

Provincial Gazette Extraordinary

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5684

Friday, 9 March 2001

Vrydag, 9 Maart 2001

uLwesihlanu 9 kuMatshi 2001

Registered at the Post Office as a Newspaper

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**LOCAL GOVERNMENT: MUNICIPAL STRUCTURES AMENDMENT ACT, 2000
(ACT 33 OF 2000)**

ADVISORY FORUMS

By virtue of the powers vested in me by section 15(b) of the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000) and section 155(6) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and having consulted with the municipalities as defined in the Schedule hereto, I hereby give notice of the measures contained in the Schedule hereto.

Dated this 9th day of March 2001.

P UYS, PROVINCIAL MINISTER OF LOCAL GOVERNMENT AND DEVELOPMENT PLANNING

SCHEDULE

Definitions and Interpretation

1. In this Schedule, unless the context otherwise indicates, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts, a word or expression to which a meaning has been assigned in the Municipal Structures Act or the Municipal Structures Amendment Act has the same meaning, a word or expression to which a meaning has been assigned in the Establishment Notices has, subject to this Schedule, the same meaning, and:—
 - (1) **"Boland District Municipality"** means the Boland District Municipality established in terms of Provincial Notice 486/2000 published in Provincial Gazette Extraordinary No. 5590 dated 22 September 2000;
 - (2) **"Central Karoo District Municipality"** means the Central Karoo District Municipality established in terms of Provincial Notice 505/2000 published in Provincial Gazette Extraordinary No. 5593 dated 22 September 2000;
 - (3) **"Constitution"** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
 - (4) **"Department"** means the Department of Planning, Local Government and Housing of the Provincial Government of the Western Cape;
 - (5) **"District Advisory Forum"** means the District Advisory Forums established in terms of section 3 of this Schedule;
 - (6) **"District Municipalities"** means:—
 - (a) the Boland District Municipality;
 - (b) the Central Karoo District Municipality;
 - (c) the Garden Route/Klein Karoo District Municipality;
 - (d) the Overberg District Municipality;
 - (e) the West Coast District Municipality;
 - (7) **"Establishment Notices"** means the Local Municipality Establishment Notices and the notices establishing the District Municipalities published in terms of section 12 of the Municipal Structures Act and amended in terms of section 16 of the Municipal Structures Act;
 - (8) **"Forums"** means the Provincial Advisory Forum and the District Advisory Forums;
 - (9) **"Garden Route/Klein Karoo District Municipality"** means the Garden Route/Klein Karoo District Municipality established in terms of Provincial Notice 497/2000 published in Provincial Gazette Extraordinary No. 5592 dated 22 September 2000;
 - (10) **"Local Municipalities"** means the Local Municipalities established in terms of the Local Municipality Establishment Notices;
 - (11) **"Local Municipality Establishment Notices"** means:—
 - (a) Provincial Notices 481/2000 to 485/2000 published in Provincial Gazette Extraordinary No. 5589 dated 22 September 2000;
 - (b) Provincial Notices 487/2000 to 491/2000 published in Provincial Gazette Extraordinary No. 5590 dated 22 September 2000;
 - (c) Provincial Notices 493/2000 to 496/2000 published in Provincial Gazette Extraordinary No. 5591 dated 22 September 2000;
 - (d) Provincial Notices 498/2000 to 504/2000 published in Provincial Gazette Extraordinary No. 5592 dated 22 September 2000, and
 - (e) Provincial Notices 506/2000 to 508/2000 published in Provincial Gazette Extraordinary No. 5593 dated 22 September 2000;
 - (12) **"Metropolitan Municipality"** means the City of Cape Town established in terms of Provincial Notice 479/2000 published in Provincial Gazette Extraordinary No. 5588 dated 22 September 2000;
 - (13) **"municipal manager"** means the municipal manager or the acting municipal manager of a municipality;
 - (14) **"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - (15) **"Municipal Structures Amendment Act"** means the Local Government: Municipal Structures Amendment Act, 2000 (Act 33 of 2000);
 - (16) **"municipality"** means a District Municipality, a Local Municipality or a Metropolitan Municipality;

- (17) **"new local government dispensation"** means the new local government dispensation as set out in the Municipal Structures Act read with Chapter 7 of the Constitution;
- (18) **"Overberg District Municipality"** means the Overberg District Municipality established in terms of Provincial Notice 492/2000 published in Provincial Gazette Extraordinary No. 5591 dated 22 September 2000;
- (19) **"Province"** means the Province of Western Cape;
- (20) **"Provincial Advisory Forum"** means the Provincial Advisory Forum established in terms of section 3 of this Schedule;
- (21) **"Provincial Minister"** means the member of the Cabinet of the Province of Western Cape responsible for local government;
- (22) **"WECLOGO"** means the Western Cape Local Government Organisation, being the provincial organisation for the Western Cape recognised in terms of section 2(1)(b) of the Organised Local Government Act, 1997 (Act 52 of 1997);
- (23) **"West Coast District Municipality"** means the West Coast District Municipality established in terms of Provincial Notice 480/2000 published in Provincial Gazette Extraordinary No. 5589 dated 22 September 2000.

Preamble

2. (1) The Provincial Minister wishes to facilitate the process of putting into operation the new local government dispensation and wishes to put in place measures to:—
- (a) provide for the monitoring and support of local government in the Province, and
- (b) promote the development of local government capacity to enable municipalities to perform their functions and manage their own affairs.
- (2) In order to facilitate the transition and as a measure referred to in subsection (1), and having consulted with the municipalities in terms of section 15(b) of the Municipal Structures Amendment Act, the Provincial Minister has decided to establish the Provincial Advisory Forum and the District Advisory Forums on the terms set out in this Notice.

Establishment

3. (1) The Provincial Advisory Forum is hereby established in respect of the area of the Province and is made up of the following representatives:—
- (a) the mayor of each municipality within the Province;
- (b) the municipal manager of each municipality within the Province, and
- (c) the Provincial Minister.
- (2) Five (5) District Advisory Forums are hereby established as follows:—
- (a) the West Coast District Advisory Forum in respect of the area of jurisdiction of the West Coast District Municipality consisting of the mayor and the municipal manager of each municipality within such area;
- (b) the Boland District Advisory Forum in respect of the area of jurisdiction of the Boland District Municipality consisting of the mayor and the municipal manager of each municipality within such area;
- (c) the Overberg District Advisory Forum in respect of the area of jurisdiction of the Overberg District Municipality consisting of the mayor and the municipal manager of each municipality within such area;
- (d) the Garden Route/Klein Karoo District Advisory Forum in respect of the area of jurisdiction of the Garden Route/Klein Karoo District Municipality consisting of the mayor and the municipal manager of each municipality within such area, and
- (e) the Central Karoo District Advisory Forum in respect of the area of jurisdiction of the Central Karoo District Municipality consisting of the mayor and the municipal manager of each municipality within such area.
- (3) The main purpose of each Forum is to act as a consultative and advisory forum for the Provincial Minister concerning the process of putting into operation the new local government dispensation and to fulfill the other functions and duties set out in section 9 of this Schedule.

Members

4. (1) Each municipality shall appoint an alternate member for each member of a Forum, who shall only be entitled to attend and participate at meetings of the Forum in the absence of a member.
- (2) Members and alternate members of a Forum may not be remunerated for services rendered for or on behalf of the Forum, but may be reimbursed by the municipality which they represent for out-of-pocket expenses on a basis set out in guidelines published from time to time by WECLOGO or, in the absence of such guidelines, on a basis set out in guidelines published by the Provincial Minister.

Chairperson

5. (1) The Provincial Minister shall be the chairperson of the Provincial Advisory Forum.
- (2) The chairperson of a District Advisory Forum shall be elected from amongst the mayors of the municipalities within the area of the District Advisory Forum; provided that a District Advisory Forum may elect to rotate the position of chairperson among the mayors of the municipalities within the area of the District Advisory Forum.
- (3) The chairperson shall chair all meetings of the Forum; provided that if the chairperson is unable to chair any meeting of the Forum, in the

case of a District Advisory Forum, the Forum shall elect a chairperson from amongst the mayors of the municipalities within the area of the District Advisory Forum present at the meeting to chair the meeting, and in the case of the Provincial Advisory Forum, any person appointed by the Provincial Minister to chair the meeting shall chair the meeting.

Meetings and Decision-making

6. (1) The first meeting of the Forums shall be held at a date, time and place determined by the Provincial Minister, and thereafter, in the case of the Provincial Advisory Forum at such dates, times and places as may be determined by the Provincial Minister, and in the case of the District Advisory Forums at such dates times and places as may be determined by the District Advisory Forums.
- (2) The Provincial Advisory Forum shall meet at least once every three months, and the District Advisory Forums shall meet at least once a month.
- (3) The chairperson of a Forum may, and shall in the case of a District Advisory Forum at the request of the Provincial Minister, convene an extraordinary meeting of the Forum which shall be held at the date, time and place determined by the chairperson or if requested by the Provincial Minister, by the Provincial Minister.
- (4) The quorum for meetings of each Forum shall be half plus one of the members thereof.
- (5) A Forum shall endeavour to take all decisions on the basis of consensus; provided that if consensus cannot be reached within a period of time determined by the chairperson, then the various positions adopted by the members of the Forum in regard to the particular issue in dispute shall be recorded and minuted and, in the case of the District Advisory Forums, be reported to the Provincial Minister.
- (6) All meetings of the District Advisory Forums shall be open to the Provincial Minister or his nominee.

Internal Structures and Proceedings

7. (1) Each Forum may establish committees to assist and advise it in the performance of its functions or exercise of its powers, and may dissolve a committee at any time.
- (2) Without limiting the generality of subsection (1), the Provincial Advisory Forum will be supported by a technical committee consisting of provincial and municipal officials under the chairpersonship of a member of the Department appointed by the Provincial Minister.
- (3) The committee referred to in subsection (2) may co-opt additional provincial and municipal officials and consultants as the need may arise.
- (4) Save in respect of the committee referred to in subsection (2):—
 - (a) the Forums must appoint and may remove and replace the members of any committee;
 - (b) the members of committees do not have to be members of the Forums;
 - (c) each member of a committee must either be a councillor or an employee of a municipality within the area of the Forums.
- (5) The Forums shall determine the terms of reference of any committee established by it, but may not delegate any decision-making power to any committee.
- (6) The Forums may determine its own internal procedures and regulate its own proceedings and the proceedings of any committee.

Employees and Administration

8. (1) The Department will provide the secretariat of the Provincial Advisory Forum.
- (2) Each District Advisory Forum shall appoint one of the municipal managers on the District Advisory Forum, or his or her nominee, to act as the secretary of the District Advisory Forum; provided that the District Advisory Forum may elect to rotate the secretariat among the municipalities within the area of the District Advisory Forum.
- (3) The secretary of each Forum shall ensure that:—
 - (a) minutes are kept of all meetings of the Forum;
 - (b) agendas and minutes of all meetings of the Forum are circulated to all members of the Forum;
 - (c) the Municipal Councils represented on the Forum consider any decision taken by the Forum;
 - (d) the implementation of decisions taken by the Forum are followed up;
 - (e) monthly written reports of the Forum's activities are given to each of the Municipal Councils within the area of the Forum and to the Provincial Minister.
- (4) A District Advisory Forum may not employ anyone, but may by agreement obtain the services of any employee of a municipality with the consent of that municipality; provided that any such person remains in the employment of and remunerated by the municipality.
- (5) The municipality whose municipal manager is the secretary of any District Advisory Forum from time to time shall provide the budgetary provision for the operation of the District Advisory Forum; provided that the District Advisory Forum may resolve that the municipalities represented on the District Advisory Forum shall pool resources to cover the operating expenses of the District Advisory Forum.

Functions and Duties

9. (1) The functions and duties of the Provincial Advisory Forum shall be to advise the Provincial Minister on:—

- (a) any matter relating to the process of putting into operation the new local government dispensation;
 - (b) the monitoring and support of local government in the Province as provided in section 155(6) of the Constitution, and in particular with regard to mechanisms, processes and procedures to:—
 - (i) monitor municipalities in the Province in managing their own affairs, exercising their powers and performing their functions;
 - (ii) monitor the development of local government capacity in the Province;
 - (iii) assess the support needed by municipalities to strengthen their capacity to manage their own affairs, exercise their powers and perform their functions;
 - (iv) monitor and support local government, amongst other things, with regard to:—
 - (aa) integrated development planning;
 - (bb) infrastructural development;
 - (cc) local government legislation;
 - (dd) performance management;
 - (ee) service delivery, and
 - (ff) financial arrangements.
 - (c) coordinating the interface between provincial and municipal functions.
- (2) The District Advisory Forums shall have the following functions and duties:—
- (a) advise the Provincial Minister on any matter relating to the process of putting into operation the new local government dispensation;
 - (b) ensure that the process of putting the new government dispensation into operation is conducted in a coordinated manner;
 - (c) coordinate joint integrated development planning;
 - (d) consider matters arising from section 19 of the Establishment Notices;
 - (e) consider matters pertaining to the division of functions and powers between District Municipalities and Local Municipalities;
 - (f) advise the Provincial Minister on the transfer of staff, assets, liabilities and records in terms of the process of putting into operation the new local government dispensation;
 - (g) consider and coordinate service delivery continuity measures;
 - (h) coordinate financial arrangements to support the new local government dispensation, inter alia in terms of section 18(3) of the Establishment Notices;
 - (i) coordinate the preparation of budgets;
 - (j) provide a forum for the sharing of best-practice experiences and learning;
 - (k) facilitate communication on and formulate joint responses to national and provincial policy and legislative processes;
 - (l) consider any other matters referred by the municipalities to the Forums;
 - (m) consider any matter on request of the Provincial Minister.

Termination of the Forums

10. A Forum shall be terminated on a date determined by the Provincial Minister by notice in the Provincial Gazette.

Operative Date

11. This Notice shall come into operation on the date of publication hereof.
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P.K. 79/2001

9 Maart 2001

WYSIGINGSWET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 2000

(WET 33 VAN 2000)

ADVIESFORUMS

Uit hoofde van die gesag aan my verleen deur artikel 15(b) van die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000) en artikel 155(6) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996) en na oorlegpleging met die munisipaliteite soos in die Bylaag hiervan omskryf, gee ek hierby kennis van die maatreëls wat in die Bylaag hiervan vervat is.

Gedateer op hierdie 9de dag van Maart 2001.

P. UYS, PROVINSIALE MINISTER VAN PLAASLIKE REGERING EN ONTWIKKELINGSBEPLANNING

BYLAAG

Woordskrywings en vertolking

1. In hierdie Bylaag, tensy dit uit die samehang anders blyk, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, het 'n woord of uitdrukking waaraan daar in die Wet op Munisipale Strukture of die Wysigingswet op Munisipale Strukture 'n betekenis geheg is, dieselfde betekenis, het 'n woord of uitdrukking waaraan daar in die Instellingskennisgewings 'n betekenis geheg is, dieselfde betekenis behoudens hierdie Bylaag, en beteken:—
 - (1) **"Boland Distriksmunisipaliteit"** die Boland Distriksmunisipaliteit ingestel ingevolge Provinsiale Kennisgewing 486/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5590 van 22 September 2000;
 - (2) **"Departement"** die Departement van Beplanning, Plaaslike Regering en Behuising van die Wes-Kaapse Provinsiale Regering;
 - (3) **"Distriksadviesforum"** die Distriksadviesforums wat ingevolge artikel 3 van hierdie Bylaag ingestel word;
 - (4) **"Distriksmunisipaliteite"**:
 - (a) die Boland Distriksmunisipaliteit;
 - (b) die Overberg Distriksmunisipaliteit;
 - (c) die Sentraal Karoo Distriksmunisipaliteit;
 - (d) die Tuinroete/Klein Karoo Distriksmunisipaliteit;
 - (e) die Weskus Distriksmunisipaliteit;
 - (5) **"Forums"** die Provinsiale Adviesforum en die Distriksadviesforums;
 - (6) **"Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);
 - (7) **"Instellingskennisgewings"** die Plaaslike Munisipaliteite se Instellingskennisgewings en die kennisgewings ter instelling van die Distriksmunisipaliteite gepubliseer ingevolge artikel 12 van die Wet op Munisipale Strukture en gewysig ingevolge artikel 16 van die Wet op Munisipale Strukture;
 - (8) **"Metropolitaanse Munisipaliteit"** die Stad Kaapstad ingestel ingevolge Provinsiale Kennisgewing 479/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5588 van 22 September 2000;
 - (9) **"munisipale bestuurder"** die munisipale bestuurder of die waarnemende munisipale bestuurder van 'n munisipaliteit;
 - (10) **"munisipaliteit"** 'n Distriksmunisipaliteit, 'n Plaaslike Munisipaliteit of 'n Metropolitaanse Munisipaliteit;
 - (11) **"nuwe plaaslike regeringsbedeling"** die nuwe plaaslike regeringsbedeling soos uiteengesit in die Wet op Munisipale Strukture saamgelees met Hoofstuk 7 van die Grondwet;
 - (12) **"Overberg Distriksmunisipaliteit"** die Overberg Distriksmunisipaliteit ingestel ingevolge Provinsiale Kennisgewing 492/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5591 van 22 September 2000;
 - (13) **"Plaaslike Munisipaliteite"** die Plaaslike Munisipaliteite wat ingevolge die Instellingskennisgewings vir Plaaslike Munisipaliteite ingestel is;
 - (14) **"Plaaslike Munisipaliteite se Instellingskennisgewings"**:—
 - (a) Provinsiale Kennisgewings 481/2000 tot 485/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5589 van 22 September 2000;
 - (b) Provinsiale Kennisgewings 487/2000 tot 491/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5590 van 22 September 2000;
 - (c) Provinsiale Kennisgewings 493/2000 tot 496/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5591 van 22 September 2000;
 - (d) Provinsiale Kennisgewings 498/2000 tot 504/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5592 van 22 September 2000, en

- (e) Provinsiale Kennisgewings 506/2000 tot 508/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5593 van 22 September 2000;
- (15) **"Provinsiale Adviesforum"** die Provinsiale Adviesforum wat ingevolge artikel 3 van hierdie Bylaag ingestel word;
- (16) **"Provinsiale Minister"** die lid van die Kabinet van die Provinsie Wes-Kaap verantwoordelik vir plaaslike regering;
- (17) **"Provinsie"** die Provinsie Wes-Kaap;
- (18) **"Sentraal Karoo Distriksmunisipaliteit"** die Sentraal Karoo Distriksmunisipaliteit ingestel ingevolge Provinsiale Kennisgewing 505/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5593 van 22 September 2000;
- (19) **"Tuinroete/Klein Karoo Distriksmunisipaliteit"** die Tuinroete/Klein Karoo Distriksmunisipaliteit ingestel ingevolge Provinsiale Kennisgewing 497/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5592 van 22 September 2000;
- (20) **"WEKPRO"** die Wes-Kaapse Plaaslike Regeeringsorganisasie, wat die provinsiale organisasie vir die Wes-Kaap is en waaraan erkenning verleen word ingevolge artikel 2(1)(b) van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet 52 van 1997);
- (21) **"Weskus Distriksmunisipaliteit"** die Weskus Distriksmunisipaliteit ingestel ingevolge Provinsiale Kennisgewing 480/2000 gepubliseer in Buitengewone Provinsiale Koerant No. 5589 van 22 September 2000;
- (22) **"Wet op Munisipale Strukture"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);
- (23) **"Wysigingswet op Munisipale Strukture"** die Wysigingswet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 33 van 2000).

Aanhef

2. (1) Die Provinsiale Minister wil die proses van inwerkingstelling van die nuwe plaaslike regeeringsbedeling fasiliteer en wil maatreëls in plek stel om:—
- (a) voorsiening te maak vir die monitering en ondersteuning van plaaslike regering in die Provinsie, en
- (b) die ontwikkeling van plaaslikeregeeringskapasiteit te bevorder ten einde munisipaliteite in staat te stel om hul funksies te verrig en hul eie sake te bestuur.
- (2) Ten einde die oorgang te vergemaklik, en as 'n maatregel in subartikel (1) bedoel, en na oorlegpleging met die munisipaliteite ingevolge artikel 15(b) van die Wysigingswet op Munisipale Strukture, het die Provinsiale Minister besluit om die Provinsiale Adviesforum en die Distriksadviesforums in te stel op die voorwaardes in hierdie Kennisgewing uiteengesit.

Instelling

3. (1) Die Provinsiale Adviesforum word hierby ingestel vir die gebied van die Provinsie en word saamgestel uit die volgende verteenwoordigers:—
- (a) die burgemeester van elke munisipaliteit binne die Provinsie;
- (b) die munisipale bestuurder van elke munisipaliteit binne die Provinsie, en
- (c) die Provinsiale Minister.
- (2) Vyf (5) Distriksadviesforums word hierby soos volg ingestel:—
- (a) die Weskus Distriksadviesforum vir die regsgebied van die Weskus Distriksmunisipaliteit, bestaande uit die burgemeester en die munisipale bestuurder van elke munisipaliteit binne daardie gebied;
- (b) die Boland Distriksadviesforum vir die regsgebied van die Boland Distriksmunisipaliteit, bestaande uit die burgemeester en die munisipale bestuurder van elke munisipaliteit binne daardie gebied;
- (c) die Overberg Distriksadviesforum vir die regsgebied van die Overberg Distriksmunisipaliteit, bestaande uit die burgemeester en die munisipale bestuurder van elke munisipaliteit binne daardie gebied;
- (d) die Tuinroete/Klein Karoo Distriksadviesforum vir die regsgebied van die Tuinroete/Klein Karoo Distriksmunisipaliteit, bestaande uit die burgemeester en die munisipale bestuurder van elke munisipaliteit binne daardie gebied, en
- (e) die Sentraal Karoo Distriksadviesforum vir die regsgebied van die Sentraal Karoo Distriksmunisipaliteit, bestaande uit die burgemeester en die munisipale bestuurder van elke munisipaliteit binne daardie gebied.
- (3) Die hoofdoel van elke Forum is om as 'n raadplegende en adviserende forum vir die Provinsiale Minister te dien met betrekking tot die proses van inwerkingstelling van die nuwe plaaslike regeeringsbedeling en om die ander funksies en pligte in artikel 9 van hierdie Bylaag uiteengesit, te verrig.

Lede

4. (1) Elke munisipaliteit moet 'n plaasvervangende lid vir elke lid van 'n Forum aanstel, wat slegs geregtig is om vergaderings van die Forum by te woon en daaraan deel te neem in die afwesigheid van 'n lid.
- (2) Lede en plaasvervangende lede van 'n Forum mag nie vergoed word vir dienste wat gelewer word vir of namens die Forum nie, maar kan deur die munisipaliteit wat hulle verteenwoordig vergoed word vir klein uitgawes op 'n grondslag uiteengesit in riglyne wat van tyd tot tyd deur WEKPRO gepubliseer word, of in die afwesigheid van sulke riglyne, op 'n grondslag uiteengesit in riglyne wat deur die Provinsiale Minister gepubliseer word.

Voorsitter

5. (1) Die Provinsiale Minister is die voorsitter van die Provinsiale Adviesforum.
- (2) Die voorsitter van 'n Distriksadviesforum word verkies uit die geledere van die burgemeesters van die munisipaliteite binne die gebied van die Distriksadviesforum; met dien verstande dat 'n Distriksadviesforum kan verkies dat die posisie van voorsitter beurtelings deur die burgemeesters van die munisipaliteite binne die gebied van die Distriksadviesforum beklee word.
- (3) Die voorsitter moet op alle vergaderings van die Forum as voorsitter optree; met dien verstande dat, indien die voorsitter in die geval van 'n Distriksadviesforum nie op 'n vergadering van die Forum kan voorsit nie, die Forum 'n voorsitter uit die geledere van die burgemeesters van munisipaliteite binne die gebied van die Distriksadviesforum wat op die vergadering teenwoordig is, moet kies om op die vergadering voor te sit, en in die geval van die Provinsiale Adviesforum, enige persoon wat deur die Provinsiale Minister aangestel word, op die vergadering moet voorsit.

Vergaderings en Besluitneming

6. (1) Die eerste vergadering van die Forums moet gehou word op 'n datum, tyd en plek wat deur die Provinsiale Minister bepaal word, en daarna, in die geval van die Provinsiale Adviesforum, op die datums, tye en plekke wat deur die Provinsiale Minister bepaal word, en in die geval van die Distriksadviesforums, op die datums, tye en plekke wat deur die Distriksadviesforums bepaal word.
- (2) Die Provinsiale Adviesforum moet minstens een keer al om die derde maand vergader, en die Distriksadviesforums moet minstens een keer elke maand vergader.
- (3) Die voorsitter van 'n Forum kan, en moet in die geval van 'n Distriksadviesforum, op versoek van die Provinsiale Minister, 'n buitengewone vergadering van die Forum belê wat gehou moet word op die datum, tyd en plek wat die voorsitter bepaal, of indien dit deur die Provinsiale Minister versoek word, wat die Provinsiale Minister bepaal.
- (4) Die kworum vir vergaderings van elke Forum is die helfte plus een van die lede daarvan.
- (5) 'n Forum moet probeer om alle besluite op die grondslag van konsensus te neem; met dien verstande dat indien konsensus nie bereik kan word binne 'n tyd wat deur die voorsitter bepaal word nie, moet die verskillende posisies wat deur die lede van die Forum ingeneem word ten opsigte van die betrokke omstrede saak opgeteken en genotuleer word en, in die geval van die Distriksadviesforums, aan die Provinsiale Minister gerapporteer word.
- (6) Die Provinsiale Minister of sy benoemde het toegang tot alle vergaderings van die Distriksadviesforums.

Interne strukture en Verrigtinge

7. (1) Elke Forum kan komitees instel om hom by te staan en te adviseer in die verrigting van sy funksies of die uitoefening van sy bevoegdhede, en kan 'n komitee te eniger tyd ontbind.
- (2) Sonder om die algemene strekking van subartikel (1) in te kort, sal die Provinsiale Adviesforum gesteun word deur 'n tegniese komitee wat bestaan uit provinsiale en munisipale beamptes onder voorsitterskap van 'n lid van die Departement wat deur die Provinsiale Minister aangestel word.
- (3) Die komitee bedoel in subartikel (2) kan bykomende provinsiale en munisipale beamptes en konsultante koöpteer na gelang die behoefte daaraan ontstaan.
- (4) Met uitsondering van die komitee in subartikel (2) bedoel:—
- (a) moet Forums die lede van enige komitee aanstel en kan hy hulle ontslaan en vervang;
- (b) hoef die lede van komitees nie lede van die Forums te wees nie;
- (c) moet elke lid van 'n komitee óf 'n raadslid óf 'n werknemer van 'n munisipaliteit binne die gebied van die Forums wees.
- (5) Die Forums moet die opdrag bepaal van enige komitee wat deur hom ingestel word, maar mag nie enige besluitnemingsbevoegdheid aan enige komitee deleger nie.
- (6) Die Forums kan sy eie interne prosedures bepaal en sy eie verrigtinge en die verrigtinge van enige komitees reguleer.

Werknemers en Administrasie

8. (1) Die Departement sal die sekretariaat van die Provinsiale Adviesforum voorsien.
- (2) Elke Distriksadviesforum moet een van die munisipale bestuurders in die Distriksadviesforum, of sy of haar benoemde, aanstel om as die sekretaris van die Distriksadviesforum op te tree; met dien verstande dat die Distriksadviesforum kan verkies dat die sekretariaat beurtelings deur die munisipaliteite binne die gebied van die Distriksadviesforum voorsien word.
- (3) Die sekretaris van elke Forum moet toesien dat:—
- (a) notules gehou word van alle vergaderings van die Forum;
- (b) agendas en notules van alle vergaderings van die Forum onder alle lede van die Forum versprei word;
- (c) die Munisipale Rade wat in die Forum verteenwoordig is, enige besluit wat deur die Forum geneem is, oorweeg;
- (d) die implementering van besluite wat deur die Forum geneem is, opgevolg word;

- (e) maandelikse skriftelike verslae van die Forum se aktiwiteite aan elke Munisipale Raad binne die gebied van die Forum en aan die Provinsiale Minister besorg word.
- (4) 'n Distriksadviesforum mag niemand in diens neem nie, maar kan volgens ooreenkoms die dienste van enige werknemer van 'n munisipaliteit met die toestemming van daardie munisipaliteit verkry; met dien verstande dat so 'n persoon in die diens van die munisipaliteit bly en deur die munisipaliteit vergoed word.
- (5) Die munisipaliteit wie se munisipale bestuurder die sekretaris van enige Distriksadviesforum is, moet van tyd tot tyd die begrotingsvoorsiening vir die werking van die Distriksadviesforum verskaf; met dien verstande dat die Distriksadviesforum kan besluit dat die munisipaliteite wat in die Distriksadviesforum verteenwoordig is, hulpmiddele saamvoeg om die bedryfsuitgawes van die Distriksadviesforum te dek.

Funksies en Pligte

9. (1) Die funksies en pligte van die Provinsiale Adviesforum is om die Provinsiale Minister te adviseer oor:—

- (a) enige aangeleentheid wat verband hou met die prosesse van inwerkingstelling van die nuwe plaaslike regeringsbedeling;
- (b) die monitering en ondersteuning van plaaslike regering in die Provinsie, soos in artikel 155(6) van die Grondwet bepaal, en in die besonder met betrekking tot meganismes, prosesse en prosedures om:—
 - (i) munisipaliteite in die Provinsie te monitor in die bestuur van hul sake, die uitoefening van hul bevoegdhede en die verrigting van hul funksies;
 - (ii) die ontwikkeling van plaaslike regering se kapasiteit in die Provinsie te monitor;
 - (iii) die steun wat munisipaliteite nodig het ter versterking van hul kapasiteit om hul eie sake te bestuur, hul bevoegdhede uit te oefen en hul funksies te verrig, te evalueer;
 - (iv) plaaslike regering te monitor en te ondersteun met betrekking tot, onder meer:—
 - (aa) geïntegreerde ontwikkelingsbeplanning;
 - (bb) infrastruktuurontwikkeling;
 - (cc) wetgewing vir plaaslike regering;
 - (dd) prestasiebestuur;
 - (ee) dienslewering, en
 - (ff) finansiële reëlins.
- (c) die koördinering van die interaksie-vlak van provinsiale en munisipale funksies.

- (2) Die Distriksadviesforums het die volgende funksie en pligte:—

- (a) om die Provinsiale Minister te adviseer oor enige aangeleentheid betreffende die prosesse van inwerkingstelling van die nuwe plaaslike regeringsbedeling;
- (b) om te verseker dat die prosesse van inwerkingstelling van die nuwe regeringsbedeling op gekoördineerde wyse plaasvind;
- (c) om gesamentlike geïntegreerde ontwikkelingsbeplanning te koördineer;
- (d) om aangeleenthede wat uit artikel 19 van die Instellingskennisgewings voortspruit, te oorweeg;
- (e) om aangeleenthede betreffende die verdeling van funksies en bevoegdhede tussen Distriksmunisipaliteite en Plaaslike Munisipaliteite te oorweeg;
- (f) om die Provinsiale Minister te adviseer oor die oordrag van personeel, bates, laste en rekords ingevolge die prosesse van inwerkingstelling van die nuwe plaaslike regeringsbedeling;
- (g) om kontinuïteitsmaatreëls vir dienslewering te oorweeg en te koördineer;
- (h) om finansiële reëlins ter ondersteuning van die nuwe plaaslike regeringsbedeling, onder meer ingevolge artikel 18(3) van die Instellingskennisgewings, te koördineer;
- (i) om die opstel van begrotings te koördineer;
- (j) om 'n forum te verskaf vir die deel van beste praktyke ten opsigte van ondervindings en die leerproses;
- (k) om kommunikasie oor nasionale en provinsiale beleid en wetgewingsprosesse te fasiliteer en gesamentlike reaksies daarop te formuleer;
- (l) om enige ander aangeleentheid wat deur munisipaliteite na die Forums verwys word, te oorweeg;
- (m) om enige aangeleentheid op versoek van die Provinsiale Minister te oorweeg.

Afskaffing van Forums

10. 'n Forum word afgeskaf op 'n datum wat die Provinsiale Minister by kennisgewing in die Provinsiale Koerant bepaal.

Datum van Inwerkingtreding

11. Hierdie Kennisgewing tree in werking op die datum van publikasie daarvan.
-

P.N. 79/2001

9 kuMatshi 2001

**UMTHETHO-SIHLOMELO WOOMASIPALA BORHULUMENTE WENQILA, 2000
(UMTHETHO 33 WAMA-2000)**

IIFORAM ZENGCEBISO

Ngamandla andigunyazisayo aqulathwe licandelo 15(b) loMthetho-sihlomelo wamaSebe oMasipala woRhulumente weeNqila owasekwa ngo-2000 (UMthetho 33 wama-2000) kwanecandelo 155(6) loMgaqo-siseko weRiphabliki yoMzantsi Afrika ka-1996 (UMthetho 108 we-1996) kwanokudibana noomasipala njengoko bechaziwe apha ngezantsi, ukuba ndenze isaziso semigaqo ekolu xwebhu.

Ngomhla 9 kuMatshi 2001.

uP UYS. UMPHATHISWA WEPHONDO WORHULUMENTE WEENQILA NOCWANGCISO LO-PHUHLISO

ISHEDYULI

Inkcazo yamagama

1. Kolu xwebhu ngaphandle kokuba okuqulathiweyo kukuxelela enye into, isinye sibandakanya isininzi, nesininzi zibandakanya isinye, isicatshulwa sesiNgesi siya kuma simi isiso esisetyenziswayo apho kuthe kwakho iyantlukwano kwizicatshulwa ezahlukeneyo okanye kwigama elinokuthi lahluke okanye isiqendwana ngentsingiselo esithe sanikwa yona kuMthetho wamaSebe ooMasipala, intsingiselo yesiNgesi:—
 - (1) “U Masipala weSithili saseBoland” uthetha U Masipala weSithili saseBoland ewasekwa ngokwemigaqo yeSaziso sePhondo esingunombolo 486/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5590 yangomhla wama-22 kuSeptemba 2000;
 - (2) “U Masipala weSithili saseSombindi Karoo” uthetha U Masipala weSithili saseSombindi Karoo owasekwa ngokwemigaqo yeSaziso sePhondo esingunombolo 505/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5593 yangomhla wama-22 kuSeptemba 2000;
 - (3) “UMgaqo-siseko” uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, we-1996 (UMthetho 108 yowe-1996);
 - (4) “ISebe” lithetha iSebe loCwangciso, uRhulumente weeNqila noLwakhiwo-zindlu loRhulumente wePhondo leNtshona-Koloni;
 - (5) “IForam yeNgccebiso yeSithili” zithetha iiForam zeNgccebiso zeSithili ezasekwa ngokwemigaqo yecandelo 3 ekolu luhlu lwenkqubo;
 - (6) “OoMasipala beZithili” bathetha:—
 - (a) U Masipala weSithili saseBoland;
 - (b) U Masipala weSithili saseSombindi Karoo;
 - (c) U Masipala weSithili saseGarden Route/Klein Karoo;
 - (d) U Masipala weSithili sase-Overberg;
 - (e) U Masipala weSithili saseWest Coast;
 - (7) “iZaziso zokuseka” zithetha izaziso zoMasipala wenqila ndawonye nezaziso zokuseka ooMasipala beZithili iposhwe kwihlelo 12 lo uMthetho wamaSebe ooMasipala nelungiselelwe ngokwemigaqo ka kwihlelo 16 uMthetho-sihlomelo wamaSebe ooMasipala;
 - (8) “IiForam” zithetha iiForam zeNgccebiso zePhondo neeForam zeNgccebiso zeSithili;
 - (9) “U Masipala weSithili saseGarden Route/Klein Karoo” uthetha U Masipala weSithili saseGarden Route/Klein Karoo owasekwa ngokwemigaqo yeSaziso sePhondo esingunombolo 497/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5592 yangomhla wama-22 kuSeptemba 2000;
 - (10) “OoMasipala beeNqila” bathetha ooMasipala beeNqila abasekwa ngokwemigaqo yezaziso zokuseka ooMasipala beeNqila;
 - (11) “Izaziso zokuseka uMasipala weNqila” zithetha:—
 - (a) Izaziso zePhondo ezisukela kwiSaziso esingunombolo 481/2000 ukuya ku-485/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5589 yangomhla wama-22 kuSeptemba 2000 njengoko zihloniyelwe;
 - (b) Izaziso zePhondo ezisukela kwiSaziso esingunombolo 487/2000 ukuya ku-491/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5590 yangomhla wama-22 kuSeptemba 2000;
 - (c) Izaziso zePhondo ezisukela kwiSaziso esingunombolo 493/2000 ukuya ku-496/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5591 yangomhla wama-22 kuSeptemba 2000;
 - (d) Izaziso zePhondo ezisukela kwiSaziso esingunombolo 498/2000 ukuya ku-504/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5592 yangomhla wama-22 kuSeptemba 2000, kunye
 - (e) Izaziso zePhondo ezisukela kwiSaziso esingunombolo 506/2000 ukuya ku-508/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5593 yangomhla wama-22 kuSeptemba 2000;
 - (12) “U Masipala weMetropolitan” uthetha uMasipala weSixeko saseKapa ewasekwa ngokwemigaqo yeSaziso sePhondo esingunombolo 479/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5598 yangomhla wama-22 kuSeptemba 2000;

- (13) "umphathi womasipala" uthetha umphathi womasipala okanye ibambela mphathi womasipala;
- (14) "uMthetho wamaSebe ooMasipala" uthetha uMthetho wamaSebe oRhulumente weeNqila 1998 (UMthetho 117 we-1998);
- (15) "uMthetho-sihlomelo wamaSebe ooMasipala" uthetha uMthetho-sihlomelo wamaSebe ooMasipala oRhulumente weeNqila we-2000 (Umthetho 33 wama-2000);
- (16) "umasipala" uthetha uMasipala weSithili, uMasipala weSithili, uMasipala weNqila, okanye uMasipala wolawulo lweeNqila;
- (17) "ulwabiwo lorhulumente omtsha wenqila" uthetha ulwabiwo lorhulumente omtsha wenqila njengoko lumiselwe kuMthetho wamaSebe ooMasipala ofundwa kunye neSahluko 7 soMgaqo-siseko;
- (18) "U Masipala weSithili sase-Overberg" uthetha U Masipala weSithili sase-Overberg owasekwa ngokwemigaqo yeSaziso sePhondo esingunombolo 492/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5591 yangomhla wama-22 kuSeptemba 2000;
- (19) "iPhondo" lithetha iPhondo leNtshona-Koloni;
- (20) "IForam yeNgcebiso yePhondo" ithetha iForum yeNgcebiso yePhondo eyasekwa ngokwemigaqo yecandelo 3 ekolu luhlu lwenkqubo;
- (21) "UMphathiswa wePhondo" uthetha ilungu leKhabhinethi yePhondo leNtshona-Koloni ojongene norhulumente weenqila;
- (22) "u-WECLOGO" ligama elithetha umbutho weNtshona-Koloni woRhulumente baseKhaya, ongumbutho wePhondo leNtshona-Koloni onikwa ingqalelo ngokwemigaqo yecandelo 2(1)(b) loMthetho woRhulumente weNqila olungiselelweyo we-1997 (UMthetho 52 we 1997);
- (23) "U Masipala weSithili saseWest Coast" uthetha U Masipala weSithili saseWest Coast owasekwa ngokwemigaqo yeSaziso sePhondo esingunombolo 480/2000 esapapashwa kwiGazethi yePhondo eYongezelelweyo engunombolo. 5589 yangomhla wama-22 kuSeptemba 2000 njengoko zihlonjwe.

Imbulambethe

2. (1) UMphathiswa wePhondo unqwenela ukwenza lula inkqubo yokwenza ukuba inguqulelo entsha kurhulumente weenqila isebenze kwaye ukwanqwenela ukuseka imigangatho yoku:—
 - (a) bonelela ngokuhlolwa ndawonye nenkxaso karhulumente weenqila kwiPhondo, kunye
 - (b) ukukhuthaza uphuhliso lwesikhundla sikarhulumente weenqila ekwenzeni ukuba oomasipala benze imisebenzi yabo bekwawula nemicimbi yabo.
- (2) Ukuze akwazi ukwenza lula le nkqubo yenguqulelo kwakunye nomlinganiselo ochazwe kwicandelwana (1), ekwacebisene noomasipala ngokwecandelo 15(b) loMthetho obizwa ngokuba yi-Municipal Structures Amendment Act, uMphathiswa wePhondo ugqibe ekubeni amise iForum yeeNgcebiso yePhondo kunye neeForum zeeNgcebiso zeSithili ngokwemigaqo ebekwe kwesi Saziso.

Isiseko

3. (1) IForum yeeNgcebiso yePhondo ke ngoko ithe yasekwa ngokommandla wePhondo kwaye iqulathe aba bameli balandelayo:—
 - (a) usibonda kamasipala ngamnye kwiPhondo;
 - (b) umanejala kamasipala kumasipala ngamnye kwiPhondo, kunye
 - (c) noMphathiswa wePhondo.
- (2) IiForum ezintlanu (5) zeeNgcebiso zeSithili zisekwe ngolu hlobo lulandelayo:—
 - (a) iForum yeeNgcebiso yeSithili saseWest Coast ngokunxulumene nommandla wezobulungisa kuMasipala weSithili saseWest Coast oquka usibonda kunye nomanejala kamasipala kumasipala ngamnye kuloo mmandla;
 - (b) iForum yeeNgcebiso yeSithili saseBoland ngokunxulumene nommandla wezobulungisa kuMasipala weSithili saseBoland oquka usibonda kunye nomanejala kamasipala kumasipala ngamnye kuloo mmandla;
 - (c) iForum yeeNgcebiso yeSithili sase-Overberg ngokunxulumene nommandla wezobulungisa kuMasipala weSithili sase-Overberg oquka usibonda kunye nomanejala kamasipala kumasipala ngamnye kuloo mmandla;
 - (d) iForum yeeNgcebiso yeSithili sase-Garden Route/Klein Karoo ngokunxulumene nommandla wezobulungisa kuMasipala weSithili sase-Garden Route/Klein Karoo oquka usibonda kunye nomanejala kamasipala kumasipala ngamnye kuloo mmandla, kunye
 - (e) neForum yeeNgcebiso yeSithili saseSombindi Karoo ngokunxulumene nommandla wezobulungisa kuMasipala weSithili saseSombindi Karoo oquka usibonda kunye nomanejala kamasipala kumasipala ngamnye kuloo mmandla.
- (3) Injongo ephambili kwiForum nganye kukusebenza njengeforum yokucebisana kunye neforum yeengcebiso kuMphathiswa wePhondo ngokunxulumene nenkqubo yokwenza ukuba urhulumente weenqila omtsha wexesha lenguquko asebenze aphinde azalisekise eminye imisebenzi nokufanele ukuba akwenze njengoko kuchazwe njalo kwicandelwana 9 Imisebenzi nokufanele ukuba kwenziwe yiForum yeeNgcebiso yePhondo iya kuba kukucebisa uMphathiswa wePhondo.

Amalungu

4. (1) Umasipala ngamnye uya kuqesha ilungu elingelinye kwilungu ngalinye leForum, eliya kuba nelungelo kuphela lokuya kwakunye nokuba negalelo okanye ukuthatha inxaxheba kwiintlanganiselo zeForum xa ilungu lingekho.

- (2) Amalungu kunye namalungu angamanye eForam anganganikwa mivuzo kwiinkonzo azinikezeleyo kwiForam okanye egameni leForam, kodwa angabuyiselwa imali ngumasipala amele yena kwizinto abazihlawulwe ngemali yawo ngokwesiseko esisekwe kwizikhokhelo ezipapashwa ngamaxesha amaninzi yi-WECLOGO okanye xa ezo zikhokhelo zingekho, kuya kusetyenziswa isiseko sezikhokhelo ezipapashwe nguMphathiswa wePhondo.

USihlalo

5. (1) UMphathiswa wePhondo uya kuba ngusihlalo weForam yeeNgcebiso yePhondo.
- (2) Usihlalo weForam yeeNgcebiso yeSithili uya kwenyulwa phakathi koosibonda boomasipala kummandla weForam yeeNgcebiso yeSithili, ngaphandle kokuba iForam yeeNgcebiso yeSithili ingakhetha ukusitshintshatshintsha esi sikhundla sikasihlalo koosibonda boomasipala kummandla weForam yeeNgcebiso yeSithili.
- (3) Usihlalo uya kuba ngumhlali-ngaphambili kuzo zonke iintlanganiso zeForam; ngaphandle kokuba usihlalo akakwazi ukuba ngumhlali-ngaphambili kuyo nayiphi na intlanganiso yeForam, kumba weForam yeeNgcebiso yeSithili, iForam ingonyula usihlalo okhoyo phakathi koosibonda boomasipala kummandla weForam yeeNgcebiso yeSithili kule ntlanganiso ukuba abe ngumhlali-ngaphambili, kwaye kwimiba yeForam yeeNgcebiso yePhondo, nawuphi na umntu oqeshwe nguMphathiswa wePhondo ukuba abe ngumhlali-ngaphambili uya kuba ngumhlali-ngaphambili.

Iintlanganiso kunye nokwenziwa kweSigqibo

6. (1) Intlanganiso yokuqala yeeForam iya kubanjwa ngomhla othile, ixesha kunye nendawo echazwe nguMphathiswa wePhondo, kuze emva koko, kumba weForam yeeNgcebiso yePhondo, ngalo mihla, amaxesha kunye neendawo njengoko ziya kube zichaziwe nguMphathiswa wePhondo, kuphinde kumba weForam yeeNgcebiso yeSithili, ngalo mihla, amaxesha kunye neendawo njengoko ziya kube zichaziwe ziForam zeeNgcebiso yeSithili.
- (2) IForam yeeNgcebiso zePhondo iya kudibana kanye kwiinyanga ezintathu ubuncinane, ize iForam yeeNgcebiso zeSithili idibane kanye ngenyanga nganye ubuncinane.
- (3) Usihlalo weForam kwimiba yeForam yeeNgcebiso yeSithili ngokucelwa nguMphathiswa wePhondo, angabiza intlanganiso engenye yeForam eya kubanjwa ngomhla othile, ixesha kunye nendawo echazwe ngusihlalo okanye xa oko kucelwe nguMphathiswa wePhondo, ichazwe nguMphathiswa wePhondo.
- (4) Inani elifunekayo labantu lokusingatha imicimbi ezintlanganisweni (ikoram) kwiForam nganye iya kuba sisiqingatha kunye nelinye kumalungu.
- (5) IForam iya kwenza iinzame zokuthatha zonke izigqibo ekufikelelwe kuzo ngokwesiseko sokuvumelana; xa kungafikelelwa kwisivumelwano kwixesha elithile elibekiweyo ngusihlalo, kuya kuthi ke ngoko izikhundla ezohlukeneyo ezithathwe ngamalungu eForam malunga nombala owordwa ekuphikiswana ngawo zishicilelwe kubhalwe nemizuzu, kuze kumba weForam zeeNgcebiso zeSithili, kwenziwe ingxelo kuMphathiswa wePhondo.
- (6) Zonke iintlanganiso iFprum yeeNgcebiso yeSithili ziya kumamkela uMphathiswa wePhondo okanye umntu amonyulileyo.

ULwakhiwo lwangaPhakathi kunye neeNkqubo

7. (1) IForam nganye ingaseka iikomiti zokuncedisa kwakunye nokunika iingcebiso xa kusenziwa imisebenzi yayo okanye amagunya ayo, kwaye ingayiphelisa le komiti nangaliphina ixesha.
- (2) Ngaphandle kokunciphisa umthetho jikelele wecandelwana (1), iForam yeeNgcebiso yePhondo iya kuxhaswa yikomiti yobugcisa equlathe amagosa ephondo kunye nakamasipala phantsi kwesihlalo selungu elithe laqeshwa liSebe nguMphathiswa wePhondo.
- (3) Ikomiti ekuthethwa ngayo kwicandelwana (2) ingamkela njengamalungu, amagosa angamanye ephondo nakamasipala kwakunye nabacebisi xa kufuneka njalo.
- (4) Igcinwe ngokunxulumene nekomiti ekuthethwa ngayo kwicandelwana (2):—
- (a) iForam kufuneka yonyule kwaye ingakhupha iphinde ifake amanye amalungu endaweni yamanye kuyo nayiphina ikomiti;
- (b) amalungu eekomiti akunyanzelekanga ukuba abe ngamalungu eForam;
- (c) ilungu ngalinye lekomiti lingalilungu lebhunga okanye umsebenzi kamasipala kummandla lowo weForam.
- (5) IForam iya kuchaza amagunya ayo nayiphina ikomiti esekwe yiyo kodwa ayisayi kugunyazisa nakuphina ukuthathwa okanye ukwenziwa kwesigqibo yiyo nayiphina ikomiti.
- (6) IForam ingachaza imigaqo yayo yangaphakathi ize iseke iinkqubo zayo kunye neenkqubo zayo nayiphina ikomiti.

ABasebenzi kunye noLawulo

8. (1) ISebe liya kunikezela ubunobhala bequmrhu elikhulu kwiForam yeeNgcebiso yePhondo.
- (2) IForam yeeNgcebiso yeSithili ngasinye iya konyula omnye koomanejala bakamasipala kwiForam yeeNgcebiso yeSithili, okanye umntu onyulwe nguye, ukuba asebenze njengonobhala weForam yeeNgcebiso yeSithili; ngaphandle kokuba iForam yeeNgcebiso yeSithili ingakhetha ukuba sitshintshatshintshe esi sikhundla sikanobhala koomasipala kummandla weForam yeeNgcebiso yeSithili.
- (3) Unobhala weForam nganye uya kuqinisekisa ukuba:—
- (a) imizuzu yeentlanganiso zeForam zizonke iyagcinwa;
- (b) ii-ajenda kunye nemizuzu yeentlanganiso zonke zeForam inikwa onke amalungu eForam;

- (c) amaBhunga oomasipala abamelweyo kule Foram aqwalasela nasiphina isigqibo esithathwe yiForam;
- (d) ukuzalisekiswa kwezigqibo ezithathwe yiForam ziyalandelwa;
- (e) iingxelo ezibhalwa rhoqo ngenyanga ezimalunga nemisebenzi yeForam zinikwa iBhunga ngalinye kummandla weForam kwakunye nakuMphathiswa wePhondo.
- (4) IForam yeeNgcebiso yeSithili ayinako ukuqesha nabanina, kodwa ngesivumelwano, ingafumana iinkonzo zawo nawuphina uMsebenzi kamasipala ngemvume yalo masipala; ngaphandle kokuba nawuphina umntu uhlala eqeshwe ekwavuzwa kwingqesho yakhe ngumasipala.
- (5) Umasipala onomanejala wakhe kamasipala ongunobhala wayo nayiphina iForam yeeNgcebiso zeSithili, ngamaxesha athile, anganikeza amalungiselelo ohlahlo lwabiwo—mali kwimisebenzi yeForam yeeNgcebiso zeSithili; ngaphandle kokuba iForam yeeNgcebiso zeSithili ingenza isigqibo sokuba oomasipala abamelwe kwiForam yeeNgcebiso zeSithili kufuneka adibanise izibonelelo zomsebenzi ekuhlawuleni iinkcitho zomsebenzi weForam yeeNgcebiso zeSithili.

Imisebenzi neendlela zokusebenza

9. (1) Imisebenzi neendlela zokusebenza kweForam yeeNgcebiso yePhondo iya kuba kukucebisa uMphathiswa wePhondo:—

- (a) kuyo nayiphi na imeko enxulumene nenkqubo yokwenza ukuba iinguqulelo ezintsha kurhulumente weedolophu zisebenze;
- (b) ulawulo kunye nenkxaso kurhulumente weedolophu kwiPhondo njengoko kuchazwe njalo kwicandelo 155(6) loMgaqo-siseko, ingakumbi malunga neendlela, iinkqubo nemigaqo yoku:—
 - (i) lawula oomasipala kwiPhondo ekulawuleni eyabo imicimbi, amagunya abo kunye nokwenziwa kwemisebenzi yabo;
 - (ii) lawula uphuhliso lwesikhundla sikarhulumente kwiPhondo;
 - (iii) vavanya inkxaso efunwa ngoomasipala ekunikeni amandla izikhundla zabo ekulawuleni imicimbi yabo, amagunya abo kunye nokwenziwa kwemisebenzi yabo;
 - (iv) lawula nokuxhasa urhulumente weedolophu ngokunxulumene:—
 - (aa) nesicwangciso sophuhliso olumanyanayo;
 - (bb) uphuhliso lwezibonelelo zomsebenzi;
 - (cc) uwiso-mthetho kurhulumente weedolophu;
 - (dd) ulawulo lomsebenzi;
 - (ee) unikezelo lweenkonzo, kunye
 - (ff) namalungiselelo ezimali;
- (c) ulungelelaniso lwemida ephakathi kwemisebenzi yephondo kunye noomasipala.

- (2) IiForam zeeNgcebiso yeSithili kufuneka zenze ziphinde zibe nale misebenzi ilandelayo:—

- (a) ukucebisa uMphathiswa wePhondo ngawo nawuphi na umba onxulumene nenkqubo yokwenza iinguqulelo ezintsha kurhulumente weedolophu zisebenze;
- (b) ukuqinisekisa ukuba inkqubo yokwenza ukuba iinguqulelo ezintsha kurhulumente weedolophu zisebenze zenziwa ngendlela elungelelanisiweyo;
- (c) ukulungelelanisa isicwangciso esidibeneyo sophuhliso olumanyanayo;
- (d) ukuqwalasela imiba evela kwicandelo 19 lezaziso ezisekiweyo;
- (e) ukuqwalasela imiba enxulumene nolwahlulo lwemisebenzi kunye namagunya aphakathi kooMasipala beSithili kunye nooMasipala beNqila;
- (f) ukucebisa uMphathiswa wePhondo ngotshintsho lwabasebenzi basiwe kwezinye iindawo zokusebenza, izinto ezizezabo, iimfanelo kunye neengxelo ngokwenkqubo yokwenza ukuba iinguqulelo ezintsha kurhulumente weedolophu zisebenze;
- (g) ukuqwalasela kunye nokulungelelanisa imigangatho eqhubekayo kunikezelo lweenkonzo;
- (h) ulungelelaniso lwamalungiselelo ezimali ekuxhaseni iinguqulelo ezintsha kurhulumente weedolophu, phakathi kwezinye izinto, ngokwecandelo 18(3) lwezaziso ezisekiweyo;
- (i) ulungelelaniso lwamalungiselelo ohlahlo lwabiwo-mali;
- (j) ukunikeza iforam ulwabelwano lwezona zimvo zifanelekileyo nezisebenzayo kunye nokufunda;
- (k) ukwenza lula uqhagamshelwano kunye nesiseko seempendulo ezimanyanayo kwinkqubo kazwelonke neyephondo kunye neenkqubo zowiso-mthetho;
- (l) ukuqwalasela nayiphina eminye imiba echazwe ngoomasipala kwiForam;
- (m) ukuqwalasela nawuphi na umba ocelwe nguMphathiswa wePhondo.

Ukupheliswa kweForam

10. IForam nganye iya kuphela ngomhla ochazwe nguMphathiswa wePhondo ngesaziso esiya kukhutshwa kwiGazethi yePhondo.

Umhla wokuqala ukusebenza

11. Esi Saziso siya kuqala ukusebenza ngomhla wopapasho.

