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<b>CONTENTS</b>		<b>INHOUD</b>	
<i>No.</i>	<i>Page</i>	<i>No.</i>	<i>Bladsy</i>
<b>PROVINCIAL NOTICE</b>		<b>PROVINSIALE KENNISGEWING</b>	
100	Invitation to nominate candidates for appointment to the KwaZulu-Natal Gaming and Betting Board .....	3	
		100	Uitnodiging om kandidate te benoem vir aanstelling op die KwaZulu-Natal Raad vir Dobbelay en Weddery .....
			6
<i>No.</i>			<i>Ikhasi</i>
<b>ISAZISO SESIFUNDAZWE</b>			
100	Isimemo sokuba kuphakanyiswe abantu abazoqokelwa eBhodini yezokuBheja nemidlalo yamali KwaZulu-Natali		9

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**PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE**


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No. 100

9 September 2011

**premier**Office Of The Premier  
PROVINCE OF KWAZULU-NATAL**NOTICE**

**INVITATION TO NOMINATE CANDIDATES FOR APPOINTMENT TO THE  
KWAZULU-NATAL GAMING AND BETTING BOARD**

1. In order to correct an anomalous situation and achieve uniformity with the other provinces, the Premier has presented new legislation in the Provincial Legislature, the KwaZulu-Natal Gaming and Betting Bill, 2010. This new legislation will regulate all gambling in KwaZulu-Natal under the auspices of a new statutory body, the KwaZulu-Natal Gaming and Betting Board.
2. With the foregoing in mind, and in order to smooth the process of amalgamating the two existing statutory bodies, it is the intention of the Premier to appoint new members to the KwaZulu-Natal Gaming and Betting Board. The newly constituted Gaming and Betting Board will assume the functions of the KwaZulu-Natal Bookmakers Control Committee and will be charged with the task of regulating the entire gambling industry, including horse racing and betting.
3. In accordance with the provisions of section 14(5) read with section 10 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010) (the Act), I hereby invite any interested parties within the Province to nominate suitable candidates who cumulatively have appropriate knowledge or experience for appointment to the KwaZulu-Natal Gaming and Betting Board (the Board).
4. All written nominations must –
  - (a) fully describe the nominee's knowledge and experience to enable the responsible Member of the Executive Council to determine whether the nominee is suitable for appointment to the Board;
  - (b) take into account the composition of the Board and the duties of the Board, described in paragraphs 6 and 7 of this notice respectively, and the provisions relating to the disqualification of members as detailed in paragraph 8 of this notice;
  - (c) be accompanied by –
    - (i) the full names of the nominee, his or her address, his or her identity number and the *curriculum vitae* of such person; and
    - (ii) an affidavit by the nominee wherein the nominee affirms that he or she is not disqualified in terms of paragraph 8 of this notice, provided that if the nominee has been convicted of an offence as contemplated in subparagraph 8(1)(j) of this notice, such nominee shall furnish an affidavit wherein he or she shall disclose full details of any conviction and affirm that he or she is not disqualified in terms of any of the other provisions of paragraph 8 of this notice;
  - (d) include the name, telephone number, fax number (if applicable) and address of the person who may be contacted in regard to the nomination; and
  - (e) be addressed to the General Manager: Mr NS Mutheiwana, Office of the Premier, Chief Directorate: Gaming and Betting at –
 

P O Box 101	or	1st Floor, Room 116, South Tower, Natalia Building
PIETERMARITZBURG		330 Langalibalele Street - Pietermaritzburg
3200		
5. All nominations, together with the documents referred to in paragraphs 4 (c) and (d) above, must reach the General Manager: Mr NS Mutheiwana, Office of the Premier, Chief Directorate: Gaming and Betting by no later than **27 September 2011**, failing which the nomination will not be considered.
6. Section 8(2) of the Act provides that the composition of the Board must consist of persons who cumulatively have appropriate knowledge or experience in –
  - (a) legal matters, including the application or administration of law;
  - (b) accounting and financial management;
  - (c) community welfare and socio-economic development;
  - (d) tourism and entertainment;

- (e) business and commerce, including the promotion of small and medium sized business enterprises;
- (f) organised local government; and
- (g) casinos, gaming, betting and horse racing and the regulation thereof.

Provided that appointments to the Board must be made with sensitivity to race and gender.

7. The duties of the Board are to –

- (a) ensure that all gambling authorised under this Act is conducted in a manner which promotes the integrity of the gambling industry and does not cause harm to the public interest;
- (b) ensure that all gaming authorised under this Act promotes the Province's objectives for developing a gaming industry which objectives are the promotion of tourism, employment and economic and social development in the Province;
- (c) promote opportunities for historically disadvantaged persons to participate in the horse racing and betting industries in the capacity of any of the persons required to be licensed or registered in terms of section 89, 94, 103, 110 or 111;
- (d) increase the ownership stakes of historically disadvantaged persons in the horse racing and betting industries;
- (e) develop appreciation for and knowledge of horse racing amongst all communities, particularly those comprised of historically disadvantaged persons; and
- (f) limit restrictive practices, the abuse of dominant market position and mergers in the betting industry, as contemplated in the Competition Act, 1998 (Act No. 89 of 1998), and the Board is, for the purposes of the said Act, a regulatory authority as defined in section 1 of that Act.

8. In terms of section 9 of the Act, (1) a person shall be disqualified from being appointed to the Board, by reason that –

- (a) he or she is not a South African citizen;
- (b) he or she is not ordinarily resident in the Province;
- (c) he or she is, at the time of the appointment, or during the preceding 12 months was –
  - (i) a person contemplated in section 8(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994); or
  - (ii) a political office bearer;
- (d) his or her relative is a person contemplated in paragraph (c)(ii);
- (e) he or she is a member of a board of directors of any gambling activity, has a controlling interest or any financial interest or other interest in any gambling activity or acquires a direct or indirect financial interest in any gambling activity or is employed by any person, company, organisation or other body, whether corporate or unincorporated, which has an interest contemplated in this paragraph;
- (f) his or her relative is a member of a board of directors of any gambling activity or has any direct or controlling interest in such activity;
- (g) he or she is an unrehabilitated insolvent;
- (h) he or she –
  - (i) is a person under curatorship;
  - (ii) is certified under section 9 of the Mental Health Act, 1973 (Act No. 18 of 1973), and has not been discharged from an institution contemplated under such Act; or
  - (iii) can be conclusively shown to be of unsound mind or suffering from infirmity of body which prevents him or her from the proper execution of his or her duties;
- (i) he or she has at any time been removed from an office of trust on account of misconduct involving theft or fraud;
- (j) within the previous ten years has been, or is convicted in the Republic or elsewhere of theft, fraud, forgery or uttering of a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), an offence under chapter 2 or 3 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), an offence under the Financial Intelligence Centre Act, or an offence involving dishonesty; or
- (k) he or she has been convicted of any other offence committed after the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), took effect, and sentenced to imprisonment without the option of a fine.
- (l) he or she fails to disclose an interest in accordance with section 15(1) or attended or participated in the proceedings of the Board while having an interest contemplated in the said section;
- (m) he or she is an owner or part-owner of a totalisator licensee or totalisator operator, a totalisator agent or

- an employee of such licensee, operator or agent, as contemplated in this Act;
- (n) he or she or his or her relative has a controlling interest or any financial or other interest in any bookmaker licensee, totalisator licensee, totalisator agent or holder of a racecourse operator's licence, as contemplated in this Act;
- (o) he or she or his or her relative is an employee or agent of a licensee, contemplated in this Act, in any capacity whatsoever;
- (p) he or she or his or her relative is a director or member of a corporate body that acquires a controlling interest or any financial or other interest in any bookmaker licensee, totalisator licensee, totalisator agent or holder of a racecourse operator's licence, as contemplated in this Act;
- (q) he or she or his or her relative has a controlling interest or any financial or other interest in any undertaking, including a corporate body, which is an owner, breeder or trainer of race horses; or
- (r) he or she is listed in the register of excluded persons, contemplated by section 14(7) of the National Gambling Act by order of court.
- (2) *If any member of the Board becomes disqualified during his or her term of office in terms of subsection (1) or acquires, or whose relative acquires, an interest which is likely to be an interest contemplated in subsections (1)(e), (f), (n), (p) and (q), he or she must immediately upon such disqualification, or after the acquisition of such interest, or after he or she has become aware of such information, in writing declare such information to the chairperson, who must immediately inform the responsible Member of the Executive Council to enable the responsible Member of the Executive Council to take steps to fill the vacancy so caused.*
- (3) For the purposes of this section, a financial interest does not include an indirect interest held in any fund or investment if the person holding that interest has no control over the investment decisions made in respect of that fund or investment."
9. For the purposes of the Act and this notice, "relative" means any of the following, as the case may be –  
\*(a) a person who is party to a civil union, a marriage, including a customary marriage, or party to a permanent relationship which calls for cohabitation and mutual financial and emotional support; or  
(b) a person's child, parent, brother or sister, whether such relationship results from birth, marriage or adoption;\*
10. **Nominations submitted in response to the previous invitation, published in the Provincial Gazette, The Mercury, iLanga and The Witness newspapers on Thursday 3 February 2011, are required to be resubmitted as per paragraph 4 above.**

**DR ZL MKHIZE**  
**MINISTER FOR GAMING AND BETTING**



**premier**

Office Of The Premier  
PROVINCE OF KWAZULU-NATAL

**KENNISGEWING**

**UITNODIGING OM KANDIDATE TE BENOEM VIR AANSTELLING OP DIE  
KWAZULU-NATAL RAAD VIR DOBBELARY EN WEDDERY**

1. Ten einde 'n ongerymde situasie reg te stel en eenvormigheid met ander provinsies te bewerkstellig, het die Premier nuwe wetgewing in die Provinsiale Wetgewer voorgelê, naamlik die KwaZulu-Natal Wetsontwerp op Dobbelary en Weddery, 2010. Hierdie nuwe wetgewing sal alle dobbelary in KwaZulu-Natal reguleer onder beskerming van 'n nuwe statutêre liggaam, die KwaZulu-Natal Raad vir Dobbelary en Weddery.
2. Met die bovermelde in gedagte, en ten einde die proses van amalgamasie van die twee bestaande statutêre liggame te fasiliteer, is dit die Premier se voorneme om nuwe lede op die KwaZulu-Natal Raad vir Dobbelary en Weddery aan te stel. Die nuutgestigte Raad vir Dobbelary en Weddery sal die funksies van die KwaZulu-Natal Beroepsweddersbeheer Komitee aanvaar en belas wees met die taak om die hele dobbelarybedryf te reguleer, insluitend perdewedrenne en weddery.
3. Ooreenkomstig die bepalings van artikel 14(5) gelees met artikel 10 van die KwaZulu-Natal Wet op Dobbelary en Weddery, 2010 (Wet No. 8 van 2010)(die Wet), nooi ek enige belanghebbende partye binne die provinsie uit om geskikte kandidate te benoem wat kumulatief toepaslike kennis of ervaring het vir aanstelling op die KwaZulu-Natal Raad vir Dobbelary en Weddery (die Raad).
4. Alle skriftelike benoemings moet –
  - (a) die benoemde se kennis en ervaring ten volle beskryf om die verantwoordelike Lid van die Uitvoerende Raad in staat te stel om te bepaal of die benoemde geskik is vir aanstelling op die Raad;
  - (b) die samestelling van die Raad en die pligte van die Raad, beskryf in paragrawe 6 en 7 van hierdie kennisgewing onderskeidelik, en die bepalings ten opsigte van die onbevoegdheid van lede soos vermeld in paragraaf 8 van hierdie kennisgewing in ag neem;
  - (c) vergesel gaan van –
    - (i) die volle name van die benoemde, sy of haar adres, sy of haar identiteitsnommer en die *curriculum vitae* van sodanige persoon; en
    - (ii) 'n beedigde verklaring deur die benoemde waarin die benoemde verklaar dat hy of sy nie onbevoeg is ingevolge paragraaf 8 van hierdie kennisgewing nie, met dien verstande dat indien die benoemde skuldig bevind is aan 'n misdryf soos bedoel in subparagraaf 8(1)(j) van hierdie kennisgewing, sodanige benoemde 'n beedigde verklaring moet verskaf waarin hy of sy volle besonderhede moet verklaar van enige skuldigbevinding en verklaar dat hy of sy nie onbevoeg is ingevolge enige van die ander bepalings van paragraaf 8 van hierdie kennisgewing nie;
  - (d) die naam, telefoonnommer, faksnommer (indien van toepassing) en adres van die persoon wat gekontak kan word met betrekking tot die benoeming insluit; en
  - (e) gerig word aan die Algemene Bestuurder: Mnr NS Mutheiwana, Premierskantoor, Hoofdirektoraat: Dobbelary en Weddery by –  
Posbus 101  
PIETERMARITZBURG, 3200  
of  
1ste Vloer, Kamer 116, (Suid Toring)  
Nataliagebou  
330 Langalibalelestraat,  
PIETERMARITZBURG, 3201
5. Alle benoemings, saam met die dokumente vermeld in paragrawe 4 (c) en (d) hierbo, moet die Algemene Bestuurder: Mnr NS Mutheiwana, Premierskantoor, Hoofdirektoraat: Dobbelary en Weddery bereik teen nie later nie as **September 27, 2011**, by versuim waarvan die benoeming nie oorweeg sal word nie.

6. Artikel 8(2) van die Wet bepaal dat die samestelling van die Raad moet bestaan uit persone wat kumulatief toepaslike kennis of ervaring besit van –
- (a) regsangeleenthede, insluitend die toepassing of administrasie van die reg;
  - (b) rekeningkundige en finansiële bestuur;
  - (c) gemeenskapswelstand en sosio-ekonomiese ontwikkeling;
  - (d) toerisme en vermaak;
  - (e) besigheid en handel, insluitend die bevordering van klein en mediumgrootte besigheidsondernemings;
  - (f) georganiseerde plaaslike regering; en
  - (g) casino's, casinodobbelay, weddery en perdewedrenne en die regulering daarvan:
- Met dien verstande dat aanstellings op die Raad gemaak moet word met sensitiwiteit ten opsigte van ras en geslag.
7. Die pligte van die Raad is om –
- (a) te verseker dat alle casinodobbelay gemagtig kragtens hierdie Wet uitgevoer word op 'n wyse wat die integriteit van die dobbelarybedryf bevorder en nie publieke belang benadeel nie;
  - (b) te verseker dat alle casinodobbelay gemagtig kragtens hierdie Wet die provinsie se doelwitte bevorder vir die ontwikkeling van 'n casinodobbelaybedryf welke doelwitte die bevordering van toerisme, werkskepping en ekonomiese en sosiale ontwikkeling in die provinsie is;
  - (c) geleentheid te bevorder vir histories benadeelde persone om deel te neem aan die perdewedren- en dobbelarybedryf in die hoedanigheid van enige van die persone vereis om gelisensieer of geregistreer te word kragtens artikel 89, 94, 103, 110 of 111;
  - (d) die eienaarskapaandeel van histories benadeelde persone in die perdewedren- en dobbelarybedryf te verhoog;
  - (e) waardering te ontwikkel vir en kennis van perdewedrenne onder alle gemeenskappe, in besonder diegene wat uit histories benadeelde persone bestaan; en
  - (f) beperkende praktyke, die misbruik van dominante markposisie en samesmeltings in die wedderybedryf, soos bedoel in die Kompetisiewet, 1998 (Wet No. 89 van 1998), te beperk en die Raad is, vir die doeleindes van die vermelde Wet, 'n regulatoriese owerheid soos omskryf in artikel 1 van daardie Wet.
8. Ingevolge artikel 9 van die Wet, (1) is 'n persoon onbevoeg vir aanstelling op die Raad, uit hoofde van die feit dat –
- (a) hy of sy nie 'n Suid-Afrikaanse burger is nie;
  - (b) hy of sy nie 'n inwoner van die provinsie is nie;
  - (c) hy of sy tydens aanstelling of gedurende die voorafgaande twaalf maande –
    - (i) 'n persoon bedoel in artikel 8(1) van die Staatsdienswet, 1994 (Proklamasie no. 103 van 1994) is of was; of
    - (ii) 'n amptelike ampsbekleër is of was;
  - (d) sy of haar familielid 'n persoon in paragraaf (c)(ii) is;
  - (e) hy of sy 'n lid van die direksie is van 'n dobbelaktiwiteit, 'n beherende belang of enige finansiële belang in 'n dobbelaktiwiteit het of 'n regstreekse of onregstreekse finansiële belang bekom in 'n dobbelaktiwiteit of in die diens is van 'n persoon, maatskappy, organisasie of ander liggaam, hetsy korporatief of nie-korporatief, wat enige belang het bedoel in hierdie paragraaf;
  - (f) sy of haar familielid 'n lid is van die direksie van 'n dobbelaktiwiteit of 'n regstreekse of beherende belang het by sodanige aktiwiteit;
  - (g) hy of sy 'n ongerehabiliteerde insolvente persoon is;
  - (h) hy of sy –
    - (i) 'n persoon is wat onder kuratorskap geplaas is;
    - (ii) kragtens artikel 9 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973) gesertifiseer is, en wat nie uit 'n inrigting bedoel in sodanige Wet ontslaan is nie; of
    - (iii) onweerlegbaar bewys word versteur te wees of wat aan 'n liggaamsgebrek ly wat hom of haar verhoed om die pligte van sy of haar amp behoorlik te verrig.
  - (i) hy of sy te eniger tyd uit 'n vertrouensposisie ontslaan is weens wangedrag wat diefstal of bedrog behels;
  - (j) hy of sy binne die voorafgaande 10 jaar in die Republiek of elders skuldig bevind is aan diefstal, bedrog, vervalsing of uitgifte van 'n vervalste dokument, meened, 'n misdryf kragtens die Wet op Korupsie, 1992 (Wet No. 94 van 1992), 'n misdryf kragtens hoofstuk 2 of 3 van die Wet op die Voorkoming van Georganiseerde Misdad, 1998 (Wet No. 121 van 1998), 'n misdryf kragtens of die Wet op Finansiële Intelligensiesentrum, of 'n misdryf waarby oneerlikheid betrokke is;

- (k) hy of sy skuldig bevind is aan enige ander misdryf wat gepleeg is nadat die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993) in werking getree het, en gevangenisstraf sonder die keuse van 'n boete opgelê is;
- (l) hy of sy versuim het om ingevolge artikel 15(1) 'n belang te verklaar of die verrigtinge van die Raad bygewoon of daaraan deelgeneem het terwyl hy of sy 'n belang bedoel in voornoemde artikel gehad het.
- (m) hy of sy 'n eienaar of mede-eienaar van 'n totalisatorisensiehouer of 'n totalisatoroperateur, 'n totalisatoragent of 'n werknemer van sodanige operateur of sodanige agent soos bedoel in hierdie Wet is;
- (n) hy of sy of sy of haar familielid 'n beherende belang of enige finansiële of ander belang het of bekom in enige beroepswedderslisensiehouer, totalisatorisensiehouer, totalisatoragent of die houer van 'n renbaanoperateurslisensie soos bedoel in hierdie Wet is;
- (o) hy of sy of sy of haar familielid 'n werknemer of agent van 'n lisensiehouer soos bedoel in hierdie Wet in enige hoedanigheid hoegenaamd is;
- (p) hy of sy of sy of haar familielid 'n direkteur of lid van 'n korporatiewe liggaam is of word wat 'n beherende belang of enige finansiële of ander belang bekom in enige beroepswedderslisensiehouer, totalisatorisensiehouer, totalisatoragent of houer van 'n renbaanoperateurslisensie soos bedoel in hierdie Wet;
- (q) hy of sy of sy of haar familielid 'n beherende belang of enige finansiële belang of ander belang het of bekom in enige onderneming, met inbegrip van 'n korporatiewe liggaam, wat 'n eienaar, teler of afrigter van renperde is of word; of
- (r) hy of sy gelys is in die register van uitgeslote persone bedoel in artikel 14(7) van die Nasionale Dobbeltwet volgens 'n hofbevel.
- (2) Indien 'n lid van die Raad gedurende sy of haar ampstermyn ingevolge subartikel (1) onbevoeg raak of 'n belang verkry of indien 'n sy of haar familielid sodanige belang verkry wat waarskynlik 'n belang is soos bedoel in subartikel (1)(e), (f), (n), (p) en (q) moet hy of sy onmiddellik wanneer sodanige onbevoegdheid ontstaan, of na die verkryging van sodanige belang, of nadat hy of sy bewus geword het van sodanige inligting, skriftelik sodanige inligting aan die voorsitter bekend maak, wat onmiddellik die verantwoordelike lid van die Uitvoerende Raad daarvan in kennis moet stel ten einde die verantwoordelike lid van die Uitvoerende Raad in staat te stel om stappe te doen om die vakature wat aldus veroorsaak is, te vul.
- (3) Vir die doeleindes van hierdie artikel, sluit 'n finansiële belang nie 'n onregstreekse belang in wat in enige fonds of belegging gehou word nie indien die persoon wat daardie belang hou geen beheer oor die beleggingsbesluite wat ten opsigte van daardie fonds of belegging gemaak word het nie."
9. Vir die doeleindes van die Wet en hierdie kennisgewing beteken "familielid" enige van die volgende, na gelang van die geval –
- "(a) 'n persoon wat 'n party tot 'n siviele eenheid is, 'n huwelik, met inbegrip van 'n gewoontehuwelik, of 'n party tot 'n permanente verbintenis wat saamwoning en wedersyds finansiële en emosionele ondersteuning vereis; of
- (b) 'n persoon se kind, ouer, broer of suster, hetsy sodanige verhouding voortspruit uit geboorte, 'n huwelik of aanneming;"
10. **Nominasies ingedien in respons tot die vorige uitnodiging soos gepubliseer in die Provinsiale Koerant, The Mercury, iLanga en The Witness koerante van Donderdag 3 Februarie 2011, word versoek om weer nominasies, soos vermeld in paragraaf 4 hierbo, in te dien.**

**DR ZL MKHIZE**

MINISTER VIR DOBBELARY EN WEDDERY

No. 100

9 kuMandulo 2011



**premier**

Office Of The Premier  
PROVINCE OF KWAZULU-NATAL

**ISIMEMO SOKUBA KUPHAKANYISWE ABANTU ABAZOQOKELWA EBHODINI YEZOKUBHEJA NEMIDLALO YEMALI KWAZULU-NATALI**

1. Ukuze kulungiswe isimo esingejwayelekile futhi kwenziwe ngendlela ezofana neyezinye izifundazwe, uNdunankulu usethule phambi kwesiShayamthetho sesiFundazwe uMthethosivivinyo wezokuBheja nemiDlalo yeMali waKwaZulu-Natali ka 2010. Lo mthetho omusha uzolawula zonke izindaba eziphathelene nokugembula KwaZulu-Natali ngokwesekwa iBhodi yezokuBheja nemiDlalo yeMali yaKwaZulu-Natali.
2. Ngenxa yokucabangela lokhu, nangenhloso yokuthi kuqhutshwe kahle uhlelo lokuhlanganisa le migwamanda emibili esemthethweni, kuyinhloso kaNdunankulu ukuba kuqokwe amalungu amasha eBhodini yezokuBheja nemiDlalo yeMali yaKwaZulu-Natali. IBhodi eyakhiwe kabusha yezokuBheja nemiDlalo yeMali izothatha izintambo eKomidini eLiLawula oBhuki KwaZulu-Natali futhi izojutshwa ukuba ilawule yonke imboni yezokugembula, kubandakanya imijaho yamahashi nokubheja.
3. Ngokuhambisana nezinhlinzeko zesigaba 14(5) sifundwa nesigaba 10 soMthetho wezokuBheja nemiDlalo yeMali waKwaZulu-Natali, 2010 (uMthetho No. 8 ka 2010) (uMthetho), ngalokhu ngimema noma yiziphi izihlaka ezithintekayo esiFundazweni ukuba ziphakamise abantu abafanelekile futhi abanolwazi olufanele noma abanesipiliyoni ukuze baqokelwe eBhodini yezokuBheja nemiDlalo yeMali yaKwaZulu-Natali (iBhodi).
4. Zonke ziphakamiso ezibhalwe phansi kumele:
  - (a) zichaze ngokuphelele ulwazi nesipiliyoni anakho lowo ophakanyiswayo ukuze iLungu loMkhandlu oPhethe likwazi ukunquma ukuthi lowo ophakanyiswayo ufanelekile yini ukuba aqokelwe eBhodini;
  - (b) zibhekelele ukwakheka kweBhodi namajoka akhona eBhodini, okuchazwe ezindimeni 6 no 7 ngokwahlukana zalesi saziso, kanjalo nezinhlinzeko eziphathelene nokwenqatshelwa kwamalungu njengoba kubekwe endimeni 8 yalesi saziso;
  - (c) zihambisane -
    - (i) namagama aphelele ophakanyiswayo, ikheli lakhe, inombolo yakhe kamazisi kanye nencwadi yemininingwane (CV) yalowo muntu; kanye
    - (ii) nencwadi efungetwe eyenziwe yilowo muntu ophakanyiswayo lapho ophakanyiswayo eqinisekisa ukuthi akenqatshelwe ngokwendima 8 yalesi saziso; Kuncike ekutheni, uma ophakanyiswayo eke waboshwa njengoba kuhlangozwe kwindinyana 8(1)(j) yalesi saziso, lowo muntu ophakanyiswayo uyoveza incwadi efungetwe lapho ayodalula khona imininingwane egcwele yanoma ikuphi ukuboshwa kwakhe futhi aqinisekise ukuthi akavinjiwe enye yezinhlinzeko zendima 8 yalesi saziso;
  - (d) zibe negama, inombolo yocingo, inombolo yefeksi (uma ikhona) nekheli lomuntu okungaxhunyanwa naye mayelana nesiphakamiso; futhi
  - (e) zibhekiswe kwiMenenja-Jikelele, uMnu. NS Mutheiwana, eHhovisi likaNdunankulu, oPhikweni lwezokuBheja nemiDlalo yeMali kuleli kheli -

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5. Zonke iziphakamiso, ezihambisana nezincwadi ezibalulwe ezindimeni 4(c) no (d) ngenhla, kumele zifike kwiMenenja-Jikelele, uMnu. NS Mutheiwana, eHhovisi likaNdunankulu, oPhikweni lwezokuBheja nemiDlalo yeMali engakedluli umhla zivi-27 kuMandulo ka 2011 futhi isiphakamiso esingahlangabezani nalokho siyoshaywa indiva.



6. Isigaba 8(2) soMthetho sihlizeka ngokuthi iBhodi kumele yakhiwe abantu ngokuhlanganyela abanolwazi olufanele noma abanesipiliyoni -
- kwezomthetho, kubandakanya ukusebenza noma ukusetshenziswa komthetho;
  - kwezokubala nokuphathwa kwezimali;
  - kwezenhlalakahle yomphakathi nokuthuthukiswa kwezomnotho;
  - kwezokuvakasha nokungebeleka;
  - kwezamabizinesi nezokuthengisa, kubandakanya ukugqugquzelwa kwamabizinesi amancane naphakathi nendawo;
  - ezindabeni ezithinta ohulumeni basekhaya; kanye
  - nakumakhasino, ezokubheja, ezemidlalo yemali nezemijaho yamahhashi nemithetho yakhona.
- Kuncike ekutheni ukuqokwa kweBhodi kumele kubhekelele ibala nobulili.
7. Amajoka eBhodi -
- ukuqinisekisa ukuthi ukugembula okugunyazwe ngokwalo Mthetho kuqhutshwa ngendlela egqugquzela isithunzi embonini yezokugembula futhi akulimazi izidingo zomphakathi;
  - ukuqinisekisa ukuthi konke ukugembula okugunyazwe ngokwalo Mthetho kugqugquzela izinhloso zesiFundazwe zokuthuthukisa imboni yezokugembula izinhloso zaso okungukugqugquzela ezokuvakasha, amathuba emisebenzi nokuthuthukiswa komphakathi kwezomnotho esiFundazweni;
  - ukugqugquzela amathuba kubantu ababencishwe amathuba phambilini ukuze babambe iqhaza ezimbonini zezemijaho yamahhashi nezokubheja njenganoma imuphi umuntu okudingeka athole ilayisensi noma abhaliswe ngokwezigaba 89, 94, 103, 110 noma 111;
  - ukwandisa isibalo sabantu ababencishwe amathuba phambilini abanobunikazi embonini yezemijaho yamahhashi nezokubheja;
  - ukuthuthukisa uthando nolwazi mayelana nezemijaho yamahhashi kuyo yonke imiphakathi, ikakhulukazi leyo eyakhelwe abantu ababencishwe amathuba phambilini; kanye
  - nokuqeda ukuvimbelana, ukuxhashazwa kwezikhundla ezimakethe kanye nokuxhashazwa kwalabo abasafufusa embonini nezokubheja, njengoba kuhlongozwe eMithethweni wezokuNcintisana, 1998 (uMthetho No. 89 ka 1998), futhi iBhodi ngokwezinhloso zalo Mthetho oshwoyo, ingumaziphathe olawulayo njengoba kuchazwe esigabeni 1 salowo Mthetho.
8. Ngokwesigaba 9 soMthetho, (1) umuntu kumele enqatshele ukuba aqokelwe eBhodini uma -
- engesona isakhamuzi saseNingizimu Afrika;
  - engahlali esiFundazweni;
  - ngesikhathi sokuqokwa kwakhe, noma ezinyangeni eziyi-12 eqokiwe -
    - ebe ngumuntu ohlongozwe esigabeni 8(1) soMthetho wemiSebenzi kaHulumeni, 1994 (iSimemezelo No. 103 sika 1004); noma
    - esesikhundleni kwezepolitiki;
  - isihlobo sakhe singumuntu ohlongozwe endimeni (c)(ii);
  - eyilungu labaqondisi bebhodi kunoma imiphi imisebenzi thinta ezokugembula, enamandla okulawula noma ehlomla kwezizimali noma ehlomla ngandlela thile emisebenzini yezokugembula noma esebenzela noma imuphi umuntu, inkampani, inhlangotho noma omunye umgwamanda, ohlanganyele noma ongahlanganyele, ohlomulayo njengoba okuhlongozwe kule ndima;
  - isihlobo sakhe siyilungu lebhodi yabaqondisi kunoma iliphi ibhizinisi ephathelene nokugembula noma sihlomula noma sinamandla okulawula kulelo bhizinisi;
  - ecwile ezikweletini ngokungenakuhlengeka;
  - uma -
    - engumuntu ophathelwe izinto zakhe umthetho;
    - engena ngaphansi koMthetho weZifo zeNgqondo, 1973 (uMthetho No. 18 ka 1973), futhi engakadedelwa esikhungweni esihlongozwe kulo Mthetho; noma
    - ekhombisa ngokucacile ukuthi akaphilile kahle engqondweni noma uphethwe ukugula okuthile okumvimbelayo ukuba enze kahle imisebenzi yakhe;
  - uma eke waxoshwa esikhundleni ngenxa yokuziphatha budlabha okubandakanya ukutshotsha noma ukukhwabanisa;
  - eminyakeni eyishumi eyedlule, eke waboshelwa enamacala kwiRiphabhulikhi noma kwenye indawo okuntshintsha, okukhwabanisa, okufoja noma okusebenzisa izincwadi ezifojiwe, okufunga amanga, eboshelwe icala elingena ngaphansi koMthetho weNkohlakalo, 1992 (uMthetho No. 94 ka 1992), eboshelwe icala elingena ngaphansi koMthetho wokuGwema amaCala aHleliwe, 1998 (uMthetho No. 121 ka 1998), eboshelwe icala elingena ngaphansi koMthetho wesiKhungo sobuNhloli kwezeziMali, eboshelwe icala elibandakanya ukungethembeki; noma
  - eke waboshelwa noma iliphi icala alenze ngemuva kokuqala kokusebenza koMthethosisekelo waseNingizimu Afrika, 1993 (uMthetho No. 200 ka 1993), futhi wagwetshwa ukubhadla ejele ngaphandle kokubonelelwa ngenhlawulo;
  - ehluleka ukudalula ukhlomla anakho ngokuhambisana nesigaba 15(1) noma ehambele noma ebambe iqhaza

emhlanganweni weBhodi ngenkathi ehlomla njengoba kubekwe kulesi sigaba;  
 (m) engumnikazi noma ebambisene ebunikazini belayisensi yethotho noma elawula ithotho, eyi-ejenti yethotho noma eqashwe umnikazi welayisensi, umlawuli wethotho noma i-ejenti, njengoba kubekwe kulo Mthetho;  
 (n) yena noma isihlobo sakhe sinamandla okulawula noma sihlomula kwezezimali noma ngandlela thile kunoma imuphi ubhuki onelayisensi, umnikazi wethotho onelayisensi, i-ejenti yethotho enelayisensi noma umnikazi welayisensi yokulawula inkundla yomjaho, njengoba kuhlongozwe kulo Mthetho;  
 (o) yena noma isihlobo sakhe siqashiwe noma siyi-ejenti yomnikazi welayisensi, njengoba kuhlongozwe kulo Mthetho, noma ngabe ikusiphi isikhundla;  
 (p) yena noma isihlobo sakhe singumqondisi noma ilungu lomgwamanda onamandla okulawula noma ohlomula kwezezimali noma ohlomula ngandlela thile kubhukhi onelayisensi, kumnikazi wethotho onelayisensi kwi-ejenti yethotho noma kumnikazi welayisensi yokulawula inkundla yomjaho, njengoba kuhlongozwe kulo Mthetho;  
 (q) yena noma isihlobo sakhe sinamandla okulawula noma sihlomula kwezezimali noma ngandlela thile emisebenzini yomgwamanda othile, okungaba umnikazi, umzalanisi noma umqeqeshi wamahashi omjaho; noma  
 (r) ebhaliswe kwirejista yabantu abenqatshelwe, ehlongozwe yisigaba 14(7) soMthetho wezokuGembula kaZwelonke ngokomyalelo kwenkantolo.

(2) Uma noma iliphi ilungu leBhodi liba elingafanelekile ngesikhathi lisesesikhundleni ngokwesigatshana (1) noma lihlomula, noma isihlobo salo sihlomula ngandlela efanayo nehlongozwe kwisigatshana (1)(e), (f), (n), (p) no (q), kumele ngokushesha uma lingasafaneleki, noma uma liqala lihlomula ngaleyo ndlela noma ngemuva kokwazi, libhalele usihlalo limazise ngalokho, ngemuva kwalokho yena uyobe esazisa iLungu loMkhandlu oPhethe ukuze iLungu loMkhandlu oPhethe lithathe izinyatho zokuvala isikhala somsebenzi esivele ngenxa yalokho.

(3) Ngokwezihloso zalesi sigaba, ukuhlomula kwezezimali akubandakanyi ukuhlomula ngqo lowo muntu anakho kunoma isiphi isikhwama sezimali noma izimali ezitshaliwe uma lowo muntu engenawo amandla okulawula ezinqumweni ezithathwa mayelana naleso sikhwama noma nalezo zimali ezitshaliwe."

9. Ngokwezinhloso zoMthetho nalesi saziso, "isihlobo" kushiwo noma ikuphi kwalokhu okulandelayo, njengoba kungaba njalo -"(a) umuntu oyingxenye yenyunyana yomphakathi, oshade naye, kubandakanya umshado wesintu, oyingxenye yobuhlobo lapho kuhlalisenwe khona futhi okwesekwana khona ngakwezezimali nangokwempilo; noma (b) ingane, umzali, umfowabo noma udadewabo walowo muntu, okungaba ubuhlobo bokuzalana, bokushada noma bokuba ngaphansi kweso lomuntu;"
10. Abakhethiwe abelethwe maqondana neziphakamiso ezedlule, ezishicilelwe *kwiGazethi yesiFundazwe, kwi-Mercury, kwiLanga kanye nakwi-Witness Newspaper* ngoLwesithathu mhla zi-3 kuNhlangolani 2011, kuyacelwa ukuba abakhethiwe baphinde bathunyelwe kabusha njengoba kubekwe ngehla endimeni 4.

DKT. ZL MKHIZE

UNGQONGQOSHE WEZEMIDLALO YEMALI NOKUBHEJA









