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## **UMHLAHLANDLELA**

**WOKUSEBENZISA UMTHETHO  
2 WANGO-2000 OKHUTHAZA UKUFUMANEKA  
KWEMININGWANA, NJENGOMBANA UBUYEKEZIWE**

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# PAIA GUIDE

## ISANDULELA SAKASIHLO

UmThethosisekelo weRiphabliki yeSewula Afrika, 1996<sup>1</sup> (“UmThethosisekelo”) uthi iSewula Afrika mbuso ozijameleko nowentando yenengi osekelwe ekuthuthukiseni kwamalungelo wobuntu nokuziphendulela, nehlelo lokubusa elizibophezeleko nelisobala njengengcenywe yamagugalo. Ngaphambi kobana iSewula Afrika ibe mthethosisekelo wentando yenengi enomThetho-mlingwa okatelelekileko, ihlelo lakaRhulumente weSewula Afrika hlangana nokhunywe, libangele bona kube nendlela yokuphila eyifihlo neyokungaziphenduleli kokubili emikhandlwini efihlekileko netjhatjhalazi kanengi ekudosele ekusetjenzisweni kumbi kwamandla nekuphuleni amalungelo wobuntu. Kungebangelo isigaba 32(1) somThetho-mlingwa emThethwenisisekelo, unikela ilungelo lokufumaneka kwemininingwana ephethwe mbuso; nanyana ngimiphi eminye imininingwana ephethwe ngomunye umuntu efunekako bona kuvikelwe nanyana ngimaphi amalungelo. Isigaba 32(2) somThethosisekelo sona sinikela ukwenziwa komthetho welizwe loke osebenza elungelenweli, ngokuhlonipha, ukuvikela, ukuthuthukisa nokuzalisa ilungelweli.

UmThetho Wokukhuthaza Ukufumaneka KweMininingwana No. 2 wango-2000 (la ozokubizwa nge-“**PAIA**”, namkha “umThetho” ngokudlhegana) njengombana ulungisiwe, mthetho welizwe loke owabekwa ngokukhambisana nesigaba esitjhiwo ngehla 32(2) somthethosisekelo.

Umnqopho we-**PAIA**, kukhuthaza isiko lokuveza izinto ebaleni nokuziphendulela emikhandlwini karhulumente nezijameleko. Yenza lokho ngokuthi inikele ilungelo ekufumaneni imininingwana nokuthuthukisa ngekuthalo umphakathi lapho abantu beSewula Afrika bafumana imininingwana ngokuphumelelako ukubenza bakwazi ukusebenzisa nokuvikela woke amalugelwabo bebafilelele ibhudango leSewula Afrika lentando yengengi evulekileko nehlanganyela.

Umhlahlandlela we-**PAIA** lo wenzelwe ukuzalisa isibopho somLawuli weMininingwana (“UmLawuli”) ngaphasi kwesigaba 10 se-**PAIA**, esilendele bona umLawuli abuyekeze begodu enze umhlahlandlela okhona ohlanganiswe yiKomitjhini yamaLungelo wabaNtu yeSewula Afrika ufumaneka.

Umhlahlandlela lo utlanyelwe bona ube lithulusi elinqophisako, elisebenziseka bulula belifumaneka kiwo woke ofisa ukusebenzisa nanyana ngiliphi ilungelo elihlongozwe yi-**PAIA** neemThethweni wokuVikelela iMininingwana yomuNtu maThupha, ka-2013.



**Adv Pansy Tlakula**

**USIHLALO WOMLAWULI WEZEMINININGWANA**

<sup>1</sup> UmThethosisekelo weSewula Afrika, 1996 (UmThetho No. 108 of 1996)

## ISITATIMENDE

UMhlahlandlela lo awutjaphululi owusebenzisako emthwalweni wokusebenzisa amakghonwabo nokutjheja malungana neemfuneko namkha iimbopho ezibekwe mthetho. Ngaphezu kwalokho, uMhlahlandlela lo awunikeli ngesiluleko esingokomthetho begodu awukenzelwa ukujamiselela i-PAIA namkha imiThetho ekhutjwa ngaphasi kwe-PAIA. UmLawuli angekhe abe mlandu kinanyana ngikuphi ukulahlekelwa okungavela ngebanga lokuthembela eMhlahlandleleni lo.

### 1. IRHELO LAMA-AKHROMINI NEERHUNYEZO

<b>CEO</b>	UmPhathi Omkhulu;
<b>CFO</b>	UmPhathi Omkhulu Wezeemali;
<b>Umthethosisekelo</b>	Mthethosisekelo WeRiphabliki YeSewula Afrika, UmThetho No. 108 saka-1996;
<b>DIO</b>	ISekela LesiPhathiswa SezeMininingwana;
<b>Doj &amp; CD</b>	UmNyango WezoBulungiswa Nokuthuthukiswa KomThethosisekelo;
<b>IO</b>	UmPhathiswa WezeMininingwana;
<b>Amalunga</b>	AmaLunga WomLawuli WezeMininingwana;
<b>UNgqongqotjhe</b>	UNgqongqotjhe WezoBulungiswa Nokuhlengwa KwezeSimilo;
<b>PAIA</b>	Ukukhuthaza Ukufumaneka KweMininingwana UmThetho No. 2 of 2000, njengombana ubuyekeziwe;
<b>PAJA</b>	Ukukhuthazwa KomThetho WokuPhatha WezoBulungiswa, Ka-2000
<b>PFMA</b>	UmThetho WezokuPhatha KwezeMali No.1 of 1999 njengombana ubuyekeziwe;
<b>POPIA</b>	UmThetho WokuVikela IMininingwana YomuNtu Mathupha No.4 ka-2013;
<b>UmLawuli</b>	UmLawuli WezeMininingwanar;
<b>SAHRC</b>	IKomitjhini YamaLungelo WaBantu YeSewula Afrika.

### 2. AMAGAMA ALISIZO AHLATHULULWE EFOROMENI ELIZWISEKA NGENDLELA EBULULA

Igama	Ihlathululo
<b>Imali Yokufumana</b>	Imali le ibhadelwa ngiloyo obawako emkhandlwini obawa kiwo imininingwana, ukubhadelela iindleko zokufumana nokukhophisa amarekhodi owafunako. Imali oyibhadelako iquntwa mthetho.
<b>Umpathi</b>	Lilunga lakarhulumende namkha nanyana ngimuphu umuntu ovamileko namkha umuntu ongokomthetho othatha amagadango wokuphatha.

## Igama

## Ihlathululo

### Igadango lokuphatha

Nginanyana ngisiphi isiqunto, namkha ngikuphi ukubhalelwa uthatha isiqunto -

- (a) lilunga lakarhulumende:
- (i) nalisebenzisa amandla nakuziwa ngomThethosisekelo namkha ngomthethosisekelo wesifunda; namkha
  - (ii) sebenzisa amandla namkha womphakathi namkha lenza umsebenzi womphakathi ngokwananyana ngimuphi umthetho; namkha
- (b) umuntu ovamileko namkha ilunga lakarhulumende, nalisebenzisa amandla womphakathi namkha nalenza umsebenzi womphakathi ngokwemigomo yelungiselelo lokunikela amandla.

okuthinta kumbi amalungelo wananyana ngubani begodu kunomthelela ngokunqophileko, wangaphandle wezemthetho.

### Umuntu Ovunyelweko

Umuntu ovunyelweko ngiloyo owenzela omunye isibawo, begodu ovunyelwe ngokufaneleko ngokutlola phasi bona enze njalo.

### Amarekhodi Ahlala Afumaneka

La marekhodi umphakathi namkha ihlangano ezijameleko ezowanikela owabawako ngaphandle kokufaka isibawo. Amarekhodi la afakwe 'esazisweni sokuveza ngokuzithandela', ekufuze senziwe saziwe.

**Ihloko yemininingwana** Lo mumuntu imininingwana yobuqu ehlobene naye.

### Amalanga

Ngaphandle kobana litjengiswe 'njengelanga lokusebenza' engcenyeni eku-**PAIA**, ilanga lithathwa njengelanga lekhalenda. Ukubala isikhathi, ilanga ekufumaneka ngalo isibawo alibalwa, bese kuthi woke amalanga alandelako kusukela lapho abaliwe kuhlanganise neempelaveke namaholidi womphakathi bekube lilanga lamswaphela. Nangabe ilanga lomaswaphela lokuphendula liba ngoSondo namkha ngeholidi yomphakathi, ilanga elilandelako libalwa njengelanga lamaswephela.

### Kuqalwa Njengokwalelwa

Nangabe akunapendulo efikako yesibawo hlangu nesikhathi esibekiweko, lokhu kuhlathululwa ngokuthi 'kuqalwa njengokwalelwa'.

### Iforomo 2

Iforomeli likhutjwe ngokomthethekambiso begodu kufuze lisetjenziselwe ukubawa ukufumana imininingwana ebulungwe yihlangano yomphakathi namkha ezijameleko.

### Iforomo 3

Iforomeli likhutjwe ngokomthethekambiso begodu kufuze lisetjenziselwe ukufaka isililo ngesiqunto esithethwe yihlangano yomphakathi malungana nesibawo sokufumana imininingwana.

**Igama****Ihlathululo****UMhlahlandlela**

UMhlahlandlela lo, wenziwe ngokulandela isigaba 10 se-**PAIA**, njengombana ulungisiwe, ohlose ukusiza umuntu ofuna ukusebenzisa nanyana ngiliphi ilungelo elihlongozwe ku-**PAIA** neemThethweni wokuVikelela iMininingwana yomuNtu maThupha, ka-2013.

**Isiphathiswa****Sezemininingwana**

IsiPhathiswa sezeMininingwana mumuntu ophathiswe ukutjheja iimbawo ze-**PAIA**. Nazi iimbonelo zemihlobo zeemPhathiswa zeMininingwana ngokweHlangano ngayinye -

<b>IHlangano yomPhakathi namkha kaRhulumende</b> (njenombana kuhlathululwe esigabeni 239 somThethosisekelo)	UMnyango weliZwelo	UmNqophisi zoMbelele namkha umuntu ojanyiswe njengayo.
	Ukuphathwa kwesiFunda	Ihloko yomNyango namkha umuntu ojanyiswe njengayo.
	UMasipala	IMenenja kaMasipala namkha umuntu ojanyiswe njengayo.
	IinHlangano zomPhakathi ezibalwe eHllweni le-PFMA 1, 2, 3A, 3B, 3C No-3D	UmPhathi omKhulu namkha umuntu ojanyiswe njengayo.
<b>IHlangano Ezijameleko</b>	Umuntu Ovamileko	Umnikazi okunguye yedwa oraga irhwebo, ibhizinisi namkha ibizelo elithileko, kodwana wenza njalo ngokwekwesikhundleso ingasi ngobuqu nje bakhe kwaphela.
	Ihlanganyela	Nanyana ngimuphi umlingani wehlanganyela namkha nanyana ngimuphi umuntu ovunyelwe ngokufaneleko yihlanganyela.
	Ihlangano Yezepolitiki	Umrholi wehlangano yezepolitiki namkha nanyana ngimuphi umuntu ovunyelwe ngokufaneleko mrholi loyo.

**Igama****Ihlathululo****IHlangano  
Ezijameleko**

	Umuntu Wezomthetho	UmPhathi omKhulu namkha umNqophisi oPhetheko namkha isiphathiswa esilingana naye somuntu ongokomthetho namkha nanyana ngimuphi omunye umuntu ovunyelwe mphathiswa loyo.  <b>NB:</b> UmPhathi omKhulu namkha umphathi olingana naye singavumela nanyana ngimuphi umuntu ovamileko njengo Phathi wezemimiNingwana yeHlangano ezijameleko.
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**ISekela  
LomPhathiswa  
WezeMininingwana**

Isekela lomPhathiswa wezeMininingwana mumuntu okhethwe namkha ophathiswe siPhathiswa seMininingwana sehlangano karhulumende ukusiza umfakisibawo ngemininingwana ayibawileko, nakuloyo umPhathiswa wezeMininingwana angamphathisa amanye amandla we-**PAIA**.  
**NB:** Nanyana kuyihlangano karhulumende kwaphela engakhetha namkha yenyule iSekela mPhathiswa wezeMininingwana, ngokomthetho wesigaba 17(1) we-**PAIA**, umThetho wokuVikela iMininingwana yomuNtu maThupha, ka-2013 ("**POPIA**") inikela amandla wokukhetha iSekela lomPhathiswa wezeMininingwana ehlanganweni ezijameleko, ngokomthetho wesigaba 56(1) saso.

**UmLawuli  
WezeMininingwana**

I-Ofisi lomLawuli wezeMininingwana selisunguliwe, ngokwemigomo yesigaba 39 se-**POPIA** ne-**PAIA**. EMhlahlandleleni lo i-Ofisi lomLawuli wezeMininingwana namkha umLawuli wezeMininingwana kuqaliselwe kilo njengomLawuli.

**Isililo  
Sangaphakathi**

Isililo sangaphakathi yikambiso yokuphikisa isiqu nto esithathiweko ngokwemigomo yesibawo se-**PAIA** ehlanganweni karhulumende, ekufuze siphethwe ngaphambi kokobana kwenziwe isitjhijilo emLawulini namkha ekhotho enamandla.

**Ihlangano  
Ezijameleko**

Ihlangano ezijameleko kungaba mumuntu ngokwakhe, ikhampani namkha nanyana ngiyiphi ihlangano engokomthetho eraga irhwebo, ibhizinisi namkha ibizelo elithileko, kuhlanganise nehlangano yezepolitiki.



## Igama

## Ihlathululo

### Ihlangano Karhulumende

Ihlangano yomphakathi eqalisele emnyangweni karhulumende namkha omunye umsebenzi namkha ihlangano, eyenza umsebenzi womphakathi. Nokho, nakuziwa esililweni sangaphakathi, nanyana ngikuphi ukuqaliselwa “ehlanganweni yomphakathi” kutjhugululelwe “kuRhulumende”, ukubalekela itjharagano nakuziwa eenhlanganweni zomphakathi isililo esingasebenzi kizo.

### Irekhodi

Irekhodi nginyana ngimiphi imininingwana erekhodiweko kungakhathaliseki ukuthi kunjani, kuhlanganise, ngokwesibonelo, amadokhyumenti atloliweko, okulalelwako, ezidijithali namavidiyo. Isibawo serekhodi esenziwe ehlanganweni karhulumende namkha ezijameleko siqalisele erekhodini elisehlanganweni leyo kungakhathaliseki bona ihlangano leyo yenze irekhodelo namkha awa.

### Imithethokambiso

I-PAIA ivumela uNgqongqotjhe akhiphe imithethokambiso esiza umThetho lo, okufuze ugadangiswe eGazethini kaRhulumende, begodu ihlanganisa izinto ezinjengemaforomo ekufuze asetjenziswe neemali ezibhadiselwa iinkambiso ezithileko.

### Isiphathimandla Esifaneleko

I-PAIA isebezisa igama elithi ‘isiphathimandla esifaneleko’ ukuhlathulula umuntu okuRhulumende weliZwe loke, wesiFunda nowengaKhaya lapho ekufuze isililo sangaphakathi ekufuze sifakwe khona, ngokuvamileko okuyihloko yehlangano yezepolotiki ethintekako (umsebenzi lo ungadluliselwa ngokusemthethweni).

## 3. IMINININGWANA YOKUTHINTANA NOMLAWULI

### Isiphathiswa Sezemininingwana:

**Chief Executive Officer:**

Mr. Mosalanyane Mosala

**Contact Person:**

Ms. Ntombizodwa Harrieth Rikhotso

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2017

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## 4. UMNQOPHO WOMHLAHLANDLELA WE-PAIA LO

- 4.1 Umnqopho womHlalandlela lo kunikeza ngelwazi elitlhogekako kinanyana ngimuphi umuntu ofuna ukusebenzisa nanyana ngiliphi ilungelo elihlongozwe emThethweni Wokukhuthaza Ukufumaneka Kwemininingwana ka-2000 (**PAIA**) nomThetho wokuVikelela iMininingwana yomuNtu maThupha, ka-2013 ("**POPIA**"). Woke umuntu, kungakhathaliseki ukuthi ngewakuphi, angafaka isibawo sokufumana imininingwana ngaphasi kwe-**PAIA**.
- 4.2 UmHlalandlela lo uzokusiza umuntu ngokukhethekileko, godu obizwa nangokuthi sifundo sedatha, bona angayifumana njani imininingwana yakhe mathupha ngokwemigobo yesigaba 23 se-**POPIA**. Ngaphasi kwe-**POPIA**, umuntu namkha okufuna ngaye imininingwana unelungelo -
- 4.2.1 lokubawa ophathiswe umthwalo bona aqinisekise, ngesihle, kungakhathaliseki ukuthi isiqhema esiphathisiweko siphethe imininingwana yobuqu ngabo,
- 4.2.2 nokubawa esiqhemeni esiqaleleleko irekhodi namkha ihlathululo yemininingwana malungana nekufunwa ngaye idatha ephethwe siqhema esiqaleleleko, kuhlanganise imininingwana emalungana nobuqu babo boke abantu besithathu, namkha imikhakha yabantu besithathu, abafumene namkha ebakhe bafumana imininingwana;
- 4.2.3 ukubawa isiqhema esiqaleleleko -
- (a) ukulungisa namkha sisule imininingwana yobuqu malungana nokumunyethwe yidatha ekiso namkha engaphasi kokunqotjhiswa kwabo engasiyiqiniso, engafaneleki, eyeqisako, ephelwe sikhathi, etjhodako, ekhohlisako namkha efunyenwe ngokungasi ngokomthetho; namkha
- (b) ukutjhabalalisa namkha ukusula irekhodi lemininingwana yobuqu malungana nedatha ebandakanyekileko isiqhema esiqaleleleko esele singanalo ilungelo lokuyibulunga
- 4.3 Umhlahlandlela lo godu uzokusiza nanyana ngimuphi umuntu bona angabawa njani ukufumana amarekhodi angaphasi kwe-**PAIA**. UmHlalandlela lo godu uzokusiza abafakisibawo bona:
- 4.3.1 azwisiswe i-**PAIA**, iinzuzo zayo nesizinda sayo;
- 4.3.2 afunde ikambiso igadango ngegadango yokwenza isibawo namathiphu angeziweko wokwenza ikambiso leyo ibe lula;
- 4.3.3 afunde ngemihlobo yemininingwana engabawiwa kusetjenziswa i-**PAIA**;
- 4.3.4 azwisiswe ikambiso umfakisibawo angatjhijila ngayo isiqunto esithethweko malungana nesibawo sakhe;

4.3.5 athulwe ematjhugululweni azokwenzeka ku-PAIA nasele i-POPIA isebenza ngokuzeleko.

4.4 Umhlahlandlela lo godu uzokusiza abantu bona bangakutjhijila njani ukunikeza ngamarekhodabo namkha bona bangazibandakanya njani ekambisweni yokufumana amarekhodi wabo.

## 5. MALUNGANA NE-PAIA

5.1 Ilungelo lokufumana imininingwana “kungenye yeendlela eziphumelelako zokubulunga imigomo yomthethosisekelo yokuvela *epepeneneni, ukuvuleka, ukubandakanyeka nokuziphendulela*<sup>2</sup>. Imigomo yemthethosisekelo engahla angekhe yafikeleleka nangabe urhulumende uyilawula ayedwa imininingwana eyazisa amagadango neenqunto. Ngalokho-ke, ukufumana imininingwana akusisisekelo nje kwaphela sokuba nesandla ekusebenzeni kuhle entandweni yenengi esebenzako, kodwana yandisa nokuthenjwa kwakarhulumende mphakathi begodu ithuthukisa nokuba semthethweni kwayo. Ezinye iinzuzo zokuba nelungelo lokufumana imininingwana ngokwesibonelo, kukuthi ivimbela ukukhwabanisa nekohlakalo, ukungaqiniseki nokhunye ukuziphatha okungakalungi kwakarhulumende.

5.2 Ngesikhathi umThethosisekelo weSewula Afrika utlolwa ngesikhathi sangemva kokuwa kweBandlululo ngama-1990s, iihlangano ezimbalwa nabantu mathupha babamba ijima lokufakwa kwelungelo lofumana imininingwana. Bekunethemba lokuthi ukufakwa kwelungelweli emThethweni-mlingwa wamaLungelo kuzokuqinisekisa ukuthi izenzo zesihlungu ezinjengezeBandlululo angekhe zisenzeka godu, njengomba urhulumende neehlangano ezizijameleko zizokubopheka bona ziziphathe ngendlela yokuthi zikwazi ukuziphendulela begodu zivele epepeneneni ngokuthi zenze imininingwana ifumaneka, ukwenzela bona zingakwazi ukuzifihla egameni lokubulunga ifihlo. Kuthathwe njengegadango elidingekako ukusiza ukwakha isiko lokuzithethelela elingadosela ebudlelwaneni obuhle hlangana nabantu, nalabo abaphetheko. Kwenye yemilandu yokuthoma ukuqalana nombuzo wokuthi inga-kghani umuntu omsolwa uyakufanelekela na ukufumana yoke imininingwana esedokethini yamapholisa,<sup>3</sup> UJones J uyakuvuma ukuqakatheka kwawo emigomweni elandelako:

***“Umnqopho ... kukhipha ukuragelisela phambili ihlelo elidala lokuphatha, ihlelo lapho bekukghoneka khona ngorhulumende ukugegeda ukuziphendulela ngokwala ukuveza imininingwana ngitjho nanyana inomthelela ekusebenziseni namkha ekuvikeleni amalungelo womuntu. Lobu bubumbi obenzelwe ukuvikela [...] Ukutjengisa ukungakhethi nokungabi nefihlo kuthuthukisa bona umphakathi ukuthembe ukuphathwa kweendaba zomphakathi ngokuvamileko. Ukuthembokhu ngenye yematshwayo yomphakathi obuswa ngentando yenengi lapho umThethosisekelo uphumelela khona”.***

<sup>2</sup> UmThetho WokuPhatha ka-Hoexter wango-94

<sup>3</sup> 1994 (1) SACR 635 (E)

- 5.3 Isigaba 32 somThethosisekelo sibeka ilungelo lokufumaneka kwemininingwana ebanjwe yihlangano karhulumente namkha ezijameleko. Isigaba 32 godu sithi kufuze kubethwe umthetho khona kuzosebenza ilungelo lokufumana imininingwana ngokuhlathulula iindlela imininingwana ezisehlalnganweni karhulumente namkha ezijameleko engafumaneka ngayo, nangokunikela ngeenzathu lapho ihlangano karhulumente begodu nesijameleko engala ngayo ukuphana ngemininingwana.
- 5.4 I-**PAIA** yajanyiswa ukuphendula igunya lomthethosisekelo elitjihiwo ngehla, begodu yathoma ukusebenza ngokunabileko ngoMatjhi 2001. Isingeniso sayo samukela “isiko eliyifihlo nelingasabeli” lesikhathi sangaphambi kwentango yenengi, begodu lifakazela ukuthi omunye weminqopho ye-**PAIA** “kukhuthaza isiko lokuvela epepeneni nokuziphendulela eenhlanganweni zakarhulumente nezizijameleko.”
- 5.5 I-**PAIA** yenzelwe ukwenza amalungelo womuntu wokufumana imininingwana nokuziphendulela. Itlanyelwe ukunikeza abantu amandla ukusebenza umthetho, ngokwenza njalo isize kube lula ukufumana imininingwana ngeendlela ezihlukahlukene. Umuntu akutlhogeki abe negqwetha ukufaka isibawo sokufumana imininingwana ngokwemigomo ye-**PAIA**.

## 6. IMINQOPHO YE-PAIA

- 6.1 Iminqopho ye-**PAIA** akusikujamiselela ilungelo lomthethosisekelo, kodwana ilungelo elisesigabeni 32 lisebenze ngokwemikhawulo evumelekileko, nangendlela esiza ukulinganisa woke amanye amalungelo asemThethwenisisekelo. Irhuluphela ukukhuthaza isiko lamalungelo wabantu nobulungisa kezekuhlalisana ebantwini, emakhampanini karhulumente nazijameleko. **PAIA** ifuna ukuthuthukisa ukuvela ebaleni, ukuziphendulela nokuphathwa kuhle kwazo zoke iinhlangano (kokubili kurhulumente nakulezo ezizijameleko) ngokwenza abantu bazwisise amalungelwabo wokufumana imininingwana, benze ngokuvumelana nawo, begodu kokubili bahlolisise, bebazibandakanye ekwenziweni kweenqunto ezibathintako.
- 6.2 Ilungelo lokufumana imininingwana lilungelo lomthethosisekelo elinamandla, njengombana lisiza abantu bazi ngamanye amalungelo. Umuntu angayisebenzisa ukusiza ukutjheja nokuhlengahlengisa ukunikelwa kwezenzelwa ngurhulumente, namkha ukufumana amarekhodi womlando akarisako.
- 6.3 Iminqopho ye-**PAIA** -
- 6.3.1 kukwenza ilungelo lomthethosisekelo likuphe -
- 6.3.1.1 nanyana ngiyiphi imininingwana ephethwe mBuso; begodu
- 6.3.1.2 nananyana ngiyiphi imininingwana ephethwe mumuntu othileko begodu iyafuneka ukusebenzisa namkha ukuvikela elinye nelinye ilungelo.

- Ifuneko emalungana nokuvikela amalungelo ibulunga imininingwana ezandleni zehlangano ezijameleko. Iihlangano ezizijameleko zingaphasi kwemithetho eqinileko yokuveza ebaleni kuneehlangano zakarhulumende. Ngamanye amezwi, ihlangano ezijameleko inelungelo lokubulunga imininingwanayo, ngaphandle kobana imininingwana leyo iyathlogeka ukuvikela amalungelo.
- I-PAIA iyatjheja, ngokwemigomo yesiGaba 8(1) sayo, ukuthi ihlangano kungaba “ngurhulumende” namkha “ezijameleko” ngomnqopho womThetho kuye ngokuthi irekhodi eliqaliweko “lihlobene nokusetjenziswa kwamandla namkha ukusebenza kwegunya njengehlangano karhulumende namkha ezijameleko.”

### 6.3.2 ukwenza ilungelwelo lisebenze -

6.3.2.1 kudzimelele emikhawulwen evumelekileko, kuhlanguanise, kodwana kungapheleli lapho, imikhawulo enqophe ukuvikela ifihlo ngokufaneleko, ifihlo yezebhizinisi nokubusa okusebenzako nokuphumelelako; begodu

6.3.2.2 ngendlela eyenza ukulingana kwelungelo namanye amalungelo, kuhlanguanise namaLungelo asemThethweni-mlingwa esaHlukweni 2 somThethosisekelo;

6.3.3 ukwenza iimbopho zomthethosisekelo zomBuso zisebenze ekuthuthukiseni isiko lamalungelo wobuntu nobulungiswa kwezokuhlalisana, ngokubandakanya iihlangano zakarhulumde ehlatshulweni ethi ‘umfakisibawo’, nokubavumela hlangana nokhunye, ukufumana imininingwana eenhlanganweni ezizijameleko ngokulalela iimfuneko ezine ezisemThethweni lo, kuhlanguanise nesibopho esingezliweko kwezinye iihlangano zakarhulumende ebujameni obuthileko ukwenza ngendlela ezuzisa umphakathi;

6.3.4 ukusungula iindlela namkha iinkambiso zokuzivolontiyela nezikatelelako ekwenzeni ilungelwelo lisebenze ngendlela efaneleko okwenza umuntu akghone ukufumana amarekhodi ehlanganweni karhulumende nakwezijameleko msiyana, ngokungabizi khulu nokungaphutjhi budisi khulu nangokucabangela ngangokunokwenzeka; begodu

6.3.5 ngokuvamileko, ukukhuthaza ukuvela ebaleni, ukuziphendulela nokuphatha ngokuphumelelako kizo zoke iihlangano zakarhulumende nezizijameleko, ngokubandakandakanya kodwana kungapheleli lapho, ukuphakamisa nokufundia wo ke umuntu -

6.3.5.1 ukuzwisisa amalungelwabo ngokwemigomo yomThetho lo khona bazokusebenzisa amalungelwabo eenhlanganweni zakarhulumende nezizijameleko;

6.3.5.2 ukuzwisisa imisebenzi nokusebenza kweenhlangano zakarhulumende; begodu

6.3.5.3 nokuzibandakanya ekwenziweni kweenqunto ziinhlango zarhulumende ezithinta amalungelwabo.

#### 6.4 UmThetho Okhuthaza Ukufumaneka KweMininingwana Obuyekeziweko, 2019

- 6.4.1 Endabeni ye-*My Vote Counts NPC v My Vote Counts NPC v Minister of Justice and Correctional Services and Another [2018] ZACC 17*, ikhotho yomthethosisekelo yathi “umBuso ungaphasi kwesibopho ekufundweni okufaneleko kweengaba 32, 19 no-7(2) somThethosisekelo ukwenza koke okusemandleni bona kunikelwe umbono osebenzako nozwakalako ngelungelo nozwakalako ngelungelo lokufumana imininingwana nelungelo lokuvowuta. Inengi liveze ukuthi lokhu kungalendlela ngebanga lokuthi ukusetjenziswa kwelungelo lokuvowuta kufuze kwenziwe unelwazi ngakho, begodu kunokukhambisana okuqakathekileko hlangana kokusebenzisa ilungelo lakho lokuvowuta ngokufaneleko nelungelo lokufumana imininingwana. Begodu “ngaphandle kokufumana imininingwana, ikghono labahlali lokwenza iinqunto zezepolitiki ezivuthiweko nokuba nesandla okunepilo kilokho okwenzeka emphakathini ligadangelwa phasi.” Ikhotho yomThethosisekelo iqinisekise ukungasebenzi kwesinqophiso somthethosisekelo bese yalayela iPalamende bona itjhugulule i-**PAIA** ithathe namanye amagadango ewaqala njengafanelekileko bona kurekhodwe, kubulungwe nokwenza kufumaneke imininingwana ngesilinganiso esifaneleko ngokusekelwa ngeemali okuzijameleko kweenqhema zepolitiki nalabo nabosongikhethani abazijameleko hlangana neenyanga eziyi-18.
- 6.4.2 Ngokuvumelana nesiqunto sekhotho somthethosisekelo ekukhulunywe ngaso ngehla, ngee-3 zakaJuni 2019, uMengameli wamukele umThetho Okhuthaza Ukufumaneka kweMininingwana Obuyekeziweko, 2019 (umThetho wokuTjhugulula i-**PAIA**, 2019) . UmThetho wokutjhugulula i-**PAIA** wango-2019 ubandakanya ihlangano yezepolitiki ehlathululweni yehlangano ezijameleko, okutjho bona umrholi wesiqhema sepolitiki namkha nanyana ngimuphi omunye umuntu obekwe ngokusemthethweni mrholi loyo mphathiswa wezemininingwana namkha ihloko. UmThetho wokutjhugulula i-**PAIA** wango-2019 nje unabisa ilungelo lokufumana kinanyana ngimaphi amarekhodi wehlangano yezepolitiki.
- 6.4.3 UmThetho wokutjhugulula unikela ngemininingwana emalungana nokusekelwa ngeemali okuzijameleko kweenhlango zepolitiki nabosongikhethani abazijameleko bona kurekhodiwe, kubulungwe begodu kwenziwe kufumaneke.
- 6.4.4 Ngokwemigomo yesigaba 52A somThetho wokutjhugulula i-**PAIA** wango-2019, ihloko yesiqhema sezepolitiki kufuze yenze beyibulunge amarekhodi iminikelo engale kwesilinganiso esibakiweko, se-**R100 000.00**, owenziwe ehlanganweni yepolitiki leyo kinanyana ngimuphi umnyaka wezeemali namabizo wabantu namkha iinhlango ezenze iminikelo leyo. Ihloko yehlangano yezepolitiki kutlhogeka bona yenze amarekhodi lawo qobe nakuba yikotha, njengombana kuquntwiwe; begodu ibulunge amarekhodi lawo okungenani iminyaka emihlanu ngemva kobana amarekhodi abandakanyekileko enziwe.

6.4.5 Lokhu kutjho bona ngesikhathi umThetho wezeeMali weHlangano yePolitiki wenza ilungiselelo lokuziveza ebaleni okukatelelekileko eKomitjhaneni yezamaKhetho, umThetho wokutjhugulula i-**PAIA** wango-2019 nje wenabisa ilungelo lokufumana, amarekhodi wananyana ngimiphi iminikelo edlula i-**R100 000.00**, kinanyana ngimuphi umuntu, enikelwe ehlanganweni yepolitiki leyo.

6.5 Omunye umthetho ovikela ilungelo lokufumaneka kwemininingwana

I-**PAIA** iyafumaneka godu kibo boke ubujamo bezomthetho, etlanyelwe ukwenza “isiko lokuthethelelwa”. Ekutjhejeni lokhu, i-**PAIA** ibonisa ukuthi nanyana ngomunye umthetho onikela umuntu indlela yokufumana imininingwana engakatjhubi kangako kune-**PAIA**, ungasetjenziswa esikhundleni se-**PAIA**<sup>5</sup>.

6.5.1 UmThetho WamaKhampani 71 of 2008

6.5.1.1 Isigaba 26(1) semiThetho yamaKhampani sinikela umuntu ophethe namkha enekareko ezuzisako kinanyana ngiziphi zokuphepha ezikhitjiswa yikkhampani eyenza inzuzo, namkha olilunga lekhampani engenzi inzuzo, unelungelo lokuhlola nokukhophisa, ngaphandle kokubhadelela ukuhlolwa okunjalo namkha ngesikhathi sekubhadelwe imali engaphezu kwenani elibekiweko lekhophi enjalo, imininingwana ephethwe marekhodi wekhampani.

6.5.1.2 Ngokwemigomo yesigaba 26(7)(b) somThetho wamaKhampani, “amalungelo wokufumana imininingwana asesigabenesi angezelela, begodu ingasi esikhundleni, sananyana ngimaphi amalungelo umuntu angaba nawo wokufumana imininingwana ngokwemigomo yomThetho WokuThuthukisa Ukufumaneka KweMininingwana, 2000 (UmThetho No. 2 wango 2000).”

6.5.2 UmThetho WezeeMali WeHlangano YezePolitiki, 2018 (UmThetho No. 6 wango 2018)

6.5.2.1 IsiKhwama sezeeMali sezePolotiki sethula ihlaka eliqinileko lokusekelwa ngeemali okuzijameleko kwazozoke iinhlango zepolotiki ezitlolisiweko, kungakhathaliseki ukuthi zijanyelwe esibethweni-mthetho selizwe loke namkha sesifunda namkha awa. Lokhu kuhlangoanisa nokubeka imikhawulo yemithombo, ubukhulu nokusebenzisa iimali ezinikelweko ziinhlango zepolotiiki.

6.5.2.2 Ukuqinisekisa ukuba sepepeneneni nokuziphendulela, iinhlango zezepolitiki kufuze aveze yoke iminikeko efunyenweko engaphezu kwesilinganiso ekufuze sivezwe esiyi-**R100 000.00** eKomitjhinini yezaMakhetho qobe eenyanguzi ezintathu (kunye nangaphambi kwamakhetho welizwe loko).

<sup>5</sup> Isigaba 2(1) se-PAIA



- 6.5.2.3 Nanyana ngimuphi umuntu namkha ihlangano eyenza umnikelo ehlanganweni yezepolitiki ongaphezu kwaka-**R100 000.00** kanye namkha ngokuqongelela ngomnyaka kufuze kubikwe umnikelo loyo eKomitjhaneni yezamaKhetho hlangana **namalanga ama 30** wokwenziwa komnikelo namkha hlangana namalanga ama-30 lapho iminikeko eqongelelweko idlula i-**100 000.00**.
- 6.5.2.4 Ekugcineni, umThetho wezeeMali weenHlangano zezePolitiki ubeka isibopho eKomitjhaneni yezamaKhetho ukwazisa umphakathi qobe eenyangeni ezintathu ngeminikeko ebikwe ziinhlangano zezepolitiki nokubika qobe mnyaka ePalamende ngayo yoke iminikelo eyenziwe eenhlanganweni zepolitiki hlangana nomnyaka.
- 6.5.3 UmThetho wokuVikelela iMininingwana yomuNtu maThupha, 2013 (UmThetho No. 4 ka-2013).
- 6.5.3.1 Isigaba 23 se-**POPIA** sinikela ngemininingwana yedatha nelungelo lokufumana imininingwana yothileko ephathwe siqhema esitjheje lokho, kuhlanganise neminingwana emalungana nokuthi bobani abantu besithathu, namkha iingaba zabantu besithathu, abane, namkha ebakhe bafumana imininingwana.
- 6.5.3.2 Lokhu kutjho bona ngesikhathi ufumana irekhodi elinemininingwana yomuntu malungana nomfakisibawo kungekho ku-**PAIA** ngokwemigomo esesigabeni 11(2) salo, ngokutjhiwo yidatha angabawa –
- 6.5.3.2.1 ukufumana imininingwanakhe yobuqu; begodu/namkha
- 6.5.3.2.2 ubunikazi babo boke abantu besithathu, kunye/namkha iingaba zabantu besithathu, namkha ebakhe bafumana imininingwana.
- 6.5.3.2.3 ukulungiswa namkha ukusulwa kwemininingwana emalungana nokutjhiwo yidatha ekibo namkha engaphasi kwelawulo labo engasiliqiniso, elilize, eyeqisako, ephelelwe sikhathi, etjhodako, edurhisako namkha efunyenwe ngokungasingokomthetho; namkha
- 6.5.3.2.4 irekhodi lemininingwanakhe yobuqu umuntu lokha isiqhema esiyiqaleleleko lingasanagunya lokuyibulunga bona itjhatjalaliswe namkha isulwe.
- 6.5.3.3 Isiqhema esiqaleleleko singala ukukhipha nanyana ngimiphi imininingwana ebawiweko, ngokuvumelana neenzathu zokwala ukunikela ngamarekhodi, njengombana kutjengiswe esigabeni 19.4.



## 6.5.4 UmThetho 3 wango-2000 Okhuthaza UBulungiswa Bokuphatha

- 6.5.4.1 Omunye umthetho oqakathikileko ukuwukhumbula nawucabanga ukufumana imininingwana mThetho Okhuthaza uBulungiswa bokuPhatha (**PAJA**). I-**PAJA** inikeza ilungelo lokwenza isenzo sokuphatha esisemthethweni, esizwakalako, nekambiso efanelekileko kunye nelungelo leenzathu ezitloliweko zesenzo sokuphatha njengombana kuhlongozwe esigabeni 33(2) somThethosisekelo<sup>6</sup>.
- 6.5.4.2 Ngokwemigomo yesigaba 5(1) se-**PAJA**, nanyana ngimuphi umuntu amalungelwakhe athinteki kumbi ngokwezinto eziphathekako ngebanga lophetheko begodu ongakanikelwa iinzathu ngedango elithethweko, angabawa bona ophetheko anikele iinzathu ezitlolwe phasi ngegadangwelo, hlangana namalanga ayi-90 ngemva kobana azi ngegadangwelo, namkha ngesikhathi ebekufuze ngathana uyazi ngedangwelo. Umphathiswa ekwenziwe kuye isibawo, hlangana namalanga ayi-90 afumene isibawo, kufuze anikele umuntu loyo isizathu esizwakalako esitlolwe phasi ngegadango alithetheko.

## 7. UKUSUNGULWA KOMLAWULI WEZEMINININGWANA

- 7.1 Ukuqinisekisa ukhuthazwa nokwenza ngcono iminqopho ye-**PAIA**, eyenza ilungelo lokufunama imininingwana ngendlela evumela abantu bafumane imininingwana yamarekhodi eenhlanganweni zakarhulumente namkha ezizijameleko msiyana, ngokungabizi khulu ngangokunokwenzeka, umLawuli wezoMininingwana ("umLawuli") watlanywa ngokwemigomo yesigaba 39 se-**POPIA**.
- 7.2 Ukwenzela bona kuqinisekise bona kulandelwa iinkambiso zokuphatha ezingakahlangahlangani nezingabizi khulu nakwenziwa isibawo sokufumana imininingwana, iinlilo eziya kumLawuli neembaweni zekhotho kufuze zingenziwa umthetho.
- 7.3 I-**POPIA** itjhugulula indima ye-**SAHRC** manqophana negunya we-**PAIA**. Kusukela ngoJuni 30 2021, yoke imisebenzi ye-**SAHRC**, njengombana ibaliwe ku-**PAIA**, izokukwenziwa mLawuli, onamadla angeziweko wokuqinisa.
- 7.4 Njengombana i-**SAHRC** izokuragela phambili ekufezeni iimbopho zayo zomthethosisekelo ngobubanzi ukukhuthaza, ukuvikela nokuhlola amalungelo atololwe emThethweni-mlingwa, i-**SAHRC** nomLawuli bazokusebenzisana ihlombe nehloombe.

<sup>6</sup> Woke umuntu amalungelwakhe athinteki kumbi ngegadango labaphetheko unelungelo lokunikelwa iinzathu ezitloliweko

## 8. INDIMA YOMLAWULI WEZEMINININGWANA

- 8.1 UmLawuli udlala indima eqakatheke khulu ngokunqophene ne-**PAIA**. UmLawuli ugunyazwe yi-**PAIA**, ngaphasi kweNgcenywe 4, isaHluko 1A neNgcenywe 5 kuhlangukise nezinye iingcenywe:
- 8.1.1 ukukhuthaza ilungelo lokufumaneka kwemininingwana nokusiza umphakathi ukusebenzisa i-**PAIA** la kungakghoneka khona ukwenza njalo,
  - 8.1.2 ukutjheja nokuthuthukisela phambili ukusetjenziswa kwe-**PAIA** ziinhlango zakarhulumente nezizijameleko (okubandakanya ukuthuthukisa iindlela ezisebenzako zokwenza imininingwana ifumaneke ngesikhathi),
  - 8.1.3 ukwenza imphakamiso zokuqinisa i-**PAIA**,
  - 8.1.4 nokubika ePalamende qobe mnyaka.
- 8.2 Isigaba 77C (1) nesigaba (2) se-**PAIA** sinamalungiselelo wamandla alandeleko, imisebenzi nokusebenza komLawuli -
- 8.2.1 ukuphenya ngesililo esifakwe emLawulini ngendlela egunyaziweko;
  - 8.2.2 ukudlulisela olilako eKomidini yokuKatelela esungulwe ngokwemigomo yesigaba 50 se-**PAIA**; namkha
  - 8.2.3 ukuqunta, ngokuvumelana nesigaba 77D, ukungathatheli umfakisibawo amagadango namkha, njengoba kungenzeka, kungatlhogeki kuthathwe igadango malungana nolilako; begodu
  - 8.2.4 athathe igadango, la kufaneleka khona, njengomthintanisi malungana nesililo ngokwendlela equntiweko.
- 8.3 UmLawuli, ngokomgomo wesigaba 77H(1) se-**PAIA**, nangokwakhe, namkha ngokwesibawo namkha esikhundleni sesiphathiswa semininingwana namkha ihloko yehlangano karhulumente namkha nanyana ngimuphi omunye umuntu angenze ukuhlola kungaba sehlanganweni karhulumente namkha ezijameleko ngokuvamileko okukhambisana nemibandela ye-**PAIA**, ngokuvumelana nemithetho neenkambiso ekufuze zisetjenziswe.
- 8.4 UmLawuli unikelwe amandla, ngokomgomo wesigaba 77F se-**PAIA**, ukusebenzisa imizamwakhe engcono khulu ukurarulula isililo, nangabe sivela kolilako, namkha nanyana ngikuphi ukuphendulwa okutlolwe phasi okwenziwe malungana nalokho okungakghonakala bona kulungise isililo. Lokhu kutho bona umLawuli angalinga kwaphela ukusiza ababandakanyekileko ukulungisa ukungaboni ngalihlo linye kwabo, nangabe kunesililo esifakwe kumLawuli, ngaphandle kokuthi aziquntele ngokwakhe, ukwenza ukuhlola, njengombana kutloliwe esigabeni 8.3 ngehla.

## 9. UKUFAKA ISIBAWO SOFUMANA IREKHODI

Sibawe uqale ikambiso esetjhadini ngokulandelana kwesigabeni 27 ngehla, ukuthi ungabawa njani ukufumana amarekhodi.

### 9.1 Ukuthoma: **Iincwajana Ze-PAIA**

9.1.1 Nanyana umHlahlandlela lo ugadangiselwe ukusiza umphakathi ovela kizo zoke iinzinda zokuphila ukusebenzisa ilungelo labo lokufumana imininingwana, kuneminye imithombo yelwazi engasizza umuntu enze isibawo sokufumana amarekhodi. I-**PAIA** ifuna bona zoke iihlangano zakarhulumente, neehlangano ezizijameleko, zihlanganise bezenze incwajana ye-**PAIA** ifumaneke<sup>7</sup>.

9.1.2 Ngaphambi kobana umuntu athathe amagadango wokufumana imininingwana namkha amagadango wehlangano ethileko, kufuze athome afunde iNcwajana ye-**PAIA**.

9.1.3 Ngokuyihloko, injwajana ye-**PAIA** isiza umuntu:

9.1.3.1 ukuhlola umhlobo wamarekhodi ekungenzeka sele akhona ngaphandle kwesidingo sokufaka isibawo esisemthethweni ku-**PAIA**;

9.1.3.2 azwizise ukuthi usifaka njani isibawo sokufumana imininingwana ephethwe yiHlangano ethileko;

9.1.3.3 afumane yoke imininingwana yokuthintana yomuntu ozokusiza umphakathi ngamarekhodi nanyana ngimuphi umuntu awafunako;

9.1.3.4 ngayo yoke ipengu efumanekako ehlanganweni ekufumaneka kiyo amarekhodi ekufakwa ngawo isibawo, ngaphambi kokuya kumLawuli namkha ikhotho;

9.1.3.5 ihlathululo yezenzelwa ezifumanekako emalungwini womphakathi ehlanganweni nokuthi zingafumaneka njani izenzelwezo;

9.1.3.6 azi nangabe ihlangano izokufaka imininingwana yomuntu, umnqopho wokufaka imininingwana yomuntu leyo nehlathululo yeengaba zokumumethwe yidatha neyemininingwana namkha yeengaba zemininingwana emalungana nalokho;

9.1.3.7 azi nangabe ihlangano ihlele ukudlulisela namkha ukufumana imininingwana yomuntu mathupha ngaphandle kweSewula Afrika; begodu

<sup>7</sup> Isigaba 14 no-51 se-PAIA

- 9.1.3.8 nokwazi ukuthi ihlangano inamagadango afaneleko wezokuphepha ukuqinisekisa ifihlo, ukuthembeka nokufumaneka kwemininingwana ekufuze ifumaneke .

## 9.2 Zifumanekaphi iincwajana ze-PAIA?

### 9.2.1 INcwajana ye-PAIA yeenhlangano zakarhulumende

- 9.2.1.1 Zoke iinhlangano zakarhulumende kufuze zenze iNcwajana ye-PAIA zifumaneke bulula okungenani ngamalimi amathathu asemthethweni<sup>8</sup>.

- 9.2.1.2 Ubuncani, kulindeleke bona zenze amakhophi weNcwajana ye-PAIA afumaneke simahla, ngaphandle kobana kubawe ikhophi egadangisiweko

9.2.1.2.1 ezinzolwazini yehlangano karhulumende;

9.2.1.2.2 e-ofisini elikhulu lehlangano karhulumende bona ihlolwe mphakathi ngeenkxhatho zokusebenza ezivamileko;

9.2.1.2.3 nangabe umuntu ufuna ikhophi egadangisiweko, ihlangano yomphakathi kufuze yenze ikhophi, kodwana ingabawa ukubhadelwa imali efaneleko ngekhophi egadangisiweko;

9.2.1.3.4 emLawulini nakabawiweko.

### 9.2.2 Iincwajana ze-PAIA zeenhlangano ezizijameleko

- 9.2.2.1 Iinhlangano ezizijameleko nazo zilindeleke bona zihlanganise injwajana ye-PAIA<sup>9</sup>, kodwana akuthogeki yenziwe ibe ngaphezu kwelimi elilodwa namkha ngelimi elithileko elikhethekileko, nanyana kukhuthwaza bona iiNcwajana ze-PAIA zeenhlangano ezizijameleko okungenani zibe ngesiNgisi. Nangabe ihlangano ethileko inikela ngezenzelwa ebantwini abanengi abangakafundi, umLawuli uzokuphakamisa bona iNcwajana yehlangano leyo ingaba ngelinye ilimi elisemthethweni.

- 9.2.2.2 Okungenani ubuncani, iinhlangano ezizijameleko kutlhogeka zenze ikhophi yeNcwajana ye-PAIA ifumaneke simahla<sup>10</sup>, ngaphandle kobana kubawe ikhophi egadangisiweko -

9.2.2.2.1 ezinzolwazini lehlangano ezizijameleko;

9.2.2.2.2 endaweni eyihloko yebhizinisi lehlangano ezizijameleko bona umphakathi uzozihlolela ngesikhathi sokusebenza kwebhizinisi esivamileko;

<sup>8</sup> Isigaba 14(1) se-PAIA

<sup>9</sup> Ngokwemigomo yesigaba 51 se-PAIA

<sup>10</sup> Isigaba 51(3) se-PAIA

9.2.2.2.3 nangabe umuntu ufuna ikhophi egadangisiweko, ihlangano ezijameleko kufuze yenze ikhophi, kodwana ingabawa ukubhadelwa imali efaneleko ngekhophi egadangisiweko begodu

9.2.2.2.4 emLawulini nakabawiweko.

9.2.3 Ungqongqotjhe wezoBulungiswa nezokuHlungwa kwesiMilo unamandla wokutjhaphulula<sup>11</sup> iinhlango ezithileko ezizijameleko namkha isigaba seenhlango ezizijameleko esibophweni sokuhlanganisa incwajana. Nje, bekube ngeen-**31 Disemba 2021**, uNgqongqotjhe utjhaphulule<sup>12</sup> zoke iinhlango ezizijameleko, ngaphandle kwananyana ngiyiphi ikhampani -

- (a) engasi yikhampani ezijameleko njengombana kuhlathululiwe esigabeni 1 somThetho wamaKhampani, 2008 (UmThetho No. 71 of 2008):
- (b) ezijameleko njengombana kuhlathululiwe esigabeni 1 somThetho wamaKhampani, 2008 (UmThetho No. 71 of 2008) osebenza kinanyana ngimiphi imikhakha ekukhulunywe ngayo ekholomini yokuthoma yehlelo leSaziswesi
  - (i) inabasebenzi abayi-50 namkha ngaphezulu ebaqatjhileko; namkha
  - (ii) inenani lemali engena qobe mnyaka elingana namkha engaphezu kwenani elifaneleko elitjhiwo ekholomini 2 ethebulini engenzasi,

kusukela ekuhlanganiseni incwajana ehlongozwe esigabeni 51(1) somThetho wokuthoma isikhathi esiziinyanga ezithandathu (6) kusukela ngeen-**1 Julayi 2021 ukuya ngee-31 Desemba 2021**:-

Umkhakha	Imali engena qobe mnyaka
Zelimo	R6 miliyoni
Imayini noKwemba	R22.5 miliyoni
Ukukhiqiza	R30 miliyoni
Igezi, iRhasi naManzi	R30 miliyoni
Ukwakha	R15 miliyoni
Zokuthengisa neRhwebo leeNkoloyi nezokuLungisa	R45 miliyoni
Amarhwebo we-Wholesale, Ama-eyijenti	R75 miliyoni
wezokuThengiselana nemiSebenzi eHlanganyelweko	
Ukudla, lindawo zokuHlala nokhunye ukuRhweba	R15 miliyoni
IinThuthi, Indawo yokuBulunga nezokuThintana	R30 miliyoni
ZeMali nezenzelwa zamaBhizinisi	R30 miliyoni
Izenzelwa ZomPhakathi, Ezikhethekileko Nezomuntu	R15 miliyoni
Mathupha	

<sup>11</sup> Isigaba 51(4) se-PAIA

<sup>12</sup> Isaziso SakaRhulumende 39504, 11 Disemba 2015

- 9.2.4 Ngebanga lokuqakatheka kwesidingo somtthetho wokuhlanganisa kweNcwajana ye-**PAIA**, khulukhulu ukutjhugululwa<sup>13</sup> kwesigaba 15 se-**PAIA** (ozokuthoma ukusebenza ngoJuni 30 2021), ngokobukhulu bemininingwana incwajana ekufuze iwuhlanganise inwetjiwe ukuhlanganisa iindaba ezimalungana ne-**POPIA**, iihlangano ezizijameleko angekhe zisatjatjululwa esibophweni sokuhlanganisa iNcwajana ye-**POPIA**. Ngalokho-ke, kusukela ngeen-1 Janabari 2022, enye nanye ihlangano karhulumende nezijameleko kufuze bona sele zineNcwajana ye-**PAIA**, njengombana kutjiwo esigabeni 9.2.2.2 ngehla.
- 9.2.5 Ukutjatjhlulwa kweenhlangano ezizijameleko esibophweni sokuhlanganisa iincwajana ze-**PAIA** akutjho bona zitjhatjululiwe ekulaleni i-**PAIA**. Lokhu kutjho bona nanyana ngimuphi umuntu usengafaka isibawo sokufumana imininingwana eenhlanganweni ezizijameleko ezingakabopheki. Ukutjhatjululwa kumane kutjho bona ihlangano ezizijamelekwezo akutlhogeki zihlanganise iincwajana.
- 9.2.6 Khumbulua godu, ukuthi akusizo zoke iihlangano ezizijameleko ezizihlangano, njengombana ihlathululo yehlangano ezijameleko ihlanganisa nomuntu ngokwakhe, umuntu ozijamele yedwa kunye nokubambisana. Kodwana kunga kuhle ukuvakatjhela izinzolwazi labo, njengombana ezinye iihlangano zihlanganisa iincwajana ze-**PAIA** kungakhathaliseki ukuthi zinabansebanzi abangakhi namkha kwemali ezingenisa qobe myaka.
- 9.3 Ukuveza ngokuzithandela namarekhodi athileko afumaneka ngokuzenzakalelako
- 9.3.1 Amarekhodi afumaneka ngokuzenzakalelako ngilawo azokukhitjwa yihlangano karhulumende namkha ezijameleko ngaphandle kobana umfakisibawo afake isibawo ku-**PAIA** (ngamanye agama, umuntu angayibawa ngaphandle kokuzalisa iForomo 2 le-**PAIA**).
- 9.3.2 UmPhathiswa wezeMininingwana wehlangano karhulumende kufuze, ngokwemigomo yesigaba 15(1) se-**PAIA**, enze irhelo lemikhakha yemarekhodi afumaneka ngokuzenzakalelako, njengombana kutjiwo esigabeni 9.3.4 ngenzasi.
- 9.3.3 Amarekhodi wehlangano ezijameleko nawo angenziwe afumaneke, ngokwemigomo yesigaba 52(1) se-**PAIA**, kodwana ngokuzithandela ngokuvumelana nesigaba 9.3.4 ngenzasi.
- 9.3.4 Ihlathululo yemikhakha yamarekhodi afumaneka ngokuzenzakalelako kufuze enziwe afumaneke -
- (a) emLawulini weMininingwana;
  - (b) kuzinzolwazi yehlangano; begodu
  - (c) nokuhlolwa, ema-ofisini wehlangano ethintekayol ngesikhathi sokusezenza esivamileko.

<sup>13</sup> Isigaba 110 se-**POPIA**

- 9.3.5 Sibawa utjheje bona umLawuli uzokufaka ihlathululo yamarekhodi afumaneka ngokuzenzakalelako wehlangano karhulumende ezinzolwazini yalo.
- 9.3.6 Irhelweli libandakanya amarekhodi ekungenzeka athloge bona enziwe afumaneke ngeminye imithetho, nananyana ngimaphi amanye amarekhodi ihlangano ekhetha ukufawaka. Khona kuzokubalekela ikambiso yokukhambisana nekambiso ye-**PAIA** yokufaka isibawo, umfakisibawo ukhuthazwa bona aqale iNcwajana yehlangano karhulumende namkha ezijameleko ethintekako. Nakungenzeka umuntu afune amarekhodi angaphasi kwerhelo lehlangano lamarekhodi afumaneka ngokuzenzakalelako, umuntu loyo angawabawa ngabaphandle kokuzalisa iForomo 2 le-**PAIA**.
- 9.3.7 UmThetho 6 weezeMali zeHlangano yezePolitiki uletha amatjhuguluko athileko nge-**PAIA**, lapho iinhloko zeenhlangano zezepolitiki kutlhogeka zitlole bezibulunge amarekhodi weminikelo ezijameleko, ekuzokufuze kwaziswe umphakathi ngayo ngokunatlhogeki bona umuntu afake isibawo se-**PAIA**.

## 10. IMINININGWANA YOKUTHINTANA NEEMPHATHISWA ZEZEMINININGWANA

- 10.1 Nanyana imininingwana yokuthinta iiamPhathiswa zezeMininingwan zenye nenye ihlangano karhulumende kudingeka bona ifakwe erhelweni lezokuthintana, ngokwemigomo yesigaba 16 ye-**PAIA**, umLawuli unenimininingwana enqophileko yezokuthintana yabo boke abaPhathiswa bezeMininingwana (kuhlanganise neyamaSekela yebaPhathi bezeMininingwana, akhethwe ngokwemigomo yesigaba 17 no-56 we-**PAIA** ngokulandelana) abatloliswe nayo ngokwemigomo yesigaba 55(2) ye-**POPIA**.
- 10.2 Ngasikhathi ukufumana imininingwana ekungiyi yokuthintana kungenzeka kube yingcenyane ebudisi yokwenza isibawo se-**PAIA**, njengombana iindima zitjhuguluka qobe ehlanganweni zakarhulumende begodu kungenzeka iNcwajana ye-**PAIA** ingabi nemininingwana yamuva, indawo yokuthoma ukufumana imininingwana yokuthintana kufuze kube yiNcwajana ye-**PAIA** yehlangano. Nokho, nangabe umfakisibawo akayifumani incwajana, ukuthinta i-switchboard yehlangano leyo ukufumana imininingwana ekungiyi kungasiza.
- 10.3 Kibomasipala, i-South African Local Government Association (**SALGA**) ifaka imininingwana yezokuthintana elinkini le:  
<http://www.salga.org.za/Municipalities%20MCD.html>
- 10.4 Ukuthintana kwakaRhulumende godu kunikela imininingwana yokuthintana yelizwe lokoe neyesifunda kuhlanganise neyamaBhizinisi kaRhulumende elinkini le:  
<https://www.gov.za/about-government/contact-directory>. Hlala ukhumbula bona ihlathululo yomPhathiswa wezeMininingwana isiza ukukhomba imininingwana yaloyo ekufuze athintwe ukukhomba umPhathiswa wezeMininingwana.



## 11. IKAMBISO YOKUFAKA ISIBAWO SEMININGWANA

### 11.1 Amaforomo wokufaka isibawo

- 11.1.1 Isibawo sokufumana imininingwana singenziwa kokubili eenhlanganweni zakarhulumende nezizijameleko.
- 11.1.2 I-**PAIA** itlhoga ukuthi nawufuna ukufaka isibawo esinjalo, kufuze uthumele isibawo ngerofomoro elifaneleko (amaforomo layo atjhiwo miThetho). Kunamaforomo amabili angasetjenziswa ukulandela ilungelo lokufumana imininingwana:

Iforomo 2	Iforomo 4
Iforomeli lingasetjenziswa kwaphela nangabe ufuna ukubawa ukufumana amarekhodi wehlangano karhulumende namkha ezijameleko	Iforomeli lingasetjenziswa kwaphela nangabe ufuna ukufaka isililo sangaphakathi malungana neenqunto zabaPhathiswa bezeMininingwana namkha abaSekeli babaPhathiswa bezeMininingwana beliZwelo, besiFunda namkha basemaKhaya bakarhulumende isililo sangaphakathi esisebenza kibo.

- 11.1.3 Amaforomo la angafumaneka ezinzolwazini lomLawuli ku <https://www.justice.gov.za/infoereg/>

### 11.2 Ukuqunta bona isibawo sihlobene nemininingwana ephethwe yihlangano ezijameleko namkha karhulumende

- 11.2.1 Ihlangano karhulumende yenza umsebenzi womphakathi, njengokunikela ngegezi namkha amanzi emphakathini. Nje-ke, ihlangano karhulumende akusiMnyango weliZwelo, wesiFunda namkha kaRhulumende wemaKhaya kwaphela-ihlanganisa amabhizinisi wombuso namkha iinHlangano zakaRhulumende ezinjengomLawuli, u-**Eskom**, namkha i-**PRASA**, nokho, kufuze kwenziwe umehluko malungana nehlangano karhulumende ngebanga lesililo sangaphakathi, esiqalisele kuRhulumende weliZwelo, wesiFunda namkha wemaKhaya kwaphela.

#### 11.2.2

Ihlangano ezijameleko yenza umsebenzi ozijameleko. Ihlangano leyo (kungaba mumuntu ngokwakhe) iraga zerhwebo, ibhizinisi namkha umsebenzi othileko. Kuqakatheke khulu ukutjheja bona nawufakwa isibawo se-**PAIA** ehlanganweni ezijameleko umuntu kufuze atjho ukuthi ngiliphi ilungelo alivikelako namkha alisebenzisako ngokubawa imininingwana leyo. Malungana nananyana ngiyiphi imininingwana ephethwe ngomunye umuntu, u-Streicher JA wafinya isikhundlesi nganasi indlela, **Cape Metropolitan Council v Metro Inspection Services (Western Cape) CC and Others**<sup>14</sup>,

<sup>14</sup> 2001 (3) SA 1013 (SCA) isig 28 ku-1026F-G

*“Imininingwana ingatlhogeka kwaphela ukusebenzisa namkha ukuvikela ilungelo nangabe izokusiza ekuyisebenziseni namkha ekuvikeleni kwelungelo. Lokhu kulandela ukuthi, bona kuvulwe umlandu wokufumana imininingwana ngokwemigomo yesigaba 32, umfakisibawo kufuze atjho ngiliphi ilungelo afuna ukulisebenzisa namkha ukulivikela, ngiyiphi imininingwana efunekako nokuthi izomsiza njani ekusebenziseni namkha ekuvikeleni ilungelwelo”.*

- 11.2.3 Ngezinye iinkhathi umbuzo wokuthi inga-kghani irekhodi ngehlangano karhulumende namkha lehlango ezijameleko ungarara begodu umphakathi ukhuthazwa bona ufune isiluleko somthetho. Isibonelo, nangabe ihlangano karhulumende ikhetha ihlangano ezijameleko bona iyenzele umsebenzi othileko, njengokufaka amamitha wamanzi emiphakathini ethileko, ifumanane aamanani wamabitha afakiweko, nanyana imininingwana enjalo iphethwe yihlangano ezijameleko, izokothathwa njengeyehlangano karhulumende.
- 11.3 Umuntu ulihlalithulula njani ilungelo afuna ukulisebenzisa namkha ukulivikela?
- 11.3.1 Nakahlathulula bona ngiliphi ilungelo umuntu afuna ukulisebenzisa nakafaka isibawo ehlanganweni ezijameleko, angekhe aqalisele elungelweni lokufumana imininingwana. Umuntu kufuze ahlathulule bona irekhodi alibawako litlhogeka njani ngokunengqondo ukumvikela, namkha asebenzise, elinye ilungelo. Lokhu kungahlanganisa amalungelo angasi ngowomthethosisekelo kwaphela.
- 11.3.2 Isibonelo, umuntu angatlhoga ama-master plans ekhamphanini okunamathuba wokuthi isilaphaze amazinga wezebhoduluko emphakathini, khona azokuvikela ilungelo lakhe lezebhoduluko ngokulandelela imisebenzayo. Namkha umuntu angatlhoga amarekhodi, azomsiza aqunte bona unalo na ilungelo lokufaka isibawo sokumangalela ibhizinisi elithileko. Ngalokho-ke, umuntu uzokutlhoga:
- 11.3.2.1 Ukukhomba ngokukhethekileko ilungelo afuna ukulivikela namkha ukulisebenzisa, bese
- 11.3.2.2 Ukuhlathulula ngozwakalako bona kubayini irekhodi alitlhogako lizomsiza ngelungelwelo.
- 11.3.3 Ngokuhlukileko, nakafaka isibawo se-**PAIA** ehlanganweni karhulumende, akutlhogeki bona umuntu abe nebanga lokufuna imininingwana.

## 12. NGUBANI ONGAFAKA ISIBAWO SE-PAIA?

- 12.1 Nanyana ngubani, kungakhathaliseki ukuthi mSewula Afrika namkha akasuye umSewula Afrika, uvumelekile ukufaka isibawo ku-**PAIA**. Ufake isibawo kungaba mumuntu ovamileko namkha wezomthetho

12.2 Ihlango ezijameleko ithatha njengomunto ongokomthetho begodu ingafaka isibawo sokufumana amarekhodi aphethwe ziinhlangano ezizijameleko -

12.2.1 esisebenzela umphakathi, begodu

12.2.2 nangabe amarekhodi athogelwa ukuzalisa namkha ukuvikela nanyana ngimaphi amalungelo ngaphandle kwewehlangano ezijameleko.

12.3 Ngaphasi kwe-**PAIA** umfakisibawo akakwazi ukubawa ufumana irekhodi lehlango ezijameleko, elinemininingwana yomuntu mathupa omfakisibawo ehlanganweni karhulumende<sup>15</sup>, kodwana umfakisibawo namkha okumumethwe yidatha, ngokwesigaba 23(1)(b) se-**POPIA**, ubawa kophethe irekhodi namkha ihlathululo yemininingwana yomuntu mathupa ngokumunyethwe yidatha yaloyo oyiphetheko. Lokhu kutjho bona nanyana ngubani abafaka isibawo sokufumana imininingwanabo ephethwe yihlangano karhulumende namkha ezijameleko ngemva kokuveza ubufakazi obaneleko bokuthi ungubani. Imininingwana yomuntu mathupha omfakisibawo angayibawa kiloyo oyiphetheko ingahlanganisa ubunikazi babo boke abantu besithathu, namkha imikhakha yebantu besithathu, abane, namkha ebakhe bafumana imininingwana.

12.4 Ngokwemigomo yesigaba 50(1) se-**POPIA**, nanyana ngubani angafaka isibawo sokufumana irekhodi lehlango ezijameleko, elinemininingwana yobuqu yomfakisibawo namkha esikhundleni somuntu owenzelwa isibawo.

### 13. SINGAFAKWA KUBANI ISIBAWO?

13.1 UmPhathiswa wezeMininingwana wehlango karhulumende kufuze akhethe iSekela (amaSekela) lesiPhathiswa sezeMininingwana, okufuze aqinisekise bona kubulula ngendlela ekungakghoneka ngayo ukufumaneka kwamarekodi wehlango karhulumende emphakathini. Nanyana lokhu bekungasi yifuneko malungana nehlangano ezijameleko ngaphasi kwe-**PAIA**, ihlangano ezijameleko ingakhetha umSekeli womPhathiswa wezeMininingwana ekukhuunywe ngaye ngehla, ngokwemigomo yesigaba 56 se-**POPIA**.

13.2 Isibawo sokufumana imininingwana, nanyana singanqotjhiswa emPhathisweni wezeMininingwana singafakwa eSekeleni lomPhathiswa wezeMininingwana. Imininingwana yeSekela lezomPhathiswa wezeMininingwana ingafumaneka encwajaneni ye-**PAIA** yehlangano leyo namkha emLawulini.

### 14. UKUZALISA IFOROMO

14.1 IForomo 2 - isibawo sokufumana irekhodi lehlango karhulumende namkha ezijameleko

14.1.1 Nakazakuzalisa iforomo le-**PAIA**, umuntu kufuze anikele imininingwana eyaneleko ukuvumela umPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana lifumana afunwa mfakisibawo.

<sup>15</sup> Sisigaba 11(2) se-PAIA

- 14.1.2 Imithethokambiso ye-**PAIA** iyalitho iforomo ekufuze lisetjenziswe, okufuze lithunyelwe emPhathisweni wezeMininingwana namkha emSekelini womPhathiswa wezeMininingwana wehlangano.
- 14.1.3 Abafake iimbawo abangakwazi ufunda namkha ukutlola bangabawa ngomlomo emPhathisweni wezeMininingwana namkha emSekelini womPhathiswa wezeMininingwana wehlangano karhulumende, onomthwalo wokuzalisela umfakisibawo iforomo 2. Iforomo lanje lizokufuna uzalise iingceye ezilandelako:

### **Imininingwana efunekako   Ihlathululo**

#### **Imininingwana yehlangano karhulumende / ezijameleko**

Ingcenyane le kufuze ibe ne-email neenomboro ze-fax ezifaneleko zomPhathiswa wezeMininingwana nomSekelini/namkha umSekeli womPhathiswa wezeMininingwana.

#### **Imininingwana yomuntu omfakisibawo sokufumana amarekhodi**

Lokhu kufuze kube neminingwana eyaneleko yomfakisibawo ukwenzela bona kube bulula ukukwazi umfakisibawo, kuhlangukise neminingwana yomfakisibawo: isiphande sopo, isiphande se-email, inomboro ye-fax kunye/namkha inomboro yomtato yeSewula Afrika. Godu ibawa nenomborwakho kamazisi ukuqinisekisa ukuthi nguwe. Nangabe ubawa omunye umuntu iminingwana, kufuze ube nobufakazi besikhundla owenza ngaso isibawo ('njengomuntu ogunyaziweko').

#### **Imininingwana yamarekhodi abawako**

Nikeza iminingwana ephelileko yerekhodi ekunesibawo sokuthi sifumaneke, kuhlangukise nenomboro yereferensi nangabe uyayazi, ukwenzela bona irekhodele lifumaneke. (Nangabe isikhala esinikeziweko asikaneli, sibawa urage ekhasini eliseqadi bese ulilumathise eforomeni. Woke amakhasi angeziweko kufuze atlikitlwe.

#### **Umhlobo werekhodi**

Lokhu kufuze kube neminingwana eyaneleko ngerekhodi ukwenzela boan kube bulula ukulifumana. Nangabe isikhala esinikeziweko asikaneli eforomini, kungasetjenziswa ikhasi elingeziweko elithayiphiweko namkha elitlolve ngesandla ukunikela iminingwana engeziweko yesibawo, nangabe nje ikhasi

## Imininingwana efunekako Ihlathululo

ngalinye litlikitliwe lalumathiswa eforomini lesibawo. Isibonelo, ungafaka nokudzujulwe embikweni namkha eendabeni ezithinta irekhodi olifunako. Ikuvumela bona ufake inomboro yereferensi yerekhodi, nangabe kuyafaneleka.

### Iimali

Ihlangano lapho loyo ofaka isibawo afuna ukufaka isibawo sofumana irekhodi kiyo, kuhlangukise nerekhodi elinemininingwana yakhe maphupha, ingakubawa bona ubhadele imali yokufaka isibawo (imali yokufumana) namkha imali yedibhosithi, kodwana akukafuzi yeqise, njengombana imali ebhadelwako kufuze ibe ngeyesikhathi edingekako ukufuna nokulungiselela irekhodi. UNgqongqotjhe angakhipha isaziso eGazethini sokungabhadali njengombana kutjhiwo esigabaeni 51.1.

Kunesikhala sokobana ofaka isibawo atjho bona kubayini acabanga ukuthi kufuze angabhadeli. Isizathu singabandakanya, ngokwesiboneko, ukuthi akasebenzi.

### IForomo lokufumana irekhodi

Ingcenyane le ikuvumela bona ufake u - "X" okukhethako eforomini lokufumana irekhodi lingafumaneka njengeligadangisiweko kunye/namkha nge-flash drive kunye/namkha nge- compact disc drive.

### Indlela yokufumana

Engcenyeni le kufuze utjheje okukhethako malungana nokuthi irekhodelo kufuze libe ngaliphi ilimi (lokhu kungenzeka kungakghoneki malungana nawo woke amarekhodi, kodwana kusafanele utjengise okukhethako).

Indlela yokufumana irekhodi ingaba nomthelela ekwalelweni ukulifumana ngebanga lokubiza khulu. Isibonelo, nangabe umfakisibawo ufuna idokhyumentini emadokhyumentini welimi olifunako

ingabhadeleka. Nokho, nangabe irekhodi alifumaneki ngelimi olithandako, ungavunyelwa ukulifumana ngelimi erekhodelo elifumaneka ngalo. Indlela yokufumana irekhodi ibandakanya ukuzihlolela mathupha irekhodelo, irekhodi elithunyelwe nge-email, namkha nge-fax namkha ngesithuthi namkha ngeposo.

**Ukwaziswa ngesiqunto malungana nesiqunto sesisibawo**

Kunesikhala esifakiweko bona umfakisibawo ahlathulule indlela afuna ukwaziswa ngayo ngequnto sokumnikela namkha sokwalela isibawo sakhe. Umfakisibawo ngokwesibonelo angatjho ukuthi ukhetha ukuthintwa nge-email namkha ngomtato namkha ipendulo angaposelwa yona namkha alethelwe yona ngesithuthi.

**Imininingwana yelungelo ekufuze lisetjenziswe namkha livikelwe**

Nakabawa imininingwana ehlanganweni ezijameleko obawileko kulindeleke bona ahlathulule “imininingwana yelungelo ekufuze lisetjenziswa namkha livikelwe”. La kufanele atjho ilungelo athembele kilo (njengelungelo lakhe lokuba sebhodulukweni enepilo) nokuthi irekhodi olibawako lizokusiza usebenzise, namkha uvikele, ilungelwelo. Kufuze atjengise ukukhamelana hlangana nerokhodi alifunako, nokusetjenziswa namkha ukuvikela ilungelo.

Ezibuhlunguke, ngokungafani nesibawo sokufumana irekhodi lehlango karhulumende, angekhe ukwazi ukufumana irekhodi lehlango ezijameleko ngaphandle kokuthi atjho ilungelo (amalungelo) ahlose ukulivikela namkha ukulisebenzisa nakangavunyelwa ukufumana imininingwana. Lokhu kungahlanganisa namaqiniso wokuthi ngemva kokufumana amarekhodi, uzokusebenzisa ilungelo lakhe lokuvikelwa nokuzuza emthethweni<sup>16</sup> ngokumangalela ihlangano leyo ngomonakalo ekungenzeka uwutholile.

<sup>16</sup> Isigaba 9(1) somThethosisekelo seRiphabliki yeSewula Afrika, umThetho 108 ka-1996

14.1.4 Nangabe ngeenzathu ezithileko isibawo sakhe asikhambisani neemfuneko ezitjhowo ngehla, umPhathiswa wezeMininingwana angekhe amane singavumelani nesibawo sakhe, ngaphandle ngangabe umazisile umfakisibawo ukuthi unqophe ukwala isibawo begodu neenzathu zinikeziwe. UmPhathiswa wezeMininingwana godu kufuze azise ukuthi uzokusiza umfakisibawo namkha amnikele ithuba lokulungisa iphoso.

## 15. IMMALI EZIBANDAKANYEKILEKO

15.1 Ngokuvamileko, kufuze kubhadelwe iimali yakho kokubili ukufaka isibawo, godu nokubhadelela iindleko zokufumaneka kwamarekhodi abawiweko. Nanyana kunjalo, kukhona la kuhluka khona. Nangabe ofake isibawo uyawafumana amarekhodi awabawileko begoud akakatjhaphuluki ekubhadaleni iindleko, njengombana kutjengisiwe esigabeni 15.2 ngenzasi, umPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana bangabhadelisa imali ebekiweko ngendlela elandelako, -

**NB: Ihlelo lezeemali elimalungana neemali ezibhadelwa eenHlanganweni zakaRhulumende nezizijameleko lingafumaneka ezinzolwazini lwemLawuli.**

Item	Ihlathululo
1	Ikhophi yomHlahlandlela yobukhulu bekhasi le-A4
2	Ukufothokhopho ikhasi lobukhulu be-A4
3	ophi eprintiweko yobukhulu be-A4
4	Ikhophi efundeka ngendlela yekhomphyutha ku: <ul style="list-style-type: none"> <li>(i) I-Flash drive (Ngeyomfakisibawo)</li> <li>(ii) I-Compact disc <ul style="list-style-type: none"> <li>• Nangabe iza nomfakisibawo</li> <li>• Nangabe inikelwe umfakisibawo</li> </ul> </li> </ul>
5	Ngofakwa kweenthombe ekhasini lobukhulu be-A4
6	Ukukhopho iinthombe
7	Ukukophiwa kwerekhodi elilalelwako, ikhasi lobukhulu be-A4
8	Ikhophi yerekhodi elilalelwako: <ul style="list-style-type: none"> <li>(i) I-Flash drive (Ngeyomfakisibawo)</li> <li>(ii) I-Compact disc <ul style="list-style-type: none"> <li>• Nangabe iza nomfakisibawo</li> <li>• Nangabe inikelwe umfakisibawo</li> </ul> </li> </ul>
9	Ukusetjha nokulungiselela ukuvezezwa kwerekhodi elinye nelinye i-awara namkha ingcenyalo, ngaphandle kwe-awara lokuthoma, ngezinga elithileko elitlhogekako ekusetjenokho nokulungiselela. Ukungadluleli ngale kwenani elibekiweko kunye nesilinganiso sesikhathi esibekiweko
10	Idibhosithi: Nangabe isetjho leqa ama-wara asi-6
11	Ukuposa, ukuthumela nge-email namkha nanyana ngiyiphi indlela kusetjenziswa zobu-elekthronikhi



15.2 Umfakisibawo akuthogeki abhadele imali yokufumana<sup>17</sup> ehlanganweni karhulumente nangabe:-

15.2.1 Nangabe akakatjhadi begodu imali ayenza qobe mnyaka, ngemva kokudonselwa okufaneleko, njenge-**PAYE** ne-**UIF**, ingaphasi kwe-**R14 712.00** ngomnyaka

15.2.2 Nangabe utjhadile begodu umrholwakhe nawuhlangene nomlinganakhe ngemva kokudonselwa okufaneleko, njenge-**PAYE** ne-**UIF**, ingaphasi kwe-**R27 192.00**, ngomnyaka.

15.3 Sibawa utjheje bona ihlangano karhulumente namkha ezijameleko ingabawa, iForam 4 ebaLawulini, idibhosithi kumfakisibawo, kwaphela nangabe bakholelwa bona imininingwana namkha amarekhodi ekufakwe ngawo isibawo azokuthatha ama-awara asithandathu (6) ukuwafuna, kodwana inani ledibhosithi akukafuzi libe ngaphezu kwengyenye eyodwa kwezintathu kwemali ebakiweko.

## **16. INGA-KGHANI UMPHATHISWA WEZEMININGWANA UZOKUSIZA UMFAKISIBAWO SE-PAIA UKWENZA ISIBAWESO?**

16.1 Indima yomPhathiswa wezeMininingwana kunye/namkha iSekela lomPhathiswa wezeMininingwana kokubili ehlanganweni ezijameleko namkha karhulumente kukwenza okulandelako, malungana nokufeza ikambiso yokubawa ukufumana amarekhodi:

16.1.1 ukwamukela isibawo se-**PAIA** namkha se-**POPIA**;

16.1.2 ukunqophisa ikambiso yesibawo ehlanganweni;

16.1.3 ukwenza isiqunto sokuthi uyasivuma isibawo sokufumana imininingwan esifakiweko namkha awa;

16.1.4 uthintana nomfakisibawo (e.g. kungathogeka babawe imininingwana engeziweko komfakisibawo namkha kungenzeka kutlhogeka babawe isikhathi esingenziweko ukuqalana nesibaweso, njl);

16.1.5 Ukwazisa umfakisibawo ngomphumela wesibawo se-**PAIA**, kufuze aziswe msinyana ngokukghonekako kube hlangana namalanga ama-30 ngemva kokufumana isibawo. Amalanga ama-30 wokuthoma angangezelelwa ngamanye amalanga angadluli ama-30, nangabe ngokwesibonelo, umfakisibawo uyavumelana nalokho namkha isibaweso kutlhogeka kusetjhe amarekhodi angekhe afunyanwe ngesikhathi esibekwe ekuthomeni:

16.1.6 ukunikela umfakisibawo iinzathu zesiqunto sokumalela ukufumana akubawileko. Kuqakatheke khulu bona iinzathu ezinikezwako zokwala zikhanye begodu zibe nemininingwana begodu ziqalisele eengabeni ezithileko ze-**PAIA** (qala isigaba 19.4 ngenzasi, malungana neenzathu zokwala bona afumane amarekhodi<sup>18</sup>);

<sup>17</sup> Ngokwesaziso sakaRhulumente R991 sange-14 Oktoba 2005

<sup>18</sup> Isigaba 33 ukuya ku-46 se-PAIA

- 16.1.7 ukwazisa abantu besithatha abafaneleko ngekambiso yokwazisa abantu besithathu, ngokwemigomo yesigaba 47 se-**PAIA**; begodu
- 16.1.8 nangabe kufumaneka imvumo yokufumana amarekhodi, banikela umfakisibawo ikhophi yerekhodi.
- 16.2 Nabazisa umfakisibawo ngesiqunto, vezani amaforomo wokufumana isizo elifumanekako neekhathi ezifaneleko (isizo elifumanekako lihlukile eenhlanganweni zakarhulumente nezizijameleko).
- 16.3 Indima nemisebenzi engeziweko yomPhathiswa wezeMininingwana kunye/namkha iSekela lomPhathiswa wezeMininingwana ngileyo evezwe Encwajaneni yeenQophiso zomPhathiswa wezeMininingwana kunye neSekela lomPhathiswa wezeMininingwana efanekisa ku <https://www.justice.gov.za/infoereg/docs.html>
- 16.4 Ngebanga lokuthi indima yomPhathiswa wezeMininingwana kunye/namkha iSekela lomPhathiswa wezeMininingwana kukwenza lula isibawo sokufumana imininingwana, lokhu kutjho bona banemisebenzi ehlukehluke kilabo abenze isibawo.
- 16.5 UmPhathiswa wezeMininingwana kunye/namkha iSekela lomPhathiswa wezeMininingwana kufuze banikele isizo simahla.
- 16.6 AbaPhathiswa bezeMininingwana kunye/namkha amaSekela wabaPhathiswa bezeMininingwana behlangano karhulumente banemisebenzi elandelako ekhethekileko:

Imisebenzi yabaPhathiswa bezeMininingwana	Ihlathululo
<p><b>Basiza ngokuzalisa iforomo</b></p>	<p>UmPhathiswa wezeMininingwa kufuze anikele isizo elifaneleko kumfakisibawo ukuzalisa iforomo lakhe le-<b>PAIA</b>, begodu angekhe ale ukwamukela iforomo elingakazaliswa kuhle ngaphandle kobana bamsizile, namkha banikelile ngesizo namkha isizo azange lamukelwe.</p>
<p><b>Unikela imininingwana efaneleko</b></p>	<p>Nakungenzeka, umPhathiswa wezeMininingwa kufuze anikelo umfakisibawo ngananyana ngimiphi imininingwana efaneleko, ngitjho nanyana ingakabawa ngokunqophileko.</p>
<p><b>Ukudlulisela isibawo</b></p>	<p>Lo, msebenzi oqakatheke khulu. Nakwenziwe isibawo se-<b>PAIA</b> ehlanganweni karhulumente ekungasiyo, umPhathiswa wezeMininingwana kufuze adlulisele isibaweso ehlanganweni</p>

efaneleko **hlangana namalanga ali-14** wokufumana isibawo begodu kufuze azise umfakisibawo ukuthi ukwenzile lokho ngokumtlolela. Nasele sidluliselwe, UmPhathiswa wezeMininingwana ofaneleko kufuze aphendule ngesiquanto hlangana **namalanga ama-30**.

### Ukuhlehlisa kokutjhatjhululwa

UmPhathiswa wezeMininingwa angaqunta ukuhlehlisa kokutjhatjhululwa kwerekhodi Imfakisibawo nangabe irekhodelo lizokugadangisa hlangana namalanga ali-90 namkha nangabe irekhodi lifunwa mthetho bona ligadangiswe kodwana lisazokwenziwa.

- 16.7 Kokubili eenhlanganweni zakarhulumende namkha ezizijameleko, umPhathiswa wezeMininingwana, nangabe abawafumani amarekhodi athileko abawiweko namkha kukholelwa bona awekho, kufuze bathumele i-afidavithi ehlatululako namkha isiqinisekiso<sup>19</sup> kumfakisibawo simazisa ngokuthi amarekhodi okukhulunywa ngawo awekho namkha awafumaneki, kodwana babuye baveze amagadango abawathathileko ukuwafuna.

## 17. ISIZO ELIFUMANEKA EMLAWULINI WEZEMINININGWANA NGOKWEMIGOMO YE-PAIA NE-POPIA

- 17.1 UmPhathiswa wezeMininingwa ubophekile ukunikela isizo elifaneleko elinjalo<sup>20</sup>, simahla, njengombana kutlhogeka bona loyo omfakisibawo namkha okumunyethwe yidatha akhambisane nendlela yokufumana njengombana ihlongozwe esigabeni 18 se-**PAIA** nesigaba 23 se-**POPIA**.
- 17.2 Nokho, nakungenzeka umPhathiswa wezeMininingwa abhalelwe ukufeza umsebanzaso, otjiwo esigabeni 17.1 ngehla, umfakisibawo namkha ummumathi wedatha angafaka isililo emLawulini bese kuthi umLawuli, ngemva kokwenza iphenyo, angakhipha isAziso sokuKatelela esilayela umPhathiswa wezeMininingwa bona anikele ngesizo elifaneleko.
- 17.3 UmLawuli, nakungenzeka, nakunesibawo, assize nanyana ngimuphi umuntu ofisa ukusebenzisa nanyana ngiliphi ilungelo elihlongozwe ku-**PAIA** ne-**POPIA**<sup>21</sup>, lokhu kuhlanganisa nokunikela isizo elifaneleko, simahla, njengombana kutlhogeka ukusiza umfakisibawo namkha ummumathi wedatha akhambisane nendlela yokufumana njengombana kuhlongozwe esigabeni 18 no-53 se-**PAIA** nesigabeni 23 se-**POPIA**.
- 17.4 Lokhu okungehla kubandakanya ukunikela isinqophiso sokuthi sizaliswa njani isibawo seforomo sokufumana namkha sokuzalisa umuntu ongakafundi namkha osiphofu iforomo.

<sup>19</sup> Isigaba 23(1) no-51(1) se-PAIA

<sup>20</sup> Isigaba 19(1) se-PAIA

<sup>21</sup> Isigaba 83(3)(c) se-PAIA

## 18. INGA-KGHANI UMPHATHISWA WEZEMININGWANA ANGALULA ISIKHATHI ESIBANDAKANYEKILEKO?

- 18.1 Ihlaka lekambiso neenkhathi eziqathekileko ezibandakanyekileko zikudayagramu yesibawo sekambiso ye-**PAIA**, esigabeni 27. Ukuba neenkhathi ezinqophileko yingcenywe eziqathekileko ye-**PAIA**, njengombana ikhuthaza ukuphathwa okusebenzako kweembawo zokufumana amarekhodi.
- 18.2 Isikhumbuzo, nawusele ufake isibawo sakho ngendlela efaneleko umPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana, isibawo esifakwe kuye namkha sidluliselwe khona, kufuze akuphendule mnsinyana ngendlela ekungakghoneka ngayo kunanyana ngisiphi isenzakalo hlangana **namalanga ayi30**<sup>22</sup>. Nokho, umPhathiswa wezeMininingwana wehlangano karhulumente namkha ezijameko angabawa ukululelwa **ngamalanga ayi-30**<sup>23</sup> kanye, kodwana kwaphela nangabe:
- 18.2.1 isibawo ngesenani elikhulu lamarekhodi namkha kutlhogeka bona kusetjhwani inani elikhulu lamarekhodi ngaphandle kokululelwa isikhathi, ukusetjhokho kungathikameza imisebenzi yehlangano ebandakanyekileko;
- 18.2.2 isibawo sitlhoga kusetjhwani amarekhodi ase-ofisini lehlangano leyo elingasi sedorobheni elifanako begodu angekhe kuqedwe hlangana **namalanga ama-30**; begodu/namkha
- 18.2.3 kutlhoga izinga lokubonisana bona kwenziwe ngokuvumelana nesibawo, esingekhe siqedwe hlangana **namalanga ama-30**.
- 18.3 UmPhathi wezeMininingwana azise umfakisibawo ngehloswakhe yokungezelela isikhathi sekuthomeni, begodu atjho isikhathi ekululwa ngaso, isizathu sokulula, godu azise umfakisibawo ngelungelo lakhe -
- 18.3.1 Lokufaka isililo emphathinimandla ezifaneleko;
- 18.3.2 lokunghonghoyila emLawulini; namkha
- 18.3.3 lokwethula ikambiso ekhotho ngokujamelene nokwelula kwesikhathi kuye ngomlando.
- 18.4 UmPhathi wezeMininingwana godu kufuze azise umfakisibawo ngekambiso ngelinye nelinye ilungelo atjengiswe ngehla esazisweni<sup>24</sup>.

## 19. IIMPENDULO ZESIBAWO SEZEMININGWANA

- 19.1 I-**PAIA** inikele umphakahi ilungelo lokubawa ukufumana amarekhodi kinanyana ngiyiphi ihlangano karhulumente namkha ezijameleko. Kujayeke ukuhlathululwa njengomthetho obunga izakhamuzi zazi ngorhulumente wazo. Iinhlangano zakarhulumente kufuze ilindeleke bona iveze nanyana ngimiphi imininingwana

<sup>22</sup> Isigaba 25(1) se-PAIA

<sup>23</sup> Isigaba 26(1) se-PAIA

<sup>24</sup> Isigaba 26(3) se-PAIA - isaziso sokulula kufuze sitjho ukuthi umfakisibawo angafaka isililo sangaphakathi, isinghonyoyilo emLawulini wezeMininingwana namkha isibawo ekhotho, njengombana kungaba njalo, ukuphikisana nokwelula, nekhambiso (kuhlanganise nesikhathi) yokufaka isililo sangaphakathi, nesililo emLawulini wezeMininingwana namkha isibawo, njengombana kungaba njalo

ebawiwe ngaphasi kwe-**PAIA** ngaphandle kobana iwele ngaphasi kokutjhatjululwa **okulitjhumu nambili (12)** namkha iinzathu zokuthi kubayini ukufumaneka kwamarekhodi ehlanganweni ezijameleko kungafumaneka namkha kungafumaneki<sup>25</sup> nokutjhatjululwa **okulikhomba (7)** namkha iinzathu zokuthi kubayini ukufumaneka kwamarekhodi ehlanganweni ezijameleko kungafumaneka namkha kungafumaneki<sup>26</sup>. Ukutjhatjululwa kwetjhumu nethoba (19) okuku-**PAIA** kuhloselwe ukuvikela iinkareko ezinjengemininingwana yobuqu, ukuphepha kwelizwelo, nokugcinwa komthetho.

19.2 Ikambiso yokunqophisa okusekelwe kiyi ukuphathwa kwe-**PAIA** kucabanga okuvulekileko. Lokhu kutjho bona nanyana ebangela ukukhawula ukuvulekokhu kufuze kube nebanga. linhlango zakarhulumende kufuze zihlolelele bona ukuveza imininingwane ngokungakapheleli kungakghoneka nanyana kunini lapho baqunta ukuthi ukuveza imininingwana epheleleko angekhe kukghoneke begodu kufanele basuse namkha bahlelise imininingwana engekhe yavezwa bese baveze okhunye okuseleko.

### 19.3 Imihlobo yeempendulo zeembawo

19.3.1 Nangabe kwenziwe isibawo sokufumana irekhodi, umPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana kufuze, nangabe isibawo sokufunama irekhodi linikeliwe namkha awa, kufuze azise umfakisibawo -

- (a) ngesiqunto sakhe; begodu
- (b) nangemali okufuze ibhadelwe, nayikhona

ngeforomo elikhambisana khulu neForomo 3 yesiThasiselo A yemiThetho le:

19.3.2 Nokho, i-**PAIA** inikela irhele leenzathu namkha amabanga (ukutjhatjululwa) (qala isigaba 19.4 ngehla) kubayini isibawo singavunywa namkha saliwe. Lokhu kuqakathekile, njengombana isibawo singalelwa kwaphela ngesinye seenzathu eziveziweko zokwalelwa ukufumana amarekhodi.

19.3.3 Ngaphandle kweenzathu ezivezwe ngehla zokwala ukukhipha amarekhodi, umPhathiswa wezeMininingwana wehlangano karhulumende kufuze anikele ivumo yokufumaneka kwerekhodi lehlangano nangabe ikareko yomphakathi ekuvezeni irekhodi ngokukhanyako ingaphezu kwengozi ekucatjengelwako eenzathwini eziveziweko zokwala<sup>27</sup>. Lokhu kutjho bona umfakisibawo angathembela ekukarekeleni umphakathi nanyana kunini lapho kuvuswa khona nanyana ngiziphi iinzathu zokwalelwa ukufumaneka kwamarekhodi.

19.3.4 Kafitjhani, iinzathu zokuthi kubayini iminingwana ingekhe itjhatjululwaitjhatjululwe zihlobene nokuthi ukuukutjhatjululwa kwemininingwanokho kungabangela umonakalo ongeziweko kunokungayitjhaphululi. Kunemihlobo emibili yeenzathu ezeziweko yokwalelwa kokufumaneka kwamarekhodi wehlangano:

<sup>25</sup> Isahluko 4 se-PAIA - amabanga wokwala ukufumaneka kwamarekhodi (isigaba 34-45 se-PAIA)

<sup>26</sup> Isigaba 4 se-PAIA - amabanga wokwala kokufumaneka kwamarekhodi (isigaba 63-69 se-PAIA)

<sup>27</sup> Isigaba 46 se-PAIA

## 19.4 Amabanga akatelelako wokwala (amabanga wokutjhaphulula)

19.4.1 Ngamabanga akatelelako, umPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana kufuze bale isibawo ngombana siyasebanza erekhodini.

19.4.2 Kunamabanga angeziweko akatelelako nakumadaniwa newokutjheja. Okulandelako mabanga wokwala akatelelako, begodu umPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana kufuze bale isibawo ngombana siyasebenza erekhodini

### 19.4.2.1 **Ukuvikelwa okukatelelekileko kwefihlo yomuntu wesithathu yomuntu ovamileko;**

UmPhathiswa wezeMininingwana wehlangano karhulumende namkha ezijameleko akukafuzi avumele umfakisibawo afumane imininingwana yomuntu mathupa yomunye umuntu nangabe kufana nokuthi 'kuveza okungakafaneleki'. Iingaba ngokwazo ziveza iinzathu ezimbalwa nangabe lokhu akusebenzi, njengalokho amarekhodi sele sele umphakathi uwazi, namkha lokha umuntu anikele imvumo. Indaba yemvumo iqakatheke ngokukhethekileko njengombana ilumatha nenye ingcenywe yekambiso umfakisibawo ekufuze ayazi, ehlobene nezaziso zomuntu wesithathu, ngokwesahluko 5 se-PAIA.

### 19.4.2.2 **Ukuvikelwa okukatelelekileko kwamarekhodi athileko iPhiko lezomThelo weSewula Afrika;**

UmPhathiswa wezeMininingwana we-SARS kufuze angavumeli umfakisibawo afumane amarekhodi afunyanwe, namkha aphethwe yi-SARS ngomnqopho wokubuthelela imali. Nokho, amarekhodi afunyanwe namkha aphethwe yi-SARS angekhe alelwe nangabe isibawo sifakwe mumuntu othileko ngokwakhe namkha umuntu owenzelwa isibaweso.

### 19.4.2.3 **Ukuvikelwa okuqakatelelekileko kwemininingwana yezokuthengiselana yomuntu wesithathu;**

UmPhathiswa wezeMininingwana wehlangano kufuze angavumeli umfakisibawo afumane imininingwana yezokuthengiselana yomunye umuntu (ngamange amagama, ongasiye umfakisibawo namkha ofaka isibawo). Lokhu kubandakanya imininingwana enjengeemfihlo zokurhweba, namkha engathusela inkarekelo zokuthengisa zomuntu wesithathu. Isibonelo, i-KFC isebenzisa inamarisipu athileko wokupheka, kuhlangukise neenongo ezikhizwa mununtu wesithathu, okuyifihlo yokurhweba komuntu wesithathu begodu ukuvezwa kwayo kungathusela inkarekelo zokuthengisa zomuntu wesithathu loyo.



19.4.2.4 **Ukuvikelwa okukateleleleko kwemininingwana ethileko eyifihlo, nokuvikeleka kweminye imininingwana ethileko eyifihlo, yomuntu wesithathu;**

AbaPhathiswa bezeMininingwana benhlangano zombili karhulumende nezijameleko akukafuzi bavumele umfakisibawo afumane irekhodi nangabe ukutjhatjhululwa kwalo kuzokufana nokwephula ukuthenjwa komsebenzi okolodwa umuntu wesithathu ngokwemigomo yesivumelwano namkha ikhontrakthi.

19.4.2.5 **Ukuvikelwa okukatelelekileko kwevikeleko kwabantu, nokuvikelwa kwepahla;**

AbaPhathiswa bezeMininingwana benhlangano zombili karhulumende nezijameleko akukafuzi bavumele umfakisibawo afumane irekhodi nangaba ukutjhatjhululwa kwalo kungalindeleka bona kubeke ukuphepha komuntu engozini. Eengabeni ezifanako, ibuye ithi umPhathiswa wezeMininingwana wehlangano angala bona lifumaneke nangabe kungenzeka silimaze ukuphepha komakhiwo namkha ipahla.

19.4.2.6 **Ukuvikelwa okukatelelekileko kwamadokethi wamapholisa enziwa I bheyili, nokuvikela ukubulungwa komthetho neenkambiso zomthetho;**

UmPhathiswa wezeMininingwana wenhlangano karhulumende akukafuzi avumele umfakisibawo afumane amarekhodi anjengwebheyili aragako esele avikelwe sigaba 60 somThetho weKambiso yoBugebengu. Esigabeni esifanako, godu sithi umPhathiswa wezeMininingwana wehlangano karhulumende angala kufumaneke amarekhodi wokwenziwa komthetho aveza iindlela, amaqhinga, neenkambiso zokuvikela ubugebengu, namkha ukutjhutjhisa ubugebengu, kuhlangukise namanye amarekhodi ahlobene neenkambiso zomthetho ezenzekako.

19.4.2.7 **Ukuvikelwa okukatelelekileko kwamarekhodi okunelungelo lokuwakhipha ekambisweni yezomthetho;**

UmPhathiswa wezeMininingwana wenhlangano karhulumende akukafuzi avumele umfakisibawo afumane irekhodi nangabe irekhodelo kunelungelo lokilikhipha ekambisweni yezomthetho, ngaphandle kobana umuntu onelungelo lokulisebenzisa alisebenzise.

19.4.2.8 **Ukuvikelwa okukatelelekileko kwemininingwana yerhubhululo lomuntu wesithathu, nokuvikela imininingwana yerhubhululo yehlangano karhulumende namkha ezijameleko.**

UmPhathiswa wezeMininingwana wenhlangano karhulumende akukafuzi avumele umfakisibawo afumane irekhodi nangabe irekhodelo lihlobene nerhubhululo elenziwako, namkha elizokwenziwa yihlangano ethintekako begodu ukutjhatjhululwa kwalo kungenzeka kuveze umrhubhululi, umuntu wesithathu namkha indaba ekurhujululwa ngayo ibe sengozini ekulu.



19.4.3 Sibawa utjheje bona amabanga angehla akatelelako wokwala ukumaneka kwamarekhodi pheze ayafana ehlanganweni karhulumende nezijameleko, ngaphandle kwevikeleko elikatelelekileko lamarekhodi athileko wePhiko lezomThelo leSewula Afrika, asebenza ehlanganweni karhulumende kwaphela.

19.4.4 Nangabe ingcenywe yerekhodi kwaphela ilumathiswe nebanga zokulitjalelwa, umPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana wehlangano karhulumende namkha ezijameleko bangaphasi kwesibopho sokucabangela ukuthi inga-kghani ukuvezwa kwengcenywe ethileko yemininingwana kuyakghonakala nanyana kunini nabaqunta ukuthi ukuvezwa ngokupheleleko angekhe kukghoneke begodu kufuze bathathe amagadango afaneleko zokujamisa namkha ukuhlehlisa ingcenywe leye engekhe kukghoneke yenzwe ifumaneke emfakinisibawo begodu afumane loke irekhodi.

## 19.5 Ukuqalwa njengokwalelwa kwesibawo<sup>28</sup>

19.5.1 Ukubhalelwa kokuphendulwa kuhle kwesibawo hlangana nesikhathi esibekiweko 'kuqalwa njengokwalelwa'. Kuqakathekile lokhu, ngombana i-PAIA ivumela umfakisibawo aphikisane nesiqunto lokha nakungekho isiqunto esenziweko begodu isibawo siliselelwe. Umfakisibawo angamane atjho isibawo sakhe esililweni sangaphakathi ukuthi akhenge afumane ipendulo.

19.5.2 Isibawo sokufumana amarekhodi siqalwa njengesaliweko ngemva kokudlula kwamalanga ama-30 namkha nanyana ngisiphi isikhathi esiluliweko begodu ihlangano karhulumende namkha ezijameleko iyabhalelwa ukuphendula.

## 19.6 Amabanga wokukhetha ukwala

19.6.1 Ngamabanga wokuzikhethala, umPhathiswa wezeMniningwana namkha iSekela lomPhathiswa wezeMininingwana bangacabangela ukuthi sisale isibawo na isibawo ngebanga lamabanga asebenza erekhodini abalibawoko. Ngebanga lokuthi uyazikhethela, umPhathiswa wezeMniningwana kufuze asebenzise umkhumbulwakhe kuhle nakacabangela amabanga ahlukahlukene, okungilawa:

19.6.1.1 **Ukuvikelwa kweSewula Afrika, zokuphepha netjhebiswano lephasi loke:** UmPhathiswa wezeMniningwana angasala isibawo nangabe ukutjhatjhululwa kwemininingwana kungangalindeleka bona kuthusele ukuphepha namkha ivikeleko lenarha. Lokhu kuyasebanza nalapho ukutjhatjhululwa kwemininingwana kungalimaza itjhebiswano leSewula Afrika nezinye iinarha, njengokukhipha amarekhodi anikelwa ngokuzithema.

19.6.1.2 **Inkarekelo zezomnotho, zeemali nezokuthengiselana:** UmPhathiswa wezeMniningwana angasala isibawo nangabe ukutjhatjhululwa kwayo kungalimaza ubujamo bezomnotho nebezeemali beRiphabliki;

<sup>28</sup> Isigaba 27 no-58 se-PAIA

19.6.1.3 **Ukusebenza kweenhlangano zakarhulumente:** UmPhathiswa wezeMniningwana angasala isibawo nangabe ukutjhatjhululwa kwemininingwana kungathikameza ukusebenza, isibonelo, nangabe silinga ukwakha iinkambiso, namkha sisathungela indaba ethileko;

19.6.1.4 **Iimbawo ezimamala namkha ezitjharaganisako:** AbaPhathiswa bezeMniningwana bangasala isibawo nangabe isibawo semininingwana nangabe babona ukuthi ukuphendula isibaweso kuzokudla isikhathi ngokunganasidingo kubangele ukumotjheka kweensetjenziswa. Ukungezelela kilokho, bangalela ukufumaneka kwerekodi nangabe isibaweso kubonakala kwanga osenzileko usenzele ukusilinga nokudelela okungadingekiko.

## 20. UKUVEZA OKUKATELELEKILEKO KWAMAREKHODI EHLANGANWENI KARHULUMENDE EMPHAKATHINI

20.1 Nanyana likhona ibanga namkha isiqu nto esalelako malungana nesibawo sokufumana amarekhodi eenhlanganweni zakarhulumente namkha ezizijameleko, kuhlala kunekghonakalo yokobana inkarekelo zomphakathi ekuvezeni amarekhodi kuqakatheke khulu kunokumotjheka okwenzakalako ngokutjhatjhululwa kwerekhodi.

20.2 Lapho ukuqakatheka kweenkareko zomphakathi kufumaneka njengombana kutjengiswe ngehla begodu ukuvezwa kwerekhodi kuzokuveza ubufakazi bokuphulwa okukhulu, namkha ukubhalelwa ukubambisana, nomthetho; namkha khonokho kube nengozi yezokuphepha okuncamileko namkha kwezemvelo, lapho-ke umPhathiswa wezeMininingwana wehlangano kufuze enze irekhodi lifumaneko kungakhathaliseki kokuba khona kwamabanga wokukutjhatjhululwa atjihiwo ngehla.

## 21. IKAMBISO YOKWAZISA UMUNTU WESITHATHU<sup>29</sup>

21.1 UmPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana wehlangano kufuze, ngokwemigomo yesigaba 47 no-71 ye-**PAIA**, athathe woke amagadango ukwazisa umuntu wesithathu ngesibawo samarekhodakhe okungenzeka kube yirekhodi elingaba nemininingwana yomuntu mathupha,

21.1.1 irekhodi le-SARS;

21.1.2 iimfihlo zerhwebo;

21.1.3 imininingwana yokutjhapfulula engaba namabanga wesenzo wokwephula umsebenzi wokuthembeka; namkha imininingwana yerhubhululo engaveza umuntu namkha indaba ebandakanyekelo emonakalweni omkhulu.

21.2 Isaziso esiya emuntwini wesithathu amarekhodi namkha imininingwana ekufakwe ngayo isibawo kufuze imeme umuntu wesithathu bona -

<sup>29</sup> Isigaba 47 no-71 se-PAIA

21.2.1 atlole namkha ethule ngomlomo emPhathisweni wezeMininingwana ukuthi kubayini isibawo sokufumana iminingwana kufuze saliwe; namkha

21.2.2 anikelwe imvumo etlolwe phasi yokuvezwa kwerekhodi emfakinisibawo.

21.3 Okuqakathekileko emfakinisibawo, i-**PAIA** ithi izaziso ezitolwe phasi zomuntu wesithathu kufuze zithunyelwe kuye hlangana namalanga ama-21 kufunyenwe isibawo, nokuthi umPhathiswa wezeMningwana namkha iSekela lomPhathiswa wezeMininingwana kufuze lazise umfakisibawo ukuthi sele kuthunyelwe isaziso emuntwini wesithathu.

21.4 Isazisweso nasele sithunyelwe, umPhathiswa wezeMningwana namkha iSekela lomPhathiswa wezeMininingwana kufuze enze isiqunto samaswaphela ukuthi uzowenza afumaneke na amarekhodi hlangana namalanga ama-30 isaziso sithunyelwe.

21.5 Umuntu wesithathu kufuze aziswe ngesiqunto esithethweko namabanga aneleko wokuphasisa isibawo kufuze anikelwe. Umuntu wesithathu kufuze aziswe ngelungelo nekambiso yokuphikisana nesiqunto njengombana kutjhiwo esigabeni 22 ngenzasi.

## **22. IINSOMBULULO EZINGOKWEMTHETHO EZIFUMANEKAKO ZOKULUNGISA IINQUNTO NAMKHA UKUBHALELWA KWESIPHATHISWA SEZEMININGWANA UKUTHATHA ISIQUNTO NAMKHA ISEKELA LESIPHATHISWA SEZEMININGWANA**

22.1 Igadango okufuze lithathwe nasele kwenziwe isiqunto ngesibawo

22.1.1 Umfakisibawo angenza ilandelela ngokutlola, ngesibawo esisalengisiweko somPhathiswa wezeMningwana namkha iSekela lomPhathiswa wezeMininingwana. Kukhuthazwa bona koke ukukhulumisana hlangangana nomfakisibawo nomPhathiswa wezeMningwana namkha iSekela lomPhathiswa wezeMininingwana kufuze kutlolwe phasi khona kuzokuba nobufakazi ngokuzako.

22.1.2 Kuneenkambiso ezihlukahlukeneko zeenhlango zakarhulumente nezizijameleko, khulukhulu ekufakiweni kwesililo sangahakathi. Isibonelo, malungana nesibawo sokubawa ukufumana irekhodi lehlango karhulumente, umfakisibawo kufuze athome afake isililo sangaphakathi ngaphambi kobana aye kumLawuli namkha eKhotho. Nokho, asikho isililo sangaphakathi esiphikisana nesiqunto (kungaba ngesokunikela namkha sokwala ukunikela ukufumaneka kwamarekhodi) namkha ukwalelwa ukufumana amarekhodi wehlango ezijameleko.

22.1.3 Ingcenywe le izokuhlathulula iinsombululo ezingokothetho ezifumanekako ebafakinimbawo abafisa ukuphikisana neenqunto ezinjalo, ezibandakanya iinlilo zangaphakathi, ukufaka isililo emLawulini nokuthumela iimbawo eKhotho. Godu qala idigramu yokulandelana kwesibawo se-**PAIA**, esigabeni 27 ngenzasi.

22.1.4 Hlangana nokhunye, umfakisibawo angaphikisana nesiqu nto esilandelako sehlangano ezijameleko kunye/namkha karhulumende -

22.1.4.1 ithenda nanyana ukubhadelwa kwemali yesibawo;

22.1.4.2 ithenda nanyana ukubhadelwa kwedibhosithi;

22.1.4.3 imali yokufumana imininingwana iphezulu khulu;

22.1.4.4 indlela yokufumana enikeziweko;

22.1.4.5 ukwaliwa kwesibawo;

22.1.4.6 ikambiso (kuhlanganise nesikhathi) yokufaka isililo sangaphakathi;

22.1.4.7 ukwelulwa kwesikhathi okungakafaneli ekuphenduleni isibawo sokufumana;

22.1.4.8 ukubhalelwa ukuveza amarekhodi;

22.1.4.9 ukuvunyelwa kwesibawo ukufumana irekhodi;

22.1.4.10 ukwala ukunikela isibawo sokungavumeli imali;

## 22.2 Iinsombululo zangaphakathi

22.2.1 Umfakisibawo usifaka njani isililo ngaphakathi ngokujamelene nesiqu nto sehlangano karhulumende?

22.2.1.1 Isililo sangaphakathi singafakwa kwaphela ngokwemigomo yesigaba 74 ye-**PAIA**, esiphathinimandla esifaneleko selizwe loke namkha sesifunda emkhaktheni karhulumende namkha kinanyana ngimuphi umasipala emakhaya emkhakheni karhulumende njengombana kungaba njalo.<sup>30</sup>

22.2.1.2 Isibonelo, iDorobha leJwanasbhege lisibonelo somkhakha karhulumende wemakhaya lapho isibawo sesililo sangaphakathi esingafakwa khona. IsiKhwama sezeNgozi zeNdlela namkha umLawuli Sibonelo sehlangano ezijameleko engasiyencingenye yelizwe loke, yesifunda namkha yomkhakha karhulumende wemakhaya njengombana ibekwe mthetho, ngalokho-ke isililo sangaphakathi angekhe sifakwe ngayo.

<sup>30</sup> Isigaba 74(1) se-PAIA

22.2.1.3 Nangabe umfakisibawo namkha umuntu wesithathu akakathabi ngesiquto esithethwe mPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana welizwe loke, wesifunda namkha urhululumdende wemakhaya, umfakisibawo namkha umuntu wesithathu unelungeko lokufaka isililo sangaphakathi, ngokwemigomo yesigagaba 74(1) namkha (2) se-**PAIA**. Ikambiso yokufaka isibawo itjengisiwe encwajaneni ye-**PAIA** yehlangano leyo ngokunqophileko nendlela yokufaka isililo sangaphakathi ihlathululiwe la ngenzasi.

22.2.1.4 Nangabe ipendulo yelizwe loke, yesifunda namkha karhulumende wemakhaya iqalwa njengokwalelwa, ngamanye amagama, ibhalelwe ukuphendula isibawo hlanguana namalanga ama-30 namkha kinanyana ngisiphi isikhathi esingeziweko, umfakisibawo angafaka isililo sangaphakathi, ngokwekambiso evezwe la, ngaphambi kobana umfakisibawo aye kumLawuli namkha ekhotho.

## 22.3 Ukubulungwa kwamrekhodi bekube kulapho isiqunto sokugcina ngesibawo sifumaneke

22.3.1 Umphathiswa wezeMininingwana weliZwelo, isiFunda namkha uRhulumende wemakhaya lapho isililo sangaphakathi sisebenza khona begodu sifuneka, ngokwemigomo yesigaba 21 se-**PAIA**, uzokuthatha amagadango afaneleko ukuvikela irekhodi begodu angekhe asule namkha atjhabalalise nanyana ngiliphi irekhodi abalibawako, bekube kulapho woke namkha nanyana ngiyiphi ikambiso yokufakwa kwesibawo sangaphakathi namkha isililo esifakwe emLawulini namkha isibawo ekhotho, kuye ngomlando, kukhitjhwa isiqunto.

22.3.2 Lokhu kutjho bona umPhathiswa wezeMininingwana angekhe asule namkha atjhabalalise ngimiphi imininingwana ebawiweko, nakusalindelwe ikambiso esesigabeni 22.3.1.1 ngehla.

## 22.4 Isililo sangaphakathi kufuze sinqotjhiswe kubani?

22.4.1 Nanyana isililo sizokuqalwa siphathimandla esifaneleko, isililo sangaphakathi kufuze silethwe emPhathisweni wezeMininingwana weliZwelo, wesiFunda namkha uRhulumende wemakhaya, njengombana kungaba njalo, esiphandeni sakhe, enomborweni ye-fax, namkha esiphandeni se-email<sup>31</sup>, emininingwaneni yokuthintana engatholakala encwajaneni ye-**PAIA** namkha njengombana ingafumeka emLawulini.

22.4.2 Umphathiswa wezeMininingwana welizwelo, isifunda namkha urhulumende wemakhaya, njengombana kungaba njalo, unesibopho esikhethekileko, ngokwemigomo yesigaba 75(4) se-**PAIA**, sokuthumela isililo

<sup>31</sup> Isigaba 75(1)(b) se-PAIA

esiphathimandla sezeenlilo, sikhambisane namabanga wesiqu nto ekufakwe ngaso isililo. Ukufakwa kwesibawo esiphathimandla esifaneleko kufuze senziwe hlangana namalanga ali-10 wokusebenza ngemva kokufumana isililo.

## 22.5 Ngubani isiphathimandla esifaneleko?

22.5.1 Isiphathimandla esifaneleko la sibizwa ngokuthi “siphathimandla sezeenlilo” ngokuvamileko yihloko yehlangano yezepolitiki ethintekayo (nanyana umsebenzi lo ungaluliselwa ngokusehethweni) begodu iqalisele ngokunqophileko emuntwini olandelako -

Ihlangano YomPhakathi (“KaRhulumende”)	Isiphathimandla Esifaneleko (“Isiphathimandla Sezeenlilo”)
<b>I-Ofisi LakaMengameli</b>	Mumuntu okhethwe nguMengameli ngokutlola phasi, nakakhona, nankungasinjalo uMengameli siphathimandla sezeenlilo
<b>UmNyango Welizwelo</b>	NguNdunakulu ophethe umnyango loyo namkha umuntu okhethwe ngokutlola phasi nguNdunakulu
<b>I-Ofisi LeNdunakulu</b>	Mumuntu okhethwe ngokutlolwa phasi nguNdunakulu.
<b>UmNyango WezesiFunda</b>	Lilunga LomKhandlu Ophetheko ( <b>MEC</b> ) eliqalelele umNyango wesiFundeso namkha umuntu okhethwe ngokutlolwa phasi ngu- <b>MEC</b> ;
<b>Umasipala</b>	IMeya, uSomlomo namkha omunye umuntu okhethwe ngokutlola mKhandlu kaMasipala loyo;

22.5.2 Nanyana ngimuphi omunye umlandu, la kungasi yi-ofisi kandunaku; ilunga lomkhandlu ophezulu eliqalelele ihlangano karhulumende leyo namkha umuntu okhethwe ngokutlolwe phasi yelungwelo.

22.5.3 Nangabe isiphathimandla sezeenlilo siphasisa isiqu nto somPhathiswa wezeMininingwana, nakunjalo-ke isililo sangaphathi asivunywa begodu isiqu nto sekuthomeni somPhathiswa wezeMininingwana siyajama.

22.5.4 Nokho, nakungenzeka isiphathimandla sezeenli singavumelani nomPhathiswa wezeMininingwana, nakunjalo-ke isililo siyaphasiswa begodu isiqunto sekuthomeni siyalahlwa.

## 22.6 Ngubani ongafaka isibawo sesililo sangaphakathi?

22.6.1 Nanyana ngimuphi umfakisawo se-**PAIA** sokufumana amarekhodi weliZwelo, wesiFunda namkha uRhulumente wemaKhaya, njengombana kungenzeka, angavunyelwa, begodu akholelwa bona elinye ibanga lokufaka isililo elisesigabeni 22.2.4 ngehla liyasebenza esibaweni sakhe, unelungelo lokufaka isibawo sesililo sangaphakathi.

22.6.2 Abantu besithathu nabo bangafaka isibawo sesililo sangaphakathi ukuphikisana nesiqunto esenziwe mPhathiswa wezeMininingwana sokunikela imvumo yokufumaneka kwerekhodi elimalungana nabo. Nangabe isibawo sesililo sangaphakathi sibandakanya umuntu wesithathu, isiphathimandla sezeenlilo owamukela isibawo sesililo kufuze azise abantu besithathwabo (umthwalo uyasuka emPhathisweni wezeMininingwana udluliselwa esiphathimandleni sezeenlilo).

## 22.7 Isikhathi ongafaka ngaso isililo

22.7.1 Isililo sangaphakathi kufuze sifakwe -

22.7.1.1 hlangana **namalanga ama-60**<sup>32</sup> ngemva kokwenziwa kwesiqunto;

22.7.1.2 hlangana **namalanga ama-30**<sup>33</sup> ngemva kokunikelwa komuntu wesithathu isaziso sesiqunto esenziweko

22.7.2 Ukufaka isililo sangaphakathi ngemva kwesikhathi esitjhiwo ngehla (lada) kungenzeka kungavunyelwa ngaphandle kokuthi kunikelwe ibanga lokuba lada esiphathimandla sezeenlilo. Isibonelo, njengokuba sesibhedlela amalanga angaphezu kwama-60 kungaqalwa njengebanga elizwakalo lokuba lada.

22.7.3 Nangabe isiphathimandla sezeenlilo asisamukeli isililo sangaphakathi esifakwe lada, kufuze sikunikela amabanga wokwala isibawo sakho sesililo sikunikele neenqophiso sananyana ngimiphi imininingwana engeziweko, nayikhona, efunekako bona amukele isibawo sesililo. Godu isiphathimandla sezeenlilo kufuze sikwazise ngekambiso yokufaka isinghonyoyilo ngesiqunto sabo emLawulini namkha ekhotho.

<sup>32</sup> Isigaba 75(1)(a)(i) se-PAIA

<sup>33</sup> Isigaba 75(1)(a)(ii) se-PAIA



22.7.4 Njengombana kutjengiswe ngehla, isibawo sakho sesililo kufuze sithunyelwe mPhathiswa wezeMininingwana esiphathisweni sezeenlilo hlangana namalanga ali-10 ngemva kokufumana isibawo sesililo sangaphakathi<sup>34</sup>.

## 22.8 Isaziso sokufaka isililo ngesiphathimandla sezeenlilo kumfakisibawo namkha emuntwini wesithathu

22.8.1 Isiphathimandla sezeenlilo kufuze, msinyana ngokukghonekako kinanyana ngisiphi isenzakalo hlangana namalanga ama-30 ngemva kokufumana isibawo sesililo sangaphakathi<sup>35</sup>, sazisa -

22.8.1.1 umuntu wesithathu erekhodwelo ekufakwe ngalo isililo ekungelakhe, namkha

22.8.1.2 umfakisibawo ngesililo sangaphakathi sokuphikisana nesibawo sokunikela ngokufumaneka.

22.8.2 Umfakisibawo namkha umuntu wesithathu onikezwe isaziso, angakapheli amalanga ama-21 ngemva kokufumana isazisweso, angenza izethulo ezitlolwe phasi esiphathimandleni sezeenlilo ukuthi kubayini isibawo sokufumaneka kufuze singanikelwa namkha sinikelwe.

## 22.9 Isiqunto ngesililo sangaphakathi nesaziso saso<sup>36</sup>

22.9.1 Isiphathimandla sezeenlilo kufuze siqunto ngesililo sangaphakathi msinyana ngokukghonekako kinanyana ngibuphi ubujamo obuvelako hlangana namalanga ama-30:

22.9.1.1 ngemva kokufumaneka kwesibawo sesililo sangaphakathi esifunyenwe mPhathiswa wezeMininingwana;

22.9.1.2 ngemva kobana umuntu wesithathu, njengombana kutjengiswe esigabeni 22.3.6.1.

22.9.2 Isiqunto sesiphathimandla sezeenlilo kufuze saziswe ofake isibawo, umuntu wesithathu nomfakisibawo. Isiqunto sesiphathimandla sezeenlilo kufuze sikhambisane namabanga aneleko ngesiqunto, kuhlangukise nelungiselelo le-PAIA namkha se-POPIA ekuthenjelwe kiso.

22.9.3 Nangabe isiphathimandla sezeenlilo siyabhalelwa ukunikela isaziso ngesiqunto ngesibawo sesililo sangaphakathi hlangana namalanga ama-30, isililweso siqalwa njengesilahliweko begodu umfakisibawo angaraga ngokufaka isinghonyoyilo emLawulini namkha aye eKhotho ukufumana ukutjaphuluka okufaneleko<sup>37</sup>.

<sup>34</sup> Isigaba 75(4) se-PAIA

<sup>35</sup> Isigaba 76(2)(a) se-PAIA

<sup>36</sup> Isigaba 77 se-PAIA

<sup>37</sup> Isigaba 77(7) se-PAIA

## 22.10 Ukuzalisa iForomo 4 lesililo sangaphakathi

- 22.10.1 Ukufaka isibawo sokuphikisana nananyana ngisiphi isiqunto seliZwelo, sesiFunda namkha uRhululmende wasemaKhaya, umfakisibawo kufuze afake isibawo sakhe sesililo sangaphakathi ngokuzalisa iForomo 4. IForomo 4 kufuze lithunyelwe emPhathisweni wezeMininingwana womkhakha othileko kurhulumente othintekileko, okuzokufuze alithumele esiphathimandla sezeenlilo, njengombana kutjihiwo ngehla.
- 22.10.2 IForomo 4 liyafumaneka ezinzolwazini lomLawuli, ku <https://www.justice.gov.za/inforeg/>, kuhlanguanise nezinolwazi lemikhakha kaRhululmende ethintekako.
- 22.10.3 UmPhathiswa wezeMininingwana namkha iSekela lomPhathiswa wezeMininingwana wemikhakha kaRhululmende othintekako asikho ngaphasi kwesibopho esizwakalayo ukusiza umfakisibawo azalise iforomo lokufaka isililo sangaphakathi; nokho, umfakisibawo usengabawa umPhathiswa wezeMininingwana amsize kilokhu.
- 22.10.4 Ikambiso yegadango ngalinye lokuzalisa iforomo lesililo sangaphakathi -

### Imininingwana etlhogekako

### Ihlathululo

#### Imininingwana yehlangano karhululumente

Ingcenywe le kufuze ibe nebizo lomkhakha kaRhululumente weliZwelo, isiFunda namkha wasemaKhaya othintekako, negama nesibongo somPhathiswa wezeMininingwana.

#### Imininingwana yofaka isibawo sesililo sangaphakathi

Ingcenywe le kufuze izaliswe ngofake isibawo sesililo, kungakhathaliseki ukuthi ujamele othileko namkha awa. Kufuze kufakwe amabizo apheleleko nesibongo, inomboro kamazisi nobujamo, ekufakwa ngaphasi kwabo isililo sangaphakathi esikhundleni somunye umuntu, nakufanelekako, kufuze kunikelwe. Nangabe isibaweso sifakwa mumuntu mathupha, lokho kufuze kurekhodiwe. Imininingwana engeziweko etlhogekako ibandakanya imininingwana yokuthintana yomfakisibawo:

## Imininingwana ethhogekako

## Ihlathululo

isiphande seposo, isiphande se-imeyili, nenomboro ye-fax kunye/namkha iinomboro zomtato. Imininingwana kufuze ifane neyesibawo sekuthomeni. Nangabe umuntu ozalisa iforomo ujamele umfakisibawo, ubufakazi besikhundla ekufakwa ngaso isibawo sesililo kufuze silumathiswe eforomineli.

## Imininingwana yomuntu owenzelwa isibawo (Nangabe sifakwe mumuntu wesithathu)

Ingcenyane le kufuze izalise mumuntu obawela omunye imininingwana kwaphela. Nangabe ofaka isibawo sesililo sangaphakathi akusuye ofake isibawo semininingwana ekuthomeni, kufuze kunikelwe imininingwana yomfakasibawo la. Nangabe uzifakela wana isibawo ingcenyane le akuthogeki izaliswe.

## Isiqunto ekufakwe ngaso isililo sangaphakathi

Iforomo linikeza umfakisibawo isikhala sokutjengisa ngo-“x”, ukuthi ngiliphi ibanga kwaveziweko elisebenza esililwenesi.

## Amabanga wokufaka isililo

Engcenyane le, umfakisibawo kufuze ahlathulule ngokunabileko ukuthi kubayini acabanga bona amabanga wesililo ayasebenza. Kufuze anikeze ibanga (amabanga) wokuthi kubayini acabanga ukuthi isiqunto somPhathiswa wezeMininingwana akusiso. Irhelo lamabanga anikezwako ekusekeleni isibawo angatlolwa ngokunabileko ekhasini eliseqadi. Amakhasi angeziweko athunyelwako kufuze atlikitlwe.

Information Required	Description
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Kufuze kube namabanga angeziweko neminingwana esekelako ukwenza isiphathimandla sezeenlilo senze isiqunto esivuthiweko. Ngalokho-ke, umuntu kufuze aveze koke okwenzekileko bekufikele ekufakweni kwesibawo sangaphakathi. Ekhasini eliseqadi, umuntu angadzubhula eengcenyeni ezithileko ngokunqophileko ze-PAIA njengesisekelo sesililo.

<b>Isaziso ngesiqunto sesililo</b>	Kunesikhala esinikeziweko sokutjho ukuthi isiqunto sithunyelwe ngayiphi indlela, ngokwesibonelo ngeposi, ngesithuthi namkha ngefeksi namkha nge-imeyili. Sibawa ukhethe indlela yokufumana isaziso.
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22.10.5 Ngesikhathi kungekho ukuvinjelwa kokuthi ufumane igqwetha ukukusiza kinanyana ngisiphi isikhathi sokubawa iminingwana, iinkambiso ezimbala ze-PAIA zenzelwe ukuthi zisebenziseka bulula kungadingeki bona kube negqwetha neemali zomthetho ezizokufuneka.

### 23. UKUFAKA ISINGHONGHOYILO EMLAWULINI WEZEMININGWANA

- 23.1 Umfakisibawo namkha umuntu wesithathu angafaka isinghonyoyilo kwaphela emLawulini ngemva kobana umfakisibawo namkha umuntu wesithathu ayiqede yoke ikambiso yokufaka isililo sangaphakathi ngokujamelene nesibawo somPhathiswa wezeMininingwana welizwelo, isifunda namkha urhulumente wemakhaya. Lokhu kutjho bona umuntu angafaka isinghonyoyilo sakhe, ngomkhakha othileko karhulumente. emLawulini nangabe akakathabi ngesiqunto sesiphathimandla sezeenlilo. UmLawuli uzosirarha isinghonyoyilweso nangabe ikambiso ngabe ikambiso yomkhakha karhulumente obandakanyekileko ayikaqedwa.
- 23.2 Nokho, malungana nehlangotho karhulumente (lapho isililo sangaphakathi isingasebenzi khona) nehlangotho ezijameleko, umfakisibawo namkha umuntu wesithathu angafaka isinghonyoyilo emLawulini, nangabe akaneliseki ngesiqunto sehlangotho ethintekileko.
- 23.3 Isinghonyoyilo esiya emLawulini sivele emfakinisibawo namkha emuntwini wesithathu kufuze sifakwe hlangotho namalanga ali-180 wokufumana isiqunto ehlanganweni.

23.4 Umfaksibawo angafaka isinghonyoyilo emLawulini, nakangakathabi -

23.4.1 ngomphumela wesililo sangaphakathi esiphathinimandla sezeenlilo sananyana ngimuphi umkhakha karhulumende;

23.4.2 ngesiqunto sesiphathinimandla sezeenlilo ukumalela ngokufaka isililo sangaphakathi lada;

23.4.3 ngesiqunto somPhathiswa wezeMininingwana wehlangano yomphakathi engasiyincenye yomkhakha karhulumende -

23.4.3.1 wala isibawo sokufumana; namkha

23.4.3.2 welula isikhathi ukuqalana nesibawo; namkha

23.4.3.3 uphasisa ukufumaneka kweforomo elithileko.

23.4.4 isiqunto sehloko yehlangano ezijameleko -

23.4.4.1 wala ukufumaneka; namkha

23.4.4.2 ufuna kubhadelwe imali yesibawo, namkha idibhosithi yokuvunyelwa ukufumana; namkha

23.4.4.3 ukwelula isikhathi sokuqalana nesibawo; namkha

23.4.4.4 uphasisa ufumaneka kweforomo elithileko.

23.5 Umuntu wesithathu angafaka isinghonyoyilo emLawulini, nangabe akakathabi -

23.5.1 ngemiphumela yesililo sangaphakathi esiphathisweni sezeenlilo womkhakha othintekako karhulumende;

23.5.2 ngesiqunto somPhathiswa wezeMininingwana wehlangano yomphakathi engasi semkhakheni karhulumende ukuphasisa isibawo sokufumana; namkha

23.5.3 isiqunto sehloko yehlangano ezijameleko ukuphasisa isibawo sokufumana irekhodi lehlangano leyo,

## 23.6 Umuntu unghonghoyila njani emLawulini?

- 23.6.1 Isinghonghoyilo esiya emLawulini kufuze sitlolwe phasi begodu kufuze kuzaliswe iforomo lesililio, ngesandla namkha ku-inthanethi. Isiforomo lesinghonghoyilo, iForomo 5, lingadawnlodiwa ezinzolwazini lomLawuli ku <https://www.justice.gov.za/infoereg/>
- 23.6.2 Lokhu kutho bona umLawuli angekhe amukele isinghonghoyilo ngomtato; nokho, umLawuli ulindeleke bona anikele isizo elfunekako kinanyana ngimuphi umuntu ofisa ukufaka isinghonghoyilo begodu lokhu kubandakanya ukusiza ekuzaliseni iforomo lesinghonghoyilo.
- 23.6.3 Nangabe umuntu uphikisana nesiqunto somPhathiswa wezemiNiningwana wehlangano ezijameleko, umuntu kufuze anikele ubufakazi obaneleko ufufakazela kuthi irekhodi elifunwako liyatlhogeka ekusebenziseni namka ekuvikeleni nanyana ngiliphi ilungelo (amalungelo). Imvumoi yokufumana amarekhodi wehlangano ezijameleko inganikelwa kwaphela nange umuntu angafakazela ukuthi uzimisele usebenzisa namkha ukuvikela nanyana ngiliphi ilungelo (amalungelo) ngerekhodi alibawako.

## 23.7 Kwenzekani ngemva kokufumana isinghonghoyilo?

- 23.7.1 Ngemva kokufumana isinghonghoyilo somuntu, umLawuli kufuze -
- 23.7.1.1 aphenye isinghonghoyilo athumele akutholileko ngaso eKomidini yokuQinisekisa; namkha
- 23.7.1.2 angathathi igadango ngesinghonghoyilo ngebanga lokuthi -
- 23.7.1.2.1 isinghonghoyilo asikafakwa hlangana namalanga ali-180 begodu akunamabanga azwakwalako wokusekela ukufakwa lada kwesinghonghoyilo;
- 23.7.1.2.2 isinghonghoyilo asinasisekelo namkha siyasilinga namkha asikenziwa ngokuthembeka;
- 23.7.1.2.3 ngokuqala boke ubujamo bomlandu, akutlhogeki kuthathwe elinye igadango namkha alifaneleki. Isibonelo, imininingwana ebawako yenziwe yafumaneka emphakathini.
- 23.7.1.3 kufaneleka khona ukulibalelana namkha ukusebenzisa imizamo yaso engcono ukuvikela isiquntweso namkha ukusiza ababandakanyekileko balungise ukunghwarana kwabo; begodu

23.7.1.4 ukululeka onghonghoyilako nomPhathiswa wezemiNiningwana, isinghonghoyilo esingaye, ngegadango ekufuze lithathwe.

## 23.8 **Ukuthintana kokuthoma komLawuli nonghonghoyilako nomPhathiswa wezeMininingwana malungana nesinghonghoyilo esifakiwako**

23.8.1 Nangane umLawuli uqunta ukungathathi amagadango angeziweko ngomnghonghoyili, umLawuli uzokwazisa umfakisibawo ngesiqungu namabanga wokungathathi amagadango angeziweko ngonghonghoyilako.

23.8.2 Nangabe umLawuli uqunta ukuphenya umnghonghoyili, umfakisibawo uzokufumana incwandi emazisa ukuthi umLawuli uqunte ukwenza iphenyo.

23.8.3 Ngemva kokufumana isinghonghoyillo, umLawuli uzokudlulisela imininingwana yonghonghoyilako ePhathisweni wezeMininingwana wehlangano ethintekako, ambawe athumele emLawulini, ipendulo etlolwe phasi konghonghoyilako.

## 23.9 **Uphenya amandla womLawuli**

23.9.1 UmLawuli unamandla, ngokwemigomo yesigaba 77G(2) se-**PAIA** -

23.9.1.1 wokusebenzisa koke okusemandlenakhe ukufumana indawo yokuhlala leyo;

23.9.1.2 wokubiza nokukatelela ukuvela kwabantu phambi komLawuli;

23.9.1.3 ukubakatelela bona banikele ubufakazi obutlolwe phasi besifungo nokukhipha nanyana ngimaphi amarekhodi;

23.9.1.4 wokufumana nokwamukela nanyana ngibuphi ubufakazi neminye imininingwana, kungaba ngeyisifungo, ne-afidavidi;

23.9.1.5 wokungena nokuphenya nanyana ngiziphi iindawo ekuhlala kiyo abathintekileko;

23.9.1.6 wokuphosa ngemibuzo ngerhorhomejeni umuntu ohlala endaweni leyo; begodu

23.9.1.7 arage nokwenza nanyaka ngiliphi isetjho umLawuli aliqala njengelifanelekileko emakhiweni loyo.



## 23.10 **Ukubambisana namalungiselelo wokuhlola we-PAIA**

- 23.10.1 UmLawuli angenza ukuhlola kungaba ngekwehlango kanzulumele namkha ezijamekeko ngokuvamileko bona kuyakhambisana namalungelelo we-PAIA na.
- 23.10.2 UmLawuli angenza ukuhlola kokuthobela kungakahlelwa ehlanganweni, ngokuthanda kwakhe, nokho, godu umLawuli angenza ukuhlola kokuthobela nakafumana isibawo emPhathini wezeMininingwana yehlangano namkha nanyana ngimuphi omunye umuntu. Lokhu kutjho bona nanyana ngimuphi umuntu angabawa umLawuli enze ukuhlola ehlanganweni. Godu umuntu afaka isibawo angazivezi sokuhlolwa kokuthobela, ngokuthi abawe ukuthi ubawa ukungazitjho.
- 23.10.3 UmLawuli uzokunikela umuntu obawe ukwenziwa kokuhlola ngombiko wokuhlola namagadango ekufuze athathwe, nakakhona.

## 23.11 **IsAziso SeMininingwana**

UmLawuli anganikela umPhathiswa wezeMininingwana yehlangano nesAziso seMininingwana esithoga bona othintekako anikele umLawuli ngemininingwana etjhiwo esazisweni. Isibonelo, nangabe isinghonyayo esifakwe emLawulini sihlolwe nokwala kokufumaneka kwemininingwana okusekelwe eenzathwini zokutjhatjhatulwa, umLawuli angabawa, esAzisweni seMininingwana, amakhophi wamarekhodi ekwalwe bona afumaneke khona azokwazi ukufumana bona inga-khathi iinzathu zokwala rirerhe namkha awa.

## 23.12 **Ukusungulwa KweKomidi YoKukatelela**

- 23.12.1 UmLawuli kufuze asungule iKomidi yoKukatelela<sup>38</sup>, enamandla -
- 23.12.1.1 wokucabangela zoke iindaba ezithunyelwe kiyi mLawuli ngokwemigomo ye-PAIA bese afumane ngalokho; begodu
- 23.12.1.2 enze nanyana ngiziphi iimpakamiso emLawulini malungana nananyana ngiliphi igadango ekufuze lithathwe ngomPhathiswa wezeMininingwana wehlangano.

## 23.13 **IsAziso SoKukatelela**

- 23.13.1 UmLawuli, ngemva kokucabangela iimpakamiso zeKomidi yoKukatelela, unikela umPhathiswa wezeMininingwana yehlangano ngesAziso esiKatelelako -

<sup>38</sup> Isigaba 50 se-POPIA

23.13.1.1 esiqinisekisa, esitjhuguluka namkha esibekela eqadi isiqunto esikhambisana nokutjhiwo singhonghoyilo; namkha

23.13.1.2 umPhathiswa wezeMininingwana ukuthatha igadango namkha ekuliseni ekuthatheni igadango elinjalo njengombana umLawuli avezile esazisweni.

#### 23.14 **Iyini imiphumela yokungathobeli izAziso eziKatelelako?**

23.14.1 UmPhathiswa wezeMininingwana wehlangano owalako ukuthobela isaziso sokukatelela unomlandu begodu uzokuqalana nokutjhutjhiswa ngokuhlawuliswa namkha abotjhwe isikhathi esingaphasi kweminyaka emithathu namkha kokubili ukuhlawuliswa namkha ukubotjhwa.

23.14.2 Isigaba 77K se-**PAIA** siveza ukuqakatheka kwelungelo lokufumana imininingwana namkha amarekhodi. Isigabesi godu siqinisa ukuqakatheka komLawuli ukufikela ekuthuthukiseni kwelungelo lokufumana imininingwana.

### 24. UKUFAKA ISIBAWO EKHOHO

#### 24.1 **Ngubani ongafaka isibawo ekhotho ukuphikisana nesiqunto?**

24.1.1 Umfakisibawo namkha umuntu wesithathu angafaka isibawo ekhotho kwaphela ukufumana ukutjhatjhululwa okufaneleko ngokwemigomo yesigaba 82 ebujameni obulandelako

24.1.1.1 Ngemva kobona umfakisibawo loyo namkha umuntu wesithathu asebenzise zoke iinkhambiso zokufaka isililo sangaphakathi ekukhulunywe ngazo esigabeni 22.3 ngehla; namkha

24.1.1.2 ngemva kokuthi umfakisibawo loyo namkha umuntu wesithathu asebenzise zoke iinkhambiso zokufaka isinghonghoyilo ekukhulunywe ngazo esigabeni 77A.

24.1.2 Ngokwemigomo yesigaba 78(1) se-**PAIA**, umfakisibawo namkha umuntu wesithathu angakhetha kokubili, kungaba kungaba kudlulisela isiqunto, esivezwe esigabeni 22.2.4, 23.4 no-23.5 ngehla, emLawulini namkha eKhotho. Nanyana umuntu angakakateleleki ukuya emLawulini ngaphambi kokuya eKhotho, kukhuthazwa bona kufuze umuntu acabangele ukuya emLawulini, njengomana umLawuli aneendlela ezinengi nezirhabako zokusombulula ukunghwarana, ngokungafani neKhotho.

24.1.3 Nokho, ukwenzela bona iKhotho ibe namandla ukuraga indaba le, umfakisibawo namkha umuntu wesithathu kufuze -

24.1.3.1 aphaatheke kumbi ngesinye seenqunto, ezivezwe esigabeni 22.2.4, 23.4 namkha ku-23.5 ngehla;

24.1.3.2 Regulator asebenzise zoke iinkhambiso zokufaka isinghonyoyilo emLawulini namkha ajamise isinghonyoyilo emLawulini. Lokhu kujtho ukuthi angakhe aye eKhotho nangabe ukuthobela kwakhe kusalindile emLawulini.

24.1.4 Nangabe umuntu uphikisana nensiqunto somPhathiswa wezeMininingwana wehlangano ezijameleko, kufuze anikele ubufakazi obaneleko ukufakazela ukuthi irekhodi ekufakwe isibawo salo liyatlhogeka ukusebenzisa namkha ukuvikela nanyana ngiliphi ilungelo (amalungelo).

## 24.2 **Kunini lapho umuntu angafaka khona isibawo eKhotho ukuphikisana nesiqunto sehlangano namkha umLawuli?**

24.2.1 Ukufaka isibawo eKhotho mfakisibawo namkha umuntu wesithathu, ongakhenge aphumelele ngesibawo sangaphakathi esiphathinimandla sezeenlilo somkhakha ofaneleko kurhulumente namkha aphele kumbi siqunto somPhathiswa wezeMininingwana wehlangano namkha somLawuli kufuze sifakwe hlangana namalanga ali-180 kusukela ekuthomeni kwesenzakaleso.

24.2.2 IsiPhathiswa sezemiNiningwana sehlangano namkha isiphathimandla sezeenlilo sakurhulumente, njengombana kungenzeka, siphethwe kumbi siqunto somLawuli bangafaka isibawo eKhotho ukufumana isizo elifaneleko ngokwesigaba 82, hlangana namalanga ali-180<sup>39</sup>.

24.2.3 Umfakisibawo, umuntu wesithathu, namkha ihlangano, ingakafa isibawo eKhotho ngananyana ngisiphi isiqunto esibaphathe kumbi bona sibuyezwe yiKhotho.

24.2.4 Ukufaka isibawo eKhotho ngaphasi kwe-PAIA senziwa ngeenkambiso zemilandu yomphakathi, begodu kufuze kusetjenziswe ngengeqhinga lokugcina.

24.2.5 Imilandu yokufumana imininingwana ingalalelwa eKhotho kaMarhastrada, njengekhotho yokuthoma<sup>40</sup>, kunye neKhotho ePhakemeko enamandla wokulawula.

24.2.6 UKubhalelwa ukuletha isibawo hlangana namalanga ali-180 iKhotho ingakuvumela nangabe umuntu uyatjengisa bona ubulungisa butlhoga bona kube njalo. Lokhu kutjho bona iKhotho ingasamukela isibawo elada nangabe

<sup>39</sup> Isigaba 78(4) se-PAIA

<sup>40</sup> Isigaba 91A se-PAIA begodu NokuThuthukiswa kokufumaneka kwemiThetho yemininingwana, 2019

indaba ezokutjhukwa ifumaneka isehlangothini lobulungiswa. Nangabe irekhodi ekufakwe ngalo isibawo lizokusiza ofake isililo sokuphikisana nokubotjhwa namkha limsize ekufumaneni ukukwelatjhwa okungeziweko, ngokwesibonelo, kungenzeka ikhotho ibe sehlangothini lakhe.

24.2.7 Isibawo singalethwa ngokukhambisan nekambiso evezwe emthethweni 53 wemiThetho yeKhotho ePhakemeko namkha ngokwemigomo yothetho 55 yemiThetho yeKhotho kaMarhastrada nangabe akunamarekhodi namkha irekhodi elingakapheleli linikezwe umlawuli.

24.2.8 INangabe irekhodi selinikeziwe, isibawo sizokulethwe ngokomthetho 55 yemiThetho yeKhotho kaMarhastrada, kuye ngokuthi kunebanga lokuthi umfaisibawo ukholelwa ukuthi kungeka bona umlawuli akukanikeli irekhodi elipheleleko lekambiso, umfakisibawo angaraga ngokulandela ikambiso esemthethweni 53 wemiThetho yeKhotho ePhakemeko, ekukhetheni kwakhe, kodwana uzokuveza e-afidavidini yayo ukuthi kubayini kunesizathu sokukholelwa bona akukanikelwa irekhodi elipheleleko<sup>41</sup>.

### 24.3 **Bunjani ubujamo obungokomthetho besiqunto somLawuli nakusalindelwe isiqunto seKhotho?**

Amandla womLawuli afumananeka khulu emThethwenisisekelo, ku-**POPIA** naku-**PAIA**. Ngebanga lalokho, isaziso esikatelelako esikhitjiswa mLawuli sinemiphumela engokothetho ngebanga lalokho siyabopha bekube kulapho umthetho wekhotho wenza isiqunto esihlukileko. Ngalokho-ke iinqunto zomLawuli ziyasebenza begodu ziyakatelela ngaphandle kobana kube nesinqophiso esihlukileko esiphuma eKhotho.

### 24.4 **Ngimiphi imilayo engakhitjiswa yiKhotho elalela isibawo?**

24.4.1 Ikhotho (kungaba ngeyakaMarhastrada namkha iKhotho ePhakemeko) elalele isibawo ingalayela okulandelako -

24.4.4.1 ukuqinisekisa, ukutjhugulula namkha ukubekela ngeqadi isiqunto somPhathiswa wezeMininingwana, namkha isiPhathimandla sezeeNlilo namkha umLawuli wezeMininingwana;

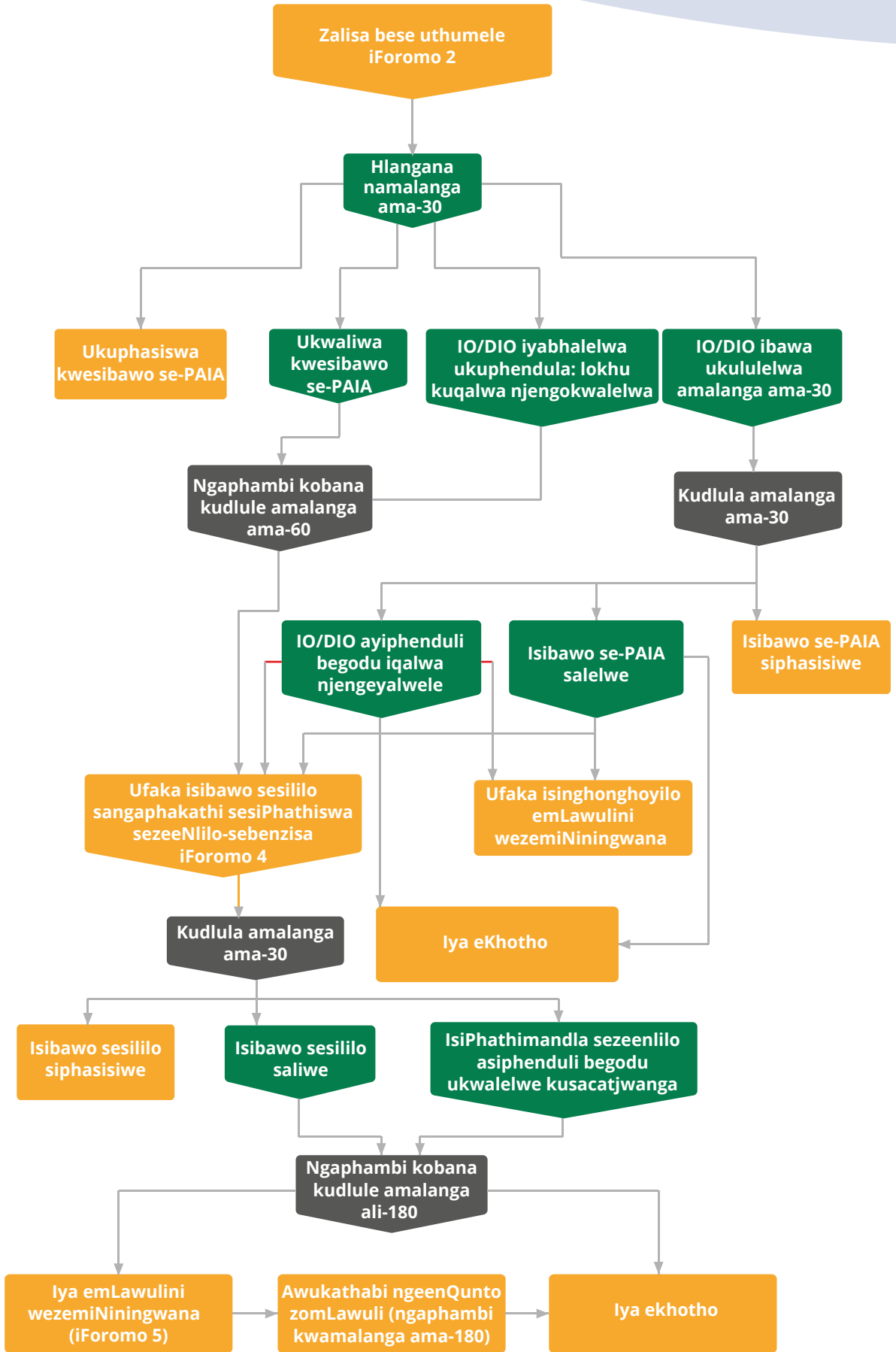
24.4.4.2 ingafuna bona umPhathiswa wezeMininingwana namkha isiPhathimandla sezeeNlingo ukuthatha igadango elinjalo namkha alise ekuthatheni igadango elinjalo njengombana iKhotho ikuthatha njengokuthogekako hlangana nesikhathi esitjhiwo esiyalweni;

<sup>41</sup> Umthetho 4 UkuThuthukiswa kokufumaneka kwemiThetho yemininingwana, 2019

- 24.4.4.3 anikele incwadi yesikhatjhana yokuvimbela umthetho, namkha ukutjhatjhululwa okuthileko, umlayelo wokumemezela namkha umlayelo wokuliliswa;
- 24.4.4.4 ukwenza umlayelo weendleko malungana nanyana ngubani obandakanyekileko;
- 24.4.4.5 ngebanga leenzathu lezobulungiswa, uphasisa ukutjhatjhululwa ukungathobeli hlangana namalanga ali-180 ekufuze kulethwe isibawo ngaso. Njengombana kuvezwe ngehla, kufuze kuhlathululwe amabanga aneleko wokubhalelwa ukunamathela esikhathini esiquntiweko ngokunabileko esikhambisana nesibawo sokulitjalelwokhu.

## **25. IDAYAGRAMU YEKAMBISO YESIBAWO SE-PAIA**

Sibawa uqale ukulandelana kwekwambiso yokulandelana kwetjhadi, yeenkambiso ekufuze zilandelwe nawusebenzisa ilungelo lokufumana imininingwana.



## 26. IMITHETHO EYENZIWE NGOKWEMIGOMO YESIGABA 92 SE-PAIA

- 26.1 Ngokuvumelana nesigaba 92(1) no-92(4) se-**PAIA**, uNgqongqotjhe wenze imiThethokambiso emalungana noKhuthazwa koKufumaneka kweMininingwana, ehlanganisa iindaba ezilandelako.
- 26.1.1 Iimbopho zomlawuli wezemininingwana (**Umthethokambiso 2**)
  - 26.1.2 Iimbopho zomphathiswa wezemininingwana (**Umthethokambiso 3**)
  - 26.1.3 Ukufumaneka ngokuzenzakalelako kwamarekhodi athileko weenhlango zakarhulumente (**Umthethokambiso 4**)
  - 26.1.4 Ukuveza ngokuzithandela nokufumaneka ngokuzenzakalelako kwamarekhodi athileko weenhlango ezizijameleko (**Umthethokambiso 5**)
  - 26.1.5 Ukufumaneka kwemininingwana yeenhlango zezepolitiki (**Umthethokambiso 6**)
  - 26.1.6 Ukufaka isibawo seminingwana (**Umthethokambiso 7**)
  - 26.1.7 Umphumela wesibawo neemali ezibhadelwako (**Umthethokambiso 8**)
  - 26.1.8 Ukufaka isililo sangaphakathi ukuphikisana nesiqu nto somlawuli wezemininingwana wehlango karhulumente (**Umthethokambiso 9**)
  - 26.1.9 Ukufaka iinghonyayo (**Umthethokambiso 10**)
  - 26.1.10 Ikambiso emalungana nokuphenya iinghonyayo (**Umthethokambiso 11**)
  - 26.1.11 Ukulungiswa kwendaba (**Umthethokambiso 12**)
  - 26.1.12 Ukuhlanganiswa kwendaba (**Umthethokambiso 13**)
  - 26.1.13 Ukuhlola (**Umthethokambiso 14**)
  - 26.1.14 Ukuthintana ngeze-elektroniki (**Umthethokambiso 15**)
  - 26.1.15 Imilandu nehlawulo (**Umthethokambiso 16**)
- 26.2 Ngokuvumelana nesigaba 79(1) se-**PAIA**, iBhodi yemiThetho yamaKhotho wemiThetho, ngemvumo kaNgqongqotjhe, yenze imithetho yeenkambiso -
- 26.2.1 ikhotho ngokuvumelana neembawo ngokwemigomo yesigaba 78 se-**PAIA**; begodu
  - 26.2.2 ikhotho izokufumana iinthulo ekukhulunywe ngazo esigabeni 80(3)(a).



## 27. IMITHETHOKAMBISO EYIHLOKO, IMITHETHO, IZAZISO, NOKUVUMA

### Imithethokambiso, njengombana ingatjhugululwa ekukhambeni kwesikhathi

UmThetho Okhuthaza Ukufumaneka KweMininingwana, UmThetho 2 ka-2000

UmThetho Okhuthaza Ubulungiswa Bokuphatha, UmThetho 3 ka-2000

UmThetho Okhuthaza Ukufumaneka KweMininingwana Obuyekeziweko, UmThetho 54 ka-2002

UmThetho Wokuvikela IMininingwana Yomuntu Mathupha, UmThetho 4 ka-2013

UmThetho Okhuthaza Ukufumaneka KweMininingwana Obuyekeziweko, UmThetho 31 ka-2019

UmThetho WeezeMali WeHlangano YezePolitiki, UmThetho 6 ka-2018

### Imithethokambiso Nezaziso

Isaziso SakaRhulumende	Ilanga lokugadangiswa	Isihloko nehlathululo
<b>Isaziso SakaRhulumende R.757 ku-GG No 45057</b>	27 Arhostosi 2021	Imithethokambiso emalungana noKukhuthaza ukuFumaneka kweMininingwana, 2021.
<b>Isaziso SakaRhulumende R.991 ku-GG 28107</b>	14 Oktoba 2005	Imithethokambiso ehlathulula amabanga lapho umuntu atjhatjhululwe khona ekubhadaleni imali.
<b>Isaziso SakaRhulumende 397 ku-GG 281007</b>	30 Juni 2021	Ukutjhatjhululwa kweenhlangano ezithileko ezizijameleko ekuhlanganiseni iNcwajana ye-PAIA.
<b>Isaziso SakaRhulumende 1217 in GG 42717</b>	19 Septemba 2019	Ukukhethwa kwamaKhotho kaMarhastrada angakghona ukulalela iindaba ze-PAIA.
<b>Isaziso SakaRhulumende R.1284 ku-GG 42740</b>	4 Oktoba 2019	Imithetho yekambiso yeembawo ezizokwenziwa ngokwemigomo ye-PAIA phambi kweKhotho ePhakemeko namkha eKhotho kaMarhastrada.

## UKUVUMA

UmHlahlandlela obuyekeziweko lo wokuthi kufuze isetjenziswe njani i-**PAIA** wathoma wahlanganiswa yiKomitjhini yamaLungelo waBantu yeSewula Afrika (**SAHRC**) begodu ngalokho umLawuli uyawuvuma umsebenzi wekuthomeni we-**SAHRC**, kuhlanganise nayo yoke imithombayo.

Ikhutjhwe

## MLAWULI WEZEMININGWANA