

INCWAJANA YEHHOVISI LIKANOBHALA WOMPHAKATHI LOMNYANGO WAMAPHOYISA



**civilian secretariat
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UMBONO

UMnyango Wamaphoyisa oququliwe futhi olandisayo ngezenzo zawo futhi obonisa izimiso zoMbuso wethu othuthukiswayo.

UMGOMO

Ukwengamela ngendlela ephumelelayo nesebenzayo, uMnyango Wamaphoyisa WaseNingizimu Afrika nokuthuthukisa indima kaNgqogqoshe Wamaphoyisa.

IZIMISO ZETHU

- Ukwethembeka
- Ubuqotho
- Ukungafihli lutho
- Ukuzibophezela
- Ukuhlonipha
- Ukulandisa ngezenzo zethu
- Ukungenzeleli

IZINHLOSO

Izinhloso zeHhovisi Likanobhala Womphakathi:

- ukwengamela
- ukunikeza uNgqongqoshe iseluleko mayelana nokuthuthukisa nokusetshenziswa kwezinqubo-mgomo
- ukuhlinzeka uNgqongqoshe ngosizo kwezokuphatha ukuze kuqinisekise ukuthi iNingizimu Afrika iyazifeza izibopho zayo ezifanele zomhlaba wonke; iyaxhumana nabathintekayo;
- ukusebenzisa isu lokubambisana ukuze kugqogquzelwe abadlali-ndima kanye nababambiqaza ukuba baqinise ukulethwa kwezinsizakalo ngamaphoyisa ukuze kuqinisekise ukuphepha nokuvikeleka kwemiphakathi;
- ukuthuthukisa nokuvumelanisa imisebenzi yeHhovisi Likanobhala Womphakathi kuzwelonke nasezifundazweni
- ukuxhumanisa imisebenzi kanye namagunya eHhovisi Likanobhala Womphakathi kuzwelonke nasezifundazweni;
- ukuthuthukisa ukubambisana phakathi kweHhovisi Likanobhala Womphakathi amaphoyisa kanye nabaQondisi; kanye
- nokunikeza amaphoyisa omphakathi iziqondiso ngezinhlaka ezihambisanayo nokuzenza zisebenze ngendlela efanele.

Hhovisi Likanobhala Womphakathi LoMnyango WamaPhoyisa

IHhovisi Likanobhala Womphakathi LoMnyango WamaPhoyisa kumelwe lenganyelwe uNobhala WoMnyango Wamaphoyisa, ozo-

ba yinceku yomphakathi ezoqondiwa uNgqongqoshe ukuba asebenze njengeNhlolo yoMnyango nesiPhathimandla Sokubalwa Kwezimali. UNobhala kumelwe abe ilungu lomphakathi elingeyona ingxenye yamaPhoyisa AseNingizimu Afrika.


UKUBEKA NGAMAFUPHI

NgokoMthetho-sisekelo, uNgqongqoshe Wamaphoyisa unomthwalo wokuqapha nokwakha inqubo-mgomo yamaphoyisa kazwelonke ezoqondisa uKhomishana Kazwelonke WoMnyango WamaPhoyisa WaseNingizimu Afrika (SAPS) ekuphatheni nasekulawuleni umnyango wamaphoyisa. NgokweHhovisi Likanobhala Womphakathi LoMnyango Wamaphoyisa (CSPS), uNobhala WoMnyango WamaPhoyisa kumelwe ethule umthetho oshayiwe ePhalamende, njengoba kuyale uNgqongqoshe. I-CSPS inikwe umsebenzi wokweluleka uNgqongqoshe Wamaphoyisa.

NgoSeptemba 2012 iKhabhinethi yamukela UHlelo Lokuthuthukisa Kuzwelonke (NDP) njengohlaka lohlelo lukahulumeni lokufinyelela uMbono Ka-2030. Inhloso ye-NDP ukuba negalelo emsebenzini wokuqapha kwamaphoyisa ngokuthi igcizelele isidingo somnyango wamaphoyisa owakha ingxenye yesimiso esididiyelayo somthetho olwa nobugebengu futhi ongenabumpi, ohambisana nomthetho noxile emphakathini.

Ukuze kufezwe izinjongo ze-NDP futhi kughanjiswane nokushintsha kwezimo emsebenzini wamaphoyisa wokuqapha, kwabonakala kubalulekile ukubukeza UMBiko-Ncazo Ngokuphepha Nokulondeka ka-1998. Isiphetho salokhu kubukeza saba ukwamukela *koMbiko-Ncazo* Ngokwenza umsebenzi wobuphoyisa 2016 kanye noMbiko-Ncazo Ngokuphepha Nokulondeka 2016.

UMBiko-Ncazo Ngokuphepha Nokulondeka 2016 ihlose ukuletha ukuphepha nokulondeka ngenlela edidiyelayo, nokufezwa izinhloso ezichazwe ku-NDP maqondana nokwakha imiphakathi ephiphile. Inhloso eyinhloko yale nqubo-mgomo ukuhlinzeka



ngohlaka olubanzi lokuvikeleka, ukuvinjelwa kobugebengu nobudlova ukuze kube khona ukuvumelana nezinye izinqubo-mbomo zikaHulumeni zokuphepha nokulondeka.

UMBiko-Ncazo Ngokuphepha Nokulondeka 2016 ihlose ukusekela umbono we-NDP womnyango wamaPhoyisa ohambisana nomthetho, ongenabumpi, oqeqeshwe kahle, ophumelelayo, olandisayo ngezenzo zawo, ohlonipha amalungelo abantu nohlonishwa yibo bonke.

Ukwesekwa malungana:

- nokwelulekwa mgenqubo-mgomo;
- nokugqaguzela imiphakathi kanye nabathintekayo ukuba baxoxe ngezinyathelo zokuvimbela ubugebengu; ukuhlama umthetho ngezinqubo-mgomo yokuqapha kwamaphoyisa; kanye
- nokuqapha nokulinganisa izinhlelo zamaphoyisa

Inezigaba ezine ezigcwalisa ezidingo ezibalulwe ngenhla. Indima yokwengamela amaphoyisa ibhekwa njengebaluleke kakhulu nguHulumeni WaseNingizimu Afrika njengoba ukumelana nobugebengu ngokuqinile kufanele kuhambisane nefilosofi yokuthi umnyango wamaphoyisa kufanele usekelwe futhi uxile osikweni lokungawanyatheli amalungelo abantu nasekubambisaneni nomphakathi.

UMYALO WOMTHETHOSISEKELO

Ihhovisi Likanobhala Lomphakathi LoMnyango WamaPhoyisa lithunywe uMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika, 1996. Isigaba 208 soMthethosisekelo sidinga ukuba uNgqongqoshe Wamaphoyisa asungule Ihhovisi likanobhala waMaphoyisa woMphakathi elisebenza ngqo ngaphansi kokuqondisa nengunya likaNgqongqoshe.

UMYALO WESISHAYAMTHETHO

UMthetho WeHhovisi Likanobhala Lomphakathi LoMnyango WamaPhoyisa

washaywa yiPhalamende ngoMashi 2011 ngokuvumelana neSaziso SikaHulumeni (Government Notice) No.34299 (Notice No. 426) somhla ka-16 May 2011. Lo Mthetho wagunyazwa nguMongameli ngomhla ka-1 Disemba 2011.

Ezinye zezinto ezihlinzekwa yilo Mthetho yilezi:

- Ukuba uNgqongqoshe waMaphoyisa asungule ihhovisi Likanobhala Lomphakathi LoMnyango WamaPhoyisa libe ngumnyango ozimele ezingeni likazwelonke.
- Ukuqokwa kukaNobhala WoMnyango WamaPhoyisa nokubalulwa kwemisebenzi yakhe.
- Ukubalula igunya nemisebenzi yeHhovisi Likanobhala Lomphakathi LoMnyango WamaPhoyisa.
- Ukubalula imithwalo ye-MEC ngayinye ephathiswe umsebenzi wokuqapha ezifundeni yokuba yakhe ihhovisi likanobhala kulezo sifundazwe zingakapheli izinyanga ezingu-18 ngemva kokuqala kwalo Mthetho ukusebenza. Lo Mthetho wagunyazwa ngomhla ka-1 December 2011. Izifundazwe zizoba nethuba elifika kuMeyi 2013 lokumisa la mahhovisi kanobhala ezifundazwe.

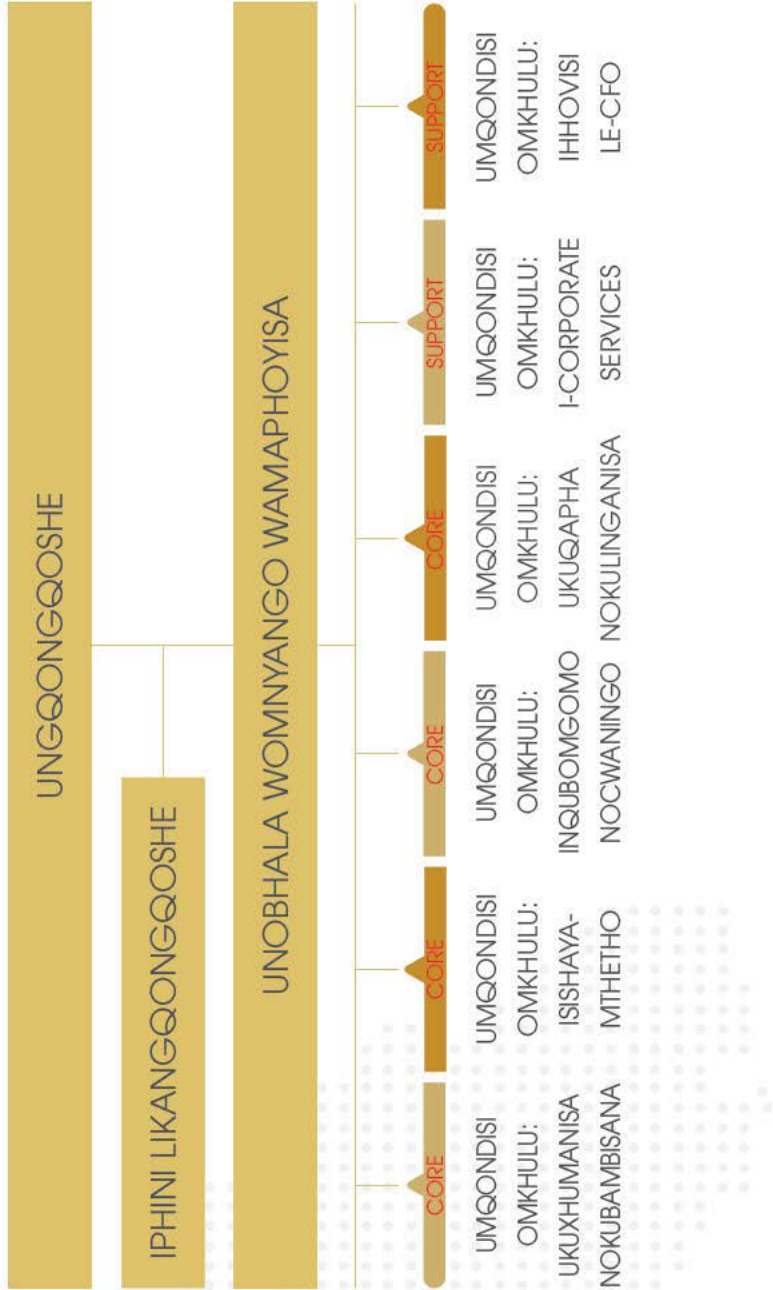
Imiyalo Yenqubo-mgomo

Uhlelo Lukazwelonke Lokuthuthukisa

Uhlelo Lukazwelonke Lokuthuthukisa: Umbono 2030 ugqizelela isidingo sokwakha imiphakathi ephelpe kakhudlwana futhi ubeka phambili okulandelayo:

- Ukuqinisa uhlelo lwemithetho elwa nobugebengu nokwenziwa kohlelo lwamaphuzo angu-7. Ukwenza umnyango wamaphoyisa uziphathe ngokuhambisana nemithetho.
- Ukusebenzisa izindlela ezibandakanya konke eletheni ukuphepha nokulondeka (imiphakathi nezikhungo zokuphepha). Ukwandisa iqhaza lomphakathi ekuphepheni komphakathi.

UHLELO LWENHLANGANO



IHHOVISI LIKANOBHALA LOMPHAKATHI LOMNYANGO WAMAPHOYISA: IBHIZINISI ELINGUMNYOMBO

1. IUKUXHUMANISA NOKUBAMBISANA

Inhloso yalolu hlelo ukuphatha nokukhuthaza ukukhulumisana kukazwelonke ngokuphepha komphakathi nokuvinjelwa kobugebengu.

- Uhlelo Olungaphansi 1: Phakathi kukahulumeni, *UMphakathi nokuBambisana*
- Uhlelo Olungaphansi 2: *Ukufinyelela umphakathi*

Uhlelo Olungaphansi 1

Ukubambisana **phakathi kukahulumeni**, uMphakathi kanye nomphakathi-nabangasese.

Injongo yohlelo olungaphansi

Ukuphatha nokusiza ekubambisaneni kukahulumeni, umphakathi neningi.

Uhlelo Olungaphansi 2: *Ukufinyelela umphakathi*

Injongo yohlelo olungaphansi: Ukukhuthaza, nokugqagqazela nokusiza ukuhlanganyela komphakathi ohlelweni lokuphepha .

Indima yama-CPF

Izinjongo zeziGcawu Zomphakathi Zamaphoyisa emphakathini ngokuka-Sec 18 we-SAPS Act, 1995 (Act No 68 of 1995):

Ukusungula nokulondoloza ukubambisana phakathi komphakathi kanye noMnyango Wamaphoyisa.

- Ukukhuthaza ukukhulumisana phakathi koMnyango Wamaphoyisa nomphakathi.
- Ukukhuthaza ukusebenzisana phakathi koMnyango Wamaphoyisa nomphakathi ekufezeni izidingo zomphakathi ngokuphathelene nokuqapha kwamaphoyisa.
- Ukuthuthukisa indlela eyenziwa ngayo imisebenzi yokuqapha kwamaphoyisa emiphakathini kuzwelonke, esifundazweni nasezindaweni abantu abakuzo.
- Ukuthuthukisa ukungafihli lutho koMnyango Wamaphoyisa nokulandisa koMnyango Wamaphoyisa ngezenzo zawo emphakathini.
- Ukukhuthaza ukuhlonzwa kwezinkinga nokuxazululwa kwazo ngokubambisana phakathi koMnyango Wamaphoyisa nomphakathi.

Indima yeziGcawu Zokuphepha Komphakathi

Ama-CSF enzelwe ukuba abe yinkundla yokuxhunyaniswa, ukuhlanganiswa nokuqashwa kokusetshenziswa kwezinhlelo zokuphepha nokuvinjelwa kobugebengu emazingeni ahlukahlukene ngaphansi kwezinto ezihamba phambili ze-JCPS kaZwelonke (neyesiFundazwe) ekusebenzeni



njengesizo oluyinhloko lokusebenzisana ngokuhambisana eswini lokuvimbela ubugebengu. Ngakho ke, umqondo we-CSF uphinde ugczizelele isidingo sokuqinisekisa ukuvumelana kwawo wonke amagalelo kaHulumeni kanye nemiphumela emiphakathini ukuze kusheshiswe futhi kuthuthukiswe ukulethwa kwamasevisi kube kusetshenziswa wonke amandla esinawo ekufezeni izibopho ezihloselwe ukenza intuthuko. Ukuhlanganisa amakhanda okunjalo kufanele kwenziwe ngaphakathi kohlaka oluqondisayo lwezimfuneko zokusebenzelana phakathi kwezigaba zikahulumeni kanye nokusebenzisana nohulumeni.

2. ISISHAYA-MTHETHO NOKWAKHIWA KWENQUBO-MGOMO

Inhloso Yohlelo

Ukwakha inqubo-mgomo nesishaya-mthetho somnyango wamaphoyisa nokucwaninga ngokuqapha kwamaphoyisa nobugebengu.

Inhloso Eyiqhinga

Isishaya-mthetho esivumelana noMthethosisekelo, izinqubo-mgomo zokuqapha kwamaphoyisa nokuphepha ezisekelwe ocwaningweni nasebufakazini.

UMBIKO-NCAZO NGOKWENZA UMSEBENZI WOBUPHOYISA: OKUVELELE

Ngokokuqala ngqa kusukela ekushitsheleni ekubuseni ngentando yeningi, izwe linenqubo-mgomo egxile kuphela ezicini ezingumnyombo zamaphoyisa kanye nokuqapha kwawo. Njengohlaka olwamukelwe lwenqubo-mgomo yokuthuthukisa izinga lomsebenzi obalulekile wokuqapha kwamaphoyisa kulesi sigamu esiphakathi, uMbiko-Ncazo Ngokwenza Umsebenzi Wobuphoyisa 2016 uzoqhubeka ubangela izinguquko emsebenzini wamaphoyisa,

ilawulwa izimiso zokuqapha kwamaphoyisa ngokuvumelana nokubusa ngentando yeningi. Ngakho umgomo oyinhloko wenqubo-mgomo yisidingo sokwakha *UMnyango Wamaphoyisa enakho konke ekudingayo futhi ehambisana nomthetho, enamaphoyisa aqeqeshwe kahle*. UMnyango Wamaphoyisa onjalo kumelwe udlale indima ebalulekile ekulondolozeni amalungelo nenkululeko yabantu, futhi kumelwe ube nesandla ekudaleni isimo lapho imiphakathi *“iphephile futhi izizwa iphephile”*. Ngokuyisisekelo, UMnyango Wamaphoyisa ehambisana nomthetho nekwazi ukuvela nezindlela ezintsha kufanele ithuthukise ikhono loMnyango Wamaphoyisa lokubhekana nobugebengu obuyinkimbinkimbi njengokuhlukunyezwa ngokocansi nobudlova basekhaya, ibe imi iqinile ekufezeni ukuthunywwa kwayo ngaphandle kokunyathela amalungelo abantu nokululaza izisulu.

Ukuthambekela kwamaphoyisa kufanele kuqhubeka kuwukwenza umsebenzi wobuphoyisa ngendlela ebeka umphakathi phambili; kusekelwe ebuqothweni nasekuthini bayolandisa ngezenzo zabo. Ukwakha imiphakathi ephepile kuyoxhomeka ekwakhiweni kohlobo lwazakhamuzi ezisebenzayo, okuwuhlobo oludingekayo ukuze kwakhiwe izixazululo eziyohlala isikhathi eside zobugebengu nezinseselele amaphoyisa abhekana nazo emiphakathi ehlukahlukene. IziGcawu Zomphakathi Zamaphoyisa (CPF) ngokubambisana namaphoyisa, kumelwe zibe nendima ebalulekile ekubangeleni izinguquko emiphakathini ezikuyo futhi zenze amaphoyisa alandise ngokuhlizekwa kwezinsizakalo okuthuthukisiwe. Ekuqiniseni ubudlelwano bomphakathi namaphoyisa, kuyisibopho sawo wonke amaphoyisa ukubonisa ukuthi azibophezele ekwenzeni umsebenzi wobuphoyisa ngokungenzeleli, ngokungafihli lutho, ngobulungisa nangokulingana. Ngalo Mbiko-Ncazo, kugcizelelwa ngokuth engqo ukuxhaswa kokusungulwa kwama-CPF ngendlela efanele nokusebenza kwawo okuzezingeni eliphezulu - esebenza njengenkundla yokubandakanyeka komphakathi ngokuzikhethelela nanjengenkundla yokulandisa okuthuthukisiwe kwamaphoyisa ngezenzo zawo.



Ukugqugqazela ukufinyelelwa kombono wokwenza umsebenzi wobuphoyisa kudinga ukuba amaphoyisa aqeqeshwe kahle futhi awuhlomele ngokufanele umsebenzi wawo – kusekelwe ukunamathela okungaxegi endleleni yokuziphatha okufanele. Isinyathelo sokuqala ekwakhiweni komnyango ohambisana nomthetho wukuqinisekisa ukuthi izinqubo ziyaziwa nokuthi kunezimfuneko ezingenakugwenywa zokuqasha, ukukhetha, ukumisa kanye nokukhuphulela esikhundleni kuzo zonke izigaba zehlangano. Ukuqinisekisa ukuthi amaphoyisa aqeqeshwe ngokufanele futhi ayakwazi ukuziphatha ngokuhambisana nomthetho kuzodinga ukugxilisa isiko lokuqeqesha nokufunda okuqhubekayo ngaphakathi kwenhlangano. Kufanele futhi kugxilwe ekunikezeni ukuqeqeshwa okuqondene ngqo nokufundiswa ukwenza umsebenzi wobuphoyisa ngendlela ekhethekile ukuze kuncishiswe ubugebengu ngendlela ebonakalayo futhi kuncishiswe nezigegebengu eziphindayo.

Ukugxilisa kokuhambisana nomthetho ekwenzeni umsebenzi wobuphoyisa eNingizimu Afrika kuzosekelwa izinhlelo ezinqinile ezizosiza ekunqumeni inqubo-mgomo yezinga eliphhezulu kanye nokwenziwa komsebenzi kanye nomyalo wokuhlinzekwa kwezidingo eziphumelelayo. *UMBiko-Ncazo* uphinde futhi ibe isisekelo sokubuyekeswa koMthetho Womnyango Wamaphoyisa WaseNingizimu Afrika ka-1995. Lokhu kubuyekeswa kuhloselwe ukucinisa uhloko lwesishaya-mthetho ekusekeleni ukuthuthukiswa nokulondolo-

zwa kokwenziwa komsebenzi wamaphoyisa ngokuhambisana nomthetho kuleli zwe.

Kuyavunywa ukuthi ukuzisingatha ngokuphumelelayo izimo zobugebengu nobudloba kudlulelea ngale kwendima yobuphoyisa. Kungalesi sizathu isahluko 12 se-NDP, 'Ukwakha imiphakathi ephephe kakhudlwana' sithi kudingeka izindlela ezididiyelayo zokunciphisa ubugebengu nobudlova. Ngakho, lapho UMnyango Wamaphoyisa WaseNingizimu Afrika wenza lokho okuthunye umthethosisekelo, kumelwe uqhubeke uyidlala ngentshiseko indima yawo ekusekeleni izinhlelo zabanye abadlali-ndima ezihloselwe ukusiphula izimpande zobugebengu obudlova. Ngakho yonke imizamo yamaphoyisa kumelwe ibe ingxenye yeSimiso Semithetho Elwa Nobugebengu (Criminal Justice System (CJS)) edidiyelayo. Wonke amasistimu nezinqubo kufanele kuxhumane kahle nezimiso zokulwa nobugebengu ukuze kusekelwe ukusebenza okuphumelelayo kwe-Simiso Esididiyelayo Semithetho Elwa Nobugebengu (Integrated Justice System (IJS)).

UMBiko-Ncazo Ngokwenza Umsebenzi Wobuphoyisa 2016 uqukethe izihlongozo eziningana okuthi sezisonke, zihloselwe ukufeza umbono womnyango ohambisana nomthetho noqeqeshwe kahle. Ukwenziwa ngempumelelo kwezihlongo zalo *Mbiko-Ncazo* kuzodinga ukuba kube nabaholi abazinikele nabangaguquguquki nabaphathi abasekelwa ukulawula okuphusile kwamaphoyisa.

UMBIKO-NCAZO NGOKUPHEPHA NOKU- LONDEKA: OKUVELELE

Ngemva kwamashumi amabili eminyaka kubuswa ngenfando yeningi leli zwe lisalokhu likhungethwe izingozi nezinselele zobugebengu eziyinkimbinkimbi ezikhinyabeza ukukhula kwalo. Enkathini esukela ku-1994, leli zwe lisaqhubeka lilwisa nenkinga yokuthi kungaqinisekiswa kanjani ukuthi “bonke abantu baphephile futhi bazizwa bephephile”. Zinkulu izimali nempahla esetshenziwe ezigabeni ezihlukahlukene kusekelwa ukugxiliswa kwendlela yokuthuthukisa ukuze kuncishiswe futhi kubhekwane nezimo eziyingozi ezibangela ukuba abantu babe abenzi bobugebengu noma izisulu zabo. Ngo-April 2016 iKhabhinethi yaxhasa *uMbiko-Ncazo Ngokuphepha Nokulondeka* njengenqubo-mgomo yokubhekana nobugebengu eNingizimu Afrika ngokusebenzisa amasu adidiyelayo okuhlela izindlela zokudala ukuphepha nokuvimbela ubugebengu nobudlova. Ithathela kulokho okwenzekile nasezifundweni ezifundiwe, *uMbiko-Ncazo* uchaza isidingo sokusingatha ukusalela emuva ekwenziweni kwezinqumo nasekuthathweni kwezinyathelo ngokuba umsebenzi wokuthatha izinyathelo zenziwe izinhlangano kanye nezinhlelo zokwengamela kuzo zontathu izigaba zikahulumeni ukuze kusekelwe ukubumbana kwenqubo-mgomo kuwo wonke amazanga kahulumeni. Iphinde futhi inikeze ithuba nohlaka lokwakha imiphakathi eqinile ngokugxilisa izinqubo ezizoqhubekisela phambili umgomo wokuqinisekisa ukuphepha kwabo bonke njengesisekelo “sokuthuthukiswa kwabantu, izinga lempilo elithuthukisiwe nokukhiqiza okuthe xaxa”.

UMbiko-Ncazo uhlose ukufeza umbono ochazwe oHlelweni Lokuthuthukisa Kuzwelonke (NDP). Igcizelela ukuthi ukwakhiwa kwemiphakathi ephephe kakhudlwana kungumthwalo wakho kokubili umbuso nezakhamuzi zawo, futhi kuyingxenywe yenhloso kahulumeni ebanzi yokuthuthukisa. UMbiko-Ncazo uxhile ekuvimbeleni ubugebengu nobudlova,

okuyisimo okumelwe sibe khona kuqala ukuze kukhuliswe kubantu umuzwa wokuthi baphephile, kwakhiwe nemiphakathi ephephe kakhudlwana. Imizamo eqondiswe ezigabeni ezintathu zokuvimbela, – emazingeni aphantsi, aphakathi nase-tertiary – kumelwe ihambisane nezinhlelo ezihlose ukuxazulula izici ezinomthelela ekwandeni kobumpofu, ukungalingani nokungabi namisebenzi.

UMbiko-Ncazo uyaqaphela ukuthi ukulethwa kwamasevisi asemqoka kwenzeka emiphakathini futhi ngaleso sizathu iqokomisa indima ebalulekile okumelwe idlalwe amadolobha ekwakheni imiphakathi ephephile neqinile. Ukuze kwakhiwe amadolobha ahlalekayo, kubalulekile ukuba abantu babandakanyeke ekuhlonzeni izinkinga zokuphepha, nasekusunguleni izisombululo ezisebenzayo. Ngakho ukuba nezakhamuzi ezizohlala ziphephile kudinga ukwakhiwa ngokubambisana kwezisombululo kusu-kela phansi kuya phezulu, kugxilwe ekubandakanyeni imiphakathi evame ukukhishwa inyumbazane. Kulindeleke ukuba iziGcawu Zomphakathi Zokuphepha (CSFs) zihole kulokhu; zakhe inkundla ehlala njalo yezingxoxo nokusebenzisa okuyovela kuyo imibono nezisombululo.

Ukulinganisa intuthuko nokuhlaziya umphumela ngemva kwesikhashana kuyokwenzeka uma kumiswa izindlela zokwengamela ezizohlala zikhona ezizoxhumanisa, ziqaphe, zihlaziye futhi zibike ngalokho okwenziwe ekuvimbeleni ubugebengu kuzo zontathu izigaba zikahulumeni. Lezi zinqubo ziklanyelwe ukuqinisekisa ukuthi zonke izigaba zikahulumeni ziyavumelana ngokuthi iziphi izinto eziza kuqala, nokwenza iminyango ilandise ngezenzo zayo. Ukuhlaziya umphumela kudinga isu lokusetshenziwa kwendlela yokunika ulwazi. Ngaleso sizathu, uMbiko-Ncazo ugcizelela ukubaluleka kokwakha inqolobane yolwazi ukuze ukuhlaziya kwenzeka kahle. Ngakho kugxilwa ekhwakheni ikhono lohulumeni bendawo lokuqongelela, ukuhlanganisa, ukuhlaziya, nokusakaza ulwazi oluzokwenza kwenzeka ukwakha izixazululo ezisekelwe ebufakazini. Okubaluleke nakakhulu, lezi zinqubo kumelwe zihlangane kahle kuzo zontathu izigaba zikahulumeni.



Ukubehlisa ngamazanga abonakalayo ubugebengu nobudlova kuzodinga ukuzibophezela kwabadlali-ndima abaningi, abazobumbana emzameni wokufinyelela imigomo nezinhloso ezifanayo. Siyaqaphela ukuthi mkhulu lo msebenzi esibhene nawo, kodwa sikholelwa ngokuqinile ukuthi “ndawonye singenza okwengeziwe”.

3. UKWENGAMELA KOMPHAKATHI, UKUQAPHA NOKUHLAZIYA

Inhloso yalolu hlelo ukwengamela, ukuqapha, nokuhlaziya nokubika indlela esebenza ngayo uMnyango Wamaphoyisa WaseNingizimu Afrika.

Inzhlelo ezingaphansi

Ukuqapha Ukusebenza, Ukuziphatha, nokuHambisana Nomthetho kwamaphoyisa

Inhloso yalolu hlelo olungaphansi: Ukuqapha ukusebenza, ukuziphatha, nokuhambisana nomthetho koMnyango Wamaphoyisa WaseNingizimu Afrika.

Ukuhlaziya Inqubo-mgomo Nohlelo

Inhloso yalolu hlelo olungaphansi: Ukuhlaziya ukusebenza kwezinhlelo ezimiswe uMnyango Wamaphoyisa WaseNingizimu Afrika.

Ukuphathwa Kokwaziswa

Inhloso yalolu hlelo olungaphansi: Ukunikeza ukwaziswa okungethenjwa, okunembili, nokufika ngesikhathi okuzosiza ekwenzeni izinqumo ezisekelwe ebufakazini.

Incazelo Yokwengamela, Ukuqapha, Nokuhlaziya

Ukwengamela Komphakathi kusho ukuqapha nokuhlaziya ngokuqhubekayo izenzo zomnyango wamaphoyisa ngenhloso yokuwenza ulandise ngomsebenzi owenzela umphakathi, ngezinqubo-mgomo osebenza ngaphansi kwazo, ukusebenza nokuziphatha kwamalungu awo. Kuyisakhi ezibalulekile esakha umphakathi wethu obusa ngentando yeningi. Indlela yokusingatha, nokwakha ukulingana phakathi kwezingxenywe ezimbili zomsebenzi wobuphoyisa – ukukhonza umphakathi nokuhlonipha amalungelo omuntu ngamunye.

Indima yehhovisi loMqondisi Omkhulu Le-M&E ichazwe ngokucacile engxenyeni 6 se-yoMthetho We-CSPS. Phakathi kwezinye izinto, kumelwe:

- Liqaphe ukusebenza kwe-SAPS lidamane lihlahlaziya ukuthi umnyango wamaphoyisa unazo ngokwanele yini izinqubo-mgomo nezinhlelo ezisebenzayo bese litusa amasu okulungisa.
- Liqaphe ukusetshenziswa kwezimali ezabelwe i-SAPS ukuze liqinisekise ukuthi kuhanjiswa neziqondiso zezinqubo-mgomo noma iziyalezo zikaNgqongqoshe.
- Liqaphe futhi lihlahlaziye ukuthotshelwa kwe-DVA.
- Lituse izinqubo zokuqondisa izigwegwe emnyangweni wamaphoyisa.
- Linikeze uNgqongqoshe njalo umbiko ngokuqondene nokusebenza kwe-SAPS, ukwenza kwayo nokuthobela kwayo iziqondiso zenqubo-mgomo noma imiyalelo kaNgqongqoshe Wamaphoyisa.
- Lihlahlaziye futhi liqaphe ikhono le-SAPS lokwamukela nokusingatha izikhhalazo ngamalungu ayo. I-CSPS kumelwe ihlahlaziye izinga le-SAPS futhi liqaphe ibuye ikale ukusebenza kwayo.

Indima yeHhovisi Likanobhala ekuqapheni ukuthotshelwa kwe-DVA

Njengengxenywe yomsebenzi ewuphathisiwe wokuqapha nokulinganisa ukuhambisana kwe-SAPS ne-DVA, i-CSPS, ibambisene namaHhovisi Kanobhala Ezifundazwe, yenza okulandelayo:

- Ihlola amabhuku ezitshi ukuze ibone izinga amalungu e-SAPS ayithobela ngalo i-DVA nezinga akwazi ngalo ukuyisebenzisa.
- Yamukela izikhatalo ezivela emphakathini ngokwehluleka kwamaphoyisa ukugcina izibopho ze-DVA.
- Ikhulumisana nomphakathi, neminye iminyango kahulumeni nane- SAPS ixoxe ngezindlela amaphoyisa angathuthukisa ngayo ukusabela kwawo ezigamwekweni zobudlova basekhaya.
- Iye yakha isigcawu engaxoxisana kuso ne-SAPS ngezinsalele nezikhala ezibonakele ngenhloso yokuqhamuka namacebo okuthuthukisa indlela amaphoyisa angasigatha ngayo ubudlova basekhaya

Indima ye-CSPS ekuqapheni nasekukaleni Ukuziphatha Kwamaphoyisa

Ngokuvumelana no-Section 206 WoMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika, okunye okulindele ukuba kwenziwe izifundazwe, ukuqapha ukuziphatha kwamaphoyisa. Kunezinto okukhulunywa ngazo ngokuqondile kokubili eMthethweni We-CSPS naseMthethweni We-IPID eziphathelene nezindaba ezithinta ukuziphatha kwamaphoyisa. Kule minyaka embalwa edlule, i-CSPS iveze okulandelayo njengokulindelekile ngokuziphatha kwamaphoyisa:

- Umbiko Wokuhlaziya Nokugapha mayelana nezikhatalo ngokuhlizekwa kwezinsizakalo
- Imibiko yokuqapha ngezincomo ze-IPID
- Ukulamula/ umbiko we-Civil Claim M&E
- Umbiko nge-SAPS nangokuqondiswa kwezigwegwe
- Umbiko Mayelana Nezikhatalo

- Ukukhulumisana ngenqubo-mgomo Ngokuziphatha Kwamaphoyisa
- Uhlelo lukahulumeni lwesiGcawu Esisimeme Sokubonisana phakathi kwe-IPID ne-CSPS

Liyini iThuluzi Likwazwelonke Lokuqapha (National Monitoring Tool, NMT)?

I-NMT yithuluzi elisetshenziswa ngezikhathi zokuvakasha kokwengamela lokuqoqa idatha ezitshini zamaphoyisa.

Ziyini izinhloso eziyinhloko zokusebenzisa i-NMT?

Inhloso eyinhloko yokusebenzisa i-NMT:

- Ukuqapha nokulinganisa umsebenzi wamaphoyisa ikakhulu ngokuqondene nokuthobela inqubo-mgomo, umithetho oshaywe, kanye neziqondiso ezikhishwe uNgqongqoshe.
- Ngaphezu kwalokho, i-NMT igxile ekuqapheni ukuthi iyalandelwa yini iMithetho Kazwelonke Nemiyalo Emile ekhishwe umnyango wamaphoyisa. Ukwaziswa okutholakale nge-NMT kuyahlaziwa ukuze kugqanyiswe imikhuba esiqala ukuvela ngokwalokho okuboniswa ukuvakasha kokwengamela. Imibiko evezwa ngaleli thuluzi iyakwazi ukunikeza isithombe sika-zwelonke esingabonisa izindawo ezidinga ukunakwa ngokwengeziwe nalezo i-SAPS eyenza kahle kakhulu kuzo.

Ekugcineni ukwaziswa okutholakale nge-NMT kuba izincomo ezizokwakha izinqubo-mgomo kugcine kuthuthukise ukuhlinzekwa kwezinsizakalo, ukulandisa ngezendo ezenziwayo nokungafihli lutho komnyango wamaphoyisa.

IMITHETHO ELAWULA IHHOVISI LIKANOBHALA WOMPHEKATHI LOMNYANGO WAMAPHOYISA, 2016

UNgqongqoshe Wamaphoyisa umise imithetho ngaphansi kuka-section 33 we-Hhovisi Likanobhala Womphakathi Lomnyango Wamaphoyisa Act, 2011 (Act No. 2 of 2011). Le Mithetho isebenza kumalungu eHhovisi Likanobhala Womphakathi nawamaHhovisi Kanobhala Ezifundazwe amiswa ngokukumelana ne-Act nasemnyangweni wamaphoyisa.

AmaHhovisi Kanobhala Ezifundazwe

Ukuze ngalinye ihhovisi likanobhala lesifundazwe lisekele izinhloso zeHhovisi Likanobhala Womphakathi okukhulunywe ngalo kule ngxenye, futhi lihlale lingaphansi kwezimiso zokuphatha ngokubambisana nobudlelwane phakathi kweminyango kahulumeni obuqukethewe eSahlukweni 3 soMthethosisekelo, kumelwe:

- Lenze amapulani nemisebenzi yalo eliyenza ezifundazweni kuvumelane nama-pulani, izinqubo-mgomo nemisebenzi yeHhovisi Likanobhala Womphakathi ; futhi
- Lihlanganise amasu namasistimu alo ezifundazweni namasu namasistimu eHhovisi Likanobhala Womphakathi.

Izimiso ezingumnyombo zokuziphatha kokwengamela komphakathi umnyango wamaphoyisa

Lapho egcwalisa imisebenzi eshiwo ku-Act, amalungu amiswe ngokwemibandela ye-Act ayokwenza okulandelayo:

- Ukubhala imibiko yokwengamela equkethe okutholakele okunengqondo nokufakazelekayo kanye nezincwadi ezingachemile nezingabandlululi;
- Ukuqiniseka ukuthi akutholile kusekelwe ocwangweni futhi kusekelwa ubufakazi obuhloselwe ukuveza izixazululo ezibangela intuthuko eqhubekayo eku-phumeleleni ko mnyango wamaphoyisa

ibe ithuthukisa ukulandisa ngezenzo ezenziweayo nokungafihli lutho;

- Ukuqapha umnyango wamaphoyisa futhi awubukeze ngaphandle kokuthonywa, ukwesaba, ukwenzelela, ukukhetha noma ukubandlulula;
- Ukusebenzisa indlela yokubambisana neHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa, nomnyango wamaphoyisa kanye nabo bonke ababambi-qhaza abathintekayo ekutholeni izixazululo namakhambi asebenzisekayo okuyoba negalelo elibonakalayo ekwenziweni komsebenzi wobuphoyisa nge-mpumelelo nasekuphepheni nasekulondekeni;
- Ukuba nesandla ekuthuthukiseni ukulandisa ngezenzo nokwenziwa komsebenzi wamaphoyisa ngokuxoxisana okwakhayo;
- Ukusebenza ngokuthobeka, uzwela, isihawu, ukuqonda nokuhlonipha amalungelo abantu;
- Ukulandisa kuNgqongqoshe nasePhalamende, uma kuyiHhovisi Likanobhala Womphakathi, nokulandisa kuzishaya-mithetho zesifundazwe, ku-MEC othintekayo nakuNgqongqoshe womnyango wesifundazwe, uma kungamahhovisi kanobhala ezifundazwe;
- Ukuziphatha ngobuqotho, ngokulandela umithetho nangokuhlonipheka lapho esebenzelana nomphakathi, abathengi, nezindikimba;
- Ukwakha nokulondoloza ukubambisana okunokwethenjela kanye nababambi-qhaza okubonakala ngenhlonipho, ukwethembeka, ukufinyeleleka nokungafihli lutho; kanye
- Ukuzibophezela ekuhlizakeni izinsizakalo nasekunamatheleni ezimisweni ze-Batho Pele.

Ukuthola abasebenzi baseHhovisi Likanobhala Womphakathi Lamaphoyisa

UNobhala, ngemva kokubonisana noNgqongqoshe, uyofaka abantu abafanelekayo eHhovisi Likanobhala Womphakathi ngokuvumelana nnoMthetho Wenkonzo Yomphakathi, Imithetho Yenkonzo Yomphakathi nanoma imiphi eminye imibandela ebekiwe. UNobhala, ngemva kokuthola uvo lomphathi womnyango wesifundazwe ofanele nophathi wehovisi likanobhala wesifundazwe, angacela ukwabelwa kwesikhashana kwelungu lalelo hhovisi likanobhala lesifundazwe eHhovisini Likanobhala Womphakathi ukuba lisize ngamacebo ahleliwe ehhovisi likanobhala wesifundazwe. Umphathi wehhovisi likanobhala lesifundazwe, ngemva kokuthola uvo lukaNobhala Wamaphoyisa, angacela ukwabelwa kwesikhashana kwelungu leHhovisi Likanobhala Womphakathi ukuba lisize ihhovisi likanobhala lesifundazwe ngamacebo athile ahleliwe.

Ukwabelwa kwesikhashana kwelungu kumelwe –


- Kube ngokwemibandela yemithetho elawula lokho kwabelwa kwesikhashana; futhi
- Kwenziwe ngemvume yalelo lungu elithintekayo nekaNobhala noma yomphathi wehhovisi likanobhala wesifundazwe, kuye kungokuthi ikuphi.

Amalungu eHhovisi Likanobhala Womphakathi nawamaHhovisi kanobhala ezifundazwe

(1) Izitifiketi zokuqokwa

- UNobhala kumelwe anike ilungu leHhovisi Likanobhala Womphakathi isitifiketi sokuqokwa ngefomefi ehambisana ne-Form A noma ne-Form B, kunanyathiselwe isithombe salelo lungu.
- UNobhala angakhapha isitifiketi sokuqokwa esihambisana ne-Form A esimweni lapho ilungu kudingeka lenze imisebenzi engumnyombo yeHhovisi Likanobhala Womphakathi futhi edinga ukuba lifinyelele ukwaziswa okuyimfihlo.
- Nobhala angakhapha isitifiketi sokuqokwa esihambisana ne-Form B esimweni lapho ilungu kudingeka lenze imisebenzi yasehhovisi noma esekelayo.
- Naphezu kwemibandela eshiwo ezigatshani (b) no (c), uNobhala angasebenzisa ukwahlulela kwakhe akhiphe isitifiketi esihambisana ne-Form A noma ne-Form B njengoba ebona kufaneleka.
- UNobhala kumelwe asisayine isitifiketi futhi afake isiqinisekiso sokuthi lelo lungu liqokwe njengelungu leHhovisi Likanobhala Womphakathi futhi leso Sitifiketi siyoba ubufakazi obanele baloko kuqokwa. Esimweni lapho kunguNobhala, uNgqongqoshe kumelwe asisayine.
- Umphathi wehhovisi likanobhala lesi-





fundazwe kumelwe akhiphe isitifiketi sokuqokwa ngefomethi ehambisana ne-Form C noma ne-Form D njengoba ebona kufaneleka, kunanyathiselwe isithombe salelo lungu.

- Umphathi wehhovisi likanobhala lesifundazwe kumelwe asisayine isitifiketi futhi afake isiqinisekiso sokuthi lelo lungu liqokwe njengelungu lehhovisi likanobhala lesifundazwe futhi leso Sitifiketi siyoba ubufakazi obanele baloko kuqokwa. Esimweni lapho kungumphathi wehhovisi likanobhala wesifundazwe, u-MEC othintekayo kumelwe asayine isitifiketi.
- Ilungu leHhovisi Likanobhala Womphakathi noma lehhovisi likanobhala lesifundazwe, ngesikhathi lenza imisebenzi yokuqapha nokulinganisa emagcekeni esithi swamaphoyisa, kumelwe lihlahle liphethe isitifiketi salo sokuqokwa.
- Uma kunezinsolo zokuthi ilungu liye lasixhaphaza noma lasisebenzisa kabi sitifiketi salo sokuqokwa, isitifiketi singahoxiswa okwesikhashana nguNobhala uma kuyilungu leHhovisi Likanobhala Womphakathi, noma sihoxiswe umphathi wehhovisi likanobhala lesifundazwe uma kuyilungu lehhovisi likanobhala wesifundazwe, kuze kutholakale umphumela wokuqulwa kwecala.
- Esimweni lapho ilungu eliye lanikwa isitifiketi sokuqokwa esihambisana ne-Form A noma ne-Form C lilahlwa yicala lokusebenzisa kabi isitifiketi salo sokuqokwa ngemva kokulandelwa kwenqubo efanele, uNobhala noma umphathi wehhovisi likanobhala wesifundazwe, kuye ngokuthi ikuphi okuyikho, angakhupha isitifiketi sokuqokwa esisha esihambisana ne-Form B noma ne-Form D. Isitifiketi sokuqokwa kumelwe sihoxiswa unomphela uma ilungu lixoshwa.
- Esimweni lapho ilungu elinikwa sitifiketi sokuqokwa esihambisana ne-Form B noma ne-Form D litholakala linecala lokusebenzisa kabi isitifiketi salo sokuqokwa ngemva kokulandelwa kwenqubo efanele, uNobhala noma umphathi wehhovisi likanobhala wesifundazwe, kuye ngokuthi ikuphi okuyikho, angalibuyisela ilungu isitifiketi salo sokuqokwa uma lingaxoshwanga.

Izindima nemithwalo YeHhovisi Likanobhala Womphakathi neyamahhovisi kanobhala ezifundazwe

IHhovisi Likanobhala Womphakathi kanye namaHhovisi Kanobhala Ezifundazwe kumelwe enze umsebenzi wokwengamelo komphakathi okuzimele, njengoba kuchazwe ku-section 5 we-Act, ngokuqondene nazo zonke izici zokwenza umsebenzi wobuphoyisa ukuze kuqinisekise ukuthi umnyango wamaphoyisa uyalandisa ngezenzo zawo futhi awufihli lutho. Lapho lenza umsebenzi wokwengamela komphakathi ozimele phezu komnyango wamaphoyisa, iHhovisi Likanobhala Womphakathi kanye namaHhovisi kanobhala ezifundazwe kumelwe aqiniseke ukuthi umnyango wamaphoyisa:

- wenza imisebenzi yawo ngokuvumelana nayo yonke imithetho ebekiwe esebenzayo, izinqubo-mgomo, nezinqubo ezifanele;
- uyawuhlonipha uMthetho Wamalungelo lapho ufeza okuthunyiwe;
- ayakuhlonipha ukwengamela kweHhovisi Likanobhala Womphakathi nokwamahhovisi kanobhala ezifundazwe njengoba kuchazwe kuMthethosisekelo nakuyi-Act;
- anikeza konke ukusekela nokubambisana okudingekile ekuthuthukiseni ukwenziwa komsebenzi wobuphoyisa kubo bonke abantu eRiphabhuliki ngaphandle kobandlululo lwanoma iluphi uhlobo; futhi
- ayalandisa ngezenzo nemisebenzi yawo ngokwalokho ekuthunye umthethosisekelo.

(1) IHhovisi Likanobhala Womphakathi kanye namaHhovisi kanobhala ezifundazwe, ngoNobhala noma ngabaphathi bamaHhovisi kanobhala ezifundazwe, kuye ngokuthi ikuphi okuyikho, kumelwe –

- akuqaphe njalo ukuziphatha nokusebenza komnyango wamaphoyisa ukuze ahlaziye izinga ohlinzeka ngalo ngezinsizakalo ngokuvumelana nomthetho, izinqubo-mgomo ezisebenzayo, iziqondiso zongqongqoshe, namazinga alindelekile ezinsizakalo;

- akubukeze njalo ukuziphatha komnyango wamaphoyisa nokusebenza kwawo nemisebenzi yawo uma kuqhathaniswa nalokho ekuthunyiwe maqondana nezindlela ezisetshenziswayo, imiphumela, ukwanela, ukuphumelela ekuhlangabezani nezidingo zomphakathi;
- amukele, ahlaziye noma akale izikhalazo ezifakwa yinona ngabe iliphi ilungu lomphakathi, inhlango, iqemvu noma ilungu lomnyango wamaphoyisa noma izikhalazo ezidluliselwe ngu-Ngqongqoshe, iPhalamende, u-MEC, isishayamthetho sesifundazwe, yiHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa nanoma ngabe iliphi ilungu lombuso;
- aqaphe ukusetshenziswa kwezimali ezabelwe umnyango wamaphoyisa ngokuqondene nokuhambisana nanoma iziphi iziqondiso zenqubo-mgomo noma iziyalezo zikaNgqongqoshe;
- aqaphe futhi akale ukuziphatha komnyango wamaphoyisa nokusebenza kwawo ngokuqondene nokuhambisana kwawo nezibopho nemithwalo yawo ngokwemibandela yoMthetho Wobudlova Basekhaya, ka-1998;
- enze ucwaningo oluqhubekayo ngomsebenzi wobuphoyisa futhi akhe noma abukeze inqubo-mgomo yokwenziwa komsebenzi wobuphoyisa;
- asebenzise futhi athuthukise isu lokubambisana ukuze kugaqguzelwe abadlalindima nababambi-qhaza ukuba baqinise ukuhlinzekwa kwezinsizakalo nokuphepha nokulondeka; futhi
- abhale futhi ethule imibiko njalo ngezikhathi ezithile mayelana nokusebenza komnyango wamaphoyisa kanye nezincwadi ngokuziphatha kwawo.

Ukudalula ukwaziswa ngaphansi kokulawula kweHhovisi Likanobhala Womphakathi namaHhovisi Kanobhala Ezifundazwe

- Akukho lungu leHhovisi Likanobhala Womphakathi noma hhovisi likanobhala lesifundazwe elingadalula kunoma imuphi umuntu noma yini ewukwaziswa

okuyimfihlo okuseHhovisi Likanobhala Womphakathi okuhlobene nomsebenzi eliwenzayo, ngaphandle kwesigunyazo esibhalwe nguNobhala noma umphathi wehhovisi likanobhala wesifundazwe elithintekile, uma kuyihhovisi likanobhala wesifundazwe.

- UNobhala, noma umphathi wehhovisi likanobhala wesifundazwe, angayinikeza imvume yokuba kudalulwe ukwaziswa okunjalo okuyimfihlo uma –
- kudingekile ukuze lelo lungu likwazi ukwenza imisebenzi yalo ngo-kwemibandela ye-Act kanye nale Mithetho; noma
- uma lokho kwaziswa kuceliwe futhi kwavunyelwe ngokuhambisana nohlaka lomthetho nenqubo-mgomo esebenza ekwazisweni kukahulumeni.
- Noma iliphi ilungu eleqa noma imuphi kule mithetho, ngaphandle kwesizathu esizwakalayo, liyoba necala lokuziphatha ngendlela engafanele ngaphansi kwe-Mithetho Yenkonzo Yomphakathi futhi lelo lungu lingase lithole noma isiphi isigwebo esivumelekile esingakhishwa, uma litholakala linecala.

Iziqondiso

(1) Ngezikhathi ezithile uNgqongqoshe, angakhipha iziqondiso eziya kuNobhala ngezindaba eziphathelele nokwengamela komphakathi noma ukwenza umsebenzi wobuphoyisa.



(2) Noma isiphi isiqondiso sikaNgqongqoshe kumelwe –

- sihambisane nezinhloso zeHhovisi Likanobhala Womphakathi;
- siqukathe imibandela ecacile yokubhekisela; futhi
- umphumela waso ube ukwethula kuKanobhala umbiko kuNgqongqoshe, lapho kudingeke khona, ukuwethula ePhalamende ngemvume kaNgqongqoshe.

(3) Lo mthetho uyasebenza ngokuqondene nehhovisi likanobhala lesifundazwe esimweni lapho u-MEC ekhipha isiqondiso esinjalo kuye ngeqondiso anelungelo elingokomthetho lokuzikhipha.

(4) UNobhala noma umphathi wehhovisi likanobhala lesifundazwe kumelwe aqiniseke ukuthi isiqondiso zikaNgqongqoshe noma zika-MEC ziyalandelwa kungakedluli isikhathi eside.

Umbiko Waminyaka Yonke

Umbiko waminyaka yonke weHhovisi Likanobhala Womphakathi ochazwe ku-section 15 we-Act kumelwe uqukathe ukubekwa ngamafuphi –

- komlando wokuphatha kweHhovisi Likanobhala Womphakathi ngokuqondene nakho konke ukulawula nokuhleleka kwalo;
- kokuqapha, ukulinganisa, nokuhlaziya kwalo ukusebenza komnyango wamaphoyisa;
- kwezinga umnyango wamaphoyisa owulalele ngalo uMthethosisekelo, imithetho ethintekile, izinqubo-mgomo, imithetho yokuhlinzeka izinsizakalo kanye neziqondiso noma imiyalo kaNgqongqoshe;
- kwekhono lomnyango wamaphoyisa lokukwamukela nokusingatha izikhalo ngamalungu awo, kuhlanganise nimphefumela yophenyo lwezikhalo ngokusebenza kwamaphoyisa;
- komphumela wokucwangisa kwendlela yokwenza umsebenzi wobuphoyisa okwenziwe ngalowo nyaka wezimali obukezwayo;
- kwano iziphi izincomo ezenzelwe ukusin-

gatha noma ikuphi ukushiyeka ebuphoyiseni;

- kwanoma imuphi umsebenzi owabelwe uNobhala nguNgqongqoshe ngaphansi kuka-section 8(3)(f) we-Act; kanye nokubekwa ngamafuphi
- kwanoma iluphi olunye udaba olungena ngaphakathi kwemingcele yomsebenzi echazwe ku-section 6 we-Act.

Imibiko Yekota YeHhovisi Likanobhala Womphakathi

(1) Noma imuphi umbiko wekota okhishwa yiHhovisi Likanobhala Womphakathi ngokwemibandela ka-section 13 we-Act kumelwe iphathelele nazo zonke izindawo zokusebenza kweHhovisi Likanobhala Womphakathi kanye namahhovisi kanobhala ezifundazwe endleni ayenze ngayo imisebenzi yawo yokwengamela.

(2) Umbiko ophathelene nomsebenzi wokuqapha nokulinganisa kumelwe uhlanganise –

- nokuhlaziya kokusebenza kwamaphoyisa;
- novo mayelana nokuziphatha komnyango wamaphoyisa;
- nombiko ngokufezwa kwemigomo equkethwe ezinhlelweni zawo zokusebenza zalowo nyaka;
- nokusetshenziswa kwesabelo sezimali ngokuhlobene nezinhlelo zawo zokusebenza zalowo nyaka;
- nombiko njengoba kuchazwe ku-section 34(7) we-Act mayelana nenfuthuko eyenziwe ngokwakheka kwamaHhovisi Kanobhala Ezifundazwe kwaze kwaba yilapho amaHhovisi Kanobhala Ezifundazwe esakhiwe;
- nombiko ngokwenza kwamaHhovisi Kanobhala Ezifundazwe izinhlelo nemisebenzi evumelanala neyeHhovisi Likanobhala Womphakathi ; kanye
- nanoma iziphi izincomo ezenziwa kuNgqongqoshe.

(3) UNobhala kumelwe aqiniseke ukuthi umbiko wekota weHhovisi Likanobhala Womphakathi uyahlanganiswa ukuze

wethulwe kuNgqongqoshe ingakapheli inyanga ngemva kokuphela kwekota eyedlule ukuze igunyazwe ngaphambi kokuthunyelwa ePhalamende.

(4) Naphezu kwalo mthetho, uNobhala angase acelwe nganoma isiphi isikhathi nguNgqongqoshe noma yiPhalamende ukuba ethule umbiko wesikhashana, ngomlomo noma ngokubhala.

Imibiko Yekota YamaHhovisi Kanobhala Ezifundazwe

- Ekupheleni kwekota ngayinye, umphathi wehhovisi likanobhala lesifundazwe kumelwe ahlanganise futhi ethule ku-Nobhala umbiko obhaliwe ochazwe ku-section 22 we-Act mayelana nalokho okwenziwe yihhovisi likanobhala wesifundazwe, kuhlanganise nokufeza izinhlelo zalo nemisebenzi yalo, izinkomba zako, nokuhlanganisa amasu namasistimu alo naweHhovisi Likanobhala Womphakathi kanye naleyo mithwalo nemisebenzi ebhalwe phansi ephathiswe noma eyabelwe umphathi wehhovisi likanobhala wesifundazwe.
- Usuku lokwethula imibiko yesifundazwe kufanele luqondane nezinsuku amahhovisi kanobhala ezifundazwe okumelwe ethule ngazo imibiko yawo yekota kubaGcinizimali Bezifundazwe akuzo noma ngokushesha ngemva kwalokho ngokokunquma kuka Nobhala .
- Umphathi wehhovisi likanobhala lesifundazwe kumelwe futhi athumele imibiko kuNobhala ngezindaba eziphathelene nokwenziwa kwanoma imuphi umisebenzi ongase kuvunyelwane ngayo esiGcawini Sabaphathi Abakhulu.
- Umphathi wehhovisi likanobhala lesifundazwe, ngezikhathi ezithile, angase athumele eminye imibiko kuNobhala ayibona ifanele ngokuphathelene nezindaba ezithile eziphakanyiswe uNgqongqoshe, yiPhalamende noma esinye isikhungo.
- Imibiko echazwe emithethweni engaphansi u-(3) no-(4) kumelwe iqukathe iseluleko nezincomo ihhovisi likanobhala lesifundazwe elizibona zifaneleka ukuze kwenziwe imisebenzi yalo ngaphansi

kwale mithetho futhi kumelwe zihlanganise nokulandelayo –

- Ukuhlaziywa komnyango wamaphoyisa esifundazweni;
- Umbiko mayelana nokufinyelwa kwemigomo equkethwe ezinhlelweni zalo zonyaka ezivumelana nezinhlelo nemisebenzi yeHhovisi Likanobhala Womphakathi;
- izincomo ezenziwe ngokuqondene nemisebenzi yobuphoyisa okumelwe kuqalwe ngayo esifundeni; kanye
- nanoma iluphi udaba oluchazwe ku-section 17 we-Act .

(1) Lapho uNobhala ethola noma imuphi umbiko ngaphansi kwalo mthetho, uNobhala kumelwe -

- Endabeni yombiko wekota ngaphansi komthetho ongaphansi (1),
- Nasendabeni yanoma imuphi omunye umbiko, uma uNobhala ekubona kufanele ukwenza kanjalo, nangezinga akubona kufanele ngalo ukwenza kanjalo, adlulisele kuNgqongqoshe, ikhophi yombiko ohlanganisiwe kanye neKomiti Lomnyango WamaPhoyisa bese ethumela ikhophi yombiko kuleyo naleyo MEC.
- UNobhala, ngemvume kaNgqongqoshe no-MEC, angayidlulisele ikhophi yombiko wekota ngaphansi kwesigatshana (1) kuKhomishane Wesifundazwe nakuKhomishane Kazwelonke kuze baphawule baveze novo.
- Imibiko echazwe kulo mthetho ingathunyelwa eHhovisi Likanobhala Womphakathi nge-fax ngoma nge-electronic mail, ngeposi noma ngesandla ingakapheli inyanga eyodwa iphelile ikota ngayinye.
- IHhovisi Likanobhala Womphakathi kumelwe lisho, ngokubhala, ukuthi liwutholile umbiko wekota ovela ehhovisi likanobhala lesifundazwe zingakapheli izinsuku eziyishumi liwutholile.
- Lowo othumele lowo mbiko kuNobhala kumelwe agcine ubufakazi bokuthi uwuthumele umbiko obhaliwe nge-fax, nge-electronic mail, ngeposi noma ngesandla.



- Esimweni lapho uNobhala edinga ukucaciselwa ngombiko wekota wehhovisi likanobhala wesifundazwe, leyo ngcaciso kumelwe ithunyelwe nge-email zingakadluli izinsuku eziyishumi sitholakele leso sicelo.

UKULAWULA ILUNGELO LOKUNGENA EMAHHOVISI NELOKUFINYELA UKWAZISWA NGOMNYANGO WAMAPHOYISA

ilungelo lokungena emahhovisi nelokufinyela ukwaziswa

(1) Ngaphansi kuka-section 9 we-Act, uNobhala kanye nomphathi wehhovisi likanobhala lesifundazwe nanoma iliphi ilungu eligunyaziwe leHhovisi Likanobhala Womphakathi noma lehovisi likanobhala lesifundazwe angangena emahhovisi ahlole amadokhumenti atholwe nokwaziswa okulawulwa umnyango wamaphoyisa akudingayo ukuze enze umsebenzi wokwengamela nezindaba ezihlobene nalokho.

(2) Lelo lungu elithintekayo lomnyango wamaphoyisa kumelwe linikeze usizo oluphelele linikeze nemvume yokuthola ukwaziswa nokungena emahhovisi alawulwa umnyango wamaphoyisa: uNobhala noma umphathi wehhovisi likanobhala wesifundazwe, kuye ngokuthi ikuphi okuyikho, kumelwe -

- esimweni lapho kufuneka amadokhumenti noma ukwaziswa okuyimfihlo, azize uKhomishane Kazwelonke noma uKhomishane Wesifundazwe kusasele isikhathi esanele ngokufuneka kwalawo madokhumenti noma ukwaziswa; kanti
- esimweni lapho kufuneka amadokhumenti noma ukwaziswa kungeyona imfihlo, alinikwe ngaso leso sikhathi ilungelo lokufinyelela lawo madokhumenti noma lokungena kulawo mahhovisi ngaphandle kokusho kusengaphambii.

(3) Esimweni lapho umnyango wamaphoyisa wenqaba ukunika ilungelo lokufinyelela ukwaziswa mayelana nomsebenzi wobuphoyisa noma lokungena emahhovisi angaphansi kokulawula kwawo, leso senzo sokwenqaba singabikwa kuNgqongqoshe, noma ku-MEC uma kuyisifundazwe, yena ozobe eselamula anike neziqondiso kuKhomishane Kazwelonke noma kuKhomishane Wesifundazwe kuye ngokuthi ubona kuyikuphi okudingekile nokufanelekile ngaphansi kwalezo zimo.

(4) Noma iliphi ilungu lomnyango wamaphoyisa elenqaba ngaphandle kwezizathu ezisemthethweni, ukunika imvume yokufinyelela noma ukusiza ilungu eligunyaziwe leHhovisi Lomphakathi noma lehovisi likanobhala lesifundazwe lingabikwa ukuthi liziphathe ngendlela engafanele.

(5) Noma iliphi ulungu eligunyaziwe leHhovisi Likanobhala Womphakathi noma lehovisi likanobhala lesifundazwe lingangena kunoma imaphi amahhovisi angaphansi kokulawula kwamaphoyisa ukuze lihlale futhi licele ukunikwa noma imaphi amadokhumenti akulawo mahhovisi, ngokombono walo, ahlangene nokwenza kwalo imisebenzi yalo noma adingekayo ukuze liyenze.

(6) Ukungena emahhovisi ngenhloso yokuhlola noma yokucelwa ukunikwa idokhumenti elithile kungenzeka kuphela uma -

- uhlobo lwalolo phenyo lungolwenjongo yokwenza umsebenzi wokwengamela iHhovisi Likanobhala Womphakathi noma ihhovisi likanobhala lesifundazwe okudingeka liwenze;
- kudingekile ukungena emahhovisi nokuhlola amadokhumenti akulo; futhi
- kunezizathu ezizwakalayo zokukholelwa ukuthi lokho kwaziswa kukulawo mahhovisi noma kusoleka ukuthi kukulawo mahhovisi.

(7) Ilungu eligunyaziwe leHhovisi Likanobhala Womphakathi noma lehovisi likanobhala lesifundazwe lingabika noma yikuphi ukwenqatshelwa ukungena emahhovisi noma ukunikwa amadokhumenti kuNobhala noma kumphathi wehhovisi likanobhala

wesifundazwe, kuye ngokuthi ikuphi okuyikho, ukuze lithole usizo nokulanyulelwa.

(8) Noma iliphi ilungu eligunyaziwe leHhovisi Likanobhala Womphakathi noma lehhovisi likanobhala lesifundazwe elicela ukungena emahhovisi angaphansi kokulawula kwamaphoyisa noma elicela amadokhumenti adingekile ukuze lenze umsebenzi wokwengamela kumelwe –

- Lizazise kulowo olawula amahhovisi ;
- Liveze isitifiketi salo sokuqokwa; uma sicelwa; futhi
- Linikeze lowo muntu imininingwane ephathelene negunya lalo lokungena emahhovisi licele ukwaziswa, uma lowo muntu eyicela.

Iziqondiso Zokusebenza

UNobhala, ngemva kokubonisana nabaphathi bamaHhovisi Kanobhala Ezifundazwe, angakhipha iziqondiso zokusebenza eziyolungelana nokusebenza nokulawulwa ngokuphumelelayo kwanoma iluphi udaba oluqondiswa ilesi Siqondiso.

IZIKHALAZO

Ukwamukelwa Kwezikhalazo

(1) UNobhala noma umphathi wehhovisi likanobhala lesifundazwe angase athole isikhalazo esiphathelene nokungasebenzi kahle komnyango wamaphoyisa sivela –

- kuNgqongqoshe noma ku-MEC othintekayo;
- eKomitini Lomnyango Wamaphoyisa noma eKomitini Elingaguquki lesifundazwe;
- eHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa;
- eHhovisi LikaMahluleli LeziKhalazo ngokuphathelene neHhovisi Lomqondisi Wokuphenywa Kobugebengu;
- elungwini lomphakathi, eqenjini elithile labantu, endikimbeni noma enhlanganweni ethile;
- kunoma iyiphi ingxenye yombuso; noma

(g) elungwini lomnyango wamaphoyisa.

(2) Noma isiphi isikhalazo esifikayo kumelwe sisingathwe ngokuvumelana nalesi Sahluko.

(3) Izikhalazo zihlanganisa noma iziphi izikhalazo ngokuhlinzekwa kwezinsizakalo ezingase ziqondiswe eHhovisi Likanobhala Womphakathi weHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa ngokwemibandela ka-section 35(6)(b) woMithetho Wehhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa, ka-2011 (Act No 1 of 2011).

(4) UKhomishane Kazwelonke kumelwe aqinisekise ukuthi noma isiphi isikhalazo, esithunyelwe kuye nguNobhala ngemva kokudluliswa kwesikhalazo nguNgqongqoshe noma iKomiti LePhalamende, siyahlaziywa futhi kubhalwe umbiko ngaso kungakedluli isikhathi eside.

(5) UNobhala angase futhi abangele ukuba isikhalazo esithile esivela emalungwini omphakathi esiphathelene nokungasebenzi kahle komnyango wamaphoyisa sidluliselwe kuKhomishane Kazwelonke ukuba usibheke.

(6) Umbiko wekota weHhovisi Likanobhala kumelwe ufake nesihlaziyo sekhono lomnyango wamaphoyisa lokwamukela nokusilingathwa izikhalazo ngamalungu awo.

Ukufaka isikhalazo

(1) Ilungu lomphakathi noma ilungu lomnyango wamaphoyisa elifisa ukufaka isikhalazo kuNobhala noma kumphathi wehhovisi likanobhala lesifundazwe kumelwe likwenze lokho ngokubhala.

(2) Ilungu lomphakathi noma ilungu lebutsho lamaphoyisa lingamfakela omunye umuntu isikhalazo, uma nje lowo muntu ofakelwa isikhalazo ekuvuma lokho ngokubhala.

(3) Le mfuneko yemvume ngeke isebenze uma lowo muntu ofakelwa isikhalazo ngasizathu simbe esingokomthetho engakwazi ukwenza kanjalo, noma esimweni lapho uNobhala noma umphathi wehhovisi likanobhala lesifundazwe, esebenzisa ukwahlulela kwakhe, egunyaze ukuchezuka kule mfuneko.

(4) Isikhalazo kumelwe sisayinwe yilowo muntu ofaka isikhalazo lowo okhalazayo noma lowo ommelelayo kumelwe -

- (a) abhale igama lakhe eliphelele, inamba kamazisi neminingwane yakhe yokuxhumana;
 - (b) abalule uhlobo lwesikhalazo nesizathu sezinsolo;
 - (c) anikeze iminingwane ephathelene nesikhalazo; futhi
 - (d) asho isixazululo asifunayo lowo okhalazayo.
- (5) Kumelwe kufakwe isikhalazo esibhaliwe eHhovisi likaNobhala noma ehhovisi lomphathi wehhovisi likanobhala wesifundazwe.
- (6) Zingakapheli izinsuku ezinhlano zaphakathi nesonto kusukela isikhalazo sitholakele, kumelwe kubhalwe incwadi evumayo ukuthi samukelwe isikhalazo.

Isikhalazo esifakwa ngasese

(1) Isikhalazo, ukukhathazeka noma izinsolo ngokwehluleka noma ukungenzi kahle akunakufakwa ngasese, ngaphandle uma izimo ezinqala zidinga ukuba kwenziwe lokou.

(2) Amalungu omphakathi kanye nomnyango wamaphoyisa kumelwe ufake izikhalazo ngokusebenzisa imigudu efanele.

Ukwamukela, Ukubhalisa, Ukusingatha, Ukudlulisa, Nokuxazulula Izikhalazo

- Isikhalazo esiwela ngale komsebenzi weHhovisi Likanobhala Womphakathi noma wehhovisi likanobhala lesifundazwe singadluliswa ngokubhala, zingakapheli izinsuku eziyisikhombisa samukelwe, sidluliselwe egunyeni noma enhlanganweni efanele ekwaziyo ukusingatha isikhalazo esinjalo.
- Uma isikhalazo sidluliswe ngokwemibandela yomthetho ongaphansi (1), lowo okhalazayo kumelwe aziswe ngokubhalelwa ngalokho kudluliswa zingakapheli izinsuku eziyisikhombisa sidluliswe.

- Isikhalazo esiwela ngaphakathi komsebenzi weHhovisi Likanobhala Womphakathi noma wehhovisi likanobhala lesifundazwe kumelwe sifakwe kurejista eyikhompyutha eyenzelwe le njongo futhi okhalazayo kumelwe aziswe ngokubhalelwa, zingakapheli izinsuku eziyisikhombisa samukelwe isikhalazo yiHhovisi Likanobhala Womphakathi noma yihhovisi likanobhala wesifundazwe, ukuthi isikhalazo sakhe samukelwe futhi sadluliselwa elungwini elishiwo ukuba lisinake futhi lisilandebele.
- Isikhalazo esifakwe eHhovisi Likanobhala Womphakathi singadluliswa nguNobhala asidlulisele ehhovisi likanobhala lesifundazwe ukuba lisinake futhi lisilandebele. Esimweni esinjalo, okhalazayo kumelwe aziswe zingakapheli izinsuku eziyisikhombisa ngalokho kudluliswa.
- Isikhalazo esirejistwe ngokwemibandela yalo mthetho kumelwe sifinyeleliswe esiphethweni ingakapheli inyanga noma enye inkathi uNobhala angayigunyaza ngokubhala.
- UNobhala noma umphathi ofanele wehhovisi likanobhala wesifundazwe, kuye ngokuthi ikuphi okuyikho, kumelwe amise ilungu elizonaka futhi lilandebele leso sikhalazo esidluliselwe eHhovisi Likanobhala.
- Uma umbiko ochazwe emthethweni 22 uqukethe izincomo ngokuphathelene nezinyathelo zokuqondisa izigwegwe ezithathelwe ilungu loMnyango Wamaphoyisa Waseningizimu Afrika lowo mbiko kumelwe wethulwe kuKhomishane Kazwelonke noma kuKhomishane Wesifundazwe zingakapheli izinsuku eziyishumi.
- UKhomishane Kazwelonke kumelwe ahlENZE uNobhala ngombiko obhaliwe ingakapheli inyanga eyodwa zitholakele izincomo ngezinyathelo zokuqondisa izigwegwe ezithathelwe lelo lungu elithintekayo.

Ukuhlaziya ikhono lomnyango wamaphoyisa lokusingatha izikhalazo

(1) UNobhala kumelwe aqinisekise ukuthi ukuhlaziywa kwekhono lomnyango wamaphoyisa lokusingatha zonke izikhalazo ngomnyango wamaphoyisa noma amalungu awo kwenziwa njalo ngemva kwezinyanga ezintathu.

(2) Lapho kuhlaziywa futhi kuqashwa ikhono lomnyango wamaphoyisa lokwamukela nosingatha izikhalazo ngamalungu awo njengoba kuchazwe ku-section 6(1)(j) we-Act, iHhovisi Likanobhala Womphakathi liyonikwa ukwaziswa okulandelayo ngu-Mphathi Wedivishini: SAPS eqondene nokusingathwa kwezikhalazo –

- (a) lungelo lokufinyelela amasistimu akhona okurekhoda, okuhlela, nokusingatha zonke izikhalazo ezamukelwe;
- (b) lungelo lokufinyelela inqolobane yomnyango wamaphoyisa yezo zonke izikhalazo;
- (c) izinqubo-mgomo eziphathelele nokusingathwa kwezikhalazo ;
- (d) umbiko wanyanga zonke wokusingathwa kwezikhalazo ezamukelwe;
- (e) imininingwane ephathelene nazo zonke izikhalazo ezamukelwe, izikhalazo ezifinyeleliswe esiphethweni neyazikhalazo ezisalenga;
- (f) izizathu zanoma ikuphi ukwehluleka noma ukulibala ekusingatheni isikhalazo;
- (g) izinyathelo ezithathwe umnyango wama-phoyisa zokunciphisa noma ukusingatha izimbangela zaleso sikhalazo; kanye
- (h) nanoma ikuphi ukwaziswa uNobhala angase akudinge.

(3) UMphathi Wedivishini okukhulunywe ngaye emthethweni ongaphansi (2) kumelwe ahlinzeke uNobhala ngalokhu kwaziswa zingakapheli izinsuku eziyishumi ecelwe ukuba enze kanjalo.

(4) UNobhala kumelwe aqinisekise ukuthi kwenziwa umbiko ngekhono lomnyango wamaphoyisa lokusingatha izikhalazo, kuhlanganise, kodwa kungacini kuko, nanoma iluphi udaba oluwukuxhashazwa kwegenya, ukungaziphathi kahle, noma ukubandlulula umuntu noma umphakathi ofake isikhalazo.

(5) Umbiko okukhulunywe ngawo emthethweni ongaphansi (4) ungatasa isinyathelo esifanele sokulungisa noma ikuphi ukwehluleka komnyango wamaphoyisa ukusingatha izikhalazo.

(6) UNobhala kumelwe uqinisekise ukuthi umbiko okukhulunywe ngawo emthethweni ongaphansi (4) uyathunyelwa kuNgqongqoshe kabili ngonyaka.

Umbiko Ngezikhalazo Ezidluliselwe nguNgqongqoshe noma yiPhalamende

Esimweni lapho uNobhala eye wasingatha isikhalazo esidluliselwe eHhovisi Likanobhala Womphakathi nguNgqongqoshe noma eKomitini Lomnyango Wamaphoyisa, uNobhala kumelwe athumele umbiko wanoma yini etholakele kuNgqongqoshe noma eKomitini Lomnyango Wamaphoyisa, ingakapheli inyanga eyodwa ngemva kokuba udaba luphothuliwe.

Imibiko ephathelene nezikhalazo ngokuhlizekwa kwezinsizakalo

(1) UNobhala kumelwe athumele kuNgqongqoshe umbiko okukhulunywe ngawo emthethweni 22 oqukethe ukwaziswa okulandelayo -

- (a) uhlobo lwesikhalazo;
- (b) okutholwe yiHhovisi Likanobhala;
- (c) isifushaniso sempendulo ethunyelwe kulowo okhalazayo ;
- (d) okubonisa ukuthi isenzo okukhalazwa ngaso siluhlobo luni nokuhlobana kwaso nomthetho;

- (e) isinqumo sokuthi ngabe lokho okwenziwe noma okungenziwanga yiphoyisa kudale umonakalo yini kokhalazayo;
- (f) isincomo sokuthi ungalungiswa kanjani umonakalo odaleke kokhalazayo, uma ukhona; kanye
- (g) nezizathu zeziphetho okufinyelwe kuzo kanye nezincomo.

(2) Noma yini etholwe nguNobhala ngesikhalazo, ingahlizekwa uKhomishane Kazwelonke kanye noMphathi waleyo Divishini yomnyango wamaphoyisa, uma uNobhala ebona kufanele noma ngesiqondiso sikaNgqongqoshe.

UKUQAPHA NOKULINGANISA

Uhlelo Lokuqapha Nokulinganisa

(1) Umphathi weYunithi YeHhovisi Likanobhala Womphakathi elinomthwalo wokwengamela komphakathi, ukuqapha nokulinganisa, ukuze likwazi ukufeza umsebenzi weHhovisi Likanobhala Womphakathi ngaphansi kwe-section 6 we-Act, kumelwe lakhe futhi lisebenzise uhlelo lwaminyaka yonke lokuqapha nokulinganisa ukusebenza komnyango wamaphoyisa.

(2) UNobhala kumelwe asungule ubambiswano nesigcawu sabaphathi abakhulu bomnyango wamaphoyisa ukuze kudingidwe izinto eziza kuqala zeHhovisi Likanobhala Womphakathi nezindaba ezithinta izinhlangothi zombili ezihlobene nohlelo.

(3) Ukuqashwa nokulinganiswa komnyango wamaphoyisa kumelwe, okungenani kusekelwe eThuluzini eligunyaziwe Lokuqapha Nokulinganisa leHhovisi Likanobhala Womphakathi. Nokho, iHhovisi Likanobhala Womphakathi aligcini ngokusebenzisa leli thuluzi.

(4) Uhlelo lwaminyaka yonke lokuqapha nokulinganisa lweHhovisi Likanobhala Womphakathi okukhulunywe ngalo emthethweni ongaphansi (1) kumelwe

lusetshenziswe yiwo wonke amahhovisi kanobhala ezifundazwe ukuze avumelanise izinhlelo zawo zokuqapha nokulinganisa ezifundazweni zawo njengoba kuchazwe ku-section 17 we-Act.

(d) Isishayamthetho

- (i) sibika ngemiThetho eklanywayo;
- (ii) ngezinqubo ezilandelwe ekuklameni imiThetho;
- (iii) ngocwaningo olwenziwe ekuklamni imiThetho;
- (iv) ngemibono eqoqiwe;
- (iv) ngokusekela okunikeziwe ukuqinisekisa ukuthi kuyahanjiswa nezibopho zikaNgqongqoshe zomthetho;
- (vi) nanganoma iziphi ezinye izindaba ezin-gomthetho.

Izinqubo zokubika

(1) UNobhala kumelwe athumele umbiko ohlangene ngezinto zokwengamela komphakathi zeHhovisi Likanobhala Womphakathi namaHhovisi Kanobhala Ezifundazwe kuNgqongqoshe ngosuku olunqunywe uNgqongqoshe, kuthi lapho kudingeke khona, adlulisele ikhopho yawo kuKhomishane Kazwelonke ngemvume kaNgqongqoshe.

(2) Lapho ethola uMbiko weYunithi ngayinye yeHhovisi Likanobhala Womphakathi nowamaHhovisi Kanobhala Ezifundazwe, uNobhala kumelwe ahlaziye ukwaziswa okuseMbikweni ebonisana nabaphathi bamaHhovisi Kanobhala Ezifundazwe athole futhi arekhode izinga ohambisane ngalo nezimfuneko zokubika ezibalulwe yimibandela yalo Mthetho.

(3) UNobhala kumelwe aqinisekise ukuthi umbiko nakho konke ukwaziswa okuqongelelwe ngesikhathi kwenziwa imisebenzi yokwengamela ngenkathi yokubika uyahlanganiswa futhi uyahlaziywa.

(4) UNobhala, ngenkathi yale nqubo noma ekupheleni kokuhlaziywa koMbiko, angabuza kuKhomishane Kazwelonke

noma kuMphathi Wedivishini emnyangweni wamaphoyisa, kuye ngesidingo ukuze athole ukucaciselwa nganoma yini ebikiwe futhi angacela ukwaziswa okwengeziwe ukufazela izinto ezishiwo embikweni.

AMAQEMBU OKUBHEKISELA

AmaQembu Okubhekisela

(1) AmaQembu Omphakathi Okubhekisela achazwe ku-section 6(2) we-Act kumelwe amiswe yiHhovisi Likanobhala Womphakathi abhekele lezi zici ezilandelayo:

- (a) ukuqapha nokulinganisa
- (b) ubambiswano
- (c) inqubo-mgomo nocwaningo
- (d) Ukusetshenziswa koMthetho Wobudlova Basekhaya, ka-1998.

(2) UNobhala umisa amalungu eQembu Lokubhekisela Lomphakathi ebonisana nomphathi weYunithi yeHhovisi Likanobhala Womphakathi elibheke lesi sici.

(3) IQembu Lokubhekisela emiswe ngokwemibandela yomthetho ongaphansi (1) ingaba nezinhloso ezilandelayo -

- (a) ukudlala indima yokweluleka eHhovisi Likanobhala ngokuqondene nokwakhiwa, ukusetshenziswa nokulandelwa kwenqubo-mgomo;
- (b) ukuhlonza amagebe enqubo-mgomo ezindabeni zokwenziwa komsebenzi wobuphoyisa, zokuphepha nezokulondeka;
- (c) ukuhlinzeka ngesigcawu senkulomompikiswano ngezindaba zokwenziwa komsebenzi wobuphoyisa, zokuphepha nezokulondeka;
- (d) ukuhlonza izinyathelo zokulungisa ukuze kuthuthukiswe ukwenziwa komsebenzi wobuphoyisa;
- (e) ukweluleka ngemikhuba emihle ngokuqondene nokwenza umsebenzi wobuphoyisa;
- (f) ukutusa izindlela ezinhle zokuqapha, ukuhlaziya nokukala umnyango wama-

phoyisa ngokuqondene nokuhambisana nenqubo-mgomo yokwenza umsebenzi wobuphoyisa;

- (g) ukuphonsa esivivaneni sokwakhiwa kwenqubo-mgomo odabeni lokuphepha nokulondeka;
- (h) ukweluleka ekhwakhiweni kobambiswano namasu okugqaguzela umphakathi ekujinjelweni kobugebengu;
- (i) ukweluleka ezindabeni zobudlova basekhaya.

(4) Imibandela eqondile yokubhekisela yeQembu Lokubhekisela elimisiwe kumelwe yakhiwe yiQembu Lokubhekisela bese yethulwa kuNobhala ukuze ayigunyaze.

(5) Inhlanguyisela yabakhi bezinqubo-mgomo, amalungu abezemfundo, amaqembu omphakathi, izinhlangano ezingezona ezikahulumeni nosomabhizini, egxile endleleni yokwenza umsebenzi wobuphoyisa noku-vimbela ubugebentu ingaba ingxenye yeQembu Lokubhekisela.

(6) Umphathi wehhovisi likanobhala lesifundazwe angacelwa ukuba aqoke ilungu ukuba libe ilungu leQembu Lokubhekisela elivela kwelinye ihhovisi.

(7) Umhlangano weQembu Lokubhekisela uzobizwa Umphathi weYunithi ethintekile yeHhovisi Likanobhala Womphakathi abuye abe usihlalo wawo.

(8) IQembu Lokubhekisela kumelwe lihlanguyisela okungenani kanye ngemva kwenzinyanga ezintathu.



(9) IHhovisi Likanobhala Womphakathi lizoxhasa iQembu Lokubhekisela ngemisebenzi yasehhovisi, kuhlanganise nalokhu okulan-delayo -

- (a) ukubhala nokuthumela amaminithi zingakadluli izinsuku eziyisikhombisa ngemva komhlangano;
- (b) ukuhlelwa kwemihlangano;
- (c) ukuklanywa nokuthunyelwa kohlelo lomhlangano kusasele isonto ngaphambi komhlangano ukuze amalungu akwazi ukwenezela amaphuzu engeziwe;
- (d) ukuxhumana namalungu eQembu Lokubhekisela; kanye
- (e) nokuhlela uhambo ngezindiza nezindawo zokuhlala zamalungu eQembu Lokubhekisela kuye ngesidingo.

(10) Amalungu eQembu Lokubhekisela awakhothelwa.

(12) Esimweni lapho ilungu noma inhlangano ethile iba nokungqubuzana kwezithakazelo odabeni oludingidwa yiQembu Lokubhekisela, lelo lungu noma ummeleli waleyo nhlangano kumelwe azikhiphe ezingxoxweni ezidingida lelo phuzu lohlelo.

(13) Ilungu leQembu Lokubhekisela kumelwe libe nesifuba ngaso sonke isikhathi futhi lingaphansi kwesibopho somthetho weHhovisi Likanobhala Womphakathi wokugcina imfihlo.

UHLAKA LOKUSEBENZA NGOKUBAMBISANA

Ukwakheka Kwesigcawu SikaNobhala Nabaphathi Beminyango Yezifundazwe

(1) Amalungu asikhathi sonke esiGcawu achazwe ku-section 23 we-Act yilawa -

- (a) UNobhala njengoSihlalo; kanye
- (b) Nabaphathi beminyango yezifundazwe.

(2) USihlalo angase ameme omunye umuntu ongashiwongo esigatshaneni (1) ukuba

athamele umhlangano wesiGcawu ukuze enze izethulo ezithile noma abe isibukeli.

Izinhloso Zesigcawu

Izinhloso zesiGcawu yilokhu -

- (a) ukuthuthukisa jikelele kwengamela komphakathi umnyango wamaphoyisa;
- (b) ukuxhasa iKomiti LikaNgqongqoshe; kanye
- (c) nokuhlizeka ngendlela yokuxhumana phakathi kweHhovisi Likanobhala Womphakathi neminyango yezifundazwe.
 - (i) ukuxhumanisa nokuvumelanisa izinhlelo zomsebenzi nezinto eziza kuqala, izinhloso namasu kuhulumeni kazwelonke, bezifundazwe, nabomphakathi; kanye
 - (ii) nanoma iziphi ezinye izindaba ezibalulekile ezithinta IHhovisi Likanobhala Womphakathi kanye namaHhovisi Kanobhala Ezifundazwe; kanye
- (b) nokuxoxa ngokwenziwa komsebenzi wokuhlizeka ngezinsiza zobuphoyisa ukuze kuhlonzwe ukwehluleka futhi kuthathwe izinyathelo zokuvimbela lokho kwehluleka noma zokulungisa uma kunesidingo.

Imisebenzi KaSihlalo WesiGcawu

(1) USihlalo WesiGcawu -

- (a) ubiza imihlangano yesiGcawu abe ngusihlalo wayo;
- (b) unquma uhlelo lwemihlangano yesiGcawu ngemva kokucela abaPhathi Beminyango bezifundazwe ukuba bahlizeke ngamaphuzu omhlangano;
- (c) anikeze nesiqondiso esiwusizo esiGcawini ngokuthi yini eza kuqala ekwenzweni komsebenzi wobuphoyisa, izinhloso namasu nasezindabeni ezihlobeni nokuvunyelaniswa kwezinhlelo nemisebenzi echazwe ku-section 17 we-Act.

(2) The Sihlalo, ukwenezela emthethweni ongaphansi (1) -

- (a) angamisa umphathi womnyango wesiGcawu ukuba abe uSihlalo wesiG-

cawu obambele uma kungaba khona isimo esivimbela uSihlalo ekwengameleli Imihlangano yesiGcawu; futhi

- (b) angamema noma ngabe imuphi omunye umuntu ukuba ethamele umhlangano wesiGcawu.

Ukusekelwa KwesiGcawu Ngemisebenzi Yasehhovisi

IHhovisi Likanobhala Womphakathi liyoba yihhovisi likanobhala elenzela isiGcawu imisebenzi yasehhovisi.

Ukwenziwa Kwezinqumo ZesiGcawu

Izimfuneko ezilandelayo ziyosebenza ngokuqondene nokwenziwa kwezinqumo zesiGcawu -

- (a) Ihhovisi likanobhala liyobhala amaminithi nezinto ezidinga ukwenziwa zingakadluli izinsuku ezinhlanu ngemva komhlangano.
- (b) Amakhophi amaminithi ayothunyelwa emalungwini esiGcawu zingakapheli izinsuku eziyishumi ngemva komhlangano ukuze aphawule noma alungise.
- (c) UHlu Lwezinto Ezidinga Ukwenziwa olubonisa izinqumo ezenziwe kanye nelungu lesiGcawu elinalowo mthwalo wokwenza lesi nqumo kufanele luhambisane namaninithi omhlangano.
- (d) Ilungu lesiGcawu elinomthwalo wokwenza isinqumo sesiGcawu kumelwe lithumele kuSihlalo umbiko oyikhasi elilodwa okungenani kusasele izinsuku eziyisikhombisa kufike umhlangano wesiGcawu olandelayo, noma ngolunye usuku olungaphambi kwalolo okungavunyelwana ngalo.
- (e) Amaminithi ashicilelwe omhlangano wesiGcawu, angase enziwe, uma kusho uSihlalo, ngezinhloso zokwenza uphenyo maqondana nezinqumo ezenziwe. Amaminithi ashicilelwe ayophathwa njengayisifuba futhi ngeke anikwe abanye abantu ngaphandle kwamalungu esiGcawu.



Ukulinganiswa kwemihlangano YesiGcawu Sabaphathi Abakhulu

Kuyosetshenziswa izinkomba ezilandelayo ukuze kukalwe impumelelo yemihlangano yesiGcawu -

- Uhlelo lomhlangano oluwusizo;
- Ukwethanyelwa kwemihlangano yesiGcawu ngu-90% wamalungu;
- Ukuhlelwa nokugcinwa ngokuhlelekele kwamadokhumenti ezinqumo ezenziwe;
- Inqubo esebenzayo yokulandelela ukwenziwa kwezinqumo;
- Izinhlelo eziphumelelayo zokuthutha nokuhambisa;
- Ukwehulwa kombiko ngabaPhathi BamaHhovisi Kanobhala Ezifundazwe; kanye
- Nezinga amalungu azisebenzise ngalo zinqumo noma izixazululo zesiGcawu.

Ukubambisana NeHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa

(1) Ukuze kwenziwe imisebenzi echazwe ku-section 31 we-Act, nokuqinisekisa ukusebenza ngendlela kwesiGcawu Soku-

bonisana okukhulunywe ngaso eSahlukweni 4 seHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa Act, 2011 samiswa ngokwemibandela ka-section 15 wayo, uNobhala kumelwe akhe izindlela, ngaphakathi kweHhovisi Likanobhala Womphakathi, zokwenza okulandelayo -

- ukucabangela imibiko eyamukelwe kuMqondisi Ophakeme ngokwemibandela ka-section 9 woMthetho WeHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa, ka-2011;
- ukuqapha ukwenziwa komnyango wamaphoyisa izincomo ezenziwe yiHhovisi Lomqondisi;
- ukuhlinzeka uNgqongqoshe zikhathi zonke ngombiko wezinyathelo ezithathwe yiHhovisi Likanobhala Womphakathi zokuqinisekisa ukuhambisana nomthetho;
- ukwethula kuMqondisi Ophakeme ikhophi yombiko ngezinyathelo ezithathiwe; kanye
- nokudingida izindaba ezihlobene nemikhuba, izincomo kanye nokwenziwakwalezo zincomo.

(2) UNobhala kumelwe aqinisekise imibiko evela kuMqondisi Ophakeme ngokwemibandela ka-section 9 woMthetho WeHhovisi Elizimele Lomqondisi Wokuphenywa Kwamaphoyisa iyafakwa kurejista eyenzelwe lokho eHhovisi Likanobhala futhi iyathunyelwa kumphathi weYunithi eqondene nokwengamela komphakathi, ukuqapha kanye noku-linganisa ukuze uhlolewe zingakadluli izinsuku eziyishumi wamukelwe.

(3) Umphathi weYunithi eqondene nokwengamela komphakathi, ukuqapha kanye nokulinganisa kumelwe aqinisekise ilungu eliphezulu leYunithi liphathiswa umsebenzi olandelayo -

- ukuhlaziya umbiko woMqondisi Ophakeme;
- ukwakha uhlelo lokuqapha ukwenziwa kwezincinane zoMqondisi Ophakeme ngumnyango wamaphoyisa; kanye
- nokuhlanganisa umbiko oya kuNgqongqoshe ngezinyathelo ezithathiwe ukuqinisekisa ukulandela kwemithetho.

(4) Umphathi weYunithi eqondene nokwengamela komphakathi, ukuqapha kanye nokulinganisa kumelwe athumele umbiko ochazwe emthethweni ongaphansi u-3(c) zingakapheli izinsuku ezingu-30 uye kuNobhala ukuba awugunyaze futhi athumele owokuqala kuNgqongqoshe kanye nekhophi kuMqondisi Ophakeme.

(5) UNobhala kumelwe athumele umbiko ochazwe emthethweni ongaphansi u-3(c) kuMqondisi Ophakeme kungakadluli izinsuku eziyisikhombisa ngaphambi komhlango olandelayo ohleliwe wesiGcawu sokubonisa.

(6) Uhlelo okukhulunywe ngalo emthethweni ongaphansi u-3(b) kumelwe luqatshelwe okulandelayo -

- usuku lokwethulwa kwezincinane ezenzelwe umnyango wamaphoyisa nguMqondisi Ophakeme;
- ukuthi umnyango wamaphoyisa usifakile yini kurejista isikhalazo, nosuku lokurejista, uma sirejistiwe;
- ukuthi zikhona yini izinyathelo ezithathwe umnyango wamaphoyisa zokuqalisa inqubo yokuqondisa izigwegwe, futhi uma iqalisiwe -
 - i. usuku lokuqaliswa kophenyo ngalunye;
 - ii. ikhophi yecala ngalinye elibekiwe;
 - iii. imininingwane yephoyisa eliqondiswa izigwegwe nesikhulu esengamele uphe-nyo lokuqondisa izigwegwe.
- uma isincomo singarejistwanga noma esimweni lapho kungathathwanga zinyathelo zokuqalisa inqubo yokuqondisa izigwegwe; izizathu zokungasirejisti isincomo noma sokungayiqalisi inqubo yokuqondisa izigwegwe;
- esimweni lapho iqalisiwe inqubo yokuqondisa izigwegwe, iqophelo nesimo inqubo ekuso;
- esimweni lapho izinyathelo zokuqondisa izigwegwe seziphothuliwe, isigwebo esikhishiwe; kanye
- nanoma iziphi ezinye izinyathelo ezidingekayo ukuqinisekisa ukuthi umnyango wamaphoyisa uyazenza izincomo zoMqondisi Ophakeme.

(7) Ukuze aqinisekise ukuthi kunokubambisana okudingekayo ukuze isiGcawu Sokubonisana sisebenze ngemfanelo, njen-goba kudinga u-section 31(3) we-Act, uN-obhala uyoqinisekisa ukuthi kuyahanjiswa neMibandela Yokubhekisela YesiGcawu Sokubonisana okuvunyelwene ngayo.

Ukubambisana nomnyango wamaphoyisa

- Ilungu leHhovisi Likanobhala lingacela izizathu ezibhaliwe zokwehluleka kwelungu lomnyango wamaphoyisa ukuhambisana nesiselo sokubambisana maqondana nanoma iluphi udaba oluchazwe kuyi-Act.
- Ilungu ngalinye lomnyango wamaphoyisa kumelwe linike uNobhala, umphathi we-hhovisi likanobhala lesifundazwe noma ilungu eligunyaziwe leHhovisi Likanobhala Womphakathi noma lehovisi likanobhala lesifundazwe lonke usizo olucelwayo ngenjongo, noma ngokuqondene, umsebenzi walo ongokomthetho.
- Ilungu lomnyango wamaphoyisa elenqaba ngamabomu ukunikeza ukwaziswa okulindelekile, amadokhumenti, imvume yokufinyelela noma usizo kuNobhala, kumphathi wehhovisi likanobhala lesifundazwe noma ilungu eligunyaziwe loMphakathi noma ihhovisi likanobhala lesifundazwe liyothathelwa izinyathelo zokuqondisa izigwegwe ngokwemibandela yemithetho yokuqondisa izigwegwe esebenza emnyangweni wamaphoyisa.

Izincomo zokuqondisa izigwegwe kumalungu omnyango wamaphoyisa

- Inquboo yokuqondisa izigwegwe ngokuqondene nelungu lomnyango wamaphoyisa ebaliswe ngenxa yezincomo zikaNobhala noma umphathi wehhovisi likanobhala lesifundazwe ngokwemibandela yale mithetho kumelwe yenziwe ngokuvumelana nemiThetho Yokuqondisa Izigwegwe YoMnyango Wamaphoyisa Waseningizimu Afrika.
- Izincomo ezichazwe emthethweni ongaphansi u-(1) kumelwe zibe ingxenye yombiko owethulwa kuNgqongqoshe, uma kuyiHhovisi Likanobhala Womphakathi, noma ku-MEC uma kuyihhovisi likanobhala lesifundazwe kuthi ikhophi yalowo mbiko yethulwe kuKhomishane Kazwelonke, futhi lapho kufaneleka khona, kuKhomishane Wesifundazwe, ngokushesha kangangokunokwenzeka.
- Umsebenzi osemahlombe kaNobhala noma umphathi wehhovisi likanobhala lesifundazwe ngaphansi komthetho ongaphansi u-(2) ungase uphathiswe omunye, ngokubhala, nguNobhala noma ngumphathi wehhovisi likanobhala lesifundazwe uphathiswe ilungu elifanelekayo leHhovisi Likanobhala Womphakathi noma lehovisi likanobhala wesifundazwe.
- UKhomishane Kazwelonke noma ukhomishane Wesifundazwe, kuye ngokuthi ikuphi okuyikho, kumelwe aqiniseke ukuthi isiziso esibhaliwe sokuthi wamukelwe umbiko ochazwe emthethweni ongaphansi u-(2) siya-thunyelwa kuNobhala noma umphathi wehhovisi likanobhala wesifundazwe, kuye ngokuthi ikuphi okuyikho, zingakapheli izinsuku eziyisikhombisa wamukelwe lowo mbiko.

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