal Film Commission or the KwaZulu-Natal Tourism Authority; and
- (ii) the Board may effect reasonable changes to work practices for the purpose of operational and administrative efficiency and uniformity.

(2) When a person is transferred in terms of subsection (1) –

- (a) no change of employer is deemed to have taken place for the purpose of the Income Tax Act, 1962 (Act No. 58 of 1962);
- (b) he or she retains all vacation leave, which accrued to his or her credit up to the date immediately before the date of transfer; and
- (c) any inquiry instituted or intended to be instituted in respect of alleged incapacity of, or misconduct committed by, such person before the date of transfer, and any grievance instituted by such person, must be disposed of or instituted by the Agency, and the Agency must finalise such matters in accordance with the laws, policy and conditions of employment or service applicable to him or her immediately prior to the date of transfer.

Appointment of staff

40.(1) The Chief Executive Officer must, subject to the provisions of sections 39 and 40(3)(a) –

- (a) submit to the Board for its approval the staff establishment necessary to enable the Agency to perform its functions, exercise its powers and carry out its duties; and
- (b) determine specific terms and conditions of employment for individual staff members of the Agency.

(2) The Chief Executive Officer may only appoint persons to funded posts on the staff establishment and in accordance with applicable legislative and policy provisions.

(3) Staff members of the Agency –

(a) are employed subject to the –

- (i) general terms and conditions of employment as determined by the Board;
- (ii) specific terms and conditions of employment for individual staff members as determined by the Chief Executive Officer;
- (iii) applicable policies determined by the Board;
- (iv) code of conduct provided for in section 38(2)(d); and
- (v) financial limits set by the Board;

(b) must submit a sworn declaration, as part of their application, specifying all disciplinary enquiries and proceedings instituted against them, whether completed or not, during all previous employment;

(c) must submit a sworn declaration of their direct and indirect interests to the Chief Executive Officer, who must keep an updated register of such interests: Provided that the provisions of section 17(3) apply, with the necessary changes, to the declaration of direct and indirect interests;

(d) must carry out their duties under the supervision of the Chief Executive Officer; and

(e) may, with the written consent of such staff member and by written agreement between the Chief Executive Officer and such organ of state and in accordance with the applicable legislative and policy prescripts, be seconded or transferred to another organ of state.

(4)(a) A person in the service of another organ of state may, with the written consent of such person and by written agreement between the Chief Executive Officer and such organ of state and in accordance with the applicable legislative and policy prescripts, be seconded or transferred to the Agency.

(b) Persons seconded or transferred to the Agency carry out their duties under the supervision of the Chief Executive Officer.

CHAPTER 7 PROVINCIAL GOVERNMENT

Provincial Tourism and Audio-visual Policy

41.(1) The MEC must, within a period not exceeding six months after the commencement of this Act, and after consultation with –

- (a) the Board;
- (b) the Provincial Tourism and Audio-visual Committee; and
- (c) municipalities,

develop and publish by notice in the *Gazette* a Provincial Tourism and Audio-visual Policy.

(2) The Policy contemplated in subsection (1) must comply with the national and provincial policies and legislative frameworks relating to tourism and audio-visual matters.

(3) Members of the Executive Council, whose portfolios may affect the tourism sector and audio-visual industry, must, for the purpose of ensuring coherence of the Policy contemplated in subsection (1) and legislative framework, obtain and consider comments from the MEC in the development of all policies and legislation which may impact on the tourism sector and audio-visual industry in the Province.

(4)(a) The MEC may, by notice in the *Gazette*, issue policy directives to codify and implement the Policy contemplated in subsection (1).

(b) Prior to the publication of a notice referred to in paragraph (a), the MEC must table the proposed policy directives with the Board and with the Provincial Tourism and Audio-visual Committee contemplated in section 45.

(c) If the Agency or the Provincial Tourism and Audio-visual Committee submits written comments on the proposed policy directives, the MEC must, within a period not exceeding 15 business days, consider and respond in writing to such comments.

Municipal Tourism and Audio-visual Framework Policy

42.(1) The MEC must, within a period not exceeding six months after the commencement of this Act, and after consultation with –

- (a) the Board;
- (b) the Provincial Tourism and Audio-visual Committee; and
- (c) municipalities,

develop and publish by notice in the *Gazette* a Provincial Municipal Tourism and Audio-visual Framework Policy.

(2) The Framework Policy contemplated in subsection (1) must comply with the national and

provincial policies and legislative frameworks relating to tourism and audio-visual matters.

CHAPTER 8 MUNICIPALITIES

Municipal tourism and audio-visual policies

43.(1) A municipality must develop and implement a Municipal Tourism and Audio-visual Policy.

(2) A policy contemplated in subsection (1) –

- (a) must comply with the national and provincial policies and legislative frameworks relating to tourism and audio-visual matters; and
- (b) may not be prejudicial to the interests of the Province or another municipality.

(3) A municipality must implement the Municipal Tourism and Audio-visual Framework Policy contemplated in section 42 until such time as the municipality has adopted a Municipal Tourism and Audio-visual Policy contemplated in subsection (1).

Functions of municipalities

44.(1) A municipality is responsible for local tourism and audio-visual matters within its area of jurisdiction.

(2) Municipal tourism and audio-visual functions include, but are not limited to, the following:

- (a) monitoring local tourism and audio-visual operators and establishments for adherence to provincial policies and legislation;
- (b) promoting, marketing and developing tourism and audio-visual activities within the municipal jurisdictional area;
- (c) aligning municipal tourism and audio-visual marketing activities with provincial tourism and audio-visual marketing initiatives;
- (d) facilitating participation of local communities in the tourism sector and audio-visual industry;
- (e) securing the equitable distribution of municipal tourism and audio-visual resources within the municipal jurisdictional area;
- (f) implementing programmes and adopting measures to transform the local tourism sector and audio-visual industry, including granting preference to designated groups and small,

medium and micro-enterprises;

(g) implementing provincial tourism and audio-visual policies in conjunction with the Agency;

(h) developing and adopting by-laws that promote and support the tourism sector and audio-visual industry; and

(i) performing any other function specified in national and provincial legislation.

(3) Municipalities must comply with the planning and reporting requirements specified in national and provincial tourism and audio-visual legislation.

CHAPTER 9

COOPERATIVE GOVERNMENT

Establishment of Provincial Tourism and Audio-visual Committee

45.(1) The MEC must, within a period not exceeding three months after the commencement of this Act, establish a Provincial Tourism and Audio-visual Committee by notice in the Gazette.

(2) The Provincial Tourism and Audio-visual Committee consists of members as determined by the MEC from time to time, by notice in the Gazette, and is supported by a technical structure established by the Agency in consultation with the Provincial Tourism and Audio-visual Committee.

Responsibilities of Provincial Tourism and Audio-visual Committee

46. The Provincial Tourism and Audio-visual Committee must –

(a) ensure the coordination of tourism and audio-visual activities in the Province;

(b) facilitate interaction between the MEC and key role players in the tourism sector and audio-visual industry;

(c) coordinate tourism and audio-visual planning and implementation at national, provincial and local government levels with the involvement of the private sector; and

(d) deliberate on representativeness and transformation in the tourism sector and audio-visual industry.

Meetings of Provincial Tourism and Audio-visual Committee

47.(1) The MEC must convene meetings of the Provincial Tourism and Audio-visual Committee.

(2) The Provincial Tourism and Audio-visual Committee must meet quarterly: Provided that the MEC may call additional meetings from time to time when necessary.

(3) The MEC, or a person nominated by him or her, chairs the meeting contemplated in subsection (1).

Relationship between Agency, MEC, Provincial Tourism and Audio-visual Committee, government departments, municipalities, public entities and other stakeholders

48.(1) The Agency may establish formal cooperation agreements with departments and public entities whose activities have an impact on the development, promotion and marketing of the tourism sector and audio-visual industry in the Province.

(2) The Agency and the Provincial Tourism and Audio-visual Committee must cooperate with each other to develop, promote and market the tourism sector and audio-visual industry.

CHAPTER 10**RESPONSIBILITIES OF TOURISM OPERATORS, AUDIO-VISUAL CONTENT CREATORS, AUDIO-VISUAL ACTIVITY OPERATORS, TOURISM AND AUDIO-VISUAL ESTABLISHMENTS AND OTHER TOURISM AND AUDIO-VISUAL STAKEHOLDERS****Responsibilities of tourism operators, audio-visual content creators, audio-visual activity operators, tourism and audio-visual establishments and other tourism and audio-visual stakeholders**

49.(1) Every public or private sector tourism operator, professional audio-visual content creator, audio-visual activity operator, tourism and audio-visual establishment and other tourism and audio-visual stakeholder must comply with –

- (a) national and provincial legislation and policies regulating the conditions for and standards of its operations;
- (b) the Provincial Framework Tourism and Audio-visual Policy contemplated in section 42; and

(c) provincial tourism and audio-visual policy directives issued by the MEC, as contemplated in section 41(4)(a): Provided that such directives may not infringe on the rights of private sector tourism operators, audio-visual content creators, audio-visual activity operators, tourism and audio-visual establishments and other tourism and audio-visual stakeholders to engage in economic activity.

(2) A public or private sector tourism operator, audio-visual content creator, audio-visual activity operator, tourism and audio-visual establishment and other tourism and audio-visual stakeholder may not conduct its activities in a manner prejudicial to the tourism sector and audio-visual industry in the Province.

CHAPTER 11 GENERAL PROVISIONS

Delegations

50.(1) The MEC may delegate to the Head of Department –

(a) any power or function conferred on the MEC by this Act, except the power or function to –

- (i) publish the Schedule contemplated in section 59(3);
- (ii) publish notices in terms of section 11(3)(a);
- (iii) issue directives in terms of section 11(3)(b);
- (iv) make regulations and publish notices in terms of section 57; and
- (v) amend, substitute or repeal a Schedule; and

(b) any duty imposed on the MEC by this Act, except a duty regarding the appointment and removal of members as contemplated in section 13(a) and (c) and section 19 respectively.

(2) All delegations in terms of this Act –

- (a) must be in writing;
- (b) are subject to such limitations, conditions and directions as the delegating person may impose;
- (c) do not divest a delegating person of the responsibility and accountability concerning the exercise of the delegated power, the performance of the delegated function or the carrying out of the delegated duty;

- (d) do not prevent the exercise of the delegated power, the performance of the delegated function or the carrying out of the delegated duty by the delegating person; and
- (e) must be recorded in the register contemplated in section 51.

(3) The Board or the Chief Executive Officer, as the case may be, may confirm, vary or revoke any decision taken in consequence of a delegation in terms of this Act, subject to any rights that may have accrued to a person or an entity as a result of such decision.

Register of delegations

51.(1) The Chief Executive Officer must compile and maintain an updated register of all delegations made in accordance with this Act.

(2) The register of delegations contemplated in this item must –

- (a) be organised by reference to the functional domain concerned; and
- (b) correspond with the Register of Delegations form in Schedule 2.

(3) The register of delegations must be updated upon each –

- (a) new delegation;
- (b) review or amendment to an existing delegation; and
- (c) withdrawal of a delegation.

(4) The register contemplated in subsection (1) is a public document to which members of the public may, subject to the provisions of the Promotion of Access to Information Act and the Protection of Personal Information Act, request access during office hours.

Transparency and access to information

52. The Agency must comply with the constitutional and national legislative framework that promotes transparency and access to information, including the Promotion of Access to Information Act and the Protection of Personal Information Act.

Just administrative action

53. Any decision taken in terms of this Act must comply with the constitutional, national legislative and common law framework relating to just administrative action, including the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

Monitoring, evaluation, assessment and reporting

- 54.**(1) The MEC must, within six months after the commencement date of this Act –
- (a) taking into account national norms and standards, in consultation with the Board, develop a framework –
 - (i) providing for the minimum norms and standards in respect of the procedures for, and the frequency of, monitoring, evaluation and assessment of the Agency; and
 - (ii) establishing the necessary mechanisms, processes, procedures and indicators, to monitor, evaluate, assess, determine and report on the performance and effectiveness of the Agency; and
 - (b) publish the framework contemplated in paragraph (a) by notice in the *Gazette*.
- (2) The Agency must comply with the framework contemplated in subsection (1).
- (3) The Board must ensure that the performance evaluations of the Board, its Chairperson, its members, its committees, the Chief Executive Officer and staff members result in continued improved performance and effectiveness.

Use of name of Agency

- 55.**(1) No person or entity may, without the prior written permission of the Agency, in any way represent or make use of the name, acronym, logos, designs or material used or owned by the Agency.
- (2) No person or entity may falsely claim to be acting on behalf of the Agency.
- (3) Any person or entity who contravenes subsections (1) or (2) is guilty of an offence.

Offences, penalties and civil liability

- 56.**(1) A member, a member of a committee, a staff member, a person or entity appointed in terms of section 27 or any other person employed or acting on behalf of the Agency is guilty of an offence if he or she directly or indirectly accepts any bribe or receives any unauthorised fee or reward from any person in connection with anything done or offered by the Agency.

(2) Any person who –

(a) in respect of or in connection with anything done or offered by the Agency, bribes or attempts to bribe or corruptly influences or attempts to corruptly influence a member, a member of a committee, a staff member, a person or entity appointed in terms of section 27, or any other person employed or acting on behalf of the Agency;

(b) falsely claims that he or she is authorised to charge or collect fees, donations or contributions on behalf of or under direction of the Agency; or

(c) contravenes any provision of this Act which constitutes an offence,

is guilty of an offence.

(3) Where any offence committed in terms of this Act also constitutes an offence in terms of any other legislation, a person committing such offence may be prosecuted in terms of either this Act or the other legislation.

(4) Any court convicting a person in respect of an offence committed in terms of subsection (1) or (2) may impose on such person –

(a) a fine or imprisonment for a period not exceeding five years;

(b) a fine and imprisonment for a period not exceeding five years; or

(c) any sentence provided for in other legislation if the person concerned was prosecuted in terms of such other legislation as contemplated in subsection (3).

(5) If specific legislation or the common law imposes civil liability on the Agency, the Board, a member, a member of a committee, a staff member, a person or entity appointed in terms of section 27 or any other person employed or acting on behalf of the Agency, the provisions of such legislation or the common law, as the case may be, apply.

Schedules, regulations and notices

57. The MEC may, after consultation with the Board and by notice in the *Gazette* –

(a) publish a Schedule to this Act as contemplated in section 59(3);

(b) make regulations regarding any administrative or procedural matter necessary to give effect to the provisions of this Act;

(c) issue notices as required by this Act; and

(d) amend, substitute or repeal Schedule 2, the Schedule contemplated in section 59(3), and any notice issued in terms of this Act.

Savings

58.(1) Anything done before the commencement date of this Act under or in terms of a provision repealed or amended by this Act must, unless clearly inappropriate, be regarded to have been done under or in terms of the corresponding provision of this Act.

(2) Any application, request, proceeding or similar matter pending before the former KwaZulu-Natal Film Commission or the KwaZulu-Natal Tourism Authority at the date contemplated in section 59(2) must be dealt with by the Agency in terms of the KwaZulu-Natal Film Commission Act, 2010 (Act No. 3 of 2010) or the KwaZulu-Natal Tourism Act, 1996 (Act No. 11 of 1996), as the case may be, as they were at the time of such application, request, proceeding or similar matter.

(3) The Agency is substituted as –

- (a) litigating party for the KwaZulu-Natal Film Commission and KwaZulu-Natal Tourism Authority in all litigation, labour disputes and mediation, as if the Agency had been the litigant at the time the cause of action or the dispute, as the case may be, arose; and
- (b) contracting party for the KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority in all contracts, agreements, memoranda of understanding and similar documentation, as if the Agency had been the contracting party at the time of contracting.

(4) Any registration, licence, permit, authorisation, approval, ruling or direction, which was valid immediately before the commencement of this Act, remains valid and effective on the same terms and conditions under which it was issued: Provided that the terms and conditions applicable to the registration, licence, permit, authorisation, approval, ruling or direction are not inconsistent with the provisions of this Act.

(5) The repeal of any law in Schedule 1 does not affect any right, privilege, obligation or liability acquired or accrued or incurred in terms of the law so repealed, unless the contrary is provided for in terms of this Act.

(6) Any reference to the KwaZulu-Natal Film Commission or the KwaZulu-Natal Tourism Authority in any law, unless clearly inappropriate, must be regarded to be a reference to the Agency.

Transitional measures

59.(1)(a) With effect from the commencement date of this Act, the MEC must, within a period not exceeding ten business days –

(i) select at least seven and no more than 11 members from the boards of the former KwaZulu-Natal Film Commission and the KwaZulu-Natal Tourism Authority to act as members of an interim Board, until such time as the Board is appointed in accordance with section 13; and

(ii) appoint an interim Chairperson and interim Deputy Chairperson from amongst the members selected to the interim Board contemplated in subparagraph (i).

(b) The interim Board contemplated in subsection (1)(a)(i) must, within a period of five business days after its appointment, in consultation with the MEC, appoint an interim Chief Executive Officer, whose term of office terminates on the date of appointment of the Chief Executive Officer in accordance with section 36.

(2) With the exception of subsection (1), the operation of this Act is suspended until such date as the interim Board is appointed as contemplated in subsection (1)(a)(i).

(3) The MEC may, subject to the provisions of this section and sections 6, 39 and 58, by notice in the *Gazette* publish as a Schedule to this Act such transitional arrangements as are deemed necessary.

Repeal of laws

60. The laws specified in the first and second columns of Schedule 1 hereto are repealed to the extent indicated in the third column.

Short title and commencement

61. This Act is called the KwaZulu-Natal Tourism and Film Authority Act, 2024, and commences on the date of publication in the *Gazette*.

SCHEDULE 1: REPEAL OF LAWS*(Section 60)*

No. and year of Act	Short Title	Extent of repeal
Act No. 11 of 1996	KwaZulu-Natal Tourism Act, 1996	The whole
Act No. 5 of 1997	KwaZulu-Natal Tourism Amendment Act, 1997	The whole
Act No. 7 of 1998	KwaZulu-Natal Tourism Amendment Act, 1998	The whole
Act No. 2 of 2002	KwaZulu-Natal Tourism Authority Amendment Act, 2002	The whole
Act No. 3 of 2010	KwaZulu-Natal Film Commission Act, 2010	The whole

SCHEDULE 2: FORMS*(Sections 17(3), 36(6), 40(3)(c), 17(4)(a) and 51)***FORM 1:****ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF MEMBERS OF THE BOARD AND ITS COMMITTEES***(Section 17(3))***ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF MEMBERS OF THE BOARD AND ITS COMMITTEES**

in terms of section 17(3) of the KwaZulu-Natal Tourism and Film Authority Act, 2024

TYPE OF DECLARATION	
ANNUAL DECLARATION	AD HOC DECLARATION
<i>Tick if appropriate</i>	<i>Tick if appropriate</i>

DECLARATION PERTAINS TO FINANCIAL YEAR: *Insert financial year***DATE OF DECLARATION:** *Insert date of declaration*

I, the undersigned with the following particulars:

SURNAME: *Insert surname***FULL NAMES:** *Insert full names***ID NUMBER:** *Insert ID number***RESIDENTIAL ADDRESS:** *Insert residential address***TELEPHONE NUMBER:** *Insert telephone number***CELL NUMBER:** *Insert cell number***EMAIL ADDRESS:** *Insert email address***DESIGNATION / POSITION:** *Insert either member of the Board or member of a committee member (if not a member of the Board)*

hereby declare and certify that the following information is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

(a) Ownership of shares in companies or entities:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	COMPANY REGISTRATION NUMBER	NATURE	NUMBER OF SHARES	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of shareholder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in</i>	<i>Insert company registration</i>	<i>Insert description</i>	<i>Insert number of shares held</i>	<i>Insert total nominal</i>	<i>Insert detail of all remuneration,</i>

			<i>which shares are held</i>	<i>number (if private company)</i>	<i>of nature of business</i>		<i>value of shares</i>	<i>income, dividends payable</i>
2								

(b) Interests in close corporations:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF CLOSE CORPORATION	CC REGISTRATION NUMBER	NATURE	INTEREST	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert close corporation registration number</i>	<i>Insert description of nature of business</i>	<i>Insert percentage interest held</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(c) Interests in partnerships:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF PARTNERSHIP	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of partnership in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of business</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration / income payable</i>
2							

(d) Real or personal rights in property used by any company, corporation, trust, business or other legal entity:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of rights holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity using property</i>	<i>Insert registration number of entity using property</i>	<i>Insert description of nature of right and property</i>	<i>Insert total nominal value of right in property used by entity</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(e) Interests in trusts:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF TRUST	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of trust</i>	<i>Insert registration number of trust</i>	<i>Insert description of nature of involvement in trust</i>	<i>Insert total nominal value of interest in trust</i>	<i>Insert detail of all remuneration, income / interest payable</i>
2							

(f) In respect of any business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity (if not already declared in (a), (b), (c), (d) and (e) above):

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of interest and business</i>	<i>Insert total nominal value of interest</i>	<i>Insert detail of all remuneration, income, dividends payable</i>

2							
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(g) Remuneration, directorships, consultancies and retainerships:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of entity</i>	<i>Insert description of nature of work performed</i>	<i>Insert detail of all remuneration, income, dividend payable</i>
2					

(h) Loan accounts (excluding bond, vehicle finance and retail accounts):

NO	NAME OF PARTY	RELATIONSHIP	NAME OF LENDER	NATURE	ORIGINAL LOAN AMOUNT (ZAR)	OUTSTANDING BALANCE (ZAR)
1	<i>Insert name of party to the loan account</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of lender</i>	<i>Insert description of nature of loan</i>	<i>Insert original loan amount</i>	<i>Insert outstanding loan amount including outstanding interest</i>
2						

(i) Remuneration, income, revenue, entitlement to revenue, shares, interest, donation, gift or any other benefit accruing to a person prior to or pursuant to the registration, accreditation, classification, grading and certification of tourism and audio-visual operators and establishments:

NO	NAME OF BENEFICIARY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of beneficiary</i>	<i>Insert relationship with beneficiary, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of benefit and reasons therefor</i>	<i>Insert total nominal value of revenue, entitlements to revenue or any other benefits</i>	<i>Insert detail of all remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits payable</i>
2						

(j) Conclusion or existence of any contracts or agreements with applicants for a licence, existing licence holders or registrants:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of contract or agreement</i>	<i>Insert total nominal value of contract or agreement</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2						

(k) Any personal interests:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	NATURE	VALUE
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity or person with whom the personal interest exists</i>	<i>Insert description of nature of personal interest</i>	<i>Insert description of value of personal interest, whether monetary or other</i>
2					

SIGNATURE OF DECLARANT: *Insert signature of declarant*

SIGNATURE OF COMMISSIONER OF OATHS: *Insert signature of Commissioner of Oaths*

FULL NAME AND SURNAME: *Insert full names and surname of Commissioner of Oaths*

DESIGNATION: *Insert designation of Commissioner of Oaths*

STREET ADDRESS: *Insert street address of Commissioner of Oaths*

DATE: *Insert date*

PLACE: *Insert place*

DATE RECEIVED BY CHIEF EXECUTIVE OFFICER: *Insert date*

SIGNATURE OF CHIEF EXECUTIVE OFFICER: *Insert signature of Chief Executive Officer*

FORM 2:

ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF
CHIEF EXECUTIVE OFFICER
(Section 36(6) read with section 40(3)(c))

**ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS
OF
CHIEF EXECUTIVE OFFICER**

in terms of section 36(6) read with section 40(3)(c) of the KwaZulu-Natal Tourism and Film Authority Act, 2024

TYPE OF DECLARATION	
ANNUAL DECLARATION <i>Tick if appropriate</i>	AD HOC DECLARATION <i>Tick if appropriate</i>

DECLARATION PERTAINS TO FINANCIAL YEAR: *Insert financial year*

DATE OF DECLARATION: *Insert date of declaration*

I, the undersigned with the following particulars:

SURNAME: *Insert surname*

FULL NAMES: *Insert full names*

ID NUMBER: *Insert ID number*

RESIDENTIAL ADDRESS: *Insert residential address*

TELEPHONE NUMBER: *Insert telephone number*

CELL NUMBER: *Insert cell number*

EMAIL ADDRESS: *Insert email address*

DESIGNATION / POSITION: Chief Executive Officer

hereby declare and certify that the following information is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

(a) Ownership of shares in companies or entities:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	COMPANY REGISTRATION NUMBER	NATURE	NUMBER OF SHARES	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of shareholder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert company registration number (if private company)</i>	<i>Insert description of nature of business</i>	<i>Insert number of shares held</i>	<i>Insert total nominal value of shares</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(b) Interests in close corporations:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF CLOSE CORPORATION	CC REGISTRATION NUMBER	NATURE	INTEREST	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert close corporation registration number</i>	<i>Insert description of nature of business</i>	<i>Insert percentage interest held</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(c) Interests in partnerships:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF PARTNERSHIP	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of partnership in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of business</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration / income payable</i>
2							

(d) Real or personal rights in property used by any company, corporation, trust, business or other legal entity:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of rights holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity using property</i>	<i>Insert registration number of entity using property</i>	<i>Insert description of nature of right and property</i>	<i>Insert total nominal value of right in property used by entity</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(e) Interests in trusts:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF TRUST	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of trust</i>	<i>Insert registration number of trust</i>	<i>Insert description of nature of involvement in trust</i>	<i>Insert total nominal value of interest in trust</i>	<i>Insert detail of all remuneration / income / interest payable</i>

2							
---	--	--	--	--	--	--	--

(f) In respect of any business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity (if not already declared in (a), (b), (c), (d) and (e) above):

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of interest and business</i>	<i>Insert total nominal value of interest</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(g) Remuneration, directorships, consultancies and retainerships:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of entity</i>	<i>Insert description of nature of work performed</i>	<i>Insert detail of all remuneration, income, dividend payable</i>
2					

(h) Loan accounts (excluding bond, vehicle finance and retail accounts):

NO	NAME OF PARTY	RELATIONSHIP	NAME OF LENDER	NATURE	ORIGINAL LOAN AMOUNT (ZAR)	OUTSTANDING BALANCE (ZAR)
1	<i>Insert name of party to the loan account</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of lender</i>	<i>Insert description of nature of loan</i>	<i>Insert original loan amount</i>	<i>Insert outstanding loan amount including outstanding interest</i>
2						

(i) Remuneration, income, revenue, entitlement to revenue, shares, interest, donation, gift or any other benefit accruing to a person prior to or pursuant to the registration, accreditation, classification, grading and certification of tourism and audio-visual operators and establishments:

NO	NAME OF BENEFICIARY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of beneficiary</i>	<i>Insert relationship with beneficiary, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of benefit and reasons therefor</i>	<i>Insert total nominal value of revenue, entitlements to revenue or any other benefits</i>	<i>Insert detail of all remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits payable</i>
2						

(j) Conclusion or existence of any contracts or agreements with applicants for a licence, existing licence holders or registrants:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of contract or agreement</i>	<i>Insert total nominal value of contract or agreement</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2						

(k) Any personal interests:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	NATURE	VALUE
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity or person with whom the personal interest exists</i>	<i>Insert description of nature of personal interest</i>	<i>Insert description of value of personal interest, whether monetary or other</i>
2					

SIGNATURE OF DECLARANT: *Insert signature of declarant*

SIGNATURE OF COMMISSIONER OF OATHS: *Insert signature of Commissioner of Oaths*

FULL NAME AND SURNAME: *Insert full names and surname of Commissioner of Oaths*

DESIGNATION: *Insert designation of Commissioner of Oaths*

STREET ADDRESS: *Insert street address of Commissioner of Oaths*

DATE: *Insert date*

PLACE: *Insert place*

DATE RECEIVED BY CHAIRPERSON OF THE BOARD: *Insert date*

SIGNATURE OF CHAIRPERSON OF THE BOARD: *Insert signature of Chairperson of the Board*

FORM 3:

ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF STAFF MEMBERS (Section 40(3)(c))

ANNUAL AND AD HOC DECLARATION OF DIRECT OR INDIRECT INTERESTS OF STAFF MEMBERS

in terms of section 40(3)(c) of the KwaZulu-Natal Tourism and Film Authority Act, 2024

TYPE OF DECLARATION	
ANNUAL DECLARATION	AD HOC DECLARATION
<i>Tick if appropriate</i>	<i>Tick if appropriate</i>

DECLARATION PERTAINS TO FINANCIAL YEAR: *Insert financial year*

DATE OF DECLARATION: *Insert date of declaration*

I, the undersigned with the following particulars:

SURNAME: *Insert surname*

FULL NAMES: *Insert full names*

ID NUMBER: *Insert ID number*

RESIDENTIAL ADDRESS: *Insert residential address*

TELEPHONE NUMBER: *Insert telephone number*

CELL NUMBER: *Insert cell number*

EMAIL ADDRESS: *Insert email address*

DESIGNATION / POSITION: *Insert designation/position in Agency*

hereby declare and certify that the following information is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

(a) Ownership of shares in companies or entities:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	COMPANY REGISTRATION NUMBER	NATURE	NUMBER OF SHARES	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of shareholder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert company registration number (if private company)</i>	<i>Insert description of nature of business</i>	<i>Insert number of shares held</i>	<i>Insert total nominal value of shares</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(b) Interests in close corporations:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF CLOSE CORPORATION	CC REGISTRATION NUMBER	NATURE	INTEREST	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of company or entity in which shares are held</i>	<i>Insert close corporation registration number</i>	<i>Insert description of nature of business</i>	<i>Insert percentage interest held</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2								

(c) Interests in partnerships:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF PARTNERSHIP	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of partnership in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of business</i>	<i>Insert total nominal value of interest in South African Rand</i>	<i>Insert detail of all remuneration / income payable</i>
2							

(d) Real or personal rights in property used by any company, corporation, trust, business or other legal entity:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of rights holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity using property</i>	<i>Insert registration number of entity using property</i>	<i>Insert description of nature of right and property</i>	<i>Insert total nominal value of right in property used by entity</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(e) Interests in trusts:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF TRUST	REGISTRATION NUMBER	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of trust</i>	<i>Insert registration number of trust</i>	<i>Insert description of nature of involvement in trust</i>	<i>Insert total nominal value of interest in trust</i>	<i>Insert detail of all remuneration / income / interest payable</i>
2							

(f) In respect of any business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity (if not already declared in (a), (b), (c), (d) and (e) above):

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	INTEREST	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity in which interest is held</i>	<i>Insert percentage interest held</i>	<i>Insert description of nature of interest and business</i>	<i>Insert total nominal value of interest</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2							

(g) Remuneration, directorships, consultancies and retainerships:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of entity</i>	<i>Insert description of nature of work performed</i>	<i>Insert detail of all remuneration, income, dividend payable</i>
2					

(h) Loan accounts (excluding bond, vehicle finance and retail accounts):

NO	NAME OF PARTY	RELATIONSHIP	NAME OF LENDER	NATURE	ORIGINAL LOAN AMOUNT (ZAR)	OUTSTANDING BALANCE (ZAR)
1	<i>Insert name of party to the loan account</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of lender</i>	<i>Insert description of nature of loan</i>	<i>Insert original loan amount</i>	<i>Insert outstanding loan amount including outstanding interest</i>
2						

(i) Remuneration, income, revenue, entitlement to revenue, shares, interest, donation, gift or any other benefit accruing to a person prior to or pursuant to the registration, accreditation, classification, grading and certification of tourism and audio-visual operators and establishments:

NO	NAME OF BENEFICIARY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
1	<i>Insert name of beneficiary</i>	<i>Insert relationship with beneficiary, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of benefit and reasons therefor</i>	<i>Insert total nominal value of revenue, entitlements to revenue or any other benefits</i>	<i>Insert detail of all remuneration, income, revenue, entitlements to revenue, shares, interests, donations, gifts or any other benefits payable</i>
2						

(j) Conclusion or existence of any contracts or agreements with applicants for a licence, existing licence holders or registrants:

NO	NAME OF PARTY	RELATIONSHIP	NAME OF ENTITY	NATURE	NOMINAL VALUE (ZAR)	REMUNERATION / INCOME (ZAR)
----	---------------	--------------	----------------	--------	---------------------	-----------------------------

1	<i>Insert name of party to the contract or agreement</i>	<i>Insert relationship with party, if not self</i>	<i>Insert name of applicant, licensee or registrant</i>	<i>Insert description of nature of contract or agreement</i>	<i>Insert total nominal value of contract or agreement</i>	<i>Insert detail of all remuneration, income, dividends payable</i>
2						

(k) Any personal interests:

NO	NAME OF HOLDER	RELATIONSHIP	NAME OF ENTITY	NATURE	VALUE
1	<i>Insert name of interest holder</i>	<i>Insert relationship with holder, if not self</i>	<i>Insert name of entity or person with whom the personal interest exists</i>	<i>Insert description of nature of personal interest</i>	<i>Insert description of value of personal interest, whether monetary or other</i>
2					

SIGNATURE OF DECLARANT: *Insert signature of declarant*

SIGNATURE OF COMMISSIONER OF OATHS: *Insert signature of Commissioner of Oaths*

FULL NAME AND SURNAME: *Insert full names and surname of Commissioner of Oaths*

DESIGNATION: *Insert designation of Commissioner of Oaths*

STREET ADDRESS: *Insert street address of Commissioner of Oaths*

DATE: *Insert date*

PLACE: *Insert place*

DATE RECEIVED BY CHIEF EXECUTIVE OFFICER: *Insert date*

SIGNATURE OF CHIEF EXECUTIVE OFFICER: *Insert signature of Chief Executive Officer*

FORM 4:

MEETING DECLARATION OF DIRECT AND INDIRECT INTERESTS

(Section 17(4)(a))

MEETING DECLARATION OF DIRECT AND INDIRECT INTERESTS

in terms of section 17(4)(a) of the KwaZulu-Natal Tourism and Film Authority Act, 2024

MEETING DATE: *Insert date of meeting*

MEETING DETAILS: *Insert description of nature of meeting, e.g., board meeting, committee meeting*

I, the undersigned with the following particulars:

SURNAME: *Insert surname*

FULL NAMES: *Insert full names*

ID NUMBER: *Insert ID number*

DESIGNATION / POSITION: *Insert designation/position/capacity in meeting*

hereby declare and certify that the following declaration is, with regard to myself and to any relative, business partner, associate or employer, other than the State, complete and correct to the best of my knowledge:

NO	AGENDA ITEM	INTEREST TO DECLARE (Y/N)	NAME OF HOLDER	RELATIONSHIP	NAME OF COMPANY OR ENTITY	NATURE	VALUE
1	<i>Insert agenda item number and subject</i>	<i>Insert yes or no</i>	<i>Insert name of interest holder</i>	<i>Insert relationship with interest holder, if not self</i>	<i>Insert name of person, company or entity to which the interest pertains</i>	<i>Insert description of nature of interest in agenda item</i>	<i>Insert description of value or extent of interest, whether monetary, personal or other</i>
2							

SIGNATURE OF DECLARANT: *Insert signature of declarant*

DATE OF SIGNATURE: *Insert date*

SIGNATURE OF MEETING CHAIRPERSON: *Insert signature of meeting Chairperson*

DATE OF SIGNATURE: *Insert date*

"direct interest" means –

- (a) the ownership of shares in a company or entity;
- (b) an interest in a close corporation;
- (c) an interest in a partnership;
- (d) a real or personal right in property used by a company, corporation, trust, business or other legal entity;
- (e) an interest in a trust;
- (f) in respect of a business, undertaking or other entity, with or without legal personality, any interest which enables the holder thereof to share in the profits and revenue of such business, undertaking or other entity;
- (g) remuneration, directorship, consultancy and retainership;
- (h) a loan account;
- (i) a remuneration, income, revenue, entitlement to revenue, shares, interest, donation, gift or any other benefit accruing to a person prior to or pursuant to the registration, accreditation, classification, grading and certification of a tourism establishment or a tourism or audio-visual operator;
- (j) the conclusion or existence of any contract or agreement with an applicant for a licence, an existing licence holder or a registrant; and
- (k) a personal interest;

and "indirect interest", in respect of a relative, business partner, associate or employer, other than the State, has a corresponding meaning;

FORM 5:

REGISTER OF DELEGATIONS

(Section 51)

REGISTER OF DELEGATIONS

in terms of section 51 of the KwaZulu-Natal Tourism and Film Authority Act, 2024

REGISTER VERSION: *Insert register version number*

REGISTER VERSION DATE: *Insert date of register*

APPROVED BY: *Insert designation/position in Agency and name of person authorised to approve this document*

SIGNATURE: *Insert signature of person authorised to approve this document*

NO	POWER, FUNCTION OR DUTY BEING DELEGATED	SECTION	PRINCIPAL FUNCTIONARY	DELEGATED TO	FROM DATE	TO DATE	DELEGATION CONDITIONS	PREVIOUS DELEGATION INFORMATION
1	<i>Insert function, power or duty being delegated</i>	<i>Insert section number in Act where power, function or duty is provided for</i>	<i>Insert both designation/position in Agency and name of the principal person or body responsible and accountable for exercising the power, performing the function or carrying out the duty</i>	<i>Insert both designation/position and name of the person or body to which the power, function or duty is delegated</i>	<i>Insert date on which delegation takes effect</i>	<i>Insert date on which delegation expires (if any)</i>	<i>Insert any conditions attached to the delegation</i>	<i>Insert particulars of any previous delegation of this function, power or duty (if any)</i>
2								

KENNISGEWING 15 VAN 2023

[Engelse teks deur die Premier geteken]

**KWAZULU-NATAL
WET OP DIE TOERISME- EN ROLPRENTOWERHEID, 2024
(Wet No. 02 van 2024)**

Goedgekeur op 09-04-2024

WET

Om voorsiening te maak vir die instelling van die KwaZulu-Natal Toerisme- en Rolprentowerheid ten einde die bestuur en regulering van die toerismesektor en oudiovisuele bedryf in die Provinsie onder die beskerming van die KwaZulu-Natal Toerisme- en Rolprentowerheid te bewerkstellig; om voorsiening te maak vir die ontbinding van die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid en die oordrag van die bevoegdhede, werksaamhede en pligte van die voormalige Kommissie en die voormalige Agentskap aan die KwaZulu-Natal Toerisme- en Rolprentowerheid; om die KwaZulu-Natal Wet op die Rolprentkommissie, 2010, en die KwaZulu-Natal Wet op Toerisme, 1996 te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie KwaZulu-Natal, soos volg:

HOOFSTUK 1

UITLEG, OOGMERKE, TOEPASSING EN BEGINSELS

1. Woordomskrywings
2. Oogmerke van Wet
3. Toepassing van Wet
4. Beginsels

HOOFSTUK 2

ONTBINDING VAN KWAZULU-NATAL ROLPRENTKOMMISSIE EN KWAZULU-NATAL
TOERISME-OWERHEID

5. Ontbinding van KwaZulu-Natal Rolprentkommissie en KwaZulu-Natal Toerisme-owerheid
6. Gevolge van ontbinding

HOOFSTUK 3

INSTELLING VAN KWAZULU-NATAL TOERISME- EN ROLPRENTOWERHEID

7. Instelling van KwaZulu-Natal Toerisme- en Rolprentowerheid
8. Oogmerke van Agentskap
9. Bevoegdhede, werksaamhede en pligte van Agentskap

HOOFSTUK 4

BESTUURSREËLINGS

10. Instelling van Raad
11. Rol van LUR
12. Rol van Departementshoof
13. Samestelling van Raad
14. Algemene vereistes vir lede
15. Aanstellingsprosedure
16. Voorsitter en Ondervoorsitter
17. Gedragstandaard en verklaring van belange
18. Ampstermyn
19. Beëindiging van lidmaatskap, skorsing uit en ontruiming van amp
20. Vul van vakatures
21. Aanstellingsvoorwaardes en vergoeding
22. Afwesigheid van funksionele Raad
23. Raadsvergaderings
24. Kworum en besluite

- 25. Komitees
- 26. Notule van vergaderings
- 27. Oorlegpleging en bystand aan Raad
- 28. Delegering deur Raad

HOOFSUK 5

BEFONDSING, FINANSIËLE BESTUUR EN RAPPORTERING

- 29. Fondse van Agentskap
- 30. Finansiële aanspreeklikheid en korporatiewe bestuur
- 31. Finansiële bestuur
- 32. Oudit, verslagdoening en jaarverslag
- 33. Finansiële jaar
- 34. Onroerende eiendom
- 35. Regsgedinge

HOOFSUK 6

HOOF UITVOERENDE BEAMPTE EN ANDER PERSONEEL

- 36. Aanstelling van Hoof Uitvoerende Beampte
- 37. Bedanking, diskwalifikasie en verwydering van Hoof Uitvoerende Beampte
- 38. Bevoegdhede, werksaamhede en pligte van Hoof Uitvoerende Beampte
- 39. Oordrag van bestaande personeel na Agentskap
- 40. Aanstelling van personeel

HOOFSUK 7

PROVINSIALE REGERING

- 41. Provinsiale Toerisme- en Oudiovisuele Beleid
- 42. Munisipale Toerisme- en Oudiovisuele Beleidsraamwerk

HOOFSUK 8

MUNISIPALITEITE

- 43. Munisipale Toerisme- en Oudiovisuele Beleide
- 44. Werksaamhede van munisipaliteite

HOOFSUK 9

SAMEWERKENDE REGERING

- 45. Instelling van Provinsiale Toerisme- en Oudiovisuele Komitee
- 46. Verantwoordelikhede van Provinsiale Toerisme- en Oudiovisuele Komitee

47. Vergaderings van Provinsiale Toerisme- en Oudiovisuele Komitee
48. Verhouding tussen Agentskap, LUR, Provinsiale Toerisme- en Oudiovisuele Komitee, staatsdepartemente, munisipaliteite, openbare entiteite en ander belanghebbendes

HOOFSTUK 10

VERANTWOORDELIKHEDE VAN TOERISME-OPERATEURS, SKEPPERS VAN OUDIOVISUELE INHOUD, OUDIOVISUELE AKTIWITEITSOPERATEURS, TOERISME- EN OUDIOVISUELE INSTELLINGS EN ANDER TOERISME- EN OUDIOVISUELE BELANGHEBBENDES

49. Verantwoordelikhede van toerisme-operateurs, skeppers van oudiovisuele inhoud, oudiovisuele aktiwiteitsoperateurs, toerisme- en oudiovisuele instellings en ander toerisme- en oudiovisuele belanghebbendes

HOOFSTUK 11

ALGEMENE BEPALINGS

50. Delegasies
51. Register van delegasies
52. Deursigtigheid en toegang tot inligting
53. Regverdige administratiewe optrede
54. Monitering, evaluering, assessering en verslagdoening
55. Gebruik van naam van Agentskap
56. Misdrywe, strawwe en siviele aanspreeklikheid
57. Bylaes, regulasies en kennisgewings
58. Besparings
59. Oorgangsmatreëls
60. Herroeping van wette
61. Kort titel en inwerkingtreding

BYLAES

Bylae 1: Herroeping van wette

Bylae 2: Vorms

HOOFSTUK 1 UITLEG, OOGMERKE, TOEPASSING EN BEGINSELS

Woordomskrywings

1.(1) Woorde afgelei van die woord of terme wat omskryf is, het ooreenstemmende betekenis, tensy uit die samehang anders aandui.

(2) Enige uitdrukking of bepaling van hierdie Wet moet redelikerwys uitgelê word op 'n wyse wat in ooreenstemming is met die doel en oogmerke van hierdie Wet.

(3) In hierdie Wet, tensy uit die samehang anders blyk, beteken –

"Agentskap" die KwaZulu-Natal Toerisme- en Rolprentowerheid wat ingevolge artikel 7 ingestel is;

"beëdigde verklaring" sluit 'n bevestigde verklaring in wat voor 'n kommissaris van ede gemaak is;

"beleid" 'n beleid goedgekeur deur –

- (a) nasionale Kabinet en gepubliseer in die *Staatskoerant*;
 - (b) die Uitvoerende Raad of 'n munisipale raad en gepubliseer in die *Koerant*; of
 - (c) die Raad,
- na gelang van die geval;

"Departement" die departement of departemente verantwoordelik vir die bevordering, ontwikkeling, bemaking en regulering van die toerismesektor en oudiovisuele bedryf in die Provinsie;

"Departementshoof" die departementshoof of departementshoofde verantwoordelik vir die bevordering, ontwikkeling, bemaking en regulering van die toerismesektor en oudiovisuele bedryf in die Provinsie;

"direkte belang" –

- (a) die eienaarskap van aandele in 'n maatskappy of entiteit;
- (b) 'n belang in 'n beslote korporasie;
- (c) 'n belang in 'n vennootskap;
- (d) 'n saaklike of persoonlike reg in eiendom wat deur 'n maatskappy, korporasie, trust, besigheid of ander regsentiteit gebruik word;

- (e) 'n belang in 'n trust;
- (f) ten opsigte van 'n besigheid, onderneming of ander entiteit, met of sonder regs persoonlikheid, enige belang wat die houer daarvan in staat stel om in die wins en inkomste van sodanige besigheid, onderneming of ander entiteit te deel;
- (g) vergoeding, direkteurskap, konsultante en retensieskap;
- (h) 'n leningsrekening;
- (i) 'n vergoeding, inkomste, opbrengs, geregtigheid op besoldiging, aandele, belang, skenking, geskenk of enige ander voordeel wat 'n persoon toeval voor of ingevolge die toekenning van 'n lisensie vir die instelling, lisensiering of bedryf van 'n drank-, dobbel-, perdewedren- of weddery-instelling;
- (j) die sluiting of bestaan van enige kontrak of ooreenkoms met 'n aansoeker vir 'n lisensie, 'n bestaande lisensiehouer of 'n geregistreerde ingevolge hierdie Wet; en
- (k) 'n persoonlike belang,

en "**indirekte belang**", ten opsigte van 'n familielid, sakevennoot, medewerker of werkgewer, anders as die Staat, het 'n ooreenstemmende betekenis;

"famielid" 'n –

- (a) persoon wat 'n party is tot 'n burgerlike verhouding, 'n huwelik, insluitend 'n gebruikelike huwelik, of 'n party in 'n permanente verhouding wat saamwoon en wedersydse finansiële en emosionele ondersteuning vereis; of
- (b) persoon se kind, ouer, broer of suster, hetsy sodanige verhouding voortspruit uit geboorte, huwelik of aanneming;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996;

"hierdie Wet" die KwaZulu-Natal Wet op die Toerisme en Rolprentowerheid, 2023, en sluit enige regulasies, kennisgewings, praktyknotas of omsendbriewe in, gemaak, uitgereik of gepubliseer ingevolge daarvan.

"Hoof Uitvoerende Beampte" die Hoof Uitvoerende Beampte van die Agentskap wat ingevolge artikel 36 aangestel is;

"interne oudit" 'n stelsel van interne oudit soos beoog in artikels 51(1)(a)(ii) en 76(4)(e) van die Wet op Openbare Finansiële Bestuur;

"jaarlikse prestasieplan" het die betekenis wat die nasionale Departement van Beplanning, Monitering en Evaluering daaraan toeken in sy Raamwerk vir Strategiese- en Jaarlikse Prestasieplanne wat van tyd tot tyd gepubliseer word;

"Koerant" die amptelike *Provinsiale Koerant* van die Provinsie;

"komitee" 'n komitee van die Raad wat ingevolge artikel 25 ingestel is;

"lid" 'n lid van die Raad soos beoog in artikel 13;

"lid van 'n komitee" 'n lid van 'n komitee ingestel deur die Raad ingevolge artikel 25;

"LUR" die lid of lede van die Uitvoerende Raad verantwoordelik vir die bevordering, ontwikkeling, bemaking en regulering van die toerismesektor en oudiovisuele bedryf in die Provinsie;

"maatskappy" 'n maatskappy soos omskryf in die Maatskappywet, 2008 (Wet No. 71 van 2008);

"munisipale staatsorgaan" 'n staatsorgaan in die plaaslike regeringsfeer;

"munisipaliteit" 'n munisipaliteit soos beoog in artikel 155 van die Grondwet van die Republiek van Suid-Afrika, 1996, en ingestel by en kragtens artikels 11 en 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), saamgelees met artikels 3, 4 en 5 van die KwaZulu-Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000 (Wet No. 7 van 2000), en **"distriksmunisipaliteit"** en **"metropolitaanse munisipaliteit"** het 'n ooreenstemmende betekenis;

"nasionale Toerismewet" die Toerismewet, 2014 (Wet No. 3 van 2014), en sluit enige regulasies, kennisgewings, praktyknotas of omsendbriewe in, gemaak, uitgereik of gepubliseer ingevolge daarvan;

"oudiovisueel" sluit die gebruik van opgeneemde foto's, beelde, video's en klank in, of die toerusting wat sodanige opgeneemde foto's, beelde, video's en klank produseer;

"oudiovisuele bedryf" die bedryf wat verband hou met die ontwikkeling, bevordering, bemaking, vervaardiging en gebruik van opgeneemde foto's, beelde, video's en klank,

en sluit oudiovisuele inhoudskeppers, oudiovisuele aktiwiteitsoperateurs, oudiovisuele instellings en ander oudiovisuele belanghebbendes in;

"ouditkomitee" 'n ouditkomitee soos beoog in artikel 77 van die Wet op Openbare Finansiële Bestuur;

"personeellid" 'n personeellid van die Agentskap wat oorgeplaas is na, of aangestel is deur, die Agentskap ingevolge artikel 39 Of 40, na gelang van die geval;

"persoon" sluit 'n natuurlike of 'n regspersoon, 'n groep van sodanige persone of 'n korporatiewe liggaam in;

"politieke ampsdraer" 'n –

- (a) lid van die Nasionale Vergadering, die Nasionale Raad van Provinsies of die nasionale Kabinet;
- (b) lid van 'n provinsiale wetgewer of 'n provinsiale Uitvoerende Raad;
- (c) munisipale raadslid;
- (d) diplomatieke verteenwoordiger van die Republiek wat nie 'n lid van die staatsdiens is nie;
- (e) lid van 'n huis van tradisionele en Khoi-San-leiers;
- (f) tradisionele leier of Khoi-San-leier wat erken word ingevolge die Wet op Tradisionele en Khoi-San Leierskap, 2019 (Wet No. 3 van 2019); of
- (g) nasionale, provinsiale of plaaslike ampsdraer van 'n politieke party, organisasie, liggaam, alliansie of beweging wat ingevolge artikel 15 of 15A van die Wet op die Verkiesingskommissie, 1996 (Wet No. 51 van 1996) geregistreer is;

"Portefeuljekomitee" die Portefeuljekomitee of Portefeuljekomitees van die Provinsiale Wetgewer verantwoordelik vir die bevordering, ontwikkeling, bemarking en regulering van die toerismesektor en oudiovisuele bedryf in die Provinsie;

"Provinsie" die Provinsie KwaZulu-Natal beoog in artikel 103 van die Grondwet en **"provinsiaal"** het 'n ooreenstemmende betekenis;

"Provinsiale Tesourie" die Tesourie wat vir die Provinsie ingestel is ingevolge artikel 17 van die Wet op Openbare Finansiële Bestuur;

"Provinsiale Wetgewer" die Wetgewer van die Provinsie soos beoog in artikel 105 van die Grondwet wat oor die wetgewende gesag in die Provinsie beskik soos beoog in artikel 104 van die Grondwet;

"Raad" die Raad van die Agentskap wat ingevolge artikel 10 ingestel is;

"regulasies" 'n regulasie of regulasies gemaak ingevolge hierdie Wet;

"staatsorgaan" het die betekenis wat in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996 daaraan toegeskryf is;

"tussentydse Hoof Uitvoerende Beampte" die tussentydse Hoof Uitvoerende Beampte soos beoog in artikel 59(1)(b);

"tussentydse Raad" die tussentydse Raad beoog in artikel 59(1)(a)(i);

"Uitvoerende Raad" die Uitvoerende Raad van die Provinsie beoog in artikel 132 van die Grondwet;

"Voorsitter" die Voorsitter van die Raad, en sluit 'n persoon in wat as Voorsitter optree;

"werksdag" enige dag anders as 'n Saterdag, Sondag of amptelike openbare vakansiedag in die Republiek van Suid-Afrika;

"Wet op die Nasionale Stigting vir Rolprente en Video's, 1997" die Wet op die Nasionale Stigting vir Rolprente en Video's, 1997 (Wet No. 73 van 1997), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe, gemaak, uitgereik of gepubliseer ingevolge daarvan;

"Wet op die Beskerming van Persoonlike Inligting" die Wet op die Beskerming van Persoonlike Inligting, 2013 (Wet No. 4 van 2013), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe, gemaak, uitgereik of gepubliseer ingevolge daarvan;

"Wet op die Bevordering van Toegang tot Inligting" die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), en sluit in enige regulasies,

kennisgewings, praktyknotas of omsendbriewe, gemaak, uitgereik of gepubliseer ingevolge daarvan; en

“Wet op Openbare Finansiële Bestuur” die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), en sluit in enige regulasies, kennisgewings, praktyknotas of omsendbriewe, gemaak, uitgereik of gepubliseer ingevolge daarvan.

Oogmerke van Wet

2. Die oogmerke van hierdie Wet is om die KwaZulu-Natal Toerisme- en Rolprentowerheid as 'n provinsiale openbare entiteit in te stel in ooreenstemming met die bepalings van die Wet op Openbare Finansiële Bestuur en om voorsiening te maak vir die bestuurstrukture, bestuur en administrasie van die Agentskap om die –

(a) toerismesektor; en

(b) oudiovisuele bedryf,

te bestuur en te reguleer met verwysing na toepaslike nasionale wetgewing en ander tersaaklike provinsiale wetgewing.

Toepassing van Wet

3. Hierdie Wet –

(a) is van toepassing op die Provinsie as geheel; en

(b) bind alle provinsiale en munisipale staatsorgane.

Beginsels

4.(1) By die toepassing van hierdie Wet moet die Agentskap –

(a) op 'n –

(i) doeltreffende;

(ii) doelmatige;

(iii) deursigtige;

(iv) wettige; en

(v) geloofwaardige,

wyse optree;

(b) met integriteit optree;

(c) hoë etiese standaarde nakom;

(d) hom tot uitnemende diens verbind;

(e) hom daartoe verbind om sy mandaat na te kom;

(f) die volgende verseker –

- (i) regverdig administratiewe optrede, redelikheid, prosedurele en substantiewe billikheid en onpartydigheid met betrekking tot alle aangeleenthede binne sy funksionele domein; en
- (ii) doeltreffende, deursigtige, verantwoordbare en samehangende oorlegpleging en samewerking met alle provinsiale en munisipale staatsorgane en ander belanghebbendes; en
- (g) voldoen aan die beginsels van gesonde korporatiewe bestuur.

(2) Die Agentskap moet sy bevoegdhede uitoefen, sy werksaamhede verrig en sy pligte nakom ooreenkomstig –

- (a) toepaslike grondwetlike bepalings, insluitend die bepalings wat samewerkende regering beheer;
- (b) die bepalings van hierdie Wet en ander toepaslike wetgewende en beleidsbepalings; en
- (c) die beginsels uiteengesit in subartikel (1).

HOOFSUK 2

ONTBINDING VAN DIE KWAZULU-NATAL ROLPRENTKOMMISSIE EN KWAZULU-NATAL TOERISME-OWERHEID

Ontbinding van KwaZulu-Natal Rolprentkommissie en KwaZulu-Natal Toerisme-owerheid

5. Die KwaZulu-Natal Rolprentkommissie, ingestel ingevolge artikel 2(1) van die KwaZulu-Natal Wet op die Rolprentkommissie, 2010 (Wet No. 3 van 2010), en die KwaZulu-Natal Toerisme-owerheid, ingestel ingevolge artikel 2(1) van die KwaZulu-Natal Wet op Toerisme, 1996 (Wet No. 11 van 1996), word hiermee ontbind.

Gevolge van ontbinding

6.(1) Die Agentskap is die regsopvolger van die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid.

(2) Die Agentskap is verantwoordelik vir –

- (a) die bestuur van bedrywighede en alle risiko's wat verband hou met die –
 - (i) ontbinding van die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid; en

- (ii) instelling van die Agentskap; en
 - (b) enige bevoegdheid uitgeoefen, werksaamheid verrig en plig uitgevoer deur die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid voor hul ontbinding.
- (3)(a) Alle bates, laste, regte en verpligtinge wat berus by, en alle administratiewe, finansiële en ander rekords gehou deur die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid, berus by die Agentskap.
- (b) Die Registrateur van Aktes moet die nodige inskrywings of endossemente maak vir die oordrag van enige eiendom ingevolge paragraaf (a), en geen oordragfooi, kantoorfooi of ander heffing is betaalbaar ten opsigte van daardie inskrywing of endossement nie.
- (4) Met ingang van die datum van inwerkingtreding van hierdie Wet –
- (a) word alle personeellede van die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid geag word personeellede van die Agentskap te wees soos beoog in artikel 39; en
 - (b) word die lede van die Raad van die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid geag uit hul posisies as lede van die onderskeie rade te bedank het.

HOOFSUK 3

INSTELLING VAN KWAZULU-NATAL TOERISME- EN ROLPRENTOWERHEID

Instelling van KwaZulu-Natal Toerisme- en Rolprentowerheid

7.(1) 'n Regspersoon wat as die KwaZulu-Natal Toerisme- en Rolprentowerheid bekend sal staan, word hiermee ingestel as 'n provinsiale openbare entiteit ooreenkomstig die bepalings van die Wet op Openbare Finansiële Bestuur.

(2) Die Agentskap kan slegs ingevolge 'n Wet van die Provinsiale Wetgewer ontbind word.

Oogmerke van Agentskap

8. Die oogmerke van die Agentskap is om –

- (a) die toerisme- en oudiovisuele bedryf te bemark en te bevorder;
- (b) die ontwikkeling van die toerisme- en oudiovisuele bedryf te fasiliteer;

- (c) 'n bemagtigende omgewing vir volhoubare werkskepping in die toerisme- en oudiovisuele bedryf te skep;
- (d) by te dra tot werkskepping in die toerisme- en oudiovisuele bedryf; en
- (e) historiese wanbalanse rakende infrastruktuur en die verspreiding van vaardighede en hulpbronne in die toerisme- en oudiovisuele bedryf in die Provinsie aan te spreek.

Bevoegdhede, werksaamhede en pligte van Agentskap

9.(1) Die Agentskap moet die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer soos uiteengesit in –

- (a) hierdie Wet;
- (b) toepaslike nasionale en provinsiale wetgewing; en
- (c) enige ander wet.

(2) Die Agentskap het die volgende bevoegdhede, werksaamhede en pligte:

- (a) tree op as die bewaarder vir die geïntegreerde bemarking en bevordering van die Provinsie as 'n toerisme- en oudiovisuele bestemming in plaaslike en internasionale markte;
- (b) tree op as 'n spilpunt vir toerisme- en oudiovisueel-verwante inligting;
- (c) lok plaaslike en buitelandse beleggings vir die vestiging, ontwikkeling en groei van toerisme- en oudiovisuele infrastruktuur, fasiliteite en produkte;
- (d) verskaf finansiële en nie-finansiële ondersteuning vir die ontwikkeling en transformasie van die toerisme- en oudiovisuele bedryf;
- (e) lok ontspanningstoerisme, sakegeleenthede en oudiovisuele produksies;
- (f) moedig bestaande rolspelers en nuwe toetreders in die toerisme- en oudiovisuele bedryf aan om ondernemings te ondersteun, mense in diens te neem en met sake-entiteite in die Provinsie saam te werk;
- (g) verskaf ondersteuningsprogramme wat klein-, medium- en mikro-ondernemings teiken ten einde bemagtiging en indiensneming in die Provinsie te fasiliteer;
- (h) samel bykomende fondse uit ander bronne as bewilligings van die Provinsiale Wetgewer in ten einde die implementering van die oogmerke van die Wetsontwerp te verbeter;
- (i) pleit vir 'n omgewing wat bevorderlik is vir die bevordering, groei en transformasie van die toerisme- en oudiovisuele bedryf;

(j) bevorder samehang van, en samewerking tussen, alle staatsorgane ten opsigte van die toerisme- en oudiovisuele bedryfaangeleenthede deur die instelling van toepaslike koördinerende strukture;

(k) skakel en tree in verbinding met alle belanghebbendes en rolspelers in die toerisme- en oudiovisuele bedryf;

(l) fasiliteer en koördineer bedryfsontwikkeling in die toerisme- en oudiovisuele bedryf; en

(m) tree in vennootskap met plaaslike, nasionale, streeks-, Afrika- en wêreldorganisasies ten einde die oogmerke van die Wetsontwerp te bevorder.

(3) Die Agentskap kan sodanige ander bevoegdhede uitoefen, sodanige ander werksaamhede verrig en sodanige ander pligte uitvoer as wat redelikerwys nodig of dienstig mag wees vir die bereiking van die oogmerke van hierdie Wet, die wette bedoel in subartikel (1)(a) en (b), en enige ander wet bedoel in subartikel (1)(c), tot die mate waarin sodanige ander wet op die Agentskap van toepassing is.

HOOFSUK 4 BESTUURSREËLINGS

Instelling van Raad

10.(1) Die Agentskap word beheer deur 'n Raad wat –

(a) verantwoordelik is vir bestuur, toesig en monitering; en

(b) die Agentskap rig in die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte in ooreenstemming met hierdie Wet, die Wet op Openbare Finansiële Bestuur en die beginsels van goeie bestuur.

(2) Die Raad kan, na oorleg met die LUR en die Hoof Uitvoerende Beampte, die Agentskap herstruktureer indien dit na sy mening nodig is vir die doeltreffende uitoefening van bevoegdhede, verrigting van werksaamhede en die uitvoering van pligte deur die Agentskap.

(3) Die Raad is die rekenpligtige gesag soos beoog in artikel 49(2)(a) van die Wet op Openbare Finansiële Bestuur.

(4) Die Raad moet binne 'n tydperk van hoogstens drie maande na sy aanstelling 'n wedersyds bindende ooreenkoms met die LUR sluit om die verhouding tussen die LUR en die Raad te reguleer.

(5) Die Raad moet binne 'n tydperk van hoogstens drie maande na sy aanstelling 'n Handves vir die Raad goedkeur om –

(a) die verrigtinge van die Raad en enige komitee wat ooreenkomstig artikel 25 ingestel is, te reguleer;

(b) die bevoegdhede, werksaamhede en pligte van komitees wat ooreenkomstig artikel 25 ingestel is, te bepaal;

(c) die verhouding te bepaal tussen die Raad en –

(i) die Hoof Uitvoerende Beampte;

(ii) die Raadsekretaris; en

(iii) interne oudit; en

(d) voorsiening te maak vir enige ander aangeleentheid wat nodig mag wees vir die doeltreffende en optimale werking van die Raad:

Met dien verstande dat die Raad jaarliks, binne 'n tydperk van hoogstens drie maande na die begin van elke finansiële jaar, die Handves vir die Raad moet hersien.

Rol van LUR

11.(1) Die LUR –

(a) is die uitvoerende gesag soos beoog in artikel 1 van die Wet op Openbare Finansiële Bestuur;

(b) moet binne 'n tydperk van hoogstens drie maande na die inwerkingtreding van hierdie Wet, die Raad aanstel soos in artikel 13 beoog; en

(c) moet die Agentskap en die Raad moniteer in die uitoefening van hul bevoegdhede, die verrigting van hul werksaamhede en die uitvoering van hul pligte.

(2) Die lede bedoel in artikel 13(c) moet –

(a) skakeling tussen die LUR en die Raad fasiliteer; en

(b) van tyd tot tyd aan die LUR verslag doen oor aangeleenthede wat as relevant geag word.

(3) Die LUR kan –

a) deur kennisgewing in die *Koerant* –

- (i) norme en standaarde vir die uitoefening van die Agentskap se bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte; en
 - (ii) beperkings op gelde wat deur die Agentskap gehef word in die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte bepaal; en
- (b) riglyne aan die Agentskap uitreik oor –
- (i) beleid, beplanning, strategie en prosedurele kwessies om die effektiewe en doeltreffende funksionering daarvan te verseker; en
 - (ii) maatreëls om die norme en standaarde beoog in paragraaf (a)(i) te bereik.

Rol van Departementshoof

12. Die Departementshoof is die aangewese rekenpligtige beampte van die Departement soos beoog in die Wet op Openbare Finansiële Bestuur.

Samestelling van Raad

13. Die Raad bestaan uit –

- (a) minstens sewe en hoogstens 11 lede wat deur die LUR aangestel is, bestaande uit –
 - (i) een persoon met kennis van en ondervinding in die toerismesektor en oudiovisuele bedryf genomineer deur die KwaZulu-Natal provinsiale struktuur van die Suid-Afrikaanse Vereniging vir Plaaslike Regering soos beoog in artikel 2 van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet No. 52 van 1997), wat georganiseerde plaaslike regering in die Provinsie verteenwoordig: Met dien verstande dat hy of sy nie 'n verkose verteenwoordiger van plaaslike regering mag wees nie; en
 - (ii) die lede wat in artikel 15 aangestel is;
- (b) die Hoof Uitvoerende Beampte as 'n *ex officio*-lid, wat nie die reg het om by vergaderings van die Raad of enige van sy komitees te stem nie; en
- (c) een of meer werknemers van die Departement, wat die LUR na goeddunke as sy of haar verteenwoordiger of verteenwoordigers op die Raad kan aanstel, welke verteenwoordiger of verteenwoordigers vergaderings van die Raad en enige van sy komitees kan bywoon en deelneem aan besprekings, maar nie stemreg het by sulke vergaderings nie: Met dien verstande dat die LUR sodanige verteenwoordiger of verteenwoordigers kan verander of verwyder soos wat hy of sy nodig ag.

Algemene vereistes vir lede

14.(1) Lede moet –

- (a) geskikte en gepaste persone wees;
- (b) die amp beklee in die beste belang van die Agentskap en die Provinsie;
- (c) oor toepaslike kwalifikasies en ondervinding beskik; en
- (d) onafhanklik, onpartydig en regverdig wees.

(2) 'n Persoon is gediskwalifiseer om 'n lid te word of te bly indien daardie persoon –

- (a) nie 'n burger van die Republiek is of nie meer is nie;
- (b) 'n politieke ampsdraer is;
- (c) met die uitsondering van 'n lid beoog in artikel 13(a)(i), (b) en (c), in die voltydse diens van 'n staatsorgaan is;
- (d) 'n adviseur of 'n spesiale adviseur van 'n staatsorgaan of 'n politieke ampsdraer is;
- (e) 'n amptenaar of werknemer is van 'n munisipaliteit wat ingevolge artikel 155(1) van die Grondwet ingestel is;
- (f) 'n direkte of indirekte belang in enige drank-, dobbel-, perdewedren- en wedderyaktiwiteit het of verkry;
- (g) 'n direkte of indirekte belang in enige besigheid of onderneming het of verkry wat kan bots of inmeng met die behoorlike uitvoering van sy of haar funksies as 'n lid;
- (h) versuim om 'n direkte of indirekte belang in ooreenstemming met artikel 17(4) te openbaar of die verrigtinge van die Raad bygewoon of daaraan deelgeneem het terwyl hy of sy 'n belang het waarna in daardie artikel verwys word;
- (i) 'n direkte of indirekte belang in enige kontrak met die Agentskap het en versuim om sy of haar belang en die aard daarvan te verklaar op die wyse wat deur hierdie Wet vereis word;
- (j) 'n ongerehabiliteerde insolvent is of word;
- (k) deur 'n bevoegde hof as ontoerekeningsvatbaar verklaar is of word;
- (l) 'n persoon onder kuratorskap is of word;
- (m) ingevolge artikel 19(1) of (2) uit sy amp onthef is of word;
- (n) 'n misdadige direkteur is of as een verklaar word soos beoog in artikel 162 van die Maatskappywet, 2008 (Wet No. 71 van 2008);
- (o) te eniger tyd uit enige vertrouensamp verwyder is of word weens wangedrag of oneerlikheid; of
- (p) in die Republiek of elders skuldig bevind is of word aan 'n misdryf –
 - (i) wat oneerlikheid, diefstal, bedrog, vervalsing of die uitspreek van 'n vervalste dokument of meened behels;
 - (ii) kragtens die Wet op die Voorkoming en Bestryding van Korrupte Aktiwiteite, 2004 (Wet No. 12 van 2004);

- (iii) kragtens Hoofstuk 2 of 3 van die Wet op die Voorkoming van Georganiseerde Misdad, 1998 (Wet No. 121 van 1998);
- (iv) kragtens die Wet op die Finansiële Intelligensiesentrum, 2001 (Wet No. 38 van 2001);
- (v) kragtens die Maatskappywet, 2008 (Wet No. 71 van 2008);
- (vi) kragtens hierdie Wet; of
- (vii) kragtens enige ander soortgelyke wet:

Met dien verstande dat 'n diskwalifikasie ingevolge hierdie paragraaf eindig vyf jaar nadat die vonnis uitgedien is.

(3)(a) Indien enige lid gedurende sy of haar ampstermyn ingevolge subartikel (2) gediskwalifiseer word, of 'n belang verkry wat waarskynlik 'n direkte of indirekte belang sal wees, moet hy of sy binne 'n tydperk van hoogstens tien werksdae nadat hy of sy gediskwalifiseer is of na die verkryging van sodanige belang, of nadat hy of sy van sodanige inligting bewus geword het, sodanige belang skriftelik verklaar aan die –

- (i) Voorsitter, of indien die verklaring die Voorsitter aangaan, die Ondervoorsitter; en
- (ii) LUR.

(b) By ontvangs van inligting van 'n lid soos beoog in paragraaf (a), moet die LUR, behoudens artikel 19(2), die ampstermyn van sodanige lid met onmiddellike effek beëindig.

Aanstellingsprosedure

15.(1) Wanneer dit ook al nodig is om 'n lid of lede aan te stel soos beoog in artikel 13(a)(ii), moet die LUR binne 20 werksdae –

(a) benoemings aanvra deur middel van advertensies in die *Koerant* en ten minste twee provinsiale koerante, een in Engels en een in *isiZulu*, welke advertensies –

- (i) die benoemingsprosedure en die sluitingsdatum waarteen benoemings ontvang moet word; en
- (ii) die inligting, kwalifikasies en ondervinding wat vir benoeming vereis word, moet aandui; en

(b) daarna 'n lys opstel van die name van persone wat benoem is, met die volledige besonderhede van elke individuele benoemde.

(2) Enige benoeming gemaak ingevolge 'n advertensie ingevolge subartikel (1)(a) moet ondersteun word deur –

- (a) die persoonlike en kontakbesonderhede van die benoemde;

- (b) besonderhede van die benoemde se kwalifikasies en ondervinding; en
- (c) enige ander inligting wat voorgeskryf mag word soos beoog in subartikel (1)(a).

(3) 'n Persoon wat ingevolge subartikel (2) benoem is om op die Raad te dien, moet binne tien werksdae na benoeming, sy of haar –

- (a) ondertekende aanvaarding van die benoeming;
- (b) beëdigde verklaring wat verklaar dat hy of sy nie ingevolge artikel 14(1) en (2) vir aanstelling gediskwalifiseer is nie; en
- (c) beëdigde verklaring van al sy of haar direkte en indirekte belange,

aan die LUR voorlê.

(4) Enige versuim deur die benoemde om enige diskwalifikasiekriterium of enige direkte of indirekte belang ingevolge subartikel (3)(b) en (c) te openbaar, diskwalifiseer die benoemde om vir die posisie van 'n lid oorweeg te word.

(5) Die LUR moet 'n paneel aanstel om al die benoemings te hersien en te evalueer en daarna te kortlys en aanbevelings aan hom of haar te maak rakende die benoemdes: Met dien verstande dat die kortlys en aanbevelings binne 20 werksdae na die aanstelling van die paneel by die LUR ingedien moet word.

(6) Die LUR moet binne tien werksdae na ontvangs van die kortlys en aanbevelings beoog in subartikel (5) –

- (a) die aanbevelings oorweeg; en
- (b) die vereiste aantal aanstellings maak uit die lys van benoemdes in subartikel (1)(b): Met dien verstande dat indien die gekortlyste benoemdes nie voldoen aan die vereistes vir kwalifikasie en die kriteria waarvoor in hierdie Wet voorsiening gemaak word nie, die LUR weer vir benoemings moet adverteer vir die uitstaande aantal aanstellings ooreenkomstig die bepalings van hierdie artikel.

(7) By die aanstelling van 'n lid of lede wat in hierdie artikel beoog word, moet die LUR verseker dat die Raad in die algemeen verteenwoordigend is en gesamentlik saamgestel is uit persone met korporatiewe bestuurservaring en 'n wye reeks ander toepaslike vaardighede, kundigheid en ervaring, en wat verkieslik in KwaZulu-Natal woonagtig is, met spesifieke verteenwoordiging deur ten minste een persoon wat –

- (a) as 'n bemarker in die Republiek gekwalifiseer is en vir 'n kumulatiewe tydperk van minstens tien jaar nadat hy aldus gekwalifiseer het, as 'n bemarker in die toerismesektor of oudiovisuele bedryf gepraktiseer het;
- (b) bewese sakevernuf in, en kennis van, die oudiovisuele bedryf het;
- (c) bewese sakevernuf in, en kennis van, die toerismesektor het;
- (d) gekwalifiseer is om toegelaat te word om as 'n regspraktisyn in die Republiek te praktiseer en vir 'n kumulatiewe tydperk van minstens tien jaar nadat hy aldus gekwalifiseer het, as 'n regspraktisyn gepraktiseer of dienste verrig het wat verband hou met die toepassing of administrasie van handelsreg;
- (e) as 'n geoktrooieerde rekenmeester in die Republiek gekwalifiseer en geregistreer is en vir 'n kumulatiewe tydperk van minstens tien jaar nadat hy aldus gekwalifiseer het, as 'n geoktrooieerde rekenmeester gepraktiseer het; en
- (f) as 'n menslikehulpbronspesialis in die Republiek gekwalifiseer is en vir 'n kumulatiewe tydperk van minstens tien jaar nadat hy aldus gekwalifiseer het, as 'n menslikehulpbronspesialis gepraktiseer het.

(8) Die LUR moet die persone wat in die Raad aangestel is, skriftelik in kennis stel van hul aanstelling en die datum waarop die aanstelling in die Raad in werking tree.

(9) Die LUR moet binne tien werksdae vanaf die maak van 'n aanstelling soos beoog in subartikel (6)(b) –

(a) die –

(i) Uitvoerende Raad;

(ii) Portefeuljekomitee; en

(iii) portefeuljekomitee verantwoordelik vir finansies in die Provinsie,

in kennis stel van die name van alle persone wat in die Raad aangestel is; en

(b) die name by kennisgewing in die *Koerant* en in minstens twee provinsiale koerante publiseer, een in Engels en een in *isiZulu*.

(10) Waar aangetoon word dat enige een of meer lede nie behoorlik aangestel is nie, maak sodanige omstandigheid nie enige resoluëie, besluit, magtiging of aksie wat deur die Raad geneem is ongeldig of daardeur beïnvloed nie, tensy 'n Hof wat die geldigheid van 'n bepaalde resoluëie, besluit, magtiging of aksie oorweeg, besluit dat sodanige resoluëie, besluit, magtiging of handeling ter syde gestel moet word.

Voorsitter en Ondervoorsitter

16.(1) Die LUR moet 'n Voorsitter en 'n Ondervoorsitter uit die lede aanstel: Met dien verstande dat die Voorsitter en Ondervoorsitter 'n lid moet wees soos beoog in artikel 13(a)(ii).

(2) Die LUR kan met goeie rede sodanige aanstellings terugtrek of wysig.

(3) Die Voorsitter en Ondervoorsitter word aangestel vir so 'n tydperk as wat die LUR mag bepaal: Met dien verstande dat sodanige aanstellings nie verder mag strek as hul ampstermyn as lede soos beoog in artikel 18 nie.

(4) Die Ondervoorsitter moet die bevoegdheid utoefen, die werksaamhede verrig en die pligte van die Voorsitter uitvoer indien die Voorsitter afwesig, onbekwaam verklaar is, weier of versuim om as Voorsitter op te tree, of as die LUR die Voorsitter se aanstelling terugtrek.

(5) Indien beide die Voorsitter en Ondervoorsitter afwesig, onbekwaam verklaar is, weier of versuim om hul bevoegdheid uit te oefen, hul werksaamhede te verrig of hul pligte uit te voer, of as die LUR hul aanstellings terugtrek, moet die LUR 'n ander lid as waarnemende Voorsitter aanstel.

Gedragstandaard en verklaring van belange

17.(1) Vir doeleindes van hierdie artikel sluit "lid" in enige –

- (a) lid beoog in artikel 13; en
- (b) lid van 'n komitee wat ooreenkomstig artikel 25 aangestel is.

(2) 'n Lid beoog in subartikel (1) –

- (a) moet die werksaamhede van die amp te goeder trou en sonder guns of vooroordeel verrig;
- (b) mag nie die posisie, voorregte of kennis van 'n lid gebruik vir private gewin of om 'n ander persoon onbehoorlik te bevoordeel nie;
- (c) mag nie direk of indirek enigiets van waarde van enige persoon of besigheid ontvang wat met die behoorlike uitvoering van sy of haar werksaamhede kan bots of inmeng of op enige wyse voordeel trek uit die amp wat hy of sy beklee nie; en
- (d) mag nie op enige ander manier optree wat die geloofwaardigheid, onpartydigheid, onafhanklikheid of integriteit van die Agentskap in gevaar stel nie.

(3)(a) 'n Lid beoog in artikel 13(a) en (c) moet 'n beëdigde verklaring by die LUR indien van sy of haar direkte of indirekte belange soos beoog in hierdie Wet by die aanvaarding van die amp en daarna aan die begin van elke finansiële jaar: Met dien verstande dat in die geval waar sodanige lid 'n direkte of indirekte belang te eniger tyd na die begin van 'n spesifieke finansiële jaar verkry, hy of sy sodanige belang skriftelik aan die LUR moet verklaar binne tien werksdae vanaf die datum van verkryging van sodanige belang.

(b) 'n Verklaring beoog in paragraaf (a) moet in die formaat wees wat in Bylae 2 voorsien word.

(4) 'n Lid beoog in subartikel (1) moet –

(a) by die aanvang van enige vergadering 'n skriftelike verklaring van sy of haar direkte of indirekte belange in enige aangeleentheid voor die Raad of komitee aan die Voorsitter van die Raad of komitee voorlê, in die formaat waarvoor in Bylae 2 voorsiening gemaak word;

(b) hom- of haarself onttrek van 'n aangeleentheid wat deur die Raad of komitee bespreek, oorweeg of daarvoor gestem word indien hy of sy 'n direkte of indirekte belang het, of indien daar 'n moontlikheid is dat 'n direkte of indirekte belang kan ontstaan, tensy die Raad of komitee bepaal en besluit het dat die belang wat openbaar gemaak word, onbenullig of nie weselik is nie; en

(c) indien dit in enige stadium tydens die verloop van enige verrigtinge voor die Raad of 'n komitee blyk dat hy of sy 'n direkte of indirekte belang het of kan hê, die aard van sodanige belang openbaar, hom- of haarself onttrek en die vergadering verlaat, tensy die Raad of komitee bepaal en besluit het dat die belang wat geopenbaar is, onbenullig of nie weselik is nie.

(5) Enige openbaarmaking wat ingevolge subartikel (4) gemaak word, moet in die notule van die betrokke vergadering aangeteken word.

(6) Indien dit later vasgestel word dat die Raad of komitee 'n besluit geneem het oor 'n aangeleentheid ten opsigte waarvan 'n lid versuim het om 'n direkte of indirekte belang soos bedoel in subartikels (3) of (4) bekend te maak, moet sodanige besluit deur die Raad of komitee heroorweeg word sonder die deelname van die betrokke lid so gou as wat redelikerwys moontlik is nadat die Raad of komitee bewus geword het van die nie-openbaarmaking: Met dien verstande dat indien sodanige besluit die regte van enige persoon nadelig raak en 'n direkte eksterne regsuitwerking het, moet die Raad by 'n bevoegde hof aansoek doen om sodanige besluit tersyde te stel.

(7) 'n Lid beoog in subartikel (1) wat subartikels (2), (3) en (4) oortree of versuim om daaraan te voldoen, na gelang van die geval, –

(a) is aan wangedrag skuldig; en

(b) kan, onderhewig aan nakoming van behoorlike prosedure, deur die LUR verwyder word, indien, na sy of haar mening, sodanige oortreding of versuim goeie rede vir verwydering uitmaak.

(8) Enige persoon kan 'n aansoek, mondeling of skriftelik, vir 'n lid doen om hom- of haarself te onttrek waar daardie persoon rede het om te glo dat 'n lid 'n direkte of indirekte belang het of redelikerwys verwag kan word om 'n direkte of indirekte belang by die uitslag van 'n besluit van die Raad of komitee te hê. Met dien verstande dat die persoon wat so aansoek doen duidelike redes vir sy of haar versoek moet verskaf.

(9) 'n Aansoek bedoel in subartikel (8) moet gerig word aan die –

(a) Voorsitter van die Raad of komitee, na gelang van die geval; of

(b) Ondervoorsitter van die Raad of komitee, na gelang van die geval, indien die aansoek die Voorsitter raak,

wat oor die aangeleentheid moet besluit en die besluit aan die Raad of komitee moet rapporteer, welke besluit in die notule van die betrokke vergadering aangeteken moet word.

(10) Die LUR moet 'n bygewerkte register hou van lede se belange wat ingevolge hierdie artikel bekend gemaak word, welke register 'n openbare dokument is waartoe lede van die publiek, onderworpe aan die bepalings van die Wet op die Bevordering van Toegang tot Inligting en die Wet op Beskerming van Persoonlike Inligting, toegang kan versoek gedurende kantoorure.

Ampstermyn

18.(1) Lede beoog in artikel 13(a) –

(a) word aangestel vir 'n termyn van vyf jaar of sodanige korter termyn as wat die LUR kan bepaal, of, indien subartikel (2) van toepassing is, vir 'n termyn ingevolge daardie subartikel bepaal;

(b) kom in aanmerking vir heraanstelling vir een bykomende termyn van hoogstens vyf jaar na voltooiing van 'n termyn beoog in paragraaf (a), behoudens die bepalings van artikels 14 en 15; en

(c) kan na 'n onderbreking van minstens drie jaar nadat 'n bykomende termyn beoog in paragraaf (b) geëindig het, weer in aanmerking kom vir aanstelling ingevolge paragraaf

(a), behoudens die bepalings van artikels 14 en 15, en indien aldus aangestel, weer in aanmerking kom vir heraanstelling ingevolge paragraaf (b).

(2) Enige aanstelling ingevolge subartikel (1) kan, met gegronde redes, deur die LUR verleng word vir 'n bepaalde tydperk van hoogstens een jaar.

Beëindiging van lidmaatskap, skorsing uit en ontruiming van amp

19.(1) Die aanstelling van 'n lid beoog in artikel 13(a) word beëindig wanneer hy of sy –

- (a) nie meer verkiesbaar is om 'n lid te wees nie ingevolge artikel 14(2);
- (b) die lid se ampstermyn oorskry waar sy of haar termyn nie deur die LUR verleng word soos in artikel 18(2) voorsiening gemaak word nie;
- (c) bedank;
- (d) weens dood of onbekwaamheid nie kan dien nie; of
- (e) ingevolge subartikel (2) uit die amp onthef word.

(2) Die aanstelling van 'n lid beoog in artikel 13(a) kan deur die LUR beëindig word indien –

- (a) hy of sy afwesig is van drie of meer opeenvolgende vergaderings van die Raad; of
- (b) die LUR 'n bevinding gemaak het dat daar voldoende bewyse is van wangedrag, oneerlikheid, onbekwaamheid of onbevoegdheid ten opsigte van sodanige lid, onderworpe aan die nakoming van behoorlike proses: Met dien verstande dat die LUR 'n lid wat ondersoek word sonder vergoeding kan skors, onderworpe aan nakoming van behoorlike proses.

(3) 'n Lid beoog in artikel 13(a) kan bedank deur ten minste 20 werksdae skriftelike kennis aan die Voorsitter en die LUR te gee: Met dien verstande dat die LUR, na sy of haar goeddunke, van die kennistydperk kan afsien.

(4) Wanneer 'n lid ophou om 'n lid te wees, mag hy of sy nie meer die Raad in enige komitee of enige ander liggaam van die Raad verteenwoordig nie.

Vul van vakatures

20. Wanneer 'n vakature op die Raad ontstaan, moet die LUR binne 'n tydperk van hoogstens ses maande 'n persoon aanstel om sodanige vakature te vul vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek so persoon aangestel is, in ooreenkomstig die bepalings van artikel 13(a)(i) of artikel 15, na gelang van die geval.

Voorwaardes van aanstelling en vergoeding

21.(1) In hierdie artikel sluit "**lid**" enige -

- (a) lid beoog in artikel 13; en
- (b) lid van 'n komitee wat nie 'n lid van die Raad is nie, soos beoog in artikel 25, in.

(2) Die LUR moet die aanstellingsvoorwaardes van lede bepaal.

(3)(a) Behoudens subartikels (3)(b) en (4)(a), kan 'n lid uit die fondse van die Agentskap sodanige vergoeding en toelaes betaal word wat deur die LUR in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir finansies in die Provinsie bepaal is.

(b) 'n Lid wat vergoeding, toelaes of ander voordele ontvang uit hoofde van sy of haar amp, posisie, pos of diens in –

- (i) die Nasionale Regering;
- (ii) 'n provinsiale regering;
- (iii) 'n munisipaliteit;
- (iv) 'n korporasie, liggaam of instelling waarin die nasionale of 'n provinsiale regering 'n beherende belang het; of
- (v) 'n openbare entiteit, 'n nasionale regeringsonderneming of 'n provinsiale regeringsonderneming soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur,

en wat voortgaan om sodanige vergoeding, toelaes of ander voordele te ontvang terwyl hy as lid dien soos beoog in subartikel (1), mag slegs vergoeding en toelaes in paragraaf (a) bedoel ontvang in die mate wat nodig is om sodanige lid in die finansiële posisie te plaas waarin hy of sy sou gewees het as dit nie vir sodanige amp, posisie, pos of diens was nie.

(c) Verskillende vergoeding en toelaes kan vir die volgende kategorieë lede bepaal word –

- (i) die Voorsitter;
- (ii) die Ondervoorsitter;
- (iii) ander lede van die Raad;
- (iv) die Voorsitter van 'n komitee;
- (v) lede van komitees; en
- (vi) lede van komitees wat nie lede van die Raad is nie:

Met dien verstande dat 'n lid beoog in artikel 14(c) slegs vergoed kan word vir uitgawes soos beoog in subartikel (4)(a).

(4)(a) 'n Lid kan, ten opsigte van sy of haar werksaamhede as sodanige 'n lid, vergoeding uit die fondse van die Agentskap ontvang vir redelike werklike verblyf- en reiskoste wat

genoodsaak is deur die werklike bywoning van 'n vergadering van die Raad of 'n komitee of 'n amptelike funksie of geleentheid bygewoon in sy of haar hoedanigheid as 'n lid: Met dien verstande dat 'n lid beoog in artikel 13(c) sodanige vergoeding uit die fondse van die Departement moet ontvang.

(b) Die Lid van die Uitvoerende Raad verantwoordelik vir finansies in die Provinsie moet prosedures, insluitend beheermaatreëls, vir die bestuur, hantering en verwerking van eise vir verblyf- en reiskoste in paragraaf (a) beoog, bepaal

(5) Lede word deelyds en in 'n nie-uitvoerende hoedanigheid aangestel.

Afwesigheid van funksionele Raad

22.(1) Indien, na die mening van die LUR, die Raad nie sy bevoegdhede uitoefen, sy werksaamhede verrig of sy pligte uitvoer soos uiteengesit in hierdie Wet, die Wet op Openbare Finansiële Bestuur, enige ander relevante wet, of in ooreenstemming met die beginsels van goeie korporatiewe bestuur, kan die LUR, nadat die Raad die geleentheid gegee is om skriftelike verhoë in te dien, die Raad by kennisgewing in die *Koerant* as disfunksioneel verklaar.

(2) Indien die Raad ingevolge subartikel (1) as disfunksioneel verklaar is, of in die geval dat die Raad nie meer behoorlik saamgestel is ooreenkomstig die bepalings van artikel 13 nie –

(a) berus die bevoegdhede, werksaamhede en pligte van die rekenpligtige gesag tydelik by die Hoof Uitvoerende Beampte ooreenkomstig die bepalings van artikel 49(2)(b) van die Wet op Openbare Finansiële Bestuur; en

(b) moet die LUR so gou as wat redelikerwys moontlik is, maar in elk geval binne 'n tydperk van hoogstens drie maande, alle nodige stappe doen om te verseker dat die Agentskap deur 'n funksionele Raad beheer word.

Raadsvergaderings

23.(1) Die Voorsitter besluit waar en wanneer die Raad vergader: Met dien verstande dat die –

(a) eerste vergadering van die Raad gehou moet word op 'n plek en datum deur die LUR bepaal;

(b) Raad minstens kwartaalliks vergader;

(c) LUR die Raad skriftelik opdrag kan gee om te vergader, en die plek en datum van die vergadering kan gelas; en

(d) meerderheid van die lede beoog in artikel 13(a) die Voorsitter skriftelik kan versoek om 'n vergadering te belê op 'n plek en datum soos uiteengesit in die versoek, in welke geval die Voorsitter sodanige vergadering van die Raad moet belê.

(2) Die Voorsitter, of in sy of haar afwesigheid, die Ondervoorsitter, sit by vergaderings van die Raad voor: Met dien verstande dat indien beide die Voorsitter en Ondervoorsitter afwesig is van 'n deel van 'n vergadering, die teenwoordige lede 'n ander lid moet kies om by daardie deel van die vergadering voor te sit

(3) Die Raad kan enige personeellid of enige ander persoon nooi om enige van sy vergaderings by te woon waar dit nodig of toepaslik geag word: Met dien verstande dat enige sodanige personeellid of ander persoon –

(a) aan artikel 17 moet voldoen; en

(b) nie aan enige besluit mag deelneem of by so 'n vergadering mag stem nie.

(4)(a) Die Raad kan, na goeddunke, lede van die publiek toelaat om enige vergadering van die Raad by te woon.

(b) Enige vergadering van die Raad wat belê word met die doel om verhoë of besware met betrekking tot enige aansoek om 'n drank-, dobbel-, perdewedren- of wedderylisensie te oorweeg, moet vir die publiek toeganklik wees.

(c) Die Voorsitter kan, na sy of haar goeddunke, gelas dat enige persoon wie se teenwoordigheid nie wenslik is by 'n vergadering beoog in paragraaf (a) of (b) nie, nie die vergadering mag bywoon nie of die vergadering moet verlaat.

(d) Beraadslagings met die oog op die neem van besluite en om daarvoor te stem ten opsigte van enige aangeleentheid op 'n vergadering, moet agter geslote deure plaasvind.

(5) Die Raad kan sy eie prosedures bepaal onderworpe aan die ander bepalings van hierdie Wet.

Kworum en besluite

24.(1) 'n Meerderheid van die lede bedoel in artikel 13(a) maak 'n kworum vir 'n vergadering van die Raad uit.

(2) 'n Saak voor die Raad word beslis deur die stemme van 'n meerderheid van die lede teenwoordig by die vergadering: Met dien verstande dat slegs 'n lid beoog in artikel 13(a) die reg het om by 'n vergadering te stem.

(3) Indien daar, oor enige aangeleentheid voor die Raad, 'n gelyke aantal stemme is, moet die lid wat by die vergadering voorsit, 'n beslissende stem uitoefen bo en behalwe sy of haar stem as 'n lid.

(4) Geen besluit van die Raad is ongeldig bloot weens 'n vakature in die Raad nie, behoudens die bepalings van subartikels (1) en (2).

Komitees

25.(1) Die Raad –

- (a) moet 'n ouditkomitee instel;
- (b) kan een of meer ander komitees instel om hom by te staan in die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte;
- (c) moet vir elke komitee 'n Voorsitter en ander lede aanwys;
- (d) kan 'n lid van 'n komitee te eniger tyd uit sy amp onthef met gegronde redes; en
- (e) kan 'n komitee te eniger tyd ontbind.

(2) Wanneer lede op die ouditkomitee aangestel word, moet die Raad –

- (a) as Voorsitter van die ouditkomitee –
 - (i) 'n persoon wat 'n lid is soos beoog in artikel 13(a)(ii); of
 - (ii) 'n persoon wat nie 'n lid van die Raad is nie, aanstel;
- (b) persone insluit wat nie lede van die Raad is nie; en
- (c) voldoening aan artikels 51(1)(a)(ii) en 76(4)(d) van die Wet op Openbare Finansiële Bestuur verseker.

(3) Wanneer lede aangestel word op enige komitee beoog in subartikel (1)(b), kan die Raad lede insluit wat nie lede van die Raad is nie.

(4) 'n Lid van 'n komitee wat nie 'n lid van die Raad is nie –

- (a) moet aan artikel 17 voldoen; en
- (b) mag, behalwe in die geval van 'n lid van die ouditkomitee, nie deelneem aan enige besluit van, of stem by, sodanige komitee nie.

(5) 'n Komitee kan aanbevelings aan die Raad doen vir bespreking, wysiging, verwerping of aanneming deur die Raad.

(6) Die bepalings van artikel 21 is, met die nodige wysigings, van toepassing op die voorwaardes vir die aanstelling van lede van komitees.

(7) 'n Personeellid van die Agentskap wat in 'n komitee aangestel is, of deur 'n komitee genooi is om 'n vergadering by te woon –

(a) moet aan artikel 17(2) en (4) voldoen: Met dien verstande dat, ten opsigte van 'n personeellid wat genooi is om 'n vergadering by te woon, artikel 17(7)(b) nie van toepassing is nie;

(b) mag nie aan enige besluit van so 'n komitee deelneem of daarin stem nie; en

(c) dien in die komitee, of woon 'n vergadering van die komitee by, onderworpe aan die bepalings en voorwaardes van sy of haar diens.

Notules van vergaderings

26.(1) Die Raad moet verseker dat notules van elke vergadering van die Raad en sy komitees saamgestel en aan alle lede van die Raad of sodanige komitee, na gelang van die geval, gesirkuleer word binne 'n tydperk van hoogstens tien werksdae na sodanige vergadering.

(2) Alle notules van vergaderings bedoel in subartikel (1) moet –

(a) ter tafel gelê word by die volgende vergadering van die Raad of komitee, na gelang van die geval, vir aanneming en word, sodra dit aangeneem en onderteken is deur die Voorsitter van die Raad of 'n komitee, geag 'n korrekte rekord van die vergadering te wees en vorm *prima facie* bewys van die besluite wat deur die Raad of komitee by sodanige vergadering geneem is; en

(b) in 'n register gelys en in hardekopie en elektroniese formaat gehou word sodra dit aangeneem en onderteken is.

(3) Die notules van alle vergaderings van die Raad en sy komitees is openbare dokumente waartoe lede van die publiek, behoudens die bepalings van die Wet op die Bevordering van Toegang tot Inligting en die Wet op die Beskerming van Persoonlike Inligting, toegang kan versoek gedurende kantoorure.

Oorlegpleging en bystand aan Raad

27.(1) Die Raad kan, wanneer dit ook al nodig is, enige persoon, organisasie of instelling aanstel met die doel om die Raad by te staan of te adviseer oor enige aangeleentheid wat verband hou met die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte ingevolge artikel 10 van hierdie Wet.

- (2) Die Raad moet, by die aanstelling van 'n persoon of entiteit soos beoog in subartikel (1) –
- (a) voldoen aan die voorsieningskettingsbestuurstelsel soos beoog in artikels 51(1)(a)(iii) en 76 van die Wet op Openbare Finansiële Bestuur; en
 - (b) 'n skriftelike ooreenkoms met die betrokke persoon of entiteit sluit, wat 'n beskrywing moet insluit van die diens wat deur die persoon of entiteit gelewer moet word en die datum waarop hy of sy die Raad van 'n verslag en aanbevelings ten opsigte daarvan moet voorsien.
- (3) Die bepalings, voorwaardes, vergoeding en toelaes met betrekking tot die aanstelling van 'n persoon of entiteit ingevolge hierdie artikel moet uit fondse van die Agentskap betaal word soos deur die Agentskap bepaal en moet ingesluit word in die skriftelike ooreenkoms beoog in subartikel (2).
- (4) 'n Persoon of entiteit wat aldus aangestel of op wie 'n beroep gedoen is, mag nie deelneem aan enige besluit van, of stem by, 'n vergadering van die Raad of 'n komitee nie.

Delegering deur Raad

28.(1) Wanneer dit nodig is vir die behoorlike uitvoering van sy werksaamhede, kan die Raad enige van sy bevoegdhede, werksaamhede of pligte, uitgesonderd dié in subartikel (2) genoem, delegeer aan –

- (a) 'n lid beoog in artikel 13(a);
- (b) 'n komitee ingestel ingevolge artikel 25; of
- (c) die Hoof Uitvoerende Beampte:

Met dien verstande dat elke delegasie aan die bepalings van artikel 50(2) en (3) moet voldoen.

- (2) Die Raad mag nie die volgende bevoegdhede, werksaamhede en pligte delegeer nie:
- (a) die aanstelling of heraanstelling van die Hoof Uitvoerende Beampte en enige bepaling van die Hoof Uitvoerende Beampte se diensbepalings en -voorwaardes soos beoog in artikel 36;
 - (b) die bepaling van die indiensnemingsbeleid, finansiële limiete en algemene diensvoorwaardes vir personeellede soos beoog in artikel 40(1) en (3)(a);
 - (c) die finansiële bestuursverantwoordelikhede wat ingevolge artikels 29, 30, 31, 32 en 34 aan die Raad opgedra is; en
 - (d) die goedkeuring van die begroting soos beoog in artikel 31(1)(b)(ii).

HOOFSTUK 5
BEFONDSING, FINANSIËLE BESTUUR EN VERSLAGDOENING

Fondse van Agentskap

29.(1) Die fondse van die Agentskap bestaan uit –

- (a) geld wat deur die Provinsiale Wetgewer aan hom bewillig is;
- (b) enige bedrae wat ingevolge hierdie Wet aan die Agentskap betaalbaar is; en
- (c) geld wat wettiglik uit enige ander bron verkry is.

(2) Die Agentskap moet sy fondse aanwend –

- (a) vir die betaling van vergoeding, toelaes en verblyf- en reiskoste van –
 - (i) lede;
 - (ii) lede van komitees;
 - (iii) die Hoof Uitvoerende Beampte;
 - (iv) personeellede; en
 - (v) persone en entiteite soos beoog in artikel 27; en
- (b) om die koste te dek van –
 - (i) die daaglikse bedryf en administrasie van die Agentskap, die Raad en komitees;
 - (ii) die bestuur van die Agentskap; en
 - (iii) die uitoefening van die bevoegdhede, verrigting van die werksaamhede en die uitvoering van die pligte van die Agentskap ingevolge hierdie Wet.

(3) Die Hoof Uitvoerende Beampte moet, behoudens die bepalings van die Wet op Openbare Finansiële Bestuur en met die instemming van die Raad –

- (a) 'n rekening in die naam van die Agentskap open by 'n instelling wat ingevolge die Bankwet, 1990 (Wet No. 94 van 1990) as 'n bank geregistreer is; en
- (b) alle fondse wat ingevolge subartikel (1) ontvang is, daarin deponeer.

(4) Met ingang van die datum wanneer hierdie Wet in werking tree, word enige bankrekening of fondse wat bedryf word, of beleggings gehou, deur die voorgangers-in-titel van die Agentskap bedoel in artikel 5 geag die bankrekening, fondse of beleggings van die Agentskap te wees.

(5) Die Agentskap kan, behoudens die bepalings van die Wet op Openbare Finansiële Bestuur en enige beleggings- of ander beleid wat ingevolge daarvan voorgeskryf word, gelde wat in

sy rekening gedeponeer word, belê wat nie vir onmiddellike gebruik nodig word nie: Met dien verstande dat die Raad redelike stappe moet neem om te verseker dat die belegging nie van 'n spekulatiewe aard is nie.

Finansiële aanspreeklikheid en korporatiewe bestuur

30. Die Raad moet verseker dat die Agentskap, as 'n provinsiale openbare entiteit, voldoen aan die bepalings van die Wet op Openbare Finansiële Bestuur en gesonde korporatiewe bestuursbeginsels en -praktyke.

Finansiële bestuur

31.(1) Die Raad moet verseker dat die Agentskap –

- (a) volledige, behoorlike en bygewerkte rekeningboeke en al die nodige rekords in verband daarmee hou; en
- (b) die volgende voorberei en aan die Raad voorlê vir sy goedkeuring en daaropvolgende voorlegging aan die betrokke owerhede soos beoog in die Wet op Openbare Finansiële Bestuur en ander wetgewende en beleidsvoorskrifte:
 - (i) strategiese planne;
 - (ii) jaarlikse begrotings;
 - (iii) geouditeerde finansiële state;
 - (iv) jaarlikse prestasieplanne;
 - (v) korporatiewe planne;
 - (vi) jaar- en ander verslae;
 - (vii) opbrengste;
 - (viii) kennisgewings; en
 - (ix) enige ander dokumentasie of inligting wat vereis mag word.

(2) Die Hoof Uitvoerende Beampte moet aan die Raad –

- (a) 'n jaarlikse prestasieplan vir die Agentskap vir die volgende finansiële jaar, wat meetbare doelwitte en ander inligting bevat wat redelikerwys deur die Raad vereis word; en
- (b) 'n staat van die beraamde inkomste en uitgawes van die Agentskap ten opsigte van die volgende drie finansiële jare, vir goedkeuring voorlê ten minste ses maande voor die begin van elke finansiële jaar.

(3) Die Hoof Uitvoerende Beampte moet op 'n kwartaallikse basis by die Raad bygewerkte inkomste- en uitgawestate met geprojekteerde uitgawes per program vir daardie finansiële jaar voorlê.

(4) In enige finansiële jaar moet die Hoof Uitvoerende Beampte elke aangepaste of aanvullende staat van die beraamde inkomste en uitgawes van die Agentskap vir daardie finansiële jaar aan die Raad voorlê vir goedkeuring.

(5) Die Agentskap mag geen finansiële verbintenis buite sy goedgekeurde begroting en sy opgehoopte reserwes aangaan nie.

(6) Die Hoof Uitvoerende Beampte kan, met die vooraf goedkeuring van die Raad, surplus- en reserwefondse instel en die bedrae daarin deponeer as wat die Raad goedkeur: Met dien verstande dat sodanige deposito's aan die Provinsiale Tesourie en die Ouditeur-generaal bekend gemaak moet word binne een maand van die datum waarop 'n deposito gemaak is.

Oudit, verslagdoening en jaarverslag

32.(1) Die Ouditeur-generaal moet die finansiële state van die Agentskap oudit.

(2)(a) Die Raad moet binne 'n tydperk van vyf maande na die einde van die finansiële jaar 'n jaarverslag oor die werksaamhede van die Agentskap indien by –

(i) Provinsiale Tesourie; en

(ii) deur die Departementshoof, aan die LUR.

(b) Die LUR moet binne een maand na ontvangs van die jaarverslag van die Departementshoof soos beoog in subartikel 2(a)(ii), die jaarverslag in die Provinsiale Wetgewer ter tafel lê.

(3) Die jaarverslag moet –

(a) finansiële state insluit soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur;

(b) vermeld in watter mate die Agentskap sy doelwitte waarna in artikel 8 verwys word, bereik of bevorder het en die meetbare doelwitte soos uiteengesit in sy jaarlikse prestasieplan gedurende die betrokke boekjaar; en

(c) relevante inligting bevat oor –

(i) die doeltreffende, effektiewe en ekonomiese toepassing en gebruik van die Agentskap se fondse en hulpbronne; en

(ii) beplande aanwysers en werklike prestasie-aanwysers soos uiteengesit in sy jaarlikse prestasieplan.

(4) Binne vyf maande nadat die jaarverslag ter tafel gelê is, moet 'n afvaardiging bestaande uit die Voorsitter, die Hoof Uitvoerende Beampte en ten minste twee ander lede die Portefeuljekomitee oor die jaarverslag inlig.

Finansiële jaar

33. Die finansiële jaar van die Agentskap begin op 1 April van 'n bepaalde jaar en eindig op 31 Maart van die volgende jaar.

Onroerende eiendom

34. Die Agentskap kan, ingevolge 'n beleid en prosedure bepaal deur die Raad en met die skriftelike goedkeuring van die LUR, enige onroerende eiendom in die verloop van sy sake verkry, hou of vervreem.

Regsgedinge

35. Die Agentskap is 'n staatsorgaan soos beoog in paragraaf (c) van die omskrywing daarvan in artikel 1 van die Wet op die Instel van Regsprosedures teen Sekere Staatsorgane, 2002 (Wet No. 40 van 2002), en enige regsgedinge teen die Agentskap moet ooreenkomstig daardie Wet ingestel word.

HOOFSUK 6

HOOF UITVOERENDE BEAMPTTE EN ANDER PERSONEEL

Aanstelling van Hoof Uitvoerende Beampte

36.(1) Die Raad, in oorleg met die LUR, moet 'n geskikte en gepaste, toepaslik gekwalifiseerde, vaardige en ervare persoon as die Hoof Uitvoerende Beampte van die Agentskap aanstel.

(2) 'n Persoon beoog in subartikel (1) moet, voor sy of haar aanstelling, 'n beëdigde verklaring by die Raad indien wat alle dissiplinêre navrae en verrigtinge spesifiseer wat teen hom of haar ingestel is, hetsy voltooi of nie, tydens alle vorige diens.

(3) Die Hoof Uitvoerende Beampte –

- (a) word vir 'n termyn van hoogstens sewe jaar aangestel; en
- (b) kan deur die Raad in oorleg met die LUR heraangestel word vir sodanige verdere tydperke, wat elk nie vyf jaar mag oorskry nie, as wat toepaslik geag mag word.

(4) Die Hoof Uitvoerende Beampte is in diens op sodanige diensvoorwaardes as wat die Raad in oorleg met die LUR mag bepaal, nadat hy of sy die lid van die Uitvoerende Raad verantwoordelik vir finansies in die Provinsie geraadpleeg het.

(5)(a) Die aanstelling van die Hoof Uitvoerende Beampte is onderhewig aan die sluiting van 'n skriftelike jaarlikse prestasie-ooreenkoms wat tussen die Raad en die Hoof Uitvoerende Beampte aangegaan is.

(b) Die Raad en die Hoof Uitvoerende Beampte kan, skriftelik en deur ooreenkoms, die prestasie-ooreenkoms wysig.

(6) Vir doeleindes van die indiening van 'n beëdigde verklaring van direkte en indirekte belange is die bepalings van artikel 40(3)(c) van toepassing, met die nodige veranderinge, op die Hoof Uitvoerende Beampte: Met dien verstande dat die Hoof Uitvoerende Beampte sy of haar belange aan die Raad moet verklaar.

(7) Die Voorsitter van die Raad moet –

(a) indien die Hoof Uitvoerende Beampte afwesig is of om enige rede nie in staat is om sy of haar funksies te verrig nie, 'n ander geskikte personeellid as waarnemende Hoof Uitvoerende Beampte aanstel: Met dien verstande dat enige sodanige aanstelling nie 'n tydperk van drie maande mag oorskry nie; en

(b) indien die pos van Hoof Uitvoerende Beampte vakant is, 'n ander personeellid as waarnemende Hoof Uitvoerende Beampte aanstel in oorleg met die Raad en die LUR: Met dien verstande dat enige sodanige waarnemende aanstelling nie 'n tydperk van ses maande mag oorskry nie.

(8) 'n Waarnemende Hoof Uitvoerende Beampte –

(a) het al die bevoegdhede, werksaamhede en pligte van die Hoof Uitvoerende Beampte; en

(b) word in diens geneem onderworpe aan sodanige diensbepalings en -voorwaardes soos bepaal ooreenkomstig subartikel (4).

Bedanking, diskwalifikasie en verwydering van Hoof Uitvoerende Beampte

37.(1) Die Hoof Uitvoerende Beampte ontruim sy of haar pos –

- (a) in die geval van bedanking, wanneer die bedanking in werking tree;
- (b) wanneer hy of sy gediskwalifiseer word om direkteur van 'n maatskappy te wees ingevolge die Maatskappywet, 2008 (Wet No. 71 van 2008); of
- (c) nadat hy of sy uit sy of haar pos onthef is ingevolge subartikel (2).

(2) Die Raad kan, in oorleg met die LUR, die diens van die Hoof Uitvoerende Beampte beëindig onderhewig aan toepaslike wetgewing en behoorlike proses.

Bevoegdheids, werksaamhede en pligte van Hoof Uitvoerende Beampte

38.(1) Die Hoof Uitvoerende Beampte –

- (a) is teenoor die Raad aanspreeklik vir die uitoefening van sy of haar bevoegdheids, die verrigting van sy of haar werksaamhede en die uitvoering van sy of haar pligte ingevolge hierdie Wet, en moet aan die Raad verslag doen oor die bestuur en aktiwiteite van die Agentskap teen sodanige frekwensie en op sodanige wyse as wat die Raad mag bepaal; en
- (b) moet die bevoegdheids uitoefen, die werksaamhede verrig en die pligte uitvoer wat die Raad aan hom of haar mag delegeer.

(2) Die Hoof Uitvoerende Beampte is verantwoordelik vir –

- (a) die algehele bestuur van die Agentskap ten einde die oogmerke van hierdie Wet te bereik;
- (b) die aanstelling van personeel ooreenkomstig die bepalings van artikel 40;
- (c) die bestuur van personeel, insluitend die handhawing van dissipline oor personeel;
- (d) die vasstelling, in oorleg met die Raad, van 'n gedragskode, van toepassing op die Hoof Uitvoerende Beampte en alle ander personeel, wat beregbaar is vir doeleindes van dissiplinêre verrigtinge, om –
 - (i) voldoening aan hierdie Wet en enige ander toepaslike wetgewing;
 - (ii) die doeltreffende, effektiewe en ekonomiese toepassing en gebruik van die Agentskap se fondse en hulpbronne;
 - (iii) die bevordering en handhawing van 'n hoë standaard van professionele etiek;
 - (iv) die voorkoming van botsing van belange;
 - (v) die beskerming van vertroulike inligting wat deur die Raad en die Agentskap gehou word; en
 - (vi) deursigtige, professionele, eerlike, onpartydige, regverdige, etiese en billike dienslewering, te verseker;
- (e) die byhou en instandhouding van die register van belange wat deur personeellede

verklaar is soos beoog in artikel 40(3)(c);

(f) om te verseker dat die Agentskap voldoen aan die bepalings van hierdie Wet, die Wet op Openbare Finansiële Bestuur, en enige ander toepaslike wetgewende en beleidsvoorskrifte; en

(g) die uitoefening van ander bevoegdhede, die verrigting van ander werksaamhede en die uitvoering van ander pligte soos beoog in hierdie Wet.

(3) Wanneer dit nodig is vir die behoorlike uitvoering van sy of haar werksaamhede, kan die Hoof Uitvoerende Beampte enige van sy of haar bevoegdhede, werksaamhede of pligte aan 'n personeellid delegeer: Met dien verstande dat –

(a) die Raad kan bepaal dat 'n spesifieke bevoegdheid, werksaamheid of plig nie deur die Hoof Uitvoerende Beampte gedelegeer mag word nie; en

(b) elke delegasie aan die bepalings van artikel 50(2) en (3) moet voldoen.

Oordrag van bestaande personeel na Agentskap

39.(1) Alle persone in diens van die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid is vanaf die inwerkingtreddingsdatum van hierdie Wet en met behoorlike inagneming van artikel 197 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), geag in diens van die Agentskap te wees –

(a) teen dieselfde vergoeding- en salarisskaal;

(b) met dieselfde voordele en voorregte; en

(c) op dieselfde diensvoorwaardes,

as diegene wat sodanige persoon se vorige diens by die KwaZulu-Natal Rolprentkommissie of die KwaZulu-Natal Toerisme-owerheid, na gelang van die geval, beheer het: Met dien verstande dat –

(i) geen persoon beoog in hierdie subartikel ontslaan mag word op grond van bedryfsvereistes wat voortspruit uit die ontbinding van die KwaZulu-Natal Rolprentkommissie of die KwaZulu-Natal Toerisme-owerheid nie; en

(ii) die Raad kan redelike veranderinge aan werkpraktyke aanbring vir die doel van operasionele en administratiewe doeltreffendheid en eenvormigheid.

(2) Wanneer 'n persoon ingevolge subartikel (1) oorgeplaas word –

(a) word geen verandering van werkgewer vir die doel van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962) geag plaas te gevind het nie;

(b) behou hy of sy alle vakansieverlof wat tot sy of haar krediet toegeval het tot op die datum onmiddellik voor die datum van oordrag; en

(c) moet enige ondersoek wat ingestel is of bedoel is om ingestel te word ten opsigte

van beweerde onbekwaamheid van, of wangedrag gepleeg, deur sodanige persoon voor die datum van oordrag, deur die Agentskap afgehandel word of ingestel word, en die Agentskap moet toepaslike stappe teen die betrokke persoon neem in ooreenstemming met die wette, beleid en diensvoorwaardes van toepassing op hom of haar onmiddellik voor die datum van oordrag

Aanstelling van personeel

40.(1) Die Hoof Uitvoerende Beampte moet, behoudens die bepalings van artikels 39 en 40(3)(a) –

(a) die personeeldiensstaat wat nodig is om die Agentskap in staat te stel om sy werksaamhede te verrig, sy bevoegdhede uit te oefen en sy pligte uit te voer, aan die Raad vir sy goedkeuring voorlê; en

(b) spesifieke diensbepalings en -voorwaardes vir individuele personeellede van die Agentskap bepaal.

(2) Die Hoof Uitvoerende Beampte mag slegs persone in befondsde poste op die personeeldiensstaat aanstel en in ooreenstemming met toepaslike wetgewende en beleidsbepalings.

(3) Personeellede van die Agentskap –

(a) word in diens geneem onderworpe aan die –

(i) algemene diensbepalings en -voorwaardes soos deur die Raad bepaal;

(ii) spesifieke diensbepalings en -voorwaardes vir individuele personeellede soos deur die Hoof Uitvoerende Beampte bepaal;

(iii) toepaslike beleide deur die Raad bepaal;

(iv) gedragskode waarvoor in artikel 38(2)(d) voorsiening gemaak word; en

(v) finansiële perke wat deur die Raad gestel is;

(b) moet 'n beëdigde verklaring indien, as deel van hul aansoek, wat alle dissiplinêre navrae en verrigtinge wat teen hulle ingestel is, hetsy voltooi of nie, tydens alle vorige diens, spesifiseer;

(c) moet 'n beëdigde verklaring van hul direkte en indirekte belange by die Hoof Uitvoerende Beampte indien, wat 'n bygewerkte register van sodanige belange moet hou: Met dien verstande dat die bepalings van artikel 17(3) van toepassing is, met die nodige veranderinge, op die verklaring van direkte en indirekte belange;

(d) moet hul pligte onder die toesig van die Hoof Uitvoerende Beampte uitvoer; en

(e) kan, met die skriftelike toestemming van sodanige personeellid en deur skriftelike ooreenkoms tussen die Hoof Uitvoerende Beampte en sodanige staatsorgaan en

ooreenkomstig die toepaslike wetgewende en beleidsvoorskrifte, na 'n ander staatsorgaan gesekondeer of oorgeplaas word.

(4)(a) 'n Persoon in diens van 'n ander staatsorgaan kan, met die skriftelike toestemming van sodanige persoon en deur skriftelike ooreenkoms tussen die Hoof Uitvoerende Beamppte en sodanige staatsorgaan en ooreenkomstig die toepaslike wetgewende en beleidsvoorskrifte, gesekondeer of na die Agentskap oorgeplaas word.

(b) Persone wat na die Agentskap gesekondeer of oorgeplaas is, voer hul pligte uit onder die toesig van die Hoof Uitvoerende Beamppte.

HOOFSUK 7 PROVINSIALE REGERING

Provinsiale Toerisme- en Oudiovisuele Beleid

41.(1) Die LUR moet binne 'n tydperk van hoogstens ses maande na die inwerkingtreding van hierdie Wet, na oorlegpleging met –

- (a) die Raad;
- (b) die Provinsiale Toerisme- en Oudiovisuele Komitee; en
- (c) munisipaliteite,

'n Provinsiale Toerisme- en Oudiovisuele Beleid ontwikkel en deur kennisgewing in die *Koerant* publiseer.

(2) Die Beleid beoog in subartikel (1) moet voldoen aan die nasionale beleid en wetgewende raamwerke met betrekking tot toerisme en oudiovisuele aangeleenthede.

(3) Lede van die Uitvoerende Raad, wie se portefeuilles die toerismesektor en oudiovisuele bedryf kan raak, moet, vir die doel om samehang van die Beleid beoog in subartikel (1) en wetgewende raamwerk te verseker, kommentaar van die LUR verkry en oorweeg in die ontwikkeling van alle beleide en wetgewing wat 'n impak op die toerismesektor en oudiovisuele bedryf in die Provinsie kan hê.

(4)(a) Die LUR kan, deur kennisgewing in die *Koerant*, beleidsvoorskrifte uitreik om die Beleid beoog in subartikel (1) te kodifiseer en te implementeer.

(b) Voor die publikasie van 'n kennisgewing bedoel in paragraaf (a), moet die LUR die voorgestelde beleidsvoorskrifte in die Raad en in die Provinsiale Toerisme- en Oudiovisuele

Komitee wat in artikel 45 beoog word, ter tafel lê.

(c) Indien die Agentskap of die Provinsiale Toerisme- en Oudiovisuele Komitee skriftelike kommentaar op die voorgestelde beleidsvoorskrifte indien, moet die LUR, binne 'n tydperk van hoogstens 15 werksdae, sodanige kommentaar oorweeg en skriftelik daarop reageer.

Munisipale Toerisme- en Oudiovisuele Beleidsraamwerk

42.(1) Die LUR moet binne 'n tydperk van hoogstens ses maande na die inwerkingtreding van hierdie Wet, en na oorlegpleging met –

- (a) die Raad;
- (b) die Provinsiale Toerisme- en Oudiovisuele Komitee; en
- (c) munisipaliteite,

'n Provinsiale Munisipale Toerisme- en Oudiovisuele Beleidsraamwerk ontwikkel en deur kennisgewing in die *Koerant* publiseer.

HOOFSTUK 8 MUNISIPALITEITE

Munisipale toerisme- en oudiovisuele beleide

43.(1) 'n Munisipaliteit moet 'n Munisipale Toerisme- en Oudiovisuele Beleid ontwikkel en implementeer.

(2) 'n Beleid beoog in subartikel (1) –

- (a) moet voldoen aan die nasionale en provinsiale beleid en wetgewende raamwerke met betrekking tot toerisme- en oudiovisuele aangeleenthede; en
- (b) mag nie die belange van die Provinsie of 'n ander munisipaliteit benadeel nie.

(3) 'n Munisipaliteit moet die Munisipale Toerisme- en Oudiovisuele Beleidsraamwerk beoog in artikel 42 implementeer totdat die munisipaliteit die beleid beoog in subartikel (1) aanvaar het.

Werkzaamhede van munisipaliteite

44.(1) 'n Munisipaliteit is verantwoordelik vir plaaslike toerisme- en oudiovisuele aangeleenthede binne sy jurisdiksiegebied.

(2) Munisipale toerisme- en oudiovisuele werkzaamhede sluit in, maar is nie beperk nie tot, die volgende:

- (a) monitering van plaaslike toerisme- en oudiovisuele operateurs en instellings vir nakoming van provinsiale beleide en wetgewing;
- (b) die bevordering, bemarking en ontwikkeling van toerisme- en oudiovisuele aktiwiteite binne die munisipale jurisdiksiegebied;
- (c) die belyning van munisipale toerisme- en oudiovisuele bemarkingsaktiwiteite met provinsiale toerisme- en oudiovisuele bemarkingsinisiatiewe;
- (d) die fasilitering van deelname van plaaslike gemeenskappe in die toerismesektor en oudiovisuele bedryf;
- (e) die versekering van die billike verspreiding van munisipale toerisme- en oudiovisuele hulpbronne binne die munisipale jurisdiksiegebied;
- (f) die implementering van programme en die aanneming van maatreëls om die plaaslike toerismesektor en oudiovisuele bedryf te transformeer, insluitend die verlening van voorkeur aan aangewese groepe en klein, medium en mikro-ondernemings;
- (g) die implementering van provinsiale toerisme- en oudiovisuele beleide in samewerking met die Agentskap;
- (h) die ontwikkeling en aanvaarding van verordeninge wat die toerismesektor en oudiovisuele bedryf bevorder en ondersteun; en
- (i) enige ander funksie werkzaamheid verrig wat in nasionale en provinsiale wetgewing gespesifiseer word.

(3) Munisipaliteite moet voldoen aan die beplannings- en verslagdoeningsvereistes gespesifiseer in nasionale en provinsiale toerisme- en oudiovisuele wetgewing.

HOOFSTUK 9 SAMEWERKENDE REGERING

Instelling van Provinsiale Toerisme- en Oudiovisuele Komitee

45.(1) Die LUR moet binne 'n tydperk van hoogstens drie maande na die inwerkingtreding van hierdie Wet 'n Provinsiale Toerisme- en Oudiovisuele Komitee by kennisgewing in die *Koerant* instel.

(2) Die Provinsiale Toerisme- en Oudiovisuele Komitee bestaan uit lede soos van tyd tot tyd deur die LUR bepaal, by kennisgewing in die *Koerant*, en word ondersteun deur 'n tegniese struktuur wat deur die Agentskap ingestel is in oorleg met die Provinsiale Toerisme- en Oudiovisuele Komitee.

Verantwoordelikhede van Provinsiale Toerisme- en Oudiovisuele Komitee

46. Die Provinsiale Toerisme- en Oudiovisuele Komitee moet –

- (a) die koördinerings van toerisme- en oudiovisuele aktiwiteite in die Provinsie verseker;
- (b) interaksie tussen die LUR en sleutelrolspelers in die toerismesektor en oudiovisuele bedryf fasiliteer;
- (c) toerisme- en oudiovisuele beplanning en implementering op nasionale, provinsiale en plaaslike regeringsvlakke koördineer met die betrokkenheid van die private sektor; en
- (d) beraadslaag oor verteenwoordigendheid en transformasie in die toerismesektor en oudiovisuele bedryf.

Vergaderings van Provinsiale Toerisme- en Oudiovisuele Komitee

47.(1) Die LUR moet vergaderings van die Provinsiale Toerisme- en Oudiovisuele Komitee belê.

(2) Die Provinsiale Toerisme- en Oudiovisuele Komitee moet kwartaalliks vergader: Met dien verstande dat die LUR van tyd tot tyd bykomende vergaderings kan belê wanneer nodig.

(3) Die LUR, of 'n persoon deur hom of haar benoem, lei die vergadering beoog in subartikel (1).

Verhouding tussen Agentskap, LUR, Provinsiale Toerisme- en Oudiovisuele Komitee, staatsdepartemente, munisipaliteite, openbare entiteite en ander belanghebbendes

48.(1) Die Agentskap kan formele samewerkingsooreenkomste met departemente en openbare entiteite sluit wie se aktiwiteite 'n impak het op die ontwikkeling, bevordering en bemerking van die toerismesektor en oudiovisuele bedryf in die Provinsie.

(2) Die Agentskap en die Provinsiale Toerisme- en Oudiovisuele Komitee moet met mekaar saamwerk om die toerismesektor en oudiovisuele bedryf te ontwikkel, bevorder en bemark.

HOOFSTUK 10**VERANTWOORDELIKHEDE VAN TOERISME-OPERATEURS, SKEPPERS VAN OUDIOVISUELE INHOUD, OUDIOVISUELE AKTIWITEITSOPERATEURS, TOERISME- EN OUDIOVISUELE INSTELLINGS EN ANDER TOERISME- EN OUDIOVISUELE BELANGHEBBENDES**

Verantwoordelikhede van toerisme-operateurs, skeppers van oudiovisuele inhoud, oudiovisuele aktiwiteitsoperateurs, toerisme- en oudiovisuele instellings en ander toerisme- en oudiovisuele belanghebbendes

49.(1) Elke openbare of privaat sektor toerisme-operateur, professionele skepper van oudiovisuele inhoud, oudiovisuele aktiwiteitsoperateur, toerisme- en oudiovisuele instellings en ander toerisme- en oudiovisuele belanghebbendes moet voldoen aan –

- (a) nasionale en provinsiale wetgewing en beleid wat die voorwaardes vir en standarde van sy bedrywighede reguleer;
- (b) die Provinsiale Toerisme en Oudiovisuele Beleidsraamwerk beoog in artikel 42; en
- (c) provinsiale toerisme- en oudiovisuele beleidsriglyne uitgereik deur die LUR, soos beoog in artikel 41(4)(a): Met dien verstande dat sodanige voorskrifte nie inbreuk mag maak nie op die regte van privaat sektor toerisme-operateurs, skeppers van oudiovisuele inhoud, oudiovisuele aktiwiteitsoperateurs, toerisme- en oudiovisuele instellings en ander toerisme- en oudiovisuele belanghebbendes om by ekonomiese aktiwiteit betrokke te raak.

(2) 'n Openbare of privaat sektor toerisme-operateur, skepper van oudiovisuele inhoud, oudiovisuele aktiwiteitsoperateur, toerisme- en oudiovisuele instelling en ander toerisme- en oudiovisuele belanghebbendes mag nie sy aktiwiteite op 'n wyse uitvoer wat die toerismesektor en oudiovisuele bedryf in die Provinsie benadeel nie.

HOOFSUK 11
ALGEMENE VOORSIENINGS

Delegasies

50.(1) Die LUR kan aan die Departementshoof –

- (a) enige bevoegdheid of werksaamheid wat deur hierdie Wet aan die LUR verleen word, behalwe die bevoegdheid of funksie om –
 - (i) die Bylae beoog in artikel 59(3) te publiseer;
 - (ii) kennisgewings ingevolge artikel 11(3)(a) te publiseer;
 - (iii) voorskrifte ingevolge artikel 11(3)(b) uit te reik;
 - (iv) regulasies te maak en kennisgewings ingevolge artikel 57 te publiseer; en
 - (v) 'n Bylae te wysig, te vervang of te herroep; en

(b) enige plig wat deur hierdie Wet op die LUR opgelê word, behalwe 'n plig met betrekking tot die aanstelling en verwydering van lede soos beoog in artikel 13(a) en (c) en artikel 19 onderskeidelik, delegeer.

(2) Alle delegasies ingevolge hierdie Wet –

- (a) moet skriftelik wees;
- (b) is onderworpe aan sodanige beperkings, voorwaardes en voorskrifte as wat die delegerende persoon mag oplê;
- (c) ontnem nie 'n delegerende persoon van die verantwoordelikheid en aanspreeklikheid rakende die uitoefening van die gedelegeerde bevoegdheid, die verrigting van die gedelegeerde werksaamheid of die uitvoering van die gedelegeerde plig nie;
- (d) verhoed nie die uitoefening van die gedelegeerde bevoegdheid, die verrigting van die gedelegeerde werksaamheid of die uitvoering van die gedelegeerde plig deur die delegerende persoon nie; en
- (e) moet aangeteken word in die register beoog in artikel 51.

(3) Die Raad of die Hoof Uitvoerende Beampte, na gelang van die geval, kan enige besluit wat geneem is as gevolg van 'n delegasie ingevolge hierdie Wet bevestig, verander of herroep, behoudens enige regte wat 'n persoon of 'n entiteit toegeval het as gevolg van sodanige besluit

Register van delegasies

51.(1) Die Hoof Uitvoerende Beampte moet 'n bygewerkte register saamstel en in stand hou van alle delegasies wat ooreenkomstig hierdie Wet gemaak is.

(2) Die register van delegasies moet –

- (a) georganiseer word deur verwysing na die betrokke funksionele domein; en
- (b) ooreenstem met die Register van Delegasies-vorm in Bylae 2.

(3) Die register van delegasies moet bygewerk word na elke –

- (a) nuwe delegasie;
- (b) hersiening of wysiging van 'n bestaande delegasie; en
- (c) onttrekking van 'n delegasie.

(4) Die register beoog in subartikel (1) is 'n openbare dokument waartoe lede van die publiek, behoudens die bepalings van die Wet op die Bevordering van Toegang tot Inligting en die Wet op die Beskerming van Persoonlike Inligting, toegang kan versoek gedurende kantoorure

Deursigtigheid en toegang tot inligting

52. Die Agentskap moet voldoen aan die grondwetlike en nasionale wetgewende raamwerk wat deursigtigheid en toegang tot inligting bevorder, insluitend die Wet op die Bevordering van Toegang tot Inligting en die Wet op die Beskerming van Persoonlike Inligting.

Regverdigde administratiewe optrede

53. Enige besluit wat ingevolge hierdie Wet geneem word, moet voldoen aan die grondwetlike, nasionale wetgewende en gemeenregtelike raamwerk met betrekking tot regverdigde administratiewe optrede, insluitend die Wet op die Bevordering van Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000).

Monitering, evaluering, assessering en verslagdoening

54. (1) Die LUR moet binne ses maande na die inwerkingtreding van hierdie Wet –

(a) met inagneming van nasionale norme en standaarde, in oorleg met die Raad, 'n raamwerk ontwikkel –

(i) om voorsiening te maak vir die minimum norme en standaarde ten opsigte van die prosedures vir, en die frekwensie van, monitering, evaluering en assessering van die Agentskap; en

(ii) vir die instelling van die nodige meganismes, prosesse, prosedures en aanwysers om die prestasie en doeltreffendheid van die Agentskap te monitor, te evalueer, te assesser, te bepaal en daarvoor verslag te doen; en

(b) die raamwerk beoog in paragraaf (a) by kennisgewing in die *Koerant* publiseer.

(2) Die Agentskap moet voldoen aan die raamwerk beoog in subartikel (1).

(3) Die Raad moet verseker dat die prestasie-evaluasies van die Raad, sy Voorsitter, sy lede, sy komitees, die Hoof Uitvoerende Beampte en personeellede voortgesette verbeterde prestasie en doeltreffendheid tot gevolg het.

Gebruik van naam van Agentskap

55.(1) Geen persoon of entiteit mag, sonder die vooraf skriftelike toestemming van die Agentskap, op enige wyse die naam, akroniem, logo's, ontwerpe of materiaal wat deur die Agentskap gebruik of besit word, aanbied of daarvan gebruik maak nie.

(2) Geen persoon of entiteit mag valslik beweer dat hulle namens die Agentskap optree nie.

(3) Enige persoon of entiteit wat subartikels (1) of (2) oortree, is skuldig aan 'n misdryf.

Misdrywe, strawwe en siviele aanspreeklikheid

56.(1) 'n Lid, 'n lid van 'n komitee, 'n personeellid, 'n persoon of entiteit wat ingevolge artikel 27 aangestel is of enige ander persoon wat in diens is of namens die Agentskap optree, is aan 'n misdryf skuldig indien hy of sy direk of indirek enige omkoopgeld aanvaar of enige ongemagtigde gelde of beloning van enige persoon ontvang in verband met enigiets wat deur die Agentskap gedoen of aangebied word.

2) Enige persoon wat –

(a) ten opsigte van of in verband met enigiets gedoen of aangebied deur die Agentskap, 'n lid, 'n lid van 'n komitee, 'n personeellid, 'n persoon of entiteit aangestel ingevolge artikel 27, of enige ander persoon in diens van of wat namens die Agentskap optree, omkoop of probeer omkoop of op 'n korrupte wyse beïnvloed of probeer om op 'n korrupte wyse te beïnvloed;

(b) valslik beweer dat hy of sy gemagtig is om gelde, skenkings of bydraes namens of onder leiding van die Agentskap te hef of in te vorder; of

(c) enige bepaling van hierdie Wet wat 'n misdryf uitmaak, oortree, is skuldig aan 'n misdryf.

(3) Waar enige misdryf gepleeg ingevolge hierdie Wet ook 'n misdryf ingevolge enige ander wetgewing uitmaak, kan 'n persoon wat sodanige misdryf pleeg ingevolge óf hierdie Wet óf die ander wetgewing vervolg word

(4) Enige hof wat 'n persoon skuldig bevind ten opsigte van 'n misdryf wat ingevolge subartikel (1) of (2) gepleeg is, kan –

(a) 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;

(b) 'n boete en gevangenisstraf vir 'n tydperk van hoogstens vyf jaar; of

(c) enige vonnis waarvoor ander wetgewing voorsiening maak indien die betrokke persoon ingevolge sodanige ander wetgewing soos beoog in subartikel (3) vervolg is, aan sodanige persoon oplê

(5) Indien spesifieke wetgewing of die gemenerereg siviele aanspreeklikheid aan die Agentskap, die Raad, 'n lid, 'n lid van 'n komitee, 'n personeellid, 'n persoon of entiteit wat ingevolge artikel 27 aangestel is, of enige ander persoon in diens of wat namens die Agentskap optree, oplê, is die bepalings van sodanige wetgewing of die gemenerereg, na gelang van die geval, van toepassing.

Bylaes, regulasies en kennisgewings

57. Die LUR kan, na oorleg met die Raad en deur kennisgewing in die *Koerant* –

- (a) 'n Bylae by hierdie Wet publiseer soos beoog in artikel 59(3);
- (b) regulasies maak aangaande enige administratiewe of prosedurele aangeleentheid wat nodig is om uitvoering te gee aan die bepalings van hierdie Wet;
- (c) kennisgewings uitreik soos vereis deur hierdie Wet; en
- (d) Bylae 2, die Bylae beoog in artikel 59(3), en enige kennisgewing uitgereik ingevolge hierdie Wet wysig, vervang of herroep.

Besparings

58.(1) Enigiets gedoen voor die inwerkingtreddingsdatum van hierdie Wet kragtens of ingevolge 'n bepaling wat deur hierdie Wet herroep of gewysig is, moet, tensy dit duidelik onvanpas is, geag word gedoen te wees kragtens of ingevolge die ooreenstemmende bepaling van hierdie Wet.

(2) Enige aansoek, versoek, prosedure of soortgelyke aangeleentheid hangende voor die voormalige KwaZulu-Natal Rolprentkommissie of die KwaZulu-Natal Toerisme-owerheid op die datum beoog in artikel 59(2) moet deur die Agentskap hanteer word ingevolge die KwaZulu-Natal Wet op die Rolprentkommissie, 2010 (Wet No. 3 van 2010) of die KwaZulu-Natal Wet op Toerisme, 1996 (Wet No. 11 van 1996), na gelang van die geval, soos hulle was ten tyde van sodanige aansoek, versoek, procedure of soortgelyke aangeleentheid.

(3) Die Agentskap vervang –

- (a) die KwaZulu-Natal Rolprentkommissie en KwaZulu-Natal Toerisme-owerheid as litigerende party in alle litigasie, arbeidsgeskille en bemiddeling, asof die Agentskap die litigant was op die tydstip toe die skuldoorsaak of die dispuut, na gelang van die geval wees, ontstaan het; en
- (b) die KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid kontrakterende party in alle kontrakte, ooreenkomste, memorandum van verstandhouding en soortgelyke dokumentasie, asof die Agentskap die kontrakterende party was ten tyde van die kontraktering.

(4) Enige registrasie, lisensie, permit, magtiging, goedkeuring, beslissing of bevel, wat geldig was onmiddellik voor die inwerkingtreding van hierdie Wet, bly geldig en van krag op grond van die dieselfde bepalings en voorwaardes waaronder dit uitgereik is: Met dien verstande dat die bepalings en voorwaardes van toepassing op die registrasie, lisensie, permit,

magtigting, goedkeuring, beslissing of opdrag nie strydig is met die bepalings van hierdie Wet nie.

(5) Die herroeping van enige wet in Bylae 1 raak nie enige reg, voorreg, verpligting of aanspreeklikheid verkry of opgedoen of aangegaan ingevolge die wet wat aldus herroep is nie, tensy daar vir die teendeel ingevolge hierdie Wet voorsiening gemaak word.

(6) Enige verwysing na die KwaZulu-Natal Rolprentkommissie of die KwaZulu-Natal Toerisme-owerheid in enige wet, tensy dit duidelik onvanpas is, moet as 'n verwysing na die Agentskap beskou word.

Oorgangsmaatreëls

59.(1)(a) Met ingang van die inwerkingtreddingsdatum van hierdie Wet moet die LUR binne 'n tydperk van hoogstens tien werksdae –

(i) ten minste sewe en hoogstens 11 lede uit die rade van die voormalige KwaZulu-Natal Rolprentkommissie en die KwaZulu-Natal Toerisme-owerheid kies om as lede van 'n tussentydse Raad op te tree, tot tyd en wyl die Raad ooreenkomstig artikel 13 aangestel word; en

(ii) 'n tussentydse Voorsitter en tussentydse Ondervoorsitter aanstel uit die lede wat gekies is om in die tussentydse Raad beoog in subparagraaf (i) te dien.

(b) Die tussentydse Raad beoog in subartikel (1)(a)(i) moet binne 'n tydperk van vyf werksdae na sy aanstelling, in oorleg met die LUR, 'n tussentydse Hoof Uitvoerende Beampte aanstel wie se ampstermyn eindig op die datum van aanstelling van die Hoof Uitvoerende Beampte ooreenkomstig artikel 36.

(2) Met die uitsondering van subartikel (1), word die werking van hierdie Wet opgeskort tot die datum waarop die tussentydse Raad aangestel word soos beoog in subartikel (1)(a)(i).

(3) Die LUR kan, behoudens die bepalings van hierdie artikel en artikels 6, 40 en 50, by kennisgewing in die *Koerant* sodanige oorgangsreëlings as 'n Bylae by hierdie Wet publiseer soos wat nodig geag word.

Herroeping van wette

60. Die wette gespesifiseer in die eerste en tweede kolom van Bylae 1 hierby word herroep in die mate wat in die derde kolom aangedui word.

Kort titel en inwerkingtredding

61. Hierdie Wet heet die KwaZulu-Natal Wet op die Toerisme- en Rolprentowerheid, 2024, en tree in werking op die datum van publikasie in die *Koerant*.

BYLAE 1: HERROEPING VAN WETTE
(Artikel 60)

No. en jaar van Wet	Kort titel	Omvang van herroeping
Wet No. 11 van 1996	KwaZulu-Natal Wet op Toerisme, 1996	In sy geheel
Wet No. 5 van 1997	KwaZulu-Natal Wysigingswet op Toerisme, 1997	In sy geheel
Wet No. 7 van 1998	KwaZulu-Natal Wysigingswet op Toerisme, 1998	In sy geheel
Wet No. 2 van 2002	KwaZulu-Natal Wysigingswet op die Toerisme-owerheid, 2002	In sy geheel
Wet No. 3 van 2010	KwaZulu-Natal Wet op die Rolprentkommissie, 2010	In sy geheel

BYLAE 2: VORMS*(Artikels 17(3), 36(6), 40(3)(c), 17(4)(a) en 51)***VORM 1:****JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN LEDE VAN DIE RAAD EN SY KOMITEES***(Artikel 18(3))***JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN LEDE VAN DIE RAAD EN SY KOMITEES**

ingevolge artikel 17(3) van die KwaZulu-Natal Wet op die Toerisme- en Oudivisuele Agentskap, 2024

TIPE VERKLARING	
JAARLIKSE VERKLARING	AD HOC VERKLARING
<i>Merk indien toepaslik</i>	<i>Merk indien toepaslik</i>

VERKLARING HET BETREKKING OP FINANSIËLE JAAR: *Voeg finansiële jaar in***DATUM VAN VERKLARING:** *Voeg datum van verklaring in*

Ek, die ondergetekende met die volgende besonderhede:

VAN: *Voeg van in***VOLLE NAME:** *Voeg volle name in***ID-NOMMER:** *Voeg ID-nommer in***WOONADRES:** *Voeg woonadres in***TELEFOONNOMMER:** *Voeg telefoonnommer in***SELNOMMER:** *Voeg selnommer in***E-POSADRES:** *Voeg e-posadres in***BENAMING / POSISIE:** *Voeg óf lid van die Raad óf lid van 'n komitee in (indien nie 'n lid van die Raad nie)*

verklaar en sertifiseer hiermee dat die volgende inligting, met betrekking tot myself en enige familielid, sakevennoot, medewerker of werkgewer, behalwe die Staat, volledig en korrek is na die beste van my wete:

(a) Eienaarskap van aandele in maatskappye of entiteite:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	MAATSKAPPY-REGISTRASIE-NOMMER	AARD	AANTAL AANDELE	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van aandeelhouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van maatskappy of entiteit waarin</i>	<i>Voeg maatskappy-registrasienommer in (indien privaat maatskappy)</i>	<i>Voeg beskrywing van aard van</i>	<i>Voeg aantal aandele gehou in</i>	<i>Voeg totale nominale waarde van aandele in</i>	<i>Voeg totale nominale waarde van aandele in</i>

			<i>aandele gehou word in</i>		<i>besigheid in</i>			
2								

(b) Belange in beslote korporasies:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN BESLOTE KORPORASIE	BK REGISTRASIE-NOMMER	AARD	BELANG	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2								

(c) Belange in vennootskappe:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN VENNOOTSAP	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van vennootskap waarin belang gehou word in</i>	<i>Voeg persentasie belang gehou in</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in</i>	<i>Voeg besonderhede van alle vergoeding / inkomste betaalbaar in</i>
2							

(d) Werklike of persoonlike regte in eiendom wat deur enige maatskappy, korporasie, trust, besigheid of ander regsenteit gebruik word:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van houer van regte in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van entiteit in wat eiendom gebruik</i>	<i>Voeg registrasie-nommer van entiteit wat eiendom gebruik in</i>	<i>Voeg beskrywing van aard van reg en eiendom in</i>	<i>Voeg totale nominale waarde van reg in eiendom wat deur entiteit gebruik word in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2							

(e) Belange in trusts:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN TRUST	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van belanghouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van trust in</i>	<i>Voeg registrasie-nommer van trust in</i>	<i>Voeg beskrywing van aard van betrokkenheid by trust in</i>	<i>Voeg totale nominale waarde van belang in trust in</i>	<i>Voeg besonderhede van alle vergoeding / inkomste / rente betaalbaar in</i>
2							

(f) Ten opsigte van enige besigheid, onderneming of ander entiteit, met of sonder regspersoonlikheid, enige belang wat die houer daarvan in staat stel om te deel in die winste en inkomste van sodanige besigheid, onderneming of ander entiteit (indien nie reeds in (a), (b), (c), (d) en (e) hierbo verklaar nie):

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam in van entiteit waarin belang gehou word	Voeg persentasie belang gehou in	Voeg beskrywing van aard van belang en besigheid in	Voeg totale nominale waarde van belang in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2							

(g) Vergoeding, direkteurskappe, konsultante en retensieskappe:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van party by die kontrak of ooreenkoms in	Voeg verhouding met party in, indien nie self nie	Voeg naam van entiteit in	Voeg beskrywing van aard van werk wat verrig is in	Voeg besonderhede in van alle vergoeding, inkomste, dividend betaalbaar
2					

(h) Leningsrekeninge (uitgesluit verband-, voertuigfinansierings- en kleinhandelrekeninge):

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN LENER	AARD	OORSPRONKLIKE LENINGSBEDRAG (ZAR)	UITSTAANDE SALDO (ZAR)
1	Voeg naam van party by die leningsrekening in	Voeg verhouding met party in, indien nie self nie	Voeg naam van lener in	Voeg beskrywing van aard van lening in	Voeg oorspronklike leningsbedrag in	Voeg uitstaande leningsbedrag in, insluitend uitstaande rente
2						

(i) Vergoeding, inkomste, opbrengs, regte op inkomste, aandele, belange, skenkings, geskenke of enige ander voordele wat toeval voor of ingevolge die toekenning van 'n lisensie vir die instelling, lisensiering of operasionalisering van 'n drank-, dobbel-, perdewedren- of weddery-instelling:

NO.	NAAM VAN BEGUNSTIGDE	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van begunstigde in	Voeg verhouding met begunstigde in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van voordeel en redes daarvoor in	Voeg totale nominale waarde van inkomste, aansprake op inkomste of enige ander voordeel in	Voeg besonderhede in van alle vergoeding, inkomste, aansprake op inkomste, aandele, rente, skenkings, geskenke of enige ander voordele betaalbaar
2						

(j) Sluiting of bestaan van enige kontrakte of ooreenkoms met aansoekers vir 'n lisensie, bestaande lisensiehouers of geregistreerdes:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van party by die kontrak of ooreenkoms in	Voeg verhouding met party in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van kontrak of ooreenkoms in	Voeg totale nominale waarde van kontrak of ooreenkoms in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2						

(k) Enige persoonlike belange:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	AARD	WAARDE
1	Voeg naam van belanghouer in	Voeg verhouding met houer in, indien nie self	Voeg naam van entiteit of persoon in by wie die persoonlike belang bestaan	Voeg beskrywing van aard van persoonlike belang in	Voeg beskrywing van waarde van persoonlike belang in, hetsy geldelik of ander
2					

HANDTEKENING VAN VERKLAARDER: Voeg handtekening van verklaarder in

HANDTEKENING VAN KOMMISSARIS VAN EDE: Voeg handtekening van Kommissaris van Ede in

VOLLE NAAM EN VAN: Voeg volle name en van van Kommissaris van Ede in

BENAMING: Voeg benaming van Kommissaris van Ede in

STRAATADRES: Voeg straatadres van Kommissaris van Ede in

DATUM: Voeg datum in

PLEK: Voeg plek in

DATUM ONTVANG DEUR HOOF UITVOERENDE BEAMPTE: Voeg datum in

HANDTEKENING VAN HOOF UITVOERENDE BEAMPTE: Voeg handtekening van Hoof

Uitvoerende Beampste in

VORM 2:

JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN HOOF UITVOERENDE BEAMPTE

(Artikel 36(6) saamgelees met artikel 40(3)(c))

JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN

HOOF UITVOERENDE BEAMPTE

ingevolge artikel 36(6) saamgelees met artikel 40(3)(c) van die Toerisme- en Oudvisuele Agentskap, 2024

TIPE VERKLARING	
JAARLIKSE VERKLARING	AD HOC VERKLARING
<i>Merk indien toepaslik</i>	<i>Merk indien toepaslik</i>

VERKLARING MET BETREKKING TOT MET FINANSIËLE JAAR: Voeg finansiële jaar in

DATUM VAN VERKLARING: Voeg datum van verklaring in

Ek, die ondergetekende met die volgende besonderhede:

VAN: Voeg van in

VOLLE NAME: Voeg volle name in

ID-NOMMER: Voeg ID-nommer in

WOONADRES: Voeg woonadres in

TELEFOONNOMMER: Voeg telefoonnommer in

SELNOMMER: Voeg selnommer in

E-POSADRES: Voeg e-posadres in

BENAMING / POSISIE: Hoof Uitvoerende Beampte

verklaar en sertifiseer hiermee dat die volgende inligting, met betrekking tot myself en enige familielid, sakevennoot, medewerker of werkgewer, behalwe die Staat, volledig en korrek is na die beste van my wete:

(a) Eienaarskap van aandele in maatskappye of entiteite:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	MAATSKAPPY-REGISTRASIE-NOMMER	AARD	ANTAL AANDELE	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van aandeelhouer in	Voeg verhouding met houer in, indien nie self	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg maatskappy-registrasie-nommer in (indien privaat maatskappy)	Voeg beskrywing van aard van besigheid in	Voeg aantal aandele gehou in	Voeg totale nominale waarde van aandele in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2								

(b) Belange in beslote korporasies:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN BESLOTE KORPORASIE	BK REGISTRASIE-NOMMER	AARD	BELANG	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belanghouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg beskrywing van aard van besigheid in	Voeg persentasie belang gehou in	Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2								

(c) Belange in vennootskappe:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN VENNOOTSAP	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belanghouer by	Voeg verhouding met houer in, indien nie self nie	Voeg naam van vennootskap waarin belang gehou word in	Voeg persentasie belang gehou in	Voeg beskrywing van aard van besigheid in	Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in	Voeg detail van alle vergoeding / inkomste betaalbaar in
2							

(d) Werklike of persoonlike regte in eiendom wat deur enige maatskappy, korporasie, trust, besigheid of ander regsenteit gebruik word:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)

1	Voeg naam van houer regte in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van entiteit in wat eiendom gebruik	Voeg registrasienommer van entiteit wat eiendom gebruik in	Voeg beskrywing van aard van reg en eiendom in	Voeg totale nominale waarde van reg in eiendom wat deur entiteit gebruik word in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2							

(e) Belange in trusts:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN TRUST	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van trust in	Voeg registrasienommer van trust in	Voeg beskrywing van aard van betrokkenheid by trust in	Voeg totale nominale waarde van belang in trust in	Voeg besonderhede van alle vergoeding / inkomste / rente betaalbaar in
2							

(f) Ten opsigte van enige besigheid, onderneming of ander entiteit, met of sonder regspersoonlikheid, enige belang wat die houer daarvan in staat stel om te deel in die winste en inkomste van sodanige besigheid, onderneming of ander entiteit (indien nie reeds in (a), (b), (c), (d) en (e) hierbo verklaar nie):

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam in van entiteit waarin belang gehou word	Voeg persentasie belang gehou in	Voeg beskrywing van aard van belang en besigheid in	Voeg totale nominale waarde van belang in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2							

(g) Vergoeding, direkteurskappe, konsultante en retensieskappe:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van party by die kontrak of ooreenkoms in	Voeg verhouding met party in, indien nie self nie	Voeg naam van entiteit in	Voeg beskrywing van aard van werk wat verrig is in	Voeg besonderhede in van alle vergoeding, inkomste, dividend betaalbaar
2					

(h) Leningsrekeninge (uitgesluit verband-, voertuigfinansierings- en kleinhandelrekeninge):

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN LENER	AARD	OORSPRONKLIEKE LENINGSBEDRAG (ZAR)	UITSTAANDE SALDO (ZAR)
1	Voeg naam van party by die leningsrekening in	Voeg verhouding met party in, indien nie self nie	Voeg naam van lener in	Voeg beskrywing van aard van lening in	Voeg oorspronklike leningsbedrag in	Voeg uitstaande leningsbedrag in, insluitende uitstaande rente
2						

(i) Vergoeding, inkomste, opbrengs, regte op inkomste, aandele, belange, skenkings, geskenke of enige ander voordele wat toeval voor of ingevolge die toekenning van 'n lisensie vir die instelling, lisensiering of operasionalisering van 'n drank-, dobbel-, perdewedren- of weddery-instelling:

NO.	NAAM VAN BEGUNSTIGDE	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van begunstigde in	Voeg verhouding met begunstigde in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van voordeel en redes daarvoor in	Voeg totale nominale waarde van inkomste, aansprake op inkomste of enige ander voordeel in	Voeg besonderhede in van alle vergoeding, inkomste, aansprake op inkomste, aandele, rente, skenkings, geskenke of enige ander voordele betaalbaar
2						

(j) Sluiting of bestaan van enige kontrakte of ooreenkomste met aansoekers om 'n lisensie, bestaande lisensiehouers of geregistreerdes:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van party by die kontrak of ooreenkoms in	Voeg verhouding met party in, indien nie self nie	Voeg naam van aansoeker, lisensiehouer of geregistreerde in	Voeg beskrywing van aard van kontrak of ooreenkoms in	Voeg totale nominale waarde van kontrak of ooreenkoms in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2						

(k) Enige persoonlike belange:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	AARD	WAARDE
1	Voeg naam van belanghouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van entiteit of persoon in by wie die persoonlike belang bestaan	Voeg beskrywing van aard van persoonlike belang in	Voeg beskrywing van waarde van persoonlike belang in, hetsy geldelik of ander
2					

HANDTEKENING VAN VERKLAARDER: Voeg handtekening van verklaarder in

HANDTEKENING VAN KOMMISSARIS VAN EDE: Voeg handtekening van Kommissaris van Ede in

VOLLE NAAM EN VAN: Voeg volle name en van van Kommissaris van Ede in

BENAMING: Voeg benaming van Kommissaris van Ede in

STRAATADRES: Voeg straatadres van Kommissaris van Ede in

DATUM: Voeg datum in

PLEK: Voeg plek in

DATUM ONTVANG DEUR VOORSITTER VAN DIE RAAD: Voeg datum in

HANDTEKENING VAN VOORSITTER VAN DIE RAAD: Voeg handtekening van Voorsitter van die Raad in

VORM 3:

JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE VAN PERSONEELLEDE (Artikel 40(3)(c))

**JAARLIKSE EN AD HOC VERKLARING VAN DIREKTE OF INDIREKTE BELANGE
VAN
PERSONEEL**

ingevolge artikel 40(3)(c) van die KwaZulu-Natal Wet op die Toerisme- en Oudivisuele
Agentskap, 2024

TIPE VERKLARING	
JAARLIKSE VERKLARING	AD HOC VERKLARING
<i>Merk indien toepaslik</i>	<i>Merk indien toepaslik</i>

VERKLARING HOU VERBAND MET FINANSIËLE JAAR: *Voeg finansiële jaar in*

DATUM VAN VERKLARING: *Voeg datum van verklaring in*

Ek, die ondergetekende met die volgende besonderhede:

VAN: *Voeg van in*

VOLLE NAME: *Voeg volle name in*

ID-NOMMER: *Voeg ID-nommer in*

WOONADRES ADRES: *Voeg woonadres in*

TELEFOONNOMMER: *Voeg telefoonnommer in*

SELNOMMER: *Voeg selnommer in*

E-POSADRES: *Voeg e-posadres in*

BENAMING / POSISIE: *Voeg benaming/posisie in Agentskap in*

verklaar en sertifiseer hiermee dat die volgende inligting, met betrekking tot myself en enige familielid, sakevennoot, geassosieerde of werkgewer, behalwe die Staat, volledig en korrek is na die beste van my wete:

(a) Eienaarskap van aandele in maatskappye of entiteite:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	MAATSKAPPY-REGISTRASIE-NOMMER	AARD	AANTAL AANDELE	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van aandeelhouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van maatskappy of entiteit waarin aandele gehou word in</i>	<i>Voeg maatskappy-registrasie-nommer in (indien privaat maatskappy)</i>	<i>Voeg beskrywing van aard van besigheid in</i>	<i>Voeg aantal aandele gehou in</i>	<i>Insert total nominal value of shares</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2								

(b) Belange in beslote korporasies:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN BESLOTE KORPORASIE	BK REGISTRASIE-NOMMER	AARD	BELANG	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
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1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg naam van maatskappy of entiteit waarin aandele gehou word in	Voeg beskrywing van aard van besigheid in	Voeg persentasie belang gehou in	Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2								

(c) Belange in vennootskappe:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN VENNOOTSAP	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van vennootskap waarin belang gehou word in	Voeg persentasie belang gehou in	Voeg beskrywing van aard van besigheid in	Voeg totale nominale waarde van belang in Suid-Afrikaanse Rand in	Voeg besonderhede van alle vergoeding / inkomste betaalbaar in
2							

(d) Werklike of persoonlike regte in eiendom wat deur enige maatskappy, korporasie, trust, besigheid of ander regsenteit gebruik word:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van houer van regte in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van entiteit in wat eiendom gebruik	Voeg registrasie-nommer van entiteit wat eiendom gebruik in	Voeg beskrywing van aard van reg en eiendom in	Voeg totale nominale waarde van reg in eiendom wat deur entiteit gebruik word in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2							

(e) Belange in trusts:

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN TRUST	REGISTRASIE-NOMMER	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam van trust in	Voeg registrasienommer van trust in	Voeg beskrywing van aard van betrokkenheid by trust in	Voeg totale nominale waarde van belang in trust in	Voeg besonderhede van alle vergoeding / inkomste / rente betaalbaar in
2							

(f) Ten opsigte van enige besigheid, onderneming of ander entiteit, met of sonder regspersoonlikheid, enige belang wat die houer daarvan in staat stel om te deel in die winste en inkomste van sodanige besigheid, onderneming of ander entiteit (indien nie reeds in (a), (b), (c), (d) en (e) hierbo verklaar nie):

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	BELANG	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	Voeg naam van belangehouer in	Voeg verhouding met houer in, indien nie self nie	Voeg naam in van entiteit waarin belang gehou word	Voeg persentasie belang gehou in	Voeg beskrywing van aard van belang en besigheid in	Voeg totale nominale waarde van belang in	Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar
2							

g) Vergoeding, direkteurskappe, konsultante en retensieskappe:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van party by die kontrak of ooreenkoms in</i>	<i>Voeg verhouding met party in, indien nie self nie</i>	<i>Voeg naam van entiteit in</i>	<i>Voeg beskrywing van aard van werk wat verrig is in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividend betaalbaar</i>
2					

(h) Leningsrekeninge (uitgesluit verband-, voertuigfinansierings- en kleinhandelrekeninge):

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN LENER	AARD	OORSPRONKLIKE LENINGSBEDRAG (ZAR)	UITSTAANDE SALDO (ZAR)
1	<i>Voeg naam van party by die leningsrekening in</i>	<i>Voeg verhouding met party in, indien nie self nie</i>	<i>Voeg naam van lener in</i>	<i>Voeg beskrywing van aard van lening in</i>	<i>Voeg oorspronklike leningsbedrag in</i>	<i>Voeg uitstaande leningsbedrag in, insluitend uitstaande rente</i>
2						

(i) Vergoeding, inkomste, opbrengs, regte op inkomste, aandele, belange, skenkings, geskenke of enige ander voordele wat toeval voor of ingevolge die toekenning van 'n lisensie vir die instelling, lisensiering of operasionalisering van 'n drank-, dobbelary-, perdewedren- of weddery-instelling:

NO.	NAAM VAN BEGUNSTIGDE	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van begunstigde in</i>	<i>Voeg verhouding met begunstigde in, indien nie self nie</i>	<i>Voeg naam van aansoeker, lisensiehouer of geregistreerde in</i>	<i>Voeg beskrywing van aard van voordeel en redes daarvoor in</i>	<i>Voeg totale nominale waarde van inkomste, aansprake op inkomste of enige ander voordeel in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, aansprake op inkomste, aandele, rente, skenkings, geskenke of enige ander voordele betaalbaar</i>
2						

(j) Sluiting of bestaan van enige kontrakte of ooreenkoms met aansoekers om 'n lisensie, bestaande lisensiehouers of geregistreerdes:

NO.	NAAM VAN PARTY	VERHOUDING	NAAM VAN ENTITEIT	AARD	NOMINALE WAARDE (ZAR)	VERGOEDING / INKOMSTE (ZAR)
1	<i>Voeg naam van party by die kontrak of ooreenkoms in</i>	<i>Voeg verhouding met party in, indien nie self nie</i>	<i>Voeg naam van aansoeker, lisensiehouer of geregistreerde in</i>	<i>Voeg beskrywing van aard van kontrak of ooreenkoms in</i>	<i>Voeg totale nominale waarde van kontrak of ooreenkoms in</i>	<i>Voeg besonderhede in van alle vergoeding, inkomste, dividende betaalbaar</i>
2						

(k) Enige persoonlike belange

NO.	NAAM VAN HOUER	VERHOUDING	NAAM VAN ENTITEIT	AARD	WAARDE
1	<i>Voeg naam van belangehouer in</i>	<i>Voeg verhouding met houer in, indien nie self nie</i>	<i>Voeg naam van entiteit of persoon in by wie die persoonlike belang bestaan</i>	<i>Voeg beskrywing van aard van persoonlike belang in</i>	<i>Voeg beskrywing van waarde van persoonlike belang in, hetsy geldelik of ander</i>
2					

HANDTEKENING VAN VERKLAARDER: *Voeg handtekening van verklaarder in*

HANDTEKENING VAN KOMMISSARIS VAN EDE: Voeg handtekening van Kommissaris van Ede in

VOLLE NAAM EN VAN: Voeg volle name en van van Kommissaris van Ede in

BENAMING: Voeg benaming van Kommissaris van Ede in

STRAATADRES: Voeg straatadres van Kommissaris van Ede in

DATUM: Voeg datum in

PLEK: Voeg plek in

DATUM ONTVANG DEUR HOOF UITVOERENDE BEAMPTE: Voeg datum in

HANDTEKENING VAN HOOF UITVOERENDE BEAMPTE: Voeg handtekening van Hoof
Uitvoerende Beamppte in

VORM 4:

VERGADERINGSVERKLARING VAN DIREKTE EN INDIREKTE BELANGE

(Artikel 17(4)(a))

VERGADERINGSVERKLARING VAN DIREKTE EN INDIREKTE BELANGE

ingevolgt artikel 17(4)(a) van die KwaZulu-Natal Wet op die Toerisme- en Oudivisuele
Agentskap, 2024

VERGADERDATUM: Voeg datum van vergadering in

VERGADERINGBESONDERHEDE: Voeg beskrywing van aard van vergadering in, bv.
raadsvergadering, komiteevergadering

Ek, die ondergetekende met die volgende besonderhede:

VAN: Voeg van in

VOLLE NAME: Voeg volle name in

ID-NOMMER: Voeg ID-nommer in

BENAMING / POSISIE: Voeg benaming/posisie/hoedanigheid by vergadering in

verklaar en sertifiseer hiermee dat die volgende verklaring, met betrekking tot myself en enige
familielid, sakevennoot, medewerker of werkgewer, behalwe die Staat, volledig en korrek is
na die beste van my wete

NO.	AGENDA-ITEM	BELANG OM TE VERKLAAR (J/N)	NAAM VAN HOUER	VERHOUDING	NAAM VAN MAATSKAPPY OF ENTITEIT	AARD	WAARDE
-----	-------------	-----------------------------------	-------------------	------------	---------------------------------------	------	--------

1	Voeg agenda- itemnommer en onderwerp in	Voeg ja of nee in	Voeg naam van belangehouer in	Voeg verhouding met belangehouer in, indien nie self nie	Voeg naam in van persoon, maatskappy of entiteit waarop die belang betrekking het	Voeg beskrywing van aard van belang by agendapunt in	Voeg beskrywing van waarde of omvang van belang in, hetsy geldelik, persoonlik of ander
2							

HANDTEKENING VAN VERKLAARDER: Voeg handtekening van verklaarder in

DATUM VAN HANDTEKENING: Voeg datum in

HANDTEKENING VAN VOORSITTER VAN VERGADERING: Voeg handtekening van Voorsitter van vergadering in

DATUM VAN HANDTEKENING: Voeg datum in

"**direkte belang**" beteken -

- (a) die eienaarskap van aandele in 'n maatskappy of entiteit;
 - (b) 'n belang in 'n beslote korporasie;
 - (c) 'n belang in 'n vennootskap;
 - (d) 'n saaklike of persoonlike reg in eiendom wat deur 'n maatskappy, korporasie, trust, besigheid of ander regsentiteit gebruik word;
 - (e) 'n belang in 'n trust;
 - (f) ten opsigte van 'n besigheid, onderneming of ander entiteit, met of sonder regspersoonlikheid, enige belang wat die houer daarvan in staat stel om in die wins en inkomste van sodanige besigheid, onderneming of ander entiteit te deel;
 - (g) vergoeding, direkteurskap, konsultante en retensieskap;
 - (h) 'n leningsrekening;
 - (i) 'n vergoeding, inkomste, opbrengs, reg op inkomste, aandele, rente, skenking, geskenk of enige ander voordeel wat aan 'n persoon toeval voor of ingevolge die toekenning van 'n lisensie vir dieinstelling, lisenasiering of operasionalisering van 'n drank-, dobbel-, perdewedren-of weddery-instelling;
 - (j) die sluiting of bestaan van enige kontrak of ooreenkoms met 'n aansoeker om 'n lisensie, 'n bestaande lisensiehouer of 'n geregistreerde; en
 - (k) 'n persoonlike belang,
- en "**indirekte belang**", ten opsigte van 'n familielid, sakevennoot, medewerker of werkgewer, anders as die Staat, het 'n ooreenstemmende betekenis;

VORM 5:

REGISTER VAN DELEGASIES

(Artikel 51)

REGISTER VAN DELEGASIES

ingevolge artikel 43 van die KwaZulu-Natal Wet op die Toerisme- en Oudivisuele Agentskap,
2024

REGISTERWEERGAWE: *Voeg registerweergawenommer in*

DATUM VAN REGISTERWEERGAWE: *Voeg datum van registerweergawe in*

GOEDGEKEUR DEUR: *Voeg benaming/posisie in Agentskap in en naam van persoon wat gemagtig is om hierdie dokument goed te keur*

HANDTEKENING: *Voeg handtekening in van persoon wat gemagtig is om hierdie dokument goed te keur*

NO.	BEVOEGDHEID, FUNKSIES OF PLIG WAT GEDELEGEER WORD	ARTIKEL	HOOF-AMPSDRAER	GEDELEGEER AAN	VAN (DATUM)	TOT (DATUM)	DELEGASIE-VOORWAARDES	VORIGE DELEGASIE-INLIGTING
1	Voeg werksaamhede, bevoegdheid of plig wat gedelegeer word in	Voeg artikelnummer in Wet in waar voorsiening gemaak word vir bevoegdheid, werksaamhede of plig	Voeg beide benaming / posisie in Agentskap en naam van die hooftersoon of liggaam wat verantwoordelik en aanspreeklik is vir die uitoefening van die bevoegdheid, die verrigting van die werksaamhede of die uitvoering van die plig in	Voeg beide benaming / posisie en naam in van die persoon of liggaam aan wie die bevoegdheid, werksaamhede of plig gedelegeer is	Voeg datum in waarop delegering in werking tree	Voeg datum in waarop delegering verval (indien enige)	Voeg enige voorwaardes verbonde aan die delegasie in	Voeg besonderhede van enige vorige delegering van hierdie funksie, bevoegdheid of plig (indien enige) in
2								

[Umbhalo wesiNgisi unyathelwe nguNdunankulu]

**UMTHETHO WOMGWAMANDA
WEZOKUVAKASHA NAMAFILIMU WAKWAZULU-NATALI, 2024
(Umthetho Na. 02 ka 2024)**

Uvunywe mhlaka 09-04-2024 |

UMTHETHO

Wokuhlinzekela ukusungulwa koMthetho woMgwamanda Wezokuvakasha Namafilimu waKwaZulu-Natali ukuze kuqaliswe ukuphathwa nokulawulwa komkhakha wezokuvakasha nembali yobuciko bomsindo nemifanekiso esiFundazweni ngokwesekwa wuMgwamanda Wezokuvakasha Namafilimu waKwaZulu-Natali; ukuhlinzekela ukuhlakazwa kweKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali nokudluliselwa kwamandla, imisebenzi kanye namajoka eKhomishana nesiGungu ebesikhona phambilini edluliselwa kuMgwamanda Wezokuvakasha Namafilimu waKwaZulu-Natali; ukuchithwa koMthetho weKhomishana Yamafilimu yaKwaZulu-Natali, 2010, kanye noMthetho Wezokuvakasha waKwaZulu-Natali, 1996; nokuhlinzekela okunye okuphathelene nalokho.

MAWUMISWE yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:

ISAHLUKO 1

UKUHUNYUSHWA, IZINHLOSO, UKUSEBENZA KANYE NEMIGOMO

CONTINUES ON PAGE 130 OF BOOK 2

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24 MEI 2024

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PART 2 OF 2

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1. Izincazelo
2. Izinhloso zoMthetho
3. Ukusebenza koMthetho
4. Imigomo

ISAHLUKO 2

UKUHLAKAZWA KWEKHOMISHANA YAMAFILIMU YAKWAZULU-NATALI KANYE NESIGUNGU ESILAWULA EZOKUVAKASHA SAKWAZULU-NATALI

5. Ukuhlakazwa kweKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali
6. Imiphumela yokuhlakazwa

ISAHLUKO 3

UKUSUNGULWA KOMGWAMANDA WEZOKUVAKASHA NAMAFILIMU YAKWAZULU- NATALI

7. Ukusungulwa koMgwamanda Wezokuvakasha Namafilimu yaKwaZulu-Natali
8. Izinhloso ze-Ejensi
9. Amandla, imisebenzi kanye namajoka e-Ejensi

ISAHLUKO 4

IZINHLELO ZOKUPHATHA

10. Ukusungulwa kweBhodi
11. Iqhaza likaNgqongqoshe
12. Iqhaza leNhloko yoMnyango
13. Ukubunjwa kweBhodi
14. Okujwayelekile okudingeka kumalungu
15. Inqubo yokuqokwa
16. USihlalo kanye noSekela Sihlalo
17. Indlela yokuziphatha nokudalulwa kokuhlomula
18. Isikhathi sokuba sesikhundleni
19. Ukuhoxiswa kobulungu, ukumiswa kanye nokususwa esikhundleni
20. Ukugcwaliswa kwezikhala
21. Imibandela yokuqokwa namaholo
22. Ukungabikhona kweBhodi elisebenzayo
23. Imihlangano yeBhodi
24. Ikhoramukanye nezinqumo
25. Amakomidi

26. Amaminithi emihlangano
27. Ukubonisana neBhodi nokuhlinzekwa ngosizo kweBhodi
28. Ukudluliselwa kwamandla, kwemisebenzi namajoka yiBhodi

ISAHLUKO 5

UKUXHASWA NGEZIMALI, UKUPHATHWA KWEZIMALI NOKWETHULWA KOMBIKO WEZIMALI

29. Izimali ze-Ejensi
30. Isibopho sokubika ngezezimali kanye nokuphathwa kwebhizinisi
31. Ukuphathwa kwezimali
32. Ucwaningomabhuku, nokwethulwa kombiko kanye nombiko wonyaka
33. Unyaka wezimali
34. Impahla engenakususwa
35. Izinyathelo zomthetho

ISAHLUKO 6

ISIKHULU ESIPHEZULU KANYE NABANYE ABASEBENZI

36. Ukuqokwa kwesiKhulu esiPhezulu
37. Ukwesula, ukungafaneleki nokususwa esikhundleni kwesiKhulu esiPhezulu
38. Amandla, imisebenzi kanye namajoka esiKhulu esiPhezulu
39. Ukudluliselwa kwabasebenzi abakhona kwi-Ejensi
40. Ukuqokwa kwabasebenzi

ISAHLUKO 7

UHULUMENI WESIFUNDAZWE

41. Inqubomgomo yezokuVakasha nezobuCiko boMsindo nemiFanekiso yesiFundazwe
42. Inqubomgomo ewuHlaka yezokuVakasha nezobuCiko boMsindo nemiFanekiso yoMasipala

ISAHLUKO 8

OMASIPALA

43. Izinqubomgomo zezokuVakasha nezobuCiko boMsindo nemiFanekiso zoMasipala
44. Imisebenzi yomasipala

ISAHLUKO 9

UHULUMENI WOBAMBISWANO

45. Ukusungulwa kweKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe
46. Imisebenzi yeKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe
47. Imihlangano yeKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe
48. Ubudlelwane phakathi kwe-Ejensi, kwaNgqongqoshe, kweKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe, kweminyango kahulumeni, komasipala, kwamabhizinisi kahulumeni kanye nabanye ababambe iqhaza

ISAHLUKO 10

IMISEBENZI YABAQHUBI BOMSEBENZI WEZOKUVAKASHA, ABASUNGULI BOKUQUKETHWE EZOBUCIKO BOMSINDO NEMIFANEKISO, ABAQHUBI BOMSEBENZI WEZOBUCIKO BOMSINDO NEMIFANEKISO, IZIKHUNGO ZEZOKUVAKASHA NEZOBUCIKO BOMSINDO NEMIFANEKISO KANYE NABANYE ABABAMBE IQHAZA KWEZOKUVAKASHA NEZOBUCIKO BOMSINDO NEMIFANEKISO

49. Imisebenzi yabaqhubi bomsebenzi wezokuvakasha, abasunguli bokuqukethwe ezobuciko bomsindo nemifanekiso, abaqhubi bomsebenzi wezobuciko bomsindo nemifanekiso, izikhungo zezokuvakasha nezobuciko bomsindo nemifanekiso kanye nabanye ababambe iqhaza kwezokuvakasha nezobuciko bomsindo nemifanekiso

ISAHLUKO 11

IZINHLINZEKO EZIJWAYELEKILE

50. Ukudluliselwa kwemisebenzi, kwamandla namajoka
51. Irejista lokudluliselwa kwemisebenzi, kwamandla namajoka
52. Ukungafihli lutho nokutholakala kolwazi
53. Ukuphatha ngendlela enobulungiswa
54. Ukuqapha, ukuhlola kanye nokubika
55. Ukusetshenziswa kwegama le-Ejensi
56. Amacala kanye nezinhlawulo
57. Izinhlelo, imithethonqubo nezaziso
58. Okusazosebenza
59. Izinhlelo zesikhashana
60. Ukuchithwa kwemithetho
61. Isihloko esifingqiwe nokuqala kokusebenza komthetho

IZINHLELO

UHlelo 1: Ukuchithwa kwemithetho

UHlelo 2: Amafomu

ISAHLUKO 1

UKUHUNYUSHWA, IZINHLOSO, UKUSETSHENZISWA KANYE NEMIGOMO

Izincazelo

1.(1) Amagama asuselwe egameni noma emagameni achaziwe anencazelo efanayo, ngaphandle uma ingqikithi isho okwehlukile.

(2) Nanoma yiliphi igama noma inhlinzeko yalo Mthetho kumele kuhunyushwe ngendlela ehambisana nezinjongo kanye nezinhliso zalo Mthetho.

(3) Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile –

“**i-Ejensi**” kusho uMgwamanda Wezokuvakasha Namafilimu waKwaZulu-Natali, osungulwe ngokwesigaba 7.

“**uhlelo lomsebenzi ozokwenziwa ngonyaka**” lunencazelo oluyinikezwe uMnyango kaZwelonke wezokuHlela, ukuQapha kanye nokuHlola kuMhlahlandlela wawo wamaSu kanye neziNhlelo zoMsebenzi ozoKwenziwa ngoNyaka okuyoshicilelwa ngezikhathi ezinqunyiwe;

“**ubuCiko boMsindo nemiFanekiso**” kubandakanya ukusetshenziswa kwezithombe eziqoshiwe, imifanekiso, amavidiyo kanye nemisindo, noma imishini ekhipha lezo zithombe eziqoshiwe, leyo mifanekiso, lawo mavidiyo kanye naleyo misindo;

“**imboni yezobuCiko boMsindo nemiFanekiso**” kushiwo imboni ephathelene nokuthuthukiswa, nokugqugquzelwa, nokumakethwa, nokukhiqizwa kanye nokusetshenziswa kwezithombe eziqoshiwe, kwemifanekiso, kwamavidiyo kanye nemisindo, futhi ibandakanya abasunguli bokuqokethwe ezobuciko bomsindo nemifanekiso, abaqhubi bomsebenzi wezobuciko bomsindo nemifanekiso, izikhungo zezobuciko bomsindo nemifanekiso kanye nabanye ababambe iqhaza emkhakheni wezobuciko bomsindo nemifanekiso;

“**ikomidi elicwaninga amabhuku**” kushiwo ikomidi elicwaninga amabhuku njengoba kushiwo esigabeni 77 soMthetho wokuPhathwa kweziMali zikaHulumeni;

“iBhodi” kushiwo iBhodi le-Ejensi elisungulwe ngokwesigaba 10;

“usuku lokusebenza” kushiwo noma yiluphi usuku ngaphandle kosuku lwangoMgqibelo, lwangoSonto noma lweholidi elisemthethweni kwiRiphabhulikhi yaseNingizimu Afrika;

“uSihlalo” kushiwo uSihlalo weBhodi, futhi kubandakanya nomuntu obambe njengoSihlalo;

“isiKhulu esiPhezulu” kushiwo isiKhulu esiPhezulu se-Ejensi esiqokwe ngokwesigaba 36;

“ikomidi” kushiwo ikomidi leBhodi elisungulwe ngokwesigaba 25;

“inkampani” kushiwo inkampani njengoba ichazwe eMthethweni weziNkampani, 2008 (uMthetho No. 71 ka 2008);

“uMthethosisekelo” kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

“uMnyango” kushiwo umnyango noma iminyango ebhekele ukugqugquzelwa, ukuthuthukiswa, ukumakethwa kanye nokulawulwa komkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso esiFundazweni;

“ukuhlomula ngqo” kubandakanya –

- (a) ukuba ngumnikazi wamasheya enkampanini noma ebhizinisini;
- (b) ukuhlomula ezinkampanini eziyimifelandawonye;
- (c) ukuhlomula kumfelandawonye;
- (d) ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, ibhizinisi nanoma yiliphi elinye ibhizinisi elisemthethweni;
- (e) ukuhlomula kwithrasti;
- (f) maqondana nanoma yiliphi ibhizinisi, umsebenzi noma elinye ibhizinisi, eliwumuntu ngokomthetho elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ohlomulayo ukuthi athole inzuzo nengenisonzuzo kulelo bhizinisi, kulowo msebenzi noma kwelinye ibhizinisi;

- (g) amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana nezabasebenza isikhathi eside;
- (h) ama-akhawunti emalimboleko;
- (i) amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi kokubhaliswa, kokwamukelwa, kokubekwa esigabeni esithile, kokuhlinzekwa kwezitifiketi zobuciko bomsindo nemifanekiso noma zabaqhubi bomsebenzi wezokuvakasha okanye zezikhungo zezokuvakasha;
- (j) ukusayinwa noma ubukhona banoma yisiphi isivumelwano nomfakisicelo selayisensi, onelayisensi noma nomuntu obhalisiwe; kanye
- (k) nanoma yikuphi okanye ukuhlomula komuntu,

kanti **“ukuhlomula ngandlela thile”**, maqondana nohlobene naye, obambisene naye ebhizinisini, ohlanganyele naye noma umqashi, ngaphandle koMbuso, kunencazelo efanayo;

“uMkhandlu oPhethe” kushiwo uMkhandlu oPhethe esiFundazweni oshiwo esigabeni 132 soMthethosisekelo;

“iGazethi” kushiwo iGazethi esemthethweni yesiFundazwe;

“iNhloko yoMnyango” kushiwo inhloko yomnyango noma izinhloko zeminyango ezibhekele ukugqugquzelwa, ukuthuthukiswa, ukumakethwa kanye nokulawulwa komkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso esiFundazweni;

“iBhodi lesikhashana” kushiwo iBhodi lesikhashana elishiwo esigabeni 59(1)(a)(i);

“isiKhulu esiPhezulu esibambe okwesikhashana” kushiwo isiKhulu esiPhezulu njengoba kushiwo esigabeni 59(1)(b);

“ucwaningomabhuku lwangaphakathi” kushiwo uhlelo lwangaphakathi locwaningomabhuku njengoba kushiwo ezigabeni 51(1)(a)(ii) no 76(4)(e) zoMthetho wokuPhathwa kweziMali zikaHulumeni;

“uNgqongqoshe” kushiwo iLungu noma amaLungu oMkhandlu oPhethe abhekele ukugqugquzelwa, ukuthuthukiswa, ukumakethwa kanye nokulawulwa komkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso esiFundazweni;

“ilungu” kushiwo ilungu leBhodi njengoba kushiwo esigabeni 13;

“ilungu lekomidi” kushiwo ilungu lekomidi elisungulwe yiBhodi ngokwesigaba 25;

“umasipala” kushiwo umasipala njengoba kushiwo esigabeni 155 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, futhi osungulwe ngokwezigaba 11 no 12 zoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sifundwa nezigaba 3, 4 no 5 zoMthetho wokuNqunywa kweziNhlobo zoMasipala, 2000 (uMthetho No. 7 ka 2000), kanti **“umasipala wesifunda”** kanye **“nomasipala wedolobha elikhulu”** banencazelo efanayo;

“uhlaka lombuso lomasipala” kushiwo uhlaka lombuso kohulumeni basekhaya;

“uMthetho weNhlangotho yamaFilimu namaVidiyo kaZwelonke” kushiwo uMthetho weNhlangotho yamaFilimu namaVidiyo kaZwelonke, 1997 (uMthetho No. 73 ka 1997), futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, izinqubo ezizolandelwa noma amasekhula, okwenziwe noma okukhishiwe noma okushicilelwe ngokwalo Mthetho;

“uMthetho wezokuVakasha kaZwelonke” kushiwo uMthetho wezokuVakasha kaZwelonke, 2014 (uMthetho No. 3 ka 2014), futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, izinqubo ezizolandelwa noma amasekhula, okwenziwe noma okukhishiwe noma okushicilelwe ngokwalo Mthetho;

“uhlaka lombuso” lunencazelo oluyinikezwe esigabeni 239 soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996;

“umuntu” kubandakanya umuntu qobo noma umuntu ngokomthetho, iqoqo labantu noma umgwamanda;

“inqubomgomo” kushiwo inqubomgomo egunyazwe –

- (a) iKhabhinethi kazwelonke futhi eshicilelwe kwiGazethi kaHulumeni;
- (b) uMkhandlu oPhethe noma umkhandlu kamasipala futhi eshicilelwe kwiGazethi yesiFundazwe; noma
- (c) iBhodi,

njengoba kungaba njalo;

“omele iqembu lezepolitiki” kushiwo –

- (a) ilungu lePhalamende likaZwelonke, loMkhandlu kaZwelonke weziFundazwe noma leKhabhinethi kazwelonke;
- (b) ilungu lesiShayamthetho sesiFundazwe noma loMkhandlu oPhethe wesiFundazwe;
- (c) ikhansela likamasipala;
- (d) isithunywa esimele iRiphabhulikhi esingasebenzeli uhulumeni;
- (e) ilungu lendlu yabaholi bomdabu kanye nabaholi bama-*Khoi-San*;
- (f) umholi womdabu kanye nomholi wama-*Khoi-San* owamukelwe ngokoMthetho wobuHoli boMdabu nobama-*Khoi-San*, 2019 (uMthetho No. 3 ka 2019); noma
- (g) omele iqembu lezepolitiki kuzwelonke, esifundazweni noma omele iqembu lendawo, inhlango, umgwamanda, umbimbi lwamaqembu noma inhlango erejistwe ngokwesigaba 15 noma 15A soMthetho weKhomishana yoKhetho, 1996 (uMthetho No. 51 ka 1996);

“iKomidi lemisebenzi” kushiwo iKomidi lemiSebenzi noma amaKomidi emiSebenzi esiShayamthetho sesiFundazwe abhekele ukugqugquzelwa, ukuthuthukiswa, ukumakethwa kanye nokulawulwa komkhakha wezokuvakasha nemboni yezobuciko bomsindo nemifanekiso esiFundazweni;

“uMthetho wokuGqugquzelwa kokuTholakala koLwazi” kushiwo uMthetho wokuGqugquzelwa kokuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000), futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, izinqubo ezizolandelwa noma amasekhula, okwenziwe noma okukhishwe noma okushicilelwe ngokwalo Mthetho;

“uMthetho wokuVikelwa kweMininingwane yoMuntu Qobo” kushiwo uMthetho wokuVikelwa kweMininingwane yoMuntu Qobo, 2013 (uMthetho No. 4 ka 2013), futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, izinqubo ezizolandelwa noma amasekhula, okwenziwe noma okukhishwe noma okushicilelwe ngokwalo Mthetho;

“isiFundazwe” kushiwo isiFundazwe saKwaZulu-Natali esishiwo esigabeni 103 soMthethosisekelo kanti **“okwesifundazwe”** kunencazelo efanayo;

“isiShayamthetho sesiFundazwe” kushiwo isiShayamthetho sesiFundazwe

njengoba kushiwo esigabeni 105 soMthethosisekelo, futhi sinegunya lokushaya imithetho esiFundazweni njengoba kushiwo esigabeni 104 soMthethosisekelo;

“uMnyango woMgcinimafa wesiFundazwe” kushiwo uMnyango woMgcinimafa osungulelwe isiFundazwe ngokwesigaba 17 soMthetho wokuPhathwa kweziMali zikaHulumeni;

“uMthetho wokuPhathwa kweziMali zikaHulumeni” kushiwo uMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999), futhi obandakanya nanoma yimiphi imithethonqubo, izaziso, izinqubo ezizolandelwa noma amasekhula, okwenziwe noma okukhishiwe noma okushicilelwe ngokwalo Mthetho;

“imithethonqubo” kushiwo imithethonqubo eyenziwe ngokwalo Mthetho;

“isihlobo” kushiwo –

(a) umuntu oshade omunye, kubandakanya ohlalisana noganene nomunye umuntu ngokomshado wesintu, noma ohlalisene sakuganana nowesekana nomunye umuntu ngokomphefumulo nangokwezezimali; noma

(b) oyingane yomuntu othile, umzali wakhe, umfowabo noma udadewabo, noma ngabe lobo budlelwane buvele ngokuzalana, ngokushadana noma ngokukhulisa ingane ongayizali njengeyakho;

“umsebenzi” kushiwo umsebenzi odluliselwe kwi-Ejensi, noma oqokwe yi-Ejensi, ngokwesigaba 39 no 40, njengoba kungaba njalo;

“isitatimende esifungelwe” sibandakanya isitatimende esisayinwe phambi kwakhomishana ofungisayo; kanti

“lo Mthetho” kushiwo uMthetho woMgwamanda Wezokuvakasha Namafilimu waKwaZulu-Natali, 2024, futhi ubandakanya nanoma yimiphi imithethonqubo, izaziso, izinqubo ezizolandelwa noma amasekhula, okwenziwe noma okukhishiwe noma okushicilelwe ngokwalo Mthetho.

Izinhloso zoMthetho

2. Izinhloso zalo Mthetho ukusungula uMgwamanda Wezokuvakasha Namafiimu waKwaZulu-Natali yaKwaZulu-Natali njengebhizinisi likahulumeni wesifundazwe ngokuhambisana

nezinhlizeko zoMthetho wokuPhathwa kweziMali zikaHulumeni kanye nokuhlinzekela izinhlaka zokubusa, zokuphatha nezokuphathwa kwe-Ejensi kanye nokulawula –

- (a) umkhakha wezokuvakasha;
- (b) nemboni yezobuciko bomsindo nemifanekiso,

maqondana nomthetho osebenzayo kazwelonke kanye neminye imithetho yesifundazwe esebenzayo.

Ukusebenza koMthetho

3. Lo Mthetho –

- (a) usebenza esiFundazweni sonkana; futhi
- (b) ubophezela zonke izinhlaka zombuso zesifundazwe kanye nezomasipala.

Imigomo

4.(1) Uma kusetshenziswa lo Mthetho, i-Ejensi kumele ihambisane nale mithethonqubo elandelayo:

- (a) ukusebenza ngendlela –
 - (i) esheshayo;
 - (ii) enemiphumela ebonakalayo;
 - (iii) eveza konke obala;
 - (iv) esemthethweni;
 - (v) enokuthembeka,
- (b) ukusebenza ngobuqotho;
- (c) ukwenza umsebenzi oseqophelweni eliphezulu;
- (d) ukuzibophezela ekwenzeni umsebenzi ngobuchule;
- (e) ukuzibophezela ekwenzeni lokho ejutshelwe ukuthi ikwenze;
- (f) ukuqinisekisa –
 - (i) ukuphatha ngendlela enobulungiswa, efanele, ehambisana nenqubo, enokungakhethi maqondana nezindaba eziphathelene nemisebenzi engaphansi kwayo;
 - (ii) ukwenza imisebenzi enemiphumela ebonakalayo, ukuba nesibopho sokubika, nokubonisana ngokuhlanganyela nangokubambisana nazo zonke izinhlaka zombuso zesifundazwe nezomasipala kanye nabanye ababambe iqhaza;
- (g) nokulandela izinqubo ezizwakalayo zokulawula izinkampani.

(2) I-Ejensi kumele isebenzise amandla, yenze imisebenzi yayo futhi ifeze namajoka ayo ngokuhambisana –

- (a) nezinhlizeko ezisebenzayo ngokomthethosisekelo, kubandakanya nezinhlizeko ezilawula ukubusa ngokuhlanganyela;
- (b) izinhlizeko zalo Mthetho kanye neminye imithetho esebenzayo nezinhlizeko zenqubomgomo;
- (c) nemigomo ebekwe esigatshaneni (1).

ISAHLUKO 2

UKUHLAKAZWA KWEKHOMISHANA YAMAFILIMU YAKWAZULU-NATALI KANYE NESIGUNGU ESILAWULA EZOKUVAKASHA SAKWAZULU-NATALI

Ukuhlakazwa kweKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali

5. IKhomishana yamaFilimu yaKwaZulu-Natali, eyasungulwa ngokwesigaba 2(1) soMthetho weKhomishana yamaFilimu waKwaZulu-Natali, 2010 (uMthetho No. 3 ka 2010) kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali, esasungulwa ngokwesigaba 2(1) soMthetho wezokuVakasha waKwaZulu-Natali, 1996 (uMthetho No. 11 ka 1996), ngalokhu kuyahlakazwa,

Imiphumela yokuhlakazwa

6.(1) I-Ejensi ngokomthetho iyona elandela iKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali ngokwesikhundla.

(2) I-Ejensi ibhekele –

- (a) ukuphathwa kwemisebenzi kanye nazo zonke izinto ezibucayi eziphathelene –
 - (i) nokuhlakazwa kweKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali; kanye
 - (ii) nokusungulwa kwe-Ejensi;
- (b) nanoma yimaphi amandla asetshenziswe kanye nemisebenzi eyenziwe yiKhomishana yamaFilimu yaKwaZulu-Natali nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali ngaphambi kokuthi kuhlakazwe.

(3)(a) Zonke izimpahla, izikweletu, amalungelo kanye nezibopho, kanye nakho konke okuphathelene nokuphatha, amarekhodi ezezimali kanye namanye okwakugcinwe yiKhomishana yamaFilimu yaKwaZulu-Natali nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali, kunikezwa i-Ejensi.

(b) UMBhalisi wamaTayitela kumele enze konke okufanele ukubhalisa noma ukugunyaza

ukudluliselwa kwanoma iyiphi impahla ngokwendima (a), futhi akukho mali yokudluliselwa, yasehhovisi noma yezinye izindleko eyokhokhwa maqondana nalokho kubhaliswa noma kugunyazwa.

(4) Kusukela ngosuku lokuqala kokusebenza kwalo Mthetho –

(a) bonke abasebenzi beKhomishana yamaFilimu yaKwaZulu-Natali nabesiGungu esiLawula ezokuVakasha saKwaZulu-Natali bayothathwa njengabasebenzi be-Ejensi njengoba kushiwo esigabeni 39; futhi

(b) amalungu eBhodi leKhomishana yamaFilimu yaKwaZulu-Natali nawesiGungu esiLawula ezokuVakasha saKwaZulu-Natali ayothathwa njengaseshiyile ezikhundleni zawo zokuba amalungu amabhodi ahlukene.

ISAHLUKO 3

UKUSUNGULWA KOMGWAMANDA WEZOKUVAKASHA NAMAFILIMU YAKWAZULU-NATALI

Ukusungulwa koMgwamanda Wezokuvakasha Namafilimu yaKwaZulu-Natali

7.(1) Umuntu ngokomthetho ozokwaziwa nge-Ejensi yezokuVakasha nezobuCiko boMsindo nemiFanekiso yaKwaZulu-Natali ngalokhu uyasungulwa njengebhizinisi likahulumeni wesifundazwe ngokuhambisana nezinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni.

(2) I-Ejensi ingahlakazwa kuphela ngokoMthetho wesiShayamthetho sesiFundazwe.

Izinhloso ze-Ejensi

8. Izinhloso ze-Ejensi –

(a) ukumaketha nokugquguzela umkhakha wezokuvakasha nemboni yezobuciko bomsindo nemifanekiso;

(b) ukuqinisekisa ukuthuthukiswa komkhakha wezokuvakasha nemboni yezobuciko bomsindo nemifanekiso;

(c) ukwakha isimo esizokwazi ukuvula amathuba emisebenzi esimeme emkhakheni wezokuvakasha nakwimbini yezobuciko bomsindo nemifanekiso;

(d) ukubamba iqhaza ekwakhiweni kwamathuba emisebenzi emkhakheni wezokuvakasha nakwimbini yezobuciko bomsindo nemifanekiso; kanye

(e) nokulungisa ukungalingani okwakukhona phambilini kwingqalasizinda kanye nokusatshaliswa kwamakhono kanye nezinsiza emkhakheni wezokuvakasha

nakwimboni yezobuciko bomsindo nemifanekiso, esiFundazweni.

Amandla, imisebenzi kanye namajoka e-Ejensi

9.(1) I-Ejensi kumele isebenzise amandla, yenze imisebenzi futhi ifeze amajoka ayo njengoba kushiwo –

- (a) kulo Mthetho;
- (b) emithethweni esebenzayo kazwelonke neyesifundazwe;
- (c) nakunoma yimuphi omunye umthetho.

(2) I-Ejensi inikezwe lamandla, lemisebenzi kanye nalamajoka alandelayo:

- (a) ukubhekelela ukumakethwa okudidiyelwe kanye nokuqhakambiswa kwesiFundazwe njengendawo eyisizinda sezokuvakasha nezobuciko bomsindo nemifanekiso ezimakethe zasekhaya nakwezamazwe angaphandle;
- (b) ukuba yisizinda solwazi oluphathelele nezokuvakasha nezobuciko bomsindo nemifanekiso;
- (c) ukuheha abatshalizimali basekhaya nabasemazweni angaphandle ukusungula, ukuthuthukisa kanye nokukhulisa ingqalasizinda yezokuvakasha neyezobuciko bomsindo nemifanekiso, yezindawo kanye nemikhiqizo;
- (d) ukuxhasa ngezimali kanye nangezinye izindlela ezingadingi mali ukuthuthukisa kanye nokuguqula umkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso;
- (e) ukuheha ezokungcebeleka ngokuvakasha kanye nemicimbi yamabhizinisi nokukhiqizwa kwezobuciko bomsindo nemifanekiso;
- (f) ukugqugquzela ababambe iqhaza abavele sebekhona nabasanda kungena emkhakheni wezokuvakasha nakwimboni yezobuciko bomsindo nemifanekiso ukweseka amabhizinisi, ukuqasha abantu, nokusebenzisana namabhizinisi esiFundazweni;
- (g) ukuhlinzeka ngezinhlelo zokweseka eziqondiswe emabhizinisini amancane, aphakathi nendawo kanye namakhulu ukuze athuthukiswe kuvuleke namathuba okuqashwa esiFundazweni;
- (h) ukunxenxa usizo lwezimali kweminye imithombo ngale kwezimali ezabiwe yisiShayamthetho sesiFundazwe, ukuqinisekisa ukuqaliswa kwezinhloso zalo Mthetho;
- (i) ukuqinisekisa isimo esikahle esizosiza ukugqugquzela, ukukhulisa kanye nokuletha uguquko emkhakheni wezokuvakasha nakwimboni yezobuciko bomsindo nemifanekiso;

(j) ukugqugquzela ukubambisana, nokusebenzisana phakathi kwazo zonke izinhlaka zombuso maqondana nezindaba eziphathelene nomkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso ngokusungulwa kwezinhlaka ezididiyele ezifanele;

(k) ukuxhumanisa kanye nokuxoxisana nabo bonke ababambe iqhaza kanye nabayingxanye yomkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso;

(l) ukuhlela nokudidiyela ukuthuthukiswa komkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso; kanye

(m) nokusebenzisana nezinhlangano zasekhaya, zikazwelonke, zezifunda nezamazwe ase-Afrika nezomhlaba wonke ukuthuthukisa izinhloso zalo Mthetho.

(3) I-Ejensi ingasebenzisa amanye amandla, ukwenza eminye imisebenzi njengoba kungadingeka noma iwasebenzisele ukufeza izinhloso zalo Mthetho, iMithetho eshiwo esigatshaneni (1)(a) no (b), nanoma yimuphi omunye umthetho oshiwo esigatshaneni (1)(c), ngendlela lowo mthetho osebenza ngayo kwi-Ejensi.

ISAHLUKO 4 IZINHLELO ZOKUPHATHA

Ukusungulwa kweBhodi

10.(1) I-Ejensi ilawulwa yiBhodi –

(a) elibhekele ukulawula, ukuphatha kanye nokuqapha;

(b) elinika i-Ejensi imiyalelo yokusebenzisa amandla ayo, yokwenza imisebenzi yayo nokufeza amajoka ayo ngokuhambisana nalo Mthetho, noMthetho wokuPhathwa kweziMali zikaHulumeni nemigomo yokubusa okuhle.

(2) IBhodi, ngemva kokubonisana noNgqongqoshe kanye nesiKhulu esiPhezulu, lingahlela kabusha i-Ejensi, uma ngokubona kwalo, kunesidingo ukuze i-Ejensi isebenzise amandla ayo, yenze imisebenzi yayo, ifeze amajoka ayo ngendlela efanele.

(3) IBhodi linesibopho sokubika njengoba kushiwo esigabeni 49(2)(a) soMthetho wokuPhathwa kweziMali zikaHulumeni.

(4) IBhodi kumele, esikhathini esingeqile ezinyangeni ezintathu liqokiwe, lisayine isivumelwano sokuzibophezela noNgqongqoshe ukulawula ubudlelwane phakathi kukaNgqongqoshe kanye neBhodi.

(5) IBhodi kumele, esikhathini esingeqile ezinyangeni ezintathu liqokiwe, ligunyaze umqulu weBhodi –

- (a) olawula izinqubo ezilandelwayo zeBhodi nezanoma yiliphi ikomidi elisungulwe ngokuhambisana nesigaba 25;
- (b) onquma amandla, imisebenzi kanye namajoka amakomidi asungulwe ngokuhambisana nesigaba 25;
- (c) onquma ubudlelwane phakathi kweBhodi –
 - (i) nesiKhulu esiPhezulu;
 - (ii) noNobhala weBhodi;
 - (iii) nocwaningomabhuku lwangaphakathi;
- (d) nohlinzekela noma yiluphi udaba olufanele ukuze iBhodi likwazi ukusebenza ngendlela efanele:

Kuncike ekutheni iBhodi kumele njalo ngonyaka, esikhathini esingeqile ezinyangeni ezintathu kuqale unyaka wezimali, libuyekeze usomqulu walo.

Iqhaza likaNgqongqoshe

11.(1) UNgqongqoshe –

- (a) uyisikhulu esiphezulu se-Ejensi njengoba kushiwo esigabeni 1 soMthetho wokuPhathwa kweziMali zikaHulumeni;
- (b) kumele, esikhathini esingeqile ezinyangeni ezintathu lo Mthetho uqale ukusebenza, aqoke iBhodi njengoba kushiwo esigabeni 13; futhi
- (c) kumele aqaphe i-Ejensi kanye neBhodi ekusebenziseni amandla nasekwenzeni imisebenzi.

(2) Amalungu ashiwo esigabeni 13(c) kumele –

- (a) aqinisekise ukuxhumana phakathi kukaNgqongqoshe neBhodi;
- (b) ngezikhathi ezithile abikele uNgqongqoshe mayelana nezindaba okufanele abikelwe ngazo.

(3) UNgqongqoshe –

- (a) ngesaziso kwiGazethi, anganquma –
 - (i) izinkambiso namaqophelo okusetshenziswa kwamandla nawokwenziwa kwemisebenzi yi-Ejensi;
 - (ii) isilinganiso sezimali ezizobizwa yi-Ejensi uma isebenzisa amandla ayo noma yenza imisebenzi yayo;
- (b) anganika i-Ejensi imayelelo mayelana –

- (i) nenqubomgomo, nokuhlelwa, nesu kanye nenqubo ezolandelwa ukuqinisekisa ukuthi isebenza ngendlela efanele;
- (ii) nezindlela zokuphumelelisa izinkambiso namaqophelo okushiwo kwindima (a)(i).

Iqhaza leNhloko yoMnyango

12. INhloko yoMnyango iyisikhulu esinesibopho sokubika njengoba kushiwo eMthethweni wokuPhathwa kweziMali zikaHulumeni.

Ukubunjwa kweBhodi

13. IBhodi liqukethe –

(a) okungenani amalungu ayisikhombisa kodwa angeqile kwayi-11 aqokwe uNgqongqoshe, phakathi kwawo okukhona –

- (i) umuntu oyedwa onolwazi kanye nesipiliyoni emkhakheni wezokuvakasha nakwimbongi yezobuciko bomlando nemifanekiso ophakanyiswe uhlaka lukahumeni wesifundazwe saKwaZulu-Natali lweNhlangotho yoHulumeni baseKhaya yaseNingizimu Afrika njengoba kushiwo esigabeni 2 soMthetho weNhlangotho eMele ohulumeni baseKhaya, 1997 (uMthetho No. 52 ka 1997), omele inhlangotho emele ohulumeni basekhaya esiFundazweni: Kuncike ekutheni angeke abe umuntu oqokelwe ukumela ohulumeni basekhaya; kanye
- (ii) namalungu aqokwe njengoba kuhlinzekelwe esigabeni 15;

(b) isikhulu esiPhezulu ngokwesikhundla saso, asinalo ilungelo lokuvota emihlanganweni yeBhodi neyanoma yiliphi ikomidi lalo; kanye

(c) nomsebenzi oyedwa noma ngaphezulu boMnyango, uNgqongqoshe ngokunquma kwakhe, angamqoka noma angabaqoka njengabazommela kwiBhodi, labo abammele bangathamela imihlangano yeBhodi neyanoma yiliphi ikomidi futhi bangaba yingxenywe yezingxoxo, kodwa abanalo ilungelo lokuvota kuleyo mihlangano: Kuncike ekutheni uNgqongqoshe angabashintsha noma abasuse labo abammele njengoba ebona kufanele.

Okujwayelekile okudingeka kumalungu

14.(1) Amalungu kumele –

- (a) abe ngabantu abafanelekile nabakulungele ukuba amalungu;
- (b) abe ngabazoba nentshisekelo yokusebenzela i-Ejensi kanye nesiFundazwe;
- (c) abe neziqo nesipiliyoni okudingekayo; futhi
- (d) abe ngabazimele, abangachemile nabasebenza ngendlela enobulungiswa.

- (2) Umuntu akafaneleki ukuba noma ukuqhubeka nokuba yilungu uma lowo muntu –
- (a) engesona noma engasesona isakhamuzi seRiphabhulikhi;
 - (b) enesikhundla eqenjini lezepolitiki;
 - (c) ngaphandle kwamalungu ashiwo esigabeni 13(a)(i), (b) no (c), engosebenza ngokugcwele eqashwe uhlaka lombuso;
 - (d) ewumeluleki noma ewumeluleki okhethekile wohlaka lombuso noma womuntu onesikhundla eqenjini lezepolitiki;
 - (e) ewumsebenzi oqashwe umasipala osungulwe ngokwesigaba 155(1) soMthethosisekelo;
 - (f) ehlo mola noma ehlo mule ngqo noma ngandlela thile kunoma yini ephathelene nomkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso;
 - (g) ehlo mulile noma enokuhlo mola ngandlela thile kunoma yiliphi ibhizinisi okungashayisana nokwenziwa ngandlela efanele kwemisebenzi yakhe njengelungu;
 - (h) ehluleke ukudalula ukuhlo mola ngqo noma ngandlela thile ngokuhambisana nesigaba 17(4) noma eke wathamela noma waba yingxenywe yezingxoxo zeBhodi ebe ehlo mola njengoba kushiwo kuleso sigaba;
 - (i) ehlo mola ngqo noma ngandlela thile kunoma yisiphi isivumelwano somsebenzi ne-Ejensi kodwa ehluleka ukudalula ukuhlo mola kwakhe nangandlela ahlo mola ngayo ngandlela efunwa yilo Mthetho;
 - (j) ecwile noma ecwila ezikweletini ngokungenakuhlengeka;
 - (k) emenyezelwe noma emenyezelwa yinkantolo njengongaphilile kahle ngengqondo;
 - (l) ewumuntu noma eba umuntu ongaphansi kwesandla somunye umuntu;
 - (m) esusiwe noma eke wasuswa esikhundleni ngokwesigaba 19(1) noma (2);
 - (n) eke wamenyezelwa noma emenyezelwe njengomqondisi oziphathe budlabha njengoba kushiwo esigabeni 162 soMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008);
 - (o) noma yingasiphi isikhathi esusiwe noma eke wasuswa esikhundleni ngenxa yokungaziphathi kahle noma yokungathembeki; okanye
 - (p) egwetshwe noma eke wagwetshwa, kwiRiphabhulikhi noma kwelinye izwe, ngecala –
 - (i) elibandakanya ukungethembeki, ukweba, ukukhwabanisa, umgunyathi, ukudlulisa umbhalo womgunyathi noma ukuqamba amanga emva kokwenza isifungo;
 - (ii) ngaphansi koMthetho wokuNqandwa nokuLwa kweNkohlakalo, 2004 (uMthetho No. 12 ka 2004);
 - (iii) ngaphansi kweSahluko 2 no 3 soMthetho wokuNqandwa koBugebengu obuHleliwe 1998, (uMthetho No. 121 ka 1998);

- (iv) ngaphansi koMthetho wesikhungo sobuNhloli kwezeziMali, 2001 (uMthetho No. 38 ka 2001);
- (v) ngaphansi koMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008);
- (vi) ngaphansi kwalo Mthetho; noma
- (vii) ngaphansi kwanoma yimuphi umthetho othi awufane nalo mthetho:

Kuncike ekutheni ukungafaneleki ngokwale ndima kuphela eminyakeni emihlanu ngemva kokuphela kwesigwebo.

(3)(a) Uma noma yiliphi ilungu ngesikhathi lisesesikhundleni kutholakala ukuthi alisafanelekile ngokwesigatshana (2), noma kunokwenzeka ukuthi lihlole ngqo noma ngandlela thile, kumele ezinsukwini ezingeqile kweziyishumi ngemva kokutholakala lingasafanelekile noma ngemva kokuqala ukuhlomula, noma ngemva kokuba lazile ngalokho, kumele lidalule lokho kuhlomula ngokubhalela –

- (i) uSihlalo, noma uma isicelo sithinta uSihlalo, abhalele uSekela Sihlalo; kanye
- (ii) noNgqongqoshe.

(b) Uma seyitholakele leyo mininingwane evela kwilungu njengoba kushiwo kwindima (a), uNgqongqoshe, ngaphansi kwesigaba 19(2), kumele ngokushesha asuse lelo lungu esikhundleni.

Inqubo yokuqokwa

15.(1) Noma yinini uma kunesidingo sokuqoka ilungu noma amalungu njengoba kushiwo esigabeni 13(a)(ii), uNgqongqoshe kumele –

(a) ameme iziphakamiso ngokukhipha isikhangiso kwiGazethi nasemaphaphandabeni okungenani amabili esifundazwe, esisodwa sishicilelwe ngesiNgisi esinye sishicilelwe ngesiZulu, lezo zikhangiso kumele zinqume –

- (i) inqubo ezolandelwa nosuku lokuvala iziphakamiso okumele zithunyelwe ngalo;
- (ii) imininingwane, iziqu, isipiliyoni okudingekayo uma kwenziwa isiphakamiso;

(b) ngemva kwalokho, ahlanganise uhlu lwamagama abantu abaphakanyisiwe, olukhombisa imininingwane ephelele yomuntu ngamunye ophakanyisiwe.

(2) Noma yisiphi isiphakamiso esenziwe ngemva kokukhishwa kwesikhangiso ngokwesigatshana (1)(a) kumele sisekwe –

- (a) imininingwane yophakanyisiwe kanye neyokuxhumana;
- (b) imininingwane yeziqo zemfundo kanye nesipiliyoni kophakanyisiwe; kanye
- (c) neminye imininingwane engadingeka njengoba kushiwo esigatshaneni (1)(a).

(3) Umuntu oqokelwe ukuba yingxenye yeBhodi ngokwesigatshana (2) kumele, zingakapheli izinsuku eziyishumi zokusebenza eqokiwe, athumele kuNgqongqoshe –

- (a) incwadi esayiniwe yokwamukela ukuqokwa kwakhe;
- (b) isitatimende esifungelwe esidalula ukuthi akukho okumvimbayo ukuthi aqokwe ngokwesigaba 14(1) no (2);
- (c) nesitatimende esifungelwe esidalula ukuhlomula kwakhe ngqo noma ngandlela thile.

(4) Noma yikuphi ukwehluleka ukudalula noma yikuphi ukungafaneleki noma ukuhlomula ngqo noma ngandlela thile ngokwesigatshana (3)(b) no (c) kuyomvimbela ophakanyisiwe ukuthi abe sethubeni lokuqokwa njengelungu.

(5) UNgqongqoshe kumele aqoke ithimba lokuhlunga elizimele elizocubungula liphinde lihlunge ebese lenza izincomo: Kuncike ekutheni uhlu okuzokhethwa kulo nezincomo kumele kulethwe kuNgqongqoshe ezinsukwini ezingama-20 zokusebenza ngemva kokuqokwa kwethimba.

(6) UNgqongqoshe kumele, ezinsukwini eziyishumi zokusebenza ethole uhlu nezincomo okushiwo esigatshaneni (5) –

- (a) acubungule izincomo; futhi
- (b) benza isibalo sabazoqokwa ohlwini lwabaphakanyisiwe olushiwo esigatshaneni (1)(b): Kuncike ekutheni uma abaphakanyisiwe abasohlwini bengahlangabezani nokudingekayo kanye nendlela yokuhlunga ehlinzekwe kulo Mthetho, uNgqongqoshe kumele aphinde akhiphe esinye isikhangiso sesibalo sabashodayo abazoqokwa ngokuhambisana nezinhlinzeko zalesi sigaba.

(7) Uma kuqokwa ilungu noma amalungu ashiwo kulesi sigaba, uNgqongqoshe kumele aqinisekise ukuthi iBhodi lizomeleleka nxazonke futhi libunjwe abantu abanesipiliyoni sokuphatha ibhizinisi, ubungoti namakhono ahlukehukene sebebonke, futhi okungakuhle kube abantu abahlala KwaZulu-Natali, phakathi kwabo okumele kube noyedwa –

- (a) oqeqeshelwe ezokumaketha kwiRiphabhulikhi, osesebenze okungenani iminyaka eyishumi ngemva kothola iziqu, osebenze njengommakethi emkhakheni wezokuvakasha noma kwimboni yezobuciko bomsindo nemifanekiso;
- (b) onekhono kwezokuphatha, nolwazi lwemboni yobuciko bomsindo nemifanekiso;
- (c) nekhono kwezokuphatha, nolwazi emkhakheni wezokuvakasha;
- (d) oneziqu zokusebenza njengommeli kwiRiphabhulikhi futhi osesebenze okungenani

iminyaka eyishumi ngemva kokuthola iziqu, oseke wasebenza njengommeli noma oseke wenza imisebenzi ephathelene nokusetshenziswa nokuphathwa komthetho wezamabhizinisi;

(e) oneziqu futhi orejistwe njengomcubunguli wamabhuku ezimali kwiRiphabhulikhi, osesebenze okungenani iminyaka eyishumi ngemva kokuthola iziqu, oseke wasebenza njengomcubunguli wamabhuku ezimali;

(f) oqeqeshwe njengogoti kwezokuphathwa kwezindaba zabasebenzi kwiRiphabhulikhi noma osesebenze okungenani iminyaka eyishumi ngemva kokuthola iziqu, oseke wasebenze njengogoti kwezokuphathwa kwezindaba zabasebenzi.

(8) UNgqongqoshe kumele azise, abantu abaqokelwe kwiBhodi ngokuqokwa kwabo, ngokubabhalela, nangosuku abazoqala ngalo ukusebenza kwiBhodi.

(9) UNgqongqoshe kumele –

(a) azise –

(i) uMkhandlu oPhethe;

(ii) iKomidi leMisebenzi; kanye

(iii) nekomidi lemisebenzi elibhekele ezezimali esiFundazweni,

amagama abo bonke abaqokelwe kwiBhodi; futhi

(b) ashicilele amagama abo ngokushicilela isaziso kwiGazethi nasemaphaphandabeni okungenani amabili akulesi sifundazwe, elilodwa kube ngelesiNgisi elinye kube ngelesiZulu.

(10) Uma kutholakala ukuthi ilungu elilodwa noma ngaphezulu aqokwe ngendlela engafanele, lokho akusho ukuthi noma yisiphi isixazululo, isiphakamiso, isinqumo, igunya noma isinyathelo esithathwe yiBhodi akukho semthethweni noma angeke kusebenze, ngaphandle uma iNkantolo ecubungule ukuba semthethweni kwesiphakamiso, kwesinqumo, kwegunya noma kwesinyathelo esithile inquma ukuthi kumele kuqalwe phansi.

USihlalo noSekela Sihlalo

16.(1) UNgqongqoshe kumele aqoke uSihlalo noSekela Sihlalo phakathi kwamalungu: Kuncike ekutheni uSihlalo noSekela Sihlalo kumele babe ngamalungu njengoba kushiwo esigabeni 13(a)(ii).

(2) UNgqongqoshe ngezizathu ezizwakalayo, angahoxisa noma angaguqula lokho kuqokwa.

(3) USihlalo noSekela Sihlalo baqokelwa isikhathi esiyonqunywa uNgqongqoshe: Kuncike ekutheni lokho kuqokwa angeke kweqe esikhathini sokuba sesikhundleni kwabo

njengamalungu njengoba kushiwo esigabeni 18.

(4) USekela Sihlalo kumele asebenzise amandla, enze imisebenzi kanye namajoka kaSihlalo uma engekho uSihlalo, egula, enqaba noma ehluleka ukusebenza njengoSihlalo, noma uma uNgqongqoshe ehoxisa ukuqokwa kukaSihlalo.

(5) Uma kwenzeka uSihlalo noSekela Sihlalo bengekho, begula, benqaba noma behluleka ukusebenzisa amandla abo, ukwenza imisebenzi yabo kanye namajoka abo, noma uma uNgqongqoshe ehoxisa ukuqokwa kwabo, uNgqongqoshe kumele aqoke elinye ilungu elizobamba njengoSihlalo.

Inqubo yokuziphatha nokudalulwa kokuhlomula

17.(1) Ngokwezinhloso zalesi sigaba “**ilungu**” libandakanya nanoma yiliphi –

- (a) ilungu elishiwo esigabeni 13; kanye
- (b) nelungu lekomidi eliqokwe ngokuhambisana nesigaba 25.

(2) Ilungu elishiwo esigatshaneni (1) –

- (a) kumele lenze imisebenzi yesikhundla salo ngokwethembeka, ngokungenzeleli noma ngokungakhethi;
- (b) angeke lasebenzisa isikhundla salo, amalungelo elinikwe wona noma ulwazi elinalo ukuze lizuze noma kuzuze omunye umuntu ngendlela engafanele;
- (c) angeke lamukela ngqo noma ngandlela thile noma yini yenani elibizayo kunoma yimuphi umuntu nakunoma yiliphi ibhizinisi engadala ukungaboni ngaso linye noma engaliphazamisa ekutheni lenze imisebenzi yalo ngendlela efanele noma okungenza ukuthi lihlomule noma yingayiphi indlela ngokwesikhundla salo; futhi
- (d) angeke liziphathe nganoma iyiphi indlela engathunaza ukwethembeka, ukungachemi, ukuzimela noma ukusebenza ngobuqotho kwe-Ejensi.

(3)(a) Ilungu elishiwo esigabeni 13(a) noma (c) kumele lithumele isitatimende esifungelwe esidalula ngokuhlomula kwalo ngqo noma ngandlela thile kuNgqongqoshe njengoba kushiwo kulo Mthetho uma liqala emsebenzini ebese kuthi ngemva kwalokho njalo uma kuqala unyaka wezimali: Kuncike ekutheni uma kwenzeka lelo lungu liqala ukuhlomula ngqo noma ngandlela thile noma yingasiphi isikhathi ngemva kwalowo nyaka wezimali, kumele libhalele uNgqongqoshe lidalule lokho kuhlomula zingakapheli izinsuku eziyishumi zokusebenza liqale ukuhlomula.

(b) Ukudalula okushiwo kwindima (a) kumele kwenziwe ngendlela ehlinzekwe oHlelweni 2.

(4) Ilungu elishiwo esigatshaneni (1) kumele –

(a) ekuqaleni kwanoma yimuphi umhlangano, lihambise kuSihlalo weBhodi noma wekomidi isitatimende esibhaliwe esidalula ukuhlomula kwalo ngqo noma ngandlela kunoma yiluphi udaba oludingidwa yiBhodi noma yikomidi, ngendlela ehlinzekelwe oHlelweni 2;

(b) lizihoxise odabeni oludingidwayo, olucutshungulwayo noma oluvotelwa yiBhodi noma yikomidi uma lihlomula ngqo noma ngandlela thile, uma kunokwenzeka ukuthi lihlomule ngqo noma ngandlela thile, ngaphandle uma iBhodi noma ikomidi linqume futhi libone ukuthi ukuhlomula okudaluliwe kuyize noma akunamkhuba; futhi

(c) noma yinini ngesikhathi kudingidwa izindaba zeBhodi noma zekomidi, kubonakala ukuthi lingahlomula ngqo noma ngandlela thile, lidalule indlela elizohlomula ngayo, ebese liyazihoxisa kulowo mhlangano ngokuwushiya, ngaphandle uma iBhodi noma ikomidi linqume futhi libona ukuthi ukuhlomula okudaluliwe kuyize noma kungenamkhuba.

(5) Noma yikuphi ukudalula okwenziwe ngokwesigatshana (4) kumele kurekhodwe kumaminithi omhlangano obubanjwe.

(6) Uma kwenzeka kutholakala ukuthi iBhodi noma ikomidi lithathe isinqumo ngodaba mayelana nokuthi ilungu lihluleke ukudalula ukuhlomula kwalo ngqo noma ngandlela thile okushiwo ezigatshaneni (3) noma (4), leso sinqumo esithathwe yiBhodi noma yikomidi kumele siphinde sicutshungulwe ngaphandle kokuthi ilungu elithintekayo libe khona ngokushesha ngemva kokuthi iBhodi noma ikomidi laze ngalokho kuhluleka ukudalula ukuhlomula: Kuncike ekutheni uma leso sinqumo siphula amalungelo anoma yimuphi umuntu futhi sinomthelela wezomthetho, iBhodi kumele lifake isicelo enkantolo enamandla okubeka eceleni leso sinqumo.

(7) Ilungu elishiwo esigatshaneni (1) eliphula noma elihluleka ukuhambisana nezigatshana (2), (3) no (4), njengoba kungaba njalo –

(a) linecala lokungaziphathi ngendlela efanele; futhi

(b) lingasuswa esikhundleni uNgqongqoshe, uma ngokubona kwakhe, lokho kwephulwa komthetho noma kwehluleka kuyizizathu ezizwakalayo zokuthi lisuswe.

(8) Noma yimuphi umuntu angafaka isicelo, ngomlomo noma ngokubhalwe phansi, sokuthi ilungu lizihoxise uma lowo muntu enezizathu ezimenza ukuthi akholwe ukuthi ilungu lihlomula ngqo noma ngandlela thile noma kungenzeka lihlomule ngqo noma ngandlela thile uma sekukhishwa isinqumo seBhodi noma sekomidi: Kuncike ekutheni umuntu ofake leso sicelo

kumele abeke izizathu ezizwakalayo mayelana nesicelo asifakile.

(9) Isicelo esishiwo esigatshaneni (8) kumele siqondiswe –

(a) kuSihlalo weBhodi noma wekomidi, njengoba kungaba njalo; noma

(b) kuSekela Sihlalo weBhodi noma wekomidi, njengoba kungaba njalo,
uma isicelo sithinta uSihlalo,

okumele athathe isinqumo ngodaba futhi abikele iBhodi noma ikomidi ngesinqumo, leso
sinqumo okumele sirekhodwe kumaminithi omhlangano obubanjiwe.

(10) UNgqongqoshe kumele agcine irejista elivuselelwe lamalungu adalule ukuhlomula
kwawo ngokwalesi sigaba, lelo rejista liwumqulu ovulelekile kumalungu omphakathi,
ngaphansi kwezinhlinzeko zoMthetho wokuGqugquzelwa kokuTholakaka koLwazi
nezoMthetho wokuVikelwa kweMininingwane yoMuntu Qobo, angawucela ngezikhathi
zokusebenza.

Isikhathi sokuba sesikhundleni

18.(1) Amalungu ashiwo esigabeni 13(a) –

(a) aqokelwe isikhathi esiyiminyaka emihlanu noma ngaphansi kwaleyo minyaka
njengoba kunganquma uNgqongqoshe, noma uma kusebenza isigatshana (2),
isikhathi esinqunywe ngokwaleso sigatshana;

(b) afanelekile ukuqokelwa elinye ihlandla elingeqile eminyakeni emihlanu ngemva
kokuphela kwesikhathi esishiwo kwindima (a), ngaphansi kwezinhlinzeko zezigaba 14
no 15; futhi

(c) ngemva kokuthi sekuphele okungenani iminyaka emithathu ngemva kwehlandla
elengeziwe elishiwo kwindima (b) ayophinde afaneleke ukuphinde aqokwe
ngokwendima (a), ngaphansi kwezinhlinzeko zezigaba 14 no 15, uma eqokwe kanjalo,
ayophinde futhi afaneleke ukuqokelwa elinye ihlandla ngokwendima (b).

(2) Noma yikuphi ukuqokwa ngokwesigatshana (1), ngezizathu ezizwakalayo, uNgqongqoshe
angakwelula ngesikhathi esingeqile onyakeni owodwa.

Ukuhoxiswa kobulungu, ukumiswa kanye nokususwa esikhundleni

19.(1) Ukuqokwa kwelungu okushiwo esigabeni 13(a) kuyomiswa uma –

(a) lingasafanelekile ukuba ilungu ngokwesigaba 14(2);

(b) selidlulelwe isikhathi sokuba sesikhundleni uma uNgqongqoshe engasilulanga
isikhathi sokuba sesikhundleni kwalo njengoba kuhlinzekelwe esigabeni 18(2);

(c) lisula;

- (d) lingasakwazi ukusebenza ngenxa yokufa noma yokugula; noma
- (e) lisuswa esikhundleni ngokwesigatshana (2).

- (2) Ukuqokwa kwelungu elishiwo esigabeni 13(a) kungamiswa uNgqongqoshe uma –
- (a) liphuthe emihlanganweni yeBhodi emithathu elandelanayo noma ngaphezulu; noma
 - (b) uNgqongqoshe ethole ukuthi kunobufakazi obuqanda ikhanda bokungaziphathi kahle, bokungethembeki, bokungasebenzi ngokuzimisela noma bokwehluleka ukwenza umsebenzi yilelo lungu, kuncike ekuhambiseni ngokwenqubo elandelwayo: Kuncike ekutheni uNgqongqoshe angalimisa ilungu uma kusenziwa uphenyo ngaphandle kokuthi lihole, kuncike ekutheni kulandelwa inqubo efanele.

- (3) Ilungu elishiwo esigabeni 13(a) lingesula ngokubhalela uSihlalo noNgqongqoshe okungenani libazise kusasele izinsuku ezingamashumi amabili zokusebenza: Kuncike ekutheni uNgqongqoshe, ngokunquma kwakhe, angalikhulula kuleso sikhathi esibekelwe inothisi.

- (4) Uma ilungu selishiyile esikhundleni, angeke liphinde libe yilungu elimele iBhodi kunoma yiliphi ikomidi nanoma yikumuphi omunye umgwamanda weBhodi.

Ukugcwaliswa kwezikhala

20. Uma kwenzeka kuvela isikhala kwiBhodi, uNgqongqoshe kumele, esikhathini esiyizinyanga eziyisithupha, aqoke umuntu ozogcwalisa lesi sikhala leyo ngxenye yesikhathi ebisisele yaleso sikhundla selungu umuntu azoqokelwa kuso, ngokuhambisana nezinhlinzeko zesigaba 13(a)(i) noma zesigaba 15, njengoba kungaba njalo.

Imibandela yokuqokwa namaholo

21.(1) Kulesi sigaba “**ilungu**” libandakanya noma yiliphi –

- (a) ilungu elishiwo esigabeni 13; kanye
- (b) nelungu lekomidi elingelona ilungu leBhodi, njengoba kushiwo esigabeni 25.

(2) UNgqongqoshe kumele anqume imibandela yokuqokwa kwamalungu.

(3)(a) Kuncike ezigatshaneni (3)(b) no (4)(a), ilungu lingakhokelwa ezimalini ze-Ejensi lawo maholo nalezo zibonelelo njengoba kunganquma uNgqongqoshe ngokubonisana futshi kumele ahlinzekele ukukhokhwa kwamaholo kanye nezibonelelo noNgqongqoshe obhekele ezezimali esiFundazweni.

(b) Ilungu elithola iholo, izibonelelo noma eminye imihlomulo ngokwesikhundla salo, ngokuqashwa kwalo –

- (i) uHulumeni kaZwelonke;
- (ii) uhulumeni wesifundazwe;
- (iii) umasipala;
- (iv) inhlango, umgwamanda noma isikhungo elilawulwa uhulumeni wesifundazwe; noma
- (v) ibhizinisi likahulumeni, ibhizinisi likahulumeni likazwelonke noma lesifundazwe njengoba lichazwe eMthethweni wokuPhathwa kweziMali zikaHulumeni,

eliqhubekayo nokuthola lelo holo, lezo zibonelelo noma neminye imihlomulo ngesikhathi lisebenza njengelungu njengoba kushiwo esigatshaneni (1), lingathola kuphela iholo kanye nezibonelelo ezishiwo endimeni (a) ngendlela engabeka lelo lungu esimweni ebesingaba kuso ngokwezezimali ukube belingekho kuleso sikhundla.

(c) Amaholo kanye nezibonelelo ezechukene kunganqunywa ngokwalezi zigaba ezilandelayo zamalungu eBhodi:

- (i) uSihlalo;
- (ii) uSekela Sihlalo;
- (iii) amanye amalungu eBhodi;
- (iv) uSihlalo wekomidi;
- (v) amalungu amakomidi;
- (vi) amalungu amakomidi angesiwona amalungu eBhodi:

Kuncike ekutheni ilungu elishiwo esigabeni 13(a)(i) no (c) lingakhokhelwa kuphela izindleko ezishiwo esigatshaneni (4)(a).

(4)(a) Ilungu, mayelana nemisebenzi yalo njengelungu, lingakhokhelwa izindleko zokuhamba ngomsebenzi ezimalini ze-Ejensi ezidalwe ukuthamela umhlangano weBhodi noma wekomidi noma ngokuhambela umcimbi ngokwesikhundla salo njengelungu: Kuncike ekutheni ilungu elishiwo esigabeni 13(c) kumele likhokhelwe lezo zindleko ezimalini zoMnyango.

(b) UNgqongqoshe wezezimali esiFundazweni kumele anqume izinqubo, kubandakanya nezindlela zokulawula, zokuphatha, zokunikeza kanye nezokukhokhwa kwezimali zokuhamba ngomsebenzi ezishiwo kwindima (a).

(5) Amalungu awaqokelwa ukusebenza ngokungagcwele kanye nokwenza umsebenzi wansukuzonke.

Ukungabikhona kweBhodi elisebenzayo

22.(1) Uma ngokubona kukaNgqongqoshe, iBhodi lingawasebenzisi amandla alo noma lingayenzi imisebenzi yalo njengoba kubekwe kulo Mthetho, eMthethweni wokuPhathwa

kweziMali zikaHulumeni nakunoma yimiphi eminye imithetho ephathelene nalokho, noma ngokuhambisana nemigomo yokubusa okuhle, uNgqongqoshe, ngemva kokunika iBhodi ithuba lokuthumela ngokubhalwe phansi iziphakamiso zalo, angamemezela iBhodi njengelingasasebenzi ngokushicilela isaziso kwiGazethi.

(2) Uma iBhodi selimenyenzelwe njengelingasasebenzi ngokwesigatshana (1), noma uma kwenzeka kutholakala ukuthi iBhodi alisabunjiwe ngendlela efanele ngokuhambisana nezinhlinzeko zesigaba 13 –

- (a) amandla, imisebenzi kanye namajoka esikhulu esinesibopho sokubika anikezwa isiKhulu esiPhezulu ngokuhambisana nezinhlinzeko zesigaba 49(2)(b) soMthetho wokuPhathwa kweziMali zikaHulumeni; futhi
- (b) uNgqongqoshe kumele, ngokushesha, noma yikanjani esikhathini esingeqile ezinyangeni ezintathu, enze konke okusemandleni ukuqinisekisa ukuthi i-Ejensi ilawulwa yiBhodi elisebenzayo.

Imihlangano yeBhodi

23.(1) USihlalo unquma ukuthi iBhodi lihlangana kuphi kanye nezikhathi eliyohlangana ngazo: Kuncike ekutheni –

- (a) umhlangano wokuqala kumele ubanjelwe endaweni enqunywe uNgqongqoshe;
- (b) iBhodi kumele lihlangane okungenani njalo ngekwata;
- (c) uNgqongqoshe ngokubhalwe phansi, angalayela iBhodi ukuthi lihlangane, futhi anganquma indawo nosuku lomhlangano;
- (d) iningi lamalungu ashiwo esigabeni 13(a) lingacela uSihlalo ngokumbhalela ukuthi abambe umhlangano endaweni nangosuku olubhalwe esicelweni sawo, nokuyilapho uSihlalo okumele abize khona umhlangano weBhodi.

(2) USihlalo, noma uma kwenzeka engekho emhlanganweni, uSekela Sihlalo, kumele engamele umhlangano weBhodi: Kuncike ekutheni uma kwenzeka bengekho bobabili uSihlalo noSekela Sihlalo kwingxenywe ethile yomhlangano weBhodi, amalungu akhona angakhetha oyedwa phakathi kwawo ozokwengamela kuleyo ngxenywe yomhlangano.

(3) IBhodi lingamema noma yimuphi umsebenzi noma omunye umuntu ukuthi athamele noma yimuphi umhlangano walo uma libona kunesidingo noma kufanelekile: Kuncike ekutheni noma yimuphi umsebenzi noma omunye umuntu kumele –

- (a) ahambisane nesigaba 17; futhi
- (b) angeke abambe iqhaza kunoma yikuphi ukuthathwa kwanoma yiziphi izinqumo noma avote kulowo mhlango.

(4)(a) IBhodi, ngokubona kwalo, lingavumela amalungu omphakathi ukuthi athamele noma yimuphi umhlangano weBhodi.

(b) Noma yimuphi umhlangano weBhodi obanjwe ngenhloso yokucutshungulwa kweziphakamiso noma kweziphikiso eziphathelene nanoma yiluphi udaba oluthinta umkhakha wezokuvakasha nemboni yezobuciko bomlando nemifanekiso, kumele uvuleleke ekutheni wethanyelwe umphakathi.

(c) USihlalo, ngokubona kwakhe, angayalela ukuthi noma yimuphi umuntu ongadingekile emhlanganweni oshiwo endimeni (a) noma (b) angeke akwazi ukuthamela umhlangano noma kumele aphume kulowo mhlangano.

(d) Izingxoxo zokubonisana ngenhloso yokuthatha izinqumo kanye nokuvota mayelana nanoma yiluphi udaba oludingidwa emhlanganweni, kumele zibanjwe ngaphandle kokwazisa umphakathi.

(5) IBhodi linganquma izinqubo zalo kuncike kwezinye izinhlinzeko zalo Mthetho.

Ikhoramu nokuthathwa kwezinqumo

24.(1) Iningi lamalungu akhona ashiwo esigabeni 13(a) lenza ikhoramu yeBhodi.

(2) Udaba olusezithebeni zeBhodi lunqunywa ngevoti leningi lamalungu aqokiwe akhona emhlanganweni: Kuncike ekutheni ilungu elishiwo esigabeni 13(a) kuphela elinelungelo lokuvota emhlanganweni.

(3) Uma, mayelana nanoma yiluphi udaba olusezithebeni zalo, kunokulingana kwamavoti, ilungu elengamele umhlangano kumele lisebenzise ivoti lalo elengeziwe ngaphezu kwevoti lalo njengelungu.

(4) Asikho isinqumo seBhodi esiyothathwa njengesingekho emthethweni ngesizathu sokuba khona kwesikhala kwiBhodi, kuncike kwizinhlinzeko zesigatshana (1) no (2).

Amakomidi

25.(1) IBhodi –

- (a) kumele lisungule ikomidi elizocwaninga amabhuku;
- (b) kumele lisungule ikomidi elilodwa noma ngaphezulu ukulisiza ekusebenziseni amandla alo, ekwenzeni imisebenzi yalo kanye nasekufezeni amajoka alo;
- (c) kumele, liqoke uSihlalo noSekela Sihlalo, bekomidi ngalinye;
- (d) lingasusa ilungu lekomidi esikhundleni noma yinini ngezizathu ezizwakalayo; futhi

- (e) lingahlakaza ikomidi noma yinini.
- (2) Uma kuqokwa amalungu ekomidi elizocwaninga amabhuku, iBhodi kumele –
- (a) liqoke uSihlalo wekomidi elizocwaninga amabhuku –
 - (i) okuwumuntu oyilungu elishiwo esigabeni 13(a)(ii); noma
 - (ii) okuwumuntu ongelona ilungu leBhodi;
 - (b) libandakanye abantu abangewona amalungu eBhodi;
 - (c) liqinisekise ukulandelwa kwezigaba 51(1)(a)(ii) no 76(4)(d) zoMthetho wokuPhathwa kweziMali zikaHulumeni.
- (3) Uma kuqokwa amalungu anoma yiliphi ikomidi elishiwo esigatshaneni (1)(b), iBhodi lingabandakanya amalungu angewona amalungu eBhodi.
- (4) Ilungu lekomidi elingelona ilungu leBhodi –
- (a) kumele lihambisane nesigaba 17; futhi
 - (b) ngaphandle kwelungu lekomidi elicwaninga amabhuku, angeke libambe iqhaza kunoma yisiphi isinqumo, noma ivoti, kulelo komidi.
- (5) Ikomidi angeke lenze izincomo kwiBhodi ukuze zidingidwe, zichitshiyelwe, zichithwe noma zamukelwe yiBhodi.
- (6) Izinhlinzeko zesigaba 21, zisebenza nezinguquko ezidingekayo, kwimibandela yokuqokwa kwamalungu amakomidi.
- (7) Umsebenzi we-Ejensi oqokelwe kwikomidi, noma omenywe yikomidi ukuzothamela umhlangano –
- (a) kumele ahambisane nesigaba 17(2) no (4): Kuncike ekutheni, maqondana nomsebenzi omenyiwe ukuzokwethamela umhlangano, isigaba 17(7)(b) asisebenzi;
 - (b) angeke abambe iqhaza uma kuthathwa noma yisiphi isinqumo, noma kuvotwa, kulelo komidi; futhi
 - (c) usebenza kwikomidi, noma uthamela umhlangano wekomidi, ngaphansi kwemibandela nemigomo yokuqashwa kwakhe.

Amaminithi emihlangano

26.(1) IBhodi kumele liqinisekise ukuthi wonke amaminithi emihlangano yeBhodi neyamakomidi alo ayahlanganiswa futhi ahlinzekwa wonke amalungu eBhodi noma alelo komidi, njengoba kungaba njalo, zingakapheli izinsuku eziyi-10 zokusebenza ngemva

kokubanjwa kwalowo mhlango.

(2) Wonke amaminithi omhlangano ashiwo esigatshaneni (1) kumele –

(a) athulwe emhlanganweni olandelayo weBhodi noma wekomidi, njengoba kungaba njalo, ukuze amukelwe ebese kuthi, uma esamukelwe futhi asayinwa uSihlalo weBhodi noma wekomidi, athathwe njengerekhodi lomhlangano eliyiqiniso futhi eliqukethe ubufakazi obuyibo bezinqumo ezithathwe yiBhodi noma yikomidi kulowo mhlango; futhi

(b) afakwe kwirejista aphinde abhalwe ephepheni eligayiwe aphinde agcinwe nakwikhompyutha uma esamukelwe futhi asayinwa.

(3) Amaminithi ayo yonke imihlangano yeBhodi neyamakomidi awumqulu kahulumeni amalungu omphakathi, kuncike kwizinhlinzeko zoMthetho wokuGqugquzelwa kokuTholakala koLwazi noMthetho wokuVikelwa kweMininingwane yoMuntu Qobo, angafaka isicelo sokuthi awuthole ngezikhathi zomsebenzi.

Ukubonisana nokusiza iBhodi

27.(1) IBhodi uma kunesidingo, lingaqoka noma lingacela noma yimuphi umuntu, noma iyiphi inhlangano noma noma yisiphi isikhungo ngezinhloso zokusiza noma zokululeka iBhodi nganoma yiluphi udaba oluphathelene nokusebenzisa amandla alo, nokwenza imisebenzi yalo kanye nokufeza amajoka alo ngokwesigaba 10 soMthetho.

(2) IBhodi kumele, uma liqoka noma yimuphi umuntu noma umgwamanda njengoba kushiwo esigatshaneni (1) –

(a) lihambisana nohlelo lokuphathwa kokuhlinzekwa kwemisebenzi njengoba kushiwo ezigabeni 51(1)(a)(iii) no 76 zoMthetho wokuPhathwa kweziMali zikaHulumeni; futhi

(b) lingangena esivumelwaneni esibhalwe phansi nalowo muntu noma nalelo bhizinisi elithintekayo, nokumele sibandakanye incazelo yomsebenzi ozokwenziwa yilowo muntu noma yilelo bhizinisi kanye nosuku lowo muntu noma lelo bhizinisi okumele ahlinzeke noma lihlinzeke iBhodi ngalo ngombiko kanye nezincomo mayelana nayo.

(3) Imibandela, imigomo, iholo kanye nezibonelelo maqondana nanoma yimuphi umuntu oqokiwe nanoma yiliphi ibhizinisi eliqokiwe ngokwalesi sigaba kumele kukhokhwe ezimalini ze-Ejensi njengoba inganquma, futhi kumele kufakwe esivumelwaneni esibhaliwe esishiwo esigatshaneni (2).

(4) Umuntu noma ibhizinisi eliqokwe noma elibizwe ngaleyo ndlela angeke babamba iqhaza kunoma yisiphi isinqumo ezithathwayo noma bavote, emhlanganweni weBhodi noma wekomidi.

Ukudluliselwa kwamandla, kwemisebenzi namajoka yiBhodi

28.(1) Uma kunesidingo, ukuze kwenziwe imisebenzi yalo ngendlela efanele, iBhodi lingadlulisela noma yimaphi amandla, imisebenzi noma amajoka alo, ngaphandle kwalokho okubalulwe esigatshaneni (2) –

- (a) kwilungu elishiwo esigabeni 13(a);
- (b) kwikomidi eliqokwe ngokwesigaba 25; noma
- (c) kwisiKhulu esiPhezulu:

Kuncike ekutheni konke okudluliselwe kumele kuhambisane nezinhlinzeko zesigaba 50(2) no (3).

(2) IBhodi angeke lidlulisele amandla alo, imisebenzi yalo kanye namajoka alo alandelayo:

- (a) ukuqokwa noma ukuqokwa kabusha kwesiKhulu esiPhezulu nanoma yiziphi izinqumo zemibandela nemigomo yokuqashwa kwesiKhulu esiPhezulu njengoba kushiwo esigabeni 36;
- (b) ukunqunywa kwenqubomgomo yokuqasha, kwesibopho sokusebenza ngokwethemba kanye nemibandela nemigomo ejwayelekile yokuqashwa kwabasebenzi njengoba kushiwo esigabeni 40(1) no (3)(a);
- (c) imisebenzi yokuphathwa kwezimali iBhodi eyabelwe ngokwezigaba 29, 30, 31, 32, no 34; kanye
- (d) nokugunyazwa kwesabelomali njengoba kushiwo esigabeni 31(1)(b)(ii).

ISAPHLUKO 5

UKUXHASWA NGEZIMALI, UKUPHATHWA KWEZIMALI NOKWETHULWA KOMBIKO WEZIMALI

Izimali ze-Ejensi

29.(1) Izimali ze-Ejensi ziqukethe –

- (a) izimali ezabelwe yisiShayamthetho sesiFundazwe;
- (b) noma yiziphi izamba zemali ezikhokhelwe i-Ejensi ngokwalo oMthetho; kanye
- (c) nemali etholakele ngokusemthethweni kunoma yimuphi omunye umthombo.

(2) I-Ejensi kumele isebenzise izimali zayo –

(a) ukukhokhela amaholo, izibonelelo kanye nezindleko zokuhamba ngomsebenzi –

- (i) kwamalungu;
- (ii) kwamalungu amakomidi;
- (iii) kwesiKhulu esiPhezulu;
- (iv) kwabasebenzi bayo; kanye
- (v) nokwabantu namabhizinisi abashiwo esigabeni 27; kanye

(b) nokukhokhela izindleko ezimaqondana –

- (i) nomsebenzi wansukuzonke kanye nezokuphathwa kwe-Ejensi, kweBhodi kanye nokwamakomidi;
- (ii) nokuphathwa kwe-Ejensi; kanye
- (iii) nokusetshenziswa kwamandla, nokwenziwa kwemisebenzi kanye nokufezwa kwamajoka e-Ejensi ngokwalo Mthetho.

(3) IsiKhulu esiPhezulu kumele, kuncike kwizinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni nangokuvumelana neBhodi –

- (a) sivule i-akhawunti egameni le-Ejensi esikhungweni esirejistwe njengebhange ngokoMthetho wamaBhange, 1990 (uMthetho No. 94 ka 1990); futhi
- (b) sifake kuyona yonke imali etholakale ngokwesigatshana (1).

(4) Kusukela ngosuku lo Mthetho oyoqala ngalo ukusebenza, noma yimaphi ama-akhawunti asebhange noma izimali ezisetshenzisiwe, noma izimali ezitshaliwe, ababengabaphathi be-Ejensi abashiwo esigabeni 5 kuthathwa njengama-akhawunti asebhange, njengezimali noma njengezimali ezitshaliwe ze-Ejensi.

(5) I-Ejensi, kuncike ezinhlinzekweni zoMthetho wokuPhathwa kweziMali zikaHulumeni kanye nanoma yiziphi izimali ezitshaliwe noma ezinye izinqubomgomo ezinqunywe ngokwawo, ingatshala izimali ezifakwe kuma-akhawunti ayo nezingeke zidingeke ngokushesha: Kuncike ekutheni iBhodi kumele lithathe izinyathelo ezifanele ukuqinisekisa ukuthi izimali ezitshaliwe ukutshalwa kwazo akunabungozi.

Isibopho sokubika ngezezimali kanye nokuphathwa kwebhizinisi

30. IBhodi kumele liqinisekise ukuthi i-Ejensi njengebhizinisi likahulumeni wesifundazwe, ihambisana nezinhlinzeko zoMthetho wokuPhathwa kweziMali zikaHulumeni kanye nemigomo yokuphathwa kwebhizinisi neyokusebenza ngendlela okuyiyo.

Ukuphathwa kwezimali

31.(1) IBhodi kumele liqinisekise ukuthi i-Ejensi –

(a) igcina amabhuku ama-akhawunti avuselelwe kanye nawo wonke amarekhodi aphantselane nawo;

(b) ilungisa futhi ihambisa lokhu okulandelayo kwiBhodi ukuze likugunyaze ebese likuthumela kwabasemagunyeni abafanelekile njengoba kushiwo eMthethweni wokuPhathwa kweziMali zikaHulumeni nakweminye imithetho nezinqubomgomo ezisebenzayo:

(i) izinhlelo zamasu okusebenza;

(ii) izabelomali zonyaka;

(iii) izitatimende ezicutshunguliwe zezimali;

(iv) izihlelo zokwenziwa komsebenzi zonyaka;

(v) izinhlelo zebhizinisi;

(vi) imibiko yonyaka neminye imibiko;

(vii) izinzuzo;

(viii) izaziso; kanye

(ix) neminye imiqulu noma neminingwane engadingeka.

(2) Isikhulu esiPhezulu kumele sithumele kwiBhodi ukuze ligunyaze –

(a) uhlelo lokwenza umsebenzi lonyaka lwe-Ejensi lonyaka wezimali olandelayo, oluqukethe izinhloso ezikalekayo neminye iminingwane engadingwa yiBhodi; kanye

(b) nezikatimende zengeniso kanye nezezimali ezizosetshenziswa i-Ejensi ezikanekisiwe maqondana neminyaka yezimali emithathu elandelayo,

okungenani ezinyangeni eziyisithupha ngaphambi kokuqala kwanoma yimuphi unyaka wezimali.

(3) Isikhulu esiPhezulu kumele, njalo ezinyangeni ezintathu zekhalenda, sithumele kwiBhodi izitatimende ezivuselelwe zengeniso kanye nezimali ezizosetshenziselwa izinhlelo ngalowo nyaka wezimali.

(4) Kunoma yimuphi unyaka wezimali, isikhulu esiPhezulu kumele sihambise kwiBhodi zonke izitatimende ezibuyekeziwe noma ezesekayo zezilinganisio zengeniso kanye nezezimali ezizosetshenziswa i-Ejensi maqondana nalowo nyaka wezimali ukuze izigunyaze.

(5) I-Ejensi angeke yazibophezela ngokwezezimali ngokungaphezulu kwesabelomali esigunyaziwe kanye nemalimkhusu esiyiqongelele.

(6) Isikhulu esiPhezulu, ngokugunyazwa yiBhodi, singasungula izikhwama zemalimkhusu ebese sifaka kuzona lezo zimali ezigunyazwe yiBhodi: Kuncike ekutheni lezo zimali ezifakiwe

kumele zidalulwe eMnyangweni woMgcinimafa wesiFundazwe nakuMcwaningimabhuku Jikelele ngaphambi kokuphela kwenyanga yokuqala zifakiwe.

Ucwaningomabhuku, ukwethulwa kombiko kanye nombiko wonyaka

32.(1) UMcwaningimabhuku Jikelele kumele acwaninge izitatimende zezimali ze-Ejensi.

(2)(a) IBhodi kumele, ezinyangeni ezintathu ngemva kokuphela konyaka wezimali, lihambise umbiko wonyaka ngemisebenzi ye-Ejensi –

(i) eMnyangweni woMgcinimafa wesiFundazwe;

(ii) kwiNhloko yoMnyango ukuthi iwudlulisele kuNgqongqoshe.

(b) UNgqongqoshe kumele, esikhathini esingangenyanga ethole umbiko wonyaka kwiNhloko yoMnyango njengoba kushiwo esigatshaneni 2(a)(ii), awethule kwisiShayamthetho sesiFundazwe.

(3) Umbiko wonyaka kumele –

(a) ubandakanye izitatimende zezimali njengoba kuchazwe esigabeni 1 soMthetho wokuPhathwa kweziMali zikaHulumeni;

(b) ucacise ngendlela i-Ejensi efeze ngayo izinhloso ezishiwo esigabeni 8 kanye nezinhloso ezikalekayo njengoba zibekwe ohlelweni lomsebenzi ozokwenziwa ngonyaka othintekayo; futhi

(c) uqukathe imininingwane –

(i) efanele, ekahle yokwenziwa komsebenzi nokusetshenziswa kwezimali nezinsiza ze-Ejensi; futhi

(ii) eqhathanisa izinkomba zobekuhleliwe nezokwenziwe njengoba kubekwe ohlelweni lomsebenzi ozokwenziwa.

(4) Ezinyangeni ezinhlanu ngemva kokwethulwa kombiko wonyaka, ithimba eliqukethe uSihlalo, isiKhulu esiPhezulu kanye nokungenani namanye amalungu amabili kumele achazele iKomidi leMisebenzi ngombiko wonyaka.

Unyaka weziMali

33. Unyaka wezimali we-Ejensi uqala mhla lu-1 kuMbasa ngonyaka othile ebese uphela mhla zingama-31 kuNdasa ngonyaka olandelayo.

Impahla engenakususwa

34. I-Ejensi, ngokwenqubomgomo nangokwenqubo enqunywe yiBhodi nangemvume ebhaliwe kaNgqongqoshe, ingathenga, ingaba noma ichithe impahla engenakususwa ngesikhathi isasebenza.

Izinyathelo zomthetho

35. I-Ejensi iwuhlaka lombuso njengoba kushiwo kwindima (c) njengoba ichazwe esigabeni 1 soMthetho wokuThathela iziNhlaka eziThile zikaHulumeni iziNyathelo zoMthetho, 2002 (uMthetho No. 40 ka 2002), futhi noma yiziphi izinyathelo zomthetho ezithathelwa i-Ejensi kumele zithathwe ngokuhambisana nalo Mthetho.

ISAHLUKO 6

ISIKHULU ESIPHEZULU NABANYE ABASEBENZI

Ukuqokwa kwesiKhulu esiPhezulu

36.(1) IBhodi, ngemva kokubonisana noNgqongqoshe, kumele liqoke umuntu oqeqeshwe ngokwanele, onekhono nonesipiliyoni njengesikhulu esiPhezulu se-Ejensi.

(2) Umuntu oshiwo esigatshaneni (1) kumele ngaphambi kokuthi aqokwe, ahambise kwiBhodi incwadi efungelwe nedalula zonke izinyathelo zokuqondiswa izigwegwe athathelwa zona, noma ngabe seziphothuliwe noma azikaphothulwa, kuzo zonke zonke izindawo ayeqashwe kuzona phambilini.

(3) Isikhulu esiPhezulu –

(a) siqokwa isikhathi esingeqile eminyakeni eyisikhombisa; futhi

(b) singaphinde siqokelwe elinye ihlandla yiBhodi ngemva kokubonisana noNgqongqoshe mayelana nalezo zikhathi eziluliwe, kodwa ezingeke zibe ngaphezu kweminyaka emihlanu ihlandla ngalinye, njengoba kungaba njalo.

(4) Isikhulu esiPhezulu siqokwe ngaphansi kwaleyo mibandela nemigomo yokusebenza njengoba kunganquma iBhodi ngokubonisana noNgqongqoshe, nangemva kokuthi ebonisane noNgqongqoshe wezezimali esiFundazweni.

(5)(a) Ukuqokwa kwesiKhulu esiPhezulu kuncike ekusayinweni kwesivumelwano sokusebenza sonyaka phakathi kweBhodi nesiKhulu esiPhezulu.

(b) IBhodi kanye nesiKhulu esiPhezulu, ngokubhalwe phansi nangokuvumelana, bangachibiyela isivumelwano sokusebenza.

(6) Ngokwezinhloso zokuletha isitatimende esifungelwe sokudalula ukuhlomula ngqo noma ngandlela thile, izinhlinzeko zesigaba 40(3)(c) ziyasebenza, nezinguquko ezidingekayo, kwisiKhulu esiPhezulu: Kuncike ekutheni isiKhulu esiPhezulu kumele sidalule ukuhlomula kwaso kwiBhodi.

(7) USihlalo weBhodi kumele –

(a) uma isiKhulu esiPhezulu singekho noma sehluleka ukwenza imisebenzi yaso nganoma yiziphi izizathu, kumele aqoke omunye umsebenzi ofanelekile njengebamba lesiKhulu esiPhezulu: Kuncike ekutheni ukuqokwa kwalelo lungu angeke kweqe ezinyangeni ezintathu; futhi

(b) uma kunesikhala sesikhundla sesiKhulu esiPhezulu, aqoke omunye umsebenzi njengebamba lesiKhulu esiPhezulu ngemva kokubonisana neBhodi noNgqongqoshe: Kuncike ekutheni nanoma yikuphi lokho kuqokwa kwebamba angeke kweqe ezinyangeni eziyisithupha.

(8) IBamba lesiKhulu esiPhezulu –

(a) linawo wonke amandla futhi lenza yonke imisebenzi yesiKhulu esiPhezulu; futhi

(b) liqashwe ngaphansi kwaleyo mibandela kanye naleyo migomo yokuqashwa enganqunywa yiBhodi ngokuhambisana nesigatshana (4).

Ukwesula, ukungafaneleki nokususwa esikhundleni kwesiKhulu esiPhezulu

37.(1) IsiKhulu esiPhezulu siyashiya esikhundleni –

(a) uma sisula, ngosuku esilubeke encwadini yokwesula;

(b) uma kutholakale ukuthi asisafanelekile ukuba umqondisi wenkampani ngokoMthetho weziNkampani, 2008 (uMthetho No. 71 ka 2008); noma

(c) uma sisuswe esikhundleni ngokwesigatshana (2).

(2) IBhodi, ngemva kokubonisana noNgqongqoshe, lingamisa ukuqashwa kwesiKhulu esiPhezulu, kuncike emthethweni osebenzayo nasekulandelweni kwezinqubo ezifanele.

Amandla, imisebenzi kanye namajoka esiKhulu esiPhezulu

38.(1) IsiKhulu esiPhezulu –

(a) sinesibopho sokubika kwiBhodi ngokusebenzisa amandla aso, ngokwenza imisebenzi yaso kanye nangokufeza amajoka aso ngokwalo Mthetho, futhi kumele sibike kwiBhodi ngokuphathwa kanye nangemisebenzi ye-Ejensi ngalezo zikhathi nangaleyo ndlela enganqunywa yiBhodi; futhi

(b) kumele sisebenzise amandla aso, senze imisebenzi yaso futhi sifeze namajoka aso njengoba iBhodi lingawadlulisela kuso.

(2) IsiKhulu esiPhezulu sibhekele –

- (a) ukuphathwa jikelele kwe-Ejensi ukuze kufezwe izinhloso zalo Mthetho;
- (b) ukuqokwa kwabasebenzi ngokuhambisana nezinhlinzeko zesigaba 40;
- (c) ukuphathwa kwabasebenzi, kubandakanya nokugcinwa komthetho nokuqinisekisa ukuziphatha ngendlela efanele kwabasebenzi;
- (d) ukunquma umgomo wokuziphatha ngemva kokubonisana neBhodi, ozosebenza kwisiKhulu esiPhezulu nakubo bonke abasebenzi, onobulungiswa ngezinhloso zokuqondisa izigwegwe, ukuqinisekisa –
 - (i) ukuhambisana nalo Mthetho neminye imithetho esebenzayo;
 - (ii) ukusetshenziswa kwezimali nezinsiza ze-Ejensi ngendlela enemiphumela ebonakalayo, esheshayo neyongayo;
 - (iii) ukugqugquzela nokugcinwa kwezinga eliseqophelweni eliphezulu lokusebenza;
 - (iv) ukunqanda ukungaboni ngaso linye;
 - (v) ukuvikelwa kwemininingwane eyimfihlo egodlwe yiBhodi ne-Ejensi; kanye
 - (vi) nokwethulwa kwezidingo ngendlela engafihli lutho, eseqophelweni elifanele, enokwethembeka, enokungakhethi nenokulingana;
- (e) ukugcinwa kwerejista yokuhlomula okudalulwe abasebenzi njengoba kushiwo esigabeni 40(3)(c);
- (f) ukuqinisekisa ukuthi i-Ejensi iyahlangabezana nezinhlinzeko zalo Mthetho, zoMthetho wokuPhathwa kweziMali zikaHulumeni, nezanoma yimiphi eminye imithetho nezezinqubomgomo; kanye
- (g) nokusebenzisa amandla, nokwenza eminye imisebenzi nokufezwa kwamajoka njengoba kushiwo kulo Mthetho.

(3) Uma kunesidingo ukuze senze umsebenzi waso ngendlela efanele, isiKhulu esiPhezulu singadlulisela noma yimaphi amandla aso, noma yimiphi imisebenzi yaso kanye nanoma yimaphi amajoka aso: Kuncike ekutheni –

- (a) iBhodi linganquma ukuthi amandla athile, imisebenzi ethile kanye namajoka athile angeke kwadluliselwa yisiKhulu esiPhezulu; futhi
- (b) konke ukudluliselwa kwamandla, kwemisebenzi nokwamajoka kumele kuhambisane nezinhlinzeko zesigaba 50(2) no (3).

Ukudluliselwa kwabasebenzi abakhona kwi-Ejensi

39.(1) Bonke abantu abaqashwe yiKhomishana yamaFilimu yaKwaZulu-Natali noma isiGungu

esiLawula ezokuVakasha saKwaZulu-Natali, kusukela ngosuku lokuqala kokusebenza kwalo Mthetho nangokuhambisana nesigaba 197 soMthetho weziNdaba zabaSebenzi, 1995 (uMthetho No. 66 ka 1995), bathathwa njengabaqashwe yi-Ejensi –

- (a) ngamaholo nangemivuzo elinganayo;
- (b) ngemihlomulo namalungelo afanayo;
- (c) nangemibandela nemigomo yokuqashwa efanayo,

njengaleyo eyayilawula labo bantu besaqashwe yiKhomishana yamaFilimu yaKwaZulu-Natali noma isiGungu esiLawula ezokuVakasha saKwaZulu-Natali, njengoba kungaba njalo: Kuncike ekutheni –

- (i) akekho umuntu oshiwo kulesi sigatshana ongaxoshwa ngenxa yoguquko kokudingekayo ngokomsebenzi okudalwe ukuhlakazwa kweKhomishana yamaFilimu yaKwaZulu-Natali noma kwesiGungu esiLawula ezokuVakasha saKwaZulu-Natali; futhi
- (ii) iBhodi lingenza izinguquko ezingatheni endleleni yokusebenza ukuqinisekisa ukusebenza nokuphatha ngendlela efanele nefanayo.

(2) Uma umuntu edluliselwe ngokwesigatshana (1) –

- (a) akukho kushintshwa komqashi okuthathwa ngokuthi kwenzekile ngokwezinhloso zoMthetho weNtela, 1962 (uMthetho No. 58 ka 1962);
- (b) ugcina zonke izinsuku zakhe zelivu anazo kuze kufike osukwini olungaphambi kosuku adluliselwe ngalo; futhi
- (c) noma yiluphi uphenyo olwenziwayo noma okuhloswe ukuthi lwenziwe maqondana nokwehluleka noma nokungaziphathi ngendlela efanele kwalowo muntu ngaphambi kosuku lokudluliselwa kwakhe kumele kuchithwe noma kwenziwe yi-Ejensi, futhi i-Ejensi kumele ithathele lowo muntu othintekayo izinyathelo ezifanele ngokuhambisana nemithetho, nemigomo, nemibandela yokuqashwa noma yokusebenza eyayisebenza kuye ngaphambi kosuku lokudluliselwa kwakhe.

Ukuqokwa kwabasebenzi

40.(1) IsiKhulu esiPhezulu kumele, kuncike kwizinhlinzeko zezigaba 39 kanye no 40(3)(a) –

- (a) sithumele kwiBhodi ukuze ligunyaze umumohlaka wabasebenzi bonke abazodingeka ukuze i-Ejensi ikwazi ukwenza imisebenzi yayo, ukusebenzisa amandla ayo nokufeza amajoka ayo; futhi
- (b) sinqume imibandela nemigomo ethile yokuqashwa komsebenzi ngamunye we-Ejensi.

(2) IsiKhulu esiPhezulu singaqoka abantu kuphela abazoqashelwa ezikhundleni ezabelwe imali ngokuhambisana nomumohlaka wabasebenzi kanye nezinhlinzeko zemithetho

nenqubomgomo esebenzayo.

(3) Abasebenzi be-Ejensi –

(a) baqashwe ngaphansi –

- (i) kwemibandela kanye nemigomo esebenzayo yokuqashwa enqunywe yiBhodi;
- (ii) kwemibandela kanye nemigomo esebenzayo yokuqashwa komsebenzi ngamunye enqunywe yisiKhulu esiPhezulu;
- (iii) kwezinqubomgomo ezisebenzayo ezinqunywe yiBhodi;
- (iv) komgomo wokuziphatha ohlinzekelwe esigabeni 38(2)(d);
- (v) nangaphansi kwemikhawulo yezezimali ebekwe yiBhodi;

(b) kumele, bahambise izitatimende ezifungelwe ezidalula zonke izinyathelo zokuqondiswa izigwegwe abathathelwa zona, noma ngabe seziphothiwe noma azikaphothiwa, kuzo zonke zonke izindawo ababeqashwe kuzona phambilini;

(c) kumele bahambise izitatimende ezifungelwe ezidalula ukuhlomula kwabo ngqo noma ngandlela thile kwisiKhulu esiPhezulu, okumele sigcine irejista elivuselelwe lalokho kuhlomula: Kuncike ekutheni izinhlinzeko zesigaba 17(3) ziyasebenza ngezinguquko ezidingekayo, uma kudalulwa ukuhlomula ngqo noma ngandlela thile;

(d) kumele benze imisebenzi yabo ngaphansi kweso lesiKhulu esiPhezulu; futhi

(e) ngemvume ebhaliwe yalowo msebenzi, nangesivumelwano esiphakathi kwesiKhulu esiPhezulu nalolo hlaka lombuso nangokuhambisana nomthetho osebenzayo nenqubomgomo esebenzayo, bangasiselwa noma bangadluliselwa kolunye uhlaka lombuso.

(4)(a) Umuntu osebenza kolunye uhlaka lombuso, ngokwesivumelwano esiphakathi kwalowo muntu nangesivumelwano esiphakathi kwesiKhulu esiPhezulu nalolo hlaka lombuso nangokuhambisana nomthetho osebenzayo kanye nenqubomgomo esebenzayo, angasiselwa noma angadluliselwa kwi-Ejensi.

(b) Abantu abasiselwe noma abadluliselwe kwi-Ejensi benza imisebenzi yabo ngaphansi kweso lesiKhulu esiPhezulu.

ISAHLUKO 7

UHULUMENI WESIFUNDAZWE

Inqubomgomo yezokuVakasha nezobuCiko boMsindo nemiFanekiso yesiFundazwe

41.(1) UNgqongqoshe, esikhathini esingeqile ezinyangeni eziyisithupha ngemva kokuqala kokusebenza kwalo Mthetho, ngemva kokubonisana neBhodi kanye neKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe, kumele abhale aphinde ngesaziso kwiGazethi ashicilele iNqubomgomo yezokuVakasha nezobuCiko boMsindo nemiFanekiso yesiFundazwe.

(2) Inqubomgomo eshiwo esigatshaneni (1) kumele ihambisane nenqubomgomo kazwelonke kanye nezinhlaka zomthetho okuphathelele nezokuvakasha nezobuciko bomsindo nemifanekiso.

(3) Amalungu oMkhandlu oPhethe, imisebenzi yawo engathinta umkhakha wezokuvakasha nembali yezobuciko bomsindo nemifanekiso, ngenhloso yokuqinisekisa ukuhlanguka kweNqubomgomo eshiwo esigatshaneni (1) nohlaka lomthetho, kumele athole futhi acubungule nezincomo zikaNgqongqoshe uma kusungulwa izinqubomgomo kanye nemithetho okungaba nomthelela emkhakheni wezokuvakasha nakwembali yezobuciko bomsindo nemifanekiso esiFundazweni.

(4)(a) UNgqongqoshe, ngokushicilela isaziso kwiGazethi, angakhipha imiyalelo ebese eqalisa ukusebenza kweNqubomgomo eshiwo esigatshaneni (1).

(b) Ngaphambi kokushicilelwa kwesaziso esishiwo kwindima (a), uNgqongqoshe kumele ethule imiyalelo ehlongozwayo kwiBhodi kanye nakwiKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe elishiwo esigabeni 45.

(c) Uma i-Ejensi noma iKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe lithumela izincomo ezibhalwe phansi mayelana nokuhlongozwe kwimiyalelo, uNgqongqoshe kumele, kungakapheli isikhathi esingeqile ezinsukwini eziyishumi nanhlanu (15) zokusebenza, azicubungule ebese eziphendula lezo zincomo ngokubhalwe phansi.

INqubomgomo ewuHlaka yezokuVakasha zobuCiko boMsindo nemiFanekiso yoMasipala

42. UNgqongqoshe, esikhathini esingeqile ezinyangeni eziyisithupha ngemva kokuqala kokusebenza kwalo Mthetho, nangemva kokubonisana neBhodi kanye neKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe, kumele abhale aphinde ngesaziso kwiGazethi ashicilele inqubomgomo ewuhlaka yezokuvakasha nezobuciko bomsindo nemifanekiso yomasipala.

ISAHLUKO 8

OMASIPALA

Izinqubomgomo zezokuvakasha nezobuciko bomsindo nemifanekiso zomasipala

43.(1) Umasipala kumele usungule futhi uqalise iNqubomgomo yezokuVakasha nezobuCiko boMsindo nemiFanekiso yoMasipala.

(2) Inqubomgomo eshiwo esigatshaneni (1) –

(a) kumele ihambisane nenqubomgomo kazwelonke kanye neyesifundazwe nezinhlaka zemithetho ephathelene nezokuvakasha nezobuciko bomsindo nemifanekiso; futhi

(b) akumele ibe nomthelela ongemuhle kwizintshisekelo zesiFundazwe noma zomunye umasipala.

(3) Umasipala kumele usungule iNqubomgomo ewuHlaka yezokuVakasha nezobuCiko boMsindo nemiFanekiso yoMasipala eshiwo esigabeni 42 kuze kube isikhathi lapho umasipala wamukela khona inqubomgomo eshiwo esigatshaneni (1).

Imisebenzi yomasipala

44.(1) Umasipala ubhekele izindaba zezokuvakasha nezobuciko bomsindo nemifanekiso ezindaweni ezingaphansi kwawo.

(2) Imisebenzi yezokuvakasha nezobuciko bomsindo nemifanekiso komasipala ibandakanya, kodwa ayigcini, ngalokhu okulandelayo:

(a) ukuqapha indlela abaqhubi nezikhungo zendawo zezokuvakasha nezobuciko bomsindo nemifanekiso abalandela ngayo izinqubomgomo nemithetho kwesifundazwe;

(b) ukugqugquzela, ukumaketha kanye nokusungula imisebenzi yezokuvakasha neyezobuciko bomsindo nemifanekiso ezindaweni ezingaphansi kwamasipala;

(c) ukuqinisekisa ukuhambisana nokumakethwa kwemisebenzi yomasipala yezokuvakasha nezobuciko bomsindo nemifanekiso nezinhlelo zokumakethwa kwemisebenzi yesifundazwe yezokuvakasha nezobuciko bomsindo nemifanekiso;

(d) ukuqinisekisa ukuthi umphakathi wendawo ubamba iqhaza emkhakheni wezokuvakasha nakwimboni yezobuciko bomsindo nemifanekiso;

(e) ukuqinisekisa ukusatshalaliswa ngokulingana kwezinsiza zezokuvakasha nezobuciko bomsindo nemifanekiso ezindaweni ezingaphansi kwamasipala;

(f) ukuqalisa ukusebenza kwezinhlelo kanye nokwemukela izindlela ezizosetshenziswa ukuguqula nomkhakha wezokuvakasha nembali yezobuciko

bomsindo nemifanekiso endaweni, kubandakanya ukunikeza amathuba labo ababencishwe amathuba phambilini kanye namabhizinisi amancane, amakhulu kanye nasathuthuka;

(g) ukuqalisa izinqubomgomo zezokuvakasha nezobuciko bomsindo nemifanekiso ngokuhlanganyela ne-Ejensi;

(h) ukusungula kanye nokwamukela imithetho kamasipala egqugquzela neyeseke umkhakha wezokuvakasha nemboni yezobuciko bomsindo nemifanekiso;

(i) nokwenza noma yimuphi omunye umsebenzi obalulwe emithethweni yesifundazwe nekazwelonke.

(3) Omasipala kumele bahambisane nokuhlelwa kanye nokubika ngendlela ebalulwe emithethweni kazwelonke nowesifundazwe wezokuvakasha wezobuciko bomsindo nemifanekiso.

ISAHLUKO 9

UHULUMENI WOBAMBISWANO

Ukusungulwa kweKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe

45.(1) UNgqongqoshe kumele, esikhathini esingeqile ezinyangeni ezintathu lo Mthetho uqale ukusebenza, asungule iKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe ngokushicilela isaziso kwiGazethi.

(2) IKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe liqukethe amalungu njengoba kunganquma uNgqongqoshe ngezikhathi ezithile, futhi lisekwa uhlaka lezobuchwepheshe olusungulwe yi-Ejensi ngokubonisana neKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe.

Imisebenzi yeKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe

46. IKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe kumele –

(a) liqinisekise ukudidiyelwa kwemisebenzi ephathelene nezokuvakasha nezobuciko bomsindo nemifanekiso esiFundazweni;

(b) liqinisekise ukusebenzisana phakathi kukaNgqongqoshe kanye nabaqavile ababambe iqhaza emkhakheni wezokuvakasha nakwimbongi yezobuciko bomsindo nemifanekiso;

- (c) lididiyele ukuhlelwa nokuqaliswa kwezokuvakasha nezobuciko bomsindo nemifanekiso kuzwelonke, esifundazweni nasemazingeni ohulumeni bezindawo ngokubandakanya umkhakha ozimele; futhi
- (d) lidingide ukumeleleka noguquko emkhakheni wezokuvakasha nakwimboni yezobuciko bomsindo nemifanekiso.

Imihlangano yeKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe

47.(1) UNgqongqoshe kumele abize imihlangano yeKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe.

(2) IKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe kumele lihlangane njalo ngekota: Kuncike ekutheni uNgqongqoshe angabiza umhlangano oseceleni ngezikhathi ezithile uma kunesidingo.

(3) UNgqongqoshe, noma umuntu oqokwe nguye, wengamela umhlangano oshiwo esigatshaneni (1).

Ubudlelwane phakathi kwe-Ejensi, kwaNgqongqoshe, kweKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe, kweminyango kahulumeni, komasipala, kwamabhizinisi kahulumeni kanye nabanye ababambe iqhaza

48.(1) I-Ejensi ingenza izivumelwano sokusebenzisana neminyango kanye namabhizinisi kahulumeni omisebenzi yayo inomthelela ekuthuthukisweni, ekugqugquzelweni nasekumakethweni komkhakha wezokuvakasha nemboni yezobuciko bomsindo nemifanekiso esiFundazweni.

(2) I-Ejensi neKomidi lezokuVakasha nezobuCiko boMsindo nemiFanekiso lesiFundazwe kumele basebenzisane ukuthuthukisa, ukugqugquzela nokumaketha umkhakha wezokuvakasha nemboni yezobuciko bomsindo.

ISAHLUKO 10

IMISEBENZI YABAQHUBI BOMSEBENZI WEZOKUVAKASHA, ABASUNGULI BOKUQUKETHWE EZOBUCIKO BOMSINDO NEMIFANEKISO, ABAQHUBI BOMSEBENZI WEZOBUCIKO BOMSINDO NEMIFANEKISO, IZIKHUNGO ZEZOKUVAKASHA NEZOBUCIKO BOMSINDO NEMIFANEKISO KANYE NABANYE ABABAMBE IQHAZA KWEZOKUVAKASHA NAKWEZOBUCIKO BOMSINDO NEMIFANEKISO

Imisebenzi yabaqhubi bomsebenzi wezokuvakasha, abasunguli bokuqukethwe ezobuciko bomsindo nemifanekiso, abaqhubi bomsebenzi wezobuciko bomsindo nemifanekiso, izikhungo zezokuvakasha nezobuciko bomsindo nemifanekiso kanye nabanye ababambe iqhaza kwezokuvakasha nakwezobuciko bomsindo nemifanekiso

49.(1) Wonke umqhubi womsebenzi womkhakha wezokuvakasha kahulumeni noma ozimele, umsunguli wokuqukethwe ezobuciko bomsindo nemifanekiso, umqhubi womsebenzi wezobuciko bomsindo nemifanekiso, isikhungo sezokuvakasha nezobuciko bomsindo nemifanekiso kanye nobambe iqhaza kwezokuvakasha nakwezobuciko bomsindo nemifanekiso kumele bahambisane –

(a) nomthetho kazwelonke nowesifundazwe kanye nezinqubomgomo ezilawula imigomo zamaqophelo okusebenza kwabo;

(b) noHlaka lweNqubomgomo yezokuVakasha nezobuCiko boMsindo nemiFanekiso yesiFundazwe;

(c) nemiyalelo yenqubomgomo yezokuvakasha nezobuciko bomsindo nemifanekiso yesifundazwe ekhishwe uNgqongqoshe ngokwalo Mthetho: Kuncike ekutheni leyo miyalelo angeke ikhinyabeze amalungelo omkhakha ozimele wabaqhubi bomsebenzi wezokuvakasha, wabasunguli bokuqukethwe ezobuciko bomsindo nemifanekiso, wabaqhubi bomsebenzi wezobuciko bomsindo nemifanekiso, wezikhungo zezokuvakasha nezezobuciko bomsindo nemifanekiso kanye nowabanye ababambe iqhaza kwezokuvakasha nakwezobuciko bomsindo nemifanekiso okuthi bazibandakanye kwezomnotho.

(2) Umqhubi wowomsebenzi womkhakha wezokuvakasha kahulumeni noma ozimele, umsunguli wokuqukethwe ezobuciko bomsindo nemifanekiso, umqhubi womsebenzi wezobuciko bomsindo nemifanekiso, isikhungo sezokuvakasha nezobuciko bomsindo nemifanekiso kanye nobambe iqhaza kwezokuvakasha nakwezobuciko bomsindo nemifanekiso angeke benze abakwenzayo ngendlela ezokhubaza umkhakha wezokuvakasha nemboni yezobuciko bomsindo nemifanekiso esiFundazweni.

ISAHLUKO 11

IZINHLINZEKO EZIJWAYELEKILE

Ukudluliselwa kwamandla, kwemisebenzi namajoka

50.(1) UNgqongqoshe angadlulisela kwiNhloko yoMnyango –

(a) noma yimaphi amandla noma umsebenzi okunikezwe uNgqongqoshe ngokwalo Mthetho, ngaphandle kwamandla noma komsebenzi –

- (i) wokushicilela uHlelo olushiwo esigabeni 59(3);
- (ii) wokushicilela izaziso ngokwesigaba 11(3)(a);
- (iii) wokukhipha imiyalelo ngokwesigaba 11(3)(b);
- (iv) wokwenza imithethonqubo kanye nokushicilela izaziso ngokwesigaba 57; kanye
- (v) nokuchibiyela, nokufaka esikhundleni noma nokuchitha uHlelo; kanye

(b) nanoma yimuphi umsebenzi onikezwe uNgqongqoshe yilo Mthetho, ngaphandle komsebenzi ophathelene nokuqokwa kanye nokususwa ezikhundleni kwamalungu njengoba kushiwo esigabeni 13(a) no (c) kanye nasesigabeni 19, ngokwehlukana kwazo.

(2) Konke ukudluliselwa kwamandla, kwemisebenzi namajoka ngokwalo Mthetho –

- (a) kumele kubhalwe phansi;
- (b) kuncike kuleyo mikhawulo, kuleyo migomo kanye nakuleyo miyalelo engabekwa yilowo muntu odlulisele amandla, imisebenzi namajoka;
- (c) akuphuci umuntu odlulisile amandla, imisebenzi namajoka isibopho esimayelana nokusetshenziswa kwamandla, nokwenziwa kwemisebenzi kanye nokufezwa namajoka okudluliselwe umuntu odlulisele amandla, imisebenzi namajoka;
- (d) akuvimbeli ukusetshenziswa kwamandla, ukwenziwa komsebenzi nokufezwa kwamajoka umuntu odlulisele amandla, imisebenzi namajoka;
- (e) kumele arekhode kwirejista elishiwo esigabeni 51.

(3) IBhodi noma isikhulu esiPhezulu, njengoba kungaba njalo, bangaqinisekisa, bangaguqula noma bangachitha noma yisiphi isinqumo esithathwe ngokudluliselwa kwamandla, kwemisebenzi namajoka ngokwalo Mthetho, kuncike kunoma yimaphi amalungelo umuntu awathole noma ibhizinisi eliwathole ngenxa yaleso sinqumo.

Irejista lokudluliselwa kwamandla, kwemisebenzi namajoka

51.(1) Isikhulu esiPhezulu kumele sihlanganise futhi sigcine irejista elivuselelwe lakho konke ukudluliselwa kwamandla, kwemisebenzi namajoka okwenziwe ngokuhambisana nalo Mthetho.

(2) Irejista lokudluliselwa kwamandla, kwemisebenzi namajoka elishiwo kulesi sigaba somthetho –

- (a) lihlelwe ngokwenkomba yomsebenzi othintekayo;

(b) nangokuhambisana nefomu leRejista lokuDluliselwa kwamandla, kwemisebenzi namajoka elisoHlelweni 2.

(3) Irejista lokudluliselwa kwamandla, kwemisebenzi namajoka kumele libe yirejista elivuselelwe uma –

- (a) kudluliselwa amandla, imisebenzi namajoka kabusha;
- (b) kucutshungulwa noma kuchithwa ukudluliselwa kwamandla, kwemisebenzi namajoka okukhona; futhi
- (c) kuhoxiswa ukudluliselwa kwamandla, kwemisebenzi namajoka.

(4) Irejista elishiwo esigatshaneni (1) liwumqulu kahulumeni amalungu omphakathi, ngaphansi kwezinhlinzeko zoMthetho wokuGqugquzela ukuTholakala koLwazi noMthetho wokuVikelwa kweMininingwane yoMuntu Qobo, angafaka isicelo sokuwuthola ngezikhathi zokusebenza.

Ukungafihli lutho nokutholakala kolwazi

52. I-Ejensi kumele ihambisane nohlaka olungokomthethosisekelo nolungokomthetho kazwelonke olugqugquzela ukungafihli lutho nokutholakala kolwazi, kubandakanya uMthetho wokuGqugquzela ukuTholakala koLwazi noMthetho wokuVikelwa kweMininingwane yoMuntu Qobo.

Ukuphathwa ngendlela enobulungiswa

53. Noma yisiphi isinqumo esithathwe ngokwalo Mthetho kumele sihambisane nohlaka olungokomthethosisekelo nolungokomthetho kazwelonke nolungokomthetho ojwayelekile ophathelene nokuphathwa ngendlela enobulungiswa, kubandakanya noMthetho wokuGqugquzela ukuPhathwa ngeNdelela enobuLungiswa, 2000 (uMthetho No. 3 ka 2000).

Ukuqapha, ukuhlola kanye nokubika

54.(1) UNgqongqoshe kumele, ezinyangeni eziyisithupha ngemva kosuku lokuqala kokusebenza kwalo Mthetho –

- (a) abheke inkambiso namaqophelo kazwelonke, ngokubonisana neBhodi, asungule uhlaka –
 - (i) oluhlinzekela izinkambiso nangamaqophelo adingekayo, maqondana nezinqubo, nezikhathi, zokuqashwa, nezokuhlolwa kwe-Ejensi; kanye
 - (ii) nokusungula izinhlelo ezidingekayo, zezinqubo kanye nezinkomba, ukuqapha, ukuhlola nokubika ngokwenziwa komsebenzi nangokusebenza ngendlela efanele kwe-Ejensi; futhi
- (b) ashicilele uhlaka olushiwo kwindima (a) ngesaziso kwiGazethi.

(2) I-Ejensi kumele ihambisane nohlaka olushiwo esigatshaneni (1).

(3) IBhodi kumele liqinisekise ukuthi ukuhlolwa komsebenzi weBhodi, kaSihlalo walo, wamalungu alo, wamakomidi alo, wesiKhulu esiPhezulu kanye nowabasebenzi kuholela ekuqhubekeleni phambili kokuphuculwa komsebenzi ngendlela efanele.

Ukusetshenziswa kwegama le-Ejensi

55.(1) Akukho muntu noma bhizinisi ngaphandle kokugunyazwa yi-Ejensi ngokubhalwe phansi, noma ingayiphi indlela ongasebenzisa noma elingasebenzisa igama, isifinyezo, ilogo, uphawu noma impahla esetshenziswa yi-Ejensi noma okungeye-Ejensi.

(2) Akukho muntu noma bhizinisi abangaqamba amanga bathi benza okuthile egameni le-Ejensi.

(3) Noma yimuphi umuntu ophula izigatshana (1) noma (2) uyothweswa icala.

Amacala kanye nezinhlawulo

56. (1) Ilungu, ilungu lekomidi, umsebenzi, umuntu noma ibhizinisi eliqokwe ngokwesigaba 27 noma yimuphi omunye umuntu oqashwe noma owenza okuthile egameni le-Ejensi uyothweswa icala uma ngandlela thile efumbathiswa noma amukela noma iyiphi imali yokugwazelwa noma umvuzo ongagunyaziwe kunoma yimuphi umuntu maqondana nanoma yini eyenziwa noma ehlinzekwa yi-Ejensi.

(2) Noma yimuphi umuntu –

(a) maqondana nanoma yini eyenziwa noma ehlinzekwa yi-Ejensi, egwazela noma ezama ukugwazela, noma eyenga noma ezama ukuyenga, noma yiliphi ilungu, ilungu lekomidi, umsebenzi, umuntu noma ibhizinisi eliqokwe ngokwesigaba 27 nanoma yimuphi omunye umuntu oqashwe noma owenza okuthile egameni le-Ejensi;

(b) oqamba amanga athi ugunyaziwe ukukhokhisa noma ukuqoqa izimali noma iminikelo egameni le-Ejensi;

(c) nowephula noma iyiphi inhlinzeko yalo Mthetho okuyicala, uyothwesa icala.

(3) Noma yiliphi icala elenziwe ngokwalo Mthetho neliyicala nangokwanoma yimuphi omunye umthetho, umuntu owenze lelo cala angagwetshwa ngokwalo Mthetho noma ngokweminye imithetho.

(4) Noma iyiphi inkantolo egweba umuntu maqondana necala elenziwe ngokwesigatshana (1) noma (2) inganquma ukuthi lowo muntu –

- (a) uyokhokhiswa inhlawulo noma agqunywe ejele isikhathi esingeqile eminyakeni emihlanu;
- (b) uyokhokhiswa inhlawulo aphinde agqunywe ejele isikhathi esingeqile eminyakeni emihlanu;
- (c) nanoma yisiphi isigwebo esihlinzekelwe kweminye imithetho uma umuntu othintekayo eshushiswe ngokwalowo mthetho njengoba kushiwo esigatshaneni (3).

(5) Uma umthetho othile noma umthetho ojwayelekile unquma ukuthi kumangalelwe i-Ejensi, iBhodi, ilungu, ilungu lekomidi, umsebenzi, umuntu noma ibhizinisi eliqokwe ngokwesigaba 27 nanoma yimuphi omunye umuntu oqashwe noma owenza okuthile egameni le-Ejensi, izinhlinzeko zalowo mthetho noma zomthetho ojwayelekile ziyasebenza.

Izinhlelo, imithethonqubo nezaziso

57. UNgqongqoshe, ngemva kokubonisana neBhodi nangemva kokukhipha isaziso kwiGazethi –

- (a) angashicilela iziNhlelo zalo Mthetho njengoba kushiwo esigabeni 59(3);
- (b) angenza imithethonqubo ephathelene nanoma yikuphi ukuphathwa noma mayelana nodaba oluphathelene nenqubo elandelwayo okudingekayo ukuze kuqaliswe ukusebenza kwezinhlinzeko zalo Mthetho;
- (c) angakhipha izaziso njengoba kudingeka ngokwalo Mthetho;
- (d) angachibiyela, angashintsha noma angachitha uHlelo 2, uHlelo olushiwo esigabeni 59(3), nanoma yisiphi isaziso esikhishwe ngokwalo Mthetho.

Okusazosebenza

58.(1) Noma yini eyenziwe ngaphambi kosuku lokuqala kokusebenza kwalo Mthetho ngaphansi noma ngokwezinhlinzeko ezichithwe noma ezichitshiyelwe yilo Mthetho kumele, ngaphandle uma kusobala ukuthi akufanele, ithathwe njengeyenziwe ngaphansi noma ngokwezinhlinzeko zalo Mthetho.

(2) Noma yisiphi isicelo, inqubo noma udaba olufana nalolo okungakathathwa isinqumo ngalo olusezithebeni zeKhomishana yamaFilimu yaKwaZulu-Natali noma zesiGungu esiLawula ezokuVakasha saKwaZulu-Natali ngosuku olushiwo esigabeni 59(2) kumele kucutshungulwe yi-Ejensi ngokoMthetho weKhomishana yamaFilimu waKwaZulu-Natali, 2010 (uMthetho No. 3 ka 2010) noma ngokoMthetho wezokuVakasha waKwaZulu-Natali, 1996 (uMthetho No. 11

ka 1996), njengoba kungaba njalo, njengoba kwakunjalo ngesikhathi kufakwa lesi siculo, kulandelwa leyo nqubo noma kudingidwa lolo daba olufana nalolo.

(3) I-Ejensi iguqulelwa ekubeni –

(a) uhlangothi olufaka enkantolo iKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali kuwo wonke amacala, kukho konke kungaboni ngaso linye okuphathelene nabasebenzi nokuxazululwa kokungaboni ngaso linye, sengathi i-Ejensi iyona efake icala ngesikhathi kuthathwa izinyathelo noma kunokungaboni ngaso linye, njengoba kungaba njalo; futhi

(b) uhlangothi olungena esivumelwaneni neKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali kuzo zonke izinkontileka, izivumelwano, izivumelwano zokusebenzisana kanye neminye imiqulu ethi ayifane nalokho, sengathi i-Ejensi beyiwuhlangothi olungene esivumelwaneni ngesikhathi kusayinwa isivumelwano.

(4) Noma yikuphi ukubhaliswa, ukukhishwa kwelayisensi, kwemvume, kwegunya, kwesinqumo, noma komyalelo, okwakusebenza ngaphambi nje kokuqala kokusebenza kwalo Mthetho, kuyaqhubeka kusebenze ngaphansi kwemibandela nemigomo efanayo naleyo okwakukhishiwe ngaphansi kwayo: Kuncike ekutheni imibandela nemigomo esebenza uma kubhaliswa, kukhishwa ilayisensi, imvume, igunya, isinqumo noma umyalelo, akuphikisani nezinhlinzeko zalo Mthetho.

(5) Ukuchithwa kwanoma yimuphi umthetho osohlelweni 1 akunamthelela kunoma yiliphi ilungelo, ithuba, isibopho noma isikweletu elitholakale noma esidaleke noma okungenwe kuso ngokomthetho ochithiwe ngaleyo ndlela, ngaphandle uma kuhlinzekelwe ngenye indlela ngokwalo Mthetho.

(6) Uma kukhulunywa ngeKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula ezokuVakasha saKwaZulu-Natali kunoma yimuphi umthetho, ngaphandle uma kusobala ukuthi akufanele, kumele kuthathwe ngokuthi kushiwo i-Ejensi.

Izinhlelo zesikhashana

59.(1)(a) Kusukela ngosuku lo Mthetho oyoqala ngalo ukusebenza, uNgqongqoshe kumele, esikhathini esingeqile ezinsukwini eziyishumi zokusebenza –

(i) aqoke okungenani amalungu ayisikhombisa kodwa angeqile kwayi-11 kumabhodi eKhomishana yamaFilimu yaKwaZulu-Natali kanye nesiGungu esiLawula

ezokuVakasha saKwaZulu-Natali kwakudala ukuba asebenze njengamalungu eBhodi lesikhashana, kuze kube kuqokwa iBhodi ngokuhambisana nesigaba 13; futhi (ii) aqoke uSihlalo kanye noSekela Sihlalo besikhashana phakathi kwamalungu aqokelwe kwiBhodi lesikhashana elishiwo kwindinyana (i).

(b) IBhodi lesikhashana elishiwo esigatshaneni (1)(a)(i) kumele, ezinsukwini ezinhlanu zokusebenza ngemva kokuqokwa kwalo, ngokubonisana noNgqongqoshe, liqoke isiKhulu esiPhezulu sesikhashana, isikhathi saso sokuba sesikhundleni esiphela ngosuku lokuqokwa kwesiKhulu esiPhezulu ngokuhambisana nesigaba 36.

(2) Ngaphandle kwesigatshana (1), ukusebenza kwalo Mthetho kuyahoxiswa kuze kube usuku okuyoqokwa ngalo iBhodi lesikhashana njengoba kushiwo esigatshaneni 1(a)(i).

(3) UNgqongqoshe, kuncike kwizinhlinzeko zalesi sigaba kanye nezigaba 6, 39 no 58, angashicilela isaziso kwiGazethi njengoHlelo lwalo Mthetho lezo zinhlelo zoguquko njengoba kungadingeka.

Ukuchithwa kwemithetho

60. Imithetho ebalulwe ohlwini lokuqala nolwesibili loHlelo 1 lwalo Mthetho iyachithwa kuze kufinyelele kokubalulwe ohlwini lwesithathu.

Isihloko esifingqiwe nosuku lokuqala kokusebenza koMthetho

61. Lo Mthetho ubizwa ngoMthetho woMgwamanda Wezokuvakasha Namafilimu waKwaZulu-Natali, 2024, futhi uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kwiGazethi.

UHLELO 1: UKUCHITHWA KWEMITHETHO*(Isigaba 60)*

Inombolo nonyaka koMthetho	Isihloko esifingqiwe	Okuchithwayo
UMthetho No. 11 ka 1996	UMthetho wezokuVakasha waKwaZulu-Natali, 1996	Wonke
UMthetho No. 5 ka 1997	UMthethosichibiyelo wezokuVakasha waKwaZulu-Natali, 1997	Wonke
UMthetho No. 7 ka 1998	UMthethosichibiyelo wezokuVakasha waKwaZulu-Natali, 1998	Wonke
UMthetho No. 2 ka 2002	UMthethosichibiyelo wesiGungu esiLawula ezokuVakasha waKwaZulu- Natali, 2002	Wonke
UMthetho No. 3 ka 2010	UMthetho weKhomishana yamaFilimu waKwaZulu- Natali, 2010	Wonke

UHLELO 2: AMAFOMU*(Izigaba 17(3), 36(6), 40(3)(c), 17(4)(a) no 51)***IFOMU 1:**

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU EBHODI
 NAWAMAKOMIDI ALO OKWENZIWA NJALO NGONYAKA NANOMA YININI UMA KUBA
 NESIDINGO
(Isigaba 17(3))

**UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU
 EBHODI NAWAMAKOMIDI ALO OKWENZIWA NJALO NGONYAKA
 NANOMA YININI UMA KUBA NESIDINGO**

ngokwesigaba 17(3) soMthetho woMgwamanda Wezokuvakasha Namafilimu waKwaZulu-
 Natali, 2024

UHLOBO LOKUDALULA	
UKUDALULA OKWENZIWA NJALO NGONYAKA	UKUDALULA OKWENZIWA NOMA YININI UMA KUBA NESIDINGO
<i>Thikha uma kufanele</i>	<i>Thikha uma kufanele</i>

UKUDALULA OKUQONDENE NONYAKA WEZIMALI: *Bhala unyaka wezimali*

USUKU LOKUDALULA: *Bhala usuku odalula ngalo*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

IKHELI LALAPHO UHLALA KHONA: *Bhala ikheli lalapho uhlala khona*

INOMBOLO YOCINGO: *Bhala inombolo yocingo*

INOMBOLO YESELULA: *Bhala inombolo yeselula*

IKHELI LE-IMEYLI: *Bhala ikheli le-imeyli*

ISIKHUNDLA: *Bhala ukuthi uyilungu leBhodi noma uyilungu lekomidi (uma ungelona ilungu leBhodi)*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeni wami, nengibambisene naye ebhizinisini noma nomqashi wami, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

(a) Ubunikazi bamasheya ezinkampanini noma emabhizinisini:

NO	IGAMA LONAMA-SHEYA	UBUDLE-LWANE	IGAMA LENKAMPANI NOMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YENKAMPANI	UHLOBO	ISIBALO SAMA-SHEYA	INANI ELIPHANSI LAMA-SHEYA (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lonamasheya</i>	<i>Bhala ubudlelwane nonamasheya, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi onamasheya kuyona noma kulona</i>	<i>Bhala inombolo yokubhaliswa yenkampani (uma kuyinkampani ezimele)</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isibalo samasheya onawo</i>	<i>Bhala isamba senani eliphansi lamasheya</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2								

(b) Ukuhlomula ezinkampanini eziyimifelandawonye

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LENKAMPANI EWUMFELANDAWONYE	INOMBOLO YOKUBHALISWA YENKAMPANI EWUMFELANDAWONYE	UHLOBO	OKUHLO-MULAYO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kuyona noma kulona</i>	<i>Bhala inombolo yokubhaliswa yenkampani ewumfelandawonye</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngamarandi aseNingizimu Afrika</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso-mali, neyemivuzo ekhokhwayo</i>
2								

(c) Ukuhlomula kumfelandawonye:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LOMFELANDAWONYE	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)

1	<i>Bhala igama lohlo- mulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lomfelandawonye ohlomula kuyona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngama-randi aseNingizimu Afrika</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso ekhokhwayo</i>
2							

(d) Ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni:

NO	IGAMA LOMNIKAZI	UBUDLE-LWANE	IGAMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo- mulayo</i>	<i>Bhala ubudlelwane nomnikazi, uma kungewena</i>	<i>Bhala igama lebhizinisi elisebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yebhizinisi</i>	<i>Bhala incazelo yohlobo lwelungelo nolwendawo</i>	<i>Bhala isamba senani eliphansi lelungelo lendawo esetshenziswa yibhizinisi</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(e) Ukuhlomula kumathrasti:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LETHRASTI	INOMBOLO YOKUBHALISWA YETHRASTI	UHLOBO	INANI ELIPHANSI (NGAMARANDI)	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo- mulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lethrasti</i>	<i>Bhala inombolo yokubhaliswa yethrasti</i>	<i>Bhala incazelo yohlobo lokuzibandakanya nethrasti</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo kwithrasti</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(f) Maqondana nanoma yiliphi ibhizinisi eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ukuthi ohlomulayo athole inzuzo nengenisonzuzo kwalowo msebenzi noma kwalelo bhizinisi (uma bekungashiwongo ku (a), (b), (c), (d) no (e) ngenhla):

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LEBHIZINISI	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO	IHOLO/INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nonebhizinisi uma kungewena</i>	<i>Bhala igama lebhizinisi okuhlonyulwa kulona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi nokuhlonyulwayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(g) Amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana kanye nabasebenza isikhathi eside:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	IHOLO / INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi kwinkontileka noma esivumelwaneni</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lebhizinisi</i>	<i>Bhala incazelo yomsebenzi owenziwe</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso neyemivuzo ekhokhwayo</i>
2					

(h) Ama-akhawunti emalimboleko (ngaphandle kwebhondi, kwesikweletu semoto kanye nama-akhawunti asezitolo):

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LOMBOLEKISI	UHLOBO	ISAMBA SESIKWELETU ESENZIWE (NGAMARANDI)	ISIKWELETU ESISASELE (NGAMARANDI)
1	<i>Bhala igama lohlangothi olune-akhawunti yemalimboleko</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lombolekisi</i>	<i>Bhala incazelo yohlobo lwemalimboleko</i>	<i>Bhala isamba sesikweletu esenziwe</i>	<i>Bhala inani lemaliimboleko elisasele kubandakanya nenzalo okusamele ikhokhwe</i>
2						

(i) Amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi kokubhaliswa, kokwamukelwa, kokubekwa esigabeni esithile, nokuhlinzekwa kwezitifiketi zabaqhubi bomsebenzi wezokuvakasha nowezobuciko bomsindo nemifanekiso kanye nezezikhungo zezokuvakasha nezobuciko bomsindo nemifanekiso:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMARANDI)
1	<i>Bhala igama lomhlomuli</i>	<i>Bhala ubudlelwane nomhlomuli uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lokuhlonyulwayo kanye nezizathu zalokho</i>	<i>Bhala isamba senani eliphansi semali eqoqiwe, amagunya emalini eqoqiwe nanoma yimiphi eminye imihlomulo</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, yemali eqoqiwe, yamasheya, yenzalo, yeminikelo, yezipho nanoma yimiphi eminye imihlomulo ekhokhwayo</i>
2						

(j) Ukusayinwa noma ubukhona banoma yiziphi izinkontileka noma izivumelwano nabafakizicelo zamalayisensi, nabanikazi bamalayisensi noma nabantu ababhalisiwe:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMARANDI)
1	<i>Bhala igama lohlangothi olunenkontileka noma olunesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lwenkontileka noma lwesivumelwano</i>	<i>Bhala isamba senani eliphansi senkontileka noma sesivumelwano</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2						

(k) Nanoma yikuphi okunye ukuhlomula:

NO	IGAMA LOHLO-MULAYO	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lebhizinisi noma lomuntu ohlomula kulona noma kuyena</i>	<i>Bhala incazelo yohlobo lokuhlomula</i>	<i>Bhala incazelo yenani lokuhlonyulwayo, noma ngabe yimali noma okunye</i>
2					

ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

ISIGNESHA KAKHOMISHANA OFUNGISAYO: *Isignesha kaKhomishana oFungisayo*

AMAGAMA APHELELE NESIBONGO: *Bhala amagama aphelele nesibongo kukaKhomishana oFungisayo*

ISIKHUNDLA: *Bhala isikhundla sikaKhomishana oFungisayo*

IKHELI LOMGWAQO: *Bhala ikheli lomgwaqo likaKhomishana oFungisayo*

USUKU: *Bhala usuku*

INDAWO: *Bhala indawo*

USUKU ISIKHULU ESIPHEZULU ESILITHOLE NGALO: *Bhala usuku*
ISIGNESHA YESIKHULU ESIPHEZULU: *Isignesha yesiKhulu esiPhezulu*

IFOMU 2:

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWESIKHULU
 ESIPHEZULU OKWENZIWA NJALO NGONYAKA NANOMA YININI UMA KUBA
 NESIDINGO

(Isigaba 36(6) sifundwa nesigaba 40(3)(c))

**UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWESIKHULU
 ESIPHEZULU OKWENZIWA NJALO NGONYAKA
 NANOMA YININI UMA KUBA NESIDINGO**

ngokwesigaba 36(6) sifundwa nesigaba 40(3)(c) soMthetho woMgwamanda
 Wezokuvakasha Namafilimu yaKwaZulu-Natali, 2024

UHLOBO LOKUDALULA	
UKUDALULA OKWENZIWA NJALO NGONYAKA	UKUDALULA OKWENZIWA NOMA YININI UMA KUBA NESIDINGO
<i>Thikha uma kufanele</i>	<i>Thikha uma kufanele</i>

UKUDALULA OKUQONDENE NONYAKA WEZIMALI: *Bhala unyaka wezimali*

USUKU LOKUDALULA: *Bhala usuku odalula ngalo*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

IKHELI LALAPHO UHLALA KHONA: *Bhala ikheli lalapho uhlala khona*

INOMBOLO YOCINGO: *Bhala inombolo yocingo*

INOMBOLO YESELULA: *Bhala inombolo yeselula*

IKHELI LE-IMEYLI: *Bhala ikheli le-imeyli*

ISIKHUNDLA: *IsiKhulu esiPhezulu*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeni wami, nengibambisene naye ebhizinisini noma nomqashi, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

(a) Ubunikazi bamasheya ezinkampanini noma emabhizinisini:

NO	IGAMA LONAMA-SHEYA	UBUDLE-LWANE	IGAMA LENKAMPANI NOMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YENKAMPANI	UHLOBO	ISIBALO SAMASHEYA	INANI ELIPHANSI LAMA-SHEYA (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lonamasheya</i>	<i>Bhala ubudlelwane nonamasheya, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi onamasheya kuyona noma kulona</i>	<i>Bhala inombolo yokubhaliswa yenkampani (uma kuyinkampani ezimele)</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isibalo samasheya onawo</i>	<i>Bhala isamba senani eliphansi lama-sheya</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2								

(b) Ukuhlomula ezinkampanini eziyimifelandawonye

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LENKAMPANI EWUMFELANDAWONYE	INOMBOLO YOKUBHALISWA YENKAMPANI EWUMFELANDAWONYE	UHLOBO	OKUHLO-MULAYO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kulona noma kuyona</i>	<i>Bhala inombolo yokubhaliswa yenkampani ewumfelandawonye</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngamalandi aseNingizimu Afrika</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso-mali, neyemivuzo ekhokhwayo</i>
2								

(c) Ukuhlomula kumfelandawonye:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LOMFELANDAWONYE	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO	IHOLO / INGENISO (NGAMA-RANDI)

						(NGAMA-RANDI)	
1	<i>Bhala igama lohlo- mumlayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kulona noma kuyona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngama-randi aseNingizimu Afrika</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso ekhokhwayo</i>
2							

(d) Ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni:

NO	IGAMA LOMNIKAZI	UBUDLE-LWANE	IGAMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lomnikazi</i>	<i>Bhala ubudlelwane nomnikazi, uma kungewena</i>	<i>Bhala igama lebhizinisi elisebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yebhizinisi</i>	<i>Bhala incazelo yohlobo lwelungelo nolwendawo</i>	<i>Bhala isamba senani eliphansi lelungelo lendawo esetshenziswa yibhizinisi</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(e) Ukuhlomula kumathrasti:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LETHRASTI	INOMBOLO YOKUBHALISWA YETHRASTI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlo- mulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lethrasti</i>	<i>Bhala inombolo yokubhaliswa yethrasti</i>	<i>Bhala incazelo yohlobo lokuzibandakanya nethrasti</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo kwithrasti</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyenzalo ekhokhwayo</i>
2							

(f) Maqondana nanoma yiliphi ibhizinisi eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ukuthi ohlomulayo athole inzuzo nengenisonzuzo kwalowo msebenzi noma kwalelo bhizinisi (uma bekungashiwongo ku (a), (b), (c), (d) no (e) ngenhla):

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LEBHIZINISI	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlo-mulayo</i>	<i>Bhala ubudlelwane nonebhizinisi uma kungewena</i>	<i>Bhala igama lebhizinisi okuhlonyulwa kulona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi nokuhlonyulwayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2							

(g) Amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana kanye nabasebenza isikhathi eside:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlangothi kwinkontileka noma esivumelwaneni</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lebhizinisi</i>	<i>Bhala incazelo yomsebenzi owenziwe</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2					

(h) Ama-akhawunti emalimboleko (ngaphandle kwebhondi, kwesikweletu semoto kanye nama-akhawunti asezitolo):

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LOMBOLEKISI	UHLOBO	ISAMBA SESIKWELETU ESEZIWE (NGAMA-RANDI)	ISIKWELETU ESISASELE (NGAMA-RANDI)
1	<i>Bhala igama lohlangothi olune-akhawunti yemalimboleko</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lombolekisi</i>	<i>Bhala incazelo yohlobo lwemalimboleko</i>	<i>Bhala isamba sesikweletu esenziwe</i>	<i>Bhala inani lemali-boleko elisasele kubandakanya nenzalo okusamele ikhokhwe</i>
2						

(i) Amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi kokubhaliswa, kokumela, kokuhlela, kokubeka ngesimo noma ngobukhulu nangemva kokuhlinzekwa kwezitifiketi zabaqhubi bomsebenzi wezokuvasha nezobuciko bomsindo nemifanekiso kanye nezezikhungo zezokuvakasha nezobuciko bomsindo nemifanekiso:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI	IHOLO / INGENISO (NGAMA-RANDI)
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					(NGAMA-RANDI)	
1	<i>Bhala igama lomhlomuli</i>	<i>Bhala ubudlelwane nomhlomuli uma kungewena</i>	<i>Bhala incazelo lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lokuhlonyulwayo kanye nezizathu zalokho</i>	<i>Bhala isamba senani eliphansi semali eqoqiwe, amagunya emalini eqoqiwe nanoma yimiphi eminye imihlomulo</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, yemali eqoqiwe, yamasheya, yenzalo, yeminikelo, yezipho nanoma yimiphi eminye imihlomulo ekhokhwayo</i>
2						

(j) Ukusayinwa noma ubukhona banoma yiziphi izivumelwano nabafakizicelo, nabanikazi bamalayisensi noma nabantu ababhalisiwe:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlangothi olunenkontileka noma nesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lwenkontileka noma lwesivumelwano</i>	<i>Bhala isamba senani eliphansi senkontileka noma sesivumelwano</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2						

(k) Nanoma yikuphi okunye ukuhlomula:

NO	IGAMA LOHLO-MULAYO	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lebhizinisi noma lomuntu ohlomula kulona noma kuyena</i>	<i>Bhala incazelo yohlobo lokuhlomula</i>	<i>Bhala incazelo yenani lokuhlonyulwayo, noma ngabe yimali noma okunye</i>
2					

ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

ISIGNESHA KAKHOMISHANA OFUNGISAYO: *Isignesha kaKhomishana oFungisayo*

AMAGAMA APHELELE NESIBONGO: *Bhala amagama aphelele nesibongo kwaKhomishana oFungisayo*

SIKHUNDLA: *Bhala isikhundla sikaKhomishana oFungisayo*

IKHELI LOMGWAQO: *Bhala ikheli lomgwaqo likaKhomishana oFungisayo*

USUKU: *Bhala usuku*

INDAWO: *Bhala indawo*

USUKU USIHLALO WEBHODI ALITHOLE NGALO: *Bhala usuku
ISIGNESHA KASIHLALO WEBHODI:* *Isignesha kaSihlalo weBhodi*

IFOMU 3:

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWABASEBENZI
OKWENZIWA NJALO NGONYAKA NANOMA YININI UMA KUBA NESIDINGO
(*Isigaba 40(3)(c)*)

**UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWABASEBENZI
OKWENZIWA NJALO NGONYAKA
NANOMA YININI UMA KUBA NESIDINGO**

ngokwesigaba 40(3)(c) soMthetho woMgwamanda Wezokuvakasha Namafilimu yaKwaZulu-
Natali, 2024

UHLOBO LOKUDALULA	
UKUDALULA OKWENZIWA NJALO NGONYAKA	UKUDALULA OKWENZIWA NOMA YININI UMA KUBA NESIDINGO
<i>Thikha uma kufanele</i>	<i>Thikha uma kufanele</i>

UKUDALULA OKUQONDENE NONYAKA WEZIMALI: *Bhala unyaka wezimali*

USUKU LOKUDALULA: *Bhala usuku odalula ngalo*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

IKHELI LALAPHO UHLALA KHONA: *Bhala ikheli lalapho uhlala khona*

INOMBOLO YOCINGO: *Bhala inombolo yocingo*

INOMBOLO YESELULA: *Bhala inombolo yeselula*

IKHELI LE-IMEYLI: *Bhala ikheli le-imeyli*

IGATSHA: *Bhala isikhundla kwi-Ejensi*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeni wami, nengibambisene naye ebhizinisini noma nomqashi, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

(a) Ubunikazi bamasheya ezinkampanini noma emabhizinisini:

NO	IGAMA LONAMA-SHEYA	UBUDLE-LWANE	IGAMA LENKAMPANI NOMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YENKAMPANI	UHLOBO	ISIBALO SAMASHEYA	INANI ELIPHANSI LAMA-SHEYA (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lonamasheya</i>	<i>Bhala ubudlelwane nonamasheya, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi onamasheya kuyona noma kulona</i>	<i>Bhala inombolo yokubhaliswa yenkampani (uma kuyinkampani ezimele)</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isibalo samasheya onawo</i>	<i>Bhala isamba senani eliphansi lamasheya</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
2								

(b) Ukuhlomula ezinkampanini eziyimifelandawonye

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LENKAMPANI EWUMFELANDAWONYE	INOMBOLO YOKUBHALISWA YENKAMPANI EWUMFELANDAWONYE	UHLOBO	OKUHLO-MULAYO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kulona noma kuyona</i>	<i>Bhala inombolo yokubhaliswa yenkampani ewumfelandawonye</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo ngamalandawonye aseNingizimu Afrika</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
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(c) Ukuhlomula kumfelandawonye:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LOMFELANDAWONYE	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lenkampani noma lebhizinisi ohlomula kulona noma kuyona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi</i>	<i>Bhala isamba senani eliphansi lokuhlomu-</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso ekhokhwayo</i>

						<i>layo ngama- randi aseNingizi- mu Afrika</i>	
2							

(d) Ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni:

NO	IGAMA LOMNIKAZI	UBUDLE-LWANE	IGAMA LEBHIZINISI	INOMBOLO YOKUBHALISWA YEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lomnikazi</i>	<i>Bhala ubudlelwane nomnikazi, uma kungewena</i>	<i>Bhala igama lebhizinisi elisebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yebhizinisi elisebenzisa indawo</i>	<i>Bhala incazelo yohlobo lwelungelo nolwendawo</i>	<i>Bhala isamba senani eliphansi lelungelo lendawo esetshenziswa yibhizinisi</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
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(e) Ukuhlomula kumathrasti:

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LETHRASTI	INOMBOLO YOKUBHALISWA	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nohlomulayo uma kungewena</i>	<i>Bhala igama lethrasti elisebenzisa indawo</i>	<i>Bhala inombolo yokubhaliswa yethrasti</i>	<i>Bhala incazelo yohlobo lokuzibanda-kanya nethrasti</i>	<i>Bhala isamba senani eliphansi lokuhlomulayo kwithrasti</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
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(f) Maqondana nanoma yiliphi ibhizinisi eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ukuthi ohlomulayo athole inzuzo nengenisonzuzo kwalowo msebenzi noma kwalelo bhizinisi (uma bekungashiwongo ku (a), (b), (c), (d) no (e) ngenhla):

NO	IGAMA LOHLO-MULAYO	UBUDLE-LWANE	IGAMA LEBHIZINISI	OKUHLO-MULAYO	UHLOBO	INANI ELIPHANSI LOKUHLO-MULAYO	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlomulayo</i>	<i>Bhala ubudlelwane nonebhizinisi</i>	<i>Bhala igama lebhizinisi okuhlonyulwa kulona</i>	<i>Bhala iphesenti olihlomulayo</i>	<i>Bhala incazelo yohlobo lwebhizinisi nokuhlonyulwayo</i>	<i>Bhala isamba senani eliphansi</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>

		<i>uma kungewena</i>				<i>lokuhlomulayo</i>	
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(g) Amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana kanye nabasebenza isikhathi eside:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlangothi kwinkontileka noma esivumelwaneni</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lebhizinisi</i>	<i>Bhala incazelo yomsebenzi owenziwe</i>	<i>Bhala iminingwane yawo wonke amaholo, yengenisomali, neyemivuzo ekhokhwayo</i>
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(h) Ama-akhawunti emalimboleko (ngaphandle kwebhondi, kwesikweletu semoto kanye nama-akhawunti asezitolo):

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LOMBOLEKISI	UHLOBO	ISAMBA SESIKWELETU ESEZIWE (NGAMA-RANDI)	ISIKWELETU ESISASELE (NGAMA-RANDI)
1	<i>Bhala igama lohlangothi olune-akhawunti yemalimboleko</i>	<i>Bhala ubudlelwane nalolo hlangothi uma kungewena</i>	<i>Bhala igama lombolekisi</i>	<i>Bhala incazelo yohlobo lwemalimboleko</i>	<i>Bhala isamba sesikweletu esenziwe</i>	<i>Bhala inani lemaliimboleko elisasele kubandakanya nenzalo okusamele ikhokhwe</i>
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(i) Amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi kokubhaliswa, kokumela, kokuhlela, kokubeka ngesimo noma ngobukhulu nangemva kokuhlinzekwa kwezitifiketi zabaqhubi bomsebenzi wezokuvakasha nowezobuciko bomsindo nemifanekiso kanye nezezikhungo zezokuvakasha nezobuciko bomsindo nemifanekiso:

NO	IGAMA LOHLANGOTHI	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lomhlomuli</i>	<i>Bhala ubudlelwane nomhlomuli uma kungewena</i>	<i>Bhala incazelo lomfakisicelo, lomnikazi welayisensi noma lomuntu obhalisile</i>	<i>Bhala incazelo yohlobo lokuhlonyulwayo kanye nezizathu zalokho</i>	<i>Bhala isamba senani eliphansi semali eqoqiwe, amagunya emalini eqoqiwe nanoma yimiphi eminye imihlomulo</i>	<i>Bhala iminini-ngwane yawo wonke amaholo, yengeniso, yemali eqoqiwe, yamasheya, yenzalo, yeminikelo, yezipho nanoma yimiphi eminye imihlomulo ekhokhwayo</i>

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(j) Ukusayinwa noma ubukhona banoma yiziphi izivumelwano nabafakizicelo, nabanikazi bamalayisensi noma nabantu ababhali siwe:

NO	IGAMA LOHLANGOTHI	UBUDLE-LWANE	IGAMA LEBHIZINISI	UHLOBO	INANI ELIPHANSI (NGAMA-RANDI)	IHOLO / INGENISO (NGAMA-RANDI)
1	<i>Bhala igama lohlangothi olunenkontileka noma nesivumelwano</i>	<i>Bhala ubudlelwane nalolo hlangothi, uma kungewena</i>	<i>Bhala igama lomfakisicelo, lomnikazi welayisensi noma lomuntu obhaisile</i>	<i>Bhala incazelo yohlobo lwenkontileka noma lwesivumelwano</i>	<i>Bhala isamba senani eliphansi senkontileka noma sesivumelwano</i>	<i>Bhala imininingwane yawo wonke amaholo, yengeniso, neyemivuzo ekhokhwayo</i>
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(k) Nanoma yikuphi okunye ukuhlomula:

NO	IGAMA LOHLO-MULAYO	UBUDLELWANE	IGAMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala igama lohlo mulayo</i>	<i>Bhala ubudlelwane nohlo mulayo uma kungewena</i>	<i>Bhala igama lebhizinisi noma lomuntu ohlomula kulona noma kuyena</i>	<i>Bhala incazelo yohlobo lokuhlomula</i>	<i>Bhala incazelo yenani lokuhlonyulwayo, noma ngabe yimali noma okunye</i>
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ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

ISIGNESHA KAKHOMISHANA OFUNGISAYO: *Isignesha kaKhomishana oFungisayo*

AMAGAMA APHELELE NESIBONGO: *Bhala amagama aphelele nesibongo kwaKhomishana oFungisayo*

ISIKHUNDLA: *Bhala isikhundla sikaKhomishana oFungisayo*

IKHELI LOMGWAQO: *Bhala ikheli lomgwaqo likaKhomishana oFungisayo*

USUKU: *Bhala usuku*

INDAWO: *Bhala indawo*

USUKU ISIKHULU ESIPHEZULU ESILITHOLE NGALO: *Bhala usuku*

ISIGNESHA YESIKHULU ESIPHEZULU: *Isignesha yesiKhulu esiPhezulu*

IFOMU 4:

UKUDALULA UKUHLOMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU

ASEMHLANGANWENI

(Isigaba 17(4)(a))

**UKUDALULA UKUHLUMULA NGQO NOMA NGANDLELA THILE KWAMALUNGU
ASEMHLANGANWENI**

ngokwesigaba 17(4)(a) soMthetho woMgwamanda Wezokuvakasha Namafilimu yaKwaZulu-Natali, 2024

USUKU LOMHLANGANO: *Bhala usuku lomhlangano*

IMININGWANE YOMHLANGANO: *Bhala incazelo yohlobo lomhlangano, isibonelo, umhlangano weBhodi, umhlangano wekomidi*

Mina, osayine la ngezansi ngale mininingwane elandelayo:

ISIBONGO: *Bhala isibongo*

AMAGAMA APHELELE: *Bhala amagama aphelele*

INOMBOLO KAMAZISI: *Bhala inombolo kamazisi*

ISIKHUNDLA: *Bhala isikhundla sakho emhlanganweni*

ngalokhu ngidalula futhi ngiqinisekisa ukuthi le mininingwane elandelayo, maqondana nami nomndeni wami, nengibambisene naye ebhizinisini noma nomqashi, ngaphandle koMbuso, iphelele futhi iyiqiniso ngokwazi kwami:

NO	OKUZODI-NGIDWA EMHLANGANWENI	INGABE UYAFUNA UKUDALULA (YEBO NOMA CHA)	IGAMA LOHLUMULAYO	UBUDLE-LWANO	IGAMA LENKAMPANI NOMA LEBHIZINISI	UHLOBO	INANI
1	<i>Bhala inombolo nesihloko sokuzodingidwa emhlanganweni</i>	<i>Bhala uthi yebo noma cha</i>	<i>Bhala igama lohlobo lomulayo</i>	<i>Bhala ubudlelwane nohlomulayo, uma kungewena</i>	<i>Bhala igama lomuntu, lenkampani noma lebhizinisi ukudalula okuphathelene nayo</i>	<i>Bhala incazelo yokuzodalulwa ohlelweni lokuzodingidwa emhlanganweni</i>	<i>Bhala incazelo yenani lokuhlonyulwayo, noma ngabe yimali noma okunye</i>
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ISIGNESHA YODALULAYO: *Isignesha yodalulayo*

USUKU: *Bhala usuku*

ISIGNESHA KASIBHALO WOMHLANGANO: *Bhala isignesha kaSibhalo womhlangano*

USUKU LWESIGNESHA: *Bhala usuku*

“**ukuhlomula ngqo**” kubandakanya –

- (a) ukuba umnikazi wamasheya enkampanini noma ebhizinisini;
- (b) ukuhlomula enkampanini ewumfelandawonye;
- (c) ukuhlomula kumfelandawonye;
- (d) ilungelo lendawo noma lomuntu endaweni esetshenziswa yinoma iyiphi inkampani, inhlango, ithrasti, nanoma yiliphi elinye ibhizinisi elisemthethweni;
- (e) ukuhlomula kwithrasti;
- (f) maqondana nanoma yiliphi ibhizinisi, eliqhutshwayo eliwumuntu ngokomthetho noma elingeyena umuntu ngokomthetho, nanoma yikuphi ukuhlomula okwenza ohlomulayo ukuthi athole inzuzo nengenisonzuzo kulelo bhizinisi;
- (g) amaholo, izikhundla zobuqondisi, izinkampani zabeluleki abasebenza isikhashana nabasebenza isikhathi eside;
- (h) i-akhawunti yemalimboleko;
- (i) amaholo, ingeniso, ingenisonzuzo, amagunya kwingenisonzuzo, amasheya, inzalo, iminikelo, izipho nanoma yimiphi eminye imihlomulo eqongelelwe ngaphambi kokubhaliswa, kokuhlelwa, kokubekwa ngezigaba, nokuhlinzekwa ngezitifiketi zabaqhubi bomsebenzi wezokuvakasha nowezobuciko bomsindo nemifanekiso kanye nezezikhungo zezovakasha nezobuciko bomsindo nemifanekiso;
- (j) ukusayinwa noma ubukhona banoma yisiphi isivumelwano nomfakisicelo nomnikazi welayisensi noma nomuntu obhalisiwe; kanye
- (k) nanoma yikuphi okunye ukuhlomula,

kanti **“ukuhlomula ngandlela thile”**, maqondana nohlobene naye, obambisene naye ebhizinisini, ohlanganyele naye noma umqashi, ngaphandle koMbuso, kunencazelo efanayo.

IFOMU 5

IREJISTA LOKUDLULISELWA KWAMANDLA, KWEMISEBENZI NOMA KWAMAJOKA
(Isigaba 51)

IREJISTA LOKUDLULISELWA KWAMANDLA, KWEMISEBENZI NOMA KWAMAJOKA
ngokwesigaba 51 soMthetho woMgwamanda Wezokuvakasha Namafilimu yaKwaZulu-
Natali, 2024

UHLOBO LWEREJISTA: *Bhala inombolo yohlobo lwerejista*

USUKU OKWENZIWE NGALO LOLO HLOBO LWEREJISTA: *Bhala usuku lwerejista*

OLIGUNYAZILE: *Bhala isikhundla sakhe kwi-Ejensi yezokuVakasha nezobuCiko boMsindo nemiFanekiso kanye negama lomuntu onikwe amandla okugunyaza lomqulu*

ISIGNESHA: *Isignesha yomuntu onikwe amandla okugunyaza lomqulu*

NO	AMANDLA, UMSEBENZI NOMA IJOKA OKUDLULISELWE	ISIGABA	IGAMA LESIKHULU	OKUDLULISELWE KUYE	KUSUKELA MHLA	KUZE KUBE UMHLA	IMIGOMO YOKUDLULISELWA KWAMANDLA, KOMSEBENZI NOMA KWEJOKA	IMININGWANE YOKUDLULISELWA KWAPHAMBILINI KWAMANDLA, KOMSEBENZI NOMA KWEJOKA
1	<i>Bhala umsebenzi, amandla noma ijoka okudluliselwe</i>	<i>Bhala inombolo yesigaba esiseMthweni lapho okuhlizelwe khona amandla, umsebenzi noma ijoka</i>	<i>Bhala kokubili isikhundla kwi-Ejensi kanye negama lesikhulu noma lomgwamanda obhekele futhi onesibopho sokuphendula ngokusetshe-nziswa kwamandla, ngokwenziwa komsebenzi noma ngokufezwa kwejoka</i>	<i>Bhala kokubili isikhundla kanye negama lomuntu noma lomgwamanda okudluliselwe kuyena noma kuwona amandla, umsebenzi noma ijoka</i>	<i>Bhala usuku ukudluliselwa kwamandla, komsebenzi noma kwejoka okuqala ngalo</i>	<i>Bhala usuku ukudluliselwa kwamandla, komsebenzi noma kwejoka okugcina ngalo</i>	<i>Faka noma yimiphi imigomo ebekiwe ngesikhathi kudluliselwa amandla, umsebenzi noma ijoka</i>	<i>Faka noma yimiphi imininingwane yokudluliselwa kwaphambilini kwalo msebenzi, kwala mandla noma kwaleli joka (uma kukhona)</i>
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