IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

ITHEBULA LOKUQUKETHWE

1. IZINCAZELO NOKUMUSHA

2. ISINGENISO

3. IMISEBENZI NOKWAKHEKA KWE-MDB

4. IMININGWANE YOKUXHUMANA

5. IZINHLAKA ZAMAREKHODI AGCINWE YI-MDB

6. AMAREKHODI ATHOLAKALA NGOKUZENZAKALELAYO

7. INKAMBISO YOKWENZA ISICELO

8. UKUNQATSHWA KWESICELO SOKUFINYELELEKA

9. UKUKHALAZA

10. USETSHENZISWA KANJANI LO MHLAHLANDLELA

11. IZIXHUMELO: UFOMU A NO-B

1. IZINCAZELO NOKUMUSHA

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

a. **“iMali Yokufinyeleleka”** iyosho imali enqunyelwe izinhloso zesahluko sama-22(6) noma sama-54(6) soMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wesi-2 wonyaka we-2000, njengoba kungenzeka.

b. **“iBhodi”** libhekise kumalungu eBhodi Lokuklanywa Kwemingcele Yomasipala elasungulwa yisiQephu soku-1, iNgxenye yoku-1 ye-MDA.

c. **“uSihlalo”** uyosho uSihlalo Webhodi.

d. **"uMthethosisekelo"** uzosho uMthethosisekelo waseRiphabhlikhi YaseNingizimi Afrika wonyaka we-1996 (uMthetho wesi-108 wonyaka we-1996)

e. **"uSekela-Mgcinilwazi"** uyosho uMphathi Omkhulu: Ukuphathwa Kwezinsizakalo Zangaphakathi Enhlanganweni noma umuntu oqokwe njengeBamba-Mphathi Omkhulu: Izinsizakalo Zangaphakathi Enhlanganweni

f. **"iKhomishana YaseNingizimu Afrika Yamalungelo EsiNtu"** iKhomishana YaseNingizimu Afrika Yamalungelo EsiNtu okukhulunywe ngayo kwisahluko se-18(1)(b) soMthethosisekelo weRiphabhlikhi yaseNingizimu Afrika

g. **“u-IEC”** izosho iKhomishana Yokhetho Ezimele

h. **"uMgcinilwazi"** uyosho isiKhulu Esingumphathi Omkhulu noma umuntu oqokwe njengeBamba LoMphathi Omkhulu

i. **“I-MDB”** izosho iBhodi Lokuklanywa Kwemingcele Yomasipala okungukuthi inhlangano esungulwe ngokwesahluko sesi-2 soMthetho Wokuklanywa Kwemingcele Yomasipala (uMthetho wama-27 wonyaka we-1998).

j. **“uMthetho Wokuklanywa Kwemingcele Yomasipala”** kuyosho kuHulumeni Wasekhaya: uMthetho Wokuklanywa Kwemingcele Yomasipala wama-27 wonyaka we-1998,

k. **“Umuntu kanye/noma iNgxenye Yesithathu”** kuzosho umuntu wemvelo noma umuntu oyisazimthetho

l. **“uLwazi Lomuntu Siqu”** luzosho ulwazi olumayelana futhi noluphawula umuntu ngamunye

m. **“Umfakisicelo”** uyosho umfakisicelo ofuna ukufinyeleleka kwirekhodi eliqukethe ulwazi lomuntu siqu mayelana nomfakisicelo

n. **"uMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wesi-2 wonyaka we-2000 I**apha kamuva obizwa nge-**“PAIA”** wenza ukuba kusebenze ilungelo lomthethosisekelo lokufinyeleleka kunanoma yiluphi ulwazi olugcinwe uhulumeni kanye yinanoma yiluphi ulwazi olugciwe omunye umuntu futhi oludingekayo ukuze kusetshenziswe noma kuvikelwe nanoma yimaphi amalungelo,

o. **"uHlaka Lukahulumeni"** luyosho nanoma yimuphi umnyango woMbuso noma lokuphatha eMkhakheni Kahulumeni Kazwelonke noma Wesifundazwe noma wanoma yimuphi umasipala eMkhakheni Kahulumeni Wendawo, noma (b) nanoma yisiphi esinye isikhulu noma isikhungo lapho sisebenzisa amandla noma senza umsebenzi ngokoMthethosisekelo noma ngokomthethosisekelo Wesifundazwe.

2. ISINGENISO

ISahluko sama-32 soMthethosisekelo sibeka ukuthi wonke umuntu unelungelo lokufinyelela kunanoma yiluphi ulwazi olugcinwe uMbuso, noma yimuphi omunye umuntu inqobo nje uma ulwazi ludingeka ukuze kusetshenziswe noma kuvikelwe nanoma yimaphi amalungelo.

ISahluko sesi-9 soMthetho Wokukhuthazwa Wokufinyeleleka Kolwazi wonyaka we-2000 (uMthetho wesi-2 wonyaka we-2000) samukela ukuthi lelo

lungelo lokufinyeleleka kolwazi lingaphansi kwemikhawulo ethile ebambekayo ebandakanya, kodwa ingapheleli:

- Ekuvikelweni okufanele kobumfihlo;
- Ekugcinweni kobumfihlo bezohwebo; futhi
- Ukwengamela okuyimpumelelo, okungcono nokuhle.

Isahluko se-14 se-PAIA sibophezela izinhlaka zikahulumeni ukuba zakhe iManuwali, ezosiza umuntu ukuba afinyeleleke olwazini olugcinwe wuhlaka lukahulumeni. UMthetho futhi ubeka izidingo ezincane leyo manuwali okufanele izihloniphe.

Inhloso yale manuwali ukwenza kusebenze imibandela yesahluko se-14 se-PAIA ngokwazisa umfakisicelo ukuthi angakuthola kanjani ukufinyeleleka kumarekhodi agcinwe yi-MDB. Imanuwali ihlinzeka ngesifinyezo samarekhodi agcinwe yi-MDB kanye nezinqubo okudingeka zamukelwe ukuze kufinyelelwe kulawo marekhodi. Zonke izicelo zokufinyeleleka kolwazi (ngaphandle kolwazi olutholakala mahhala emphakathini) zifanele ziqondiswe kuMgcinilwazi.

3. IMISEBENZI NOKWAKHEKA KWEBHODI LOKUKLANYWA KWEMIGCELE YOMASIPALA

3.1 Ukukhiwa phezulu kwe-MDB

IBhodi lithola ukugunyazwa kwalo kuvela:

a. KuMthethosisekelo waseRephabhliki yaseNingizimu Afrika wonyaka we-1996

- Isahluko se-155(3) soMthethosisekelo sibeka ukuthi uMthetho kazwelonke ufanele usungule indlela kanye nezinqubo zokunqunywa kwemingcele yomasipala yisiphathimandla esizimele.
- Isahluko se-157(4) soMthethosisekelo sithi uma uhlelo lokhetho lubandakanya ukumelwa kwesigceme, ukunqunywa kwezigceme kufanele kwenziwe isiphathimandla esizimele esiqokwe ngokwemibandela, futhi esisebenza ngokwezinqubo nendlela ebekwe ngumthetho.

b. Uhulumeni Wasekhaya: UMthetho Wokuklanywa Kwemingcele Yomasipala wonyaka we-1998 (uMthetho wama-27 wonyaka we-1998)

- Isahluko sesi-2 soMthetho Wokuklanywa Kwemingcele Yomasipala sasungula i-MDB.
- Isahluko sesi-3 sihlinzeka ngokuthi i-MDB iyisazimthetho, izimele futhi ifanele ingakhethi futhi ifanele yenze umsebenzi wayo ngaphandle kokwesaba, ukwenzelela noma ukubandlulula.
- Isahluko sesi-4 sihlinzeka ngokuthi i-MDB ifanele inqume imingcele yomasipala ngokuhambisana nalo Mthetho kanye neminye imithetho efanele eshaywe ngokweSahluko sesi-7 soMthethosisekelo futhi ifanele inikeze usizo lokweluleka mayelana nemidanti ehlinzekelwe eMthethweni Wokuklanywa Kwemingcele Yomasipala neminye imithetho efanele.

c. Uhulumeni Wasekhaya: uMthetho Wezinhlaka Zomasipala wonyaka we-1998 (uMthetho we-108 wonyaka we-1998)

- NgokweShedukli yoku-1 (iphuzu lesi-2) yoMthetho Wezinhlaka Zomasipala, i-MDB ngemuva kokubonisana neKhomishana Yokhetho Ezimele ngenhloso yokhetho ifanele iklame imingcele yabo bonke omasipala okufanele babe nezigceme ukuze zibe amawadi.

- Isahluko sama-85 sihlinzekela ukuthi i-MDB ifanele ibheke amandla omasipala beSifunda Nabasekhaya okwenza umsebenzi wabo nokusebenzisa amandla abo futhi banikeze izeluleko ku-MEC obheke oHulumeni Basekhaya.

d. Izinqumo Zekhabhinethi

- Ngonyaka we-1998 iKhabhinethi yanquma ukuthi imingcele yokuhlinzekwa kwezinsizakalo zeminyango ifanele ihambisane nemingcele yomthethosisekelo (Kuzwelonke, Ezifundazweni kanye Nasekhaya) futhi ifanele iphothulwe yiminyango ngokubonisana ne-MDB.

e. Inhlosombono

- Imiphakathi eguqulwe ngokwendawo, enobulungisa futhi esimeme.

f. Intshisekelo

- Ukwakha izimo zezindawo zokuthuthukiswa okusimeme kanye noguquko lwemiphakathi yendawo ngokuklanywa kwemingcele kamasipala nezigceme; ukuhlinzeka ngezinsizakalo zokweluleka, futhi nokusebenza njengesizinda solwazi sabathintekayo ukuze kuqhutshekiselwe phambili intuthuko yenhlalakahle neyomnotho, ukubamba iqhaza kwintando yeningi, ukulingana kanye nokufinyeleleka ezinsizakalweni.

g. Amagugu

- Ukungachemi, Ubusobala, Ubuhle, Ukubandakanya, kanye Nobuqotho

h. Okusetshenziswana Nabo Ababalulekile

- Abantu baseNingizimu Afrika
- UMkhakha Kazwelonke Kahulumeni
- UMkhakha Kahulumeni Wesifundazwe
- UMkhakha Kahulumeni Wasekhaya
- Uhulumeni Wasekhaya Ohlelekile

- Izindlu Zabaholi Bendabuko
- IsiGungu Sikazwelonke
- UMkhandlu Kazwelonke Wezifundazwe
- Imantshi
- Abasebenzi Bebhodi; kanye
- NeKhomishana Yokhetho Ezimele

i. Amalungiselelo esikhungo seBhodi Lokuklanywa Kwemingcele Yomasipala

IBhodi Lokuklanywa Kwemingcele Yomasipala liholwa nguSihlalo futhi lenza imisebenzi yalo lisebenzisa amakomiti alandelayo:

- **IKomidi Lokwengamela, Lezenhlalakahle Nenkambiso Enhle –** Lengamela amasu kanye nokwenziwayo kwemisebenzi ye-MDB njengoba isetshenziswa abaphathi nsuku zonke. Libuyekeza Imihlahlandlela Yokwengamela Kwebhodi Inhlangano kanye nemibhalo ehlobene nakho minyaka yonke. Licubungula lenze izincomo ngezinqubomgomo zeBhodi eziphathelene nemidanti ehlukahlukene. Liqapha uhlelo lomsebenzi we-MDB, licubungule futhi lenze izincomo ku-MDB.
- **IKomidi Lokusebenza Kwabantu -** Ligxile emidantini yokwakheka kwenhlangano kanye nalo lonke uchungechunge lwezabasebenzi, futhi liphinde lihlinzekele abaphathi, abaholi, kanye nabaphathi bomnyango.
- **IKomidi Lokucwaningomabhuku Nezingozi kanye ne-ICT –** Leli komidi lasungulwe ukuze libuyekeze izinto ezifana nalezi: - inqubo yokubika ngezezimali; uhlelo lokulawula kwangaphakathi;

ukuphathwa kwezingozi zezezimali nezomsebenzi; inqubo yokucwaningomabhuku lwangaphakathi nolwangaphandle.

- **IKomidi Lokuklanywa Kwezigceme kanye Nokunqunywa Kwemingcele –** Leli komidi libhekene nohlelo lokusebenza jikelele kulezi zindawo ezilandelayo: - ukuhlukaniswa ngezigaba kwemingcele; ukunqunywa kabusha; ukuqondaniswa kwemingcele nemisebenzi; ukuqondanisa ukwethulwa kwezinsizakalo kanye nemingcele kamasipala; ucwaningo ezindaweni zokuphatha izifunda (ama-DMA) eziqiwini zikazwelonke nasezindaweni zamagugu omhlaba, mayelana namandla nemisebenzi.
- **IKomidi Lokulawulwa Kocwaningo Nolwazi –** Lihlinzeka ngezinsizakalo zokweseka okukhethekile kwiBhodi emikhakheni yocwaningo kanye nokwakhiwa kwenqubomgomo, ukuqapha kanye nokuhlola.
- **IKomidi Lezezimali –** Lihlinzeka ngokuqapha maqondana nokuphathwa kwezimali, okubandakanya ukuphathwa kwamabhuku ezimali, amasu kanye nezinqubomgomo eziphathelene nezezimali kanye nokusebenza kwezimali zeBhodi.

j. Ukulawula kuholwa yisiKhulu Esibheke Amabhuku Ezimali noma u-CEO

I-MDB inezinhlelo ezine okuyilezi:

- Ukulawula
- Ukuklanywa Kwemingcele Nokuguquguqulwa Kwendawo kuvelele
- Ukuthuthukiswa Kocwaningo, Kolwazi Lwendawo Nobunhloli; kanye
- Nokuxoxisana Nokuxhumana Nababambiqhaza.

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

4. IMININGWANE YOKUXHUMANA

4.1 UMgcinilwazi

UMPHATHI OMKHULU	UCINGO	IKHELI	I-IMEYILI
UMnu Manye Moroka	012 342 2481	Eco Origins Office Park Block C1 349 Witch-hazel Avenue Highveld	Manye@demarcation.org.za

4.2 USekela-Mgcinilwazi

EM: IZIZAKALO ZANGAPHATHI ENHLANGANWENI	UCINGO	IKHELI	I-IMEYILI
UNks Nono Bapela	012 342 2481	Eco Origins Office Park Block C1 349 Witch-hazel Avenue Highveld	Nono@demarcation.org.za

5. IZINHLAKA ZAMAREKHODI AGCINWE YI-MDB

- Imibiko Yokuhlola Amandla Omasipala,
- Imibiko ngokuKlanywa Kwezigceme,
- Imibiko ngokuNqunywa Kwezigceme,
- Ama-ajenda namaminithi emihlangano yamakomidi abaphathi

6. AMAREKHODI ATHOLAKALA NGOKUZENZAKALELAYO

I-MDB ishicilela uhla olubanzi lwezinto ezifundisayo ngokuphrinta kanye nakusizindalwazi sayo ku-www.demarcation.org.za.

7. INKAMBISO YOKWENZA ISICELO

Izinyathelo ezingezansi zenzelwe ukuqinisekisa ukuthi izicelo zokufinyeleleka kumarekhodi olwazi olugcinwe yi-MDB zisetshenzwa ngokushesha nangempumelelo ngokunokwenzeka.

7.1 Ukugcwalisa ifomu lesicelo

Ukucela ulwazi, umfakisicelo ufanele agcwalise uFomu A okufanele liphelekelwe ubufakazi bokukhokha komfakisicelo, obunamathiselwe njengesiXhumelo soku-1 sale manuwali. Isicelo sifanele sithunyelwe kwimininingwane yokuxhumana eshiwo esigabeni sesi-4 sale manuwali. UMgcinilwazi noma uSekela-Mgcini-lwazi ngokweSahluko se-14 se-PAIA, ufanele aphendule kungakapheli izinsuku ezingama-30 ukuze kwaziswe umfakisicelo ukuthi isicelo sivunyiwe noma senqatshiwe. Ukufinyeleleka kumarekhodi kuzonikezwa ngendlela eceliwe noma ngendlela irekhodi elikhona ngayo, uma indlela eceliwe ingatholakali.

7.2 Izimali ezikhokhwayo

a. Ezimweni ezithile umfakisicelo kuyodingeka ukuthi akhokhe imali engeke ibuye ngaphambi kokuba isicelo sicutshungulwe noma amarekhodi aceliwe enziwe atholakale. I-MDB izoqhubeka nokucubungula isicelo kuphela ngemuva kokuba idiphozi isikhokhiwe

b. Ukwenzela izinhloso zesigaba sama-22(2) se-PAIA, izintengo ezilandelayo ziyasebenza:

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UKUCHAZWA	INANI LEMALI
Imali yesicelo ekhokhwa yiwo wonke umfakisicelo, ngaphandle kozifakela yena isicelo okukhulunywe ngayo kusahluko sama-22(1) soMthetho	ama-R50.00
Onke amafothokopi obukhulu bekhasi bungu-A4 noma ingxenye ngokunjalo	ama-R0.60
Onke amakopi agayiwe obukhulu bekhasi bungu-A4 noma ingxenye ngokunjalo agcinwe kwikhompyutha noma ngendlela kagesi noma anguhlobo olufundeka ngomshini.	ama-R0.40
Ikopi enguhlobo olufundeka ngekhompyutha: **a.** Ikhompekhthi diskhi (uhlobo olufundekayo)	 ama-R40.00
Umbhlo wemifanekiso ebukwayo **a.** Ikhasi lobukhulu obungu-A4 noma ingxenye ngokunjalo **b.** Ikopi yezifanekiso ebukwayo	 amaR22.00 ama-R60.00
Okubhaliwe kwemisindo erekhodiwe **a.** Ikhasi lobukhulu obungu-A4 noma ingxenye ngokunjalo **b.** Ikophi yemisindo erekhodiwe	 ama-R12.00 ama-R17.00
Ukucinga irekhodi ukuze lidalulwe ihora ngalinye noma ingxenye yehora, kushiywa ngaphandle ihora lokuqala, ngokwemfanelo elingekayo ukulicinga nokulilungisa	ama-R30.00/h
Imali yokuposa okuyiyona yona. Izindleko zokuposa zincike emalini efanele ngokuya ngendawo okuposelwa kuyo	Izindleko

i. Amahora ayisithupha njengamahora azodlulwa ngaphambu kokuba kukhokhwe idiphozi.

ii. Okukodwa kwesithathu semali yokufinyeleleka njengediphozi ekhokhwa ngumfakisicelo.

c. Imali okuyiyona yona yokuposa ikhokhwayo uma ikopi yerekhodi ifanele ithunyelwe ngeposi kumfakisicelo.

d. Umuntu noma abantu abadedelwe ukuba bakhokhe izimali zokufinyeleleka:

i. Umuntu ongashadile omholo wakhe wonyaka ungedluli ama-R14,712.00 ngonyaka noma

ii. Abantu abashadile noma umuntu kanye nomlingani wakhe abahola ngonyaka iholo elingedluli ama-R27,192.00

e. Isikhalazo siyokhokhelwa mayelana nokufakwa kwesikhalazo sangaphakathi ngumfakisicelo ophikisana nokwenqatshwa kwesicelo sakhe sokufinyeleleka njengoba kuhlongozwe kwisahluko sama-75(3)(a) somthetho ama-R50.00

f. Imininingwane Yasebhange

Igama Le-akhawunti:		Municipal Dermacation Board
Ibhange	:	ABSA
Uhlobo Lwe-akhawunti	:	Cheque Account:
Inombolo Ye-akhawunti:		4048673079
Ikhodi Yegatsha	:	334945
Irefrensi	:	PAIA Request …….

7.3 Ukuthatha isinqumo ngesicelo

a. UMgcinilwazi noma USekela-Mgcinilwazi udingeka ukuba ethathe isinqumo ngesicelo zingakapheli izinsuku ezingama-30 kutholakele isicelo ngaphandle uma umfakisicelo ebeke izizathu ezikhethekile, ezingagculisa uMgcinilwazi noma uSekela-Mgcinilwazi, ukuthi izimo ziphoqa ukuthi izimo ezingaphezu kwesikhathi zilandelwa.

b. Isikhathi sezinsuku ezingama-30 singelulwa ngesinye isikhathi esingeqi izinsuku ezingama-30 uma isicelo singesenani elikhulu lolwazi, futhi ulwazi lungeke lutholakale ngemfanelo phakathi kwesikhathi sokuqala esiyizinsuku ezingama-30. UMgcinilwazi noma uSekela-Mgcinilwazi uzokwazisa umfakisicelo ngokumbhalela uma kudingeka ukuba kwelulwe isikhathi.

c. Umfakisicelo uyonikezwa ithuba lokuthola irekhodi lolwazi uma-

g. Umfakisicelo uhloniphe zonke izidingo zenqubo eziseMthethweni eziphathelene nesicelo sokufinyeleleka kulelo rekhodi, okungukuthi-

- Isicelo senziwa ngendlela efanele efomini elimisiwe,
- Umfakisicelo unikeze ubufakazi begunya lokukhulumela omunye, uma isicelo singenzelwa yena,
- Irekhodi eliceliwe lichazwa ngokwanele ukuze uSekela-Mgcinilwazi noma uMgcinilwazi akwazi ukulihlonza.
- Uma izimali ezidingekayo sezikhokhiwe.

h. Uma isicelo sokufinyeleleka kwirekhodi sivunyiwe, umfakisicelo uzokhokha imali yokufinyeleleka ukuze kukhiqizwe futhi kucingwe futhi kulungiswe, futhi akhokhele nanoma yisiphi isikhathi esidingekayo esingaphezu kwamahora amisiwe okucinga nokulungisa irekhodi ukuze lidalulwe, kubandakanya nokwenza amalungiselelo okuba litholakale ngohlobo oluceliwe.

i. Uma idiphozi isinoma uSekela-Mgcinilwazi ufanele ufanele akhokhe abuyisele idiphozithi kumfakisicelo.

8. UKUNQATSHWA KWESICELO SOKUFINYELELEKA

Izizathu ezinkulu isicelo solwazi esingenqatshwa khona zihlobene:

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

a. Ukuvikelwa okuyisibopho ngokomthetho kobumfihlo bengxenye yesithathu okungumuntu ophilayo, uma isicelo siqukethe ukudalulwa okungafanele kolwazi lobuqu lwaleyo ngxenye esithathu. Nokho-ke, irekhodi lingeke lenqatshwe uma lakhiwe ulwazi:
   - Olumayelana nengxenye yesithathu evumile ngokubhala ukudalulwa kolwazi, oseluvele lutholakala esidlangalaleni.

b. Ukuvikelwa okuyisibopho ngokomthetho kolwazi lwezohwebo lwengxenye yesithathu, uma irekhodi liqukethe: izimfihlo zohwebo zaleyo ngxenye yesithathu, ezezimali, ezohwebo, ezesayensi, noma izitshisekelo zezohwebo zaleyo ngxenye yesithathu, Nokho-ke, irekhodi lingeke lenqatshwe uma lakhiwe ulwazi:
   - Oseluvele lutholakala esidlangalaleni,
   - Olumayelana nengxenye yesithathu vumile ngokubhala ukudalulwa kolwazi kumfakisicelo othintekayo.

c. Ulwazi oludalulelwe yingxenye yesithathu ngokwethenjwa iludalule i-MBA, uma ukudalulwa kungabeka leyo ngxenye yesithathu esimweni esingesihle ezingxoxweni noma ekuncintisaneni kwezohwebo okungekuhle;

d. Ukuvikelwa okuyisibopho ngokomthetho kolwazi oluyimfihlo lwengxenye yesithathu uma luvikelwe ngokwanoma yisiphi isivumelwano,

e. Ukuvikelwa okuyisibopho ngokomthetho kokuphepha kwabantu ngabanye kanye nokuvikelwa
   kwempahla,

f. Ukuvikelwa okuyisibopho ngokomthetho kwamarekhodi azothathwa njenganelungelo elikhethekile ekuqulweni kwecala,

g. Imisebenzi yezohwebo ye-MDB, engabandakanya izimfihlo zohwebo zolwazi lwe-MDB lwezezimali, lwezohwebo, lwezesayensi noma ezobuchwepheshe, ukudalulwa kwalo okungahle kudale umonakalo ezitshisekelweni zezezimali noma zezohwebo ze-MDB kanye nolwazi okuthi, uma ludaluliwe, lungabeka i-MDB isimweni esibi ezingxoxweni noma ekuncintisaneni kwezohwebo

okungekuhle, nokho-ke, irekhodi lingenqatshwa uma lelo rekhodi lakhiwe ulwazi oseluvele lutholakala esidlangalaleni.

h. Uhlelo lwekhompuyutha olungele-MDB, futhi oluvikelwe yilungelo lobunikazi.

i. Ulwazi locwaningo lwe-MBD noma lwengxenye yesithathu, uma lunokudalulwaokuhlona iBhodi, umcwaningi noma udaba ngesihloko socwaningo futhi ngaleso sizathu kubeka ucwaningo esimweni esingesihle neze.

j. Izicelo zolwazi eziwubuwula ngokusobala noma ezikhathazayo, noma ezibandakanya ukuphambukiswa okungafanele kwezinsizakusebenza, zizokwenqatshwa.

9. Ukukhalaza

9.1 Umfakisicelo angafaka isikhalazo sangaphakathi aphikise isinqumo soMgcinilwazi ekomidini elifanele leBhodi:

a) Ukuze kwenqatshwe ukufinyeleleka.
b) Mayelana nemali yesicelo, idiphozi emalini yokufinyeleleka, noma imali yokufinyeleleka
c) Mayelana nokwelulwa kwesikhathi sokusebenza isicelo,
d) Mayelana nokunikezwa kokufinyeleleka ngendlela ehlukile kunaleyo eceliwe.

9.2 Indlela yokukhalaza

a. Isikhalazo sifanele sifakwe ngefomu elimisiwe (bheka uFomu B) kungakapheli

(i) izinsuku ezingama-60, uma kudingeka isaziso esiya engxenyeni yesithathu,

(ii) izinsuku ezingama-30 ngemuva kokunikezwa kwesaziso kumfakisikhalazo ngesinqumo esiphikiswayo, noma

(iii) uma isaziso esiya kumfakisikhalazo singadingeki, ngemuva kokuthathwa kwesinqumo.

b. Isaziso sesikhalazo sifanele silethwe noma sithunyelwe kuMgcinilwazi we-MDB ekhelini layo, noma ekhelini le-imeyili,

c. Sifanele sihlonze isihloko sesikhalazo futhi sisho izizathu zesikhalazo futhi singahle sifake nanoma yiluphi ulwazi olufanele olwaziwayo ngumfakisisikhalazo,

d. Uma, ukwengeza kwimpendulo ebhalwe phansi, umfakisikhalazo efisa ukwaziswa ngesinqumo sokukhalaza kwangaphakathi nganoma iyiphi enye indlela, ufanele ayisho leyo ndlela futhi ahlinzeke ngemininingwane edingekayo ukuze aziswe kanjalo,

e. Lapho kufanele khona, isikhalazo sifanele sihambisane nemali emisiwe yesikhalazo futhi sifanele sicacise ikheli leposi noma inombolo yefeksi. Uma isikhalazo sifakwe ngemuva kokuphela kwesikhathi, uMgcinilwazi noma uSekela-Mgcinilwazi, ufanele uma kunesizathu esihle esibonisiwe, avumele ukufakwa sekwephuzile kwesikhalazo. Uma uMgcinilwazi noma uSekela-Mgcinilwazi engakuvumeli ukufakwa sekwephuzile kwesikhalazo, ufanele anikeze isaziso saleso sinqumo umfakisikhalazo.

f. Umfakisicelo ofaka isikhalazo ephikisa ukwenqatshwa kwesicelo sakhe sokuthola ukufinyeleleka kolwazi ufanele akhokhe imali emisiwe yesikhalazo (uma ikhona). Uma imali emisiwe yesikhalazo ikhokhwa maqondana nesikhalazo, isinqumo ngesikhalazo singahlehliswa kuze kukhokhwe leyo mali, futhi;

g. Ngokushesha ngangokunokwenzeka, kodwa kunanoma yisiphi isimo kungakapheli izinsuku eziyi-10 zokusebenza, ngemuva kokuthola isikhalazo, uMgcinilwazi we-MDB ufanele ahambise isikhalazo kuSihlalo/ekomidini elifanele kanye nezizathu zakhe ngezinqumo ezithintekayo, isikhalazo

siphikisa ukwenqatshwa noma ukuvunywa kwesicelo sokufinyeleleka, igama, ikheli leposi, ucingo kanye nekheli le-imeyili, nanoma yiliphi kulokhu okuhlale litholakala, lanoma iyiphi ingxenye yesithathu okufanele yaziswe ngesicelo.

10. Isetshenziswa kanjani i-PAIA

Isahluko se-10 se-PAIA sibeka ukuthioi iKhomishane Yamalungelo Esintu YaseNingizimu Afrika ifanele iqondise ukuthi usetshenziswa kanjani uMthetho. Nanoma iyiphi imibuzo emayelana nalo mhlahlandlela ifanele iqondiswe ku:-

The Information Regulator, South Africa
JD House
27 Sentimens Street
Braamfontein
Johannesburg
20001
Ama-imeyili Emibuzo Jikelele: inforeg@justice.gov.za
Website: www.justice.gov.za

KuKhomishane YaseNingizimu Afrika Yamalungelo EsiNtu: uPhiko lwe-PAIA

KuMnyango Wocwaningo Nokugcinwa Kwemibhalo
Private Bag X2700
Houghton
2041
Ucingo: 011 484 8300
Ifeksi: 011 484n1360
Ikheli le-imeyili: PAIA@sahrc.org.za

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

I-website: **www.sahrc.org.za**

IFOMU A

ISICELO SOKUFINYELELEKA KUMAREKHODI OHLAKA LUKAHULUMENI

Isahluko se-18(1) soMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (uMthetho wesi-2 wonyaka we-2000)

[ISimiso sesi-6]

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

LE NGXENYE ISETSHENZISWA NGUMNYANGO

Inombolo yerefrensi: ……

Isicelo samukelwe ngu:- ---------- (shono isikhundla ngokomsebenzi, igama nesibongo somphathilwazi/usekela-mphathilwazi) mhla zi- ---------- (usuku) e-/o-/kwa---------- (indawo).

Imali yesicelo (uma ikhona): R ……

Idiphozi (uma ikhona): R.....

Imali yokufinyeleleka: R.....

ISIGINESHA YOMGCINILWAZI/KASEKELA-MGCINILWAZI

…….

A. **Imininingwane Yohlaka Lukahulumeni**

Umgcinilwazi/uSekela-Mgcinilwazi:

B. Imininingwane yomuntu ofaka isicelo sokufinyeleleka kwirekhodi

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

a. Imininingwane yomuntu ocela ukufinyeleleka kwirekhodi ifanele inikezwe ngezansi. *b. Nikeza ikheli kanye/noma inombolo yefeksi yaseRiphabhlikhi ofisa ulwazi luthunyelwe khona.* *c. Ubufakazi bokuthi isicelo senziwa njengobani ngokwesikhundla, uma bukhona, bufanele bufakwe.*

Amagama aphelele nesibongo: ----------

Inombolo kamazisi/ye-ID: ----------

Ikheli leposi: ----------

Inombolo yocingo: ---------- Inombolo kamakhalekhukhwini: ----------

Ikheli Le-imeyili: ----------

Isikhundla sokuthi isicelo senziwa njengobani senziwelwa omunye umuntu:

C. Imininingwane yomuntu ofakelwa isicelo

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

Lesi sahluko kufanele sigcwaliswe KUPHELA uma ofake isicelo solwazi esifakela omunye umuntu.

Amagama aphelele nesibongo: ----------

Inombolo kamazisi/ye-ID: ----------

D. ***Imininingwane yerekhodi***

a. Nikeza ngemininingwane ephelele yerekhodi okucelwa ukufinyeleleka kulo, kubandakanya nenombolo yerefrensi uma uyazi, ukwenzela ukuthi litholakale.
b. Uma isikhala osinikiwe sisincane, sicela uqhubekele ekhasini elehlukile bese ulinamathisela kuleli fomu. Umfakisicelo kufanele asayinde onke amaphepha angeziwe.

1. Ukuchazwa kwerekhodi noma izingxenye ezifanele zerekhodi: ----------
2. Inombolo yerefrensi, uma ikhona: ----------
3. Nanoma ngabe imiphi eminye imininingwane yerekhodi: ----------

E. Izimali ezikhokhwayo

a. Isicelo sokufinyeleleka kwirekhodi, ngaphandle kwerekhodi eliphethe ulwazi lomuntu siqu olumayelana nawe, sizosetshenzwa kuphela ngemuva kokuba imali yesicelo isikhokhelwe.
b. Uzokwaziswa ngesamba semali edingeka ukuba ikhokhwe njengemali ekhokhwayo yesicelo.
c. Imali ekhokhwayo yokufinyelelEka kwirekhodi ilele ohlotsheni ukufinyeleleka okudingeka ngalo futhi nasesikhathini esidingekayo ngemfanelo ukucinga nokulungisa irekhodi.
d. Uma ufanele ukuba udedelwe ukubeni ukhokhe nanoma ngabe iyiphi imali ekhokhwayo, sicela usho isizathu sokudedelwa.

Isizathu sokudedelwa ukuba ukhokhe izimali:

F. Uhlobo lokufinyeleleka kwirekhodi

Uma uvinjwe ukukhubazeka ukuba ufunde, ubukeze noma ulalele irekhodi ngohlobo ukufinyeleleka okuhlinzekwe ngalo ku-1 ukuya ku-4 lapha ngezansi, shono ukukhubazeka kwakho futhi usho uhlobo irekhodi elidingeka ngalo.

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

Ukukhubazeka: _____	***Uhlobo irekhodi elidingeka ngalo:*** _____

Faka uphawu u-"X" ebhokisini elifanele.

AMANOTHI:

a. *Ukukhombisa kwakho uhlobo okudingeka ngalo ukufinyelelek ngohlobo irekhodi elitholakala ngalo.*
b. *Ukufinyeleleka ngohlobo oluceliwe kunganqathswa ezimweni ezithile. Kulezi zimo uzokwaziswa uma ukufinyeleleka kuzotholakala ngolunye uhlobo.*
c. *Imali ekhokhwayo yokufinyeleleka kwirekhodi, uma ikhona, izonqunywa kancane ngohlobo lokufinyeleleka oluceliwe.*

1. Uma irekhodi linguhlobo olubhaliwe noma olugayiwe:

	Ikhophi yerekhodi*		Ukuhlolwa kwerekhodi

2. Uma irekhodi liqukethe izithombe ezibukwayo:
(Lokhu kubandakanya izithombe, amaslayidi, okurekhodiwe kwevido, imifanekiso eyakhiwe ngekhopyutha, imidwebo, njll.)

	ukubuka imifanekiso		ukukopa izithombe*		okubhaliwe ngemifanekiso*

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

3. **Uma irekhodi lenziwe ngamagama noma ngolwazi oluqoshiwe lungakhiqizwa futhi ngomsindo:**			
	ukulalela umsindo oqoshiwe (ikhasethi lomsindo)		umbhalo womsindo oqoshiwe* (umbhalo obhaliwe noma ogayiwe)

4. **Uma irekhodi ligcinwe kwikhompyutha noma ngohlobo olufundeka ngomshini:-**					
	ikhophi egayiwe yerekhodi *		ikhophi egayiwe yolwazi olususelwa kwirekhodi*		ikhophi enguhlobo olufundeka ngekhompyutha* (Isitifi diskhi noma ikhompekhthi diskhi)

*Uma ucele ikhophi noma umbhalo werekhodi (elingenhla), ingabe ufisa ukuba ikopi noma umbhalo werekhodi uposelwe kuwe? **Izimali zokuposa ziyakhokhiswa.**	YEBO	CHA

Qaphela ukuthi uma irekhodi lingatholakali ngolimi oluthandwayo, ukufinyeleleka kunganikezwa ngolimi irekhodi elitholakala ngalo.
Yiluphi ulimi ongathanda ukuthola ngalo irekhodi?

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

G. Isaziso ngesinqumo mayelana nesicelo sokufinyeleleka

Uzokwaziswa ngokubhaliwe ngesinqumo ukuthi isicelo sakho sivunyiwe/senqatshiwe. Uma ufisa ukwaziswa ngananoma iyiphi enye indlela, sicela uyisho leyo ndlela futhi uhlinzeke ngemininingwane evumela ukuhlonishwa kwesicelo sakho.

Sicela unikeze izizathu zenhloso nokusetshenziswa koLwazi Oluceliwe:

Ungathanda ukwaziswa kanjani ngesinqumo mayelana nesicelo sakho sokufinyeleleka kwirekhodi?

Isayindwe e-/o- ---------- ngalolu suku lomhla zi-.----------ku----------.

ISIGINESHA YOMFAKISICELO/ YOMUNTU

OKUNGUYENA OWENZELWA ISICELO

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

UFOMU B

ISAZISO SESIKHALAZO SANGAPHAKATHI

(Isahluko sama-75 soMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (uMthetho wesi-2 wonyaka we-2000)

[ISIMISO SESI-8]

A. Imininingwane yohlaka lukahulumeni

Umgcinilwazi/uSekela-Mgcinilwazi:

B. Imininingwane yomfakisicelo/yengxenye yesithathu efaka isikhalazo sangaphakathi

(a)	Imininingwane yomuntu ofaka isikhalazo sangaphakathi ifanele inikezwe ngezansi.
(b)	Ubufakazi bokuthi sifakwa njengobani isikhalazo ngokwesikhundla, uma bukhona, bufanele bunamathiselwe.
(c)	Uma umfakisikhalazo eyingxenye yesithathufuthi engeyena umuntu ofake isicelo solwazi ekuqaleni, imininingwane yomfakisicelo ifanele inikezwe ku-C ngezansi.

Amagama aphelele nesibongo: ----------

Inombolo kamazisi/ye-ID: ----------

Inombolo yocingo: ---------- Inombolo yefeksi: ----------

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

Ikheli Le-imeyili: ----------

Isikhundla sokuthi isikhalazo sangaphakathi senziwa njengobani ngokwesikhundla senziwelwa omunye umuntu:

C. Imininingwane yomfaksicelo:

Lesi sahluko sifanele sigcwaliswe KUPHELA uma kuyingxenye yesithathu (ngaphandle komfakisicelo) efaka isikhalazo sangaphakathi.

Amagama aphelele nesibongo: ----------

Inombolo kamazisi/ye-ID: ----------

D. Isinqumo isikhalazo sangaphakathi esifakelwa ukusiphikisa

Faka uphawu u-X ebhokisini elifanele lesinqumo sesikhalazo sangaphakathi esiphikiswayo:	
	Ukunqatshwa kwesicelo sokufinyeleleka
	Isinqumo mayelana nezimali ezimisiwe ngokwesahluko sama-22 soMthetho
	Isinqumo ngokwesahluko sama-29(3) soMthetho sokunqaba ukufinyeleleka ngohlobo olucelwe ngumfakisicelo
	Isinqumo sokuvuma isicelo sokufinyeleleka

E. Izizathu zokukhalaza

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

Uma isikhala osinikiwe sisincane, sicela uqhubeklee ekhasini elehlukile bese ulinamathisela kuleli fomu. Ufanele usayinde onke amaphepha angeziwe.

Shono izizathu ukukhalaza kwangaphakathi okususelwa kuzo. Shono nanoma yiluphi olunye ulwazi olungafaneleka mayelana nesikhalazo:

F. Isaziso ngesinqumo ngesikhalazo

Uzokwaziswa ngokubhaliwe ngesinqumo sokukhalaza kwakho kwangaphakathi. Uma ufisa ukwaziswa ngenye indlela, sicela uyisho leyo ndlela futhi uhlinzeke ngemininingwane evumela ukuhlonishwa kwesicelo sakho.

Shono indlela: ----------

Imininingwane yendlela: ----------

Isayindwe ngalolu suku lomhla zi-.---------- ku----------

ISIGINESHA YOMFAKISIKHALAZO

IBHODI LOKUKLANYWA KWEMINGCELE YOMASIPALA

UMthetho Wokukhuthazwa Kokufinyeleleka Kolwazi wonyaka we-2000 (UMthetho wesi-2 wonyaka we-2000)

ISETSHENZISWA NGUMNYANGO:

UKUREKHODWA OKUSEMTHETHWENI KWESIKHALAZO SANGAPHAKATHI

Isikhalazo satholwa mhla zi---------- (usuku) ngu----------

(shono isikhundla ngokomsebenzi, igama nesibongo somgcinilwazi/usekela-mgcinilwazi).

Isikhalazo sabe siphelekelwa izizathu ngesinqumo somgcini-lwazi/sikasekela-mgcinilwazi futhi, lapho zikhona, imininingwane yengxenye yesithathu orekhodi limayelana nayo, ifakwe ngumgcinilwazi/usekelela-mgcinilwazi mhla zi- …… (suku) kusiHlalo Webhodi.

UMPHUMELA WESIKHALAZO:

Isinqumo soMgcinilwazi/sikaSekela-Mgcinilwazi:

SIQINISEKISIWE/ISINQUMO ESISHA SIKHIQHIWE KWAFAKWA ESINYE

ISINQUMO ESISHA: ----------

USUKU (Usihlalo): ----------

SITHOLWE UMGCINILWAZI/USEKELA-MGHCINILWAZI SIVELA KUMGCINILWAZI/KUSEKELA-MGCINILWAZI MHLA ZI- (usuku) ----------