IMEMORANDAM NGEENJONGO ZOMTHETHO OYILWAYO WOKUBONELELWA NGEZIMALI KWEMIBUTHO YEZOPOLITIKO, WOWAMA-2017

1. IINJONGO ZOMTHETHO OYILWAYO

Ukubonelelwa ngezimali ngurhulumente kwemibutho yezopolitiko kwizindlu zowiso-mthetho zesizwe nezephondo kunikezelwa ngokoMthetho wokuBonelelwa ngeziMali kweMibutho yezoPolitiko eMelweyo, onguNombl.103 wowe-1997 ("uMthetho woBonelelo ngeziMali").

Ngowe-6 kuCanzibe wowama-2017 iNdlu yoWiso-Mthetho yesizwe yagqiba ekubeni imisele ikomiti yexeshana, ngokoMthetho weNdlu yoWiso-Mthetho yeSizwe wama-253 (1)(a), ukuba–

> "ibuze kwaye yenze izindululo ngokubonelelwa ngezimali kwemibutho yezopolitiko emelweyo kwizindlu zowiso-mthetho zesizwe nezamaphondo eMzantsi Afrika ngokombono wokuveza into yokuhlomela lo mthetho xa kukho imfuneko kwaye, ngokwenza oko, iqwalasele –
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> - Indlela yobonelelo ngezimali lukarhulumente nolwabucala kwimibutho yezopolitiko; kunye
> - Nemfuno kunye neendlela ezinokubakhona zokulawula ubonelelo ngemali lwabucala kuzo zonke iindlela zako kunye namaqumrhu otyalo-mali angawemibutho yezopolitiko[;]".

IKomiti *yeXeshana* yabiza uluntu ukuba lufake iziphakamiso zalo malunga nendlela uMthetho wokuBonelelwa ngeziMali kweMibutho yezoPolitiko eMelweyo, onguNombl 103 wowe-1997 ongakuqinisekisa ngako ukuba kuvunyelwe ingcaciso emandla ngokwendlela imibutho yezopolitiko ebonelelwa ngayo ngezimali ukuze kuqinisekiswe ngokusebenza kwayo ngokukuko. Le Komiti yafumana uludwe lwezimvo ezibhaliweyo ezilishumi elinesithandathu yaza yaqhubeka yamema bonke abo babefake izimvo ukuba benze izimvo zabo ngomlomo ngendlela lendibano yovakaliso-zomvo eyayibanjwe ukususela ngowe-15 ukuya kowe-17 kweyeThupha yowama-2017.

2. INGXOXO YOMTHETHO OYILWAYO

2.1. INgabula-zigcawu yoMthetho oYilwayo woBonelelo ngeziMali kwiMibutho yezoPolitiko, wowama-2017 ("uMthetho oYilwayo") ufuna ukuchaphazela imfuno yokuba kusebenze isibophelelo somgaqo-siseko esivezwe ngokwecandelo lama-236 loMgaqo-siseko weRiphabhliki yoMzantsi Afrika, yowe-1996 ("uMgaqo-siseko"). Kwakhona ifuna ukuchaphazela igunya lowiso-mthetho lendibano yePalamente ngokwecandelo lama-44 ukuba ipasise umthetho onento yokwenza nemiba enje ngokulawula ubonelelo ngezimali lwabucala kwimibutho yezopolitiko.

2.2. ISolotya loku-1 loMthetho oYilwayo liquka iingcaciso.

2.3. ISolotya lesi-2 loMthetho oYilwayo ufuna ukuba kumiselwe iNgxowa-mali yeMibutho yezoPolitiko eMelweyo ngenjongo yokukhuthaza ulawulo lwentando yesinzi lwemibutho ngemibutho. Le ngxowa-mali inikezela ngobonelelo ngemali kwimibutho yezopolitiko ethatha inxaxheba ePalamente nakwizindlu zowiso-mthetho zamaphondo. Ifumana imali ngemali eyabelwa yiPalamente, imali ehlawulwa ngokwesolotya le-18 kunye nenzala efunyanwa kwimali etyalwe ngokwesolotya le-4(3).

Le ngxowa-mali kukholelwa ukuba yingxowa-mali ekhoyo eyamiselwa phantsi koMthetho wokuBonelelwa ngeziMali kweMibutho yezoPolitiko eMelweyo, onguNombl 103 wowe-1997. Jonga kwisolotya lama-24 malunga nalo mba.

2.4. Kwisolotya lesi-3 lalo Mthetho uYilwayo kucetyiswe ukuba iNgxowa-mali yoLawulo lweNtando yesininzi yeMibutho ngemibutho imiselwe ukuze inikezele ngemithombo yabucala yezimali kwimibutho yezopolitiko ethatha inxaxheba ePalamente nakwizindlu zowiso-mthetho zephondo. Eli solotya kwakhona alukuvumeli ukubonelelwa ngemali evela kumacandelo kaRhulumente nakoorhulumente bamanye amazwe okanye ii-arhente.

2.5. Isolotya le-4 loMthetho oYilwayo phakathi kwezinye izinto licebisa ukuba iKomishoni kufuneka ifake yonke imali emisiweyo kwityala lengxowa-mali nganye kwi-akhawunti yebhanki eyahlukileyo kwaye ingatyala imali engazufunwa ngokukhawuleza ekubeni

yabelwe imibutho yezopolitiko kunye noKopolotyeni woTyalo-mali kaRhulumente.

2.6. Isolotya lesi-5 loMthetho oYilwayo unento yokwenza nolawulo lweengxowa-mali ezimbini. Licebisa ukuba igosa lolonyulo elikhulu leKomishoni yoLonyulo eziMeleyo ("iKomishoni") libe lilo elinoxanduva lokuphendula kunye negosa lesigqeba elikhulu leengxowa-mali zombini.

2.7. Isolotya le-6 loMthetho oYilwayo phakathi kwezinye izinto licebisa ngokulawula ulwabelo kunye nokuhlawulwa kwemali kwimibutho yezopolitiko. Eli solotya linikezela ukuba ulwabelo kufuneka lwenziwe ngokwendlela eyalelweyo ebhekiselele:

(a) kulwabelo olulinganayo kuqwalaselwe:

 (i) isixa esimisiweyo sesabelo esincinci kuyo yonke imibutho yezopolitiko emelwe kwiNdlu yoWiso-Mthetho yeSizwe kunye nezindlu zowiso-mthetho zamaphondo; okanye

 (ii) isikali ekuthathwe umlinganiselo waso sokumelwa kwisabelo semibutho yezopolitiko enabameli abakwiNdlu yoWiso-Mthetho yeSizwe okanye izindlu zowiso-mthetho zamaphondo; kunye

(b) nesabelo sesixa-mali kuqwalaselwe ubudlelwane bokuba inani labameli bemibutho yezopolitiko kwiNdlu yoWiso-Mthetho yeSizwe kunye nezindlu zowiso-mthetho zamaphondo buveza inani lezitulo kwezi zindlu zowiso-mthetho.

Eli solotya kwakhona licebisa ukuba iKomishoni kufuneka ihlawule imali eyabelweyo ngamaxesha ayalelweyo.

2.8. Isolotya lesi-7 loMthetho oYilwayo uzibeka zonke iinjongo nendlela emayisetyenziswe ngayo imali evela kwingxowa-mali. Eli solotya lwakhona liyayibeka kakuhle into yokuba zeziphi na izinto engafanelekanga isetyenziselwe zona le mali.

2.9. Isolotya lesi-8 loMthetho oYilwayo ufuna ukulawula imali esisibonelelo ethe ngqo yemibutho yezopolitiko kwaye uqulethe iinkcazelo ezifanelekileyo kuphela ukuba zicetyiswe kwiSahluko sesi-3.

2.10. Isolotya le-9 loMthetho oYilwayo ufuna ukuba kungavunyelwa iminikelo eyenziwe

ngokuthe ngqo kwimibutho yezopolitiko evela koovimba abathile.

2.11. Isolotya le-10 loMthetho oYilwayo ufuna ukulawula ukuvezwa kweminikelo eyenziwe ngokuthe ngqo kwimibutho yezopolotiko. Linikezela ngokuba kuvezwe yonke iminikelo engaphezulu kwesixa-mali eziyalelweyo ngenkqubo kunye nendlela eyalelweyo. Likwanikezela nangexesha apho iKomishoni kufuneka iveze ezo nkcukacha.

2.12. Isolotya le-11 loMthetho oYilwayo awuluvumeli ubonelelo ngemali oluthe ngqo lwamalungu kuwo nawuphi na umbutho wezopolitiko.

2.13. Isolotya le-12 loMthetho oYilwayo unento yokwenza neemfuno kwimibutho yezopolitiko ukuba ixhase iKomishoni ngeenkcukacha ezithile eziyalelweyo kunye namaxwebhu.

2.14. Isolotya le-13 loMthetho oYilwayo ufuna ukulawula indlela imibutho yezopolitiko emelweyo emayiphendule ngayo ngemali ehlawulwe kuyo evela kwiingxowa-mali.

2.15. Isolotya le-14 loMthetho oYilwayo unikezela ngendlela iKomishoni ekufuneka isebenze ngayo malunga nemali engasetyenziswanga ekupheleni konyaka-mali. Eli solotya kwakhona linikezela ngendlela emakusetyenzwe ngayo ngemali engasetyenziswanga xa ithe iPalamente okanye izindlu zowiso-mthetho zavalwa.

2.16. Isolotya le-15 loMthetho oYilwayo unento yokwenza namagunya okuvavanya nawokongamela eKomishoni.

2.17. Isolotya le-16 loMthetho oYilwayo ubonelela iKomishoni ngegunya lokukhupha isikhokelo kumbutho wezopolitiko ukuze ungakwazi ukunyanzelisa ugunyaziso.

2.18. Isolotya le-17 woMthetho oYilwayo ubonelela iKomishoni ngegunya lokurhoxisa intlawulo yemali phantsi kweemeko ezithile.

2.19. Isolotya le-18 loMthetho oYilwayo ubonelela iKomishoni ngegunya lokuhlawula imali eyamkelwe ngokungekho mthethweni okanye esetyenziswe yimibutho yezopolitiko.

2.20. Isolotya le-19 loMthetho oYilwayo ufuna ukubonelela iKomishoni ngegunya lokunyanzelisa izohlwayo zolawulo ngokubhekiselele kukungathobeli okanye ukungathobeli ngokuphinda-phindeneyo.

2.21. Isolotya lama-20 linento yokwenza namalungelo akhe nawuphi na umntu okuba ahlaziye okanye abhenele nasiphi na isigqibo seKomishoni ngokoMthetho oYilwayo. Kwakhona ufuna ukumisela iNkundla yoLonyulo njengenkundla enobulungisa obukhethekileyo ukuba umamele kwaye imisele naluphi na uhlaziyo okanye isibhelo esibhekiselele kwisigqibo seKomishoni.

2.22. Isolotya lama-21 loMthetho oYilwayo unikezela ngokuba kwenziwe ingxelo yiKomishoni ePalamente.

2.23. Isolotya lama-22 loMthetho oYilwayo ufuna ukucebisa ukuba izindlu zowiso-mthetho zingabonelela-ngemali kuphela imibutho yezopolitiko ngokwecandelo 57(2) nele-116(2) loMgaqo-siseko, ngokulandelelana kwawo. Kwakhona aliwavumeli amabhunga oomasipala ukuba abonelele ngemali imibutho yezopolitiko kunye nabantu abazimeleyo.

2.24. Isolotya lama-23 oMthetho oYilwayo linikezela ngemiba iKomishoni enokwenza imithetho ngayo malunga nokuvunyelwa kweNdlu yoWiso-mthetho yeSizwe ngokubhekiselele kwimiba ethile.

2.25. Isolotya lama-24 loMthetho oYilwayo unikezela ngokubhangiswa koMthetho we-103 wowe-1997, uyekwe njengoko kunikezelwe kwizibonelelo zotshintsho kweli solotya, nto leyo ibandakanya uqwalaselo lwemiqathango ephantsi koMthetho we-103 wowe-1997 ukuba ibe yimiqathango eyenziwe phantsi koMthetho oYilwayo.

2.26. Icandelo lama-25 loMthetho oYilwayo liquka isihloko esifutshane kunye nesiqalo.

3. AMASEBE/IMIBUTHO/ABANTU EKUQHAGAMSHELWANE NABO

La masebe/imibutho okanye abantu balandelayo benze intetho ngomlomo kwiKomiti *yeXeshana*:

- UNondyebo weSizwe
- IKomishoni yoLonyulo eziMeleyo
- Inkomfa yooBhishophu bamaKatolika oMzantsi Afrika
- Umbutho kaKhongolose
- I-My Vote Counts
- I-COOL Youth Church
- Ibhunga loPhuhliso loMgaqo-siseko woMzantsi Afrika
- Ibhunga loPhando lweeNzululwazi eMntwini
- Uvimba woGcino-maxwebhu weMbali woMzantsi Afrika
- I-Right2Know
- Oonogada boRhwaphilizo
- Inkqubo yoPhuhliso loLawulo lwentando yesininzi
- Iziko loPhando lweMicimbi kaRhulumente
- Umfelandawonye weMibutho yaBasebenzi woMzantsi Afrika

4. IMIPHUMELA YEMALI KURHULUMENTE

Imiphumela yemali ayiyenelanga imithombo yeKomishoni ingafuna ukulawula ingxowa-mali eyongezelelweyo.

5. INKQUBO YEPALAMENTE

5.1. Ikomiti inoluvo lokuba uMthetho oYilwayo kufuneka ube nento yokwenza ngokuhambelana nenkqubo emiselwe licandelo lama-75 loMgaqo-siseko, wowe-1996 kuba ingaziquki izibonelelo apho ezi nkqubo zisebenza khona kwicandelo lama-74 okanye lama-76 loMgaqo-siseko.

5.2. Ikomiti inoluvo lokuba akuyomfuneko ukubhekiselela kuMthetho oYilwayo kwiNdlu yeeNkokheli zeMveli ngokwecandelo le-18(1)*(a)* loMthetho wobuNkokheli beMveli neNkqubo-sikhokelo yoLawulo, wowama-2003 (uMthetho onguNombl. 41 wowama-2003), njengoko ungaziquki izibonelelo eziphathelele kumthetho wesintu woluntu lwemveli.