

**No. 4****21 October 2010**

[English text signed by the Premier]

**KWAZULU-NATAL DUBE TRADEPORT  
CORPORATION ACT, 2010**  
**(Act No. 02 of 2010)**

Assented to on 18-08-2010

**ACT**

**To provide for the establishment of the Dube TradePort Corporation; to determine the objects, powers, duties and functions of the Dube TradePort Corporation; to determine the manner in which the Dube TradePort Corporation is to be managed, governed, staffed and financed; to provide for the winding up of the Dube TradePort Company; to provide for the Dube TradePort Corporation to be the successor in law of the Dube TradePort Company; and to provide for matters connected therewith.**

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

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## CHAPTER 1

### DEFINITIONS

#### **Definitions**

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

"**Board**" means the board of the Dube TradePort Corporation contemplated in section 5;

"**Chief Executive Officer**" means the Chief Executive Officer of the Dube TradePort Corporation, contemplated in section 16;

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**Department**" means the Department of Economic Development and Tourism or any successor provincial department whose functions include that of economic development in KwaZulu-Natal;

"**Dube TradePort**" means the multi-modal development comprising of an international airport, trade zone, agri-zone, associated support services and associated activities, situated 30 kilometers north of the Durban city centre;

"**Dube TradePort Region**" means the region falling within a 30 kilometer radius of the centre of the international airport situated within the Dube TradePort;

"**Dube TradePort Company**" means Dube TradePort Company, Registration Number 2002/002810/07, established in terms of the Companies Act, 1973 (Act No. 61 of 1973);

"**Dube TradePort Corporation**" means the provincial public entity established in terms of section 2;

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

"**Gazette**" means the official *Provincial Gazette* of KwaZulu-Natal;

"**Head of Department**" means the person appointed as Head of the Department in terms of the Public Service Act, as amended;

"**Master Plan**" means the Master Plan for the development, design and construction of a multi-modal transportation hub in the Dube TradePort Region as contemplated in section 21;

"**Member of the Executive Council responsible for finance**" means the member

of the Executive Council of the Province of KwaZulu-Natal responsible for finance;

**"Portfolio Committee"** means the Portfolio Committee of the Provincial Legislature responsible for economic development and tourism;

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

**"provincial public entity"** means a provincial public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

**"Public Finance Management Act"** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

**"regulations"** means regulations made in terms of section 33;

**"responsible Member of the Executive Council"** means the Member of the Executive Council of the Province of KwaZulu-Natal responsible for economic development and tourism or that member of the Executive Council of the Province of KwaZulu-Natal to whom the Premier has assigned the administration of this Act;

**"this Act"** includes the regulations.

## CHAPTER 2 DUBE TRADEPORT CORPORATION

### **Establishment of the Dube TradePort Corporation**

**2. (1)** There is hereby established a provincial public entity to be known as the Dube TradePort Corporation.

(2) The Dube TradePort Corporation is a juristic person which acts through the Board.

(3) The Dube TradePort Corporation is subject to the Public Finance Management Act.

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

### **Objects of the Dube TradePort Corporation**

3. The objects of the Dube TradePort Corporation are –

- (a) to develop the Dube TradePort;
- (b) to undertake or invest in projects associated with the Dube TradePort;
- (c) to facilitate economic growth in the Province through the Dube TradePort;
- (d) to attract long term investment to the Province;
- (e) to facilitate export and import through the Dube Tradeport; and
- (f) to perform the powers, duties and functions specified in section 4.

### **Powers, duties and functions of the Dube TradePort Corporation and Board**

4. (1) The Dube TradePort Corporation must, through the Board –

- (a) ensure the strategic planning, establishment, design, construction, operation, management and control of the Dube TradePort;
- (b) implement and give effect to the Master Plan for the economic growth of the Dube TradePort Region and the Province;
- (c) manage and utilize its resources in accordance with its objects and the requirements of the Master Plan;
- (d) identify, develop, market and promote investment opportunities in the Dube TradePort; and
- (e) develop an investment plan for the Dube TradePort.

(2) The Dube TradePort Corporation may –

- (a) for the purposes of developing, promoting, marketing or investing in the Province, and subject to the prior written approval of the responsible Member of the Executive Council –
  - (i) establish and operate one or more companies, close corporations or other similar bodies;
  - (ii) enter into joint ventures with other institutions, organisations, municipalities, bodies or persons; and

- (iii) raise funds through donations and sponsorships;
- (b) with the prior written approval of the responsible Member of the Executive Council, acquire and dispose of shares and interests in companies, close corporations or other similar bodies;
- (c) liaise with any other entity, organ of state, organisation or institution whose activities or aims have an impact on, and relate to, the development, promotion, marketing or investment in the Province;
- (d) investigate and make recommendations to the Executive Council, through the responsible Member of the Executive Council on any matter relating directly or indirectly to the promotion, development, marketing or investment in the Province;
- (e) enter into agreements for the attainment of its objects, the exercise of its powers, duties and functions or the management and administration of its affairs, whether or not expressly provided for in this section;
- (f) participate in the management, supervision and control of the business or operations of an institution having the same or similar objects as the Corporation;
- (g) undertake or invest in projects associated with its objects;
- (h) establish a fund to enhance air transport connectivity to the Province;
- (i) do any other thing or attend to any other matter necessary for the purposes of achieving its objects and the requirements of the Master Plan; and
- (j) do any other thing or attend to any other matter that the responsible Member of the Executive Council considers necessary for the proper implementation of this Act.

(3) In addition to the powers referred to in subsections (1) and (2), the Dube TradePort Corporation has the powers referred to in section 54(2) of the Public Finance Management Act.

### CHAPTER 3 BOARD OF THE DUBE TRADEPORT CORPORATION

#### **Composition of the Board**

**5. (1)** The Board consists of –

- (a) at least three, but not more than eight, members appointed by the responsible Member of the Executive Council; and

- (b) the Chief Executive Officer, *ex officio*, as contemplated in section 16(5).
- (2) Members of the Board must be fit and proper persons to serve the best interests of the Province, collectively possessing the following skills and expertise –
- (a) knowledge and expertise in financial management;
  - (b) knowledge and expertise in the tourism industry;
  - (c) knowledge and expertise in the transport sector;
  - (d) knowledge and expertise in the economic development sector;
  - (e) knowledge and expertise in the property development industry; and
  - (f) any other skill, experience or qualification that, in the opinion of the responsible Member of the Executive Council, might be of benefit to the Dube TradePort Corporation.
- (3) In appointing members to the Board, the responsible Member of the Executive Council must ensure that –
- (a) historic imbalances are addressed;
  - (b) the Board, collectively, possesses the necessary and appropriate skills and expertise; and
  - (c) the Board is representative of persons employed or involved in economic and development enterprises in the Province.
- (4) The responsible Member of the Executive Council must designate –
- (a) one of the members of the Board as the Chairperson of the Board; and
  - (b) one of the members of the Board as the Deputy Chairperson of the Board.
- (5) The responsible Member of the Executive Council may appoint a person as his or her representative who –
- (a) must facilitate liaison between the responsible Member of the Executive Council and the Board;
  - (b) must report to the responsible Member of the Executive Council from time to time regarding matters which are considered relevant; and
  - (c) may attend meetings of the Board and participate in discussions, but does not have the right to vote when a decision of the Board is being taken.

(6) The responsible Member of the Executive Council must, by notice in the *Gazette* invite any interested parties within the Province to nominate candidates for appointment to the Board.

(7) The invitation for nomination must specify –

- (a) the nomination procedure;
- (b) the requirements for nomination; and
- (c) the closing date for the nomination.

(8) The responsible Member of the Executive Council must consider all nominations submitted in response to the notice, and may appoint a selection panel to review all the nominations and make recommendations to the responsible Member of the Executive Council on the nominees.

(9) The responsible Member of the Executive Council must cause the names of the persons appointed to the Board to be published in the *Gazette* and in at least two newspapers circulating in the Province, immediately after such persons have been notified, in writing, of their appointment to the Board.

(10) The responsible Member of the Executive Council must, within two months after the appointment of members of the Board in terms of subsection (1), inform the Executive Council and the Portfolio Committee of the names of the appointed members including the term of their appointment.

(11) This section applies, with the necessary changes, to the filling of a vacancy on the Board.

#### **Disqualification from being appointed to the Board**

**6.** A person is disqualified from being appointed to the Board or from remaining on the Board, by reason that he or she –

- (a) is or becomes an un-rehabilitated insolvent;
- (b) is or has been declared by a competent court to be of unsound mind;
- (c) is directly or indirectly interested in any contract with the Board and fails to

declare his or her interest and the nature thereof in the manner required by this Act;

(d) is a person under curatorship;

(e) has at any time been removed from an office of trust on account of misconduct involving theft or fraud;

(f) has been convicted and sentenced to a term of imprisonment without the option of a fine, except that the responsible Member of the Executive Council may, upon receipt of an affidavit disclosing full details of an offence by a person who is nominated for appointment, condone a conviction in a manner that is consistent with section 106(1)(e) of the Constitution: Provided that a disqualification in terms of this subsection ends five years after the sentence has been completed; and

(g) fails to disclose an interest in accordance with section 7 or attended or participated in the proceedings of the Board while having an interest contemplated in the said section;

#### **Declaration of financial or other interests of members of the Board**

7.(1) A person who has been nominated to serve on the Board in terms of subsection 5(8) must, within 10 days of being nominated, submit a written declaration to the responsible Member of the Executive Council of all direct or indirect interests in any company or other business interests.

(2) Any failure by the nominee to disclose financial and other interests in terms of subsection (1) disqualifies such nominee in terms of section 6 to be considered for the position of the member of the Board.

(3) Every member of the Board must, upon assuming office and at the beginning of every financial year of the Board, submit a written declaration of his or her direct or indirect interest in any company or other business interest in the manner provided for in section 234(3)(a) of the Companies Act, 1973 (Act No. 61 of 1973).

(4) Where a member of the Board acquires an interest in any company or other business interests, at anytime during his or her tenure as a member of the Board, he or she must, within 10 days of the date of the acquisition of such an interest, submit a written

declaration to the responsible Member of the Executive Council of such an interest.

(5) Any failure on the part of the member to disclose his or her interest as contemplated in subsections (3) and (4), constitutes justifiable and cogent reason for the termination of appointment of such member in terms of section 9(2).

(6) The responsible Member of the Executive Council must keep an updated register of the interests of members of the Board disclosed in terms of this section.

**Term of office and re-appointment of a member of the Board**

8. The person appointed to the Board holds office for a period of 5 years or such lesser period as the responsible Member of the Executive Council may determine and is, subject to section 5, eligible for re-appointment at the expiry of such period: Provided that no person may be re-appointed after having served on the Board for a continuous period of 10 years.

**Vacancies, removal and resignation from office of a member of the Board**

9. (1) A member of the Board must vacate office if he or she becomes subject to a disqualification contemplated in section 6.

(2) The responsible Member of the Executive Council may, after having afforded a member the opportunity to state his or her case, at any time terminate the term of office of such member if, in his or her discretion, there are justifiable and cogent reasons for doing so.

(3) A member must vacate office if he or she is absent, without a leave of absence having first been granted by the Board, from two consecutive meetings of the Board for which reasonable notice was given to that member personally or by post.

(4) A member may resign from office in writing by giving not less than 30 days notice to the responsible Member of the Executive Council: Provided that the responsible Member of the Executive Council waives the notice period.

(5) Whenever a vacancy occurs on the Board, the responsible Member of the Executive Council must, subject to section 5, appoint a person to fill such vacancy for the unexpired portion of the period of office of the member in whose place such person is appointed.

(6) In the event that the responsible Member of the Executive Council exercises his or her powers in terms of subsection (2), he or she may, notwithstanding the procedure for the appointment of the members of the Board set out in section 5, subject to subsections 5(2) and 5(3), appoint persons to serve as members of the Board on an interim basis: Provided that-

- (a) the persons appointed in terms of this subsection may not remain on the Board for a period of more than 90 days from the date of their appointment; and
- (b) the responsible Member of the Executive Council must, subject to section 5, appoint the members of the Board within 90 days of the appointment contemplated in this subsection.

#### **Temporary suspension of a member of the Board**

**10.** The responsible Member of the Executive Council may suspend a member of the Board whilst the responsible Member of the Executive Council is investigating allegations which, if found to be correct, could result in the member's appointment being terminated in terms of section 9(2).

#### **Meetings and procedures at meetings of the Board**

**11.** (1) The first meeting of the Board must be held on a date and at a time and venue determined by the responsible Member of the Executive Council whereafter all future meetings must be as determined by the Chairperson.

(2) The *quorum* for a meeting of the Board is the majority of the members of the Board.

(3) The proceedings at a meeting of the Board must, subject to the provisions of this section, be determined by the Chairperson including the right to decide that any matter

under discussion may be withdrawn before it is put to the vote.

(4) The Chairperson must preside at all meetings of the Board. If the Chairperson is absent, the Deputy Chairperson must preside and in the event that neither the chairperson nor the Deputy Chairperson are present at a meeting of the Board, the members then present may elect, from their own number, a person to act as Chairperson for the duration of that particular meeting.

(5) A decision of the Board must be taken by a majority of the votes of the members present at a meeting and, in the event of an equality of votes on any matter, the Chairperson has a casting vote in addition to his or her deliberative vote.

(6) The Board must arrange for minutes of its meetings to be kept.

(7) No decision of the Board is invalid merely by reason of a vacancy in the Board: Provided that the decision is taken by the required majority of the members of the Board then present and entitled to sit as members of the Board.

(8) The Chairperson, or a majority of the members of the Board, may call an extraordinary meeting of the Board in which event the provisions of this section apply with the necessary changes.

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

#### **Recusal of a member from meetings and proceedings of the Board**

**12.(1)** A member of the Board must recuse himself or herself from a matter being investigated, considered or voted upon by the Board if one or more of the following prevail –

- (a) if he or she has a direct or indirect interest; or
- (b) if there is a possibility that a direct or indirect interest might arise.

(2) If at any stage during the course of any proceedings before the Board it appears that

a member who is present at that meeting has or may have an interest contemplated in subsection (1), such a member must forthwith disclose the nature of his or her interest and leave the meeting.

(3) Any disclosure made in terms of subsection (1) must be recorded in the minutes of the meeting in question.

(4) If it subsequently emerges that the Board took a decision on a matter in respect of which a member has failed to disclose an interest contemplated in subsection (1), such decision by the Board is invalid.

(5) For the purposes of this section “**indirect interest**” includes, but is not limited to, an interest held by any member’s –

- (a) business partner, associate or employer, other than the State;
- (b) spouse, partner in a customary marriage, or person with whom such member cohabits or lives as though they were married; or
- (c) child, parent or sibling.

#### **Remuneration of members of the Board**

13.(1)(a) Subject to subsection 2(a), a member of the Board may be paid from the funds of the Commission such remuneration and allowances as may be determined by the responsible Member of the Executive Council in consultation with the Member of the Executive Council responsible for finance; and

(b) a member of the Board who receives remuneration, allowances or other benefits by virtue of his or her post or employment in –

- (i) the national government;
- (ii) a provincial government;
- (iii) a municipality; or
- (iv) a corporation, body or institution in which the national or a provincial government has a controlling interest, and

who continues to receive such remuneration, allowances or other benefits while serving as a member of the Board, may only receive remuneration and allowances referred to in paragraph (a) to the extent required to place such member in the financial position he or

she would have been were it not for such post or employment.

- (2)(a) A member of the Board and a person who has been co-opted to the Board may, in respect of his or her functions as a member or co-opted member, receive reimbursement from the funds of the Corporation for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Board; and
- (b) The Member of the Executive Council responsible for finance must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and traveling expenses contemplated in paragraph (a).

#### **Establishment of committees to assist the Board**

**14.** (1) The Board may establish committees consisting of one or more of its members to –

- (a) assist the Board in the performance of any of the powers, duties or functions of the Board contemplated in section 4; or
- (b) enquire or conduct research into any matter falling within the mandate of the Board in terms of this Act.

(2) When establishing a committee contemplated in subsection (1), the Board must –

- (a) determine the terms of reference of such committee including, but not limited to, whether or not such committee ceases to exist once it has completed the task or tasks allocated to it by the Board;
- (b) appoint a chairperson of such committee who must be a member of the Board; and
- (c) determine whether or not such committee may co-opt persons who are not members of the Board, and if so, on what terms and conditions.

(3) The Board may, at any time, terminate the existence of a committee or any mandate given to a committee, irrespective of whether or not such committee has completed the task or tasks allocated to it by the Board.

(4)(a) The Chief Executive Officer may attend and take part in, but may not vote at, a meeting of a committee; and

(b) a member of staff of the Board may, on invitation by the relevant committee, attend a meeting of that committee.

**Co-opting of persons to the Board or committees of the Board**

**15.** (1) The Board may, if it is of the opinion that a particular person is able to assist it in regard to any of its functions and powers, co-opt such person for that purpose.

(2) A person co-opted in terms of subsection (1) is not entitled to vote at any meeting of the Board or a committee.

(3) A person co-opted in terms of subsection (1) may be paid such remuneration and allowances out of the funds of the Corporation as may be determined in terms of section 13(2)(a) by the Board in consultation with the Member of the Executive Council responsible for finance.

**CHAPTER 4**  
**CHIEF EXECUTIVE OFFICER AND STAFF OF THE DUBE TRADEPORT**  
**CORPORATION**

**Chief Executive Officer of the Dube TradePort Corporation**

**16.** (1) The Board must, in consultation with the responsible Member of the Executive Council, appoint the Chief Executive Officer of the Dube TradePort Corporation.

(2)(a) The Chief Executive Officer is appointed for a period not exceeding five years on terms and conditions of employment determined by the Board, in consultation with the responsible Member of the Executive Council; and

(b) the Chief Executive Officer, may, with the approval of the responsible Member of the Executive Council be re-appointed, for such period as the responsible Member of the Executive Council, may determine.

(3)(a) The appointment of the Chief Executive Officer is subject to the conclusion of a

written performance agreement entered into with the Dube TradePort Corporation; and  
(b) the Board and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(4) For purposes of the declaration of financial or other interests, the provisions of section 7 apply with the necessary changes to the Chief Executive Officer except that the Chief Executive Officer must declare his or her interests to the Board.

(5) The Chief Executive Officer is an *ex officio* member of the Board but does not have the right to vote at its meetings.

#### **Functions of the Chief Executive Officer**

**17. (1)** The Chief Executive Officer is responsible for –

- (a) the administrative and financial management of the Dube TradePort Corporation in accordance with the Public Finance Management Act, subject to the direction of the Board;
- (b) the appointment of members of staff of the Dube TradePort Corporation contemplated in section 19(1), in consultation with the Board;
- (c) the determination, in consultation with the Board, of a code of conduct, applicable to the Chief Executive Officer, all staff of the Dube TradePort Corporation and justiciable for purposes of disciplinary proceedings, to ensure –
  - (i) compliance with applicable law, including this Act;
  - (ii) the effective, efficient and economical use of the Dube TradePort Corporation's funds and resources;
  - (iii) the promotion and maintenance of a high standard of professional ethics;
  - (iv) the prevention of conflicts of interest;
  - (v) the protection of confidential information held by the Board; and
  - (vi) professional, honest, impartial, fair, ethical and equitable service;
- (d) the maintenance of discipline over the staff appointed in terms of paragraph (b) and must, for those purposes, be accountable to the Board;
- (e) the keeping and maintenance of the register of interests declared by member of staff of the Dube TradePort Corporation; and

- (f) ensuring compliance by the Dube TradePort Corporation with the provisions of the Public Finance Management Act, and any other applicable legislation.
- (2) The Chief Executive Officer is accountable to the Board and must report to the Board on the activities of the Dube TradePort Corporation.
- (3) If the Chief Executive Officer is for any reason unable to perform any of his or her functions, the Board must, in consultation with the responsible Member of the Executive Council, appoint another person as Acting Chief Executive Officer until the Chief Executive Officer is able to resume those functions.

#### **Resignation and removal from office of the Chief Executive Officer**

- 18.** (1) The Chief Executive Officer vacates office –
- (a) in the case of resignation, when the resignation takes effect;
  - (b) when, in terms of the Companies Act, 1973 (Act No. 61 of 1973), the person holding that office has become disqualified to serve as director of a company; and
  - (c) upon having been removed from office in terms of subsection (2).
- (2) The Board may, in consultation with the responsible Member of the Executive Council, terminate the Chief Executive Officer's employment in accordance with applicable employment and labour law.

#### **Staff of the Dube TradePort Corporation**

- 19.**(1) The Chief Executive Officer must, subject to subsection (2), employ members of staff of the Dube TradePort Corporation as may be reasonably necessary –
- (a) to assist him or her in fulfilling his or her functions in terms of this Act; and
  - (b) to assist the Board with the work incidental to the performance by the Board of its functions.
- (2) The Board must determine a human resources policy for staff members of the Dube TradePort Corporation, including the Chief Executive Officer.

(3) For purposes of the declaration of financial or other interests, and subject to section 17(1)(e), the provisions of section 7(3), (4) and (5) apply with the necessary changes to staff members of the Dube TradePort Corporation.

(4) The Chief Executive Officer must keep an updated register of the interests of staff members of the Dube TradePort Corporation disclosed in terms of subsection (3).

(5) The Board, in consultation with the responsible Member of the Executive Council, must determine ~

- (a) the remuneration and conditions of service; and
- (b) the pension and retirement benefits,

of the Chief Executive Officer and the other members of staff of the Dube TradePort Corporation.

#### **Secondment or transfer of staff to the Dube TradePort Corporation**

**20.** The Dube TradePort Corporation may utilise the services of persons seconded or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

## CHAPTER 5 MASTER PLAN, POLICY DIRECTIVES AND STRATEGIC GUIDELINES

### **Master Plan**

**21.(1)**The Board must, within 6 months of the coming into operation of this Act, after consultation with the Chief Executive Officer, establish a Master Plan.

(2) The Master plan contemplated in subsection (1), must comprise of, amongst other things, the cargo terminal, property zone, trade-zone, agri-zone, public transport nodes, road networks, rail, freight and passenger transport networks within the Dube TradePort Region.

(3) The Master Plan must be updated when the need arises to meet the objectives of the Dube TradePort Corporation.

(4) The Master Plan must be approved by the responsible Member of the Executive Council.

(5) The Master Plan must, for the years 2010, 2035 and 2060, provide –  
(a) an overview of the development structure of the Dube TradePort;  
(b) development objectives and master planning for the Dube TradePort; and  
(c) for the development, zoning, transport and bulk infrastructural needs of the Dube TradePort Corporation.

(6) When performing its functions in terms of this Act, the Board must give effect to the Master Plan.

#### **Policy directives and strategic guidelines**

**22.** The responsible Member of the Executive Council may –

(a) set strategic guidelines for the pursuit of the Dube TradePort Corporation's objectives;  
(b) issue policy directives to the Board; and  
(c) withdraw or amend any policy directive issued in terms of paragraph (a).

### **CHAPTER 6** **FUNDING AND FINANCIAL MANAGEMENT OF THE DUBE TRADEPORT** **CORPORATION**

#### **Funds of the Dube TradePort Corporation**

**23.** (1) The funds of the Dube TradePort Corporation consist of –

(a) money appropriated by the Provincial Legislature;  
(b) interest on investments of the Dube TradePort Corporation; and  
(c) income lawfully derived from any other source.

(2) The Dube TradePort Corporation must utilise its funds –

(a) for the payment of remuneration, allowances and subsistence and travelling expenses of –

- (i) the members of the Board;
  - (ii) the Chief Executive Officer; and
  - (iii) the members of staff of the Dube TradePort Corporation; and
- (b) to cover costs in connection with –
- (i) the day to day operation and administration of the Dube TradePort Corporation and the Board;
  - (ii) the operation and management of the Dube TradePort Corporation; and
  - (iii) the performance of the duties and functions of the Board and the exercise of its powers in terms of this Act.
- (3) The Chief Executive Officer must, with the concurrence of the Board –
- (a) open an account in the name of the Dube TradePort Corporation with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
  - (b) deposit therein all money received in terms of subsection (1).
- (4) The Board may invest monies deposited into the account which are not required for immediate use: Provided that the Board must take reasonable steps to ensure that the investment is not of a speculative nature.
- (5) Neither the Dube TradePort Corporation nor the Board may borrow money or issue guarantees, indemnities or securities or enter into any other transactions that bind it unless such borrowing, guarantee, indemnity, security or other transaction is authorised in terms of this Act and not in conflict with the Public Finance Management Act.

#### **Financial management**

- 24.(1)** The Chief Executive Officer must cause full and proper books of account and all the necessary records in relation thereto to be kept.
- (2) The Chief Executive Officer must ensure that the Dube TradePort Corporation's annual budgets, strategic plans, annual performance plans, annual reports and audited

financial statements are prepared and submitted in accordance with the Public Finance Management Act.

(3) The Chief Executive Officer must, within three months before the end of each financial year, submit to the Board for approval –

- (a) a business plan for the Board, containing measurable objectives and the other information contemplated in section 25(3)(b) and (c); and
- (b) a statement of the estimated income and expenditure of the Board, in respect of the following three financial years.

(4) In any financial year the Chief Executive Officer may submit to the Board for approval adjusted or supplementary statements of the estimated income and expenditure of the Dube TradePort Corporation for that financial year.

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

(6) The Chief Executive Officer may with the approval of the Board –

- (a) invest any unexpended portion of its funds with the Corporation for Public Deposits or any other institution categorised or listed from time to time by the National Treasury as a Category "A1" financial institution; or
- (b) dispose of that portion in any other manner.

(7) The Chief Executive Officer may, with the approval of the Board, establish reserve funds and deposit therein such amounts as the Board approves.

#### **Audit and annual report**

**25.** (1) The Auditor-General must audit the financial statements of the Dube TradePort Corporation.

(2)(a) The Board must table a report on the activities of the Dube TradePort Corporation during a financial year in the Provincial Legislature within five months after the end of that financial year; and

(b) within five months after the report has been tabled, a delegation consisting of the chairperson of the Board and at least two other members of the Board must brief the relevant Portfolio Committee on the annual report.

(3) The report must –

- (a) include a balance sheet and a statement of income and expenditure certified by the Auditor-General;
- (b) state the extent to which the Dube TradePort Corporation has achieved or advanced its objects referred to in section 3 and the measurable objectives as set out in its business plan as contemplated in section 24(3)(a) during the financial year concerned; and
- (c) contain relevant performance information regarding the economic, efficient and effective application of resources and specifically a comparison between planned and actual performance indicators as set out in that annual performance plan.

#### **Financial year of the Dube TradePort Corporation**

**26.** The financial year of the Dube TradePort Corporation commences on 1 April of a particular year and ends on 31 March of the following year.

#### **Immovable property**

**27.** The Dube TradePort Corporation may, in terms of a policy and procedures determined by the Board and with the approval of the responsible Member of the Executive Council, acquire, hold or dispose of immovable property in the course of its business.

#### **Legal proceedings against the Dube TradePort Corporation**

**28.(1)** Any legal proceedings against the Dube TradePort Corporation must be instituted in accordance with the Institution of Legal Proceedings against certain Organs of State Act, 2002 (Act No. 40 of 2002).

(2) The Dube TradePort Corporation is, for purposes of subsection (1), regarded as an organ of state contemplated in paragraph (c) of the definition thereof in section 1 of the said Act.

## CHAPTER 7 GENERAL PROVISIONS

### **Security of confidential information held by the Dube TradePort Corporation**

**29.**(1) Subject to the Constitution, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), no person may disclose any information submitted to the Dube TradePort Corporation in connection with any legal brief or instruction, unless –

- (a) he or she is ordered to do so by a court of law; or
- (b) the person who gave such brief or instruction consents thereto in writing.

(2) No person may disclose any information kept in the register contemplated in sections 7(6), 16(4) and 19(4) unless such disclosure is –

- (a) in terms of any law that compels or authorises such disclosure;
- (b) materially necessary for the proper functioning of the Dube TradePort Corporation; or
- (c) made for purposes of monitoring, evaluating, investigating or considering any activity relating to the Dube TradePort Corporation, or any member of staff of the Dube TradePort Corporation.

(3) Any person who contravenes subsection (1) or (2) is guilty of an offence.

### **Dissolution of the Dube TradePort Corporation**

**30.** The Dube TradePort Corporation may only be dissolved in terms of an Act of the Provincial Legislature.

**Use of name of the Dube TradePort or Dube TradePort Corporation**

**31.(1)** No person may, without the prior written authorisation of the Dube TradePort Corporation, in any way represent or make use of the name Dube TradePort, or the name, acronym, logos, designs or material used or owned by Dube TradePort Corporation.

(2) No person may falsely claim to be acting on behalf of the Dube TradePort Corporation.

(3) Any person who contravenes subsection (1) or (2) is guilty of an offence.

**Delegations**

**32.** (1) The responsible Member of the Executive Council may delegate to the Board –  
(a) any power conferred on the responsible Member of the Executive Council by this Act, except the power to make regulations referred to in section 33; or  
(b) any duty imposed on the responsible Member of the Executive Council by this Act, except any duty regarding the appointment, and termination of office, of the members of the Board contemplated in sections 5(1)(a) and 9(2).

(2) The Board may, by a special resolution, delegate to the Chief Executive Officer or staff member of the Dube TradePort Corporation, any power or duty conferred or imposed on the Dube TradePort Corporation by this Act.

(3) The Chief Executive Officer may delegate to any member of staff of the Dube TradePort Corporation any power or duty conferred or imposed on the Chief Executive Officer by this Act, except any duty as accounting officer of the Dube TradePort Corporation.

(4) Any power or duty delegated in terms of subsection (1), (2) or (3) must be exercised or performed subject to such conditions as the person or body that made the delegation considers necessary.

(5) Any delegation referred to in subsection (1), (2) or (3) –

- (a) must be in writing;
- (b) does not prohibit the person or body that made the delegation from exercising that power or performing that duty; and
- (c) may at any time be withdrawn or amended in writing by that person or body.

## **Regulations**

**33.** The responsible Member of the Executive Council may, in consultation with the Board and by notice in the Gazette, make regulations regarding –

- (a) any matter that may be prescribed in terms of this Act; or
- (b) any administrative or procedural matter necessary to give effect to the provisions of this Act.

## **Winding-up of Dube TradePort Company and transitional provisions**

**34.(1)(a)** The Company, Dube TradePort, bearing Company Registration Number 2002/002810/08, established in terms of the Companies Act, 1973 (Act No. 61 of 1973), must be voluntarily wound up and deregistered; and

(b) the members of the Company must, in winding-up the Company referred to in paragraph (a), act with due speed and diligence and must, amongst other things, comply with sections 349 and 350 of the Companies Act, 1973 (Act No. 61 of 1973).

(2) On the date of the winding-up of the Dube TradePort Company, all assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued or received by the Dube TradePort Company are transferred to, and vest in, the Dube TradePort Corporation established in terms of section 2.

(3) The Dube TradePort Corporation is, in respect of the assets, liabilities, rights, duties and obligations and funds referred to in subsection (2), for all purposes the successor in law of, and the successor in title to, the Dube TradePort Company.

(4) The members of the Board of the Dube TradePort Company must act as duly authorized and empowered members of the Board until such time as the responsible

Member of the Executive Council has in terms of section 5(1)(a) appointed the Board in terms of this Act.

(5) All members of staff of the Dube TradePort Company must, within six months of the commencement of this Act, be made an employment offer by the responsible Member of the Executive Council for transfer to the Dube TradePort Corporation on a date determined by the responsible Member of the Executive Council.

(6) The remuneration, benefits and privileges offered by the responsible Member of the Executive Council, in accordance with subsection (5), may not be substantially different to or less than those payable to the staff member by the Dube TradePort Company, immediately prior to his or her transfer.

(7) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of employer is deemed to have taken place in respect of a staff member who accepts an employment offer contemplated in subsection (5).

(8) When a person becomes a staff member of the Dube TradePort Corporation in terms of subsection (5) –

- (a) he or she retains all vacation leave which accrued to his or her credit up to the date immediately before the date of transfer, adjusted in accordance with the conditions of employment of the Dube TradePort Corporation; and
- (b) any inquiry instituted or intended to be instituted in respect of alleged misconduct committed by such person before the date of transfer must be disposed of or instituted by the Dube TradePort Corporation, and the Board must take appropriate steps against the person concerned in accordance with the laws, policy and conditions of employment or service applicable to him or her immediately prior to the date of transfer.

#### **General offences**

**35.** (1) A member of the Board, a member of staff, adviser, agent or any other person employed or acting on behalf of the Dube TradePort Corporation is guilty of an offence if he or she directly or indirectly accepts any bribe and or receives any unauthorized fee or

reward from any person in connection with anything done or offered by the Dube TradePort Corporation.

(2) Any person is guilty of an offence if he or she, in respect of or in connection with anything done or offered by the Dube TradePort Corporation induces or attempts to influence a member of the Board, a member of staff, adviser, agent or any other person employed or acting on behalf of the Dube TradePort Corporation to commit a criminal offence.

(3) Any person who falsely claims that he or she is authorized to charge or collect fees, donations or contributions on behalf of, or by direction of the Dube TradePort Corporation is guilty of an offence.

(4) Any person who contravenes or fails to comply with the provisions of this Act or any regulation thereunder is guilty of an offence.

### **Penalties**

**36.** Any person convicted of an offence in terms of this Act is liable to a fine or to imprisonment for a period not exceeding 5 years or to both such fine and imprisonment.

### **Short title**

**37.** This Act is called the KwaZulu-Natal Dube TradePort Corporation Act, 2010.

**No. 4****21 Oktober 2010**

[Engelse teks deur die Premier geteken]

**KWAZULU-NATAL WET OP DUBE  
HANDELSHawe KORPORASIE, 2010  
(No. 02 van 2010)**

Goedgekeur op 18-08-2010

**WET**

Om voorsiening te maak vir die instelling van die Dube Handelshawe korporasie; om die oogmerke, bevoegdhede, pligte en funksies van die Dube Handelshawe korporasie te bepaal; om die wyse waarop die Dube Handelshawe korporasie bestuur, beheer, van personeel voorsien en gefinansier moet word; om voorsiening te maak vir likwidasie van die Dube Handelshawe maatskappy; om voorsiening te maak daarvoor dat die Dube Handelshawe korporasie dieregsopvolger van die Dube Handelshawe maatskappy sal wees; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD soos volg deur die Wetgewer van die provinsie KwaZulu-Natal bepaal:-

**INDELING VAN ARTIKELS**

*Artikel*

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HOOFSTUK 1

OMSKRYWINGS

**Omskrywings**

1. In hierdie Wet, tensy uit die konteks anders blyk, beteken –

"departement" die Departement van Ekonomiese Ontwikkeling en Toerisme of enige opvolger provinsiale departement waarvan die funksies dié van ekonomiese ontwikkeling in KwaZulu-Natal insluit;

**"Dube Handelshawe"** die multi-modale ontwikkeling wat uit 'n internasionale lughawe, bedryfsone, landbousone, verwante ondersteuningsdienste en verwante aktiwiteite bestaan en 30 kilometer noord van die Durbanse middestad geleë is;

**"Dube Handelshawe korporasie"** die provinsiale openbare entiteit ingestel ingevolge artikel 2;

**"Dube Handelshawe maatskappy"** Dube Handelshawe maatskappy, registrasienommer 2002/002810/07, ingestel ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973);

**"Dube Handelshawe streek"** die streek wat binne 'n 30 kilometer radius van die middel van die internasionale lughawe wat binne die Dube Handelshawe geleë is, val;

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

**"hierdie Wet"** insluitend die regulasies;

**"hoof- uitvoerende beampte"** die hoof- uitvoerende beampte van die Dube Handelshawe korporasie, bedoel in artikel 16;

**"hoof van departement"** die persoon wat aangestel is as hoof van die departement ingevolge die Staatsdienswet, soos gewysig;

**"Koerant"** die amptelike *Provinsiale Koerant* van KwaZulu-Natal;

**"lid van die Uitvoerende Raad verantwoordelik vir finansies"** die lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal verantwoordelik vir finansies;

**"portefeuiljekomitee"** die portefeuiljekomitee van die Provinsiale Wetgewer verantwoordelik vir ekonomiese ontwikkeling en toerisme;

**"provinsiale openbare entiteit"** 'n provinsiale openbare entiteit soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

**"provinsie"** die provinsie KwaZulu-Natal bedoel in artikel 103 van die Grondwet en **"provinsiale"** het 'n ooreenstemmende betekenis;

**"Raad"** die Raad van die Dube Handelshawe korporasie bedoel in artikel 5;

**"regulasies"** regulasies uitgevaardig ingevolge artikel 33;

**"sleutelplan"** die sleutelplan vir die ontwikkeling, ontwerp en konstruksie van 'n multi-modale vervoermiddelpunt in die Dube Handelshawe streek soos bedoel in artikel 21;

**"Uitvoerende Raad"** die Uitvoerende Raad van die provinsie bedoel in artikel 132 van die Grondwet;

**"verantwoordelike lid van die Uitvoerende Raad"** die lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal verantwoordelik vir ekonomiese ontwikkeling en toerisme of enige lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal aan wie die Premier die administrasie van hierdie Wet toegewys het;

**"Wet op Openbare Finansiële Bestuur "** die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

## HOOFSTUK 2

### DUBE HANDELSHAWE KORPORASIE

#### **Instelling van die Dube Handelshawe korporasie**

2.(1) Hiermee word 'n provinsiale openbare entiteit ingestel wat as die Dube Handelshawe korporasie bekend sal staan.

- (2) Die Dube Handelshawe korporasie is 'n regspersoon wat deur die Raad werk.
- (3) Die Dube Handelshawe korporasie is onderworpe aan die Wet op Openbare Finansiële Bestuur.
- (4) Die Raad is die rekenpligtige gesag van die Dube Handelshawe korporasie soos bedoel in artikel 49(2)(a) van die Wet op Openbare Finansiële Bestuur.

**Oogmerke van die Dube Handelshawe korporasie**

3. Die oogmerke van die Dube Handelshawe korporasie is –

- (a) om die Dube Handelshawe te ontwikkel;
- (b) om projekte wat met die Dube Handelshawe verband hou, te onderneem of daarin te belê;
- (c) om ekonomiese groei in die provinsie te faciliteer deur die Dube Handelshawe;
- (d) om langtermyn belegging na die provinsie te lok;
- (e) om in- en uitvoer deur die Dube Handelshawe te faciliteer; en
- (f) om die bevoegdhede, pligte en funksies soos in artikel 4 gespesifiseer, uit te voer.

**Bevoegdhede, pligte en funksies van die Dube Handelshawe korporasie en die Raad**

4.(1) Die Dube Handelshawe korporasie moet, deur die Raad –

- (a) die strategiese beplanning, instelling, ontwerp, konstruksie, bedryf, bestuur en beheer van die Dube Handelshawe verseker;
- (b) die sleutelplan implementeer en uitvoering daaraan gee vir die ekonomiese groei van die Dube Handelshawe streek en die provinsie;
- (c) sy hulpbronne bestuur en benut ooreenkomsdig sy oogmerke en die vereistes van die sleutelplan;

- (d) beleggingsgeleenthede in die Dube Handelshawe identifiseer, ontwikkel, bemark en bevorder; en
- (e) 'n beleggingsplan vir die Dube Handelshawe ontwikkel.

(2) Die Dube Handelshawe korporasie kan –

- (a) vir die doel om die provinsie te ontwikkel, bevorder, bemark of daarin te belê, en onderhewig aan die vooraf skriftelike goedkeuring van die verantwoordelike lid van die Uitvoerende Raad –
  - (i) een of meer maatskappye, beslote korporasies of ander soortgelyke liggame instel en bedryf;
  - (ii) gesamentlike ondernemings met ander instellings, organisasies, munisipaliteite, liggame of persone aangaan; en
  - (iii) fondse insamel deur donasies en borgskappe;
- (b) met die vooraf skriftelike goedkeuring van die verantwoordelike lid van die Uitvoerende Raad, aandele en belangte in maatskappye, beslote korporasies of ander soortgelyke liggame verkry of oor beskik;
- (c) met enige ender entiteit, staatsorgaan, organisasie of instelling skakel wie se werkzaamhede of mikpunte 'n impak het op en verband hou met die ontwikkeling, bevordering, bemarking of belegging in die provinsie;
- (d) deur die verantwoordelike lid van die Uitvoerende Raad enige aangeleentheid wat direk of indirek verband hou met die bevordering, ontwikkeling, bemarking of belegging in die provinsie, ondersoek en aanbevelings aan die Uitvoerende Raad maak;
- (e) ooreenkomste aangaan vir die bereiking van sy oogmerke, die uitvoering van sy bevoegdhede, pligte en funksies of die bestuur en administrasie van sy sake, hetsy spesifiek daarvoor voorsiening gemaak is in hierdie artikel of nie;
- (f) deelneem aan die bestuur, toesighouding en beheer van die besigheid of werkzaamhede van 'n instelling wat dieselfde of soortgelyke oogmerke as die korporasie het;
- (g) projekte wat met sy oogmerke verband hou, onderneem of daarin belê;
- (h) 'n fonds stig om lugvervoerverbintenis met die provinsie te versterk;
- (i) enige ander ding doen of aandag skenk aan enige ander saak wat nodig is ten einde sy oogmerke te bereik en aan die vereistes van die sleutelplan te voldoen; en

(j) enige ander ding doen of aandag skenk aan enige ander saak wat die verantwoordelike lid van die Uitvoerende Raad nodig ag vir die behoorlike implementering van hierdie Wet.

(3) Buiten die bevoegdhede waarna in subartikel (1) en (2) verwys word, het die Dube Handelshawe korporasie die bevoegdhede vermeld in artikel 54(2) van die Wet op Openbare Finansiële Bestuur.

### HOOFSTUK 3

#### RAAD VAN DIE DUBE HANDELSHAWE KORPORASIE

##### **Samestelling van die Raad**

5.(1) Die Raad bestaan uit –

- (a) ten minste drie, maar nie meer nie as agt lede wat deur die verantwoordelike lid van die Uitvoerende Raad aangestel is; en
- (b) die hoof- uitvoerende beampte, *ex officio*, soos bedoel in artikel 16(5).

(2) Lede van die Raad moet bekwame en gesikte persone wees om in die belang van die provinsie op te tree, en gesamentlik oor die volgende vaardighede en kundigheid beskik –

- (a) kennis en kundigheid in finansiële bestuur;
- (b) kennis en kundigheid in die toerismebedryf;
- (c) kennis en kundigheid in die vervoersektor;
- (d) kennis en kundigheid in die ekonomiese ontwikkelingsektor;
- (e) kennis en kundigheid in die eiendomontwikkelingsbedryf; en
- (f) enige ander vaardigheid, ondervinding of kwalifikasie wat, na die mening van die verantwoordelike lid van die Uitvoerende Raad, tot voordeel van die Dube Handelshawe korporasie kan wees.

(3) By aanstelling van lede op die Raad, moet die verantwoordelike lid van die Uitvoerende Raad verseker dat –

- (a) historiese ongelykhede aangespreek word;

- (b) die Raad, gesamentlik, oor die nodige en toepaslike vaardighede en kundigheid beskik; en
- (c) die Raad verteenwoordigend is van persone wat in diens of betrokke is by ekonomiese en ontwikkelingsondernemings in die provinsie.

(4) Die verantwoordelike lid van die Uitvoerende Raad moet –

- (a) een van die lede van die Raad as die voorsitter van die Raad; en
- (b) een van die lede van die Raad as die adjunkvoorsitter van die Raad, aanwys.

(5) Die verantwoordelike lid van die Uitvoerende Raad kan 'n persoon as sy of haar verteenwoordiger aanstel wat –

- (a) skakeling tussen die verantwoordelike lid van die Uitvoerende Raad en die Raad moet fasiliteer;
- (b) van tyd tot tyd aan die verantwoordelike lid van die Uitvoerende Raad moet rapporteer aangaande sake wat tersaaklik geag word; en
- (c) vergaderings van die Raad kan bywoon en deelneem aan besprekings, maar nie die reg het om te stem wanneer 'n besluit van die Raad geneem word nie.

(6) Die verantwoordelike lid van die Uitvoerende Raad moet, deur middel van kennisgewing in die *Koerant*, enige belanghebbende partye binne die provinsie uitnooi om kandidate vir aanstelling op die Raad te benoem.

(7) Die uitnodiging vir benoeming moet –

- (a) die benoemingsprosedure;
- (b) die vereistes vir benoeming; en
- (c) die sluitingsdatum vir die benoeming, spesifiseer.

(8) Die verantwoordelike lid van die Uitvoerende Raad moet alle benoemings wat voorgelê is in reaksie op die kennisgewingoorweeg, en kan 'n keuringspaneel aanstel om al die benoemings te hersien en aanbevelings te maak aan die verantwoordelike lid van die Uitvoerende Raad aangaande die benoemdes.

(9) Die verantwoordelike lid van die Uitvoerende Raad moet die name van die persone wat op die Raad aangestel word in die *Koerant* laat publiseer en in ten minste twee koerante wat in die provinsie sirkuleer, onmiddellik nadat sodanige persone skriftelik van hul aanstelling op die Raad in kennis gestel is.

(10) Die verantwoordelike lid van die Uitvoerende Raad moet, binne twee maande na die aanstelling van lede van die Raad ingevolge subartikel (1), die Uitvoerende Raad en die Portefeuiljekomitee inlig aangaande die name van die aangestelde lede insluitend die termyn van hul aanstelling.

(11) Hierdie artikel is met die nodige veranderinge van toepassing op die vul van 'n vakature op die Raad.

### **Onbevoegdheid vir aanstelling op die Raad**

6. 'n Persoon is onbevoeg vir aanstelling op die Raad, of om op die Raad aan te bly, indien hy of sy –

- (a) 'n ongerehabiliteerde insolvent is of word;
- (b) deur 'n bevoegde hof as ontoerekeningsvatbaar verklaar is;
- (c) direk of indirek belang het by enige kontrak met die Raad en versuim om sy of haar belang en die aard daarvan te verklaar op die wyse soos deur hierdie Wet vereis;
- (d) 'n persoon onder kuratorskap is;
- (e) ter enige tyd uit 'n vertrouensamp ontslaan is as gevolg van wangedrag wat diefstal of bedrog behels;
- (f) skuldig bevind is en gevonnis word tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete, buiten dat die verantwoordelike lid van die Uitvoerende Raad by ontvangs van 'n beëdigde verklaring wat volle besonderhede bevat van 'n misdryf deur 'n persoon wat benoem is vir aanstelling, 'n misdryf kan verskoon op 'n wyse wat konsekwent is met artikel 106(1)(e) van die Grondwet: Met dien verstande dat onbevoegdheid kragtens hierdie subartikel eindig vyf jaar nadat die vonnis uitgedien is; en

(f) versuim om 'n belang ooreenkomsdig artikel 7 te verklaar of die verrigtinge van die Raad bygewoon het of daaraan deelgeneem het terwyl hy of sy 'n belang het soos in die vermelde artikel vermeld.

#### **Verklaring van finansiële of ander belang van lede van die Raad**

7.(1) 'n Persoon wat benoem is om op die Raad te dien ingevolge subartikel 5(8) moet, binne 10 dae na benoeming, 'n skriftelike verklaring aan die verantwoordelike lid van die Uitvoerende Raad voorlê van alle direkte of indirekte belang in enige maatskappy of ander sakebelange.

(2) Versuim deur die benoemde om finansiële en ander belang openbaar te maak ingevolge subartikel (1) maak sodanige benoemde ingevolge artikel 6 onbevoeg om oorweeg te word as lid van die Raad.

(3) Elke lid van die Raad moet, wanneer hy of sy die amp aanvaar en aan die begin van elke finansiële jaar van die Raad, 'n skriftelike verklaring voorlê van sy of haar direkte of indirekte belang in enige maatskappy of ander sakebelang op die wyse soos in artikel 234(3)(a) van die Maatskappywet, 1973 (Wet No. 61 van 1973) bepaal.

(4) Waar 'n lid van die Raad 'n belang in enige maatskappy of ander sakebelang verkry op enige tydstip gedurende sy of haar ampstermy as 'n lid van die Raad, moet hy of sy binne 10 dae na die datum van die verkryging van sodanige belang, 'n skriftelike verklaring aan die verantwoordelike lid van die Uitvoerende Raad van sodanige belang voorlê.

(5) Enige versuim deur die lid om sy of haar belang te verklaar soos bedoel in subartikels (3) en (4) moet lei tot beëindiging van aanstelling van sodanige lid ingevolge artikel 9(2).

(6) Die verantwoordelike lid van die Uitvoerende Raad moet 'n opgedateerde register hou van die belang van lede van die Raad wat ingevolge hierdie artikel verklaar is.

**Ampstermy en heraanstelling van 'n lid van die Raad**

**8.** Die ampstermy van 'n persoon wat op die Raad aangestel is, duur 'n tydperk van 5 jaar of sodanige korter tydperk soos die verantwoordelike lid van die Uitvoerende Raad mag bepaal en is, onderhewig aan artikel 5, verkiesbaar vir heraanstelling by die verstryking van sodanige tydperk: Met dien verstande dat geen persoon heraangestel mag word nadat hy of sy op die Raad gedien het vir 'n aaneenlopende tydperk van tien jaar nie.

**Vakatures, ontslag en bedanking uit amp van 'n lid van die Raad**

**9.(1)** 'n Lid van die Raad moet die amp verlaat indien hy of sy onbevoeg raak soos bedoel in artikel 6.

(2) Die verantwoordelike lid van die Uitvoerende Raad kan, nadat die lid 'n geleentheid gebied is om sy of haar saak te stel, te eniger tyd die ampstermy van sodanige lid beëindig, indien volgens sy of haar diskresie, daar goeie redes daarvoor is.

(3) 'n Lid moet sy of haar amp verlaat indien hy of sy afwesig is, sonder dat verlof vir sodanige afwesigheid deur die Raad toegestaan is, van twee opeenvolgende vergaderings van die Raad waarvoor redelike kennis persoonlik of per pos aan daardie lid gegee is.

(4) 'n Lid kan skriftelik uit die amp bedank deur nie minder nie as 30 dae kennis aan die verantwoordelike lid van die Uitvoerende Raad te gee: Met dien verstande dat die verantwoordelike lid van die Uitvoerende Raad die kennisgewingtydperk laat vaar.

(5) Wanneer 'n vakature op die Raad ontstaan, moet die verantwoordelike lid van die Uitvoerende Raad, onderhewig aan artikel 5, 'n persoon aanstel om sodanige vakature te vul vir die onverstreke deel van die ampstydperk van die lid in wie se plek sodanige persoon aangestel is.

(6) In die geval dat die verantwoordelike lid van die Uitvoerende Raad sy of haar bevoegdhede ingevolge subartikel (2) uitoefen, kan hy of sy, nieteenstaande die prosedure vir die aanstelling van die lede van die Raad soos in artikel 5 uiteengesit, onderhewig aan subartikels 5(2) en 5(3) persone aanstel om op 'n voorlopige grondslag te dien as lede van die Raad: Met dien verstande dat –

- (a) die persone aangestel ingevolge hierdie subartikel nie op die Raad mag aanbly vir 'n tydperk van meer as 90 dae na die datum van hul aanstelling nie; en
- (b) die verantwoordelike lid van die Uitvoerende Raad, onderhewig aan artikel 5, die lede van die Raad aanstel binne 90 dae na die aanstelling bedoel in hierdie subartikel.

#### **Tydelik skorsing van 'n lid van die Raad**

**10.** Die verantwoordelike lid van die Uitvoerende Raad kan 'n lid van die Raad skors terwyl die verantwoordelike lid van die Uitvoerende Raad bewerings ondersoek wat, indien daar gevind word dat dit korrek is, kan lei tot beëindiging van die lid se aanstelling ingevolge artikel 9(2).

#### **Vergaderings en vergaderingsprosedures van die Raad**

**11.(1)** Die eerste vergadering van die Raad moet gehou word op 'n datum, tyd en plek soos deur die verantwoordelike lid van die Uitvoerende Raad bepaal waarna alle toekomstige vergaderings moet plaasvind soos deur die voorsitter bepaal.

(2) Die kworum vir 'n vergadering van die Raad is die meerderheid van die lede van die Raad.

(3) Die verrigtinge by 'n vergadering van die Raad moet, onderhewig aan die bepalings van hierdie artikel, deur die voorsitter bepaal word insluitend die reg om te besluit dat enige aangeleentheid onder bespreking onttrek kan word voordat daaroor gestem word.

(4) Die voorsitter moet by alle vergaderings van die Raad voorsit. Indien die voorsitter afwesig is, moet die adjunkvoorsitter as voorsitter optree en indien beide die voorsitter en die adjunkvoorsitter by 'n vergadering van die Raad afwesig is, kan die lede teenwoordig, uit hul eie geledere, 'n persoon verkies om as voorsitter op te tree vir die duur van daardie spesifieke vergadering.

(5) 'n Besluit van die Raad moet geneem word deur 'n meerderheid van die stemme van die lede wat by 'n vergadering teenwoordig is en, in die geval van 'n staking van stemme oor enige aangeleentheid, het die voorsitter 'n beslissende stem buiten sy of haar gewone stem.

(6) Die Raad moet notules van sy vergaderings hou.

(7) Geen besluit van die Raad is ongeldig slegs op grond van 'n vakature in die Raad nie: Met dien verstande dat die besluit geneem word deur die vereiste meerderheid van die lede van die Raad daar teenwoordig en geregtig daarop om as lede van die Raad te sit.

(8) Die voorsitter, of 'n meerderheid van die lede van die Raad, kan 'n buitengewone vergadering van die Raad roep in welke geval die bepalings van hierdie artikel, met die nodige veranderings, van toepassing is.

(9) Die Raad kan, volgens sy diskresie, lede van die publiek toelaat om enige vergadering van die Raad by te woon.

#### **Onttrekking van 'n lid van vergaderings en verrigtinge van die Raad**

12.(1) 'n Lid van die Raad moet hom- of haarself van 'n saak onttrek wat deur die Raad ondersoek, oorweeg of oor gestem word indien een of meer van die volgende geld –

- (a) indien hy of sy 'n direkte of indirekte belang het; of
- (b) indien daar 'n moontlikheid bestaan dat 'n direkte of indirekte belang mag ontstaan.

(2) Indien dit in enige stadium gedurende die loop van enige verrigtinge voor die Raad blyk dat 'n lid wat by daardie vergadering teenwoordig is, of 'n belang kan hê bedoel in subartikel (1), moet sodanige lid onverwyld die aard van sy of haar belang verklaar en die vergadering verlaat.

(3) Enige verklaring van belang wat ingevolge subartikel (1) gemaak is, moet opgeteken word in die notule van die betrokke vergadering.

(4) Indien dit daarna blyk dat die Raad 'n besluit geneem het oor 'n saak ten opsigte waarvan 'n lid versuim het om 'n belang bedoel in subartikel (1) te verklaar, is sodanige besluit deur die Raad ongeldig.

(5) Vir die doeleindes van hierdie artikel sluit "**indirekte belang**" in, maar is nie beperk nie tot, 'n belang wat gehou word deur enige lid se –

- (a) besigheidsvennoot, kollega of werkgewer, buiten die Staat;
- (b) eggenoot, deelgenoot in 'n gewoontehuwelik, of persoon saam met wie sodanige lid bly of leef asof hul getroud is; of
- (c) kind, ouer, of broer of suster.

### **Vergoeding van lede van die Raad**

13.(1)(a) Onderhewig aan subartikel 2(a) kan 'n lid van die Raad uit die fondse van die Kommissie sodanige vergoeding en toelae betaal word soos bepaal deur die verantwoordelike lid van die Uitvoerende Raad in oorelog met die lid van die Uitvoerende Raad verantwoordelik vir finansies; en

(b) 'n Lid van die Raad wat vergoeding, toelae of ander voordele ontvang uit hoofde van sy of haar pos of diens in –

- (i) die nasionale regering;
- (ii) 'n provinsiale regering;
- (iii) 'n munisipaliteit; of
- (iv) 'n korporasie, liggaam of instelling waarin die nasionale of 'n provinsiale regering 'n beherende belang het, en

wat voortgaan om sodanige vergoeding, toelaes of ander voordele te ontvang terwyl hy of sy as 'n lid van die Raad dien, mag slegs vergoeding en toelae ontvang soos vermeld in paragraaf (a) tot die omvang wat vereis word om sodanige lid in die finansiële posisie te plaas waarin hy of sy sou gewees het indien dit nie vir sodanige pos of diens was nie.

- (2)(a) 'n Lid van die Raad en 'n persoon wat aan die Raad gekoöpteer is, kan met betrekking tot sy of haar funksies as 'n lid of gekoöpteerde lid, vergoeding ontvang uit die fondse van die Korporasie vir redelike werklike reis- en verblyfkoste genoodsaak deur die werklike bywoning van 'n vergadering van die Raad; en
- (b) Die lid van die Uitvoerende Raad verantwoordelik vir finansies moet procedures, insluitende beheermaatreëls, bepaal vir die bestuur, hantering en verwerking van eise vir reis- en verblyfkoste bedoel in paragraaf (a).

### **Instelling van komitees om die Raad by te staan**

**14.(1)** Die Raad kan komitees instel wat uit een of meer van sy lede bestaan om –

- (a) die Raad by te staan in die uitvoering van enige van die bevoegdhede, pligte of funksies van die Raad bedoel in artikel 4; of
- (b) ondersoek in te stel of navorsing te doen oor enige saak wat binne die mandaat van die Raad ingevolge hierdie Wet val.

(2) Wanneer 'n komitee bedoel in subartikel (1) ingestel word, moet die Raad –

- (a) die opdrag van sodanige komitee bepaal, insluitend maar nie beperk nie tot, of sodanige komitee ophou voortbestaan of nie wanneer dit die taak of take voltooi het wat deur die Raad daaraan toegewys is;
- (b) 'n voorsitter van sodanige komitee aanstel wat 'n lid van die Raad moet wees; en
- (c) bepaal of sodanige komitee persone mag koöpteer wat nie lede van die Raad is nie, en indien wel, op watter terme en voorwaardes.

(3) Die Raad kan, te eniger tyd, die bestaan van 'n komitee of enige mandaat wat aan 'n komitee gegee is, beëindig, ongeag of sodanige komitee die taak of take voltooi het wat daaraan deur die Raad toegewys is.

- (4)(a) Die hoof- uitvoerende beampte mag vergaderings van 'n komitee bywoon en daarvan deelneem, maar het nie die reg om te stem nie; en
- (b) 'n Personeellid van die Raad mag, op uitnodiging deur die tersaaklike komitee, 'n vergadering van daardie komitee bywoon.

**Koöptering van persone aan die Raad of komitees van die Raad**

**15.(1)** Die Raad mag, indien hy van mening is dat 'n spesifieke persoon in staat is om hom by te staan met betrekking tot enige van sy funksies en bevoegdhede, sodanige persoon vir daardie doel koöpteer.

(2) 'n Persoon wat gekoöpteer is ingevolge subartikel (1) is nie geregtig daarop om te stem by enige vergadering van die Raad of 'n komitee nie.

(3) 'n Persoon wat gekoöpteer is ingevolge subartikel (1) moet sodanige vergoeding en toelae uit die fondse van die Korporasie ontvang soos bepaal deur die Raad ooreenkomsdig artikel 13(2)(a), in oorleg met die lid van die Uitvoerende Raad verantwoordelik vir finansies.

**HOOFSTUK 4****HOOF- UITVOERENDE BEAMPTE EN PERSONEEL VAN DIE DUBE HANDELSHAWE KORPORASIE****Hoof- uitvoerende beampte van die Dube Handelshawe korporasie**

**16.(1)** Die Raad moet, in oorleg met die verantwoordelike lid van die Uitvoerende Raad, die hoof- uitvoerende beampte van die Dube Handelshawe korporasie aanstel.

- (2)(a) Die hoof- uitvoerende beampte word aangestel vir 'n tydperk wat nie vyf jaar oorskry nie op terme en diensvoorraarde soos deur die Raad bepaal, in oorleg met die verantwoordelike lid van die Uitvoerende Raad; en
- (b) Die hoof- uitvoerende beampte, mag, met die goedkeuring van die verantwoordelike lid van die Uitvoerende Raad, heraangestel word vir sodanige tydperk as deur die verantwoordelike lid van die Uitvoerende Raad bepaal.

(3)(a) Die aanstelling van die hoof- uitvoerende beampte is onderhewig aan die sluiting van 'n skriftelike prestasie-ooreenkoms wat aangegaan word met die Dube Handelshawe korporasie; en

(b) Die Raad en die hoof- uitvoerende beampte mag, skriftelik en volgens ooreenkoms, die prestasie-ooreenkoms wysig.

(4) Vir doeleindes van die verklaring van finansiële of ander belang, is die bepalings van artikel 7 met die nodige veranderings van toepassing op die hoof- uitvoerende beampte behalwe dat die hoof- uitvoerende beampte sy of haar belang aan die Raad moet verklaar.

(5) Die hoof- uitvoerende beampte is 'n *ex officio*-lid van die Raad maar het nie die reg om by sy vergaderings te stem nie.

#### **Funksies van die hoof- uitvoerende beampte**

17.(1) Die hoof- uitvoerende beampte is verantwoordelik vir –

(a) die administratiewe en finansiële bestuur van die Dube Handelshawe korporasie in ooreenstemming met die Wet op Openbare Finansiële Bestuur, onderhewig aan die opdrag van die Raad;

(b) die aanstelling van personeellede van die Dube Handelshawe korporasie bedoel in artikel 19(1) in oorleg met die Raad;

(c) die bepaling van 'n gedragskode, in oorleg met die Raad, van toepassing op die hoof- uitvoerende beampte, alle personeel van die Dube Handelshawe korporasie en beregbaar vir doeleindes van dissiplinêre stappe, om –

(i) nakoming van toepaslike reg, insluitend hierdie Wet;

(ii) die doeltreffende, doelmatige en ekonomiese gebruik van die Dube Handelshawe korporasie se fondse en hulpbronne;

(iii) die bevordering en handhawing van 'n hoë standaard van professionele etiek;

(iv) die voorkoming van botsende belang;

(v) die beskerming van vertroulike inligting gehou deur die Raad; en

(vi) professionele, eerlike, onpartydige, regverdige, etiese en billike diens, te verseker;

- (d) die handhawing van dissipline oor die personeel aangestel ingevolge paragraaf (b) en moet, vir daardie doeleindes, aan die Raad verantwoordbaar wees;
- (e) die byhou en instandhouding van die register van belangte verklaar deur 'n personeellid van die Dube Handelshawe korporasie; en
- (f) versekering van nakoming deur die Dube Handelshawe korporasie van die bepalings van die Wet op Openbare Finansiële Bestuur en enige ander toepaslike wetgewing.

(2) Die hoof- uitvoerende beamppte is aan die Raad verantwoordbaar en moet aan die Raad rapporteer oor die aktiwiteite van die Dube Handelshawe korporasie.

(3) Indien die hoof- uitvoerende beamppte om enige rede nie in staat is om enige van sy of haar funksies uit te voer nie, moet die Raad, in oorleg met die verantwoordelike lid van die Uitvoerende Raad, 'n ander persoon aanstel as waarnemende hoof- uitvoerende beamppte tot die hoof- uitvoerende beamppte in staat is om daardie funksies te hervat.

#### **Bedanking en ontslag uit amp van die hoof- uitvoerende beamppte**

**18.(1)** Die hoof- uitvoerende beamppte ontruim sy of haar amp –

- (a) in die geval van bedanking, wanneer die bedanking van krag word;
- (b) wanneer, ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), die persoon wat daardie amp beklee, onbevoeg raak om as direkteur van 'n maatskappy te dien; en
- (c) by ontslag uit amp ingevolge subartikel (2).

(2) Die Raad kan, in oorleg met die lid van die Uitvoerende Raad, die hoof- uitvoerende beamppte se diens beëindig in ooreenstemming met toepaslike indiensnemings- en arbeidsreg.

**Personnel van die Dube Handelshawe korporasie**

**19.(1)** Die hoof- uitvoerende beampte moet, onderhewig aan subartikel (2), personeellede van die Dube Handelshawe korporasie in diens neem soos wat redelikerwys nodig blyk te wees –

- (a) om hom of haar by te staan in die verrigting van sy of haar funksies ingevolge hierdie Wet; en
- (b) om die Raad by te staan met die werk eie aan die verrigting van sy funksies deur die Raad.

(2) Die Raad moet 'n menslike hulpbronbeleid vir personeellede van die Dube Handelshawe korporasie bepaal, insluitend die hoof- uitvoerende beampte.

(3) Vir doeleindeste van die verklaring van finansiële of ander belangte, en onderhewig aan artikel 17(1)(e), is die bepalings van artikels 7(3), 7(4) en 7(5), met die nodige veranderings, van toepassing op personeellede van die Dube Handelshawe korporasie.

(4) Die hoof- uitvoerende beampte moet 'n opgedateerde register byhou van die belangte van personeellede van die Dube Handelshawe korporasie wat ingevolge subartikel (3) verklaar is.

(5) Die Raad, in oorleg met die verantwoordelike lid van die Uitvoerende Raad, moet –

- (a) die vergoeding en diensvoorwaardes; en
- (b) die pensioen- en aftreevoordele,

van die hoof- uitvoerende beampte en die ander personeellede van die Dube Handelshawe korporasie bepaal.

**Sekondering of verplasing van personeel na die Dube Handelshawe korporasie**

**20.** Die Dube Handelshawe korporasie kan die dienste benut van persone wat vanaf die staatsdiens gesekondeer of oorgeplaas word in ooreenstemming met die bepalings van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994).

## HOOFSTUK 5

### SLEUTELPLAN, BELEIDSVOORSKRIFTE EN STRATEGIESE RIGLYNE

#### **Sleutelplan**

**21.(1)** Die Raad moet, binne 6 maande na die inwerkingtreding van hierdie Wet, na oorlegpleging met die hoof- uitvoerende beampete, 'n sleutelplan instel.

(2) Die sleutelplan bedoel in subartikel (1), moet onder andere insluit die vragterminaal, eiendomsone, handelsone, landbousone, openbare vervoer nodusse, padnetwerke, spoor, vrag- en passasiersvervoernetwerke binne die Dube Handelshawe streek.

(3) Die sleutelplan moet opgedateer word wanneer die behoefté ontstaan om aan die doelwitte van die Dube Handelshawe korporasie te voldoen.

(4) Die sleutelplan moet deur die verantwoordelike lid van die Uitvoerende Raad goedgekeur word.

(5) Die sleutelplan moet, vir die jaar 2010, 2035 en 2060 –

- (a) 'n oorsig van die ontwikkelingstruktuur van die Dube Handelshawe;
- (b) ontwikkelingsdoelwitte en sleutelbeplanning vir die Dube Handelshawe; en
- (c) vir die ontwikkeling, sonering, vervoer en grootmaat-infrastrukturele behoeftes van die Dube Handelshawe korporasie,

bepaal.

(6) Wanneer die Raad sy funksies ingevolge hierdie Wet uitvoer, moet die Raad uitvoering gee aan die sleutelplan.

#### **Beleidsvoorskrifte en strategiese riglyne**

**22.** Die verantwoordelike lid van die Uitvoerende Raad kan –

- (a) Strategiese riglyne stel vir die nastrewing van die Dube Handelshawe korporasie se oogmerke;
- (b) beleidsvoorskrifte aan die Raad uitreik; en
- (c) enige beleidsopdragte uitgereik ingevolge paragraaf (a) onttrek of wysig.

## HOOFSTUK 6

### BEFONDING EN FINANSIELE BESTUUR VAN DIE DUBE HANDELSHawe KORPORASIE

#### **Fondse van die Dube Handelshawe korporasie**

**23.(1)** Die fondse van die Dube Handelshawe korporasie bestaan uit –

- (a) geld bewillig deur die Proviniale Wetgewer;
- (b) rente op beleggings van die Dube Handelshawe korporasie; en
- (c) inkomste wat wettig van enige ander bron afkomstig is.

**(2)** Die Dube Handelshawe korporasie moet sy fondse benut –

- (a) vir die betaling van vergoeding, toelaes en reis- en verblyfkoste van –
  - (i) die lede van die Raad;
  - (ii) die hoof- uitvoerende beampte; en
  - (iii) die personeellede van die Dube Handelshawe korporasie; en
- (b) om kostes te dek met betrekking tot –
  - (i) die dag-tot-dag bedryf en administrasie van die Dube Handelshawe korporasie en die Raad;
  - (ii) die bedryf en bestuur van die Dube Handelshawe korporasie; en
  - (iii) die verrigting van die pligte en funksies van die Dube Handelshawe korporasie en die uitoefening van sy bevoegdhede ingevolge hierdie Wet.

**(3)** Die hoof- uitvoerende beampte moet, met die instemming van die Raad –

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

**(4)** Die Raad kan gelde belê wat in sy rekening gedeponeer is en wat nie vir onmiddellike gebruik vereis word nie: Met dien verstande dat die Raad redelike stappe moet doen om te verseker dat die belegging nie spekulatief van aard is nie.

**(6)** Die Dube Handelshawe korporasie, asook die Raad, mag nie geld leen of waarborg, kwytskeldings of sekuriteite uitrek of enige ander transaksies wat die

Agentskap bind, aangaan nie, tensy sodanige lening, waarborg, kwytskelding, sekuriteit of ander transaksie ingevolge hierdie Wet gemagtig word en nie teenstrydig is met die Wet op Openbare Finansiële Bestuur nie.

### **Finansiële bestuur**

**24.(1)** Die hoof- uitvoerende beampete moet volledige en behoorlike rekeningboeke en al die nodige rekords wat daarop betrekking het, byhou.

(2) Die hoof- uitvoerende beampete moet verseker dat die Dube Handelshawe korporasie se jaarlikse begrotings, korporatiewe planne, jaarverslae en geouditeerde finansiële state voorberei en voorgelê word in ooreenstemming met die Wet op Openbare Finansiële Bestuur.

(3) Die hoof- uitvoerende beampete moet binne drie maande voor die einde van elke finansiële jaar –

(a) 'n besigheidsplan vir die Raad, wat meetbare doelwitte bevat en die ander inligting bedoel in artikel 25(3)(b) en (c); en

(b) 'n staat van die beraamde inkomste en uitgawes van die Raad,  
aan die Raad voorlê vir goedkeuring met betrekking tot die volgende drie finansiële jaar.

(4) In enige finansiële jaar kan die hoof- uitvoerende beampete aangepaste of bykomende state van die beraamde inkomste en uitgawes van die Dube Handelshawe korporasie vir daardie finansiële jaar aan die Raad voorlê vir goedkeuring.

(5) Die Dube Handelshawe korporasie mag geen finansiële verbintenis aangaan buiten sy goedgekeurde begroting en opgegaarde reserwes nie.

(6) Die hoof- uitvoerende beampete kan met die goedkeuring van die Raad –

(a) enige onbestede gedeelte van sy fondse by die Korporasie vir Openbare Deposito's of enige ander instelling belê soos van tyd tot tyd deur die Nasionale Tesourie gekategoriseer of ge lys as 'n Kategorie "A1"-finansiële instelling; of

(b) op enige ander manier van daardie gedeelte afstand doen.

(7) Die hoof- uitvoerende beampte kan, met die goedkeuring van die Raad, reserwefondse stig en bedrae soos deur die Raad goedgekeur, daarin deponeer.

### **Oudit en jaarverslag**

**25.(1)** Die Ouditeur-generaal moet die finansiële state van die Dube Handelshawe korporasie audit.

(2)(a) Die Raad moet 'n verslag oor die aktiwiteite van die Dube Handelshawe korporasie gedurende 'n finansiële jaar in die Proviniale Wetgewer ter tafel lê binne vyf maande na die einde van daardie finansiële jaar; en

(b) Binne vyf maande nadat die verslag ter tafel gelê is, moet 'n delegasie bestaande uit die voorsitter van die Raad en ten minste twee ander lede van die Raad die betrokke Portefeuiljekomitee oor die jaarverslag inlig.

(3) Die verslag moet –

(a) 'n balansstaat en 'n inkomste-en-uitgawestaat gesertifiseer deur die Ouditeur-generaal insluit;

(b) die omvang verklaar waartoe die Dube Handelshawe korporasie sy oogmerke vermeld in artikel 3 bereik of bevorder het en die meetbare doelwitte soos uiteengesit in sy besigheidsplan soos bedoel in artikel 24(3)(a) gedurende die betrokke finansiële jaar; en

(c) tersaaklike prestasie-inligting bevat aangaande die ekonomiese, doelmatige en doeltreffende toepassing van hulpbronne en in besonder 'n vergelyking tussen beplande en werklike prestasie-aanduiders soos in daardie besigheidsplan uiteengesit.

### **Finansiële jaar van die Dube Handelshawe korporasie**

**26.** Die finansiële jaar van die Dube Handelshawe korporasie begin op 1 April van 'n spesifieke jaar en eindig op 31 Maart van die volgende jaar.

**Vaste eiendom**

**27.** Die Dube Handelshawe korporasie kan, ingevolge 'n beleid en procedures soos deur die Raad bepaal en met die goedkeuring van die verantwoordelike lid van die Uitvoerende Raad, vaste eiendom verkry, hou of oor beskik in sy besigheidsverloop.

**Regstappe teen die Dube Handelshawe korporasie**

**28.(1)** Enige regstappe teen die Dube Handelshawe korporasie moet ingestel word in ooreenstemming met die Wet op die Instel van Geregtelike Verrigtinge teen Sekere Staatsorgane, 2002 (Wet No. 40 van 2002).

(2) Die Dube Handelshawe korporasie word, vir doeleindes van subartikel (1), beskou as staatsorgaan bedoel in paragraaf (c) van die omskrywing daarvan in artikel 1 van die vermelde Wet.

**HOOFSTUK 7****ALGEMENE BEPALINGS****Sekuriteit van vertroulike inligting gehou deur die Dube Handelshawe korporasie**

**29.(1)** Onderhewig aan die Grondwet en die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), mag geen persoon enige inligting wat aan die Dube Handelshawe korporasie voorgelê word met betrekking tot enige regsopdrag of -instruksie openbaar maak nie, tensy –

- (a) hy of sy deur 'n gereghof daartoe gelas word; of
- (b) die persoon wat sodanige opdrag of instruksie gegee het, skriftelik daartoe instem.

(2) Geen persoon mag enige inligting wat in die register bedoel in artikels 7(6), 16(4) en 19(4) gehou word, openbaar maak nie tensy sodanige openbaarmaking –

- (a) ingevolge enige wet is wat sodanige openbaarmaking verplig of magtig;
- (b) wesenlik nodig is vir die behoorlike funksionering van die Dube Handelshawe korporasie; of
- (c) gemaak is vir doeleindes van monitering, evaluering, ondersoek of oorweging van enige aktiwiteit wat op die Dube Handelshawe korporasie, of enige personeellid van die Dube Handelshawe korporasie, betrekking het.

(3) Enige persoon wat subartikel (1) of (2) oortree, is skuldig aan 'n misdryf.

#### **Ontbinding van die Dube Handelshawe korporasie**

**30.** Die Dube Handelshawe korporasie mag slegs ontbind word ingevolge 'n wet van die Provinciale Wetgewer.

#### **Gebruik van naam van die Dube Handelshawe of Dube Handelshawe korporasie**

**31.(1)** Geen persoon mag, sonder vooraf skriftelike magtiging van die Dube Handelshawe korporasie, op enige wyse die Dube Handelshawe korporasie verteenwoordig of gebruik maak van die naam, akroniem, logo, ontwerpe of materiaal gebruik of besit deur die Dube Handelshawe korporasie nie.

(2) Geen persoon mag valslik beweer dat hy of sy namens die Dube Handelshawe korporasie optree nie.

(3) Enige persoon wat subartikel (1) of (2) oortree, is skuldig aan 'n misdryf.

#### **Delegering**

**32.(1)** Die verantwoordelike lid van die Uitvoerende Raad mag aan die Raad –

- (a) enige bevoegdheid deleger wat aan die verantwoordelike lid van die Uitvoerende Raad deur hierdie Wet verleen is, buiten die bevoegdheid om regulasies vermeld in artikel 33 uit te vaardig; of

(b) enige plig deleger wat aan die verantwoordelike lid van die Uitvoerende Raad deur hierdie Wet opgelê is, buiten enige plig aangaande die aanstelling en beëindiging van die amp van die lede van die Raad bedoel in artikels 5(1)(a) en 9(2).

(2) Die Raad kan, deur 'n spesiale beslissing, enige bevoegdheid of plig wat deur hierdie Wet aan die Dube Handelshawe korporasie verleen of opgelê is, aan die hoof-uitvoerende beampte of personeellid van die Dube Handelshawe korporasie deleger.

(3) Die hoof- uitvoerende beampte kan aan enige personeellid van die Dube Handelshawe korporasie enige bevoegdheid of plig wat deur hierdie Wet aan die hoof-uitvoerende beampte verleen of opgelê is, deleger behalwe enige plig as rekenpligtige beampte van die Dube Handelshawe korporasie.

(4) Enige bevoegdheid of plig gedelegeer ingevolge subartikel (1), (2) of (3) moet uitgeoefen of verrig word onderhewig aan sodanige voorwaardes soos wat die persoon of liggaam wat die delegering gedoen het, nodig ag.

(5) Enige delegasie vermeld in subartikel (1), (2) of (3) –

- (a) moet skriftelik wees;
- (b) verbied nie die persoon of liggaam wat die delegering gedoen het om daardie bevoegdheid uit te oefen of daardie plig te verrig nie; en
- (c) mag ter enige tyd skriftelik deur daardie persoon of liggaam onttrek of gewysig word.

## **Regulasies**

33. Die verantwoordelike lid van die Uitvoerende Raad kan, in oorleg met die Raad en deur middel van kennis in die *Koerant*, regulasies uitvaardig met betrekking tot –

- (a) enige aangeleentheid wat voorgeskryf mag word ingevolge hierdie Wet; of
- (b) enige administratiewe of procedurele aangeleentheid wat nodig is om uitvoering te gee aan die bepalings van hierdie Wet.

**Likwidasie van die Dube Handelshawe maatskappy en oorgangsbeplings**

34.(1)(a) Die Maatskappy, Dube Handelshawe, met maatskappyregistrasienommer 2002/002801/08, ingestel ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), moet vrywillig gelikwideoor en geskrap word; en

(b) Die lede van die maatskappy moet, by likwidasie van die maatskappy vermeld in paragraaf (a), met behoorlike spoed en ywer optree en moet, onder andere voldoen aan artikel 349 en 350 van die Maatskappywet, 1973 (Wet No. 61 van 1973).

(2) Op die datum van likwidasie van die Dube Handelshawe maatskappy word alle bates, laste, regte, pligte en verpligtinge, insluitend enige onbestede gedeelte van enige opgelope fondse of fondse ontvang deur die Dube Handelshawe maatskappy, oorgeplaas na, en berus by, Dube Handelshawe korporasie, ingestel ingevolge artikel 2.

(3) Dube Handelshawe korporasie is, met betrekking tot die bates, laste, regte, pligte en verpligtinge en fondse vermeld in subartikel (2), vir alle doeleindes regtens die opvolger van, en dieregsopvolger tot, die Dube Handelshawe maatskappy.

(4) Die lede van die Raad van die Dube Handelshawe maatskappy moet as behoorlik gemagtigde en bemagtigde lede van die Raad optree tot sodanige tyd as wanneer die verantwoordelike lid van die Uitvoerende Raad, ingevolge artikel 5(1)(a), die Raad ingevolge hierdie Wet aangestel het.

(5) 'n Werksaanbod moet binne ses maande na die inwerkintreding van hierdie Wet deur die verantwoordelike lid van die Uitvoerende Raad aan alle personeellede van die Dube Handelshawe maatskappy gemaak word vir oorplasing na die Dube Handelshawe korporasie op 'n datum soos bepaal deur die verantwoordelike lid van die Uitvoerende Raad.

(6) Die vergoeding, voordele en voorregte wat deur die verantwoordelike lid van die Uitvoerende Raad in ooreenstemming met subartikel (5) gebied word, mag nie wesentlik verskillend of minder wees nie as dit betaalbaar aan die personeellid deur die Dube Handelshawe maatskappy, onmiddellik voor sy of haar oorplasing.

(7) Vir die doeleindes van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), word geag dat geen verandering van werkewer plaasgevind het nie met betrekking tot 'n personeellid wat 'n werksaanbod bedoel in subartikel (5) aanvaar.

(8) Wanneer 'n persoon ingevolge subartikel (5) 'n personeellid van die Dube Handelshawe korporasie word –

- (a) behou hy of sy alle opgelope vakansieverlof tot sy of haar krediet tot die datum onmiddellik voor die datum van oorplasing, aangepas in ooreenstemming met die diensvoorwaardes van die Dube Handelshawe korporasie; en
- (b) moet enige navraag wat ingestel of beoog word ten opsigte van beweerde wangedrag gepleeg deur sodanige persoon voor die datum van oorplasing, beskik word oor of ingestel word deur die Dube Handelshawe korporasie en die Raad moet toepaslike stappe doen teen die betrokke persoon in ooreenstemming met die wette, beleid en diensvoorwaardes wat op hom of haar van toepassing is onmiddellik voor die datum van oorplasing.

### **Algemene oortredings**

**35.(1)** 'n Lid van die Raad, 'n personeellid, adviseur, agent of enige ander persoon in diens van of waarnemend namens die Dube Handelshawe korporasie is skuldig aan 'n misdryf indien hy of sy direk of indirek enige omkoopgeld aanvaar en of enige ongemagtigde fooi of beloning ontvang vanaf enige persoon in verband met enigiets gedoen of gebied deur die Dube Handelshawe korporasie.

(2) Enige persoon is skuldig aan 'n misdryf indien hy of sy, met betrekking tot of in verband met enigiets wat deur die Dube Handelshawe korporasie gedoen of gebied word, 'n lid van die Raad, 'n personeellid, adviseur, agent of enige ander persoon in diens van of waarnemend namens die Dube Handelshawe korporasie, oorreed of probeer beïnvloed om 'n kriminele oortreding te began.

(3) Enige persoon wat valslik beweer dat hy of sy gemagtig is om fooie, donasies of bydraes te hef of in te vorder, namens of in opdrag van die Dube Handelshawe korporasie is skuldig aan 'n misdryf.

**Strawwe**

**36.** Enige persoon wat skuldig bevind is aan 'n misdryf ingevolge hierdie Wet is aanspreeklik vir 'n boete of gevangenisstraf vir 'n tydperk wat nie 5 jaar oorskry nie of beide.

**Kort titel**

**37.** Hierdie Wet word die KwaZulu-Natal Wet op Dube Handelshawe Korporasie, 2010 genoem.

**No. 4****21 kuMfumfu 2010****[Umbhalo wesiNgisi unyathelwe nguNdunankulu]****UMTHETHO WAKWAZULU-NATALI  
WE-DUBE TRADEPORT CORPORATION, 2010**

(Umthetho Na. 02 ka 2010)

Uvunywe ngomhlaka 18-08-2010

**UMTHETHO**

Wokuhlinzekela ukusungulwa kwe-Dube TradePort Corporation; wokunquma ngezinjongo, ngamandla, ngezibopho nangemisebenzi ye-Dube TradePort Corporation; wokunquma indlela okuzophathwa ngayo, okuzobuswa, okuzoqashwa ngayo abasebenzi nokuzokwesekwa ngayo ngezimali i-Dube TradePort Corporation; wokuhlinzekela ukuhlakazwa kwe-Dube TradePort Corporation; wokuhlinzekela ukuthi i-Dube TradePort Corporation kube iyona engena ezicathulweni ze-Dube TradePort Company ngokusemthethweni; nokuhlinzekela okunye okuphathelene nalokho.

MAKUMISWE UMTHETHO yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

UKUHLELEKA KWEZIGABA

*Isigaba*

ISAHLUKO 1  
IZINCAZELO

1. Izincazelو

ISAHLUKO 2  
I-DUBE TRADEPORT CORPORATION

2. Ukusungulwa kwe-Dube TradePort Corporation
3. Izinhloso ze-Dube TradePort Corporation
4. Amandla, izibopho nemisebenzi ye-Dube TradePort Corporation

ISAHLUKO 3  
IBHODI YE-DUBE TRADEPORT CORPORATION

5. Ukwakheka kweBhodi
6. Ukuhoxiswa ekuqokelweni eBhodini
7. Ukudalula ukuhlomula ngokwezezimali nokunye ukuhlomula kwamalungu eBhodi
8. Isikhathi sokuba sesikhundleni nokuqokwa kabusha kwelungu leBhodi
9. Izikhala zomsebenzi, ukususwa nokwesula esikhundleni kwamalungu eBhodi
10. Ucumiswa okwesikhashana kwelungu leBhodi
11. Imihlangano kanye nezinqubo zemihlangano yeBhodi
12. Ukuhoxa kwelungu emihlanganweni kanye nenqubo yeBhodi
13. Ukuholelwa kwamalungu eBhodi
14. Ukusungulwa kwamakomidi asiza iBhodi
15. Ukwengezwa kwabantu eBhodini noma emakomidini eBhodi

ISAHLUKO 4

ISIKHULU ESIPHEZULU KANYE NABASEBENZI BE-DUBE TRADEPORT CORPORATION

16. Isikhulu esiPhezulu se-Dube TradePort Corporation
17. Imisebenzi yesiKhulu esiPhezulu
18. Ukwesula kanye nokususwa esikhundleni kwesiKhulu esiPhezulu

19. Abasebenzi be-Dube TradePort Corporation
20. Ukusiswa noma ukudluliselwa kwabasebenzi kwi-Dube TradePort

#### ISAHLUKO 5

ISU LOKUSEBENZA, IMIKHOMBANDLELA YENQUBOMGOMO KANYE NEMIGUDU EFALENE

21. Isu lokuSebenza
22. ImiKhombandlela yeNqubomgommo nemiGudu eFanele

#### ISAHLUKO 6

UXHASOMALI NOKUPHATHWA KWEZIMALI ZE-DUBE TRADEPORT CORPORATION

23. Uxhasomali Iwe-Dube TradePort Corporation
24. Ukuphathwa kwezimali
25. Ukucwaningwa kwamabhuku nombiko wonyaka
26. Unyaka wezimali we-Dube TradePort Corporation
27. Impahla engenakususwa
28. Ukuthathelwa izinyathelo zomthetho kwe-Dube TradePort Corporation

#### ISAHLUKO 7

IZINHLINZEKO EZEJWAYELEKILE

29. Ukuphepha kolwazi oluyimfihlo olugcinwe yi-Dube TradePort Corporation
30. Ukuhlakazwa kwe-Dube TradePort Corporation
31. Ukuisetshenziswa kwegama le-Dube TradePort Corporation
32. Ukundluliselwa kwamandla
33. IMithethonqubo
34. Ukuvalwa kweNkampani i-Dube TradePort kanye nezinhlinzeko zesikhashana zalezo zinguquko
35. Amacala ajwayelekile
36. Izinhlawulo
37. Isihloko esifingqiwe

## ISAHLUKO 1

## IZINCAZELO

**Izincazelolo**

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okwehlukile -

“**iBhodi**” kusho ibhodi ye-Dube TradePort Corporation ehlongozwe kwisigaba 5;

“**isiKhulu esiPhezulu**” kusho isiKhulu esiPhezulu se-Dube TradePort Corporation, esihlongozwe kwisigaba 16;

“**uMthethosisekelo**” kusho uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996”

“**uMnyango**” kusho uMnyango Wezokuthuthukiswa Komnotho Nezokuvakasha nanoma yimuphi omunye umnyango wesifundazwe oyothatha izintambo omisebenzi yawo ibandakanya ukuthuthukiswa komnotho KwaZulu-Natali;

“**i-Dube TradePort**” kusho uhlelo lwentuthuko olumikhakha miningi oluhalanganise isikhumulo sezindiza sezinga lomhlaba, isikhungo sezohwebo, isikhungo sezolimo, okunye ukwesekwa okuhambisana nalokho kanye neminye imisebenzi ehambisana nalokho, olusendaweni esebangeni elingamakhilomitha angama-30 enyakatho yenkaba yedolobha laseThekwini;

“**isiFunda se-Dube TradePort**” kusho isifunda esisendaweni esebangeni elingaphansi kwamakhilomitha angama-30 ezungeze isikhumulo samabhanoyi esisenkabeni ye-Dube TradePort;

“**iNkampani ye-Dube TradePort**” kusho iNkampani ye-Dube TradePort, eBhaliswe ngoNombolo 2002/002810/07, esingulwe ngokoMthetho weziNkampani, 1973 (uMthetho No. 61 ka 1973);

“**i-Dube TradePort Corporation**” kusho ibhizinisi likahulumeni elisungulwe ngokwesigaba 2;

“**uMkhandlu oPhethe**” kusho uMkhandlu oPhethe esiFundazweni ohlongozwe kwisigaba 132 soMthethosisekelo;

“**iGazethi**” kusho iGazethi eseMthethweni yesiFundazwe saKwaZulu-Natali;

**"iNhloko yoMnyango"** kusho umuntu oqokwe njengeNhloko yoMnyango ngokwesigaba 12 soMthetho wemiSebenzi kaHulumeni nezichibiyelo;

**"iSu lokuSebenza"** kusho iSu lokuSebenza ukuze kusungulwe, kuhlelwe futhi kwakhiwe isikhungo esiyinkaba sezokuthutha esimikhakha miningi esiFundeni se-Dube TradePort njengoba kuhlongozwe kwisigaba 21;

**"iLungu loMkhandlu oPhethe elibhekele ezeziMali"** kusho ilungu lomkhandlu ophethe esifundazweni saKwaZulu-Natali elibhekele ezezimali;

**"iKomidi lemiSebenzi yasePhalamende"** kusho iKomidi lemiSebenzi yasePhalamende kwisiShayamthetho saKwaZulu-Natali elibhekele ukuthuthukiswa komnotho nezokuvakasha;

**"isiFundazwe"** kusho isiFundazwe saKwaZulu-Natali esihlongozwe kwisigaba 103 soMthethosisekelo kanti igama **"okwesifundazwe"** linencazelo efanayo;

**"ibhizinisi likahulumeni wesifundazwe"** kusho ibhizinisi likahulumeni wesifundazwe njengoba kuchazwe kwisigaba 1 soMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999);

**"uMthetho wokuPhathwa kweziMali zikaHulumeni"** kusho uMthetho wokuphathwa kwezimali zikaHulumeni, 1999 (uMthetho No. 1 ka-1999);

**"imithethonqubo"** kusho imithethonqubo eyakhiwe ngokwesigaba 33;

**"iLungu eliqondene loMkhandlu Ophethe"** kusho iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali elibhekele ukuthuthukiswa komnotho nezokuvasha noma lelo Lungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali uNdunankulu aliquo ukuthi liphathe ngokwalo Mthetho;

**"lo Mthetho"** ubandakanya nemithethonqubo.

## ISAHLUKO 2

## I-DUBE TRADEPORT CORPORATION

**Ukusungulwa kwe-Dube TradePort Corporation**

2.(1) Ngalokhu kusungulwa inkampani kahulumeni wesifundazwe ezokwaziwa nge-Dube TradePort Corporation.

(2) I-Dube TradePort Corporation ingumuntu ngokomthetho eyenza imisebenzi yayo ngokusebenzisa iBhodi.

(3) I-Dube TradePort Corporation iyosebenza ngokoMthetho wokuPhathwa kweziMali zikaHulumeni.

(4) IBhodi iyona enesibopho sokubika mayelana ne-Dube TradePort Corporation njengoba kuhlongozwe kwisigaba 49(2) soMthetho wokuPhathwa kweziMali zikaHulumeni.

**Izinhloso ze-Dube TradePort Corporation**

3. Izinhloso ze-Dube TradePort Corporation -

- (a) ukusungula i-Dube TradePort;
- (b) ukuphatha noma ukutshala izimali emiklamweni ehlobene ne-Dube TradePort;
- (c) ukulungiselela ukuthuthukiswa komnotho esiFundazweni ngokusebenzisa i-Dube TradePort;
- (d) ukuheha utshalomali lwasikhathi eside esiFundazweni;
- (e) ukuhlinzekela ukuhanjisa kwempahla emazweni angaphandle nempahla engenayo kusetshenziswa i-Dube TradePort; kanye
- (f) nokusebenzisa amandla, ukugcina izibopho nokwenza imisebenzi okubalulwe esigabeni 4.

**Amandla, izibopho nemisebenzi ye-Dube TradePort Corporation kanye neBhodi**

4.(1) I-Dube TradePort Corporation kumele, ngokusebenzisa iBhodi -

- (a) iqinisekise ukuhlelwa okufanele, ukusungulwa, uhlelo lokwakha, ukwakhiwa, ukuqhutshwa, ukuphathwa kanye nokulawulwa kwe-Dube TradePort;
- (b) yakhe fithi iqalise iSu lokuSebenza lokukhulisa umnotho wesiFunda se-Dube TradePort nowesifundazwe;
- (c) iyophatha futhi isebezise izinsiza enazo ngokuhambisana nezinhloso kanye nezidingo zeSu lokuSebenza;
- (d) iyohlonza, isungule, iqhakambise futhi igquqquzele amathuba okutshalwa kwezimali e-Dube TradePort; futhi

(e) iyoqala isu lokutshalwa kwezimali le-Dube TradePort.

(2) I-Dube TradePort Corporation -

- (a) ngenhloso yokusungula, yokugqugquzelwa, yokuqhakambisa noma yokutshala izimali esifundazweni, nangemuva kokugunyazwa ngokubhalwe phansi yiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho -
- (i) ingasungula futhi siqhubi inkampani eyodwa noma ngaphezulu, ibhizinisi elizimele noma eminye imigwamanda efanayo;
  - (ii) singahlanganyela ebhizinisini nezinye izikhungo, izinhlangano, omasipala, imigwamanda noma abantu; futhi
  - (iii) singaqoqa izimali ngokuthola usizo lweminikelo kanye noxhasomali;
- (b) ngokugunyazwa okubhaliwe phansi yiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, ingathenga noma idayise amasheya noma okunye esinakho ezinkampanini, emabhizinisini azimele nakweminye imigwamanda efanayo;
- (c) ingaxhumana nanoma yiliphi elinye ibhizinisi, uhlaka lombuso inhlango noma isikhungo esimisebenzi yaso noma esizinhloso zaso zinomthelela futhi zihambisana, nokuthuthukiswa, ukugqugquzelwa, ukuqhakanjisa noma ukutshalwa kwezimali esifundazweni;
- (d) ingaphenza futhi yenze izincomo eMkhandlwini oPhethe, ngeLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, nganoma yiluphi udaba oluphathelene ngqo noma oluphathelene ngandlela thile nokugqugquzelwa, nokuthuthukiswa noma nokuqhakanjisa kokutshalwa kwezimali esifundazweni;
- (e) ingangena ezivumelwaneni ukuze iphumelelise izinhloso zayo, isebezise amandla ayo, igcine izibopho futhi yenze imisebenzi yayo noma iphathe futhi ilawule izindaba zayo, okungaba ezingahlinzekelwe noma ezihilinzekelwe kulesi sigaba;
- (f) ingabamba iqhaza ekuphathweni, ekuhlolweni kanye nasekulawulweni kwebhizinisi noma kokuqhutshwa kwemisebenzi yesikhungo esinezinhloso ezifanayo noma esithi mazifane nezoMfelandawonye;
- (g) ingaqala noma itshale izimali kwimiklamo ehlobene nezinhloso zayo;
- (h) ingasungula isikhwama sezimali ukusimamisa ukuxhunyaniswa kwezokuthutha zasemoyeni esifundazweni;
- (i) ingenza noma yikuphi okunye noma ingenelele noma yiluphi udaba okunesidindo salo ukuze kufezekiswe izinhloso kanye nezidindo zeSu lokuSebenza; futhi
- (j) ingenza noma iyiphi enye into noma ingenelele kunoma yiluphi udaba iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho elibona lunesidindo ukuze kuqaliswe ngendlela efanele lo Mthetho.

(3) Ngaphezu kwamandla okukhulunywe ngawo kwizigatshana (1) no (2), i-Dube TradePort Corporation inamandla okukhulunywe ngawo kwisigaba 54(2) soMthetho wokuPhathwa kweziMali zikaHulumeni.

ISAHLUKO 3  
IBHODI YE-DUBE TRADEPORT CORPORATION

**Ukwakheka kweBhodi**

**5.(1) Ikhodi iqukethe -**

- (a) okungenani amalungu amathathu, kodwa engeqile kwayisishiyagalombili, aqokwe yiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho; kanye
- (b) nesiKhulu esiPhezulu, ngokwesikhundla saso, njengoba kuhlongozwe esigabeni 16(5).

(2) AmaLungu eBhodi kumele abe ngabantu abafanelekile futhi abakulungele ukusebenzela isiFundazwe ngentshisekelo, ewonke abe nalolu lwazi noma ubungoti -

- (a) ulwazi nobungoti ekuphathweni kwezimali;
- (b) ulwazi nobungoti emkhakheni wezokuvakash;
- (c) ulwazi nobungoti emkhakheni wezokuthutha;
- (d) ulwazi nobungoti emkhakheni wokuthuthukiswa komnotho;
- (e) ulwazi nobungoti emkhakheni wokuthuthukiswa komhlaba; kanye
- (f) nanoma yiliphi elinye ikhono, isipiliyonu noma ukuqeleshwa, ngokubona kwelungu loMkhandlu oPhethe, okungahlomulisa i-Dube TradePort Corporation.

(3) Ekuqokweni kwamalungu eBhodi, iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kumele liqinisekise ukuthi -

- (a) kubhekelelwa ukungalingani kwaphambilini;
- (b) iBhodi, iyonke, inamakhono nobungoti obufanele nobudingekayo; futhi
- (c) iBhodi imele abantu abaqashwe noma ababandakanyeka emabhizinisini ezomnotho nentuthuko esiFundazweni.

(4) ILungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kumele liqoke -

- (a) oyedwa emalungwini eBhodi njengoSihlalo weBhodi; kanye
- (b) noyedwa emalungwini eBhodi njengeSekela likaSihlalo weBhodi.

(5) ILungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho lingaqoka omunye umuntu njengozolimela –

(a) okumele asize ngokuxhumanisa iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho neBhodi;

(b) okumele abike kwiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho ngaso sonke isikhathi mayelana nezindaba ezibonakala zifanele; futhi

(c) ongethamela imihlangano yeBhodi futhi azibandakanye ezingxoxweni, kepha ongenalo ilungelo lokuvota uma iBhodi ithatha isinqumo.

(6) ILungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kumele, ngesaziso kwiGazethi, limeme noma yiziphi izinhlangothi ezinentshisekelo esiFundazweni ukuba ziphakamise abangaqokelwa eBhodini.

(7) Isimemo seziphakamiso kume sicacise –

(a) inqubo yeziphakamiso;

(b) okudingekayo kwiziphakamiso; kanye

(c) nosuku lokuvalwa kweziphakamiso.

(8) ILungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kumele licubungule zonke iziphakamiso ezilethiwe eziphendula isaziso, futhi lingaqoka ithimba ukuba lihlaziye zonke iziphakamiso futhi lenze izincomo ngeziphakamiso kwiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho.

(9) ILungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kumele liqinisekise ukuthi wonke amagama abantu abaqokelwe eBhodini ashicilelw *kwiGazethi* kanye nasemaphephandabeni okungenani amabili aphuma esiFundazweni, ngokushesha ngemuva kokuba labo bantu sebazisiwe, ngokuthi babbalelw, ngokuqokelwa kwabo eBhodini.

(10) ILungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kumele, ezinyangeni ezimbili ngemuva kokuqokwa kwamalungu eBhodi ngokwesigatshana (1), lazise uMkhandlu oPhethe kanye neKomidi lemisebenzi yasePhalamende ngamagama amalungu aqokiwe kubandakanya isikhathi abasiqokelwe.

(11) Lesi sigaba sisebenza, nezinguuko ezidingekeyo, ekuvalweni kwesikhala somsebenzi kwiBhodi.

**Ukuhoxiswa ekuqokelweni eBhodini**

6. Umuntu uyahoxiswa ekuqokelweni eBhodini noma ekutheni aqhubeke nokusebenza eBhodini, ngesizathu sokuthi –
- (a) ucwile noma ucwila ezikweletini ngendlela engenakuhlengeka;
  - (b) akaphilile noma uke wangaphila ekhanda noma umenyezelwe inkantolo njengogula ngengqondo;
  - (c) uhlomula ngqo noma ngandlela thile kunoma yisiphi isivumelwano somsebenzi neBhodi futhi uyejhuleka ukudalula lokho kuhlomula kanye nendlela ahlomula ngayo ngokwalo Mthetho;
  - (d) unguuntu ozinto zakhe zilawulwa umthetho;
  - (e) noma ngasiphi isikhathi uke wamiswa esikhundleni ngenxa yokungaziphathi kahle okuhlanganisa ukweba kanye nokukhwabanisa;
  - (f) useke waboshwa futhi wagwetshwa isikhathi eside ngaphandle kokubonelelwa ngokuthi akhokhe inhlawulo, ngaphandle uma iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, uma lithola incwadi efungelwe edalula imininingwane ephelele yecala elenziwe yilovo muntu ophakanyisiwe ukuze aqokwe, lingahoxisa leso sigwebo ngendlela ehambisana nesigaba 106(1)(e) soMthethosisekelo: Kuncike ekutheni ukuhoxiswa ngokwalesi sigatshana kuphela eminyakeni emihlanu ngemuva kokuphela kwalesi sigwebo; futhi
  - (g) uyejhuleka ukudalula ukuhlomula ngokuhambisana nesigaba 7 noma ubambe iqhaza kwizinqubo zeBhodi ngesikhathi enokuhlomula okuhlongozwe esigabeni esishiwoyo.

**Ukudalula ukuhlomula ngokwezezimali nokunye ukuhlomula kwamalungu eBhodi**

- 7.(1) Umuntu ophakanyiselwe ukuba asebenze eBhodini ngokwesigatshana 5(8) kumele, ezinsukwini eziyi-10 ephakanyisiwe, adalule ngokubhalwe phansi kwiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho konke ukuhlomula ngqo noma ngandlela thile anakho kunoma iyiphi inkampani noma kwamanye amabhizinisi.
- (2) Noma yikuphi ukwehluleka kophakanyisiwe ukudalula ukuhlomula ngokwezezimali kanye nokunye ukuhlomula ngokwesigatshana (1) kuyamhoxisa lowo ophakanyisiwe ngokwesigaba 6 ukuba acatshangelwe esikhundleni sokuba yilungu leBhodi.
- (3) Noma yiliphi ilungu leBhodi kumele, ngaphambi kokungena esikhundleni futhi ekuqaleni kwayo yonke iminyaka yezimali yesikhungo, lidalule ngokubhalwe phansi ukuhlomula ngqo noma ngandlela thile kwalo kunoma iyiphi inkampani noma ibhizinisi ngendlela ehlizekelwe esigabeni 234(3)(a) soMthetho weziNkampani, 1973 (uMthetho No. 61 ka 1973).

(4) Uma ilungu leBhodi liqala ukuhlomula kunoma iyiphi inkampani noma ukuhlomula kwelinye ibhizinisi nganoma yisiphi isikhathi lisasebenza njengelungu leBhodi kumele, ngaphambi kwezinsuku eziyi-10 kusukela osukwini eliqale ngalo lokho kuhlomula, lidalule ngokubhalwe phansi kwiLungu IoMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho lokho kuhlomula.

(5) Noma yikuphi ukwehluleka ohlangothini lwelungu ukudalula ukuhlomula kwalo njengoba kuhlongozwe ezigatshaneni (3) no (4) kungaholela ekutheni kube nezizathu ezizwakalayo nezicacile zokuhoxiswa kokuqokwa kwalelo lungu ngokwesigaba 9(2).

(6) ILungu IoMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kumele lligcine irejista evuselelw njalo yokuhlomula kwamalungu eBhodi azidalulile ngokwalesi sigaba.

#### **Isikhathi sokuba sesikhundleni nokuqokwa kabusha kwelungu leBhodi**

8. Umuntu abaqokelwe eBhodini baba sesikhundleni isikhathi esiyiminyaka eyi-5 noma esingaphansi njengoba iLungu IoMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho linganquma futhi, ngokuncike esigabeni 5, bangakwazi ukuphinde baqokwe ekupheleni kwaLeso sikhathi: Kuncike ekutheni akekhlo umuntu ongaphinde akhethwe ngemuva kokusebenza eBhodini isikhathi esiyiminyaka eyi-10 elandelanayo.

#### **Izikhala zomsebenzi, ukususwa nokwesula esikhundleni kwelungu leBhodi**

9.(1) Ilungu leBhodi kumele lishiye isikhundla uma lihoxiswa ngokuhlongozwe esigabeni 6.

(2) ILungu IoMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, ngemuva kokunikeza ilungu ithuba lokubeka udaba Iwalo, noma ngasiphi isikhathi lingamisa esikhundleni lelo lungu uma, ngokubona kwalo, kunezizathu ezizwakalayo neziphooqayo zokwenza lokho.

(3) Ilungu kumele lishiye isikhundla uma liphutha emsebenzini, ngaphandle kokunikezwa imvume yokuphutha kuqala yiBhodi, emihlanganweni emibili elandelanayo yeBhodi lapho kwanikezwa isaziso ngendlela efanele kulelo lungu ngqo noma ngeposi.

(4) Ilungu lingesula esikhundleni ngokuthi libhale isaziso sezinsuku ezingekho ngaphansi kwama-30 lisibhekise eLungwini eliqondene loMkhandlu Ophethe: Inqobo nje uma iLungu eliqondene loMkhandlu Ophethe lingasilandeli isikhathi sesaziso.

(5) Noma nini lapho kuvela isikhala somsebenzi eBhodini, iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, kuncike esigabeni 5, kumele liqoke umuntu ozovala leso sikhala somsebenzi kuleso sikhathi esisasele sokuba sesikhundleni kwelungu okuzoqokelwa kuso lowo muntu.

(6) Lapho iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho lisebenzisa amandla alo ngokwesigatshana (2), uma lingahambani nokulandela inqubo yokukhethwa kwamalungu eBhodi ebekwe kwisigaba 5, kodwa kuncike kwizigaba 5(2) no 5(3), lingaqoka abantu ukusebenza njengamalungu eBhodi okwesikh ashana: Kuncike ekutheni -

- (a) abantu abaqokwe ngokwalesi sigatshana angeke baqhubeke nokuba seBhodini isikhathi esingaphezu kwezinsuku ezingama-90 kusuka osukwini abaqokwe ngalo; futhi
- (b) iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, kuncike kwisigaba 5, kumele liqoke amalungu eBhodi ezinsukwini ezingama-90 kwensiwe ukuqokwa okuhlongozwe kulesi sigatshana.

#### **Ukumiswa okwesikhashana kwelungu leBhodi**

10. ILungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho lingamisa ilungu leBhodi ngesikhathi iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho lisaphenya izinsolo, uma kutholakala ukuthi ziyaniso, okungaholela ekutheni ukuqokwa kwelungu kumiswe ngokwesigaba 9(2).

#### **Imihlangano kanye nezinqubo zemihlangano yeBhodi**

11.(1) Umhlangano wokuqala weBhodi kumele ubanje weBhodi nangeshikhathi kanye nasendaweni enqunywe yiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho ngemuva kwalokho yonke imihlangano elandelayo kumele ukuba inqunywe nguSihlalo.

(2) Isibalo esivumelekile ukuba sibambe umhlangano weBhodi yiningi lamalungu eBhodi.

(3) Inqubo emhlanganweni weBhodi kumele, kuncike ezinhlinzekweni zalesi sigaba, inqunywe ngusihlalo kubandakanya ilungelo lokunquma ukuthi noma yiluphi udaba okuxoxwa ngalo lungamiswa ngaphambi kokuthi luvotelwe.

(4) Usihlalo kumele engamele yonke imihlangano yeBhodi. Uma engekho uSihlalo, iSekela likaSihlalo kumele lengamele futhi esimweni uma usihlalo noma isekela likasihlalo engekho emhlanganweni weBhodi, amalungu akhona angakhetha, kuwona, umuntu ozobamba njengosihlalo ngesikhathi salowo mhlango.

(5) Isinqumo sebhodi kumele sithathwe yiningi lamavoti amalungu akhona emhlanganweni futhi, esimweni lapho kunokulingana kwamavoti kunoma yiluphi udaba, usihlalo unevoti elingujuqu ngaphezu kwevoti lakhe elejwayelekile.

(6) IBhodi kumele ihlele ukuba kugcinwe amaminithi emihlangano yayo.

(7) Asikho isinqumo seBhodi esingeke semukelwe ngesizathu sokuba khona kwasikhala somsebenzi eBhodini: Kuncike ekutheni isinqumo sithathwa yiningi elidingekayo lamalungu eBhodi akhona futhi avumelekile ukuhlala njengamalungu eBhodi.

(8) Usihlalo, noma iningi lamalungu eBhodi, lingabiza umhlangano oyisipesheli weBhodi esimweni lapho izinhlinzeko zalesi sigaba zihambisana nezinguquko ezidingeckayo.

(9) IBhodi, ngokubona kwayo, ingavumela amalungu omphakathi ukuba ethamele umhlangano weBhodi.

#### **Ukuhoxa kwelungu emihlanganweni kanye nenqubo yeBhodi**

12.(1) Ilungu leBhodi kumele lizihoxise odabeni oluphenywayo, olucutshungulwayo noma oluvotelwayo yiBhodi uma kuvela okukodwa noma ngaphezulu kokulandelayo –

- (a) uma lona linokuthinteka ngqo noma ngandlela thile; noma
- (b) uma kunamathuba okuthi kungenzeka lithinteka ngqo noma ngandlela thile.

(2) Noma yingasiphi isikhathi lapho kuhubeka umhlangano weBhodi kuvela ukuthi ilungu elikhona kulowo mhlango liyathinteka noma ngase kube liyathinteka ngokuhlongozwe esigatshaneni (1), lelo lungu kumele ngokushesha lidalule indlela elithinteka ngayo bese liwushiya umhlangano.

(3) Noma yikuphi ukudalulwa okwenziwe ngokwesigatshana (1) kumele ukuba kuqoshwe emaminithini alowo omhlangano.

(4) Uma kuvela emva kwalokho ukuthi iBhodi yathatha isinqumo odabeni lapho kwaba nokwehluleka ngasohlangothini lelungu ukudalula ukuthinteka okuhlongozwe esigatshaneni (1), leso sinqumo seBhodi asamukelekile.

(5) Ngokwezinhoso zalesi sigaba "**ukuthinteka ngandlela thile**" kuhlanganisa, phakathi kokunye, ukuthinteka –

- (a) kukazakwabo welungu ebhizinisini, umhlobo noma umqashi, ngaphandle koMbuso;
- (b) komlingani welungu, kowakwa<sup>l</sup>o ngokomshado wesintu, noma kongumasihalisane noma kwelihlalisana naye sabantu abashadile; noma
- (c) kwengane, komzali noma kozalana nalo.

#### **Ukuholelwa kwamalungu eBhodi**

13. (1)(a) Kuye ngokuhambisana nesigatshana 2(a), ilungu leBhodi lingakhokhelwa ezimalini zeKhomishana iholo kanye nezibonelelo njengalokhu kunganquma iLungu eliqondene loMkhandlu Ophethe ngokubonisana neLungu loMkhandlu oPhethe elibhekele ezezimali; futhi

(b) iLungu leBhodi eliholelwayo, elithola izibonelelo noma elithola eminye imihlomulo ngokwesikhundla salo noma ngokomsebenzi walo –

- (i) kuhulumeni kazwelonke;
- (ii) kuhulumeni wesifundazwe;
- (iii) kumasipala; noma

(iv) ebhizinisini, kumgwamanda noma esikhungweni lapho uhulumeni kazwelonke noma wesifundazwe ebandakanya<sup>e</sup>ekulawuleni; futhi

eliqhube<sup>a</sup>ka nokuthola lelo holo, lezo zibonelelo noma eminye imihlomulo ngesikhathi lisasebenza njengelungu leBhodi, lingathola iholo kanye nezibonelelo kuphela okukhulunywe ngakho endimeni (a) ngendlela edingekayo ukulibeka esimweni sezimali ebelivele izoba kusona ukube belingaqashiwe kuleso sikhundla noma kulowo msebenzi.

(2)(a) Ilungu leBhodi kanye nomuntu owengeziwe eBhodini, maqondana nemisebenzi yakhe njengelungu noma njengelungu elengeziwe eBhodini, angathola isibonelelo ezimalini zesiKhungo njengezindleko zokuhamba ngokomsebenzi ezidalwe ukwethamela kwakhe umhlangano weBhodi; futhi

(b) iLungu loMkhandlu oPhethe elibhekele ezezimali kumele linqume ngezinquo<sup>b</sup>, kubandakanya izindlela zokulawula, ukuze kuphathwe, kuhanjiswe futhi kuqutshwe izimangalo zezindleko zokuhamba ngokomsebenzi ezihlongozwe endimeni (a).

### **Ukusungulwa kwamakomidi azosiza iBhodi**

- 14.(1) IBhodi ingasungula amakomidi aqukethe ilungu elilodwa noma ngaphezulu kumalungu ayo ukuze –
- (a) asize iBhodi ekusetshenzisweni kwanoma yimaphi amandla, ekwenziweni kwemisebenzi noma ekugcinweni kwezibopho zesiKhungo okuhlongozwe esigabeni 4; noma
  - (b) aphenye noma aqhube ucwaningo kunoma yiluphi udaba olungena ngaphansi kwezinjongo zeBhodi ngokwalo Mthetho.
- (2) Uma kusungulwa ikomidi elihlongozwe esigatshaneni (1), iBhodi kumele –
- (a) inqume indlela yokusebenza kwalelo komidi kubandakanya, phakathi kokunye, ukuthi kumele yini noma cha ukuthi lelo komidi liqedwe uma seliphothule umsebenzi noma imisebenzi eliyinqunyelwe yiBhodi;
  - (b) iqoke uSihlalo walelo komidi okumele abe yilungu leBhodi; futhi
  - (c) inqume ukuthi ingabe kufanele noma cha ukuthi lelo komidi lifake abantu abangesiwo amalungu eBhodi, futhi uma kunjalo, ngaphansi kwayiphi imibandela nemigomo.
- (3) IBhodi, noma ngasiphi isikhathi, ingamisa ikomidi nanoma yikuphi ukujutshwa kwekomidi, kungakhathaleki ukuthi lelo komidi seliwuqedile noma cha umsebenzi noma imisebenzi eliyinikezwe yiBhodi.
- (4)(a) IsiKhulu esiPhezulu singethamela futhi sibambe iqhaza, kodwa singavoti, emihlanganweni yalelo komidi.
- (b) Ilungu labasebenzi beBhodi, uma limenywe yilelo komidi, lingawuhambela umhlangano walelo komidi.

### **Ukwengezwa kwabantu eBhodini noma emakomidini eBhodi**

- 15.(1) IBhodi, uma inombono wokuthi umuntu othize angalisiza maqondana nanoma yimiphi imisebenzi yalo nasekusebenziseni amandla alo, lingamengeza lowo muntu ngaleylo nhoso.
- (2) Umuntu owengezwe ngokwesigatshana (1) akavumelekile ukuvota emhlanganweni webhodi noma wamakomidi.
- (3) Umuntu owengezwe ngokwesigatshana (1) angaholelwa iholo lalokho noma isibonelelo ezimalini zesiKhungo ngendlela enganqunywa yiBhodi ngokuhambisana nesigaba 13(2)(a), ngemuva kokubonisana neLungu loMkhandlu elibhekelle ezezimali.

## ISAHLUKO 4

## ISIKHULU ESIPHEZULU KANYE NABASEBENZI BE-DUBE TRADEPORT CORPORATION

**IsiKhulu esiPhezulu se-Dube TradePort Corporation**

16.(1) IBhodi, ngokubonisana neLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, kumele iqoke isiKhulu esiPhezulu se-Dube TradePort Corporation.

(2)(a) IsiKhulu esiPhezulu siqokelwa esikhundleni isikhathi esingeqile eminyakeni emihlanu ngemigomo nemibandela enqunywe yiBhodi, ngokubonisana neLungu eliqondene loMkhandlu Ophethe; futhi  
(b) IsiKhulu esiPhezulu, ngokugunyaza kwelungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho singaphinde siqokwe, isikhathi esinganqunywa yiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho.

(3)(a) Ukuqokwa kwesiKhulu esiPhezulu kuncike ekuphothulweni kwasivumelwano sokusebenza esibhaliwe esingena kuso ne-Dube TradePort Corporation; futhi  
(b) IBhodi kanye nesiKhulu esiPhezulu, ngokubhaliwe nangesivumelwano, bangachibiyela isivumelwano sokusebenza.

(4) Ngezinhloso zokudalula ukuhlomula ngokwezezimali nokunye ukuhlomula, izinhlinzeko zesigaba 7 zisebenza nezinguquko ezidingekile esiKhulwini esiPhezulu ngaphandle kokuthi isiKhulu esiPhezulu kumele sidalule ukuhlomula kwaso eBhodini.

(5) IsiKhulu esiPhezulu siyilungu elihola iBhodi kodwa asinalo ilungelo lokuvota emhlanganweni yayo.

**Imisebenzi yesiKhulu esiPhezulu**

17.(1) IsiKhulu esiPhezulu sibhekele –

(a) ukulawulwa kanye nokuphathwa kwezimali ze-Dube TradePort Corporation ngokuhambisana noMthetho wokuPhathwa kweziMali zikaHulumeni, 1999 (uMthetho No. 1 ka 1999), kuncike ekulawuleni kweBhodi;  
(b) ukuqokwa kwamalungu abasebenzi be-Dube TradePort Corporation okuhlongozwe esigabeni 19( 1) ngokubonisana neBhodi;

(c), ukunquma, ngokubonisana neBhodi, ngenqubo yokuziphatha, esetshenziswa yisiKhulu esiPhezulu, kubo bonke abasebenzi be-Dube TradePort Corporation kanye nengokomthetho ngezinhloso zokuqondiswa kwezigwegwe, ukuqinisekisa –

- (i) ukuhambisana nomthetho osebenzayo, kubandakanya lo Mthetho;
- (ii) ukusetshenziswa ngokufanele, ngokunesidingo nangokunenzozo kwezimali nezinsiza ze-Dube TradePort Corporation;
- (iii) ukugqugquzelwa kanye nokugcinwa kwezinga eliphezulu lenqubomgomo mayelana nemigomo yokusebenza ngendlela;
- (iv) ukunqanda ukushayisana kwemibono;
- (v) ukuvikelwa kolwazi oluyimfiho olugcinwe yisiKhungo; kanye
- (vi) nezinga, nokwethembeka, nokuzimela, nobuqotho, nenqubomgomo kanye nokusebenza ngokulingene;
- (d) ukulawuļwa kokuziphatha kwabasebenzi abaqokwe ngokwendima (b) futhi kumele, ngalezo zinhloso, kwensiwe yiBhodi;
- (e) ukulondolozwa kanye nokugcinwa kwerejista yokuhlomula okumenyezelwe yilungu labasebenzi be-Dube TradePort; kanye
- (f) nokuqinisekiswa kokuhlangabezana kwe-Dube TradePort Corporation nezihlinzezo zoMthetho wezokuPhathwa kweziMali zikaHulumeni, kanye nanoma yimiphi eminye imithetho esebeenzayo.

(2) Isikhulu esiPhezulu sinesibopho sokubika kwiBhodi futhi kumele sibukele iBhodi ngemisebenzi ye-Dube TradePort Corporation.

(3) Uma isiKhulu esiPhezulu nganoma yisiphi isizathu singakwazi ukwenza imisebenzi yaso, iBhodi kumele, ngokubonisana neLungu loMkhandlu oPhethe elibhekelle ukuthuthukiswa komnotho, liqoke omunye umuntu ozoba yiBamba lesiKhulu esiPhezulu kuze kube isiKhulu esiPhezulu siyakwazi ukuba siqale ukwenza leyo misebenzi.

#### **Ukwesula kanye nokususwa esikhundleni kwesiKhulu esiPhezulu**

**18.(1)** Isikhulu esiPhezulu sishiya isikhundla –

- (a) lapho sesula, noma kuba nokwesula;
- (b) ngenkathi, ngokoMthetho weziNkampani, 1973 (uMthetho No. 61 ka 1973), umuntu ophethe lesi sikhundla eba ngohoxiswayo ukuba asebenze njengomqondisi wenkampani; noma
- (c) lapho sixoshwa esikhundleni ngokwesigatshana (2).

(2) IBhodi ngokubonisana neLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho ingamisa umsebenzi wesiKhulu esiPhezulu ngokuhambisana nomthetho wokuqasha nowabasebenzi osebenzayo.

#### **Abasebenzi be-Dube TradePort Corporation**

19.(1) IsiKhulu esiPhezulu kumele, kuncike esigatshaneni (2), siqashe amalungu abasebenzi be-Dube TradePort Corporation uma kuba nesidingo esifanele –

- (a) sokusiza ekufezeni imisebenzi yayo ngokwalo Mthetho; kanye
- (b) nokusiza iBhodi ngomsebenzi othintana nokwenziwa yiBhodi emisebenzini yayo.

(2) IBhodi kumele inqume inqubomgomu yezindaba eziphathelene nabasebenzi kumalungu abasebenzi be-Dube TradePort Corporation, kubandakanya isiKhulu esiPhezulu.

(3) Ngokwezinhloso zokudalulwa kokuhlomula ngakwezezimali noma okunye ukuhlomula, nangokuncike esigabeni 17(1)(e), izihlinzeko zesigaba 7(3), (4) kanye no (5) zisebenza noshintsho oludingekile kumalungu abasebenzi be-Dube TradePort Corporation.

(4) IsiKhulu esiPhezulu kumele sigcine irejista evuseleiwe yokuhlomula kwamalungu abasebenzi be-Dube TradePort Corporation okudalulwe ngokwesigatshana (3).

(5) IBhodi, ngokubonisana neLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, kumele linqume -

- (a) amaholo nezimo zokusebenza; kanye
- (b) nempesheni nemihlomulo yomhlalaphansi,

kwesikhulu esiPhezulu namanye amalungu abasebenzi be-Dube TradePort Corporation.

#### **Ukusiswa noma ukudluliselwa kwabasebenzi be-Dube TradePort Corporation**

20. I-Dube TradePort Corporation ingasebenzisa usizo lwabantu abasisiwe noma abadluliselwe besuka kuhulumeni ngokuhambisana nezinhlinzeko zoMthetho wemiSebenzi kaHulumeni, 1994 (Isimemezelo No. 103 sika 1994).

**ISAHLUKO 5****ISU LOKUSEBENZA, IMIKHOMBANDLELA YENQUBOMGOMO KANYE NEMIGUDU EFALENE****ISu lokuSebenza**

**21.(1)** IBhodi kumele ezinyangeni eziyisithupha iqalile ukusebenza ngokwalo Mthetho, ngemuva kokubonisana nesiKhulu esiPhethe, isungule iSu lokuSebenza.

(2) Isu lokuSebenza elihlongozwe kvisigatshana (1), kumele lubandakanye, phakathi kokunye, indawo yokugcina impahla enkulu, indawo yezakhiwo, indawo yokuhweba, indawo yezolimo, indawo yezithuthi zomphakathi, inxanxathela yemigwaqo, ujantshi wesitimela, imizila yezithuthi zempahla nezabantu ngaphakathi esiFundeni se-Dube TradePort.

(3) ISu lokuSebenza kumele livuselelwé uma kuba nesidingo ukuze kuhlangantshezwane nezinhloso ze-Dube TradePort Corporation.

(4) ISu lokuSebenza kumele ligunyazwe yiLungu IoMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho.

(5) ISu lokuSebenza kumele, okungenani ngonyaka ka 2010, 2035 noka 2060, lihlinzeke -

- (a) ngesithombe esicacile sohlaka lokuthuthukiswa kwe-Dube TradePort;
- (b) izinhloso zentuthuko kanye nokuhlelwa kwamasu okusebenza kwe-Dube TradePort; kanye
- (c) nokuthuthukiswa, ukuklanywa, ezokuthutha kanye nezidingo zengqalasizinda eziningi ze-Dube TradePort Corporation.

(6) Lapho yenza imisebenzi yayo ngokwalo Mthetho, iBhodi kumele isebezise iSu lokuSebenza.

**Iziqondiso zenqubomgomo nemikhombandlela yamasu okusebenza**

**22.(a)** ILungu eliqondene IoMkhandlu Ophethe

- (a) lingabeka imikhombandlela yamasu okusebenza ukuze kufezekiswe izinhloso ze-Dube TradePort Corporation;
- (b) lingakhipha iziqondiso zenqubomgomo ezibhekiswe eBhodini; futhi
- (c) lingahoxisa noma lichibiyele noma yiziphi iziqondiso zenqubomgomo ezibekwe ngokwendima (a).

**ISAHLUKO 6****UXHASOMALI NOKUPHATHWA KWEZIMALI ZE-DUBE TRADEPORT CORPORATION****Uxhasomali Iwe-Dube TradePort Corporation**

**23.(1) Izimali zesiKhungo ziukethe –**

- (a) imali esiyabelwe yisiShayamthetho sesiFundazwe;
- (b) inzalo yezimali ezitshalwe yi-Dube TradePort Corporation; kanye
- (c) nengeniso etholakale ngokusemthethweni kunoma yimuphi umthombo.

**(2) I-Dube TradePort Corporation kumele sizisebenzise izimali zaso –**

- (a) ngokukhokhela amaholo, izibonelelo zokuphila kanye nezindleko zokuhamba –
  - (i) zamalungu eBhodi;
  - (ii) zesiKhulu esiPhezulu; kanye
  - (iii) nezamalungu abasebenzi be-Dube TradePort Corporation; kanye
- (b) nokukhokhela izindleko eziphathelene –
  - (i) nokuqhutshwa kwansuku zonke kanye nokuphathwa kwe-Dube TradePort Corporation kanye neBhodi;
  - (ii) ukusebenza kanye nokuphathwa kwe-Dube TradePort Corporation; kanye
  - (iii) nokwensiwa kwemisebenzi namajoka eBhodi nokuthi isiKhungo sisebenzise amandla aso ngokwalo Mthetho.

**(3) IsiKhulu esiPhezulu, ngokuvumelana neBhodi kumele –**

- (a) sivule i-akhawunti egameni le-Dube TradePort Corporation esikhungweni esibhaliswe njengebhange ngokoMthetho wamaBhange, 1990 (uMthetho No. 94 ka 1990); futhi
- (b) sifake lapho yonke imali etholwe ngokwesigatshana (1).

**(4) IBhodi ingatshalwa izimali ezifakwe kwi-akhawunti yayo ezingadingi ukusetshenziswa ngokushesha: Kuncike ekutheni iBhodi kumle ithathe izinyathelo ezifanele ukuqinisekisa ukuthi utshalomali akulona olohlolo olungaqindakali.**

**(5) I-Dube TradePort noma iBhodi benqatshelwe ukuboleka imali noma ukukhipha iziqinisekiso, izinxephezelo noma izibambiso noma ukungena kunoma yinhloboni yokusetshenziswa kwemali okwenqatshelwe ngaphandle uma lokho kuboleka, isiqinisekiso, isinxephezelo, isibambiso noma okunye ukusetshenziswa kwemali kugunyazwe ngokwalo Mthetho futhi kungashayisani noMthetho wokuPhathwa kweziMali zikaHulumeni.**

**Ukuphathwa kwezimali**

**24.(1) IsiKhulu esiPhezulu kumele senze ukuba kugcinwe amabhuku agcwele futhi afanele e-akhawunti kanye nayo yonke imininingwane edingekile ephathelene nayo.**

(2) IsiKhulu esiPhezulu kumele siqinisekise ukuthi isabelomali sonyaka se-Dube TradePort Corporation, izinhlelo zenhlangano, imibiko yonyaka kanye nezitativende zezimali ezicwaningiwe ziyalungiswa futhi zilethwa ngokuhambisana noMthetho wokuPhathwa kweziMali zikaHulumeni.

(3) IsiKhulu esiPhezulu kumele, ezinyangeni ezintathu ngaphambi kokuba kuphele unyaka wezimali, silethe ukuze kuvunywe yiBhodi –

(a) uhlelo Iwebhizinisi IweBhodi, oluqukethe izinjongo ezilinganisiwe kanye neminye imininingwane ehlongozwe esigabeni 25(3)(b) kanye no (c); kanye

(b) nesitativende sesilinganiso senzuso kanye nezindleko zeBhodi, maqondana neminyaka emithathu elandelayo yezimali.

(4) Kunoma yimuphi unyaka wezimali isiKhulu esiPhezulu singaletha eBhodini ukuze kugunyazwe izitativende zemali eyengeziwe noma esetshenzisiwe engenisweni noma ezindlekwani ze-Dube TradePort Corporation zangalowo nyaka wezimali.

(5) I-Dube TradePort Corporation angeke sizibandakanye kunoma yisiphi isivumelwano sezimali esingaphezu kwesabelomali esisinikeziwe kanye nesikuzuzile eceleni.

(6) IsiKhulu esiPhezulu, ngokuvuma kweBhodi –

(a) singatshala noma iyiphi ingxenye engasetshenziswanga yezimali zayo eNhlanganweni yokuTshalwa kweziMali zikaHulumeni noma kwesinye isikhungo esihlukanisiwe noma esibhalisiwe izikhathi ngezikhathi nguMnyango kaMgcinimafa wesiFundazwe njengesisoSohlwini olungu "A1" Iwezikhungo zezimali; noma

(b) singayisebenzisa leyo ngxenye nganoma iyiphi enye indlela.

(7) IsiKhulu esiPhezulu ngokugunyaza kweBhodi, singasungula izikhwama eziseceleni futhi sifake kuzolezo zimali njengalokhu iBhodi ingavuma.

### **Ukucwaningwa kwamabhuku kanye nombiko wonyaka**

25.(1) UMcwaningimabhuku-Jikelele kumele acwaninge izitativende zemali ze-Dube TradePort Corporation.

(2)(a) iBhodi kumele yethule umbiko ngezinto ezenziwa yi-Dube TradePort Corporation ngesikhathi sonyaka wezimali kwiSishayamthetho sesiFundazwe ezinyangeni ezinhlanu ngemuva kokuphela konyaka wezimali; futhi

(b) Ezinyangeni ezinhlanu ngemuva kokwethulwa kombiko, izithunywa ezibandakanya osihlalo bobabili beBhodi namalungu okungenani amabili eBhodi kumele zichazele iKomidi lesiShayamthetho elibhekele ezezimali ngombiko wonyaka.

(3) Umbiko kumele –

(a) ubandakanye isitatinende esikhombisa imali esisele emalini engenile nesetshenzisiwe esigxivizwe nguMcwaningimabhuku-Jikelele;

(b) uveze indima i-Dube TradePort Corporation eyikhathulile noma efineyelele kuyo ngezinhloso zayo ngokususela esigabeni 3 kanye nesilinganiso sezinjongo njengoba kubekiwe kuhlelo lwebhizinisi kanjengoba kuhlongozwe esigabeni 24(3)(a) ngesikhathi salowo nyaka wezimali othintekayo; futhi

(c) uqukathe imininingwane efanele yokusebenza maqondana nezomnotho, ukunikezelwa kwezinsiza okube wusizo nempumelelo kanye nokuqhathanisa phakathi kokuheliwe kanye nokwenziwe okukhombisayo njengoba kubekiwe kulolo hlelo lwebhizinisi.

#### **Unyaka wezimali we-Dube TradePort Corporation**

**26.** Unyaka wezimali we-Dube TradePort Corporation uqala mhla lu-1 kuMbsa ngalowo nyaka futhi uphela mhla zinga-31 kuNdasa ngonyaka olandelayo.

#### **Impahla engenakususwa**

**27.** I-Dube TradePort Corporation ngokwenqubomgomu kanye nangezinquo eziqunywe yiBhodi futhi nangokuvuma kweLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, ingathola, ingacina noma ingalahla impahla engenakususwa ekusebenzeni kwayo.

#### **Ukuthathelwa izinyathelo zomthetho kwe-Dube TradePort Corporation**

**28.(1)** Noma yikuphi ukuthathelwa izinyathelo zomthetho okubhekiswe kwi-Dube TradePort Corporation kumele kwensiwe ngokuhambisana noMthetho wesiKhungo sokuThathelwa iziNyathelo zoMthetho kweziNhlaka ezithile zikaHulumeni, 2002 (uMthetho No. 40 ka 2002).

(2) I-Dube TradePort Corporation, ngokwezihloso zesigatshana (1), ithathwa njengohlaka lukahulumeni oluhlongozwe endimeni (c) yencazelo yalokho okusesigabeni 1 salowo Mthetho.

ISAHLUKO 7  
IZINHLINZEKO EZIJWAYELEKILE

**Ukuphepha kolwazi oluyimfihlo olugcinwe i-Dube TradePort Corporation**

**29.(1)** Kuncike kuMthethosisekelo, uMthetho wokuGqugquzelwa kokuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000), akekho umuntu ongadalula noma yiluphi ulwazi olulethwe kwi-Dube TradePort Corporation oluphathelene nanoma yikuphi okuthinta umthetho noma umyalelo, ngaphandle –  
(a) uma eyalelwé ukuba enze lokho yinkantolo yezomthetho;  
(b) noma ngaphandle uma umuntu okhipha lowo myalelo enikeze imvume ngokubhalwe phansi.

(2) Akekho umuntu ongadalula noma yiluphi ulwazi olugcinwe kwirejista ehlongozwe esigabeni 7, 16(4) kanye no 19(4) ngaphandle uma lokho kudalulwa –  
(a) kungokwanoma yimuphi umthetho ophoqeletayo noma ogunyaza lokho kudalulwa;  
(b) kunesidingo esibalulekile sokusebenza kwe-Dube TradePort Corporation; noma  
(c) kwensiwe ngezinhloso zokubheka, zokuhlola, zokuphenya noma zokucubungula noma yikuphi okwenziwayo okuphathelene ne-Dube TradePort Corporation, nanoma yiliphi ilungu labasebenzi be-Dube TradePort Corporation.

(3) Noma yimuphi umuntu owephula isigatshana (1) noma (2) unecala.

**Ukuhlakazwa kwe-Dube TradePort Corporation**

**30.** I-Dube TradePort Corporation liyohlakazwa kuphela ngokoMthetho wesiShayamthetho sesiFundazwe

**Ukusetshenziswa kwegama le-Dube TradePort Corporation**

**31.(1)** Akekho umuntu, ngaphandle kokugunyazwa okubhalwe phansi yi-Dube TradePort Corporation, noma ngayiphi indlela ongamela noma asebenzise igama le-Dube TradePort, isifinyezo, uphawu, umdwebo noma impahlia esetshenziswa noma engeye-Dube TradePort Corporation.

(2) Akekho umuntu ngokuphambene ongathi usebenza egameni le-Dube TradePort Corporation.

(3) Wonke umuntu owephula isigatshana (1) noma (2) unecala.

#### **Ukudluliselwa kwamandla**

**32.(1)** iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho lingadlulisela eBhodini –

(a) noma yimaphi amandla anikezwe iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho ngokwalo Mthetho, ngaphandle kwamandla okwenza imithethonqubo okukhulunywa ngawo esigabeni 33; noma

(b) noma yimuphi umsebenzi odinge ka kwiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho ngokwalo Mthetho, ngaphandle kwanoma yimiphi imisebenzi ephathelene nokuqokwa, kanye nokumiswa kokusebenza, kwamalungu eBhodi okuhlongozwe esigabeni 5(2) kanye no 9(2).

(2) IBhodi, ngesisombululo esikhethekile, lingadlulisela esiKhulwini esiPhezulu noma kwilungu labasebenzi be-Dube TradePort Corporation, noma yimaphi amandla noma imisebenzi edinge ka noma ebekelwe i-Dube TradePort Corporation ngokwalo Mthetho.

(3) IsiKhulu esiPhezulu singadlulisela kunoma yiliphi ilungu labasebenzi be-Dube TradePort Corporation noma yimaphi amandla noma umsebenzi odinge ka noma ophathelene nesiKhulu esiPhezulu ngokwalo Mthetho, ngaphandle kwanoma yimuphi umsebenzi wesikhulu esinesibopho sokubika se-Dube TradePort Corporation.

(4) Noma yimaphi amandla noma umsebenzi odluliselwe ngokwesigatshana (1), (2) noma (3) kumele ukuba usetshenzwe noma wenziwe ngokweyame kuleyo mibandela njengalokhu umuntu noma umgwamanda owenze ukudluliselwa ekubone kunesidindo.

(5) Noma yikuphi ukudluliselwa kwamandla okushiwoyo esigatshaneni (1), (2) noma (3) –

(a) kumele kubhalwe phansi;

(b) kungavimbeli umuntu noma umgwamanda owenze ukudluliselwa kwamandla ekutheni basebenzise amandla noma benze lowo msebenzi; futhi

(c) noma ngasiphi isikhathi kungahoxiswa noma kuchitshiyelwe ngokubhaliwe yilowo muntu noma umgwamanda.

**Imithethonqubo**

33. iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho, ngokuthintana neBhodi futhi ngokwenza isaziso kwiGazethi, lingenza imithethonqubo ephathelene –

- (a) nanoma yiluphi udaba olungabekwa ngokwalo Mthetho; noma
- (b) nanoma yikuphi ukuphathwa noma izindaba eziphathelene nenqubo edingekile ukuba iqalise kwizinhlinzuko zalo Mthetho.

**Ukuhlakazwa kwe-Dube TradePort Corporation kanye nezinhlinzeko zezikhashana eziphathelene nalokho**

34.(1)(a) iNkampani, i-Dube TradePort, eneNombolo yokuBhaliswa kweziNkampani 2002/002810/08, esungulwe ngokoMthetho weziNkampani, 1973 (uMthetho No. 61 ka 1973), kumele ihlakazwe ngokuzikhethela futhi isulwe; futhi

(b) Amalungu eNkampani kumele, ekuhlakazweni kweNkampani okukhulunywa ngakho kwindima (a), enze ngokushesha nangokucophelela futhi kumele, phakathi kokunye, ahambisane nezigaba 349 kanye no 350 soMthetho weziNkampani, 1973 (uMthetho No. 61 ka 1973).

(2) Ngelanga lokuhlakazwa kweNkampani i-Dube TradePort okuhlongozwe esigatshaneni (1), zonke izimpahla, izikweletu, amalungelo, imisebenzi kanye nezibopho, kubandakanya noma iyiphi ingxenye engasetshenzisiwe yezimali eziyinzozo noma ezitholwe yiNkampani i-Dube TradePort zidluliselwa, futhi zitshalwa, kwi-Dube TradePort Corporation esungulwe ngokwesigaba 2.

(3) I-Dube TradePort Corporation, maqondana nezimpahla, izikweletu, amalungelo, imisebenzi kanye nezibopho nezimali okukhulunywe ngakho esigatshaneni (2), ngazo zonke izinhloso ingundlalifa kwezomthetho, kanye nondlalifa egameni, leNkampani i-Dube TradePort.

(4) Amalungu eBhodi yeNkampani i-Dube TradePort kumele asebenze njengamalungu eBhodi yesiKhungo agunyaziwe kuze kube yisikhathi lapho. iLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho ngokwesigaba 5(1)(a) liyoqoka khona iBhodi ngokwalo Mthetho.

(5) Onke amalungu abasebenzi beNkampani i-Dube TradePort kumele, ezinyangeni eziyisithupha kuqale ukusebenza kwalo Mthetho, baqashwe yiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho kuze badluliselwe kwi-Dube TradePort Corporation ngosuku olunqunywe yiLungu loMkhandlu oPhethe elibhekele ukuthuthukiswa komnotho.

(6) Amaholo, imihlomulo kanye nezibonelelo ezinikezelwa yiLungu lomkhandlu oPhethe elibhekelle ukuthuthukiswa komnotho, ngokuhambisana nesigatshana (5), akungabi ngaphansi kwalokhu obekukhokhelwa ilungu labasebenzi beNkampani i-Dube TradePort, ngemuva kokudluliselwa kwalo.

(7) Ngokwenhoso yoMthetho weNtela, 1962 (uMthetho No. 58 ka 1962), akukho ukushintshwa komqashi okuyothathwa njengokwenzekile maqondana namalungu abasebenzi abavuma umsebenzi ohlongozwe esigatshaneni (5).

(8) Ngenkathi umuntu eba yilungu labasebenzi be-Dube TradePort Corporation ngokwesigatshana (5) –  
(a) ugcina izinsuku zakhe zekhefu abevele enazo kuze kube yileso sikhathi ashintshwe ngaso, okuhlelwe ngokuhambisana nezimo zokuqasha ze-Dube TradePort Corporation; futhi  
(b) noma yiluphi uphenyo obeluvelo luhkona noma obeluhlosiwe ukuba lube khona maqondana nokungaziphathi kahle okwenziwe yilowo muntu ngaphambi kosuku lokudluliselwa kwakhe kumele kwazeke noma kuvezwe yi-Dube TradePort Corporation futhi iBhodi kumele imthathele izinyathelo ezifanele lowo muntu othintekayo ngokuhambisana nomthetho, nenqubomgomu kanye nemibandela yomsebenzi noma yokusebenza abelwe yona ngokushesha ngemuva kokushaya kosuku lokudluliselwa kwakhe.

#### **Amacala ajwayelekile**

35.(1) Ilungu leBhodi, ilungu labasebenzi, umeluleki, i-ejenti nanoma yimuphi omunye umuntu oqashiwe noma omele i-Dube TradePort Corporation unecala uma emukela ngqo noma ngandlela thile noma yikuphi ukugwazelwa nanoma emukela noma iyiphi imali noma umklomelo okungagunyaziwe kunoma yimuphi umuntu onokuxhumana okuthile nanoma yikuphi okwenziwa noma okunikezelwa yi-Dube TradePort Corporation.

(2) Noma yimuphi umuntu unecala uma, maqondana noma ngokuphathelene nanoma yikuphi okwenziwa noma okunikezelwa yi-Dube TradePort Corporation, ofaka umoya othile noma ozama ukufaka umoya ilungu leBhodi, umsebenzi, umeluleki, i-ejenti nanoma yimuphi umuntu oqashiwe noma oyibamba egameni le-Dube TradePort Corporation wokwenza ubugebengu.

(3) Noma yimuphi umuntu ngokungemthetho othi ugynyaziwe ukuba abize noma athathe izimali, iminikelo noma okunikelwayo egameni, noma ngokuyalelwya yi-Dube TradePort Corporation unecala.

(4) Noma yimuphi umuntu owephula noma ohlukela ukuhambisana nezinhlinzeko zalo Mthetho nanoma yimutphi umthethonqubo ongaphansi kwawo, unecala.

**Izinhlawulo**

36. Noma yimuphi umuntu otholakala enecala ngokwalo Mthetho uyohlawuliswa noma abhadle ejele isikhathi esingeqile eminyakeni eyi-5 noma kokubili inhlawulo nesigwebo.

**Isihloko esifushane**

37. Lo Mthetho ubizwa ngokuthi uMthetho WaKwaZulu-Natali We-Dube TradePort Corporation, 2010.

**No. 5****21 October 2010**

[English text signed by the Premier]

**KWAZULU-NATAL FILM COMMISSION ACT, 2010  
(Act No. 03 of 2010)**

Assented to on 09-09-2010

**ACT**

To provide for the establishment of the KwaZulu-Natal Film Commission; to determine the objects, powers, duties and functions of the KwaZulu-Natal Film Commission; to determine the manner in which the KwaZulu-Natal Film Commission is to be managed, governed, staffed and financed; and to provide for matters connected therewith.

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