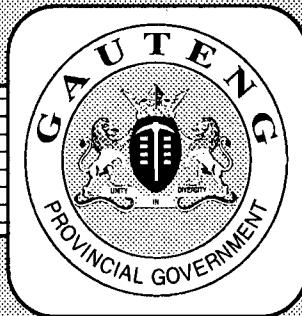


THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinciale Koerant

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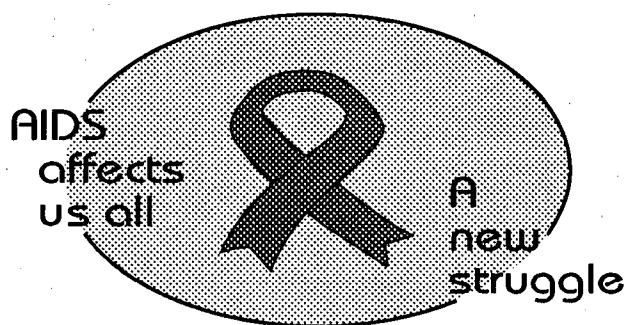
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Vol. 7

PRETORIA, 24 OCTOBER  
OKTOBER 2001

No. 209

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## GENERAL NOTICE

NOTICE 6343 OF 2001

### GAUTENG PROVINCIAL LEGISLATURE

### PUBLICATION OF GAUTENG TOURISM BILL

Notice is hereby given that the Member of the Executive Council for Finance & Economic Affairs (Mr P J Moleketi) intends to introduce the Gauteng Tourism Bill in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments on or before **13 November 2001** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature  
Gauteng Provincial Legislature  
C/o Group Committee Co-ordinator (Mr A Khumalo)  
Private Bag X52  
Johannesburg  
2000

Physical Address  
Gauteng Provincial Legislature  
Corner President and Loveday Str  
Johannesburg  
Tel No: (011) 498-5473  
Fax No: (011) 498-5719

## B I L L

**To provide for the promotion and sustainable development of tourism in Gauteng; to establish the Gauteng Tourism Authority; to confer powers and functions and impose duties upon the Authority; to establish the Tourism Advisory Committee; to confer powers and functions and impose duties upon the Committee; to establish a tourism development fund; to provide for registration of tour guides, tour operators, couriers, training providers in the tourism industry, hotels, conference centres, restaurants, designated tourist amenities and other accommodation establishments and possible future functions relating to these categories; and to provide for matters incidental thereto.**

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**BE IT ENACTED** by the Provincial Legislature of Gauteng as follows:

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5. Constitution of the Authority

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## CHAPTER 1

### DEFINITIONS AND APPLICATION OF THE ACT

#### Definitions

1. In this Act, unless the context otherwise indicates-

**"Authority"** means the Gauteng Tourism Authority;

**"Chief Executive Officer"** means a person appointed in terms of section 5;

**"Committee"** means the Tourism Advisory Committee;

**"conference centre"** means an establishment in the business of providing facilities for the hosting of conferences, congresses, conventions, symposia, seminars and exhibitions, not forming part of a hotel or other accommodation establishment;

**"courier"** means a person or business providing carriage for tourists

**"Department"** means the department responsible for tourism in the Province

**"designated officer"** means a person appointed in terms of section 29;

**"designated tourist amenity"** means a place or thing that the MEC declared as a designated tourist amenity in terms of section 31;

**"Executive Council"** means the Executive Council of the Provincial Government of Gauteng;

**"Fund"** means the Tourism Development Fund;

**"hotel"** means premises, wherein or whereon the business of supplying lodging and meals for reward is or is intended to be conducted, and includes a motel, inn or boate;

**"immediate family member"** means a spouse, parent, child, brother or sister;

**"Legislature"** means the Gauteng Provincial Legislature;

**"MEC"** means the member of the Executive Council responsible for tourism matters in the Province;

**"member"** means a member of the Tourism Advisory Committee;

**"other accommodation establishment"** means any premises, other than a hotel, offering sleeping accommodation to the public for a fee, whether with or without meals and includes a boat, house boat, bed and breakfast, caravan and camping park, farmhouse, guest house, hostel and lodge;

**"Public Finance Management Act"** means the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended from time to time;

**"Province"** means the Gauteng Province;

**"prescribe"** means prescribe by regulation and 'prescribed' has a corresponding meaning;

**"Registrar"** means a person appointed in terms of section 29;

**"regulations"** means regulations made under this Act;

**"restaurant"** means premises that are structurally adapted and used for the purpose of supplying meals, for a fee, to the public for consumption on or off the premises;

**"spouse"** includes a person with whom a person lives as if they are married or with whom the person habitually cohabits;

**"Standing Committee"** means the Committee of the Provincial Legislature responsible for tourism;

**"this Act"** includes regulations made under this Act;

**"tour guide"** means a person who for reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Province and who furnishes such person with information or comment with regard to any matter;

**"tour operator"** means a person who carries on the business of providing tours of any description using its own or another operator's approved vehicle, aircraft and other facilities;

**"training provider"** means any person, organisation or institution providing training, guidance or education within the tourism industry in the Province; and

**"Treasury"** means the Provincial Treasury of Gauteng as contemplated in the Public Finance Management Act.

### **Application of this Act**

2. This Act applies throughout the Province.

## **CHAPTER 2**

### **GAUTENG TOURISM AUTHORITY AND FUND**

#### **Establishment of the Authority**

3. There is hereby established a juristic person called the Gauteng Tourism Authority.

#### **Powers and duties of the Authority**

4. The Authority has the following powers and duties in addition to any power or duty provided for in this Act:

- (1) to promote, foster and develop tourism in the Province;
- (2) to encourage the sustainable development, provision and improvement of tourist amenities
- (3) to establish guidelines for tourism development;
- (4) to initiate and implement activities and actions nationally and internationally intended to attract tourists to the Province;
- (5) to develop strategic and business partnerships and other co-operative activities with tourist organisations in civil society and other countries;
- (6) to co-ordinate, support and interact with organisations and institutions aimed at promoting and developing tourism;

- (7) to solicit membership with and become a member of organisations for tourism development and marketing;
- (8) with approval of the MEC, to provide finance for any project which will improve standards and develop tourism in the Province;
- (9) to receive donations; and
- (10) to function properly as a juristic person within the law of the Republic of South Africa, possess all the powers necessary for the Authority to function as such.

### **Constitution of the Authority**

**5.** (1) The Authority consists of one (1) member, who is also the Chief Executive Officer of the Authority.

(2) The MEC appoints the Chief Executive Officer in consultation with the Standing Committee.

(3) The Chief Executive Officer must be a fit and proper person, not employed by government, who possesses knowledge, qualifications and experience in the field of tourism and tourism development and promotion.

(4) The MEC must by notice in the *Provincial Gazette* and three (3) widely circulating newspapers in the Province, publish the name of the Chief Executive Officer, within one (1) month of appointment.

### **Conditions of service**

**6.** The MEC determines the terms and conditions of service, remuneration, allowances and other employee benefits of the Chief Executive Officer

### **Terms of office**

**7.** (1) The Chief Executive Officer holds office, subject to section 8, for the period determined by the MEC at the time of appointment, but not exceeding three (3) years, and may be re-appointed on termination of this period.

(2) If for any reason, the position becomes vacant, the MEC may appoint a qualifying person as Chief Executive Officer for the unexpired portion of the period of office concerned.

## Vacation of office

8. (1) The Chief Executive Officer must vacate office if he or she -
- (a) resigns;
  - (b) becomes of unsound mind;
  - (c) is convicted of an offence and sentenced to imprisonment without the option of a fine;
  - (d) becomes a member of Parliament, any provincial legislature, the council of a municipality, Cabinet or any executive council;
  - (e) ceases to be a resident of the Province; or
  - (f) is employed by government in any capacity other than as Chief Executive Officer of the Authority.
- (2) The MEC, in consultation with the Standing Committee may, at any time, terminate the period of office of the Chief Executive Officer if, in the opinion of the MEC, sufficient reasons exist to effect a termination. Provided that the Chief Executive Officer is given the opportunity to be heard.

## Disclosure of interest and conflict of interests

9. (1) The Chief Executive Officer must disclose to the MEC any direct or indirect interest or potential interest which he or she or his or her immediate family member, business partner or associate or employer has in the tourism industry.
- (2) In any matter where the Chief Executive Officer is required to make a decision or take action and where a conflict or potential conflict as contemplated in subsection (1) exists or possibly exists -
- (a) the Chief Executive Officer must refer the matter to the MEC;
  - (b) the MEC must obtain the prior advice of the Committee on the conflict or potential conflict in relation to the required decision or action;
  - (c) the MEC must thereafter determine what the appropriate decision or action is that the Chief Executive Officer has to take and may prescribe conditions applicable to such determination; and
  - (d) the MEC must, in writing, inform the Chief Executive Officer of his or her determination.
- (3) The Chief Executive Officer must follow the determination of the MEC as contemplated in subsection (2)(c).

(4) If the Chief Executive Officer fails to disclose any interest contemplated in subsection (1) or contravenes subsections (2) or (3), the MEC may, declare the relevant actions null and void.

(5) A failure as contemplated in subsection (4) constitutes a sufficient reason as contemplated in subsection 8(2).

### **Disqualification of office**

- 10.** No person must be appointed as Chief Executive Officer if that person is –
- (a) an unrehabilitated insolvent;
  - (b) not a South African citizen;
  - (c) not a resident of the Province;
  - (d) a habitual criminal; and
  - (e) of an unsound mind.

### **Staff of the Authority**

- 11.** (1) The Chief Executive Officer must, with the concurrence of the MEC, appoint persons to assist the Authority in the performance of its duties and exercise of its powers;
- (2) The staff of the Authority must–
- (a) receive remuneration, allowances and other employment benefits; and
  - (b) be appointed on such terms and conditions of service and for such periods,

as the Chief Executive Officer may, with the concurrence of the MEC, determine.

### **Expert and other assistance**

- 12.** (1) The Authority may, with the concurrence of the MEC, appoint on an ad hoc basis, such experts or other persons as it may deem necessary, with a view to assisting it, in the performance of its duties and exercise of its powers.

(2) The Chief Executive Officer must, with the concurrence of the MEC, determine the terms and conditions of service, remuneration and allowances of experts and persons contemplated in subsection (1).

## Delegation of powers

**13.** (1) The Chief Executive Officer may, with the concurrence of the MEC, for the effective execution of the provisions of this Act delegate a power conferred on him or her under this Act, except as accounting authority, to any member of staff.

(2) A person to whom a power has been delegated, must exercise the power or perform the duty subject to conditions that the Chief Executive Officer considers necessary.

(3) A delegation –

- (a) must be in writing ;
- (b) does not prevent the Chief Executive Officer from exercising the power; and
- (c) may at any time be withdrawn.

## Tourism Development Fund

**14.** (1) There is hereby established a fund called the Tourism Development Fund.

(2) The fund must be used for the development or empowerment of the previously disadvantaged persons or communities in the tourism industry.

(3) Subject to this Act, no less than thirty-three percent (33%) of the funds referred to in section 15 will be allocated to the fund.

## Funds of the Authority

**15.** (1) The funds of the Authority consist of –

- (a) monies contained in its budget and approved by the MEC as contemplated in subsection (2); and
- (b) money accruing to the Authority from any source approved by the MEC, including fees paid in terms of this Act.

(2) The Authority must, for the purposes of approvals contemplated in subsection (1), submit to the MEC a budget of estimated revenue and expenditure for the financial year, for approval, at least six months before the start of the financial year;

(3) The Authority must –

- (a) open an account with a bank registered in the Republic of South Africa and approved in writing by the Treasury after compliance with prescribed tender

procedures, and must deposit in that account all money referred to in subsection (1); and

- (b) may invest money deposited in terms of paragraph (a) which is not required for immediate use.

(4) The Authority shall not budget for a deficit and may not accumulate surpluses unless prior approval of the Treasury has been obtained.

### **Accounting responsibility of the Authority**

**16.** (1) The Chief Executive Officer is the accounting authority of the Authority subject to the provisions of the Public Finance Management Act.

(2) Treasury may, in exceptional circumstances, approve or instruct that another functionary of the Authority be the accounting authority and may withdraw the approval or instruction at any time.

(3) The Authority must inform the Auditor-General promptly and in writing of any approval or instruction and any withdrawal thereof in terms of subsection (2).

(4) The accounting authority must -

- (a) exercise the duty of utmost care to ensure reasonable protection of the assets and records of the Authority;
- (b) act with fidelity, honesty, integrity and in the best interest of the Authority in managing the financial affairs of the Authority;
- (c) on request, disclose to the MEC or the Legislature, all material facts, including those reasonably discoverable, which in any way may influence the decisions or actions of the MEC or the Legislature; and
- (d) seek, within the sphere of influence of the Authority, to prevent any prejudice to the financial interests of the state.

(5) The accounting authority may not-

- (a) act in a way that is inconsistent with the responsibilities assigned to an accounting authority in terms of the Public Finance Management Act; or
- (b) use the position or privileges of, or confidential information obtained as, accounting authority of the Authority, for personal gain or to improperly benefit another person.

- (6) The accounting authority –
- (a) must ensure that the Authority has and maintains –
    - (i) effective, efficient and transparent systems of financial and risk management and internal control;
    - (ii) a system of internal audit under control and direction of an audit committee complying with and operating in accordance with regulations and instructions prescribed in terms of sections 76 and 77 of the Public Finance Management Act;
    - (iii) an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective; and
    - (iv) a system of properly evaluating all major capital projects to a final decision on the project;
  - (b) must take effective and appropriate steps to–
    - (i) collect all revenue due to Authority;
    - (ii) prevent irregular expenditure, fruitless and wasteful expenditure, losses resulting from criminal conduct, and expenditure not complying with the operational policies of the Authority; and
    - (iii) manage available working capital efficiently and economically;
  - (c) is responsible for the management, including the safeguarding, of assets and for the management of the revenue, expenditure and liabilities of the Authority;
  - (d) must comply with any tax, levy, duty, pension and audit commitments as required by law;
  - (e) must take effective and appropriate disciplinary steps against any employee of the Authority who–
    - (i) contravenes or fails to comply with any provision of the Public Finance Management Act;
    - (ii) commits an act which undermines the financial management and internal control system of the Authority; or
    - (iii) makes or permits an irregular expenditure or a fruitless and wasteful expenditure;

- (f) is responsible for the submission by the Authority of all reports, returns, notices and other information to the Legislature and to Treasury or the MEC, as may be required by the Public Finance Management Act;
- (g) must comply, and ensure compliance by the Authority, with the provisions of the Public Finance Management Act and any other applicable legislation.

(7) If the accounting authority is unable to comply with any of the responsibilities determined for the Authority or accounting authority in terms of the provisions of the Public Finance Management Act, he or she must promptly report the inability, together with reasons, to the MEC and Treasury.

### **Information to be submitted by accounting authority**

**17.** (1) The accounting authority must submit to Treasury or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as Treasury or the Auditor-General may require.

(2) Before the Authority concludes any of the following transactions, the accounting authority for the Authority must promptly and in writing inform the relevant treasury of the transaction and submit relevant particulars of the transaction to the MEC for approval of the transaction:

- (a) establishment or participation in the establishment of a company;
- (b) participation in a significant partnership, trust, unincorporated joint venture or similar arrangement;
- (c) acquisition or disposal of a significant shareholding in a company;
- (d) acquisition or disposal of a significant asset;
- (e) commencement or cessation of a significant business activity; and
- (f) a significant change in the nature or extent of its interest in a significant partnership, trust, unincorporated joint venture or similar arrangement.

(3) The Authority may assume that approval has been given if it receives no response from the MEC on a submission in terms of subsection (2) within 30 days or within a longer period as may be agreed to between itself and the MEC.

## Annual reports and financial statements

18. (1) The Authority must –

- (a) keep full and proper records of all its financial affairs;
- (b) prepare financial statements for each financial year in accordance with generally accepted practice, unless the Accounting Standards Authority approves the application of generally recognised accounting practice for the Authority;
- (c) submit those financial statements within two months after the end of the financial year to the Auditor-General for auditing and to Treasury, subject to the provisions of the Public Finance Management Act;
- (d) submit within five months of the end of the financial year to the Treasury and the MEC–
  - (i) an annual report on the activities of the Authority during that financial year; and
  - (ii) the audited financial statements for that financial year.

(2) The annual report and financial statements referred to in subsection (1)(d) must–

- (a) fairly present the state of affairs of the Authority, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year concerned;
- (b) include particulars of –
  - (i) any material losses through criminal conduct and any irregular and fruitless and wasteful expenditure that occurred during the financial year
  - (ii) any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure;
  - (iii) any losses recovered or written off;
  - (iv) any financial assistance received from the state and commitments made by the state on its behalf; and
  - (v) any other matter that may be prescribed.

(3) The MEC must table the report and statements referred to in subsection (1)(d) in the Legislature as soon as possible.

(4) Treasury may direct that, instead of a separate report, the audited financial statements of the Authority must be incorporated in those of the Department.

(5) The financial year of the Authority ends on 31 March each year.

## CHAPTER 3

### TOURISM ADVISORY COMMITTEE

#### **Establishment of the Tourism Advisory Committee**

**19.** There is hereby established a committee called the Tourism Advisory Committee.

#### **Functions and duties of the Committee**

**20.** The Committee has the following functions and duties in addition to functions or duties provided for in this Act:

- (a) to research or investigate and make recommendations to the MEC on any matter relating to promotion, development or marketing of tourism in the Province; and
- (b) to advise the MEC on any matter that he or she has referred to the Committee for research, investigation or advice.

#### **Constitution of the Committee**

**21.** (1) The Committee must consist of no less than nine (9) and no more than (12) members, who must be fit and proper persons, appointed by the MEC.

- (2) The Committee must be constituted so as to include:
  - (a) two (2) senior representatives of the Department;
  - (b) a senior representative of the provincial Department of Agriculture, Conservation, Environment and Land Affairs, particularly experienced in conservation matters;
  - (c) a senior representative of the provincial Department of Sport, Recreation, Arts and Culture;

- (d) a senior representative of the provincial Department of Safety and Liaison; and
- (e) four (4) senior representatives, being officials, of the Local Government Municipalities or Councils in the Province, each representing a Local Government Municipality or Council.

(3) The Committee may, with the approval of the MEC, co-opt any persons with knowledge of tourism to assist the Committee with any matter the Committee deems necessary.

(4) The MEC must appoint one (1) member as Chairperson and another as Deputy-Chairperson.

(5) Whenever the Chairperson is absent or unable to fulfil any of the functions of the Chairperson, the Deputy-Chairperson of the Committee must act as Chairperson.

(6) Whenever both the Chairperson and the Deputy-Chairperson of the Committee are absent or unable to fulfil any of the functions of the Chairperson, the members present must elect a person amongst themselves to act as Chairperson.

(7) A quorum of the meetings of the Committee is five (5) members.

(8) The MEC must provide administrative support to the Committee.

## **Conditions of Service**

**22.** (1) A member, other than a person who is in the employ of the Government, must be appointed or co-opted on such conditions of service as the MEC may determine.

(2) A member may be paid such remuneration and allowances as the MEC may determine.

## **Terms of office**

**23.** (1) A member must, subject to the provisions of sections 24, 26 and 27, hold office for a period determined by the MEC at the time of appointment or co-option, but not exceeding four (4) years, and may be re-appointed on the termination of this period.

(2) If for any reason the office of a member becomes vacant, the MEC may appoint another person as member of the Committee for the unexpired portion of the period of office concerned.

**Vacation of office**

- 24.** (1) A member must vacate his or her office if he or she-
- (a) resigns;
  - (b) becomes of unsound mind;
  - (c) is convicted of an offence and sentenced to imprisonment without the option of a fine;
  - (d) ceases to be a resident of the Province; and
  - (e) absents himself or herself for more than three (3) consecutive meetings without valid reason.

(2) The MEC may, at any time, terminate the period of office of a member, if in the opinion of the MEC, sufficient reason exists to effect such termination: Provided that the member concerned is given an opportunity to be heard.

**Disclosure of interest**

**25.** A member must disclose any direct or indirect financial interest that the member concerned, his or her, immediate family member, business partner or associate or employer has in the tourism industry.

**Effect of conflict of interest**

**26.** (1) A member must not vote, attend or in any other manner participate in the proceedings at any meeting or hearing of the Committee if, in relation to any matter before the Committee-

- (a) he or she or his or her immediate family member, business partner or associate or employer is a director, member or partner of, or has a controlling interest or any financial or other interest in, the business of an applicant for any privilege to be granted by the Authority;
- (b) he or she has any interest which precludes him or her from performing his or her functions as a member in a fair, unbiased and proper manner; or
- (c) if at any stage during the course of the proceedings before the Committee, it appears that a member has or may have any interest contemplated in this subsection.

(2) Where there is doubt as to whether a member is or is not restricted by the provisions of subsection (1), that member must leave the meeting or hearing to enable the remaining members to discuss the matter and determine whether that member is precluded from participating in the proceedings at such meeting or hearings by reason of a conflict interest.

(3) The decision taken by the remaining members regarding such determination of conflict of interest, must be recorded in the minutes of the proceedings.

(4) If any member fails to disclose any interest contemplated in subsection (1) or if, having such interest, he or she attends or in any manner participates in the proceedings at the meeting or hearing concerned, the relevant proceedings may be declared null and void.

### **Disqualification of members**

**27.** No person must be appointed as a member if that person is –

- (a) an unrehabilitated insolvent;
- (b) not a South African citizen;
- (c) not a resident of the Province;
- (d) a habitual criminal; and
- (e) of unsound mind.

### **Meetings of the Committee**

**28.** (1) The first meeting of the Committee must be held at a time and place determined by the Chairperson, and thereafter the Committee must meet at such times and places as it determines for carrying out its duties.

(2) The Chairperson may at any time, on notice, convene an extraordinary meeting of the Committee to be held at a time and place determined by him or her.

(3) Each member of the Committee has one vote on any matter before the committee and, in the event of equality of votes, the Chairperson has, in addition to a deliberative vote, a casting vote.

(4) The Chief Executive Officer must not vote at the meeting of the Committee.

(5) The Committee must keep minutes of its meetings.

## CHAPTER 4

### REGISTRATION AND POSSIBLE FUTURE FUNCTIONS

#### Appointment of Registrar and designated officer

**29.** (1) The Authority -

- (a) must appoint a person to be the Registrar of tour guides, tour operators, couriers, training providers, hotels, conference centres, restaurants, designated tourist amenities and other accommodation establishments; and
- (b) may appoint such other persons as designated officers as it may deem necessary.

(2) The Registrar and designated officers must be issued with a certificate signed by the Chief Executive Officer on behalf of the Authority, stating that the holder has been appointed in terms of this Act.

#### Powers and duties of Registrar

**30.** The Registrar has the following powers and duties:

- (a) establish and maintain a data base at least containing a register of registrations;
- (b) periodically publish updated lists of registered entities and persons active in tourism industry;
- (c) other powers and duties provided for in this Act; and
- (d) any future powers and duties as may be agreed to between the Province and the Authority and the responsible entity for tourism within the National Government.

#### Designation of tourist amenities

**31.** (1) The MEC may by notice in the *Provincial Gazette*, on the advice of the Committee or on the recommendation of the Authority and after consultation with persons who are active in the tourist amenity industry, designate tourist amenities.

(2) Any person who desires a tourist amenity to be designated as contemplated in subsection (1), may apply in the prescribed form to the MEC for designation.

(3) The MEC must refer applications received under subsection (2) to the Committee and the Authority for purposes of advice and recommendation as contemplated in subsection (1).

(a) after consultation with

### **Registration**

**32.** For purposes of establishing a comprehensive database of the tourism industry, the Registrar must keep a register for the registration of -

- (a) tour guides;
- (b) tour operators;
- (c) couriers;
- (d) training providers;
- (e) hotels;
- (f) conference centres;
- (g) restaurants;
- (h) designated tourist amenities; and
- (i) other accommodation establishments

### **Notice for registration**

**33.** (1) The MEC must, on the advice of the Committee, by notice in the *Provincial Gazette* and in no less than three (3) newspapers widely circulating in the Province, declare that as from a date specified in the notice, being not less than six (6) months from date of publication of the notice, tour guides, tour operators, couriers, training providers, hotels, conference centres, restaurants, designated tourist amenities and other accommodation establishments, of such class as are specified in the notice, must be registered.

(2) No person may conduct a business of tour guide, tour operator, courier, training provider, hotel, conference centre, restaurant, designated tourist amenity and other accommodation establishment of a class specified in the notice referred to in subsection (1), after the date fixed for registration in the notice has expired, unless it is registered in terms of the Tourism Act, 1993 and this Act.

### **Application for registration**

**34.** (1) Any person who is conducting or operating or intends to operate the business of a tour guide, tour operator, courier, training provider, hotel, conference centre, restaurant, designated tourist amenity

and other accommodation establishment must apply to the Registrar for registration once such person has complied with the Tourism Act, 1993.

- (2) An application referred to in subsection (1) must be –
- (a) made in the prescribed manner; and
  - (b) accompanied by the prescribed fee.

### **Issuing of certificates**

**35.** The Registrar must, upon registration, issue to the tour guide, tour operator, courier, training provider, hotel, conference centre, restaurant, designated tourist amenity, and other accommodation establishment a certification of registration on the prescribed form.

### **Periodical publication of list of registrations**

**36.** The Authority must publish periodically, in such a manner as may be determined, a list of registered tour guides, tour operators, couriers, training providers, hotels, conference centres, restaurants, designated tourist amenities and other accommodation establishments, together with such particulars as it may determine.

### **Period of validity of registration**

**37.** Registration is valid for twelve (12) months from date of issuance and is renewable in accordance with the procedure contemplated in sections 34 and 35.

## **CHAPTER 5**

### **APPEAL AND INSPECTION**

#### **Appeal against the decision of the Registrar**

**38.** (1) Any person who is aggrieved by the decision of the Registrar with regard to an application for registration may, within twenty-eight (28) days after being notified of the decision, appeal in writing to the MEC.

(2) The appellant must, if a fee is prescribed for such appeal, submit the prescribed fee with his or her appeal.

(3) The MEC may require the Registrar to furnish him or her with written reasons for his or her decision.

(4) When an appeal is noted, the decision of the Registrar must be suspended, until the appeal is finalised.

(5) The MEC must make an appropriate order.

### **Inspection of premises**

**39.** (1) The Registrar or designated officer may, for purposes of this Act –

- (a) and at any reasonable time, enter any premises of –
  - (i) a tour guide, tour operator, courier, training provider, hotel, conference centre, restaurant, designated tourist amenity and other accommodation establishment in respect of which an application for registration has been made; or
  - (ii) a registered tour guide, tour operator, courier, training provider, hotel, conference centre, restaurant, designated tourist amenity and other accommodation establishment, as the case may be, after having informed the person who is in charge of such premises at the time of his or her visit, make such inspection and enquiry as he or she may deem necessary: Provided that he or she may not enter any room occupied by any person without the permission of such person;
- (b) question any person upon such premises, or at any reasonable time require any such person to produce any books, notices, records, or other documents which are or have been on the premises or in possession or custody of such person if, in his or her opinion the examination of such books, notices, records, or other documents is necessary for purposes of his or her investigation;
- (c) examine and make extracts from, and copies of any such books, notices, records, or other documents referred to in paragraph (b).

(2) The Registrar or designated officer must, on demand by any person affected by the examination referred to in subsection (1), exhibit the certificate issued to him or her under section 35.

## **CHAPTER 6**

### **GENERAL PROVISIONS**

#### **Transitional arrangements**

**40.** Any person who, at the commencement of section 33 has been registered as a tour operator, tour guide or courier in terms of the Tourism Act, 1993 (Act No 72 of 1993) or any applicable law, may continue to operate within the Province until registered in terms of this Act or expiry of the period contemplated in section 33(1) which ever is the earlier.

#### **Offences and penalties**

**41.** Any person who –

- (a) wilfully publishes or causes or allows to be published in any manner false or misleading information relating to any tour guide, tour operator, courier, training provider, hotel, conference centre, restaurant, designated tourist amenity; or
- (b) hinders or obstructs the Registrar or designated officer in the exercise of his or her powers or performance of his or her duties; or
- (c) wilfully furnishes to the Registrar or designated officer false or misleading information; or
- (d) contravenes any provision of this Act, which is not elsewhere specifically declared to be an offence;

shall be guilty of an offence and liable to a fine or imprisonment for a period not exceeding 2 (two) years or to both such fine and imprisonment.

#### **Regulations**

**42. (1)** The MEC may make regulations regarding the following matters:

- (a) fees payable in respect of registration, renewal of registration, and appeal;
- (b) other matters regarding fees, which the MEC deems necessary to prescribe;
- (c) the form and contents thereof of application for registration, certificates and appeals
- (d) the requirements by persons employed or engaged within the tourism industry to undertake certain courses of instruction or training, or possess certain qualifications as may be approved by the Authority;
- (e) any matter relating to possible future function of the Authority or the Committee; and
- (f) any other matter the MEC deems necessary to prescribe for achieving the objects of this Act.

(2) Regulations made in terms of subsection (1) may provide for penalties for the contravention thereof.

(3) The MEC must consult the Committee in making the regulations.

### **Repeal of laws and succession**

**43.** (1) The Gauteng Tourism Act, No 18 1998 is hereby repealed.

(2) On the date of commencement of section 3 and subsection, all assets, liabilities, rights and obligations of the Gauteng Tourism Authority, established in terms of the Act repealed by subsection (1), as they existed prior to the commencement of this Act, must be transferred to the Authority established by this Act.

(3) The newly constituted Authority is the successor in title to the disestablished Gauteng Tourism Authority.

### **Short title and commencement**

**44.** (1) This Act is called the Gauteng Tourism Act, 2001, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates may be determined for the commencement of different sections of this Act.

## **EXPLANATORY MEMORANDUM ON TOURISM BILL, 2001**

### **1. PURPOSE OF THE BILL**

The purpose is to provide for the promotion and sustainable development of tourism in Gauteng; the establishment of the Gauteng Tourism Authority; the establishment of the Tourism Advisory Committee; to provide for registration of tour guides, tour operators, couriers, training providers in the tourism industry, hotels, conference centres, restaurants, designated tourist amenities and other accommodation establishments; and to provide for matters incidental thereto.

### **2. ENVIRONMENTAL IMPLICATIONS**

None.

### **3. FINANCIAL IMPLICATIONS**

No implications other than those contained in the Bill relating to remuneration of office bearers and staff and functioning of the Authority and the Committee.

### **4. ACCOUNTS OF COMMENTS SOLICITED AND RECEIVED**

The Provincial Treasury was consulted on the impact of the provisions and implications of the Public Finance Management Act, 1999 on the provisions of the Bill.

### **5. CLAUSE-BY-CLAUSE DESCRIPTION**

#### **Section 1**

Definitions of terms used in the Act

#### **Section 2**

Sets out the application of the Act

#### **Section 3**

Establishes the Gauteng Tourism Authority as a statutory institution.

**Section 4**

Provides for powers and duties of the Authority

**Section 5**

Provides for the constitution of the Authority

**Section 6**

Prescribes the conditions of service of the CEO

**Section 7**

Provides for the term of office of the CEO

**Section 8**

Deals with vacation of office

**Section 9**

Provides for disclosure of interest and the consequences of a conflict of interest

**Section 10**

Provides for circumstances when a person is disqualified for office

**Section 11**

Provides for appointment of staff of the Authority

**Section 12**

Empowers the Authority to procure expert and other assistance in the execution of its powers and functions

**Section 13**

Provides for the delegation of powers by the CEO

**Section 14**

Establishes a Tourism Development Fund

**Section 15**

Provides for the funding of the Authority

**Section 16**

Assigns accounting responsibility in terms of the Public Finance Management Act, No 1 of 1999 to the CEO

**Section 17**

Provides for information to be submitted by the Authority

**Section 18**

Provides for reporting, including financial reporting by the Authority

**Section 19**

Establishes the Tourism Advisory Committee

**Section 20**

Provides for functions and duties of the Committee

**Section 21**

Constitutes the Committee

**Section 22**

Prescribes conditions of service for the Committee

**Section 23**

Prescribes term of office of members of the Committee

**Section 24**

Provides for vacation of office

**Section 25**

Provides for disclosure of interest by members of the Committee

**Section 26**

Sets out the effect of conflict of interest

**Section 27**

Provides for the disqualification of members on the Committee

**Section 28**

Provides for meetings of the Committee

**Section 29**

Provides for appointment of Registrar and designated officer

**Section 30**

Provides for the powers and duties of the Registrar

**Section 31**

Vests the MEC with the power to designate tourist amenities

**Section 32**

Provides for the registration of different categories of tourism operators

**Section 33**

Provides for a notice calling for registration of these operators

**Section 34**

Provides for application for registration

**Section 35**

Provides for the issue of certificates

**Section 36**

Provides for periodic publication of a list of registered operators

**Section 37**

Prescribes the period of validity of registration and renewal

**Section 38**

Provides for appeal against decision of the Registrar

**Section 39**

Provides for inspection of premises

**Section 40**

Prescribes transitional arrangements

**Section 41**

Provides for offences and penalties

**Section 42**

Provides for the making of Regulations by the MEC

**Section 43**

Repeals the Gauteng Tourism Act, 1998 and vests all legal titles on the new Authority

**Section 44**

Contains the short title and commencement of the Act. Different sections may come into operation at different times.

**NOTICE 6343 OF 2001****UMTHETHOSIVINYWA WEZOKUVAKASHA, 2001**

Ukwenza kube khona ukugquqguzela nokuthuthuka okusekelekile kweZokuvakasha eGauteng; ukusungulwa kweSigungu seZokuvakasha eGauteng; ukunikeza amandla nemisebenzi; nokuthwesa lesiSigungu izibopho esizozenza; ukunikeza amandla nokwethwesa iKomoti izibopho kwelizokwenza; ukusungula isikhwama sezimali sokuthuthukiswa kwezokuvakasha; ukwenza ukubhaliswa kwezincwadi zokwaluleka ekuvakasheni, abakhaphayo uma kuhanjwa, izgijimi, abanikeza uqequesho esebeznini weZokuvakasha, amahotela, ezindaweni zezinkomfa, ezindaweni zokudlela, okukhethiwe kweZivakasha okujabulisayo nezinye izindawo ezsunguliwe zokuhlala kanye nemisebenzi engenziwa ngesikhathi esizayo ephathelene nalezigaba; nokwenza kubekhona izinto ezingenzeka eziphathelene nalesi simo.

**AKUMISWE UMTHETHO yiSishayaMthetho seSifundazwe saseGauteng, kanje:**

**UKUHLELWA KWALOMTHETHO****ISAHLUKO 1****IZINCAZELO NOKUSETHSENZISWA KWALOMTHETHO**

1. Incazel
2. Ukusetshenziswa kwaloMthetho

**ISAHLUKO 2****ISIGUNGU SEZOKUVAKASHA EGAUTENG NESIKHWAMA SEZIMALI**

3. UkuSungulwa kwesikhwama
4. Amandla nezibopho zeSigungu
5. Ukwensiwa kweSigungu
6. Izimiselo zokusebenza
7. Isikhathi sokuba sesikhundleni
8. Ukuphuma esikhundleni
9. Ukuvezwa kokuthandwayo nokuphambana nokuthandawayo
10. Ukuphucwa kwesikhundla
11. Izisebenzi zeSigungu
12. Izingcweti nolunye usizo
13. Ukwabiwa kwamandla
14. Isikhwama Semali Sokuthuthukisa eZokuVasha
15. Isikhwama sezimali seSigungu
16. Isibopho soKuphendula seSigungu
17. Imibiko okufanele ilethwe iSikhulu esiphendulayo
18. Umbiko wonyaka neZitentimente zeZimali

**ISAHLUKO 3****IKOMITI ELALULEKAYO LESIGUNGU**

19. UkuSungulwa kweKomiti elaluleka iSigungu
20. Imisebenzi nezibopho zeKomiti
21. Ukwensiwa kweKomiti
22. Izimiselo zokusebenza
23. Isikhathi sokuba sesikhundleni
24. Ukuphuma esikhundleni
25. Ukuvezwa kokuthandwayo
26. Umphumela wokuphambana nokuthandwayo

27. Ukuphucwa kwamalungu ubulungu
28. Imihlangano yeKomiti

#### **ISAHLUKO 4**

#### **UKUBHALISA NEMISEBENZI ENGABAKHONA NGESIKHATHI ESIZAYO**

29. Ukuqokwa koMbhalisi noMphathisikhundla Obekiweyo
30. Amandla nezibopho zoMbhalisi
31. Ukubekwa kokujabulisa izivakashi
32. Ukubhaliswa
33. INothisi yokubhaliswa
34. Isicelo sokubhaliswa
35. Ukukhishwa kwezitifiketi
36. Ukukhishwa kwezincwadi ngezikhathi ezithile zohla lokubhaliswa
37. Isikhathi esisemthethweni sokubhaliswa nokuvuselelwa

#### **ISAHLUKO 5**

#### **ISIPHAKAMISO NOKUHLOLWA**

38. Isiphakamiso esiphikisa isnqumo soMbhal
39. Ukuhlolwa kwezakhiwo

#### **ISAHLUKO 6**

#### **AMALUNGISELELO AJWAYELEKILEYO**

40. Izinhlelo zoguquko
41. Amacala nezijeziso
42. Imithetho
43. Ukuchithwa kweMithetho noKulanelana
44. Ishloko esifushane noKuqalwa

**ISAHLUKO 1****IZINCAZELO NOKUSETSHENZISWA KWALOMTHETHO****Izincazelo**

1. KuloMthetho, ngaphandle kokuba isimo sikhomba okunye-  
“ISigungu” sisho iSigungu seZokuvakasha saseGauteng;  
“UMphathi Wehovisi Omkhulu” kusho umuntu oqashwe ngokwesigaba 5;  
“IKomiti” lisho iKomiti Lokwaluleka kweZokuvakasha;  
“indawo yenkomfa” isho indawo emsebenzini enika amathuba okungenisa izinkomfa, izngqungquthela, imibuthano, imihlangano yolwazi yabantu abahlukeneyo ngodaba oluloldwa, imihlangano yamaqembu ezitshudeni nemibukiso, kungenzi ingxenye yehotela noma enye indawo yokuhlala;  
“Isigijimi” sisho umuntu noma umsebenzi onika ukuthuthwa kwezivakashi  
“UMnyango” usho umnyango obhekele oZokuvakasha eSifundazweni  
“Isisebenzi Esikhethiweyo” sisho umuntu oqashwe ngokwesigaba 29;  
“Okukhethiwe kweZivakashi okujabulisayo” kusho indawo noma into ememezelwe iLungu loMkhandlu Onamandla weSifundazwe njengekhethiweyo yokujabulisa iZivakashi ngokweSigaba 31;  
“UMkhandlu Onamandla” lisho uMkhandlu Onamandla kaHulumeni weSifundazwe saseGauteng;

**"ISikhwama Sezimali"** sisho iSikhwama Sezimali sokuThuthukisa eZokuvakasha;

**"Ihotela"** lisho izindawo lapho kakhona noma lapho kwenzelwa umsebenzi wokunikeza indawo yokuhlala nokudla okukhokelwayo noma okufanele kwensiwe, lokhu kubandakanye namaMotheli neZiphumulo noma iZiphumulo zeziqebhe;

**"ILungu lomndeni elisondele kakhulu"** kusho oshade naye, umzali, ingane, umfoweni noma udadeweni;

**"ISishayaMthetho"** sisho iSishayaMthetho seSifundazwe saseGauteng;

**Ilunga loMkhandlu Onamandla weSifundazwe"** lisho iLungu LoMkhandlu Onamandla ongamele izindaba Zokuvakasha eSifundazweni;

**"ILungu"** lisho iLungu leKomiti eLaluleka kweZokuvakasha;

**"Ezinye izindawo zokuhlala"** zisho noma iziphi izndawo, ngaphandle kwamahotel, ezinikeza izindawo zokulala emphakathini ngokukhokhisa, noma zinakho noma kungekho ukudla nezikebhe zibaliwe, indlu eyisikebhe, izindawo olala kuzo uthole isidlo sasekuseni, omahambanendlwana, izinkambu zokumisa izimoto, izindlu zasemapulazini, izindlu zezihambi, amahositela nezindawo eziqashisa amakamelo okuhlala;

**"UMthetho Wokuphathwa kweZimali zoMphakathi"** usho uMthetho Wokuphathwa kweZimali zoMphakathi, ka-1999 (UMthetho uNombolo 1 ka -1999);

**"ISifundazwe"** sisho iSifundazwe saseGauteng;

**“Nquma” kusho ukunquma ngokomthetho kanye ‘nokunqunyiwe’ kusho okuhambelanayo;**

**“UMbhali” usho umuntu oqashwe ngokweSigaba 29;**

**“Izinkambiso ngokomthetho” zisho izinkambiso ngokomthetho ezenziwe ngaphansi kwaloMthetho;**

**“Indawo yokudlela” isho izindawo ezakhiwe zalungela futhi ezisetshenziswa ngenhloso yokunikeza ukudla, okukhokhelwego, eMphakathini ukuba kudliwe kuleyondawo noma ngaphandle kwayo;**

**“Oshade naye” kubandakanye nomuntu ohlala naye sengathi nishadile noma umuntu ovamise ukukipita naye;**

**“iKomiti Elilokhu Lisebenza” lisho iKomiti leSishayaMthetho seSifundazwe elingamele eZokuvakash;**

**“LoMthetho” lokhu kubandakanye iznkambiso ngokomthetho ezenziwe ngaphansi kwaloMthetho;**

**“UMkhaphi ekuvakasheni” lokhu kusho umuntu okhokhelwayo noma ngemali noma kanjani , ohambisana noma imuphi umuntu oyisihambi noma ovakashile noma kuyiphi indawo phakathi kweSifundazwe noma onika lowomuntu ulwazi noma ophawula maqondana nayiphi indaba;**

**“Ohambisayo KweZokuvakash” lokhu kusho umuntu owenza umsebenzi onikeza ukuvakashisa ochazwa noma kanjani esebezisa isithuthi sakhe noma somunye umhambisi esivumelekileyo, ibhanoyi futhi namanye amalungelo;**

**"Onikeza Uqequesho"** kusho noma imuphi umuntu enhlanganweni noma esikhungweni onikeza uqequesho, oholayo noma ofundisayo emsebenzini wezokuvakasha eSifundazweni; futhi

**"UMgcinizimali"** kusho uMgcinizimali esiSifundazweni saseGauteng njengoba kucetshisiwe eMthethweni Wokungamela Izimali zoMphakathi.

#### **Ukusetshenziswa kwaloMthetho**

2. LoMthetho usetshenziswa kuso sonke iSifundazwe.

#### **ISAHLUKO 2**

#### **ISIGUNGU SEZOKUVAKASHA SASEGAUTENG NESIKHWAMA SEZIMALI**

#### **Ukusungulwa kwaleSigungu**

3. Lapha ngalokhu kusungulwe iSazi somthetho esibizwa ngeSigungu seZokuvakasha eGauteng.

#### **Amandla nezibopho zeSigungu**

4. ISigungu sinalamandla alandelayo nalezibopho ngaphezu kwanoma imaphi amandla noma izibopho ezibekiwe kuloMthetho:

- 1) Ukuqhubela phambili, ukulondoloza nokuthuthukisa eZokuvakasha eSifundazweni
- 2) Ukugqugquzelu ukuthuthuka okusekelekile, ukulungisela nokuba kwensiwe ngcono ukujabulisa izivakashi
- 3) UKusungula izndlela zokwaluleka ezizothuthukisa eZokuvakasha;

- 4) Ukuqala nokwenza imisebenzi nezenzo ezweni lonke nasemhlabeni jikelele eziqonde ukukhangisa ukuza kwezivakashi eSifundazweni ;
- 5) Ukusungula amasu nomsebenzi ohlanganyelwe kanye neminye imisebenzi ebambiswene nezinhlangano Zokuvakasha ebudlelwaneni obuphathelene nomphakathi nakwamanye amazwe;
- 6) Ukuqondanisa , ukusekela nokwenzelana nezinhlangano nezikhungo ezihlose ukuqhubela phambili nokuthuthukisa eZokuvakasha;
- 7) Ukunxusa ubulungu bakho nokuba ilungu lenhlangano yokuthuthukisa eZokuvakasha nezokuthengisa;
- 8) Ngokuvuma kweLungu loMkhandlu Onamandla weSifundazwe, ukuniqeza imali yanoma iluphi usongozo oluzokwenza ngcono amazinga futhi luthuthukise eZokuvakasha eSifundazweni;
- 9) Ukwamukela iminikelo ; futhi
- 10) Ukuze isebeenze kahle njengeSazi sezomthetho ngokomthetho waseNingizimu Afrika, sibe namandla onke adingekayo eSigungu ukuze sikwazi ukusebenza.

### **Ukwensiwa kweSigungu**

5. (1) ISigungu siba noyedwa (1) oyilungu, futhi oba uMphathi Omkhulu Wehovisi leSigungu
  - (2) ILungu loMkhandlu Onamandla weSifundazwe liqoka uMphathi Omkhulu Wehovisi ngokubonisana neKomiti Elilokhu Lisebenza
  - (3) UMphathi Wehovisi Omkhulu kufanele kube umuntu oqotho futhi ofanelekileyo, oqashwe uHulumeni, onolwazi, okufanele futhi onobungcweti emsebenzini weZokuvakasha nasekuthuthukiseni nokuqhubelekisela phambili eZokuvakasha
  - (4) ILungu Lomkhandlu Onamandla weSifundazwe kufanele lenze ngeNothisi eGazethini yeSifundazwe nakwamathathu (3)

amaphandaba asakazeka kakhulu eSifundazweni, limemezele igama loMphathi Omkhulu Wehovisi, enyangeni eyodwa (1) eqokiwe.

### Izimiselo zokusebenza

6. iLunga loMkhandlu Onamandla weSifundazwe lenza izikhathi zokuphatha ezikhundleni nezimiso zokusebenza, imiholo, izmfanelo nolunye usizo loqashiwe ezingezoMphathi Wehovisi Omkhulu

### Isikhathi sokuba sesikhundleni

7. (1) UMphathi Wehovisi Omkhulu uba sesikhundleni, phansi kwesigaba 8, esikhathini esibekwe iLungu loMkhandlu Onamandla weSifundazwe ngesikhathi sokuqashwa, kodwa asidluli eminyakeni emithathu (3) futhi angaphinda aqashwe ekupheleni kwalesikhathi.

(2) Uma noma ngasiphi isizathu, isikhundla singangabi namuntu, iLunga loMkhandlu Onamandla weSifundazwe lingaqasha umuntu ofanelekileyo ukuba uMphathi Wehovisi Omhkulu okwengxene yeikhathi esingakapheli saleso sisebenzi okukhulunywa ngaso.

### Ukuphuma esikhundleni

8. (!) UMphathi Wehovisi Omkhulu kufanele aphume esikhundleni uma –

- (a) esula;
- (b) eba nokungaphili kahle engqondweni
- (c) eboshwa ngecalal futhi enqunyelwa ukuboshwa ngaphandle kokukhetha inhlawulo;
- (d) eba ilungu lePhalamende, noma leSishayamthetho seSifundazwe, uMkhandlu Omkhulu kaMasipala,

- uMkhandlu wakwaHulumeni noma yimuphi  
 uMkhandlu Onamandla okwenza;  
 (e) eyeka ukuba isakhamuzi seSifundazwe; noma  
 (f) eqashwa uHulumeni noma kusiphi isikhundla  
 ngaphandle kokuba uMphathi Wehovisi Omkhulu  
 weSigungu.

(2) iLungu loMkhandlu Onamandla, libonisana neKomitie Elihlala

Lisebenza okungathi, noma ngasiphi isikhathi, aphelise isikhathi sokuba  
 sesikhundleni soMphathi Wehovisi Omkhulu uma, ngokubona kweLungu  
 loMkhandlu Onamandla kunesizathu esanele ukuba enze siphele. Uma  
 noMphathi Wehovisi Omkhulu enikeziwe ithuba lokuba kuzwiwe uvo lwakhe.

### **Ukuvezwa kokuthandwayo nokuphambana nokuthandwayo**

9. (1) Umphathi Wehovisi Omkhulu makadalule eLungwini  
 loMkhandlu Onamandla noma ikuphi okuqonde ngqo noma okungaqondile ngqo  
 okuthandekayo noma okunamandla okuthandeka kuyena noma elungwini  
 lomndeni elisondele kakhulu, umlingani wakhe emsebenzini noma  
 abasebenzisanayo noma umqashi anakho emsebenzini weZokuvakasha.

- (2) Noma kuluphi udaba uMphathi Wehovisi Omkhulu edingeka  
 ukuba enze isinqumo noma athathe igxathu uma futhi lapho  
 kunokuphambana noma okunamandla okuphambana  
 njengoba kubhekisiwe esigatshaneni (1) kukhona noma  
 kunamandla okubakhona –
- (a) uMphathi Wehovisi Omkhulu makadlulisele udaba  
 eLungwini loMkhandlu Onamandla;
- (b) iLungu loMkhandlu Onamandla malithole isaluleko  
 kuqali eKomitini ngalokuphambana noma  
 okunamandla okuphambana esizohambelana  
 nesiqumo noma igxathu elidingekayo;

- (c) iLungu loMkhandlu Onamandla kufanele emva kwalokho liqiniseke ngesinqumo esifanelekilyo noma igxathu lelo elizothathwa uMphathi Wehovisi Omkhulu kufanele athathe futhi angabeka izimiso ezingenelayo kuleyo ngqiniseko enjalo; futhi
- (d) iLungu loMkhandlu Onamandla kufanele, libhale, lazise uMphathi Wehivisi Omkhulu ngokuqinise kwalo
- (3) UMphathi Wehovisi Omkhulu kufanele alandele ukuqinisekisa kweLungu loMkhandlu Onamandla njengoba kubhekisiwe esigathsaneni (2)(c)
- (4) Uma uMphathi Wehovisi Omkhulu ahluleka ukudalula noma ikuphi okuthandwayo njengoba kubhekisiwe esigatshaneni (1) noma aphula izigatshana (2) noma (3), iLungu loMkhandlu Onamandla lingazimemezela lezozenzo eziqondene njengezingenamandla futhi eziyize
- (5) Ukwahluleka kokunjengoba kubhekisiwe esigatshaneni (4) kwenza isizathu esanele sokunjengokubhekiswe esigatshaneni 8(2).

### **Ukwaphucwa kwesikhundla**

10. Akukhomuntu okufanele aqashwe njengoMphathi Wehovisi Omkhulu uma lowomuntu engokulandelayo –
  - (a) engakwazi ukulungiswa ekwahlulekeni ukukhokha izikweletu;
  - (b) engesona isakhamuzi esinamalungele aseNingizimu Afrika;
  - (c) engahlali kulesoSifundazwe;
  - (d) uma eyisiboshwa esejwayelekile; futhi
  - (e) engaphilanga kahle engqondweni.

**Izisebenzi zeSigungu**

11. (1) UMphathi Wehovisi Omkhulu kufanele, ngokuhlanganyela neLungu loMkhandlu Onamandla , aqoke umuntu ozosiza iSigungu ekwenzeni izibopho nokusebenzisa amandla aso;
- (2) Izisebenzi zeSigungu kufanele –
- (a) zamukele amaholo, izimfanelo nokunye ukusizwa emsebenzini; futhi
  - (b) mabaqashwe ngendlela nangezimiselo zomsebenzi futhi okwangalezo zikhathi,

njengoba uMphathi Wehovisi Omkhulu engenza, ngokuhlanganyela neLungu loMkhandlu Onamndla, baqinisekise.

**Izingcweti nolunye usizo**

12. (1) ISigungu singenza ngokuvumelana neLungu loMkhandlu Onamandla, ukuqasha ngokwesikhashana izingcweti noma abanye abantu njengoba kungadingeka, ngenjongo yokusisiza, ekwenzeni izbopho nokusebenzisa amandla aso
- (2) UMphathi Wehovisi Omkhulu kufanele, ngokuvumelana neLungu loMkhandlu Onamandla, aqiniseke ngedlela nangezimiso zomsebenzi, ukuholela nezimfanelo zezingcweti nabantu ababhekiswe esigatshaneni (1).

**Ukwabiwa kwamandla**

13. (1) UMphathi Wehovisi Omkhulu angenza, ngokuvumelana neLungu IoMkhandlu Onamandla, khona ezokwenza ngokupheleleyo okwamalunigiselelo aloMthetho abe amandla anikezwe wona ngaphansi kwaloMthetho, ngaphandle kwawokuba isikhulu esiphendulayo, noma kuliphi ilungu labasebenzi.
- (2) Umuntu owabelwe lamandla, kufanele asebenzise amandla ukwenza izibopho kuye ngezimiso uMphathi Wehovisi Omkhulu abona zifanele.
- (3) Ukwabiwa –
- (a) Kufanele kubhalwe;
  - (b) akumvimbeli uMphathi Wehovisi Omkhulu ukuba asebenzise amandla; futhi
  - (c) kungaphucwa noma ngasiphi isikhathi.

**Isikhwama Semali Sokuthuthukisa eZokuvakasha**

14. (1) Kukhona lapha isikhwama semali esisunguliweyo esibizwa ngeSikhwama Semali Sokuthuthukisa eZokuvakasha.
- (2) Imali kufanele isetshenziselwe ukuthuthukisa nokunika amandla lababantu ababehlaliswe kabi ngaphambili noma imigwamanda yemizi yonke esemsebenzini woZokuvakasha
- (3) Phansi kwaloMthetho, ngeke kube ngaphansi kwengxenye engamashumi amathathu nantathu ekhulwini (33%) yezimali okukhulunywe ngazo esigabeni (15) eyofakwa kulesikhwama semali.

**Izimali Zesigungu**

15. (1) Izimali zeSigungu zihlanganisa –
- (a) izimali ezisebhajethini futhi ezivunywe iLungu loMkhandlu Onamandla njengoba kubhekisiwe esigatshaneni (2); futhi
  - (b) imali eqongelelw eya eSigungwini evela noma kuyiphi indawo evunywe iLungu loMkhandlu Onamandla, ibandakanya izimali ezikhokhwe ngokwaloMthetho.
- (2) ISingungu kufanele, ngokwenhoso yokuvunywa okubhekisiwe esigatshaneni (1), silethe eLungwini loMkhandlu Onamandla ibhajethi yesilinganiso semali etholwayo ngezindlela zonke kanye nesetshenzisiwe ngalowonyaka wemali, izovunywa, okungenani izinyanga eziyisithupha ngaphambi kokuqalwa konyaka wemali;
- (3) ISigungu kufanele –
- (a) sivule incwadi yokulondoloza imali neBhange elibhalisiwe futhi ivunywe ngokubhaliwe uMnyango wezimali zezwe wakwaHulumeni emva kokuvumelana kahle neminingwane yemali emisiwe elilungelo lokusetshenziswa, futhi kufanele sifake kuleyoncwadi yemali zonke izimali okukhulunywe ngazo esigatshaneni (1); futhi
  - (b) angayifaka imali kokuthize ukuze ithole inuzzo ebekiwe ngokwesigaba (a) engadingeki ukusetshenziswa ngokushesha.
- (4) ISigungu ngeke sibhajethole ukuntuleka kwemali futhi ngeke sinqwabele okuseleyo ngaphandle kokuthola imvume kuqala eMnyangweni wezimali zezwe zakwaHulumeni.

**Isibopho Sokuphendula SeSigungu**

**16.** (1) UMphathi Wehovisi Omkhulu uyisikhulu esiphendulayo seSigungu phansi kwezimiselo zoMthetho Wokungamela Izimali zoMphakathi.

(2) UMnyango Wezimali Zezwe zakwaHulumeni angenza, ezimeni ezingavamile avume noma ajube ukuthi omunye umsebenzi weSigungu abe isikhulu esiphendulayo futhi angakuphuca ukuvunywa nokujuba noma ngasiphi isikhathi.

(3) ISigungu kufanele sazise uMbalu wezimali –Jikelele ngokushesha futhi ngokubhaliwe noma ngakuphi ukuvunywa noma ukujutshwa kanye noma ngakuphi ukuphucwa kwalokho ngokwesigatshana (2).

(4) Isikhulu esiphendulayo kufanele –

(a) Sisebenzise isibopho ngokucophelela okukhulu ukulungisela ukuba kwenzeke ukuvikeleka okunengqondo kwezimpahla nemiqulu yeSigungu ;

(b) enze ngobuqotho, ngokwethembeka, ngokugcina umthetho nakho konke okuyintando ekungameleni izindaba zezimali zeSigungu;

(c) uma eceliwe avezele iLungu loMkhandlu Onamandla noma iSishayamthetho, onke amaqiniso aphetekalayo, kubandakanya lawo angatholakala uma kucatshangwa, angase noma ngayiphi indlela abe nomthelela ezinqumeni noma ezenzweni zeLungu loMkhandlu Onamandla noma iSishayamthetho, futhi

(d) afune, ngaphakathi komkhakha womthelela weSigungu, ukuvimbela noma ikuphi ukulimala ezinjongweni zezimali zikaHulumeni

(5) ISikhulu esiphendulayo ngeke –

(a) senze into ngendlela engahlangani nezibopho ezibekelwe iSikhulu esiphendulayo ngokoMthetho Wokungamela Izimali zoMphakathi; noma

(b) asebenzise isikhundla noma amalungelo alokho, noma udaba oluyimfihlo alutholile njengeSikhulu esiphendulayo seSigungu, azisebenzisele ukuzizuzela noma azuzise omunye umuntu ngokungafanekile.

(6) ISikhulu esiphendulayo –

(a) kufanele siqiniseke ukuthi iSigungu sinakho futhi siyakugcina

(i) ngokuphumelelayo, ngekhono lokwenza futhi izindlela zokuphatha izimali zichache kanye nokungazifaki engozini yokwangamela imali nokuyiphatha ngaphakathi;

(ii) izindlela zokubheka ukubalwa kwezimali ngaphakathi zibe phansi kokuphathwa nokuqondiswa yiKomiti lokubala ahambisane nalo futhi elisebenza ngokwemithetho nezimiso ezibekiwe ngokwesigaba 76 no 77 soMthetho Wokongamela Izimali zoMphakathi;

(iii) izinhleo ezifanelekile zokuthelisa nokunikeza okuyikhona kulungile, okulingene, okuchachileyo, okungaphikisana nokunye nokungadayisa ngempumelelo; futhi

(vi) uhlelo oluyilona lokulinganisa lonke usongozo lwezimali ezinkulu kuze kube isinqumo sokugcina osongozweni

(b) kufanele kuthathe izinyathelo eziphumelelayo futhi okuyizona uku-

(i) kuqoqa yonke imali etholwa ngezindlela zonke eza eSigungwini;

(ii) ukuvimbela ukuchitha imali ngokungemthetho, okungavezi lutho futhi ukumosa imali, ukulahlekelwa kuvela ekuziphatheni ngokobulelesi, nencithakalo

- ngokungahambisani nemigomo esetshenziswayo  
yeSigungu; futhi
- (iii) kwanganye imali ekhona esetshenziswayo  
ngempumelelo futhi ngokongeka;
- (c) sinesibopho sokwengamela, kubandakanya  
ukulondoloza, izimpahla nokwengamela imali etholwa  
ngezindlela zonke, incithakalo namacala emali  
eSigungu;
- (d) kufanele kuhanjiswe noma iyiphi intela, inhlawulo,  
imali etheliswa nguHulumeni ngempahla, impesheni  
nokubalwa kwesizifake kukho njengoba kudingeka  
emthethweni;
- (e) kufanele kuthathwe izinyathelo eziyimpumelelo futhi  
azifaneleyo zokuphatha ngamandla aqinileyo kunoma  
isiphi isiebenzi seSigungu esenza okulandelayo -
- (i) eseqa noma esahlulekayo ukuhambisana  
noma isiphi isibopho soMthetho Wokungamela  
Izimali zoMphakathi;
- (ii) ukwenza isenzo esibukela phansi  
ezokwengamela ezimali futhi nokuphatha  
uhlelo Iwangaphakathi IweSigungu; noma
- (iii) ukwenza noma ukuvumela ukuchitha imali  
okungekho emthethweni noma okungavezi  
lutho futhi okuchitha imali;
- (f) unesibopho sokulethwa kwemibiko yonke  
yeSigungu okubuyiswayo, izinothisi kanye nolunye  
ulwazi oluya kuSishayamthetho noluya kuMbali  
wezimali – jikelele noma iLungu loMkhandlu  
Onamandla, njengoba kungadingwa uMthetho  
Wokungamela Izimali zoMphakathi;
- (g) kufanele alandele, futhi alungisele ukuba kwenzeke

ukuvumelana neSigungu nokubekwe uMthetho Wokungamela Izimali zoMphakathi futhi nanoma imuphi umthehto ohambelanayo;

- (7) Uma isikhulu esiphendulayo singakwazi ukuvumelana noma inantoni yezibopho ezibekiwe zeSigungu noma iSikhulu esiphendulayo ngokubekiwe koMthetho Wokungamela Izimali zoMphakathi, yena kufanele abike ngokushesha lokuhluleka, kanye nezizathu , eLungwini loMkhandlu Onamandla nakuMbali Wezimali – jikelele.

### **Imibiko okufanele ilethwe iSikhulu esiphendulayo**

17. (1) Isikhulu esiphendulayo kufanele silethe kuMphathi Wezimali zakwaHulumeni noma kuMbali wezimali-jikelele imibiko enjalo, okubuyiswayo, izincwadi, izincazelo nezimbangela njengoba zibekiwe noma njengoba uMphathi Wezimali zakwaHulumeni noma uMbali Wezimali –jikelele engafuna.
- (2) Ngaphambi kokuba iSigungu sivale noma iyiphi kwelandelayo imisebenzi, iSikhulu esiphendulayo seSigungu kufanele ngokushesha futhi ngokubhaliwe asitshele umphathi wezimali oqondene nalowomsebenzi futhi silethe imininingwane efanele yomsebenzi eLungwini loMkhandlu Onamandla ukuze kuvunywe lomsebenzi;
- (a) ukusungulwa noma ukuhlanganyela ekusunguleni kwenkampani;
  - (b) ukuhlanganyela ekubambisaneni okubalulekileyo, ukuthembana, umsebenzi olingwayo ohlanganyeleg ongangenisiwe noma okuhleliwe okunjalo;
  - (c) ukuthola noma ukulahlwa kokubambisana ngamasheya okubalulekileyo enkampanini;
  - (d) ukuthola noma ukulahlwa kwezimpahla ezisemqoka;

- (e) ukuqalwa noma ukuphela kezenzo zemisebenzi ebalulekileyo; futhi
  - (f) ukushintsha okubalulekileyo esimweni noma ebukhulwini benjongo ekubambisaneni okubalulekileyo, ukuthemba, emsebnzini olinganayo ongahlanganyele ongangenisi noma okuhleliwe okunjalo.
- (3) Isigungu singathatha ukuthi ukuvunywa sekunikeziwe uma singatholi mpendulo iLungwini IoMkhandlu Onamandla uma kulethwe umbiko ngokwesigatshana (2) ezinsukwini eziwu 30 noma esikhathini eside njengoba kungavunyelwana phakathi kwaso neLungu IoMkhandlu Onamandla.

### **Umbiko wonyaka nezitativende zezimali**

18. (1) ISigungu kufanele
- (a) sgcine ngokuphelele futhi okufaneleyo okubhalwe ezincwadini zazo zonke izindaba zezimali zaso
  - (b) silungise zonke izitativende zonyaka wemali ngamunye ngokuhambelana nesiqhelo esivunyiwe jikelele, ngaphandle kokuba iSigungu Samazinga Okubala sivuma ukusetshenziswa kokwaziwayo ukusebenza kokubala jikelele kweSigungu;
  - (c) Silethe lezotativende zemali ezinyangeni ezimbili emva kokuphela konyaka wezimali ziyiswe kuMbali –jikelele Wezimali naseMnyangweni wezimali zezwe zikaHulumeni , njekubekiwe eMthethweni Wokungamela Izimal zoMphakathi
  - (d) Silethe eMyangweni wezimali zezwe zikaHulumeni

- naseLungwini loMkhandlu Onamandla ezinyangeni eziyisihlanu emva kokuphela konyaka wezimali.
- (i) umbiko wonyaka ngemisebenzi yeSigungu eyenzeke ngolowo nyaka wemali; ne-
- (ii) isitatimende esesibaliwe sezimali salowo nyaka wezimali
- (2) Umbiko wonyaka nesitatimende sezimali okushiwo esigatshaneni (1)(d) kufanele-
- (a) kuveze kahle ubunjalo beSigungu, umsebenzi, imiphulmela yezimali zaso, esikwenzile kuqhathaniswa nokokuphokophelwayo okwakunqunywe ngaphambili nesimo sezimali saso ekupheleni konyaka wezimali lovo
- (b) kufakwe imininingwane ya-
- (i) noma ikuphi ukulahleka kwempahla ngokuziphatha ngobugebengu futhi noma ikuphi okungahambi ngokomthetho futhi okungavezi lutho, nokumosa imali okwenzeke ngonyaka wezimali
- (ii) noma ibuphi ubugebengu nezinyathelo zokuqondisa izigwegwe ezenziwa njengomthelela walokho kulahleka noma ukungahambi ngokomthetho, ukungavezi lutho kanye nokumosa imali;
- (iii) noma ikuphi ukulahleka okubuyisiwe noma okusuliwe;
- (iv) noma iluphi usizo lwezimali olutholwe kuHulumeni kanye noma ikuphi ukuzibophelela okwenziwe uHulumeni egameni lakhe; futhi

- (v) noma iyiphi indaba engase ibekwe
- (3) ILungu loMkhandlu Onamandla kufanele lethule umbiko nezitativende ezishiwo esigatshaneni (1)(d) kuSishayamthetho ngokushesha okusemandleni alo.
- (4) UMnyango Wezimali zezwe zikaHulumeni ungalawula ukuthi esikhundleni sombiko ohamba wodwa wesitatamente esesibaliwe sezimali seSigungu kufanele ube kanye nalezo zoMnyango
- (5) Unyaka wezimali weSigungu uphela ngomhla ka 31 kuMashi enyakeni ngamunye.

### **ISAHLUKO 3**

#### **IKOMITI ELALULEKAYO LESIGUNGU**

##### **Ukusungulwa kwekomiti elalulekayo leSigungu**

19. Lapha kusungulwa ikomiti elibizwa ngeKomiti Elalulekayo leSigungu.

##### **Imisebenzi nezibopho zeKomiti**

20. IKomiti linalemisebenzi elandelayo nezibopho ngaphezu kwemisebenzi noma izibopho ezipheku kuloMthetho:
- (a) Ukucwaninga nokusesha futhi lenze izincomo eLunguwini loMkhandlu Onamandla kunoma iluphi udaba oluphathele nokuqhubela phambili, ukuthuthukisa noma ukukhangisa ngeZokuvakasha eSifundazweni; futhi

- (c) ukwaluleka iLungu loMkhandlu Onamandla kunoma iluphi udaba elilidlulisele eKomitini ukuze lucwaningwe luseshwe noma lwaluke

### **Ukwensiwa KweKomiti**

21. (1) IKomiti kufanele malingabi namalungu angaphansi kuka (9) futhi angabi ngaphezu kuka (12), okufanele kube abantu abaqotho futhi abafanele, abaqokwe yiLungu loMkhandlu Onamandla
- (2) IKomiti kufanele lenziwe ukuze lifake:
- (a) ababili (2) abadala abamele lowoMnyango
  - (b) omdala omele uMnyango Wezolimo waleso Sifundazwe, eZokulondoloza, uMnyango weZemvelo nezoMhlaba, ikakhulukazi abanolwazi Iwezindaba zokulondoloza;
  - (c) omdala omele uMnyango weZemidlalo, eZokuzijabulisa, eZobuciko naMasiko eSifundazweni;
  - (d) omdala omele uMnyango weZokuphepha nokuXhumana; kanye
  - (e) nabane abadala abamele, futhi babe beyizikhulu zikaHulumeni kaMsipala waseKhaya noma iMikhandlu eSifundazweni, ngamunye umele uHulumeni kaMasipala waseKhaya noma uMkhandlu
- (3) IKomiti lingenza ngokuvunyelwa iLungu loMkhandlu Onamandla , lenyule noma imuphi umuntu onolwazi IweZokuvakasha ukusiza iKomiti noma ngaluphi udaba iKomiti elilubona lufanele.
- (4) iLungu loMkhandlu Onamandla kufanele liqoke ilungu elilodwa (1) njengoSihlalo nelinye njengoSekela-Sihlalo.
- (5) Noma ngabe inini lapho uSihlalo engekho noma engakwazi ukufeza imisebenzi yokuba uSihlalo, uSekela-Sihlalo weKomiti kufanele asebenze njengoSihlalo.

- (6) Noma inini lapho bobabili oSihlalo noSekela – Sihlalo bengekho noma bengakwazi ukufeza imisebenzi yokuba uSihlalo, amalungu akhona kufanele akhehte umuntu phakathi kwawo ozosebenza njengoSihlalo.
- (7) Isibalo sabantu esilingene ukwenza imihlangano yeKomitii amalungu ayisihlanu (5)
- (8) iLungu loMkhandlu Onamadnla kufanele linika usizo iwezokuphatha ihovisi eKomitini

**Izimiselo zokusebenza**

22. (1) i Lungu ngaphandle komuntu oqashwe uHulumeni, kufanele liqokwe noma linyule ngezimiso zomsebenzi njengoba kungase kunqunywe iLungu loMkhandlu Onamandla.

(2) llungu lingakhokhelwa lowomholo nemixhaso njengoba kunganqunywa iLungu loMkhandlu Onamandla

**Isikhathi sokuba sesikhundleni**

23. (1) llungu kufanele , ngokubekwe ezigabeni 24, 26, no 27, abe sezikhundleni isikhathi esibekiwe iLungu loMkhandlu Onamandla ngesikhathi eqashwa noma enyulwa kodwa kungedluli eminyakeni emine (4), futhi agaphinde aqashwe ekuphelelni kwalesikhathi.

(2) Uma noma ngasiphi isizathu isikhundla selungu singabi namuntu, iLungu loMkhandlu Onamandla lingaqoka omunye umuntu njangelungu leKomitii okwaleso sikhathi esingakapheli saleso sikhundla

### **Ukuphuma esikhundleni**

- 24.** (1) Ilungu kufanele lishiye isikhundla salo uma li-
- (a) sula;
  - (b) ba nokungathathi kahle ekhanda;
  - (c) boshelwe icala futhi enqunyelwa ukuboshwa ngaphandle kokukhetha ukuhlawula
  - (d) yeka ukuhlala kulesoSifundazwe; futhi
  - (e) ngabi khona emhlanganweni ngaphezu kokuthathu (3) okulandelanayo emihlanganweni ngaphandle kwasizathi esizwakalayo
- (2) ILungu loMkhandlu Onamamndla noma ingasiphi isikhathi, lingasiqeda isikhumdlia selungu, uma ekuboneni kweLungu loMkhandlu Onamamndla , kunesizathu esanele esikhona ukuba lenze lokhu kuqeda isikhundla: Uma ilungu eliphathekayo linikeziwe ithuba lokuba kuziwe uvo lwalo.

### **Ukuvezwa kokuthandwayo**

- 25.** Ilungu kufanele liveze noma ikuphi okuthandekayo okusezimalini okuqonde ngqo nokungaqondile ngqo kwalelo lungu eliphathekayo, okwalo, okwelungu lomndeni elisondele kakhulu, umlingani wakhe emsebenzini, noma abasebenzisanayo, noma umqashi anakho emsebenzini weZokuvakasha.

### **Umphumela wokuphambana nokuthandwayo**

- 26.** (1) Ilumgu kufanele lingavoti, lingayi noma ngayiphi indlela lihlanganyele ezinkambisweni zanoma imuphi umhlangano noma ekulaleleni kweKomiiti uma kuhambelana nanoma yiluphi udaba phambi kweKomoiti-
- (a) yena, noma ilungu lomndeni elisondele kakhulu, umlingani wakhe emsebenzini, abasebenzisanayo noma abambiseneyo noma umqashi engumqondisi,

ilungu noma umlingani wakhe, noma enokuthanda ukuphatha noma ikuphi okwezimali noma enokunye akuthandayo, emsebenzini walowo ocela umsebenzi ukuba anikwe ilungelo yiSigungu;

- (b) yena uma enanoma ikuphi ukuthanda okumvimbayo ukuba enze umsebenzi wakhe njengelungu kahle ngokungabndlululi futhi nangendalela efaneleyo; noma
- (c) uma noma ingaliphi ibanga ngesikhathi senkambiso ngaphambi komhlangano, kubonakala ukuthi ilungu linayo noma lingase libenakho ukuthanda okubhekiswe kulesisigatshana.

(2) Lapho kunokungabaza ekutheni ilungu libophekile noma alibophekile okubekwe esigatshaneni (1), lelolungu kufanele liwushiye umhlangano noma ukulalelw ukuze akwazi amalungu aseleyo ukudingida udaba futhi anqume ukuthi lelolungu liyakhishwa ekuhlanganyeleni ezinkambisweni ezikulowo mhlango noma kulokulalela ngesizathi sokuphambana nokuthandwayo.

(3) Isinqumo esithathwe amalungu abesalile maqondana nokunquma okunjalo kokuphambana nokuthandwayo, kufanele sibhalwe emaminithin ezinkambiso .

(4) Uma noma iliphi ilungu lihluleka ukuveza noma ikuphi okuthandwayo njengokubekwe esigatshaneni (1) noma uma, linalokho okuthandwayo, lona lingena noma ngayiphi indlela lihlanganyela ezinkambisweni zasemhlanganweni noma ekulaleleni okukhulunya ngako, izinkambiso eziqondene nalokhu zingamemnyezelwa njengezingavezi lutho futhi eziyize.

## Ukuphucwa kwamalungu ubulungu

27. Akukho muntu okufanele aqokwe njengelungu uma lowo muntu e-
- (a) ngakwazi ukulungiswa ekwahlulekeni ukukhoka izikweletu;
  - (b) ngesona isakhamuzi esinamalungelo saseNingizimu Afrika;
  - (c) ngahlali kuleso Sifundazwe;
  - (d) uma eyisiboshwa esejwayelekile; futhi
  - (e) ngaphilanga kahle engqondweni.

## Imihlangano yeKomiti

28. (1) Umhlangano wokuqala weKomiti kufanele ubanjwe ngesikhathi nasendaweni eqokwe uSihlalo, emva kwalokho iKomiti kufanele lihlangane ezikhathini nasezindaweni njengoba likhethile ukuqhuba imisebenzi yalo.

(2) USihlalo angenza noma ngasiphi isikhathi, ngenothisi, abambe ongajwayelekile kakhulu umhlangano weKomiti ozohlangana noma ngasiphi isikhathi nasendaweni eqokwe uyena.

(3) ILungu ngalinye leKomiti livota kanye noma kuluphi udaba ngaphambi kwekomiti futhi, lapho kwenzeka amavoti alingane, uSihlalo unakho ukuhi ngaphezu kwevoti eqondiwe enze ivoti jikelele.

(4) UMphathi Wehovisi Omkhulu akufanele avote emihlanganweni ye Komiti.

(5) IKomiti kufanele ligcine amaminithi emihlangano yalo.

## CHAPTER 4

### UKUBHALISA NEMISEBENZI ENGABAKHONA NGESIKHATHI ESIZAYO

#### Ukuqokwa koMbhalisi noMphathisikhundla Obekiweyo

28. (1) ISigungu –
- (a) kufanele siqoke umuntu abe uMbhalisi wezincwadi zokwaluleka ohabweni, abakhaphayo uma kuhanjwa, izigijimi, abanikeza uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, ezokujabulisa ezikhethiwe zokuvakashakanye nezinye izakhiwo zokulala; futhi
  - (b) angaqoka abanye abantu abanjalo abakhethiwe abaphethe izikhundla njengoba singabona kufanele.
- (2) UMbhali si nabakhethiweyo abaphethe izikhundla kufanele banikwe izitifiketi ezisayindwe uMphathi Wehovisi Omkhulu egameni leSigungu, kushiwo ukuthi umnikazi uqokwe ngokwaloMthetho.

#### Amandla nezibopho zoMbhalisi

30. UMbhali si unamandla nalezibopho ezilandelayo:
- (a) ukusungula futhi alondoloze isisekelo semininingwane okungenani irejista yokubhalisa
  - (b) amemezele ngezikhathi ezithile uhla oluvuselelwe Iwezinto ezirejisitiwe kanye nabantu abakhuthele emsebenzini weZokuvakasha;
  - (c) amanye amandla nezibopho ezinikwe kuloMthetho; kanye

- (d) nanoma imaphi amandla nezibopho okungase kuvunyelwane ngazo phakathi kweSifundazwe neSigungu kanye nobhekele Ezokuvakasha kuHulumeni kaZwelonke.

### **Ukubekwa kokujabulisayo kwezivakashi**

31. (1) ILungu loMkhandlu Onamandla lingenza ngeNothisi kwiGazethi yeSifundazwe, ngokuboniswa iKomiti noma ngezincomo zeSigungu nangemuva kokubonisana nabantu abakhuthele emsebenzini wokujabulisayo kweZokuvakasha , babeke okujabulisayo kweZokuvakasha
- (2) Noma imuphi umuntu othanda okujabulisayo Kokuvakasha ukuthi kubekwe njengoba kubekiwe esigatshaneni (1), angafaka isicelo emafomini enzelwe lokho kwiLungu loMkhandlu Onamandla ukba kubekwe.
- (3) ILungu loMkhandlu Onamandla kufanele lidlulisele isicelo elisitholile ngaphansi kwesigatshana (2) eKomitini kanye naseSigungwini ngenhloso yokwalulekwa futhi kuconywe njengokubekwe esigatshaneni (1).

### **Ukubhaliswa**

32. Ngenhloso yokusungula esibanzi isisekelo seminingwane yomsebenzi weZokuvakasha, uMbhalisi kufanele agcine irejista lokubhalisa kwe –
- (a) zincwadi zokwaluleka kuhanjwa;
- (b) abakhaphayo uma kuvakashwa;
- (c) izigijimi;
- (d) abaletha uqequesho;
- (e) amahotela;
- (f) izindawo zezinkomfa;

- (g) izindawo zokudlela;
- (h) ezibekiweyo ezokujabulisa izivakashi;
- (i) nezinye izindawo ezsunguliweyo zokulala

### **INothisi yokubhaliswa**

33. (1) ILungu loMkandlu Onamandla kufanele, ngokuyalwa iKomiti, ngenothisi eGazethini yeSifundazwe nasemaphepheni angekho ngaphansi kwamathathu (3) asakazeke kakhulu eSifundazweni, limemezele ukuthi kusukela ngosuku olobaluliwe enothisini, olungeke lube ngaphansi kwezinyanga eziyisithupha (6) kusukela osukwini lokumemezele kwenothisi, izincwadi zokwaluleka ekuvakasheni, abakhaphayo uma kuhanjwa, izigijimi, abanikeza uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, okubekiweyo kokujabulisa izivakashi kanye nazinye izindawo ezsunguliwe zokulala, okomgangatho njengoba kubekiwe enothisini, kufanele zibhaliswe.

(2) Akukho muntu angaqhuba umsebenzi wokuhambisa izivakashi, wabakhaphayo uma kuhanjwa, wezigijimi, wabaletsha uqequesho, wamahotela, wezindawo zezinkomfa, wezindlu zokudlela, wokubekiwe kokujabulisa izivakashi kanye nowezinye izndlu ezsunguliwe zokulala, zomgangatho obekiwe enothisini esigatshaneni (1), emva kosuku olunqunyiwe lokubhalisa enothisini uma selidlulile, ngaphandle kokuba kubhaliswe ngokoMthetho weZokuvakasha, ka 1993 kanye naloMthetho.

### **Isicelo sokubhaliswa**

34. (1) Noma imuphi umuntu oqhuba noma owenza umsebenzi, wokuhambisa izivakashi noma ofuna ukwenza umsebenzi wokuvakasha, wabakhapha izivakashi, wezigijimi, wokunikeza uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, kokubekiwe kokujabulisa izivakashi kanye

nezinye izindawo ezisunguliwe zokuvakasha kufanele afake isicelo kuMbhalisi sokubhaliswa emva kokuba lowomuntu evumelene noMthetho weZokuvakasha, ka 1993.

### **Ukukhishwa kwezitifiketi**

35. UMbhali kufanele, ngesikhathi sokubhalisa, akhiphele olulekayo kwezokuvakasha, okhaphayo uma kuvakashwa, isigijimi, onikeza uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, okubekiwe kokujabulisa izivakashi, kanye nezinye izindawo ezisunguliwe zokuhlala, azixivize ngesitifiketi sokubhaliswa efomini.

### **Ukukhishwa kwezincwadi ngezikhathi ezithile zohla lokubhaliswa**

36. ISigungu kufanele simemezele ngezikhathi ezithile, ngendlela engase ibekwe, uhla lwababhalisiwe abalulekayo ekuvakasheni, abaphelezelayo uma kuhanjwa, izigijimi, abaletha uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, okubekiwe okujabulisa izivakashi kanye nezinye izindawo ezisunguliwe zokuvakasha, kuhambisana nemininingane enjalo engase ibekwe.

### **Isikhathi esisemthethweni sokubhaliswa**

37. Ukubhaliswa ngokusemthethweni kuba izinyanga eziyishumi nambili (12) kusuka osukwini lokunikezwa kanti kuvuselelwa ngokulandela indlela yokukwenza njengoba kubekiwe ezigaben 34 no 35.

**ISAHLUKO 5****ISIPHAKAMISO NOKUHLOLWA****Isiphakamiso esiphikisa isinqumo soMbhali**

**38.** (1) Noma imuphi umuntu ongaphathekile kahle yisinqumo soMbhali maqondana nesicelo sokubhaliswa angase , ezinsukwini ezingamashumi amabili nesishiyagalombili (28) emva kokwaziswa ngesinqumo, ayise isiphakamiso esibhaliwe eLungwini loMkhandlu Onamandla.

(2) Ophakamisayo kufanele, uma kunemali enquuniwe ekhokhwayo ngaleso siphakamiso, ayilethe leyomali enquuniwe kanye nesiphakamiso sakhe.

(3) ILungu loMkhandlu Onamandla lingase lifune uMbhali ukuba amnikeze izizathu ezibhaliwe zesinqumo sakhe.

(4) Ngesikhathi isiphakamiso sesiphakanyisiwe, isinqumo soMbhali kufanele simiswe, size siqedwe isiphakamiso.

(5) ILungu loMkhandlu Onamandla kufanele lenze ukulungiswa ngokufanelekileyo.

**Ukuhlolwa kwezakhiwo**

**39.** (1) UMbhali noma isikhulu esikhethiwe bangenza, ngenhloso yaloMthetho –

(a) futhi noma ingasiphi isikhathi esifanele, bangangena noma kuziphi izakhiwo ze –

(j) zokwaluleka kwezokuvakasho, abakhaphayo uma kuhanjwa, izigijimi, abaletha uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, okubekiweyo kokujabulisa

izivakashi, kanye nezinye izindawe ezisunguliwe zokulala ngokuhambelana nesicelo sokubhaliswa esenziweyo; noma

(iii) wezokwaluleka kvezokuvakasha obhalisiwe, okhaphayo uma kuhanjwa, isijijimi, abaletha uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, ezibekiwe zokujabulisa izivakashi, kanye nezinye izindawo ezisunguliwe zokulala, njengoba kungenzeka, emva kokwazisa umuntu ophethe esakhiweni ngalesosikhathi sokufika kwakhe, enze ukuhlola nokuhlaziyo njengoba ebona kufanele: Inqobo Solokhu engezongena emakamelweni anabantu ngaphandle kwemvume yalowo muntu ohleli kulona;

(b) abuze noma imuphi umuntu ngaleso sesakhiwo, noma ngasiphi isikhathi esifanele bangafuna lowo muntu ukuthi aveze izincwadi noma iziphi, izinothisi, imibiko, noma amanye amabhuku akhona noma akade asezakhiweni noma akuyena, noma awagcinile lowo muntu, uma ekuboneni kwakhe ukuhlolwa kwalezo zincwadi, izinothisi, imibiko noma amanye amabhuku kudingeka ngenhloso yokuhlola kwakhe;

(c) ahole bese acaphune amagama lapho, futhi enze amakhophi anoma iyiphi incwadi enjalo, izinothisi imibiko, kanye namanye amabhuku okukhulunye ngawo esigabeni (b)

(2) UMbhali noma isikhulu esibekiwe kufanele, uma kufunwa ngenkani inoma imuphi umuntu othintekile wukuhlolwa okukhulunye ngakho esigatshaneni (1), akhombise isitifiketi asinikeziwe ngaphansi kwesigaba 35

**ISAHLUKO 6****AMALUNGISELELO AJWAYELEKILE****Izinhlelo zoguquku**

40. Noma imuphi umuntu, ekuqaleni kwasigaba 33 obhalisiwe njengomaluleki kwezokuvakasha, okhaphayo uma kuhanjwa noma oyisigijimi ngokoMthetho weZokuvakasha, ka 1993 (uMthetho Nombolo 72 ka 1993) noma imuphi umthetho angasetshenziswa, ungaqhube ka ukusetshenziswa eSifundazweni uze ubhaliswe njengokwaloMthetho noma ekupheleni kwasikhathi ngokubekiwe esigabeni 33(1) noma ikuphi okuyoba kuqala.

**Amacala nezijeziso**

41. Noma imuphi umntu o –
- (a) memezela ngentando noma owenza, noma ovumela ukumemezela noma ngayiphi indlela engelona iqiniso noma udaba oludukisayo oluhamelana noma ikuphi ukwaluleka kokuvakasha, kokhaphayo uma kuhanjwa, izigijimi, abaletha uqequesho, amahotela, izindawo zezinkomfa, izindawo zokudlela, okubekiwe kokujabulisa izivakashi; noma
  - (b) ovimbayo noma ophazamisa uMbhalisi noma isikhulu esibekiwe ekusebenziseni amandla noma ukwenza imigomo yakhe; noma
  - (c) olethe ngentando kuMbhalisi noma esikhulwini esibekiwe okungelona iqiniso noma udaba oludukisayo; noma

(d) ophula noma isiphi isibopho saloMthetho,  
okunganqunywanga kwenye indawo ngqo ukuthi kuyicala;  
uyothwaliswa icala futhi ahlawuliswe inhlawulo noma aboshwe isikhathi esingeke  
seqe iminyaka emibili (2) noma kokubili inhlawulo leyo kanye nokuboshwa

**Imithetho**

42. iLungu loMkhandlu Onamandla lingayenza imithetho maqondana  
nezindaba ezilandelayo:

- (a) izimali ezikhokhwayo zikhokhelwa ukubhaliswa, ukuvuselela  
ukubhaliswa, nokuphakamisa;
- (b) ezinye izindaba ezimaqondana nezimali, iLungu loMkhandlu  
Onamandla elizibona zidinga ukunqunywa;
- (c) ukuma nokuqukethwe kwesicelo sokubhaliswa, izitifiketi,  
neziphakamiso
- (d) izidingo zomuntu oqashiwe noma ohlangene nomsebenzi  
wezokuvakasha kufanele afunde izifundo ezithile  
zokufundisa noma zoqequesho, noma abe neziqi njengoba  
zingavunywa iSigungu
- (e) noma iluphi udaba oluhambelana nemisebenzi yesikhathi  
esizayo yeSigungu noma yeKomiti; kanye
- (f) noma iluphi olunye udaba iLungu loMkhandlu Onamandla  
elilubona ludinga ukunqunywa ukuze kufezwe izinhloso.  
zaloMthetho

- (2) Imithetho eyenziwe ngokwesigatshana (1) inganika izijeziso  
zokwaphula lokho
- (3) iLungu loMkhandlu Onamandla kufanele lihanganyele neKomiti  
ekwenzeni lemithetho.

### **Ukuchithwa kwemithetho nokulandelana**

43. (1) UMthetho weZokuvakasha weGauteng, uNombolo 18 ka 1998 uyachithwa lapha
- (2) Ngosuku lokuqalwa kwasigaba 3 nesigatshana, zonke izimpahla, amacula, amalungelo, izibopho zeSigungu seZokuvakasha seGauteng, esasungulwa ngokomthetho ochithwe yisigatshana (1) njengoba zazikhona ngaphambili kokuqalwa kwaloMthetho, kufanel ezidluliselwe eSigungwini esisungulwe yiloMthetho,
- (4) ISigungu esisungulwe kabusha silandela isihloko sesichithiwe iSigungu seZokuvakasha seGauteng.

### **Isihloko esifushane nokuqalwa**

43. (1) LoMthetho ubizwa ngoMthetho weZokuvakasha weGauteng, 2001, futhi uzosetshenziswa ngosuku oluzonqunywa uNdunankulu ngesaziso kwiGazethi yeSifundazwe.
- (2) Izinsuku ezahlukene zinganqunywa zokuqalwa kwezigaba ezahlukene zaloMthetho.

## **UMBIKO OLOTSHIWE OYINCAZELO WOMTHETHOSIVIVINYWA WEZOKUVAKASHA, 2001**

### **1. Inhoso yoMthethosivivinywa**

Inhoso ukuletha ukuqhubela phambili nokusekela ukuthuthukiswa kweZokuvakasha eGuateng; ukusungulwa kweSigungu seZokuvakasha eGauteng, ukusungulwa kweKomiti Lokwaluleka kweZokuvakasha; ukunika ukubhaliswa kwabalulekayo kwezokuvakasha, abakhaphayo uma kuhanjwa, izigijimi, abaletsha uqequesho emsebenzini wezokuvakasha,

amahotela, izindawo zenkomfa, izindawo zokudlela, okubekiwe kokujabulisa izivakashi, kanye nezinye izindawi ezsunguliwe zokulala, nokubhekela izindaba ezihambelana nalokho.

## **2. IZIXABHELELO ZENDAWO OKUHLALWA KUYONA**

Azikho

## **3. IZIXABHELELO ZEZIMALI**

Azikho izixabhelelo ngaphandle kwalezo eziqukethwe uMthethosivivinya eziphtelene namaholo abaphethe izikhundla nezisebenzi nokusebenza kweSigungu neKomiti.

## **4. UKUPHENDULA KOKUPHAWULIWE OKUNXUSAYO**

### **NOKWAMUKELIWE**

UMnyango weZimali zeze zikaHulumeni weSifundazwe wathintwa ngamandla ezibipho neziphumo zoMthetho Wokungamela Izimali zoMphakathi, ka 1999 ezibophweni zoMthethosivivinya.

## **5. UKULANDA KOMUSHWANA NGOMUSHWANA**

### **Isigaba 1**

Izincuzelo zamagama asetshenzisiwe eMthethweni

### **Isigaba 2**

Ukumisa ukusetshenziswa koMthetho

**Isigaba 3**

Ukusungula iSigungu seZokuvakasha eGauteng njengesikhungo esiphathelene nomthetho

**Isigaba 4**

Sinika amandla nezibopho zeSigungu

**Isigaba 5**

Sinikeza ukwakhiwa kweSigungu

**Isigaba 6**

Sinquma izimiselo zokusebenza zoMphathi Wehovisi Omkhulu

**Isigaba 7**

Sinikeza isikhathi sesikhundla soMphathi Wehovisi Omkhulu

**Isigaba 8**

Sikhulumu ngokushiya iskhundla

**Isigaba 9**

Sinika ukuvezwa kokuthandwayo nemiphumela yokuphambana nokuthandwayo

**Isigaba 10**

Sinika izikhathi lapho umuntu ekhishwa esikhundleni

**Isigaba 11**

Sinika ukuqashwa kwezisebenzi zeSigungu

**Isigaba 12**

Sipha iSigungu amandla okufuna izingcweti kanye nolunye usizo ekusebenziseni amandla aso nasemisebenzini

**Isigaba 13**

Sinika ukudlulisela amandla nguMphathi Wehovisi Omkhulu

**Isigaba 14**

Sisungula Isikhwama sezimali Sokuthuthukisa eZokuvakasha

**Isigaba 15**

Sinika ukukhokhelwa kweSigungu

**Isigaba 16**

Sithwesa isibopho sokuphendula ngokoMthetho Wokongamela Izimali zoMphakathi, uNombolo 1 ka 1999 kuMphathi Wehovisi Omkhulu

**Isigaba 17**

Sinikeza ukulethwa kwezindaba eSigungwini

**Isigaba 18**

Sinika ukubika, kuhlanganisa ukubika ngezimali yiSigungu

**Isigaba 19**

Ukusungulwa kweKomiti Elalulekayo leZokuvakasha

**Isigaba 20**

Sinika ukusebenza nezibopho zeKomiti

**Isigaba 21**

Sakha iKomiti

**Isigaba 22**

Sinquma izimiselo zokusebenza zeKomiti

**Isigaba 23**

Sinquma isikhathi sezikhundla zamalungu eKomiti

**Isigaba 24**

Sinika ukushiywa kwesikhundla

**Isigaba 25**

Sinika ukuvezwa kokuthandwayo yilungu leKomiti

**Isigaba 26**

Simisa imiphumela yokuphambana nokuthandwayo

**Isigaba 27**

Sinika ukukhishwa kwelungu eKomitini

**Isigaba 28**

Sinika imihlangano yeKomitii

**Isigaba 29**

Sinika ukuqashwa koMbhalisi nesikhulu esibekiwe

**Isigaba 30**

Sinika amandla nezibopho zoMbhalisi

**Isigaba 31**

Sithwesa ILungu loMhkandlu Onamndla ngamandla okubeka okujabulisa izivakashi

**Isigaba 32**

Sinika ukubhaliswa kwezinhlobo ezahlukene zabakhaphayo uma kuhanjwa

**Isigaba 33**

Sinika ukubizwa ngenothisi kuzobhaliswa labo abakhaphayo

**Isigaba 34**

Sinika ukucelwa kokubhaliswa

**Isigaba 35**

Sinika ukukhishwa kwezitifiketi

**Isigaba 36**

Sinika ukumemnyezelwa ngankathi kohla lwabakhaphayo ababhalisiwe

**Isigaba 37**

Sinquma isikhathi esisemthethweni sokubhalisa nokuvuselela

**Isigaba 38**

Sinika ukuphakamisa okuphikisa isinqumo soMbhalisi

**Isigaba 39**

Sinika ukuhlolwa kwezakhwiwo

**Isigaba 40**

Sinika ukuguquka kokuhlela

**Isigaba 41**

Sinika amacala nezijeziso

**Isigaba 42**

Sinika ukwensiwa kwemithetho iLungu loMkhandlu Onamandla

**Isigaba 43**

Sichitha uMthehto weZokuvakakash eGauteng ka 1998 futhi sithwese zonke izihloko zomthetho eSigungwini esisha

**Isigaba 44**

Siphethe isihloko esifushane nokuqalwa koMthetho. Izigaba ezahlukene zingangena ekusebenzeni ngezikathathi ezahlukene.

**KENNISGEWING 6343 VAN 2001****TOERISME WETSONTWERP, 2001**

**Om voorsiening te maak vir die bevordering en volhoubare ontwikkeling van toerisme in Gauteng; om die Gauteng Toerisme-Owerheid in te stel, om magte en funksies toe te ken aan en pligte op die Owerheid te lê; om 'n Toerisme-Advies-komitee in die lewe te roep; om magte en funksies daaraan toe te ken en pligte op die Komitee te lê; om 'n toerisme-ontwikkelingsfonds daar te stel; om voorsiening te maak vir die registrasie van toergidse, toeroperateurs, koeriers, voorsieners van opleiding in die toerismebedryf, hotelle, konferensiesentra, restaurante, aangewese toerisme-ondernehemings en moontlike toekomstige funksies wat verwant is aan hierdie kategorieë; en om voorsiening te maak vir aangeleenthede bykomend daartoe.**

**DAAR WORD BEPAAL** deur die Proviniale Wetgewer van Gauteng as volg:

**SAMESTELLING VAN DIE WET****HOOFSTUK 1  
DEFINISIES EN TOEPASSING VAN DIE WET**

1. Definisies
2. Toepassing van hierdie Wet

**HOOFSTUK 2  
GAUTENG TOERISME-OWERHEID EN FONDS**

3. Instelling van die Owerheid
4. Bevoegdhede en Pligte van die Owerheid
5. Samestelling van die Owerheid
6. Diensvoorwaardes
7. Ampstermyne
8. Ampsontruiming
9. Bekendmaking van Belang en Botsende Belange
10. Diskwalifikasie van Amp
11. Personeel van die Owerheid
12. Deskundiges en Ander Bystand
13. Delegering van Magte
14. Toerisme-Ontwikkelingsfonds
15. Fondse van die Owerheid
16. Rekenpligtige Verantwoordelikheid van die Owerheid
17. Inligting wat ingedien moet word deur Rekenpligtige Owerheid
18. Jaarverslae en Finansiële State

**HOOFSTUK 3  
TOERISME-ADVIESKOMITEE**

19. Instelling van die Toerisme-Advieskomitee
20. Funksies en Pligte van die Komitee
21. Samestelling van die Komitee
22. Diensvoorwaardes
23. Ampstermyn
24. Ampsontruiming

25. Bekendmaking van Belang
26. Effek van botsing van Belange
27. Diskwalifikasie van Lede
28. Vergaderings van die Komitee

#### **HOOFSTUK 4 REGISTRASIE EN MOONTLIKE TOEKOMSTIGE FUNKSIES**

29. Aanstelling van Registrateur en Aangewese Amptenaar
30. Magte en Pligte van Registrateur
31. Aanwysing van Toeriste-Aantreklikhede
32. Registrasie
33. Kennisgewing vir Registrasie
34. Aansoek om Registrasie
35. Uitreiking van Sertifikate
36. Periodieke Publikasie van Lys van Registrasies
37. Geldigheidstydperk van Registrasie en Hernuwing

#### **HOOFSTUK 5 APPEL EN INSPEKSIE**

38. Appel teen die Beslissing van die Registrateur
39. Inspeksie van Perseel

#### **HOOFSTUK 6 ALGEMENE BEPALINGS**

40. Oorgangsmaatreëls
41. Oortredings en Boetes
42. Regulasies
43. Herroeping van Wette en Opvolging
44. Kort titel en inwerkingtreding

**HOOFTUK 1****DEFINISIES EN TOEPASSING VAN DIE WET****Definisies**

1. In hierdie Wet, tensy die konteks die teendeel aandui, beteken -

**"Owerheid"** die Gauteng Toerisme-Owerheid;

**"Hoof Uitvoerende Beampte"** 'n persoon wat aangestel is kragtens artikel 5;

**"Komitee"** die Toerisme-Advieskomitee;

**"konferensiesentrum"** 'n onderneming betrokke by die verskaffing van fasiliteite vir die aanbied van konferensies, kongresse, konvensies, simposia, seminare en uitstallings, wat nie deel uitmaak van 'n hotel of 'n ander akkommodasie-onderneming nie;

**"koerier"** 'n individu of besigheid wat bagasievervoer aan passasiers bied;

**"Departement"** die departement wat verantwoordelik is vir toerisme in die Provincie;

**"aangewese amptenaar"** 'n persoon wat aangestel is kragtens artikel 29;

**"aangewese toeriste-aantreklikheid"** 'n plek of ding wat deur die LUR tot 'n aangewese toeriste-aantreklikheid verklaar is kragtens artikel 31;

**"Uitvoerende Raad"** die Uitvoerende Raad van die Provinciale Regering van Gauteng;

**"Fonds"** die Toerisme-Ontwikkelingsfonds;

**"hotel"** persele waarin of waarop die besigheid van die verskaffing van losies en maaltye teen vergoeding bedryf word of bedoel word om bedryf te word, en sluit 'n motel, herberg of skeepshotel in;

**"naaste familielid"** 'n gade, ouer, kind, broer of suster;

**"Wetgewer"** die Gautengse Provinciale Wetgewer;

**"LUR"** 'n lid van die Uitvoerende Raad verantwoordelik vir toerisme-aangeleenthede in die Provincie;

**"lid"** 'n lid van die Toerisme-Advieskomitee;

**"ander akkommodasie-onderneming"** enige perseel buiten 'n hotel wat slaapplek aan die publiek aanbied teen 'n fooi, hetsy met of sonder maaltye en sluit in 'n boot of huisboot, bed en ontbyt, karavaan en kampeerpark, plaashuis, gastehuis, hostel en losieshuis;

**"Openbare Finansies Bestuurswet"** die openbare Finansies Bestuurswet, 1999 (Wet nr. 1 van 1999) soos gewysig van tyd tot tyd;

**"Provincie"** die Gauteng Provincie

“voorskryf” deur regulasie bepaal en ‘voorgeskryf’ het ‘n dienooreenkomsstige betekenis;

“Registrateur” ‘n persoon wat aangestel is kragtens artikel 29;

“regulasies” regulasies neergelê kragtens hierdie Wet;

“restaurant” ‘n perseel wat struktureel aangepas is en gebruik word vir die doel om maaltye aan die publiek teen ‘n fooi te verskaf vir verbruik op of weg van die perseel;

“gade” dat dit ‘n persoon insluit met wie die lid saamleef asof hulle getroud is of met wie die persoon uit gewoonte kohabiteer;

“Staande Komitee” die Komitee van die Provinciale Wetgewer verantwoordelik vir Toerisme;

“hierdie Wet” regulasies neergelê onder hierdie Wet;

“toergids” enige persoon wat teen vergoeding, hetsy geldelik of andersins, enige persoon vergesel wat reis binne of enige plek binne die Provincie besoek en wat sodanige persoon van inligting of kommentaar voorsien met betrekking tot enige aangeleentheid;

“toeroperator” enige persoon wat sake doen deur die verskaffing van toere van enige aard deur gebruikmaking van hulle eie of ander operators-goedgekeurde voertuie, vliegtuie en ander fasiliteite;

“opleidingsverskaffer” beteken enige persoon, organisasie of instansie wat opleiding, voorligting of opvoeding verskaf binne die toerismebedryf in die Provincie;

“Tesourie” die Provinciale Tesourie van Gauteng soos beoog in die Openbare Finansies Bestuurswet.

### Toepassing van hierdie Wet

2. Hierdie Wet moet regdeur die Provincie toegepas word.

## HOOFTUK 2

### GAUTENG TOERISME-OWERHEID EN FONDS

#### Instelling van die Owerheid

3. Hiermee word daar ‘n regpersoon ingestel genaamd Die Gauteng Toerisme- Owerheid.

#### Bevoegdhede en Pligte van die Owerheid

4. Die Owerheid moet die volgende bevoegdhede en pligte hê bykomend tot enige bevoegdheid en plig soos deur hierdie Wet bepaal:
  - (1) om toerisme in die Provincie te bevorder, te koester en te ontwikkel;
  - (2) om die volhoubare ontwikkeling, voorsiening en verbetering van toeriste- aantreklikhede aan te moedig;

- (3) om riglyne vir toerisme-ontwikkeling daar te stel;
- (4) om aktiwiteite en aksies nasionaal en internasional te inisieer en te implimenteer met die bedoeling om toeriste na die Provinse te lok;
- (5) om strategiese en besigheidsvennootskappe en ander koöperatiewe aktiwiteite met toeriste-organisasies in ander lande en met die private en onafhanklike sektore te ontwikkel;
- (6) om te koördineer, te adviseer, ondersteun en te wisselwerk met organisasies of instellings wat hulle ten doel stel om toerisme te bevorder en te ontwikkel;
- (7) om lede te word en lidmaatskap te versoek van organisasies vir toerisme-ontwikkeling en bemarking;
- (8) om, met die goedkeuring van die LUR, finansiering vir enige projek te voorsien wat toerisme in die Provinse sal verbeter en ontwikkel;
- (9) om skenkings te ontvang; en
- (10) ten einde behoorlik as regpersoon binne die wet van die RSA te funksioneer, al die regte te besit wat nodig is vir die Owerheid om as sodanig te funksioneer.

#### **Samestelling van die Owerheid**

5. (1) Die Owerheid bestaan uit een (1) lid wat ook die Hoof Uitvoerende Beampte van die Owerheid is.
- (2) Die LUR stel die Hoof Uitvoerende Beampte in oorleg met die Staande Komitee aan.
- (3) Die Hoof Uitvoerende Beampte moet 'n geskikte en gepaste persoon wees wat nie in die diens van die regering is nie, en wat oor kennis, kwalifikasies en ondervinding in die veld van toerisme en toerisme-ontwikkeling en bevordering beskik.
- (4) Die LUR moet deur kennisgewing in die Staatskoerant en drie (3) koerante met 'n breë sirkulasie binne die Provinse, binne een (1) maand van die aanstelling, die Hoof Uitvoerende Beampte se naam publiseer.

#### **Diensvoorraarde**

6. Die LUR bepaal die bepalings en diensvoorraarde, vergoeding, toelae en ander werknemersvoordele van die Hoof Uitvoerende Beampte.

#### **Ampstermyn**

7. (1) Behoudens die bepalings van artikel 8, beklee die Hoof Uitvoerende Beampte die amp vir die periode soos bepaal deur die LUR, maar hoogstens vir drie (3) jaar, en kan hy of sy aan die einde van hierdie periode heraangestel word.
- (2) Indien die pos vakant raak om enige rede, kan die LUR 'n geskikte persoon as Hoof Uitvoerende Beampte aanstel vir die onverstreke gedeelte van die betrokke ampstermyn.

#### **Ampsontruiming**

8. (1) Die Hoof Uitvoerende Beampte moet sy of haar amp ontruim indien hy of sy -
  - (a) bedank;
  - (b) geestelik versteurd raak;
  - (c) skuldig bevind word aan 'n misdryf en gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
  - (d) 'n lid van die Parlement, 'n Proviniale Wetgewer, die raad van 'n munisipaliteit, Kabinet of enige uitvoerende raad word;
  - (e) nie langer 'n inwoner van die Provinse is nie; of

- (f) deur die regering in enige ander hoedanigheid buiten as Hoof Uitvoerende Beamppte van die Owerheid in diens geneem word.
- (2) Die LUR kan, in oorleg met die Staande Komitee, te eniger tyd die ampstermy van die Hoof Uitvoerende Beamppte beëindig indien daar na die mening van die LUR genoegsame redes bestaan vir so 'n beëindiging, met dien verstande dat die Hoof Uitvoerende Beamppte die geleentheid om 'n verhoor gegun word.

#### Bekendmaking van belang en botsende belang

9. (1) Die Hoof Uitvoerende Beamppte moet enige direkte of indirekte belang of potensiële belang wat hy of sy of sy of haar naaste familielid, sakevennoot of genoot of werkgewer in die toerismebedryf het, aan die LUR bekend maak.
- (2) In enige saak waar daar van die Hoof Uitvoerende Beamppte verwag word om 'n besluit te neem of tot aksie oor te gaan waar 'n konflik of potensiële konflik soos beoog in subartikel (1) bestaan of moontlik bestaan, moet -
- (a) die Hoof Uitvoerende Beamppte die saak na die LUR verwys;
  - (b) die LUR die voorafgaande advies van die Komitee bekom oor die konflik of potensiële konflik met betrekking tot die nodige besluit of handeling;
  - (c) die LUR daarna bepaal wat die behoorlike besluit of handeling is wat die Hoof Uitvoerende Beamppte moet neem, en hy of sy mag voorwaardes voorskryf wat toepaslik is op sodanige bepaling; en
  - (d) die LUR die Hoof Uitvoerende Beamppte skriftelik in kennis stel van sy of haar bepaling.
- (3) Die Hoof Uitvoerende Beamppte moet die bepaling van die LUR uitvoer soos beoog in subartikel (2)(c).
- (4) Indien die Hoof Uitvoerende Beamppte versuim om enige belang openbaar te maak soos beoog in subartikel 1 of subartikels (2) of (3) oortree, kan die LUR die betrokke handelinge ongeldig verklaar.
- (5) 'n Versuim soos beoog in subartikel (4) konstitueer genoegsame rede soos beoog in subartikel 8 (2).

#### Diskwalifikasie van amp

10. Geen persoon mag aangestel word as Hoof Uitvoerende Beamppte nie indien daardie persoon -
- (a) 'n ongerehabiliteerde insolvent is;
  - (b) nie 'n Suid-Afrikaanse Burger is nie;
  - (c) nie 'n inwoner van die Provinse is nie;
  - (d) 'n gewoonte misdadiger is; en
  - (e) geestelik versteurd is.

#### Personnel van die Owerheid

11. (1) Die Hoof Uitvoerende Beamppte moet in samewerking met die LUR, persone aanstel om die Owerheid te help in die uitvoer van sy pligte en uitoefening van sy magte;
- (2) Die personeel van die Owerheid moet -
- (a) besoldiging, toelae en ander werknemersvoordele ontvang en
  - (b) aangestel word op sodanige bepalings en diensvooraardes en vir sodanige tydperke,
- soos deur die Hoof Uitvoerende Beamppte, in samewerking met die LUR, vasgestel.

**Deskundiges en ander bystand**

12. (1) Die Owerheid mag, in samewerking met die LUR, sodanige deskundiges of ander persone soos benodig, op 'n ad hoc-basis as deskundiges aanstel, met die doel om dit by te staan in die uitvoering van sy pligte en uitoefening van sy magte.
- (2) Die Hoof Uitvoerende Beamppte moet die bepalings en diensvoorraarde, besoldiging en toelae van die deskundiges en persone soos voorgestel in subartikel (1) in samewerking met die LUR bepaal.

**Delegering van magte**

13. (1) Die Hoof Uitvoerende Beamppte mag, met die instemming van die LUR, vir die doeltreffende uitvoering van die voorskrifte van hierdie Wet, 'n mag soos aan hom / haar verleen onder hierdie Wet, behalwe as rekenpligtige owerheid, deleger aan enige personeellid.
- (2) 'n Persoon aan wie 'n mag gedelegeer is, moet die mag uitoefen of die plig uitvoer onderworpe aan die voorraarde wat die Hoof Uitvoerende Beamppte nodig ag.
- (3) 'n Delegasie -  
(a) moet skriftelik wees;  
(b) verhinder nie die Hoof Uitvoerende Beamppte om die mag uit te oefen nie; en  
(c) kan te eniger tyd teruggetrek word.

**Toerisme-Ontwikkelingsfonds**

14. (1) Daar word hiermee 'n fonds ingestel wat bekend staan as die Toerisme-Ontwikkelingsfonds.
- (2) Die fonds moet gebruik word vir die ontwikkeling of bemagtiging van voorheen benadeelde persone of gemeenskappe in die toerismebedryf.
- (3) Behoudens hierdie Wet, sal nie minder nie as drie-en-dertig persent (33%) van die fondse waarna verwys word in artikel 15, aan die fonds toegewys word.

**Fondse van die Owerheid**

15. (1) Die fondse van die Owerheid bestaan uit -  
(a) geld ingesluit in die begroting en goedgekeur deur die LUR soos beoog in subartikel (2); en  
(b) geld wat toeval aan die Owerheid vanaf enige bron deur die LUR goedgekeur, insluitende fooie betaal kragtens hierdie Wet.
- (2) Die Owerheid moet, vir die doeleindeste van die bewilligings soos beoog in subartikel (1), aan die LUR 'n begroting van geraamde inkomste en uitgawe vir die finansiële jaar vir goedkeuring voorlê, ten minste ses maande voor die aanvang van die finansiële jaar;
- (3) Die Owerheid moet -  
(a) 'n rekening open by 'n bank wat in die Republiek van Suid-Afrika geregistreer is en skriftelik goedgekeur is deur die Tesourie na voldoening aan voorgeskrewe tenderprosedures, en alle geld waarna verwys is in subartikel (1) in daardie rekening deponeer; en  
(b) geld belê wat kragtens paragraaf (a) gedeponeer is, maar wat nie vir onmiddelike gebruik benodig word nie.
- (4) Die Owerheid mag nie begroot vir 'n tekort nie en mag nie surplusse ophoop nie tensy goedkeuring vooraf van die Tesourie verkry is nie.

**Rekenpligtige verantwoordelikheid van die Owerheid**

16. (1) Die Hoof Uitvoerende Beampte is die rekenpligtige owerheid van die Owerheid onderhewig aan die voorsienings van die Openbare Finansies Bestuurswet.
- (2) Die Tesourie mag onder buitengewone omstandighede goedkeur of opdrag gee dat 'n ander beampte van die Owerheid die rekenpligtige owerheid is en kan hierdie goedkeuring of opdrag te eniger tyd herroep.
- (3) Die Owerheid moet die Ouditeur-Generaal sonder versuim skriftelik in kennis stel van enige goedkeurings of opdragte en enige herroepings daarvan in terme van subartikel (2).
- (4) Die rekenpligtige owerheid moet -
- (a) die plig uiters nougeset uitvoer ten einde redelike beskerming van die bates en rekords van die Owerheid te verseker;
  - (b) met betroubaarheid, eerlikheid, integriteit en in die beste belang van die Owerheid, in die bestuur van die finansiële sake van die Owerheid optree;
  - (c) op versoek alle materiële feite, ingesluit daardies wat redelik bлоotlegbaar is, en wat op enige manier die besluite of handelinge van die LUR of die Wetgewer kan beïnvloed, aan die LUR of die Wetgewer voorlê; en
  - (d) daarna streef om binne die sfeer van die invloed van die Owerheid, enige vooroordeel ten opsigte van die finansiële belang van die staat, te voorkom.
- (5) Die rekenpligtige owerheid mag nie -
- (a) sodanig optree dat dit teenstrydig is met die verantwoordelikhede toegewys aan die rekenpligtige owerheid in terme van die Openbare Finansies Bestuurswet nie; of
  - (b) die posisie of voorregte van, of vertroulike inligting bekom as rekenpligtige owerheid van die Owerheid gebruik vir persoonlike verryking of om 'n ander persoon onbehoorlik te bevoordeel nie.
- (6) Die rekenpligtige owerheid -
- (a) moet toesien dat die Owerheid beskik oor en instand hou -
    - (i) effektiewe, doeltreffende en deursigtige stelsels van finansiële en risiko bestuur en interne kontrole;
    - (ii) 'n interne auditstelsel onder die beheer en bestuur van 'n auditkomitee wat voldoen aan en opereer volgens regulasies en instruksies voorgeskryf in terme van artikels 76b en 77 van die Openbare Finansies Bestuurswet;
    - (iii) 'n geskikte verkrygings- en voorsieningstelsel wat regverdig, billik, deursigtig, mededingend en koste-effektief is; en
    - (iv) 'n stelsel van behoorlike beoordeling van alle groot kapitale projekte tot 'n finale beslissing oor die projek;
  - (b) moet effektiewe en toepaslike stappe neem ten einde -
    - (i) alle inkomste verskuldig aan die Owerheid in te vorder;
    - (ii) onreëlmatige onkostes, vrugtelose en verkwistende uitgawes, verliese voortspruitende uit kriminele optrede en uitgawes wat nie in ooreenstemming met die operasionele beleid van die Owerheid is nie, te voorkom; en
    - (iii) beskikbare bedryfskapitaal doeltreffend en ekonomies te bestuur;
  - (c) is verantwoordelik vir die bestuur, insluitend die beveiliging, van bates en vir die bestuur van die inkomste, uitgawe en laste van die Owerheid;
  - (d) moet voldoen aan enige belasting-, heffing-, regte -, pensioen- en auditverpligting soos deur die wet vereis;
  - (e) moet doeltreffende en toepaslike dissiplinêre stappe teen enige werknemer van die Owerheid neem wat -
    - (i) enige voorskrif van die Openbare Finansies Bestuurswet oortree of in

- gebreke bly om daarvan te voldoen;
  - (ii) 'n handeling uitvoer wat die finansiële bestuur en interne kontrolesisteem van die Owerheid ondervind; of
  - (iii) maak of laat 'n onreëlmataige uitgawe of 'n vrugtelose en verkwistende uitgawe toe;
  - (f) is verantwoordelik vir die inhouding deur die Owerheid van alle verslae, opgawes, kennisgewings en ander inligting aan die Wetgewer en aan die Tesourie of die LUR, soos vereis kan word deur die Openbare Bestuurswet;
  - (g) moet voldoen, en voldoening deur die Owerheid verseker, aan die bepalings van die Openbare Finansies Bestuurswet en enige ander toepaslike wetgewing.
- (7) Indien die rekenpligtige owerheid nie in staat is om aan enige van die verantwoordelikhede soos vasgestel vir die Owerheid of rekenpligtige owerheid in terme van die bepalings van die Openbare Finansies Bestuurswet te voldoen nie, moet hy of sy die onvermoë tesame met redes, sonder versuim by die LUR en die Tesourie aanmeld.

#### **Inligting wat ingedien moet word deur die rekenpligtige owerheid**

17. (1) Die rekenpligtige owerheid moet sodanige inligting, opgawes, dokumente, verduidelikings en motiverings soos voorgeskryf mag word of deur die Tesourie of die Ouditeur-Generaal versoek, aan die Tesourie of Ouditeur-Generaal voorlê.
- (2) Alvorens die Owerheid oor enige van die volgende transaksies besluit, moet die rekenpligtige owerheid van die Owerheid sonder versuim die relevante tesourie skriftelik van die transaksie in kennis stel en toepaslike besonderhede van die transaksie aan die LUR vir goedkeuring voorlê:
- (a) vestiging of deelname aan die vestiging van 'n maatskappy;
  - (b) deelneming aan 'n noemenswaardige venootskap, trust, oningelyfde gesamentlike onderneming of soortgelyke ooreenkoms;
  - (c) verkryging van of wegdoening met 'n beduidende aandeel in 'n maatskappy;
  - (d) verkryging van of wegdoening met 'n beduidende bate;
  - (e) aanvang of staking van 'n beduidende besigheidsaktiwiteit; en
  - (f) 'n beduidende verandering in die aard of omvang van sy belang in 'n beduidende venootskap, trust, oningelyfde gesamentlike onderneming of soortgelyke ooreenkoms.
- (3) Die Owerheid mag aanneem dat goedkeuring verleen is indien geen respons op 'n voorlegging van die LUR ontvang word in terme van subartikel (2) binne 30 dae of 'n langer tydperk soos ooreengekom tussen homself en die LUR nie.

#### **Jaarverslae en finansiële state**

18. (1) Die Owerheid moet -
- (a) volle en behoorlike rekords van al sy finansiële sake hou;
  - (b) finansiële state vir elke finansiële jaar volgens algemeen aanvaarde praktyk voorberei, tensy die Rekenkundige Standaarde Owerheid die aansoek om 'n algemeen erkende rekenkundige praktyk vir die Owerheid goedkeur;
  - (c) daardie finansiële state binne twee maande na afloop van die finansiële jaar by die Ouditeur-Generaal vir ouditering indien, en by die Tesourie, onderhewig aan die bepalings van die Openbare Finansies Bestuurswet;
  - (d) binne vyf maande van die einde van die finansiële jaar by die Tesourie en die LUR die volgende indien -
    - (i) 'n jaarverslag oor die aktiwiteite van die Owerheid gedurende daardie finansiële jaar; en

- (ii) die geouditeerde finansiële state vir daardie finansiële jaar.
- (2) Die jaarverslag en finansiële state waarna verwys is in subartikel (1)(d) moet-
- (a) die Owerheid se toedrag van sake, sy besigheid, finansiële resultate, prestasie gemeet aan voorafbepaalde doelstellings en sy finansiële posisie soos aan die einde van die betrokke finansiële jaar, behoorlik voorstel;
  - (b) besonderhede insluit van -
    - (i) enige wesentlike verliese deur kriminele optrede en enige onreëlmatage en vrugtelose en verkwistende uitgawe wat gedurende die finansiële jaar voorgekom het;
    - (ii) enige kriminele of disciplinêre stappe wat geneem is as 'n konsekvensie van sodanige verliese of onreëlmatage uitgawe en vrugtelose en verkwistende uitgawe;
    - (iii) enige verliese wat verhaal of afgeskryf is;
    - (iv) enige finansiële bystand van die staat ontvang en ondernemings namens hom deur die staat gemaak; en
    - (v) enige ander saak wat voorgeskryf mag wees.
- (3) Die LUR moet die verslag en state waarna verwys is in subartikel (1)(d) so gou as moontlik in die Wetgewer ter tafel lê.

### HOOFSTUK 3

#### TOERISME-ADVIESKOMITEE

##### **Instelling van die Toerisme-Advieskomitee**

19. Daar word hiermee 'n komitee ingestel genaamd die Toerisme-Advieskomitee.

##### **Funksies en pligte van die Komitee**

20. Die Komitee het die volgende funksies en pligte bykomend tot funksies en pligte waarvoor voorsiening gemaak is in hierdie Wet:
- (a) om navorsing te onderneem of ondersoek in te stel en aanbevelings aan die LUR te maak aangaande enige aangeleenthed met betrekking tot die bevordering, ontwikkeling of bemarking van toerisme in die Provincie; en
  - (b) om die LUR te adviseer aangaande enige aangeleenthed wat hy of sy na die Komitee verwys het vir navorsing, ondersoek of advies.

##### **Samestelling van die Komitee**

21. (1) Die Komitee moet bestaan uit nie minder nie as nege (9) en nie meer nie as twaalf (12) lede, wat gesikte en gepaste persone moet wees, en aangestel deur die LUR.
- (2) Die Komitee moet saamgestel wees om in te sluit:
- (a) twee (2) senior verteenwoordigers van die Departement;
  - (b) 'n senior verteenwoordiger van die provinsiale Departement van Landbou, Bewaring, Omgewing en Grondsake, wat veral ervare is in bewaringsaangeleenthede;
  - (c) 'n senior verteenwoordiger van die provinsiale Departement van Sport, Ontspanning, Kuns en Kultuur;
  - (d) 'n senior verteenwoordiger van die provinsiale Departement van Veiligheid en Skakeling; en
  - (e) vier (4) senior verteenwoordigers, synde amptenare, van die Plaaslike Regering

Munisipaliteit of Rade in die Provincie, wat elk 'n Plaaslike Regering Munisipaliteit of Raad verteenwoordig.

- (3) Die Komitee mag, met die goedkeuring van die LUR, enige persone met kennis van toerisme koöpteer om die Komitee by te staan in enige aangeleentheid wat die Komitee nodig mag ag.
- (4) Die LUR moet een (1) persoon aanstel as Voorsitter en 'n ander as Ondervoorsitter.
- (5) Wanneer die Voorsitter afwesig is of nie in staat is om enige van die take van die Voorsitter uit te voer nie, moet die Ondervoorsitter van die Komitee as Voorsitter optree.
- (6) Wanneer beide die Voorsitter en die Ondervoorsitter van die Komitee afwesig is of nie in staat is om enige van die take van die Voorsitter uit te voer nie, moet die lede wat teenwoordig is 'n persoon uit hulle geledere verkies om as Voorsitter op te tree.
- (7) 'n Korum van die vergaderings van die Komitee is vyf (5) lede.
- (8) Die LUR moet administratiewe ondersteuning aan die Komitee verleen.

#### **Diensvoorraades**

22. (1) 'n Lid wat nie in die diens van die Regering is nie, moet aangestel of gekoöpteer word op sodanige diensvoorraades as wat die LUR mag vasstel.
- (2) 'n Lid mag sodanige besoldiging en toelae betaal word as wat die LUR mag vasstel.

#### **Ampstermyn**

23. (1) 'n Lid moet, onderhewig aan die bepalings van artikels 24, 26 en 27, 'n amp beklee vir 'n tydperk wat deur die LUR bepaal is ten tyde van die aanstelling of koöptering, maar wat nie vier (4) jaar oorskry nie, en mag heraangestel word aan die einde van hierdie tydperk.
- (2) Indien, om enige rede, die amp van 'n lid vakant raak, mag die LUR enige ander persoon as lid van die Komitee aanstel vir die onverstreke gedeelte van die tydperk van die betrokke amp.

#### **Ampsontruiming**

24. (1) 'n Lid moet sy of haar amp ontruim indien hy of sy -
  - (a) bedank;
  - (b) geestelik versteurd raak;
  - (c) skuldig bevind word aan 'n misdryf en gevonnis word tot tronkstraf sonder die opsie van 'n boete;
  - (d) nie langer 'n inwoner van die Provincie is nie; en
  - (e) afwesig is van meer as drie (3) opeenvolgende vergaderings sonder 'n geldige rede.
- (2) Die LUR mag, te enige tyd, die ampstermyn van 'n lid beëindig, indien na die mening van die LUR, voldoende rede bestaan om sodanige beëindiging te laat geskied: Met dien verstande dat die betrokke lid 'n geleentheid gebied is om sy of haar saak te stel.

#### **Bekendmaking van belang**

25. 'n Lid moet enige direkte of indirekte finansiële belang bekend maak wat die betrokke lid, sy of haar onmiddellike familielid, sakevennoot of deelgenoot of werkgewer in die toerismebedryf het.

#### **Effek van botsing van belang**

26. (1) 'n Lid mag nie stem, die verrigtinge bywoon of op enige ander wyse deelneem aan die

verrigtinge by enige vergadering of verhoor van die Komitee indien, met betrekking tot enige aangeleentheid wat voor die Komitee dien-

- (a) hy of sy of sy of haar onmiddellike familielid, sakevennoot of deelgenoot of werkewer 'n direkteur, lid of vennoot is van, of 'n beherende belang of enige finansiële of ander belang het in, die onderneming van 'n aansoeker om enige voorreg wat deur die Owerheid toegestaan kan word nie;
  - (b) hy of sy enige belang het wat hom of haar verhinder om sy of haar taak as lid uit te voer op 'n regverdige, onbevooroordelde en behoorlike wyse; of
  - (c) indien te enige tyd gedurende die verloop van verrigtinge voor die Komitee dit blyk dat 'n lid enige belang wat in hierdie subartikel beoog word, het of mag hê.
- (2) Waar daar twyfel bestaan of 'n lid beperk word deur die bepalings van subartikel (1), moet daardie lid die vergadering of verhoor verlaat ten einde die oorblywende lede in staat te stel om die aangeleentheid te bespreek en te bepaal of daardie lid uitgesluit is van deelname aan die verrigtinge by sodanige vergadering of verhoor vanweë 'n botsing van belang.
- (3) Die besluit wat deur die oorblywende lede geneem word aangaande sodanige bepaling van 'n botsing van belang, moet aangeteken word in die notule van die verrigtinge.
- (4) Indien enige lid by gebreke bly om enige belang wat in subartikel (1) beoog word bekend te maak of indien, by die besit van sodanige belang, hy of sy die verrigtinge van die betrokke vergadering of verhoor bywoon of op enige wyse daaraan deelneem, mag die betrokke verrigtinge nietig verklaar word.

#### **Diskwalifikasie van lede**

27. Geen persoon mag as 'n lid aangestel word indien daardie persoon-

- (a) 'n ongerehabiliteerde insolvent;
- (b) nie 'n Suid-Afrikaanse burger;
- (c) nie 'n inwoner van die Provincie;
- (d) 'n gewoontemisdadiger; en
- (e) geestelik versteurd is nie.

#### **Vergaderings van die Komitee**

28. (1) Die eerste vergadering van die Komitee moet gehou word op 'n tyd en plek wat deur die Voorsitter vasgestel is, en daarna moet die Komitee vergader op sodanige tye en plekke as wat dit bepaal vir die uitvoering van pligte.
- (2) Die Voorsitter mag te enige tyd, per kennisgewing, 'n buitengewone vergadering van die Komitee belê op 'n tyd en plek wat deur hom of haar bepaal is.
- (3) Elke lid van die Komitee het een stem vir enige aangeleentheid voor die Komitee en, in die geval van 'n staking van stemme, het die Voorsitter, bo en behalwe 'n beraadslagende stem, 'n beslissende stem.
- (4) Die Hoof Uitvoerende Beampte mag nie stem by 'n vergadering van die Komitee nie.
- (5) Die Komitee moet notule hou van sy vergaderings.

#### **HOOFSTUK 4**

#### **REGISTRASIE EN MOONTLIKE TOEKOMSTIGE FUNKSIES**

#### **Aanstelling van Registrateur en aangewese amptenaar**

29. (1) Die Owerheid-

- (a) moet 'n persoon aanstel wat die Registrateur sal wees van toergidse, toeroperateurs, koeriers, opleidingsverskaffers, hotelle, konferensiesentra, restaurante, aangewese toeriste-aantreklikhede en ander akkommodasie-ondernehmings; en
  - (b) mag sodanige ander persone as aangewese amptenare aanstel as wat dit mag nodig ag.
- (2) Die Registrateur en aangewese amptenare moet voorsien wees van 'n sertifikaat onderteken deur die Hoof Uitvoerende Beampte namens die Owerheid, wat verklaar dat die houer aangestel is kragtens hierdie Wet.

#### **Magte en pligte van Registrateur**

30. Die Registrateur het die volgende magte en pligte:
- (a) 'n database skep en byhou wat ten minste 'n register van registrasies bevat;
  - (b) periodiek opgedateerde lyste van geregistreerde entiteite en persone publiseer wat aktief is binne die toerismebedryf;
  - (c) ander magte en pligte waaroor in hierdie Wet voorsiening gemaak word; en
  - (d) enige toekomstige magte en pligte soos waaroer ooreengekommag word deur die Provinsie en die Owerheid en die verantwoordelike entiteit vir toerisme binne die Nasionale Regering.

#### **Aanwysing van toeriste-aantreklikhede**

31. (1) Die LUR mag deur kennisgewing in die Staatskoerant, op die advies van die Komitee of op aanbeveling van die Owerheid en na beraadslaging met persone wat aktief is in die toerisme-aantreklikheidsbedryf, toeriste-aantreklikhede aanwys.
- (2) Enige persoon wat versoek dat 'n toeriste-aantreklikheid aangewys moet word soos beoog in subartikel (1), mag aansoek doen vir aanwysing by die LUR op die voorgeskrewe wyse.
- (3) Die LUR moet aansoeke wat kragtens subartikel (2) ontvang is na die Komitee en die Owerheid verwys met die oog op advies en aanbeveling soos beoog in subartikel (1).

#### **Registrasie**

32. Vir die doeleindes van die daarstelling van 'n omvattende databasis van die toerismebedryf moet die Registrateur 'n register byhou vir die registrasie van -
- (a) toergidse;
  - (b) toeroperateurs;
  - (c) koeriers;
  - (d) opleidingsverskaffers;
  - (e) hotelle;
  - (f) konferensiesentra;
  - (g) restaurante;
  - (h) aangewese toeriste-aantreklikhede; en
  - (i) ander akkommodasie-ondernehmings

#### **Kennisgewing vir registrasie**

33. (1) Die LUR moet, op advies van die Komitee, deur kennisgewing in die Staatskoerant en in nie minder nie as drie (3) koerante wat wyd gesirkuleer word in die Provinsie, verklaar dat vanaf die publikasiedatum van die kennisgewing, toergidse, toeroperateurs, koeriers, opleidingsverskaffers, hotelle, konferensiesentra, restaurante, aangewese toeriste-

- aantreklikhede en ander akkommmodasie-ondernemings, van sodanige klas as wat in die kennisgewing gespesifieer word, geregistreer moet word.
- (2) Geen persoon mag 'n besigheid bedryf van toergids, toeroperateur, koerier, opleidingsverskaffer, hotel, konferensiesentrum, restaurant, aangewese toeriste-aantreklikheid en ander akkommmodasie-onderneming van 'n klas wat gespesifieer word in die kennisgewing waarna in subartikel (1) verwys word, na verstryking van die vasgestelde registrasiedatum nie, tensy dit geregistreer is kragtens die Toerismewet, 1993 en hierdie Wet.

#### Aansoek om registrasie

34. (1) Enige persoon wat die besigheid bedryf of beoog om te bedryf, van 'n toergids, toeroperateur, koerier, opleidingsverskaffer, hotel, konferensie-sentrum, restaurant, aangewese toeriste-aantreklikheid en ander akkommmodasie-onderneming moet by die Registrateur aansoek doen om registrasie wanneer sodanige persoon voldoen het aan die Toerismewet, 1993.
- (2) 'n Aansoek waarna verwys is in subartikel (1) moet -  
(a) gerig word op die voorgeskrewe wyse; en  
(b) vergesel wees van die voorgeskrewe fooi.

#### Uitreiking van sertifikate

35. Die Registrateur moet, by registrasie, aan die toergids, toeroperateur, koerier, opleidingsverskaffer, hotel, konferensiesentrum, restaurant, aangewese toeriste-aantreklikheid en ander akkommmodasie-onderneming, 'n sertifisering van registrasie op die voorgeskrewe vorm uitreik.

#### Periodieke publikasie van lys van registrasies

36. Die Owerheid moet periodiek, op so 'n wyse as wat vasgestel mag word, 'n lys van geregistreerde toergidse, toeroperateurs, koeriers, opleidingsverskaffers, hotelle, konferensiesentra, restaurante, aangewese toeriste-aantreklikhede en ander akkommmodasie-ondernemings publiseer, saam met sodanige besonderhede as wat dit mag bepaal.

#### Geldigheidstydperk van registrasie

37. Registrasie is geldig vir twaalf (12) maande vanaf die uitreikingsdatum en is hernubaar in ooreenstemming met die prosedure beoog in artikels 34 en 35.

## HOOFSTUK 5

### APPEL EN INSPEKSIE

#### Appel teen die beslissing van die Registrateur

38. (1) Enige persoon wat benadeel is deur die beslissing van die Registrateur met betrekking tot 'n aansoek om registrasie mag, binne ag-en-twintig (28) dae na verwittiging van die beslissing, skriftelik na die LUR appelleer.

- (2) Die appellant moet, indien 'n fooi vir sodanige appel voorgeskryf word, die voorgeskrewe fooi met sy of haar appel indien.
- (3) Die LUR mag van die Registrateur vereis om hom of haar te voorsien van geskrewe redes vir sy of haar beslissing.
- (4) Wanneer 'n appel aangeteken word, moet die beslissing van die Registrateur opgeskort word, totdat die appel gefinaliseer is.
- (5) Die LUR moet 'n gesikte bevel gee.

#### **Inspeksie van perseel**

39. (1) Die Registrateur of aangewese amptenaar mag, vir die doeleindes van hierdie Wet -
- (a) en op enige redelike tyd, enige perseel betree van -
    - (i) 'n toergids, toeroperator, koerier, opleidingsverskaffer, hotel, konferensiesentrum, restaurant, aangewese toeriste-aantreklikheid en ander akkommodasie-onderneeming ten opsigte waarvan 'n aansoek om registrasie gedoen is; of
    - (ii) 'n geregistreerde toergids, toeroperator, koerier, opleidingsverskaffer, hotel, konferensiesentrum, restaurant, aangewese toeriste-aantreklikheid en ander akkommodasie-onderneeming, na gelang van die geval, nadat die persoon wat in beheer is van sodanige perseel ten tyde van sy of haar besoek ingelig is, sodanige inspeksie en ondersoek onderneem as wat hy of sy mag nodig ag: Met dien verstande dat hy of sy nie enige kamer wat deur enige persoon beset word mag betree sonder die toestemming van sodanige persoon nie;
  - (b) enige persoon op sodanige perseel ondervra, of op enige redelike tyd van enige sodanige persoon verwag om enige boeke, kennisgewings, registers, of ander dokumente wat op die perseel is of daar gewees het of in besit of bewaring van sodanige persoon is voor te lê indien, na sy of haar mening die ondersoek van sodanige boeke, kennisgewings, registers, of ander dokumente noodsaaklik is vir die doeleindes van sy of haar ondersoek;
  - (c) ondersoek instel en uittreksels en kopieë maak van enige sodanige boeke, kennisgewings, registers, of ander dokumente waarna in paragraaf (b) verwys word.
- (2) Die Registrateur of aangewese amptenaar moet, op aanvraag van enige persoon wat aangetas word deur die ondersoek waarna in subartikel (1) verwys word, die sertifikaat vertoon wat aan hom of haar uitgereik is kragtens artikel 35.

#### **HOOFSTUK 6**

#### **ALGEMENE BEPALINGS**

#### **Oorgangsreëlings**

40. Enige persoon wat by die inwerkingtreding van artikel 33 geregistreer is as 'n toeroperator, toergids of koerier kragtens die Toerismewet, 1993 (Wet Nr 72 van 1993) of enige toepaslike wet, mag voortgaan om te funksioneer binne die Provincie tot die persoon geregistreer is kragtens hierdie Wet of verstryking van die tydperk beoog in artikel 33(1) welke een die vroegste is.

### **Oortredings en boetes**

**41. Enige persoon wat-**

- (a) opsetlik publiseer of veroorsaak of toelaat dat op enige manier valse of misleidende inligting in verband met enige toergids, toeroperateur, koerier, opleidingsverskaffer, hotel, konferensiesentrum, restaurant, aangewese toeriste-aantreklikheid gepubliseer word; of
- (b) die Registrateur of aangewese amptenaar verhinder of dwarsboom in die uitvoering van sy of haar magte of die uitvoering van sy of haar verpligtinge; of
- (c) opsetlik valse of misleidende inligting aan die Registrateur of aangewese amptenaar verstrek; of
- (d) enige bepaling van hierdie Wet oortree, wat nie elders spesifiek tot 'n misdryf verklaar word nie;

sal skuldig wees aan 'n oortreding en onderhewig aan 'n boete of gevangenisskap vir 'n tydperk van nie meer nie as 2 (twee) jaar of tot beide sodanige boete en gevangenisskap.

### **Regulasies**

**42. (1) Die LUR mag regulasies neerlê met betrekking tot die volgende aangeleenthede:**

- (a) fooie wat betaalbaar is ten opsigte van registrasie, hernuwing van registrasie, en appel;
  - (b) ander aangeleenthede met betrekking tot fooie wat die LUR nodig ag om voor te skryf;
  - (c) die vorm en inhoud van aansoeke om registrasie, sertifikate en appelle;
  - (d) die vereistes gestel aan persone wat binne die toerismebedryf geemploejer word of betrokke is om sekere voorligtings- of opleidingskursusse te onderneem, of te beskik oor sekere kwalifikasies soos wat deur die Owerheid goedgekeur mag wees;
  - (e) enige aangeleenthed wat verband hou met die moontlike toekomstige funksionering van die Owerheid of die Komitee; en
  - (f) enige ander aangeleenthed wat die LUR nodig ag om voor te skryf vir die bereiking van die oogmerke van hierdie Wet.
- (2) Regulasies voorgeskryf kragtens subartikel (1) mag voorsiening maak vir boetes vir die oortreding daarvan.
- (3) Die LUR moet die Komitee raadpleeg by die maak van die regulasies.

### **Herroeping van wette en opvolging**

**43. (1) Die Gauteng Toerismewet, Nr 18 1998 word hiermee herroep.**

- (2) Op die inwerkintredingsdatum van artikel 3 en subartikel, moet alle bates, laste, regte en verpligtinge van die Gauteng Toerisme-owerheid, ingestel kragtens die Wet wat deur artikel (1) herroep word, soos wat dit bestaan het voor die inwerkintreding van hierdie Wet, oorgedra word aan die Owerheid wat deur hierdie Wet ingestel word.
- (3) Die nuut-gekonstitueerde Owerheid is dieregsopvolger van die opgehefde Gauteng Toerisme-owerheid.

### **Kort titel en inwerkintreding**

**44. (1) Hierdie Wet heet die Gauteng Toerismewet, 2001, en moet in werking tree op 'n datum wat**

- deur die Premier vasgestel is by wyse van proklamasie in die Staatskoerant.
- (2) Verskillende datums mag vasgestel word vir die inwerkingtreding van verskillende artikels van hierdie Wet.

**VERKLARENDE MEMORANDUM OOR TOERISME-WETSONTWERP, 2001****1. DOEL VAN DIE WETSONTWERP**

1. Die doel is om voorsiening te maak vir die bevordering en volhoubare ontwikkeling van toerisme in Gauteng; die instelling van die Gauteng Toerisme-Owerheid; die instelling van die Toerisme-Advieskomitee; om voorsiening te maak vir die registrasie van toergidse, toeroperateurs, koeriers, opleidingsverskaffers in die toerismebedryf, hotelle, konferensiesentra, restaurante, aangewese toeriste-aantreklikhede en ander akkommodasieondernemings; en voorsiening te maak vir aangeleenthede wat daar mee in verband staan.

**2. OMGEWINGSIMPLIKASIES**

Geen.

**3. FINANSIEËLE IMPLIKASIES**

Geen implikasies behalwe daardie wat vervat is in die Wetsontwerp met betrekking tot die vergoeding van ampsdraers en personeel en die funksionering van die Owerheid en die Komitee.

**4. WEERGAWES VAN OPMERKINGS VERSOEK EN ONTVANG**

Die Provinciale Tesourie is geraadpleeg oor die impak van die bepalings en implikasies van die Openbare Finansies Bestuurswet, 1999 op die bepalings van die Wetsontwerp.

**5. KLOUSULE-VIR-KLOUSULE BESKRYWING****Artikel 1**

Omskrywing van terme wat in die Wet gebruik word

**Artikel 2**

Sit die toepassing van die Wet uiteen

**Artikel 3**

Stel die Gauteng Toerisme-Owerheid in as 'n statutêre instelling.

**Artikel 4**

Maak voorsiening vir bevoegdhede en pligte van die Owerheid

**Artikel 5**

Maak voorsiening vir die samestelling van die Owerheid

**Artikel 6**

Skryf die diensvooraardes van die Hoof Uitvoerende Beampte voor

**Artikel 7**

Maak voorsiening vir die dienstermyn van die Hoof Uitvoerende Beampte

**Artikel 8**  
Behandel ampsontruiming

**Artikel 9**  
Maak voorsiening vir die bekendmaking van belang en die effek van 'n botsing van belang

**Artikel 10**  
Maak voorsiening vir omstandighede wanneer 'n persoon gediskwalifiseer word uit 'n amp

**Artikel 11**  
Maak voorsiening vir die aanstelling van personeel van die Owerheid

**Artikel 12**  
Bemagtig die Owerheid om deskundige en ander bystand in die uitvoering van sy magte en funksies

**Artikel 13**  
Maak voorsiening vir die delegering van magte deur die Hoof Uitvoerende Beample

**Artikel 14**  
Stel 'n Toerisme-Ontwikkelingsfonds in

**Artikel 15**  
Maak voorsiening vir die befondsing van die Owerheid

**Artikel 16**  
Ken rekenpligtige verantwoordelikheid kragtens die Openbare Finansies Bestuurswet, Nr 1 van 1999 aan die Hoof Uitvoerende Beample toe

**Artikel 17**  
Maak voorsiening vir inligting wat ingedien moet word deur die Owerheid

**Artikel 18**  
Maak voorsiening vir verslagdoening, insluitende finansiële verslagdoening deur die Owerheid

**Artikel 19**  
Stel die Toerisme-Advieskomitee in

**Artikel 20**  
Maak voorsiening vir funksies en pligte van die Komitee

**Artikel 21**  
Stel die Komitee saam

**Artikel 22**  
Skryf diensvoorraardes vir die Komitee voor

**Artikel 23**  
Skryf ampstermy van lede van die Komitee voor

**Artikel 24**

Maak voorsiening vir ampsontruiming

**Artikel 25**

Maak voorsiening vir bekendmaking van belang deur lede van die Komitee

**Artikel 26**

Sit die effek van botsing van belang uiteen

**Artikel 27**

Maak voorsiening vir die diskwalifikasie van lede van die Komitee

**Artikel 28**

Maak voorsiening vir vergaderings van die Komitee

**Artikel 29**

Maak voorsiening vir aanstelling van Registrateur en aangewese amptenaar

**Artikel 30**

Maak voorsiening vir magte en pligte van die Registrateur

**Artikel 31**

Beklee die LUR met die bevoegdheid om toeriste-aantreklikhede aan te wys

**Artikel 32**

Maak voorsiening vir die registrasie van verskillende kategorieë van toeriste operateurs

**Artikel 33**

Maak voorsiening vir 'n kennisgewing wat vra vir die registrasie van hierdie operateurs

**Artikel 34**

Maak voorsiening vir die aansoek om registrasie

**Artikel 35**

Maak voorsiening vir die uitreiking van sertifikate

**Artikel 36**

Maak voorsiening vir periodieke publikasie van 'n lys van geregistreerde operateurs

**Artikel 37**

Skryf die geldigheidstydperk van registrasie en hernuwing voor

**Artikel 38**

Maak voorsiening vir appel teen beslissing van die Registrateur

**Artikel 39**

Maak voorsiening vir inspeksie van perseel

**Artikel 40**

Skryf oorgangsmaatreëls voor

**Artikel 41**

Maak voorsiening vir oortredings en boetes

**Artikel 42**

Maak voorsiening vir die maak van Regulasies deur die LUR

**Artikel 43**

Herroep die Gauteng Toerismewet, 1998 en beklee die nuwe Owerheid met alle regstitele

**Artikel 44**

Bevat die kort titel en inwerkingtreding van die Wet. Verskillende artikels mag op verskillende tye in werking tree

## NOTICE 6343 OF 2001

**MOLAOKAKANYWA WA BOETI, 2001**

Go beakanyetša kgodišo le tšwelopele ye e swarelelago lebaka le letelele mererong ya tša boeti ka Gauteng ; go hloma Bolaodi bja tša Boeti ka Gauteng ; go abela maatla le mehola gape le go rweša Bolaodi mešomo; go hloma Komitikeletšo ya tša Boeti; go fana ka maatla le mehola gape le go rweša Komiti maikarabelo ; go hloma sekhwama sa tšwetšopele ya tša boeti; go beakanyetša boingwadišo bja bahlahlamaeto; barulaganyamaeto; barwalabasepedi, babeakanyetšatlhahlo intastering ya tša boeti, dihoteleng, mafelong a dikopano , diresturanteng , ditlabakelong tše di kgethilwego tša baeti gotee le mafelong a mangwe a madulo le mehola ye mengwe ya ka moso yeo e ka kgonegago , yeo e amanago le dikgoro tše ; le go beakanyetša merero ya sewelo malebana le tšekhwi ka moka.

**GO BEWA SEMOLAO KE Theramelao ya Profense ya Gauteng ka tsela ye e latelago:**

**PEAKANYO YA MOLAO****KGAOLO 1****DITLHALOŠIŠO LE TIRIŠO YA MOLAO**

1. Ditlhalošišo
2. Tirišo ya Molao wo

**KGAOLO 2****BOLAODI BJA TŠA BOETI KA GAUTENG LE SEKHWAMA**

3. Tlhomo ya bolaodi
4. Maatla le mešomo ya Bolaodi
5. Mola Theo wa Bolaodi
6. Mbaka a modiro
7. Dipakatiro
8. Tlogelomodiro
9. Kutollo ya dikgahlego le thulano ya dikgahlego
10. Kganelomodiro
11. Setafo sa Taolo
12. Ditsebi le Thušo ye nngwe

13. Kabo ya Maatla
14. Sekhwamatlhabollo sa Boeti
15. Ditšelete tša Bolaod
16. Boikarabelo bja Maikarabelo a Bolaodi
17. Tshedimošo yeo e swanetšego go neelwa ke bolaodi bjo bo ikarabelago
18. Dipego le Distatamente tša letlole tša ngwaga

### **KGAOLO 3**

#### **KOMITIKELETŠO YA TŠA BOETI**

19. Tlhomo ya Komitikeletšo ya tša Boeti
20. Mediro le Mešomo ya Komiti
21. Sebopego sa Komiti
22. Mabaka a Modiro
23. Dipakatiro
24. Tlogelo ya Modiro
25. Kutollo ya Dikgahlego
26. Ditslamorago tša Thulano ya Dikgahlego
27. Kganelo ya Maloko.
28. Dikopano tša Komiti.

### **KGAOLO 4**

#### **BOINGWADIŠO LE KGONAGALO YA MEDIRO YA KA MOSO**

29. Kgetho ya Rejistrara le Mohlankedidi yo a Kgethilwego
30. Maatla le Mešomo ya Rejistrara
31. Kgetho ya Dinolofatši tša Baeti
32. Boingwadišo
33. Tsebišo ya boingwadišo
34. Kgopelo ya boingwadišo
35. Go ntšhwa ga Disetifikheti
36. Dikgatišo tša ka mehla tša Manane a boingwadišo
37. Nako ye e Dumeletšwego ya Boingwadišo le Mpshafatšo

### **KGAOLO 5**

#### **BOIPILETŠO LE TLHAHLOBO**

38. Boipiletšo kgahlanong le Sephetho sa Rejistrara
39. Tlhahlolo ya Lefelo

## KGAOLO 6

### DIPEAKANYETŠO TŠA KAKARETŠO

40. Dithulaganyo tša Phetogo
41. Melato le Dikoloto
42. Melawana
43. Phedišo ya Melao le Tatelano
44. Thaetlelekopana le Mathomo

**KGAOLO 1****DITLHALOŠIŠO LE TIRIŠO YA MOLAO****Ditlhalošišo**

1. Ka Molaong wo, ka ntle le ge kamano e laetša ka tsela ye nngwe-  
“Bolaodi” bo ra Bolaodi bja Boeti ka Gauteng ;  
“ ” e ra motho yoo a beilwego go ya ka Karolo 5;  
“ Komiti ” e ra Komitikeletšo ya tša Boeti ;  
“ Lefelo la khonferense ” e ra Lefelo mo kgwebong leo le theilwego go aba dinolofatši tša go kgontšha go swarwa ga dikhonferense , dikhonkrese, dikhonbenšene, disimphosiamo, disseminare le dipontšho gomme e se karolo ya hotele goba lefelo le lengwe la madulo;  
“ Morwalabasepedi ” e ra motho goba kgwebo yeo e abago thwalo ya baeti;  
“ Kgoro ” e ra kgoro yeo e rwelego maikarabelo go tša boeti ka Profenseng;  
“ Mohlankedidi yo a kgethilwego ” e ra motho yoo a kgethilwego go ya ka karolo 29 ;  
“ setlabakelo se se kgethilwego sa baeti ” e ra lefelo goba selo seo MEC/ Molekgotlamogolophethiši a laetšego gore ke setlabakelo se se kgethilwego sa baeti go ya karolo 31;  
“ Khuduthamaga ” e ra Khuduthamaga ya Mmušo wa Profense ya Gauteng;  
“ Sekhwama ” e ra sekhwamatlhabollo sa Baeti ;  
“ hotele ” e ra lefelo , ka moo goba fao go dirwago kgwebo ya go aba madulo le dijo ka tefelo goba fao go ikemišeditšwego go dira kgwebo ye bjalo gomme go akaretša mothele, ntlo ya baeti goba seketswanangwako ;  
“ Leloko la kgauswi la lapa ” e ra molekane, motswadi, ngwana, morwarra goba kgaetšedi ;  
“ Theramelao ” e ra Theramelao ya Profense ya Gauteng ;

**" MEC/ Molekgotlamogolophethiši "** e ra leloko la Khuduthamaga le le ikarabelago go merero ya tša boeti ka Profenseng ;

**" leloko "** e ra leloko la Komitikeletšo ya tša Boeti;

**" mafelo a mangwe a madulo "** e ra lefelo le lengwe le le lengwe ka ntle le hotele, leo le abago marobalo go šetšaba ka tefelo, go sa šetšwe ge e le gore a na le dijo goba a se na natšo gomme a akaretša seketswana , seketswanangwako, marobalo le difihlolo, kharabane le phaka ya go kampa, ngwakopolaseng, hostele le ntloborobalo;

**" Molao wa Taolo ya Ditšelete tša Setšaba"** e ra Molao wa Taolo ya Ditšelete tša Setšaba, 1999 (Act NO.1 of 1999) bjalo ka ge o kaonafaditšwe nako le nako;

**" Profense "** e ra Profense ya Gauteng;

**" kgethela "** e ra go kgethelwa go ya ka molawana gomme "kgethela" e na le tlhalošo yeo e sepelelanago le yona;

**"Rejistrara "** e ra motho yoo a beilwego go ya ka karolo 29;

**"melawana "** e ra melawana yeo e theilwego ka fase ga molao wo;

**"resturante "** e ra mafelo ao ka kago a hlomilwego e bile a šomišwago maikešetšong a go aba dijo, ka tefišo go setšaba, go jela go ona goba go tloga natšo;

**"molekane "** go akaretšwa motho yoo motho a dulago le yena bjalo ka ge nke ke banyalani goba yoo motho ka tlwaelo a dulago le yena felo go tee;

**"Komiti ye ikemetšego "** e ra Komiti ya Theramelao ya Profense ye ikarabelago mererong ya tša boeti;

**"Molao wo "** o akaretša melawana yeo e theilwego ka tlase ga Molao wo;

**" mohlahlamaeto "** e ra motho yoo ka go nyaka moputso, e ka ba wa tšelete goba go putswa ka tsela ye nngwe, a felegetšago motho mang le mang yoo a sepelago goba a etelago lefelo lefe goba lefe ka gare ga Profense gomme a fago motho yoo tshedimošo goba tshwayatshwayo mabapi le taba ye nngwe le ye nngwe;

**" morulaganyamaeto "** e ra motho yo a swaranego le kgwebo ya go rulaganyetša maeto a mohuta o mongwe le o mongwe a šomiša dinamelwa tša gagwe goba tša mogwebi yo mongwe tše di dumeletšwego, difofane goba ditlabakelo tše dingwe;

**" mothuši ka tlhahlo "** e ra motho yo mongwe le yo mongwe, mokgatlo goba sehlongwa seo se thušago ka tlhahlo, go šupa tsela goba thuto gona mo intastering ya boeti ka Profenseng; le

**" Polokelotlotlo "** e ra polokelo ya Profense ya Gauteng bjalo ka ge e akanywa ka go Molao wa Taolo ya Ditšelete tša Setšaba.

### **Tirišo ya Molao wokhwi**

2. Molao wokhwi o akaretša Profense ka moka

## **KGAOLO 2**

### **BOLAODI BJA TŠA BOETI KA GAUTENG LE SEKHWAMA**

#### **Tlhomo ya Bolaodi**

3. Ka tsela ye mokhwi go hlomilwe motho molaong yo a bitšwago Bolaodi bja tša Boeti ka Gauteng.

#### **Maatla le ditshwanelo tša Bolaodi**

4. Bolaodi bo na le maatla le ditshwanelo tše di latelago koketšong ya maatla goba ditshwanelo tše dingwe le tše dingwe tše di beakantšwego ka go molao wokhwi:

- (1) go hhalosa, go godiša le go hlabolla boeti ka profenseng;
- (2) go hlohololetša tšwetšopele ye e swareelago lebaka la letelele, peakanyetšo le kaonafatšo ya ditlabakelo tša boeti;
- (3) go hloma ditšhupatsela tša kgolo ya boeti;
- (4) go thoma le go tsenya tirišong ditiro le ditiragalo nageng ka bophara gape le dinagengboditšhaba ka maikešetšo a go ngokela baeti Profenseng ye;
- (5) go godiša strathetši le kgwebišanommogo gape le mediro mengwe ya tlemagano le mekgatlo ya baeti mo setšhabeng le dinageng tše dingwe;
- (6) go kopanya, go thekga le go tsenelana le mekgatlo le dihlongwa tše di ikemišeditšego go hlatloša le go tšwetša

boeti pele ;

- (7) go lopa boleloko le, le go ba leloko la makgatlo wa tšwetšopele ya boeti le go bo bapatša;
- (8) ka tumelelo ya MEC/Molekgotlamogolophethiši, go thuša ka ditšelete protšekeng ye nngwe le ye nngwe yeo e tlogo godiša maemo a tša boeti gomme ya thuša kgodišong ya tša boeti ka Profenseng;
- (9) go amogela dineo; le
- (10) go šoma ka tshwanelo bjalo ka mothosemolao, ka tlase ga molao wa Repablik ya Afrika-Borwa, go ba le maatla ka moka ao a kgonagalago gore Bolaodi bo kgone go šoma ka tshwanelo.

### **Sebopego sa Bolaodi**

5. (1) Bolaodi bo bopša ka leloko le tee(1), leo ebile e lego lona wa Bolaodi.

(2) MEC/Molekgotlamogolophethiši o kgetha ka therišano le komiti ye lkemetšego.

(3) e swanetše go ba motho wa maswanedi yoo a se nago bosodi, yoo a sego a thwalwa ke mmušo, yoo a nago le tsebo ye tebilego, boitsebelo le maitemogelo, mererong ya tša boeti, tšwetšongpele le kgodišong ya bjona.

(4) MEC/Molekgotlamogolophethiši o swanetše, ka tsebišo ka gare ga Gazette ya Profense le ka dikuranteng tše tharo(3) tše di phatlalatšwago kudu ka Profenseng, a phatlalatše tsebišo ya leina la, mo sebakeng sa kgwedi e tee(1) a beilwe.

### **Mabaka a modiro**

6. MEC/ Molekgotlamogolophethiši o beakanya ditlemo le mabaka a moputso, diputsetšo le diputseletšo tše dingwe tša .

### **Dipakadiro**

7. (1) o šoma go elana le dipeakanyetšo tša karolo 8, mo lebakeng leo le laetšwego ke MEC/Molekgotlamogolophethiši, nakong ya ge a bewa, eupša nakong ye e sa fetego mengwaga ye meraro(3), gomme a ka no

kgethwa gape mafelelong a pakatiro ye.

(2) Ge ka lebaka lefe goba lefe maemo ao a ka bulega, MEC/Molekgotlaphethiši a ka bea motho yo mongwe le yo mongwe bjalo ka Mohlankedimogolo mo karolong ye e šetšego ya pakatiro yeo e amegago.

### **Tlogelo ya modiro**

8. (1) o swanetše go tšwa kantorong ge-

- (a) a leboga modiro;
- (b) lahlegelwa ke tlhaologanyo;
- (c) bonwe molato wa bosenyi gomme a ahloletšwe kgolego ka ntle le go fiwa kgetho ya faene;
- (d) eba leloko la Palamente, Theramelao ya Profense, Khansele ya Mmasepala, Kabinete goba Khuduthamaga ye nngwe le ye nngwe;
- (e) a sa hlwe a le modudi wa Profense; goba
- (f) a thwetšwe ke mmušo mo maemong afe kapa afe ka ntle ga go ba wa Bolaodi.

(2) MEC/Molekgotlamogolophethiši, ka therišano le Komiti ye lkemetšego, nako ye nngwe le ye nngwe, a ka fediša pakatiro ya , ge kgopolong ya MEC, go na le mabaka a a kwagalago a go mo lebogiša modiro. Ge fela a ka fiwa sebaka sa go ipobola.

### **Kutollo ya dikgahlego le thulano ya dikgahlego**

9. (1) Mohlankedimogolo o swanetše go utullela MEC/Molekgotlaphethiši dikgahlego ka moka, ka tsela-thwii goba tharedi, tšeou yena goba leloko la kgauswi la lapa, mogwebišane goba mogwera goba mothwadi, a nago le tšona intastering ya tša boeti.

(2) Morerong ofe goba ofe moo Mohlankedimogolo a gapeletsegago go tšeа sephetho goba a dire se sengwe, goba moo thulano goba kgonagalo ya thulano, bjalo ka ge go akanywa go karolwana(1), e le gona goba go laetša kgonagalo ya go ba gona-

- (a) Mohlankedimogolo o swanetše go umaka taba yeo go MEC/Molekgotlamogolophethiši;

- (b) MEC /Molekgotlaphethiši o swanetše go hwetša pele keletšo go tšwa go Komiti, ka ga thulano goba kgonagalo ya thulano go elena le sephetho goba tiragatšo yeo e nyakegago.
  - (c) Morago ga fao, MEC/Molekgotlaphethiši o swanetše go akanya gore na ke sephetho goba tiro efe ya maswanedi yeo Mohlankedimogolo a swanetšego go e tšea, ebile a ka laela mabaka ao a sepelelanago le maikešetšo a bjalo; gomme
  - (d) MEC/Molekgotlaphethiši o swanetše, ka go ngwala, a tsebiše Mohlankedimogolo ka ga maikešetšo a gagwe.
- (3) Mohlankedimogolo o swanetše go latela maikešetšo a MEC/Molekgotlaphethiši bjalo ka ge a akanywa ka go karolwana (2)(c)
- (4) Ge Mohlankedimogolo a ka šitwa go laetša kgahlego efe goba efe , bjalo ka ge di akantšwe ka go karolwana (1) goba a tshela molao wa karolwana (2) goba (3), MEC/Molekgotlaphethiši a ka no laela ditiragalo tša maleba go ba tša lefela ebile di se nago mohola.
- (5) Tšhitego bjalo ka ge e akanywa karolong (4) e hlola lebaka le le tiilego bjalo ka ge go akanywa ka go karolwana 8 (2).

### **Kganelo ya Modiro**

**10.** Go se be le motho yo a bewago go ba Mohlankedimogolo ge motho yoo e-

- (a) le motšoni yo a sego a tsošološwa;
- (b) e se moagi wa Afrika-Borwa;
- (c) e se modudi wa Profense;
- (d) le mosenyi ka temalo; ebile
- (e) e le yo a sa felelagoo tlhaloganyong.

### **Setafo sa Bolaodi**

**11.** (1) Mohlankedimogolo o swanetše, ka kwano le MEC/Molekgotlaphethiši, a kgethe batho bao ba tlogo thuša Bolaodi go phethagatša mediro le kabu ya mešomo le maatla a bjona;

- (2) Setafo sa Bolaodi se swanetše-
- (a) go amogela tefo, meputso le diputseletšo tše dingwe tša

- (b) modirong; gomme  
 ba bewe go elana le ona mabaka le maemo a tirelo,  
 pakatirong tše bjalo, bjalo ka ge Mohlankedimogolo, ka  
 kwano le MEC/Molekgotlaphethiši, a tla tšeа sephetho.

### **Botsebi le thušo ye nngwe**

**12.** (1) Bolaodi bo ka no, ka kwano le MEC/Molekgotlaphethiši, kgetha mo nakong ya lebakanyana fela, ditsebi tše itšeng goba batho ba bangwe, bjale ka ge bo bona go hlokega, ka nepo ya gore bo thušwe, mo tirišong ya maatla le phethagatšo ya mediro ya bjona.

(2) MohlankediMogolo o swanetše, ka kwano le MEC/Molekgotlaphethiši , go bea mabaka le ditlamo tša modiro, moputso le diputseletšo tša ditsebi le batho bao ba ukangwego go karolwana (1).

### **Kabo ya maatla**

**13.(1)** Mohlankedimogolo a ka no, ka kwano le MEC/Molekgotlaphethiši, mo phethagatšong ye e tiilego ya ditshwanelo tša Molao wo, aba maatla ao a a filwego ka tlase ga Molao wokhwi, ka ntle le tshwanelo ya go ba Mohlankedi wa Tšhupatlolo, go leloko le lengwe le le lengwe la setafo.

(2) Motho yo a abetšwego maatla, o swanetše go diriša maatla goba a phethagatše tshwanelo ye ka taolo ya dipeelano tšeо Mohlankedimogolo a bonago e le tša maswanedi.

- (3) kgethelo-  
 (a) e swanetše go ba ye e ngwetšwego;  
 (b) ga e thibele Mohlankedimogolo go phethagatša maatla; gomme  
 (c) ka no gogelwa morago nako ye nngwe le ye nngwe.

### **Sekhwamatlhabollo sa tša Boeti**

**14.** (1) Mokhwi , go theilwe sekhwama se se bitšwago sekhwamatlhabollo sa tša Boeti.

(2) sekhwama se swanetše go šomišwa tlhabollong goba matlafatšong ya batho goba ditšhaba tšeо kgale di bego di sa hlokamelwe mo intastering ya tša boeti.

(3) Ka taolo ya Molao wokhwi, e ka se be bonnyane bja diphesente tše masometharotharo (33%) bja sekhwama, seo se umakilwego karolong 15, bjo bo tlogo abelwa sekhwama.

## Ditšhelete tša Bolaodi

15. (1) Ditšhelete tša Bolaodi di bopša ke-

(a) ditšhelete tše di lego ka ditekanyetšong gomme di dumelitšwe ke MEC/Molekgotlaphethiši bjalo ka ge go ukangwe ka go karolwana (2); le

(b) ditšhelete tše di golelogo go Bolaodi go tšwa mothopong ofe goba ofe wo o dumelitšwego wa ba wa hlatselwa ke MEC/Molekgotlaphethiši, go akaretšwa ditefelo tše di lefšago go ya ka dipeelano tša Molao wokhwi.

(2) Bolaodi bo swanetše, boikemišetšong bja ditumelelo tše di umakilwego karolwaneng (1), bo fe MEC/Molekgotlaphethiši tekanyetšo ya dikakanyetšo tša ditseno, le ditshenyagalelo tša ngwaga wa ditšhelete, go ka dumelitšwa, bonnyane dikgwedi tše tsheletšego pele ga ge ngwaga wa ditšhelete o thoma;

(3) Bolaodi bo swanetše-

(a) go bulu akhaonte pankeng yeo e ngwadišitšwego ka Repabliking ya Afrika-Borwa gomme seo sa dumelitšwa ka go ngwalwa ke Polokelotlotlo morago ga kwano ka ga ditshepetšo tše kgethilwego tša dithentara, gomme bo ka tsenya ka akhaonteng yeo, ditšhelete ka moka tše di umakilwego ka go karolwana (1); gomme

(b) bo ka no boloka tshelete ye e tsentšwego go ya ka dipeelano tša temana (a) e le yeo e sa tlogo šomišwa kgauswinyana.

(4) Bolaodi bo se lekanyetše tlhaelo ebile bo se kgoboketše tshelete ya mašaledi ka ntle le ge e le gore bo hweditše pele tumelo go tšwa go Polokelotlotlo.

## Boikarabelo bja Maikarabelo a Bolaodi

16. (1) Mohlankedimogolo ke yena mohlankedidi wa sešupatlotlo sa Bolaodi go ya ka mabaka a Molao wa Taolo ya Ditšhelete tša setšaba.

(2) Polokelotlotlo e ka, mo mabakeng ao e sego a tlwaelo, ya dumelela goba ya laela gore mohlankedidi yo mongwe wa Balaodi e be mohlankedidi yo a ikarabelago wa tšupatlotlo gomme e ka no gogela morago tumelelo goba taelo nako ye nngwe le ye nngwe.

(3) Bolaodi bo swanetše go tsebiša Mohlakišimogolo ka bjako ka go mo ngwalela, mabapi le tumelelo goba taelo go tee le kgogelomorago ye nngwe le ye nngwe ya seo, go ya ka

karolwana (2).

- (4) Bolaodi bjo ikarabelago bo swanetše-
- (5) (a) go šoma ka šedi ye kgolo go kgonthiša tshireletšego a maleba ya matlotlo le direkhoto tša Bolaodi;
- (b) go šoma ka boineelo, botshepegi, bothakga gape le kgahlegong ya makgonthe ya Bolaodi, taolong ya merero ya ditšelete tša Bolaodi;
- (c) ge go kgopelwa, a hlagiše go MEC/Molekgotlaphethiši goba Theramelao, didirišwa ka moka, go akaretšwa tseo di ka hwetšagalago ntle le bothata, tseo mohlomongwe di ka go hlohleletša diphetho goba ditiro tša MEC/Molekgotlaphethiši goba Theramelao; gomme
  - (d) ya nyaka, makgatheng a khwetšo ya Balaodi, go thibela tshekamelo ye e sego ya maleba go dikgahlego tša naga mererong ya ditšelete.
- (6) Bolaodi bjo ikarabelago bo se ke bja-
  - (a) dira ka tsela ye e lego gore e fapano le maikarabelo ao a rwešitšego bolaodi bjo ikarabelago go tša matlotlo go ya ka Molao wa Taolo ya Ditšelete tša setšaba; goba
    - (b) go šomiša maemo goba ditshwanelo tša, goba tshedimošo ya sephiri yeo e hweditšwego ka ge motho e le molaodi yo ikarabelago wa Bolaodi, go ikhumiša ga motho ka mong goba go hola motho yo mongwe ka tsela ye fošagetšego.
- (6) Bolaodi bjo ikarabelago-
  - (a) bo swanetše go netefatša gore Taolo e na le , ebile e lota-
    - (i) ditsela tše di kgontšhago, tša taolo ya ditšelete le dikotsi go tee le taolo ya ka gare;
    - (ii) tsela ya ka gare ya hlakišo ya letlotlo ka tlase ga bolaodi bja komiti ya hlakišo ya matlotlo, ka tumelelano le, ebile bo kwana le melawana le ditaelo tseo di beilwego go ya ka dikarolo 76 le 77 tša Molao wa Taolo ya Ditšelete tša setšaba;
    - (iii) khwešagalo ya maleba le tsela ya kabu ye e lokilego, ye e lekanago, ye e bontšhago thekego; le
    - (iv) tsela ya go lekanyetša ka tshwanelo diprotšeke ka moka tše bohlokwa tša matlotlo go iša go

sephetho sa mafelelo ka ga setšema;

(b) bo swanetše go tše magato a kgontšhago ebole e le a maleba go-

- (i) kgoboketša ditseno ka moka tše di kolotwago Balaodi;
- (ii) thibela ditshenyegelo tše arogilego, ditshenyegelo tše se nago mohola le tše senyago tšelete, ditahlegelo tše di hlotšwego ke maitshwaro a bosenyi, gotee le ditshenyegelo tše di sa nyalanego le maikemišetšotirišo a Balaodi; gomme
- (iii) bo laole letlotlo leo le lego tirišong gabjale ka bokgoni le ka pabalelo;

(c) bo rwele maikarabelo a go laola, go akaretšwa le tshireletšego ya dithoto le taolo ya ditseno, ditshenyegelo le dikoloto tsa Balaodi;

(d) swanetše go nyalelana le motšhelo, lekgetho, ditshwanelo, phenšene le boineelo bja hlakišo ye nngwe le ye nngwe bjalo ka ge go nyakwa ke Molao;

(e) swanetše go tše magato a kgalemo a kgontšhago ebole e le a maswanedi kgatlhanong le modiredi yo mongwe wa Balaodi yo-

- (i) a tshelago goba a šitegago go dumelana le motheo wa Taolo ya Ditšelete tsa setšhaba
- (ii) a dirago tiro yeo e nyefolago taolo ya ditšelete le tshepetšo ya Balaodi ya taolo ya ka gare; goba
- (iii) a dirago goba a dumelago ditshenyegelo tše di arogilego goba ditshenyegelo tše di e nago mohola ebole di senyago tšelete;

(f) o ikarabela mo go fihlišeng ga Balaodi dipego ka moka, dipelo, ditsebišo le tshedimošo ye nngwe le ye nngwe go Theramelao goba go Polokelotlotlo goba MEC/Molekgotlaphethiši, bjalo ka ge go ka nyakwa ke Molao wa Taolo ya Ditšelete tsa setšhaba;

(g) swanetše go kwana, le go laetša nyalelano ya Balaodi, le mabaka a Molao wa Taolo ya Ditšelete tsa setšhaba gape le tlhakamolao ye nngwe le ye nngwe.

(7) ge molaodi yo a ikarabelago go tsa matlotlo a šitwa go dumelana le maikarabelo a mangwe le a mangwe ao a tlemago Balaodi goba bolaodi bjoo bo ikarabelago go tsa matlotlo go ya ka mabaka a Molao wa Taolo

ya Ditšhelete tša setšhaba, o swanetše, ntle le tshenyo ya nako, a bege tšhitego yeo gomme e thekgwe ka mabaka a maswanedi go MEC/Molekgotlaphethiši le Polokelotlotlo.

### **Tshedimošo yeo e swanetšego go neelwa ke bolaodi bjo bo ikarabelago**

17. (1) Molaodi yo a ikarabelago go tša matlotlo o swanetše go tliša go Polokelotlotlo goba go Mohlakišimogolo tshedimošo ye bjalo, dipuelo, ditokumente, ditlhalošo le ditšitlelo bjalo ka ge go ka laelwa goba ge Polokelotlotlo goba Mohlakišimogolo a ka nyaka.

(2) Pele ga ge Bolaodi bo ka phethagatša ye nngwe le ye nngwe ya dikgwebišano, molaodi yo a ikarabelago go tša matlotlo boemong bja Bolaodi o swanetše ka bjako le gona ka go ngwala, a tsebiše polokelotlotlo ya maswanedi ka ga kwano yeo gomme a neelane ka ditlhalošišo tša maleba tša kwanokgwebišano go MEC/Molekgotlaphethiši go hwetša tumelelo ya kwano: go hlongwa goba go kgathatema mo go hlongweng ga khamphani;

- (a) kgathatema ka go kgwebišano ye bohlokwa, bobolokedi, kgwebišano ye sa tlemaganago goba peakanyo ye nngwe ye bjalo;
- (b) go hwetša goba go tloša dišere tše bohlokwa khamphaning;
- (c) go hwetša goba go tlošwa ga matlotlo a bohlokwa ;
- (d) go thoma goba go fetšišwa ga kgwebo ye bohlokwa; le
- (e) phetogo ye bohlokwa go mohuta goba bogolo bja kgahlego
- (f) tša yona mo kgwebišanong ye bohlokwa, bobolokelo, kgwebišano ye sa tlemaganago goba peakanyo ye nngwe ye bjalo.

(3) Bolaodi bo ka no tšeа gore tumelelo e filwe ge bo sa hwetše phetolo go tšwa go MEC/Molekgotlaphethiši mabapi le seromelwa go ya ka mabaka a karolwana (2) mo matšatšing a 30 goba mo nakong ye telele bjalo ka ge go tla be go dumelewane gare ga bjona le MEC/Molekgotlaphethiši.

### **Dipego tša ngwaga le ditatamente tša ditšhelete**

18. (1) Bolaodi bo swanetše-

- (a) go lota direkoto tša yona tša maleba ka moka tšeо di amanago le merero ya bjona ya ditšhelete;
- (b) bo beakanye ditatamente tša ditšhelete tša ngwaga wo mongwe le wo mongwe wa ditšhelete go ya ka ditlwaelo ka kakaretšo, ka ntle le ge Bolaodi bja Dikelo tša Boikarabelo go tša matlotlo bo ka kwana le kgopelo ya Bolaodi ya tirišokakaretšo ye e tlwaelegilego ya boikarabelo go tša matlotlo;
- (c) go hlagiša ditatamente tšeо tša ditšhelete mo nakong ya dikgwedi tše pedi morago ga mafelelo a ngwaga wa ditšhelete, go Mohlagišimogolo go hlakišwa

semmušo le go Polokotlotlo, go elana le mabaka a beilwego ke Molao wa Taolo ya Ditšelete tša setšhaba;

- (d) bo hlagiše mo nakong ya dikgwedi tše tlhano tša mafelelo a ngwaga wa ditšelete go Polokelotlotlo le go MEC/Molekgotlaphethiši-
  - (i) pego ya ngwaga ka ga mediro ya Bolaodi mo ngwageng woo wa ditšelete; le
  - (ii) statamente se se hlakišitšwego sa ngwaga wona woo wa ditšelete.

(2) Pego ya ngwaga le statamente sa ditšelete tše di umakilwego ka go karolwana (1)(d) di swanetše

- (a) go laetša gabotse seemo sa ditaba sa Balaodi, mošomo wa bjona, dipelo tša bjona kgahlano le ditebanywa tše di šetšego di beilwe le seemo sa bjona go tša ditšelete bjalo ka ge go be go le ka gona mafelelong a ngwaga wa ditšelete wo o amegago;
- (b) go akaretša ditlhalošišo tša-
- (i) tahlegelo ye nngwe le ye nngwe ya didirišwa ka baka la bosenyi gape le dikarogo tše dingwe le tše dingwe gotee le ditshenyegelo tše di se nago mohola tša tshenyo tše di hlolegilego gona mo ngwageng wa ditšelete
- (ii) magato a mangwe le a mangwe a bosenyi goba a kgalemo ao a ilego a tšewa e le ditlamorago tša tahlegelo tše bjalo goba ditshenyegelo tše sa yego ka molao;
- (iii) ditahlegelo tše dingwe le tše dingwe tše di ilego tša bušwa goba tša tlošwa lenaneong;
- (iv) thušo ye ngwe le ye ngwe ye e ilego ya fiwa go tšwa mmušong le maitlemo ao a dirilwego ke mmušo boemong bja ona mong; le
- (v) taba ye nngwe le ye nngwe yeo e kago laelwa.

(3) MEC/Molekgotlaphethiši o swanetše go ngwadiša pego le distatamente tše di umakilwego ka go karolwana (1)(d) ka go Theramelao ka ntle le go senya sebaka.

(4) Polokelotlotlo e ka no laela gore, bakeng sa pego ye e kgaoganego, distatament tša di tšelete tše di hlakišitšwego tša Bolaodi di swanetše go akaretšwa gotee le tša Kgoro.

(5) Ngwaga wa ditšelete wa Bolaodi o fela ka 31Matše ngwaga wo mongwe le wo mongwe.

**KGAOLO 3****KOMITIKELETŠO YA TŠA BOETI****Tlhomo ya Komitikeletšo ya tša Boeti**

19. Ka tsela ye mokhwi go hlomilwe komiti yeo e bitšwago Komitikeletšo ya tša Boeti.

**Mediro le mešomo ya komiti**

20. Komiti e na le mehola le mešomo ye e latelago godimo ga mehola le mešomo yeo e filwego ka Molaong wo:

- (a) go nyakiša goba go fatiša gomme gwa dirwa ditigelo go Molekgotlaphethiši ka ga taba ye ngwe le ye ngwe yeo e amanago le tšwetšo pele, kgodišo goba papatšo ya boeti ka Profenseng; le
- (b) go eletša Molekgotlaphethiši ka ga taba ye nngwe le ye nngwe yeo Molekgotlaphethiši ka boyena a ka bago a e fetišeditše go Komiti go dira dinyakišišo, diphatišišo goba go eletšwa.

**Sebopego sa Komiti**

21. (1) Komiti e swanetše go ba le maloko a sego ka fase ga a senyane (9) gape ba se fete ba lesomepedi(12) ka palo, bao ba swanetšego go ba ba phetšego gabotse ebile e le ba maswanedi, bao ba kgethilwego ke MEC/Molekgotlaphethiši.

(2) Komiti e swanetše go bopša ka tsela yeo e lego gore e tlo akaretša:

- (a) Baemedikgolwane ba babedi (2) ba Kgoro;
- (b) Moemedikgolwane wa Kgoro ya Profense ya Temo, Pabalelo, Tikologo le Ditaba tša Naga, kudu yoo a nago le maitemogelo ka ga ditaba tša pabalelo;
- (c) Moemedikgolwane wa Kgoro ya profense ya Dipapadi, Boitapolosho, Bokgabo le setšo;
- (d) Moemedikgolwane wa Kgoro ya profense ya Polokego le Kgokagano; le
- (e) Baemedi ba bane (4), e le bahlanked, ba Mmušo wa Bommasepala ba Gae goba Dikhanele tša ka Profenseng, mongwe le mongwe a emela Mmušo wa Mmasepala wa Gae goba Khanesele.

(3) Komiti e ka no, ka tumelelo ya MEC/Molekgotlaphethiši, kgetha motho yo mongwe le yo mongwe wa tlaleletšo, yo a nago le tsebo ka ga Boeti go thuša Komiti ka ga taba ye nngwe le ye nngwe yeo komiti e tšeago gore e bohlokwa.

(4) MEC/Molekgotlaphethiši o swanetše go kgetha leloko le tee (1) go ba Modulasetulo le yo mongwe go ba Motlatša-

### modulasetulo

- (5) ge Modulasetulo a se gona goba a šitwa go ka phethagatša modiro wo mongwe le wo mongwe wa Bodulasetulo, Motlatšamodulasetulo wa Komiti o swanetše go šoma bjalo ka Modulasetulo.
- (6) Mo e lego gore Modulasetulo le Motlatšamodulasetulo ba Komiti ka bobedi ga ba gona goba ba šitwa ke go phethagatša wo mongwe le wo mongwe wa mediro ya Modulasetulo maloko ao a lego gona a swanetše go kgetha motho makgatheng a bona go šoma bjalo ka Modulasetulo.
- (7) Khoramo ya dikopano tša Komiti ke maloko a mahlano(5).
- (8) MEC/Molekgotlaphethiši o swanetše go thuša ka thekgo ya taolo go komiti.

### **Mabaka a modiro**

22. (1) Leloko, ka ntle le motho yo e lego mohlankedwa Mmušo, o swanetše go kgethwa goba a kgethwa bjalo ka lelokotlaleletšo ka mabaka a modiro bjalo ka ge MEC/Molekgotlaphethiši a ka phetha.

(2) Leloko le ka lefša moputso le diputseletšo tše bjalo, bjale ka ge MEC/Molekgotlaphethiši a ka phetha bjalo.

### **Dipakatiro**

23. (1) Leloko le swanetše go ya ka dipeelano tša dikarolo 24, 26 le 27, go ba modirong nako yeo e tlogo laelwa ke MEC/Molekgotlaphethiši nakong ya ge le thwalwa goba le kgethwa bjalo ka lelokotlaleletšo, eupša e sego go feta mengwaga ye mene(4), ebile le ka thwalwa gape mafelelong a nako ye.

(2) Ge ka lebaka le lengwe le le lengwe maemo a leloko a ka bulega, MEC/Molekgotlaphethiši a ka bea motho o mongwe le o mongwe bjalo ka leloko la Komiti mo karolong ye e šetšego ya pakatiro yeo e amegago.

### **Tlogelo ya modiro**

24. (1) Leloko le swanetše go tlogela modiro ge-
- (a) le leboga modiro;
  - (b) le lahlegelwa ke tlhaloganyo;
  - (c) le bonwe molato wa bosenyi gomme le ahloletšwe kgolegong ka ntle le go fiwa kgetho ya faene;
  - (d) a tlogela go ba modudi wa Profense; le
  - (e) ge a sa tle dikopanong tše di latelago, tše di fetago tše tharo(3) ka

ntle le mabaka a kwalago.

(2) Molekgotlaphethiši, nako ye nngwe le ye nngwe, a ka fediša pakatiro ya leloko, ge kgopolong ya MEC/Molekgotlaphethiši, go na le mabaka a kwagalago go a go mo lebogiša modiro: Ge fela leloko leo le ka fiwa sebaka sa go ipobola.

### Kutollo ya kgahlego

25. Leloko le swanetše go utolla kgahlego ye nngwe le ye nngwe ye amanago le ditšhelete ka tselathwii goba tharedi, yeo yena mong, goba leloko la kgauswi la lapa, mogwebišane goba mogwera a nago le yona intastering ya tša boeti.

### Khuetšo ya thulano ya kgahlego

26. (1) Leloko ga le a swanela go bouta, go tsenela goba ka tsela ye nngwe go kgatha tema mo ditshepedišong tša kopano ye nngwe le ye nngwe goba pitšong ya komiti ge, kamanong le taba efe goba efe ye e lego pele ga komiti-

(a) yena goba leloko la kgauswi la lapa, mogwebišane goba mogwera goba mothwadi e le molaodi, leloko goba modirišani wa, goba a na le kgahlego ya taolo goba kgahlego efe kapa efe ya ditšhelete goba kgahlego tše dingwe go, kgwebo ya mokgopedi lebakeng la tokelo ye nngwe le ye nngwe go ka dumelwelwa ke Bolaodi;

(b) yena a na le kgahlego yeo e mo thibelago go phethagatša mehola ya gagwe bjalo ka leloko ka tsela ya toka, ye e hlokago tshekamelo le ka maswanedi; goba

(b) e le gore legatong lefe goba lefe nakong ya moela wa ditshepišo pele ga komiti, go laetša gore leloko le na le, goba le ka ba le kgahlego ye e ukangwego karolwaneng yekhwi.

(2) fao go nago le kgonono ye ge e le gore leloko le, goba ga le a iletšwa go ya ka dipeelano tša molawana(1), leloko leo le swanetše go išwa ka kopanong goba tshekong go kgontšha maloko a mangwe a šetšego go boledišana ka ga taba yeo le go akantšha ge e le gore leloko leo le elelitšwe go kgatha tema ditshepedišong tša kopano goba tsheko ka baka la thulano ya kgahlego.

(3) sephetho seo se tšeerwego ke maloko a šetšego malebana le taetšo ya thulano ya kgahlego, se šwanetše go rekhotiwa ka metsotsong ya ditshepedišo.

(4) Ge leloko lefe goba lefe le ka šitwa go utulla kgahlego efe goba efe yeo e ukangwego ka go karolwana (1) goba ge, a na le kgahlego yeo, o tsenela goba ka tsela ye nngwe o kgathatema ditshepetšong tša kopano goba pitšo yeo

e amegago, ditshepedišo tša mohuta woo di tlo tšewa gore di foloditše.

### Kganelo ya maloko

27. Go se be le motho yo a kgethwago bjalo ka leloko ge e le gore motho yoo-
- (a) ke motšoni yo a sego a tsošološwa;
  - (b) ga se moagi wa Afrika-Borwa;
  - (c) ga se modudi wa profense;
  - (d) ke mosenyi ka temalo; ebile
  - (e) ga a felela tlhaloganyong.

### Dikopano tša Komiti

28. (1) Kopano ya mathomo ya komiti e swanetše go swarwa nakong le lefelong leo le laetšwego ke Modulasetulo, gomme morago ga fao Komiti e swanetše go kopana ka tšona dinako tšeou le mafelong ao bjalo ka ge e tlo kgetha, go phethagatša mediro ya yona.

(2) Modulasetulo a ka no, nako ye nngwe le ye nngwe, ka tšebišo, bitša kopano yeo e sego ya mehleng ya Komiti yeo e tlogo swarwa ka nako le lefelong leo a tlogo le bea.

(3) Leloko le lengwe le le lengwe la Komiti le na le bouto e tee mo tabeng efe goba efe ye e lego pele ga Komiti gomme, mo lebakeng la ge diboutu di lekana, Modulasetulo o na le, godimo ga boutu ya ditherišano, boutu ya makgaolatshele.

- (4) Mohlankedimogolo ga a swanela go bouta mo kopanong ya Komiti.
- (5) Komiti e swanetše go boloka metsotso ya dikopano tša yona.

### KGAOLO 4

#### BOINGWADIŠO LE KGONAGALO YA MEDIRO YA KA MOSO

##### Kgetho ya Rejistrara le mohlankedi yo a kgethilwego

29. (1) Bolaodi-
- (b) bo swanetše go kgetha motho go ba Rejistrara ya bahlahlamaeto, barulaganyamaeto, barwalabasepedi, bathuša ka tlhahlo, dihotela, mafelo a khónferense, diresturante, ditlabakelo tše di kgethilwego tša baeti, le mafelotulo a mangwe; gomme
  - (c) bo ka na bja kgetha batho ba bangwe ba bjalo ka bahlankedi ba kgethilwego bjalo ka ge bo bona go

hlokega.

(2) Rejistrara le bahlankedidi ba ba kgethilwego ba swanetše go abelwa dsetifikeiti tše di saennwego ke Mohlankedimogolwane mo legatong la Balaodi, tše di hlatselago gore moswari wa sona o kgethilwe go ya ka molao wo.

### **Maatla le mešomo ya Rejistrara**

**30.** Rejistrara o na le maatla le mešomo ye e latelago:

- (a) go hloma le go lota motheo wa data wo o swerego rejistrara ya boingwadišo;
- (b) phatlalatšo nako le nako ya manane ao a mpshafaditšwego a boingwadišo ya ditlabakelo le batho bao ba kgathago tema ye bohlokwa intastering ya tša boeti;
- (c) maatla a mangwe le mešomo yeo e hlagišitšwego ka Molaong wo; le
- (d) maatla goba mešomo ye mengwe le ye mengwe bjalo ka ge go ka dumelwana gare ga Profense le Bolaodi gape le sehlongwa seo se rwelego maikarabelo go tša boeti ka gare ga Mmušo wa naga.

### **Kgetho ya dinolofatši tša boeti**

**31.** (1) MEC/Molekgotlaphethiši ka tsebišo ka gare ga Kuranta ya Mmušo wa Profense, ka keletšo ya Komiti goba ka tigelo ya Balaodi gape le ka morago ga therišano le batho bao ba kgathago tema ye bohlokwa go ditlabakelo tša intateri ya boeti, ditlabakelo tše di kgethilwego

(2) Motho mang le mang yo a ratago ge setlabelo sa boeti se ka kgethwa bjalo ka ge go akantšwe karolwaneng (1), a ka dira kgopelo ya kgetho ya MEC ka go tlatša fomo ya maleba.

(3) MEC/Molekgotlaphethiši o swanetše go fetišetša dikgopelo tše di amogetšwego ka tlase ga karolwana (2) go Komiti le Bolaodi mo moholeng wa keletšo le tigelo bjalo ka ge go akantšwe karolwaneng (1).

- (a) morago ga therišano le

### **Boingwadišo**

**32.** Mo boikemišetšong bja go hloma motheo wo o akaretšago wa data ya intasteri ya boeti, Rejistrara o swanetše go ba le rejistara ya boingwadišo bja -

- (a) bahlahlamaeto

- (b) barulaganyamaeto
- (c) barwalabaeti
- (d) bathuša ka tlhahlo
- (e) dihotele
- (f) mafelo a dikhonferense
- (g) diresturante
- (h) ditlabakelo tše di kgethilwego tša boeti
- (i) mafelo a mangwe a madulo

### **Tsebišo ya boingwadišo**

33. (1) MEC/Molekgotlaphethiši o swanetše, ka keletšo ya Komiti, ka tsebišo ka Kuranteng ya mmušo wa Profense gape le ka dikuranteng tše sego ka fase ga tše tharo(3) tše di phatlalatšwago kudu ka profenseng, a bega gore go tloga ka letšatšikgwedi le le šupilwego ka tsebišong, e sego ka tlase ga dikgwedi tše tshelelag (6) go tloga letšatšing la tsebišo, bahlahlamaeto, barulaganyamaeto, barwalabaeti, bathuša ka tlhahlo, dihotele, mafelo a dikhonferense, direstorante, ditlabakelo tše di kgethilwego tša boeti le mafelo a mangwe a madulo, a maemo a rilego bjalo ka ge go šupeditšwe ka tsebišong, a swanetše go ngwadišwa.

(2) go se be le motho yo a dirago kgwebo ya bohlahlamaeto, go rulaganya maeto, go rwala baeti, go thuša ka tlhahlo, hotele, lefelo la khonferense, restaurante, setlabakelo se se kgethilwego sa tša boeti, le lefelo le lengwe la madulo la maemo ao a umakilwego ka tsebišong yeo e umakilwego ka go karolwana (1), ka morago ga nako ye e hlomilwego ya boingwadišo ka tsebišong e fetile, ka ntla le ge e ngwadišitšwe go ya ka Molao wa Boeti wa 1993 gotee le Molao wo.

### **Kgopelo ya boingwadišo**

34. (1) motho mang le mang yo a gwebago goba a ikemišeditšego go tsena kgwebong ya bohlahlamaeto, go rulaganya maeto, go rwala baeti, go thuša ka tlhahlo, hotele, lefelo la khonferense, restaurante, setlabakelo se se kgethilwegole lefelo le lengwe la madulo, o swanetše go kgopela go Registrara wa dingwadišo ge fela motho yoo a dumelelana le Molao wa Boeti, 1993.

- (2) kgopelo yeo e umakilwego ka go karolwana (1) e swanetše-
  - (a) e dirwe ka tsela ye a kgethilwego ; gomme
  - (b) e tle gotee le tšelete yeo e laetšwego.

### **Tlhagišo ya disetifikeiti**

35. Registrara o swanetše, ge go ngwadišwa, a fe mohlahlamaeto,

restorante, setlabakelo se se kgethilwego sa boeti, le lefelo le lengwe la madulo, bohlatse bja ngwadišo mo fomong ye e kgethilwego.

### **Dikgatišo tša ka mehla tša manane a dingwadišo**

36. Bolaodi bo swanetše go phatlalatša kgafetša, ka tsela yeo go ka bago go laetšwe ka gona, lenane la bahlahlamaeto ba ba ngwadišitšego, barulaganyamaeto, barwalabaeti ba thuša ka tlhahlo, dihotele, mafelo a dikhonferense, diresturante, ditlabakelo tše di kgethilwego tša boeti, le mafelo a mangwe a madulo, gotee le ditlabakelo tše dingwe tšebo ka go di laetša.

### **Nako ye e Dumeletšwego ya Boingwadišo le Mpshafatšo**

37. Boingwadišo bo dumeletšwe nako ya dikgwedi tše Lesomepedi (12) go tloga go letšatšikgwedi la boingwadišo gomme bo mpshafatšwa go elana le tshepetšo yeo e akantswego karolong 34 le 35.

## **KGAOLO 5**

### **BOIPILETŠO LE TLHAHLOBO**

#### **Boipiletšo kgahlanong le sephetho sa Rejistrara**

38. (1) Motho mang le mang yo a tlaišwang ke sephetho sa Rejistara mabapi le kgopelo ya ngwadišo a ka na, mo matšatšing a masomepediseswai( 28), morago ga go tsebišwa ka ga sephetho, a dira boipiletšo, ka go ngwala, go MEC/Molekgotlaphethiši.

(2) Moipelaetši o swanetše, ge e le gore tefelo e laetšwe go kgopelo ye bjalo, a tliša tefo yeo e kgethilwego le boipiletšo bja gagwe.

(3) MEC/Molekgotlaphethiši a ka no kgopela gore Rejistrara a mo fe mabaka ao a ngwadilwego go ka tšeа sephetho.

(4) ge boipiletšo bo tsebišitšwe, sephetho sa Rejistrara se swanetše go fegwa, go fihla ge boipiletšo bo fihlile mafelelong.

(5) MEC/Molekgotlaphethiši o swanetše go dira taelo ya maleba.

#### **Tlhahlobo ya lefelo**

39. (1) Rejistrara goba Mohlankedidi yo a kgethilwego a ka no, morerong wa Molao wo-

(a) gape mo nakong ye e kwešišagalago, tsena lefelong le lengwe le le lengwe la-

(i) mohlahlamaeto, morulaganyamaeto, morwalabaeti, mothuši ka tlhahlo, hotele, lefelo la khonferense, restaurante, setlabakelo se se kgethilwego sa tša boeti, le lefelo le lengwe la madulo, go elana le kgopelo ya ngwadišo yeo e dirilwego; goba

(ii) mohlahlamaeto yo a ngwadišitšego, morulanyamaeto, morwalabaeti, mothuša ka tlhahlo, hotele, lefelo la khonferense, restaurante, setlabakelo se se kgethilwego sa tša boeti gotee le lefelo le lengwe la madulo, bjalo ka ge seemo sa ditaba se ka ba ka gona, morago ga ge go tsebišitšwe motho yoo a ka bago a le taolong ya lefelo le bjalo swanetše: Feela ge e le gore a ka se tsene phapoši efe goba efe yeo e ka bago e dutše ke motho ofe goba ofe ka ntle le tumelelo ya motho yo bjalo;

(b) a botšolotša motho yo mongwe le yo mongwe yo a lego lefelong leo, goba mo nakong ye e kgonagalago a kgopela motho yo bjalo go hlagiša dipuku dife goba dife, ditsebišo, direkhoto, goba ditokumente tše dingwe le tše dingwe tše di lego goba di bilego gona lefelong leo goba di bego di le diatleng goba tlhokomelong ya motho yo bjalo ge, mo maikutlong a gagwe tlhahloba ya dipuku tše bjalo, ditsebišo, direkhoto goba ditokumente tše dingwe e a hlokega mo mererong wa dinyakišišo tša gagwe;

(c) a hlahloba le go tšeа ditsopolwa go tšwa go dikopi tša dipuku dife goba dife, ditsebišo, direkhoto goba ditokumente tše dingwe le tše dingwe tše di umakilwego go temana (b).

(2) Rejistrara goba mohlanked yo a kgethilwego o swanetše, ka nyako ya motho mang le mang yo a amegago tlhahlobong yeo e umakilwego mo karolwaneng (1), a hlagiše setifikeiti seo a se filwego ka tlase ga karolo 35.

## KGAOLO 6

### DIPEAKANYETŠO TŠA KAKARETŠO

#### Dithulaganyo tša phetogo

40. Motho mang le mang yo mathomong a karolo 33 a bego a šetše a ngwadišitšwe bjalo ka morulaganyamaeto, mohlahlamaeto goba morwalabaeti go ya Molao wa tša Boeti, 1993 ( Molao 72 wa 1993) goba molao o mongwe le o

mongwe wa maswanedi, a ka na a tšwela pele ka mošomo wa gagwe ka Profenseng go fihla ge a ngwadišwa go ya ka Moalo wo goba go fela ga nako ye e ukangwego ká go karolo 33(1) go ya ka gore go tla se fe pele.

### **Melato le dikotlo**

#### **41. Motho mang le mang yo**

- (a) ka boomo a phatlalatšago goba a dira gore goba a dumela go phatlalatšwa ka tsela ye nngwe le ye nngwe ye e fošagetšego goba tshedimošo ye e lahletšago yeo e amanago le mohlahlamaeto o mongwe le o mongwe, morulaganyamaeto, morwalabaeti, mothušakathahlo, hotele, lefelo la khonferense, restaurante, ditlabakelo tše di kgethilwego tša boeti; goba
- (b) a thibelago goba a šitiša Rejistrara goba mohlanked yo a kgethilwego go phetha merero yeo e lego maatleng a gagwe goba go dira mošomo wa gagwe; goba
- (c) ka boomo a fihlišago go Rejistara goba go mohlanked yo a kgethilwego tshedimošo ye e fošagetšego goba ye e lahletšago; goba
- (d) a senya peakanyetšo efe goba efe ya Molao wo, o sa kgonthišwago felo go gongwe go ba phošo;

O tlo bonwa molato wa gore o phošitše gomme a rwešwa molato wa tefo goba wa kgolego nako ye e sa fetego mengwaga ye 2 (pedi) goba ka dipedi, tefo le kgolego.

### **Melawana**

#### **42. (1) MEC/Molekgotlaphethiši a ka no hlama melawana malebana le merero ye e latelago;**

ditefo tše di lefšago maelana le ngwadišo, mphšafatšo ya ngwadišo, boipiletšo;  
 mabaka a mangwe a lebanego le ditefo, tše MEC/Molekgotlaphethiši a di kayago bjalo ka tše maswanedi go ka kgethwa;  
 fomo le diteng tša tšona tša kgopelo ya boingwadišo, setifikheiti le maipiletšo;  
 dinyakwa ka batho bao ba thwetšwego goba ba swaraganego le merero ya intasteri ya tša boeti go tsenela dithuto tše itšego tša thutišo goba tlhahlo, goba ba na le boithutelo bjo itšeng bjalo ka ge bo tlo dumelwelwa ke Bolaodi;

- (a) taba efe le efe yeo e nyalelanago le mošomo wa nakong ye e sa tlago wa Bolaodi goba Komiti; le

(b) taba ye nngwe le ye nngwe yeo MEC/Molekgotlaphethiši a bonago e le bohlokwa go ka e kgetha go kgontšha phihlelelo ya maikemišetšo a Molao wo.

(2) Melawana ye e hlomilwego go ya ka karolwana (1) e ka na ya beakanyetša le dikotlo tša tlolomelao le Komiti ya hlama melawana.

(3) MEC/Molekgotlaphethiši o swanetše go rerisana le Komiti ge a hlama melawana.

### **Phedišo ya melao le tatelano**

**43.** (1) Molao wa Baeti wa Gauteng, nomoro 18 1998 mo bjale o a fetšišwa.

(2) ka letšatšikgwedi la mathomo a karolo le karolwana, dithoto ka moka, dikoloto, ditokelo, le ditshwanelo tša Bolaodi bja tša Boeti ka Gauteng, tše di theilwego go ya ka Molao wo o fetšišitšwego ke karolwana (1), bjalo ka ge di bile gona pele ga mathomo a Molao wo, di swanetše go fetišetšwa go Bolaodi bjo bo hlomilwego ke Molao wo.

(3) Bolaodi bjo bo tlhomilwego sefša ke molatedi ka thaetlele go Bolaodi bja tša Boeti ka Gauteng bjoo bo fetšišitšwego.

### **Thaetlelekopana le mathomo**

**44.** (1) Moalo wo bitšwa Molao wa Gauteng wa tša Boeti, 2001, (Gauteng Tourism Act, 2001) gomme o thoma go šoma ka letšatšikgwedi leo le laetšwego ke Tonakgolo ka kgoeletšo ka go Kuranta ya Mmušo ya Profense.

(2) Dinako tše fapanego di ka laetšwa go thoma go diriša karolo tše di fapanego tša Molao wo.

**MEMORANTAMOTLHALOŠO MABAPI LE MOLAOKAKANYWA WA TŠA BOETI, 2001****1. NEPO YA MOLAOKAKANYWA**

Nepo ke go beakanyetša kgodišo le tšwelopele ye e tlolo swarelela sebaka mererong ya tša Boeti ka Gauteng; go hlongwa ga Bolaodi bja tša Boeti ka Gauteng; go hlongwa ga Komitikeletšo go tša Boeti; go beakanyetša boingwadišo bja bahlahlamaeto, barulaganyamaeto, barwalabaeti, babeakanyetšatlhahlo intastering ya tša boeti, dihotele, mafelo a dikopano, diresturante, ditlabakelo tše di kgethilwego tša baeti, le mafelo a mangwe a hlomilwego a madulo; le go beakanyetša merero ya sewelo malebana le tšekhwi ka moka.

**2. DIKAMEGO TŠA TIKOLOGO**

Ga di gona.

**3. DIKAMEGO TŠA DITŠHELETE**

Ga go na dikamego ka ntle le tše di humanwago ka gare ga Molaokakanywa tše di amago le meputšo ya bahlankedti le setafo le go šoma go Bolaodi le Komiti.

**4. KAMEGO TŠA DITSHWAYATSHWAYO TŠEO DI KGOPETŠWEGO GOMME TŠA AMOGELWA**

Polokotlotlo ya Profense e ile ya rerišwa ka ga khuetšo ya dipeakanyetšo le dikamego tša Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999 godimo ga dipeakanyetšo tša Molaokakanywa.

**5. TLHALOŠO TEMANA KA TEMANA****Karolo 1**

Ditlhalošišo tša mareo ao a dirišitšwego ka Molaong

**Karolo 2**

E hlatholla tirišo ya Molao

**Karolo 3**

E thea Bolaodi bja tša Boeti ka Gauteng bjalo ka sehlongwa sa molao

**Karolo 4**

E beakanyetša maatla le mešomo ya tša Bolaodi

**Karolo 5**

E beakanyetša sebolego sa Bolaodi

**Karolo 6**

E Laela mabaka a mošomo wa CEO/Mohlankedimogolo

**Karolo 7**

E beakanyetša pakatiro ya CEO/Mohlankedimogolo

**Karolo 8**

E mabapi le tlogelomodiro

**Karolo 9**

E beakanyetša kutollo ya dikgahlego le ditlamorago tša thulano ya dikgahlego

**Karolo 10**

E beakanyetša mabaka a ge motho a ganetšwa go ka ba mošomong

**Karolo 11**

E beakanyetša go thwalwa ga setafo sa Bolaodi

**Karolo 12**

E matlafatša Bolaodi go hwetšeng botsebi le thušo tše dingwe mo phethagatšong ya maatla le mediro ya bjona

**Karolo 13**

E beakanyetša kabu ya maatla ka CEO/Mohlankedimogolo

**Karolo 14**

E beakanyetša go hloma sekhwama sa Tšwelopele ya tša Boeti

**Karolo 15**

E beakanyetša go abelwa ditšhelete ga Bolaodi

**Karolo 16**

E aba maikarabelo a tšhupatlotlo go CEO/Mohlankedimogolo, go ya ka Molao wa Taolo ya Ditšhelete tša Setšhaba, nomoro 1wa 1999

**Karolo 17**

E beakanyetša tshedimošo yeo e swanetšego go fiwa ke Bolaodi

**Karolo 18**

E beakanyetša go bega, go akaretšwa le pego ka ga ditšhelete ke Bolaodi

**Karolo 19**

E hloma Komitikeletšo ya tša Boeti

**Karolo 20**

E beakanyetša mešomo le mediro ya Komiti

**Karolo 21**

E hlaloša sebopego sa komiti

**Karolo 22**

E kgethela Komiti mabaka a modiro

**Karolo 23**

E kgethela maloko a Komiti paka ya go ba modirong

**Karolo 24**

E beakanyetša tlogelo ya modiro

**Karolo 25**

E beakanyetša kutollo ya dikgahlego ka maloko a Komiti

**Karolo 26**

E hlaloša ditlamorago tša thulano ya dikgahlego

**Karolo 27**

E beakanyetša kganelo ya maloko go Komiti

**Karolo 28**

E beakanyetša dikopano tša Komiti

**Karolo 29**

E beakanyetša go thwalwa ga Rejistrara le mohlanked yo a kgethilwego

**Karolo 30**

E beakanyetša maatla le mediro ya Rejistrara

**Karolo 31**

E fa MEC/Molekgotlaphethiši maatla a go kgetha ditlabakelo tša boeti

**Karolo 32**

E beakanyetša boingwadišo bja dihlopha tše fapanego tša barulaganyetšabaeti

**Karolo 33**

E beakanyetša tsebišo yeo e goeletšago ngwadišo ya barulaganyi ba

**Karolo 34**

E beakanyetša kgopelo ya boingwadišo

**Karolo 35**

E beakanyetšwa go ntšhwa ga disetifikheiti

**Karolo 36**

E beakanyetša phatlalatšo ya nako le nako ya manane a barulaganyi ba ngwadišitšwego

**Karolo 37**

E laela nako ye e dumelletšwego ya boingwadišo le mpshafatšo

**Karolo 38**

E beakanyetša boipiletšo kgahlanong le sephetho sa Rejistrara

**Karolo 39**

E beakanyetša tlhahlobo ya lefelo

**Karolo 40**

E kgethela dipeakanyo tša phetogo

**Karolo 41**

E beakanyetša melato le dikotlo

**Karolo 42**

E beakanyetša tlhamo ya Melawana ka MEC/Molekgotlaphethiši

**Karolo 43**

E fetšiša Molao wa tša Boeti wa Guteng, 1998 gomme wa rweša dithaetlele ka moka tša molao godimo ga Bolaodi bjo bofsa

**Karolo 44**

E swere thaetlelekopana le mathomo a Molao. Dikarolo tše di fapanego di ka thoma go šoma ka nako tše di fapanego.





