



Vol. 440

Cape Town, 21 February 2002
Ekapa, Febhuwari

No. 23152

THE PRESIDENCY

No. 219 21 February 2002

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 68 of 2001: Africa Institute of South Africa Act, 2001.

IHHOVISI LIKAMONGAMELI

Ino. 219 21 Febhuwari 2002

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelelwa umphakathi:—

Ino. 68 ka 2001: Umthetho Wesigungu Se-Afrika eNingizimu Afrika, ka-2001.



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*(English text signed by the President.)
(Assented to 12 February 2002.)*

ACT

To establish a juristic person to be known as the Africa Institute of South Africa which is to succeed the company known as the Africa Institute of South Africa; to state its objectives; to establish a Council to control, manage and direct the affairs of the Institute; to provide for the composition, management and functions of the Council; to provide for the staff of the Council and ancillary matters; to provide for the deregistration of the Company known as the Africa Institute of South Africa and for transitional matters; and to provide for matters incidental thereto.

PREAMBLE

RECOGNISING THAT—

- the Government of the Republic of South Africa and its people are committed to the revival and development of the African continent in the twenty-first century;
- the transformation of the Africa Institute of South Africa, which has been set in motion by the review process of the Department of Arts, Culture, Science and Technology, continues to remove the legacy of its apartheid past;

NOTING—

- the commitment of the Government of the Republic of South Africa with regard to the establishment of the Africa Union and the implementation of the New Africa Initiative;

AND BEARING IN MIND THAT—

- the Africa Institute of South Africa will provide research and policy development support in its pursuit of programmes which will contribute to the further development of the African continent;
- the Africa Institute of South Africa will conduct research and embark on training programmes which will foster continental patriotism and promote increased awareness and understanding of the African continent among the people of South Africa; and
- the Africa Institute of South Africa will establish, participate in and maintain networks on the African continent which will contribute to the peaceful development and prosperity of the continent,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless inconsistent with the context—

- “CEO” means the chief executive officer appointed in terms of section 12(1);
- “Council” means the Council of the Institute established by section 4;
- “Department” means the Department of Arts, Culture, Science and Technology;

(English text signed by the President.)
(Assented to 12 February 2002.)

UMTHETHO

Kusungulwa okusamuntu ophilayo ngokomthetho ozobizwa ngeSikhungo se-Afrika saseNingizimu Afrika elandela ezithendeni zenkampani eyayaziwa nge-Afrika Institute of South Africa; ukumiswa kwezinjongo zayo; ukusungulwa koMkhandlu ozolawula, uphathe futhi uqondise izindaba zeSikhungo; ukunquma mayelana nokusungulwa, ukulawulwa kanye nemisebenzi yeSikhungo; ukunquma mayelana nabasebenzi beSikhungo nezindaba ezihambelana nalokhu; ukuhlinzekela ukwesulwa kokubhaliswa kweNkampani ebizwa nge-Afrika Institute of South Africa kanye nezindaba zesikhashana; kanye nokuhlinzekela okuhambisana nalokhu.

ISANDULELO

VUMA UKUTHI—

- uHulumeni weRiphabliki yaseNingizimu Afrika nabantu bayo bazinikele ekuvuseleleni nasekuthuthukiseni izwekazi lase-Afrika ngonyaka-khulu wamashumi amabili nanye;
- ukuguqulwa kweSikhungo se-Afrika saseNingizimu Afrika, okugwelwe ngokubukezwa kwenqubo yoMnyango wezoBuciko, Amasiko, iSayensi noBuchwepheshe, kuyaqhubeka nokususa lokho okwashiywa ngubandlululo;

UQAPHELE—

- ukuzinikela kukaHulumeni weRiphabliki yaseNingizimu Afrika mayelana nokusungulwa keNyunyana yeAfrika (Africa Union) kanye nokuqaliswa kweSiqalo eSisha eAfrika (New Africa Initiative);

UGCINA FUTHI ENGQONDWENI YAKHO UKUTHI—

- iSikhungo se-Afrika saseNingizimu Afrika siyoletsa usizo kwezocwaningo nokuthuthukiswa kwenqubomgomo endleleni yaso yokukuqhubela phambili imigomo eyakuba nomthelela ekuthuthukiseni izwekazi lase-Afrika;
- iSikhungo se-Afrika saseNingizimu Afrika siyokwenza ucwaningo futhi senze umbhidlango wezoqeqesho okuyoshoshozela uthando lwaleli zwekazi futhi singqungquzele ukwandiswa kolwazi nokuqonda ngezwekazi lase-Afrika kubantu baseNingizimu Afrika; futhi
- iSikhungo se-Afrika saseNingizimu Afrika siyosungula, sizimbandakanye futhi sigcine ukuxhumana kuleli zwekazi lase-Afrika okuyokuba nomthelela ekuletheni intuthuko enokuthula nenqubekela-phamibili kuleli zwekazi,

MAKUMISWE njengoMthetho yiPhalamende laseNingizimu Afrika, okulandelayo:—

Izincazelo

1. Kulo Mthetho, ngaphandle uma indinkimba ikhomba okunye—

- “ISikhulu eSiphezulu eSiphethe” kushiwo isikhulu esiphezulu esiqashwe 5 ngokulandisa kwesigaba 12 (1);
- “uMkhandlu” kushiwo uMkhandlu weSikhungo obunjwe ngokulandisa kwesigaba 4;

- “executive committee” means the executive committee established in terms of section 9;
- “financial year” means the period from 1 April in any year to 31 March in the following year;
- “Institute” means the statutory body Africa Institute of South Africa established by section 2;
- “Minister” means the Minister of Arts, Culture, Science and Technology;
- “prescribed” means prescribed by regulation;
- “regulation” means a regulation made under this Act;
- “this Act” includes the regulations.

Establishment of Institute

2. A juristic person known as the Africa Institute of South Africa is hereby established.

Objectives of Institute

3. The objectives of the Institute are to—
- promote knowledge and understanding of African affairs through leading social scientists acting in concert and across all disciplines and through training and education on African affairs;
 - collect, process and disseminate information on African affairs, give effective advice and facilitate appropriate action in relation to the collective needs, opportunities and challenges of all South Africans; and
 - to promote awareness and consciousness of Africa at grassroots level.

Establishment and composition of Council, tenure of office and filling of vacancies

4. (1) A Council is hereby established which must control, manage and direct the affairs of the Institute.
- (2) The Council consists of—
- at least seven members, but not more than ten, appointed by the Minister in the prescribed manner;
 - a representative of the Department;
 - a maximum of two members co-opted by the Council in consultation with the Minister; and
 - the CEO of the Institute, who is *ex officio* and does not have voting powers.
- (3) The composition of the Council must be broadly representative of the gender, language and community composition of the Republic.
- (4) The members of the Council contemplated in subsection (2) must be appointed in accordance with the principles of transparency and representativity.
- (5) At least one of the members appointed to the Council must have experience in financial matters.
- (6) A member of the Council—
- is appointed for a period of three years, unless a shorter period is prescribed; and
 - whose period of office has expired, may be re-appointed.
- (7) If a member of the Council dies or vacates the office before the expiration of the period for which the member has been appointed, another person may be appointed by the Minister in the prescribed manner to fill the vacancy for the unexpired portion of the period for which the member was appointed in terms of subsection (2).
- (8) A member of the Council who is not in the full-time employ of the State may receive out of the funds of the Council, in respect of his or her functions as member, the allowances which the Minister, in consultation with the Minister of Finance, determines.

“uMnyango” kushiwo uMnyango wezoBuciko, amaSiko, iSayensi nobuChwepheshe;
 “ikomiti eliphethe” kushiwo ikomiti eliphethe elisungulwe ngokulandisa kwesigaba 9;
 “unyakamali” kushiwo isikhathi kusukela ngomhla lu-1 kuAprili kunoma imuphi 5
 unyaka kuya kumhla zinga-31 kuMashi onyakezi olandelayo;
 “ISikhungo” kushiwo isikhungo esimiswe ngokomthetho I-Sikhungo seAfrika saseNingizimu Afrika (Africa Institute of South Africa) esungulwe ngokulandisa kwesigaba 2;
 “uNgqongqoshe” kushiwo ilunga lekhabhinethi elibhekene nezoBuciko, Amasiko, 10
 Isayensi noBuchwepheshe;
 “okunqunywe” kushiwo okunqunywe yimithethonkambiso;
 “imithethonkambiso” kushiwo imithethonkambiso emiswe/enqunye ngaphansi kwalo Mthetho;
 “lo Mthetho” kumbandakanywa nomthethonkambiso. 15

Ukusungulwa KweSikhungo

2. Kusungulwa Isikhungo njengomuntu ophilayo ngokomthetho esizakubizwa nge-Sikhungo se-Afrika saseNingizimu Afrika (Africa Institute of South Africa).

Izinjongo zalesi Sikhungo

3. Izinjongo zeSikhungo nguku— 20
- khuthaza ulwazi nokuqondwa kwezindaba zobu-Afrika ngokusebenzisa ososayensi bezenhlalakahle abadumile ngokuvumelana nabo bonke abalandela lezi zindaba kanye nangoqeqesho nemfundo ngezindaba zobuAfrika; kanye
 - nokuqoqa, ukuqhuba kanye nokusabalalisa ulwazi mayelana nezindaba 25
 zobu-Afrika, ukunikeza izeluleko ezifanele nokuthatha izinyathelo ezifanele mayelana nezidingo zawo wonke umuntu, amathuba kanye nezinselelo ababhekene nazo bonke abantu baseNingizimu Afrika; kanye
 - nokungqungquzela ukwazi nesazelo ngobu-Afrika kulo lonke uquqaba.

Ukusungulwa nokubunjwa koMkhandlu, isikhathi abazophatha ngaso izikhundla kanye nokugcwaliswa kwezikhundla 30

4. (1) Kusungulwa uMkhandlu okufanele ulawule, uphathe futhi uqondise izindaba ze Sikhungo.
 (2) UMkhandlu uzakuba—
- okungenani namalunga ayisikhombisa, kodwa ngeke eve kwayishumi, 35
 ayoqokwa nguNgqongqoshe ngokulandela indlela enqunyiwe;
 - nomuntu omele uMnyango;
 - amalunga angeqile kwamabili asekelwe wuMkhandlu ngokubonisana noNgqongqoshe; kanye
 - nesikhulu esiphazulu esiphethe seSigungu (CEO), esiyakuba yilunga 40
 lomkhandlu ngokwesikhundla, singeke sibe nawo amandla okuvota.
- (3) Ekubunjweni koMkhandlu kufanele kube nokumelwa okufanele kobulili, ulimi, kanye nokwahlukana kwemiphakathi yaseRiphabliki.
- (4) Ilunga lomkhandlu okukhulunywa ngalo kusigatshana (2) kufanele liqokwe ngokuhambisana nemigomo yokungabinamfihlo nokumelelwa. 45
- (5) Okungenani elilodwa lamalunga aqokwe nguMkhandlu kufanele libe nolwazi lomsebenzi wokuphathwa kwezimali.
- (6) Ilunga loMkhandlu—
- liqokelwe ukuba lisebenze noma libe yilunga iminyaka emithathu, ngaphandle uma kunqunywe isikhathi esifishane kunalokhu; futhi 50
 - ilunga eseliphelelwe isikhathi lingabuye liqokwe futhi.
- (7) Uma ngabe ilunga loMkhandlu lishona, noma lishiya isikhundla ngaphambi kokuphela kwesikhathi ebeliqokelwe sona, kungaqokwa elinye ilunga ukuba lithathe lesi sikhundla okwaleso sikhathi esisele esishiywe yileli lungu ebeliqokwe.
- (8) Ilunga loMkhandlu elingaqashiwe ngokugcwele nguMbuso lingaholelwa imali 55
 nguMkhandlu, mayelana nomsebenzi eliwenzayo njengelunga, lezo mali ziyonqunywa nguNgqongqoshe ngemva kokuvumelana noNgqongqoshe weZimali.

(9) The Minister shall after consultation with members of the Council appoint a chairperson from among the members of the Council.

(10) The Minister may in the prescribed manner dissolve the Council.

Qualifications of members of Council and circumstances under which they vacate office

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5. (1) The members of the Council must be persons who have special knowledge of or experience in African affairs or who have specialist skills which are not directly related to African affairs, but which would be beneficial to the Council.

(2) No member of the Council may hold office in any political party or political organisation.

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(3) No person may be appointed as a member of the Council—

- (a) if that person is an unrehabilitated insolvent;
- (b) if that person has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and has been sentenced to imprisonment without the option of a fine, or, in the case of fraud, to a fine or imprisonment or both; or
- (c) unless that person is a South African citizen or permanently resident in the Republic.

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(4) A member of the Council must vacate his or her office if he or she—

- (a) becomes disqualified in terms of subsection (3) from being appointed as a member of the Council;
- (b) is, according to law, detained as a mentally ill person;
- (c) has, without the leave of the Council, been absent from three consecutive meetings of the Council;
- (d) materially breaches the code of ethics of the Council;
- (e) resigns by written notice addressed to the Minister; or
- (f) fails to perform his or her duties efficiently.

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Functions of Council

6. (1) In order to achieve the objectives of the Institute, the Council may—

- (a) at the request of any person or on its own initiative, investigate matters of public interest and on the strength of the findings act in an opinion-forming and advisory manner;
- (b) publish scientific reports and other publications;
- (c) promote outstanding achievements in the different fields of African cultural life and grant recognition for excellence;
- (d) generally promote interest in social science education;
- (e) establish reciprocal arrangements with organisations with similar objectives, locally and overseas, in order to promote the exchange of information and ideas;
- (f) acquire rights and privileges which it considers necessary or appropriate;
- (g) receive or make donations, grants and endowments;
- (h) purchase, take on lease, or in exchange hire or otherwise acquire movable or immovable property, and erect any building;
- (i) invest funds upon such security as it may from time to time determine;
- (j) with the prior written approval of the Minister—
 - (i) raise or borrow money in such manner as it deems fit, that is by way of mortgage bonds or by the issue of debentures secured by mortgage bonds upon all or any part of properties held by the Institute, but against no other security than the assets of the Institute;

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(9) UNgqongqoshe ngemuva kokubonisana namalunga oMkhandlu uyakuqoka usihlalo kwelinye lamalunga oMkhandlu.

(10) Ungqongqoshe angahlakaza uMkhandlu ngokulandela inqubo emisiwe.

Imfundo yamalunga oMkhandlu kanye nezimo ezingawenza ashiye izikhundla zawo

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5. (1) Ilunga loMkhandlu kufanele kube ngumuntu onolwazi olukhethekile kanye nolwazi lomsebenzi nezindaba zase-Afrika noma onamakhono akhethekile angenabudlelwano obuqondile nezindaba zobu-Afrika, kodwa uMkhandlu ungazuza okuthile ngalawo makhono.

(2) Akukho lungu loMkhandlu elingaba nesikhundla eqenjini lezombusazwe noma inhlango yezombusazwe . 10

(3) Ngeke aqokwa ukuba abe yilunga loMkhandlu umuntu—

(a) owawa ngokwezimali ongakasimamiswa ngokomthetho;

(b) osewake walahlwa yicala lapha eRiphabliki, ngaphandle kwamacala enziwe ngaphambi komhlaka 27 April 1994 ahambisana nezinhloso zepolitiki futhi owagwetshwa ukuhlala ejele ngaphandle kokukhokha inhlawulo, noma uma kwakuyicala lokukhwabanisa, uma wagwetshwa ukuhlawula ngemali noma ukuhlala ejele noma kokubili; noma 15

(c) ngaphandle uma eyisakhamuzi saseNingizimu Afrika noma enemvume yokuhlala okokuphela eRiphabliki. 20

(4) Ilunga loMkhandlu kufanele lishiye isikhundla njengelunga uma—

(a) likhishiwe noma lingakulungele ukuqokwa njengelunga lomkhandlu ngezizathu ezibalwe kusigatshana (3) ngenhla;

(b) lifakwe esitokisini ngokomthetho ngoba engumuntu ogula ngengqondo noma ophambene; 25

(c) eseliphuthe emhlanganweni yoMkhandlu emibili noma ngaphezulu ilandelana, ngale kokuthola imvume yoMkhandlu.

(d) lephule imigomo yokuziphatha yoMkhandlu;

(e) libhale incwadi yokushiya isikhundla wayibhekisa kuNgqongqoshe; noma

(f) lihluleka ukwenza umsebenzi walo ngekhono. 30

Imisebenzi yoMkhandlu

6. (1) Ukuze ufeze izidingo zeSikhungo, uMkhandlu unga—

(a) ngokucelwa ngomunye umuntu noma ngokuzenzela wona ungaqalisa uphenyo ngondaba olungazuzisa umphakathi futhi kuthi ngokuqina kobufakazi obutholakayo usebenze ngendlela eyakha umbono nangendlela enokwaluleka; 35

(b) khipha imibiko yobusayensi kanye neminye nje imibhalo;

(c) khuthaza impumelelo evelele emikhakheni eyahlukene yempilo yamasiko obu-Afrika futhi uklomelise ngokubonga labo abavelele;

(d) ngokujwayelekile ukhuthaze ukukhuthalela imfundo yesayensi yezenhlahlakale; 40

(e) usungule izivumelwano noma izinhlelo ezingozandla ziyangezana nezinye izinhlangano ezinezinjongo ezifanayo nezawo, kuleli zwe noma ngaphesheya kwezilwandle, ukuze kukhuthazwe ukushintshisana ngolwazi nangemibono;

(f) ube noma uthole noma imaphi amalungelo namagunya owabona efanele noma edingeka; 45

(g) ungamukela noma wenze iminikelo, ukunxasa neziphiwo zemali noma wona ubumbe isikhwana semali yokuseka;

(h) uthenge noma uqhashe noma ushintshisane noma uthole impahla ephathekayo naleyo enganyakazi noma ngayiphi indlela, noma wakhe isakhiwo noma esinjani; 50

(i) ulondoloze izimali ngezibambiso ezingamiswa ngezikhathi ezithile;

(j) ngemva kokuthola ukugunyazwa okubhaliwe kuNgqongqoshe—

(i) ungaqongelele noma uboloke imali ngezindlela obona zifanele kubalwa nokubambisa ngempahla noma ukutshalekisa ngamasheya okubanjiswe ngawo impahla noma ingxenye yempahla yeSikhungo, kodwa ungabambisa kuphela ngempahla yeSikhungo kuphela; 55

- (ii) sell, improve, lease, mortgage, dispose of, alienate or otherwise deal with all or any of the immovable property or collections, listed in the accessions register, of the Institute;
- (k) appoint, fix the remuneration of and discharge officers of the Institute; and
- (l) do all such things as are conducive to the attainment of the objectives of the Institute and, from time to time review its structure, organisation and programmes. 5
- (2) The Council must, in line with its objectives—
 - (a) advise the Minister on matters concerning African affairs;
 - (b) submit minutes of all meetings to the Minister for his or her information; 10
 - (c) publish information on the objectives of the Institute and the functions of the Council;
 - (d) perform such duties as the Minister may assign to it; and
 - (e) undertake such investigations and research concerning the objectives of the Institute as the Minister may assign to it. 15
- (3) The Council may not itself establish, acquire or operate any organisation or institution connected with African affairs, but may initiate projects which it considers necessary in pursuit of the objectives of the Institute: Provided that such projects must be undertaken in partnership with existing organisations or institutions which have the capacity to undertake such projects. 20

Performance of functions outside Republic

- 7. (1) The Council may, in order to achieve the objectives of the Institute, render such support as may be prescribed, to any person who is a South African citizen in any territory outside the Republic.
- (2) This Act must, as far as it can be applied and with the necessary changes, apply in connection with the performance by the Council of its functions under subsection (1), as if the territory in which it so performs those functions, were part of the Republic. 25

Meetings of Council

- 8. (1) The Council must meet at least three times a year and meetings shall be held at such times and places as the chairperson may determine by notice in writing to the other members. 30
- (2) The chairperson may at any time convene a special meeting of the Council, which must be held at such time and place as the chairperson may direct.
- (3) A quorum for a meeting of the Council is the simple majority of its members.
- (4) Any decision of the Council must be taken by resolution of the simple majority of the members present at any meeting of the Council, and in the event of an equality of votes on any matter, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote as a member of the Council. 35
- (5) A member of the Council may not vote or in any manner participate in the proceedings at any meeting of the Council, nor be present at the venue where such a meeting is held if, in relation to any matter before the Council, he or she has any interest which precludes him or her from performing his or her functions as a member of the Council in a fair, unbiased and proper manner. 40

Executive committee

- 9. (1) The Council must establish an executive committee which consists of— 45
 - (a) the chairperson;
 - (b) the vice-chairperson; and
 - (c) such other members of the Council, not exceeding five, as the Council may determine.
- (2) The executive committee established in terms of subsection (1) must perform the functions delegated to it by the Council. 50
- (3) The chairperson of the Council must be the chairperson of the executive committee.

UMTHETHO WESIGUNGU SE-AFRIKA
ENINGIZIMU AFRIKA, KA-2001

uMthetho Ino. 68, 2001

- (ii) ungathengisa, uthuthukise, utshelekise, uchithe noma wenze noma yini ngayo yonke impahla enganyakazi noma izinto eziyiziphiwo noma ezibuthiwe zagcinwa, ezibalwe ohlwini lwelegista yeSikhungo;
- (k) uqashe, unqume iholo noma uxoshe abasebenzi beSikhungo; futhi
- (l) wenze noma yini engaholela ekufezekiseni izinjongo, futhi kufanele ngezikhathi ezithile ubukeze isakhiwo, inhlangano kanye nezinhlelo zeSikhungo. 5
- (2) UMkhandlu kufanele, ngokuhambisana nezinjongo zawo—
 - (a) waluleke uNgqongqoshe ngezindaba eziphathelele nobu-Afrika;
 - (b) uthumele amaminithi ayo yonke imihlangano kuNgqongqoshe ukuze abe nolwazi; 10
 - (c) ukhiphe noma usakaze ulwazi ngezinjongo zeSikhungo kanye nemisebenzi yoMkhandlu;
 - (d) wenze noma imuphi umsebenzi owuthunywe nguNgqongqoshe ukuba uwenze; futhi 15
 - (e) wenze uphenyo noma ucwaningo mayelana nezinjongo zeSikhungo uma uthunywa nguNgqongqoshe.
- (3) UMkhandlu angeke wona ngokwayo usungule, uthole noma usebenzise inhlangano noma isikhungo esixhumene nezindaba zobu-Afrika, kodwa ungaqala noma uqambe izinhlelo ozibona zidingeka ukuze kuqhutshwe izinjongo zeSikhungo: Inqobo nje uma lezo zinhlelo zenziwa ngokubambisana nezinhlangano esezikhona noma izikhungo ezinamandla okuthwala lezo zinhlelo. 20

Ukuqhuba umsebenzi ngaphandle kweRiphabliki

- 7. (1) Ukuze ufeze izinjongo zeSikhungo, uMkhandlu unganikeza usizo olunganqunywa, kunoma isiphi isakhamuzi saseNingizimu Afrika esikwelinye izwe ngaphandle kweRiphabliki. 25
- (2) Lo Mthetho, uma ungasentshenziswa, kanye neziguquko ezidingekayo, uyakusentshenziswa uMkhandlu mayelana nokwenza umsebenzi wawo okukhulunywa ngawo kusigatshana (1), sengathi lelo zwe osentshenziswa kulona liyingxenye yeRiphabliki. 30

Imihlangano yoMkhandlu

- 8. (1) UMkhandlu kufanele uhlangane noma ubambe imihlangano okungenani kathathu ngonyaka kanti imihlangano iyobanjelwa endaweni nangesikhathi esiyomiswa ngusihlalo ngokubhalela amanye amalunga izaziso.
- (2) USihlalo angabiza umhlangano woMkhandlu oyisimpesheli noma inini, okufanele ubanjelwe endaweni nangesikhathi esiyonqunywa ngusihlalo. 35
- (3) Isibalo sabakhona emhlanganweni abangaqhubeka nomhlangano bathathe izinqumo kuyakuba ngamalunga amaningi oMkhandlu.
- (4) Noma iziphi izinqumo zomkhandlu ziyothathwa ngokwesekelwa iningi lamalunga oMkhandlu akhona emhlanganweni woMkhandlu kanti uma kwenzeka kuba namavoti alinganayo mayelana nodaba oluthile, umuntu okunguyena ophethe umhlangano uyakuba nevoti elingumqamula juqu ngaphezu kwevoti lakhe njengelonga loMkhandlu. 40
- (5) Ilunga loMkhandlu lingeze lavota noma lizimbandakanye nokuqhutshwa komhlangano woMkhandlu noma libe khona endaweni lapho kubanjwe khona umhlangano uma ngabe linokuthinteka odabeni oluphambi noma oludingidwa nguMkhandlu okulenza lingakwazi ukwenza umsebenzi walo njengelonga loMkhandlu ngobuqotho, nokungenzeleli nangendlela eyiyo. 45

Ikomiti eliphethe (Executive committee)

- 9. (1) UMkhandlu kufanele usungule ikomiti elizophatha okufanele libe— 50
 - (a) noSihlalo;
 - (b) iphini likaSihlalo; kanye
 - (c) namanye amalunga oMkhandlu, angevile kwamahlanu, ngokunquma koMkhandlu.
- (2) Ikomiti eliphethe elisingulwe ngaphansi kwesigatshana (1) kufanele lenze umsebenzi odluliselwe kulo nguMkhandlu. 55
- (3) Usihlalo woMkhandlu kufanele abe ngusihlalo wekomiti eliphethe.

(4) The executive committee must meet at such times and places as the chairperson of that committee may determine and a quorum for a meeting of the executive committee is the simple majority of its members.

Committees of Council

10. (1) The Council may establish one or more other committees to which it may delegate any power and assign any duty, conferred or imposed on it by this Act. 5

(2) A committee referred to in subsection (1) may consist of such number of members of the Council and employees of the Council, if any, as the Council may deem necessary, and the Council may at any time dissolve or reconstitute any such committee.

(3) If a committee has more than one Council member, the Council must designate one such member to be the chairperson thereof. 10

(4) The Council is not divested of any power or relieved of any function it so delegated or assigned to a committee.

(5) Such delegation or assignment must be communicated to the delegatee in writing.

(6) The Council shall establish a committee which shall be responsible for promoting the objectives of the Council in terms of section 3(c). 15

Advisory panels

11. (1) The Council may establish an advisory panel for every field of social science it deems necessary.

(2) Every advisory panel must consist of no more than five persons who have achieved distinction or have special knowledge of or experience in the field of African affairs in question, and who are not members of the Council. 20

(3) An advisory panel must advise the Council on any matter relating to the field of African affairs for which it was established.

(4) A member of an advisory panel must be appointed on such conditions, including conditions relating to honoraria and reimbursement of expenses for attending meetings and for services rendered, as the Minister, with the concurrence of the Minister of Finance, may determine. 25

(5) The Council may on reasonable grounds terminate the membership of a member of an advisory panel. 30

(6) Members of advisory panels are not eligible for grants from the Council during their tenure.

CEO

12. (1) The Council must, in consultation with the Minister, appoint a full-time CEO for the Council. 35

(2) The CEO shall be responsible for the management of the affairs of the Council and must report to the Council on those affairs as often as may be required by the Council.

(3) The CEO must be appointed for a maximum period of five years and subject to such conditions, including conditions relating to the payment of remuneration and allowances, as the Council may, subject to section 14(1)(b), determine, and may be reappointed for a similar period on the expiry of his or her period of office. 40

(4) Whenever the CEO is absent for any reason or unable to carry out his or her duties, or whenever there is a vacancy in the office of the CEO, the Council may, subject to such conditions and the payment of such remuneration and allowances as it may determine in the manner contemplated in subsection (3), appoint an employee of the Council to act as CEO during such absence or inability, or until a CEO has been appointed in terms of subsection (1), and that employee shall, whilst so acting, have all the powers and perform all the duties of the CEO. 45

(4) Ikomiti eliphethe kufanele lihlangele ngezikhathi nasezindaweni eziyonqunywa ngusihlalo walelo komiti futhi isibalo sabantu abanele abangathatha izinqumo kuyakuba iningi lamalunga ekomiti eliphethe.

Amakomiti oMkhandlu

10. (1) UMkhandlu ungasungula ikomiti elilodwa noma amaningi, ongadlulisela kuwo amandla noma umsebenzi othile obunikwe noma uthwese uMkhandlu yilo Mthetho. 5

(2) Ikomiti okukhulunywa ngalo kusigatshana (1) liyokwakhiwa ngamalunga athile oMkhandlu kanye nabasebenzi boMkhandlu, uma bekhona, uMkhandlu oyobona befanele, futhi uMkhandlu ungachitha noma usungule kabusha noma iliphi ikomiti noma ingasiphi isikhathi uma ubona kufanele. 10

(3) Uma ngabe ikomiti linamalunga oMkhandlu angaphezu kwelunga elilodwa, uMkhandlu kufanele uqoke lelo lungu ukuba libe ngusihlalo walelo komiti.

(4) UMkhandlu awethuliwe isibopho sokwenza noma imuphi umsebenzi onikezelwe kunoma iliphi ikomiti lomkhandlu ngokwalesi sigaba. 15

(5) Lokho kwedluliswa kwamandla noma ukuthunywa kufanele kuthunyelwe ngokubhaliwe kulowo ongumthunywa.

(6) Amalunga ethimba lokwaluleka angeke athola ukuxhaswa ngemali nguMkhandlu ngaleso sikhathi ephethe lezi zikhundla.

Amathimba abeluleki

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11. (1) UMkhandlu ungasungula ithimba labeluleki kunoma iyiphi indima yesayensi yezehlalakahle uma ubona lokhu kufanele.

(2) Noma iliphi ithimba lokwaluleka kufanele libe nabantu abangevile kwabahlalu abaphumelele ngamalengiso noma abanolwazi oliyisimpesheli noma ulwazi lomsebenzi endimeni yezindaba zobu-Afrika okukhulunywa ngalo, futhi abangesiwo amalunga oMkhandlu. 25

(3) Noma iliphi ithimba lokwaluleka kufanele laluleke uMkhandlu noma ingaluphi udaba olumayelana nezindaba zobu-Afrika elasungulelwa lona.

(4) Ilunga lethimba lokwaluleka kufanele liqokwe phansi kwemibandela, kubalwa nemibandela yeholo, yokwethamela imihlangano kanye nosizo olunikeziwe, okunganqunywa nguNgqongqoshe ngokuvumelana noNgqongqoshe weziMali. 30

(5) UMkhandlu ungasula noma uphelise ubulungu belunga lethimba lokwaluleka banoma iliphi ilunga noma inini uma nje kukhona izizathu ezanele zokwenza lokho.

(6) Amalunga ethimba lokwaluleka angeke athola ukuxhaswa ngemali nguMkhandlu ngaleso sikhathi ephethe lezi zikhundla. 35

ISikhulu eSiphezulu eSiphethe (CEO)

12. (1) UMkhandlu kufanele kuthi emva kokubonisana noNgqongqoshe, uqoke iSikhulu eSiphezulu eSiphethe soMkhandlu.

(2) Lesi Sikhulu eSiphezulu eSiphethe kuyakuba umthwalo waso ukulawula noma ukusingatha izindaba zoMkhandlu futhi kufanele sibike kulo Mkhandlu ngalezi zindaba ngokuyala koMkhandlu. 40

(3) ISikhulu eSiphezulu eSiphethe kufanele siqokwe ukuba siphathe lesi sikhundla iminyaka engeqile kwemihlanu nangaphansi kwemibandela, okubalwa kuyo nemibandela ephathelene nokuholelwa kanye nezimali zokubonelelwa, ngokubona koMkhandlu, ngokuhambisana nesigaba 14(1)(b), futhi singabuye siqokwe ukuba siphathe esinye isikhathi esilinganayo nesakuqala uma isikhathi saso sokuqala sesiphelile. 45

(4) Uma ngabe ISikhulu eSiphezulu eSiphethe singekho ngesizathu esithile noma sehluleka ukwenza umsebenzi waso noma uma kukhona isikhala ehhovisini leSikhulu eSiphezulu eSiphethe, uMkhandlu, ngokuhambisana nemibandela yamaholo nezimfanelo okungamiswa ngendlela okukhulunywa ngayo esigatshaneni (3), ungaqoka umsebenzi woMkhandlu ukuba abambe isikhundla seSikhulu eSiphezulu eSiphethe ngesikhathi singekho noma singenakwazi ukwenza umsebenzi waso kuze kufike isikhathi lapho iSikhulu eSiphezulu eSiphethe siqokwa ngokuyala kwesigaba (1), ngaphansi kwemibandela kanye neholo nezimali zokubonelela ezinganqunywa uMkhandlu, ngesikhathi ebambile lo msebenzi uyakuba namandla okwenza wonke umsebenzi weSikhulu eSiphezulu eSiphethe. 50 55

Accounting officer

13. (1) In addition to the functions entrusted to the CEO by or under this Act, he or she shall be the accounting officer charged with the responsibility of accounting for all money received and the utilisation thereof, and also be responsible for the property of the Council.

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(2) The accounting officer may—

- (a) delegate to an employee of the Council a power conferred upon the accounting officer by or under this Act; or
- (b) authorise an employee to perform a duty assigned to the accounting officer by or under this Act.

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(3) A delegation or authorisation under subsection (2) does not prohibit the exercise of the power or the performance of the duty in question by the accounting officer, nor does it absolve the accounting officer from any responsibility therefor.

Staff and conditions of service

14. The Council—

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- (a) may, subject to paragraph (b) and on such conditions as it may determine, appoint such number of employees as it deems necessary to enable the Council to perform its functions;
- (b) must, out of its own funds, pay to its employees such remuneration, allowances, subsidies and other benefits as the Council may determine in accordance with a system approved for that purpose by the Minister with the concurrence of the Minister of Finance; and
- (c) may, on such conditions as it may deem fit and if the employee consents thereto, second an employee, either for a particular task or for a period of time, to the service of a department of state, an organisation or institute in the Republic on condition that the rights, privileges and benefits of such an employee, by virtue of his or her conditions of service as an employee of the Council, are not adversely affected by such secondment.

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Financing

15. (1) The funds of the Council consist of—

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- (a) money appropriated by Parliament to finance the functions of the Council;
- (b) money paid to the Council by users of its services;
- (c) donations or contributions lawfully received from any source;
- (d) interest on investments; and
- (e) income derived under this Act from any other source.

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(2) The Council must utilise—

- (a) any money contemplated in subsection (1)(a) in accordance with the statement of its estimated income and expenditure referred to in subsection (3), as approved by the Minister: Provided that, subject to subsection (1)(a), the Council may utilise any amount or portion of any amount required to be so utilised for a particular or any other purpose in connection with a specified matter: Provided further that the Council, with the approval of the Minister, may utilise any balance of such money of the Council remaining at the end of the financial year for any expenses in connection with the performance of its functions; and
- (b) any donations or contributions contemplated in subsection (1)(c) in accordance with the conditions, if any, imposed by the donor or contributor concerned.

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(3) The Council must—

- (a) in each financial year, at such time as the Minister may direct, submit a statement of the Council's estimated income and expenditure during the following financial year, and the Council may also during the course of a

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Umcwaningimabhuku

13. (1) Ngaphezu kweminye imisebenzi esethweswe yona isiKhulu esiPhezulu yilo Mthetho noma ngaphansi kwalo Mthetho siyakuba futhi uMcwanningimabhuku othweswe umthwalo wokuqapha izimali ezitholakele nokusentshenziswa kwazo futhi uyakuba nomthwalo wokuqapha impahla yoMkhandlu. 5

(2) (a)Umcwaningimabhuku anga—

(a) dlulisela komunye umsebenzi woMkhandlu amandla anikwe umcwanningimabhuku ngaphansi kwalo mthetho noma yilo Mthetho; noma

(b) agunyaze lowo muntu ukuba enze imisebenzi ethweswe umcwanningimabhuku ngaphansi kwalo Mthetho. 10

(3) Ukwedluliswa kwamandla ngaphansi kwesigatshana (2) akuvimbeli ukusentshenziswa kwalawo mandla noma ukwenza lowo msebenzi yisikhulu esingumcwanningimabhuku futhi akuwususi noma kwethule emahlombe umthwalo wokwenza lokho okuwumthwalo noma okusemahlombe esikhulu esingumcwanningimabhuku. 15

Abasebenzi kanye nemibandela yabasebenzi

14. (1) UMkhandlu—

(a) ungaqasha abasebenzi ngaphansi kwemibandela ethile uma ubona kudingekile ukuze uMkhandlu ukwazi ukwenza umsebenzi wawo, ngokuhambisana nokushiwo isigatshana (b); 20

(b) kufanele ngezimali zawo ukhokhe imihlo, izimfanelo nemixhaso kanye nezinye nje izinsizakalo ezinganqunywa uMkhandlu ngokulandela inqubo evunyelwe nguNgqongqoshe ukuze zisentshenziswe leyo nhloso ngokuvumelana noNgqongqoshe weziMali;

(c) kungathi uma ubona kufanele emva kokuvumelana nomsebenzi udlulise noma wesekele umsebenzi ukuba ayokwenza umsebenzi othile noma isikhathi esithile eMnyangweni kaHulumeni, inhlango noma isikhungo esiseRiphabliki ngaphansi kwemibandela efana nokuthi amalungelo kanye nezimfanelo zalowo msebenzi ngeke kuthikamezeke ngokwesekele kwakhe. 30

Izimali

15. (1) Isikhwama soMkhandlu siyokwakhiwa yi—

(a) imali oyabelwe yiphalamende ukuze isize ngezimali umsebenzi woMkhandlu;

(b) imali ekhokhwe ngabantu abasebenzisa usizo lo Mkhandlu ; 35

(c) iminikelo noma imixhaso etholakale noma kuphi ngokusemthethweni;

(d) inzalo ezimalini ezilondoloziwe; kanye

(e) nezimali ezitholakale ngaphansi kwalo Mthetho noma yingamuphi umthombo.

(2) UMkhandlu kufanele usebenzise— 40

(a) noma iyiphi imali okukhulunywa ngayo esigabeni (1)(a) ngenhla ngokuhambisana nesitatimende sezimali ezingenayo neziphumayo okukhulunywa ngaso kusigatshana (3), njengoba kuvunywe uNgqongqoshe: Kuphela nje, ngokuhambisana nesigatshana (1)(a), uMkhandlu ungasebenzisa isamba semali noma ingxenye yaleso samba semali usisebenzisela isizathu esithile noma enye inhloso mayelana nodaba oluthile olubaluliwe: Inqobo nje futhi ukuthi uMkhandlu, ngokuvunyelwa uNgqongqoshe, ungasebenzisa noma iyiphi imali esele yoMkhandlu eyinsalela ekupheleni konyaka uyisebenzisela noma iziphi izindleko zoMkhandlu ezimayelana nokwenza umsebenzi woMkhandlu; futhi 50

(b) noma iyiphi iminikelo noma imixhaso okhulunywa ngayo kusigatshana (1)

(c) ngaphansi kwemibandela, uma ikhona, enqunywe yilowo onikele ngemali noma lowo ophise ngomxhaso.

(3) Umkhandlu kufanele—

(a) kulowo nalowo nyaka wezimali, nangesikhathi esinqunywe nguNgqongqoshe, uthumele isitatimende semali engenayo nephumayo esilinganisiwe sonyaka olandelayo, futhi kungathi ekuqhubekeni konyaka wezimali uMkhandlu uthumele esinye isitatimende esichibiyela leso 55

financial year submit supplementary statements of the Council's estimated expenditure for that financial year to the Minister for approval, to be granted with the concurrence of the Minister of Finance; and

- (b) not incur any expenditure in excess of the total amount approved under paragraph (a). 5

(4) The Council may—

- (a) in respect of any work completed or service rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit; 10
 (b) invest any portion of its funds not spent with the Corporation for Public Deposits; and
 (c) establish such reserve funds and deposit therein such amounts as the Minister may approve with the concurrence of the Minister of Finance.

Auditing, annual and financial reports

16. (1) The Auditor-General must audit the accounts and balance sheet of the Council. 15

(2) The Council must—

- (a) furnish the Minister with such information as he or she may call for in connection with the activities and financial position of the Council; and
 (b) submit to the Minister an annual report containing a balance sheet, a statement of income and expenditure certified by the Auditor-General and such other particulars as the Minister may require. 20

(3) The Minister must table the report referred to in subsection (2)(b) in Parliament within 14 days after receipt thereof if Parliament is in session or, if Parliament is not then in session, within 14 days after the commencement of its next session.

Losses and damages

17. (1) If a person who is or was in the employ of the Council caused the Council any loss or damage because he or she is or was responsible for— 25

- (a) the failure to collect money due to the Council;
 (b) an irregular payment of money of the Council or for payment of such money not supported by a proper voucher;
 (c) fruitless expenditure of money of the Council owing to failure to carry out his or her duties; 30
 (d) a deficiency in, the destruction of, or any damage to the Council's money, stamps, face-value documents and forms having a potential value, securities, equipment, stores or any other property of the Council;
 (e) a claim against the Council owing to failure to carry out his or her duties efficiently, 35

the accounting officer must determine the amount of such loss or damage, and may order that person, by notice in writing, to pay to the Council, within 30 days from the date of such notice, the whole or any part of the amount so determined: Provided that the accounting officer may not make such an order before the person concerned has been afforded an opportunity to make representations in writing to the accounting officer regarding the loss or damage which the person is alleged to have caused. 40

(2) If the person contemplated in subsection (1) fails to pay the amount within the period stipulated in the notice in question, the—

- (a) amount may, subject to subsections (3) and (4), be deducted from his or her monthly salary: Provided that such deduction may not in any month exceed one fourth of such monthly salary; and 45
 (b) accounting officer may, subject to subsections (3) and (4), recover the amount from such person by way of legal process.

(3) If, within the period stipulated in the notice in question, the person makes an offer to pay the amount in instalments, the accounting officer may allow payment in such instalments as may be reasonable. 50

esilinganisiwe esithunyelwe kuNgqongqoshe ukuze sivunyelwe, lokho kuvunyelwa okufanele kuvunyelwane ngakho noNgqongqoshe weziMali; futhi

- (b) ungangeni ezindlekweni ezingaphezu kwesamba semali esivunywe ngaphansi kwesigaba (a).

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(4) UMkhandlu unga—

- (a) mayelana nomsebenzi othile olindelekile noma umsebenzi owenziwe ngaphansi koMthetho ubize inkokhelo noma wenze amanye amalungiselelo ngezimali obona efanele;
- (b) ungalondoloza noma ingxenye yezimali ezingasentshenziswanga no Kopeletsheni wokulondoloza izimali zoMphakathi; futhi
- (c) sungula izimali ezigodliwe kanye nezinye izimali ezingavunyelwa nguNgqongqoshe ngokuvumelana noNgqongqoshe weziMali.

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Ukucwaninga amabhuku ezimali, umbiko wonyaka nowezimali

16. (1) Umcwaningi wezimali-jikelele kufanele acwaninge izimali nezincwadi zezimali

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(2) UMkhandlu kufanele—

- (a) uthumele kuNgqongqoshe ulwazi noma imininingwane angayibiza mayelana nemisebenzi kanye nesimo sezimali soMkhandlu; futhi
- (b) uthumele kuNgqongqoshe umbiko wonyaka oqukethe nebhalsi shithi, isitatimende semali engenayo nephumayo esiqinisekiswa nguMcebunguli wamabhuku—jikelele kanye neminye imininingwane engafunwa noma ibizwe nguNgqongqoshe.

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(3) UNgqongqoshe kufanele athule lo mbiko okukhulunywa ngawo kusigatshana (2)

(b) ePhalamende zingakapheli izinsuku eziyi-14 kusukela osukwini athole ngalo lowo mbiko uma lihleli, uma ngabe iPhalamende lingahleli zingakapheli izinsuku eziyi-14 kusukela osukwini elihleli ngalo iPhalamende.

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Ukulahlekelwa namademeshe

17. (1) Uma ngabe umuntu oqashwe noma owayeqashwe uMkhandlu edale noma ebangele ukuba uMkhandlu ulahlekelwe noma kufanele ukhokhe amademeshe ngoba kunguyena—

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- (a) ohlulekile ukuqoqa imali obekufanele uMkhandlu uyithole;
- (b) ekhokhe imali obekungafanele uMkhandlu uyikhokhe noma ekhokhe imali kungekho amaphepha esekela lokho kukhokha kwemali;
- (c) esebenzise imali ngokungenambuyiselo ngenxa yokwehluleka ukwenza umsebenzi wakhe ngendlela efanele;
- (d) obangele ukuntuleka, ukonakalisa, noma amademeshe emalini yoMkhandlu, izitembu, imibhalo noma amafomu angangenisa imali, ukuvikeleka, impahla, indlu egcina impahla noma nje iyiphi enye impahla yoMkhandlu;
- (e) obangele ukuba uMkhandlu umangalelwe ngenxa yokwehluleka kwakhe ukwenza umsebenzi wakhe ngekho;

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uMcwaningimabhuku kufanele sibale inani lalokho kulahlekelwa noma amademeshe, bese sibhalela lowo muntu othintekayo isaziso sokuba akhokhele uMkhandlu yonke noma ingxenye yaleyo mali ebaliwe zingakapheli izinsuku ezingama-30 kusukela osukwini lwaleso sazi: Iqobo nje ukuthi isikhulu esinguMcwaningimabhuku singeze sakhapha leso sazi ngaphambi kokuba lowo muntu othintekayo enikwe ithuba lokuthumela uvo lwakhe olubhaliwe mayelana nokulahlekelwa lokho noma amademeshe okuthiwa ukwenzile kuMcwaningimabhuku.

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(2) Uma ngabe umuntu okukhulunywa ngaye kusigatshana (1) ngenhla ehluleka ukukhokha imali zingakapheli izinsuku ezinqunye—

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- (a) ngokuhambisana nesigaba (3) nesigaba (4) leyo mali ingabanjwa njalo ngenyanga eholweni lakhe: Iqobo nje ukuthi leyo mali ebanjwayo akufanele ibe ngaphezulu kwengxenye yokune (one quarter) yomholo wakhe wenyanga; futhi
- (b) isikhulu esingumcwaningi mabhuku ngokuhambisana neziga (3) nesigaba (4) singalandela izindlela zomthetho ukuze sithole leyo mali.

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(3) Uma ngabe kuthi singakapheli isikhathi esinqunye esazisweni lowo muntu efaka isicelo sokukhokha imali ngamancozuncozu, umcwaningimabhuku angakuvumela lokhu uma amancozuncozu lawo amukelekile.

(4) A person who has in terms of subsection (1) been ordered to pay an amount may, within a period of 30 days from the date of the order, appeal in writing against such order to the Council, stating the grounds of appeal, and the Council may, after such investigation as may be necessary, dismiss the appeal or order that the appellant be exempted, either wholly or partly, from the payment of such amount. 5

Delegations

18. (1) The Council may—
- (a) delegate to the chairperson, CEO or any other employee of the Council, any power conferred upon the Council by or under this Act, on such conditions as the Council may determine; or 10
 - (b) authorise the chairperson, CEO or any other employee of the Council to perform any duty assigned to the Council by or under this Act.
- (2) The CEO may—
- (a) delegate any power conferred upon him or her by or under this Act to an employee of the Council; or 15
 - (b) authorise an employee of the Council to perform any duty assigned to him or her by or under this Act.
- (3) A delegation or authorisation under subsection (1) or (2) does not preclude the exercise of the power in question by the Council or the CEO, as the case may be.

Deregistration of Company known as Africa Institute of South Africa 20

19. (1) At the commencement of this Act—
- (a) the board of directors of the Company known as the Africa Institute of South Africa is deemed to be the first Council, and such board of directors is for all purposes deemed to have been elected and appointed in terms of section 4;
 - (b) all the assets, rights, liabilities and obligations of the Company pass to the Council; and 25
 - (c) the Registrar of Companies must immediately deregister the Company in terms of the Companies Act, 1973 (Act No. 61 of 1973).
- (2) If the Company was the owner of any immovable property which passed to the Council in terms of this section, the Registrar of Deeds concerned must, at the request of the Council, make such entries or endorsements in or on any relevant register, title deed or any other document as he or she may deem necessary for the transfer of the property in terms of this section. 30
- (3) No transfer duty, stamp duty or other taxes or fees of office are payable by the Council in order to give effect to the provisions of this section. 35

Regulations

20. (1) The Council may, subject to the approval of the Minister, make regulations regarding—
- (a) the procedure to be followed at meetings of the Council;
 - (b) a code of conduct for members of the Council and advisory panels in order to prevent conflicts of interest and to prevent the Council from being brought into disrepute; and 40
 - (c) disciplinary action and grievance procedure for staff.
- (2) The Minister may make regulations regarding—
- (a) any matter which may be prescribed in terms of this Act; and 45
 - (b) any other matter which he or she may deem necessary or expedient to prescribe in order to achieve the objectives of this Act.
- (3) The Council or the Minister may only, in consultation with the Minister of Finance, make a regulation relating to state revenue or expenditure.

(4) Umuntu obizwe ukuba akhokhe imali ngokwesigatshana (1) ngenhla angadlulisa udaba lwakhe ngokubhalilwe zingakapheli izinsuku ezingama-30 aluqondise kuMkhandlu, abeke izizathu ezenza adlulise lolu daba, kanti uMkhandlu wona emva kokuphenya, uma kudingekile, ungachitha lokho kudluliswa kodaba noma unqume ukuthi lowo ofake isicelo akakhululwe ekukhokheni ingxenye noma yonke leyo mali ebiziwe. 5

Ukwedluliswa kwamandla (Delegations)

18. (1) UMkhandlu unga—

(a) thuma noma unikezele ngamandla kusikhalo, iSikhulu eSiphezulu eSiphethe (CEO) noma umsebenzi woMkhandlu, noma imaphi amandla anikezwe wona uMkhandlu ngaphansi noma yilo Mthetho, ngaphansi kwemibandela uMkhandlu ongayibona ifanele; noma 10

(b) ugunyaze usihlalo, iSikhulu eSiphezulu eSiphethe (CEO) noma imuphi omunye umsebenzi ukuba enze umsebenzi obunikwe uMkhandlu ngaphansi kwalo Mthetho noma yilo Mthetho. 15

(2) ISikhulu eSiphezulu eSiphethe singa—

(a) ngadlulisa noma imaphi amandla esinikwe wona ngaphansi kwalo Mthetho kunoma yimuphi umsebenzi osebenzela uMkhandlu; noma

(b) gunyaze umsebenzi woMkhandlu ukuba enze noma imuphi umsebenzi anikwe wona yilo Mthetho noma ngaphansi kwalo Mthetho. 20

(3) Ukudluliswa kwamandla noma ukugunyazwa okukhulunywa ngakho kuzigatshana (1) no (2) akuvimbeli ukusentshenziswa kwalawo mandla uMkhandlu noma iSikhulu eSiphezulu eSiphethe.

Ukusulwa kokubhaliswa kweNkampani ebizwa/eyaziwa ngeSikhungo se-Afrika saseNingizimu Afrika 25

19. (1) Ekuqaleni ukusebenza kwalo Mthetho—

(a) ibhodi labaQondisi beNkampani eyayaziwa ngeSikhungo se-Afrika eNingizimu Afrika lithathwa njengoMkhandlu wokuqala futhi lelo bhodi liyothathwa njengelikhethwe futhi laqokwa ngaphansi kwesigaba 4 ngenhloso yokwenza konke okudingekayo; 30

(b) yonke impahla, amalungelo, izikweletu kanye nezibopho zale Nkampani zidluliselwe kuMkhandlu; futhi

(c) uNobhala weziNkampani kufanele ayesule le Nkampani ngokusho koMthetho weziNkampani ka 1973 (uMthetho onguNombolo 61 ka 1973).

(2) Uma ngabe iNkampani ebingumnini wempahla enganyakazi edlulele eMkhandlwini ngokwalesi sigaba, uNobhala wamaTayitela othintekayo, ngokucelwa uMkhandlu angafaka isigxivizo kulegista efanele, kutayitela noma yimuphi omunye umbhalo abona kudingekile, esikhombisa ukudluliswa kobunini baleyo mpahla ngokusho kwelesi sigaba. 35

(3) UMkhandlu ngeke ukhokhe imali yokwedluliswa kobunini, noma imali yezitembu noma nje intela noma inkokhelo ukuze kufezwe okushiwo yilesi sigaba. 40

Imithethinkambiso

20. (1) uMkhandlu emva kokuvunyelwa nguNgqongqoshe, ungakhipha imithethonkambiso mayelana—

(a) nenqubo okufanele ilandelwe emihlanganweni yoMkhandlu; 45

(b) imigono yokuziphatha kwamalunga oMkhandlu kanye nethimba lobakuleki ukuze kuvikelwe ukuphambana kwemibono futhi kuvinjelwe uMkhandlu ukuba ungalulazeki; kanye

(c) nenqubo yokwelula izigwegwe kanye nenqubo yokwethula izikhalo ngabasebenzi. 50

(2) UNgqongqoshe engenza imithethonkambiso mayelana—

(a) nanoma yiluphi udaba olunqunywe yilo Mthetho;

(b) noma yiluphi olunye udaba abona kudingekile noma kufuneka ukuba anqume ukuze kufezwe izinhloso zalo Mthetho.

(3) UMkhandlu noma uNgqongqoshe, ngemumva kokubonisana noNgqongqoshe wezeMali ungenza imithethonkambiso ephathelene nezimali zombuso kanye nokusentshenziswa kwazo. 55

Igama ngokuFingqiwe kanye nosuku lokuqala ukusebenza

21. Lo Mthetho uzakwaziwa ngoMthetho weSikhungo se-Afrika eNingizimu Afrika ka 2001, futhi uyakuqala ukusebenza ngosuku oluyonqunywa nguMongameli ngokukhipha isimemezero ephephabhukwini lukaHulumeni noma *iGazethi*.

