



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY OMBUDSMAN BY-LAW, 2025

APPROVED BY COUNCIL: 30 October 2025
C 09/10/25

PROMULGATED: 18 February 2026
PG 9196; LA 26121



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

9196

Wednesday, 18 February 2026

Registered at the Post Office as a Newspaper

*(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

CONTENTS

26121/2026 18 February 2026

City of Cape Town:
City Ombudsman By-law, 2025.....2

**Buitengewone
Provinsiale Koerant**

9196

Woensdag, 18 Februarie 2026

As 'n Nuusblad by die Poskantoor Geregistreer

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

INHOUD

26121/2026 18 Februarie 2026

Stad Kaapstad:
Verordening op Die Stadsombudsman, 2025 ..10

**Isongezelelo
kwiGazethi yePhondo**

9196

uLwesithathu, 18 kweyoMdumba 2026

Ibhaliswe ePosini njengePhephandaba

*(*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mithetho yePhondo, e7 Wale Street, eKapa 8001.)*

IZIQULATHO

26121/2026 18 kweyoMdumba 2026

Isixeko saseKapa:
UMtetho kaMasipala weOfisi kaNozikhhalazo yeSixeko, 202519



CITY OF CAPE TOWN

CITY OMBUDSMAN

BY-LAW, 2025

CITY OF CAPE TOWN

CITY OMBUDSMAN BY-LAW, 2025

To provide for the appointment, powers and functions of the Ombudsman, to provide for the procedures, roles and responsibilities of the Office of the City Ombudsman, and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS the primary function of the City Ombudsman's office is to assist the City of Cape Town in fulfilling its legislative obligation to provide accountable, democratic and transparent governance to those who reside in the area of jurisdiction of the City of Cape Town;

AND WHEREAS there is a need for a mechanism, whereby residents of the City of Cape Town can formally lodge complaints against alleged acts of maladministration; and

AND WHEREAS the Council, its political structures and its administration must assist and protect the Office of the City Ombudsman to ensure its independence, credibility, impartiality, dignity and effectiveness,

NOW THEREFORE BE IT ENACTED by the Council of the City of Cape Town as follows:—

TABLE OF CONTENTS

1. Definitions
2. Application
3. The office of the City Ombudsman
4. Structure
5. Appointment and term of the City Ombudsman
6. Process and powers of the City Ombudsman
7. Matters not for investigation
8. Submission of complaints
9. Offences and penalties
10. Repeal
11. Short title and date of commencement

DEFINITIONS

1. In this by-law, unless the context otherwise indicates—

“alternative dispute resolution” means to address a complaint in an informal, impartial and confidential manner.

“authorised official” means an employee of the City responsible for carrying out or exercising any lawful duty, function or power and includes employees delegated to carry out or exercise such duties, functions or powers.

“case” means a complaint that has been allocated for investigation.

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 2000 issued in terms of section 12 the Local Government: Municipal Structures Act, 1988 (Act 117 of 1998), or any structure or employee of the City acting in terms of delegated authority.

“City Manager” means the municipal manager appointed in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“City Ombudsman” means the person appointed as the City Ombudsman in terms of section 5 of this By-law.

“complainant” means any person, or body of persons who has lodged a complaint with the Office of the City Ombudsman as provided for in this By-law.

“complaint” means a written complaint, against the City that has been submitted to the Office of the City Ombudsman in terms of section 8 of this By-law.

“Constitution” means the Constitution of the Republic of South Africa, 1996.

“Council” means the Municipal Council of the City.

“councillor” means a member of the Council.

“day/s” means any day excluding a Saturday, Sunday, or public holiday.

“determination” means a final outcome by the Office of the City Ombudsman on a complaint other than a recommendation.

"maladministration" means any act or omission committed by the City or by an employee of the City which has the impact of infringing upon a person or organisation's right to fair administrative action.

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998).

"Policy" means the City Ombudsman Policy.

"recommendation" means a final resolution on a complaint, other than a determination, where the outcome of the complaint recommends corrective action to a department.

"Speaker" means a person elected in terms of section 36 of the Municipal Structures Act, 1998.

APPLICATION

2. (1) This By-law applies within the area of jurisdiction of the City.
(2) The Office of the City Ombudsman (OCO) investigates complaints of alleged acts of maladministration.

THE OFFICE OF THE CITY OMBUDSMAN

3. (1) The OCO must be a member of an Ombudsman professional body an example being the International Ombudsman Institute or International Ombudsman Association, or related bodies, subject to Council approval for such City membership.
(2) The OCO must at all times, be impartial and exercise its powers and perform its functions and duties without fear, favour or prejudice.
(3) The Council, its committees, and the City administration must facilitate the unhindered functioning of the OCO.

STRUCTURE

4. (1) The OCO will consist of the City Ombudsman and such other persons who may be necessary for the effective exercise of the powers and performance of the functions and duties provided for in this By-law and the Policy.
(2) The OCO may establish satellite offices for purposes of decentralising the services offered by the OCO.

APPOINTMENT AND TERM OF THE CITY OMBUDSMAN

5. (1) The appointment of the City Ombudsman will be done in accordance with the City's Human Resources (HR) policies.
- (2) The City Ombudsman must—
- (a) be a South African citizen;
 - (b) be a fit and proper person to hold that particular office; and
 - (c) have relevant qualifications, competence and experience, suitable to hold the position.
- (3) A person may be appointed as the City Ombudsman for a non-renewable period not exceeding 10 (ten) years from date of appointment.

PROCESS AND POWERS OF THE OFFICE OF THE CITY OMBUDSMAN

6. (1) On receipt of a complaint, the OCO must assess the complaint for the purposes of determining the merits of the complaint.
- (2) The OCO may investigate complaints against alleged acts of maladministration submitted in accordance with section 8.
- (3) Where the result of the assessment determines that such complaint—
- (a) is frivolous;
 - (b) is vexatious;
 - (c) carries no merit;
 - (d) is repetitive;
 - (e) lacks sufficient evidence, or
 - (f) for any similar reason should not be considered in terms of this By-law,
- the complainant will be notified in writing that the complaint will not be investigated, with reason(s).
- (4) Subject to subsection (5), where a complainant, in the opinion of the OCO, has remedies at his or her disposal and has not exhausted those remedies, the OCO may—
- (a) decline to investigate the complaint concerned; and
 - (b) inform the complainant of such other remedies that may exist.
- (5) Notwithstanding the provisions of subsection (4) above, where the OCO on reasonable grounds believes that refusing to investigate a complaint would, because of poverty or lack of capacity on behalf of the complainant, result in a failure of justice, the OCO may investigate a complaint where other remedies have not been explored by the complainant.

(6) For the purposes of an investigation contemplated in this By-law, the OCO will have the power to—

- (a) require reasonable access to any book, record, file or other documents as well as physical property of the Council;
- (b) demand in writing that any employee appear before him or her, to produce any book, record, file, object or document whether written or in electronic form;
- (c) enter any premises owned, controlled or managed by the Council and examine any book, record, file or other documents and physical property in the course of such a visit;
- (d) take charge of and remove anything referred to in paragraph (7(b));
- (e) require that an official or department within the City provide relevant information within a stipulated timeframe;
- (f) require an official to appear at the OCO for the purpose of providing information relating to any investigation;
- (g) exclude from any meeting any person whose presence, in the circumstances, is not desirable;
- (h) institute, should the relevant parties consent thereto, alternative dispute resolution or other facilitative processes which are aimed at addressing the complaint; and
- (i) recommend corrective action to the relevant authorised official, should the OCO deem it necessary, after having completed an investigation or alternative dispute resolution or any other facilitative process.

MATTERS NOT FOR INVESTIGATION

7. The OCO does not investigate the following:

- (a) legislative or executive decisions by the Council, or any of its portfolio committees or sub-councils;
- (b) matters that fall within the domain of the City's Fraud Prevention Policy;
- (c) matters or disputes which are dealt with or settled within the field of labour law;
- (d) matters or disputes that must be dealt with in terms of a court of law;
- (e) cases where the complainant has not first reported the matter to the line department subject to section 6(5) of this By-law;
- (f) any alleged irregular conduct of a councillor;

- (g) financial misconduct;
- (h) any supply chain management matter; or
- (i) administrative appeals.

SUBMISSION OF COMPLAINTS

8. (1) All complaints submitted to the OCO must be in writing.
- (2) Where a complainant is not able to compile a written complaint, he or she will be assisted by an authorised official in the OCO.
- (3) Each complaint must at least specify—
- (a) the nature of the matter in question;
 - (b) the line department in question, if known to the complainant;
 - (c) the grounds on which the complaint against the City is based;
 - (d) such facts or other relevant information known to the complainant; and
 - (e) any redress sought.

OFFENCES AND PENALTIES

9. (1) No person may—
- (a) harass any official in the OCO in the course and scope of their duties;
 - (b) act in a manner that would have the effect of hampering, hindering, obstructing or subverting an investigation; or
 - (c) do anything in connection with an investigation that would constitute contempt of court, had the matter been brought before a court of law.
- (2) Any person found guilty of contravening section 9(1) of this By-Law, shall be guilty of an offence and upon conviction, be liable to a fine or imprisonment of a maximum period of three (3) months.

REPEAL

10. The City Ombudsman By-law 2015 and the City Ombudsman Amendment By-law 2016 are hereby repealed.

SHORT TITLE AND DATE OF COMMENCEMENT

11. This By-law is called the City of Cape Town: City Ombudsman By-law, 2025 and will take effect on the date of publication in the Provincial Gazette.



STAD KAAPSTAD

VERORDENING OP DIE STADSOMBUDSMAN, 2025

Om voorsiening te maak vir die aanstelling, bevoegdhede en funksies van die ombudsman, om voorsiening te maak vir die prosedures, rolle en verantwoordelikhede van die kantoor van die stadsombudsman, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

NADEMAAL artikel 156(2) en (5) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van aangeleenthede wat hy die reg het om te administreer, en om enige bevoegdheid uit te oefen met betrekking tot 'n aangeleentheid wat redelikerwys nodig is vir, of verband hou met, die doeltreffende verrigting van sy funksies;

EN NADEMAAL die primêre funksie van die kantoor van die stadsombudsman is om die Stad Kaapstad behulpsaam te wees met die nakoming van sy wetgewende verpligting om verantwoordbare, demokratiese en deursigtige bestuur aan diegene te voorsien wat in die regsgebied van die Stad Kaapstad woon;

EN NADEMAAL daar 'n behoefte is vir 'n meganisme waardeur die inwoners van die Stad Kaapstad formeel klagtes teen beweerde dade van wanadministrasie kan indien;

EN NADEMAAL die Raad, sy politieke strukture en sy administrasie die kantoor van die stadsombudsman behulpsaam moet wees en beskerm om sy onafhanklikheid, geloofwaardigheid, onpartydigheid, waardigheid en doeltreffendheid te verseker,

DERHALWE VERORDEN die Raad van die Stad Kaapstad soos volg:—

INHOUDSOPGAWE

1. Woordoms krywing
2. Toepassing
3. Die kantoor van die stadsombudsman
4. Struktuur
5. Aanstelling en ampstermyn van die stadsombudsman
6. Funksies en bevoegdhede van die stadsombudsman
7. Aangeleenthede wat nie ondersoek word nie
8. Indiening van klagtes
9. Misdrywe en strawwe
10. Herroeping
11. Kort titel en inwerkingtreding

WOORDOMSKRYWING

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken—

“aanbeveling” 'n finale besluit oor 'n klagte, buiten 'n vasstelling, waar die uitkoms van die klagte regstellende stappe by 'n departement aanbeveel.

“alternatiewe geskiloplossing” om die klagte op 'n informele, onpartydige en vertroulike manier te hanteer.

“beleid” die beleid vir die stadsombudsman.

“dag/dae” enige dag buiten 'n Saterdag, Sondag of openbare vakansiedag.

“gemagtigde amptenaar” 'n werknemer van die Stad wat verantwoordelik is vir die vervulling van enige wettige plig of funksie of uitoefening van enige bevoegdheid en sluit werknemers wat gedelegeer is om sulke pligte en funksies te vervul of bevoegdhede uit te oefen, in.

“Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996.

“klaer” enige persoon of liggaam van persone wat 'n klagte by die kantoor van die stadsombudsman ingedien het soos bepaal in hierdie verordening.

“klagte” enige skriftelike klagte teen die Stad wat ingevolge artikel 8 van hierdie verordening by die kantoor van die stadsombudsman ingedien is.

“Raad” die munisipale raad van die Stad.

“raadslid” 'n lid van die Raad.

“saak” 'n klagte wat vir ondersoek toegewys is.

“Speaker” 'n persoon wat ingevolge artikel 36 van die Wet op Munisipale Strukture, 1998, verkies is.

“Stad” die Stad Kaapstad, 'n munisipaliteit wat ingestel is deur die Stad Kaapstad Instellingskennisgewing no. 479 van 2000, uitgereik ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), of enige struktuur of werknemer van die Stad wat ingevolge gedelegeerde bevoegdheid optree.

“stadsbestuurder” die munisipale bestuurder aangestel ingevolge artikel 54A van die Wet op Plaaslike Regering: Munisipale Selsels, 2000 (Wet 32 van 2000).

“stadsombudsman” die persoon wat ingevolge artikel 5 van hierdie verordening as die stadsombudsman aangestel is.

“vasstelling” 'n finale uitkoms deur die kantoor van die stadsombudsman oor 'n klagte, buiten 'n aanbeveling.

“wanadministrasie” enige daad of versuim deur die Stad of deur 'n werknemer van die Stad wat veroorsaak dat daar op 'n persoon of organisasie se reg op billike en regverdigde administratiewe aksie inbreuk gemaak word.

“Wet op Munisipale Strukture” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998).

TOEPASSING

2. (1) Hierdie verordening is van toepassing in die regsgebied van die Stad.
- (2) Die kantoor van die stadsombudsman ondersoek klagtes van beweerde dade van wanadministrasie.

DIE KANTOOR VAN DIE STADSOMBUDSMAN

3. (1) Die kantoor van die stadsombudsman moet lid wees van 'n professionele ombudsmanliggaam, byvoorbeeld die Internasionale Ombudsman-instituut of Internasionale Ombudsman-vereniging of verwante liggame, onderworpe aan die Raad se goedkeuring van sodanige stadsombudsmanlidmaatskap.
- (2) Die kantoor van die stadsombudsman moet te alle tye onpartydig wees en sy bevoegdhede en funksies uitoefen en pligte vervul sonder vrees, begunstiging of vooroordeel.
- (3) Die Raad, sy komitees en die Stadsadministrasie moet die ongehinderde funksie van die kantoor van die stadsombudsman moontlik maak.

STRUKTUUR

4. (1) Die kantoor van die stadsombudsman bestaan uit die stadsombudsman en sodanige ander persone wat nodig mag wees vir die doeltreffende uitoefening van die bevoegdhede en funksies en vervulling van pligte wat in hierdie verordening en die beleid bepaal word.
- (2) Die kantoor van die stadsombudsman kan satellietkantore daarstel vir die doel van desentralisering van die dienste wat deur die kantoor van die stadsombudman gebied word.

AANSTELLING EN AMPSTERMYN VAN DIE STADSOMBUDSMAN

5. (1) Die aanstelling van die stadsombudsman word gedoen ooreenkomstig die Stad se menslike hulpbronbeleide.
- (2) Die stadsombudsman moet—
- (a) 'n Suid-Afrikaanse burger wees;
 - (b) 'n geskikte en gepaste persoon wees om daardie spesifieke amp te beklee; en
 - (c) toepaslike kwalifikasies, bevoegdheid en ondervinding hê wat geskik is om die pos te beklee.
- (3) 'n Persoon kan as die stadsombudsman aangestel word vir 'n niehernubare tydperk van hoogstens 10 (tien) jaar vanaf datum van aanstelling.

PROSES EN BEVOEGDHEDE VAN DIE KANTOOR VAN DIE STADSOMBUDSMAN

6. (1) By ontvangs van 'n klagte moet die kantoor van die stadsombudsman die klagte ondersoek met die doel om die meriete van die klagte te bepaal.
- (2) Die kantoor van die ombudsman kan klagtes oor beweerde dade van wanadministrasie wat ooreenkomstig artikel 8 ingedien is, ondersoek.
- (3) Waar die resultaat van die ondersoek bepaal dat sodanige klagte—
- (a) onbenullig is;
 - (b) kwelsugtig is;
 - (c) geen meriete het nie;
 - (d) herhalend is;
 - (e) 'n gebrek het aan voldoende bewys, of
 - (f) om enige ander rede nie ingevolge hierdie verordening oorweeg behoort te word nie,
- sal die klaer skriftelik, met die rede(s), in kennis gestel word dat die klagte nie oorweeg sal word nie.
- (4) Onderworpe aan subartikel (5), waar 'n klaer, volgens die mening van die kantoor van die stadsombudsman, regsmiddele tot sy of haar beskikking het en nie daardie regsmiddele uitgeput het nie, kan die kantoor van die stadsombudsman—
- (a) weier om die betrokke klagte te ondersoek; en
 - (b) die klaer van sodanige ander regsmiddele wat beskikbaar is, in kennis stel.
- (5) Nieteenstaande die bepalings van subartikel (4) hier bo, waar die kantoor van die stadsombudsman redelikerwyse glo dat weiering om 'n klagte te ondersoek tot 'n onreg sal lei as gevolg van armoede of gebrek aan

kapasiteit aan die kant van die klaer, kan die kantoor van die stadsombudsman 'n klagte ondersoek waar ander regsmiddele nie deur die klaer ondersoek is nie.

(6) Vir die doeleindes van 'n ondersoek beoog in hierdie verordening, het die kantoor van die stadsombudsman die bevoegdheid om—

(a) redelike toegang tot enige boek, aantekeninge, lêer of ander dokumente asook fisiese eiendom van die Raad te versoek;

(b) skriftelik te vereis dat enige werknemer voor die kantoor van die stadsombudsman moet verskyn om enige boek, aantekeninge, lêer, voorwerp of dokument, hetsy in 'n skriftelike of in elektroniese vorm, voor te lê;

(c) enige perseel wat deur die Raad besit, beheer of bestuur word, te betree en om enige boek, aantekeninge, lêer of ander dokumente en fisiese eiendom tydens so 'n besoek te ondersoek;

(d) enigiets waarna daar in paragraaf (7)(b) verwys word, oor te neem en te verwyder;

(e) te vereis dat 'n amptenaar of departement van die Stad tersaaklike inligting binne 'n bepaalde tydraamwerk moet voorsien;

(f) te vereis dat 'n amptenaar by die kantoor van die stadsombudsman moet verskyn met die doel om inligting rakende enige ondersoek te verstrek;

(g) enige persoon wie se teenwoordigheid in die omstandighede nie wenslik is nie, van enige vergadering uit te sluit;

(h) indien die betrokke partye daartoe instem, alternatiewe geskiloplossing of ander fasiliterende prosesse in te stel wat daarop gemik is om die klagte te hanteer; en

(i) regstellende stappe by die betrokke gemagtigde amptenaar aan te beveel, indien die kantoor van die stadsombudsman dit nodig ag, nadat 'n ondersoek of alternatiewe geskiloplossing of enige ander fasiliterende proses voltooi is.

AANGELEENTHEDE WAT NIE ONDERSOEK WORD NIE

7. Die kantoor van die stadsombudsman ondersoek nie enigeen van die volgende nie:

(a) wetgewende of uitvoerende besluite deur die Raad, enige van sy portefeuljekomitees of subrade;

(b) aangeleenthede wat binne die domein van die Stad se bedrogvoorkomingsbeleid val;

(c) aangeleenthede of geskille wat binne die omvang van die arbeidsreg hanteer of geskik word;

- (d) aangeleenthede of geskille wat deur 'n geregshof hanteer moet word;
- (e) sake waar die klaer nie die aangeleentheid eers by die lyndepartement aangemeld het nie, onderworpe aan artikel 6(5) van hierdie verordening;
- (f) enige beweerde onreëlmatige gedrag van 'n raadslid;
- (g) finansiële wangedrag;
- (h) enige voorsieningskanaalbestuursaangeleentheid; of
- (i) administratiewe appèlle.

INDIENING VAN KLAGTES

8. (1) Alle klagtes moet skriftelik by die kantoor van die stadsombudsman ingedien word.
- (2) Waar 'n klaer nie in staat is om 'n skriftelike klagte op te stel nie, sal hy of sy deur 'n gemagtigde amptenaar in die kantoor van die stadsombudsman bygestaan word.
- (3) Elke klagte moet minstens die volgende spesifiseer:
- (a) die aard van die betrokke aangeleentheid;
 - (b) die betrokke lyndepartement, as dit aan die klaer bekend is;
 - (c) die gronde waarop die klagte teen die Stad gebaseer is;
 - (d) sodanige feite of ander relevante inligting waaroor die klaer beskik; en
 - (e) enige herstel wat versoek word.

MISDRYWE EN STRAWWE

9. (1) Niemand mag—
- (a) enige amptenaar in die kantoor van die ombudsman in die loop van sy of haar pligte teister nie;
 - (b) op 'n wyse optree wat 'n ondersoek sal bemoeilik, hinder, belemmer of dwarsboom nie; of
 - (c) enigiets in verband met 'n ondersoek doen wat minagting van die hof sou uitmaak indien die aangeleentheid voor 'n geregshof gebring sou word nie.
- (2) Enigiemand wat skuldig bevind word aan 'n oortreding van artikel 9(1) van hierdie verordening is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

HERROEPING

10. Die Verordening op die Stadsombudsman, 2015, en die Wysigingsverordening op die Stadsombudsman, 2016, word hiermee herroep.

KORT TITEL EN DATUM VAN INWERKINGTREDING

11. Hierdie verordening heet die Stad Kaapstad: Verordening op die Stadsombudsman, 2025, en tree in werking op die datum van publiserings in die Provinsiale Koerant.



WESIXEKO SASEKAPA

UMTHETHO

KAMASIPALA WEOFISI

KANOZIKHALAZO

YESIXEKO, 2025

ISIXEKO SASEKAPA
UMTHETHO KAMASIPALA WESIXEKO WEOFISI KANOZIKHALAZO, 2025

Ukubonelela ngokuqesha, amagunya nemisebenzi kaNozikhhalazo, ukubonelela ngenkqubo, imigaqo noxanduva lweOfisi kaNozikhhalazo; kunye nemiba ehambelana nale.

IMBULAMBETHE

NGENXA YOKUBA icandelo 156(2) no-(5) loMgaqosiseko lisithi uMasipala angenza ze alawule imithetho kamasipala ukuze alawule ngokukuko imiba anelungelo lokuyilawula, ukunye nokusebenzisa nawaphi na amagunya amalunga nombala ekufuneka asebenzise amagunya kuwo, ukuze enze umsebenzi wakhe ngempumelelo;

NGENXA YOKUBA iSixeko saseKapa sichonge isidingo sokumisela iofisi ezimeleyo kaNozikhhalazo, emsebenzi wayo uphambili ikukuncedisa iSixeko saseKapa ngokuzalisekisa uxanduva lwayo lokubonelela ngolawulo olululo, olulolwedemokrasi nolwenza izinto elubala, oko sikwenzela abahlali abahlala kwimimandla elawulwa siSixeko saseKapa;

NGENXA YOKUBA kukho isidingo sokumiselwa kwenkqubo apho abahlali beSixeko saseKapa banokukwazi ukuya kufaka izikhhalazo ezikhhalazela izenzo zolawulo olugxwenxa;

YAYE NGENXA YOKUBA iBhunga, amaziko ezopolitiko nolawulo lwawo kufuneka encedise aze akhusele iOfisi kaNozikhhalazo weSixeko ukuqinisekisa inkululeko, isidima, ukungathathi cala nokusebenza kwayo ngempumelelo,

MAWUMISELWE KE NGOKU liBhunga leSixeko saseKapa ngolu hlobo lulandelayo:—

IZIQULATHO

1. Iinkcazelo
2. Ukusebenza komthetho
3. I-Ofisi kaNozikhalazo weSixeko
4. Ubume
5. Ukuqeshwa nethuba eliya kusetyenzwa nguNozikhalazo weSixeko
6. Inkqubo namagunya eOfisi kaNozikhalazo weSixeko
7. Imiba ekungamelekanga ukuba iphandwe
8. Ukungeniswa kwezikhalazo
9. Amatyala nezigwebo
10. Ubhangiso
11. Isihloko esifutshane nomhla wokuqala ukusebenza

IINKCAZELO

1. Kulo mthetho kamasipala, ngaphandle kokuba imeko ibhekisa kwenye into—

“usombululo olulolunye lwembambano” luthetha ukuhoywa kwesikhalazo ngendlela engalandeli nkqubo ethile, engenamkhethe neseklusini.

“igosa eligunyazisiweyo” ngumsebenzi weSixeko onoxanduva lokwenza nawuphi na umsebenzi okanye lokusebenzisa naliphi na igunya alinikiweyo, yaye oku kubandakanya abasebenzi abanikwe loo misebenzi okanye loo magunya.

“isimangalo” sithetha isikhalazo esibekelwe ukuba siphandwe.

“ISixeko” siSixeko saseKapa, umasipala omiselwe kulandelwa iSaziso soMiselo lweSixeko saseKapa esinguNomb. 479 sowe-22 Septemba 2000, esakhutshwa kulandelwa umthetho i-Local Government: Municipal Structures Act, 1998, okanye nasiphi isigqeba okanye umsebenzi weSixeko osebenza ngokwegunya alinikiweyo.

“UManejala weSixeko” uthetha umanejala kamasipala oqeshwe ngokwecandelo 54A loMthetho weNkqubo ziKaMasipala (Municipal Systems Act), 2000).

“UNozikhalazo weSixeko” uthetha umntu oqeshwe njengonoNozikhalazo weSixeko ngokwemiqathango yecandelo 5 lalo Mthetho kaMasipala.

“umfakisikhalazo” ubhekisa kuye nawuphi umntu okanye iqela labantu elifake isikhalazo kwiOfisi kaNozikhalazo weSixeko njengoko kuchaziwe kulo Mthetho kaMasipala.

“isikhalazo” sithetha isikhalazo esibhaliweyo, esimangalela iSixeko esingeniswe kwiOfisi kaNozikhalazo weSixeko ngokwecandelo 8 lalo Mthetho kaMasipala.

“UMgaqosiseko” uthetha uMgaqosiseko weRiphabliki yoMzantsi Afrika, wango1996.

“iBhunga” lithetha iBhunga likaMasipala leSixeko.

“uceba” uthetha ilungu leBhunga.

“usuku/iintsuku” luthetha naluphi usuku olungabandakanyi uMgaqibelo, iCawe, okanye nayiphi iholide kawonkewonke.

"isigqibo" sithetha isiphumo sokugqibela seOfisi kaNozikhalazo weSixeko ngesikhalazo yaye asibhekisi kwisindululo.

"ulawulo olugwenxa" luthetha nasiphi na isenzo okanye nayiphi na into engenziwanga siSixeko okanye ngumsebenzi weSixeko enefuthe lokunyathela ilungelo lomntu okanye lombutho ze loo mntu okanye loo mbutho ungafumani kuhoyeka ngokukuko nangobulungisa.

"UMthetho weZigqeba zikaMasipala" uthetha iLocal Government: Municipal Structures Act, 1998 (Umthetho Nomb.117 wango1998).

"Umgaqonkqubo" uthetha uMgaqonkqubo kaNozikhalazo weSixeko.

"isindululo" sithetha isindululo sokugqibela ngesikhalazo, ngaphandle kwesigqibo, apho isiphumo sesindululo sindulule ukuba isebe malithathe amanyathelo olungiso.

"USomlomo" uthetha umntu owonyulwe kulandelwa icandelo 36 lomthetho iMunicipal Structures Act.

UKUSEBENZA KOMTHETHO

2. (1) Lo Mthetho kaMasipala usebenza kwimimandla ephantsi kweSixeko.
- (2) IOfisi kaNozikhalazo weSixeko (OCO) iphanda izikhalazo zolawulo olugwenxa.

IOFISI KANOZIKHALAZO WESIXEKO

3. (1) IOfisi kaNozikhalazo weSixeko (iOCO) kufuneka ibe lilungu lequmrhu leengcali zooNozikhazo, umzekelo i-*International Ombudsman Institute* okanye i-*International Ombudsman Association*, okanye amaqumrhu abunjalo, kodwa obo bulungu beSixeko kufuneka bube bamkelwe liBhunga.
- (2) I-OCO kufuneka ukuba, ngawo onke amaxesha, ingabi namkhethe yaye isebenzise amagunya ayo, yenze nemisebenzi yayo ngaphandle koloyiko, umkhethe nocalulo.
- (3) IBhunga, ikomiti zalo, namacandelo olawulo eSixeko kufuneka aququzelele ukusebenza kweOCO ngaphandle kokuphazamiseka.

UBUME

4. (1) I-OCO iya kuba noNozikhalazo weSixeko kunye nabanye abantu abadingekayo ukuze ikwazi ukwenza umsebenzi wayo nokusebenzisa

amagunya ayo ngempumelelo, kunye nokwenza imisebenzi ebonelelwe kulo Mthetho kaMasipala nakuMgaqonkqubo.

(2) Iofisi kaNozikhalazo weSixeko isenokuba neeofisana kwiindawo ezahlu-kileyo ukwenzela ukuba uluntu lukwazi ukufikelela kuzo.

UKUQESHWA NETHUBA ELIYA KUSETYENZWA NGUNOZIKHALAZO WESIXEKO

5. (1) Ukuqeshwa kukaNozikhalazo weSixeko kuya kwenziwa kulandelwa imiqaqonkqubo yokuQeshwa kwaBasebenzi kwiSixeko.

(2) UNozikhalazo weSixeko kufuneka—

(a) ibe ngummi waseMzantsi Afrika;

(b) ibe ngumntu ofanele ukuba abambe esi sikhundla; yaye

(c) abe nezifundo ezihambelana nalo msebenzi, ulwazi namava ahambelana nesi sikhundla.

(3) Umntu angaqeshwa njengoNozikhalazo weSixeko isithuba esingazi kuhlaziywa esingekho ngaphezu kweminyaka eli10 (elishumi) ukusukela kumhla wokuqeshwa kwakhe.

INKQUBO NAMAGUNYA EOFISI KANOZIKHALAZO WESIXEKO

6. (1) Xa ifumene isikhalazo, iOCO kufuneka isihlole isikhalazo ukuze ijonge ukuba yeyiphi le miba ikhalazelwayo.

(2) I-OCO isenokuphanda izikhalazo zezenzo zolawulo olugwenxa ezingeniswe kulandelwa icandelo 8.

(3) Apho iziphumo zohlolo zifumanise ukuba isikhalazo—

(a) asinasihlahla;

(b) sesokucaphukisa nje;

(c) asivakali;

(d) siyaphindaphinda;

(e) asinabungqina baneleyo, okanye

(f) ngasiphi na isizathu esibufana nezi zingentla, asifanelanga ukuba sinikwe ingqwalasela ngokwalo Mthetho kaMasipala,

umfakisikhalazo uya kwaziswa ngembalelwano ukuba isikhalazo asizi kuphandwa, yaye anikwe izizathu zoko.

(4) Kulandelwa icandelwana (5), apho umfakisikhalazo, ngokokubona kweOCO, eneenkqubo anokuzilandela ukusombulula eso sikhhalazo yaye akazilandelanga ezo nkqubo uNozikhalazo weSixeko unokuthi—

- (a) ale ukuphanda eso isikhhalazo; kananjalo
- (b) azise umfakisikhalazo ngezo nkqubo zikhoyo anokuzilandela ukusombulula eso sikhhalazo.

(5) Noxa kukho imiqathango yecandelwana (4) lalo Mthetho kaMasipala, ukuba uNozikhalazo weSixeko uthe ngenxa yezizathu ezivakalayo wabona ukuba ukwala ukuphanda isikhhalazo kuya kuthi ngenxa yentlupheko okanye ukungabi nazixhobo komfakisikhalazo, kudale ukuba kungaphunyezwa ubulungisa, uNozikhalazo weSixeko angasiphanda isikhhalazo noxa kukho iinkqubo ezingalandelwanga ngumfakisikhalazo.

(6) Ukulungiselela uphando oluchazwe kulo Mthetho kaMasipala, iOCO iya kuba negunya lokwenza oku—

- (a) lokufuna ukuphendla nayiphi na incwadi, ingxelo, ifayili okanye nawaphi na amaxwebhu kunye nepropati yeBhunga;
- (b) lokubhalela inyanzelise nawuphi umsebenzi ukuba aye kuvela kuyo ngokuthi, azise incwadi, ingxelo, ifayili, into okanye uxwebhu olubhaliweyo okanye olukwisixhobo esielelektroniki;
- (c) lokungena kuso nasiphi isakhiwo esiphantsi kweBhunga ze ajonge nayiphi na incwadi, ingxelo, ifayili okanye nawaphi na amaxwebhu kunye nepropati ngeli lixa ekwesok sakhiwo kolo tyelelo;
- (d) lokuthathela kulawulo lwakhe nayiphi na into ekubhekiswe kuyo kumhlathi (7(b));
- (e) lokunyanzelisa ukuba umsebenzi okanye igosa limnike iinkcukacha azifunayo ngexesha alibekileyo;
- (f) lokunyanzelisa ukuba umsebenzi aye kuvela kwiiofisi zikaNozikhalazo weSixeko ukuze anikeze ngolwazi oluchaphazela uphando;
- (g) lokukhupha nakweyiphi na intlanganiso nawuphi na umntu ongadingekiyo kuloo ntlanganiso;
- (h) ukuba amaqela achaphazelekayo ayavuma, amisele inkqubo yothethathethwano neyolamlo okanye ezinye iinkqubo zokubonisana eenjongo zazo ikukusombulula eso sikhhalazo; kananjalo
- (i) lokundulula amanyathelo okulungisa imeko kumsebenzi okanye igosa elichaphazelekayo, ukuba ngaba iOCO ibona oko kufanelekile, emva kokugqiba uphando lwayo okanye emva kolamlo okanye emva kwezinye iinkqubo zokubonisana.

IMIBA EKUNGAMELEKANGA UKUBA IPHANDWE

7. IOfisi kaNozikhalazo weSixeko ayiyiphandi le miba ilandelayo:

- (a) naziphi izigqibo zomthetho okanye zesigqeba solawulo ezenziwe liBhunga, okanye zikomiti zamasebe zalo okanye ezenziwe ngamabhungana;
- (b) Imiba ephantsi koMgaqonkqubo wokuNqanda ubuQhophololo kwiSixeko;
- (c) nawuphi na umba okanye imbambano ekufuneka isonjululwe ngumthetho wezabasebenzi;
- (d) imiba okanye imbambano ekufuneka isonjululwe ziinkundla zomthetho;
- (e) nayiphi imiba apho umfakisikhalazo engachazanga loo mba kwisebe elichaphazelekayo kuqala, kodwa oko kuya kuxhomekeka nakwicandelo 6(5) lalo Mthetho kaMasipala;
- (f) nasiphi isityholo sokuziphatha kakubi kukaceba;
- (g) ukutyiwa kwemali;
- (h) nawuphi na umba ohlangene nokukhutshwa kwemisebenzi; okanye
- (i) izibheni zemiba yezolawulo.

UKUNGENISWA KWEZIKHALAZO

8. (1) Zonke izikhalazo ezifakwa kwiOfisi kaNozikhalazo weSixeko kufuneka zingeniswe zibhaliwe.

(2) Apho umfakisikhalazo engakwazi ukungenisa isikhalazo esibhaliweyo, uya kuthi ancediswe ngumsebenzi ogunyaziswe ukuba enze oko kwiOCO.

(3) Isikhalazo ngasinye kufuneka sichaze—

- (a) ubunjani nentsukaphi yomba okhalazelwayo;
- (b) isebe elichaphazelekayo, ukuba liyaziwa ngumfakisikhalazo;
- (c) izizathu zokufaka isikhalazo esikhalazela iSixeko;
- (d) zonke iinkcukacha ezijikeleze esi sikhalazo ezaziwayo ngumfakisikhalazo; kunye
- (e) nendlela umfakisikhalazo afuna sisonjululwe ngayo.

AMATYALA NEZIGWEBO

9. (1) Akho mntu onokuthi—

(a) athuke okanye aphanthe kakubi naliphi igosa eliphandayo okanye uNozikhalazo ngexesha umntu lowo esenza umsebenzi wakhe;

(b) aziphathe ngendlela enokuchaphazela kakubi, enokuthintela, enokuphazamisa okanye enokubhukuqa uphando; okanye

(c) enze nantoni eza kuchaphazela, enokuthintela nophando enokubonakala njengokudelela inkundla ukuba ngaba loo mba ubusiwe kwinkundla yomthetho.

(2) Nawuphi umntu owaphule icandelo 9(1) lalo Mthetho kaMasipala uya kuba netyala yaye emva kokugwetywa uya kuthi ahlawuliswe imali, okanye avelwe entolongweni iinyanga ezingekho ngaphezulu kwezintathu (3) ethothoza eziseleni.

UBHANGISO

10. UMthetho kaMasipala kaNozikhalazo weSixeko, 2015 noMthetho kaMasipala weZilungiso kaNozikhalazo weSixeko wango2016 iyabhangiswa.

ISIHLOKO ESIFUTSHANE NOMHLA WOKUQALA UKUSEBENZA

11. Lo Mthetho kaMasipala uya kubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa: kaNozikhalazo weSixeko, wango2025 yaye uya kuqala ukusebenza ngomhla oya kuthi upapashwe ngawo kwiGazethi yePhondo.

