Guide on how to use the Promotion of Access to Information Act 2 of 2000

south african
human
rights
commission

Guide on how to use the Promotion of Access to Information Act 2 of 2000

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2 PROVINCIAL DEPARTMENTS
3 MUNICIPALITIES

Guide on how to use the Promotion of Access to Information Act 2 of 2000

ENGLISH

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Useful terms

TERMS	DESCRIPTION
Access fee	This is the fee paid by the requester to the public or private body from which you are seeking the information, to cover the costs of finding and copying the records you require. *(For more information on access fees see Section 3 of this Guide).*
Form A	Found at the end of the PAIA, on the South African Human Rights Commission's website, and the websites of various public institutions. This form is used to request access to information held by a public body. *(For more information on Form A and requests of access to information to public bodies see Section 3 of this Guide).*
Form C	Found at the end of the PAIA, on the South African Human Rights Commission's website, and the websites of various other private companies. This form is used to request access to information held by a private body. *(For moref information on Form C and requests of access to information to private bodies see Section 3 of this Guide).*
Guide	Refers to this Guide on PAIA which has been compiled and published by the South African Human Rights Commission, to assist persons in using and understanding PAIA , as provided for in Section 10 of PAIA.
Information Officer and Deputy Information Officer	The Information Officer (sometimes referred to as IO) is the person authorised to handle PAIA requests. For a public body, this is the person who is or is acting as the head of the body. For a municipality, this is the municipal manager; for a national department it would be the Director General; for a body such as the South African Human Rights Commission it would be the CEO. The Deputy Information Officer (sometimes referred to as DIO) is the person designated by the Information Officer of a public body to assist the requester with their information request. PAIA does not provide for private bodies to designate a Deputy Information Officer; however the South African Human Rights Commission recommends that they do so for efficiency and convenience. *(For more information on the role of Information Officers see Section 3 of this Guide).*

Internal Appeal (Form B)	Requesters must use PAIA Form B to appeal a decision made by the national, provincial or municipal spheres of government regarding access to information. (For more information on internal appeals see Section 3 of this Guide).
Juristic person	A company or body which is recognised by law as an entity or 'person' having rights and duties.
Minister	References to the Minister are in relation to the Minister of Justice and Correctional Services.
Natural person	A real person, as opposed to a legal or juristic person such as a corporation (see juristic person above).
Private body	(Also referred to as a private company or institution) This is a natural or juristic person or partnership who is involved or has been involved in any trade, business or profession in that capacity.
Record	Any recorded information regardless of the form, including, for example, written documents, video materials etc. A record requested from a public or private body refers to a record that is in that body's possession regardless of whether that body created the record.
Request fee	The cost to be paid for making a request for access to information. For an information request to a public body there is a standard fee of R35; for an information request to a private body there is a standard fee of R50. *(For more information on request fees and the exemptions see Section 3 of this Guide).*
Requester	The natural or juristic person requesting access to information. A requester also refers to the person making a request on behalf of somebody else.
Third party	Any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

List of abbreviations

The following abbreviations are found in this Guide and other commonly used *PAIA* resources:

DIO	Deputy Information Officer
IO	Information Officer
ODAC	Open Democracy Advice Centre
PAIA	Promotion of Access to Information Act 2 of 2000
PPIA	Protection of Personal Information Act 4 of 2013
SAHA	South African History Archives
SAHRC	South African Human Rights Commission

Section 1
Introduction

This section includes:

1.1 The purpose of this PAIA Guide

1.2 The history of PAIA

1.3 The purpose of PAIA and how it can be used

1.4 The role of the South African Human Rights Commission

1.1 The purpose of this PAIA Guide

This Guide provides information on the Promotion of Access to Information Act of 2000 (PAIA). This PAIA Guide will assist people in making requests for information under PAIA, and provides examples on how PAIA has been used in the past to advance human rights. It does this by providing:

- An easy to understand overview of PAIA
- A breakdown of how PAIA can be used to advance other human rights
- A list of types of information which can be requested using PAIA
- A step-by-step guide on how to use PAIA to make an information request

1.2 The history of PAIA

When the South African Constitution was being drafted in the period following the fall of Apartheid in the 1990s, various organisations and individuals campaigned for the inclusion of a right of access to information. It was hoped that the inclusion of this right in the Bill of Rights - Chapter 2 of the Constitution – would ensure that atrocities such as Apartheid could never again take place as the state and private corporations would be obliged to act in an accountable and transparent manner by providing access to information, and therefore, would be unable to hide behind the veil of secrecy.

In 1996, the Constitution of the Republic of South Africa 1996 came into force. Section 32 enshrines the right of access to information held by both public and private bodies. Section 32 also states that legislation must be enacted to give effect to the right of access to information by detailing the ways in which information from public and private bodies can be accessed, and by providing grounds on which a public and private body could refuse access to information.

In 2000, the Promotion of Access to Information Act (PAIA) came into law, fulfilling the provision of section 32 of the Constitution which requires the enactment of legislation relating to access to information.

1.3 The purpose of PAIA and how it can be used

The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability in South Africa. Furthermore, PAIA is aimed at encouraging an open democracy where individuals from all walks of life are empowered to engage with government and participate in decisions which affect their lives.

The right of access to information is a unique right as it enables the realisation of other human rights: this is one of the most important ways in which PAIA can be used.

Provision of government services

» PAIA can be used to empower people and to hold government to account for the provision of basic services such as water and sanitaton.

Civil and political rights

» PAIA can be used to gather information which individuals can use for exercising rights such as the right to vote and the right to freedom of assembly.

Discrimination and Equality

» PAIA can be used as an advocacy tool to fight discrimination on the basis of race, gender, etc. by public or private bodies.

It is important to note that PAIA cannot be used to obtain records for use during civil or criminal legal proceedings after the commencement of such proceedings if the production or access to records for this same purpose are provided for in by law *(see Section 7 of the PAIA).*

1.4 The role of the South African Human Rights Commission

The South African Human Rights Commission (SAHRC) is mandated under PAIA to:

» Promote the right of access to information
» Monitor the implementation of PAIA by public and private bodies
» Make recommendations to strengthen the PAIA
» Report annually to Parliament

The Protection of Personal Information Act

The Protection of Personal Information Act 4 of 2013 (PPIA) amends PAIA in a number of ways. One of the keys ways in which PPIA changes PAIA relates to the role of the SAHRC. Under PPIA the SAHRC's functions in terms of PAIA will be transferred to the Information Regulator, a new independent body which will be set up to monitor both PPIA and PAIA, and to handle complaints relating to access to information and the protection of personal information.

However, the SAHRC will still retain its Constitutional obligation to promote, protect and monitor the right of access to information as a rights enshrined in the Bill of Rights.

Section 2
Finding the information that you need

This section includes:

2.1 Where to find useful guides and manuals to assist you in making requests for information

2.2 Who to contact for assistance

2.3 What public and private bodies are required to do to assist information requesters

2.4 Information that is available automatically without having to make a request, in terms of PAIA

2.1 Getting started

The purpose of PAIA is to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights. Sometimes one may be unsure of where to start or how to go about accessing information in terms of PAIA. PAIA foresees this problem and therefore requires that certain guides and manuals be published to map the way forward for information requesters. This section provides an overview of these guides and manuals, the responsibilities of the publishers of these guides and manuals, and, most importantly, where to find them.

Of course, one of the most powerful tools one can use to gain access to information is the formal request for information made in terms of PAIA, which this guide will assist you with. But remember, this is not the only avenue through which to pursue information. Some information is available automatically without even having to make a formal PAIA request. In some cases, legislation actually requires both public and private bodies to disclose certain information publicly. This section also provides an overview of where to access this information.

PAIA is intended to be an empowering piece of legislation that assists all South Africans. It is intended to be a law that is easy to understand and that anyone can use. One does not need a lawyer to make a request for information in terms of PAIA. This guide has been published to assist South Africans from all walks of life to uphold their constitutional right of access to information.

2.2. The PAIA Guide

Section 10 of PAIA requires the SAHRC to compile and publish an easy to understand guide to assist people in accessing records and documents and exercising one's right to information. The guide is sometimes referred to as the 'Section 10 Guide'.

The Guide provides you with all the information you need to access any records. It also lists the contact details of government departments and institutions that keep records for the state. The SAHRC is also required to update this guide at least once every two years.

2.2.1 Where to find the guide

This Guide is available in all official languages of South Africa: English, Afrikaans, isiNdebele, isiXhosa, isiZulu, Sepedi, Sesotho, Setswana, isiSwati, Tshivenda and Xitsonga. Copies of the Guide can be found at the head office of the SAHRC and all of its provincial offices (contact details of the offices can be found at the end of this Guide). In addition, an electronic copy is available on the SAHRC's website (www.sahrc.org.za).

2.3 PAIA Manuals

In addition to the Section 10 Guide on PAIA compiled by the SAHRC, PAIA also requires every public body, as well as private bodies, to produce a manual which contains information on how to use PAIA to access their own records.

2.3.1 PAIA manuals for public bodies

Section 14 of PAIA requires all public bodies to publish a manual in at least three official languages that assists information requesters to make requests for information from the body concerned. At the very least, the manual must contain the following information:

REQUIREMENT	DESCRIPTION
Mandate	The structure and functions of the public body.
Contact details	The postal and street address, phone and fax number and, if available, the e-mail address of the Information Officer of the public body, as well as of every Deputy Information Officer of the public body.
PAIA Section 10 Guide	A description of this Guide compiled by the SAHRC and how to access it.
Categories of records held	Adequate information to assist in facilitating access to a record held by a public body. The public body must therefore describe the subjects on which it holds records, and the categories of records held on each subject.
Automatically available information	Some information is readily available without a person having to request access in terms of PAIA. The manual of the public body must indicate which information is readily available.
Services of the public body	A description of the services available to members of the public from the public body, and how to gain access to those services.
Public participation	A description of any arrangement or provision for a person to either consult, make representations or participate in or influence the formulation of policy; or the exercise of powers or performance of duties by the public body.
Recourse	The action you may take if the Information Officer of the public body refuses to give you access to information.

2.3.2 Where to find the manual of a public body

All public bodies must make the manual easily available to you. At the very least, they are required to do so in at least the following ways:

- By making a copy available at every office of that particular public body during office hours;
- By making available the manual on the website, if any, of the public body

The PPIA amends PAIA in a number of ways. One of these is in relation to Section 14 manuals for public bodies. Under PPIA, these manuals will not have to be submitted to the SAHRC, but must only be available online and made available to anyone who requests a copy.

2.3.3 PAIA manuals for private bodies

Private bodies are also required to compile a manual in terms of section 51 of the PAIA. At present, not all private bodies must comply with this section. You may find, therefore, that the body from which you wish to request information has no manual. This does not mean that the body is not subject to PAIA generally. You can still request information from this body and they are still required to process your request. The procedure for making a request for information in terms of PAIA remains the same, even if the private body does not have a manual.

WHICH PRIVATE BODIES DO NOT HAVE TO PUBLISH AN INFORMATIONMANUAL?

ALL private bodies must compile a manual. However, the Minister of Justice and Correctional Services may exempt certain private bodies or categories of bodies from having to publish a manual. At present, the Minister has exempted certain private bodies from having to compile manuals for a period of five years, with effect from 1 January 2016 UNLESS the body falls within the categories detailed below.

The following private companies must compile a PAIA manual if they employ over 50 employees in the following industries or have an annual turnover which is greater than the listed amount:

INDUSTRY	ANNUAL TURNOVER
Agriculture	R2 million
Mining and Quarrying	R7 million
Manufacturing	R10 million
Electricity, Gas and Water	R10 million
Construction	R5 million
Retail and Motor Trade and Repair Services	R15 million
Wholesale Trade, Commercial Agents and Allied Services	R25 million
Catering Accommodation and Other Trade	R5 million
Storage and Communications	R10 million
Finance and Business Services	R10 million
Community, Special and Personal Services	R5 million

The Minister also stated that all companies which are not defined as 'private companies' under section 1 of the Companies Act 71 of 2008 are required to compile a Section 51 manual.

2.3.4 Where to find the manual of a private body

All private bodies that are required to compile a manual must make the manual easily available to you in the following ways:

- By making a copy available for inspection at every office of that particular private body during office hours. A private body may not charge a fee for inspection;
- By making the manual available on their website.

2.3.5 How to comply if you are a private body

There is useful guidance for Information Officers of private companies seeking to comply with Section 51 of PAIA on the SAHRC's website (www.sahrc.org.za). This includes a downloadable template which Information Officers can use as a roadmap.

In terms of section 51, the head of a private body must:

- Update any material changes in the manual on a regular basis;
- Make the manual available as prescribed by the PAIA at the company offices and on their website;
- Must annex a request form (PAIA Form C) to the manual and also make request forms available on the website and at all company premises.

The manual must at the very least contain the followinginformation:

REQUIREMENT	DESCRIPTION
Contact details	The postal and street address, phone and fax number and, if available, the e-mail address of the Information Officer of the private company body.
Automatically available information	Some information is readily available without a person having to request access in terms of PAIA. The manual of the private company must indicate which information is readily available.
Records available on request	The Section 51 Manual must list the categories of records which are available upon request.
PAIA procedure	Outline the PAIA procedure to be followed to request access to information from the private company (i.e. Form C).
Company Information	Including the details of the head of the company or the company's CEO (in terms of PAIA the Information Officer of a private company is usually the CEO or head).
Fees	State the request and access fees applicable in terms of PAIA (see Section 3 of the Guide for more information).
Recourse	What remedies are available to requesters if their request for information has been refused
Further Details	Any further details relating to requests for access to records.

2.4 Automatically available information held by a public body

A formal request is not required to access all types of information.. Various public bodies are required through other laws to make certain information publicly available. Many institutions will also disclose certain information voluntarily for the sake of transparency, accountability and convenience to the public. To promote the voluntary disclosure of information and to facilitate greater access to this information, Section 15 of PAIA requires all public bodies to publish a list, known as the '**Section 15 notice**' or '**voluntary disclosure notice**', of all the information relating to that body which is available to anyone automatically.

The Information Officer of a public body must develop a voluntary disclosure notice for the public body and make it available at the offices of the public body as well as publish it in the Government Gazette. The voluntary disclosure notice must be updated every year.

The voluntary disclosure notice contains categories of records and a description of those records that are automatically available:

- For inspection in terms of any legislation other than PAIA;
- For purchase or copying from the public body; and
- From the public body free of charge.

The voluntary disclosure notice must describe how to access the records that are voluntarily disclosed and automatically available. There is no point making a formal request for certain records if those same records are available automatically. In many instances, a fee is required to process a formal request and this may take up to 30 days. This can be avoided if you first consult the voluntary disclosure notice and identify whether or not the record you are seeking is available automatically.

Although it is mandatory for a public body to publish a voluntary disclosure notice, it is not a 'voluntary' action by a public body. The notice is termed a 'voluntary disclosure notice' because it gives notice of all the information that has been voluntarily disclosed, not because it is up to the discretion of the Information Officer whether to publish the list or not.

2.5 Automatically available information held by a private body

As with public bodies, private bodies may also hold information that you can access without having to make a formal request. Before making a formal request for information in terms of PAIA which will likely involve a fee and a 30 day waiting period, find out whether this information is available automatically without having to make the formal request.

The head of a private body may, on a voluntary and periodic basis, develop a list of information that is automatically available from the private body without you having to make a formal request. This list is called a '**section 52 notice**' or a '**voluntary disclosure notice.**'

Unlike public bodies where Information Officers **must** publish a voluntary disclosure notice, an Information Officer of a private body is not **obligated** to do so. In terms of PAIA, he/she "may, on a voluntary basis" publish such a list. This is the big difference between the section 52 notice for private bodies and the section 15 notice for public bodies.

The voluntary disclosure notice of a private body contains categories of records and a description of those records that are automatically available:

- For inspection in terms of any legislation other than PAIA;
- For purchase or copying from the public body; and
- From the public body free of charge.

The voluntary disclosure notice must also describe how to access the records that are voluntarily disclosed and automatically available.

Section 3

How to make a request for access to information

This section includes:

3.1 Types of requests

3.2 Fees associated with making requests

3.3 The role of the Information Officer

3.4 Legal recourse

3 How do I make a PAIA request?

A request for access to information can be made to both public and private bodies. The person making the request is known as the "requester". PAIA details different ways of accessing information from either a public or private body. Specific prescribed forms must be, used when requesting information. The forms can be found in PAIA.

TYPE OF BODY	PAIA FORM	PAIA SECTION
Public body	Form A	Section 18
Private body	Form C	Section 53

Forms should be available on the websites of both public and private entities. They can also be found on the SAHRC website at ww.sahrc.org.za.

3.1 Who can make a PAIA request?

Any person is allowed to make a request under PAIA. The requester may be:

Natural person

- the person does not have to be a South African citizen or a resident of South Africa

Or

Juristic person

- such as a business or organisation

Or

Person acting on behalf of a natural or justice person

The requester has a right to access records containing personal information about the requester himself, or about the person on whose behalf the request is being made.

A public body is considered a juristic person and may make a request for access to records held by private bodies, *only if* the public body is (1) acting in the interests of the public, and (2) if the records are required to fulfil or protect any rights other than those of the public body.

It is important to note that PAIA does not specifically provide for government departments (including national, provincial and municipal branches), and any person or institution that exercises a power or performs a duty in terms of the Constitution, (such as the SAHRC of the Public Protector), or provincial legistlation (such as the Western Cape Liquor Licensing Board), to make PAIA requests to other public bodies.

3.1.1 How do I fill in a PAIA request form?

A request for access to information held by a public or private body is made by completing a PAIA request form and submitting it to the relevant body. The PAIA request must be directed to the Information Officer, Deputy Information Officer or head of the public or private body, and must use accurate and up-to-date contact details.

In addition to providing details about the relevant body, a prescribed PAIA request form must include the following:

INFORMATION REQUIRED	DESCRIPTION
Details of the requester	Enough information about the requester to make the requester reasonably easy to identify, including the contact details of the requester: postal address, email address, fax and/or telephone number in South Africa.
Details of the record requested	Enough information about the record to make it reasonably easy to identify. Additional paper may be used to detail the request, as long as each additional page is signed and attached to the request form.
Manner of access to the record	A description of the form or manner in which the record should be provided or made accessible.
Manner in which to inform requester of access	Manner in which to inform the requester about the decision to grant or deny the request.
Language choice	When a request is made to a public body, the preferred language in which to receive the record must be provided.
Capacity of authorised person making request	When a request is made on behalf of someone else, proof of the capacity in which the person making the request must be provided (known as the authorised person).
Rights concerned	When a request is made to a private body, the requester must state the right that is implicated and explain why the record is required for the exercise or protection of that specific right.

Requesters who are unable to read or write can make verbal requests to the Information Offices or Deputy Information Officer of a public body, who is then responsible for completing Form A on behalf of the requester.

3.1.2 Is there a procedure that has to be followed when making a PAIA request?

A requester must be granted access to the records requested if he/she has complied with the following procedural requirements:

- The PAIA request must be made on the correct form (Form A for public bodies, Form C for private bodies), and addressed to the Information Officer or Deputy Information Officer of the public or private body, or to the head of the public or private body.
- The PAIA request form must be hand-delivered, posted, faxed or sent via email to the public or private body to which the request has been made.
- The records requested are not subject to the refusal grounds provided for under PAIA.

3.2 What is the cost for making a PAIA request?

Requesters are required to pay a fee when requesting access to records from both public and private bodies.

The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50.

It is important to note that requesters who are requesting access to their personal information are exempt from paying the request fee; however, they are still required to pay access fees.

Requesters who earn less than R14, 712 per year (if single) and R27,192 per year (if married or in a life partnership), do NOT have to pay access fees.

3.2.1 What is the cost for accessing records under PAIA?

Requesters are also required to pay fees for accessing the records of public and private bodies. This fee covers the cost of searching for the record and copying it.

The fees for accessing records of public bodies are:

ACTIVITY	FEE
Copy per A4 Page	60 cents
Printing per A4 page	40 cents
Copy on a CD	R40
Transcription of visual images per A4 page	R22
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R12
Copy of an audio recording	R17
Search and preparation of the record for disclosure	R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation

The fees for accessing records of a private body are:

ACTIVITY	FEE
Copy per A4 Page	R1.10
Printing per A4 page	75 cents
Copy on a CD	R70
Transcription of visual images per A4 page	R40
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation.

Postage fees have to be paid by the requester for the delivery of their records in the case of both public and private bodies.

Exceptions

If the Information Officer, Deputy Information Officer, or head of the public/private body thinks that the collection and reproduction of documents will take longer than six hours, he/she must inform the requester (by formal notice) that one third of the access fee is payable upfront as a deposit.

If the record is not provided in the form requested, the access fee that is charged to the requester must not exceed the fee that would have been charged if access was granted in the form requested. However, this rule does not apply when an alternative form is required because

information had to be severed from the record. If the requester cannot read, view or hear the record in the form held by a public body because of a disability, the public body is required to provide the record in a form that is accessible to the requester. The access fee charged to the requester must not exceed the fee that would have been charged but for the disability.

3.3 Can an Information Officer help me make a PAIA request?

When a PAIA request is made to a public body, the Information Officer or Deputy Information Officer must help you when necessary to complete the PAIA forms.

Such assistance must be given free of charge.

DUTIES OF INFORMATION OFFICERS	DESCRIPTION
Assist the requester in completing the PAIA form	When a PAIA request does not follow all of the set requirements detailed in PAIA and on the prescribed form, the Information Officer or Deputy Information Officer may NOT refuse the request. Instead, the Information Officer must inform the requester, in writing, that he/she is unable to grant the request because it is incomplete, and offer to help the requester make the necessary changes to the form. If the requester does not respond to the letter or correct the form in a reasonable amount of time, then the Information Officer may refuse the request.
Provide requester with relevant information where possible	If it would be reasonable and possible to do so, the Information Officer must provide the requester with any other information held by the public body which is also relevant to the request, even if the records were not part of the original request.
Transfer request	When a PAIA request is made to the incorrect public body, the Information Officer of that body must transfer the request to the correct public body within 14 days of receiving the request and must inform the requester of the transfer in writing.

DUTIES OF INFORMATION OFFICERS	DESCRIPTION
30 days to respond to request	A PAIA request must be responded to by the public or private body within 30 days after receiving the request. The Information Officer may request an extension for a period of no more than 30 additional days for specific reasons, which include the request involving (1) a large volume of documents, (2) consultation with other public or private entities, (3) or if the requester has granted the extension in writing. Only one extension is allowed per PAIA request.
Grant or deny access	It is the responsibility of the Information Officer to grant or deny access to the records. This decision must be put to the requester in writing.
Form of access, access fee and recourse	When a PAIA request is granted, the Information Officer must notify the requester of the form in which access will be given and of the amount of the access fee, which must be paid once access has been given. The notice must also inform the requester that he/she has the right to lodge an internal appeal and application to court against the access fee or against the form in which access will be granted. In addition, the notice must also provide information about the time within which an appeal or court application must be filed as well as the procedure that must be followed.
Denial of request	If a PAIA request is denied, the notice to the requester must state the reasons for refusal, which must be supported by the relevant provisions of PAIA. As with the form of access and amount of access fees, the notice must provide the requester with information regarding his/her right to appeal the decision or to file an application in court.
Defer release of the record	The Information Officer may decide to defer the release of a record to a requester in terms of Section 24 of PAIA if that record is intended to be published within 90 days or if the record is required by law to be published but is yet to be.

PAIA states in Sections 23 (for a public body) and 55 (for a private body) that if an Information Officer is unable to find the particular records requested, or it is believed that they do not exist, the Information Officer must, after ensuring that all reasonable steps have been located to find the record, submit an affidavit to the requester giving notice that the records in question do not exist or cannot be found. The affidavit must be very detailed.

3.4 What legal remedies do I have when my PAIA request is denied?

A requester has the right to take legal steps against the Information Officer, Deputy Information Officer, or head of the public or private body if the Information Officer:

- Denies access to a record
- Extends the time to respond to a request
- Charges a request fee or an access fee
- Provides access to a record in a form different from the one originally requested.

This section will explain the legal remedies available to requesters who wish to challenge such decisions.

3.4.1 Legal Recourse against Public Bodies

When a requester is unhappy with a decision made by the Information Officer of a public body, the requester has the right to file an internal appeal. An internal appeal involves a more senior person , known as the relevant authority, reviewing the decision of the Information Officer and deciding whether he/she made the correct decision. If the senior person approves of the Information Officer's decision, then the internal appeal is denied and the original decision regarding the PAIA request is confirmed. If the senior person does not approve of the Information Officer's decision, then the appeal is granted and the original decision regarding the PAIA request is overturned.

It is important to note that you can only submit an internal appeal to national, provincial and municipal government departments. No internal appeal procedure is available for other public bodies.

The City of Cape Town is an example of a municipal government department against which an internal appeal can be submitted. The Road Accident Fund is an example of a public body which is not part of national, provincial or local government as it is set up by legislation (the Road Accident Fund Act), and therefore an internal appeal cannot be lodged against them.

3.4.1.1 Who may lodge an internal appeal?

A requester who makes a PAIA request to a national, provincial or municipal public body and is refused access has the right to file an internal appeal. This is done by completing a PAIA Form B and filing it with the national, provincial or municipal public body. A copy of Form B can be found on the website of the relevant bodies and is also available at the SAHRC.

If the internal appeal involves any third party, the public body that has received the internal appeal is responsible for notifying all relevant third parties. The requirements for notification and representation are the same as those required for the original PAIA request.

Third parties are also allowed to file internal appeals against the decision made by a public body to grant access to a specific record.

3.4.1.2 When may you lodge an internal appeal?

A requester may lodge an internal appeal against the decision of a public body for the following reasons:

- The requester is not satisfied with the fees required for the request.
- The requester is not satisfied with the decision to grant a 30 day extension to the public body to respond to the request.
- The requester is not satisfied when the form in which the records are provided are not the same as the form that was requested, and the requester believes that it would not have been unreasonably burdensome for the public body to provide the records in the requester's preferred form.

3.4.1.3 How do I make an internal appeal?

An internal appeal must be filed by the requester within 60 days of receiving the refusal for the original PAIA request. This is done by completing a Form B and submitting it to the relevant national, provincial or municipal government department.

National Government	If the PAIA request was made to a national department, the requester may file an internal appeal with the Minister of that department.
Provincial Government	If the PAIA request was made to a provincial department, the requester may file an appeal with the Member of the Executive Council of that department.
Municipal Government	If the PAIA request was made to a municipal department, the requester may file an appeal with the mayor of the municipality, or the speaker of the municipality, or any other person designated by the Municipal Council for that specific municipality.

The Form B is submitted to the same Information Officer/Deputy Information Officer who refused the initial request, who is then required to forward it to the more senior person.

NOTE:

If the appeal requires that notice be given to a third party (i.e., when the information contains personal information about another person, as well as confidential information, specific commercial information, and research information about the third party), then the appeal must be lodged within 30 days of notice being given to that third party.

A requester must submit the internal appeal to the Information Officer of the relevant body via post, fax or email.

An internal appeal must include the subject of the internal appeal, reasons in support of the appeal, and include any other relevant information known to the person making the appeal.

If the requester would like to be informed of the decision regarding the internal appeal in a different manner (in addition to a written reply), he/she must state the preferred manner and provide any necessary information.

3.4.1.4 What happens when an internal appeal is lodged after the expiry date of the prescribed period?

When an internal appeal is filed after the 60 day period has lapsed, the relevant public body must accept the appeal if good cause is shown for the late lodging. When the relevant public body does not accept the late lodging of an internal appeal, it must provide notice to the person who lodged the appeal.

3.4.1.5 What are the fees for internal appeals?

A requester who lodges an internal appeal is required to pay the prescribed fee. The decision regarding the appeal may be deferred until the fee is paid.

CAN I FILE AN APPLICATION IN COURT AGAINST THE DECISION OF A PUBLIC BODY?

Yes. If your internal appeal against a public body has been unsuccessful, or if the public body refused to accept the late lodging of an internal appeal, or if you have been aggrieved in any way because of a decision made by the public body, you may apply to court for relief by filing an application within 180 days of receiving the decision for more information, see below). **A requester or third party may only apply to court after the internal appeal process has been concluded**.

3.4.2 Legal Recourse against Private Bodies

When a requester is not satisfied by a decision made by the head of a private body, for example for refusing access, for imposing access fees, or for extending the time period in which the response is due, the requester may apply to court for relief within 180 days of receiving the decision for more information, see below) that has caused the grievance. The decision of the private body will be reviewed by a court and a decision will be made by the courts as to whether or not to provide access to the requested records..

BRUMMER V MINISTER FOR SOCIAL DEVELOPMENT

In this matter the courts stated that the original 30 day period under PAIA for a requester to apply to the courts if dissatisfied with the decision of an Information Officer was insufficient to serve the cause of justice. It was therefore held that the 30 day time period was invalid and was to be extended to 180 days. This judgment has been reflected in PPIA

Access to information cases can be heard before the Magistrate's Courts as a court of first instance, as provided for under section 79 of PAIA, and also the High Courts.

3.4.3 What will happen to my case in court?

There are several possible outcomes when taking a PAIA case to court. After hearing both sides of the matter, the presiding officer has the power to grant an order. This may include an order that: (1) confirms, changes, or removes the decision of a public or private body with respect to the PAIA request; (2) requires the public or private body to take a specific action or to refrain from a specific action; (3) grants an interdict, a declaratory order, specific relief, or compensation; or (4) calls for the payment of particular costs.

Section 4

When access to information can/may be refused

This section includes:

4.1 Balancing the right to access information with other rights

4.2 Mandatory v discretionary grounds for refusal of access

4.3 Grounds for refusal listed in PAIA

4.4 The public interest test

4.1 When access to information may be refused

This section provides an overview of when access to information may be refused under PAIA, and a guide on how to apply the rules that permit an Information Officer to refuse a request. PAIA lists 12 grounds on which access to information may be refused by an Information Officer of a public or private body, some of which are mandatory and some of which are discretionary (see section 4.2. below for further information). In addition PAIA creates a public interest clause which in certain instances effectively overrides any of the grounds of refusal of access to information where the public interest is of concern. (See section 4.4 below for further information).

BALANCING THE RIGHT OF ACCESS TO INFORMATION WITH OTHER RIGHTS	
GENERAL RULE	The right of access to information is enshrined in the Bill of Rights of the South African Constitution. In order to give effect to this right, access to information should be granted as often as possible.
EXCEPTION	Like many other rights contained in the Bill of Rights, the right of access to information can be limited or refused in certain circumstances. PAIA sets out grounds on which information requests may be refused, and therefore, where the right of access to information may be limited.

4.2 Mandatory v Discretionary grounds for refusing access to information

PAIA states that in certain circumstances information cannot be disclosed by the Information Officer. In short, the reasons behind why information cannot be disclosed relate to whether the disclosure of the information would cause more harm than non-disclosure would. PAIA therefore lists 12 grounds under which access to information can be refused by the Information Officer of the public or private body (these 12 grounds are detailed in section 4.3 below). Some of these reasons for non-disclosure are mandatory, meaning that the Information Officer must not allow access to the information if one of the mandatory grounds for refusal of access to information can be proved. Other grounds for refusal of access to information are discretionary. This means that the Information Officer may or may not disclose the information. Therefore, the Information Officer must apply his/her discretion when deciding whether or not to disclose the information. He/ she must do this by assessing whether disclosure would cause more harm to the public or private body than non-disclosure.

PAIA TERMS TO NOTE…

For mandatory refusals, PAIA uses the word "must".

For discretionary refusals, PAIA uses the word "may".

Remember: As an Information Officer, you must remain objective when applying a ground for refusal of access to information. Do not take sides. Be impartial at all times!

4.3 Grounds for refusing of access to information

As stated above, there are various grounds under which an access to information request may or must be refused by an Information Officer of a public or private body. These grounds are listed in PAIA under Chapter 4 of Part 2 for a public body, and Chapter 4 of Part 3 for a private body.

4.3.1 Protection of the privacy of a third party

An Information Officer of a public or private body must not allow access to personal information of a natural person, including a deceased individual *(*for a definition of "natural person" see Useful Terms above*)*. PAIA states that in order to protect the right to privacy of a third party who is a natural person, the Information Officer must assess whether releasing the information in question to the requester 'would involve the unreasonable disclosure of personal information' (see sections 34 and 63 of PAIA).

Section 1 of PAIA provides a broad definition of what information constitutes "personal information". It includes information relating to sex, pregnancy, and religion, as well as personal correspondence, DNA, fingerprints, and instances where the individual's name appears in records.

The Information Officer must also consider whether or not the personal information in question falls into the following categories of personal information which may be disclosed:

- Personal information of an individual who has given consent for this information to be released;
- Personal information which has already been made public;
- Personal information about a child under the age of 18 where the disclosure of such information is in the best interest of the child, and the requester is the child's carer (i.e. parent or guardian);
- Personal information of a deceased person to a requester who is the individual's next of kin, or who has been authorised (written consent) by the next of kin;
- Personal information of a deceased person who has been deceased for a period of more than 20 years;
- Personal information of an individual who is or was an official of a public or private body and where the information relates to their position as an official.

PAIA requires that Information Officers from the South African Revenue Services (SARS) do not disclose personal tax and revenue information, unless the requester is requesting access to his/her own information.

4.3.2 Protection of commercial information of a third party

The Information Officers of public and private bodies must refuse access to information if releasing that information would cause harm to the commercial or financial interests of the business. PAIA lists the following commercial information which cannot be disclosed by an Information Officer:

- Trade secrets;
- Financial, commercial, scientific, research or technical information about a third party which, if released, would cause harm to the third party;
- Information which has been supplied in confidence by the third party.

Although there is a general rule to protect the information of a company, a public body is required to operate in a transparent manner. There are thereforecertain instances where commercial information of a company can be released.

PAIA Exclusion: Records of a third party which contain information relating to public safety or environmental risks must be released, even if the release of such information will likely cause harm to the third party. This constitutes public interest information (see section 4.4 below).

4.3.3 Protection of confidential information

PAIA provides that an Information Officer **must** refuse access to a record if the release ofthe record will amount to a breach of a duty of confidence owed to a third party in terms of an agreement or contract.

4.3.4 Protection of the safety of individual and property

This section states that an Information Officer must refuse access to a record if the disclosure of the record could reasonably be expected to compromise the safety of an individual or property. This section has a right to privacy aspect to it as it considers the personal life of an individual and their property.

4.3.5 Protection of information in legal proceedings

The purpose of this section is to protect information required in legal and law enforcement processes. This section recognises other legislation governing certain categories of information. In this section, the Criminal Procedure Act 51 of 1977 is recognised as the law governing records pertaining to bail proceedings and other law enforcement procedures. Also, this applies to records that are privileged from production and that are not available to anyone else other than the person who has the privilege to access those records. For example, any records subject to the relationship between an attorney and his/her client are protected under section 40 of PAIA.

Although PAIA acknowledges the existence of other legislation relating to the management and disclosure of information and records, where the other legislation unjustifiably limits the right of access to information and is contrary to the principles of transparency and accountability, PAIA will supersede that law.

4.3.6 Protection of Research Information

An Information Officer of a public or private body must refuse access to records which contain information relating to research which is or will be undertaken by the public or private body in question or a third party. This refusal of access to information is in circumstances where the disclosure of the record will expose the research of the third party or public or private body, the individual or institution carrying out the research, or the subject matter of the research to a serious disadvantage (see sections 43 and 69 of PAIA).

4.3.7 Information where access may be refused

The following categories of information relate to information which an Information Officer may refuse access to if they can justify that the information in question falls within the following categories and is not in the public interest to disclose (for further information on the public interest clause see section 4.4 below).

4.3.7.1 South Africa's defence, security and international relations

Section 41 of PAIA requires an Information Officer to consider whether the request for information relates to information about the security of South Africa. The Information Officer may refuse a request if they can prove that it will compromise the safety of South Africa to release the information.

4.3.7.2 Economic, financial and commercial interest of South Africa

Section 42 of PAIA requires the protection of information of a public body if its disclosure will be harmful to the economic and financial status of the Republic. This ground for refusal is discretionary meaning that the Information Officer must take into account that public bodies are mandated under the Constitution of South Africa to be accountable to the public, and that it is therefore only in certain instances that the information may be refused. Further, the Information Officer will need to demonstrate that the disclosure of the information in question will cause harm to the financial and economic interests of South Africa.

4.3.7.3 Operations of public bodies

Section 44 of PAIA gives Information Officers the discretion to refuse access to a record if it will hamper the operations of a public body. Section 44 is broad and may include:

- Minutes of meetings;
- Records containing advice or opinions;
- Records pertaining to consultations with other bodies;
- Records pertaining to the formulation of policies or recommendations.

4.3.7.4 "Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources"

An Information Officer may refuse a request for information if he/she is of the opinion that processing requests will be unreasonably time consuming and lead to waste of resources. In addition, an Information Officer may refuse access to a record if the request is seen to be made by a requester to unnecessarily annoy or provoke.

4.4 Public Interest Override

All the protections afforded to information as detailed above falls away if the release of the information is in the public interest. In this way, the public interest test overrides all the other grounds of refusal of access to information.

The following test must be applied by an Information Officer of a public or private body before refusing to allow access to information that falls under the categories for non- disclosure listed above. If these conditions are met, then the information must be disclosed on the grounds of public interest.

Does the information demonstrate a serious breach of a law?

OR

Do the records in question contain information relating to an imminent and serious public safety or environmental risk?

AND

Does the public interest in disclosing the information clearly outweigh the potential harm?

Section 5
Key references and other useful information

This section includes:

5.1 A list of some of the key references used to compile this PAIA Guide, including legislation including legistlation

5.2 A list of other useful PAIA resources

5.1 Key references

RESOURCE	AUTHOR
Promotion of Access to Information Act 2 of 2000	Legislation
Protection of Personal Information Act 4 of 2013	Legislation
PAIA Unpacked (available at www.saha.org.za)	SAHA
PAIA Resource Kit (available at www.saha.org.za)	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (available at www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (available at www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (available at www.sahrc.org.za)	SAHRC

5.2 PAIA Regulations

GOVERNMENT NOTICE	DATE	SUBJECT AND DESCRIPTION
Government Notice: No. R. 1244	22 September 2003	Amendment relating to the availability of the PAIA manuals of public and private bodies.
Government Notice: No. R. 233	9 March 2001	This Regulation relates to the fees payable for access to records of public and private bodies.
Government Notice: No. R. 466	1 June 2007	Includes forms for Information Officers to follow when publishing voluntary disclosure notices in terms of sections 15 and 52 of PAIA.

5.3 PAIA Amendments

GOVERNMENT NOTICE	DATE	SUBJECT AND DESCRIPTION
Government Notice: No. 428	31 March 20004	Amendment to section 92(4) of PAIA to provide for offences and penalties for persons who deliberately and wrongfully obstruct a requester's request for information, for example by destroying records.
Government Notice: No. 96	15 January 2003	Amendment to PAIA to provide for the training of presiding officers in the Magistrates'' Courts to hear PAIA matters.
Government Notice: No. R. 187	15 February 2002	Amendment to PAIA regarding this Section 10 Guide and the availability of PAIA manuals.
Government Notice: No. 1263	11 April 2003	Notice relating to the availability of the PAIA manuals of private bodies.

5.4 Other useful PAIA resources

1) Using PAIA to Promote Housing Rights, SAHA (available at www.saha.org).
2) Accessing Information for Your Community, SAHA (available at www.saha.org).
3) Accessing Information in the LGBTI Sector, SAHA (available at www.saha.org).

Gids vir die Gebruik van die Wet op Bevordering van Toegang tot Inligting, wet 2 van 2000

AFRIKAANS

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Noord-Kaap Upington

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Noordwes Rustenburg

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Wes-Kaap Kaapstad

Tel 021 426 2277 • Faks 021 426 287

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Nuttige terme

TERME	BESKRYWING
Toegangsgelde	Dit is die geld wat deur die versoeker betaal moet word aan die openbare of privaat liggaam by wie u die inligting wil kry, om die koste te dek verbonde aan die vind en kopiëring van die rekords wat u nodig het. *(Vir meer inligting oor toegangsgelde, kyk Afdeling 3 van hierdie Gids.)*
Vorm A	Te vinde aan die einde van PAIA, op die Suid-Afrikaanse Menseregtekommissie se webblad en die webblaaie van verskeie ander openbare instellings. Hierdie vorm word gebruik om toegang te versoek tot inligting wat deur ‘n openbare liggaam gehou word. *(Vir verdere inligting oor Vorm A en versoeke vir toegang tot inligting aan openbare liggame, kyk Afdeling 3 van hierdie Gids.)*
Vorm C	Te vinde aan die einde van PAIA en op die Suid-Afrikaanse Menseregtekommissie se webblad en die webblaaie van verskeie ander privaat maatskappye. Hierdie vorm word gebruik om toegang te versoek tot inligting wat deur ‘n privaat liggaam gehou word. *(Vir verdere inligting oor Vorm C en versoeke vir toegang tot inligting aan privaat liggame, kyk Afdeling 3 van hierdie Gids.)*
Gids	Dit verwys na hierdie Gids oor PAIA wat deur die Suid-Afrikaanse Menseregtekommissie saamgestel en gepubliseer is, soos bepaal in artikel 10 van PAIA, om persone te help om die Wet te gebruik en te verstaan.
Inligtingsbeampte en Adjunkinligtingsbeampte	Die Inligtingsbeampte (soms ook IB genoem) is die persoon wat deur die betrokke instelling gemagtig is om PAIA-versoeke te hanteer. Vir ‘n openbare liggaam is dit die persoon wat die hoof van die liggaam is of as sodanig waarneem. Vir ‘n munisipaliteit is dit die munisipale bestuurder; vir ‘n nasionale department is dit die Direkteur-generaal; vir ‘n liggaam soos die Suid-Afrikaanse Menseregtekommissie is dit die Hoof Uitvoerende Beampte. Die Adjunkinligtingsbeampte (soms AIB genoem) is die persoon wat deur die Inligtingsbeampte van ‘n openbare liggaam aangewys is om versoekers by te staan met hulle inligtingsversoeke. PAIA maak nie daarvoor voorsiening dat privaat liggame ‘n Adjunkinligtingsbeampte aanwys nie, maar die Suid-Afrikaanse Menseregtekommissie beveel aan dat hulle dit doen vir doeltreffendheid en gerief. *(Vir meer inligting oor die rolle van Inligtingsbeamptes, kyk Afdeling 3 van hierdie Gids.)*

Interne appèl (Vorm B)	Versoekers gebruik PAIA se Vorm B om te appelleer teen 'n besluit oor toegang tot inligting slegs van die nasionale, provinsiale of munisipale sfere van regering. *(Vir verdere inligting oor interne appèlle, kyk Afdeling 3 van hierdie Gids.)*
Regspersoon	'n Maatskappy of liggaam wat regtens erken word as 'n enkele entiteit of 'persoon' met regte en pligte.
Minister	Verwysings na die Minister het betrekking op die Minister van Justisie en Korrektiewe Dienste.
Natuurlike persoon	'n Regte persoon, anders as 'n regspersoon soos 'n korporasie (kyk regspersoon hierbo).
Privaat liggaam	(Ook 'n privaat maatskappy, instelling of liggaam genoem.) Dit is 'n natuurlike of regspersoon of vennootskap wat betrokke is of was by enige handel, besigheid of professie in daardie hoedanigheid.
Openbare liggaam	(Ook 'n openbare instelling of departement genoem.) Dit is enige departement of instelling van die nasionale, provinsiale en plaaslike sfere van regering. Dit sluit ook enige instelling in wat 'n funksie of plig van die staat verrig het op die tyd toe die betrokke rekord geskep is.
Rekord	Enige aangetekende inligting, ongeag die vorm, insluitende byvoorbeeld skriftelike dokumente, videomateriaal ens. 'n Rekord wat van 'n openbare of privaat liggaam versoek word, verwys na 'n rekord wat in daardie liggaam se besit was ongeag of daardie liggaam die rekord geskep het.
Versoekgelde	Die koste wat betaal moet word om 'n versoek vir toegang tot inligting te rig. Vir 'n inligtingsversoek aan 'n openbare liggaam is daar 'n standaardbedrag van R35; vir 'n inligtingsversoek aan 'n privaat liggaam is daar 'n standaardbedrag van R50. *(Vir verdere inligting oor versoekgelde en die vrystellings, kyk Afdeling 3 van hierdie Gids.)*
Versoeker	Die versoeker is die natuurlike of regspersoon wat 'n versoek vir toegang tot inligting rig. 'n Versoeker verwys ook na die persoon wat die inligtingsversoek namens iemand anders rig.
Derde party	Dit verwys na enige natuurlike of regspersoon wat nie die versoeker van die inligting is nie en ook nie die liggaam aan wie die inligtingsversoek gerig word nie.

Lys van afkortings

Die volgende afkortings verskyn in hierdie Gids en word algemeen gebruik in **PAIA-hulpbronne**:

AIB	Adjunkinligtingsbeampte
IB	Inligtingsbeampte
ODAC	Open Democracy Advice Centre
PAIA SAHA	Wet op Bevordering van Toegang tot Inligting, Wet 2 van 2000 South African History Archives
SAMRK	Suid-Afrikaanse Menseregtekommissie
WBPI	Wet op Beskerming van Persoonlike Inligting, Wet 4 van 2013

AFDELING 1
Inleiding

Hierdie afdeling sluit in:

1.1 Die doel van hierdie PAIA-gids

1.2 Die geskiedenis van PAIA

1.3 Die doel van PAIA en hoe dit gebruik kan word

1.4 Die rol van die Suid-Afrikaanse Menseregtekommissie

1.1 Die doel van hierdie PAIA-gids

Hierdie Gids bevat inligting oor die Wet op Bevordering van Toegang tot Inligting, Wet 2 van 2000 (PAIA). Hierdie PAIA-gids sal mense help om versoeke vir inligting kragtens die Wet te rig, en bied voorbeelde van hoe die Wet in die verlede gebruik is om menseregte te bevorder deur die verskaffing van:

- 'n maklik verstaanbare oorsig van PAIA
- 'n ontleding van hoe PAIA gebruik kan word om ander menseregte te bevorder
- 'n lys van tipes inligting wat deur middel van PAIA aangevra kan word
- 'n stap-vir-stap-gids oor hoe om PAIA te gebruik om 'n inligtingsversoek te rig
- 'n oorsig van lesse wat uit vorige inligtingsversoeke en PAIA-hofsake geleer is

1.2 Die geskiedenis van PAIA

Toe die Suid-Afrikaanse Grondwet in die tydperk na die afskaffing van apartheid in die 1990's opgestel is, het verskeie organisasies hulle beywer vir die insluiting van 'n reg op toegang tot inligting. Daar is gehoop dat die insluiting van hierdie reg in die Handves van Regte – Hoofstuk 2 van die Grondwet – sal verseker dat wreedhede soos apartheid nooit weer kan plaasvind nie omdat die staat en privaat ondernemings verplig sal word om op 'n verantwoordbare en deursigtige manier op te tree deur toegang tot inligting te verleen en dus nie agter die sluier van geheimhouding sal kan skuil nie.

In 1996 het die Grondwet van die Republiek van Suid-Afrika in werking getree. Artikel 32 verskans die reg op toegang tot inligting wat deur sowel openbare as privaat liggame gehou word. Dit was destyds die eerste stuk wetgewing ter wêreld wat die reg op toegang tot inligting uitbrei na inligting wat deur privaat liggame gehou word. Artikel 32 bepaal ook dat wetgewing verorden moet word om aan die reg op toegang tot inligting gevolg te gee deur die maniere uiteen te sit waarop toegang tot inligting van openbare en privaat liggame verkry kan word, en deur verdere inligting te verskaf oor die gronde waarop 'n openbare en privaat liggaam toegang tot inligting kan weier.

In 2000 het die Wet op Bevordering van Toegang tot Inligting (PAIA) wet geword en gevolg gegee aan die bepaling van artikel 32 van die Grondwet vir die verordening van wetgewing oor toegang tot inligting.

1.3 Die doel van PAIA en hoe dit gebruik kan word

Die doel van PAIA is om die reg op toegang tot inligting te bevorder, om 'n kultuur van deursigtigheid en verantwoordbaarheid in Suid-Afrika te koester en om 'n oop demokrasie te bevorder waar individue uit alle sfere van die samelewing bemagtig is om die regering teen te staan en deel te neem aan besluite wat hulle lewe raak.

Die reg op toegang tot inligting is 'n unieke reg omdat dit die verwesenliking van ander regte moontlik maak: dit is een van die vernaamste maniere waarop PAIA gebruik kan word.

Verskaffing van staatsdienste

» PAIA kan gebruik word om mense te bemagtig met inligting waarmee hulle die regering aanspreeklik kan hou oor die verskaffing van basiese dienste soos behuising, water en sanitasie.

Burgerlike en politieke regte

» PAIA kan gebruik word om inligting in te samel wat individue kan gebruik om regte uit te oefen, soos die reg om te stem en die reg op vryheid van assosiasie.

Diskriminasie en gelykheid

» PAIA kan gebruik word as 'n voorspraakinstrument om diskriminasie te bekamp, soos diskriminasie op grond van ras, gender, ens deur verskeie openbare en privaat liggame.

Dit is belangrik om daarop te let dat PAIA nie gebruik kan word om rekords te verkry vir gebruik tydens siviele of strafregsverrigtinge nie ná die aanvang van sodanige verrigtinge as die voorlegging van of toegang tot die rekord vir dieselfde doel regtens gereël word *(kyk artikel 7 van die Wet*).

1.4 Die rol van die Suid-Afrikaanse Menseregtekommissie

Die mandaat van die Suid-Afrikaanse Menseregtekommissie (SAMRK) ingevolge PAIA is:

» Om die reg op toegang tot inligting te bevorder
» Om die implementering van PAIA deur openbare en privaat liggame te moniteer
» Om aanbevelings te maak om die Wet te versterk
» Om jaarliks aan die Parlement verslag te doen

Die Wet op Beskerming van Persoonlike Inligting

Die Wet op Beskerming van Persoonlike Inligting, Wet 4 van 2013 (WBPI), wysig PAIA in verskeie opsigte. Een van die vernaamste wysigings van PAIA ingevolge hierdie Wet hou verband met die rol van die SAMRK. Ingevolge die WBPI gaan die SAMRK se funksies ingevolge PAIA oorgeplaas word na die Inligtingreguleerder, 'n nuwe onafhanklike liggaam wat ingestel moet word om sowel PAIA as die WBPI te moniteer en om klagtes rakende toegang tot inligting en die beskerming van persoonlike inligting te hanteer.

Die SAMRK sal egter sy grondwetlike verpligting behou om die reg op toegang tot inligting te bevorder, te beskerm en te moniteer, soos met alle ander regte wat in die Handves van Regte verskans is.

AFDELING 2

Vind die nodig inligting wat jy benodig

Hierdie afdeling sluit in:

2.1 Waar om nuttige gidse en handleidings te kry wat u kan help om versoeke vir inligting te rig

2.2 Wie om te kontak vir hulp as u dit nodig kry

2.3 Wat openbare en privaat liggame moet doen om inligtingsoekers by te staan

2.4 Sekere inligting is outomaties beskikbaar sonder dat ‘n formele versoek gerig hoef te word; hierdie afdeling gee ‘n oorsig van waar om dit te kry

2.1 Begin hier

Die doel van PAIA is die daadwerklike bevordering van 'n samelewing waarin die mense van Suid-Afrika effektiewe toegang tot inligting het om hulle in staat te stel om al hulle regte vollediger uit te oefen en te beskerm. Soms kan 'n mens egter onseker wees oor waar om te begin of hoe om te werk te gaan om toegang tot inligting te kry op die manier wat die Wet voorskryf. Die Wet voorsien hierdie probleem en bepaal dat sekere gidse en handleidings gepubliseer moet word om inligtingsoekers van hulp te wees. Hierdie afdeling bied 'n oorsig van hierdie gidse en handleidings, die verantwoordelikhede van die uitgewers van hierdie gidse en handleidings en, baie belangrik, waar om dit te kry.

Een van die kragtigste instrumente wat gebruik kan word om toegang tot inligting te kry, is natuurlik die formele versoek vir inligting ingevolge PAIA, waarmee hierdie Gids u sal bystaan. Maar onthou, dit is nie die enigste manier om inligting te kry nie. Sekere inligting is outomaties beskikbaar sonder dat 'n formele PAIA-versoek gerig hoef te word. In sommige gevalle vereis wetgewing van sowel openbare as privaat liggame om sekere inligting tot beskikking van die publiek te stel. Hierdie afdeling bied ook 'n oorsig van waar om toegang tot hierdie inligting te kry.

PAIA is bedoel as 'n bemagtigende stuk wetgewing wat alle Suid-Afrikaners bystaan. Dit is bedoel om 'n wet te wees wat maklik verstaanbaar is en wat enigeen kan gebruik. 'n Mens het nie 'n regsgeleerde nodig om 'n versoek vir inligting ingevolge die Wet te rig nie. Hierdie Gids word gepubliseer om Suid-Afrikaners uit alle sfere van die samelewing te help om hulle grondwetlik verskanste reg op toegang tot inligting te handhaaf.

2.2 Die PAIA-gids

Artikel 10 van PAIA vereis van die Kommissie om 'n maklik verstaanbare gids op te stel en te publiseer om te help met toegang tot rekords en dokumente en die uitoefening van mense se reg op inligting. Die gids word soms die “artikel 10-gids” genoem.

Dit verskaf al die inligting wat u nodig het om toegang tot enige rekords te kry. Dit bevat ook die kontakbesonderhede van staatsdepartemente en instellings wat rekords vir die staat hou, asook die kontakbesonderhede van verskeie privaat maatskappye. Die Kommissie moet hierdie gids ook ten minste elke twee jaar bywerk..

2.2.1 Waar om die gids te kry

Hierdie gids is beskikbaar in al die amptelike tale van Suid-Afrika: Afrikaans, Engels, isiNdebele, isiXhosa, isiZulu, Sepedi, Sesotho, Setswana, isiSwati, Tshivenda en Xitsonga. Eksemplare van die gids kan gekry word by die Kommissie se hoofkantoor en provinsiale kantore (kontakbesonderhede van die kantore verskyn aan die einde van hierdie Gids). Voorts is elektroniese eksemplare beskikbaar op die Kommissie se webblad (www.sahrc.org.za) .

2.3 PAIA-handleidings

Benewens die artikel 10-gids oor PAIA wat deur die Kommissie saamgestel moet word, vereis PAIA ook van elke openbare liggaam, asook baie privaat liggame, om 'n handleiding op te stel wat inligting bevat oor hoe om PAIA te gebruik om toegang tot hulle eie rekords te kry.

2.3.1 PAIA-handleidings vir openbare liggame

Artikel 14 van PAIA vereis van alle openbare liggame om 'n handleiding in ten minste drie amptelike tale te publiseer wat inligtingsoekers help om versoeke vir inligting van die betrokke liggaam te rig. Die handleiding moet ten minste die volgende nuttige inligting bevat:

VEREISTES	BESKRYWING
Mandaat	Die struktuur en funksies van die openbare liggaam.
Kontakbesonderhede	Die pos- en straatadres, foon- en faksnommer en, indien beskikbaar, die e-posadres van die inligtingsbeampte van die openbare liggaam, asook van elke adjunkinligtingsbeampte van die openbare liggaam.
PAIA-artikel 10-gids	'n Beskrywing van hierdie Gids wat deur die Suid-Afrikaanse Menseregtekommissie saamgestel is en hoe om toegang daartoe te kry.
Kategorieë rekords wat gehou word	Genoeg inligting om te help om toegang te kry tot 'n rekord wat deur 'n openbare liggaam gehou word. Die openbare liggaam moet dus die onderwerpe beskryf waaroor hy rekords hou, en die kategorieë rekords wat hy oor elke onderwerp hou.
Outomaties beskikbare inligting	Sekere inligting is geredelik beskikbaar sonder dat iemand kragtens PAIA toegang hoef te versoek. Die handleiding van die openbare liggaam moet hierdie inligting aandui wat geredelik beskikbaar is.
Dienste van die openbare liggaam	'n Beskrywing van die dienste van die openbare liggaam tot beskikking van lede van die publiek, en hoe om toegang tot daardie dienste te kry.
Openbare deelname	'n Beskrywing van enige reëling of voorsiening vir 'n persoon om oorleg te pleeg, vertoë te rig of deel te neem aan of invloed uit te oefen op die formulering van beleid; of die uitoefening van bevoegdhede of verrigting van pligte deur die openbare liggaam.
Hulp	Die stappe wat gedoen kan word as die inligtingsbeampte van die openbare liggaam weier om toegang tot inligting te verleen.

2.3.2 Waar om die handleiding van 'n openbare liggaam te kry

Alle openbare liggame moet toesien dat toegang tot die handleiding maklik verkry kan word. Hulle moet dit ten minste op die volgende maniere doen:

- Deur 'n eksemplaar beskikbaar te stel by elke kantoor van daardie openbare liggaam tydens kantoorure;
- Deur die handleiding op die openbare liggaam se webblad, as daar een is, beskikbaar te stel.

Soos hierbo genoem, is PAIA in verskeie opsigte gewysig deur die W**et op Beskerming van Persoonlike Inligting, Wet 4 van 2013** (WBPI). Een hiervan is met betrekking tot artikel 14-handleidings vir openbare liggame. Ingevolge die WBPI moet hierdie handleidings nie meer aan die Suid-Afrikaanse Menseregtekommissie voorgelê word nie maar moet dit net aanlyn beskikbaar gestel word en ook beskikbaar gestel word vir enigiemand wat 'n eksemplaar aanvra.

2.3.3 PAIA-handleidings vir privaat liggame

Privaat liggame moet ook 'n handleiding saamstel. Dit is ingevolge artikel 51 van PAIA. Tans word daar nie van alle privaat liggame vereis om aan hierdie artikel te voldoen nie[1]. U kan dus vind dat die liggaam by wie u inligting wil versoek, nie 'n handleiding het om vir u te gee nie. Dit beteken nie dat die liggaam nie in die algemeen aan PAIA onderhewig is nie. U kan steeds 'n versoek vir inligting aan hierdie liggaam rig en hy is steeds regtens verplig om u versoek te verwerk. Die prosedure om 'n versoek vir inligting ingevolge PAIA te rig, bly dieselfde, ook al het die privaat liggaam nie 'n handleiding nie.

WATTER PRIVAAT LIGGAME HOEF NIE 'N INLIGTINGSHANDLEIDING TE PUBLISEER NIE?

Soos die Wet bewoord is, moet ALLE privaat liggame 'n handleiding saamstel. Die Minister kan egter sekere privaat liggame of kategorieë liggame vrystel van die vereiste van 'n handleiding. Tans het die Minister ALLE privaat liggame vrygestel van die vereiste van 'n handleiding vir 'n tydperk van vyf jaar met ingang van 1 Januarie 2016, TENSY die liggaam in die kategorieë val wat hieronder uiteengesit word.

[1] Dit verander op 31 Desember 2015, wanneer alle privaat liggame ingevolge artikel 51 van PAIA 'n handleiding sal moet hê.

Die volgende privaat maatskappye in die volgende bedrywe moet 'n PAIA-handleiding saamstel as hulle meer as 50 werknemers het of 'n jaarlikse omset het wat groter as die genoemde bedrag is:

BEDRYF	JAARLIKSE OMSET
Landbou	R2 miljoen
Mynbou en Steengroewe	R7 miljoen
Vervaardiging	R10 miljoen
Elektrisiteit, Gas en Water	R10 miljoen
Konstruksie	R5 miljoen
Kleinhandel en Motorhandel en Hersteldienste	R15 miljoen
Groothandel, Kommersiële Agente en Verwante Dienste	R25 miljoen
Spyseniering, Akkommodasie en Ander Handel	R5 miljoen
Berging en Kommunikasie	R10 miljoen
Finansies en Sakedienste	R10 miljoen
Gemeenskaps-, Spesiale en Persoonlike Dienste	R5 miljoen

Die Minister het ook verklaar dat alle maatskappye wat nie ingevolge artikel 1 van die Maatskappywet 71 van 2008 as 'privaat maatskappy' omskryf is nie, 'n artikel 51-handleiding moet saamstel.

2.3.4 Waar om die handleiding van 'n privaat liggaam te kry

Alle privaat liggame wat 'n handleiding moet saamstel, moet toesien dat die handleiding maklik toeganklik is. Hulle moet dit ten minste op die volgende maniere doen:

- Deur 'n eksemplaar ter insae beskikbaar te stel tydens kantoorure by elke kantoor van daardie privaat liggaam. 'n Privaat liggaam mag nie gelde vra vir insae nie.
- Deur die handleiding op sy webblad beskikbaar te stel.

2.3.5 Hoe om te voldoen as u 'n privaat liggaam is

Op die Suid-Afrikaanse Menseregtekommissie se webblad (www.sahrc.org.za) is daar nuttige riglyne vir inligtingsbeamptes van privaat maatskappye wat aan artikel 51 van PAIA wil voldoen. Dit sluit in ‘n aflaaibare templaat wat inligtingsbeamptes as 'n padkaart kan gebruik.

Ingevolge artikel 51 moet die hoof van 'n privaat liggaam die volgende doen:

- Enige wesenlike veranderinge aan die handleiding op 'n gereelde basis bywerk;
- Die handleiding by die maatskappy se kantore en op sy webblad beskikbaar stel soos deur die Wet voorgeskryf;
- 'n versoekvorm (PAIA-Vorm C) by die handleiding aanheg en ook versoekvorms beskikbaar stel op die webblad en by alle maatskappypersele.

Die handleiding moet ten minste die volgende inligting bevat:

VEREISTES	BESKRYWING
Kontakbesonderhede	Die pos- en straatadres, foon- en faksnommer en, indien beskikbaar, die e-posadres van die inligtingsbeampte van die openbare liggaam.
Outomaties beskikbare inligting	Sekere inligting is geredelik beskikbaar sonder dat iemand kragtens PAIA toegang hoef te versoek. Die handleiding van die privaat maatskappy moet hierdie inligting aandui wat geredelik beskikbaar is.
Rekords beskikbaar op versoek	Die artikel 51-handleiding moet die kategorieë rekords noem wat op versoek beskikbaar is.
PAIA-prosedure	Skets die PAIA-prosedure wat gevolg moet word om toegang tot inligting van die privaat maatskappy te versoek (d.i. Vorm C).
Maatskappyinligting	Insluitende die besonderhede van die hoof van die maatskappy of die maatskappy se HUB (ingevolge PAIA is die inligtingsbeampte van 'n privaat maatskappy gewoonlik die HUB of hoof).
Gelde	Noem die versoeker- en toegangsgelde van toepassing ingevolge PAIA (kyk Afdeling 3 vir verdere inligting).
Hulp	Watter regshulp vir versoekers beskikbaar is as hulle versoek vir inligting geweier is.
Verdere besonderhede	Enige verdere besonderhede rakende versoeke vir toegang tot rekords.

2.4 Outomaties beskikbare inligting deur 'n openbare liggaam gehou

'n Formele versoek vir toegang is nie vir alle inligting nodig nie. Verskeie openbare liggame word deur ander wette verplig om sekere inligting aan die publiek beskikbaar te stel. Baie instellings sal ook verdere inligting vrywillig beskikbaar stel met die oog op deursigtigheid, verantwoordbaarheid en gerief vir die publiek. Om die vrywillige openbaarmaking van inligting te bevorder en groter toegang tot hierdie inligting te fasiliteer, vereis artikel 15 van PAIA van alle openbare liggame om 'n lys, bekend as die '**artikel 15-kennisgewing' of 'kennisgewing van vrywillige openbaarmaking**', te publiseer van al die inligting rakende daardie liggaam wat outomaties vir enigiemand beskikbaar is.

Die inligtingsbeampte van 'n openbare liggaam moet 'n kennisgewing van vrywillige openbaarmaking vir die openbare liggaam opstel en dit by die openbare liggaam se kantore beskikbaar stel en dit in die Staatskoerant publiseer. Die kennisgewing van vrywillige openbaarmaking moet elke jaar bygewerk word.

Die kennisgewing van vrywillige openbaarmaking bevat kategorieë van rekords en 'n beskrywing van die rekords wat outomaties beskikbaar is:

- Ter insae ingevolge enige ander wetgewing as PAIA
- Om by die openbare liggaam gekoop of gekopieer te word; en
- Kosteloos van die openbare liggaam.

Die kennisgewing van vrywillige openbaarmaking moet beskryf hoe om toegang te kry tot die rekords wat vrywillig openbaar gemaak word en outomaties beskikbaar is. Dit is sinloos om 'n formele versoek vir sekere rekords te rig as daardie rekords reeds vrywillig openbaar gemaak is en outomaties beskikbaar is. In baie gevalle is gelde betaalbaar sodat 'n formele versoek geprosesseer kan word, en dit kan tot 30 dae neem. Dit kan vermy word as u eers die kennisgewing van vrywillige openbaarmaking raadpleeg en vasstel of die rekord wat u soek, outomaties beskikbaar is al dan nie.

Hoewel dit vir 'n openbare liggaam verpligtend is om 'n kennisgewing van vrywillige openbaarmaking te publiseer, is dit nie 'vrywillig' nie. Die kennisgewing word 'n 'kennisgewing van vrywillige openbaarmaking' genoem omdat dit kennis gee van al die inligting wat vrywillig openbaar gemaak is, nie omdat dit in die diskresie van die inligtingsbeampte is om die werklike lys te publiseer of nie.

2.5 Outomaties beskikbare inligting deur 'n privaat liggaam of maatskappy gehou

Soos openbare liggame kan privaat liggame ook inligting hê waartoe u toegang kan kry sonder om 'n formele versoek te rig. Voordat 'n formele versoek vir inligting ingevolge PAIA gerig word, wat waarskynlik gelde en 'n wagtydperk van 30 dae sal behels, is dit belangrik om seker te maak of hierdie inligting outomaties beskikbaar is sonder om ’n formele versoek te rig.

Die hoof van 'n privaat liggaam kan, op 'n vrywillige en periodieke basis, 'n lys saamstel van inligting wat outomaties verkrygbaar is van die privaat liggaam sonder dat u 'n formele versoek hoef te rig. Hierdie lys word 'n ‘**artikel 52-kennisgewing**’ of 'n ‘**kennisgewing van vrywillige openbaarmaking’** genoem.

Anders as by 'n openbare liggaam, waar die inligtingsbeampte ingevolge PAIA 'n kennisgewing van vrywillige openbaarmaking **moet** publiseer, is die inligtingsbeampte van 'n privaat liggaam **nie verplig** om dit te doen nie. Ingevolge PAIA kan so 'n lys ‘op 'n vrywillige grondslag’ gepubliseer word. Dit is die groot verskil tussen die artikel 52-kennisgewing vir privaat liggame en die artikel 15-kennisgewing vir openbare liggame.

Die kennisgewing van vrywillige openbaarmaking van 'n privaat liggaam bevat kategorieë van rekords en 'n beskrywing van daardie rekords wat outomaties beskikbaar is:

- Ter insae ingevolge enige ander wetgewing as PAIA
- Om by die openbare liggaam gekoop of gekopieer te word; en
- Kosteloos van die openbare liggaam.

Die kennisgewing van vrywillige openbaarmaking moet ook beskryf hoe om toegang te kry tot die rekords wat vrywillig openbaar gemaak word en outomaties beskikbaar is.

AFDELING 3
Hoe om ‘n versoek vir inligting te rig

Hierdie afdeling sluit die volgende in:

3.1 Tipes versoeke

3.2 Gelde betaalbaar vir versoeke

3.3 Die rol van die Inligtingsbeampte

3.4 Regshulp

3 Hoe rig ek 'n PAIA-versoek?

'n Versoek vir toegang tot inligting kan aan openbare en privaat liggame gerig word. Die persoon wat die versoek rig, word die “versoeker” genoem. PAIA bepaal verskillende maniere om toegang te kry tot inligting van 'n openbare of 'n privaat liggaam, en aan die einde van die Wet verskyn die vorms wat gebruik moet word om 'n inligtingsversoek in te dien.

TIPE LIGGAAM	PAIA-VORM	PAIA-ARTIKEL
Openbare liggaam	Vorm A	Artikel 18
Privaat liggaam	Vorm C	Artikel 53

Vorms moet op die webblaaie van sowel openbare as privaat liggame beskikbaar wees. Dit kan ook gekry word by elke provinsiale kantoor van die Suid-Afrikaanse Menseregtekommissie, asook op die webblad by www.sahrc.org.za.

3.1 Wie kan 'n PAIA-versoek rig?

Enigiemand kan 'n versoek ingevolge PAIA rig. Die versoeker kan enige van die volgende wees:

'n Natuurlike persoon

» Die persoon hoef nie ’n Suid-Afrikaanse burger of ’n inwoner van Suid-Afrika te wees nie.

OF

'n Regspersoon

» soos 'n besigheid or organisasie

OF

'n Persoon wat namens 'n natuurlike of regspersoon optree.

Die versoeker het 'n reg op toegang tot rekords wat persoonlike inligting bevat oor die versoeker self of oor die persoon namens wie die versoek gerig word.

'n Openbare liggaam word as ’n regspersoon beskou en kan 'n versoek rig vir toegang tot rekords wat deur privaat liggame gehou word slegs (1) as die openbare liggaam in belang van die publiek optree, en (2) as die rekords nodig is om enige ander regte as dié van die openbare liggaam uit te oefen of te beskerm.

Dit is belangrik om daarop te let dat PAIA nie spesifiek vir staatsdepartemente (insluitende nasionale, provinsiale en munisipale vertakkings) en enige persoon of instelling wat 'n bevoegdheid uitoefen of 'n plig verrig ingevolge die Grondwet (soos die SAMRK en die Kantoor van die Openbare Beskermer) of ’n provinsiale grondwet (soos die Wes-Kaapse Dranklisensieraad), voorsiening maak om PAIA-versoeke aan ander openbare entiteite te rig nie.

3.1.1 Hoe moet 'n PAIA-versoekvorm ingevul word?

'n Versoek vir toegang tot inligting wat deur 'n openbare of 'n privaat liggaam gehou word, word gerig deur 'n PAIA-versoekvorm in te vul en dit aan die betrokke liggaam voor te lê. Die PAIA-versoek moet aan die Inligtingsbeampte, Adjunkinligtingsbeampte of Hoof van die openbare of privaat liggaam gerig word en moet akkurate en geldige kontakbesonderhede gebruik.

Benewens die besonderhede van die betrokke liggaam sluit 'n voorgeskrewe PAIA-versoekvorm die volgende in:

VERLANGDE INLIGTING	BESKRYWING
Besonderhede van die versoeker	Genoeg inligting oor die versoeker om die versoeker redelikerwys maklik te kan identifiseer, insluitende die kontakbesonderhede van die versoeker: Posadres, e-posadres, faks- en/of telefoonnommer in Suid-Afrika.
Besonderhede van die verlangde rekord	Genoeg inligting oor die rekord om dit redelikerwys maklik te kan identifiseer. Bykomende papier kan gebruik word om besonderhede van die versoek te verstrek, mits elke bykomende bladsy geteken en aan die versoekvorm geheg is.
Manier van toegang tot die rekord	'n Beskrywing van die vorm waarin of manier waarop die rekord verskaf of toeganklik gemaak moet word.
Manier hoe die versoeker in kennis gestel moet word van toegang	Manier hoe die versoeker in kennis gestel moet word van die besluit om die versoek toe te staan of te weier.
Taalkeuse	Wanneer 'n versoek aan 'n **openbare liggaam** gerig word, moet die taal waarin die rekord by voorkeur ontvang moet word, gemeld word.
Hoedanigheid van gemagtigde persoon wat die versoek rig	Wanneer 'n versoek namens iemand anders gerig word, moet bewys van die hoedanigheid waarin die persoon die versoek rig (bekend as die gemagtigde persoon), verstrek word.
Betrokke regte	Wanneer 'n versoek aan 'n **privaat liggaam** gerig word, moet die versoeker die reg meld wat ter sake is en verduidelik waarom die rekord benodig word vir die uitoefening of beskerming van daardie spesifieke reg.

Versoekers wat nie kan lees of skryf nie, kan mondelinge versoeke tot die Inligtingsbeampte of Adjunkinligtingsbeampte van ’n openbare liggaam rig, wat dan verantwoordelik is om Vorm A namens die versoeker in te vul.

3.1.2 Is daar 'n prosedure om te volg wanneer 'n PAIA-versoek gerig word?

Toegang tot die betrokke rekords moet aan 'n versoeker verleen word slegs as hy of sy aan die volgende prosedurele vereistes voldoen het:

- Die PAIA-versoek moet gerig word op die regte vorm (Vorm A vir openbare liggame, Vorm C vir privaat liggame) en moet gerig word aan die Inligtingsbeampte of Adjunkinligtingsbeampte van die openbare of privaat liggaam, of aan die hoof van die openbare of privaat liggaam.
- Die PAIA-versoekvorm moet per hand afgelewer word, gepos, gefaks of per e-pos gestuur word aan die openbare of privaat liggaam aan wie die versoek gerig word.
- Die verlangde rekords moet nie aan die gronde vir weiering waarvoor PAIA voorsiening maak, onderhewig wees nie.

3.2 Wat is die koste verbonde aan 'n PAIA-versoek?

Versoekers moet gelde betaal wanneer hulle toegang tot rekords van openbare en privaat liggame **versoek**.

Die bedrag vir ’n versoek vir rekords van ’n openbare liggaam is **R35**, en die bedrag vir ’n versoek vir rekords van ’n privaat liggaam is **R50.**

Dit is belangrik om daarop te let dat versoekers wat toegang tot hulle persoonlike inligting versoek, vrygestel is van betaling van versoekgelde, maar hulle moet steeds toegangsgelde betaal.

Versoekers wat minder as **R14 712** per jaar (enkellopendes) of **R27 192** per jaar (getroud of in ’n lewensverhouding) verdien, hoef NIE versoekgelde te betaal nie.

3.2.1 Wat is die koste van toegang tot rekords ingevolge PAIA?

Versoekers moet ook gelde betaal vir **toegang** tot die rekords van openbare en privaat liggame. Hierdie gelde dek die koste om die rekord te soek en te kopieer.

Die gelde vir toegang tot rekords van openbare liggame is soos volg:

AKTIWITEIT	GELDE
Afskrif per A4-bladsy	60 sent
Druk per A4-bladsy	40 sent
Kopie op 'n CD	R40
Transkripsie of visuele beelde per A4-bladsy	R22
Kopie van 'n visuele beeld	R60
Transkripsie van 'n klankopname per A4-bladsy	R12
Kopie van 'n klankopname	R17
Soek en voorbereiding van die rekord vir openbaarmaking	R15 per uur of deel daarvan, uitgesonderd die eerste uur, wat redelikerwys nodig is vir die soek en voorbereiding

Die gelde vir toegang tot rekords van privaat liggame is soos volg:

AKTIWITEIT	GELDE
Afskrif per A4-bladsy	R1.10
Druk per A4-bladsy	75 sent
Kopie op 'n CD	R70
Transkripsie of visuele beelde per A4-bladsy	R40
Kopie van 'n visuele beeld	R60
Transkripsie van 'n klankopname per A4-bladsy	R20
Kopie van 'n klankopname	R30
Soek en voorbereiding van die rekord vir openbaarmaking	R30 per uur of deel daarvan, uitgesonderd die eerste uur, wat redelikerwys nodig is vir die soek en voorbereiding

Let op dat in die geval van sowel openbare as privaat instellings posgeld deur die versoeker betaal moet word vir die lewering van die rekords.

Uitsonderings

Indien die Inligtingsbeampte, Adjunkinligtingsbeampte of hoof van die openbare of privaat liggaam van mening is dat die insameling en reproduksie van dokumente langer as ses uur gaan neem, moet hy/sy die versoeker (per formele kennisgewing) in kennis stel dat een derde van die toegangsgelde vooruit betaalbaar is as 'n deposito.

Indien die rekord nie in die verlangde vorm verskaf word nie, mag die toegangsgeld wat die versoeker moet betaal, nie meer wees nie as die gelde wat gehef sou word as toegang in die verlangde vorm verleen sou word. Hierdie reël geld egter nie wanneer ’n alternatiewe vorm verlang word omdat inligting van die rekord geskei moes word nie.

As die versoeker as gevolg van 'n gestremdheid nie die rekord kan lees, sien of hoor in die vorm wat deur 'n openbare liggaam gehou word nie, moet die openbare liggaam die rekord verskaf in 'n vorm wat vir die versoeker toeganklik is. Die toegangsgelde wat die versoeker moet betaal, mag nie meer wees nie as die gelde wat gehef sou word as die versoeker nie aldus gestremd was nie.

3.3 Kan 'n Inligtingsbeampte my help om 'n PAIA-versoek te rig?

Wanneer 'n PAIA-versoek aan 'n openbare liggaam gerig word, moet die Inligtingsbeampte of Adjunkinligtingsbeampte u help, waar nodig, om die PAIA-vorms in te vul.

Inligtingsbeamptes moet bystand kosteloos verleen.

PLIGTE VAN INLIGTINGSBEAMPTES	BESKRYWING
Help die versoeker om die PAIA-vorm in te vul	Wanneer 'n PAIA-versoek nie al die gestelde vereistes in PAIA en op die vorm volg nie, mag die Inligtingsbeampte of Adjunkinligtingsbeampte NIE die versoek weier nie. In plaas daarvan moet die Inligtingsbeampte die versoeker **skriftelik** in kennis stel dat hy/sy die versoek nie kan toestaan nie omdat dit onvolledig is, en aanbied om die versoeker te help om die nodige veranderinge op die vorm aan te bring. As die versoeker nie binne 'n redelike tydperk op die brief reageer of die vorm regstel nie, kan die Inligtingsbeampte die versoek weier.
Voorsien versoeker van tersaaklike inligting waar moontlik	As dit redelik en moontlik is om dit te doen, **moet** die Inligtingsbeampte die versoeker voorsien van enige ander inligting wat deur die openbare liggaam gehou word wat ook tersaaklik is vir die versoek, selfs al is die rekords nie deel van die oorspronklike versoek nie.
Dra die versoek oor	Wanneer 'n PAIA-versoek aan die verkeerde openbare liggaam gerig word, **moet** die Inligtingsbeampte van daardie liggaam die versoek **binne 14 dae** na ontvangs van die versoek na die regte openbare liggaam oordra en moet hy die versoeker skriftelik van die oordrag in kennis stel.

PLIGTE VAN INLIGTINGSBEAMPTES	BESKRYWING
30 dae om op versoek te reageer	Die openbare liggaam of privaat liggaam moet op 'n PAIA-versoek reageer binne 30 dae na ontvangs daarvan. Die Inligtingsbeampte kan 'n verlenging van hoogstens nog 30 dae vra, om spesifieke redes, wat insluit – (1) dat die versoek 'n groot volume dokumente behels, (2) dat die versoek oorlegpleging met ander openbare of privaat liggame behels, (3) of as die versoeker die verlenging skriftelik toegestaan het. Net een verlenging per PAIA-versoek word toegelaat.
Verleen of weier toegang	Dit is die verantwoordelikheid van die Inligtingsbeampte om toegang tot die rekords te verleen of te weier. Hierdie besluit moet skriftelik aan die versoeker oorgedra word.
Vorm van toegang, toegangsgelde en hulp	Wanneer 'n PAIA-versoek toegestaan word, moet die Inligtingsbeampte die versoeker in kennis stel van die vorm waarin toegang verleen sal word en van die bedrag van die toegangsgelde, wat betaal moet word wanneer toegang verleen word. Die kennisgewing moet die versoeker ook inlig dat hy/sy die reg het om 'n interne appèl aan te teken en 'n aansoek teen die toegangsgelde of teen die vorm waarin toegang verleen sal word, by die hof in te dien. Verder moet die kennisgewing ook inligting verstrek oor die tydperk waarin 'n appèl of hofaansoek ingedien moet word, asook die prosedure wat gevolg moet word.
Weiering van versoek	As 'n PAIA-versoek geweier word, moet die kennisgewing aan die versoeker die redes vir die weiering meld, wat deur die toepaslike bepalings van PAIA gestaaf moet word. Soos met die vorm van toegang en bedrag van toegangsgelde moet die kennisgewing die versoeker voorsien van inligting oor sy/haar reg om teen die besluit appèl aan te teken of 'n aansoek by die hof in te dien.
Uitstel van vrystelling van die rekord	Die Inligtingsbeampte kan besluit om die vrystelling van 'n rekord aan 'n versoeker uit te stel kragtens artikel 24 van PAIA as daardie rekord bedoel is om binne 90 dae gepubliseer te word of as die rekord regtens gepubliseer moet word maar nog nie gepubliseer is nie.

PAIA bepaal in artikels 23 (vir 'n openbare liggaam) en 55 (vir 'n privaat liggaam) dat as 'n Inligtingsbeampte die bepaalde rekords nie kan kry nie, of as daar vermoed word dat dit nie bestaan nie, die Inligtingsbeampte , nadat hy/sy verseker het dat alle redelike stappe gedoen is om die rekord op te spoor, 'n beëdigde verklaring aan die versoeker kan voorlê om kennis te gee dat die betrokke rekords nie bestaan nie of nie opgespoor kan word nie. Die verklaring moet volle besonderhede bevat.

3.4 Watter regshulp het ek as my PAIA-versoek geweier word?

'n Versoeker het die reg om regstappe teen die Inligtingsbeampte, Adjunkinligtingsbeampte of hoof van die openbare of privaat liggaam te doen indien die Inligtingsbeampte besluit om:

- Toegang tot 'n rekord te weier
- Die tyd te verleng om op 'n versoek te reageer
- Versoekgelde of toegangsgelde te hef
- Toegang tot 'n rekord te verleen in 'n ander vorm as wat oorspronklik versoek is.

Hierdie afdeling verduidelik die regsmiddels tot beskikking van versoekers wat die besluite van die Inligtingsbeampte wil betwis.

3.4.1 Regshulp teen openbare liggame

Wanneer 'n versoeker ontevrede is met 'n besluit deur die Inligtingsbeampte van 'n openbare liggaam, het die versoeker die reg om 'n interne appèl aan te teken. 'n Interne appèl behels 'n meer senior persoon om die Inligtingsbeampte se besluit te hersien en te besluit of hy/sy die korrekte besluit geneem het. Indien die senior persoon die Inligtingsbeampte se besluit goedkeur, word die interne appèl geweier en word die oorspronklike besluit oor die PAIA-versoek bevestig. Indien die senior persoon die Inligtingsbeampte se besluit nie goedkeur nie, word die interne appèl toegestaan en word die oorspronklike besluit oor die PAIA-versoek omgekeer.

Dit is belangrik om daarop te let dat 'n interne appèl net aan nasionale, provinsiale en munisipale departemente voorgelê kan word. Vir ander openbare liggame is daar geen appèlprosedure beskikbaar nie.

Die Stad Kaapstad is 'n voorbeeld van 'n munisipale regering teen wie 'n interne appèl aangeteken kan word. Die Padongelukkefonds is 'n voorbeeld van 'n openbare liggaam wat nie deel van die nasionale, provinsiale of plaaslike regering is nie aangesien dit by wetgewing (die Wet op die Padongelukkefonds) ingestel is en gevolglik kan 'n interne appèl nie teen hom ingedien word nie.

3.4.1.1 Wie kan 'n interne appèl aanteken?

'n Versoeker wat 'n PAIA-versoek aan 'n nasionale, provinsiale of munisipa le openbare liggaam rig en toegang geweier word, het die reg om 'n interne appèl aan te teken. Dit word gedoen deur 'n PAIA-Vorm B in te vul en dit by die nasionale, provinsiale of munisipale openbare liggaam in te dien. Vorm B kan op die webblad van die betrokke liggame gekry word en is ook beskikbaar by elke kantoor van die Suid-Afrikaanse Menseregtekommissie.

As die interne appèl 'n derde party behels, is die openbare liggaam wat die interne appèl ontvang het, verantwoordelik om al die tersaaklike derde partye te kontak. Die vereistes vir kennisgewing en verteenwoordiging is dieselfde as vir die oorspronklike PAIA-versoek.

Derde partye word ook toegelaat om interne appèlle aan te teken teen die besluit van 'n openbare liggaam om toegang tot 'n spesifieke rekord te verleen.

3.4.1.2 Wanneer kan 'n interne appèl aangeteken word?

'n Versoeker kan 'n interne appèl teen die besluit van 'n openbare liggaam om die volgende redes aanteken:

- Die versoeker is nie met die vereiste gelde vir die versoek tevrede nie.
- Die versoeker is nie tevrede met die besluit om 'n verlenging van 30 dae aan die openbare liggaam te gee om op die versoek te reageer nie.
- Die versoeker is nie tevrede nie wanneer die vorm waarin die rekords verskaf word, nie dieselfde is as die vorm wat versoek is nie, en die versoeker van mening is dat dit nie onredelik drukkend sou wees vir die openbare liggaam om die rekords in die versoeker se voorkeurvorm te verskaf nie.

3.4.1.3 Hoe teken ek 'n interne appèl aan?

'n Interne appèl moet deur die versoeker aangeteken word binne 60 dae na ontvangs van die weiering van die oorspronklike PAIA-versoek. Dit word gedoen deur ‘n **Vorm B** in te vul en dit aan die betrokke nasionale, provinsiale of munisipale departement voor te lê.

Nasionale regering	As die PAIA-versoek aan 'n **nasionale departement** gerig is, kan die versoeker 'n interne appèl by die Minister van daardie departement aanteken.
Provinsiale regering	As die PAIA-versoek aan 'n provinsiale departement gerig is, kan die versoeker 'n interne appèl aanteken by die Lid van die Uitvoerende Raad van daardie departement.
Munisipale regering	As die PAIA-versoek aan 'n munisipale departement gerig is, kan die versoeker 'n interne appèl rig aan die burgemeester van die munisipaliteit of die speaker van die munisipaliteit of enige ander persoon wat deur die Munisipale Raad vir daardie spesifieke munisipaliteit aangewys is.

Vorm B word aan dieselfde Inligtingsbeampte of Adjunkinligtingsbeampte voorgelê wat die aanvanklike versoek geweier het en hierdie persoon moet dit dan aan die Inligtingsbeampte deurstuur.

GOED OM TE WEET

As die appèl vereis dat kennis aan ’n derde party gegee moet word (d.i. wanneer die inligting persoonlike inligting oor ’n ander persoon bevat, soos rekords van die Suid-Afrikaanse Inkomstediens (SAID), asook vertroulike inligting, spesifieke kommersiële inligting en navorsingsinligting oor die derde party), moet die appèl binne 30 dae na kennisgewing ingedien word.

'n Versoeker moet die interne appèl per pos, faks of e-pos aan die Inligtingsbeampte van die betrokke liggaam stuur.

'n Interne appèl moet die onderwerp van die interne appèl insluit, asook redes ter staving van die appèl, en enige ander tersaaklike inligting waarvan die persoon wat die appèl aanteken, bewus is.

As die versoeker op ’n ander wyse ingelig wil word oor die besluit oor die interne appèl (benewens ’n skriftelike antwoord), moet hy/sy sê op watter wyse dit gedoen moet word en enige nodige inligting verskaf.

3.4.1.4 Wat gebeur as 'n interne appèl aangeteken word ná verstryking van die voorgeskrewe tydperk?

Wanneer 'n interne appèl na verstryking van die tydperk van 60 dae aangeteken word, moet die betrokke openbare liggaam die appèl aanvaar as goeie gronde vir laat indiening aangevoer word. As die betrokke openbare liggaam nie die laat aantekening van 'n interne appèl aanvaar nie, moet hy kennis gee aan die persoon wat die appèl aangeteken het.

3.4.1.5 Wat is die gelde vir interne appèlle?

'n Versoeker wat 'n interne appèl aanteken, moet die voorgeskrewe gelde betaal. As die appèlgelde betaalbaar is wanneer die appèl aangeteken word, kan die besluit oor die appèl uitgestel word totdat die gelde betaal is.

KAN EK 'N AANSOEK TEEN DIE BESLUIT VAN 'N OPENBARE LIGGAAM BY DIE HOF INDIEN?

Ja. As 'n versoeker nie met sy/haar interne appèl teen 'n openbare liggaam slaag nie, of as die openbare liggaam weier om die laat aantekening van 'n interne appèl te aanvaar, of as die versoeker enigsins gegrief is as gevolg van 'n besluit deur die openbare liggaam, kan die versoeker by die hof aansoek doen vir regshulp deur 'n aansoek in te dien binne 180 dae na ontvangs van die besluit (ingevolge 'n uitspraak van die Konstitusionele Hof – kyk hieronder vir meer inligting). **'n Versoeker of derde party kan by die hof aansoek doen slegs nadat die interne appèlproses afgehandel is.**

3.4.2. Regshulp teen privaat liggame

As 'n versoeker nie tevrede is nie met 'n besluit van die hoof van 'n privaat liggaam, byvoorbeeld om toegang te weier of om toegangsgelde te hef of om die tydperk te verleng waarbinne gereageer moet word, kan die versoeker by die hof vir regshulp aansoek doen binne 180 dae na ontvangs van die besluit (ingevolge 'n uitspraak van die Konstitusionele Hof – kyk hieronder vir meer inligting) wat die gegriefdheid veroorsaak. Die besluit van die privaat liggaam sal deur 'n hof hersien word en die hof sal besluit of toegang verleen moet word al dan nie.

BRUMMER V MINISTER FOR SOCIAL DEVELOPMENT

In hierdie saak het die hof bevind dat die oorspronklike tydperk van 30 dae ingevolge PAIA waarin 'n versoeker by die howe kan aansoek doen as hy/sy ontevrede is met die besluit van 'n Inligtingsbeampte, ontoereikend is om geregtigheid te laat geskied. Gevolglik is bevind die tydperk van 30 dae is ongeldig en moet verleng word tot 180 dae. Hierdie uitspraak word weerspieël in die nuwe Wet op Beskerming van Persoonlike Inligting, wat bepaal dat daar 'n tydperk van 180 dae is vir versoekers om 'n klag by die Inligtingreguleerder in te dien nadat die PAIA-proses vir toegang tot 'n persoonlike rekord uitgeput is.

Sake oor toegang tot inligting kan in die landdroshof as ’n hof van eerste instansie verhoor word, soos bepaal by artikel 79 van PAIA., asook in die Hoë Hof.

3.4.3. Wat sal in die hof met my saak gebeur?

Daar is verskeie moontlike uitkomste as 'n PAIA-saak hof toe geneem word. Nadat albei kante van die saak aangehoor is, het die voorsittende beampte die bevoegdheid om 'n bevel te gee. Dit kan insluit 'n bevel wat: (1) die besluit van 'n openbare of privaat liggaam ten opsigte van die PAIA-versoek bevestig, verander of ter syde stel; (2) van die openbare of privaat liggaam vereis om spesifieke stappe te doen of om hom van spesifieke stappe te weerhou; (3) 'n interdik, 'n verklarende bevel, spesifieke regshulp of vergoeding toestaan; of (4) die betaling van sekere koste gelas.

AFDELING 4

Wanneer toegang tot inligting geweier kan/mag word

Hierdie afdeling sluit in:

4.1 Balansering van die reg op toegang tot inligting met ander regte

4.2 Verpligte teenoor diskresionêre gronde vir weiering van toegang

4.3 Gronde vir weiering van toegang tot inligting in PAIA genoem

4.4 Die toets van openbare belang

4.1. Wanneer toegang tot inligting geweier kan word

Hierdie afdeling bied 'n oorsig oor wanneer toegang tot inligting kragtens PAIA geweier kan word, en 'n gids oor die toepassing van die reëls wat 'n Inligtingsbeampte toelaat om 'n versoek te weier. PAIA noem 12 gronde waarop toegang tot inligting geweier kan word deur 'n Inligtingsbeampte van 'n openbare of privaat liggaam, waarvan sommige verpligtend en sommige diskresionêr is (***kyk Afdeling 4.2 hieronder vir verdere inligting***). Voorts skep PAIA 'n klousule oor openbare belang wat in sekere gevalle enige van die gronde vir weiering van toegang tot inligting effektief oorheers waar die openbare belang van belang is. (***Kyk Afdeling 4.4 hieronder vir verdere inligting***.)

BALANSERING VAN DIE REG OP TOEGANG TOT INLIGTING MET ANDER REGTE	
ALGEMENE REëL	Die reg op toegang tot inligting is vervat in die Handves van Regte van die Suid-Afrikaanse Grondwet, en om uitvoering aan hierdie reg te gee, moet toegang tot inligting so dikwels as moontlik verleen word.
UITSONDERING	Soos baie andere regte in die Handves van Regte kan die reg op toegang tot inligting in sekere omstandighede beperk of geweier word. PAIA gee gronde waarop versoeke vir inligting geweier kan word en die reg op toegang tot inligting dus beperk kan word.

4.2 Verpligte teenoor diskresionêre gronde vir weiering van toegang tot inligting

PAIA bepaal dat inligting in sekere omstandighede nie deur die inligtingsbeampte openbaar gemaak mag word nie. Die redes hoekom inligting nie openbaar gemaak mag word nie, hou kortliks daarmee verband of die openbaarmaking van die inligting nadeliger sal wees as nie-openbaarmaking. PAIA noem dus 12 gronde waarop toegang tot inligting geweier kan word deur die inligtingsbeampte van die openbare of privaat liggaam (hierdie 12 gronde word in Afdeling 4.3 hieronder bespreek). Party van hierdie redes vir openbaarmaking is verpligtend, wat beteken dat die inligtingsbeampte nie toegang tot die inligting **mag** toelaat nie as een van die verpligtende gronde vir weiering van toegang tot inligting bewys kan word. Ander gronde vir weiering van toegang tot inligting is **diskresionêr**. Dit beteken dat die inligtingsbeampte die inligting openbaar kan maak of nie. Die inligtingsbeampte moet dus sy/haar diskresie gebruik wanneer hy/sy besluit om die inligting openbaar te maak al dan nie. Hy/Sy moet dit doen deur te bepaal of openbaarmaking nadeliger vir die openbare of privaat liggaam sal wees as nie-openbaarmaking.

PAIA-TERME OM TE ONTHOU…

Vir verpligte weiering gebruik PAIA die woord "**moet**".

Vir diskresionêre weiering gebruik PAIA die woord "**kan**".

Onthou, as 'n Inligtingsbeampte moet u objektief bly by die toepassing van 'n rede vir weiering van toegang tot inligting. Moenie kant kies nie, en wees te alle tye onpartydig!

4.3 Gronde vir weiering van toegang tot inligting

Soos hierbo gestel, is daar verskeie gronde waarop 'n versoek vir toegang tot inligting geweier **kan** of **moet** word deur 'n Inligtingsbeampte van 'n openbare of privaat liggaam. Hierdie gronde word in Hoofstuk 4 van Deel 2 van PAIA genoem vir 'n openbare liggaam, en in Hoofstuk 4 van Deel 3 vir 'n privaat liggaam.

4.3.1 Beskerming van die privaatheid van 'n derde party

'n Inligtingsbeampte van 'n openbare of privaat liggaam mag nie toegang tot persoonlike inligting van 'n natuurlike persoon toelaat nie, ingesluit 'n oorlede individu (vir 'n definisie van 'natuurlike persoon', kyk Nuttige Terme hierbo). PAIA bepaal dat, om die reg op privaatheid van 'n derde party wat 'n natuurlike persoon is te beskerm, die Inligtingsbeampte moet vasstel of die vrystelling van die onderhawige inligting aan die versoeker 'die onredelike openbaarmaking van persoonlike inligting' sal meebring (kyk artikels 34 en 63 van PAIA).

Artikel 1 van PAIA bevat 'n breë omskrywing van watter inligting "persoonlike inligting" uitmaak. Dit sluit in inligting met betrekking tot geslag, swangerskap en godsdiens, asook persoonlike korrespondensie, DNS, vingerafdrukke en gevalle waar die individu se naam in rekords verskyn.

Die Inligtingsbeampte moet ook oorweeg of die onderhawige persoonlike inligting in die volgende kategorieë persoonlike inligting val wat openbaar gemaak kan word:

- Persoonlike inligting van 'n individu wat toestemming gegee het dat hierdie inligting openbaar gemaak word
- Persoonlike inligting wat reeds openbaar gemaak is
- Persoonlike inligting oor 'n kind jonger as 18 jaar waar die openbaarmaking van sodanige inligting in belang van die kind is en die versoeker die kind se versorger is (d.i. ouer of voog)
- Persoonlike inligting van 'n oorlede persoon aan 'n versoeker wat die individu se naasbestaande is of wat deur die naasbestaande gemagtig is (skriftelike toestemming)
- Persoonlike inligting van 'n oorlede persoon wat al langer as 20 jaar oorlede is
- Persoonlike inligting van 'n individu wat 'n beampte van 'n openbare of privaat liggaam is of was en waar die inligting met sy of haar posisie as 'n beampte verband hou.

PAIA vereis dat Inligtingsbeamptes van die Suid-Afrikaanse Inkomstediens (SAID) nie persoonlike belasting- en inkomste-inligting openbaar maak nie, tensy die versoeker toegang tot sy/haar eie inligting versoek.

4.3.2 Beskerming van kommersiële belange van 'n derde party

Die Inligtingsbeampte van openbare en privaat liggame **moet** toegang tot inligting weier indien die vrystelling van daardie inligting benadeling van die kommersiële of finansiële belange van die onderneming sal veroorsaak. PAIA noem die volgende kommersiële inligting wat nie deur 'n Inligtingsbeampte openbaar gemaak mag word nie:

- Handelsgeheime
- Finansiële, kommersiële, wetenskaplike, navorsings- of tegniese inligting oor 'n derde party wat, as dit vrygestel word, benadeling van die derde party sal veroorsaak
- Inligting wat vertroulik aan die derde party verskaf is.

Hoewel daar 'n algemene reël is om die inligting van die maatskappy te beskerm, moet 'n openbare liggaam op deursigtige wyse optree. Daar is sekere gevalle waar kommersiële inligting van 'n maatskappy openbaar gemaak kan word.

PAIA-uitsluiting: Derdepartyrekords wat inligting rakende openbare veiligheid of omgewingsrisiko's bevat, moet vrygestel word, selfs al sal die vrystelling van sodanige inligting waarskynlik benadeling van die derde party veroorsaak. Dit maak inligting in openbare belang uit *(kyk Afdeling 4.4 hieronder).*

4.3.3 Beskerming van vertroulike inligting

PAIA bepaal dat 'n Inligtingsbeampte toegang tot 'n rekord **moet** weier as die vrystelling van die rekord sal neerkom op 'n verbreking van 'n vertroulikheidsplig teenoor 'n derde party ingevolge 'n ooreenkoms of kontrak.

4.3.4 Beskerming van die veiligheid van individue en eiendom

Hierdie artikel bepaal dat 'n Inligtingsbeampte toegang tot 'n rekord **moet** weier as daar redelikerwys verwag kan word dat die openbaarmaking van die rekord die veiligheid van 'n individu of eiendom kan bedreig. Hierdie artikel het 'n aspek rakende 'n reg op privaatheid aangesien dit die persoonlike lewe van individue en hulle eiendom in ag neem.

4.3.5 Beskerming van inligting in regsverrigtinge

Die doel van hierdie artikel is om inligting te beskerm wat in regs- en wetstoepassingsprosesse vereis word. Hierdie artikel erken ander wetgewing wat oor sekere kategorieë inligting handel. In die geval van hierdie artikel word die Strafproseswet, Wet 51 van 1977, erken as die reg wat rekords rakende borgverrigtinge en ander wetstoepassingsprosedures reguleer. Dit is ook van toepassing op rekords wat teen blootlegging geprivilegieer is. Met ander woorde, rekords wat nie vir enigiemand anders beskikbaar is nie, uitgesonderd die persoon wat die privilegie het om toegang tot hierdie rekords te kry, byvoorbeeld 'n prokureur wat kliëntprivilegie het. Enige rekords onderhewig aan die verhouding tussen 'n prokureur en sy/haar kliënt word kragtens artikel 40 van PAIA beskerm.

Hoewel PAIA die bestaan erken van ander wetgewing rakende die bestuur en openbaarmaking van inligting en rekords, in 'n situasie waar die wetgewing die reg op toegang tot inligting op onregverdigbare wyse beperk en strydig is met die beginsels van deursigtigheid en verantwoordbaarheid, sal PAIA voorrang bo daardie wet geniet.

4.3.6 Beskerming van navorsingsinligting

'n Inligtingsbeampte van 'n openbare of privaat liggaam moet toegang weier tot rekords wat inligting bevat rakende navorsing wat deur die betrokke openbare of privaat liggaam of 'n derde party gedoen word of gaan word. Hierdie weiering van toegang tot inligting is in omstandighede waar die openbaarmaking van die rekord die navorsing van die derde party of openbare of privaat liggaam, die individu of instelling wat die navorsing doen, of die onderwerp van die navorsing, aan ernstige benadeling sal blootstel (*kyk artikels 43 en 69 van PAIA*).

4.3.7 Inligting waartoe toegang geweier kan word

Die volgende kategorieë inligting hou verband met inligting waartoe 'n Inligtingsbeampte toegang kan weier slegs as hy of sy kan regverdig dat die onderhawige inligting binne die volgende kategorieë val en dit nie in openbare belang is om openbaar gemaak te word nie (*vir verdere inligting oor die klousule oor openbare belang, kyk Afdeling 4.4 hieronder*).

4.3.7.1 Suid-Afrika se verdediging, sekuriteit en internasionale verhoudinge

Artikel 41 van PAIA bepaal dat 'n Inligtingsbeampte dit moet oorweeg of die versoek vir inligting verband hou met inligting oor die sekuriteit van Suid-Afrika. Die Inligtingsbeampte kan 'n versoek weier as hy of sy kan bewys dat die vrystelling van die inligting die veiligheid van Suid-Afrika in die gedrang sal bring.

4.3.7.2 Ekonomiese, finansiële en kommersiële belange van Suid-Afrika

Artikel 42 van PAIA vereis die beskerming van inligting van 'n openbare liggaam as die openbaarmaking daarvan nadelig sal wees vir die ekonomiese en finansiële status van die Republiek. Hierdie grond vir weiering is diskresionêr, wat beteken dat die Inligtingsbeampte die feit in ag sal moet neem dat openbare liggame ingevolge die Grondwet van Suid-Afrika 'n mandaat het om teenoor die publiek verantwoordbaar te wees en dat die inligting gevolglik net in sekere gevalle geweier mag word. Verder sal die Inligtingsbeampte moet aantoon dat die openbaarmaking van die onderhawige inligting die finansiële en ekonomiese belange van Suid-Afrika sal benadeel.

4.3.7.3 Werking van openbare liggaam

Artikel 44 van PAIA verleen aan Inligtingsbeamptes die bevoegdheid om toegang tot 'n rekord te weier as dit die werking van 'n openbare liggaam sal belemmer. Artikel 44 is wyd, en onder werking word 'n aantal rekords genoem, soos:

- Notule van vergaderings
- Rekords wat advies of menings bevat
- Rekords rakende oorlegpleging met ander liggame
- Rekords rakende die formulering van beleide of aanbevelings

4.3.7.4 "Klaarblyklike beuselagtige of kwelsugtige versoeke, of wesenlike en onredelike wegkering van hulpmiddele"

'n Inligtingsbeampte kan 'n versoek vir inligting weier as hy of sy van mening is dat die prosessering van versoeke onredelik tydrowend sal wees en tot 'n vermorsing van hulpbronne sal lei. Voorts kan 'n Inligtingsbeampte toegang tot 'n rekord weier as die versoek beskou word as sinloos of gerig deur 'n versoeker om onnodig te treiter of uit te tart.

4.4 Voorrang van Openbare Belang

Al die beskerming vir inligting soos hierbo uiteengesit, val weg as die vrystelling van die inligting in openbare belang is. So geniet die toets van openbare belang voorrang bo al die ander gronde vir weiering van toegang tot inligting.

Die volgende toets moet deur 'n Inligtingsbeampte van 'n openbare of privaat liggaam toegepas word voordat hy of sy weier om toegang te verleen tot inligting wat in bogenoemde kategorieë vir nie-openbaarmaking val. As daar aan hierdie voorwaardes voldoen word, moet die inligting openbaar gemaak word op grond van openbare belang.

Toon die inligting 'n ernstige oortreding van 'n wet?

OF

Bevat die onderhawige rekords inligting rakende 'n dreigende en ernstige risiko vir die openbare veiligheid of vir die omgewing?

EN

Weeg die openbare belang by die openbaarmaking van die inligting duidelik swaarder as die potensiële benadeling?

AFDELING 5
Belangrike bronne en ander nuttige inligting

Hierdie afdeling sluit in:

5.1 ‘n Lys van die belangrike bronne wat gebruik is om hierdie PAIA-gids saam te stel insluitende wetgewing

5.2 ‘n Lys van ander nuttige PAIA-hulpbronne

5.1 Belangrike bronne

BRON	OUTEUR
Wet op Bevordering van Toegang tot Inligting Wet 2 van 2000	Wetgewing
Wet op Beskerming van Persoonlike Inligting Wet 4 van 2013	Wetgewing
PAIA Unpacked (beskikbaar by www.saha.org.za	SAHA
PAIA Resource Kit (beskikbaar by www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (beskikbaar by www.sahrc.org.za)	SAMRK
PAIA Community Tool Guide (beskikbaar by www.sahrc.org.za)	SAMRK
PAIA Frontline Staff Manual (beskikbaar by www.sahrc.org.za)	SAMRK

5.2 PAIA-regulasies

GOEWERMENTSKENNISGEWING	DATUM	ONDERWERP EN BESKRYWING
Goewermentskennisgewing: No. R. 1244	22 September 2003	Wysiging rakende die beskikbaarheid van die PAIA-handleidings van openbare en privaat liggame.
Goewermentskennisgewing: No. R. 187	15 Februarie 2002	Wysiging van PAIA rakende hierdie artikel 10-gids en die beskikbaarheid van PAIA-handleidings.
Goewermentskennisgewing: No. R. 233	9 Maart 2001	Hierdie regulasies handel oor die gelde betaalbaar vir toegang tot rekords van openbare en privaat liggame.
Goewermentskennisgewing No. R. 466	1 Junie 2007	Ingesluit vorms vir Inligtingsbeamptes om te volg by die publisering van kennisgewings van vrywillige openbaarmaking ingevolge artikels 15 en 52 van PAIA.

5.3. PAIA-wysigings

GOEWERMENTSKENNISGEWING	DATE	ONDERWERP EN BESKRYWING
Goewermentskennisgewing No. 428	31 Maart 20004	Wysiging van artikel 92(4) van PAIA om voorsiening te maak vir misdrywe en strawwe vir persone wat 'n versoeker se versoek vir inligting opsetlik en onregmatig dwarsboom, byvoorbeeld deur rekords te vernietig.
Goewermentskennisgewing No. 96	15 Januarie 2003	Wysiging van PAIA om voorsiening te maak vir die opleiding van voorsittende beamptes in die landdroshowe om PAIA-aangeleenthede aan te hoor.
Goewermentskennisgewing No. R. 187	15 Februarie 2002	Wysiging van PAIA rakende hierdie artikel 10-gids en die beskikbaarheid van PAIA-handleidings.

5.4. Wysigings van PAIA-regulasies

GOEWERMENTSKENNISGEWING	DATUM	ONDERWERP
Goewermentskennisgewing: No. 1263	11 April 2003	Kennisgewing rakende die beskikbaarheid van die PAIA-handleidings van privaat liggame.

5.5. Ander nuttige PAIA-hulpbronne

1) Using **PAIA to Promote Housing Rights, SAHA** (beskikbaar by www.saha.org).
2) Accessing **Information for Your Community, SAHA** (beskikbaar by www.saha.org).
3) Accessing **Information in the LGBTI Sector, SAHA** (beskikbaar by www.saha.org).

Umhlahlandlela Wokobana Uwusebenzisa Njani Umthetho Wezokukhutjhulwa Kokufikelelwa Kwelwazi Wesi-2 Waka-2000

ISINDEBELE

Iwebhsayithi: www.sahrc.org.za

I-imeyili: info@sahrc.org.za

I-Twitter: @SAHRCommission

I-Facebook: SAhumanrightscommission

I-Youtube: SAHRC1

Imininingwana yezokuthintana yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika

I-Ofisi eliKhulu Johannesburg

Umtato l 011 877 3600 • Ifeksi 011 403 0684

Pumalanga Kapa Port Elizabeth

Umtato 043 722 7828 • Ifeksi 043 722 7830

Freyistata Bloemfontein

Umtato 052 447 1133 • Ifeksi 051 447 1128

KwaZulu-Natal Durban

Umtato 031 304 7323/4/5 • Ifeksi 031 304 7323

Limpopo Polokwane

Umtato 015 2913500 • Ifeksi 051 291 3505

Mpumalanga Nelspruit

Umtato 013 752 8292 • Ifeksi 013 752 6890

Tlhagwini Kapa Upington

Umtato 054 332 3993/4 • Ifeksi 054 332 7750

Tlhagwini Tjhingalanga Rustenburg

Umtato: 014 592 0694 • Ifeksi 014 594 1089

Tjhingalanga Kapa Cape Town

Umtato 021 426 2277 • Ifeksi 021 426 2875

Ukuzwisisa kwakho umHlahlandlela we-PAIA

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Amathemu anesizo

AMATHEMU	IHLATHULULO
Imbhadelo yokufikelela	Le yimbhadelo ebhadelwa mbawi ehlanganweni yombuso namkha yangeqadi afuna kiyo ilwazi, ukubhadela iindleko zokuzuma nokukopa amarekhodi owafunako *(Nawufuna ilwazi elinabileko ngokufikelela, qala isiGaba 3 salomHlahlandlela)*
Iforomo A	Litholakala ekupheleni kwe-PAIA, kuwebhsayithi yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika kanye nakumawebhsayithi ahlukeneko weenkhungo zombuso. Iforomo leli lisetjenziselwa ukufikelela ilwazi eliphethwe yihlangano yombuso. *(Nawufuna ilwazi elinabileko ngeForomo A kanye nangeembawo zokufikelela ilwazi eenhlanganweni zombuso qala isiGaba 3 salomHlahlandlela).* .
Iforomo C	Nalo litholakala ekupheleni kwe-PAIA, kuwebhsayithi yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika kanye nakumawebhsayithi wamakhamphani wangeqadi ahlukeneko. Iforomo leli lisetjenziselwa ukufikelela ilwazi eliphethwe yihlangano yangeqadi.. *(Nawufuna ilwazi elinabileko ngeForomo C kanye neembawo zokufikelela ilwazi eenhlanganweni zangeqadi qala isiGaba 3 salomHlahlandlela).*
UmHlahlandlela	Utjho lomHlahlandlela okhuluma nge-PAIA obuthelelwe bewakhutjhwa yiKomitjhini yezamaLungelo woBuntu yeSewula Afrika eqalelelwe esiGabeni 10 se-PAIA, ukusiza abantu ekusebenziseni nekuzwisiseni i-PAIA.
IsiPhathiswa seLwazi neSekela lesiPhathiswa seLwazi	IsiPhathiswa seLwazi (kwesinye isikhathi esibizwa nge-IO) mumuntu ogunyazwe sikhungo okukhulunywa ngaso ukuphatha iimbawo ze-PAIA. Ehlanganweni yombuso lo mumuntu oyihloko namkha osabambe njengehloko yehlangano. Kumasipala angaba mphathi kamasipala; emnyangweni wesitjhaba wombuso angaba mNqophisi Mazombe; ehlanganweni efana neKomitjhini yezamaLungelo woBuntu angaba ngu-CEO. ISekela lesiPhathiswa seLwazi (kwesinye isikhathi esibizwa nge-DIO) mumuntu okhethwe siPhathiswa seLwazi sehlangano yombuso ukusiza umbawi esibaweni sakhe sokufikelela ilwazi. I-PAIA ayiqaleleli iinhlangano zangeqadi ukukhetha iSekela lesiPhathiswa seLwazi; kodwana kuphakanyiswa yiKomitjhini yezamaLungelo woBuntu yeSewula Afrika bonyana zenze njalo ukwenzela ukuphumelelisa nobulula. *(Nawufuna ilwazi elinabileko ngeendima zeemPhathiswa zeLwazi qala isiGaba 3 salomHlahlandlela).*

Ukudluliswa kweenqunto kwangaphakathi (IForomo B)	Ababawikufuze basebenzise iForomo B le-PAIA ukudlulisela phambili isiqunto esenziwe mazinga wombuso wesitjhaba, iphrovinsi namkha umasipala mayelana nokufikelela ilwazi. *(Nawufuna ilwazi elinabileko ngokudliselwa phambili kweenqunto kwangaphakathi qala isiGaba 3 salomHlahlandlela).*
Ihlanganisela yabantu ngokuya komthetho	Yikhamphani namkha yihlangano evunywa mthetho njengento yinye namkha 'umuntu' onamalungelo nemisebenzi.
UNgqongqotjhe	Utjho uNgqongqotjhe mayelana noNgqongqotjhe wezoBulungiswa nemiSebenzi yokuLungiswa kokuziPhatha
Umuntu wemvelo	Mumuntu wamambala, ngokuphikisana nomuntu owakhiwa mthetho (qala ihlanganisela yabantu ngokuya komthetho ngehla).
Ihlangano yangeqadi	(Nayo okuthiwa yikhamphani yangeqadi, isikhungo). Lo mumuntu wemvelo namkha owakhiwe mthetho namkha libambiswano, othinteka namkha ekurhwebeni, ebhinizisini namkha emsebenzini begodu osebenza kuphela ngokuya kwesikhundla leso.
Ihlangano yombuso	(Godu ebizwa ngesikhungo sombuso, umnyango). Lo mnyango omunye nomunye namkha isikhungo sombuso wesitjhaba, wephrovinsi namkha wezinga lombuso wekhaya. Godu ifaka esinye nesinye isikhungo esenza umsebenzi wombuso kwesinye nesinye isikhathi lapho irekhodi elifunwako lenziwe khona.
Irekhodi	Ngelinye nelinye ilwazi elirekhodiweko kungaqalwa umhlobo, kufaka isibonelo, imitlolo, amavidiyo, njll. Irekhodi elibawiwe ehlanganweni yombuso namkha yangeqadi lingatjho irekhodi eliphethwe yihlangano leyo kungaqalwa ukobana ingabe lenziwe yihlangano leyo namkha njani.
Imbhadelo yokubawa	Ziindleko ezizakubhadelwa ukwenza isibawo sokufikelela ilwazi. Nasiya esibaweni selwazi lehlangano yombuso kunembhadelo ebekiweko eyi-R35; elwazini lehlangano yangeqadi kunembhadelo eyi-R50. *(Nawufuna ilwazi elinabileko ngeembhadelo zokubawa kanye nokubekelwa ngeqadi qala isiGaba 3 salomHlahlandlela).*
Umbawi	Umbawi mumuntu wemvelo namkha mumuntu owakhiwe mthetho owenza isibawo sokufikelela ilwazi. Umbawi godu utjho umuntu owenzela omunye umuntu isibawo selwazi.
Omunye wesithathu	Lokhu kutjho umuntu wemvelo namkha umuntu owakhiwe mthetho ongasuye umbawi welwazi, noma ihlangano okwenziwa kiyo isibawo selwazi.

Irhemo leenrhunyezo

Irhemo elilandelako leenrhunyezo litholakala kilomHlahlandlela kanye nakweminye imithombo ye-PAIA esetjenziswa ngokujayelekileko:

DIO	ISekela lesiPhathiswa seLwazi
IO	IsiPhathiswa seLwazi
I-ODAC	I-Open Democracy Advice Centre
I-PAIA	UmThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi wesi-2 waka-2000
I-PPIA	Yi-Protection of Personal Information Act 4 of 2013 (UmThetho wezokuVikelwa kweLwazi lomuNtu Ngokwakhe)
SAHA	Yi-South African History Archives
SAHRC	IKomitjhini yezamaLungelo woBuntu yeSewula Afrika

ISIGABA 1
Isingeniso

Isigaba lesi sifaka:

1.1 Umnqopho womHlahlandlela we-PAIA

1.2 Umlando we-PAIA

1.3 Umnqopho we-PAIA nokobana ingasetjenziswa njani

1.4 Indima yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika

1.1. Umnqopho womHlahlandlela we-PAIA

LomHlahlandlela unikela ngelwazi mayelana nomThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi wesi-2 waka-2000 (okuyi-Promotion of Access to Information Act (i-PAIA). LomHlahlandlela we-PAIA uzakusiza abantu ekwenzeni iimbawo zelwazi ngaphasi kwe-PAIA, begodu unikela ngeembonelo zokobana i-PAIA isetjenziswe njani esikhathini esadlulako ukuragelisa phambili amalungelo wobuntu. Yenza lokhu ngokunikela:

- Ngehlathululo ye-PAIA efitjhazana ezwisiseka lula
- Ngokuhlahlela kokobana i-PAIA ingasetjenziswa njani ukuragelisa phambili amalungelo wobuntu
- Ngerhemo lemihlobo yelwazi engabawiwa ngokusebenzisa i-PAIA
- Ngomhlahlandlela wegadango ngegadango wokobana i-PAIA ungayisebenzisa njani ukwenza isibawo selwazi
- Ngehlathululo efitjhazana ngeemfundo ezifundwe eembaweni zelwazi ezadlulako kanye nemilandu yekhotho ye-PAIA

1.2. Umlando we-PAIA

Lokha umThethosisekelo weSewula Afrika nawutlanywako esikhathini esalandela ukuwa kwebandlululo eminyakeni yabo-1990, iinhlangano ezihlukeneko nabantu zabamba amajima wokufakwa kwelungelo lokufikelwa kwelwazi. Kwakuthenjwa bonyana ukufakwa kwelungelo leli eVikelwenimalungelo – isAhluko 2 somThethosisekelo – kwakuzokuqinisekisa bona izenzo ezimbi ezifana nebandlululo bezingeze zisabuye zenzeke ngombana umbuso namakhamphani wangeqadi wawuzakuteleleka ukuthatha amagadango ngendlela enokuziphendulela neyokwenzela izinto tjhatjhalazi ngokunikela ngokufikelelwa kwelwazi, begodu ngalokho bewungeze wakghona ukusithela ngefihlo okungiyo eyadala ukobana kwenzeke ubujamo bokufihlwa kwezinto.

Ngo-1996 umThethosisekelo weRiphabhligi yeSewula Afrika waka-1996 wathoma ukusebenza. IsiGaba 32 safaka ilungelo lokufikelelwa kwelwazi eliphethwe kokubili, ziinhlangano zombuso nezangeqadi. Lo, kilesosikhathi, kwakumthetho wokuthoma ephasini loke owanabisa ilungelo lokufikelelwa kwelwazi eliphethwe ziinhlangano zangeqadi. IsiGaba 32 godu sabeka bonyana umthetho kufuze wenziwe bona usebenze nowawuzokwenza bonyana ilungelo lokufikelela ilwazi lisebenze ngokubeka ngokuzeleko indlela ilwazi elibuya eenhlanganweni zombuso nezangeqadi lingafikelelwa ngayo, begodu nangokunikela ngelwazi eliragela phambili ngamabanga wokobana ihlangano yombuso neyangeqadi ingala ngawo ukunikela ngokufikelelwa kwelwazi

Ngo-2000 umThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi (i-PAIA) ekugcineni wabamthetho, wazalisa isijamiso sesigaba 32 somThethosisekelo sokwenziwa umthetho kokufikelelwa kwelwazi.

1.3. Umnqopho we-PAIA nokobana ingasetjenziswa njani

Umnqopho we-PAIA kukhuphula ilungelo lokufikelela ilwazi, ukukhulisa isiko lokwenzela izinto emkhanyweni nokuziphendulela eSewula Afrika. Ukudlula lapho i-PAIA ihlose ukukhuthaza intando yenengi yokwenzela izinto tjhatjhalazi lapho abantu ababuya kiwo woke amahlangothi wepilo bahlonyiswa khona ngokuthintana nombuso kanye nokuzibandakanya eenquntweni ezithinta amaphilo wabo

Ilungelo lokufikelela ilwazi lilungelo elihlukileko ngombana likghonakalisa ukuphunyeleliswa kwamanye amalungelo wobuntu: le ngenye yeendlela eziqakathekileko i-PAIA engasetjenziswa ngazo

Ukunikelwa kweensiza zombuso

» I-PAIA ingasetjenziswa ukuhlomisa abantu kanye nokwenza umbuso bona uziphendulele ekunikelweni kweensiza ezisisekelo ezifana nezindlu, amanzi nokuthuthwa kwesila ngamanzi.

Amalungelo ajayelekileko wabantu newezepolitiki

» I-PAIA ingasetjenziselwa ukubuthelela ilwazi abantu abangalisebenzisela ukusebenzisa amalungelo wabo afana nelungelo lokuvowuda kanye nelungelo lokuhlanganyela nabanye.

Ibandlululo nokungalingani

» I-PAIA ingasetjenziswa njengethulusi lokusekela lokulwisana nokubandlulula, elifana nokususela ebutjhabeni, ubulili, njll, eenhlanganweni ezihlukeneko zombuso nezangeqadi.

Kuqakathekile ukutjheja bona i-PAIA angeze yasetjenziselwa ukufumana amarekhodi ongawasebenzisa ngesikhathi seenkambiso zombango namkha zobulelesi ngemva kokuthoma kweenkambiso ezinjalo nayikuthi ukukhiqizwa namkha ukufikelelwa kwerekhodi ukwenzela wona lomnqopho kuqalelelwe mthetho (***qala isiGaba 7 somThetho)***.

1.4. Indima yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika

IKomitjhini yezamaLungelo woBuntu yeSewula Afrika igunyazwe ngaphasi kwe-PAIA:

» Ukukhuphula ilungelo lokufikelela ilwazi
» Ukwelusa ukufezakaliswa kwe-PAIA ziinhlangano zombuso nezangeqadi
» Ukwenza iimphakamiso ngokuqiniswa komThetho
» Ukubika njalo ngonyaka ePalamende

UmThetho wezokuVikelwa kweLwazi lomuNtu Ngokwakhe

UmThetho wezokuVikelwa kweLwazi lomuNtu Ngokwakhe wesi-4 waka-2013 (owaziwa nge-PPIA) utjhugulula i-PAIA ngeendlela ezinengi. Enye yeendlela ezikulu lomThetho otjhugulula ngazo i-PAIA iphathelene nendima ye-SAHRC. Ngaphasi kwe-PPIA, imisebenzi ye-SAHRC ngokuya kwe-PAIA izakudluliselwa kumLawuli weLwazi, okuyihlangano etjha ezijameleko ezakuhlonyelwa ukwelusa kokubili i-PPIA kanye ne-PAIA, kanye nokutjheja iinghonghoyilo eziphathelene nokufikelelwa kwelwazi kanye nokuvikelwa kwelwazi lomuntu.

Kodwana i-SAHRC izakugcina isibopho sayo sangokomThethosisekelo sokukhuphula, ukuvikela nokwelusa ilungelo lokufikelela ilwazi njengawo woke amalungelo atholakala eVikelwenimalungelo.

ISIGABA 2
Thola ulwazi oludingayo

Isigaba lesi sifaka ukobana:

2.1 Uyifumana kuphi imihlahlandlela elisizo kanye neencwajana ukukusiza ekwenzeni iimbawo zelwazi

2.2 Ungathinta bani nawufuna isizo

2.3 Ngikuphi okulindelwe eenhlanganweni zombuso nezangeqadi ukusiza abafuna ilwazi

2.4 Elinye ilwazi litholakala ngokuzenzakalela ngaphandle kobana umuntu enze isibawo esihlelekileko, isigaba lesi sizakunikela ngehlathululo efitjhazana yokobana ukufikelela kuphi lokhu

2.1 Ukuthoma

Umnqopho we-PAIA kukhuphula ngokubonakalako umphakathi lapho abantu beSewula Afrika banokufikelela ngokunetlha ilwazi ukubakghonakalisa ukobana basebenzise ngokuzeleko begodu bavikele amalungelo wabo. Kodwana kwesinye isikhathi omunye umuntu kungenzeka angaba nesiqiniseko sokobana uthoma kuphi namkha sokobana angalifikelela njani ilwazi ngendlela etjhiwo yi-PAIA. I-PAIA ibonela phambili lomraro begodu igunyaza bona imihlahlandlela ethileko neencwajana zikhutjhwe ukuze zicabe indlela eya phambili kubafunilwazi. Isigaba lesi sizakunikela ngehlathululo efitjhazana yalemihlahlandlela neencwajana, kanye neembopho zabakhuphi balemihlahlandlela neencwajana, begodu, okuqakatheke khulu, kukobana itholakala kuphi.

Ngokulindelweko, enye yamathulusi anamandla khulu umuntu angawasebenzisa ukufikelela ilwazi kukwenza isibawo selwazi esihlelekileko esenziwa ngokuya kwe-PAIA, lomhlahlandlela ozakusiza ukusenza. Kodwana khumbula, le akusi ngiyo yodwa indlela yokulandelela ilwazi. Elinye ilwazi litholakala ngokuzenzakalela ngaphandle kobana wenze isibawo esihlelekileko se-PAIA. Kobunye ubujamo, umthetho ufuna kokubili iinhlangano zombuso nezangeqadi ukuveza elinye ilwazi tjhatjhalazi. Isigaba lesi godu sinikela ngehlathululo efitjhazana yokobana ilwazi leli ulithola kuphi.

I-PAIA kuhloswe ngayo bona ibe mthetho wokuhlomisa osiza amaSewula Afrika woke. Kuhloswe bona ibe mthetho okulula ukuwuzwisisa begodu woke umuntu angawusebenzisa. Umuntu akatlhogi igqwetha ukwenza isibawo selwazi ngokuya kwe-PAIA. Lomhlahlandlela ukhutjhwe khona uzakusiza amaSewula Afrika abuya kiwo woke amahlangothi wepilo ukuphakamisa amalungelo wawo wokufikelela ilwazi athwelwe mthethosisekelo.

2.2 UmHlahlandlela we-PAIA

IsiGaba 10 se-PAIA sifuna bona iKomitjhini ibuthelele beyikhuphe umhlahlandlela okulula ukuwuzwisisa ukusiza ukufikelelwa kwamarekhodi nemitlolo kanye nokusetjenziswa kwelungelo lomuntu lokufikelela ilwazi. Kwesinye isikhathi lomhlahlandlela ubizwa ngo'mHlahlandlela wesiGaba 10'.

Ukunikela ngalo loke ilwazi ozalitlhoga ukufikelela amarekhodi. Godu ubeka imininingwana yezokuthintana yeminyango yombuso kanye neenkhungo ezigcina amarekhodi wombuso, kanye nemininingwana yezokuthintana yamakhamphani ahlukeneko wangeqadi. IKomitjhini godu kufuneka bona ihlale igcina ebujameni banjesi lomhlahlandlela ubuncani bakhona kanye eminyakeni emibili

2.2.1 Uwufumana kuphi lomhlahlandlela

Lomhlahlandlela utholakala ngawo woke amalimi wangokomthetho weSewula Afrika: isiNgisi, isiBhunu, isiNdebele, isiXhosa, isiZulu, iSepedi, iSesotho, iSetswana, isiSwati, iTshivenda neXitsonga. Amakhophi walomhlahlandlela angatholakala e-ofisini elikhulu kanye newamaphrovinsi weKomitjhini (imininingwana yezokuthintana ingafunyanwa ekupheleni kwalomHlahlandlela.) Ukungezelela, amakhophi we-elektroniki ayatholakala kuwebhsayithi yeKomitjhini (www.sahrc.org.za).

2.3 Iincwajana ze-PAIA

Ukungezelela kumHlahlandlela wesiGaba 10 nge-PAIA ozakubuthelelwa yiKomitjhini, i-PAIA godu ifuna yoke ihlangano yombuso, kanye neenhlangano zangeqadi ezinengi, bona zikhuphe incwajana ezakumumatha ilwazi lokobana uyisebenzisa njani i-PAIA ukufikelela amarekhodi wazo

2.3.1 Iincwajana ze-PAIA zeenhlangano zombuso

IsiGaba 14 se-PAIA sifuna bona zoke iinhlangano zombuso zikhuphe incwajana ubuncani bakhona ngamalimi wangokomthetho amathathu ezakusiza abafunilwazi ukwenza iimbawo zelwazi ehlanganweni ethintekako. Ubuncani bakhona incwajana kufuze ibe nelwazi elinesizo elilandelako:

IFUNEKO	IHLATHULULO
Igunya	Isakhiwo nemisebenzi yehlangano yombuso.
Imininingwana yezokuthintana	I-adresi yeposo neyestrada, inomboro yomtato neyefeksi, begodu nayikhona, i-adresi ye-imeyili yesiphathiswa selwazi sehlangano yombuso, kanye neyesekela lesiphathiswa selwazi esinye nesinye sehlangano yombuso
UmHlahlandlela wesiGaba 10 we-PAIA	Ihlathululo yalomHlahlandlela ibuthelelwe yiKomitjhini yezamaLungelo woBuntu yeSewula Afrika nokobana uyifikelela njani.
Imihlobo yamarekhodi aphathwako	Ilwazi elaneleko lokukusiza ekukghonakaliseni ukufikelela irekhodi eliphethwe yihlangano yombuso. Ihlangano yombuso kufuze ngalokho ihlathulule iinhloko amarekhodi athwelwe ngazo, kanye nemihlobo amarekhodi aphethwe ngayo kwesinye nesinye isihloko.
Ilwazi elitholakala ngokuzenzakalela	Elinye ilwazi litholakala khonokho ngaphandle kobana umuntu alibawe ngokuya kwe-PAIA. Incwajana yehlangano yombuso kufuze itjengise ilwazi leli elitholakala khonokho.
Iinsiza zehlangano yombuso	Ihlathululo yeensiza ezitholakala kumalunga womphakathi ezibuya ehlanganweni yombuso nokuthi ufikelela njani iinsiza ezinjalo. .
Ukuhlanganyela komphakathi	Ihlathululo yehlelo elinye nelinye namkha ukunikelwa komuntu wokubonisana , ukwenza izethulo namkha ukuhlanganyela namkha ukuba nomthelela ekwenziweni komthethomgomo; namkha ukusetjenziswa kwamandla namkha ukwenziwa kwemisebenzi yihlangano yombuso
Ukulungiswa kwemitjhapho	Igadango ongalithatha nayikuthi isiphathiswa selwazi sehlangano yombuso asifuni ukukunikela ngokufikelela ilwazi

2.3.2 Lapho ungafumana khona incwajana yehlangano yombuso

Zoke iinhlangano zombuso kufuze zenze incwajana itholakale lula kuwe. Ubuncani bakhona, kufuneka zenze njalo ngeendlela ezilandelako:

- Ngokwenza bona kutholakale ikhophi kwelinye nelinye i-ofisi lehlangano leyo yombuso ngesikhathi sokusebenza
- Ngokweza itholakale incwajana kuwebhsayithi, nayikhona, yehlangano yombuso

Njengombana kutjhiwo ngehla, umThetho wezokuVikelwa kweLwazi lomuNtu Ngokwakhe wesi-4 waka-2013 (i-PPIA) utjhugulula i-PAIA ngeendlela ezimbalwa. Enye yalezi ziphathelene neencwajana zesiGaba 14 zeenhlangano zombuso. Ngaphasi kwe-PPIA iincwajana lezi kufuze zingasethulwa kuKomitjhini yezamaLungelo woBuntu yeSewula Afrika, kodwana kufuze zenziwe zitholakale kuphela kuwebhsayithi begodu zenziwe zitholakale komunye nomunye umuntu obawa ikhophi.

2.3.3 Iincwajana ze-PAIA zeenhlangano zangeqadi

Iinhlangano zangeqadi godu kufuneka zibuthelele incwajana kungokuya kwesigaba 51 se-PAIA. Kwanjesi, akusizo zoke iinhlangano zangeqadi okufuneka bona zikhambisane nesigaba lesi.[1] Ngalokho, ungafumana bona ihlangano ofisa ukwenza kiyo isibawo selwazi ayinayo na incwajana engakunikela yona. Lokhu akutjho bona ihlangano ayilawulwa yi-PAIA ngokujayelekileko. Usengasenza isibawo selwazi nanyana kunjalo ehlanganweni le begodu kusafuneka bona isebenze isibawo sakho ngokuya komthetho. Ikambiso yokwenza isibawo selwazi ngokuya kwe-PAIA ihlala ifana, nanyana ihlangano ebawiwako itjhiywa ngaphandle ekubutheleleni incwajana.

NGIZIPHI IINHLANGANO ZANGEQADI OKUNGAKAFANELI BONA ZIKHUPHE INCWAJANA YELWAZI?

Indlela i-PAIA etlolwe ngayo itjho bona ZOKE iinhlangano zangeqadi kufuze zibuthelele incwajana. Kodwana uNgqongqotjhe angatjhiya ngaphandle ezinye iinhlangano zangeqadi namkha amahlangothi weenhlangano ekuthini akhuphe incwajana. Kwanjesi, uNgqongqotjhe utjhiye ngaphandle ZOKE iinhlangano zangeqadi ekubutheleleni iincwajana esikhathini esiminyaka emihlanu, ukuthoma ngomhlaka 1 Janabari 2016 NGAPHANDLE kwalokha ihlangano nayiwela ngaphasi kwamahlangothi atjhiwo ngenzasi.

[1] Lokhu kutjhuguluke ngomhlaka 31 Disemba 2015 lapho zoke iinhlangano zangeqadi kuzakulindelwa bona zibe sele zinencwajana ngokuya kwesigaba 51 se-PAIA.

Iinhlangano zangeqadi ezilandelako kufuze zibuthelele incwajana ye-PAIA nayikuthi ziqatjhe abasebenzi abangaphezulu kwabama-50 emabubulweni alandelako namkha nazinenzuzo yonyaka edlula leyo ebekwe ngenzasi:

IBUBULO	INZUZO YONYAKA
ZokuLima	R2 iingidi
ZokuMayina neGwari	R7 iingidi
ZokwEziwa kwePahla	R10 iingidi
ZeGezi, iRhasi naManzi	R10 iingidi
ZokwAkha	R5 iingidi
ZokuThengisa nokuRhweba ngeenKoloyi nemiSebenzi yokuLungisa	R15 iingidi
ZamaHoliseyila, abaSebenzeli bezokuThengisa kanye nemiSebenzi eKhambelanako	R25 iingidi
ZokuPheka, ukuHlalisa kanye namanye amaRhwebo	R5 iingidi
ZokuBeka nokuThintana	R10 iingidi
ZemiSebenzi yezeeMali neBhizinisi	R10 iingidi
ZemiSebenzi yomPhakathi, eKhethekileko neQalene noMuntu	R5 iingidi

UNgqongqotjhe godu ubeke bona woke amakhamphani angakahlathululwa njenga'makhamphani wangeqadi' ngaphasi kwesigaba 1 somThetho wezamaKhamphani wama-71 waka-2008 kufuneka bona abuthelele incwajana yesiGaba 51.

2.3.4 Uyifumana kuphi incwajana yehlangano yangeqadi

Zoke iinhlangano zangeqadi okufuneka zibuthelele incwajana kufuze zenze bona incwajana leyo itholakala lula kuwe. Ubuncani bakhona, kufuneka zenze njalo ngeendlela ezilandelako:

- Ngokwenza bona kutholakale ikhophi ezakuhlolwa kwelinye nelinye i-ofisi lehlangano leyo yangeqadi ngesikhathi sokusebenza. Ihlangano yangeqadi akukafaneli bona ikubhadelise ukuzoyihlola;
- Ngokwenza bona incwajana itholakala kuwebhsayithi yabo.

2.3.5 Ukhambisana njani nayikuthi uyihlangano yangeqadi

Kunelwazi elinesizo lokuhlahla iimphathiswa zelwazi zamakhamphani wangeqadi afuna ukukhambisana nesiGaba 51 se-PAIA kuwebhsayithi yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika (www.sahrc.org.za). Lokhu kufaka ithempleyithi ongalikhupha iimphathiswa zelwazi ezingalisebenzisa njengesibonelo.

Ngokuya kwesigaba 51, ihloko yehlangano yangeqadi kufuze:

- Ilethe ebujameni banjesi woke amatjhuguluko wencwajana njalonjalo;
- Yenze ukuba uxwebhu lufumaneke ngokwendlela ekufunwa ngayo nguMthetho kwii-ofisi zenkampani nakwiwebhusayithi yayo;
- Kufuze ifake iforomo lesibawo (iForomo C le-PAIA) encwajaneni begodu yenze amakhophi weforomo lesibawo atholakale kuwebhsayithi nakiyo yoke imakhiwo yekhamphani.

Ubuncani bakhona incwajana kufuze ibe nelwazi elilandelako:

IFUNEKO	IHLATHULULO
Imininingwana yezokuthintana	I-adresi yeposo neyestrada, umtato nenomboro yefeksi begodu nayikhona, i-adresi ye-imeyili yesiphathiswa selwazi sehlangano yangeqadi.
Ilwazi elitholakala ngokuzenzakalela	Elinye ilwazi litholakala khonokho ngaphandle kobana umuntu alibawe ngokuya kwe-PAIA. Incwajana yekhamphani yangeqadi kufuze itjengise ilwazi leli elitholakala khonokho
Amarekhodi atholakala ngokubawiwa	INcwajana yesiGaba 51 kufuze itjho amahlangothi wamarekhodi atholakala ngokubawiwa.
Ikambiso ye-PAIA	Itjho ikambiso ye-PAIA ezakulandelwa ukufikelela ilwazi ekhamphanini yangeqadi (iForomo C).
ILwazi leKhamphani	Kufaka imininingwana yehloko yekhamphani namkha u-CEO wekhamphani (njengombana ngokuya kwe-PAIA isiPhathiswa seLwazi sekhamphani yangeqadi ngokuvamileko kungiyo ihloko namkha u-CEO).
Iimbhadelo	Yitjho iimbhadelo zokufikelela ezisebenza ngokuya kwe-PAIA (qala isiGaba 3 ukufumana ilwazi elinabileko).
Ukulungiswa kwemitjhapho	Ngiziphi iintatha ezikhona kubabawi nayikuthi isibawo sabo selwazi saliwe?
Imininingwana eragela phambili	Eminye neminye imininingwana eragela phambili ephathelene neembawo zokufikelela amarekhodi.

2.4 Ilwazi elitholakala ngokuzenzakalela eliphethwe yihlangano yombuso

Akusi ngilo loke ilwazi elifuna isibawo esihlelekileko ukuze lifikelelwe. Iinhlangano zombuso ezihlukeneko ngokuya kwemithetho ehlukeneko kufuneka zenze ilwazi elithileko litholakale emphakathini. Iinkhungo ezinengi zizakuveza ilwazi ngokuzithandela ukwenzela izinto tjhatjhalazi, ukuziphendulela nobulula emphakathini. Nakuzakukhutjhulwa ukuveza ilwazi ngokuzithandela kanye nokukghonakalisa ukufikelelwa khudlwana kwelwazi leli, isiGaba 51 se-PAIA sifuna zoke iinhlangano zombuso zikhuphe irhemo, elaziwa **nge'saziso sesiGaba 15'** namkha '**ngesaziso sokuveza ngokuzithandela'** lalo loke ilwazi eliphathelene nehlangano elitholakala kuye woke umuntu ngokuzenzakalela.

Isiphathiswa selwazi sehlangano yombuso kufuneka senze isaziso sokuveza ngokuzithandela sehlangano yombuso begodu sisenze sitholakale ema-ofisini wehlangano yombuso begodu sisikhuphe kuGazede yomBuso. Ukuveza ngokuzithandela kufuze kulethwe ebujameni banjesi njalo ngonyaka.

Isaziso sokuveza ngokuzithandela sinamahlangothi wamarekhodi kanye nehlathululo yamarekhodi lawo atholakala ngokuzenzakalela:

- Ukwenzela ukuhlola ngokuya komunye nomunye umthetho ngaphandle kwe-PAIA;
- Ukwenzela ukuthenga namkha ukukopa ukusuka ehlanganweni yombuso; kanye
- Nokusuka ehlanganweni yombuso simahla

Isaziso sokuveza ngokuzithandela kufuze sihlathulule ukobana uwafikelela njani amarekhodi avezwa ngokuzithandela kanye natholakala ngokuzenzakalela. Akusebenzi ukwenza isibawo esihlelekileko samarekhodi athileko nayikuthi amarekhodi lawo afanako sele avezwe ngokuzithandela begodu atholakala ngokuzenzakalela. Esikhathini esinengi, imbhadelo iyafuneka khona isibawo esihlelekileko sizakusetjenzwa begodu lokhu kungathatha amalanga ama-30. Lokhu kungabalekelwa nayikuthi ufuna ukuqala isaziso sokuveza ngokuzithandela begodu ufanise ukobana ingabe irekhodi olifunako litholakala ngokuzenzakalela namkha njani.

Nanyana lokhu kukatelelekile ehlanganweni yombuso ukukhupha isaziso sokuveza ngokuzithandela, lokhu akusi kuku'zithandela' kwehlangano yombuso. Isaziso sibizwa 'isaziso sokuveza ngokuzithandela' ngombana sinikela ngesaziso salo loke ilwazi elivezwe ngokuzithandela, ingasi ngombana kuya ngokuqunta kwesiphathiswa selwazi ukobana liyakhutjhwa namkha njani irhemo.

2.5 Ilwazi elitholakala ngokuzenzakalela eliphethwe yihlangano yangeqadi namkha yikhamphani

Ngokufana neenhlangano zombuso, iinhlangano zangeqadi zingaba nelwazi ongalifikelela ngaphandle kokwenza isibawo esihlelekileko. Ngaphambi kokwenza isibawo esihlelekileko selwazi ngokuya kwe-PAIA okuzokwenzeka sifune imbhadelo kanye nesikhathi sokulinda samalanga ama-30, funisisa ukobana ingabe ilwazi leli alikabi ukuvezwa ngokuzenzakalela ngaphandle kokwenza isibawo esihlelekileko na

Ihloko yehlangano yangeqadi, ngokuzithandela nangeenkhathi ezithileko, ingenza irhemo lelwazi elitholakala ngokuzenzakalela ehlanganweni yangeqadi ngaphandle kobana wenze isibawo esihlelekileko. Irhemo leli libizwa **'ngesaziso sesigaba 52'** namkha **'isaziso sokuveza ngokuzithandela'**.

Ngokungafaniko neenhlangano zombuso lapho iimphathiswa zelwazi , **kufuze** zikhuphe isaziso sokuveza ngokuzithandela, isiphathiswa selwazi sehlangano yangeqadi **asikakateleleki** ukwenza njalo. Ngokuya kwe-PAIA "ngokuzithandela" singakhupha irhemo elinjalo. Lo mumehluko omkhulu phakathi kwesaziso sesigaba 52 seenhlangano zangeqadi kanye nesaziso sesigaba 15 seenhlangano zombuso

Isaziso sokuveza ngokuzithandela sehlangano yangeqadi sinamahlangothi wamarekhodi kanye nehlathululo yamarekhodi lawo atholakala ngokuzenzakalela:

- Ukwenzela ukuhlola ngokuya komunye nomunye umthetho ngaphandle kwe-PAIA;
- Ukwenzela ukuthenga namkha ukukopa ukusuka ehlanganweni yombuso; kanye
- Nokusuka ehlanganweni yombuso simahla.

Isaziso sokuveza ngokuzithandela kufuze godu sihlathulule ukobana uwafikelela njani amarekhodi avezwe ngokuzithandela begodu natholakala ngokuzenzakalela.

ISIGABA 3
Usenza njani isibawo sokufikelela ilwazi

Isigaba lesi sifaka okulandelako:

3.1 Imihlobo yeembawo

3.2 Iimbhadelo ezihlobaniswa nokwenza iimbawo

3.3 Indima yesiPhathiswa seLwazi

3.4 Ukulungiswa kwemitjhapho ngokomthetho

3 Ngisenza njani isibawo se-PAIA?

Isibawo sokufikelela ilwazi singenziwa kokubili eenhlanganweni zombuso nezangeqadi. Umuntu owenza isibawo waziwa ngo"mbawi". I-PAIA inikela ngeendlela ezihlukeneko zokufikelela ilwazi elibuya ehlanganweni yombuso namkha yangeqadi. Amaforomo abekiweko kufuze asetjenziswe lokha nawubawa ilwazi. Amaforomo la atholakala ku-PAIA.

UMHLOBO WEHLANGANO	IFOROMO LE-PAIA	ISIGABA SE-PAIA
Ihlangano yombuso	Iforomo A	Isigaba 18
Ihlangano yangeqadi	Iforomo C	Isigaba 53

Amaforomo kufanele atholakale kumawebhsayithi wazo zombili iinhlangano zombuso nezangeqadi. Godu angatholakala kwelinye nelinye i-ofisi lephrovinsi leKomitjhini yezamaLungelo woBuntu yeSewula Afrika kanye nakuwebhsayithi ku-www.sahrc.org.za.

3.1 Ngubani ongenza isibawo se-PAIA?

Omunye nomunye umuntu uvunyelwe ukwenza isibawo ngaphasi kwe-PAIA. Umbawi angaba:

Mumuntu wemvelo

» umuntu akutlhogeki bona abe sisakhamuzi seSewula Afrika namkha abe mhlali weSewula Afrika

NAMKHA

Yihlanganisela yabantu ngokuya komthetho

» efana nebhizinisi namkha ihlangano

NAMKHA

Umuntu owenzela umuntu wemvelo namkha umuntu obunjwe mthetho

Umbawi unelungelo lokufikelela amarekhodi aphethe ilwazi lakhe namkha ngomuntu umbawi amenzela isibawo.

Ihlangano yombuso ithathwa njengomuntu owenziwe mthetho begodu ingenza isibawo sokufikelela amarekhodi aphethwe ziinhlangano zangeqadi namkha kuphela nayikuthi ihlangano yombuso (1) yenzela iinkareko zomphakathi, begodu (2) amarekhodi afuneka ukwenzela ukuzalisa namkha ukuvikela amanye namanye amalungelo ngaphandle kwalawo wehlangano yombuso.

Kuqakathekile ukutjheja bonyana i-PAIA ayiqaleleli ngokunqophileko iminyango yombuso (kufaka amagatja wesitjhaba, wamaphrovinsi newabomasipala) kanye nomunye nomunye umuntu namkha isikhungo esisebenzisa amandla namkha esenza umsebenzi ngokuya komThethosisekelo (esifana ne-SAHRC kanye ne-Ofisi lomVikeli womPhakathi) namkha ikhamphani yephrovinsi (efana neBhodo yezamaLayisense woTjwala yeTjhingalanga Kapa) ukwenza iimbawo ze-PAIA kwezinye iinhlangano zombuso.

3.1.1 Ngilizalisa njani iforomo lesibawo le-PAIA?

Isibawo sokufikelela ilwazi eliphethwe yihlangano yombuso namkha yangeqadi senziwa ngokuzalisa iforomo lesibawo le-PAIA kanye nokulisa ehlanganweni efaneleko. Isibawo se-PAIA kufuze siqaliswe esiPhathisweni seLwazi, kuSekela lesiPhathiswa seLwazi namkha kuHloko yehlangano yombuso namkha yehlangano yangeqadi, begodu kufuze sisebenzise imininingwana yanjesi nenembako yokuthintana.

Ukungezelela ekunikeleni ngemininingwana yehlangano efaneleko, iforomo lesibawo elitjhiwoko le-PAIA lifaka okulandelako:

ILWAZI ELIFUNEKAKO	IHLATHULULO
Imininingwana yombawi	Ilwazi elaneleko ngombawi ukwenza bona umbawi afaniseke lula, kufaka imininingwana yokuthintana: i-adresi yeposo, i-adresi ye-imeyili, ifeksi kanye/namkha inomboro yomtato eSewula Afrika.
Imininingwana yerekhodi elibawiwako	Ilwazi elaneleko ngerekhodi ukwenza kube lula ukulifanisa. Iphepha lokungezelela lingasetjenziswa ukubeka ngokuzeleko isibawo, ikani elinye nelinye iphepha litlikitliwe belananyanthiselwa eforomini lesibawo.
Indlela yokufikelela irekhodi	Ihlathululo ngomhlobo namkha indlela irekhodi okufanele linikelwe namkha lenziwe lifikelelwe ngayo
Indlela okuzakwaziswa ngayo umbawi ngokufikelelwa	Indlela okuzakwaziswa ngayo umbawi ngesiqunto sokunikela namkha sokwala isibawo.
Ilimi elikhethwako	Lokha nakwenziwa isibawo ehlanganweni yombuso, ilimi elinyulwako okuzakufunyanwa ngalo irekhodi kufuze linikelwe.
Isikhundla somuntu ogunyaziweko owenza isibawo	Lokha nakufakwa isibawo ukwenzela omunye, ubufakazi besikhundla somenzi kufuze bunikelwe (lomuntu waziwa njengomuntu ogunyaziweko). .
Amalungelo athintekako	Lokha nakwenziwa isibawo ehlanganweni yangeqadi, umbawi kufuze atjho ilungelo elithintekako begodu ahlathulule ukobana kungani irekhodi lifunelwa ukusebenzisa namkha ukuvikela ilungelo elithileko

Ababawi abangakghoniko ukufunda namkha ukutlola bangenza iimbawo zomlomo esiPhathisweni seLwazi namkha kuSekela lesiPhathiswa seLwazi sehlangano yombuso, okungiso esizakuzalisa iForomo A ukwenzela umbawi.

3.1.2 Ingabe kunekambiso ezakulandelwa lokha nakwenziwa isibawo se-PAIA?

Umbawi kufuze anikelwe ukufikelela amarekhodi awabawileko, kuphela nakakhambisana neemfuneko zeenkambiso:

- Isibawo se-PAIA kufuze senziwe eforomini elifaneleko (iForomo A eenhlanganweni zombuso, iForomo C eenhlanganweni zangeqadi) begodu siqaliswe kusiPhathiswa seLwazi namkha kuSekela lesiPhathiswa seLwazi sehlangano yombuso namkha yangeqadi namkha kuHloko yehlangano yombuso namkha yangeqadi.
- Iforomo lesibawo le-PAIA kufuze lilethwe ngesandla, liposwe, lifekswe namkha lithunyelwe ngokusebenzisa i-imeyili ehlanganweni yombuso namkha yangeqadi umbawi enze isibawo kiyo.
- Amarekhodi abawiweko awaweli ngaphasi kwamabanga wokwaliwa atholakala ngaphasi kwe-PAIA.

3.2 Khuyini iindleko zokwenza isibawo se-PAIA?

Ababawi kufuneka babhadele imbhadelo lokha nababawa ukufikelela amarekhodi ukusuka kokubili ehlanganweni yombuso neyomphakathi.

Imbhadelo yokubawa amarekhodi ehlanganweni yombuso yi-R35 kuthi imbhadelo yokubawa irekhodi ehlanganweni yangeqadi kube yi-R50.

Kuqakathekile ukutjheja bona ababawi ababawa ukufikelela ilwazi labo ababhadeliswa lemali; kodwana bazakulindelwa bonyana babhadele iimali zokufikelela.

Ababawi abarhola ngaphasi kwe-R14 712 ngonyaka (nakangakatjhadi) kanye ne-R27 192 (nakatjhadileko namkha anomlingani kanomphela) AKUKAFANELI bona babhadele iimbhadelo zokufikelela.

3.2.1 Khuyini iindleko zokufikelela amarekhodi ngaphasi kwe-PAIA?

Ababawi godu kufuneka bona babhadele iimbhadelo zokufikelela amarekhodi weenhlangano zombuso nezangeqadi. Imbhadelo le ifaka iindleko zokuzuma irekhodi nokulikopa.

Ukuhlahlelwa kweembhadelo zokufikelela amarekhodi weenhlangano zombuso kunje:

UMSEBENZI	IMBHADELO
Ikhophi ngokuya ngekhasi le-A4	60 iinsende
Ukugadangisa ngokuya ngekhasi le-A4	40 iinsende
Ikhophi ku-CD	R40
Ukwenziwa komtlolo wamagama ngeenthombe ezibonwako ngokuya ngekhasi le-A4	R22
Ikhophi yesithombe esibonwako	R60
Ukwenziwa komtlolo wamagama ngegadangiso elilalelwako ngokuya ngekhasi le-A4	R12
Ikhophi yegadangiso elilalelwako	R17
Ukuzuma nokulungiswa kwerekhodi ukwenzela ukuliveza	Yi-R15 nge-awara namkha isiquntu salokho, kungafaki i-awara lokuthoma, ngokuzwakalako efuneka ekuzumeni nekulungiseni.

Ukuhlahlelwa kweembhadelo zokufikelela amarekhodi wehlangano yangeqadi ngilokhu:

UMSEBENZI	IMBHADELO
Ikhophi ngokuya ngekhasi le-A4	R1.10
Ukugadangisa ngokuya ngekhasi le-A4	75 iinsende
Ikhophi ku-CD	R70
Ukwenziwa komtlolo wamagama ngeenthombe ezibonwako ngokuya ngekhasi le-A4	R40
Ikhophi yesithombe esibonwako	R60
Ukwenziwa komtlolo wamagama ngegadangiso elilalelwako ngokuya ngekhasi le-A4	R20
Ikhophi yegadangiso elilalelwako	R30
Ukuzuma nokulungiswa kwerekhodi ukwenzela ukuliveza	Yi-R30 nge-awara namkha isiquntu salokho, kungafaki i-awara lokuthoma, ngokuzwakalako efuneka ekuzumeni nekulungiseni.

Tjheja bonyana kokubili ebujameni beenkhungo zombuso nezangeqadi, iimali zokuposa zizakubhadelwa mbawi ukwenzela ukulethwa kwerekhodi.

Ukutjhiya ngaphandle

Nayikuthi isiPhathiswa seLwazi, iSekela lesiPhathiswa seLwazi namkha iHloko yehlangano yombuso / yangeqadi icabanga bonyana ukubuthelelwa nokukhiqizwa butjha kwemitlolo kuzakuthatha ama-awara adlula asithandathu, kufuze sazise umbawi, (ngesaziso sangokomthetho) bonyana kunye kokuthathu kwembhadelo yokufikelela kuzakubhadelelwa phambili njengedibhozidi.

Nayikuthi irekhodi alikanikelwa ngomhlobo obawiweko, imbhadelo yokufikelela ebhadeliswa umbawi akukafuzi bona idlule imbhadelo ebeyizokubhadeliswa nayikuthi ukufikelela kunikelwe ngomhlobo obawiweko. Kodwana lomthetho awusebenzi lokha omunye umhlobo ufuneka ngombana ilwazi kufanele linikelwe ukusuka erekhodini.

Nayikuthi umbawi akakwazi ukufunda, ukubona namkha ukuzwa irekhodi eliphethwe yihlangano yombuso ngebanga lokurholophala, ihlangano yombuso kufuneka bona inikele ngerekhodi ngomhlobo ongafikelelwa mbawi. Imbhadelo yokufikelela ebhadeliswa umbawi kufuze ingadluli imbhadelo ebeyingabhadeliswa ingathana bekungasi kurholophala.

3.3 Ingabe IsiPhathiswa seLwazi singangisiza ukwenza isibawo se-PAIA?

Lokha isibawo se-PAIA nasenziwa ehlanganweni yombuso, isiPhathiswa seLwazi namkha iSekela lesiPhathiswa seLwazi kufuze sisize lapho kungakghoneka khona ukuzalisa amaforomo we-PAIA.

Isizo elinjalo kufuze linikelwe simahla

IMISEBENZI YEEMPHATHISWA ZELWAZI	IHLATHULULO
Kusiza umbawi ekuzaliseni iforomo le-PAIA	Lokha isibawo se-PAIA nasingalandeli zoke iimfuneko ezibekiweko ezitjhiwo ku-PAIA kanye neforomini, isiPhathiswa seLwazi namkha iSekela lesiPhathiswa seLwazi ANGEZE sala isibawo. Esikhundleni salokho, isiPhathiswa seLwazi kufuze sazise umbawi ngomtlolo bonyana asikghoni ukutjheja isibawo ngombana asikapheleli, begodu sinikele ngokusiza umbawi ukobana enze amatjhuguluko afaneleko eforomini. Nayikuthi umbawi akaphenduli incwadi leyo namkha alungise iforomo esikhathini esizwakalako, isiPhathiswa seLwazi singala isibawo.
Ukunikela umbawi ngelwazi elifaneleko lapho kukghonakala khona	Nayikuthi kuyezwakala begodu kuyakghonakala ukwenza njalo, isiPhathiswa seLwazi kufuze sinikele umbawi elinye nelinye ilwazi eliphethwe yihlangano yombuso nalo elisakhambisana nesibawo, nanyana amarekhodi bewangasi yingcenye yesibawo sokuthoma.

IMISEBENZI YEEMPHATHISWA ZELWAZI	IHLATHULULO
Ukudlulisa isibawo	Lokha isibawo se-PAIA nasenziwa ehlanganweni yombuso engakafaneli, isiPhathiswa seLwazi sehlangano leyo kufuze sidlulisele isibawo leso ehlanganweni yombuso efaneleko kungakapheli amalanga ali-14 ngemva kokusifumana begodu kufuze sazise umbawi ngokudluliswa kwaso ngomtlolo.
Amalanga ama-30 wokuphendula isibawo	Isibawo se-PAIA kufuze siphendulwe yihlangano yombuso namkha yangeqadi kungakapheli amalanga ama-30 ngemva kokusifumana. IsiPhathiswa seLwazi singabawa ukungezwa kwesikhathi kodwana kungadluli emalangeni ama-30 wokusebenza ukwenzela amabanga athileko, okungafaka isibawo esibandakanya (1) imitlolo emikhulu, (2) ukubonisana nezinye iinhlangano zombuso namkha zangeqadi, (3) namkha nayikuthi umbawi unikele ngokungezwa kwesikhathi ngomtlolo. Kukwelulwa kanye kuphela kwesikhathi okuvunyelweko ngokuya kwesibawo se-PAIA.
Ukunikela namkha ukwalela ukufikelela	Kumsebenzi wesiPhathiswa seLwazi ukunikela namkha ukwala ngokunikelwa kokufikelelwa kwamarekhodi. Isiqunto kufuze senziwe kumbawi ngomtlolo.
Iforomo lokufikelela, imbhadelo yokufikelela kanye nokulungiswa kwemitjhapho	Lokha isibawo se-PAIA nasinikelwako, isiPhathiswa seLwazi kufuze sazise umbawi ngeforomo lapho ukufikelela kuzokunikelwa khona kanye nangembhadelo yokufikelela, okufuze ibhadelwe nasele ukufikelela kunikelwe. Isaziso godu kufuze sazise umbawi bonyana unelungelo lokudlulisela phambili iinquntho ngaphakathi kanye nokwenza isibawo ekhotho ukuphikisa imbhadelo yokufikelela namkha ngomhlobo okuzakunikelwa ngawo ukufikelela. Ukungezelela, isaziso godu kufuze sinikele ilwazi ngesikhathi lapho ukudluliselwa phambili kwesiqunto namkha isibawo sekhotho kufuze sifakwe ngaso kanye nekambiso ezakulandelwa.
Ukwaliwa kwesibawo	Nayikuthi isibawo se-PAIA siyaliwa, isaziso esiya kumbawi kufuze siveze amabanga wokwaliwa, okufanele kusekelwe ziinjamiso ezifaneleko ze-PAIA. Njengokufana nomhlobo namkha ukufikelela kanye nembhadelo yokufikelela, isaziso kufuze sinikele umbawi ngelwazi mayelana nelungelo lakhe lokudlulisela phambili isiqunto namkha lokwenza isibawo ekhotho.
Ukujamisa ukukhutjhwa kwerekhodi	IsiPhathiswa seLwazi singaqunta ukujamisa ukunikelwa kwerekhodi kumbawi ngokuya kwesiGaba 24 se-PAIA nayikuthi irekhodi lelo kuhloswe bonyana likhutjhwe kungakapheli amalanga ama-90 namkha ngokomthetho irekhodi lelo kufuneka bona likhutjhwe kodwana akukabi ukwenzeka lokho.

I-PAIA, eengabeni 23 (ehlanganweni yombuso) no-55 (ehlanganweni yangeqadi) ibeka bona nayikuthi isiPhathiswa seLwazi asikghoni ukufumana amarekhodi abawiweko, namkha kukholwa bona awekho, isiPhathiswa seLwazi kufuze, ngemva kokuqiniseka bonyana woke amagadango athethwe ukufumana irekhodi, silethe incwadi yesifungo kumbawi emazisa bonyana amarekhodi anjalo awekho namkha awatholakali. Incwadi yesifungo le kufanele inikele ngayo yoke imininingwana

3.4 Ngiziphi iintatha zomthetho enginazo, nayikuthi isibawo sami se-PAIA siyaliwa?

Umbawi unelungelo lokuthathela isiPhathiswa seLwazi, iSekela lesiPhathiswa seLwazi namkha iHloko yehlangano yombuso namkha yehlangano yangeqadi amagadango wezomthetho nayikuthi isiPhathiswa seLwazi siqunte:

- Ukumalela nokufikelela irekhodi
- Ukunabisa isikhathi sokuphendula isibawo
- Ukumbhadelisa imbhadelo yokufikelela namkha yokubawa
- Ukunikela ngokufikelelwa kwerekhodi ngendlela ehlukileko kunaleyo ebeyibawiwe

Isigaba lesi sizokuhlathulula iintatha zomthetho ezitholakala kubabawi abafisa ukuphikisa iinqunto zeemPhathiswa zeLwazi.

3.4.1 UkuLungiswa kwemiTjhapho ngokomThetho eenHlanganweni zomBuso

Lokha umbawi nakangakathabi ngesiqunto esenziwe siPhathiswa seLwazi sehlangano yombuso, umbawi unelungelo lokudlulisela phambili isiqunto ngaphakathi. Ukudlullisa isiqunto ngaphakathi kufaka umuntu ophezulu ngesikhundla ozakubuyekeza isiqunto esenziwe siPhathiswa seLwazi begodu ozakuqunta ukobana ingabe siqunto ngesilungileko namkha njani. Nayikuthi umuntu ophezulu lo ngokwesikhundla uvuma isiqunto sesiPhathiswa seLwazi, ukudluliswa kwesiqunto kwangaphakathi kuyaliwa begodu isiqunto mayelana nesibawo se-PAIA siyaqinisekiswa. Nayikuthi umuntu ophezulu lo ngokwesikhundla akavumelani nesiqunto sesiPhathiswa seLwazi, ukudluliswa kwangaphakathi kwesiqunto kuyavunywa begodu isiqunto sokuthoma mayelana ne-PAIA siyatjhugululwa.

Kuqakathekile ukutjheja bonyana ungaletha kuphela ukudluliswa kwesiqunto kwangaphakathi eminyangweni yesitjhaba, yephrovinsi neyabomasipala. Akunakambiso yangaphakathi yokudluliswa kweenqunto ekhona kwezinye iinhlangano zombuso.

IDorobha eliKhulu leKapa sibonelo sombuso kamasipala lapho ukudluliswa kwesiqunto ngaphakathi kungalethwa. IsiKhwama sokuNcancabeza ngeeNgozi zeNdleleni (i-Road Accident Fund) sibonelo sehlangano yombuso engasi yingcenye yombuso wesitjhaba, wephrovinsi namkha wemibuso yemakhaya, ngombana sihlonywe mthetho (i-Road Accident Fund Act) begodu ngalokho angeze wadlulisa isiqunto ngaphakathi ukuphikisana nabo. .

3.4.1.1. Ngubani ovunyelwe ukudlulisa isiqunto ngaphakathi?

Umbawi owenza isibawo se-PAIA ehlanganweni yesitjhaba, yephrovinsi namkha kamasipala begodu owalelwa nokufikelela unelungelo lokudlulisa isiqunto leso ngaphakathi. Lokhu kwenziwa ngokuzalisa iForomo B le-PAIA nokulisa ehlanganweni yombuso yesitjhaba, yephrovinsi namkha yakamasipala. Ikhophi yeForomo B ingatholakala kuwebhsayithi yeenhlangano ezifaneleko begodu itholakala kwelinye nelinye i-ofisi leKomitjhini yezamaLungelo woBuntu yeSewula Afrika.

Nayikuthi ukudluliswa kwesiqunto ngaphakathi kufaka omunye wesithathu, ihlangano yombuso efumene ukudluliswa ngaphakathi kwesiqunto izakuthinta boke abathintekako besithathu. Iimfuneko zokwazisa nokwethula ziyafana nalezo ezifuneka esibaweni sokuthoma se-PAIA.

Abantu besithathu abathintekako godu bavunyelwe ukwenza ukudluliswa kweenqunto kwangaphakathi ukuphikisa isiqunto esenziwe yihlangano yombuso ukunikela ngerekhodi elithilileko.

3.4.1.2 Kunini lapho umuntu angadlulisa ngaphakathi isiqunto?

Umbawi angadlulisa ngaphakathi isiqunto ukuphikisa isiqunto sehlangano yomphakathi ngamabanga alandelako:

- Umbawi akaneliswa ngeembhadelo ezifuneka esibaweni.
- Umbawi akaneliswa ngesiqunto sokunikela ngokunabiswa kwamalanga ama-30 ehlanganweni yombuso ukuphendula isibawo.
- Umbawi akaneliswa lokha iforomo okunikelwa kilo amarekhodi nalingafaniko neforomo elabawiwako begodu umbawi ukholwa bonyana kungaba mthwalo ongatlhogekiko ehlanganweni yombuso ukunikela ngamarekhodi eforomini elinyulwa mbawi.

3.4.1.3 Ngisidlulisa njani isiqunto ngaphakathi?

Ukudlulisa isiqunto ngaphakathi kufuze kwenziwe mbawi kungakapheli amalanga ama-60 ngemva kokufumana ukwaliwa kwesibawo sokuthoma se-PAIA. Lokhu kwenziwa ngokuzalisa **iForomo B** nokulisa emnyangweni ofaneleko wesitjhaba, wephrovinsi namkha wakamasipala.

UmBuso wesiTjhaba	Nayikuthi isibawo se-PAIA senziwa emnyangweni wesitjhaba, umbawi angenza isibawo sokudlulisa isiqunto ngaphakathi kuNgqongqotjhe womnyango loyo.
UmBuso wePhrovinsi	Nayikuthi isibawo se-PAIA senziwa emnyangweni wephrovinsi, umbawi angenza ukudluliswa kwesiqunto eLungeni lomKhandlu oPhetheko lomnyango loyo. .
URhulumente kaMasipala	Nayikuthi isibawo se-PAIA senziwe emnyangweni kamasipala, ukudluliswa kwesiqunto kungenziwa kumeyara kamasipala namkha kusomlomo kamasipala namkha komunye nomunye umuntu okhethwe mKhandlu kaMasipala loyo.

IForomo B lilethwa esiPhathisweni seLwazi esifanako namkha kuSekela lesiPhathiswa seLwazi esale isibawo sokuthoma, manje okufuneka bona sisidlulisele emuntwini ongaphezulu ngokwesikhundla.

TJHEJA

Nayikuthi ukudluliswa kwesiqunto kufuna isaziso esiya emuntwini wesithathu (okutjho lokha ilwazi nalinelwazi ngomunye umuntu, kanye nelwazi eliyifihlo, ilwazi elinqophileko lezeemali kanye nelwazi lezerhubhululo ngomuntu wesithathu othintekako), ukudluliswa kungenziwa kungakapheli amalanga ama-30 wokunikelwa kwesaziso emuntwini wesithathu.

Umbawi kufuze alethe isibawo sakhe sokudlulisa isiqunto ngaphakathi esiPhathisweni seLwazi sehlangano efaneleko ngokusebenzisa iposo, ifeksi namkha i-imeyili.

Ukudluliswa kwangaphakathi kufuze kufake isihloko sokudlulisa kwangaphakathi, amabanga asekela ukudlulisa begodu kufake elinye nelinye ilwazi elifaneleko elaziwa mumuntu odlulisa isiqunto.

Nayikuthi umbawi angathanda ukwaziswa ngesiqunto mayelana nokudlulisa ngaphakathi ngendlela ehlukileko, (ukungezelela ependulweni etloliweko), kufuze atjho indlela ayinyulako begodu anikele ngelwazi elifaneleko.

3.4.1.4 Kwenzekani lokha ukudluliswa kwesiqunto ngaphakathi nakwenziwa ngemva kwelanga elibekiweko?

Lokha ukudluliswa kwesiqunto nakwenziwa ngemva kokuphela kwesikhathi samalanga ama-60, ihlangano yombuso efaneleko kufuze yamukele isibawo leso nayikuthi kunebanga elizwakalako lokulethwa kwaso sele kudlule isikhathi. Lokha ihlangano yombuso efaneleko nayingamukeli ukulethwa sele kudlule isikhathi kokudluliswa kwesiqunto ngaphakathi, kufuze inikele ngesaziso emuntwini loyo odlulisa isiqunto

3.4.1.5 Khuyini iimbhadelo zokudluliswa kweenqunto ngaphakathi?

Umbawi odlulisa isiqunto ngaphakathi kufuneka abhadele imbhadelo ebekiweko. Nayikuthi imbhadelo yokudlulisa isiqunto ibhadelwa ngemva kokusifaka, isiqunto mayelana nokudluliswa kwesiqunto singajanyiswa bekube kulapho imbhadelo leyo ibhadelwe khona.

INGABE NGINGAFAKA ISIBAWO EKHOTHO UKUPHIKISA ISIQUNTO SEHLANGANO YOMBUSO?

Iye. Nayikuthi umbawi ubhalelwe esibaweni sakhe sokudlulisa isiqunto ngaphakathi ehlanganweni yombuso, namkha nayikuthi ihlangano yombuso yalile ukwamukela ukwenziwa sele kudlule isikhathi kokudluliswa kwesiqunto namkha umbawi uzwe ubuhlungu ngenye indlela ngebanga lesiqunto esithethwe yihlangano yombuso, umbawi angenza isibawo ekhotho ukufumana ukulanyulelwa ngokufaka isibawo kungakapheli amalanga ali-180 ngemva kokufumana isiqunto (ngokuya kwesiqunto sesahlulelo seKhotho yezomThethosisekelo – nawufuna ilwazi elinabileko, qala ngenzasi).

Umbawi namkha wesithathu othintekako angenza isibawo kuphela emakhotho ngemva kobana ikambiso yokudluliswa kweenqunto sele iphelile.

3.4.2 UkuLungiswa kwemiTjhapho ngokomThetho eenHlanganweni zomBuso

Lokha umbawi nakanganeliswa ngesiqunto esithethwe yihloko yehlangano yangeqadi, isibonelo, ngokumalela ukufikelela, ukubeka iimbhadelo zokufikelela namkha ngokunabisa isikhathi ebekulindelwe ngaso ipendulo, umbawi angafaka isibawo sokulanyulelwa ekhotho kungakapheli amalanga ali-180 ngemva kokufumana isiqunto esibange isinghonghoyilo. Isiqunto sehlangano yangeqadi sizakubuyekezwa yikhotho begodu isiqunto sizakuthathwa makhotho ukuqunta ukobana ingabe kunikelwe namkha kwaliwe na ukufikelela.

UMLANDU KA-BREMMER NONGQONGQOTJHE WEZOKUTHUTHUKISWA KWEHLALAKUHLE (BRUMMER V MINISTER FOR SOCIAL DEVELOPMENT)

Kilendaba amakhotho abeka bonyana isikhathi sokuthoma samalanga ama-30 ngaphasi kwe-PAIA ngaphasi kwawo umbawi angenza isibawo emakhotho nakanganeliswako ngesiqunto sesiPhathiswa seLwazi sasingakaneli ukwethula ubulungiswa. Ngalokho kwabonwa bonyana isikhathi samalanga ama-30 sasingasebenzi begodu sasizokunabiswa sibe malanga ali-180. Isiqunto lesi sibonakele emThethweni omutjha wezokuVikelwa kweLwazi lomuNtu Ngokwakhe obeka bona kunesikhathi samalanga ali-180 kubabawi ukobana bangaletha isinghonghoyilo kumLawuli weLwazi, ngemva kokuqeda ikambiso ye-PAIA yokufikelela irekhodi lakho.

Imilandu yokufikelela ilwazi ingalalelwa maKhotho waboMarhastrada njengamakhotho wokuthoma, njengombana kubekwe ngaphasi kwesigaba 79 se-PAIA kanye *namaKhotho aPhakemeko.*

3.4.3 Kuzakwenzekani emlandwini wami ekhotho?

Kunemiphumela embalwa engakghonakala lokha nawusa umlandu we-PAIA ekhotho. Ngemva kokulalela womabili amahlangothi kilendaba, isiphathiswa esongameleko esilalele indaba sinamandla wokunikela ngomlayo. Lokhu kungafaka umlayo: (1) oqinisekisa, otjhugulula namkha osusa isiqunto sehlangano yombuso mayelana nesibawo se-PAIA; (2) ofuna bona ihlangano yombuso namkha yangeqadi ithathe igadango elithileko namkha ilise igadango elithileko; (3) onikela ngesalelo, umlayo wokuveza, ukuphunyuzwa okuthileko namkha ukuliliswa; namkha (4) ofuna ukubhadelwa kweendleko ezithileko.

ISIGABA 4

Lokha ukufikelela ilwazi kungavunywa namkha kwaliwe

Isigaba lesi sifaka:

4.1 Ukulinganisa ilungelo lokufikelela ilwazi namanye amalungelo

4.2 Amabanga akatelelweko ngokuphikisana namabanga wokuziquntela ekwaleni ukufikelela

4.3 Amabanga wokwala ukufikelela ilwazi elirhenyiswe ku-PAIA

4.4 Ihlahlubo yekareko yomphakathi

4.1 Lokha ukufikelela ilwazi nakwaliwako

Isigaba lesi sinikela ngehlathululo efitjhazana yokobana kunini lokha ukufikelela ilwazi kungaliwa khona ngaphasi kwe-PAIA kanye nangomhlahlandlela wokobana uyisebenzisa njani imithetho evumela isiphathiswa selwazi ukwala isibawo. I-PAIA irhemisa amabanga ali-12 ngaphasi kwawo ukufikelela ilwazi kungaliwa khona siphathiswa selwazi sehlangano yombuso namkha yangeqadi, amanye wawo akatelelekile begodu amanye sizithathela wona (*qala isigaba 4.2. ngenzasi ukufumana ilwazi elinabileko*). Ukungezelela, i-PAIA yenza umutjhwana okhuluma ngekareko yomphakathi kobunye ubujamo esula elinye nelinye ibanga lokufikelela ilwazi, lapho ikareko yomphakathi ingetshwenya khulu. (*Qala isigaba 4.4 ngenzasi ukufumana ilwazi elinengi*).

UKULINGANISA ILUNGELO LOKUFIKELELA ILWAZI NAMANYE AMALUNGELO	
UMTHETHO OJAYELEKILEKO	Ilungelo lokufikelela ilwazi litholakala eVikelwenimalungelo lomThethosisekelo weSewula Afrika. Nasizakwenza ilungelo leli lisebenze, ukufikelela ilwazi kufanele kunikelwe ngokukghonakala esikhathini esinengi.
UKUTJHIYA NGAPHANDLE	Njengamanye amalungelo atholakala eVikelwenimalungelo, ilungelo lokufikelela ilwazi lingaqintelwa namkha laliwe ebujameni obuthileko. I-PAIA inikela ngamabanga ngaphasi kwawo iimbawo zelwazi zingaliwa ngawo begodu ngalokho ilungelo lokufikelela ilwazi liqintelwe..

4.2 Amabanga akatelelweko ngokuphikisana namabanga wokuziquntela ekwaleni ukufikelela ilwazi

I-PAIA ibeka bona ebujameni obuthileko ilwazi angeze lavezwa siphathiswa selwazi. Kafitjhani, amabanga wokobana kungani ilwazi lingeze lavezwa akhambelana nokobana ingabe ukuvezwa kwelwazi kungabanga ubuhlungu na ukudlula ukungavezwa. Ngalokho i-PAIA irhemisa amabanga ali-12 lapho ukufikelelwa kwelwazi kungaliwa khona siphathiswa selwazi sehlangano yombuso namkha yangeqadi (amabanga la ali-12 avezwa ngokuzeleko esigabeni 4.3 ngenzasi). Amanye wamabanga wokungavezwa akatelelwe, okutjho bona isiphathiswa selwazi akukafaneli sivumele ukufikelelwa kwelwazi nayikuthi amanye wamabanga akatelelweko wokwaliwa kokufikelela angafakazelwa. Amanye amabanga wokwaliwa kokufikelelwa kwelwazi ngilawo ozithathela wona. Lokhu kutjho bona isiphathiswa selwazi singaveza namkha singahle singaveza ilwazi. Ngalokho isiphathiswa selwazi kufuze sisebenzise ukuqunta kwaso nasiqunta ukuveza namkha ukungavezi ilwazi. Kufuze senze lokhu ngokuhlolisisa ukobana ingabe ukuveza ilwazi kungabanga ubuhlungu ehlanganweni yombuso namkha yangeqadi ukudlula ukungalivezi na, okungaphula ilungelo lombawi lokufikelela ilwazi.

AMATHEMU WE-PAIA OKUFANELE UWATJHEJE

Ekwaleni okukatelelweko, i-PAIA isebenzisa igama elithi “kufuze”.

Ekwaleni oziquntela khona, i-PAIA isebenzisa igama elithi “unga.”

Khumbula: NjengesiPhathiswa seLwazi kufuze uhlale uqale umnqopho okufanele ufikelelwe lokha nawusebenzisa ilungelo lokwalela ngokufikelelwa kwelwazi. Ungathathi ihlangothi. Phatha boke abantu ngokulingana ngaso soke isikhathi!

4.3 Amabanga wokwala ukufikelela ilwazi

Njengombana kutjhiwo ngehla kunamabanga ahlukeneko ngaphasi kwawo isibawo sokufikelela ilwazi singavunywa namkha kufuze saliwe siPhathiswa seLwazi sehlangano yombuso namkha yangeqadi. Amabanga la arhenyiswe esaHlukweni 4 seNgcenye 2 eHlanganweni yomBuso kanye nesaHlukweni 4 seNgcenye 3 eHlanganweni yangeQadi ku-PAIA.

4.3.1 Ukuvikelwa kwefihlo yomuntu wesithathu othintekako

IsiPhathiswa seLwazi sehlangano yombuso namkha yangeqadi akukafuzi sivumele ukufikelewa kwelwazi lomuntu wemvelo, kufaka umuntu ohlongakeleko (nawufuna ihlathululo yo“muntu wemvelo” qala amaThemu alisizo ngehla). I-PAIA ibeka bonyana nakuzakuvikelwa ilungelo lefihlo lomuntu wesithathu othintekako okumumuntu wemvelo, isiPhathiswa seLwazi kufuze sihlolisise ukobana ingabe ukukhupha ilwazi okukhulunywa ngalo kumbawi ‘kungafaka ukuvezwa okungakafaneli kwelwazi lomuntu ngokwakhe’ qala iingaba 34 no-63 ze-PAIA).

IsiGaba 1 se-PAIA sinikela ngehlathululo yamazombe yokobana lilwazi elinjani elibumba “ilwazi lomuntu”. Lokhu kufaka ilwazi eliphathelene nobulili, isidisi nekolelo, kanye nokuthintana okuthinta umuntu bunqopha, i-DNA, igadangiso lemino nobujamo lapho igama lomuntu livela emarekhodini.

IsiPhathiswa seLwazi kufuze godu sitjheje ukobana ingabe ilwazi lomuntu okukhulunywa ngalo liwela ngaphasi kwamahlangothi alandelako welwazi lomuntu ngokwakhe elingavezwa na:

- Ilwazi lomuntu ngokwakhe anikele ngemvumo yakhe bona livezwe
- Ilwazi lomuntu esele livezelwe umphakathi
- Ilwazi lomuntu ngomntwana ongaphasi kweminyaka eli-18 lapho ukuvezwa kwalo kusekarekweni ehle yomntwana begodu umbawi amtlhogomeli womntwana (okutjho umbelethi namkha umondli); ;
- Ilwazi lomuntu okungelomuntu ohlongakeleko eliya kumbawi osihlobo somuntu lo namkha ogunyazwe (onemvumo etloliweko) sihlobo
- Ilwazi lomuntu ohlongakele esikhathini esidlula iminyaka ema-20
- Ilwazi ngomuntu lomuntu osiphathiswa namkha obekasiphathiswa sehlangano yombuso namkha yangeqadi begodu lapho ilwazi liphathelene nobujamo babo njengesiphathiswa.

I-PAIA ifuna bona iimPhathiswa zeLwazi ezibuya kwa-South African Revenue Services (SARS) zingavezi ilwazi eliphathelene nomthelo nengeniso yomuntu, ngaphandle kwalokha umbawi abawa ukufikelela ilwazi lakhe.

4.3.2 Ukuvikelwa kwelwazi lezokuthengisa lomuntu wesithathu othintekako

IimPhathiswa zeLwazi zeenhlangano zombuso nezangeqadi kufuze zale nokufikelelwa kwelwazi nayikuthi ukukhutjhwa kwalo kungabanga ubuhlungu eenkarekweni zokuthengisa namkha zeemali zebhizinisi. I-PAIA irhemisa ilwazi lokuthengisa elilandelako elingeze lavezwa siPhathiswa seLwazi:

- Iimfihlo zerhwebo
- Ilwazi lezeemali, lokuthengisa, lesayensi, lerhubhululo namkha lesithekniki ngomunye wesithathu othintekako nayikuthi nalingakhutjhwa lingabanga ubuhlungu emuntwini wesithathu othintekako
- Ilwazi elinikelwe ngokuzithemba emuntwini wesithathu othintekako.

Nanyana kunomthetho ojayelekileko wokuvikela ilwazi lekhamphani, ihlangano yombuso kufuneka isebenze ngokwenzela izinto emkhanyweni. Kunobujamo obuthileko lapho ilwazi lokuthengisa lekhamphani lingakhutjhwa khona

Ukutjhiya ngaphandle kwe-PAIA: Amarekhodi womuntu wesithathu othintekako anelwazi eliphathelene nokuphepha komphakathi namkha iingozi ebhodulukweni kufuze akhutjhwe, nanyana ukukhutjhwa kwelwazi elinjalo kungabanga ubuhlungu emuntwini wesithathu othintekako. Lokhu kubumba ilwazi elisekarekweni yomphakathi (*qala isigaba 4.4 ngenzasi*).

4.3.3 Ukuvikelwa kwelwazi eliyifihlo

I-PAIA ibeka bonyana isiphathiswa selwazi kufuze sale ukunikela ngokufikelelwa kwerekhodi nayikuthi ukukhutjhwa kwalo kuzakuthathwa njengokwephulwa kwesibopho sokuthembeka emuntwini wesithathu othintekako ngokuya kwesivumelwano namkha ikontraga.

4.3.4 Ukuvikelwa kokuphepha komuntu nepahla

Isigaba lesi sibeka bonyana isiphathiswa selwazi kufuze sale ukunikela ngokufikelelwa kwerekhodi nayikuthi ukuvezwa kwalo kungalindelwa bona kubeke engozini ukuphepha komuntu namkha ipahla. Isigaba lesi sinelungelo lefihlo ngombana sitjheja ipilo yomuntu nepahla yakhe.

4.3.5 Ukuvikelwa kwelwazi eenkambisweni zomthetho

Umnqopho wesigaba lesi kuvikela ilwazi elifuneka eenkambisweni zomthetho nezokugandelelwa kokusebenza komthetho. Isigaba lesi sivuma eminye imithetho elawula amahlangothi athileko welwazi. Emlandwini wesigaba lesi umThetho weKambiso yokuPhathwa kwemiLandu yoBulelesi 51 waka-1977 uvunywa njengomthetho olawula amarekhodi aphathelene neenkambiso zebheyili kanye nezinye iinkambiso zokugandelelwa kokusebenza komthetho. Godu lokhu kusebenza emarekhodini avikelwe ekuthini angakhutjhwa. Ngamanye amagama amarekhodi angatholakali komunye umuntu ngaphandle komuntu onelungelo elivikelwe mthetho bona abe nokuwafikelela, isibonelo u-i-athoni enelungelo letlayenti elivikelwe ngokomthetho. Amanye namanye amarekhodi awela ngaphasi kwetjhebiswano eliphakathi kwe-athoni netlayenti yakhe avikelwe ngaphasi kwesigaba 40 se-PAIA

Nanyana i-PAIA ivuma ukobakhona kweminye imithetho ephathelene nokuphathwa nokuvezwa kwelwazi namarekhodi ebujameni lapho umthetho ngokungakafaneli, uqintela ilungelo lokufikelela ilwazi begodu uphikisana neenkambisolawulo zokwenzela izinto tjhatjhalazi nokuziphendulela, i-PAIA ingehla kwalowomthetho.

4.3.6 Ukuvikelwa kweLwazi leRhubhululo

IsiPhathiswa seLwazi sehlangano yombuso namkha yangeqadi kufuze sale nokufikelelwa kwamarekhodi aphethe ilwazi eliphathelene nerhubhululo elenziwe namkha elizakwenziwa yihlangano yombuso namkha yangeqadi okukhulunywe ngayo namkha wesithathu othintekako. Lokhu kwaliwa kokufikelelwa kwelwazi kusebujameni lapho ukuvezwa kwerekhodi kuzakuveza irhubhululo lomuntu wesithathu othintekako namkha lehlangano yombuso namkha yangeqadi, umuntu namkha isikhungo esenze irhubhululo namkha isihloko serhubhululo kulibeke ebujameni obumbi (qala iingaba 43 no-69 ze-PAIA).

4.3.7 Ilwazi okungaliwa nokufikelelwa kwalo

Amahlangothi alandelako welwazi aphathelene nelwazi isiPhathiswa seLwazi esingala nokufikelelwa kwawo, kuphela nayikuthi singaba namabanga wokobana ilwazi okukhulunywa ngalo liwela ngaphasi kwamahlangothi alandelako begodu akusi sekarekweni yomphakathi ukuliveza (nawufuna ilwazi elinabileko ngomutjhwana wekareko yomphakathi qala isigaba 4.4 ngenzasi).

4.3.7.1 Amatjhebiswano weSewula Afrika wezevikeleko, ukuphepha neentjhabatjhaba

IsiGaba 41 se-PAIA sifuna bona isiphathiswa selwazi sitjheje ukobana ingabe isibawo selwazi siphathelene nelwazi lezokuphepha kweSewula Afrika na. Isiphathiswa selwazi singala isibawo nayikuthi singaveza ubufakazi bokobana ukukhutjhwa kwelwazi kuzakubeka engozini ukuphepha kweSewula Afrika.

4.3.7.2 Iinkareko zomnotho, iimali nezokuthengisa zeSewula Afrika

IsiGaba 42 se-PAIA sifuna ukuvikelwa kwelwazi lehlangano yombuso nayikuthi ukuvezwa kwalo kuzakulimaza ubujamo bezomnotho nebezeemali beRiphabhligi. Ibanga leli lokwaliwa kukuziquntela, okutjho bona isiPhathiswa seLwazi kuzakufanela bona sitjheje indaba yokobana iinhlangano zombuso zigunyaziwe ngaphasi komThethosisekelo weSewula Afrika bona ziziphendulele emphakathini, begodu ngalokho kusebujameni obuthileko kwaphela lapho ilwazi lingaliwa khona. Ukudlula lapho, isiPhathiswa seLwazi kuzakufanela bona sitjengise bona ukuvezwa kwelwazi okukhulunywa ngalo kuzakubanga ubuhlungu ebujameni bezeemali nezomnotho beSewula Afrika.

4.3.7.3 Ukusebenza kwehlangano yombuso

IsiGaba 44 se-PAIA sinikela isiPhathiswa seLwazi ngekghono lokwala ukufikelelwa kwerekhodi nayikuthi kuzakuliya ukusebenza kwehlangano yomphakathi. IsiGaba 44 sibanzi, isibalo esimbalwa samarekhodi arhenyiswe ngaphasi kokusebenza sifaka:

- Amaminidi wemihlangano
- Amarekhodi aphethe iinyeleliso namkha imibono;
- Amarekhodi aphathelene nokubonisana nezinye iinhlangano
- Amarekhodi aphathelene nokwenziwa kwemithethomgomo namkha iimphakamiso

4.3.7.4 “Iimbawo zokudlala namkha ezinganamabanga aqinileko namkha zokudukiswa okunamandla nokungazwakaliko kwemithombo”

Isiphathiswa selwazi singala isibawo selwazi nayikuthi sibona bonyana ukusebenzana nesibawo esinjalo kuzakumotjha isikhathi ngokungakafaneli begodu kudosele ekumotjhweni kwemithombo. Ukungezelela, isiPhathiswa seLwazi singala ukufikelelwa kwerekhodi nayikuthi isibawo sithathwa njengesinganasizo namkha senziwe mbawi ukwenzela ukutshwenya namkha ukusilinga.

4.4 Ukweqiwa kwekareko yomphakathi

Koke ukuvikelwa okunikelwa ilwazi njengombana kubekwe ngokuzeleko ngehla kuyalahlwa nayikuthi ukukhutjhwa kwelwazi kusekarekweni yomphakathi. Ngalendlela ihlahlubo yekareko yomphakathi yeqa woke amabanga wokwaliwa kokufikelelwa kwelwazi.

Ihlahlubo elandelako kufuze isetjenziswe siPhathiswa seLwazi sehlangano yomphakathi namkha yangeqadi ngaphambi kokwala ngokufikelelwa kwelwazi eliwela ngaphasi kwamahlangothi wokungavezwa okurhenyiswe ngehla. Nayikuthi ubujamobu kuhlangabezwana nabo, ilwazi kufuze livezwe ngamabanga wokwenzela ikareko yomphakathi.

Ingabe ilwazi litjengisa ukuphulwa komthetho okumbi

NAMKHA

Ingabe amarekhodi okukhulunywa ngawo anelwazi eliphathelene nengozi embi khulu engavela njesi yokuphepha komphakathi namkha kwebhoduluko?

BEGODU

Ingabe ikareko yomphakathi yokuveza ilwazi ngokucacileko idlula ingozi engavela?

ISIGABA 5

Amareferensi aqakathekileko kanye nelwazi elinesizo

Isigaba lesi sifaka:

5.1 Irhemo lamareferensi aqakathekileko asetjenziswe ukubuthelela lomHlahlandlela we-PAIA, kufaka umthetho

5.2 Irhemo leminye imithombo ye-PAIA enesizo

5.1 Amareferensi aqakathekileko

UMTHOMBO	UMTLOLI
Promotion of Access to Information Act 2 of 2000 (UmThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi wesi-2 waka-2000)	Umthetho
Protection of Personal Information Act 4 of 2013 (UmThetho wezokuVikelwa kweLwazi lomuNtu Ngokwakhe wesi-4 waka-2000)	Umthetho
PAIA Unpacked (etholakala ku-www.saha.org.za)	SAHA
PAIA Resource Kit (etholakala ku--www.saha.org.za)	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (UmHlahlandlela wokobana uwuSebenzisa njani umThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi wesi-2 waka-2000) (otholakala ku- www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (etholakala ku-www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (etholakala ku-www.sahrc.org.za)	SAHRC

5.2 ImiThetjhwana ye-PAIA

ISAZISO SOMBUSO	ILANGA	ISIHLOKO NEHLATHULULO
Government Notice: No. R. 1244	22 Septemba 2003	Itjhuguluko eliphathelene nokutholakala kweencwajana ze-PAIA zeenhlangano zombuso nezangeqadi.
Government Notice: No. R. 187	15 Febherbari 2002	Itjhuguluko ku-PAIA mayelana nomHlahlandlela wesiGaba 10 kanye nokutholakala kweencwajana ze-PAIA.
Government NoticeNo. R. 233	9 Matjhi 2001	LomThetjhwana uhlobene neembhadelo ezibhadelwa ukufikelela amarekhodi weenhlangano zombuso nezangeqadi.
Government Notice No. R. 466	1 Juni 2007	Ufaka amaforomo weemPhathiswa zeLwazi lokha nakukhutjhwa izaziso zokuveza ngokuzithandela ngokuya kweengaba 15 no 52 ze-PAIA.

5.3 Amatjhuguluko we-PAIA

ISAZISO SOMBUSO	ILANGA	ISIHLOKO NEHLATHULULO
Government Notice No. 428	31 Matjhi 2004	Itjhuguluko kusigaba 92(4) se-PAIA ukuqalelela izEnzo zokwePhulwa komThetho neenHlawulo ebantwini abaliya ngehloso nangokungasimthetho isibawo sombawi selwazi, isibonelo ngokutjhabalalisa amarekhodi.
Government Notice No. 96	15 Janabari 2003	Itjhuguluko ku-PAIA ukuqalelela ukubandulwa kweemphathiswa ezongameleko emaKhotho waboMarhastrada ukulalela iindaba ze-PAIA
Government Notice No. R. 187	15 Febherbari 2002	Itjhuguluko ku-PAIA mayelana nalomHlahlandlela wesiGaba 10 kanye nokutholakala kweencwajana ze-PAIA.

5.4 Amatjhuguluko kumiThetjhwana ye-PAIA

ISAZISO SOMBUSO	ILANGA	ISIHLOKO
Government Notice: No. 1263	11 Apreli 2003	Isaziso esimayelana nokutholakala kweencwajana ze-PAIA zeenhlangano zangeqadi.

5.5 Eminye imithombo enesizo ye-PAIA

1) **Using PAIA to Promote Housing Rights, SAHA** (etholakala ku- www.saha.org).
2) **Accessing Information for Your Community, SAHA** (etholakala ku-www.saha.org)..
3) **Accessing Information in the LGBTI Sector, SAHA** (etholakala ku-www.saha.org)..

Isikhokelo Malunga Nokusetyenziswa Komthetho Wokuphuculwa Kokufikelela Kwiinkcukacha Ka-2000

ISIXHOSA

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Facebook: SAhumanrightscommission

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Iinkcukacha zoQhagamshelwano zeKomishoni yaMalungelo oLuntu yaseMzantsi Afrika

Head Office Johannesburg

Ifowuni 011 877 3600 • Ifeksi 011 403 0684

Eastern Cape Port Elizabeth

Ifowuni 043 722 7828 • Ifeksi 043 722 7830

Free State Bloemfontein

Ifowuni 052 447 1133 • Ifeksi 051 447 1128

KwaZulu-Natal Durban

Ifowuni 031 304 7323/4/5 • Ifeksi 031 304 7323

Limpopo Polokwane

Ifowuni 015 2913500 • 051 291 3505

Mpumalanga Nelspruit

Ifowuni 013 752 8292 • Ifeksi 013 752 6890

Northern Cape Upington

Ifowuni 054 332 3993/4 • Ifeksi 054 332 7750

North West Rustenburg

Ifowuni: 014 592 0694 • Ifeksi: 014 594 1089

Western Cape Cape Town

Ifowuni 021 426 2277 • Ifeksi 021 426 2875

Indlela yokusebenzisa esi siKhokelo se-PAIA

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ICandelo 2
Uqalisa ngaphi ukufumana iinkcukacha ozifunayo

ICandelo 3
Usenza njani isicelo sokufikelela kwiinkcukacha

Icandelo 4
UkuFikelela kwiiNkcukacha kuNgalelwa Nini

Icandelo 5
Izalathiso ezingundoqo kunye nabanye oovimba ekunokufunyanwa iinkcukacha kubo

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Amagama aluncedo

IMIQATHANGO	INGCACISO
Imali yokufikelela	Le yimali ehlawulwayo ngulowo ufaka isicelo kwiqumrhu likarhulumente okanye elabucala elo afuna iinkcukacha kulo, ukuze lihlawulele iindleko zokufumana kunye nokushicilela iirekhodi ezo azifunayo. *(Ukuze ufumane iinkcukacha ezithe vetshe malunga nemali yokufikelela bona iCandelo 3 lesi Sikhokelo).*
IFomu A	Ifumaneka kwiwebhusayithi yeKomishoni yaMalungelo oLuntu yaseMzantsi Afrika, kunye nakwezinye iiwebhusayithi ezahlukahlukeneyo zamanye amaziko. Le fomu isetyenziselwa ukufaka isicelo sokufikelela kwiinkcukacha ezikulawulo lwequmrhu likarhulumente. *(Ukuze ufumane iinkcukacha ezithe vetshe malunga neFomu A kunye nezicelo zokufikelela kwiinkcukacha zamaqumrhu karhulumente bona iCandelo 3 lesi Sikhokelo).*
IFomu C	Ikwafumaneka nasemaphethelweni oMthetho we-PAIA, kwiwebhusayithi yeKomishoni yaMalungelo oLuntu yaseMzantsi Afrika, kunye nezinye iiwebhusayithi ezahlukahlukeneyo zamanye amaziko. Le fomu isetyenziselwa ukufaka isicelo sokufikelela kwiinkcukacha ezikulawulo lwequmrhu labucala. *(Ukuze ufumane iinkcukacha ezithe vetshe malunga neFomu C kunye nezicelo zokufikelela kwiinkcukacha zamaqumrhu abucala bona iCandelo 3 lesi Sikhokelo).*
ISikhokelo	Sibhekiselela kwesi Sikhokelo se-PAIA esiqulunqwe saze sashicilelwa yiKomishoni yaMalungelo oLuntu yaseMzantsi Afrika njengoko kubonelelwe kwiCandelo 10 le-PAIA ukuze sincede abantu malunga nokusebenzisa kunye nokuqonda lo Mthetho.
IGosa lezeeNkcukacha kunye neSekela Gosa lezeeNkcukacha	IGosa lezeeNkcukacha (elikwabizwa ngokuba yi-IO) ngumntu ogunyaziswe liziko elo lichaphazelekayo ukuba ajongane nezicelo ze-PAIA. Malunga nequmrhu likarhulumente, lo ngumntu oyintloko okanye osebenza njengentloko yequmrhu. Kumasipala, lo iba ngumanejala ngumanejala kamasipala; kwisebe likarhulumente lesizwe iba nguMlawuli Jikelele; kwiqumrhu elifana neKomishoni yaMalungelo oLuntu yaseMzantsi Afrika iba nguMlawuli oyiNtloko, gxebe i-CEO. ISekela Gosa lezeeNkcukacha (elikwabizwa ngokuba yi-DIO) ngumntu owonyulwe liGosa lezeeNkcukacha leziko elo lichaphazelekayo ukuba ancedise lowo ufake isicelo ngokuphathelele kwisicelo sakhe seenkcukacha. I-PAIA ayiboneleli ngokonyulwa kweSekela Gosa lezeeNkcukacha kumaqumrhu abucala; kodwa iKomishoni yaMalungelo oLuntu yaseMzantsi Afrika icebisa ukuba kwenziwe njalo ukuze kuqinisekiswe ngokusebenza kakuhle kunye nokulungela ukunceda. *(Ukuze ufumane iinkcukacha ezithe vetshe malunga nendima yamaGosa ezeeNkcukacha bona iCandelo 3 lesi Sikhokelo).*

Isibheno sangaPhakathi	Abafaki-zicelo baza kusebenzisa iFomu B ye-PAIA xa befaka isibheno kuphela ngakwisigqibo esenziwe ngamagatya karhulumente - elesizwe, elephondo okanye elikamasipala - ngokuphathelele kufikelelo kwiinkcukacha. *(Ukuze ufumane iinkcukacha ezithe vetshe malunga nezibheno zangaphakathi bona iCandelo 3 lesi Sikhokelo).*
Umntu onegunya ngokusemthethweni	Inkampani okanye iqumrhu elithathwa njengelona qumrhu okanye njengoyena 'mntu' unamalungelo noxanduva ngokusemthethweni.
UMphathiswa	Xa kuthethwa ngoMphathiswa kuthethwa ngoMphathiswa weSebe lezoBulungisa neeNkonzo zoLuleko.
Umntu ophilayo	Ngumntu ongenguye owomthetho okanye onamagunya ngokusemthethweni njengequmrhu (bona 'umntu onegunya ngokusemthethweni' apha ngasentla).
Iqumrhu labucala	(Likwathathwa ngokuba yinkampani, liziko okanye liqumrhu labucala), lo ngumntu ophilayo okanye onegunya ngokusemthethweni okanye onobudlelane ngokoshishino obandakanyeka okanye obebandakanyeke kulo naluphi na urhwebo, ushishino okanye ubungcali kwaye ngokweso sikhundla nje kuphela.
Iqumrhu likarhulumente	(Likwathathwa ngokuba liziko, lisebe okanye liqumrhu likarhulumente), eli lisebe okanye iziko likarhulumente wesizwe, owephondo okanye okamasipala. Likwaquka naliphi na iziko elithwele umsebenzi noxanduva lombuso ngexesha ebekuqulunqwa ngalo ezi rekhodi kubhekiswa kuzo.
Iirekhodi	Naziphi na iinkcukacha ezirekhodiweyo kungakhathaliseki ukuba zikwesiphi na isimo, kuquka, umzekelo, amaxwebhu abhaliweyo, iividiyo, njalo njalo. Iirekhodi ezifunwayo kwiqumrhu likarhulumente okanye elabucala iza kuba ziirekhodi ezikulawulo lwelo qumrhu kungakhathaliseki ukuba lelo qumrhu kusini na eliziqulunqileyo ezo rekhodi.
Imali yesicelo	Imali ekumele ihlawulwe malunga nokwenza isicelo sokufikelela kwiinkcukacha. Malunga nesicelo seenkcukacha kwiqumrhu likarhulumente, kukho imali emisiweyo engama-R35 ehlawulwayo; malunga nesicelo seenkcukacha kwiqumrhu labucala, kukho imali emisiweyo engama-R50 ehlawulwayo. *(Ukuze ufumane iinkcukacha ezithe vetshe malunga nemali yesicelo kunye nokwaphulelwa bona iCandelo 3 lesi Sikhokelo).*
Umenzi sicelo	Umenzi sicelo nguye nawuphi na umntu okanye umntu onamagunya ngokusemthethweni owenza isicelo sokufikelela kwiinkcukacha. Umenzi sicelo ukwabhekiselela kumntu owenza isicelo seenkcukacha egameni lomnye umntu.
Iqela / umngeneleli wesithathu	Oku kubhekiselela kuye nawuphi na umntu okanye umntu onamagunya ngokusemthethweni ongenguye umenzi sicelo, kube kungelilo nequmrhu elo ekufakwa kulo isicelo seenkcukacha.

Uluhlu lwezifinyezo

Ezi zifinyezo zilandelayo zifumaneka kwesi Sikhokelo nakwezinye izixhobo eziluncedo ze-PAIA ezidla ngokusetyenziswa

DIO	ISekela Gosa lezeeNkcukacha
IO	IGosa lezeeNkcukacha
ODAC	IZiko lezeeNgcebiso ngeDemokhrasi eSebenza ngokuseLubala
PAIA	UMthetho wokuPhuculwa koKufikelela kwiiNkcukacha ka-2000
PPIA	UMthetho woKhuselo lweeNkcukacha zokoBuqu No.4 ka-2013
SAHA	uVimba weMbali woMzantsi Afrika
I-SAHRC	IKomishoni yaMalungelo oLuntu yaseMzantsi Afrika

ICANDELO 1
Intshayelelo

Eli candelo liquka:

1.1 Injongo yesi Sikhokelo se-PAIA

1.2 IMvelaphi ye-PAIA

1.3 Injongo ye-PAIA kunye nendlela engasetyenziswa ngayo

1.4 Indima yeKomishoni yaMalungelo oLuntu yaseMzantsi Afrika

1.1. Injongo yesi Sikhokelo se-PAIA

Esi Sikhokelo sibonelela ngoMthetho wokuPhuculwa koKufikelela kwiiNKcukacha (i-PAIA) No.2 ka-2000. Esi Sikhokelo se-PAIA siza kuncedisa ekwenziweni kwezicelo zeenkcukacha phantsi kwalo Mthetho, size sibonelele ngemizekelo malunga nendlela lo Mthetho obusetyenziswa ngayo kwixa elingaphambili ekuphuculweni kwamalungelo oluntu ngokuthi ubonelele:

- Ngesishwankathelo se-PAIA ekulula ukusiqonda
- Ngohlahlo lwendlela i-PAIA enokusetyenziswa ngayo ekuphuculeni amalungelo oluntu
- Ngoluhlu lweendidi zeenkcukacha ezinokufunwa kusetyenziswa i-PAIA
- Ngesikhokelelo esibonisa ngokwenyathelo nenyathelo ukuba ungayisebenzisa njani na i-PAIA ekwenzeni isicelo seenkcukacha
- Ngesishwankathelo sezinto ezibesisifundo esifunyenwe kwizicelo zeenkcukacha ebezifakwe kwixa elidlulileyo kunye namatyala e-PAIA asenkundleni

1.2. Imvelaphi ye-PAIA

Xa kwakuqulunqwa uMgaqo-siseko waseMzantsi Afrika emva kokubhidlizwa kombuso wengcinezelo ngeminyaka yowee-1990, imibutho ngemibutho kunye nabantu bagayela ukuqukwa kwelungelo lokufikelela kwiinkcukacha. Kwakukho ithemba lokuba oku kuqukwa kweli lungelo kuMqulu waMalungelo - iSahluko 2 soMgaqo-siseko - kuza kuqinisekisa ukuba inkohlakalo efana neyoMbuso wengcinezelo ayisokuze iphinde yenzeke kwakhona nanjengoko umbuso kunye nemibutho yabucala iza kunyanzeleka ukuba iziphathe ngendlela eselubala nehlonela uxanduva lokunika iimpendulo ngokuthi babonelele ngofikelelo kwiinkcukacha, kwaye ngenxa yoko abasayi kuba nalo issebe leemfihlo abaza kusithela ngalo nelalingunobangela wokubakho kweemeko ezakhokelela ekusekweni koMbuso wengcinezelo.

Ngo-1996 kwathi kwaqaliswa ukusetyenziswa koMgaqo-siseko waseMzantsi Afrika. ICandelo 32 limisele ngelungelo lokufikelela kwiinkcukacha elisebenza kumaqumrhu karhulumente kunye nawabucala. Olu, ngelo xesha, yayiluxwebhu lokuqala lwezomthetho kwihlabathi olwalubonelela ngelungelo lokufikelela kwiinkcukacha ezikulawulo lwamaqumrhu karhulumente kunye nawabucala. ICandelo 32 likwathi kufuneka kusekwe umthetho oza kugunyazisa ukusetyenziswa kwelungelo lokufikelela kwiinkcukacha ngokuthi udandalazise iindlela iinkcukacha ezikulawulo lwamaqumrhu karhulumente kunye nawabucala ezinokuthi zifikeleleke ngazo, kwanangokubonelela ngeenkcukacha ezithe vetshe malunga nezizathu ezinokubangela ukuba amaqumrhu karhulumente kunye nawabucala ale ukuba kufikelelwe kwiinkcukacha ezilawulo lwawo.

Ngo-2000, ekugqibeleni uMthetho wokuPhuculwa koKufikelela kwiiNkcukacha (i-PAIA) wathi waba ngumthetho ngokwenene, wafezekisa isibonelelo seCandelo 22 soMgaqo-siseko esingokusekwa komthetho wokufikelela kwiinkcukacha.

1.3. Ingongo ye-PAIA nendlela enokusetyenziswa ngayo

Injongo ye-PAIA kukuphucula ilungelo lokufikelela kwiinkcukacha, ukukhuthaza ukubakho kokwenziwa kwezinto elubala kunye nokuhlonela uxanduva lokunika iimpendulo eMzantsi Afrika, kunye nokukhuthaza ukubakho kwedemokhrasi evulelekileyo apho bonke abantu baxhotyiswa ukuba bakwazi ukuzibandakanya kurhulumente kwaye bathathe inxaxheba ekuthathweni kwezigqibo eziza kuchaphazela ubomi babo.

Ilungelo lokufikelela kwiinkcukacha lilungelo elikhethekileyo nanjengoko lenza ukuba amanye amalungelo abe nokufezekiswa: le yenye yezona ndlela zibalulekileyo enokuthi i-PAIA isetyernziswe ngayo.

Ukubonelela ngeenkonzo zikarhulumente

» I-PAIA isenokusetyenziselwa ukuxhobisa abantu ngeeenkcukacha abasenokuzisebenzisa ekwenzeni urhulumente asabele kuxanduva lwakhe lokunika iimpendulo ngokuphathelele ekunikezeleni ngeenkonzo ezisisiseko ezifana nezindlu, amanzi kunye nogutyulo lwelindle.

Amalungelo woluntu nawezopolitiko angokomgaqo-siseko

» I-PAIA isenokusetyenziselwa ukuqokelela iinkcukacha abantu abanokuthi bazisebenzisele ukufezekisa amalungelo abo afana nelungelo lokuvota kunye nelungelo lokuhlangana ngokukhululekileyo.

Ucalucalulo kunye nokuLingana

» I-PAIA isenokusetyenziswa njengesixhobo sothethelelo ukuze kuliwe nocalucalulo, njengocalucalulo ngokobuhlanga, ngokwesini, njalo njalo, kumaqumrhu ngamaqumrhu karhulumente nawabucala.

Kubalulekile ukuqaphela ukuba i-***PAIA*** ayinakusetyenziselwa ukufumana iirekhodi eziza kusetyenziswa ezinkundleni zamatyala okuhlala okanye awolwaphulo-mthetho, kuquka nasemva kokuqalisa kweengxoxo ezikumila kunjalo, kwaye ukushicilelwa okanye ukufumaneka kweerekhodi kulungiselelwa imeko enjalo kukhuselwe ngumthetho (***bona iCandelo 7 lalo Mthetho***).

1.4. Indima yeKomishoni yaMalungelo oLuntu yaseMzantsi Afrika

IKomishoni yaMalungelo oLuntu yaseMzantsi Afrika (SAHRC) iyagunyaziswa phantsi kwe-PAIA ukuba:

» ququzelele ukuhlonelwa kwelungelo lokufikelela kwiinkcukacha
» Ikubeke esweni ukuphunyezwa kwe-PAIA ngamaqumrhu karhulumente nawabucala
» Yenze iziphakamiso ukuze komelezwe lo Mthetho
» Inike ingxeko ePalamente qho ngonyaka

UMthetho woKhuselo lweeNkcukacha zokoBuqu

UMthetho woKhuselo lweeNkcukacha zokoBuqu 4 ka-2013(i-PPIA) ulungisa i-PAIA ngeendlela ezininzi kakhulu. Enye yezona ndlela ziphambili apho lo Mthetho uthi uyitshintshe ngayo i- PAIA iphathelelene nendima ye-SAHRC. Phantsi kwe-PPIA, umsebenzi we-SAHRC ngokuphathelele kwi-PAIA uza kugqithiselwa kuMlawuli weeNKcukacha, ekuliqumrhu elitsha elizimileyo neliza kumiselwa ngeenjongo zokubeka esweni i-PPIA kunye ne-PAIA, kwakunye nokujongana nezikhalazo eziphathelelene nokufikelela kwiinkcukacha kunye nokhuselo lweenkcukacha zokobuqu.

Nangani kunjalo, iSAHRC izakuqhubeka nembopheleleko yayo engokoMgaqo-siseko yokuphucula, ukukhusela kunye nokubeka esweni ilungelo lokufikelela kwiinkcukacha ngokufanayo nawo onke amanye amalungelo adandalaziswe kuMqulu waMalungelo.

ICANDELO 2
Fumana inkcazelo oyidingayo

Eli candelo liquka:

2.1 Indawo apho unokufumana khona izikhokelo namaxwebhu aza kukuncedisa ekwenzeni izicelo zeenkcukacha

2.2 Abo unokuqhagamshelana nabo xa kunokwenzeka ufune uncedo

2.3 Amaqumrhu karhulumente nawabucala anyanzelekileyo ukuba ancedise abo bafuna iinkcukacha

2.4 Ezinye iinkcukacha ezifumaneka lula nje kungadange kufuneke ukuba kwenziwe izicelo ezisesikweni, eli candelo liza kubonelela ngesishwankathelo malunga nokuba oku ungakufumanaphi na

1.1 Ukuqalisa

Injongo yoMthetho we-PAIA kukukhuthaza ukuba kubekho imeko apho abantu baseMzantsi Afrika bathi bakwazi khona ukufikelela kwiinkcukacha ezinokwenza ukuba bakwazi ukusebenzisa kwanokukhusela onke amalungelo abo ngendlela esebenzayo. Kodwa ke ngamanye amaxesha ubani usenokungaqiniseki ncam malunga nendawo afanele ukuba aqale kuyo okanye malunga nokuba wenza njani na ukuze akwazi ukufikelela kwiinkcukacha ngokwendlela odandalazisa ngawo uMthetho. UMthetho uyikrobele le ngxaki waze wagunyazisa ukuba kubekho izikhokelo kunye namaxwebhu ashicilelwayo aza kunika umkhombandlela kwabo bazakube befuna iinkcukacha. Eli candelo liza kubonelela ngesishwankathelo sezi zikhokelo kunye namaxwebhu, uxanduva lwabashicileli bezi zikhokelo kunye namaxwebhu, kunye, nokukokona kubalulekileyo, ukuba bafumanekaphi na.

Ewe, esinye sezona zixhobo zinobuganga kakhulu ubani anokuthi azisebenzise ukuze akwazi ukufikelela kwiinkcukacha kukuba enze isicelo esisesikweni sokufumana iinkcukacha esenziwa ngokwemigaqo yoMthetho we-PAIA, nto leyo esi sikhokelo esiza kukuncedisa kuyo. Kodwa khumbula, eli ayikokuphela kwenyathelo onokulithatha xa ufuna iinkcukacha. Ezinye iinkcukacha ziyafumaneka nje lula ungadanga wabe wenze isicelo se-PAIA esisesikweni. Kwezinye iimeko, umthetho ufuna ukuba amaqumrhu karhulumente nawabucala azikhuphe ezinye iinkcukacha zaziwe luluntu. Eli candelo likwabonelela ngesishwankathelo sokuba ezi nkcukacha ungazifumanaphi na.

I-PAIA ulungiselelwe ukuba ube ngumthetho wokuxhobisa nowokunceda bonke abemi boMzantsi Afrika. Wenzelwe ukuba ube ngumthetho okulula ukuwuqonda nonokusetyenziswa nangubani na. Ubani akadingi gqwetha ukuze abe wenza isicelo sokufumana iinkcukacha. Esi sikhokelo sishicilelwe ngeenjongo zokuncendisa abemi boMzantsi Afrika abasuka kwiinkalo ngeenkalo ukuze bakwazi ukuwaxhamla amalungelo abo angokomgaqo-siseko.

2.2. Isikhokelo se-PAIA

ICandelo 10 le-PAIA lifuna ukuba iKomishoni iqulunqe ize ishicilele isikhokelo ekulula ukusiqonda esiza kuncedisa ekufumaneni iirekhodi namaxwebhu kwanokuba ubani akwazi ukulixhamla ilungelo lakhe lokufumana iinkcukacha. Isikhokelo ekubhekiswa kuso ngamanye amaxesha ngokuba ‘siSikhokelo seCandelo 10’.

Sikubonelela ngazo zonke iinkcukacha ozidingayo ukuze ufikelele kuzo naziphi na iirekhodi, kumaziko agcina amaxwebhu ombuso, ndawonye neenkcukacha zoqhagamshelwano zeenkampani ngeenkampani zabucala. IKomishoni ikwagunyaziswa ukuba isihlaziye esi sikhokelo qho emva kweminyaka emibini, ubuncinane.

2.2.1 Sifumanekaphi esi Sikhokelo

Esi sikhokelo sifumaneka ngazo zonke iilwimi ezisemthethweni zaseMzantsi Afrika: isiNgesi, isiBhulu, isiNdebele, isiXhosa, isiZulu, iSepedi, iSesotho, iSetswana, iTshivenda kunye neXitsonga. Iikopi sesi sikhokelo zingafumaneka kuzo zonke ii-ofisi zamaphondo zeKomishoni (iinkcukacha zoqhagamshelwano zee-ofisi zingafumaneka ekupheleni kwesi Sikhokelo). Ukongeza, iikopi zingafumaneka nakwiwebhusayithi yeKomishoni (www.sahrc.gov.za)

2.3 Imiqulu ye-PAIA

Ukongeza kwiSikhokelo seCandelo 10 se-PAIA esiza kuqulunqwa yiKomishoni, i-PAIA ikwafuna ukuba onke amaqumrhu karhulumente, ndawonye namaqumrhu abucala ngobuninzi bawo, akhuphe uxwebhu oluqulethe iinkcukacha malunga nendlela enokusetyenziswa ngayo i-PAIA ukuze kufikelelwe kwiirekhodi zawo.

2.3.1 Imiqulu ye-PAIA elungiselelwe amaqumrhu karhulumente

ICandelo 14 le-PAIA lifuna ukuba onke amaqumrhu karhulumente ashicilele uxwebhu ngeelwimi ezintathu ezisemthethweni, ubuncinane, ezincedisa abo bafuna iinkcukacha bakwazi ukwenza izicelo zokufumana iinkcukacha kwiqumrhu elo. Uxwebhu olo kufuneka ubuncinane luqulathe ezi nkcukacha ziluncedo zilandelayo:

IIMFUNO	INGCACISO
Ugunyaziso	Isimo kunye nemisebenzi yequmrhu likarhulumente
Iinkcukacha zoqhagamshelwano	Idilesi yeposi neyesitalato, iinombolo zefowuni nezefeksi kunye nedilesi ye-imeyile, ukuba ikho, yegosa lezeenkcukacha kunye nezamasekela gosa lezeenkcukacha amaqumrhu karhulumente.
Isikhokelo se-PAIA iCandelo 10	Inkcazelo yesi Sikhokelo equlunqwe yiKomishoni yaMalungelo oLuntu yaseMzantsi Afrika kunye nendlela onokufikelela ngayo kuso.
Iindidi zeerekhodi ezikhoyo	Iinkcukacha ezaneleyo zokuncedisa ekuququzeleleni ufikelelo kwiirekhodi ezikulawulo lwequmrhu likarhulumente. Iqumrhu likarhulumente kufuneka lichaze imixholo yeerekhodi elineenkcukacha zazo.
Iinkcukacha ezifumaneka lula ngaphandle kwesicelo	Ezinye iinkcukacha ziyafumaneka nje lula umntu engadange wabe wenza isicelo sokufikelela kuzo ngokwe-PAIA. Uxwebhu lwequmrhu likarhulumente kufuneka lubonise ukuba zeziphi iinkcukacha ezifumaneka ngaphandle kwesicelo.
Iinkonzo zequmrhu likarhulumente	Inkcazelo yeenkonzo ezifumanekayo kwiqumrhu likarhulumente nendlela uluntu olunokufikelela ngayo kwezo nkonzo.
Intatho-nxaxheba yoluntu	Inkcazelo yalo naliphi na ilungiselelo okanye isibonelelo kumntu sokuba enze igalelo, anikele intetha okanye athathe inxaxheba okanye ancedise ekuqulunqweni komgaqo-nkqubo; okanye ukuba negunya okanye ukwenziwa kwemisebenzi liqumrhu likarhulumente
Uncedo	Inyathelo onokulithatha ukuba igosa lezeenkcukacha liyakwalela ukuba ufikelele kwiinkcukacha.

2.3.2 Ungayifumanaphi le miqulu elungiselelwe ukusetyenziswa ngamaqurhu karhulumente

Onke amaqumrhu karhulumente kufuneka ekwenze kwaba lula ukuba ukwazi ukufikelela kumamaxwebhu awo. Kufuneka ekwenze oko, ubuncinane, ngezi ndlela zilandelayo:

- Ngokwenza iikopi zifumaneke kwi-ofisi nganye yequmrhu elo likarhulumente ngexesha lomsebenzi;
- Ngokuthi uxwebhu olo lufumaneke kwiwebhusayithi, ukuba ikho, yequmrhu likarhulumente elo

Njengoko kuchaziwe apha ngasentla, uMthetho woKhuselo lweeNkcuacha zokoBuqu 4 ka-2013 (i-POPI) wenza uhlengahlengiso kwi-PAIA ngeendlela ezininzi. Enye yezo ndlela iphathelele kumaxwebu eCandelo 14 wamaqumrhu karhulumente. Phantsi kwe-POPI, la maxwebhu akusafuneki ukuba angeniswe kwiKomishoni yaMalungelo oLuntu yaseMzantsi Afrika, kodwa kufuneka afumaneke kwi-inthaneti kwaye enziwe afumaneke kuye nabani na ofuna ikopi.

2.3.3 Imiqulu ye-PAIA elungiselelwe amaqumrhu abucala

Amaqumrhu abucala nawo kufuneka equlunqe uxwebhu ngokokwecandelo 51 le-PAIA. Ngokwangokunje, ayingawo onke amaqumrhu abucala ekunyanzelekileyo ukuba alithobele eli candelo.[1] Ngoko ke usenokufumanisa ukuba eli qumrhu onqwenela ukufuna kulo iinkcukacha alinalo uxwebhu elinokukunika lona. Oku akuthethi ukuba iqumrhu elo alibophelelekanga ngokwe-PAIA. Usenako ukwenza isicelo seenkcukacha kweli qumrhu kwaye lisanyanzelekile, ngokusemthethweni, ukuba lisiqwalasele isicelo sakho. Umgaqo wokwenziwa kwesicelo seenkcukacha ngokwe-PAIA awukajiki, lisamile, nokuba iqumrhu elo kucelwa kulo likhululwe ekuthini liqulunqe uxwebhu lweenkcukacha.

NGAWAPHI AMAQUMRHU ABUCALA ANGANYANZELEKANGA UKUBA ASHICILELE IMIQULU YEENKCUKACHA?

Indlela uMthetho obhalwe ngayo, yindlela efuna ONKE amaqumrhu abucala ukuba aqulunqe amaxwebhu eenkcukacha. Nangani kunjalo, eli lungiselelo lisaxhomekeke kwisakhono soMphathiswa sokukhulula amaqumrhu abucala athile ekubeni awashicilele amaxwebhu. Ngokwakalokunje, uMphathiswa uwakhulule ONKE amaqumrhu abucala ekuthini aqulunqe amaxwebhu de kube ngumhla woku-1 kuJanuwari 2016 NGAPHANDLE kokuba iqumrhu elo liwela kolu luhlu ludweliswe apha ngezantsi.

[1] Oku kwatshintsha ngomhla wama-31 kweyoMnga ka-2015 xa onke amaqumrhu abucala kwakufanele ukuba abe noxwebhu ngokokwecandelo 51 le-PAIA.

Ezi nkampani zilandelayo kufuneka ziqulunqe amaxwebu e-PAIA ukuba ziqeshe abantu abangaphezu kwama-50 kula mashishini alandelayo okanye zinengeniso engaphezu kwesi sixa-mali sibaluliweyo:

USHISHINO	INGENISO NGONYAKA
Ezolimo	R2 million
Ezemigodi neeKwari	R7 million
Ezemveliso	R10 million
Ezombane, iRhasi naManzi	R10 million
Ezokwakha	R5 million
Ezeempahla kunye noSishino ngeeMoto kunye neeNkonzo zokuLungiso	R15 million
Urhwebo lwentengiso ngezxa, ii-Arhente zoShishino kunye neeNkonzo eziManyeneyo	R25 million
Ezokudla nendawo yokuhlala kunye nolunye urhwebo	R5 million
Ugcino noNxibelelwano	R10 million
Ezemali neeNkonzo zoShishino	R10 million
Iinkonzo zoLuntu, eziKhethekileyo nezokoBuqu	R5 million

UMphathiswa ukwabalule ukuba zonke iinkampani ezingachazwanga njengee-'nkampani zabucala' phantsi kwecandelo 1 loMthetho weeNkampani, uMthetho nombolo 71 ka-2008, kufuneka ziqulunqe uxwebhu leCandelo 51.

2.3.4 Ungayifumanaphi le miqulu elungiselelwe ukusetyenziswa ngamaqurhu abucala

Onke amaqumrhu abucala ekufuneka equlunqe uxwebhu kufuneka eqinisekisile ukuba uyawafumana loo maxwebhu. Ubuncinane, kufuneka ekwenze oko ngezi ndlela zilandelayo:

- Ngokwenza ukuba ikopi ifumaneke ukuze ihlolwe kwi-ofisi nganye yelo qumrhu labucala, ngexesha lomsebenzi. Iqumrhu labucala lisenokungabizi mali ngokuhlola;
- Ngokwenza ukuba uxwebhu lufumaneke kwiwebhusayithi yawo.

2.3.5 Indlela amaqumrhu abucala ekulindeleke ukuba athobele ngayo

Kukho isikhokelo esisebenzayo samagosa ezeenkcukacha eenkampani zabucala afuna ukusebenza ngokuthobela iCandelo 51 le-PAIA kwiwebhisayithi yeKomishoni yaMalungelo oLuntu yaseMzantsi Afrika (www.sahrc.org.za). Oku kuquka umfuziselo onokuzikhuphelelela wona lowo onokusetyenziswa ngamagosa ezeenkcukacha njengomkhombandlela

Ngokwecandelo 51, intloko yequmrhu labucala kufuneka:

- Iluhlaziye rhoqo naluphi na utshintsho kuxwebhu olo;
- Yenze ukuba uxwebhu lufumaneke ngokwendlela ekufunwa ngayo nguMthetho kwii-ofisi zenkampani nakwiwebhusayithi yayo;
- Ihlomele ifomu yesicelo (iFomu C ye-PAIA) kuxwebhu ize yenze ukuba iifomu zesicelo zifumaneke kwiwebhusayithi nakuzo zonke ii-ofisi zenkampani.

Uxwebhu olo kufuneka ubuncinane luqulathe ezi nkcukacha zilandelayo:

IIMFUNO	INGCACISO
Iinkcukacha zoqhagamshelwano	Idilesi yeposi neyesitalato, iinombolo zefowuni nezefeksi kunye nedilesi ye-imeyile, ukuba ikho, yegosa lezeenkcukacha amaqumrhu lenkampani yabucala.
Iinkcukacha ezifumaneka lula ngaphandle kwesicelo	Ezinye iinkcukacha ziyafumaneka nje lula umntu engadange wabe wenza isicelo sokufikelela kuzo ngokwe-PAIA. Uxwebhu lwequmrhu labucala kufuneka lubonise ukuba zeziphi iinkcukacha ezifumaneka ngaphandle kwesicelo.
Iirekhodi ezifumaneka ngokwenza isicelo	UXwebhu lweCandelo 51 kufuneka ludwelise iindidi zeerekhodi ezifumaneka ngokwenza isicelo kuphela.
Umgaqo we-PAIA	Yenza uyilo lwemigaqo ye-PAIA ekufuneka ilandelwe xa kusenziwa isicelo sokufikelela kwiinkcukacha kwinkampani yabucala (o.k.k. iFomu C).
Iinkcukacha ngenkampani	Kuquka iinkcukacha zentloko yenkampani okanye i-CEO yenkampani (ngokwe-PAIA, iGosa lezeeNkcukacha lenkampani yabucala yi-CEO okanye intloko).
Iimali	Chaza umenzi-sicelo kunye neemali ezihlawulwayo ngokwe-PAIA (bona iCandelo 3 malunga neenkcukacha ezithe vetshe)
Uncedo	Ngawaphi amanyathelo akhoyo anokusetyenziswa ngumenzi-sicelo ukuba isicelo sakhe sokufumana iinkcukacha sikhatyiwe.
Iinkcukacha ezithe vetshe	Naziphi na iinkcukacha ezithe vetshe ngokuphathelele kwisicelo sokufikelela kwiinkcukacha.

2.4 Iinkcukacha ezifumaneka ngaphandle kwesicelo eziphantsi kolawulo lwamaqumrhu karhulumente

Njengoko kuchaziwe kwintshayelo yeli candelo, ayizizo zonke iinkcukacha ezidinga ukuba kwenziwe isicelo esisesikweni ukuze kufikelelwe kuzo. Amaqumrhu aliqela karhulumente anyanzelekile, ngokwemithetho eyahlukileyo, ukuba enze ukuba iinkcukacha ezithile zifumaneke eluntwini. Nangaphezu koko, amaziko amaninzi aza kuzibhengeza iinkcukacha ezingakumbi engacelwanga ngelizama ukuthobela ukusebenza ngokuselubala kunye nokusabela kwixanduva lokunika iimpendulo kunye nokwenzela uluntu undlela lula. Ukuze kube nokuphuculwa ukubhengeza iinkcukacha ngokuzithandela kunye nokuququzelela ukufikelela kwiinkcukacha, iCandeo 15 le-PAIA lifuna ukuba onke amaqumrhu karhulumente ashicilele uluhlu, olwaziwa ngokuba **'siSaziso seCandelo 15' okanye 'isaziso sokubhengeza ngokuzithandela'**, kwazo zonke iinkcukacha eziphathelelene nequmrhu elo nezinokufumaneka kuye nabani na nanini na ngaphandle kwesicelo.

Igosa lezeenkcukacha lequmrhu likarhulumente kufuneka ukuba lenze isaziso sokubhengeza ngokuzithandela sequmrhu likarhulumente, lize lenze ukuba sifumaneke kuzo zonke ii-ofisi zequmrhu likarhulumente kwanangokulipapasha kwiGazethi kaRhulumente. Isaziso sokubhengeza ngokuzithandela kufuneka sihlaziywe qho ngonyaka.

Isaziso sokubhengeza ngokuzithandela sequmrhu labucala siqulethe iindidi zeerekhodi kunye nenkcazelo yezo rekhodi zifumaneka ngaphandle kwesicelo:

- Ezihlolwayo ngokwayo nayiphi na imithetho ngaphandle kwe-PAIA;
- Ezithengwayo okanye zikhutshelwe kwiqumrhu likarhulumente, kunye
- Nakwiqumrhu likarhulumente simahla

Isaziso sokubhengeza ngokuzithandela kufuneka sichaze indlela yokufikelela kwiirekhodi ezifumaneka ngaphandle kwesicelo. Akukho mfuneko yakwenza isicelo esisesikweni sokufikelela kwiirekhodi ezithile ukuba ezo rekhodi sele zibhengeziwe ngokuzithandela kwaye ziyafumaneka ngaphandle kokwenza isicelo esisekiweni. Kwiimeko ezininzi, kuye kufuneke intlawulo ukwenzela ukuba kusetyenzwe ngesicelo esisesikweni kwaye oku kungathatha ukuya kutsho kwiintsuku ezingama-30. Kusenokuphetshwa oku xa unokuqale uqonde kuqala kwisaziso sokubhengeza ngokuzithandela ubone ukuba ezi nkcukacha uzifunayo azisele zifumaneka ngaphandle kokwenza isicelo kusini na.

Nangona kunyanzelekile ukuba iqumrhu likarhulumente lipapashe isaziso sokubhengeza ngokuzithandela, oko 'ayikokokuzithandela'. Isaziso sibizwa ngokuba 'sisaziso sokubhengeza ngokuzithandela' kuba senza isaziso sazo zonke iinkcukacha eziye zabhengezwa ngaphandle kwesicelo, kungekuba oko kwenziwa ngokokubona kwegosa lezeenkcukacha malunga nokuba kupapashwe uluhlu olululo okanye hayi na.

2.5 Iinkcukacha ezifumaneka ngaphandle kwesicelo eziphantsi kolawulo lwamaqumrhu abucala

Akwahlukanga ncam okwenzeka kweli candelo leenkcukacha ezifumeneka ngaphandle kwesicelo kwiqumrhu labucala koko kwenzeka kumaqumrhu karhulumente. Ngaphambi kokwenza isicelo seenkcukacha esisesikweni ngokwe-PAIA nekunokwenzeka ukuba sifune imali kunye nexesha elingangeentsuku ezingama-30 ulindile, kubalulekile ukuba uqale uqonde kuqala ukuba zeziphi iinkcukacha ezisele zibhengeziwe nezisele zifumaneka ekungekho mfuneko yakwenza isicelo esisesikweni ngazo.

Intloko yequmrhu labucala isenokuseka uluhlu lweenkcukacha ezisele zifumaneka kwiqumrhu labucala ngaphandle kokuba ufake isicelo esisesikweni. Olu luhlu lubizwa ngokuba '**sisaziso secandelo 52'** okanye **'isaziso sokubhengeza ngokuzithandela**.'

Ngokungafaniyo nemeko amaqumrhu karhulumente ajamelene nayo apho igosa, ngokwe-PAIA, **kufuneka** lishicilele isaziso sokubhengeza ngokuzithandela, igosa lezeenkcukacha lequmrhu labucala **alinyanzelekanga** ukuba likwenze oko. Njengoko isitsho iPAIA, "usenokushicilela, ngokuzithandela, uluhlu olo. Lo ngumahluko omkhulu kakhulu phakathi kwesaziso secandelo 52 lamaqumrhu karhulumente kunye nesaziso secandelo 15 samaqumrhu abucala.

Isaziso sokubhengeza ngokuzithandela sequmrhu labucala siqulethe iindidi zeerekhodi kunye nekcazelo yezo rekhodi ezifumaneka ngaphandle kwesicelo:

- Ezihlolwayo ngokwayo nayiphi na imithetho ngaphandle kwe-PAIA;
- Ezithengwayo okanye zikhutshelwe kwiqumrhu likarhulumente, kunye
- Nakwiqumrhu likarhulumente simahla.

Isaziso sokubhengeza ngokuzithandela kufuneka sichaze nendlela yokufikelela kwiirekhodi ezithi zibhengezwe ngokuzithandela nezifumaneka ngaphandle kwesicelo esisesikweni.

ICANDELO 3
Usenza njani isicelo sokufikelela kwiinkcukacha

Eli candelo liquka oku kulandelayo:

3.1 Iindidi zezicelo

3.2 Iimali ezihlawulwayo ezinxulumene nokwenziwa kwezicelo

3.3 Indima yeGosa lezeeNkcukacha

3.4 Uncedo lwezomthetho

3 Ndingasifaka njani isicelo se-PAIA?

Isicelo sokufikelela kwiinkcukacha siyenziwa kumaqumrhu karhulumente nawabucala. Umntu owenza isicelo ubizwa ngokuba “ngumenzi sicelo”, kwaye unelungelo lokufikelela kwiindidi ezithile zeerekhodi zamaqumrhu karhulumente nawabucala. I-PAIA idandalazisa iindlela ezahlukileyo zokufikelela kwiinkcukacha nokuba kukwiqumrhu likarhulumente okanye elabucala, ize ekupheleni koMthetho ibonelele ngeefomu ekufanele zisetyenziswe ngabafaki bezicelo ukuze bafake izicelo zeenkcukacha.

UDIDI LWEQUMRHU	IFOMU YE-PAIA	ICANDELO LE-PAIA
Iqumrhu likarhulumente	IFomu A	ICandelo18
Iqumrhu labucala	IFomu C	ICandelo53

Iifomu kufuneka zifumaneke kwiiwebhusayithi zamaqumrhu karhulumente kunye nawabucala. Zisenokufumaneka kwii-ofisi zephondo zeKomishoni yamalungelo oLuntu yaseMzantsi Afrika, ndawonye nakwiwebhusayithi ku-www.sahrc.org.za.

3.1 Ngubani ongafaka isicelo se-PAIA?

Nabani na uvumelekile ukuba angenza isicelo se-PAIA. Umenzi-sicelo usenokuba:

Ngumntu ophilayo

» akunyanzelekanga ukuba umntu ibe ngummi waseMzantsi Afrika okanye umntu ohlala eMzantsi Afrika

OKANYE

Umntu onikwe igunya

» njengeshishini okanye umbutho

OKANYE

Umntu osebenza egameni lomntu ophilayo okanye umntu onikwe amagunya

Umenzi-sicelo unelungelo lokufikelela kwiirekhodi eziqulethe iinkcukacha zokobuqu ezimalunga nomenzi-sicelo buqu, okanye umntu lowo ekwenziwa isicelo egameni lakhe.

Iqumrhu likarhulumente lithathwa ngokuba ngumntu onegunya kwaye lisenokwenza isicelo sokufikelela kwiinkcukacha ezikulawulo lwamaqumrhu abucala, kuphela ukuba iqumrhu elo likarhulumente (1) likwenza oko ukuze kungenelwe uluntu, kwaye (2) iirekhodi ezo zifunelwa ukufezekisa okanye ukukhusela nawaphi na amalungelo ngaphandle kwalawo equmrhu likarhulumente.

Kubalulekile ukuqaphela ukuba i-PAIA ayisebenzeli amasebe karhulumente (kuquka namasebe esizwe, awamaphondo nawoomasipala), kunye naye nabani na okanye naliphi na iziko elisebenzisa amagunya alo okanye elenza umsebenzi ngokoMgaqo-siseko, (njenge-SAHRC kunye ne-Ofisi yoMkhuseli woLuntu), okanye ngokomgaqo-siseko wephondo (njenge-Western Cape Liquor Licensing Board), ekwenzeni izicelo ze-PAIA kwamanye amaqumrhu karhulumente.

3.1.1 Ndiyigcwalisa njani ifomu yesicelo se-PAIA?

Isicelo sokufikelela kwiinkcukcha ezikulawulo lwequmrhu likarhulumente okanye elabucala senziwa ngokugcwalisa ifomu yesicelo se-PAIA ize ingeniswe kwiqumrhu elo libandakanyekayo. Isicelo se-PAIA kufuneka sithunyelwe kwiGosa lezeenkcukacha, iSekela Gosa lezeeNkcukacha okanye iNtloko yequmrhu likarhulumente okanye elabucala, kwaye kufuneka kusetyenziswe iinkcukacha zoqhagamshelwano ezichanekileyo nezakamvanje.

Ukongeza ekunikezeleni ngeenkcukacha malunga nequmrhu elo libandakanyekayo, ifomu esetyenziswayo yesicelo se-PAIA iquka oku kulandelaya:

IINKCUKACHA EZIFUNEKAYO	INGCACISO
Iinkcukacha zomfaki sicelo	Iinkcukacha ezaneleyo malunga nomfaki-sicelo eziza kwenza kube lula ukumazi, kuquka neenkcukacha zoqhagamshelwano zomfaki-sicelo: idilesi yeposi, idilesi ye-imeyile, inombolo yefeksi kunye/okanye yefowuni eMzantsi Afrika.
Iinkcukacha zeerekhodi ezifunwayo	Iinkcukacha ezithe vetshe malunga neerekhodi ezo ukwenzela kube lula kakhulu ukuzifumana. Kusenokusetyenziswa nelinye iphepha ukuchaza banzi ngesicelo kwaye iphepha ngalinye lityikitywe lize lidityaniswe nefomu yesicelo.
Indlela yokufikelela kwiirekhodi ezo	Inkcazelo yefomu okanye indlela ekufanele iinkcukacha zigqithiswe ngayo okanye zenziwe zifumaneke ngayo.
Indlela yokwazisa umenzi sicelo ngendlela anokufikelela ngayo kwiinkcukacha	Indlela yokwazisa umenzi sicelo malunga nesigqibo sokusifezekisa okanye ukusikhaba isicelo sakhe.
Ulwimi olukhethiweyo	Xa isicelo sifakiwe kwiqumrhu likarhulumente, kufuneka luchazwe ulwimi olukhethiweyo njengolo iirekhodi ekufuneka zibe ngalo.
Igunya lomntu owenze isicelo	Xa isicelo sifakwe egameni lomnye umntu, kufuneka kunikezelwe ngesiqinisekiso segunya lomntu lowo owenza isicelo (owaziwa ngokuba ngumntu onikwe igunya).
Amalungelo abandakanyekayo	Xa isicelo sifakiwe kwiqumrhu labucala, umenzi sicelo kufuneka achaze ilungelo ekubhekiswa kulo aze acacise ukuba kungani na iirekhodi ezo zifunwa ngelixhamla okanye elikhusela ilungelo elo.

RAbenzi zicelo abangakwazi ukufunda okanye ukubhala basenokwenza izicelo ngomlomo

kwiGosa lezeeNkcukacha okanye iSekela Gosa lezeeNkcukacha lequmrhu likarhulumente, lona elinoxanduva lokugcwalisa iFomu A egameni lomenzi sicelo.

3.1.2 Ingaba ukhona umgaqo olandelwayo xa kusenziwa isicelo se-PAIA?

Umenzi sicelo kufuneka anikwe imvume yokufikelela kwiirekhodi azicelayo, kuphela ukuba uye wazithobela ezi mfuno zemigaqo zilandelayo:

- Isicelo se-PAIA kufuneka senziwe kwifomu echanekileyo (iFomu A yamaqumrhu karhulumente, iFomu C yamaqumrhu abucala), waze wabhala ukuba iya kwiGosa lezeeNkcukacha okanye iSekela Gosa lezeeNkcukacha lequmrhu likarhulumente okanye elabucala, okanye kwiNtloko yequmrhu likarhulumente okanye elabucala.
- Ifomu yesicelo se-PAIA kufuneka sifakwe ngesandla, siposwe, sifekswe okanye sithunyelwe nge-imeyile kwiqumrhu likarhulumente okanye elabucala elo kuthunyelwa kulo isicelo.
- Iirekhodi ezifunwayo azichatshazelwa yimiqathango yokwala echazwe kwi-PAIA.

3.2 Zithini iindleko zokwenziwa kwesicelo se-PAIA?

Abenzi-zicelo kufuneka bahlawule imali xa becela ukufikelela kwiirekhodi kuwo omabini amaqumrhu, elikarhulumente nelabucala.

Imali yokucela iirekhodi kwiqumrhu likarhulumente ngama-R35, ngeli lixa imali yokucela

iirekhodi kwiqumrhu labucala ingama-R50.

Kubalulekile ukuqaphela ukuba abafaki-zicelo abacela ukufikelela kwiinkcukacha zabo zokobuqu abahlawuli mali; nangani kunjalo, kusafuneka beyihlawule imali yokufikelela.

Abafaki-zicelo abanomvuzo ongaphantsi kwe-R14,712 ngonyaka (abangatshatanga) kunye nama-R27,192 ngonyaka (ukuba batshatile okanye bayahlalisana), ABAfanelanga ukuba bazihlawula iimali zesicelo.

3.2.1 Zithini iindleko zokufumana iirekhodi phantsi kwe-PAIA?

Abenzi-zicelo kufuneka bahlawule imali xa becela ukufikelela kwiirekhodi zamaqumrhu karhulumente nawabucala. Le mali ihlawulela iindleko zokukhangela iirekhodi kunye nokwenza iikopi zazo.

Ucazululo lweemali zokufikelela kwiirekhodi zamaqumrhu karhulumente lumi ngolu hlobo:

UMSEBENZI	IMALI
Ikopi ekwiphepha elingu-A4	Iisenti ezingama-60
Ukuprinta kwiphepha elingu-A4	Iisenti ezingama-40
Ukukhuphelela kwi-CD	R40
Ukuchwethezwa kwemifanekiso kwiphepha elingu-A4	R22
Ikopi yemifanekiso	R60
Ukuchwethezwa kweekopi ezimanyelwayo kwiphepha elingu-A4	R12
Ukukhutshelwa kwekopi emanyelwayo	R17
Ukukhangelwa nokulungiswa kweerekhodi ezenzelwe ukubhengezwa	R15 ngeyure okanye inxenye yayo, ngaphandle kweyure yokuqala, evumelekileyo xa kukhangelwa kunye nokulungiswa kweerekhodi.

Iimali zokufikelela kwiirekhodi zamaqumrhu abucala zimi ngolu hlobo:

UMSEBENZI	IMALI
Ikopi ekwiphepha elingu-A4	R1.10
Ukuprinta kwiphepha elingu-A4	Iisenti ezingama-75
Ukukhuphelela kwi-CD	R70
Ukuchwethezwa kwemifanekiso kwiphepha elingu-A4	R40
Ikopi yemifanekiso	R60
Ukuchwethezwa kweekopi ezimanyelwayo kwiphepha elingu-A4	R20
Ukukhutshelwa kwekopi emanyelwayo	R30
Ukukhangelwa nokulungiswa kweerekhodi ezenzelwe ukubhengezwa	R30 ngeyure okanye inxenye yayo, ngaphandle kweyure yokuqala, evumelekileyo xa kukhangelwa kunye nokulungiswa kweerekhodi.

Iimali zentlawulo yokuposa kuza kufuneka zihlawulwe ngumenzi-sicelo ukulungiselela ukuposwa kweerekhodi ezo zabo zamaqumrhu karhulumente nawabucala.

Ukwaphulelwa

Ukuba iGoza lezeeNkcukacha, iSekela Gosa lezeeNKcukacha, okanye iNtloko yequmrhu likarhulumente/ elabucala icinga ukuba ukuqokelelwa nokuveliswa kwamaxwebhu kuza kuthatha ixesha elide elingaphezu weeyure ezintandathu, kufuneka yazise lowo wenze isicelo, (ngesaziso esisesikweni), ukuba kuza kufuneka ehlawule isiqingatha seali yokufikelela njengediphozithi.

Ukuba iirekhodi azigqithiswa ngendlela ezicelwe ngayo, imali yokufikelela ebizwayo kumenzi sicelo akufunekanga igqithe kwimali ebinokubizwa ukuba ukufikelela kwiinkcukacha bekunikezelwe ngendlela eceliweyo. Nangona kunjalo, lo mgaqo awusebenzi xa enye indlela ifuneka kuba iinkcukacha bekufuneke zigqithisiwe kwiirekhodi.

Ukuba umenzi sicelo akakwazi kufunda, ukubona okanye ukuba oko kurekhodiweyo ngendlela egcinwe ngayo liqumrhu likarhulumente ngenxa yokukhubazeka kwakhe, iqumrhu likarhulumente kufuneka libonelele ngeerekhodi ngendlela eza kufikeleleka kumenzi sicelo. Imali yokufikelela ebizwayo kumenzi sicelo akufunekanga igqithe imali ebiza kubizwa ukuba bekungenganxa yokukhubazeka.

3.3 Ingaba iGosa lezeeNKcukacha lingandincedisa ekwenzeni isicelo se-PAIA?

Xa isicelo se-PAIA sisenziwa kwiqumrhu likarhulumente , iGosa lezeeNKcukacha okanye iSekela Gosa lezeeNKcukacha kufuneka likuncedise apho kuyimfuneko khona ukuze ugcwalise iifomu ze-PAIA.

Uncedo kufuneka lunikezelwe ngamaGosa ezeeNkcukacha mahala.

IMISEBENZI YAMAGOSA EZEENKCUKACHA	INGCACISO
Ukuncedisa umenzi sicelo agcwalise ifomu ye-PAIA	Xa isicelo se-PAIA singalandeli zonke iimfuno ezibekiweyo ezichazwe kwi-PAIA nakwifomu, iGosa lezeeNkcukacha okanye iSekela Gosa lezeeNkcukacha ALINAKO ukusikhaba isicelo. Endaweni yoko, iGosa lezeeNkcukacha kufuneka lazise umenzi sicelo, ngembalelwano, ukuba alinako ukusifezekisa isicelo ngenxa yokuba iinkcukacha aziphelelanga, lize lichazele umenzi sicelo ukuba lizimisele ukumnceda ekwenzeni utshintsho olufunekayo kwifomu leyo. Ukuba umenzi sicelo akaphenduli kwincwadi ayibhalelweyo okanye enze izilungiso kwifomu kwangexesha elifanelekileyo, igosa linokusikhaba eso sicelo.
Ukubonelela umniki sicelo ngeenkcukacha ezifanelekileyo apho kuyimfuneko khona	Ukuba ngaba kuhle kwaye kusenokwenzeka, iGosa lezeeNkcukacha kufuneka libonelele umenzi sicelo ngazo naziphi na iinkcukacha ezikulawulo lwequmrhu likarhulumente nezo zikwafunwa ngumenzi sicelo, nokuba iirekhodi ezo bezingeyonxenye yesicelo sokuqala.

IMISEBENZI YAMAGOSA EZEENKCUKACHA	INGCACISO
Ukugqithiselwa kwesicelo	Xa isicelo se-PAIA senziwe kwiqumrhu likarhulumente elingelilo, iGosa lezeeNKcukacha kufuneka lisigqithiselwe kwiqumrhu likarhulumente elililo eso sicelo zingaphelanga iintsuku ezili-14 emva kokuba lisifumene isicelo eso kwaye kufuneka lazise umenzi sicelo ngembalelwano malunga noko kugqithiselwa kwesicelo.
Iintsuku ezingama-30 zokuphendula kwisicelo	Isicelo se-PAIA kufuneka siphendulwe liqumrhu likarhulumente zingaphelanga iintsuku ezingama-30 emva kokuba sifunyenwe isicelo. IGosa lezeeNkcukacaha lisenokucela ukwandiselwa ixesha elingekho ngaphezu kweentsuku ezingama-30 ezongeziweyo, ngezizathu ezithile, eziquka isicelo eso (1) amaxwebhu amakhulu kakhulu, (2) ukubonisana namanye amaqumrhu karhulumente okanye awabucala, (3) okanye ukuba umenzi sicelo uvumile ukulongeza ixesha ngembalelwano. Kuvumelekile ukongezwa kwexesha kanye kuphela kwisicelo se-PAIA ngasinye.
Ukuvunywa nokukhatyw kofikelelo	Luxanduva lweGosa lezeeNkcukacha ukuvuma okanye ukwala ngokufikelela kwiirekhodi. Esi sigqibo kufuneka sigqithiselwe kumenzi sicelo ngembalelwano.
Indlela yokufikelela, imali yokufikelela kunye noncedo	Xa isicelo se-PAIA sivunyiwe, iGosa lezeeNKcukacha kufuneka lazise umenzi sicelo malunga nendlela ufikelelo oluza kufumaneka ngayo kunye nemali yofikelelo, ekufuneka ihlawulwe yakube imvume yofikelelo inikezelwe. Isaziso kukwafuneka ukuba sazise umniki sicelo ukuba unelungelo lokwenza isibheno sangaphakathi kunye nesicelo enkundleni ngenxa yentlawulo yokwalelwa okanye ngendlela ufikelelo oluza kunikezelwa ngayo. Ukongeza, isaziso kufuneka sibonelele nangeenkcukacha malunga nexesha isibheno okanye isicelo enkundleni ekumele sifakwe ngayo ndawonye nomgaqo ekumele ulandelwe.
UKukhatywa kwesicelo	Ukuba isicelo se-PAIA sikhatyiweyo, isaziso esiya kumenzi sicelo kufuneka sichaze izizathu zokukhatywa kwesicelo, ekufuneka zixhaswe ngezibonelelo ezikwi-PAIA. Ngokufanayo nefomu okanye ufikelelo kunye nemali yokufikelela, isaziso kufuneka sibonelele umenzi sicelo ngeenkcukacha eziphathelelene nokwenza isibheno ngesigqibo okanye ngokwenza isicelo senkundla.
Ukulityaziswa kokukhululwa kweenkcukacha	IGosa lezeeNKcukacha lisenokuthatha isigqibo sokulibazisa ekukhululeni iinkcukacha kumenzi sicelo ngokweCandelo 24 le-PAIA, ukuba ezo nkcukacha bekufanele ukuba zishicilelwe zingaphelanga iintsuku ezingama-30 okanye ukuba iinkcukacha ezo kufuneka zishicilelwe ngokomthetho kodwa zibe ziseza kushicilelwa.

I-PAIA kumaCandelo 23 nelama-55 ithi ukuba iGosa lezeeNKcukacha alikwazi ukuzifumana ezo rekhodi ziceliweyo, okanye kukholelwa kukholeleka ukuba azikho kwa ukubakho, iGosa lezeeNkcukacha kufuneka, emva kokuba liqinisekile ukuba kuthathwe onke amanyathelo okuzifumana ezo rekhodi, lifake i-afidavithi kumenzi sicelo emazisa ukuba iirekhodi ezo zicelwayo azikho okanye azifumaneki.

3.4 Ngawaphi amanyathelo asemthethweni endinokuwenza xa sikhatyiwe isicelo sam se-PAIA?

Umenzi sicelo unelungelo lokuthatha amanyathelo asemthethweni ngakwiGosa lezeeNKcukacha, iSekela Gosa lezeeNKcukacha, okanye iNtloko yequmrhu likarhulumente okanye elabucala ukuba iGosa lezeeNKcukacha ligqibe kwelokuba:

- Likwalele ukufikelela kwiinkcukacha
- Longeze ixesha lokuphendula kwisicelo
- Libize imali yesicelo okanye imali yokufikelela
- Linikezele ngofikelelo ngendlela eyahlukileyo kuleyo ebeyiceliwe.

Eli candelo liza kukucacisela ngamayathelo asemthethweni abenzi bezicelo abasenokuwasebenzisa ukuba banomnqweno wokwenza isibheno ngakwizigqibo ezithathwe ngamaGosa ezeeNKcukacha.

3.4.1 Uncedo lwezoMthetho ngakuMaqumrhu kaRhulumente

Xa umenzi sicelo engonwatyiswanga sisigqibo esithathwe liGosa lezeeNKcukacha lequmrhu likarhulumente, umenzi sicelo unelungelo lokwenza isibheno sangaphakathi. Isibheno sangaphakathi siquka oyena mntu ukwisikhundla esiphezulu oza kuqwalasela isigqibo esithathwe liGosa lezeeNKcukacha aze enze isigqibo malunga nokuba ingaba isigqibo ebesithathwe liGosa lezeeNkcukacha besilungile kusini na. Ukuba umntu lowo ukwisikhundla esiphezulu uyavumelana nesigqibo seGosa lezeeNkcukacha, isibheno sangaphakathi siza kuthi sikhatywe size isigqibo ebesithathiwe ekuqaleni malunga nesicelo se-PAIA siqinisekiswe. Ukuba umntu okwisikhundla esiphezulu akavumelani nesigqibo esithathwe liGosa lezeeNkcukacha, isibheno siza kuthi ke ngoko siqwalaselwe size nesigqibo ebesithathiwe ekuqaleni ngokuphathelele kwisicelo se-PAIA siguqulwe.

Kubalulekile ukuqaphela ukuba isibheno sangaphakthi sifakwa kumasebe karhulumente wesizwe, owephondo nokamasipala kuphela. Akukho zinkqubo zezibheno zangaphakathi ezikhoyo ezisetyenziswa kwamanye amaqumrhu karhulumente.

ISixeko saseKapa ngumzekelo karhulumente kamasipala ekunokufakwa kuye izibheno zangaphakathi. I-Road Accident Fund ngumzekelo wequmrhu likarhulumente elingeyonxalenye karhulumente wesizwe, owephondo okanye kamasipala, nanjengoko isekwe ngokommiselo (i-Road Accident Fund Act), ngoko ke isibheno sangaphakathi asinakwenziwa ngakuyo.

3.4.1.1 Ngubani onelungelo lokufaka isibheno sangaphakathi?

Umenzi sicelo owenza isicelo se-PAIA kwiqumrhu lesizwe, elephondo okanye elikamasipala aze alelwe ukufikelela kwiinkcukacha, unalo ilungelo lokwenza isibheno sangaphakathi. Oku kwenziwa ngokugcwalisa **iFomu B** ye-PAIA nangokuyifaka kwiqumrhu likarhulumente wesizwe, owephondo okanye okamasipala. Ikopi yeFomu B iyafumaneka kwiwebhusayithi yamaqumrhu achaphazelekayo kwaye iyafumaneka nakwii-ofisi zeKomishoni yaMalungelo oLuntu yaseMzantsi Afrika.

Ukuba isibheno sangaphakathi siquka nabani na ongomnye, iqumrhu likarhulumente elifumene isibheno sangaphakthi linoxanduva lokuqhagamshelana nomntu lowo ongomnye, ongowesithathu. Iimfuno zokwazisa kunye nezokumela ziyafana nezo zifunwayo xa kufakwa isicelo se-PAIA.

Abanye abantu abangabanye nabangabesithathu nabo bavumelekile ukufaka isibheno sangaphakathi kwisigqibo esenziwe liqumrhu likarhulumente malunga nokunikisa ngofikelelo kwiinkcukacha ezithile.

3.4.1.2 Singenziwa nini isibheno sangaphakathi?

Umenzi sicelo usenokufaka isibheno ngakwisigqibo esithathwe liqumrhu likarhulumente ngenxa yezi zizatu zilandelayo:

- Umenzi sicelo akonelisekanga ziimali ezifunekayo xa kusenziwa isicelo.
- Umenzi sicelo akonelisekanga sisigqibo sokongeza iintsuku ezingama-30 zesongezo kwiqumrhu likarhulumente ukuze lisabele kwisicelo.
- Umenzi sicelo akonelisekanga yindlela ezize ngayo iinkcukacha engeyiyo le ndlela echaziweyo kwisicelo, kwaye umenzi sicelo ukholelwa kwelokuba ibingayi kuba ngumsinandozele kwiqumrhu likarhulumente into yokumnika iinkcukacha ngendlela ayikhethileyo kwifomu yesicelo.

3.4.1.3 Ndingasenza njani isibheno sangaphakathi?

Isibheno sangaphakthi kufuneka sigcwaliswe ngumenzi sicelo zingaphelanga iintsuku ezingama-60 emva kokufumana ukwalelwa kwesicelo sokuqala se-PAIA. Oku kwenziwa ngokugcwalisa **iFomu B** nokuyifaka kwisebe likarhulumente wesizwe, owephondo okanye okamasipala.

URhulumente weSizwe	Ukuba isicelo se-PAIA senziwa kwisebe likarhulumente wesizwe, umenzi sicelo angafaka isicelo sesibheno sangaphakathi kuMphathiswa wesebe.
URhulumente wePhondo	Ukuba isicelo se-PAIA senziwa kwisebe likarhulumente wephondo, umenzi sicelo angafaka isicelo sesibheno sangaphakathi kuMphathiswa wePhondo wesebe elo.
URhulumente kaMasipala	Ukuba isicelo se-PAIA senziwa kwisebe likamasipala, umenzi sicelo angafaka isibheno kusodolophu kamasipala, okanye kusomlomo kamasipala okanye kuye nabani na onikwe amagunya yiKhansile kaMasipala lowo.

I-Form B ifakwa kwakweliya Gosa lezeeNkcukacha / iSekela Gosa lezeeNkcukacha elisikhabileyo isicelo sokuqala, lona ekuza kufuneka ukuba liyigqithisele kwiGosa lezeeNkcukacha loo fomu.

QAPHELA:

Ukuba isibheno sifuna ukuba isaziso sigqithiselwe kumntu wesithathu (o.k.k. xa iinkcukacha ziqulethe iinkcukacha zokobuqu zomnye umntu, njengeerekhodi ezisuka kwiiNKonzo zeRhafu zoMzantsi Afrika (SARS), ndawonye neenkcukacha ezisemfihlakalweni, iinkcukacha ezithile zorhwebo, kunye neenkcukacha zoPhando malunga nomntu wesithathu), ngoko ke isibheno eso kufuneka sifakwe zingaphelanga iintsuku ezingama-30 emva kokuba kukhutshwe isaziso.

Umenzi sicelo kufuneka afake isibheno sangaphakathi kwiGosa lezeeNkcukacha lequmrhu elo lichaphazelekayo ngeposi, ngefeksi okanye nge-imeyile.

Isibheno sangaphakathi kufuneka siquke umxholo wesibheno sangaphakathi, izizathu ezixhasa isibheno eso, size siquke nazo naziphi na iinkcukacha ezifanelekileyo ezaziwa ngumntu lowo owenza isibheno.

Ukuba umenzi sicelo angathanda ukwaziswa malunga nesigqibo esiphathelele kwisibheno sangaphakathi ngendlela ekuyenye, (eyongeza kwimpendulo ngembalelwano), kufuneka ayichaze loo ndlela ayikhethayo aze agqithise neenkcukacha eziyimfuneko zalo ndlela ayikhethayo.

3.4.1.4 Kwenzekani xa isibheno sangaphakathi sifakwe emva komhla wokuphelelwa kwexesha elibekiweyo?

Xa isibheno sangaphakati sifakwe emva kokuba lipheleli ixesha leentsuku ezingama-60, iqumrhu elo likarhulumente lichaphazelekayo kufuneka lisamkele isibheno eso ukuba izizathu ezibalulekileyo zidandalazisiwe ezokusingenisa emva kwexesha isibheno. Xa iqumrhu likarhulumente elo lichaphazelekayo lingasamkeli isibheno sangaphakathi, kufuneka likhuphe isaziso esiya kulowo ufake isibheno.

3.4.1.5 Izibheno zangaphakathi zibiza malini?

Umenzi sicelo owenza isibheno sangaphakthi kufuneka ehlawule imali ebekiweyo, ukuba ikho. Ukuba imali yesibheno kufuneka ihlawulwe xa kufakwa isibheno, isigqibo malunga nesibheno sisenokulibaziseka de ibe ihlawulwe imali.

INGABA NDINGASIFAKA ISICELO ENKUNDLENI MALUNGA NESIGQIBO SEQUMRHU LIKARHULUMENTE?

Ewe. Ukuba umenzi sicelo akaphumelelanga kwisibheno sakhe sangaphakathi ngakwiqumrhu likarhulumente, okanye ukuba iqumrhu likarhulumente liyala ukusamkela isibheno sangaphakati esifakwe emva kokuphelelwa kwexesha, okanye ukuba umenzi sicelo akonelisekanga ngandlela ithile ngenxa yesigqibo esenziwe liqumrhu likarhulumente, umenzi sicelo usenokufaka isicelo sokufumana isiqabu enkundleni ngokuthi afake isicelo zingaphelanga iintsuku ezingama-30 emva kokufumana isigqibo.

Umenzi sicelo okanye umntu wesithathu usenokufaka isicelo enkundleni kuphela emva kokuba inkqubo yangaphakathi yokubhena sele igqityiwe.

3.4.2 Uncedo lwezoMthetho ngakuMaqumrhu aBucala

Xa umenzi sicelo engonelisekanga sisigqibo esenziwe yintloko yequmrhu labucala, umzekelo ngokwalela ufikelelo, ngokunyanzelisa intlawulo yokufikelela, okanye ngokwandisa ixesha lokufumaneka kwempendulo, umenzi sicelo usenokufaka isicelo sesiqabu enkundleni zingaphelanga iintsuku ezingama-180 emva kokufumana isigqibo esenza ukuba kubekho isikhalazo. Isigqibo sequmrhu labucala siza kuqwalaselwa yinkundla size isigqibo senziwe yinkundla malunga nokuba kunikezelwe ngofikelelo okanye hayi.

BRUMMER V MPHATHISWA WESEBE LEZOPHUHLISO LOLUNTU

Kulo mba iinkundla zachaza ukuba iintsuku ezingama-30 ebezibekiweyo phantsi kwe-PAIA apho umenzi sicelo enokuthi afake isicelo kwiinkundla zamatyala ukuba akonelisekanga sisigqibo seGosa lezeeNkcukacha ngenxa yokuba ixesha elibekiweyo belingonelanga ukuze kwenziwe ubulungisa. Kwagqitywa kwelokuba iintsuku ezingama-30 zazingafanelekanga kwaye kwafuneka ukuba zongezwe ukuya kutsho kwixesha leentsuku ezili-180. Esi sigqibo senkundla sibonakalisiwe kuMthetho woKhuselo lweeNkcukacha zokoBuqu omtsha othi kukho ixesha leentsuku ezili-180 zokuba umenzi sicelo afake isikhalazo kuMlawuli weeNKcukacha, emva kokuba ezenze zonke iinkqubo ze-PAIA zokufikelela kwiinkcukacha zokobuqu.

Amatyala ofikelelo kwiinkcukacha asenokuchotshelwa kwiiNkudla zikaMantyi njengenkundla yokuqala, njengoko kubonelelwe phantsi kwecandelo 79 le-PAIA kunye **nakwiiNkunda eziPhakamileyo**.

3.4.3. Kuza kwenzekani ngetyala lam enkundleni?

Ziliqela iziphumo ezinokubakho xa usa imeko ye-PAIA enkundleni. Emva kokuba kumanyelwe omabini amacala, ijaji echophele ityala inegunya lokuwisa isigwebo esinobulunga nesolingano. Oku kusenokuquka isigwebo: (1) esiqinisekisa, esitshintsha, okanye esicima isigqibo sequmrhu likarhulumente okanye elabucala ngokuphathelele kwisicelo se-PAIA; (2) esifuna ukuba iqumrhu likarhulumente okanye elabucala lithathe inyathelo elithie okanye lingaslisebenzisi ilungiselelo elithile; (3) esinikezela ngokhuselo, isigwebo sobhengezo, isiqabu esithile okanye imbuyekezo; okanye (4) esigunyazisa intlawulo yeendleko ezithile.

ICANDELO 4

Apho ufikelelo kwiinkcukacha kusenokwalelwa...

Eli candelo liquka:

4.1 Ukulungelelanisa ilungelo lokufikelela kwiinkcukacha namanye amalungelo

4.2 Izizathu ezinyanzelekileyo xa zithelekiswa nezicingelwayo zokwalela ufikelelo kwiinkcukacha

4.3 Izizathu zokwalela ufikelelo kwiinkcukacha ezidweliswe kwi-PAIA

4.4 Uvavanyo olungumdla oyingenelo yoluntu

4.1. UkuFikelela kwiiNkcukacha kuNgalelwa Nini

Eli candelo liza kubonelela ngesishwankathelo malunga nokuba ufikelelo kwiinkcukacha kungalelwa nini na phantsi kwe-PAIA, lize likhokele malunga nokuba ungayisebenzisa njani na imigaqo evumela igosa lezeenkcukacha ukuba lale ngokufikelela kwiinkcukacha. I-PAIA inika izizathu ezili-12 apho ufikelelo kwiinkcukacha lunokwalelwa khona ligosa lezeenkcukacha lequmrhu likarhulumente okanye elabucala, ezinye zazo ekuzizathu ezinyanzelekileyo zize ezinye ibe zezo zinokucingelwa (*bona icandelo 4.2. ngezantsi ukuba ufuna iinkcukacha ezithe vetshe*). Ukongeza, i-PAIA iseke ibinzana elimalunga nomdla oyingenelo kuLuntu nelingananzi naso nasinye kwizizathu zokwalela ufikelelo kwiinkcukacha, ukuba ngaba umdla oyingenelo yoluntu uyeyona nto iphambili. (***Bona icandelo 4.4 ngezantsi ukuba ufuna iinkcukacha ezithe vetshe)***.

UKULUNGELELANISA ILUNGELO LOKUFIKELELA KWIINKCUKACHA NAMANYE AMALUNGELO	
UMGAQO NGOKUBANZI	Ilungelo lokufikelela kwiinkcukacha lifumaneka kuMqulu waMalungelo woMgaqo-siseko woMzantsi Afrika kwaye, ukuze liqalise ukusebenza eli lungelo, ukufikelela kwiinkcukacha kufuneka kuvunyelwe kanganagoko kunokwenzeka.
ISINXAXHI	Njengawo onke amanye amalungelo aqulethwe kuMqulu waMalungelo, ilungelo lokufikelela kwiinkcukacha lisenokunyinwa okanye lingavunywa kwiimeko ezithile. I-PAIA yasekelwa ikakhulu ukuba idandalazise izizathu apho ukufikelela kwiinkcukacha kunokwalelwa khona, ngoko ke ilungelo lokufikelela kwiinkcukacha linyiniwe.

4.2. Izizathu eziNyanzekileyo xa zithelekiswa nezo zinokuCingelwa malunga nokwalela ukufikelela kwiinkcukacha

I-PAIA ichaza ukuba kwiimeko ezithile iinkcukacha zisenokungabhengezwa ligosa lezeenkcukacha. Ngelifutshane, izizathu ezingunobangela wokuba iinkcukacha zingakwazi ukubhengezwa zisenokungachazwa ngokuphathelele ekubeni ingaba ukubhengezwa kwezo nkcukacha kungabangela umonakalo omkhulu ngaphezu kokungabhengezwa kwazo. I-PAIA ngoko ke idwelisa izizathu ezilishumi elinambini apho ukufikelela kwiinkcukacha kunokwalelwa khona ligosa lezeenkcukacha lequmrhu likarhulumente okanye elabucala (ezi zizathu zili-12 ziza kudweliswa kwicandelo 4.3 apha ngezantsi). Kwelinye icala, ezinye zezi zizathu zokungabhengezwa zezinyanzelwayo kwigosa lezeenkcukacha, nto leyo ethetha ukuba igosa lezeenkcukacha kufuneka lingakuvumeli ukufikelela kwiinkcukacha ukuba lingakwazi ukuza nobungqina besizathu esinyanzelweyo njengesizathu sokwalela ukufikelela kwiinkcukacha. Kwelinye icala, ezinye izizathu zokwalela ufikelelo kwiinkcukacha zezo kuthiwa zezicingelwayo. Oku kuthetha ukuba igosa lezeenkcukacha lisenokuzibhengeza okanye lisenokungazibhengezi iinkcukacha okanye iirekhodi ezo zifunwayo. Ngoko ke, igosa lezeenkcukacha kufuneka lisebenzise eyalo ingqiqo malunga nokuqwalasela ukuba ingaba ukubhengeza iinkcukacha ezo kuza kubangela iingxaki ezongezelelekileyo kusini na kwiqumrhu

likarhulumente okanye elabucala ngaphezu kokungazibhengezi iinkcukacha ezo, nto leyo iza kulinyhasha ilungelo lomenzi sicelo lokufikelela kwiinkcukacha.

AMAGAMA E-PAIA EKUMELE AQATSHELWE…

Kulwalelo olunyanzelekileyo, i-PAIA isebenzisa igama elithi "**kufuneka**".

Kulwalelo olucingelwayo, i-PAIA isebenzisa igama elithi "**isenoku-**".

Khumbula ukuba njengeGosa lezeeNkcukacha kufuneka ungathathi cala xa usebenzisa izizathu zokwalela ufikelelo kwiinkcukacha. Musa ukukhetha amacala, kwaye ungabi nakhethe ngalo lonke ixesha!

4.3. Izizathu zokwalelwa ukufikelela kwiinkcucha

Njengoko kuchaziwe apha ngasentla kukho izizathu ngezizathu apho ukufikelela kwiinkcukacha **kusenokwalelwa** okanye **kufuneka** kwalelwe khona liGosa lezeeNKcukacha lequmrhu likarhulumente okanye elabucala. Ezi zizathu zidweliswe phantsi kweSahluko 4 weSigaba 2 seQumrhu likaRhulumente, kunye neSahluko 4 seSigaba 3 seQumrhu laBucala kwi-PAIA.

4.3.1. Ukhuselo lobumfihlelo bomnye umntu

IGosa lezeeNkcukacha lequmrhu likarhulumente okanye elabucala **akufunekanga** livumele ufikelelo kwiinkcukacha zokobuqu zomntu, kuquka umntu osele eswelekile (malunga nenkcazelo "yomntu ophilayo" bona Amagama Aluncedo apha ngasentla). I-PAIA ithi ukuze ukwazi ukukhusela ilungelo lobumfihlelo bomntu wesithathu ongumntu ophilayo, iGosa lezeeNKcukacha kufuneka lihlole ukuba ukukhululwa kweenkcukacha ezo zikhululelwe umenzi sicelo 'kuza kuquka ukubhengezwa ongungenangqiqo kweenkcukacha zokobuqu' (bona amacandelo 34 nelama-63 e-PAIA).

ICandelo 1 le-PAIA libonelela ngengcaciso ebanzi malunga nokuba zeziphi iinkcukacha eziquka "iinkcukacha zokobuqu". Liquka iinkcukacha eziphathelele kwisini, ukukhulelwa, kunye nenkolo, ndawonye neembalelwano zokobuqu, iimpawu zofuzo – i-DNA, iminwe, kunye neemeko apho igama lomntu lowo livelayo kwiirekhodi.

IGosa lezeeNkcubeko kufuneka liqwalasele neenkcukacha zokobuqu zomntu lowo eziwela phantsi kwala mabakala alandelayo eenkcukacha zokobuqu ezinokuthi zibhengezwe:

- Iinkcukacha zokobuqu zomntu onikise ngemvume yokuba ezo nkcukacha zikhutshwe;
- Iinkcukacha zokobuqu ezisele zipapashiwe esidlangalaleni;
- Iinkcukacha zokobuqu malunga nomntwana ongaphantsi kweminyaka eli-18 ubudala apho ukubhengezwa kwezo nkcukacha kusenzelwa ingenelo yomntwana lowo, kwaye umenzi sicelo ngumnakekeli womntwana (o.k.k. umzali okanye umgcini womntwana);
- Iinkcukacha zokobuqu zomntu osele eswelekile zikhutshelwa umenzi sicelo olilungu losapho lwalowo, okanye onikwe igunya (imvume ebhaliweyo) lilungu losapho;
- Iinkcukacha zokobuqu zomntu oswelekileyo osele eneminyaka engaphezu kwengama-20 eswelekile;
- Iinkcukacha zokobuqu zomntu osebenza okanye owayesebenzela iqumrhu likarhulumente okanye elabucala nalapho iinkcukacha ziphathelele kwisikhundla sakhe njengegosa.

I-PAIA ifuna ukuba amaGosa ezeeNkcukacha akwa-SARS angazibhengezi iinkcukacha zerhafu nezengeniso yokobuqu, ngaphandle kokuba umenzi sicelo ucela ukufikelela kwiinkcukacha zakhe.

4.3.2. Ukhuselo lweenkcukacha zoshishino zomnye umntu

AmaGosa ezeeNkcukacha amaqumrhu karhulumente nawabucala **kufuneka** ale ngofikelelo kwiinkcukacha ukuba ngaba ukukhutshwa kwezo nkcukacha kuza kubangela ubungozi kwiingenelo zorhwebo nezeemali zeshishini. I-PAIA idwelise ezi nkcukacha zoshishino zilandelayo ezingenakubhengezwa liGosa lezeeNkcukacha:

- Iimfihlo zorhwebo;
- Iinkcukcha zezemali, ezoshishino, ezobunzululwazi, ezophando okanye ezobugcisa ezimalunga nomntu wesithathu;
- Iinkcukacha ebezigqithiswe phantsi kwemiqathango yokuba semfihlakalweni nokuthembeka kumntu wesithathu.

Nangona kukho umgaqo omisiweyo wokukhusela iinkcukacha zenkampani, iqumrhu likarhulumentekufuneka lisebenze ngendlela eselubala. Ngokwale ndlela, kufuneka iqatshelwe into yokuba kukho iimeko apho iinkcukacha zoshishino lwenkampani zisenokuthi zibhengezwe khona.

Ukunxaxha kwe-PAIA: Iirekhodi zomntu wesithathu eziqulethe iinkcukacha eziphathelele kukhuselo loluntu okanye ukuba sesichengeni kokusingqongileyo kufuneka zikhutshwe, nokuba ukukhutshwa kweenkcukacha ezikumila kunjalo kusenokumbeka esichengeni umntu lowo wesithathu. Oku kuquka iinkcukacha ezingayingelo eluntwini *(bona icandelo 4.4 ngezantsi).*

4.3.3. Ukhuselo lweenkcukacha eziyimfihlo

I-PAIA yenza isibonelelo sokuba igosa lezeenkcukacha **kufuneke** likulandule ukufikelela kwiinkcukacha ukuba ngaba ukukhutshwa kwezo nkcukacha kuza kukhokelela ekuthini kube kwaphulwa izigqibo zentembeko ebezenziwe kumntu wesithathu ngokwesivumelwano.

4.3.4. Ukhuselo lokukhuseleka komntu kunye nempahla

Eli candelo lichaza ukuba igosa lezeenkcukacha **kufuneka** likwalelele ukufikelela kwiinkcukacha ukuba ngaba ukubhengeza kulindeleke ukuba kulubeke esichengeni ukhuselo lomntu okanye olwempahla. Eli candelo linomba welungelo lwemfihlakalo nanjengoko libuthathela ingqalelo ubomi bomntu nempahla yakhe.

4.3.5. Ukhuselo lweenkcukacha kwiingxoxo zenkundla

Iinjongo zeli candelo kukukhusela iinkcukacha ezifunekayo kwiingxoxo zekundla neenkqubo zokugunyaziswa komthetho. Eli candelo liqaphela eminye imithetho elawula iindidi ezithile zeenkcukacha. Kumba weli candelo uMthetho weeNkqubo zoLwaphulo-mthetho Nombolo 51 ka-1977 (Criminal Procedure Act) uthathwa njengomthetho olawula iirekhodi eziphathelele kwiingxoxo zebheyile kunye nezinye iinkqubo zogunyaziso lomthetho. Kwakhona, oku kusebenza nakwiirekhodi ekubaluleke kakhulu ukuba zingabhengezwa. Ngamanye amagama, iirekhodi ekungafanelanga ukuba zifumaneke kuye nabani na, ngaphandle komntu lowo unelungelo lokufikelela kwezo rekhodi, umzekelo igqwetha elinamagunya njengomfumani-zinkonzo. Naziphi na iirekhodi eziphathelele kubudlelane phakathi kwegqwetha kunye nalowo linikela iinkonzo kuye bakhuselwe phantsi kwecandelo 40 le-PAIA.

Nangona i-PAIA ibuthathela ingqalelo ubukho beminye imithetho ephathelele kulawulo kunye nobhengezo lweekcukaca kunye neerekhodi, kwimeko apho umthetho uthi ulinyine khona ngokungenabulungisa ilungelo

lokufikelela kwiinkcukacha kwaye uyaphikisana nemigaqo-nkqubo yokuba selubala kunye nokuthwala uxanduva lokunika iimpendulo, i-PAIA iza kuba ngaphezulu kuloo mthetho lowo.

4.3.6. Ukhuselo lweeNkcukacha zoPhando

Igosa lezeeNkcukacha lequmrhu likarhulumente okanye elabucala kufuneka likwalele ukufikelela kwiirekhodi eziqulethe iinkcukacha eziphathelele kuphando olwenziwe okanye oluza kwenziwa liqumrhu likarhulumente okanye elabucala elichaphazelekayo okanye umntu wesithathu. Oku kwalelwa kofikelelo kwiinkcukacha kukwiimeko apho ukubhengezwa kweerekhodi kuza kuchaza uphando lomntu wesithathu okanye olwequmrhu likarhulumente okanye elabucala, elomntu okanye eleziko elenza uphando, okanye umba lowo wophando lube nemiphumela emibi kakhulu (*bona icandelo 43 nelama-69 e-PAIA*).

4.3.7. Iinkcukacha ekunokwaliwa ngazo

Ezi ndidi zilandelayo zeenkcukacha ziphathelelene neenkcukacha iGosa lezeeNkcukacha elinokwala ukuba kufikelelwe kuzo, kuphela ngaphandle kokuba basenokunika izizathu ezivakalayo zokuba ezo nkcukacha ziwela phantsi kwezi ndidi zilandelayo kwaye ukubhengezwa kwazo akuyi kuba nangenelo eluntwini (***ukufumana iinkcukacha ezithe vetshe malunga nebinzana lengenelo yoluntu bona icandelo 4.4 ngezantsi***).

4.3.7.1. Ukhuseleko, ukhuselo loMzantsi Afrika kunye nobudlelwane namazwe ngamazwe

Icandelo 41 le-PAIA lifuna ukuba igosa lezeenkcukacha liqwalasele ukuba ingaba isicelo seenkcukacha siphathelelene neenkcukacha zokhuselo loMzantsi Afrika kusini na. Igosa lezeenkcukacha lisenokusikhaba isicelo ukuba lingakwazi ukuza nobungqina obubonisa ukuba ukukhutshwa kwezo nkcukacha kungalubeka esichengeni ukhuselo loMzantsi Afrika.

4.3.7.2. Iingenelo zoqoqosho, zezemali nezoshishino loMzantsi Afrika

Icandelo 42 le-PAIA lifuna ukukhuselwa kweenkcukacha zequmrhu likarhuluemente ukuba ukubhengezwa kwazo kungalubeka esichengeni uqoqosho kunye nesimo sezezimali seRiphablikhi. Esi sizathu sokwala sesicingelwayo nto leyo ethetha ukuba iGosa lezeeNkcukacha kuza kufuneka liwuqwalasele umba wokuba amaqumrhu karhulumente ayagunyaziswa nguMgaqo-siseko woMzantsi Afrika ukuba alihlonele uxanduva lokunika iimpendulo eluntwini, nokokuba kukwiimeko ezithile kuphela apho kunokwaliwa ngeenkcukacha khona. Ngaphezu koko, iGosa lezeeNKcukacha kuza kufuneka libonakalisile ukuba ukubhengeza ezo nkcukacha zifunwayo kungabangela iingxaki kwezoqoqosho nakwezezimali zoMzantsi Afrika.

4.3.7.3. Imisebenzi yamaqumrhu karhulumente

Icandelo 44 le-PAIA linika amaGosa ezeeNkcukacha ilungelo lokwala ngofikelelo kwiinkcukacha ukuba oko kuza kuphazamisana nemisebenzi yequmrhu likarhulumente. Icandelo 44 libanzi kakhulu, inani leerekhodi ezidwelisiweyo phantsi kwemisebenzi liquka:

- Imizuzu yeentlanganiso;
- Iirekhodi eziqulathe iingcebiso okanye izimvo;
- Iirekhodi eziphathelelene nokubonisana namanye amaqumrhu;
- Iirekhodi eziphethelelene nokuqulunqwa kwemigaqo-nkqubo okanye iziphakamiso.

4.3.7.4. “Izicelo ezibubuvuvu nezicaphukisayo kakhulu, okanye ukumoshwa kweenkonzo ezizingengelo ezivisayo nokungenangqiqo”

Igosa lezeenkcukacha lisenokusikhaba isicelo seenkcukacha ukuba licinga ukuba ukwenziwa kweso sicelo kuya kuba yinkcithaxesha nje engasokuze iye ndawo ibe imosha izixhobo eziluncedo kwaneenkonzo. Ukongeza, iGosa lezeeNKcukacha lisenokulukhaba ufikelelo kwiinkcukacha ukuba ngaba eso sicelo sibonwa njengesingenangqiqo okanye esenziwe ngumenzi sicelo ngeenjongo nje zokucaphukisa okanye ezokuvusa umnyele.

4.4 Ukunganzwa komdla oyingenelo yoluntu

Lonke ukhuseleko olwenziwa kwiinkcukacha ezichazwe apha ngasentla alusebenzi ukuba ukukhutshwa kwezo nkcukacha kuza kuba yingenelo engumdla woluntu. Ngale ndlela, umdla oyingenelo yoluntu awuzinanzi zonke ezinye izizathu zokukhaba ufikelelo kwiinkcukacha.

Olu vavanyo lulandelayo kufuneka lwenziwe liGosa lezeeNkcukacha lequmrhu likarhulumente okanye elabucala ngaphambi kokwala ukuvumela ufikelelo kwiinkcukacha eziwela phantsi kodidi olungafanelanga kuchazwa oludweliswe apha ngasentla. Ukuba le miqathango kuyahlangatyezwana nayo, ngoko ke iinkcukacha kufuneka zibhengeziwe phantsi kwezizathu zokuba oko kungumdla oyingenelo yoluntu.

Ingaba iinkcukacha zibonisa ukwaphulwa komthetho kakubi?

OKANYE

Ingaba iirekhodi ezifunwayo ziqulethe iinkcukacha eziphathelele kukhuseleko olukhawulezileyo nolumandla kakhulu okanye ukuba sesichengeni kokusingqongileyo?

KWAYE

Ingaba iingenelo ezingumdla woluntu ngokuphathelele ekubhengezweni kwezi nkcukacha kuyazigqumelela iingozi ezisenokubakho?

ICANDELO 5

Izixhobo ezingundoqo kunye nezinye iinkcukacha eziluncedo

Eli candelo liquka:

5.1 Uluhlu lwezixhobo ezingundoqo ezisetyenziswayo ekuqulunqeni esi Sikhokelo se-PAIA, kuquka nomthetho

5.2 Uluhlu lwezinye izixhobo eziluncedo ze-PAIA

5.1 Oovimba ekuthathelwe kubo

UVIMBA	UMBHALI
Promotion of Access to Information Act 2 of 2000	Umthetho
Protection of Personal Information Act 4 of 2013	Umthetho
PAIA Unpacked (ifumaneka ku- www.saha.org.za)	SAHA
PAIA Resource Kit (ifumaneka ku- www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (ifumaneka ku- www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (ifumaneka ku- www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (ifumaneka ku- www.sahrc.org.za)	SAHRC

5.2 Imigaqo ye-PAIA

ISAZISO SIKARHULUMENTE	UMHLA	UMXHOLO NENGCACISO
Government Notice: No. R. 1244	22 kweyoMsintsi 2003	Izilungiso eziphathelele ekufumanekeni kwemiqulu ye-PAIA yamaqumrhu karhulumente nawabucala.
Government Notice: No. R. 187	15 kweyoMdumba 2002	Izilungiso kwi-PAIA ngokuphathelele kwesi Sikhokelo seCandelo 10 kunye nokufumaneka kwemiqulu ye-PAIA.
Government Notice: No. R. 233	9 kweyoKwindla 2001	Lo Mgaqo uphathelele kwimirhumo ehlawulwayo ukuze kufikelelwe kwiirekhodi zamaqumrhu karhulumente nawabucala.
Government Notice No. R. 466	1 kweyeSilimela 2007	Iquka iifomu ekufanele zisetyenziswe ngamaGosa ezeeNkcukacha xa apapasha ngokuzithandela izaziso zokuba selubala ngokwamacandelo 15 nelama-52 e-PAIA.

5.3 Izilungiso kwi-PAIA

ISAZISO SIKARHULUMENTE	UMHLA	UMXHOLO NENGCACISO
Government Notice No. 428	31 KweyoKwindla 20004	Izilungiso kwicandelo 92(4) lwe-PAIA ukuzekulungiselelwe amaTyala neziGwebo zabantu abaphazamisana ngabom nangempazamo nezicelo zabenzi-zocelo zeenkcukacha, umzekelo ngokuthi batshabalalise iirekhodi.
Government Notice No. 96	15 kweyoMqungu 2003	Izilungiso kwi-PAIA zokubonelela ngoqeqesho lwamagosa ongameleyo kwiiNkundlz zikaMantyi" eziza kuchophela imiba ye-PAIA.
Government Notice No. R. 187	15 kweyoMdumba 2002	Izilungiso kwi-PAIA ngokuphathelele kwesi Sikhokelo seCandelo 10 kunye nokufumaneka kwemiqulu ye-PAIA .

5.4 Izilungiso kwiMigaqo ye-PAIA

ISAZISO SIKARHULUMENTE	UMHLA	UMXHOLO NENGCACISO
Government Notice: No. 1263	11 kwekaTshazimpuzi 2003	Isaziso esiphathelelene nokufumaneka kwemiqulu ye-PAIA yamaqumrhu abucala.

5.5 Abanye oovimba be-PAIA abaluncedo

1) Using **PAIA to Promote Housing Rights, SAHA** (ifumaneka ku- www.saha.org).
2) Accessing **Information for Your Community, SAHA** (ifumaneka ku- www.saha.org).
3) Accessing **Information in the LGBTI Sector, SAHA** (ifumaneka ku- www.saha.org).

Umhlahlandlela Wokuthi Ungasetshenziswa Kanjani Umthetho 2 Ka-2000 Wokukhuthaza Ukuthola Ulwazi

ISIZULU

I-website: www.sahrc.org.za

I-imeyile: info@sahrc.org.za

I-Twitter: @SAHRCommission

I-Facebook: SAhumanrightscommission

I-Youtube: SAHRC1

Umhlahlandlela Wokuthi Ungasetshenziswa Kanjani UMthetho 2 ka-2000 Wokukhuthaza Ukuthola Ulwazi

Ihhovisi Eliyinhloko Johannesburg

Ucingo 011 877 3600 • Ifeksi 011 403 0684

Eastern Cape Port Elizabeth

Ucingo 043 722 7828 • Ifeksi 043 722 7830

Free State Bloemfontein

Ucingo 052 447 1133 • Ifeksi 051 447 1128

KwaZulu-Natal Durban

Ucingo 031 304 7323/4/5 • Ifeksi 031 304 7323

Limpopo Polokwane

Ucingo 015 2913500 • Ifeksi 051 291 3505

Mpumalanga Nelspruit

Ucingo 013 752 8292 • Ifeksi 013 752 6890

Northern Cape Upington

Ucingo 054 332 3993/4 • Ifeksi 054 332 7750

North West Rustenburg

Ucingo: 014 592 0694 • Ifeksi: 014 594 1089

Western Cape Cape Town

Ucingo 021 426 2277 • Ifeksi 021 426 2875

Lokho okuqukethwe uMhlahlandlela we-PAIA

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Isethulo soMhlahlandlela we-PAIA

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INgxenye 3
Indlela yokwenza isicelo sokuthola ulwazi

INgxenye 4
Kunini lapho ukuthola ulwazi kunganqatshwa/kungase kunqatshwe khona

INgxenye 5
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Amagama awusizo

AMAGAMA	INCAZELO
Imali ekhokhwayo ukuze uthole	Lena yimali okumelwe ikhokhwe umuntu ofake isicelo enhlanganweni yomphakathi noma ezimele afuna kuyo ulwazi, ukuze kukhokhelwe izindleko zokuthola nokwenza amakhophi amarekhodi owafunayo. *(Ukuze uthole ulwazi olwengeziwe ngezimali ezikhokhwayo ukuze kutholwe okuthile, bheka iNgxenye 3 yalo Mhlahlandlela).*
I-Form A	Litholakala ekupheleni kwe-PAIA, ku-website yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika, kanye nakuma-website ezinye izinhlangano ezihlukahlukene. Leli fomu lisetshenziselwa ukucela ukuthola ulwazi olusenhlanganweni yomphakathi. *(Ukuze uthole imininingwane eyengeziwe nge-Form A kanye nezicelo zokuthola ulwazi ezinhlanganweni zomphakathi, bheka iNgxenye 3 yalo Mhlahlandlela).*
I-Form C	Litholakala ekupheleni kwe-PAIA, ku-website yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika, kanye nakuma-website ezinye izinkampani ezizimele ezihlukahlukene. Leli fomu lisetshenziselwa ukucela ukuthola ulwazi olusenhlanganweni ezimele. *(Ukuze uthole imininingwane eyengeziwe nge-Form C kanye nezicelo zokuthola ulwazi ezinhlanganweni ezizimele, bheka iNgxenye 3 yalo Mhlahlandlela).*
UMhlahlandlela	Ubhekisela kulo Mhlahlandlela omayelana ne-PAIA owenziwe futhi washicilelwa yiKhomishane Yamalungelo Abantu BaseNingizimu Afrika njengoba kuchazwe eSigabeni 10 se-PAIA, ukuze kusizwe abantu ekusebenziseni nasekuqondeni i-PAIA.
ISikhulu Sezolwazi kanye nePhini LeSikhulu Sezolwazi (Information Officer and Deputy Information Officer)	ISikhulu Sezolwazi (ngezinye izikhathi esibizwa ngokuthi yi-IO) umuntu ogunyazwe yinhlangano ethintekayo ukuba asingane izicelo ze-PAIA. Enhlanganweni yomphakathi, lona ngumuntu oyinhloko yenhlangano noma obambele inhloko yenhlangano. Kumasipala, kuzoba umphathi kamasipala; emnyangweni kazwelonke kuzoba uMqondisi Jikelele (Director General); enhlanganweni enjengeKhomishane Yamalungelo Abantu BaseNingizimu Afrika kuzoba u-CEO. IPhini LeSikhulu Sezolwazi (Deputy Information Officer) (ngezinye izikhathi esibizwa ngokuthi yi-DIO) umuntu omiswe yiSikhulu Sezolwazi (Information Officer) senhlangano yomphakathi ukuba asize lowo ofake isicelo esicelweni sakhe sokuthola ulwazi. I-PAIA ayikuphoqeleli ukuthi izinhlangano ezizimele zimise iPhini LeSikhulu Sezolwazi; kodwa iKhomishane Yamalungelo Abantu BaseNingizimu Afrika itusa ukuba zikwenze lokho ukuze kusebenzeke kahle futhi izinto zibe lula. *(Ukuze uthole imininingwane eyengeziwe ngemisebenzi yeZikhulu Zezolwazi, bheka iNgxenye 3 yalo Mhlahlandlela).*

Ukufaka Isikhalo Kwangaphakathi (i-Form B)	Abafake izicelo bangasebenzisa i-PAIA Form B ukufaka isikhalo ngesinqumo esenziwe kuphela yimikhakha kazwelonke, yesifunda noma kamasipala kahulumeni ngokuphathelene nokuthola ulwazi. *(Ukuze uthole imininingwane eyengeziwe ngokufaka izikhalo kwangaphakathi, bheka iNgxenye 3 yalo Mhlahlandlela).*
Umuntu wezomthetho	Inkampani noma indikimba eqashelwa ngumthetho njengenkampani eyodwa noma 'umuntu' enamalungelo nemisebenzi.
UNgqongqoshe	Ukubhekisela kuNgqongqoshe kuphathelene noNgqongqoshe Wezobulungiswa Nezokuhlunyeleliswa Kwezimilo.
Umuntu wemvelo	Umuntu ongokoqobo, ngokungafani nomuntu ongokomthetho noma wezomthetho njengenhlangano (bheka elithi umuntu wezomthetho ngenhla).
Indikimba ezimele	Ebizwa nangokuthi inkampani ezimele, inhlangano, noma indikimba (body), lena ngumuntu wemvelo noma wezomthetho noma ukusebenzisana (partnership) obandakanyeka noma oye wabandakanyeka kunoma yiluphi uhwebo, ibhizinisi noma umsebenzi ofundelwe futhi enza leyonto kuphela.
Indikimba yomphakathi	Ebizwa nangokuthi inhlangano yomphakathi, umnyango, noma indikimba), lena yinoma yimuphi umnyango noma inhlangano yemikhakha kahulumeni kazwelonke, wesifunda nowendawo. Ihlanganisa nanoma iyiphi inhlangano eyenza umsebenzi wombuso ngesikhathi okwenziwe ngaso irekhodi.
Irekhodi	Yinoma yiluphi ulwazi olurekhodiwe kungakhathaliseki uhlobo oluyilo, kuhlanganise, ngokwesibonelo, amadokhumenti abhaliwe, izinto ezingamavidiyo njll. Irekhodi elicelwa enhlanganweni yomphakathi noma ezimele liyobhekisela kuyirekhodi elikuleyo nhlangano kungakhathaliseki ukuthi leyo nhlangano yiyo eyalenza noma cha.
Imali yesicelo	Izindleko okumelwe zikhokhwe ukuze kwenziwe isicelo sokuthola ulwazi. Mayelana nesicelo solwazi enhlanganweni yomphakathi kunemali ekhokhwayo emisiwe engu-R35; mayelana nesicelo solwazi enhlanganweni ezimele kunemali ekhokhwayo emisiwe engu-R50. (Ukuze uthole imininingwane eyengeziwe ngezimali zesicelo kanye nabakhululekile ukuzikhokha, bheka iNgxenye 3 yalo Mhlahlandlela).
Umuntu ofaka isicelo	Umuntu ofaka isicelo ngumuntu wemvelo noma wezomthetho ofaka isicelo sokuthola ulwazi. Elithi umuntu ofaka isicelo libhekisela nakumuntu ofaka isicelo solwazi egameni lomunye umuntu.
Omunye umuntu (Third party)	Lokhu kubhekisela kunoma yimuphi umuntu wemvelo noma wezomthetho okungeyena umuntu ofaka isicelo solwazi, futhi okungeyona inhlangano okwenziwa kuyo isicelo solwazi.

Uhlu lwezifushaniso

Izifushaniso ezilandelayo zitholakala kulo Mhlahlandlela nakwamanye ama-PAIA avame ukusetshenziswa.

Imithombo:

DIO	Deputy Information Officer (IPhini LeSikhulu Sezolwazi)
IO	Information Officer (ISikhulu Sezolwazi)
ODAC	Open Democracy Advice Centre (Isikhungo Sezokweluleka SeDemokhrasi Ekhululekile)
PAIA	Promotion of Access to Information Act 2 of 2000 (UMthetho 2 ka-2000 Wokukhuthaza Ukuthola Ulwazi)
PPIA	Protection of Personal Information Act 4 of 2013
SAHA	South African History Archives (UMthetho 4 ka-2013 Wokuvikelwa Kolwazi Lomuntu Siqu – Izinqolobane Zomlando WaseNingizimu Afrika)
SAHRC	South African Human Rights Commission (IKhomishane Yamalungelo Abantu BaseNingizimu Afrika)

INGXENYE 1
Isethulo

Le ngxenye ihlanganisa:

1.1 Injongo yoMhlahlandlela we-PAIA

1.2 Umlando we-PAIA

1.3 Injongo ye-PAIA kanye nokuthi ingasetshenziswa kanjani

1.4 Indima yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika

1.1 Injongo yalo Mhlahlandlela we-PAIA

Lo Mhlahlandlela ukwazisa ngoMthetho (PAIA) 2 ka-2000 Wokuthuthukisa Ukuthola Ulwazi. UMhlahlandlela we-PAIA uzosiza abantu ukwenza izicelo zolwazi ngaphansi kwe-PAIA, futhi unikeze izibonelo zokuthi i-PAIA iye yasetshenziswa kanjani esikhathini esidlule ukuthuthukisa amalungelo abantu, ngokunikeza:

- Uhlaka lwe-PAIA okulula ukuluqonda
- Incazelo eningiliziwe yendlela i-PAIA engasetshenziswa ngayo ukuthuthukisa amanye amalungelo abantu
- Uhlu lwezinhlobo zolwazi olungase lucelwe ngokusebenzisa i-PAIA
- Umhlahlandlela wesinyathelo ngasinye wendlela yokusebenzisa i-PAIA ukuze ufake isicelo solwazi
- Uhlaka lwezifundo ezifundwe ezicelweni zolwazi zesikhathi esidlule kanye namacala asenkantolo e-PAIA

1.2 Umlando we-PAIA

Lapho kusenziwa uhlaka loMthethosisekelo WaseNingizimu Afrika enkathini eyalandela ukuwa koBandlululo ngabo-1990, izinhlangano ezihlukahlukene nabantu ngabanye benza imikhankaso yokuba kufakwe nelungelo lokuthola ulwazi. Kwakuthenjwa ukuthi ukufakwa kwaleli lungelo kuMthethosivivinywa Wamalungelo – Isigaba 2 soMthethosisekelo – kuzoqinisekisa ukuthi izenzo zonya ezinjengoBandlululo zazingeke zilokothe ziphinde zenzeke ngoba umbuso nezinkampani ezizimele bazoba nesibopho sokwenza izinto ngendlela enokulandisa nedalula izinto obala ngokunikeza indlela yokuthola ulwazi, futhi ngalokho babengeke bakwazi ukucasha ngesithunzi zokuthi izinto ziyimfihlo.

Ngo-1996 uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika waqala ukusebenza. ISigaba 32 sibonisa ilungelo lokuthola ulwazi olukukho kokubili izinhlangano zomphakathi kanye nezizimele. Ngaleso sikhathi, lokhu kwakuwucezu lokuqala ngqa lomthetho emhlabeni wonke owawunikeza ilungelo lokuthola ulwazi mayelana nolwazi olusezinhlanganweni ezizimele. ISigaba 32 sasho nokuthi kumelwe kushaywe umthetho ozokwenza kusebenze ilungelo lokuthola ulwazi ngokuba uchaze kabanzi izindlela olungatholakala ngazo ulwazi olusezinhlanganweni zomphakathi kanye nezizimele, kanye nangokunikeza ulwazi olwengeziwe mayelana nezizathu inhlangano yomphakathi kanye nezimele engase yenqabe ngazo ukuba kutholwe ulwazi.

Ngo-2000, uMthetho Wokuthuthukisa Ukuthola Ulwazi (PAIA) ekugcineni waba umthetho waqala ukusebenza, ugcwalisa ilungiselelo lesigaba 32 soMthethosisekelo sokuthi kushaywe umthetho omayelana nokuthola ulwazi.

1.3 Injongo ye-PAIA kanye nokuthi ingasetshenziswa kanjani

Injongo ye-PAIA iwukuthuthukisa ilungelo lokuthola ulwazi, ukuphoqelela isiko lokwenza izinto obala kanye nokulandisa ngezinto eNingizimu Afrika. Ngaphezu kwalokho, i-PAIA ihloselwe ukukhuthaza idemokhrasi ekhululekile lapho abantu bazo zonke izizinda zokuphila benikwa khona amandla okuxoxisana nohulumeni futhi babambe iqhaza ezinqumweni ezithinta ukuphila kwabo.

Ilungelo lokuthola ulwazi liyilungelo eliyingqayizivele ngoba lenza kwenzeke ukufinyelela amanye amalungelo abantu: lena ngenye yezindlela ezibaluleke kakhulu engasetshenziswa ngazo i-PAIA.

Ukuhlinzekwa kwamasevisi kahulumeni

» I-PAIA ingasetshenziswa ukunika abantu amandla ngokuba nolwazi abangenza ngalo uhulumeni ukuba alandise ngokuhlinzeka kwakhe amasevisi ayizidingo-ngqangi njengezindlu, amanzi kanye nokukhucululwa kwendle.

Amalungelo omphakathi nawezepolitiki

» I-PAIA ingasetshenziswa ukuqoqa ulwazi olungase lusetshenziswe ngabantu ekusebenziseni amalungelo anjengelungelo lokuvota kanye nelungelo lokuba nenkululeko yokwenza imibuthano

Ukubandlulula Nokulingana

» I-PAIA ingasetshenzisa njengethuluzi lokusekela ukulwa nobandlululo, njengokubandlululwa ngenxa yohlanga, ubulili, njll, ezinhlanganweni ezihlukahlukene zomphakathi noma ezizimele.

Kubalulekile ukuphawula ukuthi i-PAIA ayinakusetshenziswa ukuthola amarekhodi azosetshenziswa phakathi nokuqulwa kwamacala angokomthetho omphakathi noma obugebengu, kuhlanganisa nangemva kokuqala kwalokho kuqulwa kwamacala, futhi uma ukwenziwa noma ukutholwa kwerekhodi kwayo le njongo kuvikelwe ngumthetho *(bheka iSigaba 7 soMthetho).*

1.4 Indima yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika

IKhomishane Yamalungelo Abantu BaseNingizimu Afrika [South African Human Rights Commission (SAHRC)] igunyazwe ngaphansi kwe-PAIA ukuba:

» Ikhuthaze ilungelo lokuthola ulwazi
» Iqaphe ukusetshenziswa kwe-PAIA yizinhlangano zomphakathi kanye nezizimele
» Yenze izincomo zokwenza uMthetho uqine
» Inikeze umbiko ePhalamende njalo ngonyaka

UMthetho Wokuvikelwa Kwemininingwane Yomuntu Siqu

UMthetho 4 ka-2013 Wokuvikelwa Kwemininingwane Yomuntu Siqu [The Protection of Personal Information Act 4 of 2013 (PPIA)] uchibiyela i-PAIA ngezindlela eziningana. Enye yezindlela eziyinhloko lo Mthetho oshintsha ngayo i-PAIA iphathelene nendima ye-SAHRC. Ngaphansi kwe-PPIA imisebenzi ye-SAHRC ngokwe-PAIA izodluliselwa kuMqondisi Wezolwazi (Information Regulator), okuyinhlangano entsha ezimele ezomiselwa ukuqapha kokubili i-PPIA ne-PAIA, kanye nokusingatha izikhalo eziphathelene nokuthola ulwazi kanye nokuvikelwa kwemininingwane yomuntu siqu.

Nokho, i-SAHRC isazoqhubeka nesibopho sayo soMthethosisekelo sokukhuthaza, ukuvikela nokuqapha ilungelo lokuthola ulwazi njengoba kunjalo ngawo wonke amanye amalungelo aqukethwe nguMthetho-sivivinywa Wamalungelo.

INGXENYE 2
Thola ulwazi oludingayo

Le ngxenye ihlanganisa:

2.1 Lapho ongathola khona imihlahlandlela nezincwadi okuwusizo kokukusiza ukuba ufake izicelo zokuthola ulwazi

2.2 Abantu ongabathinta ukuba bakusize uma ungase udinge noma yiluphi usizo

2.3 Lokho izinhlangano zomphakathi kanye nezizimele okufuneka zikwenze ukuze zisize labo abafuna ulwazi

2.4 Ulwazi oluthile luyatholakala nje kalula ngaphandle kwesidingo sokuba ufake isicelo esingokomthetho, le ngxenye izonikeza uhlaka lokuthi ungakutholaphi lokhu

1.1 Ukuqala

Injongo yoMthetho we-PAIA iwukukhuthaza ngentshiseko umphakathi lapho abantu baseNingizimu Afrika bekwazi ukuluthola ngokuphumelelayo ulwazi ukuze kubenze bakwazi ukuwasebenzisa ngokugcwele wonke amalungelo abo futhi bawavikele. Kodwa ngezinye izikhathi umuntu angase angaqiniseki ukuthi angaqalaphi noma ukuthi empeleni ungakwenza kanjani ukuthola ulwazi ngendlela echazwa yi-PAIA. I-PAIA iyibona kusengaphambili le nkinga futhi empeleni igunyaza ukuba imihlahlandlela ethile kanye nezincwadi kushicilelwe ukuze kuchaze kabanzi indlela yokukwenza kulabo abafuna ulwazi. Le ngxenye izonikeza uhlaka lwale mihlahlandlela nezincwadi, imisebenzi yabashicileli bale mihlahlandlela nezincwadi, futhi, okubaluleke kakhulu, ukuthi ungayitholaphi.

Yiqiniso, elinye lamathuluzi anamandla kakhulu umuntu angalisebenzisa ukuthola ulwazi, liwukufaka isicelo esingokomthetho sokuthola ulwazi esenziwa ngokuvumelana noMthetho we-PAIA, lo mhlahlandlela ozokusiza ukuba usifake. Kodwa khumbula, lena akuyona ukuphela kwendlela ongafuna ngayo ukuthola ulwazi. Ulwazi oluthile luyatholakala kalula nje ngaphandle kwesidingo sokufaka isicelo esingokomthetho se-PAIA. Ezimweni ezithile, umthetho empeleni ufuna ukuba kokubili izinhlangano zomphakathi kanye nezizimele zidalule ulwazi oluthile obala. Le ngxenye ihlinzeka nohlaka lokuthi ungalutholaphi lolu lwazi.

UMthetho Wokukhuthaza Ukuthola Ulwazi uhloselwe ukuba ube ucezu olunika amandla lomthetho olusiza **bonke** abantu baseNingizimu Afrika. Uhloselwe ukuba ube umthetho okulula ukuwuqonda futhi ongase usetshenziswe yinoma ubani. Ngokwe-PAIA, umuntu akamdingi ummeli ukuze afake isicelo sokuthola ulwazi. Lo mhlahlandlela uye washicilelwa ukuze usize abantu baseNingizimu Afrika bazo zonke izizinda zokuphila ukuba basekele amalungelo abo aqukethwe umthethosisekelo.

2.2 UMhlahlandlela We-PAIA

ISigaba 10 se-PAIA sifuna ukuba iKhomishane yenze futhi ishicilele umhlahlandlela okulula ukuwuqonda ukuba usize ekutholeni amarekhodi nezincwadi kanye nokuba umuntu asebenzise ilungelo lakhe lokuthola ulwazi. Lo mhlahlandlela ngezinye izikhathi ubizwa ngokuthi yi-'Section 10 Guide'.

Ukunika lonke ulwazi oludingayo ukuze uthole noma yimaphi amarekhodi. Ubuye ube nohlu lwemininingwane lwabantu ongabathinta eminyangweni kahulumeni nezinhlangano ezigcina amarekhodi ombuso, kanye nemininingwane yabantu ongabathinta ezinkampanini ezizimele ezihlukahlukene. Kufuneka nokuba iKhomishane ilokhu ilungisa imininingwane yalo mhlahlandlela okungenani kanye njalo eminyakeni emibili.

2.2.1 Ungawutholaphi lo mhlahlandlela

Lo mhlahlandlela utholakala ngazo zonke izilimi ezisemthethweni zaseNingizimu Afrika: IsiNgisi, isiBhunu, isiNdebele, isiXhosa, isiZulu, isiSipedi, isiSuthu, isiTswana, isiSwati, isiVenda nesiTsonga. Amakhophi alo mhlahlandlela angatholakala kuwo wonke amahhovisi ayinhloko nawezifunda eKhomishane (imininingwane yokuthinta la mahhovisi iyatholakala ekupheleni kwalo Mhlahlandlela). Ngaphezu kwalokho, amakhophi aku-inthanethi ayatholakala ku-website yeKhomishane (www.sahrc.org.za).

2.3 Izincwadi Ze-PAIA

Ngaphezu kokuba iKhomishane yenze i-Section 10 Guide echaza i-PAIA, i-PAIA ifuna ukuba inhlangano ngayinye yomphakathi, kanye nezinhlangano eziningi ezizimele, zenze incwadi (manual) equkethe ulwazi oluchaza indlela yokusebenzisa i-PAIA ukuze uthole amarekhodi azo uqobo.

2.3.1 Izincwadi ze-PAIA zezinhlangano zomphakathi

ISigaba 14 se-PAIA sifuna ukuba zonke izinhlangano zomphakathi zishicilele incwadi (manual) okungenani ngezilimi ezintathu ezisemthethweni esiza abantu abafuna ulwazi ukuba benze izicelo zokuthola ulwazi kuleyo nhlangano ethintekayo. Okungenani, le ncwadi kumelwe iqukathe ulwazi oluwusizo olulandelayo:

IMFUNEKO	INCAZELO
Umyalo (mandate)	Isimo nemisebenzi yenhlangano yomphakathi.
Imininingwane yokuthintana	Ikheli laseposini kanye nelomgwaqo, inombolo yocingo neyefeksi futhi, uma ikhona, i-imeyili yeSikhulu sezolwazi senhlangano yomphakathi, kanye neyephini ngalinye leSikhulu sezolwazi lenhlangano yomphakathi.
I-Section 10 Guide ye-PAIA	Incazelo yalo Mhlahlandlela owenziwe yiKhomishane Yamalungelo Abantu BaseNingizimu Afrika kanye nendlela yokuwuthola.
Izigaba zamarekhodi agciniwe	Ulwazi olwanele lokusiza ekwenzeni kube lula ukuthola irekhodi elisenhlanganweni yomphakathi. Ngakho-ke inhlangano yomphakathi kumelwe ichaze izihloko ewagcina ngazo amarekhodi, kanye nezigaba zamarekhodi asesihlokweni ngasinye.
Ulwazi olutholakala kalula	Olunye ulwazi lutholakala ngokushesha ngaphandle kokuba umuntu kudingeke afake isicelo sokuluthola ngokuvumelana ne-PAIA. Incwadi yenhlangano yomphakathi kumelwe ilubonise lolu lwazi olutholakala ngokushesha.
Amasevisi enhlangano yomphakathi	Incazelo yamasevisi etholakalayo kumalungu omphakathi enhlanganweni yomphakathi, kanye nendlela yokuthola lawo masevisi.
Ukubamba iqhaza komphakathi	Incazelo yanoma yiliphi ilungiselelo lokuba umuntu abonane, ethule izinkulumo noma abambe iqhaza noma athonye ukwenziwa komgomo (policy); noma ukusetshenziswa kwamandla noma ukwenziwa kwemisebenzi yinhlangano yomphakathi.
Lokho ongakwenza	Isinyathelo ongase usithathe uma iSikhulu sezolwazi senhlangano yomphakathi sinqaba ukukuvumela ukuthola ulwazi.

2.3.2 Ungayitholaphi incwadi yenhlangano yomphakathi

Zonke izinhlangano zomphakathi kumelwe zenze ukuba uyithole kalula incwadi. Okungenani, kufuneka ukuba lokhu zikwenze ngezindlela ezilandelayo:

- Ngokwenza ukuba kutholakale ikhophi ehhovisi ngalinye laleyo nhlangano yomphakathi phakathi nesikhathi somsebenzi;
- Ngokwenza ukuba kutholakale incwadi ku-website, uma ikhona, yenhlangano yomphakathi.

Njengoba kushiwo ngenhla, i-Protection of Personal Information Act 4 of 2013 (PPIA) (UMthetho 4 ka-2013 Wokuvikelwa Kwemininingwane Yomuntu Siqu) ichibiyela i-PAIA ngezindlela eziningi. Enye yazo imayelana nezincwadi ze-Section 14 yezinhlangano zomphakathi. Ngaphansi kwe-PPIA lezi zincwadi kumelwe zingabe zisathunyelwa kuKhomishane Yamalungelo Abantu BaseNingizimu Afrika, kodwa kumelwe zenziwe zitholakale ku-inthanethi futhi zenziwe zitholakale kunoma ubani ocela ikhophi.

2.3.3 Izincwadi ze-PAIA zezinhlangano ezizimele

Izinhlangano ezizimele nazo kufuneka zenze incwadi (manual). Lokhu kuvumelana nesigaba 51 se-PAIA. Njengamanje, akuzona zonke izinhlangano ezizimele empeleni okufuneka ukuba zenze ngokuvumelana nalesi sigaba.[1] Ngakho-ke, ungase uthole ukuthi inhlangano ofuna ukucela kuyo ulwazi ayinayo incwadi engakunika yona. Lokhu akusho ukuthi leyo nhlangano ayilawulwa yi-PAIA ngokuvamile. Usengasifaka isicelo sokuthola ulwazi kule nhlangano futhi nayo umthetho usafuna ukuba isinake isicelo sakho. Inqubo yokufaka isicelo sokuthola ulwazi ngokwe-PAIA isafana, ngisho noma inhlangano ecelwayo ikhululiwe ekwenzeki incwadi.

YIZIPHI IZINHLANGANO EZIZIMELE OKUNGADINGEKILE UKUBA ZISHICILELE INCWADI YOLWAZI?

Indlela uMthetho obhalwe ngayo iwukuthi ufuna ukuba ZONKE izinhlangano ezizimele zenze incwadi. Nokho, leli lungiselelo elivamile lixhomekeke emandleni kaNgqongqoshe ukuba akhulule izinhlangano ezithile ezizimele noma izigaba zezinhlangano ekubeni zishicilele incwadi. Njengamanje, uNgqongqoshe ukhulule ZONKE izinhlangano ezizimele ekubeni kudingeke ukuba zenze izincwadi inkathi eyiminyaka emihlanu, kusukela ngomhla ka-1 Januwari 2016 NGAPHANDLE uma inhlangano iwela ngaphakathi kwezigaba ezichazwe ngezansi.

[1] Lokhu kwashintsha ngomhla ka-31 Disemba 2015, lapho zonke izinhlangano ezizimele kwakufanele ngabe zaba nencwadi ngokuvumelana nesigaba 51 se-PAIA.

Izinkampani ezizimele ezilandelayo kumelwe zenze incwadi ye-PAIA uma ziqashe abasebenzi abangaphezu kuka-50 ezimbonini ezilandelayo noma uma ngonyaka zenza imali engaphezu kwenani eliboniswe lapha:

IMBONI	IMALI EYENZA NGONYAKA
Ezolimo	R2 million (izigidi)
Izimayini Nezinkwali	R7 million
Imboni Eyenza izinto	R10 million
Ekagesi, Igesi kanye naManzi	R10 million
Ezokwakha	R5 million
Ezokuthengisa kanye neziHweba Ngezimoto kanye nezamaSevisi Okulungisa	R15 million
Ezokuhweba Ngama-Wholesale, Ama-Ejenti Ezokuthengisa Ezinkampani Zobumbano (Wholesale Trade, Commercial Agents and Allied Services)	R25 million
Ezokulungiselela Ukudla Indawo Yokuhlala kanye noLunye Uhwebo	R5 million
Ezokugcina Impahla Nezokuxhumana	R10 million
Ezezimali Namasevisi Amabhizinisi	R10 million
Ezomphakathi, namaSevisi Akhethekile Nawomuntu Siqu	R5 million

UNgqongqoshe washo nokuthi zonke izinkampani ezingachaziwe ngokuthi 'yizinkampani ezizimele' ngaphansi kwesigaba 1 soMthetho 71 weziNkampani ka-2008 kufuneka zenze i-Section 51 manual.

2.3.4 Ungayitholaphi incwadi yenhlangano ezimele

Zonke izinhlangano ezizimele okudingeka zenze incwadi kumelwe zenze le ncwadi ukwazi ukuyithola kalula. Okungenani, kufuneka ukuba lokhu zikwenze ngezindlela ezilandelayo:

- Ngokwenza ukuba kutholakale ikhophi engase ihlolwe ehhovisi ngalinye laleyo nhlangano ezimele phakathi nesikhathi somsebenzi. Inhlangano ezimele akumelwe ikhokhise imali ukuze kuhlolwe;
- Ngokwenza ukuba incwadi itholakale ku-website yayo.

2.3.5 Uma uyinhlangano ezimele wenza kanjani ngokuvumelana nomthetho

Kunesiqondiso esiwusizo sezikhulu zezolwazi zezinkampani ezizimele ezifuna ukwenza ngokuvumelana neSigaba 51 se-PAIA ku-website yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika (www.sahrc.org.za). Lokhu kuhlanganisa nethempulethi engase idawunilodwe yizikhulu zezolwazi ezingayisebenzisa njengebalazwe eliziqondisayo.

Ngokuvumelana nesigaba 51, inhloko yenhlangano ezimele kumelwe:

- Ilungise imininingwane yanoma yiziphi izinguquko ezingokoqobo encwadini njalo nje;
- Yenze incwadi ukuba itholakale njengoba kufunwa nguMthetho emahhovisi enkampani kanye naku-website yayo;
- Kumelwe ijobelele ifomu lesicelo (i-Form C ye-PAIA) encwadini futhi yenze ukuba amafomu ezicelo atholakale ku-website kanye nakuzo zonke izindawo zenkampani.

Incwadi kumelwe okungenani ibe nolwazi olulandelayo:

IMFUNEKO	INCAZELO
Imininingwane yokuthintana	Ikheli laseposini kanye nelomgwaqo, inombolo yocingo neyefeksi futhi, uma ikhona, i-imeyili yeSikhulu sezolwazi senhlangano ezimele.
Ulwazi olutholakala kalula	Olunye ulwazi lutholakala ngokushesha ngaphandle kokuba umuntu kudingeke afake isicelo sokuluthola ngokuvumelana ne-PAIA. Incwadi yenhlangano ezimele kumelwe ilubonise lolu lwazi olutholakala ngokushesha.
Amarekhodi atholakala uma uwacela	I-Section 51 Manual kumelwe ibe nohlu lwezigaba ezitholakalayo uma zicelwa.
Inqubo ye-PAIA	Iveza inqubo ye-PAIA okumelwe ilandelwe ukuze ucele ukuthola ulwazi enkampanini ezimele (okungukuthi, i-Form C).
Imininingwane Yenkampani	Ihlanganisa imininingwane yenhloko yenkampani noma u-CEO wenkampani (njengoba ngokwe-PAIA iSikhulu Sezolwazi senkampani ezimele ngokuvamile ngu-CEO noma inhloko).
Izimali ezikhokhwayo	Zisho umuntu ofaka isicelo kanye nezimali ezikhokhwayo zokuthola ulwazi ezisebenzayo ngokwe-PAIA (bheka iSigaba 3 ukuze uthole imininingwane eyengeziwe).
Lokho ongakwenza	Yimaphi amakhambi atholakalayo kubantu abafake izicelo uma izicelo zabo zokuthola ulwazi ziye zenqatshwa?
Imininingwane Eyengeziwe	Noma yimiphi imininingwane eyengeziwe ephathelene nezicelo zokuthola amarekhodi.

2.4 Ulwazi olutholakala kalula olukuyinhlangano yomphakathi

Njengoba kushiwo esethulweni sale ngxenye, akulona lonke ulwazi oludinga isicelo esingokomthetho ukuze lutholwe. Kunemithetho ehlukahlukene efuna ukuba izinhlangano ezihlukahlukene zomphakathi zenze ukuba kutholakale ulwazi oluthile emphakathini. Ngisho nangale kwalokhu, izinhlangano eziningi ziyodalula ulwazi olwengeziwe ngokuzithandela ngenxa nje yokuveza izinto obala, ukulandisa kanye nokwenza izinto zibe lula emphakathini. Ukuze kukhuthazwe ukudalulwa kolwazi ngokuzithandela kanye nokusiza ukuba lolu lwazi lutholakale nakakhulu, iNgxenye 15 ye-PAIA ifuna ukuba zonke izinhlangano zomphakathi zishicilele uhlu, olwaziwa ngokuthi yi-'**Section 15 notice**' noma i-'**v**oluntary disclosure notice', kulo lonke ulwazi oluphathelene naleyo nhlangano olutholwa kalula yiwo wonke umuntu.

ISikhulu sezolwazi senhlangano yomphakathi kudingeka senze isaziso sokudalulwa kwemininingwane ngokuzithandela senhlangano yomphakathi, futhi sisenze sitholakale emahhovisi enhlangano yomphakathi futhi sisishicilele ku-Government Gazette. Isaziso sokudalulwa kwemininingwane ngokuzithandela kumelwe sifakwe imininingwane emisha njalo ngonyaka.

Isaziso sokudalulwa kwemininingwane ngokuzithandela siqukethe izigaba zamarekhodi kanye nencazelo yalawo marekhodi atholakala kalula:

- Ukuze kuhlolwe ngokuvumelana nanoma yimiphi imithetho ngaphandle kwe-PAIA;
- Ukuze kuthengwe noma kwenziwe amakhophi enhlanganweni yomphakathi; futhi
- Mahhala enhlanganweni yomphakathi.

Isaziso sokudalulwa kwemininingwane ngokuzithandela kumelwe sichaze indlela yokuthola amarekhodi adalulwa ngokuzithandela futhi atholakala kalula. Asikho isizathu sokufaka isicelo esingokomthetho mayelana namarekhodi athile uma wona lawo marekhodi esedaluliwe kakade ngokuzithandela futhi etholakala kalula. Ezimweni eziningi, kudingeka imali ukuze kusetshenzwe isicelo esingokomthetho futhi lokhu kungase kuthathe izinsuku ezifika ku-30. Lokhu kungase kugwenywe uma uqala ngokubheka isaziso sokudalulwa kwemininingwane ngokuzithandela futhi ubone ukuthi irekhodi olifunayo litholakala kalula yini noma cha.

Nakuba kunomyalo wokuba inhlangano yomphakathi ishicilele isaziso sokudalulwa kwemininingwane ngokuzithandela, akuyona into 'eyenziwa ngokuzithandela'. Lesi saziso sibizwa ngokuthi 'isaziso sokudalulwa kwemininingwane ngokuzithandela' ngoba sinikeza isaziso ngalo lonke ulwazi oluye lwadalulwa ngokuzithandela, hhayi ngoba kuxhomeke esinqumweni seSikhulu sezolwazi ukuthi silushicilele yini uhlu loqobo noma cha.

2.5 Ulwazi olutholakala kalula olusenkampanini noma enhlanganweni ezimele

Kwenzeka okufanayo nakulesi sigaba solwazi olutholakala kalula njengoba kunjalo nasolwazini olusenhlanganweni yomphakathi okungadingeki ukuba kwenziwe isicelo esingokomthetho. Ngaphambi kokuba ufake isicelo esingokomthetho sokuthola ulwazi ngokuvumelana ne-PAIA cishe okuyobandakanya nemali ekhokhwayo kanye nenkathi yokulinda yezinsuku ezingu-30, kubalulekile ukuqinisekisa ukuthi lolu lwazi seludaluliwe yini kakade noma cha nokuthi ngalokho lutholakala kalula yini ngaphandle kwesidingo sokufaka isicelo esingokomthetho.

Inhloko yenhlangano ezimele ingase, ngokuzithandela nangezikhathi ezithile, yenze uhlu lolwazi olutholakala kalula enhlanganweni ezimele olungadingi ukuba ufake isicelo esingokomthetho. Lolu hlu lubizwa ngokuthi yi-‘**section 52 notice**’ noma i-‘**voluntary disclosure notice**.’

Ngokungafani nezinhlangano zomphakathi lapho iZikhulu zezolwazi **kumelwe** zishicilele khona isaziso sokudalulwa kwemininingwane ngokuzithandela, iSikhulu sezolwazi senhlangano ezimele asinaso **isibopho** sokwenza lokho. Njengoba i-PAIA isho, “singase, ngokuzithandela” silushicilele uhlu olunjalo. Lona ngumehluko omkhulu phakathi kwe-section 52 notice yezinhlangano ezizimele kanye ne-section 15 notice yezinhlangano zomphakathi.

Isaziso sokudalulwa kwemininingwane ngokuzithandela senhlangano ezimele siqukethe izigaba zamarekhodi kanye nencazelo yalawo marekhodi atholakala kalula:

- Ukuze kuhlolwe ngokuvumelana nanoma yimiphi imithetho ngaphandle kwe-PAIA;
- Ukuze kuthengwe noma kwenziwe amakhophi enhlanganweni yomphakathi; futhi
- Mahhala enhlanganweni yomphakathi.

Isaziso sokudalulwa kwemininingwane ngokuzithandela kumelwe sichaze nendlela yokuthola amarekhodi adalulwa ngokuzithandela futhi atholakala kalula.

INGXENYE 3

Indlela yokufaka isicelo sokuthola ulwazi...

Le ngxenye ihlanganisa lokhu okulandelayo:

3.1 Izinhlobo zezicelo

3.2 Izimali ezihambisana nokufaka izicelo

3.3 Indima yeSikhulu Sezolwazi (Information Officer)

3.4 Lokho wena ongase ukwenze ngokomthetho

3 Ngisifaka kanjani isicelo se-PAIA?

Isicelo sokuthola ulwazi singafakwa kukho kokubili izinhlangano zomphakathi kanye nezizimele. Ofaka isicelo waziwa ngokuthi “umuntu ofaka isicelo” (requester). I-PAIA ichaza izindlela ezihlukahlukene zokuthola ulwazi kungaba senhlanganweni yomphakathi noma ezimele. Amafomu aqondile amiswe ngokusemthethweni kumelwe asetshenziswe lapho ufaka isicelo sokuthola ulwazi. Amafomu angatholakala ku-PAIA.

UHLOBO LWENHLANGANO	IFOMU LE-PAIA	ISIGABA SE-PAIA
Inhlangano yomphakathi	I-Form A	Isigaba 18
Inhlangano ezimele	I-Form C	Isigaba 53

Amafomu kufanele atholakale kuma-website akho kokubili ezinkampani zomphakathi kanye nezizimele. Angatholakala futhi nasehhovisi ngalinye lesifunda leKhomishane Yamalungelo Abantu BaseNingizimu Afrika, kanye naku-website ku-www.sahrc.org.za.

3.1 Ubani ongafaka isicelo se-PAIA?

Noma yimuphi umuntu uvunyelwe ukufaka isicelo ngaphansi kwe-PAIA. Umuntu ofaka isicelo angase abe:

Umuntu wemvelo

» lo muntu akudingekile kube yisakhamuzi saseNingizimu Afrika noma umhlali waseNingizimu Afrika

Noma

Umuntu wezomthetho

» njengebhizinisi noma inhlangano

Noma

Umuntu omelele umuntu wemvelo noma wezomthetho

Umuntu ofaka isicelo unelungelo lokuthola amarekhodi aqukethe ulwazi lomuntu siqu amayelana nomuntu ofake isicelo ngokwakhe, noma amayelana nomuntu omelelwe isicelo esenziwa egameni lakhe.

Inhlangano yomphakathi ibhekwa njengomuntu wezomthetho futhi ingase ifake isicelo sokuthola amarekhodi asezinhlanganweni ezizimele, ***kuphela uma*** leyo nhlangano yomphakathi (1) imelela izimfuno zomphakathi, futhi (2) uma amarekhodi efunelwa ukugcwalisa noma ukuvikela noma yimaphi amalungelo okungewona enhlangano yomphakathi.

Kubalulekile ukuphawula ukuthi i-PAIA ayifuni ngokuqondile ukuba iminyango kahulumeni (kuhlanganisa namagatsha kazwelonke, awesifunda nawomasipala), kanye nanoma yimuphi umuntu noma inhlangano enikezwe amandla noma eyenza umsebenzi ngokuvumelana noMthethosisekelo, (njenge-SAHRC kanye neHhovisi LoMvikeli Womphakathi), noma uhlaka oluthile lwesifunda (njenge-Western Cape Liquor Licensing Board), ifake isicelo se-PAIA kwezinye izinhlangano zomphakathi.

3.1.1 Ngiligcwalisa kanjani ifomu lesicelo le-PAIA?

Isicelo sokuthola ulwazi olusenhlanganweni yomphakathi noma ezimele senziwa ngokugcwalisa ifomu lesicelo le-PAIA futhi ulithumele endikimbeni efanele. Isicelo se-PAIA kumelwe siqondiswe eSikhulwini Sezolwazi (Information Officer), kuyiPhini LeSikhulu Sezolwazi (Deputy Information Officer) noma kuyiNhloko yenhlangano yomphakathi noma ezimele, futhi kumelwe kusetshenziswe imininingwane yokubathinta enembile kanye neyamuva.

Ngaphezu kokunikeza imininingwane ngenhlangano efanele, ifomu lesicelo le-PAIA elisemthethweni lihlanganisa lokhu okulandelayo:

ULWAZI OLUDINGEKAYO	INCAZELO
Imininingwane yomuntu ofaka isicelo	Ulwazi olwanele mayelana nomuntu ofaka isicelo ukuze kwenze kube lula ukumchaza umuntu ofaka isicelo, kuhlanganisa imininingwane yokuthinta umuntu ofaka isicelo: ikheli laseposini, i-imeyili, inombolo yefeksi kanye/noma yocingo eNingizimu Afrika.
Imininingwane yerekhodi elicelwayo	Ulwazi olwanele mayelana nerekhodi ukuze kwenze kube lula ukulibona. Kungase kusetshenziswe iphepha elengeziwe ukuchaza kabanzi ngesicelo, uma nje ikhasi ngalinye elengeziwe lisayiniwe futhi lihambisana nefomu lesicelo.
Indlela yokuthola irekhodi	Incazelo yefomu noma indlela irekhodi okufanele linikezwe ngayo noma lenziwe litholakale ngayo.
Indlela yokutshela umuntu ofake isicelo ngokuthola ulwazi	Indlela yokutshela umuntu ofake isicelo ngesinqumo sokuvumela noma sokunqaba isicelo.
Ukukhetha ulimi	Lapho isicelo senziwa **enhlanganweni yomphakathi**, kumelwe kunikezwe ulimi olukhethwayo okuzokwamukelwa ngalo irekhodi.
Isikhundla somuntu ogunyaziwe ofaka isicelo	Lapho isicelo senziwa egameni lomunye umuntu, kumelwe kunikezwe ubufakazi besikhundla somuntu ofaka isicelo (owaziwa ngokuthi umuntu ogunyaziwe).
Amalungelo athintekayo	Lapho isicelo sifakwa **enhlanganweni ezimele**, umuntu ofaka isicelo kumelwe asho ilungelo elithintekayo futhi achaze ukuthi kungani irekhodi lidingeka ukuze kusetshenziswe noma kuvikelwe lelo lungelo elithile.

Abantu abafaka izicelo abangakwazi ukufunda noma ukubhala bangafaka izicelo ezenziwa ngomlomo eSikhulwini Sezolwazi noma kuyiPhini LeSikhulu Sezolwazi lenhlangano yomphakathi, lona-ke eliba nesibopho sokugcwalisa i-Form A egameni lomuntu ofaka isicelo.

3.1.2 Ikhona yini inqubo okumelwe ilandelwe lapho ufaka isicelo se-PAIA?

Umuntu ofaka isicelo kumelwe avunyelwe ukuthola amarekhodi awacelayo, kuphela uma enze ngokuvumelana nezimfuneko zenqubo ezilandelayo:

- Isicelo se-PAIA kumelwe sifakwe efomini elifanele (i-Form A ezinhlanganweni zomphakathi, i-Form C ezinhlanganweni ezizimele), futhi liqondiswe eSikhulwini Sezolwazi noma kuyiPhini LeSikhulu Sezolwazi lenhlangano yomphakathi noma ezimele, noma kuyiNhloko yenhlangano yomphakathi noma ezimele.
- Ifomu lesicelo le-PAIA kumelwe lidilivwe ngesandla, liposwe, lifekswe noma lithunyelwe nge-imeyili enhlanganweni yomphakathi noma ezimele okufakwe kuyo isicelo.
- Amarekhodi aceliwe awaxhomekekile ezizathwini zokwenqatshelwa anikezwe ngaphansi kwe-PAIA.

3.2 Kuyizindleko ezingakanani ukufaka isicelo se-PAIA?

Abantu abafaka izicelo kudingeka bakhokhe imali ethile lapho *becela* ukuthola amarekhodi kukho kokubili ezinhlanganweni zomphakathi kanye nezizimele.

Imali ekhokhwayo yokucela amarekhodi enhlanganweni yomphakathi ngu-R35, kanti imali yokucela amarekhodi enhlanganweni ezimele ngu-R50.

Kubalulekile ukuphawula ukuthi abantu abafaka izicelo zokuthola ulwazi lwabo siqu bakhululekile ekukhokheni imali; nokho kusadingeka ukuba bakhokhe imali yokuthola ulwazi.

Abantu abafaka izicelo abahola ngaphansi kuka-R14,712 ngonyaka (uma engashadile) kanye no-R27,192 ngonyaka (uma eshadile noma enophathina wokuphila kwakho konke), AKUDINGEKILE bakhokhe izimali zesicelo.

3.2.1 Ziyimalini izindleko zokuthola amarekhodi ngaphansi kwe-PAIA?

Abantu abafaka izicelo kudingeka bakhokhe imali *yokuthola* amarekhodi ezinhlangano zomphakathi kanye nezizimele. Le mali ikhava izindleko zokufuna irekhodi nokwenza ikhophi yalo.

Indlela ezakheke ngayo izimali zokuthola amarekhodi ezinhlangano zomphakathi imi kanje:

OKWENZIWE	IMALI EKHOKHWAYO
Ikhophi yeKhasi ngalinye eliyi-A4	Amasenti angu-60
Ukuphrinta ikhasi ngalinye eliyi-A4	Amasenti angu-40
Ikhophi eku-CD	R40
I-transcription yemifanekiso ebukwayo ikhasi ngalinye eliyi-A4	R22
Ikhophi yomfanekiso obukwayo	R60
I-transcription yento eqophiwe elalelwayo ikhasi ngalinye eliyi-A4	R12
Ikhophi yento eqoshiwe elalelwayo	R17
Ukucinga nokulungiselelwa kwerekhodi elizodalulwa	U-R15 ngehora noma ingxenye yalo, ngaphandle kwehora lokuqala, ngokusesilinganisweni elidingekayo ukucinga nokulungiselela

Indlela ezakheke ngayo izimali zokuthola amarekhodi enhlangano ezimele imi kanje:

ACTIVITY	FEE
Ikhophi yeKhasi ngalinye eliyi-A4	R1.10
Ukuphrinta ikhasi ngalinye eliyi-A4	Amasenti angu-75
Ikhophi eku-CD	R70
I-transcription yemifanekiso ebukwayo ikhasi ngalinye eliyi-A4	R40
Ikhophi yomfanekiso obukwayo	R60
I-transcription yento eqoshiwe elalelwayo ikhasi ngalinye eliyi-A4	R20
Ikhophi yento eqoshiwe elalelwayo	R30
Ukucinga nokulungiselelwa kwerekhodi elizodalulwa	U-R30 ngehora noma ingxenye yalo, ngaphandle kwehora lokuqala, ngokusesilinganisweni elidingekayo ukucinga nokulungiselela.

Phawula ukuthi endabeni yakho kokubili ezinhlanganweni zomphakathi kanye nezizimele, izimali zokuposa kudingeka zikhokhwe ngumuntu ofake isicelo ukuze kudilivwe amarekhodi akhe.

Izimo ezihlukile

Uma iSikhulu Sezolwazi, iPhini LeSikhulu Sezolwazi, noma iNhloko yenhlangano yomphakathi/ezimele icabanga ukuthi ukulandwa nokwenziwa kabusha kwezincwadi kuzothatha isikhathi eside ukudlula amahora ayisithupha, kumelwe itshele umuntu ofake isicelo, (ngesaziso esisemthethweni), ukuthi ingxenye eyodwa kwezintathu yemali ekhokhwayo kumelwe ikhokhwe kusengaphambili njengediphozithi.

Uma irekhodi linganikeziwe ngesimo elicelwe ngaso, imali yokukhokhela ukulithola ebizwe kumuntu ofake isicelo akumelwe yeqe emalini ebizobizwa uma belitholwe ngesimo esiceliwe. Nokho, lo mthetho awusebenzi lapho kufunwa ukuba lenziwe libe kwesinye isimo ngoba ulwazi kudingeka lunqanyulwe kulelo rekhodi.

Uma umuntu ofake isicelo engakwazi ukufunda, ukubona noma ukuzwa irekhodi esimweni elikuso enhlanganweni yomphakathi ngenxa yokukhubazeka, inhlangano yomphakathi kudingeka inikeze lelo rekhodi ngesimo akwazi ukulithola ngaso lowo muntu ofake isicelo. Imali yokulithola ebizwa kumuntu ofake isicelo akumelwe yeqe emalini ebizobizwa ngaphandle kokukhubazeka.

3.3 Ingabe iSikhulu Sezolwazi singangisiza ukuba ngifake isicelo se-PAIA?

Lapho kufakwa isicelo se-PAIA enhlanganweni yomphakathi, iSikhulu Sezolwazi noma iPhini LeSikhulu Sezolwazi kumelwe likusize lapho kudingeka khona ukuba ugcwalise amafomu e-PAIA.

Usizo olunjalo kumelwe ulunikwe mahhala.

IMISEBENZI YEZIKHULU ZEZOLWAZI	INCAZELO
Ukusiza umuntu ofaka isicelo ukugcwalisa ifomu le-PAIA	Lapho isicelo se-PAIA singalandeli zonke izimfuneko ezimisiwe ezichazwe ku-PAIA nasefomini, iSikhulu Sezolwazi noma iPhini LeSikhulu Sezolwazi ALINAKUSINQABA isicelo. Kunalokho, iSikhulu Sezolwazi kumelwe sazise umuntu ofake isicelo, **ngokubhalwe phansi**, ukuthi asinakukwazi ukumvumela isicelo ngoba asiphelele, bese sithi singamsiza umuntu ofake isicelo ukuba enze izinguquko ezidingekayo efomini. Uma umuntu ofake isicelo engaphenduli encwadini noma alungise ifomu esikhathini esisesilinganisweni, khona-ke iSikhulu Sezolwazi singase sisenqabe isicelo.
Sinika umuntu ofake isicelo ulwazi olufanele lapho kungenzeka	Uma kungaba nengqondo futhi kungenzeka ukwenza kanjalo, iSikhulu Sezolwazi kumelwe sinike umuntu ofake isicelo noma yiluphi olunye ulwazi olusenhlanganweni yomphakathi nalo oluhambelana nesicelo, ngisho noma amarekhodi ayengeyona ingxenye yesicelo sokuqala.

IMISEBENZI YEZIKHULU ZEZOLWAZI	INCAZELO
Ukudlulisela isicelo	Lapho isicelo se-PAIA sifakwe enhlanganweni yomphakathi okungeyiyo, iSikhulu Sezolwazi saleyo nhlangano **kumelwe** sidlulisele isicelo enhlanganweni yomphakathi efanele **kungakedluli izinsuku ezingu-14** samukele leso sicelo futhi kumelwe sazise umuntu ofake isicelo ngokubhalwe phansi ngalokho kudluliselwa.
Ukuphendula isicelo ezinsukwini ezingu-30	Inhlangano yomphakathi noma ezimele kumelwe iphendule isicelo se-PAIA phakathi nezinsuku ezingu-30 ngemva kokwamukela isicelo. ISikhulu Sezolwazi singase sicele ukwelulwa kwenkathi engadluli ezinsukwini ezingu-30 ezengeziwe, futhi ngenxa yezizathu ezithile, okuhlanganisa isicelo esibandakanya (1) izincwadi eziningi, (2) ukuthintana nezinye izinhlangano zomphakathi noma ezizimele, (3) noma uma umuntu ofake isicelo evumile ukunwetshwa kwesikhathi ngencwadi ebhalwe phansi. Kuvunyelwa ukunwetshwa okukodwa kuphela ngesicelo ngasinye se-PAIA.
Ukuvunyelwa noma ukunqatshelwa ukuthola amarekhodi	Kungumsebenzi weSikhulu Sezolwazi ukuvumela noma ukunqabela ukuthola amarekhodi. Lesi sinqumo kumelwe saziswe umuntu ofake isicelo ngencwadi ebhalwe phansi.
Isimo owathola ngaso, imali ekhokhwayo yokuwathola kanye nezinto wena ongazenza	Lapho sivunyelwa isicelo se-PAIA, iSikhulu Sezolwazi kumelwe sazise umuntu ofake isicelo ngesimo esizothola ngaso irekhodi kanye nenani lemali yokuwathola, okumelwe ikhokhwe lapho esevunyelwe ukuwathola. Isaziso kumelwe futhi sazise umuntu ofake isicelo ukuthi unelungelo lokufaka isikhalo sangaphakathi nesicelo enkantolo ngokumelene nemali yokukhokhela ukuwathola noma ngokumelene nesimo azowathola ngaso amarekhodi. Ngaphezu kwalokho, isaziso kumelwe sinikeze ulwazi olumayelana nesikhathi okumelwe kufakwe ngaso isikhalo noma isicelo senkantolo kanye nenqubo okumelwe ilandelwe.
Ukwenqatshwa kwesicelo	Uma isicelo se-PAIA sinqatshwa, isaziso esiya kumuntu ofake isicelo kumelwe sisho izizathu zokunqatshwa, okumelwe zisekelwe ngamalungiselelo afanele e-PAIA. Njengoba kunjalo ngesimo noma ngokuthola irekhodi kanye nenani lemali lokulithola, isaziso kumelwe sinike umuntu ofake isicelo ulwazi mayelana nelungelo lakhe lokufaka isikhalo ngesinqumo noma ukufaka isicelo enkantolo.
Ukulibazisa ukukhulula irekhodi	ISikhulu Sezolwazi singase sinqume ukulibazisa ukukhululela umuntu ofake isicelo irekhodi ngokuvumelana neSigaba 24 se-PAIA, uma lelo rekhodi lihloselwe ukushicilelwa phakathi nezinsuku ezingu-90 noma uma umthetho ufuna ukuba irekhodi lishicilelwe kodwa lokho kuyinto esazokwenzeka.

EziGabeni 23 (ngenhlangano yomphakathi) no-55 (ngenhlangano ezimele) i-PAIA ithi uma iSikhulu Sezolwazi singakwazi ukuthola amarekhodi athile aceliwe, noma kunenkolelo yokuthi awekho, iSikhulu Sezolwazi kumelwe, ngemva kokuqinisekisa ukuthi zonke izinyathelo ezinengqondo ziye zathathwa ukuze kutholwe irekhodi, sithumele isitatimende esifungelwe kumuntu ofake isicelo simnike isaziso sokuthi irekhodi eliceliwe alikho noma alitholakali.

3.4 Yiziphi izinyathelo ezingokomthetho engingazithatha uma isicelo sami se-PAIA sinqatshwa?

Umuntu ofaka isicelo unelungelo lokuthatha izinyathelo ezingokomthetho ngokumelene neSikhulu Sezolwazi, iPhini LeSikhulu Sezolwazi, noma iNhloko yenhlangano yomphakathi noma ezimele uma iSikhulu Sezolwazi sinqume:

- Ukunqabela ukutholwa kwerekhodi
- Ukunweba isikhathi sokuphendula isicelo
- Ukubiza imali yesicelo noma yokusithola
- Ukwenza ukuba irekhodi litholakale ngesimo esihlukile kuleso ebesiceliwe ekuqaleni.

Le ngxenye izochaza izinyathelo ezingokomthetho abantu abafake izicelo abanazo abafisa ukumangalela izinqumo zeZikhulu Zezolwazi.

3.4.1 Izinyathelo Ongazithatha Ezingokomthetho ngokumelene neziNhlangano Zomphakathi

Uma umuntu ofake isicelo engajabulile ngesinqumo esenziwe yiSikhulu Sezolwazi senhlangano yomphakathi, umuntu ofake isicelo unelungelo lokufaka isikhalo sangaphakathi. Isikhalo sangaphakathi sibandakanya umuntu osesikhundleni esingaphezulu ukuba abukeze isinqumo seSikhulu Sezolwazi futhi anqume ukuthi senze isinqumo esifanele yini noma cha. Uma umuntu osesikhundleni esiphezulu evumelana nesinqumo seSikhulu Sezolwazi, khona-ke isikhalo sangaphakathi siyenqatshwa futhi isinqumo sasekuqaleni mayelana nesicelo se-PAIA siyaqinisekiswa. Uma umuntu osesikhundleni esiphezulu engavumelani nesinqumo seSikhulu Sezolwazi, khona-ke isikhalo siyavunywa futhi isinqumo sasekuqaleni mayelana nesicelo se-PAIA siyachithwa.

Kubalulekile ukuphawula ukuthi ungathumela isikhalo sangaphakathi kuphela eminyangweni kahulumeni kazwelonke, yezifunda kanye neyomasipala. Ayikho inqubo yokufaka isikhalo sangaphakathi kwezinye izinhlangano zomphakathi.

IDolobha LaseKapa liyisibonelo sikahulumeni kamasipala okungase kuthunyelwe isikhalo sangaphakathi ngokumelene nalo. ISikhwama Sezingozi Zomgwaqo siyisibonelo senhlangano yomphakathi engeyona ingxenye kahulumeni kazwelonke, wesifunda noma wendawo, ngoba simiswe ngumthetho (uMthetho Wesikhwama Sezingozi Zomgwaqo), futhi ngenxa yalokho akunakufakwa isikhalo sangaphakathi ngokumelene naso.

3.4.1.1 Ubani ongafaka ukudluliselwa kwesikhalo sangaphakathi?

Umuntu ofake isicelo se-PAIA enhlanganweni yomphakathi kazwelonke, yesifunda noma kamasipala futhi owenqatshelwa ukuthola amarekhodi, unelungelo lokufaka ukudluliselwa kwesikhalo sangaphakathi. Lokhu kwenziwa ngokugcwalisa i-Form B le-PAIA kanye nokuliyisa enhlanganweni yomphakathi kazwelonke, yesifunda noma kamasipala. Ikhophi ye-Form B ingatholakala ku-website yezinhlangano ezifanele kanti futhi ayatholakala ehhovisi ngalinye leKhomishane Yamalungelo Abantu BaseNingizimu Afrika.

Uma ukudluliselwa kwesikhalo sangaphakathi kubandakanya noma yimuphi omunye umuntu (third party), inhlangano yomphakathi eyamukele ukudluliselwa kwesikhalo sangaphakathi inomthwalo wokuthinta bonke abanye abantu (third parties) abathintekayo. Izimfuneko zokukhishwa kwezaziso nokuthunyelwa kwabazobamelela ziyafana nalezo ezifuneka esicelweni sokuqala se-PAIA.

Abanye abantu (third parties) nabo bavunyelwe ukufaka ukudluliselwa kwezikhalo zangaphakathi ngokumelene nesinqumo esenziwe yinhlangano yomphakathi yokuvumela ukuthola irekhodi elithile.

3.4.1.2 Ungakufaka nini ukudluliselwa kwesikhalo sangaphakathi?

Umuntu ofake isicelo angase afake ukudluliselwa kwesikhalo sangaphakathi ngokumelene nesinqumo senhlangano yomphakathi ngenxa yezizathu ezilandelayo:

- Umuntu ofake isicelo akanelisekile ngezimali ezifunekayo zesicelo.
- Umuntu ofake isicelo akanelisekile ngesinqumo sokunika ukunwetshwa kwezinsuku ezingu-30 enhlanganweni yomphakathi ukuba iphendule isicelo.
- Umuntu ofake isicelo akanelisekile lapho isimo amarekhodi anikezwa ekuso engafani nawesimo esasiceliwe, futhi umuntu ofake isicelo ekholelwa ukuthi kwakungeke kube umthwalo ongenangqondo ngenhlangano yomphakathi ukunikeza amarekhodi ngesimo esasikhethwe ngumuntu ofake isicelo.

3.4.1.3 Ngikwenza kanjani ukudluliselwa kwesikhalo sangaphakathi?

Ukudluliselwa kwesikhalo sangaphakathi kumelwe kwenziwe ngumuntu ofake isicelo phakathi nezinsuku ezingu-60 ethole ukunqatshwa kwesicelo sokuqala se-PAIA. Lokhu kwenziwa ngokugcwalisa i-Form B kanye nokulithumela emnyangweni ofanele kahulumeni kazwelonke, wesifunda noma kamasipala.

Uhulumeni Kazwelonke	Uma isicelo se-PAIA sasifakwe emnyangweni kazwelonke, umuntu ofake isicelo angase athumele ukudluliselwa kwesikhalo sangaphakathi kuNgqongqoshe walowo mnyango.
Uhulumeni Wesifunda	Uma isicelo se-PAIA sasifakwe emnyangweni wesifunda, umuntu ofake isicelo angase athumele ukudluliselwa kwesikhalo kuyiLungu loMkhandlu Ophethe (Member of the Executive Council) lalowo mnyango.
Uhulumeni Womasipala	Uma isicelo se-PAIA sasifakwe emnyangweni kamasipala, umuntu ofake isicelo angase athumele ukudluliselwa kwesikhalo kumphathi-dolobha kamasipala, noma kusomlomo kamasipala, noma nanoma ubani omunye umuntu omiswe nguMkhandlu KaMasipala walowo masipala ngokuqondile.

I-Form B lithunyelwa kuso iSikhulu Sezolwazi/iPhini LeSikhulu Sezolwazi elanqaba isicelo sokuqala, okube-ke sekufuneka ukuba lilidlulisele kumuntu osesikhundleni esiphezulu nakakhulu.

PHAWULA:

Uma ukudluliselwa kwesikhalo kufuna ukuba isaziso sinikwe omunye umuntu (third party) (okungukuthi, lapho ulwazi luqukethe imininingwane yomuntu siqu mayelana nomunye umuntu, kanye nolwazi oluyimfihlo, ulwazi oluqondile lwezokuhweba, kanye nolwazi lwezocwaningo mayelana nomunye umuntu [third party]), khona-ke ukudluliselwa kwesikhalo kumelwe kufakwe phakathi nezinsuku ezingu-30 kukhishwe isaziso kulowo muntu.

Umuntu ofake isicelo kumelwe athumele ukudluliselwa kwesikhalo sangaphakathi eSikhulwini Sezolwazi senhlangano efanele ngeposi, ngefeksi noma nge-imeyili.

Ukudluliselwa kwesikhalo sangaphakathi kumelwe kuhlanganise isihloko sokudluliselwa kwesikhalo sangaphakathi, izizathu ezisekela ukudluliselwa kwesikhalo, bese kuhlanganisa noma yiluphi olunye ulwazi olufanele olwaziwa ngumuntu othumela ukudluliselwa kwesikhalo.

Uma umuntu ofake isicelo engase athande ukwaziswa ngesinqumo esimayelana nokudluliselwa kwesikhalo sangaphakathi ngendlela ehlukile (ngaphezu kwempendulo ebhalwe phansi), kumelwe asho indlela ayikhethayo futhi anikeze noma yiluphi ulwazi oludingekayo.

3.4.1.4 Kuthiwani uma ukudluliselwa kwesikhalo sangaphakathi kuthunyelwa ngemva kokuba seludlulile usuku lwenkathi emiswe ngokusemthethweni?

Lapho ukudluliselwa kwesikhalo sangaphakathi kufakwa ngemva kokuba inkathi yezinsuku ezingu-60 isiphelile, inhlangano yomphakathi efanele kumelwe ikwamukele ukudluliselwa kwesikhalo uma kuvezwa isizathu esihle sokufakwa kokudluliselwa kwesikhalo sekwephuzile. Lapho inhlangano yomphakathi efanele ingakwamukeli ukufakwa kokudluliselwa kwesikhalo sangaphakathi sekwephuzile, kumelwe inike umuntu odlulisele isikhalo isaziso.

3.4.1.5 Yimalini ekhokhwayo ngokudluliswa kwezikhalo zangaphakathi?

Umuntu ofake isicelo odlulisa isikhalo sangaphakathi kudingeka akhokhe imali emiswe ngokomthetho, uma ikhona. Uma imali yokudluliswa kwesikhalo kumelwe ikhokhwe lapho kufakwa, isinqumo ngokudluliswa kwesikhalo singase silibaziswe kuze kube yilapho imali isikhokhiwe.

NGINGASIFAKA YINI ISICELO ENKANTOLO NGOKUMELENE NESINQUMO SENHLANGANO YOMPHAKATHI?

Yebo. Uma umuntu ofake isicelo engaphumelelanga ngokudlulisela kwakhe isikhalo ngokumelene nenhlangano yomphakathi, noma uma inhlangano yomphakathi inqaba ukwamukela ukufakwa kokudluliselwa kwesikhalo sangaphakathi sekwephuzile, noma uma umuntu ofake isicelo eye waphathwa ngokungalungile ngandlela-thile ngenxa yesinqumo esenziwe yinhlangano yomphakathi, umuntu ofake isicelo angase acele ukuba inkantolo imnike impumuzo ngokufaka isicelo phakathi nezinsuku ezingu-180 ethole leso sinqumo. **Umuntu ofake isicelo noma omunye umuntu (third party) angase afake isicelo ezinkantolo kuphela ngemva kokuba inqubo yokudluliselwa kwesikhalo sangaphakathi isiphethiwe.**

3.4.2. Izinyathelo Ongazithatha Ezingokomthetho ngokumelene neziNhlangano Ezizimele

Lapho umuntu ofake isicelo enganelisekile ngesinqumo esenziwe yinhloko yenkampani ezimele, isibonelo, ngokunqaba ukuba athole irekhodi, ngokufuna imali yokulithola, noma ngokwelula inkathi okufuneka ngayo impendulo, umuntu ofake isicelo angase acele ukuba inkantolo imnike impumuzo phakathi nezinsuku ezingu-180 ethole leso sinqumo esidale ukuba afake isikhalo. Isinqumo senhlangano ezimele sizobuyekezwa yinkantolo futhi isinqumo sizokwenziwa yizinkantolo ukuthi avunyelwe yini ukuthola irekhodi noma cha.

ECALENI LIKABRUMMER V UNGQONGQOSHE WEZOKUTHUTHUKISWA KWEZENHLALO

Kuleli cala izinkantolo zathi inkathi yezinsuku ezingu-30 yokuqala ngaphansi kwe-PAIA lapho umuntu ofake isicelo engase acele khona izinkantolo uma enganelisekile ngesinqumo seSikhulu Sezolwazi, yayinganele ukufeza injongo yokubonisa ubulungisa. Ngakho-ke kwanqunywa ukuthi inkathi yezinsuku ezingu-30 yayingasebenzi futhi kwadingeka inwetshwe ibe yinkathi yezinsuku ezingu-180. Lesi sahlulelo siye savezwa eMthethweni Wokuvikelwa Kwemininingwane Yomuntu Siqu omusha othi kunenkathi yezinsuku ezingu-180 yokuba umuntu ofake isicelo athumele isikhalo kuMqondisi Wolwazi (Information Regulator), ngemva kokulandela yonke inqubo ye-PAIA yokuba athole irekhodi lomuntu siqu.

Amacala okutholwa kolwazi angase alalelwe phambi kweziNkantolo zikaMantshi njengenkantolo okuqalwa kuyo, njengoba kuboniswe ngaphansi kwesigaba 79 se-PAIA kanye **naseziNkantolo Eziphakeme.**

3.4.3. Yini ezokwenzeka ecaleni lami enkantolo?

Kunemiphumela eminingana engase yenzeke lapho uyisa icala le-PAIA enkantolo. Ngemva kokulalelwa kwazo zombili izinhlangothi zendaba, isikhulu esengamele icala sinamandla okukhipha umyalo oyikho kokubili olungile nolinganayo. Lokhu kungase kuhlanganise umyalo: (1) oqinisekisa, oshintsha, noma ososa isinqumo senhlangano yomphakathi noma ezimele ngokuphathelene nesicelo se-PAIA; (2) ofuna ukuba inhlangano yomphakathi noma ezimele ithathe isinyathelo esithile noma iyeke isinyathelo esithile; (3) onikeza umyalelo ovimbelayo, umyalelo oyisimemezelo, impumuzo ethile, noma isinxephezelo; noma (4) ofuna ukuba kukhokhwe izindleko ezithile.

INGXENYE 4

Kunini lapho ukuthola ulwazi kunganqatshwa/kungase kunqatshwe khona...

Le ngxenye ihlanganisa:

4.1 Ukwenza ilungelo lokuthola ulwazi lilingane kahle namanye amalungelo

4.2 Izizathu eziwumyalo lapho ziqhathaniswa nezizathu eziyisinqumo somuntu ngokunqatshelwa ukuthola ulwazi

4.3 Izizathu zokunqatshelwa ukuthola ulwazi ezibhalwe ku-PAIA

4.4 Ukuhlolwa kwezinto ezingezenzuzo yomphakathi

4.1 Kunini lapho uKuthola Ulwazi kungase kunqatshwe khona

Le ngxenye izonikeza uhlaka okumayelana nokuthi kunini lapho ukuthola ulwazi kungase kunqatshwe khona ngaphansi kwe-PAIA, bese kuba nomhlahlandlela wokuthi ungayisebenzisa kanjani imithetho evumela iSikhulu sezolwazi ukuba sinqabe isicelo. I-PAIA inohlu lwezizathu ezingu-12 okungase kunqatshwe ngazo ukutholwa kolwazi yiSikhulu sezolwazi senhlangano yomphakathi noma ezimele, ezinye zazo ziyimiyalo kanti ezinye zazo ziyizinqumo zokubona komuntu (bheka ingxenye 4.2. ngezansi ukuze uthole imininingwane eyengeziwe). Ngaphezu kwalokho i-PAIA yenza umushwana wezinto ezingezenzuzo yomphakathi owenza noma yisiphi ezizathwini zokwenqabela ukuthola ulwazi singasebenzi, uma nje inzuzo yomphakathi kulolo lwazi kuyiyonanto enkulu. *(bheka ingxenye 4.4. ngezansi ukuze uthole imininingwane eyengeziwe)*.

UKWENZA ILUNGELO LOKUTHOLA ULWAZI LILINGANE KAHLE NAMANYE AMALUNGELO	
UMTHETHO OVAMILE	Ilungelo lokuthola ulwazi litholakala ngaphakathi koMthetho-sivivinywa Wamalungelo woMthethosisekelo WaseNingizimu Afrika futhi, ukuze kwenziwe leli lungelo lisebenze, ukuthola ulwazi kufanele kuvunyelwe kaningi kangangokunokwenzeka.
ISIMO ESIHLUKILE	Njengamanye amalungelo amaningi akuMthetho-sivivinywa Wamalungelo, ilungelo lokuthola ulwazi lingaba ngelilinganiselwe noma lenqatshelwe ezimweni ezithile. I-PAIA yasungulelwa ngokuyinhloko ukucacisa izizathu lapho izicelo zolwazi zingase zinqatshwe khona, futhi ngenxa yalokho ilungelo lokuthola ulwazi lilinganiselwe.

4.2 Izizathu eziwumyalo lapho ziqhathaniswa nezizathu eziyisiNqumo sokubona komuntu ngokunqabela ukuthola ulwazi

I-PAIA ithi ezimweni ezithile iSikhulu sezolwazi asinakuludalula ulwazi. Ngamafushane, izizathu zokuthi kungathi ulwazi lungenakudalulwa zimayelana nokuthi ukudalulwa kolwazi kuzodala umonakalo omkhulu yini kunokungadalulwa kwalo. Ngakho-ke i-PAIA inohlu lwezizathu eziyishumi nambili (12) iSikhulu sezolwazi senhlangano yomphakathi noma ezimele esingakwenqabela kuzo ukuthola ulwazi (*lezi zizathu ezingu-12 zizochazwa kabanzi engxenyeni 4.3 ngezansi*). Ezinye zalezi zizathu zokungadaluli ziyimiyalo eSikhulwini sezolwazi, okusho ukuthi iSikhulu sezolwazi **akumelwe** sivumele ukutholwa kolwazi uma kungase kube nobufakazi besinye sezizathu eziyimiyalo zokwenqabela ukutholwa kolwazi. *Ezinye izizathu zokwenqabela ukutholwa kolwazi ziyisinqumo esiya ngokubona komuntu*. Lokhu kusho ukuthi iSikhulu sezolwazi singase sidalule noma singadaluli ulwazi. Ngakho-ke iSikhulu sezolwazi kumelwe sisebenzise ukubona kwaso lapho sinquma ukuthi siludalule yini ulwazi noma cha. Lokhu kumele sikwenze ngokuhlola ukuthi ukudalula kuzobangela umonakalo omkhulu yini enhlanganweni yomphakathi noma ezimele kunokungaludaluli.

AMAGAMA AKU-PAIA OKUMELWE UWAPHAWULE...

Mayelana nokunqaba okungumyalo, i-PAIA isebenzisa igama elithi **"kumelwe"**.

Mayelana nokunqaba okuya ngokubona komuntu, i-PAIA isebenzisa igama elithi **"kungase"**.

Khumbula ukuthi njengeSikhulu Sezolwazi kumelwe uhlale unenjongo lapho usebenzisa isizathu sokunqabela ukutholwa kolwazi. Ungathathi izinhlangothi ezithile, futhi ungakhethi ngazo zonke izikhathi

4.3 Izizathu zokunqatshelwa ukuthola ulwazi

Njengoba kushiwo ngenhla kunezizathu ezihlukahlukene isicelo sokuthola ulwazi **esingase** noma **okumelwe** senqatshwe kuzo yiSikhulu Sezolwazi senhlangano yomphakathi noma ezimele. Lezi zizathu zisohlwini oluku-PAIA ngaphansi kweSahluko 4 seNgxenye 2 yeNhlangano Yomphakathi, nakuSahluko 4 seNgxenye 3 yeNhlangano Ezimele.

4.3.1 Ukuvikelwa kokugcinwa kwezindaba zangasese zomunye umuntu (third party)

ISikhulu Sezolwazi senhlangano yomphakathi noma ezimele **kumelwe** singavumeli ukutholwa kolwazi lomuntu siqu lomuntu wemvelo, kuhlanganisa nomuntu oshonile (*mayelana nencazelo yegama elithi "umuntu wemvelo" bheka isihloko esithi Amagama Awusizo ngenhla*). I-PAIA ithi ukuze kuvikelwe ilungelo lokuvikelwa kwezindaba zangasese lomunye umuntu (third party) ongumuntu wemvelo, iSikhulu Sezolwazi kumelwe sihlole ukuthi ukukhipha ulwazi okukhulunywa ngalo kumuntu ofake isicelo 'kuzobandakanya yini ukudalulwa okungenangqondo kwemininingwane yomuntu siqu' (bheka izigaba 34 no-63 ze-PAIA).

Isigaba 1 se-PAIA sinikeza incazelo ebanzi yalokho okwakha "imininingwane yomuntu siqu". Kuhlanganisa ulwazi olumayelana nobulili, ukukhulelwa, nenkolo, kanye nezincwadi zokubhalelana kwakhe nabanye, i-DNA, imigqa yeminwe, kanye nezimo igama lalowo muntu elivela kuzo kumarekhodi.

ISikhulu Sezolwazi kumelwe futhi sicabangele ukuthi ulwazi lomuntu siqu okukhulunywa ngalo luyangena yini ezigabeni ezilandelayo zolwazi lomuntu siqu ezingase zidalulwe:

- Ulwazi lomuntu siqu lomuntu onikeze imvume yokuba lolu lwazi lukhululwe
- Ulwazi lomuntu siqu oluye lwasakazwa emphakathini kakade
- Ulwazi lomuntu siqu olumayelana nengane eneminyaka yobudala engaphansi kuka-18 lapho ukudalulwa kolwazi olunjalo kungokwenzuzo yengane, futhi umuntu ofake isicelo engumnakekeli wengane (okusho ukuthi, umzali noma umnakekeli)
- Ulwazi lomuntu siqu lomuntu oshonile oluya kumuntu ofake isicelo oyisihlobo salowo muntu, noma ogunyazwe (imvume ebhalwe phansi) yisihlobo sakhe
- Ulwazi lomuntu siqu lomuntu oshonile osekuphele iminyaka engaphezu kwengu-20 ashona
- Ulwazi lomuntu siqu lomuntu oyisikhulu noma owayeyisikhulu senhlangano yomphakathi noma ezimele futhi lapho lolo lwazi luphathelene nesikhundla sakhe njengesikhulu.

I-PAIA ifuna ukuba iZikhulu Zezolwazi zase-South African Revenue Services (SARS) zingadaluli ulwazi lwentela yomuntu siqu nolwemali ayenzayo, ngaphandle kwalapho umuntu ofake isicelo ecela ukuthola ulwazi lwakhe siqu.

4.3.2 Ukuvikelwa kolwazi lwezohwebo lomunye umuntu (third party)

IZikhulu Zezolwazi zezinhlangano zomphakathi kanye nezizimele **kumelwe** zinqabe ukunika ulwazi uma ukukhululwa kwalolo lwazi kuzodala umonakalo ezinzuzweni zezohwebo noma zezezimali zebhizinisi. I-PAIA inohlu olulandelayo lolwazi lwezohwebo olungenakudalulwa yiSikhulu Sezolwazi:

- Izimfihlo zezohwebo;
- Ucwaningo lwezimali, lwezohwebo, lwesayensi noma ulwazi lwezobuchwepheshe olumayelana nabanye abantu (third party), okungathi uma lukhululiwe, kudaleke umonakalo kulabo bantu;
- Ulwazi oluyisifuba olunikezwe omunye umuntu (third party) ngoba ethenjwa.

Nakuba kunomthetho ovamile wokuvikela ulwazi lwenkampani, inhlangano yomphakathi kudingeka ukuba isebenze ngendlela edalula izinto obala. Kulokhu kumelwe kuphawulwe ukuthi kunezimo ezithile lapho ulwazi lwezohwebo lwenkampani lungakhululwa khona.

Izinto i-PAIA Ezishiyela Ngaphandle: Amarekhodi abanye abantu (third party) aqukethe ulwazi oluphathelene nokuphepha komphakathi noma izingozi kwezemvelo kumelwe akhululwe, ngisho noma ukukhululwa kolwazi olunjalo cishe kuzodala umonakalo kulabo bantu (third party). Lokhu kuyingxenye yolwazi lwenzuzo yomphakath***i*** ***(****bheka ingxenye 4.4 ngezansi****).***

4.3.3 Ukuvikelwa kolwazi oluyimfihlo

I-PAIA ithi iSikhulu sezolwazi **kumelwe** singakuvumeli ukutholwa kwerekhodi uma ukukhululwa kwalelo rekhodi kuzoba njengokuphulwa kwesibopho sokugcinwa kwemfihlo okuvunyelenwe ngakho nomunye umuntu (third party) ngokwesivumelwano noma inkonteleka.

4.3.4 Ukuvikelwa kokuphepha komuntu kanye nempahla

Le ngxenye ithi iSikhulu sezolwazi **kumelwe** singakuvumeli ukutholwa kwerekhodi uma ukudalulwa kwalelo rekhodi kungalindelwa ngokunengqondo ukuba kubeke engozini ukuphepha komuntu noma impahla. Le ngxenye inesici selungelo lokugcinwa kwemfihlo ngoba icabangela ukuphila komuntu siqu nempahla yakhe.

4.3.5 Ukuvikelwa kolwazi ekuqulweni kwamacala ezomthetho

Injongo yale ngxenye wukuvikela ulwazi olufuneka ezinqubweni zezomthetho nezokuphoqelelwa komthetho. Le ngxenye iqaphela eminye imithetho elawula izigaba ezithile zolwazi. Endabeni yale ngxenye uMthetho 51 ka-1977 weNqubo Yobugebengu (Criminal Procedure Act) uqashelwa njengomthetho olawula amarekhodi aphathelene nokuqulwa kwamacala ebheyili kanye nezinye izinqubo zokuphoqelelwa komthetho. Lokhu kuyasebenza nakumarekhodi ayimfihlo kusukela ekwenziweni kwawo. Ngamanye amazwi amarekhodi angatholakali

kunoma ubani omunye, ngaphandle komuntu onelungelo lokubona lawo marekhodi, isibonelo, ummeli onezimfihlo zekhasimende. Noma yimaphi amarekhodi obudlelwano phakathi kommeli kanye nekhasimende lakhe avikelwe ngaphansi kwesigaba 40 se-PAIA.

Nakuba i-PAIA ikuqaphela ukuba khona kweminye imithetho ephathelene nokuphathwa nokudalulwa kolwazi namarekhodi, esimweni lapho imithetho ilinganisela khona ngokungafanele ilungelo lokuthola ulwazi futhi kube kuphambene nezimiso zokwenza izinto obala nokuba nokulandisa, i-PAIA izothatha indawo yomthetho.

4.3.6 Ukuvikelwa Kolwazi Locwaningo

ISikhulu Sezolwazi senhlangano yomphakathi noma ezimele kumelwe singakuvumeli ukutholwa kwamarekhodi aqukethe ulwazi oluphathelene nocwaningo olwenziwa noma oluzokwenziwa yinhlangano yomphakathi noma ezimele okukhulunywa ngayo noma abanye (third party). Lokhu kwenqaba ukutholwa kolwazi kusezimweni lapho ukudalulwa kwerekhodi kuzochaya ucwaningo lwabanye abantu (third party) noma lwenhlangano yomphakathi noma ezimele, lomuntu ngamunye noma lwenhlangano eyenza ucwaningo, noma konakalise kabi into ecwaningwayo (bheka izingxenye 43 no-69 ze-PAIA).

4.3.7 Ulwazi okungase kwenqatshwe ukuba uluthole

Izigaba ezilandelayo zolwazi zimayelana nolwazi iSikhulu Sezolwazi esingase senqabe ukuba uluthole, kuphela uma singafakazela ukuthi ulwazi okukhulunywa ngalo luwela ezigabeni ezilandelayo futhi angeke kube ngokwenzuzo yomphakathi ukuludalula *(ukuze uthole imininingwane eyengeziwe ngomushwana wezinto ezingokwenzuzo yomphakathi, bheka ingxenye 4.4 ngezansi)*.

4.3.7.1 Ezokuvikela zaseNingizimu Afrika, ezokuphepha nezokusebenzelana kwamazwe omhlaba

Isigaba 41 se-PAIA sifuna ukuba iSikhulu sezolwazi sicabangele ukuthi isicelo solwazi sithintene yini nolwazi olumayelana nezokuphepha zaseNingizimu Afrika. ISikhulu sezolwazi singase sisenqabe isicelo uma singanikeza ubufakazi bokuthi kuzobeka esimweni esibucayi ukuphepha kweNingizimu Afrika ukukhulula lolo lwazi.

4.3.7.2 Izinto ezingokwenzuzo yeNingizimu Afrika ngokomnotho, ngokwezimali nangokohwebo

Isigaba 42 se-PAIA sifuna kube nokuvikelwa kolwazi lwenhlangano yomphakathi uma ukudalulwa kwalo kuzolimaza isimo sezomnotho nezezimali sale Riphabhuliki. Lesi sizathu sokwenqatshelwa senziwa ngokuya kokubona komuntu okusho ukuthi iSikhulu Sezolwazi kuzodingeka sicabangele ukuthi izinhlangano zomphakathi zinikwe umyalo ngaphansi koMthethosisekelo waseNingizimu Afrika ukuba zilandise emphakathini, nokuthi ngenxa yalokho ulwazi lungase lunqatshelwe ezimweni ezithile kuphela. Ngaphezu kwalokho, iSikhulu Sezolwazi kuzodingeka sibonise ukuthi ukudalulwa kolwazi okukhulunywa ngalo kuzodala umonakalo ezintweni eziyinzuzo eNingizimu Afrika ngokwezimali nangokomnotho.

4.3.7.3 Imisebenzi yezinhlangano zomphakathi

Isigaba 44 se-PAIA sinika iSikhulu Sezolwazi amandla okunqaba ukutholwa kwerekhodi uma kuzophazamisa imisebenzi yenhlangano yomphakathi. Isigaba 44 sibanzi, inani lamarekhodi abhalwe ngaphansi kwemisebenzi lihlanganisa:

- Amaphuzu akhulunywe emihlanganweni;
- Amarekhodi aqukethe izeluleko noma imibono;
- Amarekhodi aphathelene nezingxoxo ezenziwe nezinye izinhlangano;
- Amarekhodi aphathelene nokwenziwa kwemigomo (policies) noma izincomo (recommendations).

4.3.7.4 "Izicelo ezibonisa ukusa nje noma ezicasulayo, noma ukuphambukiswa okukhulu kwezimali nokungenangqondo"

ISikhulu Sezolwazi singase sisenqabe isicelo sokuthola ulwazi uma sicabanga ukuthi ukusebenza lezo zicelo kuzodla isikhathi ngokungenangqondo futhi kuholele ekumosheni imali. Ngaphezu kwalokho, iSikhulu Sezolwazi singase senqabe ukutholwa kolwazi uma isicelo sibonakala singenangqondo noma umuntu ofake isicelo esenzele ukucasula noma ukudala uchuku ngokungadingekile.

4.4 Izinto Ezingegezenzuzo Yomphakathi Kuza Zona Kuqala

Zonke izinto ezivikela ulwazi njengoba kuchazwe ngenhla ziyasuka uma ukukhululwa kolwazi kungokwenzuzo yomphakathi. Kanjalo ukuhlolwa kwezinto ezingezenzuzo yomphakathi kuza kuqala kunazo zonke ezinye izizathu zokwenqatshwa kokutholwa kolwazi.

ISikhulu Sezolwazi senhlangano yomphakathi noma ezimele kumelwe sisebenzise ukuhlola okulandelayo ngaphambi kokunqaba ukuvumela ukutholwa kolwazi olungaphansi kwezigaba ezingenakudalulwa eziboniswe ngenhla. Uma kuhlangatshezwana nale mibandela, khona-ke lolo lwazi kumelwe ludalulwe ngezizathu zokuthi kungokwenzuzo yomphakathi.

Ingabe ulwazi lubonisa ukwephulwa okukhulu komthetho?

NOMA

Ingabe amarekhodi okukhulunywa ngawo aqukethe ulwazi oluphathelene nento ezokwenzeka ngokushesha ethinta ukuphepha komphakathi ngezinga elikhulu noma ingozi kwezemvelo?

FUTHI

Ingabe inzuzo yomphakathi ekudaluleni lolo lwazi iwudlula kude umonakalo ongase ube khona?

INGXENYE 5

Izikhombo (references) eziyinhloko kanye nolunye ulwazi oluwusizo

Le ngxenye ihlanganisa:

5.1 Uhlu lwezikhombo eziyinhloko ezisetshenziswe ukwenza lo Mhlahlandlela we-PAIA, kuhlanganisa nomthetho

5.2 Uhlu lweminye imithombo ye-PAIA ewusizo

5.1. Izikhombo eziyinhloko

UMTHOMBO	UMLOBI
Promotion of Access to Information Act 2 of 2000	Abezomthetho
Protection of Personal Information Act 4 of 2013	Abezomthetho
PAIA Unpacked (itholakala ku-www.saha.org.za)	SAHA
PAIA Resource Kit (itholakala ku-www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (itholakala ku-www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (itholakala ku-www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (itholakala ku-www.sahrc.org.za)	SAHRC

5.2 Imithetho ye-PAIA

ISAZISO SIKAHULUMENI	USUKU	ISIHLOKO NENCAZELO
Government Notice: No. R. 1244	22 September 2003	Isichibiyelo esiphathelene nokutholakala kwezincwadi ze-PAIA zezinhlangano zomphakathi nezizimele.
Government Notice: No. R. 187	15 February 2002	Isichibiyelo ku-PAIA mayelana nale Section 10 Guide kanye nokutholakala kwezincwadi ze-PAIA.
Government Notice: No. R. 233	9 March 2001	Lo Mthetho uphathelene nezimali ezikhokhwayo ukuze uthole amarekhodi ezinhlangano zomphakathi nezizimele.
Government Notice No. R. 466	1 June 2007	Ifaka namafomu eSikhulu Sezolwazi okumelwe siwasebenzise lapho sishicilela izaziso zokudalula ngokuzithandela ngokwezigaba 15 no-52 be-PAIA.

5.3 Izichibiyelo ze-PAIA

ISAZISO SIKAHULUMENI	USUKU	ISIHLOKO NENCAZELO
Government Notice No. 428	31 March 20004	Isichibiyelo kusigaba 92(4) se-PAIA ukubhekelela amaCala neziJeziso zabantu abavimbela ngamabomu nangokungafanele isicelo somuntu ofake isicelo sokuthola ulwazi, isibonelo ngokushabalalisa amarekhodi.
Government Notice No. 96	15 January 2003	Isichibiyelo ku-PAIA ukubhekelela ukuqeqetshwa kwezikhulu ezengamele eziNkantolo zoMantshi ukuba zilalele amacala e-PAIA.
Government Notice No. R. 187	15 February 2002	Isichibiyelo ku-PAIA mayelana nale Section 10 Guide kanye nokutholakala kwezincwadi ze-PAIA

5.4 Izichibiyelo zeMithetho ye-PAIA

ISAZISO SIKAHULUMENI	USUKU	ISIHLOKO
Government Notice: No. 1263	11 April 2003	Isaziso esiphathelene nokutholakala kwezincwadi ze-PAIA zezinhlangano ezizimele.

5.5 Eminye imithombo ye-PAIA ewusizo

1) **Using PAIA to Promote Housing Rights, SAHA** (itholakala ku-www.saha.org).
2) **Accessing Information for Your Community, SAHA** (itholakala ku-www.saha.org).
3) **Accessing Information in the LGBTI Sector, SAHA** (itholakala ku-www.saha.org).

UMHLAHLANDLELA WOKUTHI UNGASETSHENZISWA KANJANI UMTHETHO 2 KA-2000 WOKUKHUTHAZA UKUTHOLA ULWAZI

Tlhahli Ka Ga Ka Fao O Ka Šomišago Molao Wa 2 Wa Tšwetšopele Ya Phihlelelo Ya Tshedimošo Wa 2000

SEPEDI

Wepsaete: www.sahrc.org.za

Emeile: info@sahrc.org.za

Twitter: @SAHRCommission

Facebook: SAhumanrightscommission

Youtube: SAHRC1

Dintlha tša Kgokagano tša Khomišene ya Ditokelo tša Botho ya Afrika Borwa

Kantorokgolo Johannesburg

Mogala: 011 877 3600 • Fekese: 011 403 0684

Kapa Bohlabela Cape Port Elizabeth

Mogala: 043 722 7828 • Fekese: 043 722 7830

Foreisetata Bloemfontein

Mogala: 052 447 1133 • Fekese: 051 447 1128

KwaZulu-Natal Durban

Mogala: 031 304 7323/4/5 • Fekese: 031 304 7323

Limpopo Polokwane

Mogala: 015 2913500 • Fekese: 051 291 3505

Mpumalanga Nelspruit

Mogala: 013 752 8292 • Fekese: 013 752 6890

Kapa Leboa Upington

Mogala 054 332 3993/4 • Fekese: 054 332 7750

Leboa Bodikela Rustenburg

Mogala: 014 592 0694 • Fekese: 014 594 1089

Western Cape Cape Town

Mogala: 021 426 2277 • Fekese: 021 426 2875

Go hwetša dintlha ka go Tlhahli ya PAIA

Karolo ya 1
Matseno go Tlhahli ya PAIA

Karolo ya 2
Fao o ka thomago gona go hwetša tshedimošo ye e e hlokago

Karolo ya 3
Ka fao o ka dirago kgopelo ya go fihlelela tshedimošo

Karolo ya 4
Ke neng fao phihlelelo ya tshedimošo e ka/e swanetšego go ganwa

Karolo ya 5
Dingwalwa le methopo ye bohlokwa ya go hwetša tshedimošo go tšwela pele

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Mareo a mohola

MAREO	TLHALOŠO
Tšhelete ya phihlelelo	Ye ke tšhelete ye e swanetšego go lefša ke mokgopedi gos ehlongwa sa setšhaba goba sa phraebete seo o kgopelago tshedimošo go sona, ya go lefa ditshenyegelo tša go nyaka le go kopiša dipego tše o di nyakago. (Go hwetša tshedimošo ka ga ditefišo tša phihlelelo ya tshedimošo bona Karolo ya 3 ya Tlhahli ye).
Foromo ya A	E hwetšwa mafelelong a PAIA, wepsaeteng ya Khomišene ya Ditokelo tša Botho ya Afrika Borwa, le diwepsaeteng tša dihlongwa tše dingwe tša setšhaba tša mehutahuta. Foromo ye e šomišwa go kgopela phihlelelo ya tshedimošo ye e swerwego ke sehlongwa sa setšhaba. *(Go hwetša tshedimošo ka botlalo ka ga Foromo ya A le go kgopela phihlelelo go tshedimošo go dihlongwa tša setšhaba bona Karolo ya 3 ya Tlhahli ye).*
Foromo ya C	E hwetšwa mafelelong a Molao wa PAIA, wepsaeteng ya Khomišene ya Ditokelo tša Botho ya Afrika Borwa, le diwepsaeteng tša dikhamphani tše dingwe tša phraebete tša mehutahuta. *(Go hwetša tshedimošo ka botlalo ka ga Foromo ya C le go kgopela phihlelelo go tshedimošo ye e swerwego ke dihlongwa tša phraebete bona Karolo ya 3 ya Tlhahli ye).*
Tlhahli	E ra Tlhahli ye ka ga PAIA yeo e ngwadilwego le go phatlalatšwa ke Khomišene ya Ditokelo tša Botho ya Afrika Borwa k age go hlagišitšwe ka go Karolo ya 10 ya PAIA, go thuša batho go šomiša le go kwešiša Molao PAIA.
Mohlankedi wa Tshedimošo le Motlatšamohlankedi wa Tshedimošo	Mohlankedi wa Tshedimošo (yo ka dinako tše dingwe a bitšwago IO) ke motho yo a dumeletšwego ke sehlongwa seo go bolelwago ka sona go šoma ka dikgopelo tša PAIA. Go sehlongwa sa setšhaba yo ke motho yo e lego goba yo a šomago bjalo ka hlogo ya sehlongwa seo. Ge e le masepala, yena ke molaodi wa masepala; ge e le kgoro ya bosetšhaba e tla ba Molaodipharephare; go sehlongwa sa go swana le Khomišene ya Ditokelo tša Botho ya Afrika Borwa, e tla ba Mohlankedimogolophethiši. Ge e le kgoro ya bosetšhaba e ka ba Molaodipharephare; ge e le sehlongwa sa go swana le Khomišene ya Ditokelo tša Botho ya Afrika Borwa e ka ba Mohlankedimogolophethiši. Motlatšamohlankedi wa Tshedimošo (ka dinako tše dingwe o bitšwa DIO) ke motho yo a filwego mošomo wo ke Mohlankedi wa Tshedimošo wa sehlongwa sa setšhaba go thuša mokgopedi ka go nyaka tshedimošo. PAIA ga e hlagiše gore dihlongwa tša phraebete di be le Motlatšamohlankedi wa Tshedimošo; le ge go le bjale go šišinywa ke Khomišene ya Ditokelo tša Botho ya Afrika Borwa gore di dire bjalo ka nepo ya go phethagatša mošomo gabotse le ka pela. *(Go hwetša tshedimošo ka botlalo ka ga mešomo ya Bahlankedi ba Tshedimošo bona Karolo ya 3 ya Tlhahli ye).*

Boipiletšo bja ka Gare (Foromo ya B)	Bakgopedi ba swanetše go šomiša Foromo ya B ya PAIA go dira boipelaetšo go sephetho seo se dirilwego fela ke makala a bosetšhaba a mmušo, a diphrobentshe goba a mebasepala mabapi le phihlelelo ya tshedimošo. *(Go hwetša tshedimošo ka ga boipelaetšo bja ka gare bona Karolo ya 3 ya Tlhahli ye).*
Motho wa semolao	Khamphani goba sehlongwa seo se bonwago ke molao bjalo ka sehlongwa se tee goba 'motho' yo a nago le ditokelo le mešomo.
Tona	Go bolela ka Tona go mabapi le Tona ya Toka le Ditirelo tša Tshokollo.
Motho wa tlhago	Motho wa makgonthe, yo a fapanago le motho wa molao goba wa semolao wa go swana le khamphani ya mohlakanelwa (bona motho wa semolao ka mo godimo).
Sehlongwa sa phraebete	(Gape se bitšwa khamphani ya phraebete, sehlongwa, goba setheo), yo ke motho wa tlhago goba wa semolao goba wa selekane yo a kgathago tema goba yo a kgathilego tema ka kgwebišanong efe goba efe, kgwebo goba phrofešene le fela ka maemo ao.
Sehlongwa sa setšhaba	(Gape se bitšwa setheo sa setšhaba, kgoro, goba sehlongwa), ye ke kgoro efe goba efe goba sehlongwa sa mmušo sa bosetšhaba, sa phrobentshe le sa selegae. Se akaretša gape sehlongwa sefe goba sefe seo se dirago mošomo goba modiro wa mmušo ka nako yeo e lego gore pego ye go bolelwago ka yona e hlamilwe.
Pego	Tshedimošo efe goba efe ye e gatišitšwego go sa lebelewe sebopego sa yona, go akaretšwa, go fa mohlala, dingwalwa tše dingwadilwego, dibidio, bjalobjalo. Kgopelo ya pego go sehlongwa sa setšhaba goba sa phraebete e ka ra pego ye e swerwego ke sehlongwa seo go sa lebelelwe ge eba sehlongwa seo se hlamile pego yeo goba aowa.
Tšhelete ya kgopelo	Tšhelete ye e swanetšego go lefša ya go dira kgopelo ya phihlelelo ya tshedimošo. Go dira kgopelo ya tshedimošo go sehlongwa sa setšhaba go beilwe tefelo ya mang le mang ya R35; go dira kgopelo ya phihlelelo ya tshedimošo go sehlongwa sa phraebete go beilwe tefelo ya mang le mang ya R50. *(Go hwetša tshedimošo ka ga ditšhelete tša kgopelo le ditikollo bona Karolo ya 3 ya Tlhahli ye).*
Mokgopedi	Mokgopedi ke motho wa tlhago goba wa semolao yo a dirago kgopelo ya phihlelelo ya tshedimošo. Mokgopedi e ra gape motho yo a dirago kgopelo ya tshedimošo legatong la motho yo mongwe.
Motho wa boraro	Motho ofe goba ofe wa tlhago goba wa semolao yo e sego mokgopedi wa tshedimošo, goba yo e sego sehlongwa seo se kgopelwago phihlelelo ya tshedimošo.

Lenaneo la dikhutsofatšo

Dikhutsofatšo tše di latelago di hwetša ka mo gare ga Tlhahli ye le ka go dingwalwa tše dingwe tša PAIA tše di šomišwago ka tlwaelo:

DIO	Motlatšamohlankedi wa Tshedimošo
IO	Mohlankedi wa Tshedimošo
ODAC	Lefelo la Keletšo ka ga Temokrasi ye e Lokologilego
PAIA	Molao wa 2 wa 2000 wa Tšwetšopele ya Phihlelelo ya Tshedimošo
PPIA SAHA	Molao wa 4 wa 2013 wa Tšhireletšo ya Tshedimošo ya Sephiri Dibolokwa tša Histori tša Afrika Borwa
SAHRC	Khomišene ya Ditokelo tša Botho ya Afrika Borwa

KAROLO YA 1
Matseno

Karolo ye e akaretša:

1.1 Nepo ya Tlhahli ye ya PAIA

1.2 Histori ya PAIA

1.3 Nepo ya PAIA le ka fao e ka šomišwago ka gona

1.4 Mošomo wa Khomišene ya Ditokelo tša Botho ya Afrika Borwa

1.1 Nepo ya Tlhahli ye ya PAIA

Tlhahli ye e fa tshedimošo ka ga Molao wa Twetšopele ya Phihlelelo ya Tshedimošo (PAIA) wa 2000. Tlhahli ye ya PAIA e tla thuša gape batho go dira dikgopelo tša tshedimošo ka fase ga PAIA, le go fa mehlala ya ka fao PAIA E bego e šomišwa ka gona mo nakong ye e fetilego go tšwetša pele ditokelo tša botho, ka go aba:

- Kakaretšo ye e kwešišegago gabonolo ya PAIA
- Karoganyo ya ka fao PAIA e ka šomišwago go phethagatša ditokelo tše dingwe tša botho
- Lenaneo la mehuta ya tshedimošo yeo e ka kgopelwago ka go šomiša PAIA
- Tlhahli ya kgato ka kgato ka ga ka fao o ka šomišago PAIA go dira kgopelo ya tshedimošo
- Kakaretšo ya dithuto tše re ithutilego tšona go dikgopelo tša tshedimošo tša nakong ye e fetilego le melato ya kgorotsheko ya PAIA

1.2 Histori ya PAIA

Ge Molaotheo wa Afrika Borwa o be o sa thalwa ka nako ye e latelago go phuhlama ga kgethologanyo ka bo 1990, mekgatlo le batho ba mehutahuta ba ile ba dira lesolo la go tsenywa ga tokelo ya phihlelelo ya tshedimošo. Go be go holofelwa gore go tsenywa ga tokelo ye ka gare ga Molao wa Ditokelo - e lego Kgaolo ya 2 ya Molaotheo – go tla netefatša gore dikgatako tša botho tša go swana le Kgethologanyo di ka se tsoge di hlagile gape le gatee ka ge mmušo le mekgatlo ya phraebete e ka gapeletšega go dira ka mokgwa wa boikarabelo le wa go hloka sephiri ka go fa phihlelelo go tshedimošo, gomme ka go realo e tla palelwa ke go fihla sephiri seo se hlomilego maemo ao Kgethologanyo e hlagilego ka fase ga ona.

Ka 1996, Molaotheo wa Rephabliki ya Afrika Borwa wa 1996 o ile wa thoma go tsenywa tirišong. Karolo ya 32 e ukame tokelo ya go fihlelela tshedimošo yeo e swerwego ke bobedi dihlongwa tša setšhaba le tša phraebete. Se e bile, ka nakong yeo, karolo ya mathomo ya molao lefaseng yeo e dirilego gore go be le tokelo ya go fihlelela tshedimošo yeo e swerwego ke dihlongwa tša phraebete. Karolo ya 32 le yona e ile ya bolela gore melao e swanetše go hlangwa go dira gore go be le tokelo ya go fihlelela tshedimošo ka go fa dintlha ka botlalo ka ga ka fao tshedimošo ye e tšwago go dihlongwa tša setšhaba le tša phraebete e ka fihlelelwago ka gona, le go fa tshedimošo go tšwela pele ka ga mabaka ao ka ona sehlongwa sa setšhaba le sa phraebete di ka ganago phihlelelo go tshedimošo.

Ka 2000 Molao wa Tšwetšopele ya Phihlelelo ya Tshedimošo (PAIA) o ile wa ba molao, ka go realo wa phethagatša tlhagišo ya karolo ya 32 ya Molaotheo ya go hlama melao ye e amanago le phihlelelo ya tshedimošo.

1.3 Nepo ya PAIA le ka fao e ka šomišwago ka gona

Nepo ya PAIA ke go tšwetša pele phihlelelo ya tshedimošo, go gapeletša setlwaedi sa go hloka sephiri le boikarabelo ka Afrika Borwa. Godimo ga fao, PAIA, e ikemišeditše go hlohleletša temokrasi ye e lokologilego fao e lego gore batho go tšwa mathokong ka moka a bophelo ba maatlafatšwago go rerišana le mmušo le go kgatha tema ka diphethong tše di amago maphelo a bona.

Tokelo ya go fihlelela tshedimošo ke tokelo ye e swanago e nnoši ka ge e kgontšha go fihlelela ditokelo tše dingwe tša botho: ye ke ye nngwe ya ditsela tše bohlokwa kudu tšeo ka tšona PAIA e ka šomišwago.

Kabo ya ditirelo tša mmušo

» PAIA e ka šomišwa go maatlafatša batho ka tshedimošo yeo ka yona ba ka rwešago mmušo boikarabelo ka ga kabo ya ona ya ditirelo tša motheo tša go swana le kago ya dintlo, meetse le kelelatšhila.

Ditokelo tša molotheo tša boagi le tša sepolotiki

» PAIA e ka šomišwa go kgoboketša tshedimošo yeo batho ba ka e šomišago go phethagatša ditokelo tša go swana le tokelo ya go bouta le tokelo ya tokologo ya go kgobokana.

Kgethologanyo le Tekatekano

» PAIA e ka šomišwa bjalo ka sedirišwa sa tlhohleletšo ya go lwantšha kgethologanyo, go swana le kgethologanyo ye e amanago le morafe, bong, bjalobjalo, ka go ditheo tša mehutahuta tša setšhaba goba tša phraebete.

Go bohlokwa go lemoga gore PAIA e ka se šomišwe go hwetša dipego tše di ka šomišwago nakong ya ditshepedišo tša semolao tša kgorotsheko tša mabapi le baagi le melato ye mengwe ka morago ga ge ditshepedišo tšeo tša kgorotsheko di šetše di thomilwe ge tšweletšo goba phihlelelo ya dipego ya lebaka lona le e hlagišwa ke molao (*bona Karolo ya 7 ya Molao*).

1.4 Mošomo wa Khomišene ya Ditokelo tša Botho ya Afrika Borwa

Khomišene ya Ditokelo tša Botho ya Afrika Borwa (SAHRC) e filwe mošomo ka fase ga PAIA go:

» Tšwetša pele tokelo ya phihlelleo ya tshedimošo
» Hlokomela go tsenywa tirišong ga PAIA ka dihlongwa tša setšhaba le tša phraebete
» Dira ditšhišinyo tša go maatlafatša Molao
» Begela Palamente ngwaga ka ngwaga

Molao wa Tšhireletšo ya Tshedimošo ya Sephiri

Molao wa 4 wa Tšhireletšo ya Tshedimošo ya Sephiri wa 2013 (PPIA) o fetoša PAIA ka ditsela tše ntši. Ye nngwe ya ditsela tše bohlokwa tšeo Molao o fetošago PAIA e amana le mošomo wa SAHRC. Ka fase ga PPIA, mešomo ya SAHRC go latela PAIA e tla fetišetšwa go Molaodi wa Tshedimošo, e lego sehlongwa se seswa seo se ikemego seo se tlago hlongwa go hlokomela bobedi PPIA le PAIA, le go šoma ka dingongorego tše di amanago le phihlelelo ya tshedimošo le tšhireletšo ya tshedimošo ya sephiri.

Le ge go le bjale, SAHRC e tla tšwela pele ka ditlamego tša yona tša Molaotheo go tšwetša pele, go šireletša le go hlokomela tokelo go phihlelelo ya tshedimošo go swana le ditokelo tše dingwe ka moka tše di ukangwego ka go Molao wa Ditokelo.

KAROLA YA 2
Kgetsa tshedimoso yeo ehlokago

Karolo ye e akaretša

2.1 Fao o ka hwetšago ditlhahli tša mohola le dingwalwa tše di ka go thušago go dira dikgopelo tša tshedimošo

2.2 Yo o ka ikgokaganyago le yena go hwetša thušo ge o ka e hloka

2.3 Seo dihlongwa tša setšhaba le tša phraebete di kgopelwago go se dira go thuša bao ba kgopelago tshedimošo

2.4 Tshedimošo ye nngwe e hwetšagala semeetseng ka ntle le go dira kgopelo ya semmušo, karolo ye e tla fa kakaretšo ya fao o ka fihlelelago se

2.1 Go thoma

Nepo ya Molao wa PAIA ke go tšwetša pele ka mafolofolo setšhaba seo ka go sona batho ba Afrika Borwa ba nago le phihlelelo ye e šomago go tshedimošo go ba kgontšha go phethagatša ditokelo tša bona ka botlalo le go di šireletša. E u p ša ka dinako tše dingwe motho a ka no se be le bonnete bja gore a ka thoma kae le gore a ka dira bjang go fihlelela tshedimošo ka tsela yeo PAIA e laelago ka gona. PAIA e bona gore bothata bjo bo ka hlaga ka moso ebile o laela gore ditlhahli tše dingwe le dingwalwa di phatlalatšwe go beakanya seo se tlago dirwa go tšwela pele go bao ba nyakago tshedimošo. Karolo ye e tla fa kakaretšo ya ditlhahli le dingwalwa tše, maikarabelo ya baphatlalatši ba ditlhahli le dingwalwa tše, le, se bohlokwa kudu, fao ba ka di hwetšago gona.

Ka nnete, ye nngwe ya didirišwa tše maatla tše motho a ka di šomišago go fihlelela tshedimošo ke kgopelo ya semmušo ya tshedimošo ye e dirwago go latela PAIA, yeo tlhahli ye e tla go thušago go e dira. Eupša gopola, se ga se mokgwa fela o nnoši wo o ka nyakago tshedimošo ka ona. Tshedimošo ye nngwe e hwetšagala semeetseng ka ntle le go dira kgopelo ya semmušo ya PAIA. Mabakeng a mangwe, molao o tloga o kgopela gore bobedi dihlongwa tša setšhaba le tša phraebete di tsebagatše tshedimošo ye itšego phatlalatša. Karolo ye e fa kakaretšo ya fao o ka fihlelelago tshedimošo gona.

PAIA e ikemišeditše go ba sengwalwa seo se maatlafatšago seo se thušago MaAfrika Borwa **ka moka**. O ikemišeditše go ba molao wo o kwešišegago gabonolo le wo o ka šomišwago ke mang goba mang. Motho ga a hloke go ba le ramolao go dira kgopelo ya tshedimošo mabapi le PAIA. Tlhahli ye e phatlaladitšwe e le go thuša MaAfrika Borwa go tšwa mathokong ka moka a bophelo go phethagatša tokelo ya bona ye e ukangwego ka gare ga molaotheo tša go fihlelela tshedimošo.

2.2. Tlhahli ya PAIA

Karolo ya 10 ya PAIA e nyaka gore Khomišene e ngwale le go phatlalatša tlhahli ye e kwešišegago gabonolo go thuša go fihlelela dipego le dingwalwa le go phethagatša tokelo ya motho go tshedimošo. Tlhahli ye ka dinako tše dingwe e bitšwa 'Tlhahli ya Karolo ya 10'.

E go fa tshedimošo ka moka ye o e hlokago go fihlelela dipego dife goba dife. E fa gape dintlha tša kgokagano tša dikgoro tša mmušo le dihlongwa tše di swarelago mmušo dipego, gammogo le dintlha tša boikgokaganyo tša dikhamphani tša phraebete tša mehutahuta. Khomišene e kgopelwa gape go fela e mpshafatša tlhahli ye bonyane gatee mengwaga ye mengwe le ye mengwe ye mebedi.

2.2.1 Fao o ka hwetšago tlhahli gona

Tlhahli ye e hwetšagala ka dipolelo ka moka tša semmušo tša Afrika Borwa: e lego Seisemane, Seafrikantshe, Setebele, Sethosa, Sezulu, Sepedi, Sesotho, Setswana, Seswati, Sevenda le Setsonga. Dikhopi tša tlhahli ye di ka hwetšwa ka dikantorongkgolo tša Khomišene le ka dikantorong ka moka tša diphrobentshe (dintlha tša boikgokaganyo tša dikantoro di ka hwetšwa mafelelong a Tlhahli ye). Godimo ga fao, dikhopi tša elektroniki di hwetšagala wepsaeteng ya Khomišene ya (www.sahrc.org.za).

2.3 Dingwalwa tša PAIA

Godimo ga Tlhahli ya Karolo ya 10 ka ga PAIA yeo e tlogo ngwalwa ke Khomišene, PAIA e kgopela gore sehlongwa se sengwe le se sengwe sa setšhaba, gammogo le dihlongwa tša phraebete, go tšweletša sengwalwa seo se nago le tshedimošo ka ga ka fao o ka šomišago PAIA go fihlelela dipego tša bona.

2.3.1 Digwalwa tša PAIA tša dihlongwa tša setšhaba

Karolo ya 14 ya PAIA e kgopela gore dihlongwa tša setšhaba ka moka di phatlalatše sengwalwa ka bonyane dipolelo tša semmušo tše tharo tšeo di thušago bao ba nyakago tshedimošo go dira dikgopelo tša tshedimošo go sehlongwa seo se amegago. Bonyane ke gore sengwalwa seo se swanetše go ba le tshedimošo ye e latelago ya mohola:

SENYAKWA	TLHALOŠO
Mošomo	Sebopego le mešomo ya sehlongwa sa setšhaba.
Dintlha tša boikgokaganyo	Aterese ya poso le ya mmila, mogala le nomoro ya fekese le, ge e le gona, aterese ya imeile ya mohlankedi wa tshedimošo wa sehlongwa sa setšhaba, gammogo le ya motlatšamohlankedi wa tshedimošo yo mongwe le yo mongwe wa sehlongwa sa setšhaba.
Tlhahli ya Karolo ya 10 ya PAIA	Tlhalošo ya Tlhahli ye yeo e ngwadilwego ke Khomišene ya Ditokelo tša Botho ya Afrika Borwa le ka fao o ka e fihlelelago ka gona.
Magoro a dipego tše di swerwego	Tshedimošo ya maleba ya go thuša go nolofatša phihlelelo ya dipego tše di swerwego ke sehlongwa sa setšhaba. Sehlongwa sa setšhaba ka fao se swanetše go hlaloša dihlogotaba tšeo e swerego dipego tša tšona, le magoro a dipego ao a swerwego go hlogotaba ye nngwe le ye nngwe.
Tshedimošo ye e hwetšagalago semeetseng	Tshedimošo ye nngwe e hwetšagala semeetseng ka ntle le gore motho a kgopele phihlelelo ya yona go latela PAIA. Sengwalwa sa sehlongwa sa setšhaba se swanetše go laetša tshedimošo ye yeo e hwetšagalago semeetseng.
Ditirelo tša sehlongwa sa setšhaba	Tlhalošo ya ditirelo tše di hwetšwago ke maloko a setšhaba go tšwa go sehlongwa sa setšhaba, le ka fao ba ka hwetšago phihlelelo go ditirelo tšeo.
Go kgatha tema ga setšhaba	Tlhalošo ya thulaganyo goba tlhagišo efe goab efe ya gore motho a ikgokaganye, a dire ditlhagišo goba a kgathe tema ka go goba a huetše go hlangwa ga melawana; goba go phethagatša ga maatla goba ga phethagatšo ya mešomo ke sehlongwa sa setšhaba.
Kimollo	Kgato ye o ka e tšeago ge e le gore mohlankedi wa tshedimošo wa sehlongwa sa setšhaba o gana go go fa phihlelelo ya tshedimošo.

2.3.2 Fao o ka hwetšago sengwalwa sa sehlongwa sa setšhaba

Dihlongwa tša setšhaba ka moka di swanetše go dira gore o hwetše sengwalwa seo gabonolo. Bonyane ke gore di kgopelwa go dira bjalo ka ditsela tše di latelago:

- Ka go dira gore khopi e hwetšagale ka kantorong ye nngwe le ye nngwe ya sehlongwa seo sa setšhaba ka nako ya diiri tša mošomo;
- Ka go dira gore sengwalwa seo se hwetšagale wepsaeteng, ge e le gona, ya sehlongwa sa setšhaba

Ka ge go boletšwe ka mo godimo, **Molao wa 4 wa 2013 wa Tšhireletšo ya Tshedimošo ya Sephiri** (PPIA) o fetoša PAIA ka ditsela tše mmalwa. Ye nngwe ya tšona ke mabapi le dingwalwa tša Karolo ya 14 tša dihlongwa tša setšhaba. Ka fase ga PPIA dingwalwa tše di tla swanelwa ke go išwa go Khomišene ya Ditokelo tša Botho ya Afrika Borwa, eupša di swanetše go hwetšagala inthaneteng fela le gore dirwa gore di hwetšwe ke motho mang goba mang yo a kgopelago khopi.

2.3.3 Dingwalwa tša PAIA tša dihlongwa tša phraebete

Dihlongwa tša phraebete le tšona di kgopelwa go ngwala sengwalwa go latela karolo ya 51 ya PAIA. Mo lebakeng le, ga se dihlongwa ka moka tša phraebete tše di kgopelwago go obamela karolo ye.[1] Ka fao, o ka hwetša gore sehlongwa seo o nyakago go kgopela tshedimošo go sona ga se na sengwalwa seo se ka go fago sona. Se ga se re gore sehlongwa seo ga se laolwe ke PAIA ka kakaretšo. O ka tšwela pele go dira kgopelo ya tshedimošo go sehlongwa se gomme se sa kgopelwa ke molao go šoma kgopelo ya gago. Tshepedišo ya go dira kgopelo ya tshedimošo go latela PAIA e dula e swana, le ge e le gore dihlongwa tše di kgopelwago di lokollotšwe go se ngwale sengwalwa seo.

NAA KE DIHLONGWA DIFE TŠA PHRAEBETE TŠE DI SA GAPELETŠEGEGO GO PHATLALATŠA SENGWALWA SA TSHEDIMOŠO?

Ka fao PAIA e ngwadilwego ka gona ke go kgopela dihlongwa tša phraebete KA MOKA go ngwala sengwalwa. Le ge go le bjale, Tona a ka lokolla dihlongwa tše dingwe tša phraebete goba magoro a dihlongwa gore di se ke tša phatlalatša sengwalwa. Mo lebakeng le, Tona o lokollotše dihlongwa tša phraebete KA MOKA gore di se ke tša gapeletšega go ngwala dingwalwa tše mo lebakeng la nako la mengwaga ye mehlano go thoma ka la 1 Janeware 2016 KA NTLE LE GE sehlongwa seo se wela ka gare ga magoro ao a filwego ka mo fase.

[1] Se se fetogile ka la 31 Desemere 2015, ge dihlongwa tša phraebete ka moka di tla swanelwa ke go ba le dingwalwa go latela karolo ya 51 ya PAIA.

Dikhamphani tše di latelago tša phraebete di swanetše go ngwala sengwalwa sa PAIA ge e le gore di thwetše bašomi ba go feta ba 50 ka diintastering tše di latelago goba ge di na le letseno la ngwaga ka ngwaga leo le fetago tšhelete ye e filwego:

INTASTERI	LETSENO LA NGWAGA KA NGWAGA
Temo	R2 milione
Meepo le Makgwara	R7 milione
Botšweletši	R10 milione
Mohlagase, Gase, le Meetse	R10 milione
Boagi	R5 milione
Bogwebi le Kgwebo ya Difatanaga le Ditirelo tša Tokišo	R15 milione
Kgwebo ya Holeseile, Badiredi ba tša Kgwebo le Ditirelo tša Dilogwa	R25 milione
Boapedi, Madulo le Kgwebo ye Nngwe	R5 milione
Polokelo le Dikgokagano	R10 milione
Ditirelo tša Ditšhelete le tša Kgwebo	R10 milione
Ditirelo tša Setšhaba, tše Kgethegilego le tša Setho	R5 milione

Tona o boletše gape gore dikhamphani ka moka tšeo di sa hlalošwego bjalo ka 'dikhamphani tša phraebete' ka fase ga karolo ya 1 ya Molao wa Dikhamphani wa 71 wa 2008 di kgopelwa go ngwala sengwalwa sa Karolo ya 51.

2.3.4 Fao o ka hwetšago sengwalwa sa sehlongwa sa phraebete

Dihlongwa tša phraebete ka moka tše di kgopelwago go ngwala sengwalwa di swanetše go dira gore o kgone go hwetša sengwalwa seo gabonolo. Bonyane ke gore, di kgopelwa go dira bjalo ka ditsela tše di latelago:

- Ka go dira gore khopi e hwetšagale go tla go hlahlobja ka kantorong ye nngwe le ye nngwe ya sehlongwa seo sa phraebete ka diiri tša mošomo. Sehlongwa sa phraebete ga se sa swanela go lefiša tšhelete ya go hlahloba sengwalwa;
- Ka go dira gore sengwalwa seo se hwetšagale wepsaeteng ya bona.

2.3.5 Ka fao o ka obamelago ka gona ge o le sehlongwa sa phraebete

Go na le tlhahlo ye mohola go bahlankedi ba tshedimošo ba dikhamphani tša phraebete tšeo di nyakago go obamela Karolo ya 51 ya PAIA wepsaeteng ya Khomišene ya Ditokelo tša Botho ya Afrika Borwa (www.sahrc.org.za). Yona e akaretša thempoleite ye bahlnkedi ba tshedimošo ba ka e šomišago bjalo ka peakanyetšo ya ka moso.

Go ya ka karolo ya 51, hlogo ya sehlongwa sa phraebete e swanetše:

- Go mpshafatša diphetošo dife goba dife tša dingwalwa godimo ga sengwalwa kgafetšakgafetša;
- Go dira gore sengwalwa se hwetšagale ka fao go beilwego ka gona ke Molao ka dikantorong tša khamphani wepsaeteng ya bona;
- Go tsenya foromo ya kgopelo (Foromo ya C ya PAIA) ka menyualeng le go dira gore diforomo tša kgopelo di hwetšagale wepsaeteng le ka mafelong ka moka a khamphani.

Sengwalwa se swanetše bonyane se be le tshedimošo ye e latelago:

SENYAKWA	TLHALOŠO
Dintlha tša boikgokaganyo	Aterese ya poso le ya mmila, mogala le nomoro ya fekese le, ge e le gona, aterese ya imeile ya mohlankedi wa tshedimošo wa sehlongwa sa phraebete.
Tshedimošo ye e hwetšagalago semeetseng	Tshedimošo ye nngwe e hwetšagala semeetseng ka ntle le gore motho a kgopele phihlelelo ya yona go latela PAIA. Sengwalwa sa sehlongwa sa phraebete se swanetše go laetša tshedimošo ye yeo e hwetšagalago semeetseng.
Dipego tše di hwetšagalago ge di kgopelwa	Sengwalwa sa Karolo ya 51 se swanetše go fa magoro a dipego tšeo di hwetšagalago ge di kgopelwa.
Tshepedišo ya PAIA	Efa tshepedišo ya PAIA ye e swanetšego go latelwa go kgopela phihlelelo ya tshedimošo go tšwa go khampohani ya phraebete (ke gore, Foromo ya C).
Tshedimošo ya Khamphani	Go akaretša dintlha tša hlogo ya khamphani goba tša Mohlankedimogolophethiši wa khamphani (ka ge go ya ka PAIA Mohlankedi wa Tshedimošo wa khamphani ya phraebete ka tlwaelo ke Mohlankedimogolophethiši goba hlogo).
Ditšhelete	Efa ditšhelete tšeo di lefago ke mokgopedi le tša phihlelelo go latela PAIA (bona Karolo ya 3 go hwetša tshedimošo ka botlalo).
Kimollo	Naa ke dikimollo dife tšeo di hwetšwago ke bakgopedi ge kgopelo ya bona ya tshedimošo e gannwe?
Dintlha go tšwela pele	Dintlha dife goba dife go tšwela pele tše di amanago le dikgopelo tša phihlelelo ya dipego.

2.4 Tshedimošo ye e hwetšagalago semeetseng ye e swerwego ke sehlongwa sa setšhaba

Ga se tshedimošo ka moka ye e nyakago gore kgopelo ya semmušo e fihlelelwe. Dihlongwa tša setšhaba tša mehutahuta di kgopelwa ka mokgwa wa melao ye e fapafapanego go dira gore tshedimošo ye itšego e hwetšwe ke setšhaba. Dihlongwa tše ntši di tla tsebagatša gape tshedimošo ye nngwe go tšwela pele ka boithaopo ka maikemišetšo a go hloka sephiri, a boikarabelo le fao e hwetšagalago gabonolo go setšhaba. Ka nepo ya go tšwetša pele go tsebagatša tshedimošo ka boithaopo le go nolofatša phihlelelo ye kgolo mo tshedimošong ye, Karolo ya 15 ya PAIA e kgopela gore dihlongwa tša setšhaba ka moka di phatlalatše lenaneo, leo le bitšwago 'tsebišo ya Karolo ya 15' goba 'tsebišo ya tsebagatšo ka boithaopo', ya tshedimošo ka moka ye e emanago le sehlongwa seo yeo e ka hwetšwago ke mang goba mang semeetseng.

Mohlankedi wa tshedimošo wa sehlongwa sa setšhaba o kgopelwa go hlama tsebišo ya go tsebagatša tshedimošo ka boithaopo ya sehlongwa sa setšhaba, gomme a dire gore e hwetšagale ka dikantorong tša sehlongwa tša setšhaba gammogo le go e phatlalatša ka gare ga Kuranta ya Mmušo. Tsebišo ya go tsebagatša tshedimošo ka boithaopo e swanetše go tsebagatšwa ngwaga o mongwe le o mongwe.

Tsebišo ya go tsebagatša tshedimošo ka boithaopo e na le magoro a dipego le tlhalošo ya dipego tšeo di hwetšagalago semeetseng:

- Go hlahlobja go latela melao efe goba efe ye e sego PAIA
- Go reka goba go kopiša go tšwa sehlongweng sa setšhaba; le
- Go tšwa sehlongweng sa setšhaba ka ntle le tefo.

Tsebišo ya go tsebagatša tshedimošo ka ntle le boithaopo e swanetše go hlaloša ka fao ka fihlelelago dipego ka gona tše di tsebagatšwago ka boithaopo ebile di hwetšagala ka boithaopo. Ga go hlokagale go dira kgopelo ya semmušo go dipego tše dingwe ge e le gore tšona dipego tšeo di šetše di tsebagaditšwe ka boithaopo ebile di hwetšagala semeetseng. Mabakeng a mantši, go nyakega tšhelete ya gore kgopelo yeo ya semmušo e šongwe gomme se se ka tšea go fihla ka matšatši a 30. S e se ka efogwa ge o ka thoma ka go bala tsebišo ya go tsebagatša tshedimošo ka boithaopo gomme wa tseba ge eba pego ye o e nyakago e hwetšagala semeetseng goba aowa.

Le ge e le gore ke kgapeletšo ya semolao gore sehlongwa sa setšhaba se phatlalatše tsebišo ya go tsebagatša tshedimošo ka boithaopo, ga se 'boithaopo'. Tsebišo ye e bitšwa 'tsebišo ya go tsebagatša ka boithaopo' ka gobane e fa tsebišo ya tshedimošo ka moka ye e tsebagaditšwego ka boithaopo, e sego ka gore go tšwa go sephetho sa mohlankedi wa tshedimošo ge eba o phatlalatša lenaneo leo goba aowa.

2.5 Tshedimošo ye e hwetšagalago semeetseng ye e swerwego ke khamphani goba sehlongwa sa phraebete

Se se no swana le ka mo legorong le mabapi le tshedimošo ye e hwetšagalago semeetseng go swana le ka go tshedimošo ye e swerwego ke sehlongwa sa setšhaba ka ntle le go dira kgopelo ya semmušo. Pele o ka dira kgopelo ya semmušo ya tshedimošo go latela PAIA ye go nago le kgonagalago ya gore e ka nyaka tefelo ya tšhelete le lebaka la nako la go leta la matšatši a 30, go bohlokwa go tseba ge eba tshedimošo ye e šetše e tsebagaditšwe le gore e hwetšagala semeetseng ka ntle le go dira kgopelo ya semmušo.

Hlogo ya sehlongwa sa phraebete e ka, ka boithaopo le ka dinakong tše dingwe, hlama lenaneo la tshedimošo ye e hwetšagalago semeetseng go sehlongwa sa phraebete ka ntle le go dira kgopelo ya semmušo. Lenaneo le le bitšwa '**tsebišo ya karolo ya 52'** goba '**tsebišo ya go tsebagatša ka boithaopo.**'

Go fapana le sehlongwa sa setšhaba fao bahlankedi ba tshedimošo ba **swanetšego** go phatlalatša tsebišo ya go stebagatša ka boithaopo, mohlankedi wa tshedimošo wa sehlongwa sa setšhaba ga a **gapeletšege** go dira bjalo. Ka ge PAIA e hlaloša, a "ka, ka boithaopo" phatlalatša lenaneo leo. Se ke phapano e kgolo magareng ga tsebišo ya karolo ya 52 ya dihlongwa tša phraebete le tsebišo ya karolo ya 15 ya dihlongwa tša setšhaba.

Tsebišo ya go tsebagatša tshedimošo ka boithaopo ya sehlongwa sa phraebete e na le magoro a dipego le tlhalošo ya dipego tšeo tše di hwetšagalago semeetseng:

- Go tla go hlahlofiwa go latela melao efe goba efe ye e sego ya PAIA;
- Go reka goba go kopišwa go sehlongwa sa setšhaba; le
- Go sehlongwa sa setšhaba ka ntle le tefišo.

Tsebišo ya go tsebagatša tshedimošo ka boithaopo gape e swanetše go hlaloša ka fao o ka fihlelelago dipego tšeo di tsebagatšwago ka boithaopo ebile di hwetšagala semeetseng.

KAROLA YA 3

Ka fao o ka dirago kgopelo ya go fihlelela tshedimošo

Karolo ye e akaretša tše di latelago:

3.1 Mehuta ya kgopelo

3.2 Ditšhelete tše di amanago le go dira dikgopelo

3.3 Mošomo wa Mohlankedi wa Tshedimošo

3.4 Kimollo ya semolao

3. Naa ke dira bjang kgopelo ya PAIA?

Kgopelo ya go fihlelela tshedimošo e ka dirwa go bobedi dihlongwa tša setšhaba le tša phraebete. Motho yo a dirago kgopelo o tsebja bjalo ka "mokgopedi". PAIA e fa ka botlalo mekgwa ye e fapafapanego ya go fihlelela tshedimošo go sehlongwa sa setšhaba goba sa phraebete. Diforomo tše di beilwego di swanetše go šomišwa ge go kgopelwa tshedimošo. Diforomo tše di ka hwetšwa go PAIA.

MOHUTA WA SEHLONGWA	FOROMO YA PAIA	KAROLO YA PAIA
Sehlongwa sa setšhaba	Foromo ya A	Karolo ya 18
Sehlongwa sa phraebete	Foromo ya C	Karolo ya 53

Diforomo di swanetše di swanetše go hwetšagala diwepsaeteng tša bobedi sehlongwa sa setšhaba le sa phraebete. Di ka hwetšwa gape ka kantorong ya phrobentshe ya Khomišene ya Ditokelo tša Botho ya Afrika Borwa, gammogo le wepsaeteng ya www.sahrc.org.za.

3.1 Naa ke mang yo a ka dirago kgopelo ya PAIA?

Motho ofe goba ofe o dumeletšwe go dira kgopelo ka fase ga PAIA. Mokgopedi a ka ba:

Motho wa tlhago

» motho yo ga a gapeletšege go ba modudi wa Afrika Borwa goba yo a phelago ka Afrika Borwa

GOBA

Motho wa semolao

» go swana le kgwebo goba mokgatlo

GOBA

Motho yo a šomago legatong la motho wa tlhago goba wa semolao

Mokgopedi o na le tokelo ya go fihlelela tshedimošo ya sephiri ka ga mokgopedi ka boyena, goba ka ga motho yoo kgopelo e dirwago legatong la gagwe.

Sehlongwa sa setšhaba se bonwa bjalo ka motho wa semolao gomme se ka dira kgopelo ya go fihlelela dipego te di swerwego ke dihlongwa tša phraebete, **ge fela** sehlongwa sa setšhaba se (1) šoma legatong la kgahlego ya setšhaba, le (2) ge dipego di nyakwa go phethagatša goba go šireletša ditokelo dife goba dife tše e sego tša sehlongwa sa setšhaba.

Go bohlokwa go lemoga gore PAIA ga e tloge e hlagišetša dikgoro tša mmušo (go akaretšwa tša bosetšhaba, tša diphrobentshe le tša makala a phrobentshe), le motho ofe goba ofe goba sehlongwa seo se phethagatšago maatla goba dirago mošomo go latela Molaotheo, (go swana le SAHRC le Kantoro ya Mošireletši wa Setšhaba), goba molaotheo wa phrobentshe (go swana le Lekgotla la go Aba Dilaesentshe tša Bjala la ka Kapa Bodikela), go dira dikgopelo tša PAIA go dihlongwa tše dingwe tša setšhaba.

3.1.1 Naa ke tlatša bjang foromo ya kgopelo ya PAIA?

Kgopelo ya go fihlelela tshedimošo ye e swerwego ke sehlongwa sa setšhaba le sa phraebete e dirwa ka go tlatša foromo ya kgopelo ya PAIA gomme ya romelwa go sehlongwa seo se amegago. Kgopelo go PAIA e swanetše go lebišwa go Mohlankedi wa Tshedimošo, go Motlatšamohlankedi wa Tshedimošo goba go Hlogo ya sehlongwa sa setšhaba goba sa phraebete, gomme o swanetše go šomiša dintlha tša boikgokaganyo tše di nepagetšego le tša moragorago.

Godimo ga go fa dintlha ka ga sehlongwa sa maleba, foromo ye e beilwego ya kgopelo ya PAIA e akaretša tše di latelago:

TSHEDIMOŠO YE E NYAKEGAGO	TLHALOŠO
Dintlha tša mokgopedi	Tshedimošo ye e lekanego ka ga mokgopedi go dira gore go be bonolo go tseba mokgopedi, go akaretšwa dintlha tša boikgokaganyo tša mokgopedi: aterese ya poso, aterese ya imeile, fekese le/goba nomoro ya mogala ka Afrika Borwa.
Dintlha tša pego ye e kgopelwago	Tshedimošo ye e lekanego ya go dira gore go be bonolo go tseba pego yeo. Letlakala la tlaleletšo le ka šomišwa go ngwala kgopelo ka botlalo, ge fela letlakala le lengwe le le lengwe la tlaleletšo le ka saenwa gomma la tsenywa go foromo ya kgopelo.
Mokgwa wa go fihlelela pego	Tlhalošo ya mokgwa goba tsela yeo ka yona pego e swanetšego go fiwa ka yona goba e ka dirwago gore e hwetšagale ka yona.
Mokgwa wo o ka tsebišago mokgopedi ka ga phihlelelo ya pego	Tsela yeo o ka tsebišago mokgopedi ka ga sephetho sa go dumela goba sa go gana kgopelo yeo.
Kgetho ya polelo	Ge kgopelo e dirwa go **sehlongwa sa setšhaba**, polelo ye o nyakago go hwetša pego ka yona e swanetše go fiwa.
Mabaka ao motho yo a dumeletšwego yo a dirago kgopelo a e dirago ka ona	Ge kgopelo e dirwa legatong la motho yo mongwe, bohlatse bja mabaka ao motho yo a dirago kgopelo ka ona a swanetše go fiwa (yo a tsebjago bjalo ka motho yo a dumeletšwego).
Ditokelo tše di amegago	Ge kgopelo e dirwa go **sehlongwa sa phraebete**, mokgopedi o swanetše go fa tokelo ye e amegago gomme a hlaloše gore ke ka lebaka la eng kgopelo e nyakwa go phethagatša goba go šireletša tokelo yeo.

Bakgopedi bao ba palelwago ke go bala goba go ngwala ba ka dira dikgopelo ka molomo go Mohlankedi wa Tshedimošo goba go Motlatšamohlankedi wa Tshedimošo wa sehlongwa sa setšhaba, yo ka morago a nago le maikarabelo a go tlatša Foromo ya A legatong la mokgopedi.

3.1.2 Naa go na le tshepedišo ye e swanetšego go latelwa ge o dira kgopelo ya PAIA?

Mokgopedi os wanetše go fiwa phihlelelo go dipego tše di kgopetšwego, ge fela a obametše dinywakwa tše di latelago tša tshepedišo:

- Kgopelo ya PAIA e swanetše go dirwa foromong ye e nepagetšego (Foromo ya A ya dihlongwa tša setšhaba, Foromo ya C ya dihlongwa tša phraebete), gomme e lebišwe go Mohlankedi wa Tshedimošo goba go Motlatšamohlankedi wa Tshedimošo wa sehlongwa sa setšhaba goba sa phraebete, goba go Hlogo ya sehlongwa sa setšhaba goba sa phraebete.
- Foromo ya kgopelo ya PAIA e swanetše go tliošwa ka letsogo, e poswe, e fekeswe goba e romelwe ka emeile go sehlongwa sa setšhaba goba sa phraebete seo kgopelo e dirilwego go sona.
- Dipego tše di kgopetšwego ga di angwe ke mabaka a go gana kgopelo ao a filwego ka fase ga PAIA.

3.2 Naa tshenyegelo ya go dira kgopelo ya PAIA ke bokae?

Bakgopedi ba kgopelwa go lefa tšhelete ye e lefišwago ge ba **kgopela** phihlelelo ya dipego go tšwa go bobedi sehlongwa sa setšhaba le sa phraebete.

Tšhelete ye e lefšago ya go kgopela dipego go sehlongwa sa setšhaba ke **R35**, mola e le gore tšhelete ye e lefšago ya go kgopela dipego go sehlongwa sa phraebete ke R50.

Go bohlokwa go lemoga gore bakgopedi bao ba kgopelago phihlelelo ya tshedimošo ya bona ya sephiri ba lokollwa go lefa tšhelete; le ge go le bjale, ba sa kgopelwa go lefa tšhelete ya phihlelelo.

Bakgopedi bao ba hwetšago letseno la ka fase ga **R14, 712** ka ngwaga (ge ba se ba nyala/nyalwa) le bao ba hwetšago **R27,192 ka ngwaga** (ge ba nyetše/nyetšwe goba ba le selekaneng sa bophelo), ga SE ba swanela go lefa ditšhelete tša kgopelo.

3.2.1 Naa tshenyegelo ya go fihlelela dipego ka fase ga PAIA ke bokae?

Bakgopedi ba kgopelwa gape go lefa **ditšhelete** tša go fihlelela dipego tša sehlongwa sa setšhaba le sa phraebete. Tšhelete ye e akaretša ditshenyegelo tša go nyaka pego le go e kopiša.

Ditšhelete tše di lefšago tša go fihlelela dipego tše di swerwego ke sehlongwa sa setšhaba ke:

MOŠOMO	TŠHELETE YE E LEFŠAGO
Khopi ya Letlakala la A4	Disente tše 60
Go phrintha letlakala la A4	Disente tše 40
Khopi ye e lego go CD	R40
Go ngwalolla diswantšho tša go bonwa ka letlakala la A4	R22
Khopi ya seswantšho sa go bonwa	R60
Go ngwalolla kgatišo ya mantšu ka letlakala la A4	R12
Khopi ya kgatišo ya mantšu	R17
Go nyaka le go lokiša pego go tlo e tsebagatša	R15 ka iri goba karolo ya yona, go sa akaretšwe iri ya mathomo, yeo go nyakegago ka mabaka go e nyaka le go e lokiša

Ditšhelete tše di lefšago tša go fihlelela dipego tša sehlongwa sa phraebete ke:

MOŠOMO	TŠHELETE YE E LEFŠAGO
Khopi ya Letlakala la A4	R1.10
Go phrintha letlakala la A4	Disente tše 75
Khopi ye e lego go CD	R70
Go ngwalolla diswantšho tša go bonwa ka letlakala la A4	R40
Khopi ya seswantšho sa go bonwa	R60
Go ngwalolla kgatišo ya mantšu ka letlakala la A4	R20
Khopi ya kgatišo ya mantšu	R30
Go nyaka le go lokiša pego go tlo e tsebagatša	R30 ka iri goba karolo ya yona, go sa akaretšwe iri ya mathomo, yeo go nyakegago ka mabaka go e nyaka le go e lokiša.

Ditšhelete tše di lefišwago tša poso tše di swanetšego go lefša ke mokgopedi gore go tlišwe dipego tša bona sebakeng sa ge e le dihlongwa tša setšhaba le tša phraebete.

Go se akaretšwe

Ge Mohlankedi wa Tshedimošo, Motlatšamohlankedi wa Tshedimošo, goba Hlogo ya sehlongwa sa setšhaba/sa phraebete a nagana gore go kgoboketša le go tšweletšwa leswa ga dingwalwa go tlo tšea nako ya go feta diiri tše tshela, o swanetše go tsebiša mokgopedi, (ka tsebišo ya semmušo), gore tee-tharong ya tšhelete ya phihlelelo e swanetše go lefa pele ga nako bjalo ka tepositi.

Ge e le gore pego ga e fiwe ka mokgwa wo e kgopetšwego ka yona, tšhelete ye e lefišwago mokgopedi ya phihlelelo ga se ya swanela go feta tšhelete ye e ka bego e lefišitšwe ge phihlelelo e be e tla fiwa ka mokgwa wo o bego e kgopetšwe ka yona. Le ge go le bjale, molawana wo ga o šome ge mokgwa o mongwe o nyakwa ka gobane tshedimošo e swanelwa go tloša dipegong.

Ge e le gore mokgopedi ga a kgone go bala, go lekodišiša goba go kwa pego ka mokgwa wo e sweregó ke sehlongwa sa setšhaba ka ona ka lebaka la bogole, sehlongwa sa setšhaba se kgopelwa go fa pego yeo ka mokgwa wo o fihlelelwago ke mokgopedi. Tšhelete ya phihlelelo ye e lefišwago mokgopedi ga se ya swanela go feta tšhelete ye e ka bego e lefišitšwe ge nkabe pego yeo e hwetšwa ka fao motho yoo wa segole a bego a ka e nyaka ka gona.

3.3 Naa Mohlankedi wa Tshedimošo a ka nthuša go dira kgopelo ya PAIA?

Ge kgopelo ya PAIA e dirwa go sehlongwa sa setšhaba, Mohlankedi wa Tshedimošo goba Motlatšamohlankedi wa Tsedimošo o swanetše go go thuša fao go hlokegago gona go tlatša diforomo tša PAIA.

Thušo yeo e swanetše go fiwa ka ntle le tefo.

MEŠOMO YA BAHLANKEDI BA TSHEDIMOŠO	TLHALOŠO
Thuša mokgopedi go tlatša diforomo tša PAIA	Ge kgopelo ya PAIA e sa latele dinyakwa ka moka tše di beilwego tše di ngwadilwego ka go PAIA le godimo ga foromo, Mohlankedi wa Tshedimošo goba Motlatšamohlankedi wa Tshedimošo GA se a swanela go gana kgopelo. Sebakeng seo, Mohlankedi wa Tshedimošo o swanetše go tsebiša mokgopedi, **ka go ngwala**, gore o kgona go dumelela kgopelo yeo ka gobane ga se ya felela, gomme a thuše mokgopedi go dira diphethošo tše di hlokagalago godimo ga foromo. Ge mokgopedi a sa fetole lengwalo leo goba a sa phošolle foromo yeo ka nako ye e kwagalago, gona Mohlankedi wa Tshedimošo a ka gana kgopelo yeo.
Fa mokgopedi tshedimošo ya maleba fao go kgonagalago	Ge go kwagala le ge go kgonagala go dira bjalo, Mohankedi wa Tshedimošo o swanetše go fa mokgopedi tshedimošo efe goba efe ye e swerwego ke sehlongwa sa setšhaba yeo gape e lego maleba go kgopelo, le ge e le gore dipego ga se tša ba karolo ya kgopelo ya mathomomng.
Fetišetša kgopelo	Ge kgopelo ya PAIA e dirwa go sehlongwa sa setšhaba seo se phošagetšego, Mohlankedi wa Tshedimošo wa sehlongwa seo o **swanetše** go fetišetša kgopelo yeo go sehlongwa sa setšhaba seo se nepagetšego **mo matšatšing a 14** ka morago ga go amogela kgopelo gomme o swanetše go tsebiša mokgopedi ka ga phetišetšo yeo ya kgopelo ka go mo ngwalela lengwalo.

Matšatši a 30 a go fetola kgopelo	Kgopelo ya PAIA e e swanetše go fetolwa ke sehlongwa sa setšhaba goba sa phraebete mo matšatšing a 30 ka morago ga go amogela kgopelo. Mohlankedi wa Tshedimošo a ka kgpela gore nako ya go fetla lengwalo leo e katološwe matšatši a tlaleletšo ao a sa fetego a 30, gomme ka mabaka a itšego, ao a akaretšago (1) dingwalwa tše kgolo, (2) ka go rerišana le dihlongwa tše dingwe tša setšhaba le tša phraebete, (3) goba ge e le gore mokgopedi o file katološo ka go ngwala. Go dumeletšwe fela katološo e tee ka kgopelo ya PAIA.
Go dumelela goba go gana phihlelelo	Ke maikarabelo a Mohlankedi wa Tshedimošo go dumelela goba go gana phihlelelo ya dipego. Sephetho se se swanetše go tsebišwa mokgopedi ka go ngwalwa.
Mokgwa wa phihlelelo, tšhelete ye e lefšwago ya phihlelelo le kimollo	Ge kgopelo ya PAIA e dumelelwa, Mohlankedi wa Tshedimošo o swanetše go tsebiša mokgopedi ka ga mokgwa wo phihlelelo ya pego e tlogo fiwa ka ona le tšhelete ye e lefišwago ya phihlelelo ya pego, ye e swanetšego go lefa ge phihlelelo e se no fiwa. Tsebišo ye e swanetše go tsebiša mokgopedi gape gore o na le tokelo ya go dira boipelaetšo bja ka gare le go dira kgopelo go kgorotsheko kgahlanong le tšhelete ya phihlelelo ye e lefšago goba kgahlanong le mokgwa wo phihlelelo ya pego e tlogo fiwa ka ona. Godimo ga fao, tsebišo e swanetše go fa gape tshedimošo ka ga nako yeo ka yona boipelaetšo goba kgopelo ya kgorotsheko e swanetšego go dirwa ka yona gammogo le tshepedišo ye e swanetšego go latelwa.
Go gana kgopelo	Ge kgopelo ya PAIA e ka ganwa, tsebišo ye e fiwago mokgopedi e swanetše go bolela mabaka a go gana, gomme a swanetše go thekgwa ke ditlhagišo tša maleba tša PAIA. Go swana le mokgwa goba phihlelelo le tšhelete ya phihlelelo ye e lefšago, tsebišo e swanetše go fa mokgopedi tshedimošo mabapi le tokelo ya gagwe ya go dira boipelaetšo bja sephetho seo goba ya go dira kgopelo go kgorotsheko.
Go fega go lokollwa ga pego	Mohlankedi wa Tshedimošo a ka tšea sephetho sa go fega go lokollwa ga pego go ya go mokgopedi go latela Karolo ya 24 ya PAIA, ge e le gore pego yeo e ikemišeditše gore e tla phatlalatšwa mo matšatšing a 90 goba ge e le gore pego yeo go nyakwa ke molao gore e phatlalatšwe eupša e se ya hlwa e phatlalatšwa.

PAIA e bolela ka go Karolo ya 23 (ya sehlongwa sa setšhaba) le ya 55 (ya sehlongwa sa phraebete) gore ge e le gore Mohlankedi wa Tshedimošo o palelwa ke go hwetša dipego tše itšego tše di kgopetšwego, goba go dumelwa gore ga di gona, Mohlankedi wa Tshedimošo o swanetše, ka morago ga go netefatša gore magato ka moka ao a kwagalago a nyakilwe go hwetša pego yeo, a romele abitabiti go mokgopedi a efa tsebišo ya gore dipego tšeo di nyakwago ga di gona goba ga di hwetšagale. Abitabiti yeo e swanetše go ngwalwa ka botlalo kudu.

3.4 Naa ke dikimollo dife tša semolao tše ke nago le tšona ge kgopelo ya ka ya PAIA e ganwa?

Mokgopedi o na le tokelo ya go tšea dikgato tša semolao kgahlanong le Mohlankedi wa Tshedimošo, Motlatšamohlankedi wa Tshedimošo, goba Hlogo ya sehlongwa sa setšhaba goba sa phraebete ge Mohlankedi wa Tshedimošo a tšere sephetho sa go:

- Gana phihlelelo go pego
- Katološa nako ya go fetola kgopelo
- Lefiša tšhelete ya kgopelo goba tšhelete ya phihlelelo ya pego
- Fa phihlelelo go pego ka mokgwa wo o fapanego le wo o kgopetšwego mathomong.

Karolo ye e tla hlaloša dikimollo tša semolao tše bakgopedi ba ka di hwetšago bao ba ratago go ganetšana le sephetho sa Bahlankedi ba Tshedimošo.

3.4.1 Kimollo ya Semolao kgahlanong le Dihlongwa tša Setšhaba

Ge mokgopedi a se a thabišwa ke sephetho seo se tšerwego ke Mohlankedi wa Tshedimošo wa sehlongwa sa setšhaba, mokgopedi o na le tokelo ya go dira boipelaetšo bja ka gare. Boipiletšo bja ka gare bo dirwa ke motho wa maemo a godimo kudu yo a lekodišišago sephetho sa Mohlankedi wa Tshedimošo gomme a tšea sephetho sa ge eba o tšere sephetho sa maleba. Ge motho yoo wa maemo a godimo a dumelela sepheho sa Mohlankedi wa Tshedimošo, gona boipelaetšo bja ka gare bo a ganwa gomme sephetho sa mathomong sa mabapi le kgopelo ya PAIA sa tiišetšwa. Ge motho yoo wa maemo a godimo a sa dumelele sephetho sa Mohlankedi wa Tshedimošo, gona boipelaetšo bo a fiwa gomme sephetho sa mathomong sa mabapi le sephetho sa PAIA se a fetošwa.

Go bohlokwa go lemoga gore o ka romela fela boipelaetšo bja ka gare go dikgoro tša mmušo tša bosetšhaba, tša phrobentshe le tša mebasepala. Ga go tshepedišo ya boipelaetšo bja ka gare ye e hwetšagalago go dihlongwa tše dingwe tša setšhaba.

Toropokgolo ya Cape Town ke mohlala wa mmušo wa masepala wo boipelaetšo bja ka gare bo ka romelwago go yona. Sekhwama sa Dikotsi tša Mebileng ke mohlala wa sehlongwa sa setšhaba seo e sego karolo ya mmušo wa bosetšhaba, wa phrobentshe goba wa selegae, ka ge se hlomilwe ke molao (Molao wa Sekhwama sa Dikotsi tša Mebileng), gomme ka fao boipelaetšo bja ka gare bo ka se dirwe kgahlanong le tšona.

3.4.1.1 Naa ke mang yo a ka dirago boipelaetšo bja ka gare?

Mokgopedi yo a dirago kgopelo ya PAIA go sehlongwa sa bosetšhaba, sa diphrobentshe goba sa masepala gomme a ganwa ka phihlelelo ya pego o na le tokelo ya go dira boipelaetšo bja ka gare. Se se dirwa ka go tlatša **Foromo ya B** ya PAIA gomme wa e tlatša le sehlongwa sa setšhaba sa bosetšhaba, sa phrobentshe goba sa masepala. Khopi ya Foromo ya B e ka hwetšwa wepsaeteng ya dihlongwa tša maleba ebile e hwetšagala kantorong ye nngwe le ye nngwe ya Khomišene ya Ditokelo tša Botho ya Afrika Borwa.

Ge e le gore boipelaetšo bja ka gare bo ama sehlongwa goba motho ofe goba ofe wa boraro, sehlongwa sa setšhaba seo se amogetšego boipelaetšo bja ka gare se rwele maikarabelo a go ikgokaganya le dihlongwa goba batho ka moka ba boraro bao ba amegago. Dinyakwa tša tsebišo le tša tlhagišo di swana le tšeo di nyakeggao tša kgopelo ya PAIA ya mathomong.

Batho ba boraro le bona ba dumeletšwe go dira boipelaetšo bja ka gare kgahlanong le diphetho tše di dirilwego ke sehlongwa sa setšhaba sa go fa phihlelelo go pego ye itšego.

3.4.1.2 Naa o ka dira boipelaetšo bja ka gare neng?

Mokgopedi a ka dira boipelaetšo bja ka gare kgahlanong le sephetho sa sehlongwa sa setšhaba ka mabaka ao a latelago:

- Mokgopedi ga se a kgotsofala ka ga ditšhelete tše di lefšago tša kgopelo.
- Mokgopedi ga se a kgotsofatšwa ke sephetho sa go fa katološo ya matšatši a 30 go sehlongwa sa setšhaba go fetola kgopelo.
- Mokgopedi ga se a kgotsofatšwa ke mokgwa wo dipego di fiwago ka ona o sa swane le wo a kgopetšego gore di fiwe ka ona, gomme mokgopedi a dumela gore nkabe go se gwa ba morwalo gore sehlongwa sa setšhaba se fe dipego ka mokgwa wo di bego di nyakwa ka ona.

3.4.1.3 Naa nka dira boipelaetšo bja ka gare bjang?

Boipelaetšo bja ka gare bo swanetše go dirwa ke mokgopedi mo matšatšing a 60 ka morago ga go amogela go gana kgopelo ya PAIA ya mathomong. Se se dirwa ka go tlatša **Foromo ya B** le go e romela go kgoro ya mmušo ya bosetšhaba, ya phrobentshe goba ya masepala.

Mmušo wa Bosetšhaba	Ge kgopelo ya PAIA e dirwa go **kgoro ya bosetšhaba**, mokgopedi a ka dira boipelaetšo bja ka gare le Tona ya kgoro yeo.
Mmušo wa Phrobentshe	Ge kgopelo ya PAIA e dirwa go kgoro ya phrobentshe, mokgopedi a ka dira boipelaetšo go Molekgotlaphethiši wa kgoro yeo.
Mmušo wa Masepala	Ge kgopelo ya PAIA e dirilwe go kgoro ya masepala, mokgopedi a ka dira boipelaetšo go meyara wa masepala woo, goba go sepikara sa masepala woo, goba go motho ofe goba ofe yo a rometšwego ke Lekgotla leo le Masepala la masepala woo.

Foromo ya B e tliša go Mohlankedi wa Tshedimošo/Motlatšamohlankedi wa Tshedimošo yona yoo a gannego kgopelo ya mathomong, yo ka morago a kgopelwago go e romela go motho wa maemo a godimo.

SE KAONE SE O SWANETŠEGO GO SE LEMOGA

Ge boipelaetšo bo nyaka gore tsebišo e fiwe motho wa boraro (ke gore, ge tshedimošo e na le tshedimošo ya sephiri ka ga motho yo mongwe, go swana le tshedimošo ya sephiri, tshedimošo ye itšego ya kgwebo, tshedimošo ya dinyakišišo ka ga motho wa boraro), , gona boipelaetšo bo swanetše go dirwa mo matšatšing a 30 a ka morago ga ge tsebišo e filwe motho wa boraro.

Mokgopedi o swanetše go romela boipelaetšo bja ka gare go Mohlankedi wa Tshedimošo wa sehlongwa sa maleba ka poso, ka fekese goba ka emeile.

Boipelaetšo bja ka gare bo swanetše go ba le hlogotaba ya boipelaetšo bja ka gare, mabaka a go thekga boipelaetšo bjoo, gomme bo akaretše tshedimošo efe goba efe ye nngwe ye e tsebjago ke motho yo a dirago boipelaetšo.

Ge mokgopedi a nyaka go tsebišwa ka ga sephetho sa mabapi le boipelaetšo bja ka gare ka mokgwa wo o fapanego, (go tlaleletša phetolo ya go ngwalwa), o swanetše go fa mokgwa wo o ratwago gomme a fe tshedimošo efe goba efe ye e hlokegago.

3.4.1.4 Naa go direga eng ge boipelaetšo bja ka gare bo dirwa ka morago ga letšatšikgwedi la mafelelo la nako ye e beilwego?

Ge boipelaetšo bja ka gare bo dirwa ka morago ga ge lebaka la nako la matšatši a 60 le fedile, sehlongwa sa setšhaba sa maleba se swanetše go amogela boipelaetšo bjoo ge go fiwa lebaka leo le kwagalago leo le dirilego gore boipelaetšo bjoo bo dirwe ka morago ga nako. Ge sehlongwa sa setšhaba sa maleba se sa amogele boipelaetšo bja ka gare bjo bo tliswago ka morago ga nako, se swanetše go fa motho yo a dirilego boipelaetšo bjoo tsebišo.

3.4.1.5 Naa ditšhelete tše di lefšago tša boipelaetšo bja ka gare ke dife?

Mokgopedi yo a dirago boipelaetšo bja ka gare o kgopelwa go lefa tšhelete ye e beilwego Ge e le gore tšhelete ya boipelaetšo e dirwa ka morago ga go dira boipelaetšo, sephetho sa mabapi le boipelaetšo se ka fegwa go fihla ge tšhelete yeo e lefša.

NAA NKA DIRA KGOPELO KA KGORONGTSHEKO KGAHLANONG LE SEPHETHO SA SEHLONGWA SA SETŠHABA?

Ee. Ge e le gore mokgopedi o atlegile ka boipelaetšo bja gagwe bja ka gare kgahlanong le sehlongwa sa setšhaba, goba ge e le gore sehlongwa sa setšhaba se ganne go amogela boipelaetšo bja ka gare bjo bo dirwago ka morago ga nako, goba ge e le gore mokgopedi o kwešitšwe bohloko ka tsela efe goba efe ka lebaka la sephetho seo se dirilwego ke sehlongwa sa setšhaba, mokgopedi a ka dira kgopelo ya kimollo go kgorotsheko ka go dira kgopelo mo matšatšing a 180 a ka morago ga go amogela sephetho (go latela kahlolo ya Kgorotsheko ya Molaotheo – go hwetša tshedimošo ka botlalo, bona ka mo fase). **Mokgopedi goba motho wa boraro a ka dira kgopelo go dikgorotsheko ka morago ga ge tshepedišo ya go dira boipelaetšo bja ka gare e phethilwe.**

3.4.2 Kimollo ya Semolao kgahlanong le Dihlongwa tša Phraebete

Ge mokgopedi a se a kgotsofatšwa ke sephetho seo se dirilwego ke hlogo ya sehlongwa sa phraebete, go fa mohlala ka go gana phihlelelo, go tsenya ditšhelete tša phihlelelo, goba go katološa lebaka la nako leo phetolo e swanetšego go tlišwa ka lona, mokgopedi a ka dira kgopelo go kgorotsheko mo matšatšing a 180 ka morago ga go hwetša sephetho seo se bakilego go ngongorega fao. Sephetho sa sehlongwa sa phraebete se tla lekodišišwa ke kgorotsheko gomme sephetho se tla dirwa ke dikgorotsheko ge eba go ka fiwa phihlelelo goba aowa.

BRUMMER KGAHLANONG LE TONA YA KGORO YA TLHABOLLO YA TŠA LEAGO

Ka mo tabeng ye dikgorotsheko di boletše gore lebaka la mathomong la matšatši a 30 ka fase ga PAIA leo ka lona mokgopedi a ka dirago kgopelo go dikgorotsheko ge a se a kgotsofatšwa ke sephetho sa Mohlankedi wa Tshedimošo le be le se la lekana go ka tšea sephetho sa toka ya molao. Ka fao go ile gwa tšewa sephetho sa gore nako ya matšatši a 30 e be e se ya nepagalaa gomme e swanetše go katološwa go ba matšatši a 180. Kahlolo ye e laeditšwe ka go Molao o moswa wa Tšhireletšo ya Tshedimošo ya Sephiri wo o bolelago gore go na le lebaka la nako la matšatši a 180 a gore bakgopedi ba romele ngongorego go Molaodi wa Tshedimošo, ka morago ga go šomiša tshepedišo ya PAIA ya go fihlelela pego ya sephiri.

Melato ya mabapi le phihlelelo ya tshedimošo e tla theeletšwa pele ga Dikgorotsheko tša Maseterata bjalo ka kgorotsheko ya mathomo, ka ge go hlagišitšwe ka go karolo ya 79 ya PAIA le gape ka go **Dikgorotsheko tša Godimo**.

3.4.3 Naa go tla direga eng ka ga molato wa ka ka kgorotshekong?

Go na le dipoelo tše mmalwa tše di ka kgonagalago ge o iša molato wa PAIA go kgorotsheko. Ka morago ga go theeletša mahlakore ka moka a molato, moahlodi yo a lebeletšego molato o na le maatla a go fa taelo yeo e lokilego e bile e lekalekanyago. Yona e ka akaretša taelo ye e: (1) tiišetšago, fetošago, goba e tlošago sephetho sa sehlongwa sa setšhaba goba sa phraebete mabapi le kgopelo ya PAIA; (2) kgopelago sehlongwa sa setšhaba goba sa phraebete go tšea kgato ye itšego goba go se tšeye kgato ye itšego; (3) fa taelo ya molao, taelo ya kwano, kimollo ye itšego, goba ya tefelo; goba (4) ya ipiletša gore go lefše ditshenyegelo tše itšego.

KAROLO YA 4

Ke neng fao phihlelelo ya tshedimošo e ka ganwago

Karolo ye e akaretša:

4.1 Go lekanya tokelo ya phihlelelo ya tshedimošo le ditokelo tše dingwe

4.2 Mabaka a semolao kgahlanong le a boikgethelo a go gana phihlelelo

4.3 Mabaka a go gana phihlelelo ya tshedimošo ao a filwego ka go PAIA

4.4 Teko ya kgahlego ya setšhaba

4.1 Ke neng Fao Phihlelelo ya Tshedimošo e ka Ganwago

Karolo ye e tla fa kakaretšo ka ga gore ke neng fao phihlelelo ya tšhedimošo e ka ganwago ka fase ga PAIA, le go hlahla ka ga ka fao o ka phethagatšago melawana ye e dumelelafo mohlankedi wa tshedimošo go gana kgopelo. PAIA e fa mabaka a 12 ao ka ona phihlelelo ya sthedimošo e ka ganwago ke mohlankedi wa tshedimošo wa sehlongwa sa setšhaba goba sa phraebete, gomme a mangwe ke a kgapeletšo ya semolao mola a mangwe e le a boikgethelo *(bona karolo ya 4.2. ka mo fase go hwetša tshedimošo go ya pele)*. Godimo ga fao PAIA e hlama temana ya kgahlego ya setšhaba yeo e tlogago e phumola a mangwe a mabaka a gob gana phihlelelo ya tshedimošo, ge e le gore kgahlego ya setšhaba ka tshedimošong e ka ba tlhobaboroko e kgolo. *(Bona karolo ya 4.4 ka mo fase go hwetša tshedimošo ka botlalo)*.

GO LEKANYA TOKELO YA PHIHLELELO YA TSHEDIMOŠO LE DITOKELO TŠE DINGWE	
MOLAWANA WA KAKARETŠO	Tokelo ya phihlelelo ya tshedimošo e hwetšwa ka gare ga Molao wa Ditokelo wa Molaotheo wa Afrika Borwa gomme, ka nepo ya go phethagatša tokelo ye, phihlelelo ya tshedimošo e swanetše go fiwa ka pela ka fao go kgonagalago.
GO SE AKARETŠWE	Go swana le ditokelo tše dingwe tše di lego ka gare ga Molao wa Ditokelo, tokelo ya go fihlelela tshedimošo e ka direlwa mellwane goba ya ganwa mabakeng a mangwe. PAIA e hlomilwe kudu go fa dintlha ka botlalo tša mabaka ao dikgopelo tša tshedimošo di ka ganwago ka ona, gomme ka fao tokelo ya go fihlelela tshedimošo e diretšwe mellwane.

4.2 Mabaka a Kgapeletšo ya Semolao kgahlanong le a Boikgethelo a go gana phihlelelo ya tshedimošo

PAIA e bolela gore mabakeng a mangwe tshedimošo e ka se tsenbagatšwe ke mohlankedi wa tshedimošo. Ka boripana, mabaka a gore tshedimošo e se ke ya tshebagatšwa a amana le ge eba go tsebagatša tshedimošo go ka baka go senya kudu go feta go phala ke go se e tsebagatše. PAIA ka fao e fa mabaka a lesomepedi ao ka ona phihlelelo go tshedimošo e ka ganwago ke mohlankedi wa tshedimošo wa sehlongwa sa setšhaba goba sa phraebete *(mabaka a a 12 a tla fiwa ka botlalo ka go karolo ya 4.3 ka mo fase)*. Mabaka a mangwe a go se tsebagatše tshedimošo ke a kgapeletšo ya semolao, go era gore mohlankedi wa tshedimošo **ga se a swanela** go dumelela phihlelelo ya tshedimošo ge e le gore le lengwe la mabaka a kgapeletšo a semolao a go gana phihlelelo ga le kgone go fiwa bjalo ka bohlatse. Mabaka a mangwe a go gana phihlelelo ya tshedimošo ke ao a bitšwago a boikgethelo. Se se ra gore mohlankedi wa tshedimošo a ka goba a se tsebagatše tshedimošo goba pego ye e nyakwago. Ka fao, mohlankedi wa tshedimošo o swanetše go šomiša sephetho sa gago ka go sekaseka ge eba go tsebagatša tshedimošo yeo. O swanetše go dira se ka go seka seka ge eba go tsebagatša tshedimošo go ka baka tshenyo ye kgolo go sehlongwa sa setšhaba goba sa phraebete go phala ke ge a sa e tsebagatše.

MAREO A PAIA AO A SWANETŠEGO GO HLOKOMELWA…

Go gana ka lebaka la kgapeletšo ya semolao, PAIA e šomiša lentšu le "**gapeletšega**".

Go gana ka lebaka la boikgethelo, PAIA ue šomiša lentšu le "**swanetše**".

Gopola: Bjalo ka Mohlankedi wa Tshedimošo o gapeletšega go dula o sa tšeye lehlakore ge o diriša mabaka a go gana phihlelelo ya tshedimošo. O se ke wa tšea mahlakore. O se sekamele thokong ye nngwe ka dinako ka moka!

4.3 Mabaka a go gana ka phihlelelo ya tshedimošo

Ka ge go boletšwe ka mo godimo go na le mabaka a mehutahuta ao ka ona phihlelelo ya tshedimošo go **swanetšego** goba go ka **gapeletšega** gore e ganwe ke Mohlankedi wa Tshedimošo wa sehlongwa sa setšhaba goba sa phraebete. Mabaka a a filwe ka go Kgaolo ya 4 ya Karolo ya 2 ya Sehlongwa sa Setšhaba, le Kgaolo ya 4 ya Karolo ya 3 ya Sehlongwa sa Phraebete ka go PAIA.

4.3.1 Tšhireletšo ya sephiri sa motho wa boraro

Mohlankedi wa Tshedimošo wa sehlongwa sa setšhaba goba sa phraebete o **gapeletšega** go se dumelele phihlelelo ya sephiri ya motho wa tlhago, go akaretšwa motho yo a hlokofetšego *(go hwetša tlhalošo ya "motho wa tlhago" bona Mareo a Mohola ka mo godimo)*. PAIA e bolela gore ka nepo ya go šireletša tokelo go sephiri ya motho wa boraro yo e lego motho wa tlhago, Mohlankedi wa Tshedimošo o swanetše go sekaseka ge eba go lokolla tshedimošo ye e nyakwago go mokgopedi 'go ka akaretša go tsebagatša tshedimošo ya sephiri fao go se nago mabaka' (bona dikarolo tša 34 le tša 63 tša PAIA).

Karolo ya 1 ya PAIA e fa tlhalošo ka kakaretšo ya seo tshedimošo e akaretšago "tshedimošo ya sephiri". E akaretša tshedimošo ye e amanago le thobalano, boimana, le sedumedi, gammogo le dipoledišano tša sephiri, DNA, dikgatišo tša menwana, le maemo ao e lego gore leina la motho le tšwelela ka dipegong.

Mohlankedi wa Tshedimošo le yena o swanetše go lekodišiša ge eba tshedimošo ya sephiri ye go bolelwago ka yona e wela ka gare ga magoro a tshedimošo ya sephiri ye e ka tsebagatšwago:

- Tshedimošo ya sephiri ya motho yo a dumetšego gore tshedimošo ye e lokollwe;
- Tshedimošo ya sephiri ye e šetšego e tsebagaditšwego;
- Tshedimošo ya sephiri ya ngwana wa mengwaga ya ka fase ga ye 18 fao go tsebagatša tshedimošo yeo go lego kgahlegong e kaone ya ngwana yoo, gomme mokgopedi e le mohlokomedi wa ngwana (ke gore motswadi goba mohlokomedi);
- Tshedimošo ya sephiri ya motho o a hlokofetšego go mokgopedi yo e lego wa leloko wa kgauswi wa motho yoo, goba yo a dumeletšwego (tumelelo ya go ngwalwa) ke motho wa leloko wa kgauswi;
- Tshedimošo ya sephiri ya motho yo a hlokofetšego lebaka la mengwaga ye e fetago ye 20;
- Tshedimošo ya sephiri ya motho yo e lego goba yo a bilego mohlankedi wa sehlongwa sa setšhaba goba sa phraebete gomme mo e lego gore tshedimošo e amana le maemo a mohlankedi yoo.

PAIA e kgopela gore Bahlankedi ba Tshedimošo go tšwa go Tirelo ya Metšhelo ya Afrika Borwa (SARS) ba se ke ba tsebagatša tshedimošo ya metšhelo ya batho le ya letseno la bona, ka ntle le le mokgopedi a kgopela phihlelelo ya tshedimošo ya gagwe.

4.3.2 Tšhireletšo ya tshedimošo ya kgwebo ya motho wa boraro

Bahlankedi ba Tshedimošo ba sehlongwa sa setšhaba le sa phraebete ba **gapaletšega** go gana phihlelelo ya tshedišomo ge e le gore go lokolla tsedimošo yeo go tla baka tshenyo go dikgahlego tša kgwego goba tša ditšhelete tša kgwebos. PAIA e fa tshedimošo ye e latelago ya kgwebo ye e ka se tsebagatšwego ke Mohlankedi wa Tshedimošo:

- Diphiri tša kgwebišano;
- Tshedimošo ya ditšhelete, ya kgwebo, ya mahlale, ya dinyakišišo goba ya sethekniki ka ga motho wa boraro yeo e lego gore, ge e ka lokollwa, e ka baka tshenyo go motho wa boraro;
- Tshedimošo ye e filwego ka sephiring go motho wa boraro.

Le ge e le gore go na le molawana wa kakaretšo wa go šireletša tshedimošo ya khamphani, sehlongwa sa setšhaba se kgopelwa go šoma ka tsela ye e hlokago sephiri. Mabapi le se go swanetše go lemogwa gore go na le mabaka a mangwe fao e le gore tshedimošo ya kgwebo ya khamphani e ka lokollwa ka fase ga ona.

Go se akaretše ga PAIA: Dipego tša motho wa boraro tše di nago le tshedimošo ye e amanago le polokego ya setšhaba goba dikotsi go tikologo di gapeletšega go lokollwa, le ege e le gore go lokolla tshedimošo ye go ka ba le kgonagalo ya go baka tshenyo go motho wa boraro. Se se bopa tshedimošo ya kgahlego ya setšhaba *(bona karolo ya 4.4 ka mo fase)*.

4.3.3 Tšhireletšo ya tshedimošo ya sephiri

PAIA e hlagiša gore mohlankedi wa tshedimošo o **gapeletšega** go gana phihlelelo ya pego ge ele gore go lokolla pego yeo go tla bopa go tshela sephiri seo se tshephišitšwego motho wa boraro gore se tla dirwa go latela tumelelano goba konteraka.

4.3.4 Tšhireletšo ya polokego ya motho le ya thoto

Karolo ye e bolela gore Mohlankedi wa Tshedimošo o **gapeletšega** go gana phihlelelo ya pego ge e le gore go tsebagatša pego yeo go ka emelwa ka mabaka ao a kwagalago gore go ka bea kotsing polokego ya motho goba ya thoto. Karolo ye e na le taba ya tokelo go sephiri go yona ka ge e lekodišiša bophelo bja sephiri bja motho le thoto ya gagwe.

4.3.5 Tšhireletšo ya tshedimošo ka ditshepedišong tša sephiri

Maikemišetšo a karolo ye ke go šireletša tshedimošo ye e nyakegago ka ditshepedišong tša semolao le tša tirišo ya molao. Karolo ye e lemoga melao ye mengwe ye e laolago magoro a mangwe a tshedimošo. Mabapi le karolo ye Molao wa 51 wa Tshepedišo ya Molao go Bosenyi wa 1977 o bonwa bjalo ka molao wo o laolago dipego tše di amanago le ditshepedišo tša dipeila le ditshepedišo tše dingwe tša tirišo ya molao. Gape, se se amana le dipego tšeo di ka se tšweletšwego. Ka mantšu a mangwe dipego tšeo di sego tša swarwa ke motho yo mongwe, yo e sego motho yo a nago le maswanedi a go fihlelela dipego tšeo, go fa mohlala ramolao yo a nago le maswanedi go badirelwa ba gagwe. Dipego dife goba dife tše di amanago le kamano magareng ga ramolao le modirelwa wa gagwe ka fase ga karolo ya 40 ya PAIA.

Le ge e le gore PAIA e dumela gore go na le melao ye mengwe ye e amanago le taolo le go tsebagatša tshedimošo le dipego, mabakeng ao e lego gore molao o direla mellwane go tokelo ya phihlelelo ya tshedimošo ka fao go sego gwa loka ebile o thulana le melawana ya go hloka sephiri le boikarabelo, PAIA e tla hlokomelwa go feta molao woo.

4.3.6 Tšhireletšo ya Tshedimošo ya Dinyakišišo

Mohlankedi wa Tshedimošo wa sehlongwa sa setšhaba goba sa phraebete o swanetše go gana phihlelelo ya dipego ye e nago le tshedimošo ye e amanago le dinyakišišo tše di dirwago goba tše di tlogo dirwa ke sehlongwa sa setšhaba se go bolelago ka sona goba ke motho wa boraro. Go gana mo ga phihlelelo ya tshedimošo go bea gore go tsebagatša tshedimošo go tla bea pepeneneng dinyakišišo tša motho wa boraro goba tša sehlongwa sa setšhaba goba sa phraebete, sa motho goba sehlongwa se se dirago dinyakišišo, goba taba ya dinyakišišo go tšhitelo ye kgolo kudu (*bona dikarolo tša 43 le 69 tša PAIA*).

4.3.7 Tshedimošo ye go ka ganwago ka phihlelelo ya yona

Magoro ao a latelago a tshedimošo a amana le tshedimošo yeo Mohlankedi wa Tshedimošo a ka ganago phihlelelo go yona, ge fela a ka fa mabaka a gore tshedimošo ye e kgopelwago e wela ka gare ga magoro ao a latelago ebile ga e kgahlegong ya setšhaba go ka e tsebagatša (*go hwetša tshedimošo ka botlalo ka ga temana ya kgahlego ya setšhaba bona karolo ya 4.4 ka mo fase*).

4.3.7.1 Tšhireletšo ya Afrika Borwa, polokego le dikamano tša boditšhabatšhaba

Karolo ya 41 ya PAIA e kgopela gore mohlankedi wa tshedimošo a lekodišiše ge eba kgopelo ya tshedimošo e amana le tshedimošo ka ga polokego ya Afrika Borwa. Mohlankedi wa tshedimošo a ka gana kgopelo yeo ge a ka fa bohlatse bja gore go tla tsenya kotsing polokego ya Afrika Borwa ge a ka lokolla tshedimošo yeo.

4.3.7.2 Kgahlego ya ekonomi, ya ditšhelete le ya kgwebo ya Afrika Borwa

Karolo ya 42 ya PAIA e kgopela gore tshedimošo ya sehlongwa sa setšhaba e šireletšwe ge e le gore go e lokolla go ka senya maemo a ekonomi le a ditšhelete a Rephabliki. Mabaka a a go gana go lokolla tshedimošo ke a boikgethelo go e ra gore Mohlankedi wa Tshedimošo o tla swanelwa ke go hlokomela gore dihlongwa tša setšhaba di filwe mošomo ka fase ga Molaotheo wa Afrika Borwa gore di be le boikarabelo go setšhaba, le gore ke ka mabaka a mangwe fao e lego gore tshedimošo e ka ganwa. Godimo ga fao, Mohlankedi wa Tshedimošo o tla swanelwa ke go laetša gore go tsebagatša tshedimošo ye go bolelwago ka yona go tla senya dikgahlego tša ditšhelete le tša ekonomi tša Afrika Borwa.

4.3.7.3 Mešomo ya dihlongwa tša setšhaba

Karolo ya 44 ya PAIA e fa Bahlankedi ba Tshjedimošo bokgoni bja go gana phihlelelo ya pego ge e le gore go fa phihlelelo ya yona go tla šitiša mešomo ya sehlongwa sa setšhaba. Karolo ya 44 ke phatlaletše kudu, palo ya dipego tše di beilwego ka fase ga mešomo e akaretša:

- Metsotso ya dikopano;
- Dipego tše di nago le keletšo goba maikutlo;
- Dipego tša mabapi le ditherišano le dihlongwa tše dingwe;
- Dipego tša mabapi le go hlama melawana goba ditšhišinyo.

4.3.7.4 “Dikgopelo tše di tlogago di se na mohola goba tše di nyakago go tliša kgakanego, goba go phamoša methopo kudu le ka fao go sa kwagalego”

Mohlankedi wa tshedimošo a ka gana kgopelo ya tshedimošo ge e le gore o na le maikutlo a gore go šoma dikgopelo tšeo go tla ja nako ka fao go sa kwagalego gomme gwa feletša ka tshenyo ya methopo. Godimo ga fao, Mohlankedi wa Tshedimošo a ka gana phihlelelo ya pego ge e le gore kgopelo yeo ga e bonwa e se mohola goba ge e le gore e dirwa ke mokgopedi go tena goba go rumula ka fao go sa hlokagalego.

4.4 Go Phumolwa ke Kgahlego ya Setšhaba

Ditšhireletšo ka moka tše di fiwago tshedimošo ka ge go hlalošitšwe ka mo godimo di a tloga ge e le gore go lokollwa ga tshedimošo go kgahlegong ya setšhaba. Ka mokgwa wo kgahlego ya setšhaba e phumola mabaka ka moka a mangwe a go gana phihlelelo ya tshedimošo.

Teko ye e letalego e swanetše go dirišwa ke Mohlankedi wa Tshedimošo wa sehlongwa sa setšhaba goba sa phraebete pele a ka gana go dumelela phihlelelo ya tshedimošo ye e welago ka fase ga magoro a go se tsebagatšwe ao a ngwadilwego ka mo godimo. Ge maemo a a ka fihlelelwa, gona tshedimošo e swanetše go tsebagatšwa ka mabaka a gore go kgahlegong ya setšhaba.

Naa tshedimošo e laetša go tshela molao fao go šiišago?

GOBA

Naa dipego tše go bolelwago ka tšona di na le tshedimošo ye e amanago le polokego ya setšhaba ye e emetšwego goba ye kotsi goba dikotsi go tikologo?

LE

Naa kgahlego ya setšhaba ge go tsebagatšwa tshedimošo e tloga e fenya tshenyo ye e ka bago gona?

KAROLO YA 5

Dingwalwa tše bohlokwa le tshedimošo ya mohola

Karolo ye e akaretša:

5.1 Lenaneo la dingwalwa tše bohlokwa tše di šomišitšwego go ngwala Tlhahli ye ya PAIA, go akaretšwa melao

5.2 Lenaneo la dingwalwa tše dingwe tša mohola tša PAIA

5.1 Dingwalwa tše bohlokwa

SENGWALWA	MONGWADI
Molao wa Tšwetšopele ya Phihlelelo ya Tshedimošo wa 2 wa 2000	Melalo
Molao wa Tšhireletšo ya Tshedimošo ya Motho wa 4 wa 2013	Melalo
PAIA Unpacked (e hwetšagala go www.saha.org.za)	SAHA
PAIA Resource Kit (e hwetšagala go www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (e hwetšagala go www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (e hwetšagala go www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (e hwetšagala go www.sahrc.org.za)	SAHRC

5.2 Melawana ya PAIA

TSEBIŠO YA MMUŠO	LETŠATŠIKGWEDI	HLOGOTABA LE TLHALOŠO
Tsebišo ya Mmušo: ya Nomoro ya R. 1244	22 Setemere 2003	Phetošo ya mabapi le go hwetšagala ga dingwalwa tša PAIA tša dihlongwa tša setšhaba le tša phraebete.
Tsebišo ya Mmušo: ya Nomoro ya R. 187	15 Feberware 2002	Phetošo ya mabapi le PAIA malebana le Tlhahli ya Karolo ya 10 le go hwetšagala ga dingwalwa tša PAIA.
Tsebišo ya Mmušo: ya Nomoro ya R. 233	9 Matšhe 2001	Molawana wo o mabapi le ditšhelete tve di lefšago go fihlelela dipego tša dihlongwa tša setšhaba le tša phraebete.
Tsebišo ya Mmušo: ya Nomoro ya R. 466	1 June 2007	E akareditše mekgwa yeo Bahlankedi ba Tshedimošo ba swanetšego go e latela ge ba gatiša ditsebišo tša tsebagatšo tša boithaopo go latela dikarolo tša 15 le 52 tša PAIA.

5.3 Diphetošo tša PAIA

TSEBIŠO YA MMUŠO	LETŠATŠIKGWEDI	HLOGOTABA LE TLHALOŠO
Tsebišo ya Mmušo ya Nomoro ya 428	31 Matšhe 2004	Phetošo go karolo ya 92(4) ya PAIA go akaretša Melato le dikotlo tša batho bao šitišago kgopelo ya mokgopedi ya go nyaka tshedimošo ka maikemišetšo le ka phošo, go fa mohlala ka gos enya dipego.
Tsebišo ya Mmušo ya Nomoro ya 96	15 Janeware 2003	Phetošo go PAIA go akaretša tlhahlo ya bahlankedi bao ba etilego pele ka go Dikgorotsheko tša Maseterata go theeletša ditaba tša PAIA.
Tsebišo ya Mmušo ya Nomoro ya R. 187	15 Feberware 2002	Phetošo go PAIA mabapi le Tlhahli ya Karolo ya 10 le go hwetšagala ga dingwalwa tša PAIA.

5.4 Diphetošo go melawana ya PAIA

TSEBIŠO YA MMUŠO	LETŠATŠIKGWEDI	HLOGOTABA
Tsebišo ya Mmušo: ya Nomoro ya 1263	11 Aprele 2003	Tsebišo ya mabapi le go hwetšagala ga dingwalwa tša PAIA tša dihlongwa tša phraebete.

5.5 Methopo ye mengwe ye mehola ya PAIA

1) **Using PAIA to Promote Housing Rights, SAHA** (e hwetšagala go www.saha.org).
2) **Accessing Information for Your Community, SAHA** (e hwetšagala go www.saha.org).
3) **Accessing Information in the LGBTI Sector, SAHA** (e hwetšagala go www.saha.org).

Tataiso Ya Ka Moo O Ka Sebedisang Molao Wa Kgothaletso Ya Phihlello Ya Lesedi Wa Bo 2 Wa 2000

SESOTHO

Website: www.sahrc.org.za

Email: info@sahrc.org.za

Twitter: @SAHRCommission

Facebook: SAhumanrightscommission

Youtube: SAHRC1

Dintlha tsa Dikgokahanyo tsa Khomishene ya Afrika Borwa ya Ditokelo tsa Botho

Ofisi ya Sehlooho Johannesburg

Tel 011 877 3600 • Fax 011 403 0684

Kapa Botjhabela Port Elizabeth

Tel 043 722 7828 • Fax 043 722 7830

Foreisetata Bloemfontein

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KwaZulu-Natala Durban

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Limpopo Polokwane

Tel 015 2913500 • 051 291 3505

Mpumalanga Nelspruit

Tel 013 752 8292 • Fax 013 752 6890

Kapa Leboya Upington

Tel 054 332 3993/4 • Fax 054 332 7750

Leboya Bophirima Rustenburg

Tel: 014 592 0694 • Fax: 014 594 1089

Kapa Bophirima Cape Town

Tel 021 426 2277 • Fax 021 426 2875

Ha o sebedisa Tataiso ya PAIA

Karolo ya 1
Selelekela sa Tataiso ya PAIA

Karolo ya 2
Moo o ka qalang teng ho fumana lesedi leo o le hlokang

Karolo ya 3
Ka moo o ka kopang ka teng ho fumantshwa phihlello ya lesedi

Karolo ya 4
Maemo ao phihlello ya lesedi e ka hanelwang tlasa ona

Karolo ya 5
Dingolwa le mehlodi ya bohlokwa e ka sebediswang ho fumana lesedi le eketsehileng

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Mantswe a Thusang

Mantswe	Tlhaloso
Tefo ya Phihlello	Ena ke tefo e lokelang ho lefuwa ke mokopi ho setheo sa bohle kapa sa poraefete seo o kopang lesedi ho sona, ho lefella ditjeho tsa ho fumana le ho kopitsa ditokomane tseo o di hlokang. *(Hore o fumane lesedi le eketsehileng ka ditefo tsa phihlello sheba Karolong ya 3 ya Tataiso ena).*
Foromo ya A	E fumaneha webesaeteng ya Khomishene ya Afrika Borwa ya Ditokelo tsa Botho, ekasitana le diwebesaeteng tsa diinstitjushene tse ding tse fapaneng tsa bohle. Foromo ena e sebedisetswa ho kopa phihlello ya lesedi le leng polokelong ya setheo sa bohle. *(Bakeng sa ho fumantshwa lesedi le eketsehileng ka Foromo ya A le dikopo tsa ho fumantshwa phihlello ya lesedi e lebisitsweng ho ditheo tsa bohle sheba Karolong ya 3 ya Tataiso ena).*
Foromo ya C	E fumaneha webesaeteng ya Khomishene ya Afrika Borwa ya Ditokelo tsa Botho, ekasitana le diwebesaeteng tsa dikhamphani tse ding tsa poraefete. Foromo ena e sebedisetswa ho kopa phihlello ya lesedi le leng polokelong ya setheo sa poraefete. *(Bakeng sa ho fumantshwa lesedi le eketsehileng ka Foromo ya C le dikopo tsa ho fumantshwa phihlello ya lesedi e lebisitsweng ho ditheo tsa poraefete sheba Karolong ya 3 ya Tataiso ena).*
Tataiso	E bua ka Tataiso ena ya PAIA e hlahisitsweng le ho phatlalatswa ke Khomishene ya Afrika Borwa ya Ditokelo tsa Botho jwalo ka ha ho laetswe Karolong ya 10 ya PAIA, ho thusa batho hore ba sebedise le ho utlwisisa Molao.
Mohlanka wa Lesedi le Motlasa Mohlanka wa Lesedi	Mohlanka wa Lesedi (eo ka nako tse ding a bitswang IO) ke motho ya dumelletsweng ke institjushene eo ho buuwang ka yona hore a arabelle dikopo tse amang PAIA. Ditheong tsa bohle enwa ke motho eo e leng hlooho ya setheo kapa ya emetseng hlooho ya setheo. Bakeng sa masepala, enwa ke molaodi wa masepala; bakeng sa lefapha la naha, enwa e tla ba Molaodi-Kakaretso; bakeng sa setheo se kang Khomishene ya Afrika Borwa ya Ditokelo tsa Botho e tla ba CEO (molaodi e moholo was phethahatso).
Boipiletso ba ka Hare (Foromo ya B)	Bakopi ba tla sebedisa PAIA Foromo ya B bakeng sa boipiletso feela qetong e entsweng ke makala a mmuso a naha, porofentshe kapa masepala mabapi le phihlello ya lesedi. *(Hore o fumane lesedi le eketsehileng ka boipiletso ba ka hare sheba Karolong ya 3 ya Tataiso ena).*
Motho wa molao	Khamphani kapa setheo se ananetsweng ka molao e le setheo se le seng kapa ‘motho’ ya nang le ditokelo le tshwanelo.

Letona	Ha ho buuwa ka Letona ho buuwa ka Letona la Toka le Ditshebeletso tsa Tshokollo ya Batshwaruwa.
Motho wa Tlhaho	Motho wa nnete, e seng motho wa molao jwalo ka khamphani (sheba motho wa molao mona ka hodimo).
Setheo sa poraefete	(Ka nako tse ding se bitswa khamphani ya poraefete, institjushene, kapa mokgatlo), sena ke motho wa tlhaho kapa wa molao kapa (khamphani ya) kopanelo e keneng kananyong, kgwebong kapa porofesheneng mme e le boemong boo feela.
Setheo sa bohle	(Ka nako tse ding se bitswa institjushene ya bohle, lefapha, kapa mokgatlo), sena ke lefapha kapa institjushene le ha e ka ba efe ya lekala la mmuso la naha, porofentsehe kapa lehae. Hape se kenyeletsa institjushene le ha e ka ba efe e etsang mosebetsi kapa tshwanelo ya mmuso nakong eo rekoto eo ho buuwang ka yona e neng e etsuwa.
Rekoto	Lesedi le ha e ka ba lefe le rekotuweng ho sa kgathalehe hore ke la mofuta ofe, ho kenyeletswa, ho tea mohlala, ditokomane tse ngotsweng, difidiyo, jwalojwalo. Rekoto e kopuweng ho setheo sa bohle kapa sa poraefete e tla bolela rekoto e neng e le polokelong ya setheo seo ho sa kgathalehe hore e ka ba setheo seo se entse rekoto eo.
Tefo ya kopo	Ditjeho tse lokelang ho lefuwa bakeng sa ho kenya kopo ya phihlello ya lesedi. Bakeng sa kopo ya lesedi e lebiswang ho setheo sa bohle ho na le tefo e sa fetoheng ya R35; bakeng sa kopo ya lesedi e lebiswang ho setheo sa poraefete ho na le tefo e sa fetoheng ya R50. *(Hore o fumane lesedi le eketsehileng ka ditefo tsa dikopo le ba sa lefisweng sheba Karolong ya 3 ya Tataiso ena).*
Mokopi	Mokopi ke motho wa tlhaho kapa wa molao ya kenyang kopo ya phihlello ya lesedi. Mokopi hape e ka ba motho ya kenyang kopo ya lesedi lebitsong la motho e mong.
Setho sa boraro	Sena ke motho le ha e ka ba ofe wa tlhaho kapa wa molao eo e seng mokopi wa lesedi, mme hape e se setheo seo kopo ya lesedi e lebisitsweng ho sona.

Lenane la dikgutsufatso

Dikgutsufatso tse latelang di fumanwa Tataisong ena le mehloding e meng e atisang ho sebediswa ya PAIA:

DIO	Motlatsa Mohlanka wa Lesedi
IO	Mohlanka wa Lesedi
ODAC	Setsi sa Bohle sa Dikeletso ka Demokerasi
PAIA	Molao wa Kgothaletso ya Phihlello ya Lesedi wa bo 2 wa 2000
PPIA	Molao wa Paballo ya Lesedi la Botho wa bo 4 wa 2013
SAHA	Dipokelo tsa Histori ya Afrika Borwa
SAHRC	Khomishene ya Afrika Borwa ya Ditokelo tsa Botho

KAROLO YA 1
Selelekela

Karolo ena e kenyeletsa:

1.1 Morero wa Tataiso ena ya PAIA

1.2 Histori ya PAIA

1.3 Morero wa PAIA le ka moo o ka sebediswang ka teng

1.4 Seabo sa Khomishene ya Ditokelo tsa Botho ya Afrika Borwa

1.1 Morero wa Tataiso ena ya PAIA

Tataiso ena e nehelana ka lesedi ka Molao wa Kgothaletso ya Phihlello ya Lesedi (PAIA) wa bo 2 wa 2000. Tataiso ena ya PAIA e tla thusa batho ka ho kenya dikopo tsa Lesedi ho latela Molao, mme e fana ka mehlala ka ka moo Molao o sebedisitsweng ka teng nakong e fetileng ho kgothaletsa ditokelo tsa botho, ka ho fana ka:

- Tjhebokakaretso ya PAIA e utlwisisehang habonolo
- Tlhophollo ya ka moo PAIA e ka sebediswang ho kgothaletsa ditokelo tse ding tsa botho
- Lenane la mefuta ya Lesedi e ka kopuwang ka tshebediso ya PAIA
- Tataiso ya kgato ka nngwe ya ka moo o ka sebedisang PAIA ka teng ho kenya kopo ya lesedi
- Tjhebokakaretso ya dithuto tse fumanweng kopong ya nako e fetileng ya lesedi le dinyewe tsa kgotla tsa PAIA

1.2 Histori ya PAIA

Ha Molao wa Motheo wa Afrika Borwa o ne o ngolwa nakong e latetseng ho wa ha Leano la Kgethollo ka dilemo tsa bo 1990, mekgatlo e fapaneng le batho ba ile ba sebeletsa ho kenyeletswa ha tokelo ya phihlello ya lesedi. Ho ne ho na le tshepo ya hore ho kenyeletswa ha tokelo ena Biling ya Ditokelo – Kgaolo ya 2 ya Molao wa Motheo – ho tla netefatsa hore manyofonyofo a kang Leano la Kgethollo a ke ke a hlola a ba teng ka lebaka la hobane mmuso le dikoporasi tsa poraefete di tla tshwanela ho sebetsa ka mokgwa wa boikarabelo le wa ponahalo ka ho nehelana ka phihlello ya lesedi, mme ka hoo di ke ke tsa kgona ho ipata ka makunutu a neng a neha Leano la Kgethollo sebaka sa ho sebetsa.

Ka 1996 Molao wa Motheo wa Afrika Borwa o ile wa kena tshebetsong. Karolo ya bo 32 e ile ya ahella tokelo ya phihlello ya lesedi le polokelong ya ditheo tsa bohle le tsa poraefete ka bobedi. Nakong eo, ona e ne le molao wa pele lefatsheng o neng o nehela batho tokelo ya phihlello ya lesedi le polokelong ya ditheo tsa poraefete. Karolo ya bo 32 le yona e ne e bolela hore ho hlokeha molao o tla phethahatsa tokelo ya phihlello ya lesedi ka ho hlalosa mokgwa oo lesedi le polokelong ya ditheo tsa bohle le tsa poraefete le ka fihlellwang ka teng, le ka ho fana ka dintlha tse eketsehileng ka mabaka ao tlasa ona setheo sa bohle le sa poraefete se ka hanang ho fana ka phihlello ya lesedi.

Qetellong, ka 2000 Molao wa Kgothaletso ya Phihlello ya Lesedi (PAIA) o ile wa kena tshebetsong, e le ho phethahatsa ditaelo tsa Karolo ya bo 32 ya Molao wa Motheo tsa ho etsa molao wa phihlello ya lesedi.

1.3 Morero wa PAIA le ka moo o ka sebediswang ka teng

Morero wa PAIA ke ho kgothaletsa tokelo ya phihlello ya lesedi, ho haha moetlo wa ponahalo le boikarabelo Afrika Borwa, le ho kgothaletsa demokerasi ya bohle moo batho bohle ba matlafatswang hore ba sebedisane le mmuso le ho nka seabo diqetong tse amang maphelo a bona.

Tokelo ya phihlello ya lesedi ke tokelo e ikgethang ka ha e kgonahatsa phethahatso ya ditokelo tse ding tsa botho: ona ke o mong wa mekgwa e bohlokwa eo PAIA e ka sebediswang ka yona.

Phaello ya ditshebeletso tsa mmuso

» PAIA e ka sebediswa ho matlafatsa batho ka lesedi leo ba ka le sebedisang ho bona hore mmuso o jara boikarabelo mabapi le ho nehelana ka ditshebeletso tsa motheo tse kang bodulo, metsi le dikgwerekgwere.

Ditokelo tsa setjhaba le tsa sepolotiki le molao wa motheo

» PAIA e ka sebediswa ho bokella lesedi leo batho ba ka le sebedisang ho phethahatsa ditokelo tse kang tokelo ya ho vouta le tokelo ya tokoloho dibokeng.

Kgethollo le Tekatekano

» PAIA e ka sebediswa jwalo ka sesebediswa sa ho lwanela ditokelo ho fedisa kgethollo, jwalo ka kgethollo ho ya ka morabe, bong, jj, ditheong tse fapaneng tsa bohle le tsa poraefete.

Ho bohlokwa ho ela hloko hore PAIA ha e kgone ho sebedisetswa ho fumana direkoto tse ka sebediswang ditshebetsong tsa molao tsa setjhaba le tsa bosenyi, ho kenyeletswa le kamora dinyewe tse jwalo, le haeba tlhahiso kapa phihlello ya direkoto tlasa mabaka ona ana e baballetswe tlasa molao (sheba Karolong ya 7 ya Molao).

1.4 Seabo sa Khomishene ya Afrika Borwa ya Ditokelo tsa Botho

Khomishene ya Afrika Borwa ya Ditokelo tsa Botho (SAHRC) e na le thomo tlasa PAIA ya:

» Ho kgothaletsa tokelo ya phihlello ya lesedi
» Ho disa phethahatso ya PAIA ke ditheo tsa bohle le tsa poraefete
» Ho etsa ditshisinyo tsa ho matlafatsa Molao
» Ho Tlaleha Palamenteng hang ka selemo

Molao wa Paballo ya Lesedi la Botho

Molao wa Paballo ya Lesedi la Botho wa bo 4 wa 2013 (***PPIA***) o ntlafatsa PAIA ka ditsela tse mmalwa. E nngwe ya ditsela tsa sehlooho tseo ka tsona Molao ona o fetolang PAIA e mabapi le seabo sa SAHRC. Tlasa ***PPIA*** mesebetsi ya SAHRC ho latela PAIA e tla fetisetswa ho Molaodi wa Lesedi, e leng setheo se setjha se ikemetseng se tla thehwa ho disa ***PPIA*** le PAIA ka bobedi, le ho rarolla ditletlebo tse amang phihlello ya lesedi ekasitana le paballo ya lesedi la botho.

Le ha ho le jwalo, SAHRC e sa tla boloka tlamo ya yona ya Molao wa Motheo ya ho kgothaletsa, ho baballa le ho disa tokelo ya phihlello ya lesedi jwalo ka ditokelo tse ding tsohle tse ahelletsweng Biling ya Ditokelo.

KAROLA YA 2
Hofumana lesedi goseo osebatlang

Karolo ena e kenyeletsa:

2.1 Moo o ka fumanang teng ditataiso le dibukana tsa ditaelo ho o thusa ha o kenya dikopo tsa lesedi

2.2 Motho eo o ka ikgokahanyang le ena ha o ka hloka ho hong

2.3 Seo ditho tsa bohle le tsa poraefete di hlokang ho se etsa ho thusa bakopi ba lesedi

2.4 Ho na le lesedi le fumanehang ka ho iketsahalla ntle le ho etsa le ha e ka ba kopo ya semuso, karolo ena e tla nehelana ka tjhebokakaretso ya moo o ka fumanang sena

2.1 Ha o qala

Morero wa Molao wa PAIA ke ho kgothaletsa ka matla setjhaba seo ho sona batho ba Afrika Borwa ba nang le phihlello e atlehileng ya lesedi ho ba thusa hore ba phethahatse ka botlalo le ho baballa ditokelo tsohle tsa bona. Empa ka dinako tse ding o ka ikutlwa o qeaqea ka hore na o ka qala kae, kapa hore o ka fihlella jwang lesedi ho latela taelo ya Molao. Molao o bona bothata bo sa tlang mme o laela e le ka nnete hore ditataiso tse itseng le dibukana tsa ditaelo di phatlalatswe ho bontsha ka ho hlaka tsela e tla latelwa ke bakopi ba lesedi. Karolo ena e fana ka tjhebo ka karetso ya ditataiso tsena le dibukana tsa ditaelo, boikarabelo ba baphatlalatsi ba ditataiso tsena le dibukana tsa ditaelo, le hore di ka fumanwa kae, e leng se bohlokwahadi.

Ehlile, se seng sa disebediswa tse matla ka ho fetisisa tseo o ka di sebedisang ho fumana phihlello ya lesedi ke kopo ya semmuso ya lesedi e etswang ho latela Moalo wa PAIA, oo tataiso ena e tla o thusa ho e etsa. Empa hopola, ena ha se yona feela tsela eo o ka e sebedisang ho latella lesedi. Ho na le lesedi le fumanehang ka ho iketsahalla ntle le ho etsa le ha e ka ba kopo ya semmuso ya PAIA. Dinakong tse ding, molao o laela e le ka nnete hore ditheo tsa bohle le tsa poraefete di senole lesedi le itseng ho bohle. Karolo ena e fana hape ka tjhebokakaretso ya moo o ka fumanang lesedi lena.

Molao wa Kgothaletso ya Phihlello ya Lesedi o etseditswe ho ba molao o matlafatsang o thusang MaAfrika Borwa ohle. O reretswe ho ba molao o utlwisisehang habonolo le o ka sebediswang ke bohle. Ha o hloke leqwetha hore o kenye kopo ya lesedi ho latela Molao ona. Tataiso ena e phatlaladitswe ho thusa MaAfrika Borwa a makala ohle a bophelo hore a phahamise ditokelo tsa ona tse ahelletsweng molaong wa motheo.

2.2 Tataiso ya PAIA

Karolo ya bo 10 ya PAIA e laela hore Molao wa Motheo o hlahise mme o phatlalatse tataiso e bonolo ho e utlwisisa ho thusa phihlellong ya direkoto le ditokomane le ho phethahatsa tokelo ya motho ya ho fumantshwa lesedi. Tataiso ka nako tse ding e bitswa ‘Tataiso ya Karolo ya bo 10’.

E o neha lesedi lohle leo o le hlokang ho fumana direkoto le ha e ka ba dife. Hape e fana ka lenane la dintlha tsa dikgokahanyo tsa mafapha le diinstitjushene tsa mmuso tse bolokang direkoto bakeng sa mmuso, ekasitana le dintlha tsa dikgokahanyo tsa dikhamphani tsa poraefete tse fapaneng. Khomishene hape e laelwa ho ntlafatsa tataiso bonyane hang dilemong tse ding le tse ding tse pedi.

2.2.1 Moo o ka fumanang tataiso teng

Tataiso ena e fumaneha ka maleme ohle a semmuso a Afrika Borwa: Senyesemane, Seaforekantshe, isiNdebele, isiXhosa, isiZulu, Sepedi, Sesotho, Setswana, isiSwati, Tshivenda le Xitsonga. Dikopi tsa tataiso di ka fumanwa diofising tsohle tsa sehlooho le porofentshe tsa Khomishene (dintlha tsa dikgokahanyo di ka fumanwa pheletsong ya Tataiso ena). Ho feta moo, dikopi tsa eleketeroniki di a fumaneha webesaeteng ya Khomishene (www.sahrc.org.za) le diwebesaeteng tsa Setsi tsa Keletso ka Demokerasi ya Bohle (ODAC - www.opendemocracy.org.za) le Dipolokelo tsa Histori tsa Afrika Borwa (SAHA - www.saha.org.za).

2.3 Dibukana tsa ditaelo tsa PAIA

Ho feta ho Karolo ya bo 10 ya PAIA e tla hlahiswa ke Khomishene, PAIA e laela hape hore ditheo tsohle tsa bohle, ekasitana le ditheo tse ngata tsa poraefete, di hlahise bukana ya ditaelo e fupereng lesedi la ka moo PAIA e ka sebediswang ho fihlella direkoto tsa tsona ka teng.

2.3.1 Dibukana tsa ditaelo tsa PAIA tsa ditheo tsa bohle

Karolo ya bo 14 ya PAIA e laela ditheo tsohle tsa bohle hore di phatlalatse bukana ya ditaelo bonyane ka maleme a mararo a semmuso ho thusa babatli ba lesedi hore ba kenye dikopo tsa lesedi ho setheo se amehang. Bonyane, bukana ya ditaelo e lokela ho fupara lesedi le bohlokwa le latelang:

Se hlokwang	Tlhaloso
Thomo	Moralo le mesebetsi ya setheo sa bohle
Dintlha tsa Dikgokahanyo	Diaterese tsa poso le bodulo, nomoro ya founu le fekese le, haeba e fumaneha, aterese ya imeile ya mohlanka wa lesedi wa setheo sa bohle, ekasitana le motlatsa mohlanka wa lesedi e mong le e mong wa setheo sa bohle.
Tataiso ya Karolo ya bo 10 ya PAIA	Tlhaloso ya Tataiso ena e hlahisitsweng ke Khomishene ya Afrika Borwa ya Ditokelo tsa Botho le ka moo e ka fihlellwang ka teng.
Mekgahlelo ya direkoto tse bolokilweng	Lesedi le lekaneng ho thusa ka ho kgonahatsa phihlello ya direkoto tse polokelong ya setheo sa bohle. Setheo sa bohle se lokela ke hona ho hlalosa dihlooho tseo se bolokileng direkoto ho tsona, le mekgahlelo ya direkoto tse bolokilweng sehlooho ka seng.
Lesedi le fumanehang ka ho iketsahalla	Lesedi le leng le fumaneha habonolo ntle le hore motho a kenye kopo ya phihlello ho latela PAIA. Bukana ya ditaelo ya setheo sa bohle e lokela ho bontsha lesedi lena le fumanehang habonolo.
Ditshebeletso tsa setheo sa bohle	Tlhaloso ya ditshebeletso tse fumanehang ho ditho tsohle ho tswa ho setheo sa bohle, le ka moo o ka fihlellang ditshebeletso tseo ka teng.
Bankakarolo ba setjhaba	Tlhaloso ya tlhophiso kapa kabelo le ha e ka ba efe bakeng sa hore motho a rerisane le e mong, a emele kapa a nke seabo kapa ho hlahisa maikutlo ketsong ya leano; kapa ho sebedisa matla kapa phethahatso ya mesebetsi ya setheo sa bohle.
Monyetla	Mohato oo o ka o nkang haeba mohlanka wa lesedi wa setheo sa bohle a hana ho o neha phihlello ya lesedi.

2.3.2 Moo o ka fumanang teng bukana ya ditaelo ya setheo sa bohle

Ditheo tsohle tsa bohle di lokela ho bona hore o ka fumana bukana ya ditaelo habonolo. Bonyane, di laelwa ho etsa jwalo ka mekgwa e latelang:

- Ka ho bona hore ho ba le kopi ofising e nngwe le e nngwe ya setheo seo sa bohle ka dinako tsa mosebetsi;
- Ka ho bona hore ho ba le bukana ya ditaelo webesaeteng ya setheo sa bohle, haeba ba na le yona.

Jwalo ka ha ho boletswe pejana, **Molao wa Paballo ya Lesedi la Botho wa bo 4 wa 2013** (POPI) o ntlafatsa PAIA ka mekgwa a mmalwa. O mong wa mekgwa ena ke mabapi le dibukana tsa ditaelo tsa Karolo ya bo 14 ya ditheo tsa bohle. Molaong wa POPI dibukana tsena tsa ditaelo ha ho sa tlama hore di nehwe Khomishene ya Afrika Borwa ya Ditokelo tsa Botho, empa di lokela ho fumaneha inthaneteng le hore di fumanwe ke mang kapa mang ya kopang kopi.

2.3.3 Dibukana tsa ditaelo tsa PAIA bakeng sa ditheo tsa poraefete

Ditheo tsa poraefete le tsona di laelwa ho hlahisa bukana ya ditaelo. Sena ke ho latela karolo ya bo 51 ya PAIA. Nakong ya jwale, ha se ditheo tsohle tsa poraefete tseo bonneteng di laelwang ho ikobela karolo ena.[1] O ka fumana, ka hona, hore setheo seo o lakatsang ho kopa lesedi ho sona ha se na bukana ya ditaelo eo se ka o nehang yona. Hona ha ho bolele hore setheo ha se tlasa taelo ya PAIA ka kakaretso. O sa tla kgona ho kenya kopo ya lesedi ho setheo sena mme ba sa laelwa ka molao hore ba phethahatse kopo ya hao. Tshebetso ya ho kenya kopo ya lesedi ho latela PAIA ha e fetohe, le hoja setho se kopuwang se dumelletswe hore se se ke sa hlahisa bukana ya ditaelo.

KE DITHEO DIFE TSA PORAEFETE TSE SA TLAMEHENG HO PHATLALATSA BUKANA YA DITAELO YA LESEDI?

Mokgwa oo Molao o ngotsweng ka ona ke ho laela hore ditheo TSOHLE tsa poraefete di hlahise bukana ya ditaelo. Le ha ho le jwalo, boemo bo akaretsang bo latela bokgoni ba Letona ba ho dumella ditheo tse itseng tsa poraefete kapa mekgahlelo e itseng ya poraefete hore e se ke ya phatlalatsa bukana ya ditaelo. Nakong ya jwale, Letona le dumelletse ditheo TSOHLE tsa poraefete hore di se ke tsa hlahisa dibukana tsa ditaelo ho qala ka la 1 Pherekgong 2016 NTLE LE HA setheo se le mokgahlelong o hlalositsweng mona ka tlase.

[1] Sena se fetotswe ka la 31 Tshitwe 2015, ha ditheo tsohle tsa poraefete di ne di tshwanetse hore e be di bile le bukana ya ditaelo ho latela karolo ya 51 ya PAIA.

Dikhamphani tse latelang tsa poraefete di tlameha ho hlahisa bukana ya ditaelo ya PAIA haeba di na le basebeletsi ba fetang 50 diindasetering tse latelang kapa di na le lekenokakaretso le fetang bokalo bo bontshitsweng lenaneng:

INDASETERI	LEKENOKAKARETSO KA SELEMO
Tse Temo	R2 dimiliyone
Merafo le Dikwari	R7 dimiliyone
Bohlahisi	R10 dimiliyone
Motlakase, Kgase le Metsi	R10 dimiliyone
Kaho	R5 dimiliyone
Thekiso le Kananyo ya Makoloi le Ditshebeletso tsa Tokiso	R15 dimiliyone
Kananyo ya bongata, Boemedi ba Kgwebo le Ditshebeletso tsa Botswalle	R25 dimiliyone
Ditshebeletso tsa Dijo, Bodulo le Kananyo e Nngwe	R5 dimiliyone
Polokelo le Dikgokahanyo	R10 dimiliyone
Ditshebeletso tsa Ditjhelete le Kgwebo	R10 dimiliyone
Ditshebeletso tsa Baahi, tse Ikgethang le tsa Botho	R5 dimiliyone

Letona hape le boletse hore dikhamphani tsohle tse sa hlaloswang ka hore ke 'dikhamphani tsa poraefete tlasa karolo ya bo 1 ya Molao wa Dikhamphani wa bo 71 wa 2008 di tlamehile ho hlahisa bukana ya ditaelo ya Karolo ya bo 51.

2.3.4 Moo o ka fumanang bukana ya ditaelo ya setheo sa poraefete teng

Ditheo tsohle tsa poraefete tse laelwang ho hlahisa bukana ya ditaelo di tlamehile ho bona hore o ka fumana bukana ya ditaelo habonolo. Bonyane, di laelwa ho etsa jwalo ka mekgwa e latelang:

- Ka ho bona hore ho ba le kopi ofising e nngwe le e nngwe ya setheo seo sa poraefete ka dinako tsa mosebetsi hore e hlahlojwe; Setheo sa poraefete ha se a tshwanela ho lefisa bakeng sa tlhahlobo ena;
- Ka ho bona hore bukana ya ditaelo e a fumaneha webesaeteng.

2.3.5 Ka moo o ka ikobelang ditaelo ha o le setheo sa poraefete

Webesaeteng ya Khomishene ya Ditokelo tsa Botho ya Afrika Borwa (www.sahrc.org.za), ho na le tataiso e ntlafetseng bakeng sa bahlanka ba lesedi ba dikhamphani tsa poraefete hore ba ikobele Karolo ya bo 51 ya PAIA. Sena se kenyeletsa moralo o ka daonloutuwang oo bahlanka ba lesedi ba ka o sebedisang ho supa tsela.

Ho latela karolo ya bo 51, hlooho ya setheo sa poraefete e lokela:

- Ho ntlafatsa nako le nako ditokiso le ha e ka ba dife tsa bohlokwa bukaneng ya ditaelo;
- Ho bona hore bukana ya ditaelo e a fumaneha diofising tsa khamphani jwalo ka ha ho laetswe ke Molao, ekasitana le webesaeteng ya yona;
- Ho hlomathisa foromo ya kopo (PAIA Foromo ya C) ho bukana ya ditaelo ekasitana le ho bona hore diforomo tsa kopo di ba teng webesaeteng le dibakeng tsohle tsa khamphani.

Bukana ya ditaelo e lokela bonyane ho fupara lesedi le latelang:

SE HLOKWANG	TLHALOSO
Dintlha tsa Dikgokahanyo	Aterese ya poso le ya sebaka, nomoro ya founu le ya fekese le aterese ya imeile, haeba e le teng, ya mohlanka wa lesedi wa setheo sa khamphani ya poraefete.
Lesedi le fumanehang ka ho iketsahalla	Lesedi le leng le fumaneha habonolo ntle le hore motho a kenye kopo ya phihlello ho latela PAIA. Bukana ya ditaelo ya khamphani ya poraefete e lokela ho bontsha lesedi lena le fumanehang habonolo.
Direkoto tse fumanehang ha di kopuwa	Bukana ya ditaelo ya Karolo ya bo 51 e lokela ho bontsha lenane la mekgahlelo ya direkoto tse fumanehang ha di kopuwa.
Tsamaiso ya PAIA	Bontsha tsamaiso ya PAIA e lokelang ho latellwa ha o kopa phihlello ya lesedi khamphaning ya poraefete (ke hore Foromo ya C).
Lesedi ka Khamphani	E kenyeletsa dintlha tsa hlooho ya khamphani kapa CEO ya khamphani (hobane, ho latela molao wa PAIA, Mohlanka wa Lesedi wa khamphani ya poraefete o atisa ho ba CEO kapa hlooho).
Ditefo	Bolela mokopi le ditefo tsa phihlello tse lefuwang ho latela molao wa PAIA (sheba Karolo ya bo 3 ha o batla lesedi le eketsehileng).
Monyetla	Na ho na le ditokiso dife tse fumanehang ho bakopi haeba kopo ya bona ya lesedi e hanelwa.
Dintlha tse Eketsehileng	Dintlha tse ding le ha e ka ba dife mabapi le dikopo tsa phihlello ya direkoto.

2.4 Lesedi le fumanehang ka ho iketsahalla le polokelong ya setheo sa bohle

Jwalo ka ha ho boletswe selelekeleng sa karolo ena, ha se lesedi lohle le hlokang kopo ya semmuso hore le ka fihlellwa. Ditheo tse fapaneng tsa bohle di laelwa ke melao e fapaneng hore di bone hore lesedi le itseng le ka fumanwa ke bohle. Le ho feta mona, diinstitjushene tse ngata di tla senola lesedi le eketsehileng ka boithaopo molemong wa ponahalo, boikarabelo le ho tshwaneleha ho bohle. Ho kgothaletsa tshenolo ka boithaopo ya lesedi le ho kgonahatsa phihlello e eketsehileng ya lesedi lena, Karolo ya bo 15 ya PAIA e laela ditheo tsohle tsa bohle ho phatlalatsa lenane, le tsejwang ka hore ke **'Tsebiso ya Karolo ya bo 15'** kapa **'tsebiso ya tshenolo ka boithaopo'**, la lesedi lohle le mabapi le setheo seo le ka fumanwang ke mang kapa mang ka ho iketsahalla.

Mohlanka wa lesedi wa setheo sa bohle o laelwa ho hlahisa tsebiso ya tshenolo ka boithaopo bakeng sa setheo sa bohle, le ho etsa hore e fumanehe diofising tsa setheo seo sa bohle ekasitana le ho e phatlalatsa Koranteng ya Mmuso. Tsebiso ya tshenolo ka boithaopo e lokela ho ntlafatswa selemo le selemo.

Tsebiso ya tshenolo ka boithaopo e fupere mekgahlelo ya direkoto le tlhaloso ya direkoto tseo tse fumanehang ka ho iketsahalla:

- Bakeng sa tlhahlobo ho latela molao le ha e ka ba ofe ntle le PAIA;
- Ho reka kapa ho kopitsa setheong sa bohle; le
- Ho tswa setheong sa bohle mahala.

Tsebiso ya tshenolo ka boithaopo e lokela ho hlalosa ka moo direkoto tse senolwang ka boithaopo mme di fumaneha ka ho iketsahalla di ka fihlellwang ka teng. Ha ho thuse letho ho kenya kopo semmuso bakeng sa direkoto tse itseng haeba direkoto tsona tseo di se di senotswe ka boithaopo mme di fumaneha ka ho iketsahalla. Dibakeng tse ngata, tefo e a hlokeha bakeng sa hore kopo ya semmuso e sejetswe mme sena se ka nka matsatsi a ka fihlang ho 30. Sena se ka qojwa ha o ka qala ka ho sheba tsebiso ya tshenolo ka boithaopo mme o bone hore na rekoto eo o e batlang e fumaneha ka ho iketsahalla kapa tjhe.

Le hoja ho tlama hore setheo sa bohle se phatlalatse tsebiso ya tshenolo ka boithaopo, ha se ntho ya 'boithaopo'. Tsebiso e bitswa 'tsebiso ya tshenolo ka boithaopo' hobane e fana ka tsebiso ya lesedi lohle le senotsweng ka boithaopo, e seng hobane ho ho boikgethelo ba mohlanka wa lesedi hore a ka phatlalatsa lenane leo kapa tjhe.

2.5 Lesedi le fumanehang ka ho iketsahalla le polokelong ya khamphani kapa setheo sa poraefete

Ona mokgwa ona o sebetsang ho lesedi le polokelong ya setheo sa bohle o ntse o sebetsa le mokgahlelong ona wa lesedi o fumanehang ka ho iketsahalla, ntle le ho kenya kopo ya semmuso. Pele o kenya kopo ya semmuso bakeng sa lesedi ho latela PAIA, e leng kopo e tla o ja tjhelete le hore o lete matsatsi a 30, ho bohlokwa ho netefatsa hore na lesedi lena le se le senotswe mme ka hoo le fumaneha ka ho iketsahalla ntle le ho kenya kopo ya semmuso.

Ka boithaopo le ka dinako tse boletsweng, hlooho ya setheo sa poraefete e ka hlahisa lenane la lesedi le fumanehang ka ho iketsahalla ho setheo sa poraefete ntle le hore wena o kenye kopo semmuso. Lenane lena le bitswa **'tsebiso ya karolo ya bo 52'** kapa **'tsebiso ya tshenolo ka boithaopo.'**

Ho sa tshwane le maemo ao mohlanka wa lesedi wa setheo sa bohle a tobaneng le ona ao, ho latela PAIA, a **tlamehileng** ho phatlalatsa tsebiso ya tshenolo ka boithaopo, mohlanka wa lesedi wa setheo sa poraefete **ha a tlamehe** ho etsa jwalo. Jwalo ka ha PAIA e bolela, "ka boithaopo, a ka" phatlalatsa lenane leo. Ena ke phapang e kgolo pakeng tsa tsebiso ya karolo ya bo 52 ya ditheo tsa poraefete le tsebiso ya karolo ya bo 15 bakeng sa ditheo tsa bohle.

Tsebiso ya tshenolo ka boithaopo ya setheo sa poraefete e fupere mekgahlelo ya direkoto le tlhaloso ya direkoto tse fumanehang ka ho iketsahalla:

- Bakeng sa tlhahlobo ho latela molao le ha e ka ba ofe ntle le PAIA;
- Ho reka kapa ho kopitsa setheong sa bohle; le
- Ho tswa setheong sa bohle mahala.

Tsebiso ya tshenolo ka boithaopo e lokela hape ho hlalosa ka moo direkoto tse senolwang ka boithaopo le tse fumanehang ka ho iketsahalla di ka fihlellwang ka teng.

KAROLO YA 3

Ka moo o ka kopang ka teng ho fumantshwa phihlello ya lesedi

Karolo ena e kenyeletsa tse latelang:

3.1 Mofuta wa kopo

3.2 Ditefo tse tsamayang le ho kenya dikopo

3.3 Seabo sa Mohlanka wa Lesedi

3.4 Menyetla ya mmuso

3 Na nka e kenya jwang kopo ya PAIA?

Kopo ya phihlello ya lesedi e ka kenngwa ho ditheo tsa bohle le tsa poraefete. Motho ya kenyang kopo o tsejwa ka hore ke “mokopi”, mme o na le tokelo ya phihlello ya mefuta e itseng ya lesedi le bolokilweng ke ditheo tsa bohle kapa tsa poraefete. PAIA e bontsha mekgwa e fapaneng ya ho fihlella lesedi la setheo sa bohle kapa sa poraefete. Diforomo tse itseng tse laetsweng di tlamehile ho sebediswa ke bakopi ha ba kenya dikopo tsa lesedi. Diforomo tsena di ka fumanwa ho PAIA.

MOFUTA WA SETHEO	FOROMO YA PAIA	KAROLO YA PAIA
Setheo sa bohle	Foromo ya A	Karolo ya bo 18
Setheo sa poraefete	Foromo ya C	Karolo ya bo 53

Diforomo di lokela ho fumaneha diwebesaeteng tsa ditheo tsa bohle le tsa poraefete ka bobedi. Di ka fumaneha hape ofising ka nngwe ya porofentshe ya Khomishene ya Afrika Borwa ya Ditokelo tsa Botho, ekasitana le webesaeteng ho www.sahrc.org.za.

3.1 Ke mang ya ka kenyang kopo ya PAIA?

Mang kapa mang o a dumellwa ho kenya kopo ho latela molao wa PAIA. Mokopi a ka ba:

Motho wa Tlhaho

» motho enwa ha a tlamehe ho ba mohahi wa Afrika Borwa kapa modudi wa Afrika Borwa

KAPA

Motho wa molao

» jwalo ka kgwebo kapa mokgatlo

KAPA

Motho ya emetseng motho wa tlhaho kapa motho wa molao

Mokopi o na le tokelo ya ho fihlella direkoto tse fupereng dintlha tsa botho tsa mokopi ka boyena, kapa tsa motho eo mokopi a mo kenyetsang kopo.

Setheo sa bohle se nkuwa e le motho wa molao mme se ka kenya kopo ya phihlello ya direkoto tse polokelong ya ditheo tsa poraefete, **ha feela** setheo sa bohle se (1) sebeletsa molemo wa bohle, le (2) haeba direkoto di batlelwa ho phethahatsa kapa ho baballa ditokelo le ha e ka ba dife tseo e seng tsa setheo sa bohle.

Ho bohlokwa ho ela hloko hore PAIA ha e sebeletse hore mafapha a mmuso (ho kenyeletswa makala a naha, porofentshe le masepala), motho kapa institjushene efe kapa efe e phethahatsang matla kapa e etsang tlamo ho latela Molao wa motheo, (jwalo ka SAHRC le Ofisi ya Mosireletsi wa Setjhaba), kapa molao wa motheo wa porofentshe (jwalo ka Lekgotla la Kapabophirima la Dilaesentshe tsa Tahi), o kenye dikopo tsa PAIA ho ditheo tse ding tsa bohle.

3.1.1 Na ke e tlatsa jwang foromo ya kopo ya PAIA?

Kopo ya phihlello ya lesedi le polokelong ya setheo sa bohle kapa sa poraefete e kenngwa ka ho tlatsa foromo ya kopo ya PAIA le ho e neha setheo se tshwanelehileng. Kopo ya PAIA e lokela ho lebiswa ho Mohlanka wa Lesedi, Motlatsa Mohlanka wa Lesedi kapa Hlooho ya setheo sa bohle kapa sa poraefete, mme e lokela ho sebedisa dintlha tsa dikgokahanyo tse nepahetseng le tsa moraorao.

Ho feta ho ho nehelana ka dintlha ka setheo se tshwanelehileng, foromo ya kopo ya PAIA jwalo ka ha ho laetswe e kenyeletsa tse latelang:

LESEDI LE BATLWANG	TLHALOSO
Dintlha tsa mokopi	Ho hlokeha dintlha tse kgotsofatsang ka mokopi hore mokopi a tsebehe habonolo, ho kenyeletsa le dintlha tsa dikgokahanyo tsa mokopi: aterese ya poso, aterese ya imeile, nomoro ya fekese le/kapa founu ya Afrika Borwa.
Dintlha tsa rekoto e kopuwang	Ho hlokeha dintlha tse kgotsofatsang ka rekoto hore rekoto eo e fumanehe habonolo. Dipampiri tse ding di ka sebediswa ho nehelana ka dintlha tse ding tsa kopo, ha feela leqephe ka leng le saenuwa mme le hokelwa ho foromo ya kopo.
Mokgwa wa ho fihlella rekoto	Tlhaloso ya foromo kapa mokgwa oo rekoto e lokelang ho fanwa kapa ho fihlellwa ka ona.
Mokgwa oo mokopi a tla tsebiswa ka ona ka phihlello	Mokgwa oo mokopi a tla tsebiswa ka ona ka qeto ya ho dumella kapa ho hanela kopo ya hae.
Kgetho ya leleme	Ha kopo e kenngwa ho setheo sa bohle, leleme le kgethilweng leo ka lona rekoto e tla nehwa le lokela ho bontshwa.
Maemo a motho ya dumelletsweng ya kenyang kopo	Ha kopo e etswa lebitsong la motho e mong, bopaki ba boemo boo motho a kenyang kopo ka bona bo lokela ho nehwa (sena se tsejwa ka hore ke motho ya dumelletsweng).
Ditokelo tse amehang	Ha kopo e kenngwa ho setheo sa poraefete, mokopi o lokela ho bolela tokelo e amehang le ho hlalosa hore hobaneng rekoto e hlokwa bakeng sa phethahatso kapa paballo ya tokelo eo ka boyona.

Bakopi ba sa kgoneng ho bala kapa ho ngola ba ka kenya dikopo ka ho bua feela ho Mohlanka wa Lesedi kapa Motlatsa Mohlanka wa Lesedi wa setheo sa bohle, e leng ena ya tla jara boikarabelo ba ho tlatsa Foromo ya A lebitsong la mokopi.

3.1.2 Na ho na le tsamaiso e lokelang ho latelwa ha o kenya kopo ya PAIA?

Mokopi o lokela ho nehwa phihlello ya direkoto tse kopuweng, feela haeba a latetse ditlhoko tse latelang tsa tsamaiso:

- Kopo ya PAIA e lokela ho etswa foromong e nepahetseng (Foromo ya A bakeng sa ditheo tsa bohle, Foromo ya C bakeng sa ditheo tsa poraefete), mme e lebiswe ho Mohlanka wa Lesedi kapa Motlatsa Mohlanka wa Lesedi wa setheo sa bohle kapa sa poraefete, kapa ho Hlooho ya setheo sa bohle kapa sa poraefete.
- Foromo ya kopo ya PAIA e lokela ho kenngwa ka letsoho, ho romelwa ka poso, ka fekese kapa ho romelwa ka imeile ho setheo sa bohle kapa sa poraefete seo kopo e lebiswang ho sona.
- Direkoto tse kopuwang ha di laolwe ke maemo a ho hana a fuweng ho PAIA.

3.2 Ho ja bokae ho kenya kopo ya PAIA?

Bakopi ba laelwa ho lefa tefo ha ba kenya **kopo** ya phihlello ya direkoto tsa ditheo tsa bohle le tsa poraefete.

Tefo ya ho kopa direkoto setheong sa bohle ke **R35**, ha tefo ya ho kopa direkoto ho setheo sa poraefete e le **R50**.

Ho bohlokwa ho ela hloko hore bakopi ba kopang phihlello ya lesedi la bona la botho ba dumelletswe hore ba se ke ba lefa tefo eo; empa ho sa na le tefo ya phihlello eo ba lokelang ho e lefa.

Bakopi bao moputso wa bona o leng ka tlase ho **R14,712** ka selemo (haeba ba sa nyala) le ka tlase ho **R27,192** ka selemo (haeba ba nyetse kapa ba le selekaneng sa bophelo bohle) HA BA a lokela ho lefa ditefo tsa kopo.

3.2.1 Ho ja bokae ho fihlella direkoto ho latela PAIA?

Bakopi hape ba lokela ho lefa ditefo tsa ho fihlella direkoto tsa ditheo tsa bohle le tsa poraefete. Tefo e akaretsa ditjeho tsa ho fuputsa ho fumana direkoto le ho di kopitsa.

Tlhophollo ya ditefo tsa ho fihlella direkoto tsa ditheo tsa bohle ke ena:

MOSEBETSI	TEFO
Kopi ya leqephe la A4 ka leng	60 disente
Kgatiso ya leqephe la A4 ka leng	40 disente
Kopi ho CD	R40
Ngolollo ya ditshwantsho leqepheng la A4	R22
Kopi ya setswantsho	R60
Ngolollo ya kgatiso ya kutlo leqepheng la A4	R12
Kopi ya kgatiso ya kutlo	R17
Phuputso le tokiso ya rekoto bakeng sa tshenolo	R15 hora ka nngwe kapa karolo ya yona, ho sa kenyeletswe hora ya pele, e hlokehang bakeng sa ho fuputsa le ho lokisa

Tlhophollo ya ditefo tsa ho fihlella direkoto tsa setheo sa poraefete ke:

MOSEBETSI	TEFO
Kopi ya leqephe la A4 ka leng	R1.10
Kgatiso ya leqephe la A4 ka leng	75 disente
Kopi ho CD	R70
Ngolollo ya ditshwantsho leqephe la A4	R40
Kopi ya setswantsho	R60
Ngolollo ya kgatiso ya kutlo leqepheng la A4	R20
Kopi ya kgatiso ya kutlo	R30
Phuputso le tokiso ya rekoto bakeng sa tshenolo	R30 hora ka nngwe kapa karolo ya yona, ho sa kenyeletswe hora ya pele, e hlokehang bakeng sa ho fuputsa le ho lokisa.

Ela hloko hore bakeng sa diinstitjushene tsa bohle le tsa poraefete, ditefo tsa ho posa di lokela ho lefuwa ke mokopi bakeng sa ho tsamaisa direkoto tsa bona.

Tse sa kenyeletsweng

Haeba Mohlanka wa Lesedi, Motlatsa Mohlanka wa Lesedi, kapa Hlooho ya setheo sa bohle/poraefete a nahana hore pokello le tlhahisobotjha ya ditokomane e tla nka dihora tse fetang tshelela, o lokela ho tsebisa mokopi, (ka tsebiso ya semolao), hore karolo ya nngwe borarong e lokela ho lefellwa ka pele e le diphositi.

Haeba rekoto e sa nehwe ka mokgwa o kopilweng, tefo ya phihlello e lefisitsweng mokopi ha e a tshwanela ho feta e neng e tla lefuwa haeba phihlello e ne e nehuwe ka mokgwa o kopilweng. Le ha ho le jwalo, molawana ona ha o sebetse haeba ho tlamehile ho sebediswa mokgwa o mong hobane lesedi le ne le lokela ho pongwa rekotong.

Haeba mokopi a sa kgone ho bala, ho bona kapa ho utlwa rekoto ka mokgwa oo e leng polokelong ya setheo sa bohle ka ona ka lebaka la bofokodi mmeleng, setheo sa bohle se laelwa ho nehela mokopi rekoto foromong eo mokopi a kgonang ho e fihlella. Tefo ya phihlello e lefiswang mokopi ha e a lokela ho feta tefo e neng e tla lefiswa ha a ne a se na bofokodi boo.

3.3 Na Mohlanka wa Lesedi a ka nthusa ho kenya kopo ya PAIA?

Ha kopo ya PAIA e etswa ho setheo sa bohle, Mohlanka wa Lesedi kapa Motlatsa Mohlanka wa Lesedi o lokela ho o thusa moo ho hlokehang ho tlatsa diforomo tsa PAIA.

Thuso mahala e tlamehile ho nehwa ke Bahlanka ba Lesedi.

MESEBETSI YA BAHLANKA BA LESEDI	TLHALOSO
Thusa mokopi ho tlatsa Foromo ya PAIA	Ha kopo ya PAIA e sa latele ditaelo tsohle tse ngotsweng foromong ya PAIA le molaong, Mohlanka wa Lesedi kapa Motlatsa Mohlanka wa Lesedi HA A kgone ho hana kopo. Bakeng sa hoo, Mohlanka wa Lesedi o lokela ho tsebisa mokopi, ka lengolo, hore ha a kgone ho dumela kopo hobane ha e a phethahala mme a mo nehe thuso ya ho etsa diphetoho tse hlokehang foromong. Haeba mokopi a sa arabe lengolo kapa a sa lokise foromo ka nako e kgotsofatsang, Mohlanka wa Lesedi a ka nna a hana kopo ya hae.
Neha mokopi lesedi le tshwanelehileng moo ho kgonehang.	Haeba ho kgotsofatsa mme ho kgoneha ho etsa jwalo, Mohlanka wa Lesedi o **tlamehile** ho neha mokopi lesedi le ha e ka ba lefe le leng le polokelong ya setheo sa bohle leo le lona le tshwanetseng kopo, le hoja direkoto tseo di ne di se karolo ya kopo ya pele.
Kopo ya phetiso	Ha kopo ya PAIA e kenngwa setheong sa bohle se fosahetseng, Mohlanka wa Lesedi wa setheo seo o **tlamehile** ho fetisetsa kopo eo ho setheo se nepahetseng sa bohle nakong ya **matsatsi a sa feteng 14** kamora hoba kopo e amohelwe mme o lokela ho tsebisa mokopi ka lengolo ka phetiso eo.
Matsatsi a 30 ho arabela kopo	Kopo ya PAIA e lokela ho arabelwa ke setheo sa bohle kapa poraefete nakong ya matsatsi a sa feteng 30 kamora ho fumana kopo eo. Mohlanka wa Lesedi a ka kopa nako e ekeditsweng ya matsatsi a mang a sa feteng 30, mme a nehe lebaka le utlwahalang, le kenyeletsang kopo e amang
	(1) hore ho na le ditokomane tse ngata tse amehang, (2) ho tlamehile ho be le ditherisano le ditheo tse ding tsa bohle kapa tsa poraefete, (3) kapa haeba mokopi a file nako e ekeditsweng ka lengolo. Kopong e nngwe le e nngwe ya PAIA, ho dumelletswe feela kopo e le nngwe ya keketso ya nako.
Nehela phihlello kapa o hane	Ke boikarabelo ba Mohlanka wa Lesedi ho nehelana ka phihlello kapa ho e hanela. Qeto ena e tlamehile e nehwe mokopi ka lengolo.
Sebopeho sa phihlello, tefo ya phihlello le menyetla	Ha kopo ya PAIA e dumellwa, Mohlanka wa Lesedi o lokela ho tsebisa mokopi ka sebopeho seo ka sona phihlello e tla nehwa le hore ho tla ja bokae, e leng tefo e lokelang ho lefuwa hang ha phihlello e nehilwe. Hape mokopi o lokela ho tsebiswa hore o na le tokelo ya ho kenya boipiletso ba ka hare le kopo e lebiswang kgotla kgahlanong le tefo ya phihlello kapa kgahlanong le sebopeho seo phihlello e tla nehwa ka sona. Ho feta moo, tsebiso e lokela hape ho nehelana ka lesedi ka nako eo boipiletso kapa kopo ya kgotla e lokelang ho kenngwa ka yona ekasitana le tsamaiso e lokelang ho latelwa.
Ho qhala kopo	Haeba kopo ya PAIA e hanwa, tsebiso e lebiswang ho mokopi e lokela ho bolela mabaka a ho hana kopo, a tlamehileng ho tshehetswa ka ditaelo tse fuperweng ke PAIA. Jwalo feela ka sebopeho kapa phihlello le bokalo ba tefo ya phihlello, tsebiso e lokela ho neha mokopi lesedi mabapi le tokelo ya hae ya boipiletso kgahlanong le qeto kapa ho kenya kopo kgotla.
Tjhetjhisa ho nehelana ka rekoto	Mohlanka wa Lesedi a ka nka qeto ya ho tjhetjhisa nako eo a tla nehang mokopi rekoto eo a e kopileng ho latela Karolo ya bo 24 ya PAIA, haeba morero wa kopo ya rekoto eo ke ho e phatlalatsa nakong ya matsatsi a sa feteng 90 kapa haeba rekoto eo e laelwa ka molao hore e phatlalatswe empa e so phatlalatswe.

PAIA e bolela Dikarolong tsa 23 le 55 hore haeba Mohlanka wa Lesedi a sa kgone ho fumana direkoto tse kopilweng, kapa ho kgolwa hore ha di fumanehe, kamora ho netefatsa hore mehato yohle e kgotsofatsang e ile ya nkuwa ho fumana rekoto eo, Mohlanka wa Lesedi o lokela ho fa mokopi lengolo la boikano le bolelang hore rekoto e kopuweng ha e fumanehe kapa ha e kgone ho fumanwa. Lengolo la boikano le tlamehile ho ba le dintlha tse kgotsofatsang.

3.4 Na ke na le menyetla efe molaong ha kopo ya ka ya PAIA e hanwa?

Mokopi o na le tokelo ya ho nka mehato ya molao kgahlanong le Mohlanka wa Lesedi, Motlatsa Mohlanka wa Lesedi, kapa Hlooho ya setheo sa bohle kapa poraefete haeba Mohlanka wa Lesedi a ka nka qeto ya:

- Ho hanela phihlello ya rekoto
- Ho eketsa nako ya ho arabela kopo
- Ho lefisa tefo ya kopo kapa tefo ya phihlello
- Ho nehelana ka phihlello ya rekoto ka sebopeho se fapaneng le se kopilweng qalong.

Karolo ena e tla hlalosa menyetla ya molao e fumanehang ho bakopi ba lakatsang ho bula nyewe kgahlanong le diqeto tsa Bahlanka ba Lesedi.

3.4.1 Menyetla ya Molao kgahlanong le Ditheo tsa Bohle

Ha mokopi a sa kgotsofatswa ke qeto e nkuweng ke Mohlanka wa Lesedi wa setheo sa bohle, mokopi o na le tokelo ya ho etsa boipiletso ba ka hare. Boipiletso ba ka hare bo kenya motho wa maemo a batlang a le hodimo ya shebang botjha qeto ya Mohlanka wa Lesedi le ho nka qeto ka hore Mohlanka wa Lesedi o nkile qeto e nepahetseng kapa tjhe. Haeba motho enwa wa maemo a phahameng a dumella qeto ya Mohlanka wa Lesedi, boipiletso ba ka hare bo a hanelwa mme qeto e nkuweng pele mabapi le kopo ya PAIA e a tiiswa. Haeba motho enwa wa maemo a phahameng a sa amohele qeto ya Mohlanka wa Lesedi, boipiletso bo a amohelwa mme qeto ya pele mabapi le kopo ya PAIA ea a qhalwa.

Ho bohlokwa ho ela hloko hore o ka kenya boipiletso ba ka hare feela ho mafapha a mmuso a naha, porofentshe le masepala. Ha ho tsamaiso ya ka hare e fumanehang bakeng sa ditheo tse ding tsa bohle.

Motse wa Cape Town ke mohlala wa mmuso wa masepala oo boipiletso ba ka hare bo ka qalwang kgahlanong le ona. Letlole la Dikotsi Mebileng ke mohlala wa setheo sa bohle seo e seng karolo ya mmuso wa naha, porofentshe kapa lehae, ka ha se thehuwe ho latela molao (Molao wa Letlole la Dikotsi Mebileng), mme ka hoo boipiletso ba ka hare ha bo kgone ho etswa kgahlanong le setheo sena.

3.4.1.1 Ke mang ya ka etsang boipiletso ba ka hare?

Mokopi ya etsang kopo ya PAIA ho setheo sa bohle sa naha, porofentshe kapa masepala mme a hanelwa phihlello o na le tokelo ya ho etsa boipiletso ba ka hare. Sena se etswa ka ho tlatsa Foromo ya B ya PAIA le ho e neha setheo sa bohle sa naha, porofentshe kapa masepala. Kopi ya Foromo ya B e ka fumanwa webesaeteng ya setheo se amehang mme e ka fumanwa hape ofising e nngwe le e nngwe ya Khomishene ya Afrika Borwa ya Ditokelo tsa Botho.

Haeba boipiletso ba ka hare bo kenya setho sa boraro, setheo sa bohle se amohetseng boipiletso ba ka hare, se jara boikarabelo ba ho ikgokahanya le ditho tsa boraro tsohle tse amehang. Ditaelo tsa tsebiso le boemedi di a tshwana le tsa kopo ya pele ya PAIA.

Ditho tsa boraro di a dumellwa hape ho etsa boipiletso ba ka hare kgahlanong le qeto e entsweng ke setheo sa bohle ho neha phihlello ya rekoto e boletsweng.

3.4.1.2 Na o ka etsa neng boipiletso ba ka hare?

Mokopi a ka etsa boipiletso ba ka hare kgahlanong le qeto ya setheo sa bohle tlasa mabaka a latelang:

- Mokopi ha a kgotsofatswe ke ditefo tse hlokehang bakeng sa kopo.
- Mokopi ha a kgotsofatswe ke qeto ya ho neha setheo sa bohle keketso ya matsatsi a 30 ho arabela kopo.
- Mokopi ha a kgotsofala ha sebopeho seo direkoto di nehwang ka sona ha se tshwane le sebopeho se kopilweng, mme mokopi o dumela hore ho ne ho ke ke ha ba boima ka tsela e sa kgotsofatseng hore setheo sa bohle se mo fe rekoto ka sebopeho seo mokopi a e kopileng ka sona.

3.4.1.3 Na nka etsa jwang boipiletso ba ka hare?

Boipiletso ba ka hare bo lokela ho etswa ke mokopi nakong e sa feteng matsatsi a 60 kamora ho tsebiswa hore kopo ya pele ya PAIA e hannwe. Sena se etswa ka ho tlatsa Foromo ya B le ho e kenya lefapheng la mmuso le loketseng la naha, porofentshe kapa masepala.

Mmuso wa Naha	Haeba kopo ya PAIA e entswe ho lefapha la naha, mokopi a ka etsa boipiletso ba ka hare ho Letona la lefapha leo.
Mmuso wa Porofentshe	Haeba kopo ya PAIA e entswe ho lefapha la porofentshe, mokopi a ka etsa boipiletso ho Setho sa Lekgotla la Phethahatso la lefapha leo.
Mmuso wa Masepala	Haeba kopo ya PAIA e entswe ho lefapha la masepala, mokopi a ka etsa boipiletso ho majoro wa masepala, kapa sebui sa masepala, kapa motho mang kapa mang e mong ya kgethilweng ke Lekgotla la Masepala masepaleng ona oo.

Foromo ya B e kenngwa ho Mohlanka wa Lesedi/Motlatsa Mohlanka wa Lesedi yena eo ya hanneng kopo ya pele, eo jwale a laelwang ho e neha Mohlanka wa Lesedi.

ELA HLOKO

Haeba boipiletso bo laela hore tsebiso e nehwe setho sa boraro (ke hore, ha lesedi le fupere lesedi la botho ka motho e mong, le kang direkoto tsa Ditshebeletso tsa Lekeno tsa Afrika Borwa (SARS), ekasitana le lesedi la lekunutu, lesedi le tobileng la kgwebo, le lesedi la Diphuputso ka setho sa boraro), tlasa maemo ao boipiletso bo tlamehile bo etswe matsatsi a 30 a so fete kamora hoba tsebiso e nehwe.

Mokopi o lokela ho etsa boipiletso ba ka hare ho Mohlanka wa Lesedi wa setheo se loketseng ka poso, fekese kapa imeile.

Boipiletso ba ka hare bo lokela ho kenyeletsa sehlooho sa boipiletso ba ka hare, mabaka a tshehetsang boipiletso, le ho kenyeletsa lesedi le leng le ha e ka ba lefe le tsejwang ke motho ya etsang boipiletso.

Haeba mokopi a lakatsa ho tsebiswa ka qeto ya boipiletso ba ka hare ka mokgwa o mong, (ntle le karabelo e ngotsweng), o tlamehile a bolele mokgwa oo o mong le ho nehelana ka lesedi le ha e ka ba lefe le hlokehang.

Ho etsahalang ha boipiletso ba ka hare bo etswa kamora ho feta ha letsatsi la ho qetela la nako e behuweng?

Ha boipiletso ba ka hare bo etswa kamora hoba matsatsi a 60 a fete, setheo sa bohle se tshwanelehileng se lokela ho amohela boipiletso haeba lebaka le kgotsofatsang le le teng bakeng sa boipiletso ba kamora nako. Ha setheo se tshwanelehileng sa bohle se sa amohele boipiletso ba ka hare bo entsweng kamora nako, se lokela ho tsebisa motho ya entseng boipiletso.

3.4.1.4 Boipiletso ba ka hare bo ja bokae?

Mokopi ya etsang boipiletso ba ka hare o tlamehile ho lefa tefo e laetsweng, haeba e le teng. Haeba tefo ya boipiletso e lokela ho lefuwa ha kopo e etswa, qeto ka boipiletso e tla tjhetjhiswa ho fihlela tefo e etswa.

NA NKA KENYA KOPO KGOTLA KGAHLANONG LE QETO YA SETHEO SA BOHLE?

Ee. Haeba mokopi a sa atleha ka boipiletso ba hae ba ka hare kgahlanong le setheo sa bohle, kapa haeba setheo sa bohle se hanne ho amohela boipiletso ba ka hare bo entsweng kamora nako e behilweng, kapa haeba mokopi a sa kgotsofala ka mokgwa le ha e ka ba ofe ka lebaka la qeto e nkuweng ke setheo sa bohle, mokopi a ka kopa ho lekgotla la dinyewe ka ho kenya kopo matsatsi a 30 a so fete kamora hoba a fumane qeto. *Mokopi kapa setho sa boraro se ka lebisa kopo kgotla feela kamora hoba tshebetso ya boipiletso e phethwe*.

3.4.2 Monyetla wa Molao kgahlanong le Ditheo tsa Poraefete

Ha mokopi a sa kgotsofala ka qeto e entsweng ke hlooho ya setheo sa poraefete, ho tea mohlala, ho hanela phihlello, ho lefisa tefo ya phihlello, kapa ho eketsa nako eo a lokelang ho nehelana ka karabelo, mokopi a ka kopa thuso kgotla matsatsi a 180 a so fete kamora hoba a fumane qeto e sa mo kgotsofatsang. Qeto ya setheo sa poraefete e tla shejwa botjha ke lekgotla mme qeto e tla nkuwa ke lekgotla la dinyewe hore na phihlello e tla nehwa kapa tjhe.

BRUMMER V LETONA LA LEFAPHA LA NTSHETSOPELE YA SETJHABA

Nyeweng ena lekgotla le ile la bolela hore nako ya pele ya matsatsi a 30 ho latela PAIA eo ho yona mokopi a ka kopang lekgotleng ha a sa kgotsofala ka qeto ya Mohlanka wa Lesedi e ne e sa lekana hore tshebetso ya toka e phethahale. Ho ile ha nkuwa qeto, ke hona, hore nako ya matsatsi a 30 e na le bofokodi mme e tla eketswa hore e be nako ya matsatsi a 180. Kahlolo ena e bontshitswe Molaong wa Paballo ya Lesedi la Botho o bolelang hore ho na le nako ya matsatsi a 180 eo mokopi a nang le yona hore a ka kenya tletlebo ho Molaodi wa Lesedi, kamora hoba a sebedise tshebetso ya PAIA yohle ya ho fumana phihlello ya rekoto ya botho.

Hang ha melawana le tsamaiso e laolang dinyewe tsa phihlello ya lesedi e thehilwe ke Lekgotla la Melawana bakeng sa Lekgotla la Dinyewe, dinyewe tsohle tse amang phihlello ya lesedi di tla iswa pela Makgotla a Maseterate e le lekgotla la pele, jwalo ka ha ho laetswe karolong ya 79 ya PAIA ekasitana le **ho Makgotla a Dinyewe a Phahameng**.

3.4.3 Ho tla etsahala eng ka nyewe ya ka kgotla?

Ho na le diphetho tse mmalwa tse ka fihlellwang ha o isa nyewe ya PAIA kgotla. Kamora ho utlwa mahlakore ka bobedi a nyewe, mohlanka ya tshwereng nyewe o na le matla a ho nehalana ka taelo ya toka le tekatekano. Hona ho ka kenyeletsa taelo: (1) e tiisang, e fetolang, kapa e qhelelang ka thoko qeto ya setheo sa bohle kapa sa poraefete mabapi le kopo ya PAIA; (2) e laelang setheo sa bohle kapa poraefete ho nka mohato o itseng kapa ho se nke mohato o itseng; (3) e nehang thibelo ya molao, taelo, monyetla o boletsweng, kapa tefo; kapa (4) e laelang hore ditefo tse boletsweng di etswe.

KAROLO YA 4

Mabaka ao phihlello ya lesedi e ka hanelwang tlasa ona

Karolo ena e kenyeletsa:

4.1 Ho tlisa botsitso pakeng tsa tokelo ya phihlello ya lesedi le ditokelo tse ding

4.2 Maemo a tlamang kgahlanong le Maemo a boikgethelo a ho hanela phihlello

4.3 Maemo a ho hanela phihlello ya lesedi a lenaneng la PAIA

4.4 Teko ya molemo wa bohle

4.1 Maemo ao Phihlello ya Lesedi e ka Hanelwang tlasa ona

Karolo ena e tla nehelana ka tjhebokakaretso ya maemo ao phihlello ya lesedi e ka hanelwang tlasa ona ho latela PAIA, le tataiso ya mokgwa wa ho phethahatsa melawana e dumellang mohlanka wa lesedi ho hanela kopo. PAIA e fana ka maemo a 12 ao phihlello ya lesedi e ka hanelwang tlasa ona ke mohlanka wa lesedi wa setheo sa bohle kapa sa poraefete, mme a mang a ona ke a tlamang ha a mang a ona e le a boikgethelo (***sheba karolo ya bo 4.2 mona ka tlase bakeng sa lesedi le eketsehileng***). Ho feta moo, PAIA e fana ka polelwana ya molemo wa bohle eo hantlentle e hlakolang maemo le ha e ka ba afe a ho hanela phihlello ya lesedi, ha feela molemo wa bohle leseding leo e ka ba se lokelang ho shejwa. (***Sheba karolo ya bo 4.4 mona ka tlase bakeng sa lesedi le eketsehileng***).

HO TLISA BOTSITSO PAKENG TSA TOKELO YA PHIHLELLO YA LESEDI LE DITOKELO TSE DING	
MOLAWANA O AKARETSANG	Tokelo ya phihlello ya lesedi e fumanwa kahara Bili ya Ditokelo ya Molao wa Motheo wa Afrika Borwa mme, hore tokelo ena e tle e phethahatswe, phihlello ya lesedi e lokela ho nehwa nako le nako ha ho tshwanelehile.
MAEMO A MEKGELO	Jwalo feela ka ho ditokelo tse ding tse fuperweng ke Bili ya Ditokelo, tokelo ya phihlello ya lesedi e ka sehelwa meedi kapa ya hanelwa maemong a itseng. PAIA e thehilwe haholoholo ho totobatsa maemo ao dikopo tsa lesedi di ka hanelwang tlasa ona, mme ka hoo tokelo ya phihlello ya lesedi e sehetswe meedi.

4.2 Maemo a tlamang papisong le Maemo a boikgethelo a ho hanela phihlello ya lesedi

PAIA e a bolela hore tlasa mabaka a itseng mohlanka wa lesedi ha a tshwanele ho senola lesedi. Ka bokgutshwanyane, mabaka a hlalosang hore hobaneng lesedi le sa kgone ho senolwa a mabapi le hore na tshenolo eo ya lesedi e tla baka kotsi e fetang ya ha le sa senolwe. Ka lebaka leo, PAIA e fana ka lenane la maemo a leshome le metso e mmedi ao mohlanka wa lesedi wa setheo sa bohle kapa poraefete a ka hanelang phihlello ya lesedi tlasa ona (***maemo ana a 12 a tla hlahiswa ka botlalo karolong ya 4.3 mona ka tlase***). Ka tsohong la pele, a mang a mabaka ana a ho se senole ke a tlamang Mohlanka wa Lesedi, ho bolelang hore mohlanka wa lesedi ha a tshwanele ho dumella phihlello ya lesedi ha ho ka hlahiswa bopaki ba hore ho na le maemo a itseng a tlamang a ho hanela phihlello ya lesedi. Ka ho le leng, maemo a mang a ho hanela phihlello ya lesedi ke a tsejwang ka hore ke a boikgethelo. Hona ho bolela hore mohlanka wa lesedi a ka senola lesedi kapa rekoto e boletsweng kapa a se senole letho. Ka lebaka lena mohlanka wa lesedi o lokela ho sebedisa boikgethelo ba hae ha a hlahloba maemo ho bona hore na ho senola lesedi ho ka baka kotsi ho setheo sa bohle kapa sa poraefete ho feta ha a sa le senole, e leng se ka behang kotsing tokelo ya mokopi ya phihlello ya lesedi.

DIPEHELO TSA PAIA TSE LOKELANG HO ELWA HLOKO

Bakeng sa dikganelo tse tlamang, PAIA e sebedisa lentswe le reng "**tshwanela**".

Bakeng sa dikganelo tsa boikgethelo, PAIA e sebedisa lentswe le reng "**ka**"

Hopola hore ha o le Mohlanka wa Lesedi o tlamehile o dule o shebile dintlha feela ha o phethahatsa maemo a ho hanela phihlello ya lesedi. Se ke wa nka mahlakore, mme o be mahareng ka dinako tsohle!

4.3 Maemo a ho hanela phihlello ya lesedi

Jwalo ka ha ho boletswe mona ka hodimo ho na le maemo a fapaneng ao kopo ya phihlello ya lesedi **e ka hanelwang** kapa **e tlamehileng ho hanelwa** tlasa ona ke Mohlanka wa Lesedi wa setheo sa bohle kapa poraefete. Maemo ana a lenaneng le Kgaolong ya bo 4 ya Karolo e Kgolo ya bo 2 bakeng sa Setheo sa Bohle, le Kgaolong ya bo 4 ya Karolo e Kgolo ya bo 3 bakeng sa Setheo sa Poraefete ho PAIA.

4.3.1 Paballo ya lekunutu la setho sa boraro

Mohlanka wa Lesedi wa setheo sa bohle kapa poraefete **ha a tshwanele** ho dumella phihlello ya lesedi la botho la motho wa tlhaho, ho kenyeletswa motho ya seng a hlokahetse (*bakeng sa tlhaloso ya "motho wa tlhaho" sheba Mantswe a Thusang mona ka hodimo*). PAIA e a bolela hore molemong wa ho baballa tokelo ya lekunutu ya setho sa boraro seo e leng motho wa tlhaho, Mohlanka wa Lesedi o tlamehile ho lekola hore na ho neha mokopi lesedi le boletsweng 'ho tla kenya tshenolo e sa kgotsofatseng ya lesedi la botho' (sheba dikarolo tsa 34 le 63 tsa PAIA).

Karolo ya bo 1 ya PAIA e nehelana ka tlhaloso e batsi ya lesedi leo e leng "lesedi la botho". E kenyeletsa lesedi le amang bong, ho ima, le bodumedi, ekasitana le mangolo a botho, DNA, dikgatiso tsa menwana, le moo lebitso la motho le hlahellang direkotong.

Le ha ho le jwalo, Mohlanka wa Lesedi o tlamehile hape ho nahana ka hore na lesedi la botho le boletsweng le ka ba la mekgahlelo e latelang ya lesedi la botho e ka senolwang kapa tjhe:

- Lesedi la botho ka motho ya nehelaneng ka tumello hore lesedi lena le ka nehwa;
- Lesedi la botho le seng le tsejwa ke bohle;
- Lesedi la botho la ngwana wa dilemo tse ka tlase ho 18 moo tshenolo ya lesedi leo e leng molemong wa ngwana, mme mokopi e le mohlokomedi wa ngwana eo (ke hore, motswadi kapa mohlokomedi);
- Lesedi la botho la motho ya seng a hlokahetse le nehwa mokopi eo e leng wa lapa la motho ya hlokahetseng, kapa ya nehuweng tumello (e ngotsweng) a e nehwa ke eo e leng wa lapa;
- Lesedi la botho la motho ya hlokahetseng eo e seng e le dilemo tse fetang 20 a hlokahetse;
- Lesedi la botho la motho eo e leng kapa eo e neng e le mohlanka setheong sa bohle kapa poraefete le moo lesedi le leng mabapi le boemo ba hae ba bohlanka.

PAIA e laela hore Bahlanka ba Lesedi ba Ditshebeletso tsa Afrika Borwa tsa Lekeno (SARS) ba se ke ba senola lesedi la motho la lekgetho le lekeno, ntle le ha mokopi a kopa phihlello ya lesedi la hae ka boyena.

4.3.2 Paballo ya lesedi la kgwebo la setho sa boraro

Bahlanka ba Lesedi ba ditheo tsa bohle le tsa poraefete ba **tlamehile** ho hanela phihlello ya lesedi haeba ho lokolla lesedi leo ho ka baka kotsi ho menyetla ya kgwebo kapa tjhelete ya mokgatlo. PAIA e nehelana ka lenane la lesedi la kgwebo leo Mohlanka wa Lesedi a sa tshwanelang ho le senola.

- Makunutu a Kananyo;
- Lesedi la ditjhelete, kgwebo, saentshe, diphuputso kapa thekeniki ka setho sa boraro leo, ha le ka senolwa, le ka bakang kotsi ho setho sa boraro;
- Lesedi le seng le nehuwe setho sa boraro ka lekunutu.

Le hoja ho na le molawana o akaretsang wa hore lesedi la khamphani le baballwe, setheo sa bohle se laelwa ho sebetsa ka mokgwa wa ponahalo. Maemong ana ho lokela ho elwe hloko hore ho na le maemo a itseng ao lesedi la kgwebo la khamphani le ka senolwang ho ona.

Ho sa Kenyeletsweng ho PAIA**:** Direkoto tsa setho sa boraro tse fupereng lesedi le amang polokeho ya bohle kapa dikotsi tsa tikoloho le lokela ho senolwa, le hoja tshenolo ya lesedi leo e ka baka kotsi ho setho sa boraro. Hona ke lesedi la molemo wa bohle (sheba karolo ya bo 4.4 ka tlase ho mona).

4.3.3 Paballo ya lesedi la lekunutu

PAIA e laela hore mohlanka wa lesedi o **tlamehile** ho hanela phihlello ya rekoto haeba ho senola rekoto e tla ba tlolo ya tshwanelo ya tumellano eo motho a nang le yona ho e mong ho latela tumellano kapa konteraka.

4.3.4 Paballo ya polokeho ya motho le thepa

Karolo ena e bolela hore mohlanka wa lesedi o **tlamehile** ho hanela phihlello ya rekoto haeba tshenolo ya rekoto bonneteng ho ka lebellwa hore e ka tlisa bofokodi polokehong ya motho kapa thepa. Karolo ena e na le ntlha ya tokelo ya lekunutu kaha e sheba bophelo ba botho ba motho le thepa ya hae.

4.3.5 Paballo ya lesedi tshebetsong ya molao

Morero wa karolo ena ke ho baballa lesedi le batlwang ditshebetsong tsa molao le tsa phethahatso ya molao. Karolo ena e ananela melao e meng e laolang mekgahlelo e meng ya lesedi. Karolong ena Molao wa Tsamaiso ya Melato ya Botlokotsebe wa bo 51 wa 1977 o ananelwa e le molao o laolang direkoto tse mabapi le tsamaiso ya dibeile le ditshebetso tse ding tsa phethahatso ya molao. Hape, hona ho a sebetsa le ho direkoto tse sa tshwanelwang ke ho hlahiswa. Ka mantswe a mang, direkoto tse sa fumaneheng ho motho e mong le ha e ka ba mang, ntle le motho ya nang le tshwanelo ya ho di fihlella, mohlala, leqwetha le nang le tshwanelo ya moemelwa. Direkoto le ha e ka ba dife tse tlasa taolo ya kamano pakeng tsa leqwetha le moemelwa wa hae di baballetswe ho latela karolo ya bo 40 ya PAIA**.**

Le hoja PAIA e ananela boteng ba melao e meng mabapi le tsamaiso le tshenolo ya lesedi le direkoto, maemong a ha molao o seha meedi ya phihlello ya lesedi ka mokgwa o se nang toka mme o na le kgohlano le ditheo tsa ponahalo le boikarabelo, ho tla latelwa PAIA**,** e seng molao oo.

4.3.6 Paballo ya Lesedi la Diphuputso

Mohlanka wa Lesedi wa setheo sa bohle kapa poraefete o tlamehile ho hanela phihlello ya direkoto tse fupereng lesedi le mabapi le diphuputso tse etswang kapa tse tla etswang ke setheo sa bohle kapa poraefete se boletsweng kapa setho sa boraro. Kganelo ena ya phihlello ya lesedi e maemong ao ho ona tshenolo ya rekoto e tla pepesang diphuputso tsa setho sa boraro kapa setheo sa bohle kapa poraefete, motho kapa institjushene e etsa diphuputso tseo, kapa dikahare tsa diphuputso di ka behwa kotsing e kgolo (sheba dikarolo tsa 43 le 69 tsa PAIA).

4.3.7 Lesedi le ka hanelwang phihlello

Mekgahlelo e latelang ya lesedi ke lesedi leo Mohlanka wa Lesedi a ka hanang ho fana ka phihlello ya lona, ha feela a kgona ho neha mabaka a hore lesedi leo le wela mekgahlelong e latelang mme ha ho molemong wa bohle hore le senolwe (*hore o fumane lesedi le eketsehileng ka polelwana ya molemo wa bohle sheba karolo ya bo 4.4 mona ka tlase)*.

4.3.7.1 Dikamano tsa Afrika Borwa tsa tshireletso le matjhaba

Karolo ya bo 41 ya PAIA e laela mohlanka wa lesedi hore a nahane ka hore na kopo ya lesedi e amana le lesedi la tshireletso ya Afrika Borwa kapa tjhe. Mohlanka wa lesedi a ka qhala kopo haeba a ka hlahisa bopaki ba hore ho nehelana ka lesedi leo ho tla beha polokeho ya Afrika Borwa kotsing.

4.3.7.2 Menyetla ya Afrika Borwa ya Moruo, Tjhelete le Kgwebo

Karolo ya bo 42 ya PAIA e laela paballo ya lesedi la setheo sa bohle haeba tshenolo ya lona e tla ba kotsi ho boemo ba Riphaboliki ba moruo kapa tjhelete. Maemo ana a ho hana ke a boikgethelo, ho bolelang hore Mohlanka wa Lesedi o tla hloka ho ela hloko ntlha ya hore ditheo tsa bohle di laetswe tlasa Molao wa Motheo wa Afrika Borwa hore di be le boikarabelo ho bohle, le hore ka lebaka leo ke maemong a itseng feela ao kopo ya phihlello ya lesedi e ka hanelwang ho ona. Ho feta moo, Mohlanka wa Lesedi o tla hloka ho bontsha hore tshenolo ya lesedi leo ho buuwang ka lona e tla baka kotsi ho menyetla ya Afrika Borwa ya tjhelete le moruo.

4.3.7.3 Mesebetsi ya ditheo tsa bohle

Karolo ya bo 44 ya PAIA e neha Bahlanka ba Lesedi bokgoni ba ho hanela phihlello ya rekoto haeba e tla sitisa mesebetsi ya setheo sa bohle. Karolo ya bo 44 e batsi, lenane la direkoto tse bontshitsweng katlasa mesebetsi le kenyeletsa:

- Metsotso ya dikopano;
- Direkoto tse fupereng keletso le mehopolo;
- Direkoto tse mabapi le ditherisano le ditheo tse ding;
- Direkoto tse mabapi le ho ralwa ha dipholisi kapa ditshisinyo.

4.3.7.4 “Dikopo tseo bonneteng di se nang botebo kapa di tenang, kapa di bakang ho fetola ha matla le ho sa kgotsofatseng ha merero ya mehlodi”

Mohlanka wa Lesedi a ka hanela kopo ya lesedi haeba a na le tjhebo ya hore ho sebetsa ka dikopo tseo ho tla nka nako e telele mme ho bake tshenyo ya mehlodi. Hape, Mohlanka wa Lesedi a ka hanela phihlello ya rekoto haeba kopo e bonwa e se na kelello kapa e etswa ke mokopi ka morero wa ho tena kapa ho phephetsa.

4.4 Molemo wa Bohle ke Morena

Dipaballo tsohle tse neilweng lesedi jwalo ka ha di bontshitswe mona ka hodimo di a hlakolwa haeba ho lokollwa ha lesedi ho le molemong wa bohle. Ka mokgwa ona teko ya molemo wa bohle e hlakola maemo ohle a mang a ho hanela phihlello ya lesedi.

Mohlanka wa Lesedi wa setheo sa bohle kapa poraefete o tlamehile ho sebedisa teko e latelang pele a hanela phihlello ya lesedi e welang mekgahlelong ya ho se senolwe e lenaneng le ka hodimo. Haeba maemo ana a phethahatswa, lesedi le tlamehile ho senolwa ka lebaka la molemo wa bohle.

Na lesedi le bontsha tlolo e matla ya molao?

KAPA

Na direkoto tseo ho bolelwang ka tsona di fupere lesedi le amang polokeho e matla ya bohle kapa kotsi ya tikoloho e ka bang teng?

LE

Na molemo wa bohle o feta kotsi e ka hlahang ka mokgwa o totobetseng ha lesedi le ka senolwa?

KAROLO YA 5

Dingolwa tsa bohlokwa le mehlodi e ka sebediswang

Karolo ena e kenyeletsa:

5.1 Lenane la dingolwa tsa bohlokwa tse sebedisitsweng tlhahisong ya Tataiso ena ya PAIA, hammoho le molao

5.2 Lenane la mehlodi e meng ya PAIA e ka sebediswang

5.1 Mehlodi ya bohlokwa

MOHLODI	MONGODI
Promotion of Access to Information Act 2 of 2000	Molao
Protection of Personal Information Act 4 of 2013	Molao
PAIA Unpacked (e fumaneha ho www.saha.org.za)	SAHA
PAIA Resource Kit (e fumaneha ho www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (e fumaneha ho www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (e fumaneha ho www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (e fumaneha ho www.sahrc.org.za)	SAHRC

5.2 Melawana ya PAIA

TSEBISO YA MMUSO	LETSATSI	SEHLOOHO LE TLHALOSO
Government Notice: No. R. 1244	22 Lwetse 2003	Ditokiso tse amanang le ho fumaneha ha dibukana tsa ditaelo tsa PAIA tsa ditheo tsa bohle le tsa poraefete.
Government Notice: No. R. 187	15 Hlakola 2002	Tokiso ya PAIA mabapi le Tataiso ena ya Karolo ya le ho fumaneha ya dibukana tsa ditaelo tsa PAIA
Government Notice: No. R. 233	9 Hlakubele 2001	Molawana ona o ama ditefiso tse lefiswang bakeng sa phihlello ya direkoto tsa ditheo tsa bohle le tsa poraefete.
Government Notice No. R. 466	1 Phupjane 2007	Diforomo tse kenyeleditsweng bakeng sa Bahlanka ba Lesedi di tla latela ha ho phatlalatswa ditsebiso tsa tshenolo la boithaopo ho latela dikarolo tsa 15 le 52 tsa PAIA.

5.3 Ditokiso tsa PAIA

TSEBISO YA MMUSO	LETSATSI	SEHLOOHO LE TLHALOSO
Government Notice No. 428	31 Hlakubele 2004	Tokiso ya karolo ya 92(4) ya PAIA ho akaretsa Ditlolo le Dikotlo ho batho ba thibelang ka bomo le ntle le molao kopo ya mokopi ya lesedi, mohlala, ka ho senya direkoto.
Government Notice No. 96	15 Pherekgong 2003	Tokiso ya PAIA ho akaretsa thupello ya bahlanka ba tsamaisang Makgotleng a Bomaseterata ha ho tliswa dinyewe tsa PAIA pela bona.
Government Notice No. R. 187	15 Hlakola 2002	Tokiso ya PAIA mabapi le Tataiso ena ya Karolo ya bo 10 le ho fumaneha ha dibukana tsa ditaelo tsa PAIA.

5.4 Ditokiso tsa Melawana ya PAIA

TSEBISO YA MMUSO	LETSATSI	SEHLOOHO
Government Notice: No. 1263	11 Mmesa 2003	Tsebiso e mabapi le ho fumaneha ha dibukana tsa ditaelo tsa PAIA tsa ditheo tsa poraefete.

5.5 Mehlodi e meng ya PAIA e thusang

1) **Using PAIA to Promote Housing Rights,** SAHA (e fumaneha ho www.saha.org).
2) **Accessing Information for Your Community, SAHA** (e fumaneha ho www.saha.org).
3) **Accessing Information in the LGBTI Sector, SAHA** (e fumaneha ho www.saha.org).

TATAISO YA KA MOO O KA SEBEDISANG MOLAO WA KGOTHALETSO YA PHIHLELLO YA LESEDI WA BO 2 WA 2000

Kaelo Ya Tsela Ya Go Dirisa Thotloetso Ya Go Newa Tshedimosetso Molao Wa Bo 2 Wa Ka 2000

SETSWANA

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Imeile: info@sahrc.org.za

Twitter: @SAHRCommission

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Youtube: SAHRC1

Dintlha tsa go Ikgolaganya le Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa

Kantorokgolo Johannesburg

Mog 011 877 3600 • Fekese 011 403 0684

Kaba Botlhaba Port Elizabeth

Mog 043 722 7828 • Fekese 043 722 7830

Foreisetata Bloemfontein

Mog 052 447 1133 • Fekese 051 447 1128

KwaZulu-Natal Durban

Mog 031 304 7323/4/5 • Fekese 031 304 7323

Limpopo Polokwane

Mog 015 2913500 • Fekese 051 291 3505

Mpumalanga Nelspruit

Moga 013 752 8292 • Fekese 013 752 6890

Kapa Bokone Upington

Mog 054 332 3993/4 • Fekese 054 332 7750

Bokone Bophirima Rustenburg

Mog: 014 592 0694 • Fekese: 014 594 1089

Kapa Bophirima Cape Town

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Go bona se o se batlang mo kgatisong eno ya Kaelo ya PAIA

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Mareo a a mosola

MAREO	TLHALOSO
Tuediso ya go newa tshedimosetso	Eno ke tuediso e mokopatshedimosetso a tshwanetseng go e duela setlamo sa puso kgotsa sa poraefete se o batlang tshedimosetso mo go sone, go duelela ditshenyegelo tsa go batla le go dira khopi ya direkoto tse o di tlhokang. *(Go bona tshedimosetso go ya pele ka tuediso ya go newa tshedimosetso leba Karolo 3 ya Kaelo eno).*
Foromo ya A	E fitlhelwa kwa bokhutlong jwa PAIA, mo webosaeteng ya Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa, le mo diwebosaeteng tsa ditheo tse dingwe tse di farologaneng tsa ditheo tsa puso. Foromo eno e dirisediwa go dira kopo ya go newa tshedimosetso e e tshwerweng ke setlamo sa puso. *(Go bona tshedimosetso go ya pele mo go Foromo A le dikopo tsa go newa tshedimosetso tse di yang go ditlamo tsa puso leba Karolo 3 ya Kaelo eno).*
Foromo C	E fitlhelwa kwa bokhutlong jwa PAIA, mo webosaeteng ya Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa, le mo diwebosaeteng tsa dikhamphani tse dingwe tse di farologaneng tsa poraefete. Foromo eno e dirisediwa go dira kopo ya go newa tshedimosetso e e tshwerweng ke setlamo sa poraefete. *(Go bona tshedimosetso go ya pele mo go Foromo C le dikopo tsa go newa tshedimosetso tse di yang go ditlamo tsa poraefete leba Karolo 3 ya Kaelo eno).*
Kaelo	E raya Kaelo eno mo go PAIA e e kwadilweng le go phasaladiwa ke Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa, jaaka go laetswe mo go Karolo 10 ya PAIA, go thusa batho go dirisa PAIA le go e tlhaloganya.
Motlhankedi wa Tshedimosetso le Motlatsamotlhankedi wa Tshedimosetso	Motlhankedi wa Tshedimosetso (yo ka dinako tse dingwe a bidiwang IO (Motlhankedi wa Tshedimosetso) ke motho yo setheo se mo neileng taolo ya go dira ka dikopo tsa PAIA. Mo setlamong sa puso yono ke motho yo e leng tlhogo ya setlamo kgotsa yo e leng moemedi wa tlhogo ya setlamo. Ka jalo mo go mmasepala, e tla nna mmenejara wa mmasepala; mo lefapheng la bosetšhaba e tla nna Mokaedikakaretso; mme mo setlamong se se jaaka sa Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa e tla nna Mokhuduthamagamogolo wa yone. Motlatsamotlhankedi wa Tshedimosetso (yo ka dinako tse dingwe a bidiwang DIO) ke motho yo o tlhophilweng ke Motlhankedi wa Tshedimosetso wa setlamo sa puso go thusa mokopatshedimosetso ka tshedimosetso e ba e kopang. PAIA ga e letle ditlamo tsa puso go tlhopha Motlatsamotlhankedi wa Tshedimosetso; mme Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa tshitshinya gore ba dire jalo gore mokopatshedimosetso a solegelwe molemo le gore a se ka a nna le mathata. *(Go bona tshedimosetso go ya pele ka seabe sa Batlhankedi ba Tshedimosetso leba Karolo 3 ya Kaelo eno).*

Boikuelo jwa mo Teng ga Setlamo (Foromo B)	Bakopatshedimosetso ba tshwanetse go dirisa Foromo B ya PAIA go dira boikuelo ka tshwetso e e dirilweng fela ke mafapha a bosetšhaba, a porofense kgotsa a mmasepala a puso malebana le go newa tshedimosetso. *(Go bona tshedimosetso go ya pele ka maikuelo a mo teng ga setlamo leba Karolo 3 ya Kaelo eno)*.
Mankge mo go tsa molao	Khamphani kgotsa setlamo se se amogelwang ke molao jaaka setheo se le sengwe kgotsa 'motho' yo o nang le ditshwanelo le maikarabelo.
Tona	Fa go buiwa ka Tona go buiwa ka Tona ya Bosiamisi le Ditirelo tsa Kgopololo.
Motho wa tlhago	Motho wa mmatota, fa a bapisiwa le motho wa semolao kgotsa mankge mo go tsa molao jaaka koporasi (leba mankge mo go tsa molao fa godimo).
Setlamo sa poraefete	(Se gape se bidiwang khamphani ya poraefete, setheo) Ke motho wa tlhago kgotsa mankge mo go tsa molao kgotsa mogwebisani yo o amegang kgotsa yo o kileng a amega mo thekisong, mo kgwebong kgotsa mo porofešeneng mo go yone tiro eo.
Setlamo sa puso	(Se gape se bidiwang setheo sa puso, lefapha) Ke lefapha lepe fela kgotsa setheo sa bosetšhaba, sa porofense le sa mafapha a pusoselegae. Gape se akaretsa setheo sepe se se dirang tiro kgotsa se se nang le boikarabelo jwa puso ka nako e rekoto e e neng e batliwa e neng e tlhamiwa ka yone.
Rekoto	Tshedimosetso epe e e rekotilweng go sa kgathalasege gore ke ya sebopego sefe, ka sekai, go akaretsa le ditokomane tse di kwadilweng, dibidio jj. Rekoto e e kopiwang mo setlamong sa puso kgotsa mo setlamong sa poraefete e tla raya rekoto e e neng e tshwerwe ke setlamo seo go sa kgathalasege gore a setlamo se ke sone se tlhamileng rekoto eo.
Tuelelo ya go dira kopo	Ditshenyegelo tse di duelelwang kopo ya go newa tshedimosetso. Fa kopo ya tshedimosetso e le e e yang go setlamo sa puso go nna le tuediso ya ka gale e e duelwang ya R35; fa kopo ya tshedimosetso e le e e yang go setlamo sa poraefete go na le tuediso ya ka gale e e duelwang ya R50. *(Go bona tshedimosetso go ya pele ka dituediso tsa go dira kopo le dithebolo leba karolo 3 ya Kaelo eno).*
Mokopatshedimosetso	Ke motho wa tlhago kgotsa mankge mo go tsa molao yo o dirang kopo ya go newa tshedimosetso. Mokopatshedimosetso gape e raya motho yo o dirang kopo ya go newa tshedimosetso mo boemong jwa yo mongwe.
Motho wa boraro	O raya motho ope wa tlhago kgotsa mankge mo go tsa molao yo e seng mokopatshedimosetso, kgotsa setlamo se kopo ya go newa tshedimosetso e romelwang kwa go sone.

Lenaane la dikhutshwafatso

Dikhutshwafatso tse di latelang di fitlhelwa mo Kaelong eno le mo metsweding e mengwe ya tshedimosetso e e dirisiwang thata ke PAIA:

DIO	Motlatsamotlhankedi wa Tshedimosetso
IO	Motlhankedi wa Tshedimosetso
ODAC	Open Democracy Advice Centre
PAIA	Molao wa Thotloetsa ya go Newa Tshedimosetso wa bo 2 wa ka 2000
PPIA	Molao wa Tshireletso ya Tshedimosetso ya Poraefete wa bo 4 wa ka 2013
SAHA	Dipolokelotshedimosetso tsa Hisitori ya Aforikaborwa
SAHRC	South African Human Rights Commission (Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa)

KAROLO 1
Matseno

Karolo eno e akaretsa:

1.1 Boikaelelo jwa Kaelo eno ya PAIA

1.2 Hisitori ya PAIA

1.3 Boikaelelo jwa PAIA le ka fa e ka dirisiwang ka gone

1.4 Seabe sa Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa

1.1 Boikaelelo jwa Kaelo eno ya PAIA

Kaelo eno e thusa ka tshedimosetso ya Molao wa Thotloetso ya go Newa Tshedimosetso (PAIA) Molao wa bo 2 wa ka 2000. Kaelo eno ya PAIA e tla thusa batho go dira dikopo tsa go newa tshedimosetso go ya ka PAIA, le go ba naya dikai tsa kafa PAIA e neng e dirisiwa ka gone mo nakong e e fetileng go buelela ditshwanelo tsa batho, e dira seno ka go tlamela ka:

- Dintlhakakaretso tsa PAIA tse go leng motlhofo go di tlhaloganya
- Dintlha kgato ka kgato tsa kafa PAIA e ka dirisiwang ka gone go buelela ditshwanelo tse dingwe tsa batho
- Lenaane la mefuta ya tshedimosetso e e ka kopiwang go dirisiwa PAIA
- Kaelo ya kgato ka kgato ya tsela ya go dirisa PAIA go kopa go newa tshedimosetso
- Dintlhakakaretso ka dithuto tse di ithutilweng fa go ne go kopiwa tshedimosetso mo nakong e e fetileng le dikgetse tsa kgotlatshekelo tsa PAIA

1.2 Hisitori ya PAIA

Fa go ne go terafotiwa Molaotheo wa Aforikaborwa mo nakong e morago ga yone go neng ga fedisiwa Apareteiti ka dingwaga tsa bo 1990, ditlamo tse di farologaneng le batho ka bongwe ba ne ba tswa letsholo la go kopa gore go tsenngwe tshwanelo ya go newa tshedimosetso. Go ne go solofetswe gore go tsenngwa ga tshwanelo eno mo teng ga Molaotlhomo wa Ditshwanelo - Kgaolo 2 ya Molaotheo – go ne go tla tlhomamisa gore ditiro tsa bosetlhogo tse di jaaka Apareteiti di se ka le ka motlha tsa direga gape ka gonne puso le ditlamotekanyetsobeng di tla patelesega go sikara maikarabelo a ditiro tsa tsone le kwa ntle ga go fitlha sepe ka go tlamela ka tshedimosetso, mme ka ntlha ya moo ga di kitla di kgona go iphitlha ka fa morago ga diphiri tse di bakileng maemo a Apareteiti e neng e diragalela mo go one.

Ka 1996 ya Molaotheo wa Repaboliki ya Aforikaborwa 1996 o ne wa simolola go dira. Karolo 32 e ne e akaretsa tshwanelo ya go newa tshedimosetso e e tshwerweng ke ditlamo tsa puso le tsa poraefete. Ka nako eo, ono e ne e le molao wa ntlha mo lefatsheng o o neng o naya batho tshwanelo ya go newa tshedimosetso e e tshwerweng ke ditlamo tsa puso. Karolo 32 le yone e ne ya tlhalosa gore molao ono o o tlhomilweng ke kgotlatheomolao o tshwanetse go tsenngwa tirisong go dira gore go kgonege go naya batho tshwanelo ya go newa tshedimosetso ka go tlhalosa ditsela tse ka tsone tshedimosetso go tswa go ditlamo tsa puso le tsa poraefete e ka bonwang ka tsone, le go tlamela ka tshedimosetso go ya pele ya mabaka a go gana ga setlamo sa puso le sa poraefete ka tshedimosetso.

Ka 2000, Molao wa Thotloetsa ya go Newa Tshedimosetso (PAIA) o ne wa simolola go dira, mme o ne o diragatsa ditaelo tsa karolo 32 ya Molaotheo tsa gore go newa tshedimosetso go tsenngwe tirisong.

1.3 Boikaelelo jwa PAIA le ka fa e ka dirisiwang ka gone

Bokaelelo jwa PAIA ke go rotloetsa tshwanelo ya go newa tshedimosetso, go rotloetsa go dirwa ga dilo kwantle ga go fitlha sepe le go sikara maikarabelo a ditiro tse di dirilweng mo Aforikaborwa. Mo godimo ga moo, boikaelelo jwa PAIA ke go rotloetsa go nna le seabe mo pusong ya temokerasi e mo go yone batho ba ba tswang mo maemong otlhe a botshelo ba tlhomelelwang gore ba buisane le puso le go nna le seabe mo ditshwetsong tse di amang matshelo a bone.

Tshwanelo ya go newa tshedimosetso ke tshwanelo e e tlhomologileng ka gonne e dira gore go kgonege go bona ditshwanelo tse dingwe tsa batho: eno ke nngwe ya ditsela tse di botlhokwa tse PAIA e ka dirisiwang ka tsone.

Go tlamelwa ka ditirelo tsa puso

» PAIA e ka dirisediwa go tlhomelela batho ka tshedimosetso e ba ka e dirisetsang go latofatsa puso fa e sa ba direle ditirelo tsa motheo tse di jaaka tlamelo ka matlo, metsi le kgelelo ya leswe la matlwana.

Ditshwanelo tsa Molaotheo tsa setšhaba le tsa sepolotiki

» PAIA e ka dirisediwa go kokoanya tshedimosetso e batho ka bongwe ba ka e dirisetsang go diragatsa ditshwanelo tsa bone jaaka tshwanelo ya go bouta le tshwanelo ya go kopana mmogo ka kgololesego.

Tlhaolele le Tekatekano

» PAIA e ka dirisiwa jaaka sedirisiwa sa bobueledi go lwantsha tlhaolele, s.k. jaaka go tlhaolwa ka ntlha ya lotso, bong, jj. mo ditlamong tse di farologaneng tsa puso kgotsa tsa poraefete.

Go botlhokwa go ela tlhoko gore PAIA ga e ka ke ya dirisediwa go newa direkoto gore motho a di dirise

ka nako ya dikgotlatshekelo tsa setšhaba kgotsa tsa bokebekwa morago ga go simolola ga dikgetse tseo fa go tlhagisiwa kgotsa go newa direkoto ka ntlha ya lebaka leno go umakiwa mo molaong (*leba Karolo 7 ya Molao*).

1.4 Seabe sa Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa

Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa (SAHRC) e neilwe boikarabelo kafa tlase ga PAIA jwa go:

» Go rotloetsa tshwanelo ya go newa tshedimosetso
» Go baya leitlho gore a ditlamo tsa puso le tsa poraefete di tsenya PAIA tirisong
» Go dira ditshitshinyo tsa go nonotsha Molao
» Go romela pego gangwe ka ngwaga kwa Palamenteng

Molao wa Tshireletso ya Tshedimosetso ya Poraefete

Molao wa Tshireletso ya Tshedimosetso ya Poraefete wa bo 4 wa ka 2013 (PPIA) o tlhabolola PAIA ka ditsela tse di farologaneng. Nngwe ya ditsela tse di botlhokwa e Molao o fetolang PAIA ka tsone e amana le seabe sa SAHRC. Ka fa tlase ga PAIA ditiro tsa SAHRC go ya ka PAIA di tla fudusediwa go ba lefapha la Go Laola Tshedimosetso, setlamo se se ntšha se se ikemetseng ka nosi se se tla tlhomelwang go baya PPIA le PAIA leitlho, le go reetsa dingongorego tse di amanang le go newa tshedimosetso le go sireletsa tshedimosetso ya poraefete.

Mme SAHRC e sa ntse e tla tswelela ka boikarabelo jwa yone jwa Molaotheo jwa go rotloetsa, go sireletsa le go baya leitlho tshwanelo ya go newa tshedimosetso fela jaaka e dira le ka ditshwanelo tse dingwe tsotlhe tse di leng mo teng ga Molaotlhomo wa Ditshwanelo.

KAROLO 2
Gothola tshedimoso yeo o e batlang

Karolo eno e akaretsa:

2.1 Koo o ka bonang dikaelo tse di mosola gone le dimmanuale go go thusa go dira kopo ya go newa tshedimosetso;

2.2 Tshwanetse go ikgolaganya le mang go bona thuso fa o e tlhoka;

2.3 Se ditlamo tsa poraefete le tsa puso di kopiwang go se dira go thusa batho ba ba batlang tshedimosetso;

2.4 Tshedimosetso nngwe e kgona go bonwa kwantle ga tikatiko kwantle ga gore motho a dire kopo semmuso, karolo eno e tla tlotla ka dintlhakakaretso ya gore e ka bonwa kae.

2.1 Go simolola

Boikaelelo jwa PAIA ke go rotloetsa gore go nne le setšhaba se mo go sone batho ba Aforikaborwa bo kgonang go newa tshedimosetso go ba kgontsha gore ba diragatse le go sireletsa ditshwanelo tsotlhe tsa bone ka botlalo. Mme ka dinako tse dingwe motho a ka nna a se ka a tlhomamisega gore go simololwa kae kgotsa a ka dira jang gore a kgone go newa tshedimosetso ka tsela e PAIA e tlhalosang ka yone. PAIA e bonela bothata jono pele e bo e laela gore go phasaladiwe dikaelo le dimmanuale dingwe go tlhalosa tsela e babatli ba tshedimosetso ba ka dirang seno ka yone. Karolo eno e tla tlotla ka dintlhakakaretso tsa dikaelo tseno le dimmanuale tsa teng, maikarabelo a bagatisi ba dikaelo le dimmanuale tseno, mme, sa botlhokwa le go feta, gore ba ka di bona kae.

Mme gone, sengwe sa didirisiwa tse di maatla go di gaisa se motho a ka se dirisang go newa tshedimosetso ke tsela ya semmuso ya go kopa go newa tshedimosetso e e dirwang go ya ka PAIA, e kaelo eno e tla go thusang go e dira. Mme gakologelwa, eno ga se yone fela tsela ya go batla tshedimosetso. Tshedimosetso nngwe e kgona go bonwa kwantle ga tikatiko kwantle ga gore o dire kopo ya semmuso ya PAIA. Mo mabakeng mangwe, molao o o tlhomilweng ke kgotlatheomola o batla gore ditlamo tsa puso le tsa poraefete di senolele setšhaba tshedimosetso nngwe. Karolo eno gape e tlotla ka dintlhakakaretso tsa gore o ka bona kae tshedimosetso eno.

PAIA e ikaeletse go nna molao o o nonofileng o o o thusang Ba-Aforikaborwa **botlhe**. Go ikaeletswe gore e nne molao o o tlhaloganyesegang motlhofo le o o ka dirisiwang ke mongwe le mongwe. Motho ga a tlhoke ramolao go dira kopo ya go newa tshedimos etso go ya ka PAIA. Kaeolo eno e gatiseditswe go thusa Maaforikaborwa a a tswang mo maemong otlhe a botshelo go tshegetsa ditshwanelo tsa one tsa Molaotheo.

2.2 Kaelo ya PAIA

Karolo 10 ya PAIA e batla gore Khomišine e kwale le go gatisa kaelo e e tlhaloganyesegang motlhofo go thusa ka go newa direkoto le ditokomane le gore motho a diragatse tshwanelo e a nang le yone ya go newa tshedimosetso. Ka dinako tse dingwe, kaelo eno e bidiwa 'Kaelo ya Karolo 10'.

E go naya tshedimosetso yotlhe e o e tlhokang gore o newe direkoto dipe fela. Gape e na le lenaane la dintlha tsa go gokagana le mafapha a puso le a ditheo tse di bolokileng direkoto tsa puso, mmogo le dintlha tsa go gokagana le dikhamphani tse di farologaneng tsa poraefete. Gape go lebeletswe gore Khomišine e tlhabolole kaelo eno bobotlana gangwe morago ga dingwaga di le pedi.

2.2.1 Koo o ka bonang kaelo gone

Kaelo eno e teng ka dipuo tsotlhe tsa semmuso tsa Aforikaborwa: Seesemane, Seaforikanse, Se-Ndebele, Sexhosa, Sezulu, Sepedi, Sesotho, Setswana, Seswati, Sevenda le Setsonga. Dikhopi tsa kaelo di ka bonwa kwa dikantorokgolong tsotlhe tsa dikhomišine le tsa porofense (dintlha tsa go gokafana le diofisi di ka bonwa kwa bokhutlong jwa Kaelo eno). Mo godimo ga moo, dikhopi tsa eleketeroniki di teng mo webosaeteng ya Khomišine (www.sahrc.org.za).

2.3 Dimmanuale wa PAIA

Mo godimo ga Kaelo ya Karolo 10 e e reng PAIA e tshwanetse go kwalwa ke Khomišine, Gape PAIA e batla gore setlamo sengwe le segwe sa puso, mmogo le ditlamo tse dintsi tsa poraefete, di tlhagise mmanuale o o nang le tshedimosetso ya gore PAIA e dirisiwa jang go fitlhelela direkoto tsa bone.

2.3.1 Dimmanuale tsa PAIA tsa ditlamo tsa puso

Karolo 14 ya PAIA e batla gore ditlamo tsotlhe tsa puso di gatise mmanuale ka bobotlana dipuo di le tharo tsa semmuso tse di thusang babatli ba tshedimosetso go dira dikopo tsa go newa tshedimosetso mo setlamong se se e tshwereng. Mmanuale o tshwanetse gore bobotlana o nne le tshedimosetso e e latelang e e mosola:

PATLAFALO	TLHALOSO
Taelo	Ka fa setlamo sa puso se rulagantsweng le go dira ka gone.
Dintlha tsa kgokagano	Aerese ya poso le ya mmila, mogala le nomore ya fekese le aterese ya imeile ya motlhankedi wa tshedimosetso wa setlamo sa puso le ya motlatsamotlhankedi wa tshedimosetso mongwe le mongwe wa setlamo sa puso.
Kaelo ya Karolo 10 ya PAIA	Tlhaloso ya Kaelo eno e e kwadilweng ke Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa le ka fa e ka fitlhelelwang ka gone.
Ditlhopha tsa direkoto tse di tshwerweng	Tshedimosetso ka botlalo ya go thusa go newa rekoto e e tshwerweng ke setlamo sa puso. Ka jalo setlamo sa puso se tshwanetse go tlhalosa ditlhogo tsa direkoto tse se di tshwereng, ditlhopha tsa direkoto tse di di tshwereng tsa setlhogo sengwe le sengwe.
Tshedimosetso e e kgonang go bonwa kwantle ga tikatiko	Tshedimosetso nngwe e ka kgona go bonwa kwantle ga tikatiko kwantle ga gore motho a kope go e newa go ya ka PAIA. Mmanuale wa setlamo sa puso o tshwanetse go supa gore ke tshedimosetso efe eno e e kgonang go bonwa kwantle ga tikatiko.
Ditirelo tsa setlamo sa puso	Tlhaloso ya ditirelo tse setlamo sa puso se di direlang maloko a setšhaba, le gore ba ka dira jang gore ba direlwe ditirelo tseo.
Go nna le seabe ga baagi	Tlhaloso ya thulaganyo epe kgotsa taelo ya gore motho a ikgolaganye, a romele dingongorego tsa gagwe kgotsa a nne le seabe mo pholising kgotsa gore a rotloetse go tlhamiwa ga yone; kgotsa go diragadiwa ga bolaodi kgotsa tiro ya maikarabelo a setlamo sa puso.
Dikgato tsa semolao	Kgato e o ka e tsayang fa motlhankedi wa tshedimosetso wa setlamo sa puso a gana go go naya tshedimosetso.

2.3.2 Koo mmanuale wa setlamo sa puso o ka bonwang gone

Ditlamo tsa puso tsotlhe di tshwanetse go dira gore mmanuale o kgone go bonwa motlhofo. Ba kopiwa gore bobotlana ba dire jalo ka ditsela tse di latelang:

- Ka go dira gore go nne le khopi ya one kwa ofising nngwele nngwe ya setlamo seo sa puso ka nako ya diura tsa tiro;
- Ka go dira gore mmanuale ono o kgone go bonwa mo webosaeteng ya setlamo sa puso, fa se na le yone
- Jaaka go umakilwe fa godimo, **Molao wa Tshireletso ya Tshedimosetso ya Poraefete wa bo 4 wa k**a **2013** (PPIA) o tlhabolola PAIA ka ditsela di le mmalwa. Nngwe ya tsone e amana le dimmanuale tsa Karolo 14 tsa ditlamo tsa puso. Ka fa tlase ga PPIA, dimmanuale tseno di tshwenetse go romelwa go Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa, mme di tshwanetse gore di nne teng mo inthaneteng fela le go dira gore di bonwe ke mongwe le mongwe yo o kopang khopi ya tsone.

2.3.3 Dimmanuale tsa PAIA tsa ditlamo tsa poraefete

Ditlamo tsa puso gape di kopiwa go kwala mmanuale go ya ka Karolo 51 ya PAIA. Ga jaanong jaana, ga se ditlamo tsotlhe tsa puso tse di kopiwang go dira go ya ka karolo[1] eno. Ka jalo, o ka nna wa fitlhela gore setlamo se o batlang go kopa tshedimosetso kwa go sone ga se na mmanuale. Seno ga se reye gore setlamo seno ga se dire dilo go ya ka PAIA ka kakaretso. O sa ntse o ka kopa go newa tshedimosetso ke setlamo seno e bile molao o sa ntse o batla gore se berekane le kopo ya gago. Mokgwatsamaiso wa go dira kopo ya go newa tshedimosetso go ya ka PAIA ga o fetoge, le fa setlamo seo se sena mmanuale.

KE DITLAMO DIFE TSA PORAEFETE TSE DI SA TLHOKENG GO PHASALATSA MMANUALE WA TSHEDIMOSETSO?

Tsela e PAIA e kwadilweng ka yone e batla gore ditlamo TSOTLHE tsa poraefete di kwale mmanuale. Mme Tona e ka nna ya rebola ditlamo tse di rileng tsa poraefete kgotsa ditlhopha tsa ditlamo gore di se ka tsa kwala mmanuale. Ga jaanong jaana, Tona e rebotse ditlamo TSOTLHE tsa poraefete gore di se ka tsa kwala dimmanuale dingwaga di le tlhano, go simolola ka 1 Ferikgong 2016 NTLE LE FA setlamo seo se wela ka fa tlase ga ditlhopha tse di tlhalosiwang fa tlase.

[1] Seno se ne sa fetoga ka di 31 Sedimonthole 2015, fa ditlamo tsotlhe tsa poraefete di ne di tshwanelwa ke go nna le mmanuale go ya ka karolo 51 ya PAIA.

Dikhamphani tse di latelang tsa poraefete di tshwanetse go kwala mmanuale wa PAIA fa di thapa badiri ba ba fetang 50 mo diintasetering tse di latelang kgotsa fa di na le lotseno lwa ngwaga le ngwaga lo lo fetang selekanyo se se bontshitsweng sa madi:

INTASETERI	LOTSENO LWA NGWAGA LE NGWAGA
Temothuo	R2 milione
Tiro ya Moepo le Matikiri	R7 milione
Botlhami	R10 milione
Motlakase, Gase le Metsi	R10 milione
Kago	R5 milione
Thekisetsosetšhaba le Kgwebo ya Dikoloi le Ditirelo tsa go di Baakanya	R15 milione
Thekisetsodikgwebo, Baemedi ba Kgwebo le Ditirelo tse di Golagantsweng	R25 milione
Lefelo la Bonno le le Nan g le Kapeo ya Dijo le Kgwebo e Nngwe	R5 milione
Polokelo le Ditlhaeletsano	R10 milione
Ditirelo tsa Madi le tsa Kgwebo	R10 milione
Baagi, Ditirelo tse di Kgethegileng le tsa Botho	R5 milione

Gape Tona e ne ya tlhalosa gore ditlamo tsotlhe tse di sa tlhalosiweng jaaka ‘dikhamphani tsa poraefete’ ka fa tlase ga karolo 1 ya Molao wa Dikhamphani wa bo 71 wa ka 2008 di tshwanetse go kwala mmanuale wa Karolo 51.

2.3.4 Koo mmanuale wa setlamo sa poraefete o ka bonwang gone

Ditlamo tsotlhe tsa poraefete tse di tshwanetseng go kwala mmanuale di tshwanetse go dira gore mmanuale oo o kgone go bonwa motlhofo. Ba kopiwa gore bobotlana ba dire jalo ka ditsela tse di latelang:

- Ka go dira gore go nne le khopi ya one kwa ofising nngwe le nngwe ya setlamo seo sa poraefete gore e tlhatlhobiwe ka nako ya diura tsa tiro. Setlamo sa poraefete ga se a tshwanela go duedisa tuediso ya tlhatlhobo;
- Ka go dira gore mmanuale o nne teng mo webosaeteng ya bone.

Tsela ya go latela melao fa lo le setlamo sa poraefete

Go na le kaelo e e mosola ya batlhankedi ba tshedimosetso ba dikhamphani tsa poraefete ba ba batlang go latela melao ya Karolo 51 ya PAIA mo webosaeteng ya Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa (www.sahrc.org.za). E akaretsa thempoleiti e e kgonang go laisololwa e batlhankedi ba tshedimosetso ba ka e dirisang jaaka kaelo.

Go ya ka karolo 51 tlhogo ya setlamo sa poraefete e tshwanetse:

- Go tlhabolola dintlha dipe tse di fetolwang mo mmanualeng ka metlha;
- Go dira gore botlhe ba kgone go fitlhelela mmanuale ka tsela e Molao o tlhalosang ka yone kwa diofising tsa khamphani le mo webosaeteng ya bone;
- Go tshwaraganya foromo ya kopo (Foromo C ya PAIA) le mmanuale le go dira gore diforomo tsa kopo di kgone go bonwa mo webosaeteng le kwa dikagong tsa khamphani yotlhe.

Mmanuale o tshwanetse gore bobotlana o nne le tshedimosetso e e latelang:

PATLAFALO	TLHALOSO
Dintlha tsa kgokagano	Aterese ya poso le ya mmila, mogala le nomore ya fekese le aterese ya imeile ya motlhankedi wa tshedimosetso, fa e le teng, ya setlamo sa khamphani ya poraefete.
Tshedimosetso e e kgonang go bonwa kwantle ga tikatiko	Tshedimosetso nngwe e ka kgona go bonwa kwantle ga tikatiko kwantle ga gore motho a kope go e newa go ya ka PAIA. Mmanuale wa khamphani ya poraefete o tshwanetse go supa tshedimosetso eno e e kgonang go bonwa kwantle ga tikatiko.
Direkoto tse di bonwang fa di kopiwa	Mmanuale wa Karolo 51 o tshwanetse go nna le lenaane la ditlhopha tsa direkoto tse di ka bonwang fa di kopiwa.
Mokgwatsamaiso wa PAIA	O tlhalosa mokgwatsamaiso wa PAIA o o tshwanetseng go latelwa go kopa go newa tshedimosetso ke khamphani ya poraefete (ke gore, Foromo C).
Tshedimosetso ya Khamphani	Go akaretsa le dintlha tsa tlhogo ya khamphani kgotsa tsa Mokhuduthamagamogolo wa khamphani (go ya ka PAIA Motlhankedi wa Tshedimosetso wa khamphani ya poraefete gantsi ke Mokhuduthamagamogolo kgotsa tlhogo ya yone).
Dituediso	Tlhalosa kopo le dituediso tsa go newa tshedimosetso go ya ka PAIA (leba Karolo 3 go bona tshedimosetso go ya pele).
Dikgato tsa semolao	Bakopatshedimosetso ba ka tsaya dikgato dife fa kopo ya bone ya go newa tshedimosetso e gannwe.
Dintlha go ya pele	Dintlha dipe go ya pele tse di amanag le dikopo tsa go newa direkoto.

2.4 Tshedimosetso e e kgonang go bonwa kwantle ga tikatiko e e tshwerweng ke setlamo sa puso

Ga se tshedimosetso yotlhe e e batlang kopo ya semmuso gore e kgone go bonwa. Ditlamo tse di farologaneng tsa puso di kopiwa go dira gore tshedimosetso e e rileng e kgone go bonwa ke botlhe. Ditheo di le dintsi le tsone di tla ithaopela go senola tshedimosetso go ya pele ka boikaelelo jwa go dira dilo kwantle ga go fitlha sepe, go sikara maikarabelo a ditiro tsa tsone le kwa ntle ga go bakela setšhaba matsapa ape. Gore go rotloediwe go ithaopela go senola tshedimosetso le go dira gore bontsi bo fitlhelele tshedimosetso, Karolo 15 ya PAIA e batla gore ditlamo tsotlhe tsa puso di phasalatse lenaane, le le bidiwang **'kitsiso ya Karolo 15' kgotsa 'kitsiso ya go ithaopela go senola tshedimosetso',** tshedimosetso yotlhe e e amanang le setlamo seo e e ka kgonang go bonwa ke mongwe le mongwe kwantle ga tikatiko.

Motlhankedi wa tshedimosetso wa setlamo sa puso o kopiwa go tlhamela setlamo sa puso kitsiso ya go ithaopela go senola tshedimosetso le go dira gore e nne gone kwa diofising tsa setlamo sa puso le go e phasalatsa mo Kaseteng ya Puso. Kitsiso ya go ithaopela go senola tshedimosetso e tshwanetse go tlhabololwa ngwaga le ngwaga.

Kitsiso ya go ithaopela go senola tshedimosetso e na le ditlhopha tsa direkoto le tlhaloso ya direkoto tseo tse di kgonang go bonwa kwantle ga tikatiko:

- Gore di tlhatlhobiwe go ya ka molao ope o o tlhomilweng ke kgotlatheomolao kwantle ga PAIA;
- Gore di rekwe kgotsa di kopololwe go tswa go setlamo sa puso; le
- Gore di bonwe mahala go tswa go setlamo sa puso.

Kitsiso ya go ithaopela go senola tshedimosetso e tshwanetse go tlhalosa gore direkoto di ka fitlhelelwa jang tse di senolwang ka go ithaopa le tse di kgonang go bonwa kwantle ga tikatiko. Ga go tlhokege go dira kopo ya semmuso ya go newa direkoto tse di rileng fa direkoto tseo di setse di senotswe ka go ithaopa e bile di kgona go bonwa kwantle ga tikatiko. Mo mabakeng a mantsi, go tlhokega tuediso ya gore go berekanwe le kopo ya semmuso mme go berekana le yone go ka tsaya malatsi a le 30. Seno se ka kgona go tilwa fa o leba pele kitsiso ya go ithaopela go senola tshedimosetso le go bona gore a rekoto e o e batlang e kgona go bonwa kwantle ga tikatiko kgotsa nnyaa.

Le fa e le molao gore setlamo sa puso se phasalatse kitsiso ya go ithaopela go senola tshedimosetso, setlamo sa puso ga se dire seno 'ka go ithaopa'. Kitsiso eno e bidiwa 'kitsiso ya go ithaopela go senola tshedimosetso' ka gonne e ntsha kitsiso ka tshedimosetso yotlhe e e senotsweng ka go ithaopa, mme seno ga se reye gore go ikaegile ka tshwetso ya motlhankedi wa tshedimosetso ya gore a phasalatse lenaane la teng kgotsa nnyaa.

2.5 Tshedimosetso e e kgonang go bonwa kwantle ga tikatiko e e tshwerweng ke khamphani kgotsa setlamo sa poraefete

Jaaka go ntse ka ditlamo tsa puso, ditlamo tsa poraefete le tsone di ka kgona go tshwara tshedimosetso e o ka kgonang go e newa kwantle ga go dira ga kopo ya semmuso. Pele o dira kopo ya semmuso ya go newa tshedimosetso go ya ka PAIA e go senang pelaelo gore e tla batla tuediso le go leta lobaka lwa malatsi a le 30, tlhomamisa gore a tshedimosetso eno e ka kgona go bonwa kwantle ga tikatiko kwantle ga go dira kopo ya semmuso.

Tlhogo ya setlamo sa poraefete e ka nna ya ithaopa nako le nako go dira lenaane la tshedimosetso e e kgonang go bonwa kwantle ga tikatiko go tswa kwa setlamong sa poraefete kwantle ga gore o dire kopo ya semmuso. Lenaane leno le bidiwa '**kitsiso ya karolo 52**' kgotsa **'kitsiso ya go ithaopela go senola tshedimosetso.**'

Go farolagana le ditlamo tsa puso tse mo go tsone batlhankedi ba tshedimosetso **ba tshwanetseng** go phasalatsa kitsiso ya go ithaopela go senola tshedimosetso, motlhankedi wa tshedimosetso wa setlamo sa poraefete ga a **patelesege** go dira jalo. Jaaka fa PAIA e tlhalosa, "ka go ithaopa, a ka nna" a phasalatsa lenaane le le ntseng jalo. Seno ke pharologano e kgolo fa gare ga kitsiso ya karolo 52 ya ditlamo tsa poraefete le kitsiso ya karolo 15 ya ditlamo tsa puso.

Kitsiso ya go ithaopela go senola tshedimosetso ga setlamo sa poraefete e na le ditlhopha tsa direkoto le tlhaloso ya direkoto tseo tse di kgonang go bonwa kwantle ga tikatiko:

- Gore di tlhatlhobiwe go ya ka molao ope o o tlhomilweng ke kgotlatheomolao kwantle ga PAIA***;***
- Gore di rekwe kgotsa di kopololwe go tswa go setlamo sa puso; le
- Gore di bonwe mahala go tswa go setlamo sa puso.

Kitsiso ya go ithaopela go senola tshedimosetso e tshwanetse gore gape e tlhalose gore direkoto di ka fitlhelelwa jang tse di senolwang ka go ithaopa le tse di kgonang go bonwa kwantle ga tikatiko.

KAROLO 3
Kafa o ka kopang ka gone go bona tshedimosetso

Karolo eno e akaretsa dilo tse di latelang:

3.1 Mefuta ya kopo

3.2 Dituediso tse di amanang le go dira dikopo

3.3 Seabe sa Motlhankedi wa Tshedimosetso

3.4 Dikgato tsa semolao

3 Nka dira jang kopo ya PAIA?

Kopo ya go newa tshedimosetso e ka romelwa go setlamo sa puso le sa poraefete. Motho yo o dirang kopo o bidiwa “mokopatshedimosetso”. PAIA e tlhalosa ditsela tse di farologaneng tsa go newa tshedimosetso go tswa go setlamo sa puso kgotsa sa poraefete. Go tshwanetse ga dirisiwa diforomo tse di tshwanetseng fa go kopiwa tshedimosetso. Diforomo di ka bonwa go PAIA.

MOFUTA WA SETLAMO	FOROMO YA PAIA	KAROLO YA PAIA
Setlamo sa puso	Foromo ya A	Karolo 18
Setlamo sa poraefete	Foromo C	Karolo 53

Go tshwanetse ga nna le diforomo mo diwebosaeteng tsa ditheo tsa puso le tsa poraefete. Gape di ka bonwa kwa ofising nngwe le nngwe ya porofense ya Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa, le mo webosaeteng mo atereseng ya www.sahrc.org.za.

3.1 Ke mang yo o ka dirang kopo ya PAIA?

Motho ope fela o letleletswe go dira kopo go ya ka PAIA. Mokopatshedimosetso e ka nna:

Motho wa tlhago

» motho yoo ga a tlhoke go bo e le moagi wa Aforikaborwa kgotsa monni wa AforikaBorwa

KGOTSA

Mankge mo go tsa molao

» jaaka kgwebo kgotsa mokgatlho

KGOTSA

Motho yo o tsayang kgato mo boemong jwa motho wa tlhago kgotsa yo e leng mankge mo go tsa molao

Mokopatshedimosetso o na le tshwanelo ya go newa direkoto tse di nang le tshedimosetso ya poraefete ka mokopatshedimosetso ka boene, kgotsa ka motho yo a dirang kopo mo boemong jwa gagwe.

Setlamo sa puso se lejwa e le mankge mo go tsa molao e bile se ka nna sa dira kopo ya go newa direkoto tse di tshwerweng ke ditlamo tsa poraefete, **fa fela** setlamo sa puso se (1) dira gore setšhaba se solegelwe molemo le (2) fa direkoto di tlhokwa go diragatsa kgotsa go sireletsa ditshwanelo tse e seng tsa setlamo sa puso.

Go botlhokwa go ela tlhoko gore, ka mo go kgethegileng, PAIA ga e laele mafapha a puso (go akaretsa le makala a bosetšhaba, a porofense le a mmasepala), le motho ope fela kgotsa setheo se se nang le taolo kgotsa se se diragatsang maikarabelo go ya ka Molaotheo, (jaaka Ofisi ya Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa le Ofisi ya Mosireletsi wa Setšhaba), kgotsa molaotheo wa porofense (jaaka Boto ya Laesense ya Bojalwa ya kwa Kapa Bophirima), go romela dikopo tsa PAIA kwa ditheong tsa puso.

3.1.1 Nka tlatsa jang foromo ya kopo ya PAIA?

Kopo ya go newa tshedimosetso e e tshwerweng ke setlamo sa poraefete kgotsa sa puso e dirwa ka go tlatsa foromo ya kopo ya PAIA le go e romela kwa setlamong se se maleba. Kopo ya PAIA e tshwanetse go romelwa go Motlhankedi wa Tshedimosetso, Motlatsamotlhankedi wa Tshedimosetso kgotsa go Tlhogo ya setlamo sa puso kgotsa sa poraefete, mme e tshwanetse go dirisa dintlhakgokagano tse di nepagetseng tse di mo nakong.

Mo godimo ga go tlamela ka dintlha tsa setlamo se se maleba, foromo ya kopo ya PAIA e e tshwanetseng go dirisiwa e akaretsa dilo tse di latelang:

TSHEDIMOSETSO E E BATLEGANG	TLHALOSO
Dintlha tsa mokopatshedimosetso	Tshedimosetso e e lekaneng ka mokopatshedimosetso go dira gore go nne motlhofo go tlhaola mokopatshedimosetso, go akaretsa le dintlhakgokagano tsa mokopatshedimosetso: aterese ya poso, aterese ya imeile, fekese le /kgotsa nomore ya mogala mo Aforikaborwa.
Dintlha tsa rekoto e e kopiwang	Tshedimosetso e e lekaneng ka rekoto go dira gore go nne motlhofo go e tlhaola. Go ka nna ga dirisiwa pampiri e nngwe gape go tlhalosa kopo ka botlalo, fa fela pampiri nngwe le nngwe e go okeditsweng kay one e saenilwe le go tshwaraganngwa le foromo ya kopo.
Sebopego se rekoto e kopiwang go bonwa e le mo go sone	Tlhaloso ya sebopego kgotsa mokgwa o rekoto e tshwanetseng go ntshiwa e le ka one kgotsa go bonwa ka one.
Mokgwa wa go itsise mokopatshedimosetso ka go newa tshedimosetso	Mokgwa wa go itsise mokopatshedimosetso ka tshwetso ya go mo naya kopo kgotsa go gana ka yone.
Puo e e tlhophilweng	Fa go romelwa kopo go **setlamo sa puso**, go tshwanetse ga umakiwa puo e go eletswang gore rekoto e ntshiwa ka yone.
Maemo a motho yo o neilweng taolo yo o dirang kopo	Fa kopo e dirwa mo boemong jwa mongwe o sele, go tshwanetse ga ntshiwa bosupi jwa maemo a motho yo o dirang kopo eo (yo o bidiwang motho yo o neilweng taolo).
Tshwanelo e go tshwenyegwang ka yone	Fa go dirwa kopo e e yang go **setlamo sa poraefete, mokopatshedimosetso o tshwa**netse go tlhalosa tshwanelo e e amegang le go tlhalosa gore ke eng fa rekoto e tlhokwa gore go diragadiwe kgotsa go sirelediwe tshwanelo eo.

Bakopatshedimosetso ba ba sa kgoneng go buisa le go kwala ba ka dira kopo ka molomo e e yang go Motlhankedi wa Tshedimosetso kgotsa Motlatsamotlhankedi wa Tshedimosetso wa setlamo sa puso, yo o nang le boikarabelo jwa go tlatsa Foromo A mo boemong jwa mokopatshedimosetso.

3.1.2 A go na le mokgwatsamaiso o o tshwanetseng go latelwa fa go dirwa kopo ya PAIA?

Mokopatshedimosetso o tshwanetse go newa direkoto tse a di kopileng fa fela a dirile dilo go ya ka dipatlalafalo tsa mokgwatsamaiso o o latelang:

Kopo ya PAIA e tshwanetse go direlwa mo foromong e e siameng (Foromo A ya ditlamo tsa puso, Foromo C ya ditlamo tsa Poraefete), mme e romelwe go Motlhankedi wa Tshedimosetso kgotsa go Motlatsamotlhankedi wa Tshedimosetso wa setlamo sa puso kgotsa sa poraefete.

Foromo ya kopo ya PAIA e tshwanetse go romelwa ka seatla, ka poso, ka fekese kgotsa e ka romelwa ka imeile kwa setlamong sa puso kgotsa sa poraefete se kopo e rometsweng kwa go sone.

Direkoto tse di kopilweng ga di na mabaka a go ka ganwa ka tsone a a ka fa tlase ga PAIA**.**

3.2 Ditshenyegelo tsa go dira kopo ya PAIA ke bokae?

Bakopatshedimosetso ba kopiwa go duela tuediso **fa ba kopa** go newa direkoto go tswa go setlamo sa puso le sa poraefete.

Tuediso ya go kopa direkoto go tswa go setlamo sa puso ke **R35**, mme tuediso ya go kopa direkoto go tswa go setlamo sa poraefete ke **R50**.

Go botlhokwa go ela tlhoko gore bakopatshedimosetso ba ba kopang go newa tshedimosetso ya bone ka namana ba robotswe gore ba se ka ba duela tuediso; le fa go ntse jalo, ba sa ntse ba kopiwa go duela tuediso ya go di newa.

Badirakopo ba ba amogelang ka fa tlase ga **R14 712** ka ngwaga (fa a sa nyala/nyalwa) le **R27 19**2 ka ngwaga (fa a nyetse/nyetswe kgotsa a nna le molekane wa botshelo jotlhe), GA BA DUEDISIWE tuediso ya go di newa.

3.2.1 Ditshenyegelo tsa go newa direkoto go ya ka PAIA ke bokae?

Badirakopo gape ba kopiwa go duela dituediso tsa *go newa* direkoto tsa ditlamo tsa puso le tsa poraefete. Tuediso eno ke ya ditshenyegelo tsa go batlwa ga rekoto le go dira khopi ya yone.

Dituediso tsa go newa direkoto tsa ditlamo tsa puso ke:

TIRO	TUEDISO
Khopi ya Tsebe nngwe le nngwe ya A4	Disente tse 60
Go porintat tsebe nngwe le nngwe ya A4	Disente tse 40
Khopi mo teng ga CD	R40
Go tlhagisa ditshwantsho gape di bo di kgona go bonwa mo tsebeng nngwe le nngwe ya A4	R22
Go bona khopi e e nang le ditshwantsho	R60
Mafoko a a tlantsweng a a gatisitsweng ka segatisamantswe mo tsebeng nngwe le ngwe ya A4	R12
Khopi ya mafoko a a gatisitsweng ka segatisamantswe	R17
Go batla rekoto le go baakayetsa go e senola	R15 ka ura kgotsa bontlhanngwe jwa yone, kwantle ga ura ya ntlha, e tlhoka go duelelwa go batla rekoto le go baakanngwa ga yone

Dituediso tsa go newa direkoto tsa setlamo sa poraefete ke:

TIRO	TUEDISO
Khopi ya Tsebe nngwe le nngwe ya A4	R1.10
Go porintat tsebe nngwe le nngwe ya A4	Disente tse 75
Khopi mo teng ga CD	R70
Go tlhagisa ditshwantsho gape di bo di kgona go bonwa mo tsebemh nngwe le nngwe ya A4	R40
Go bona khopi e e nang le ditshwantsho	R60
Mafoko a a tlantsweng a a gatisitsweng ka segatisamantswe mo tsebeng nngwe le ngwe ya A4	R20
Khopi ya mafoko a a gatisitsweng ka segatisamantswe	R30
Go batla rekoto le go baakayetsa go e senola	R30 ka ura kgotsa bontlhanngwe jwa yone, kwantle ga ura ya ntlha, e tlhoka go duelelwa go batla rekoto le go baakanngwa ga yone

Mokopatshedimosetso o tshwanetse ga duela dituediso tsa poso tsa go tlisediwa direkoto tsa kwa a nnang gone ke setlamo sa puso le sa poraefete.

Dintlha tse di sa akarediweng

Fa Motlhankedi wa Tshedimosetso, Motlatsamotlhankedi wa Tshedimosetso, kgota Tlhogo ya setlamo sa puso/poraefete a akanya gore go kokoanngwa le go tlhagisiwa ga ditokomane go tlile go tsaya nako e telele go feta diura di le thataro, o tshwanetse go bolelela mokopatshedimosetso, (ka kitsiso ya semmuso), gore o tshwanetse go duela nngwe-tharong ya tuediso pele jaaka dipositi.

Fa rekoto e sa ntshiwe e le ka sebopego se mokopi a e kopang e le ka sone, tuediso ya go e newa e mokopatshedimosetso a e duedisiwang ga e a tshwanela go feta tuediso e a neng a tla e duedisiwa fa a ne a ka newa rekoto eo ka sebopego se a e kopileng e le ka sone. Mme molao ono ga o dire fa e kopiwa ka sebopego se sengwe se sele ka gonne tshedimosetso e tshwanetse go ntshiwa mo rekotong.

Fa mokopatshedimosetso a sa kgone go buisa, a sa kgone go bona kgotsa go utlwa rekoto e le ka sebopego se setlamo sa puso se e tshwereng e le ka sone ka ntlha ya bogole, setlamo sa puso se kopiwa gore se ntshe rekoto eo ka sebopego se modirakopo a tla kgonang go e dirisa se le ka yone. Tuediso e mokopatshedimosetso a e dudedisiwang ga e a tshwanela go feta tuediso e a ka bong a e duedisitswe fa a ne a ka newa rekoto eo.

3.3 A Motlhankedi wa Tshedimosetso a ka nthusa go dira kopo ya PAIA?

Fa kopo ya PAIA e romelwa go setlamo sa puso, Motlhankedi wa Tshedimosetso kgotsa Motlatsamotlhankedi wa Tshedimosetso o tshwanetse go go thusa moo o tlhokang thuso gone ya go tlatsa diforomo tsa PAIA.

Motlhankedi wa Tshedimosetso o tshwanetse go go naya thuso mahala.

MAIKARABELO A MOTLHANKEDI WA TSHEDIMOSETSO	TLHALOSO
Go thusa mokopatshedimosetso go tlatsa Foromo ya PAIA	Fa kopo ya PAIA e sa fitlhelele dikopo tsotlhe tse di tlhomilweng tse di tlhalosiwang mo teng ga PAIA le mo foromong, Motlhankedi wa Tshedimosetso kgotsa Motlatsamotlhankedi wa Tshedimosetso GA A A TSHWANELA go gana kopo. Mo boemong jwa moo, Motlhankedi wa Tshedimosetso o tshwanetse go bolelela mokopatshedimosetso, **ka lekwalo**, gore ga a kgone go mo naya kopo ya gagwe ka gonne e sa felela, le go ithaopela go thusa mokopatshedimosetso go dira diphetogo tse di tlhokegang mo foromong. Fa mokopatshedimosetso a sa arabe lekwalo la gagwe kgotsa a sa baakanye foromo mo lobakeng lo lo lekaneng sentle lwa nako, Motlhankedi wa Tshedimosetso a ka nna a gana go mo naya kopo.
Naya mokopatshedimosetso tshedimosetso e e maleba fa go kgonega	Fa e le gore go tla kgonega go dira jalo, Motlhankedi wa Tshedimosetso **o tshwanetse go** naya mokopatshedimosetso tshedimosetso epe e nngwe e e tshwerweng ke setlamo sa puso e le yone e tsamaisanang le kopo, le fa direkoto tsa yone e ne e se karolo ya kopo e e dirilweng kwa tshimologong.
Go fudusa kopo	Fa kopo ya PAIA e romelwa go setlamo se e seng sone sa puso, Motlhankedi wa Tshedimosetso wa setlamo seo **o tshwanetse go** fudusetsa kopo eo kwa setlamong se se tshwanetseng sa puso mo malatsing a le 14 morago ga a sena go amogela kopo e bile o tshwanetse go itsise modirakopo ka phuduso eo ka lekwalo.

Malatsi a le 30 a go araba kopo	Kopo ya PAIA e tshwanetse go arabiwa ke setlamo sa puso le sa poraefete mo malatsing a le 30 morago ga go amogela kopo. Motlhankedi wa Tshedimosetso a ka nna a kopa go okelediwa nako ka lobaka lo lo sa feteng malatsi a mangwe a le 30, ka ntlha ya mabaka a a rileng, mmogo le kopo e e akaretsang (1) ditokomane tse di ntsi thata, (2) go ikgolaganya le ditlamo tse dingwe tsa puso kgotsa tsa poraefete, (3) kgotsa fa mokopatshedimosetso a ntshitse nako e e oketsegileng ka lekwalo. Go letleletswe gore kopo nngwe le nngwe ya PAIA e okelediwe nako gangwe fela.
Go ntshiwa ga rekoto kgotsa go gana ka yone	Boikarabelo jwa Motlhankedi wa Tshedimosetso ke go naya mokopatshedimosetso direkoto kgotsa go gana ka tsone. Mokopatshedimosetso o tshwanetse go romelelwa tshwetso eno ka lekwalo.
Sebopego se rekoto e ntshiwang e le ka sone, go e newa le dikgato tsa semolao	Fa kopo ya PAIA e dumelwa, Motlhankedi wa Tshedimosetso o tshwanetse go bolelela mokopatshedimosetso gore rekoto e tla ntshiwa e le ka sebopego sefe le gore tuediso ya go e newa ke bokae, e e tshwanetseng go duelwa fa a sena go newa rekoto eo. Gape kitsiso e tshwanetse go itsise mokopatshedimosetso gore o na le tshwanelo ya go tlhatlhela boikuelo jwa mo teng ga setheo le kwa kgotlatshekelong kgatlhanong le tuediso ya go newa rekoto kgotsa kgatlhanong le sebopego se rekoto e tla ntshiwang e le ka sone. Mo godimo ga moo, gape kitsiso e tshwanetse go tlamela ka tshedimosetso e e ka ga nako e ka yone boikuelo kgotsa kgetsi kwa kgotlatshekelong e tshwanetseng go tlhatlhelwa ka yone mmogo le mokgwatsamaiso o o tshwanetseng go latelwa fa go dirwa jalo.
Go gana kopo	Fa kopo ya PAIA e ganwa, kitsiso e e yang go mokopatshedimosetso e tshwanetse go nna le mabaka la go gana ka yone, a a tshwanetseng go tshegediwa ke ditaelo tsa PAIA. Jaaka ka sebopego se rekoto e ntshiwang e le ka sone kgotsa go e newa mmogo le tuediso ya go e newa, kitsiso e tshwanetse go naya mokopatshedimosetso tshedimosetso malebana le tshwanelo ya gagwe ya go dira boikuelo kgatlhanong le tshwetso e e dirilweng kgotsa go tlhatlhela kgetsi kwa kgotlatshekelong.
Go diegisa go ntshiwa ga rekoto	Motlhankedi wa Tshedimosetso a ka nna a dira tshwetso ya go diegisa go gololwa ga rekoto gore e newe mokopatshedimosetso go ya ka Karolo 24 ya PAIA, fa boikaelelo jwa rekoto eo e le go phasaladiwa mo malatsing a le 90 kgotsa molao o batla gore rekoto eo e phasaladiwe mme e sa ntse e tla batliwa.

PAIA e tlhalosa mo go Karolo 23 (ya setlamo sa puso) le 55 (ya setlamo sa poraefete) gore fa Motlhankedi wa Tshedimosetso a sa kgone go bona direkoto tse di kopilweng, kgotsa fa go dumelwa gore ga di ise di ke di nne gone, morago ga go tlhomamisa gore go tserwe dikgato tsotlhe tsa go batla direkoto, Motlhankedi wa Tshedimosetso o tshwanetse go romelela mokopatshedimosetso afitafiti go mo itsise gore direkoto tse a di batlang ga di ise di ke di nne gone kgotsa ga di bonwe. Afitafiti e tshwanetse go nna le dintlha ka botlalo.

3.4 Ke ditharabololo dife tsa semolao tse ke ka di dirisang fa kopo ya me ya PAIA e ganwa?

Mokopatshedimosetso o na le tshwanelo ya go tsaya dikgato tsa semolao kgatlhaong le Motlhankedi wa Tshedimosetso, Motlatsamotlhankedi wa Tshedimosetso, kgotsa Tlhogo ya setlamo sa puso kgotsa sa poraefete fa Motlhankedi wa Tshedimosetso a dirile tshwetso ya:

- Go gana gore o newe rekoto
- Go oketsa nako ya go arabiwa ga kopo ya gago
- Go go duedisa tuediso ya kopo kgotsa tuediso ya go newa rekoto
- Gore o newe rekoto e le ka sebopego se se farologaneng le se e kopilweng e le mo go sone go tloga kwa tshimologong.

Karolo eno e tla tlhalosa dikgato tsa semolao tse bakopatshedimosetso ba ka di tsayang ba ba batlang go dira boikuelo kgatlhanong le tshwetso ya Batlhankedi ba Tshedimosetso.

3.4.1 Dikgato tsa Semolao kgatlhanong le Ditlamo tsa Puso

Fa mokopatshedimosetso a sa itumelela tshwetso e e dirilweng ke Motlhankedi wa Tshedimosetso wa setlamo sa puso, mokopatshedimosetso o na le tshwanelo ya go tlhatlhela boikuelo jwa mo teng ga setheo. Boikuelo jwa mo teng ga setheo bo akaretsa motho yo o mo maemong a a kwa godingwana yo o tlhatlhobang tshwetso ya Motlhankedi wa Tshedimosetso le go swetsa ka gore a o dirile tshwetso e e siameng. Fa motho yo o mo maemong a magolwane a amogela tshwetso ya Motlhankedi wa Tshedimosetso, boikuelo jwa mo teng ga setheo ga bo kitla bo amogelwa mme tshwetso ya ntlha malebana le kopo ya PAIA ga e kitla e fetolwa. Fa motho yo o mo maemong a magolwane a sa amogele tshwetso ya Motlhankedi wa Tshedimosetso, boikuelo bot la amogelwa mme tshwetso ya ntlha malebana le kopo ya PAIA e tla fetolwa.

Go botlhokwa go ela tlhoko gore o ka tlhatlhela boikuelo jwa mo teng ga setheo fela kwa mafapheng a puso a bosetšhaba, a porofense le a mmasepala. Ditlamo tse dingwe tsa puso ga di na mokgwatsamaiso wa go tlhatlhelwa ga boikuelo jwa mo teng ga setheo.

Lekgotlatoropo la Cape Town ke sekai sa puso ya mmasepala e go ka tlhatlhelwang boikuelo jwa mo teng ga setheo kgatlhaong le yone. Letlole la Dikotsi tsa Tsela ke sekai sa setlamo sa puso se e seng karolo ya lefapha la bosetšhaba, la porofense kgotsa la pusoselegae, ka gonne lone le tlhomilwe ke kgotlatheomoao (Molao wa Letlole la Dikotsi tsa Tsela), mme ka jalo boikuelo jwa mo teng ga setheo ga bo ka ke jwa tlhatlhelwa kgatlhaong le mafapha ano.

3.4.1.1 Ke mang yo o ka tlhatlhelang boikuelo mo teng ga setlamo?

Mokopatshedimosetso yo o dirang kopo ya PAIA e e yang kwa lefapheng la bosetšhaba, la porofense kgotsa kwa setlamong sa puso sa mmasepala mme kopo ya gagwe e bo e ganwa o na le tshwanelo ya go tlhatlhela boikuelo jwa mo teng ga setheo. Bo dirwa ka go tlatsa **Foromo B** ya PAIA le go e tlatsa le lefapha la bosetšhaba, la porofense kgotsa le setlamo sa puso sa mmasepala. Khopi ya Foromo B e ka bonwa mo webosaeteng ya ditlamo tse di maleba mme gape di ka bonwa kwa ofising nngwe le nngwe ya Khomišine ya Ditshwanelo tsa Batho ya Aforikaborwa.

Fa boikuelo jwa mo teng ga setheo bo ama motho ope yo o sa amiweng ke kgang eno ka tlhamalalo, setlamo sa puso se se amogetseng boikuelo jwa mo teng ga setheo se na le boikarabelo jwa go ikgolaganya le maloko a mangwe a a sa amiweng ka tlhamalalo ke kgang eno. Dipatlafalo tsa go ntsha kitsiso le dingongorego di tshwana fela le tsa go ntsha kopo ya ntlha ya PAIA.

Batho ba ba sa amiweng ke kgang eno ka tlhamalalo le bone ba letlwa go tlhatlhela boikuelo jwa mo teng ga setheo kgatlhanong le tshwetso e e dirilweng ke setlamo sa puso ya gore mokopatshedimosetso a newe rekoto e e kgethegileng.

3.4.1.2 O ka tlhatlhela boikuelo mo teng ga setlamo leng?

Mokopatshedimosetso a ka nna a tlhatlhela boikuelo jwa mo teng ga setheo kgatlhanong le tshwetso e e dirilweng ya setlamo sa puso ka ntlha ya mabaka a a latelang:

- Fa mokopatshedimosetso a sa kgotsofalela tuediso e e batliwang ya kopo.
- Fa mokopatshedimosetso a sa kgotsofalela tshwetso ya gore setlamo sa puso se okelediwe nako ka malatsi a le 30 a go araba kopo.
- Fa mokopatshedimosetso a sa kgotsofalela gore sebopego se direkoto di ntshitsweng di le ka sone ga se tshwane le sebopego se se kopilweng, e bile mokopatshedimosetso a dumela gore ga e kitla e nna bothata gore setlamo sa puso se mo neye direkoto tseo ka sebopego se a se eletsang.

3.4.1.3 Nka dira jang boikuelo jwa mo teng ga setlamo?

Boikuelo jwa mo teng ga setheo bo tshwanetse go tlhatlhelwa ke mokopatshedimosetso mo tsamaong ya malatsi a le 60 morago ga go ganwa ga kopo ya gagwe ya ntlha ya PAIA**.** Seno se dirwa ka go tlatsa Foromo B le go e romela go lefapha la bosetšhaba, la porofense kgotsa le la puso ya mmasepala.

Puso ya bosetšhaba	Fa kopo ya PAIA e ne e rometswe go **lefapha la bosetšhaba**, mokopatshedimosetso a ka nna a tlhatlhela boikuelo jwa mo teng ga setheo kwa go Tona ya lefapha leo.
Puso ya Porofense	Fa kopo ya PAIA e ne e rometswe go lefapha la porofense, mokopatshedimosetso a ka nna a tlhatlhela boikuelo go Leloko la Khansele ya Bakhuduthamaga ya lefapha.
Puso ya Mmasepala	Fa kopo ya PAIA e ne e rometswe go lefapha la mmasepala, mokopatshedimosetso a ka nna a tlhatlhela boikuelo jo bo yang go rratoropo wa mmasepala, kgotsa go sebui sa mmasepala, kgotsa go motho ope yo mongwe yo o tlhomilweng ke Khansele ya Mmasepala ya mmasepala oo.

Foromo B e romelwa kwa go ene Motlhankedi wa Tshedimosetso/Motlatsamotlhankedi wa Tshedimosetso yo o ganneng kopo ya ntlha, yo morago ga moo a tla kopiwang go e romela go motho yo o mo maemong a magolwane.

ELA TLHOKO

Fa boikuelo bo batla gore kitsiso e newe motho yo mongwe o sele yo o sa amegeng mo go seno ka tlhamalo (k.g.r. fa tshedimosetso e na le tshedimosetso ya poraefete ka motho yo mongwe, le tshedimosetso ya khupamarama, tshedimosetso e e kgethegileng ya kgwebo, le tshedimosetso ya patlisiso ka motho o sele yo o sa amiweng ke kgang eno ka tlhamalalo), boikuelo bo tla tshwanelwa ke gore bo tlhatlhelwe mo malatsing a le 30 a morago ga go ntshiwa ga kitsiso.

Mokopatshedimosetso o tshwanetse go tlhatlhela boikuelo jwa mo teng ga setheo jo bo yang go Motlhankedi wa Tshedimosetso wa setlamo se se maleba ka poso, ka fekese kgotsa ka imeile.

Boikuelo jwa mo teng ga setheo bo tshwanetse go nna le setlhogo sa boikuelo jwa mo teng ga setheo, mabaka a a tshegetsang boikuelo, le go akaretsa tshedimosetso epe e nngwe e e maleba e e itsiweng ke motho yo o tlhatlhelang boikuelo.

Fa mokopatshedimosetso a ka rata go itsisiwe tshwetso ka boikuelo jwa mo teng ga setheo ka mokgwa o sele, (mo godimo ga go itsisiwe ka lekwalo), o tshwanetse go tlhalosa mokgwa o a o eletsang le go ntsha tshedimosetso epe e e tlhokegang.

3.4.1.4 Go tweng fa boikuelo jwa mo teng ga setlamo bo tlhatlhelwa morago ga letlha le le beilweng la go bo tlhatlhela le sena go feta?

Fa boikuelo jwa mo teng ga setheo bo tlhatlhetswe fa lobaka lwa malatsi a le 60 lo sena go feta, setlamo sa puso se se maleba se tshwanetse go amogela boikuelo fa go bontshitswe lebaka le le utlwalang la go bo bo tlhatlhetswe morago ga nako. Fa setlamo sa puso se se maleba se sa amogele go tlhatlhelwa ga boikuelo jwa mo teng ga setheo morago ga nako, se tshwanetse go naya motho yo o tlhathetseng boikuelo joo lebaka.

3.4.1.5 Dituediso tsa maikuelo a mo teng ga setlamo ke bokae?

Mokopatshedimosetso yo o dirang boikuelo jwa mo teng ga setheo o kopiwa go duela tuediso e e batlegang, fa e le teng. Fa tuediso ya go dira boikuelo joo e duelwa ka nako ya fa bo tlhatlhelwa, tshwetso ka boikuelo e ka nna ya diegisiwa go fitlha fa go sena go duelwa.

A KE KA TLHATLHELA KOPO KWA KGOTLATSHEKELONG KGATLHANONG LE TSHWETSO YA SETLAMO SA PUSO?

Ee. Fa mokopatshedimosetso a sa atlega ka go tlhatlhela ga gagwe boikuelo jwa mo teng ga setheo kgatlhanong le setlamo sa puso, kgotsa fa setlamo sa puso se ganne go amogela go tlhatlhelwa ga boikuelo jwa mo teng ga setheo morago ga nako, kgotsa fa e le gore mokopatshedimosetso o ne a hutsafaditswe ka tsela epe ke tshwetso e e dirilweng ke setlamo sa puso, mokopatshedimosetso a ka nna a tlhatlhela boikuelo kwa kgotlatshekelong go bona thuso ka go tlhatlhela kopo mo mo tsamaong ya malatsi a le 180 morago ga go amogela tshwetso (go ya ka katlholo ya Kotlatshekelo ya Molaotheo – go bona tshedimosetso go ya pele, leba fa tlase). **Mokopatshedimosetso kgotsa motho ope o sele yo o sa amiweng ke kgang eno ka tlhamalalo a ka nna a tlhatlhela kgetsi kwa kgotlatshekelong morago ga fa thulaganyo ya boikuelo jwa mo teng ga setheo e sena go konelwa**.

3.4.2 Dikgato tsa Semolao kgatlhanong le Ditlamo tsa Porafete

Fa mokopatshedimosetso a sa kgotsofalela tshwetso e e dirilweng ke tlhogo ya setlamo sa poraefete, ka sekai ya go gana go newa tshedimosetso, go duedisiwa tuediso ya go newa tshedimosetso, kgotsa ya go oketsa lobaka lwa nako e karabo e tshwanetseng go ntshiwa ka lone, mokopatshedimosetso a ka nna a tlhatlhela kopo kwa kgotlatshekelong go bona thuso mo tsamaong ya malatsi a le 180 morago ga go amogela tshwetso (go ya ka katlholo ya Kotlatshekelo ya Molaotheo – go bona tshedimosetso go ya pele, leba fa tlase) e e mo hutsafaditseng. Tshwetso ya setlamo sa poraefete e tla sekasekwa ke kgotlatshekelo mme tshwetso e tla dirwa ke dikgotlatshekelo gore a tshedimosetso e ntshiwe kgotsa nnyaa.

BRUMMER V TONA YA TLHABOLOLO YA LOAGO

Mo kgannyeng eno dikgotlatshekelo di kaile gore lobaka lwa kwa tshimologong lwa malatsi a le 30 ka fa tlase ga PAIA lo ka lone mokopatshedimosetso a ka nnang a tlhatlhela kopo kwa kgotlatshekelong fa a sa kgotsofalela tshwetso ya Motlhankedi wa Tshedimosetso lo ne lo sa lekana go ka direla mokopatshedimosetso tshiamiso. Ka jalo go ne ga dumelwa gore lobaka lwa malatsi a le 30 ga lo amogelesege le gore lo ne lo tshwanetse go okediwa gore e nne lwa malatsi a le 180. Tshwetso eno e a tlhaga mo teng ga Molao wa Tshireletso ya Tshedimosetso ya Poraefete o mo ntšha o o tlhalosang gore go na le lobaka lwa malatsi a le 180 a gore Bakopatshedimosetso ba romele ngongorego ya bone go lefapha la Go Laola Tshedimosetso, morago ga go dirisa thulaganyo ka botlalo ya PAIA ya go newa rekoto ya botho.

Dikgetse tsotlhe tse di amanang le go newa tshedimosetso di ka reediwa fa pele ga Kgotlatshekelo ya Mmagiseterata jaaka kgotlatshekelo ya ntlha, jaaka go tlhalosiwa ka fa tlase ga karolo 79 ya PAIA l**e Dikgotlatshekelokgolo**.

3.4.3 Go tla direga eng ka kgetse ya me kwa kgotlatshekelong?

Go na le diphelelo di le mmalwa tse di ka nnang tsa nna gone fa motho a isa kgetsi ya PAIA kwa kgotlatshekelong. Fa go sena go reediwa matlhakore oomabedi, moatlhodi yo o eteletseng kgetse pele o na le thata ya go ntsha taelo. E ka nna ya akaretsa taelo: (1) e e netefatsang, e e fetolang, kgotsa e e tlosang tshwetso ya setlamo sa puso kgotsa sa poraefete malebana le kopo ya PAIA; (2) e e kopang setlamo sa puso kgotsa sa poraefete go tsaya kgato e e rileng kgotsa go se tseye kgato e e rileng; (3) e e ntshang taelo ya kgotlatshekelo, taelo ya maikano, kgololo e e kgethegileng, kgotsa tuelo ya phimolakeledi; kgotsa (4) e ka kopa gore go duelwe ditshenyegelo tse di rileng.

KAROLO 4

Fa kopo ya go newa tshedimosetso e ka/e ka nna ya ganwa

Karolo eno e akaretsa:

4.1 Go boloka tshwanelo ya go newa tshedimosetso e lekalekane le ditshwanelo tse dingwe

4.2 Molao v mabaka a a itshetlegileng ka maemo a go gana ka tshedimosetso

4.3 Mabaka a go gana ka tshedimosetso a a kwadiwleng mo teng ga PAIA

4.4 Teko ya kgatlhego e setšhaba se nang le yone mo kgannyeng eno

4.1 Fa kopo ya go newa tshedimosetso e ka nna ya ganwa

Karolo eno e tla re naya dintlhakakaretso tsa fa go ganwa ka tshedimosetso ka fa tlase ga PAIA, le kaelo ya go dirisa melao e e letlang motlhankedi wa tshedimosetso go gana kopo. PAIA e na le mabaka a le 12 a go newa tshedimosetso go ka nnang ga ganwa ke motlhankedi wa tshedimosetso wa setlamo sa puso kgotsa sa poraefete, a mangwe a one e leng a a tlhomilweng ke molao mme a mangwe ke a a ikaegileng ka maemo *(leba karolo 4.2. fa tlase go bona tshedimosetso go ya pele*). Mo godimo ga moo, PAIA e tlhama polelwana ya semolao ya go bontsha kgatlhego ga setšhaba e e nnang botlhokwa go gaisa mabaka ape a go gana go newa tshedimosetso, fa kgatlhego ya setšhaba malebana le tshedimosetso e ka nna kgolo. (*leba karolo 4.4 fa tlase go bona tshedimosetso go ya pele*).

GO BOLOKA TSHWANELO YA GO NEWA TSHEDIMOSETSO E LEKALEKANE LE DITSHWANELO TSE DINGWE	
MOLAOKAKARETSO	Tshwanelo ya go newa tshedimosetso e fitlhelwa mo teng ga Molaotlhomo wa Ditshwanelo wa Molaotheo wa Aforikaborwa e bile, gore tshwanelo eno e diragadiwe, go newa tshedimosetso go tshwanetse ga dirwa gangwe le gape.
FA MOLAO O SE KITLANG GO DIRISIWA GONE	Fela jaaka ditshwanelo tse dingwe tse dintsi tsa Molaotlhomo wa Ditshwanelo, tshwanelo ya go newa tshedimosetso e ka lekanyediwa kgotsa ya ganwa mo mabakeng mangwe. PAIA e tlhalosa mabaka a go gana ka tshedimosetso, le moo tshwanelo ya go newa tshedimosetso e ka nnang ya lekanyediwa.

4.2 Molao fa o bapisiwa le Tshwetso e e Ikaegileng ka Maemo ya go gana ka tshedimosetso

PAIA e tlhalosa gore mo maemong mangwe tshedimosetso ga e ka ke ya senolwa ke motlhankedi wa tshedimosetso. Ka bokhutshwane, mabaka a go bo tshedimosetso e ka se ka ya senolwa a amana le gore a go senolwa ga tshedimosetso go tla baka mathata go na le fa e sa senolwe. Ka jalo PAIA e tlhalosa mabaka a le somepedi a go bo motlhankedi wa tshedimosetso wa setlamo sa puso kgotsa sa poraefete a ka ganang go ntsha tshedimosetso ka one (*mabaka ano a a 12 a tla tlhalosiwa mo karolong 4.3 fa tlase*). Mangwe a mabaka ano a go sa ntshe tshedimosetso ke a a tlhomilweng ke molao, mo go rayang gore motlhankedi wa tshedimosetso **ga a tshwanela** go ntsha tshedimosetso fa lengwe la mabaka a go sa ntshe tshedimosetso le ka kgona go supiwa. Mabaka a mangwe a go gana ka tshedimosetso ke a a **ikaegileng ka maemo** a a bonwang ke motlhankedi wa tshedimosetso. Seno se raya gore motlhankedi wa tshedimosetso a ka nna a senola tshedimosetso kgotsa a ka nna a se e senole. Ka jalo motlhankedi wa tshedimosetso o tshwanetse go dira tshwetso go ya ka maemo a gore a go senola tshedimosetso go tla baka mathata mo setšhabeng kgotsa go setlamo sa poraefete go na le fa e sa senolwa.

MELAO YA PAIA E E TSHWANETSENG GO ELWA TLHOKO...

Fa go gana ka tshedimosetso e le ka ntlha ya melao, PAIA e dirisa lefoko "**tshwanetse**".

Fa go gana ka tshedimosetso e le ka ntlha ya maemo, PAIA e dirisa lefoko "**ka nna**".

Gakologelwa: Jaaka Motlhankedi wa Tshedimosetso, o tshwanetse go leba dilo ka tsela e di ntseng ka yone fa o dirisa lebaka la go gana ka tshedimosetso. O se ka wa tsaya matlhakore. O se ka wa nna le tlhaolele le ka motlha!

4.3 Mabaka a go gana ka tshedimosetso

Jaaka go tlhalositswe fa godimo go na le mabaka a a farologaneng a ka one kopo ya tshedimosetso e ka nnang ya gangwa kgotsa e tshwanetseng go ganwa ke Motlhankedi wa Tshedimosetso wa setlamo sa puso kgotsa sa poraefete. Mabaka ano a mo go Kgaolo 4 ya Karolo 2 ya Setlamo sa Puso, le Kgaolo 4 ya Karolo 3 ya Setlamo sa Poraefete.

4.3.1 Go sireletsa tshedimosetso ya poraefete ya motho wa boraro

Motlhankedi wa Tshedimosetso wa setlamo sa puso kgotsa sa poraefete **ga a tshwanela** go letla motho go newa tshedimosetso ya poraefete ya motho wa tlhago, go akaretsa le ya motho yo o tlhokafetseng (*malebana le tlhaloso ya "motho wa tlhago" leba Mareo a a Mosola kwa godimo*). PAIA e tlhalosa gore, gore e kgone go sireletsa tshedimosetso ya poraefete ya motho wa boraro yo e leng motho wa tlhago, Motlhankedi wa Tshedimosetso o tshwanetse go lekola gore a go golola tshedimosetso e e kopiwang le go e naya mokopatshedimosetso 'go ka fetola tsela e e sa tlhokegeng ya go senola tshedimosetso ya poraefete' (*leba dikarolo 34 le 63 tsa PAIA*).

Karolo 1 ya PAIA e naya tlhaloso e e tesneletseng ya gore ke tshedimosetso efe e e leng "tshedimosetso ya poraefete". E akaretsa tshedimosetso e e amanang le thobalano, go ima, le bodumedi, le go kwalelana le ba bangwe, DNA, dikgatisomenwana, le dikai tsa fa leina la motho le tlhaga mo direkotong.

Gape Motlhankedi wa Tshedimosetso o tshwanetse go akanyetsa gore a tshedimosetso ya poraefete e e kopiwang ga e wele ka fa tlase ga ditlhopha tse di latelang tsa tshedimosetso ya poraefete e e ka senolwang.

- Tshedimosetso ya poraefete ya motho yo o dirileng tumelelo ya gore tshedimosetso eno e golowe;
- Tshedimosetso ya poraefete e e setseng e phasaladitswe;
- Tshedimosetso ya poraefete ka ngwana yo o ka fa tlase ga dingwaga di le 18 e go senolwa ga yone go tla solegelang ngwana molemo, e mokopi wa yone e leng motlhokomedi wa ngwana (ke gore, motsadi kgotsa motlhokomedi);
- Tshedimosetso ya poraefete ya motho yo o tlhokafetseng e e newang mokopi yo e leng wa losika lwa yo o tlhokafetseng, kgotsa yo o neilweng taolo eo (tumelelo e e kwadilweng) ke yoo wa losika lwa gagwe;
- Tshedimosetso ya poraefete ya motho yo o tlhokafetseng yo o sa leng a tlhokafetse lobaka lo lo fetang lwa dingwaga di le 20;
- Tshedimosetso ya poraefete ya motho yo e leng kgotsa yo o neng a le motlhankedi mo setlamo sa puso kgotsa sa poraefete yo tshedimosetso e amanang le maemo a gagwe jaaka motlhankedi.

PAIA e laela gore Batlhankedi ba Tshedimosetso ba Lefapha la Ditirelo Tsa Lekgetho la Aforikaborwa kgotsa South African Revenue Services (SARS) ba se ka ba senola tshedimosetso ya poraefete ya lekgetho le tshedimosetso ya lotseno, ntle le fa mokopatshedimosetso a kopa go newa tshedimosetso ya gagwe ka namana.

4.3.2 Go sireletsa tshedimosetso ya kgwebo ya motho wa boraro

Batlhankedi ba Tshedimosetso ba ditlamo tsa puso le tsa poraefete ba **tshwanetse** go gana ka tshedimosetso fa go golola tshedimosetso eo go ka bakela motho yoo wa boraro kgobalo mo kgwebong kgotsa mo go tsa ditšhelete ya kgwebo ya gagwe. PAIA e kwala lenaane la tshedimosetso e e latelang ya kgwebo e e ka se kang ya senolelwa Motlhankedi wa Tshedimosetso:

- Diphiri tsa kgwebisano;
- Tshedimosetso ya tsa ditšhelete, ya kgwebo, ya saense kgotsa ya setegeniki eo go ka diregang gore go senolwa ga yone go bakele kgwebo ya motho yoo wa boraro mathata;
- Tshedimosetso e e neilweng motho wa boraro mo sephiring.

Le fa go na le molaokakaretso wa go sireletsa tshedimosetso ya khamphani, go tlhokega setlamo sa puso se se tla dirang dilo kwantle ga go fitlha sepe. Go na le maemo a mangwe a ka one go ka senolwang tshedimosetso ya kgwebo ya khamphani.

Dintlha tse PAIA e sa di akaretseng: Direkoto tsa motho wa boraro tse di nang le tshedimosetso e e amanang le tshireletsego ya setšhaba kgotsa dikotsi tse di ka tlhagelang tikologo di tshwanetse go gololwa, le fa go gololwa ga tshedimosetso e e ntseng jalo go ka nna ga bakela motho wa boraro bothata. Seno se emela tshedimosetso e e amang setšhaba (l*eba karolo 4.4. fa tlase*).

4.3.3 Go sireletsa tshedimosetso ya khupamarama

PAIA e laela gore motlhankedi wa tshedimosetso o tshwanetse go gana ka rekoto fa e le gore go tlhagisa rekoto eo go tla bo go le kgatlhanong le tumalano eo e dirilweng le motho wa boraro ya go boloka rekoto eo e le khupamarama.

4.3.4 Go sireletsa tshireletsego ya motho le thoto

Karolo eno e tlhalosa gore motlhankedi wa tshedimosetso o **tshwanetse** go gana ka rekoto fa go senolwa ga rekoto go ka lebelelwa gore go tla tsenya motho kgotsa thoto mo kotsing. Karolo eno e tlotla ka tshwanelo ya go boloka tshedimosetso ya poraefete ka gonne e amega ka botshelo jwa motho jwa poraefete le dithoto tsa bone.

4.3.5 Go sireletsa tshedimosetso mo dikgotlatshekelong

Boikaelelo jwa karolo eno ke go sireletsa tshedimosetso e e tlhokwang mo dikgotlatshekelong le ya go tlhoma melao. Karolo eno e tlotla ka melao e mengwe e e laolang ditlhopha tse di rileng tsa tshedimosetso. Malebana le karolo eno Molao wa Bokebekwa wa bo 51 wa ka 1977 o lejwa e le molao o o laolang direkoto tse di amanang le mekgwatsamaiso ya go duelela go ya go letela tsheko kwa ntle le mekgwatsamaiso e mengwe e e tlhomilweng. Gape, seno se amana le direkoto tse go tlhagisiwa ga tsone e leng tshiamelo. Ka mafoko a mangwe direkoto tse di se kitlang di newa ope o sele, kwantle ga motho yo o nang le tshiamelo ya go di newa, ka sekai mmueledi wa semolao yo o nang le tshiamelo ya go bo a na le motho ya a mmuelelang. Direkoto dipe tse di amanang le mmueledi wa semolao le yo a buelelwang ke ene di sirelediwa ka fa tlase ga karolo 40 ya PAIA.

Le fa PAIA e tsaa tsia go nna teng ga melao e mengwe e e amananag le go laolwa le go senolwa ga tshedimosetso le direkoto, mo maemong a mo go one molao o lekanyetsang tshwanelo ya go newa tshedimosetso go sa tshwanela e bile o thulanang le melaotheo ya go dira dilo kwantle ga go fitlha sepe le go sikara maikarabelo, go tla iwa le molao wa PAIA.

4.3.6 Go sireletsa Tshedimosetso ya Patlisiso

Motlhankedi wa Tshedimosetso wa setlamo sa puso kgotsa sa poraefete o tshwanetse go gana ka direkoto tse di nang le tshedimosetso e e amanang le patlisiso e e tla dirwang ke setlamo sa puso kgotsa sa poraefete se e kopiwang mo go sone kgotsa ke motho wa boraro. Go gana ka tshedimosetso gono go dirwa fa go senolwa ga rekoto go ka senola patlisiso ya motho wa boraro kgotsa ya setlamo sa puso kgotsa sa poraefete, ya motho ka bongwe kgotsa ya setheo se se dirang patlisiso, kgotsa fa go ka baya kgang e go dirwang patlisiso ka yone mo boemong jo bo masisi ***(****leba dikarolo 43 le 69 tsa PAIA****).***

4.3.7 Tshedimosetso e go ka nnang ga ganwa ka yone

Ditlhopha tse di latelang tsa tshedimosetso di amana le tshedimosetso e Motlhankedi wa Tshedimosetso a ka nnang a gana ka yone, fa fela ba ka netefatsa gore tshedimosetso e e batliwang e wela mo ditlhopheng tse di latelang le gore go senolwa ga yone ga ama setšhaba (*go bona tshedimosetso go ya pele ka tshedimosetso e e amang setšhaba leba karolo 4.4 fa tlase*).

4.3.7.1 Go Femelwa ga Aforikaborwa, tshireletsego le dikamano le dinaga di sele

Karolo 41 ya PAIA e batla gore motlhankedi wa tshedimosetso a sekaseke go bona gore a kopo ya go newa tshedimosetso go amana le tshedimosetso ka ga tshireletsego ya Aforikaborwa. Motlhankedi wa tshedimosetso a ka nna a gana kopo fa a ka kgona go supa gore e tla tsenya tshireletsego ya Aforikaborwa mo kotsing fa a ka e senola.

4.3.7.2 Boemo jwa Aforikaborwa jwa Ikonomi, jwa ditšhelete le tsa kgwebo

Karolo 42 ya PAIA e batla gore go sirelediwe tshedimosetso ya setlamo sa puso fa e le gore go senolwa ga yone go tla nna kotsi mo boemong jwa ikonomi le jwa ditšhelete jwa Repaboliki. Lebaka leno la go gana le dirwa go ya ka maemo, mo go rayang gore Motlhankedi wa Tshedimosetso o tla tshwanelwa ke go akanyetsa ntlha ya gore ditlamo tsa puso di neilwe boikarabelo ke Molaotheo wa Aforikaborwa gore di sikare maikarabelo malebana le setšhaba, le gore e tla nna ka fa tlase ga maemo a a rileng fela a go tla ganwang ka tshedimosetso mo go one. Mo godimo ga moo, Motlhankedi wa Tshedimosetso o tla tshwanelwa ke go supa gore go senola tshedimosetso e e kopilweng go tla bakela boemo jwa ditšhelete le jwa ikonomi ya Aforikaborwa mathata.

4.3.7.3 Go dira ga ditlamo tsa puso

Karolo 44 ya PAIA e naya Batlhankedi ba Tshedimosetso kgono ya go gana go ntsha rekoto fa e le gore e tla kgoreletsa go dira ga setlamo sa puso. Karolo 44 e kgolo, dingwe tsa direkoto tse di kwadilweng ka fa tlase ga yone di akaretsa:

- Ditshwetso tse di dirilweng mo dikopanong;
- Direkoto tse di nang le kgakololo kgotsa maikutlo;
- Direkoto tse di amanang le dikgakololano le ditlamo tse dingwe;
- Direkoto tse di amanang le go tlhamiwa ga dipholisi kgotsa ditshitshinyo.

4.3.7.4 “Fa dikopo tsa tshedimosetso e le tsa go tshameka kgotsa tse di dirwang ka kgalefo, kgotsa tse di akaretsang go faposa ditsompelo go sa tlhokege di tla ganwa.”

Motlhankedi wa Tshedimosetso a ka nna a gana ka tshedimosetso fa a akanya gore go baakanya dikopo tseo go tla ja nako e ntsi go sa tlhokege le gore go tla baka tshenyo ya ditsompelo. Mo godimo ga moo, Motlhankedi wa Tshedimosetso a ka nna a gana ka tshedimosetso fa kopo e lejwa e sena mosola ope kgotsa fa mokopatshedimosetso a e diretse fela go galefisa ba bangwe.

4.4 Go Ama Setšhaba go Phimola Mabaka Otlhe

Tshireletsego yotlhe e e newang tshedimosetso jaaka e tlhalosiwa fa godimo ga e tlhole e dira fa go gololwa ga tshedimosetso go ama setšhaba. Ka tsela eno teko ya go ama ga yone setšhaba e phimola mabaka a mangwe otlhe a go gana ka tshedimosetso.

Teko e e latelang e tshwanetse go dirisiwa ke Motlhankedi wa Tshedimosetso kgotsa ke setlamo sa puso kgotsa sa poraefete pele a gana ka tshedimosetso e e welang ka fa tlase ga ditlhopha tsa tshedimosetso e e sa senolweng e e mo lenaaneng le le fa tlase. Fa maemo ano a fitlhelelwa, tshedimosetso e tshwanetse go senolwa ka ntlha ya mabaka a go bo e ama setšhaba.

A tshedimosetso e bontsha go tlola molao ka tsela e e masisi.

KGOTSA

A direkoto tse di kopiwang di na le tshedimosetso e e amanang le kotsi e e masisi e e gomagomelang tshireletsego ya setšhaba kgotsa ya tikologo?

LE GORE

A go ama setšhaba ga tshedimosetso fa e senolwa go feta kgobalo e e ka nnang gone.

KAROLO 5

Ditshupetso tse di botlhokwa le tshedimosetso e e mosola

Karolo eno e akaretsa:

5.1 Lenaane la ditshupetso tsa botlhokwa tse di dirisediwang go kwalwa Kaelo ya PAIA, go akaretsa le molao

5.2 Lenaanela la metswedi e mengwe e e botlhokwa ya tshedimosetso ya PAIA

5.1 Ditshupetso tsa botlhokwa

MOTSWEDI WA TSHEDIMOSETSO	MOKWADI
Molao wa Thotloetso ya go Newa Tshedimosetso wa bo 2 wa ka 2000	Molao
Molao wa Tshireletso ya Tshedimosetso ya Poraefete wa bo 4 wa ka 2013	Molao
Go tlhalosiwa ga PAIA (go ka bonwa mo atereseng ya www.saha.org.za)	SAHA
Kobotlo ya Didirisiwa ya PAIA (e ka bonwa mo atereseng ya www.saha.org.za	SAHA
Kaelo ya Tsela ya go Dirisa Moalo wa Thotloetso ya go Newa Tshedimosetso wa bo 2 wa ka 2000 (e ka bonwa mo atereseng ya www.sahrc.org.za)	SAHRC
Sedirisiwa ka Kaelo sa Baagi sa PAIA (se ka bonwa mo atereseng ya www.sahrc.org.za)	SAHRC
Mmanuale wa PAIA wa Badiri b aba Dirang ka fa Pele (o ka bonwa mo atereseng ya www.sahrc.org.za)	SAHRC

5.2 Melawana ya PAIA

KITSISO YA PUSO	LETLHA	SETLHOGO LE TLHALOSO
Kitsiso ya Puso: No. R. 1244	22 Lwetse 2003	Tlhabololo e e amanang le go bonwa ga dimmanuale tsa PAIA tsa ditlamo tsa puso le tsa poraefete.
Kitsiso ya Puso: No. R. 187	15 Tlhakole 2002	Tlhabololo ya PAIA malebana le Kaelo ya Karolo 10 le go bonwa ga dimmanuale tsa PAIA.
Kitsiso ya Puso: No. R. 233	9 Mopitlwe 2001	Molawana ono o amana le tuediso e e duelelwang go newa direkoto tsa ditlamo tsa puso le tsa poraefete.
Kitsiso ya Puso No. R. 466	1 Seetebosigo 2007	Go akaretsa le diforomo tse Batlhankedi ba Tshedimosetso ba tshwanetseng go di dirisa fa ba phasalatsa go ithaopela go senola dikitsiso tsa tshedimosetso go ya ka dikarolo 15 le 52 tsa PAIA.

5.3 Ditlhabololo tsa PAIA

KITSISO YA PUSO	LETLHA	SETLHOGO LE TLHALOSO
Kitsiso ya Puso No. 428	31 Mopitlwe 2004	Tlhabololo ya karolo 92(4) ya PAIA e e lhalosang Ditlolomolao le Dikotlhao tsa batho ba ka boomo le ka tsela e e sa siamang ba kgoreletseng kopo ya mokopatshedimosetso ya go bona tshedimosetso, ka sekai ka go senya direkoto.
Kitsiso ya Puso No. 96	15 Ferikgong 2003	Tlhabololo ya PAIA ya go tlamela ka katiso ya batlhankede ba ba okamelang kwa Dikgotlatshekelong tsa Mmagiseterata'' go utlwa ka dikgang tsa PAIA.
Kitsiso ya Puso No. R. 187	15 Tlhakole 2002	Tlhabololo ya PAIA malebana le Kaelo eno ya Karolo 10 le go bonwa ga dimmanuale tsa PAIA.

5.4 Ditlhabololo tsa Melawana ya PAIA

KITSISO YA PUSO	LETLHA	SETLHOGO
Kitsiso ya Puso: No. 1263	11 Moranang 2003	Kitsiso e e amanang le go bonwa ga dimmanuale tsa PAIA tsa ditlamo tsa poraefete.

5.5 Metswedi e mengwe ya tshedimosetso ya e e mosola ya PAIA

1) **Go dirisetsa PAIA go Buelela Ditshwanelo tsa Tlamelo ka Matlo, SAHA** (e ka bonwa mo atereseng ya www.saha.org).
2) **Go Fitlhelela Tshedimosetso mo Boemong jwa Baagi ba Gaeno, SAHA** (e ka bonwa mo atereseng ya www.saha.org).
3) **Go Fitlhelela tshedimosetso mo Setheong sa LGBTI, SAHA** (e ka bonwa mo atereseng ya www.saha.org).

TATAISO YA KA MOO O KA SEBEDISANG MOLAO WA KGOTHALETSO YA PHIHLELLO YA LESEDI WA BO 2 WA 2000

Umhlahlandlela Ngekusetjentiswa Kwemtsetfo Wekutfutfukisa Kutfolakala Kwelwatiso Nombolo 2 Wanga 2000

SISWATI

Iwebhusayithi: www.sahrc.org.za

Imeyili: info@sahrc.org.za

Ithwitha: @SAHRCommission

Facebook: SAhumanrightscommission

Youtube: SAHRC1

Imininingwane Yekutsintsana neKhomishini Lemelele Emalungelo Eluntfu eNingizimu Afrika

Lihhovisi Lelikhulu Johannesburg

Lucingo 011 877 3600 • Ifeksi 011 403 0684

Eastern Cape Port Elizabeth

Lucingo 043 722 7828 • Ifeksi 043 722 7830

Free State Bloemfontein

Lucingo 052 447 1133 • Ifeksi 051 447 1128

KwaZulu-Natal Durban

Lucingo 031 304 7323/4/5 • Ifeksi 031 304 7323

Limpopo Polokwane

Lucingo 015 2913500 • Ifeksi 051 291 3505

Mpumalanga Nelspruit

Lucingo 013 752 8292 • Ifeksi 013 752 6890

Northern Cape Upington

Lucingo 054 332 3993/4 • Ifeksi 054 332 7750

North West Rustenburg

Lucingo 014 592 0694 • Ifeksi: 014 594 1089

Western Cape Cape Town

Lucingo 021 426 2277 • Ifeksi 021 426 2875

Kutfola indlela yakho yekusebentisa Lomhlahlandlela we-PAIA

Sigaba 1
Singeniso seMhlahlandlela we-PAIA

Sigaba 2
Ungacala kuphi kutfola lolwatiso loludzingako

Sigaba 3
Usifaka njani sicelo sekutfola lwatiso

Sigaba 4
Ungancishwa nini lwatiso

Sigaba 5
Emareferensi labalulekile netinsita tekutfola lwatiso lolungetiwe

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EMATHEMU	INCHAZELO
Imali lekhokhwako kute usitwe	Lena yimali lekufanele ikhokhwe ngulofake sicelo kulomtimba lotimele noma wahulumende lapho usuke ufuna kutfola khona lwatiso, kute kutsi kukhokhelwe tindleko tekutfola nekukhopha lamarekhodi lowacelako. *(Kutfola imininingwane lephelele ngemali buka Sigaba sesi-3 seMhlahlandlela.)*
Lifomu A	Litfolakala kuwebhusayithi yeLikhomishana Lemelele Emalungelo Eluntfu, Kanye nemawebhusayithi aletinye tikhungo tahulumende. Lelifomu lisetjentiselwa kutfola lwatiso lolugcinwe ngumtimba wahulumende. *(Kutfola imininingwane lephelele ngeLifomu A bese ucela lwatiso kumtimba buka Sigaba 3 saloMhlahlandlela).*
Lifomu C	Nalo litfolakala ekugcineni kweMtsetfo i-PAIA, kuwebhusayithi yeLikhomishana Lemelele Emalungelo Eluntfu, kanye nemawebhusayithi aletinye tinkampani letitimele. Lelifomu lisetjentiselwa kutfola lwatiso lolugcinwe ngumtimba lotimele. *(Kutfola imininingwane lephelele ngeLifomu C bese ucela lwatiso kumtimba lotimele buka Sigaba 3).*
Uhlahlandlela	Kushiwo loMhlahlandlelawe-PAIA lohlanganisiwe wase ushicilelwa Likhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika njengoba kuvetiwe kuSigaba 10 se-PAIA, kute usite bantfu ekusebentiseni nasekuvisiseni loMtsetfo.
Sisebenti lesiniketa lwatiso kanye nelisekela leSisebenti lesiniketa lwatiso	LeSisebenti lesiniketa lwatiso (ngalesinye sikhatsi sibitwa nge-IO) ngulomuntfu loniketwe ligunya ngalokusemtsetfweni sikhungo lesitsite kutsi asebente ngeticelo te-PAIA. Kumtimba wahulumende lomuntfu nguye losebenta njengemholi wemtimba. Kantsi kumasipala kutawuba ngulophetse masipala, kulitiko lavelonkhe kutawuba nguMcondzisi-Jikelele; njengemtimba lonjengeLikhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika kutawuba ngu-CEO. Lelisekela leSisebenti lesiniketa lwatiso (ngalesinye sikhatsi libitwa ngekutsi ngu-DIO) ngumuntfu lobekwe Sisebenti lesiniketa lwatiso semtimba wahulumende kutsi asite lofaka sicelo sekutfola lwatiso. I-PAIA ayisho kwekutsi imitimba letimele ayibe neLisekela leSisebenti lesiniketa lwatiso; noma kunjalo, Likhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika inconota kwekutsi babe nalo kute kube khona kufinyeleleka nekusebenta ngalokufanele. *(Kutfola imininingwane lephelele ngalokuphatselene nemisebenti yeSisebenti lesiniketa lwatiso buka Sigaba sesi-3 saloMhlahlandlela.)*

Sikhalo sangekhatsi (Lifomu B)	Labafake sicelo batawusebentisa lelifomu B le-PAIA kufaka sikhalo ngesincumo lesentiwe kuphela ngumkhakha wahulumende wavelonkhe, wesifundza noma wamasipala ngalokuphatselene nekutfola lwatiso. *(Kutfola imininingwane lephelele ngekufaka ticelo tangekhatsi buka SIGABA 3 salaMhlahlandlela).*
Inhlangano lesemtsetfweni	Kushiwo inkampani noma umtimba losemtsetfweni nalobonwa ngekwemtsetfo njengemkhakha lotimele noma 'inhlangano' lenemalungelo nemisebenti.
Indvuna Yelitiko	Uma kukhulunywa ngeNdvuna Yelitiko kushiwo INdvuna Yelitiko Letebulungiswa neTekulungiswa Kwesimilo.
Umuntfu ngekwemvelo	Kushiwo umuntfu mbamba, hhayi inhlangano lesemtsetfweni njengenkampani (buka inhlangano lesemtsetfweni ngenhla).
Umtimba lotimele	Ubuye ubitwe ngekutsi yinkampani letimele, sikhungo, noma umtimba, lena yinhlangano lesemtsetfweni noma inhlangano yebantfu labahlanganyele buniyo bayo lengenelela kunoma nguluphi luhlobo lwekuhwebelana, ibhizinisi noma ticu kuphela ngalamandla leniketwe wona.
Umtimba wahulumende	Kushiwo kusikhungo sahulumende, litiko, noma umtimba, leli ngunoma nguliphi litiko noma sikhungo savelonkhe, sifundza noma hulumende wasemakhaya. Ubuye ufake ekhatsi noma siphi sikhungo lesenta umsebenti wembuso ngalesikhatsi lelirekhodi lekukhulunywa ngalo lentiwa.
Lirekhodi	Noma luphi lwatiso lolurekhodiwe nganoma ngayiphi indlela, kufaka ekhatsi, sibonelo, imiculu lebhaliwe, emavidiyo njll. Lirekhodi lelicelwa kumtimba lotimele noma wahulumende kushiwo lirekhodi lelikulowo mtimba noma ngabe lowo mtimba ngiwo losungule lelo rekhodi.
Imali yesicelo	Tindleko letikhokhwako kute kutfolakale lwatiso lolucelako. Kufaka sicelo sekutfola lwatiso kumtimba wahulumende kunemali lebekiwe lengu-R35; kucela lwatiso kumtimba lotimele nakhona kunemali lebekiwe lengu-R50. *(Kutfola imininingwane lephelele ngemali yekufaka sicelo nekutsi awukhokhi nakwentenjani buka Sigaba 3 saloMhlahlandlela.)*
Lofaka sicelo	Lofake sicelo ngumuntfu noma inhlangano lefuna kufaka sicelo sekutfola lwatiso. Lofake sicelo naye afakela lomunye naye afuna lwatiso naye ubitwa ngemuntfu lofake sicelo.
Lofakela lomunye sicelo	Kushiwo kumuntfu noma inhlangano lekungasiyo letifakele sicelo sekutfola lwatiso, noma lomtimba lekufakwe kuwo sicelo sekutfola lwatiso.

Luhlu lwetifinyeto

Letifinyeto letilandzelako titfolakala kulomhlahlandlela kanye naleminye imitfombolusito ye-PAIA lesetjentiswako:

DIO	Lisekela Lesisebenti lesiniketa lwatiso
IO	Sisebenti lesiniketa lwatiso
ODAC	Sikhungo Lesivulekile Lesicwayisa Ngentsandvo Yelunyenti
PAIA	Umtsetfo Lotfutfukisa Kutfolakala Kwelwatiso we-2 wanga 2000
PPIA	Umtsetfo Lovikela Lwatiso Lolucondzene Nawe we-4 wanga 2013
SAHA	Silulu Lesigcina Umlandvo eNingizimu Afrika
SAHRC	Likhomishana Lelimelele Emalungelo Eluntfu

SIGABA 1
Singeniso

Lesigaba sifaka ekhatsi:

1.1 Inhloso yaloMhlahlandlela wePAIA

1.2 Umlandvo we-PAIA

1.3 Inhloso ye - PAIA nekusetjentiswa kwayo

1.4 Umsebenti weLikhomishana Lelimelele Emalungelo Eluntfu

1.1 Inhloso yaloMhlahlandlela we-PAIA

LoMhlahlandlela uniketa lwatiso ngeMtsetfo Lotfutfukisa Kutfolakala Kwelwatiso (PAIA) wanga 2000. LoMhlahlandlela we-PAIA utawusita bantfu kufaka ticelo tekutfola lwatiso letingaphasi kwaloMtsetfo, bese uniketa tibonelo tekutsi loMtsetfo usetjentiswe njani kuletikhatsi letindlulile ekwenteni kancono emalungelo eluntfu, ngekuniketa:

- Indlela leyinhlanganisela leyenta i-PAIA ivisiseke kalula
- Tindlela letihlukene tekutsi i-PAIA ingasetjentiswa njani kute itfutfukise lamanye emalungelo eluntfu
- Luhlu lwetinhlobo telwatiso lolungacelwa kusetjentiswa i-PAIA
- Inkhombandlela lekhombisa tonkhe tinyatselo tekutsi i-PAIA ingasetjentiswa njani uma ufuna kufaka sicelo selwatiso
- Kubuyeketa kabanti kwetifundvo letifundziwe ngalokudlulile ngekufaka ticelo tekutfola lwatiso kanye nemacala lamayelana ne-PAIA lafakwa enkantolo

LoMhlahlandlela wasungulwa ngekusebentisa lwati loluyinhlanganisela lwetisebenti taka SAHRC lebetisoloku tisebenta nge-PAIA tisita bantfu kufaka ticelo kusukela nga 2000.

1.2 Umlandvo we-PAIA

Ngalesikhatsi kubhalwa Umtsetfosisekelo waseNingizimu Afrika ngasikhatsi sekuwa kwembuso welubandlululo ngeminyaka yabo 1990, tinhlangano kanye nebantfu labehlukene bacela kutsi kufakwe lilungelo lekutfola lwatiso. Bekwetsenjwa kwekutsi uma kufakwa lelilungelo kuMculu Wemalungelo Eluntfu – Sahluko 2 seMtsetfosisekelo – bekutawucinisekisa kwekutsi imikhuba lemibi lenjengelubandlululo angeke iphindze ibe khona njengoba umbuso netinhlangano letitimele titawucindzeteleka kutsi tente tintfo ngendlela lekahle nalesebaleni ngekutsi banikete lilungelo lekutfola lwatiso, ngako-ke loko kusho kwekutsi betingeke tibhace ngesitfupha tibe netimfihlo njengembangela yesimo sekutsi kugcine kunelubandlululo.

Nga-1996 Umtsetfosisekelo waseNingizimu Afrika wacala kusebenta. sigaba 32 sivikela lelilungelo lekutfolakala kwelwatiso lolusetandleni temtimba wahulumende nalabatimele. Loku kwenteka ngalesikhatsi loluhlaka lwekucala lwemtsetfo emhlabeni lutfutfukisa lelilungelo lekutfolakala kwelwatiso kulwatiso lolusetandleni tahulumende nemitimba letimele. Sigaba 32 naso siveta kwekutsi umtsetfo loshayiwe kufanele uphasiswe lowutawuniketa lilungelo lekutfolakala kwelwatiso ngekutsi uvete kabanti tindlela tekutsi lwatiso lolubanjwe imitimba letimele neyahulumende lungatfolakala njani, nangekuniketa lolunye lwatiso ngekutsi umtimba wahulumende nalotimele bangala kukuniketa lwatiso nakwente njani.

Nga-2000 Umtsetfo Wekutfutfukisa Kutfolakala Kwelwatiso (PAIA) wabese ugcina uba ngumtsetfo loshayiwe, kugcwaliseke lomgomo wesigaba 32 seMtsetfosisekelo kute kushaywe umtsetfo wekutfolakala kwelwatiso.

1.3 Inhloso ye-PAIA nekutsi ingasetjentiswa njani

Inhlosos ye-PAIA kutfutfukisa lilungelo lekutfolakala kwelwatiso, kwenta kutsi kube nendlela yekungafihli lutfo nekwenta umsebenti ngalokufanele eNingizimu Afrika, nekukhutsata kutsi kube nembuso wentsandvo yelinyenti lapho khona bantfu labavela etindzaweni letehlukene kuleli baniketwa emandla ekutimbandzakanya kutidzaba tahulumende futsi bafake sandla uma kutsatfwa tincumo letitsintsa timphilo tabo.

Lelilungelo lekutfolakala kwelwatiso lilungelo lelihlukile njengoba lenta kwekutsi kubonakale lamanye emalungelo eluntfu: lena ngulenye yetindlela letibalulekile lekungasetjentiswa ngayo i-PAIA.

Kuniketelwa kwetinsita tahulumende

» I-PAIA ingasetjentiselwa kuniketa bantfu emandla ngekubanika lwatiso lwekutsi bakhone kulandzelela hulumende kutsi ente umsebenti wakhe wekutfula tinsitanchanti njengekwakha tindlu, kuphakela emanti nekulahlwa kwelindle.

Emalungelo eluntfu newepolitiki lakuMtsetfosisekelo

» i-PAIA ingasetjentiselwa kucokelela lwatiso lolungasetjentiswa bantfu kukhombisa emalungelo abo njengelilungelo lekuvota nelilungelo lekubamba imihlangano.

Kubandlululwa Nekulingana

» i-PAIA ingasetjentiswa njengelithulusi lekulwa nelubandlululo, njengekubandlulula ngekwebuhlanga, kwebulili, njll, etindzaweni tahulumende netemitimba letimele.

Kubalulekile kwati kwekutsi i-PAIA angeke yasetjentiselwa kutfola emarekhodi lekufanele asetjentiswe uma kudzingidvwa emacala emmango noma ebugebengu, kufaka ekhatsi ngalesikhatsi sekucale inchubo yalelo cala, uma ngabe lokukhicitwa noma lokufuna emarekhodi kwentelwa tizatfu letifanako kuvikelekile ngekwemtsetfo (*buka Sigaba 7 saloMtsetfo*).

1.4 Umsebenti weLikhomishana Lemelele Emalungelo Eluntfu

LeLikhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika (SAHRC) iniketwe umsebenti ngaphansi kwe-PAIA we:

» Kutfutfukisa lelilungelo lekutfolakala kwelwatiso
» Kulandzelela kusetjentiswa kwe-PAIA yimitimba letimele neyahulumende
» Kwenta tincomo tekucinisekisa umbiko wemnyaka ngaloMtsetfo ePhalamende
» Kwetfula umbiko wemnyaka ngaloMtsetfo ePhalamende

2.1 Kucala

Umtsetfo Wekuvikela Lwatiso Lolungelwakho

LoMtsetfo Wekuvikela Lwatiso Lolungelwakho Nom. 4 wanga 2013 (PPIA) uchibiyela i-PAIA ngetindlela letinyenti. Yinye yaletindlela letibalulekile loMtsetfo logucula ngayo i-PAIA ikhuluma ngalomsebenti we-SAHRC. Ngaphasi kwe-PPIA imisebenti ye- SAHRC ngekwe-PAIA itawundluliselwa Kumlawuli weLwatiso, umtimba lomusha lotimele lotawusungulwa kutsi ulandzelele kokubili i-PPIA ne PAIA, nekusebenta ngetikhalo letiphatselene nekutfolakala kwelwatiso nekuvikelwa kwelwatiso lolungelwakho.

Noma kunjalo, i-SAHRC itawuchubeka nemsebenti wayo leniketwe wona ngekweMtsetfosisekelo wekutfutfukisa, ivikele ibuye ilandzelele lelilungelo lekutfola lwatiso njengalamanye emalungelo lavikelwe kuMculu Wemalungelo Ebuntfu

SIGABA 2
Kuthola lwati loludzingako

Lesigaba sifaka ekhatsi kwekutsi:

2.1 Ungayitfola kuphi imihlahlandlela kanye netincwadzi letichazako letitakusita kufaka ticelo tekutfola lwatiso;

2.2 Ungatsintsana nabani kutfola lusito uma kungenteka uludzinge

2.3 Imitimba letimele neyahulumende kufanele kutsi yenteni kute isite labafuna lwatiso

2.4 Lolunye lwatiso luyatfolakala ngaphandle kwekutsi wente sicelo lesisemtsetfweni, Lesigaba sitawuchaza kabantana kwekutsi ungakutfola njani loko

Inhloso ye-PAIA kutfutfukisa ummango ngalokubonakalako lapho khona bantfu base Ningizimu Afrika batfola lwatiso ngendlela lefanele kute kutsi bakhone kulusebentisa ngalokugcwele babuye bavikele emalungelo abo onkhe. Kodvwa ngalesinye sikhatsi kungenteka ungati kutsi kufanele ucale kuphi nekutsi kufanele wente njani kute utfole kulwatiso ngalendlela **ye-**PAIA**. I-**PAIA ibona lenkhinga ngaphambili ubuye ugcizelele kwekutsi kube nemihlahlandlela lebhalwako kanye netincwadzi letichazako kukhombisa indlela leya phambili kulabo labafuna lwatiso. Lesigaba sitawubuyeketa kabanti kwamihlahlandlela netincwadzi letichazako , imisebenti yebashicileli balomhlahlandlela netincwadzi letichazakoa, nalokubaluleke kakhulu, kwekutsi titfolakala kuphi.

Kanjalo, lelinye lemathulusi labalulekile umuntfu langawasebentisa kutfola lwatiso kufaka sicelo lesisemtsetfweni sekutfola lwatiso lesifakwa ngekuhambisana ne-PAIA, ngekusitwa ngulomhlahlandlela. Kodvwa-ke ukhumbule, lendlela lena akusiyo yodvwa lengasetjentiswa kutfola lwatiso. Lolunye lwatiso luyatfolakala ngaphandle kwekwenta sicelo lesisemtsetfweni ngekulandzelela i-PAIA. Ngalesinye sikhatsi, umtsetfo loshayiwe udzinga kwekutsi kokubili umtimba lotimele newahulumende kufanele isho kutsi inaluphi lwatiso loku ikuvete kube sebaleni. Lesigaba sibuye sibuyekete ngalokugcwele kwekutsi lwatiso ungalutfola kuphi.

Umtsetfo Wekutfutfukisa Kutfolakala Kwelwatiso uhlose kutsi kube siceshana semtsetfo lesiniketa emandla futsi usite bonkhe bantfu base Ningizimu Afrika. Kuhloswe kutsi kube ngumtsetfo lovisisekako nalongasetjentiswa ngunoma ngabe ngubani. Akudzingeki kutsi ute ube nemmeli kute ukwati kufaka sicelo sekutfola lwatiso ngekuya kwaloMtsetfo. LoMhlahlandlela ubhalelwe kwekutsi usite bantfu base Ningizimu Afrika labavela kuto tonkhe tinkhalo takuleli kutsi basebentise lilungelo labo lelivikelwe ngekweMtsetfosisekelo.

2.2. Umhlahlandlela we - PAIA

Sigaba 10 se-PAIA sidzinga kwekutsi Likhomishana libhale libuye lishicilele umhlahlandlela lekutawuba lula kuwuvisisa lotawusita ekufinyeleleni kumarekhodi naleminye imiculu nekusebentisa lilungelo lakho lekutfola lwatiso. Lomhlalandlela uyaye ubitwe ngekutsi ngumhlahlandlela wesigaba 10.

Ukuniketa lonkhe lwatiso loludzingako kute ukwati kutfola emarekhodi. Uphindze ukunikete tinhla ngemininingwane yekutsintsana tematiko ahulumende kanye netetikhungo letigcina emarekhodi embuso, kanye nemininingwane yekutsitsintsa tinkampani letitimele. LeLikhomishana libuye lidzingeke kutsi lihlale libuyeketa lomhlahlandlela lokungenani kanye njalo ngemuva kweminyaka lemibili..

2.2.1 Ungawutfolaphi lomhlahlandlela

Lomhlahlandlelauyatfolakala ngato tonkhe tilwimi letisemtsetfweni taseNingizimu Afrika: Singisi, Sibhunu, siNdebele, siXhosa, siZulu, Sepedi, Sesotho, Setswana, Siswati, Tshivenda ne Xitsonga. Emakhophi alomhlahlandlela angatfolakala kuwo onkhe emahhovisi eLikhomishana ehhovisi lavelonkhe nasetifundzeni (imininingwane yekutsintsana nalelihhovisi ingatfolakala ekugcineni kwalomhlahlandlela). Kwengeta,, emakhophi e-elekthronikhi ayatfolakala kuwebhusayithi yeLikhomishana (www.sahrc.org.za).

2.3 Tincwadzi Letichazako te-PAIA

Kwengeta kulomhlahlandlela wesigaba 10 se-PAIA lekufanele sibhalwe nguleLikhomishana, i-PAIA ibuye idzinge kwekutsi yonkhe imitimba yahulumende, kanye nemitimba leminyenti letimele, kutsi ikhicite umhlahlandlela locuketse lwatiso lwekutsi i-PAIA isetjentiswa njani kute bafinyelele kumarekhodi abo ngekwabo.

2.3.1 Tincwadzi letichazako te - PAIA temitimba yahulumende

Sigaba 14 se-PAIA sifuna kwekutsi yonkhe imitimba yahulumende ikhiphe umhlahlandlela ngetilwimi lokungenani letintsatfu letisemtsetfweni letitawusita bantfu labafuna lwatiso kutsi bafake ticelo tekutfola lwatiso kumtimba lotsintsekako. Kulokunye kwaloko, lomhlahlandlela kufanele ube ucuketse lolwatiso lolubalulekile lolulandzelako:

LOKUDZINGEKAKO	INCHAZELO
Ligunya lekusebenta	Simo nemsebenti wemtimba wahulumende.
Imininingwane yekutsintsana	Likheli laseposini nelikheli lasekhaya, inombolo yelucingo nefeksi, uma kukhona, likheli laseposini lesisebenti lesiniketa lwatiso lwemtimba wahulumende, kanye nelisekela lesisebenti lesiniketa lwatiso lelisebentela umtimba wahulumende.
Sigaba 10 seMhlahlandlela ye -PAIA	Inchazelo yeMhlahlandlela lebhalwe Likhomishana Lelimelele Emalungelo Eluntfu eNingizimu Afrika nekutsi kufinyeleleka njani kuyo.
Imikhakha yemarekhodi lagciniwe	Lwatiso lolwanele lekusita ekufinyeleleni kumarekhodi lagcinwe ngumtimba wahulumende. Umtimba wahulumende kufanele uchaze tihloko talamarekhodi letiwagcinile, nemikhakha yalamarekhodi legciniwe ngaphasi kwesihloko ngasinye.
Lwatiso lolumane lutfolakale ngaphandle kwekufaka sicelo	Lolunye lwatiso seluvele lukhona akudzingeki kwekutsi umuntfu afake sicelo ngekuhambisana ne-PAIA. Lomhlahlandlela wemtimba wahulumende kufanele ukhombise lolwatiso leseluvele lukhona.
Tinsita temtimba wahulumende	Inchazelo yetinsita tahulumende letitfolakalako kumalunga emmango avela kumtimba wahulumende, nekutsi angafinyelela njani kuleto tinsita.
Kuhlanganyela kwemmango	Inchazelo yanoma nguluphi luhlelo noma imibandzela yekutsi umuntfu acele lusito, etfule inkhulumo noma ahlanganyele noma afake sandla ekungulweni kwenchubomgomo; noma kusetjentiswa kwemandla noma kwentiwa kwemsebenti ngumtimba wahulumende.
Sisombululo	Sinyatselo longasitsatsa uma ngabe sisebenti lesiniketa lwatiso kumtimba wahulumende sicitsa siceolo sekutfola lwatiso.

2.3.2 Ungatitfola kuphi tincwadzi letichazako temitimba yahulumende

Yonkhe imitimba yahulumende kufanele kutsi ibe nemhlahlandlela longawutfola kalula. Loko kufanele kutsi bakwente ngalendlela lelandzelako:

- Ngekutsi kube khona emakhophi latfolakalako kuwo onkhe emahhovisi kulowo mtimba wahulumende ngesikhatsi semsebenti;
- Ngekutsi bente kutsi kutfolakale tincwadzi letichazako talomhlahlandlela kuwebhusayithi, uma ikhona, kulowo mtimba wahulumende

Njengoba sekubaliwe ngenhla, **Umtsetfo Wekuvikela Lwatiso Lolungelwakho Umtsetfo 4 wanga 2013** (PPIA) uchibiyela i-PAIA ngetindlela letinyenti. Lokunye kwaloku kuhambisana netincwadzi tekuchaza tesigaba14 ngemitimba yahulumende. Ngaphasi kwe**-PPIA** letincwadzi letichazako akufanele tichubeke nekuniketelwa kuLikhomishana Lelimelele Emalungelo Eluntfu, kodvwa kufanele titfolakale ku-inthanethi futsi titfolakale kunoma ngubani locela ikhophi.

2.3.3 Tincwadzi Letichazako te-PAIA yemitimba letitimele

Imitimba letimele nayo kudzingeka kutsi ibe nencwadzi lechazako. Loku kubekwe ngekuhambisana nesigaba 51 se-PAIA. Kwanyalo, akusiyo yonkhe imitimba letimele ledzingeka kwekutsi ihambisane nalesigaba.[1] Ungahle utfole kutsi lomtimba lofuna kucela kuwo lwatiso awunao incwadzi lechazako longakunika yona. Loku akusho kwekutsi lomtimba awuhambisani nemigomo ye-PAIA. Ungachubeka wente sicelo sekutfola lwatiso kulomtimba kantsi kulindzeleke kwekutsi bakunikete lolwatiso ngekwemtsetfo. Indlela yekufaka sicelo sekutfola lwatiso ngekuhambisana ne-PAIA itawube solo ifana, noma ngabe leyo nhlangano ayikalindzeleki kutsi ibe nencwadzi lechazako.

NGIMIPHI IMITIMBA LETIMELE LENGAKALINDZELEKI KWEKUTSI IBHALE INCWADZI LECHAZAKO NGEKUTFOLA LWATISO?

Ngendlela loMtsetfo lobhalwe ngayo ulindzele kwekutsi YONKHE imitimba letimele ibhale tincwadzi lechazako. Noma kunjalo, lomtsetfo uhambisana nekutsi iNdvuna Yelitiko ingaba nelilungelo lekuvumela leminye imitimba letimele noma imikhakha yemitimba kwekutsi ingashicileli incwadzi lechazako . Kwanyalo, iNdvuna ivumele YONKHE imitimba letimele kwekutsi ingashicileli incwadzi lechazako kusukela mhla ti-1 kuJanawari 2016 NGAPHANDLE kwekutsi lomtimba uwela ngaphansi kwalena lebalwe ngentasi.

[1] Loku kwashintjwa mhla ti-31 Ingongoni 2015 lapho yonkhe imitimba letimele bekumele ibe nemanuwali ngekuhambisana nesigaba 5.1 se-***PAIA.***

Tinkampani letitimele letingentasi kufanele kwekutsi tibhale tincwadzi letichazako te-PAIA uma ngabe ticasha tisebenti letindlula kuma-50 kuletimboni letilandzelako noma babe netisebenti letindlula leti ngemnyaka:

IMBONI	INOMBOLO YEBASEBENTI NGEMNYAKA
Tekulima	R2 tigidzi
Temigodzi neKumba	R7 tigidzi
Tekukhicita	R10 tigidzi
Igezi, igesi neManti	R10 tigidzi
Tekwakha	R5 tigidzi
Tekutsengisa nekuhwebelana Ngetimoto neTinsita Tekulungisa	R15 tigidzi
Tekuhwebelana kumaWoliseli, Basebenti beTekutsengiselana netinsita Telubumbano	R25 tigidzi
Tekupheka, Kulala nalokunye Kuhwebelana	R5 tigidzi
Tekugcina neKuchumana	R10 tigidzi
Tetimali Netinsita Tetemabhizinisi	R10 tigidzi
Tinsita Temmango, letikhetsekile Naletingetakho	R5 tigidzi

INdvuna yabuye yatsi tonkhe tinkampani letingakachazwa ‘njengetinkampani letitimele’ ngaphasi kwesigaba 1 seMtsetfo Wetinkampani 71 wanga 2008 tidzingeka kwekutsi tibhale incwadzi lechazako ye-PAIA lesigaba 51.

2.3.4 Ungayitfola kuphi incwadzi lechazako yemitimba letimele

Yonkhe imitimba letimele lekufanele kwekutsi ibhale incwadzi lechazako futsi icinisekise kutsi itfolakala kalula. Lokungenani, kufanele ikwente loku ngaletindlela letilandzelako:

- Ngekutsi kube nekhophi leyigcinako kutsi ihlolwe kuwo wonkhe emahhovisi alowo mtimba lotimele ngesikhatsi semsebenti. Umtimba lotimele ungahle ungabiti imali yekuhlola;
- Ngekutsi bacinisekise kutsi lencwadzi lechazako iyatfolakala kuwebhusayithi yayo.

2.3.5 Ungenta njani kute uhambisane nemtsetfo njengemtimba lotimele

Kunendlela lenhle a yekulawula sisebenti lesiniketa lwatiso letinkampani letitimele letifuna kuhambisana nesigaba51 se-PAIA kuLikhomishana Lemelele Emalungelo Eluntfu kulewebhusayithi (www.sahrc.org.za). Loku kufaka ekhatsi ithempulethi longayitfola lengasetjentiswa sisebenti lesiniketa lwatiso njengenkhombandlela.

Ngekuhambisana nesigaba 51, umphatsi wemtimba lotimele kufanele:

- alungise kabusha noma ngabe ngutiphi tingucuko letingaba khona kulencwadzi yekuchaza njalo njalo;
- ente kutsi lencwadzi yekuchaza iyatfolakala njengoba kubhalwe kuMtsetfo wemahhovisi alenkampani nakuwebhusayithi yayo;
- Kufanele abeke ngalokufanele lifomu lekufaka sicelo (lifomu C le-PAIA) kulencwadzi lechazako abuye ente kutsi emafomu ekufaka sicelo ayatfolakala kuwebhusayithi nakuto tonkhe tindzawo kulenkampani.

Lencwadzi lechazako kufanele kutsi lokungenani ibe nalolwatiso lolulandzelako:

LOKUDZINGEKAKO	INCHAZELO
Imininingwane yekutsintsana	Likheli laseposini neLikheli lasekhaya, inombolo yelucingo nefeksi, uma kukhona, I-imeyli yesisebenti lesiniketa lwatiso lwemtimba lotimele.
Lwatiso loluvele lukhona ngaphandle kwekufaka sicelo	Lolunye lwatiso luvele lukhona ngaphandle kwekutsi umuntfu afake sicelo ngekuhambisana ne-PAIA. Lencwadzi lechazako yemtimba lotimele kufanele ikhombise lolwatiso loluvele lukhona lolwatiso leseluvele lukhona.
Emarekhodi latfolakala uma ufake sicelo	Sigaba 51 sencwadzi lechazako kufanele inikete luhlu lwemikhakha lekhonaemarekhodi latfolakalako uma kufakwa sicelo.
Inchubo ye-PAIA	Icacisa ngalokusebaleni inchubo ye-PAIA lekufanele ilandzelwe nakufakwa sicelo selwatiso enkampanini letimele (. Lifomu C).
Lwatiso Lwenkampani	Kufaka ekhatsi imininingwane yemphatsi longu-CEO wenkhapani (ngekuhambisana ne-PAIA lesisebenti lesiniketa lwatiso kunkampani letimele kuvame kuba yi-CEO noma umphatsi).
Tindleko	Yisho kutsi ngubani lofaka sicelo kanye netindleko letikhokhwako ngekuhambisana ne-PAIA (buka Sigaba 3 kutfola lwatiso lolungetiwe).
Letinye tindlela	Ungenta njani njengemuntfu lofaka sicelo uma ngabe sicelo sakho sekutfola lwatiso singavunyelwa?
Leminye Imininingwane	Leminye imininingwane lephatselene nekutfola e marekhodi.

2.4 Lwatiso loluvele lutfolakale lolugodlwe ngumtimba wahulumende

Njengoba kushiwo esingenisweni salesigaba, akusilo lonkhe lwatiso loludzinga kutsi ufake sicelo lesisemtsetfweni. Leminye imitimba yahulumende idzingeka kwekutsi ngekuhambisana naleminye imitsetfo lehlukile ikhiphe lolunye lwatiso lutfolakale kulabo labaludzingako. Nangaphandle kwaloko, tikhungo letinyenti titawuveta lolunye lwatiso ngekutitsandzela kwentela kungagodli lutfo, kubukana netinkhinga temmango nekufinyelela kalula kwebantfu. Kute kutsi kutfutfukiswe lokutivetela lwatiso ngaphandle kwekucelwa nekulandzelela kufinyelela kalula kulolwatiso, sigaba15 se-PAIA sibita kwekutsi yonkhe imitimba yahulumende ikhiphe luhlu, lolwatiwa ngekutsi '**Satisi Sesigaba 15' noma 'Satiso Sekukhipha Lwatiso ngaphandle Kwekucindzetelwa',** kulo lonkhe lolwatiso loluphatselene nalowo mtimba lolutfolakala kunoma ngubani ngaphandle kwekufaka sicelo.

Lesisebenti lesiniketa lwatiso lwemtimba wahulumende kufanele kutsi sibhale satiso sekuveta lwatiso ngumtimba wahulumende, bese siba khona emahhovisi alomtimba wahulumende sibuye sikhishwe nakuGazethi yaHulumende. Lesatiso sekutiveta ngekutitsandzela kufanele sentiwe kabusha njalo ngemnyaka.

Lesatiso sekuveta lwatiso ngekutitsandzela sicuketse imikhakha yemarekhodi lahlukene kanye nenchazelo yalawo marekhodi latfolakala ngaphandle kwekufaka sicelo:

- Kwentelwa kuhlolwa ngekuhambisana nanoma ngumuphi umtsetfo loshayiwe ngaphandle kwe-PAIA;
- Kwentelwa kutsenga noma kukhopha kulomtimba wahulumende; ne
- Kungakhokhi kumtimba wahulumende..

Lesatiso sekuveta lwatiso ngekutitsandzela kufanele sichaze kwekutsi uwatfola njani lamarekhodi lekakhishwa ngekutitsandzela abe khona ngaphandle kwekufaka sicelo. Akunasidzingo sekufaka sicelo uma ufuna lawo marekhodi uma ngabe emarekhodi lafana nalawo sekavetwe ngekutitsandzela futsi atfolakala ngaphandle kwekufaka sicelo. Etikhatsini letinyenti, kudzingeka imali letsite kute kutsi ufake sicelo ngalokusemtsetfweni kantsi loku kungatsatsa emalanga langema-30. Loku kungavikeleka uma ungacala ngekutsintsana nalesatiso sekuveta lwatiso ngekutitsandzela bese uyabuka kutsi ngabe lelirekhodi loludzingako livele likhona ngaphandle kwekufaka sicelo noma cha.

Noma nje kugunyatiwe kutsi umtimba wahulumende i ukhiphe satiso sekuveta lwatiso ngekutitsandzela, akwentiwa 'ngekutitsandzela'. Lesatiso sibitwa 'ngesatiso lesikhishwa ngekutitsandzela' ngoba sikhipha tatiso ngalo lonkhe lwatiso lolukhishwe ngekutitsandzela, hhayi ngoba kusemandleni esisebenti lesiniketa lwatiso kutsi singalukhipha lolwatiso noma cha.

2.5 Lwatiso loluvele lutfolakale lolugodlwe ngumtimba noma inkampani letimele

Ngalokufanako nakulomkhakha welwatiso loluvele lutfolakale ngaphandle kwekufaka sicelo njengoba kwenteka kulwatiso lolusetandleni temtimba wahulumende ngaphandle kwekutsi udzimate ufake sicelo lesisemtsetfweni. Ngembi kwekufaka sicelo lesisemtsetfweni ngekuhambisana ne-PAIA lekutawufuneka ukhokhe imali ubuye ulindze emalanga lange-30, kubalulekile kucinisekisa kwekutsi lolwatiso loludzingako seluvele lukhishelwe ebaleni futsi luyatfolakala ngaphandle kwekutsi ufake sicelo ngalokusemtsetfweni.

Umphatsi wemtimba lotimele angasungula luhlu lwelwatiso loluvele khona ngaphandle kwekufaka sicelo lesisemtsetfweni, njalo uma atsandza nangetikhatsi letitsite. Loluhlu lubitwa ngekutsi '**satiso sesigaba 52**' noma '**satiso sekukhipha lwatiso ngaphandle kwekucindzetelwa**.'

Kungafanani nalesimo lesibukene nesisebenti lesiniketa lwatiso semtimba wahulumende lapho khona, ngekuhambisana ne-PAIA**,** kufanele sikhiphe satiso sekuveta lwatiso ngekutitsandzela, sisebenti lesiniketa lwatiso semtimba lotimele **asiphocelelwa** kutsi sente njalo. Njengoba i-PAIA ikuveta, "singakhipha, njalo lwatiso ngekutitsandzela" lolo luhla. Lona ngumehluko lomkhulu losemkhatsini wesatiso sesigaba 52 semitimba letimele nesatiso sesigaba15 semitimba yahulumende.

Lesatiso sekuveta lwatiso ngekutitsandzela semtimba lotimele sicuketse imikhakha yemarekhodi kanye netinchazelo talawo marekhodi latfolakala ngaphandle kwekufaka sicelo:

- Kwentelwa kuhlolwa ngekuhambisana nanoma ngumuphi umtsetfo loshayiwe ngaphandle kwe-PAIA;
- Kwentelwa kutsenga noma kukhopha kulomtimba wahulumende; ne
- Kungakhokhi kumtimba wahulumende.

Lesatiso sekuveta lwatiso ngekutitsandzela kufanele sibuye sichaze kwekutsi ungafinyelela njani kulamarekhodi levetwe ngekutitsandzela nalatfolakala ngaphandle kwekufaka sicelo.

SIGABA 3
Ungasifaka njani sicelo sekutfola lwatiso

Lesigaba sifaka ekhatsi loku lokulandzelako:

3.1 Tinhlobo teticelo

3.2 Tindleko tekufaka sicelo

3.3 Umsebenti weSisebenti lesiniketa lwatiso

3.4 Lusito lwetemtsetfo

3 Ngisifaka njani sicelo sekutfola lwatiso lwe - PAIA?

Sicelo sekutfola lwatiso singentiwa kuyo yomibili imitimba lotimele newahulumende. Umuntfu lofakasicelo ubitwa ngekutsi “ngulofaka sicelo”, kantsi unelilungelo lekufinyelela kulamanye emarekhodi latsite lagcinwe ngumtimba lotimele newahulumende. I-PAIA ichaza tindlela letihlukene tekutfola lwatiso kungaba kumtimba lotimele noma wahulumende, bese uniketa ekugcineni kwaloMtsetfo Kunemafomu lekufanele asetjentiswe ngulofaka sicelo selwatiso. Lamafomu angatfolakala ku-PAIA**.**

LUHLOBO LWEMTIMBA	LIFOMU LE -PAIA	SIGABA SE -PAIA
Umtimba wahulumende	Lifomu A	Sigaba 18
Umtimba lotimele	Lifomu C	Sigaba 53

Emafomu kufanele kutsi atfolakale kumawebhusayithi yemitimba letimele neyahulumende. Angabuye atfolakale kulelo nalelo hhovisi lesifundza seLikhomishana Lemelele Emalungelo Eluntfu, kanye nakuwebhusayithi yayo letsi- www.sahrc.org.za.

3.1 Ngubani longafaka sicelo sekutfola lwatiso lwe-PAIA?

Noma ngabe ngubani uvumelekile kufaka sicelo sekutfola lwatiso ngaphasi kwe-PAIA. Lofaka sicelo angaba:

Umuntfu

» ngumuntfu lenoma angasuye wase Ningizimu Afrika noma lohlala eNingizimu Afrika

NOMA

Inhlangano lesemtsetfweni

» njengebhizinisi noma inhlangano

NOMA

Umuntfu losesikhundleni salomunye umuntfu noma inhlangano lesemtsetfweni.

Lofake sicelo unelilungelo lekufinyelela kumarekhodi lacuketse lwatiso ngalona lofake sicelo ngekwakhe, noma ngalomuntfu lokufakwa ngaye sicelo.

Umtimba wahulumende utsatfwa njengenhlano kantsi ungafaka sicelo sekufinyelela kumarekhodi lagcinwe ngumtimba lotimele, **kuphela nje u**ma ngabe lomtimba wahulumende (1) ufake lesicelo ngekumelela tinshisekelo tebantu, futsi (2) nangabe lamarekhodi adzingeka kutsi acinisekise noma avikele noma ngumaphi emalungelo kungasiwo lawo emtimba wahulumende.

Kubalulekile kwati kwekutsi i-PAIA ayisho ngalokucondzile kwekutsi ematiko ahulumende (kufaka ekhatsi avelonkhe, tifundza nemagatja amasipala), noma ngabe ngumuphi umuntfu noma tikhungo letinemandla noma letenta umsebenti ngekuhambisana neMtsetfosisekelo (njengeLibhodi Lelikhipha Timvume Tekutsengisa Tjwala eNshonalanga Kapa), kutsi tingafaka ticelo telwatiso lwe-PAIA kuleminye imikhakha yahulumende.

3.1.1 Ngiligcwalisa njani lifomu lekufaka sicelo sekutfola lwatiso ngekwe-PAIA?

Sicelo sekufinyelela kulwatiso lolugcinwe ngumtimba lotimele noma wahulumende sentiwa ngekugcwalisa lifomu lekufaka sicelo selwatiso lwe-PAIA bese ulimikisa kumtimba lofanele. Lesicelo selwatiso lwe-PAIA kufanele sitfunyelwe kuSisebenti lesiniketa lwatiso, Lisekela leSisebenti lesiniketa lwatiso noma kumphatsi wemtimba lotimele noma wahulumende, kantsi kufanele usebentise imininingwane yekutsintsana lesebentako.

Kwengeta ngalokuphatselene nekuniketa imininingwane ngemtimba lofanele, lifomu lekufaka sicelo selwatiso lwe-PAIA lelisemtsetfweni lifaka ekhatsi loku lokulandzelako:

LWATISO LOLUDZINGEKAKO	INCHAZELO
Imininingwane yalofake sicelo	Lwatiso lolwanele ngalona lofaka sicelo kute kutsi bakhone kwati kalula ngaye, kufaka ekhatsi imininingwane yekuchumana nalona lofake sicelo: likheli, i-imeyili, ifeksi kanye/noma inombolo yelucingo yaseNingizimu Afrika.
Imininingwane yalirekhodi lelicelwako	Lwatiso lolwanele lwelirekhodi lelicelwako kute kutsi kube lula kulitfola. Lamanye emaphepha langetiwe angasetjentiswa kuniketa leminye imininingwane ngelirekhodi lelicelwako, ingce nje uma ngabe likhasi ngalinye lisayiniwe lanamatsiselwa kulelifomu lekufaka sicelo.
Indlela yekufinyelela kulelirekhodi	Inchazelo yendlela noma yeluhlobo lirekhodi lekufanele liniketwe ngayo noma indlela yekufinyelele kulo.
Indlela lekufanele kwatiswe ngayo lona lofake sicelo	Indlela lekufanele kwatiswe ngayo lona lofake sicelo kwekutsi uyalutfola noma akalutfoli.
Lulwimi Longalukhetsa	Uma ngabe sicelo sifakwa **kumtimba wahulumende**, lulwimi lohlose kutfola ngalo imphendvulo kufanele kutsi ulubhale phasi.
Sikhundla semuntfu losemtsetfweni lofaka sicelo	Uma ngabe sicelo sifakelwa lomunye umuntfu, bufakazi bekutsi lomuntfu lofaka lesicelo uphetse siphi sikhundla ate afake lesicelo kufanele buvetwe, (kwatiwe nekutsi ngumuntfu loniketwe ligunya).
Emalungelo latsintsekako	Uma ngabe sicelo sifakwa **kumtimbai lotimele**, lolofaka sicelo kufanele asho lelilungelo lelitsintsekako abuye achaze kwekutsi kungani lelirekhodi lidzingeka kute kutsi kusetjentiswe noma kuvikelwe lelo lilungelo.

Labafaka ticelo kodvwa bangakwati kufundza nekubhala bangatifaka ngemlomo ticelo tabo kulihhovisi leSisebenti Lesiniketa Ngelwatiso noma kuLisekela leSisebenti lesiniketa lwatiso kumtimba wahulumende, yena-ke kutawufanele kutsi agcwalisele lofaka sicelo **Lifomu A**.

3.1.2 Ngabe ikhona yini indlela lekufanele ilandzelwe uma ufaka sicelo sekutfola lwatiso lwe-PAIA?

Lofaka sicelo kufanele kutsi avunyelwe kufinyelela kulamarekhodi laceliwe, uma ngabe akhonile kuhambisana naletindlela letilandzelako tekufaka sicelo:

Lesicelo selwatiso lwe-PAIA kufanele sifakwe ngelifomu lelifanele (Lifomu A kumitimba yahulumende, neliFomu C kumitimba letimele), bese libhalwa licondziswe kuSisebenti lesiniketa lwatiso noma Lisekela leSisebenti lesiniketa lwatiso kumtimba wahulumende noma lotimele, noma umphatsi wemtimba wahulumende noma lotimele.

Lifomu lekufaka sicelo selwatiso lwe-PAIA kufanele lingahanjiwas matfupha, liposwe, lifekswe noma litfunyelwe nge-imeyili kumtimba wahulumende noma kumtimba lotimele lapho lesicelo sitawube sifakwe khona.

Lamarekhodi lacelwako awakunaki kungavunyelwa lokubhalwe ngaphasi kwe-PAIA.

3.2 Malini kufaka sicelo sekutfola lwatiso lwe - PAIA?

Labafaka ticelo kudzingeke kutsi bakhokhe imali letsite uma ngabe bafaka sicelo sekufinyelela kumarekhodi kuyo yomibili imitimba, lotimele newahulumende.

Imali yekucela emarekhodi kumtimba wahulumende ngema-**R35**, kantsi imali yekucela emarekhodi kumtimba lotimele ngema-**R50**.

Kubalulekile kwati kwekutsi labafaka ticelo tekucela kutfola lwatiso lolumayelana nabo akunasidzingo sekutsi bakhokhe imali; kepha, balindeleke kutsi bakhokhe imali yekufinyelela kulwatiso.

Labafaka sicelo babe bahola imali lengaphasi kwa **R14,712** ngemnyaka (uma bangakashadi) na **R27,192** ngemnyaka (uma bashadile noma bahlala nebalingani babo), AKUFANELE bakhokhe imali yekufaka sicelo.

3.2.1 Malini kufaka sicelo sekutfola emarekhodi langaphasi kwelwatiso lwe-PAIA?

Labafaka ticelo kumele bakhokhe imali **yekufinyelela** kumarekhodi emtimba lotimele noma wahulumende. Lemali ifaka ekhatsi tindleko tekubuka emarekhodi nekuwafothokhopha.

Lemali naseyihlahlelwe yekufinyelela kumarekhodi emtimba wahulumende ingaloluhlobo:

UMSEBENTI	IMALI LEKHOKHWAKO
Kufothokhopha likhasi linye le-A4	60 emasenti
Kuprinta likhasi linye le-A4	40 emasenti
Kukhophela ku-CD	R40
Kurekhoda titfombe likhasi ngalinye le-A4	R22
Ikhophi yesitfombe	R60
Kurekhoda lokulalelwako likhasi linye le-A4	R12
Ikhophi yalokurekhodiwe	R17
Kufuna ne kulungiselela lirekhodi kute likhishwe	R15 lihora noma incenye yaloko, kungafaki ekhatsi lihora lekucala, lelisetjentiselwa kufuna nekulungiselela

Lemali naseyihlahlelwe yekufinyelela kumarekhodi emtimba lotimele ingaloluhlobo:

LOKWENTAKO	IMALI LEKHOKHWAKO
Kufothokhopha likhasi linye le-A4	R1.10
Kuprinta likhasi linye le-A4	75 emasenti
Kukhophela ku-CD	R70
Kurekhoda titfombe likhasi ngalinye le-A4	R40
Ikhophi yesitfombe	R60
Kurekhoda lokulalelwako likhasi linye le-A4	R20
Ikhophi yalokurekhodiwe	R30
Kufuna ne kulungiselela lirekhodi kute likhishwe	R30 lihora noma incenye yaloko, kungafaki ekhatsi lihora lekucala, lelisetjentiselwa kufuna nekulungiselela

Yati kwekutsi uma kwentekile kuyo yomibili imitimba, wahulumende nalotimele, lofaka sicelo sekufinyelela kumarekhodi nguye lokhokha tindleko teliposi..

Lokungangeni

Uma ngabe Sisebenti lesiniketa lwatiso, Lisekela Sisebenti lesiniketa lwatiso, noma umphatsi wemtimba wahulumende/lotimele acabanga kwekutsi lokulandza noma lokukhicita kabusha emaphepha kutawutsatsa sikhatsi lesidlula emahora lasitfupha, kufanele atise lona lofake sicelo, (ngesatiso lesisemtsetfweni), ikota yalemali kufanele kutsi ikhokhwe ngaphambili njengesibambiso.

Uma ngabe lamarekhodi awakaniketwa ngalelifomu leliceliwe, lemali lekufanele ikhokhwe ngulona lofake sicelo akukafaneli indlule imali lebekatayikhokha uma ngabe bekafake sicelo savunyelwa ngalelifomu leliceliwe. Noma kunjalo, lomtsetfo awusebenti uma ngabe kudzingeka lelinye lifomu ngoba lwatiso kufanele letfulwe ngalamarekhodi.

Uma ngabe lolofake sicelo akakwati kufundza, kubona noma eve lokurekhodiwe ngalelifomu leligcinwe ngumtimba wahulumende ngenca yekuphila nekukhubateka, umtimba wahulumende ulindzeleke kutsi unikete lelirekhodi ngalelifomu lapho lona lofake sicelo angakwati kulitfola. Lemali lekhokhwako kute utfole lusito njengalofake sicelo akukafaneli indlule lemali lebekufanele ibitiwe ngoba aphila nekukhubateka.

3.2 Ngabe Tisebenti Letisebenta Ngelwatiso Tingangisita yini Kufaka Sicelo selwatiso lwe-PAIA?

Uma ngabe sicelo selwatiso lwe-PAIA sifakwa kumtimba wahulumende, leSisebenti lesiniketa lwatiso noma Lisekela lesisebenti lesiniketa lwatiso kufanele sikusite lapho kufanele khona kugcwalisa lelifomu le-PAIA.

Lusito kufanele luniketwe Sisebenti lesiniketa lwatiso mahhala hha.

IMISEBENTI YESISEBENTI LESINIKETA LWATISO	INCHAZELO
Kusita lofake sicelo kugcwalisa lifomu le-PAIA	Uma ngabe sicelo selwatiso lwe-PAIA singalandzeli konkhe lolokudzingekako lokubalwe ku-PAIA nakulelifomu, leSisebenti lesiniketa lwatiso noma Lisekela leSisebenti lesiniketa lwatiso akukafaneli BANGASAMUKELI sicelo. Kunaloko, leSisebenti lesiniketa lwatiso kufanele satise lona lofake sicelo, **ngalokubhalwe phasi**, kwekutsi akakhoni kufezekisa lesicelo sakhe ngoba asikapheleli, asho kwekutsi utawusita lolofake sicelo ente letingucuko letifanele kulelifomu. Uma ngabe lolofake sicelo angaphendvuli lencwadzi noma angalungisi lelifomu ngesikhatsi lesifanele, Sisebenti lesiniketa lwatiso singasicitsa lesicelo.
Kuniketa lofake sicelo lwatiso lolufanele lapho kudzingeke khona	Uma ngabe kungenteka loko, leSisebenti lesiniketa lwatiso **kufanele** sinikete lolofake sicelo nanoma nguluphi lwatiso lolufanele, noma ngabe lamarekhodi bekangasiyo incenye yalamarekhodi lebekacelwe ngaphambilini.
Kudlulisa sicelo	Uma ngabe sicelo selwatiso lwe-PAIA sifakwe kumtimba wahulumende lekungasiwo, leSisebenti lesiniketa lwatiso salomtimba **kufanele** sidlulisele lesicelo kumtimba wahulumende lekunguwona **kungakadluli emalanga lali-14** ngemuva kwekusitfola kantsi kufanele atise lowo lofake sicelo ngekumbhalela ngalokudluliselwa kwalesicelo.

Emalanga langema-30 kuphendvula ngesicelo	Sicelo se-PAIA kufanele siphendvulwe ngumtimba lotimele noma wahulumende kungakadluli emalanga langema-30 ngemuva kwekusitfola. LeSisebenti lesiniketa lwatiso singacela kungetelwa emalanga langadluli kumalanga langema-30, kwentelwa tizatfu letitseite, lekufaka ekhatsi lesicelo lesifaka (1) Imiculu lemikhulu, (2) kutsintsana naleminye imikhakha yahulumende noma letimele, (3) noma uma ngabe lolofake sicelo uniketwe sikhatsi lesengetiwe ngekubhalelwa. Kuvumeleke kwengetwa kwesikhatsi kanye kusicelo se-PAIA ngasinye.
Kuniketa noma kungavumi kuniketa lwatiso	Kungumsebenti weSisebenti lesiniketa lwatiso kuniketa nomakungavumi kuniketa emarekhodi. Lesincumo kufanele sitfunyelwe kulona lofake sicelo ngekubhala phasi.
Lifomu, tindleko naletinye tindlela tekutfola lusito	Uma ngabe sicelo selwatiso lwe-PAIA sivunyelwe, leSisebenti lesiniketa lwatiso kufanele satise lofake sicelo ngendlela lwatiso lolutotawuniketwa ngayo kanye nelinani letindleko letawukhokhwa kutfola lolwatiso, lekufanele ikhokhwe ngemuva kwekutsi kuniketwe imvume. Lesatiso kufanele satise lofake sicelo kwekutsi unelilungelo lekufaka sikhalo ngekhatsi nekubhalela inkantolo uma angavumelani nalemali lekhokhwako noma lendlela lekatawuvunyelwa ngayo kutfolalwatiso. Kwengeta, lesatiso kufanele sichaze nangesikhatsi lekufanele sikhalo noma kubhalela inkantolo kufanele kwenteke ngaso kanye nalendlela lekufanele ilandzelwe.
Kungavunywa kwesicelo	Uma ngabe sicelo selwatiso lwe-PAIA singavunyelwa, lesatiso lesitfunyelwa kulesicelo kufanele sisho tizatfu tekungavunyelwa, lekufanele sisekelwe tigaba letifanele te-PAIA. Ngalokuphatselene nalelifomu noma kutfola lwatiso nesamba semali lekhokhwako, lesatiso kufanele sinikete lofake sicelo lwatiso loluphatselene nemalungelo akhe ekufaka sikhalo noma lilungelo lekubhalela inkantolo.
Kumiswa kwekukhishwa kwemarekhodi	LeSisebenti lesiniketa lwatiso singancuma kungakhiphi emarekhodi sinikete lofake sicelo ngekuhambisana nesigaba 24 se-PAIA, uma ngabe lelo rekhodi kufanele likhishwe kungakapheli emalanga langema-90 noma uma ngabe lelirekhodi kufanele likhishwe ngekwemtsetfo kodvwa libe lisatawukhishwa.

I-PAIA ibeka kutigaba 23 na 55 kwekutsi siSisebenti lesiniketa lwatiso singakhoni kutfola lamarekhodi laceliwe, noma kungakholweki kwekutsi awekho, leSisebenti lesiniketa lwatiso kufanele, uma ngabe sesikholwela kwekutsi sitsetse tonkhe tinyatselo tekutama kutfola lelirekhodi, atfule bufakazi kulona lofake sicelo aniketa satiso kwekutsi lelirekhodi lelidzingekako alikho noma alitfolakali.

3.4 Ngutiphi tinsita tetemtsetfo lengingatisebentisa uma ngabe sicelo sami selwatiso lwe-PAIA sicitfwa?

Lofake sicelo unelilungelo lekutsatsa tinyatselo temtsetfo atsatsele Sisebenti lesiniketa lwatiso, Lisekela leSisebenti lesiniketa lwatiso, noma umphatsi wemtimba lotimele noma wahulumende uma ngabe Sisebenti lesiniketa lwatiso sincume:

- Kungavumi nemarekhodi laceliwe
- kukhulisa sikhatsi sekuphendvula uma kufakwa sicelo
- Kukhokhisa imali yekufaka sicelo noma yekufinyelele kumarekhodi
- Kuniketa emarekhodi ngalenye indlela lehlukile kunalena lebekacelwe ngayo.

Lesigabasitawuchaza letindlela temtsetfo letingasetjentiswa ngulofake sicelo lofisa kumelana nesincumo seSisebenti lesiniketa lwatiso.

3.4.1 Lenye indlela lesemtsetfweni yekumelana nemtimba wahulumende

Uma ngabe lofake sicelo angakajabuli ngesincumo lesitsetfwe Sisebenti lesiniketa lwatiso ngemtimba wahulumende, lofake sicelo unelilungelo lekufaka sikhalo sangekhatsi, Sikhalo sangekhatsi sifaka ekhatsi umuntfu lophetse sikhundla lesiphakeme lotawubuyeketa lesincumo seSisebenti lesiniketa lwatiso bese uyancuma kwekutsi wente sincumo lesifanele. Uma ngabe lowo muntfu avumelana nalesincumo seSisebenti lesiniketa lwatiso, lesikhalo sitawube sesiyacitfwa bese lesincumo lebesitsetfwe ngaphambilini ngalokuphatselene ne-PAIA siyacinisekiswa. Uma ngabe lomphatsi losesikhundleni lesisetulu akavumelani nesincumo seSisebenti lesiniketa lwatiso, lesikhalo sitawuvunyelwa bese lesincumo sekucala lesiphatselene nesicelo selwatiso lwe-PAIA siyaguculwa.

Kubalulekile kwati kwekutsi ungafaka sikhalo ngekhatsi kuhulumende wavelonkhe, wesifundza nakumasipala. Asikho sikhalo sangekhatsi lesingafakwa kumtimba wahulumende.

Masipala weLidolobha lase Kapa ngulesinye sibonelo sahulumende wabomasipala lelingafakelwa sikhalo. Sikhwama Setingoti Tasemgwacweni sibonelo semtimba wahulumende lesingasiyo incenye yahulumende wavelonkhe, sifundza namasipala, njengoba kubekiwe kumtsetfo loshayiwe (Umtsetfo weSikhwama Setingoti Temgwaco), ngako-ke sikhalo sangekhatsi angeke safakwa ngekumelana nabo.

3.4.1.1 Ngubani longafaka sikhalo sangekhatsi?

Lofaka sicelo selwatiso lwe-PAIA kumtimba wahulumende wavelonkhe, esifundzeni noma kumasipala bese sicitfwe unelilungelo lekufaka sikhalo ngekhatsi. Loku kwentiwa ngekugcwalisa **Lifomu B** le-PAIA bese lifakwe kumtimba wahulumende wavelonkhe, esifundzeni noma kumasipala. Ikhophi yelifomu B liyatfolakala kuwebhusayithi yemitimba lefanele kantsi liyatfolakala kuwo wonkhe emahhovisi eLikhomishana Lemelele Emalungelo Eluntfu.

Uma ngabe lesicelo sangekhatsi sifaka ekhatsi lomelelwe ngulomunye, lomtimba wangekhatsi lotfole lesikhalo unemsebenti wekutsintsa bonkhe labatsintsekako. Tidzingo tekwatiswa nekumelela tiyafana naleti letidzingekako nawufaka sicelo selwatiso lwe-PAIA.

Labamelele labanye bavumelekile kutsi bangafaka tikhalo tangekhatsi ngekumelana nesincumo semtimba wahulumende kutsi batfole kufinyelela kuwo wonkhe emarekhodi..

3.4.1.2 Ungasifaka nini sikhalo sangekhatsi?

Lofake sicelo angafaka sikhalo sangekhatsi ngekumelana naletincumo temtimba wahulumende ngaletizatfu letilandzelako:

- Uma ngabe lona lofake sicelo anganeliseki ngaletindleko letidzingekako talesicelo.
- Lofake sicelo selwatiso akakaneliseki ngesincumo sekungetelelwa emalanga laingema-30 kulomtimba wahulumende kutsi uphendvule ngalesicelo.
- Lolofake sicelo selwatiso akakaneliseki ngalendlela lamarekhodi etfulwe ngayo ibe ingafani nalendlela lawacele ngayo, kantsi lolofake sicelo ukholelwa ekutseni bekungeke kube yinkhinga kangako kumtimba wahulumende kutsi umnikete lamarekhodi ngalendlela lona lacelile awadzinge ngayo.

3.4.1.3 Ngisifaka njani sikhalo sangekhatsi?

Sikhalo sangekhatsi kufanele sifakwe ngulofake sicelo selwatiso kungakedluli emalanga langema-60 ngemuva kwengavunywa kwesicelo sakhe sekucala selwatiso lwe-PAIA. Loku kwentiwa ngekugcwalisa **Lifomu B** bese uliyisa kulitiko lahulumende wavelonkhe, wesifundza noma kumasipala.

Hulumende Wavelonkhe	Uma ngabe lesicelo selwatiso lwe-PAIA sifakwa **kuhulumende wavelonkhe**, lolofake sicelo angafaka sikhalo sakhe kuNdvuna yalelo litiko.
Hulumende Wesifundza	Uma ngabe lesicelo selwatiso lwe-PAIA sentiwa kuhulumende wesifundza, lolofake sicelo angafaka sikhalo sakhe Kulilunga Lemkhandlu Lophakeme walelo Litiko.
Hulumende Wasemakhaya	Uma ngabe lesicelo selwatiso lwe-PAIA sifakwe kuhulumende wasemakhaya, lolofake sicelo angafaka sikhalo sakhe kumeya walowo masipala, noma kuSomlomo wamasipala, noma ngabe ngubani lomunye umuntfu lobekwe nguloye masipala ngumkhandlu wamasipala.

LeliFomu B letfulwa kuleso Sisebenti lesiniketa lwatiso/Lisekela leSisebenti lesiniketa lwatiso lesicitse lesicelo sekucala, lekudzingeka kwekusti asidlulisele kuSisebenti lesiniketa lwatiso.

LEKUFANELE UKWATI

Uma ngabe lesikhalo sidzinga kwekutsi kuniketwe satiso kulomelele lomunye (k.k. uma ngabe lolwatiso lucuketse lwatiso lolutsintsa umuntfu tsite, Njengelwatiso loluvela kaSARS, kanye nelwatiso loluyimfihlo, lwatiso lolutsintsa tekuhwebelana, kanye nelwatiso lwelucwaningo ngemuntfu lomunye), lesikhalo kufanele sifakwe kungakapheli emalanga langema-30 ngemuva kwekutfola satiso.

Lofake sicelo kufanele atfule lesikhalo kuSisebenti lesiniketa lwatiso salowo mtimba lofanele ngeliposi, Ifeksi noma i-Imeyili.

Sikhalo sangekhatsi kufanele sifake sihloko salesikhalo, tizatfu letisekela lesikhalo, bese sifaka noma nguluphi lolunye lwatiso lolufanele lolwatiswa ngulomuntfu lofaka lesikhalo.

Uma ngabe lona lofake sicelo utawufuna kwatiswa ngesincumo ngalokuphatselene nesikhalo sakhe ngendlela lehlukile, (ngekungeta kulemphendvulo lebhalwe phansi), kufanele ayichaze lendlela lekayifunako bese uniketa nalolunye lwatiso lolufanele.

3.4.1.4 Kwentekani uma sikhalo sangekhatsi sifakwa ngemuva kwekudlula kwelusuku lwalesikhatsi lesibekiwe?

Uma ngabe sikhalo sangekhatsi sifakwa ngemuva kwemalanga langema-60, lomtimba wahulumende lofanele kufanele usitsatse lesicelo uma ngabe kunetizafu letiphatsekako kwekutsi kungani sifakwa sekudlule sikhatsi. Uma ngabe lomtimba wahulumende ungasitsatsi lesikhalo lesifakwe ngemuva kwesikhatsi, kufanele unikete satiso kulomuntfu lofake lesikhalo.

3.4.1.5 Malini kufaka sikhalo sangekhatsi?

Lofake sicelo lofaka sikhalo kufanele kutsi akhokhe imali lebekiwe, uma ngabe ikhona lebekiwe. Uma ngabe lemali yesikhalo ikhokhwa ngalesikhatsi kufakwa sikhalo, lesincumo ngalesikhalo singalindza kudzimate kukhokhwe leyo mali.

NGINGAFAKA SIKHALO ENKANTOLO UMA NGINGAHAMBISANI NESINCUMO SEMTIMBA WAHULUMENDE?

Yebo. Uma ngabe lofake sicelo angakaphumeleli ngesikhalo sakhe lasifake ngekhatsi amelana nemtimba wahulumende, noma uma ngabe umtimba wahulumende wala kutsatsa sikhalo lesifakwe sekudlule sikhatsi, noma uma ngabe lolofake sicelo atitfole asenkingeni ngenca yesincumo lesikhishwe ngumtimba wahulumende, lona lofake sicelo angabhalela inkantolo kutfola lusito ngekutsi afake sicelo kungakedluli emalanga langema-180 ngemuva kwekutfola lesincumo. **Lofake sicelo noma lommele angabhalela kuphela enkantolo uma ngabe inchubo yonkhe seyiphetsiwe**.

3.4.2 Lenye indlela lesemtsetfweni yekumelana nemtimba lotimele

Uma ngabe lofake sicelo selwatiso angakanetiseki ngesincumo lesikhishwe yinhloko yemtimba lotimele, sibonelo kungavumi nelwatiso, kukhokhiswa timali tekutfola lwatiso, kwengeta sikhatsi lekufanele kuphendvulwe ngaso, lofake sicelo angafaka sicelo enkantolo sekutfola lusito kungakapheli emalanga langema-180 ngemuva kwekutfola lesincumo lesibangele lesikhalo. Sincumo salomtimba lotimele sitawubuyeketwa yinkantolo kantsi sincumo sitawentiwa tinkantolo kwekutsi lwatiso luniketwe noma cha.

LICALA LELIMAYELANA NABRUMMER NENDVUNA YEKUTFUTFUKISA TETENHLALAKAHLE

Kulelicala inkantolo yaveta kwekutsi lesikhatsi sakucala lesingemalanga langema-30 ngaphasi kwe-PAIA lapho khona lofake sicelo angabhalela etinkantolo uma angakanetiseki ngalesincumo seSisebenti lesiniketa lwatiso sincane kutsi singaveta bulungiswa. Ngako kwavetwa kwekutsi lesikhatsi lesingemalanga langema-30 asikho emtsetfweni kantsi kufanele senyuselwe kumalanga langema-180. Lesincumo lesi siyatfolakala kuloMtsetfo lomusha Wekuvikela Lwatiso Lekungelwakho lapho kutsiwa kunesikhatsi lesingema-180 kulabo labafake ticelo kutsi bafake sikhalo kuMabhalane Losebenta Ngelwatiso, ngemuva kwekutsi sebatilandzele tonkhe tinchubo te-PAIA tekufinyelela kumarekhodi latsintsa umuntfu lotsite.

Uma ngabe sekusungulwe lemitsetfo netinchubo tekulawula kutfolakala kwelwatiso emacala asungulwe yiBhodi yeMitsetfo isungulela Tinkantolo, onkhe emacala laphatselene nekutfola lwatiso atawutsanyelwa eTinkantolo taboMantji njengenkantolo yekucala, njengoba kubekiwe kusigaba 79 se-PAIA.

3.4.3 Kutawentekani ngelicala lami enkantolo?

Kunemiphumela lembalwa lengahle ibe khona uma ngabe uyisa licala lakho le-PAIA enkantolo. Ngemuva kwekulalela emacele omabili aloludzaba, lijaji lelitsamele lelicala linemandla ekuniketa sincumo lesingavuni cala futsi ngekulingana kubo bobabili labatsintsekako. Loku kungafaka ekhatsi sincumo sekutsi: (1) sicinisekisa, senta tingucuko, noma sisusa lesincumo semtimba wahulumende noma lotimele ngalokuphatselene nalesicelo se-PAIA; (2) kudzingeka lomtimba lotimele noma wahulumende kutsi utsatse tinyatselo letitsite noma tingasitsatsi sinyatselo lesitsite; (3) kuniketwe umyalelo wenkantolo, umyalelo loncumako, kulungisa lokucondzile, noma sincepheteliso; noma (4) kubite kutsi kukhokhwe tindleko letitsite.

INGSIGABA 4

Singacitfwa nakwentenjani sicelo sakho sekutfola lwatiso

Lesigaba sifaka ekhatsi:

4.1 Kulinganisa lilungelo lekutfolalwatiso nalamanye emalungelo

4.2 Ligunya licatsaniswa netindlela letingabangela kutsi walelwe kutfola lwatiso

4.3 Tizatfu tekuvinjelwa kutfolalwatiso letibhalwe ku-PAIA

4.4 Luhlolo lwetinshisekelo tebantfu

4.1 Kutfola lwatiso kungacitfwa uma kwente njani

Lesigaba sitawubuyeketa kutfolakala kwelwatiso akuvumeleki uma kwente njani ngaphasi kwe-PAIA, nemhlahlandlela wekutsi ungayisebentisa njani imitsetfo levumela sisebenti lesiniketa lwatiso kutsi singasemukeli sicelo. I-PAIA ibeka imibandzela leli-12 lengabangela kutsi sisebenti lesiniketa lwatiso semtimba lotimele noma wahulumende singavumi kuniketa lwatiso, leminye yato ingemagunya kantsi leminye itizatfu tabo letitsite (*buka sigaba 4.2. ngaphasi kutfola lwatiso lolwengetiwe*). Kwengeta, i-PAIA yenta kutsi kube nencenye lekhuluma ngenshisekelo yebantfu lengayilandzeli lemibandzelayekungavumeli kutfolakala kwelwatiso, uma ngabe inshisekelo yebantfu yekutfola lwatiso ibalulekile. (*Buka sigaba 4.4 ngaphasi kutfola lwati lolungetiwe*).

KUSIMAMISA EMALUNGELO EKUTFOLAKALA KWELWATISO	NALAMANYE EMALUNGELO
UMTSETFO LOTAYELEKILE	Lelilungelo lekutfolalwatiso litfolakala kuMculu Wemalungelo Eluntfu latfolakala kuMtsetfosisekelo wase Ningizimu Afrika kantsi kute kuphumeleliswe lelilungelo, lwatiso kufanele lutfolakale ngaso sonkhe sikhatsi ngendlela lekungakhonakala ngayo.
LOKUNGANGENI	Njengawo onkhe emalungelo lacuketfwe kuMculu Wemalungelo Eluntfu, lelilungelo lekutfolalwatiso lingancishiswa noma lingavunyelwa ngaletinye tikhatsi. I-PAIA yasungulwa ikakhulukati kwenaba kumibandzela lengabangela kutsi lwatiso lungatfolakali , lwatiso ngaphansi kwato, ngako-ke lelilungelo lekufinyelela kulwatiso lingavunyelwa.

4.2 Kucatsanisa ligunya netizatfu letingasiyo imibandzela lengasetjentiswa uma sicelo sekutfola lwatiso sicitfwa

I-PAIA ibeka kwekutsi ngaletinye tikhatsi lwatiso angeke lwaniketwa sisebenti lesiniketa lwatiso. Ngalokufishane, tizatfu letibangela kwekutsi lwatiso lungatfolakali kutsi kungeteka ludale umonakalo lomkhulu. I-PAIA ibeka imibandzela lelilishumi nakubili lengabangela kwekutsi sisebenti lesiniketa lwatiso lwemtimba lotimele noma wahulumende singalukhiphi lwatiso *(imibandzela leli-12 itawubhalwa ngalokugcwele kusigaba 4.3 ngaphasi)*. Kulolunye luhlangotsi, letinye taletizatfu tekungavetwa kwelwatiso tigunyatwa sisebenti lesiniketa lwatiso, lokusho kutsi sisebenti lesiniketa lwatiso akukafaneli sivumele kutfolakala kwelwatiso uma ngabe lomunye wemibandzela yekucitfwa kwekutfolakala kwelwatiso ingakacinisekiswa. Kulolunye luhlangotsi, leminye imibandzela yekucitfwa kwekutfolakala kwelwatiso tatiwa ngekutsi ngetekutikhetsela. Lokusho kutsi sisebenti lesiniketa lwatiso angeke saniketa lwatiso noma lelirekhodi lelicelwako. Ngako-ke sisebenti lesiniketa lwatiso kufanele sitikhetsele indlela yaso lesiyibona lelungele ekuhloleni kwekutsi kuveta lwatiso kungadala umonakalo lomkhulu kumtimba wahulumende noma lotimele kunekutsi angaluveti, lokungacekela phasi emalungelo alofake sicelo sekutfola lwatiso.

EMATHEMU E-PAIA LEKUFANELE UWANAKE…

Ligunya lekucitfwa kwesicelo, i-PAIA isebentisa leligama “**kumele**”.

Tizatfu lengasiyo imibandzela/ kucitsa sicelo ngekutsandza kwemuntfu lotsite, i-PAIA isebentisa ligama “**unga**”.

Khumbula kutsi njengeSisebenti lesiniketa lwatiso kufanele uhlale ungavuni licala uma ngabe uniketa tizatfu tekucitsa sicelo sekutfolakala kwelwatiso. Ungatsatsi licala, kantsi hlala utsatsa tincumo ngalokufanako ngaso sonkhe sikhatsi!

4.3 Tizatfu tekucitfwa kwekutfolakala kwelwatiso

Njengoba sekubekiwe ngenhla, kunemibandzela leyehlukene letingabangela kwekutsi sicelo sekutfola lwatiso singa-noma kumele sicitfwe Sisebenti lesiniketa lwatiso semtimba lotimele noma wahulumende. Lemibandzelaibhalwe kuSahluko 4 Incenye 2 seMtimba waHulumende, nakuSahluko 4 Incenye 3 seMtimba Lotimele ku-PAIA.

4.3.` Kuvikelwa kwekungavetwa kwenhlangano/ umuntfu wesitsatfu

Sisebenti lesiniketa lwatiso semtimba lotimele noma wahulumende **akukafaneli** sivumele kuvetalwatiso loluphatselene nemuntfu, kufaka ekhatsi umuntfu loshonile ***(****kutfola inchazelo “yemuntfu” buka Emathemu lalusito ngenhla****)***. I-PAIA ichaza kwekutsi kute kutsi kuvikelwe emalungelo emuntfu wesitsatfu lekangumuntfu, Sisebenti lesiniketa lwatiso kufanele sihlole kwekutsi lokukhipha lwatiso lolucelwako ‘kutawufaka ekhatsi lokuvetwa kwelwatiso ngemuntfu lokungasikahle’ (buka tigaba 34 na 63 te-PAIA).

Sigaba 1 se-PAIA siniketa inchazelo legcwele kwekutsi nguluphi lwatiso lolutsatfwa “njengaloluphatselene nelwemuntfu”. Kufakwa ekhatsi lwatiso loluphatselene netemacansi, kukhulelwa, netenkolo, kanye nekuchumana kwebantfu, i-DNA, tinyatseliso tetandla, kanye nalapho ligama lemuntfu livetwa kumarekhodi.

- Noma kunjalo, Sisebenti lesiniketa lwatiso kufanele sibuke kwekutsi lolwatiso lolungelwemuntfu lolucelwako luwela ngaphansi kwalemikhakha lelandzelako yelwatiso lwemuntfu lolungakhishwa:
- Lwatiso loluphatselene nemuntfu lonikete imvume kwekutsi lungakhishelwa ngaphandle;
- Lwatiso loluphatselene nemuntfu leselulvelwe lukhishelwe ebaleni;
- Lwatiso loluphatselene nemuntfu loluphatselene nemtfwana longaphansi kweminyaka le-18 lapho lokuvetwa kwalolwatiso kutawunetisa tishisekelo temntfwana, kantsi nalona lofake lesicelo ungulonakekela lomntfwana (k.k. umtali noma lonakekela umntfwana);
- Lwatiso ngemuntfu loshonile kulowo lofake sicelo selwatiso losihlobo sakhe, noma loniketwe ligunya (imvume lebhalwe phansi) sihlobo lesisesondzelene nemuyi;
- Lwatiso ngemuntfu loshonile loseneminyaka lengema 20 washona;
- Lwatiso ngemuntfu losisebenti noma lobekasisebenti kumtimba lotimele noma wahulumende nanelwatiso lolumayelana netikhundla tabo njengebasebenti.

I-PAIA idzinga kwekutsi sisebenti lesiniketa lwatiso lesivela kubentsela baseNingizimu Afrika (SARS) asiveti lwatiso loluphatselene nentsela yemuntfu nelwatiso lwekutsela, ngaphandle kwekutsi lolofake sicelo ucela kutfola lwatiso lolumayelana naye.

4.3.2 Kuvikelwa kwelwatiso lwetekuhwebelana lenhlangano/umuntfu wesitsatfu

Sisebenti lesiniketa lwatiso ngemtimba lotimele **kufanele** singavumi nelwatiso uma ngabe kukhipha lolwatiso kutawudala umonakalo etimalini noma kutekuhwebelana ngekwebhizinisi. I-PAIA ibhala luhlulwelwatiso lwetekuhwebelanalolulandzelako lekungafaneli kutsi luvetwe Sisebenti lesiniketa lwatiso:

- Timfihlo tekuhwebelana;
- Tetimali, tekuhwebelana, tesayensi, lucwaningo noma lwatiso lwetethekhnikhingalomunye umuntfu, uma ngabe lukhishiwe lungadala umonakalo kulowo muntfu;
- lwatiso loluniketwe umuntfu wesitsatfu ngekumetsemba.

Noma ngabe kunemtsetfo wekuvikela lwatiso lwalenkampani, umtimba wahulumende ulindzeleke kutsi usebente ngendlela lekahle lengafihli lutfo. Kufanele kwatiwe kwekutsi kunaletinye tikhatsi lapho khona lwatiso lwetekuhwebelana lwenkampani lungakhishwa.

Lokungangeni ku-PAIA: Emarekhodi laphatselene nemuntfu wesitsatfu lekacuketse lwatsiso lwekuphepha kwebantfu noma bungoti besimondzawo kufanele lukhishwe, noma ngabe lolo lwatiso lungadala umonakalo kulowo muntfu wesitsatfu. Loku kufaka ekhatsi lwatiso ummango lonenshisekelo ngalo *(buka Sigaba 4.4 ngentasi)*.

4.3.3 Kuvikelwa kwelwatiso loluyimfihlo

I-PAIA iniketa kwekutsi sisebenti lesiniketa lwatiso **kufanele** singavumi kuniketa lirekhodi uma ngabe kukhishwa kwalelo rekhodi kutawudala kuphulwa kwekwetsembeka kumuntfu wesitsatfu ngenca yesivumelwano lesentiwe.

4.3.4 Kuvikelwa kwekuphepha kwemuntfu nemphahla

Lesigaba sichaza kutsi sisebenti lesiniketa lwatiso **kufanele** sale nemarekhodi uma ngabe kuvetwa kwalawo marekhodi kungacekela phasi kuphepha kwemuntfu noma imphahla. Lesigaba sinencenye lekhuluma ngelilungelo lekuba netintfo letiyimfihlo njengoba sinaka imphilo yemuntfu kanye nekubaluleka kwemphahla.

4.3.5 Kuvikelwa kwelwatiso nakudzingidvwa licala

Injongo yalesigaba kuvikela lwatiso loludzingeka ngekwemtsetfo nasekushayweni kwemtsetfo. Lesigaba sinaka leminye imitsetfo lelawula leminye imikhakha yelwatiso. Ngalokuphatselene nalesigaba, Umtsetfo Wenchubo Yetigebengu 51 wanga 1977 ubukeka njengemtsetfo lophetse emarekhodi laphatselene nenchubo yebheyili kanye nekusetjentiswa kwaleminye imitsetfo. Futsi, loku kufaka ekhatsi emarekhodi labaluleke kakhulu. Lokusho kwekutsi emarekhodi langatfolwa ngunoma ngubani, ngaphandle kwalowo muntfu loniketwe imvume yekutfola lawo marekhodi, sibonelo kungaba ngummeli loniketwe imvume ngulona lammele. Noma ngabe nguwaphi emarekhodi lagcina budlelwano emkhatsini wemmeli nalona lammele avikelwe ngaphansi kweSigaba 40 se-PAIA.

Noma nje i-PAIA inaka lokuba khona kwemtsetfo lophatselene nekulawula nekuvetwa kwelwatiso nemarekhodi, nasesimeni lapho khona lomtsetfo unekuvimbela lokungachazeki uvimbela emalungelo ekutfolalwatiso kantsi awuhambisani nalemigomo yekungafihli lutfo nekulandzisa, i-PAIA itawuba ngetulu kwalomtsetfo.

4.3.6 Kuvikelwa Kwewatiso Lolucwaningiwe

Sisebenti lesiniketa lwatiso lwemtimba lotimele noma wahulumende kufanele singacitsa sicelo sekufinyelela kumarekhodi lacuketse lucwaningo lolutawentiwa ngulomtimba wahulumende noma lotimele lekukhulunywa ngawo noma umuntfu wesitsatfu. Lokucitfwa kwekutfolalwatiso kuba sesimeni lapho lokuvetwa kwemarekhodi

kutawukhiphela ebaleni lolucwaningo lwalomuntfu wesitsatfu noma umtimba wahulumende noma lotimele, umuntfu noma sikhungo lesenta lolucwaningo, noma loludzaba loluhambembili lwalolucwaningo lulucekele phansi ngendlela lematima *(buka tigaba 43 na 69 te-PAIA)*.

4.3.7 Lwatiso lokungavunyelwa kwekutsi lufinyeleleke

Lemikhakha lelandzelako yelwatiso ichaza lwatiso leSisebenti lesiniketa lwatiso singakucitsa kufinyelela kulo, uma ngabe bangakhona kuniketa tizatfu tekutsi lolwatiso luwela ngaphansi kwalomkhakha lolandzelako kantsi bantfu abananshisekelo yekutsi lolwatiso lukhishelwe ngaphandle *(kutfola lwatiso lolungetiwe ngalesigaba setinshisekelo tebantfu buka Sigaba 4.4 ngentasi)*.

4.3.7.1 Budlelwano bavelonkhe emkhatsini wetekuvikela nemasotja aseNingizimu Afrika

Sigaba 41 se-PAIA sidzinga kwekutsi sisebenti lesiniketa lwatiso sibuke kutsi lolwatiso loludzingekako luphatselene nekuvikeleka kweNingizimu Afrika. Sisebenti lesiniketa lwatiso singakucitsa kuniketa imvume yalesicelo uma ngabe sitawucekela phasi kuphepha kweNingizimu Afrika.

4.3.7.2 Temnotfo, temali netinshisekelo tekuhwebelana kweNingizimu Afrika

Sigaba 42 se-PAIA sitsi kufanele kuvikelwa lwatiso lwemtimba wahulumende uma ngabe kuvetwe kwalolwatiso kutawuba nemtselela lomubi kutemnotfo nesimo setimali teRiphabhulikhi. Lesizatfo salokucitfwa kwesicelo selwatiso kufanele kutsi sivakale lokusho kutsi Sisebenti lesiniketa lwatiso kutawufanele sinake lesizatfu sekutsi imitimba yahulumende idzingeka kwekutsi ilandzele Umtsetfosisekelo wase Ningizimu Afrika kutsi ilandzise ebantfwini, ngako-ke kutawuba ngaphasi kwetikhatsi letitsite kutsi lwatiso lungavunyelwa. Lokunye, Sisebenti lesiniketa lwatiso kutawufanele sikhombise kwekutsi kuvetwa kwalolwatiso lekukhulunywa ngalo kutawudala umonakalo kutinshisekelo tetemnotfo netimali tase Ningizimu Afrika.

4.3.7.3 Kusebenta kwemitimba yahulumende

Sigaba 44 se-PAIA siniketa Sisebenti lesiniketa lwatiso emandla ekungavumi nemarekhodi uma ngabe lwatiso lutawucekela phasi umsebenti wemtimba lotimele. Sigaba 44 sibanti, emarekhodi labalwe ngaphasi kwalasetjentiswako afaka ekhatsi lawa lalandzelako:

- Emaminitsi emhlangano;
- Emarekhodi lacuketse tecwayiso nemibono;
- Emarekhodi laphatselene nekutsintsana naleminye imitimba;
- Emarekhodi laphatselene nekubhalwa kwetinchubomgomo noma tincomo.

4.3.7.4 “Ticelo letibonakala tingakhombisi kutimisela noma letingajabulisi, noma letinkhulu kakhulu naletingasikahle leticekela phasi tinsita”

Sisebenti lesiniketa lwatiso angeke sisamukele sicelo sekutfola lwatiso uma sicabanga kutsi kuchubeka naleto ticelo kungadla sikhatsi kantsi futsi kungaba kudlala ngetinsita. . Kwengeta, Sisebenti lesiniketa lwatiso singakucitsa kuniketa kwemarekhodi uma ngabe lesicelo sibonakala singakabaluleki noma sentiwe ngulofake sicelo ngoba afuna kutfukutselisa noma achukulute lesisebenti.

4.4 Kunganaki tinshisekelo temmango

Konkhe lokuvikeleka lokuniketwa lwatiso njengoba kubalwe ngenhla angeke kube khona uma ngabe lokukhishwa kwalolwatiso kunenshisekelo yemmango. Ngaloluhlobo tinshisekelo temmango tita ngetulu kwato tonkhe letizatfu tekucitsa kutfolakala kwelwatiso.

Sisebenti lesiniketa lwatiso kumtimba lotimele noma wahulumende kumele sente loluhlolo lolulandzelako ngembi kwekungavumi kuniketa lwatiso lolungena ngaphasi kwalemikhakha lengavumeli kungakhishwa kwelwatiso lebalwe ngenhla. Uma ngabe letizatfu tilandzelelwe, kumele kutsi lwatiso lukhishelwe tinshisakelo temmango.

Ngabe lwatiso lukhombisa kwephulwa kwemtsetfo?

NOMA

Ngabe lamarekhodi lacelwako acuketse lwatiso lalokusatawenteka noma nebungoti lobukhulu bekuphepha kwemmango noma simondzawo?

KANYE

Ngabe lenshisekelo yemmangoekuveta lolwatiso ibaluleke ngetulu kemonakalo longadaleka?

SIGABA 5
Emareferensi labalulekile nalolunye lwatiso lolulusito

Lesigaba sifaka ekhatsi loku lokulandzelako:

5.1 Luhlu lwemareferensi labalulekile lasetjentiselwe kuhlanganisa lomhlahlandlela we-PAIA, lokufaka ekhatsi umtsetfo

5.2 Luhlu lwaLetinye tinsita letidzingekako te-PAIA

5.1 Emareferensi labalulekile

INSITA	UMBHALI
Promotion of Access to Information Act 2 of 2000	Umtsetfo
Protection of Personal Information Act 4 of 2013	Umtsetfo
PAIA Unpacked (lotfolakala ku- www.saha.org.za)	SAHA
PAIA Resource Kit (lotfolakala ku- www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (lotfolakala ku-www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (lotfolakala ku-www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (lotfolakala ku-www.sahrc.org.za)	SAHRC

5.2 Imitsetfo ye-PAIA

GOVERNMENT NOTICE	LUSUKU	SIHLOKO NENCHAZELO
Government Notice: No. R. 1244	22 Inyoni 2003	Sichibiyelo lesimayelana nekutfolakala kwemamaniwali e-PAIA emmango newemitimba letimele.
Government Notice: No. R. 187	15 Indlovu 2002	Sichibiyelo se-PAIA lesimayelana neMhlahlandlela weSigaba seli-10 kanye nekutfolakala kwemamanuwali e-PAIA .
Government Notice: No. R. 233	9 Indlovulenkhulu 2001	Lomtsetfo umayelana netindleko letikhokhwako kute utfole emarekhodi emitimba yemmango naletimele.
Government Notice No. R. 466	1 Inhlaba 2007	Emafomu lafakelwe Sisebenti selwatiso kutsi siwalandzele uma sishicilela lwatiso lolukhishwe ngesifiso lolumayelana neTigaba 15 na 52 te-PAIA. I15 and 52 of PAIA.

5.3 Tichibiyelo te-PAIA

GOVERNMENT NOTICE	LUSUKU	SIHLOKO NENCHAZELO
Government Notice No. 428	31 Indlovulenkhulu 2004	Sichibiyelo sesigaba 92(4) se-PAIA kute kubonelelwe emacala netinhlawulo tebantfu labatsikameta ngamabomu nangalokungekho emtsetfweni ticelo tekutfola lwatiso lokufana nekushabalalisa emarekhodi.
Government Notice No. 96	15 Bhimbidvwane 2003	Sichibiyelo se-PAIA lesibonelela kuceceshwa kwebaphatsi betisebenti eTinkhantolo letincane lapho kutsetfwa khona emacala e-PAIA.
Government Notice No. R. 187	15 Indlovana 2002	Sichibiyelo se-PAIA lesimayelana naleSigaba 10 Senkhombandlela kanye nekutfolakala kwemamanuwali e-PAIA.

5.4 Tichibiyelo kuMitsetfo ye-PAIA

GOVERNMENT NOTICE	LUSUKU	SIHLOKO
Government Notice: No. 1263	11 Mabasa 2003	Satiso lesimayelana nekutfolakala kwemamanuwali e-PAIA emitimba letimele.

5.5 Letinye tinsita te-PAIA letimcoka

1) **Using PAIA to Promote Housing Rights, SAHA (**itfolakala ku-: www.saha.org).
2) **Accessing Information for Your Community, SAHA** (itfolakala ku-: www.saha.org).
3) **Accessing Information in the LGBTI Sector, SAHA** (itfolakala ku-: www.saha.org).

UMHLAHLANDLELA NGEKUSETJENTISWA KWEMTSETFO WEKUTFUTFUKISA KUTFOLAKALA KWELWATISO NOMBOLO 2 WANGA 2000

Nyendedzi Ya U Shumisa Mulayo Wa ?hu?huwedzo Ya U Swikela Mafhungo Wa 2 Wa 2000

TSHIVENDA

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Tel 031 304 7323/4/5 • Fax 031 304 7323

Limpopo Polokwane

Tel 015 2913500 • 051 291 3505

Mpumalanga Nelspruit

Tel 013 752 8292 • Fax 013 752 6890

Northern Cape Upington

Tel 054 332 3993/4 • Fax 054 332 7750

North West Rustenburg

Tel: 014 592 0694 • Fax: 014 594 1089

Western Cape Cape Town

Tel 021 426 2277 • Fax 021 426 2875

U wana nḓila kha Nyendedzi ya PAIA

Khethekanyo ya 1
Marangaphanḓa kha Nyendedzi ya PAIA

Khethekanyo ya 2
Hune vha wana mafhungo ane vha a ṱoḓa

Khethekanyo ya 3
U ita khumbelo ya u swikela mafhungo

Khethekanyo ya 4
Ndi lini hune u swikela mafhungo ha nga haniwa

Khethekanyo ya 5
Rifarentsi na zwiko zwa vhuṱhogwa zwa maṅwe mafhungo

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Maipfi a ndeme

MAIPFI	ṰHALUTSHEDZO
Tshelede ya u swikela	Iyi ndi tshelede i badelwaho nga muhumbeli kha dzangano ḽa tshatshavha kana ḽa phuraivete ḽine a khou ṱoḓa mafhungo khaḽo, ndi ya mbadelo dza u wana na u kopa rekhode dzine vha dzi ṱoḓa. *(U itela u wana mafhungo manzhi nga ha tshelede ya u swikela kha vha sedze Khethekanyo ya 3 ya Nyendedzi iyi).*
Fomo ya A	I wanala mafheloni a PAIA, kha webusaithi ya Khomishini ya Pfanelo dza Vhathu ya Afurika Thipembe, na kha webusaithi dza zwiṅwe zwiimiswa zwa tshitshavha zwo fhambanaho. Fomo iyi i shumiswa u ita khumbelo ya u swikela mafhungo o farwaho nga dzangano ḽa tshitshavha. *(U itela u wana mafhungo manzhi kha Fomo ya A na u ita khumbelo ya u swikela mafhungo kha madzangano a tshitshavha kha vha sedze Khethekanyo ya 3 ya Nyendedzi iyi).*
Fomo ya C	I wanala mafheloni a PAIA, kha webusaithi ya Khomishini ya Pfanelo dza Vhathu ya Afurika Thipembe, na kha webusaithi dza dziṅwe khamphani dza phuraivete. Fomo iyi i shumiswa u ita khumbelo ya u swikela mafhungo o farwaho nga dzangano ḽa phuraivete. *(U itela u wana mafhungo manzhi nga Fomo ya C na u ita khumbelo ya u swikela mafhungo a madzangano a phuraivete kha vha sedze Khethekanyo ya 3 ya Nyendedzi iyi).*
Nyendedzi	U amba nga Nyendedzi iyi kha PAIA ye ya kuvhanganywa na u ganḓiswa nga Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe sa zwe zwa ṋetshedzwa kha Khethekanyo ya 10 ya PAIA, u itela u thusa vhathu kha u shumisa na u pfesesa PAIA.
Muofisiri wa zwa Mafhungo na Mufarisa Muofisiri wa zwa Mafhungo	Muofisiri wa zwa Mafhungo (tshiṅwe tshifhinga u vhidzwa sa IO) ndi muthu o ṋewaho maanḓa nga tshiimiswa tshenetsho u shuma na khumbelo dza PAIA. Kha dzangano ḽa tshitshavha uyu ndi muthu ane a vha kana o tou farelaho sa ṱhoho ya dzangano. Zwenezwo kha masipala hu ḓo vha hu mulangi wa masipala; kha muhasho wa lushaka hu ḓo vha hu Mulangi Muhulwane; kha dzangano ḽi fanaho na Khomishini ya Pfanelo dza Vhathu ya Afurika Tsipembe hu ḓo vha hu CEO.
	Mufarisa Muofisiri wa zwa Mafhungo (tshiṅwe tshifhinga u vhidzwa sa DIO) ndi muthu o tiwaho nga Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha uri a thuse muhumbeli kha khumbelo yawe ya mafhungo. PAIA a i ṋetshedzi mbetshelwa kha madzangano a phuraivete u ta Mufarisa Muofisiri wa zwa Mafhungo; fhedziha ho themendelwa nga Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe uri vha ite izwo vha tshi itela vhukone na vhuvhuya . *(U itela u wana mafhungo manzhi nga ha mishumo ya Vhaofisiri vha zwa Mafhungo kha vha sedze Khethekanyo ya 3 ya Nyendedzi iyi).*

Aphiḽi ya nga ngomu (Fomo ya B)	Vhahumbeli vha ḓo shumisa Fomo ya B ya PAIA u ita aphiḽi kha tsheo yo dzhiwaho nga davhi ḽa muvhuso ḽa lushaka, vunḓu kana masipala malugana na u swikela mafhungo. *(U itela u wana mafhungo manzhi nga ha aphiḽi ya nga ngomu kha vha sedze Khethekanyo ya 3 ya Nyendedzi iyi).*
Muthu tshimulayo	Khamphani kana dzangano ḽine ḽa ḓivhea kha mulayo sa dzangano ḽithihi kana 'muthu' a re na pfanelo na vhuḓifhinduleli.
Minisiṱa	Rifarentsi kha Minisiṱa i elana na Minisiṱa wa Tshumelo dza Vhulamukanyi na Vhululamisi.
Muthu	Muthu wa vhukuma, o fhambanaho na muthu tshimulayo u fana na koporasi (kha vha sedze muthu tshimulayo afho nṱha).
Dzangano ḽa phuraivete	(Ḽi dovha hafhu ḽa vhidzwa sa khamphani ya, tshiimiswa tsha, phuraivete), Iḽi ndi muthu tshimulayo kana binduṱhanganelwa ḽe ḽa dzhenela kana ḽe ḽa vhuya ḽa dzhenela kha mbambadzo, bindu kana phurofesheni nahone kha khaphasithi yeneyo fhedzi.
Dzangano ḽa tshitshavha	(Ḽi dovha hafhu ḽa vhidzwa sa tshiimiswa tsha, muhasho wa tshitshavha,), uyu ndi muhasho kana tshiimiswa tshiṅwe na tshiṅwe tsha matavhi a muvhuso wa lushaka, vunḓu na wapo. Tshi katela hafhu na tshiimiswa tshifhio na tshifhio tshine tsha khou ita mushumo wa muvhuso nga tshifhinga tshe rekhode i kwameaho ya sikwa ngatsho.
Rekhode	Mafhungo maṅwe na maṅwe o rekhodiwaho hu sa khathali tshivhumbeo, hu tshi katelwa na, sa tsumbo, maṅwalo o ṅwalwaho, matheriala a video nz. Rekhode yo humbelwaho kha dzangano ḽa tshitshavha kana ḽa phuraivete i ḓo amba nga rekhode ye ya vha i ya iḽo dzangano hu sa sedzwi uri hu nga vha hu iḽo dzangano ḽo sikaho rekhode.
Tshelede ya khumbelo	Mutengo une wa tea u badelwa musi vha tshi ita khumbelo ya u swikela mafhungo. U itela khumbelo ya mafhungo kha dzangano ḽa tshitshavha hu na tshelede yo tiwaho ya R35; ya khumbelo ya mafhungo kha dzangano ḽa phuraivete hu na tshelede yo tiwaho ya R50. (U itela u wana mafhungo manzhi nga ha tshelede ya khumbelo na mutshipiso kha vha sedze Khethekanyo ya 3 ya Nyendedzi iyi).
Muhumbeli	Muhumbeli ndi muthu tshimulayo a itaho khumbelo ya u swikela mafhungo. Muhumbeli zwi dovha hafhu zwa amba muthu ane a khou ita khumbelo ya mafhungo o imela muṅwe muthuvho.
Muthu wa vhuraru	Izwi zwi amba muthu tshimulayo a si muhumbeli wa mafhungo, kana hu si dzangano ḽine khumbelo ya mafhungo ya khou itwa khaḽo.

Mutevhe wa dziaburivesheni

Dziaburivesheni dzi tevhelaho dzi wanala kha Nyendedzi iyi na kha zwiṅwe zwiko zwa PAIA zwo ḓoweleaho:

DIO	Mufarisa Muofisiri wa zwa Mafhungo
IO	Muofisiri wa zwa Mafhungo
ODAC	Senthara ya Ngeletshedzo ya Demokirasi ya Vhoṱhe
PAIA	Mulayo wa Ṱhuṱhuwedzo ya u Swikela Mafhungo wa 2 wa 2000
PPIA	Mulayo wa Tsireledzo ya Mafhungo a Vhuṋe wa 4 wa 2013
SAHA	Dziakhaivi dza Ḓivhazwakale ya Afurika Tshipembe
SAHRC	Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe

KHETHEKANYO YA 1
Marangaphanḓa

Khethekanyo iyi i katela:

1.1 Ndivho ya Nyendedzi iyi ya PAIA

1.2 Ḓivhazwakale ya PAIA

1.3 Ndivho ya PAIA na zwine ya nga shumiswa zwone

1.4 Mushumo wa Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe

1.1 Ndivho ya Nyendedzi iyi ya PAIA

Nyendedzi iyi i ṋetshedza mafhungo a Mulayo wa Ṱhuṱhuwedzo ya u Swikela Mafhungo (PAIA) wa 2 wa 2000. Nyendedzi iyi ya PAIA i ḓo thusa vhathu musi vha tshi ita khumbelo ya mafhungo fhasi ha PAIA, na u ṋetshedza tsumbo dza zwe PAIA ya shumiswa zwone tshifhingani tsho fhiraho u khwiṋisa pfanelo dza vhathu, i ita izwi nga u ṋetshedza:

- Manweledzo a PAIA a leluwaho u a pfesesa
- U kovhekanywa ha kushumisele kwa PAIA *u itela u khwiṋisa dziṅwe pfanelo dza vhathu*
- Mutevhe wa tshaka dza mafhungo ane a nga humbelwa hu tshi khou shumiswa PAIA
- Nyendedzi ya ḽiga nga ḽiga ya kushumisele kwa PAIA ya u ḓo ita khumbelo ya mafhungo
- Manweledzo a ngudo dzo gudwaho u bva kha khumbelo dza mafhungo dza tshifhinga tsho fhiraho na milandu ya khothe dza PAIA

1.2 Ḓivhazwakale ya PAIA

Musi Mulayotewa wa Afurika Tshipembe u tshi khou talatadziwa nga tshifhinga tsho tevhelaho u wa ha Tshiṱalula nga vho 1990, madzangano o fhambanaho na vhathu vho fara mafulo a u katelwa ha u swikela mafhungo. Ho vha ho fulufhelwa uri u katelwa ha pfanelo iyi kha Mulayotibe wa Pfanelo dza Vhathu – Ndima ya 2 ya Mulayotewa – hu ḓo khwaṱhisedza uri mabulayo a fanaho na a Tshiṱalula ha nga ḓo dovha a itea sa afha muvhuso na koporasi dza phuraivete zwi tshi ḓo kombetshedzea u ita zwithu nga nḓila ya vhuḓifhinduleli na u vha khagala nga u ṋetshedza u swikela mafhungo, zwenezwo zwa ita uri hu sa ḓo vha na u dzumbama nga sila ḽa tshiphiri.

Nga 1996, Mulayotewa wa Riphabuḽiki ya Afurika Tshipembe wa 1996 wo thoma u shuma. Khethekanyo ya 32 yo tsireledza pfanelo ya u swikela mafhungo o farwaho nga madzangano a tshitshavha na a phuraivete. Izwi ho vha, nga tshifhinga tshenetsho, tshipiḓa tsha u thoma tsha mulayo kha ḽifhasi tshe tsha engedza pfanelo ya u swikela mafhungo o farwaho nga madzangano a phuraivete. Khethekanyo ya 32 i dovha hafhu ya bula uri mulayo u tea u phasiswa zwine zwa ḓo ita mveledzwa kha pfanelo ya u swikela mafhungo nga u dodombedza nḓila dzine mafhungo a bvaho kha madzangano a tshitshavha na a phuraivete a nga swikelwa, na nga u ṋetshedza maṅwe mafhungo nga ha zwiitisi zwine dzangano ḽa tshitshavha na ḽa phuraivete ḽi nga landula u swikela mafhungo.

Nga 2000 Mulayo wa Ṱhuṱhuwedzo ya u Swikela Mafhungo (PAIA) wo mbo ḓi thoma u shuma sa mulayo, u tshi khou khunyeledza mbetshelwa ya Khethekanyo ya 32 ya Mulayotewa u itela u phasiswa ha mulayo nga ha u swikela mafhungo.

1.3 Ndivho ya PAIA na kushumisele kwayo

Ndivho ya PAIA ndi u ṱuṱuwedza pfanelo ya u swikela mafhungo, u bveledza mvelele ya u vha khagala na vhuḓifhinduleli Afurika Tshipembe. Zwiṅwe hafhu, PAIA yo lumbama kha u ṱuṱuwedza demokirasi ya vhoṱhe hune vhathu vha vhuimo ho fhambanaho vhutshiloni vha maanḓafhadzwa uri vha kone u davhidzana na muvhuso na u shela mulenzhe kha tsheo dzi kwamaho vhutshilo havho.

Pfanelo ya u swikela mafhungo a i fani na pfanelo iṅwe sa afha i tshi konisa u swikelwa ha dziṅwe pfanelo dza vhathu: Iyi ndi iṅwe ya nḓila dza ndeme nga maanḓa dzine ngadzo PAIA *ya* nga shumiswa.

Mbetshelwa ya tshumelo dza muvhuso

» PAIA i nga shumiswa u maanḓafhadza vhathu nga mafhungo ane ngao vha ita uri muvhuso u vhe na vhuḓifhinduleli kha mbetshelwa ya tshumelo dza mutheo dzi fanaho na vhudzulo, maḓi na tshampungane.

Pfanelo dza vhapo na dza polotiki

» PAIA i nga shumiswa u kuvhanganya mafhungo ane vhathu vha nga a shumisa kha pfanelo dzavho u fana na pfanelo ya u khetha na pfanelo ya mbofholowo ya u dzhenela miṱangano.

Tshiṱalula na Ndingano

» PAIA i nga shumiswa sa tshishumiswa tsha u lwa na tshiṱalula, u fana na tshiṱalula tsho ḓisendekaho nga murafho, mbeu, nz, nga madzangano o fhambanaho a tshitshavha na a phuraivete.

Ndi zwa ndeme u dzhiela nzhele ya uri PAIA *a i koni u nga shumiswa u wana rekhode dza u shumisa nga tshifhinga tsha maitele a mulayo wa vhapo kana wa mupfukamulayo*, hu tshi katelwa na nga murahu ha u thoma ha maitele o raliho arali vhubveledzi kana u swikela rekhode zwi zwa ndivho yenei nthihi yo tsireledzea nga mulayo (*Kha vha sedze Khethekanyo ya 7 ya Mulayo*).

1.4 Mushumo wa Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe

Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe (SAHRC) yo ṋewa maanḓa nga fhasi ha PAIA a u:

» Ṱuṱuwedza pfanelo ya u swikela mafhungo
» Lavhelesa u thomiwa ha PAIA nga madzangano a tshitshavha na a phuraivete
» Ita themendelo dza u khwaṯhisa Mulayo
» Vhiga kha Phalamennde ṅwaha muṅwe na muṅwe

Mulayo wa Tsireledzo ya Mafhungo a Vhuṋe

Mulayo wa Tsireledzo ya Mafhungo a Vhuṋe wa 4 wa 2013 (PPIA) u khwiṋisa PAIA nga nḓila dzo fhambanaho. Iṅwe ya nḓila dza vhuṯhogwa ine ngayo Mulayo uyu wa shandukisa PAIA i elana na mushumo wa SAHRC. Nga fhasi ha PPIA mishumo ya SAHRC uya nga PAIA i ḓo fhiriselwa kha Mulauli wa Mafhungo, dzangano ḽiswa ḽo ḓiimisaho nga ḽoṯhe ḽine ḽa ḓo thomiwa u itela uri ḽi ḓo lavhelesa PPIA na PAIA, na u ḓo shumana na mbilaelo dzi elanaho na u swikela mafhungo na tsireledzo ya mafhungo a vhuṋe.

Fhedziha, SAHRC i ḓo sala na pfanelo yayo ya Ndayotewa ya u ṱuṱuwedza, u tsireledza na u lavhelesa pfanelo dza u swikela mafhungo u fana na dziṅwe pfanelo dzo tsireledzwaho kha Mulaytibe wa Pfanelo.

KHETHEKANYO YA 2

Toda vhutanzi hazwine nako toda

Khethekanyo iyi i katela:

2.1 Hune vha ḓo wana nyendedzi dzi thusaho na bugupfarwa dzine dza ḓo vha thusa musi vha tshi ita khumbelo dza mafhungo

2.2 Muthu ane vha ḓo mu kwama musi vha tshi ṱoḓa thuso

2.3 Zwi ṱoḓeaho kha madzangano a tshitshavha na a phuraivete uri a ḓo thusa vhaṱoḓi vha mafhungo

2.4 Maṅwe mafhungo a wanalea nga one ane vha songo vhuya vha ita na khumbelo ya tshiofisi, khethekanyo iyi i ḓo ṋetshedza manweledzo a hune vha ḓo swikela izwi

2.1 U thoma

Ndivho ya PAIA ndi u ṱuṱuwedza nga vhuḓiimiseli tshitshavha tshine vhathu vha Afurika Tshipembe vha swikela mafhungo nga nḓila i bveledzaho hu u itela uri vha ḓo kona u reledza pfanelo dzavho dzoṱhe. Fhedzi tshiṅwe tshifhinga muthu a nga vha a sa ḓivhi uri a thome ngafhi kana uri a nga swikelisa hani mafhungo u ya nga PAIA. PAIA yo vha na luvhenela phanḓa kha thaidzo iyi ya ita na u ṋea ndaela ya uri dziṅwe nyendedzi na bugupfarwa dzi ganḓiswe sa pulane ya u ya phanḓa ya vhaṱoḓi vha mafhungo. Khethekanyo iyi i ḓo ṋetshedza manweledzo a nyendedzi na bugupfarwa idzi, vhuḓifhinduleli ha vhaganḓisi vha nyendedzi na bugupfarwa idzi, na, tsha ndeme nga maanḓa, ndi hune dza ḓo wanala hone.

Zwi tou vha khagala, tshiṅwe tsha zwishumiswa zwa maanḓa tshine muthu a nga tshi shumisa u swikela mafhungo ndi khumbelo ya mafhungo ya tshiofisi yo itwaho u ya nga PAIA, ine nyendedzi iyi i ḓo vha thusa ngayo. Fhedzi vha elelwe, iyi a si yone nḓila i yoṱhe ya u ṱoḓa mafhungo. Maṅwe mafhungo a tou dzula a hone vha songo vhuya vha thoma vha ita khumbelo ya tshiofisi kha PAIA. Kha dziṅwe nyimele, mulayo u anzela u ṱoḓa madzangano a tshitshavha na a phuraivete a tshi vhudza tshitshavha maṅwe mafhungo. Khethekanyo iyi i dovha hafhu ya ṋetshedza manweledzo a hune vha nga swikela mafhungo hone aya.

PAIA yo livhiswa kha u maanḓafhadza tshipiḓa tsha mulayo une wa thusa Maafurika Tshipembe **vhoṱhe**. Wo livhiswa kha u vha mulayo une zwa leluwa u u pfesesa nahone une muṅwe na muṅwe a nga u shumisa. Muthu ha ṱoḓi axennḓe musi a tshi ṱoḓa u ita khumbelo ya mafhungo u ya nga PAIA. Nyendedzi iyi yo ganḓiswa uri i ḓo thusa Maafurika Tshipembe vha vhuimo ho fhambanaho vhutshiloni uri vha tikedze pfanelo dzavho dza u swikela mafhungo dzo tsireledzwaho nga ndayotewa.

2.2. Nyendedzi ya PAIA

Khethekanyo ya 10 ya PAIA i ṱoḓa Khomishini i tshi kuvhanganya na u ganḓisa nyendedzi i sa konḓi u i pfesesa ine ya ḓo thusa musi hu tshi swikelwa rekhode na maṅwalo na uri muthu a shumise pfanelo yawe u itela u wana mafhungo. Tshiṅwe tshifhinga nyendedzi i vhidzwa u pfi ndi ‘Nyendedzi ya Khethekanyo ya 10’.

I vha ṋetshedza mafhungo oṱhe ane vha a ṱoḓa u swikela rekhode. I dovha hafhu ya dodombedza zwidodombedzwa zwa vhukwamani zwa mihasho ya muvhuso na zwiimiswa zwine zwa vhea rekhode dza muvhuso, khathihi na zwidodombedzwa zwa vhukwamani ha khamphani dza phuraivete dzo fhambanaho. Khomishini i dovha hafhu ya ṱoḓea uri i khwiṋise nyendedzi iyi luthihi nga ṅwaha muṅwe na muṅwe wa vhuvhili.

2.2.1 Hune nyendedzi ya wanalea hone

Nyendedzi iyi i wanalea nga nyambo dzothe dza tshiofisi dza Afurika Tshipembe: Luisimani, Tshivhuru, Tshindevhele, Tshithoza, Tshizulu, Tshibeli, Tshisuthu, Tshitswana, Tshiswati, Tshivenḓa na Tshitshangana. Khophi dza nyendedzi dzi nga wanalea kha ofisi khulwane ya Khomishini na ofisi dzoṱhe dza mavunḓu (zwidodombedzwa zwa vhukwamani zwa dziofisi zwi ḓo wanalea mafheloni a Nyendedzi iyi). U engedza kha izwo, khophi dza eḽekiṱhuroniki dzi wanalea kha webusaithi ya Khomishini (www.sahrc.org.za)

2.3 Bugupfarwa dza PAIA

U engedza nṱha ha Khethekanyo ya 10 ya Nyendedzi nga ha PAIA ine ya tea u kuvhanganywa nga Khomishini, PAIA i ṱoḓa hafhu uri dzangano ḽiṅwe na ḽiṅwe ḽa tshitshavha, khathihi na madzangano a phuraivete, vha bveledze bugupfarwa ine ya vha na mafhungo a u shumisa PAIA u itela uri vha swikele rekhode dzavho vhone vhane..

2.3.1 Bugupfarwa dza PAIA dza madzangano a tshitshavha

Khethekanyo ya 14 ya PAIA i ṱoḓa uri madzangano a tshitshavha oṱhe a ganḓise bugupfarwa nga nyambo dza tshiofisi dzi swikaho henefha kha tharu hune a ḓo thusa vhaṱoḓi vha mafhungo uri vha ḓo ita khumbelo dza mafhungo u bva kha dzangano ḽikwameaho. Arali zwo konḓa tshoṱhe, bugupfarwa i tea u vha na mafhungo a vhuṱhogwa a tevhelaho:

ṰHOḒEA	ṰHALUTSHEDZO
Maanḓa	Tshivhumbeo na mishumo ya dzangano ḽa tshitshavha.
Zwidodombedzwa zwa vhukwamani	Ḓiresi ya poswoni na ya ofisi, nomboro dza founi na dza fakisi na, arali i hone, ḓiresi ya imeiḽi zwa muofisiri wa zwa mafhungo wa dzangano ḽa tshitshavha, khathihi na dza mufarisa muofisiri wa zwa mafhungo muṅwe na muṅwe wa dzangano ḽa tshitshavha.
Khethekanyo ya 10 ya Nyendedzi ya PAIA	Ṱhalutshedzo ya Nyendedzi iyi yo kuvhanganywaho nga Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe na uri vha i swikela hani.
Khethekanyo dza rekhode dzi re hone	Mafhungo o linganaho u thusa nga u leludza u swikelwa ha rekhode yo fariwaho nga dzangalo ḽa tshitshavha. Dzangano ḽa tshitshavha ḽi tea u ṱalutshedza thero dzine ḽa vha na rekhode dza hone, na khethekanyo dza rekhode dza thero iṅwe na iṅwe.
Mafhungo a dzulaho a hone	Maṅwe mafhungo a dzula a hone hu si na uri muthu u tea u thoma a ita khumbelo ya u a swikela u ya nga PAIA. Bugupfarwa ya dzangano ḽa tshitshavha i tea u sumbedza mafhungo aya ane a dzula a hone.
Tshumelo dza dzangano ḽa tshitshavha	Ṱhalutshedzo ya tshumelo dzine miraḓo ya tshitshavha i nga dzi shumisa u bva kha dzangano ḽa tshitshavha, na uri tshumelo idzo dzi nga swikwelwa hani.
U shela mulenzhe nga tshitshavha	Ṱhalutshedzo ya nzudzanyo ifhio na ifhio kana mbetshelwa ya uri muthu a vhudzise, a swikise makumedzwa kana a dzhenele kana a ṋee mihumbulo kha u sikiwa ha mbekanyamaitele; kana u shumiswa ha maanḓa kana u itiwa ha mishumo nga dzangano ḽa tshitshavha.
Thandululo	Ḽiga ḽine vha nga ḽi dzhia musi muofisiri wa zwa mafhungo wa dzangano ḽa tshitshavha o lamba u vha ṋea thendelo ya u swikela mafhungo.

2.3.2 Hune vha nga wana hone bugupfarwa ya dzangano ḽa tshitshavha

Madzangano oṱhe a tshitshavha a tea u ita uri zwi vha lelutshele u wana bugupfarwa. Arali zwo konḓa tshoṱhe, a kombetshedzea u ita ngauralo nga nḓila dzi tevhelaho:

- Nga u ita uri hu vhe na khophi kha ofisi iṅwe na iṅwe ya dzangano ḽa tshitshavha ḽeneḽo nga tshifhinga tsha mushumo;
- Nga u ita uri bugupfarwa i wanalee kha webusaithi, arali i hone, ya dzangano ḽa tshitshavha

Sa zwo bulwaho afho nṱha, **Mulayo wa Tsireledzo ya Mafhungo a Vhuṋe wa 4 wa 2013** (PAIA) u khwiṋisa PAIA nga nḓila dzo vhalaho. Iṅwe yadzo ndi i elanaho na bugupfarwa dza Khethekanyo ya 14 ya madzangano a tshitshavha. Nga fhasi ha PAIA bugupfarwa idzi dzi tea u swikiswa kha Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe, fhedzi dzi tea u wanalea kha inthanete na u itwa uri dzi wanalee kha muṅwe na muṅwe a humbelaho khophi.

2.3.3 Bugupfarwa dza PAIA dza madzangano a phuraivete

Madzangano a phuraivete na one a a kombetshedzea u kuvhanganya bugupfarwa u ya nga khethekanyo ya 51 ya PAIA.[1] Zwa zwino, a si madzangano a phuraivete oṱhe ane a kombetshedzea u tevhedza khethekanyo iyi. Vha nga wana uri, zwenezwo, dzangano ḽine vha tama u humbela mafhungo khaḽo a ḽi na bugupfarwa ine ḽi nga vha ṋetshedza yone. Izwi a zwi ambi uri dzangano a ḽi fhasi ha PAIA nga u angaredza. Vha nga kha ḓi ita khumbelo ya mafhungo kha dzangano iḽi nahone ḽi kha ḓi kombetshedzea nga mulayo u tshimbidza khumbelo yavho. Maitele a u ita khumbelo ya mafhungo u ya nga PAIA a kha ḓi vha heneaḽa, naho hu na uri dzangano a ḽi na bugupfarwa.

NDI MADZANGANO AFHIO A PHURAIVETE ANE HA TEI U GANḒISA BUGUPFARWA YA MAFHUNGO?

Nḓila ye PAIA ya ṅwalwa ngayo i amba uri madzangano a phuraivethe OṰHE a tea u kuvhanganya bugupfarwa. Fhedziha, Minisiṱa vha nga vhofholola maṅwe madzangano a phuraivete kana khethekanyo dza madzangano uri a sa ganḓise bugupfarwa. Zwa zwino, Minisiṱa vho vhofholola madzangano a phuraivete OṰHE uri a songo kuvhanganya bugupfarwa kha tshifhinga tsha miṅwaha miṱanu u thoma nga 1 Phando 2016 NGA NNḒANI ha musi dzangano ḽi tshi wela fhasi ha khethekanyo dzo dodombedzwaho afha fhasi.

[1] Izwi zwo shanduka nga ḽa 31 Nyendavhusiku 2015, hune madzangano oṱhe a phuraivete a tea u vha na bugupfarwa u ya nga khethekanyo ya 51 ya **PAIA**.

Khamphani dza phuraivete dzi tevhelaho dzi tea u kuvhanganya bugupfarwa ya PAIA arali dzi tshi thola vhashumi vha fhiraho 50 kha nḓowetshumo dzi tevhelaho kana dzi na mbuelo ya ṅwaha ine ya fhira tshelede yo dodombedzwaho:

NḌOWETSHUMO	MBUELO NGA ṄWAHA
Vhulimivhufuwi	R2 million
Zwa migodi na vhubwa matombo	R7 million
Mamaga	R10 million
Muḓagasi, Gese na Maḓi	R10 million
Vhufhaṱi	R5 million
Thengo nga Zwiṱuku na Vhuvhambadza Goloi na Tshumelo dza Vhulugisi	R15 million
Holosele ya u vhambadza, Mazhendedzi a zwa Vhuvhambadzi na Tshumelo dza vhushumisani	R25 million
Vhudzulo vhu ṋetshedzaho zwiḽiwa na Mbambadzo dziṅwe	R5 million
Mbulungo na Vhudavhidzani	R10 million
Masheleni na Tshumelo dza Vhubindudzi	R10 million
Tshumelo dza Tshitshavha, dzo Khetheaho na dza vhuṋe	R5 million

Minisiṱa vho bula hafhu uri khamphani dzoṱhe dzi songo ṱalutshedzwaho sa ‘khamphani dza phuraivete’ fhasi ha khethekanyo ya 1 ya Mulayo wa Dzikhamphani wa 71 wa 2008 dzi tea u kuvhanganya bugupfarwa ya Khethekanyo ya 51.

2.3.4 Hune vha nga wana hone bugupfarwa ya dzangano ḽa phuraivete

Madzangano oṱhe a phuraivete a kombetshedzeaho u kuvhanganya bugupfarwa a tea u ita uri vha wane bugupfarwa nga nḓila yo leluwaho. Musi zwo konḓesa tshoṱhe, vha kombetshedzea u ita izwi nga nḓila dzi tevhelaho:

- Nga u ita uri hu vhe na khophi ine ya ḓo ṱoliwa kha ofisi iṅwe na iṅwe ya dzangano ḽeneḽo ḽa phuraivete nga tshifhinga tsha mushumo. Dzangano ḽa phuraivete a ḽi nga ṱoḓi tshelede ya u ṱolwa;
- Nga u ita uri bugupfarwa i wanalee kha webusaithi yaḽo.

2.3.5 U tevhedzela arali vha dzangano ḽa phuraivete

Hu na ngeletshedzo ya vhuṱhogwa ya vhaofisiri vha zwa mafhungo vha khamphani dza phuraivete vhane vha ṱoḓa u tevhedza Khethekanyo ya 51 ya PAIA kha webusaithi ya Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe (www.sahrc.org.za). Izwi zwi katela na thempuḽeiti i daunuḽodeaho ine vhaofisiri vha zwa mafhungo vha nga i shumisa sa pulane.

U ya nga khethekanyo ya 51, ṱhoho ya dzangano ḽa phuraivete i tea u:

- Dzulela u khwiṋisa tshanduko dzhifhio na dzifhio kha matheriala a re kha bugupfarwa;
- Ita uri bugupfarwa i wanalee kha ofisi dza dzikhamphani na kha webusaithi dzadzo sa zwe Mulayo wa randela;
- Tea u dzhenisa fomo ya khumbelo (Fomo ya C ya PAIA) kha bugupfarwa na u dovha hafhu ḽa ita uri fomo dza khumbelo dzi wanalee kha webusaithi na kha zwifhaṱo zwoṱhe zwa khamphani.

Bugupfarwa i tea u vha na mafhungo a tevhelaho:

ṰHOḐEA	ṰHALUTSHEDZO
Zwidodombedzwa zwa vhukwamani	Ḓiresi ya poswoni na ya ofisi, nomboro dza founi na dza fakisi na, arali i hone, ḓiresi ya imeiḽi ya, muofisiri wa zwa mafhungo wa dzangano ḽa khamphani ya phuraivete.
Mafhungo a dzulaho a hone	Maṅwe mafhungo a dzula a hone na musi hu si na muthu we a ita khumbelo ya u a swikela u ya nga PAIA. Bugupfarwa ya khamphani ya phuraivete i tea u sumbedza mafhungo aya ane a dzula a hone.
Rekhode dzi wanalaho arali dzo humbelwa	Bugupfarwa ya Khethekanyo ya 51 i tea u dodombedza khethekanyo dza rekhode dzine dza wanala musi dzo humbelwa.
Maitele a PAIA	U nweledza maitele a PAIA *ane a tea u tevhedzwa musi hu na khumbelo ya u swikela mafhungo* u bva kha khamphani ya phuraivete (i.e. Fomo ya C).
Zwidodombedzwa zwa Khamphani	U katela zwidodombedzwa zwa ṱhoho ya khamphani kana zwa CEO ya khamphani (u ya nga milayo ya PAIA *Muofisiri wa zwa Mafhungo* wa khamphani ya phuraivete u anzela u vha CEO kana ṱhoho).
Tshelede	U bula tshelede ya u swikela yo teaho u ya PAIA (kha vha sedze Khethekanyo ya 3 u itela u wana mafhungo manzhi).
Thandululo	Thasululo dzine dza vha hone kha vhahumbeli arali khumbelo yavho ya mafhungo yo lambiwa.
Zwiṅwe Zwidodombedzwa	Zwiṅwe zwidodombedzwa zwi elanaho na khumbelo dza u swikela dzirekhode.

2.4 Mafhungo a dzulaho a hone o farwaho nga dzangano ḽa tshitshavha

A si mafhungo oṱhe a ṱoḓaho khumbelo ya tshiofisi uri a swikelwe. Madzangano a tshitshavha o fhambanaho a khombetshedzea nga milayo miṅwe uri a ite uri maṅwe mafhungo a wanalee kha tshitshavha. Zwiimiswa zwinzhi zwi ḓo bula maṅwe mafhungo nga u tou funa u itela uri a vhe khagala, u vha na vhuḓifhinduleli na u ḓo thusa tshitshavha. U itela u ṱuṱuwedza u bula mafhungo nga u tou funa na u leludza u swikela hu hulwane ha mafhungo aya, Khethekanyo ya 15 ya PAIA i kombetshedza madzangano oṱhe a tshitshavha uri a ganḓise mutevhe, une wa ḓivhea sa '**nḓivhadzo ya Khethekanyo ya 15**' kana '**nḓivhadzo ya u bula nga u tou funa**', ya mafhungo oṱhe a elanaho na dzangano iḽo ane a dzula a hone u nga shumiswa nga muṅwe na muṅwe.

Muofisiri wa zwa mafhungo wa dzangano ḽa tshitshavha u kombetshedzea u bveledza nḓivhadzo ya u bula nga u tou funa ya dzangano ḽa tshitshavha, na u ita uri i wanalee kha ofisi dza dzangano ḽa tshitshavha khathihi na u i ganḓisa kha Gurannḓa ya Muvhuso. Nḓivhadzo ya u bula nga u tou funa i tea u khwiṋiswa ṅwaha muṅwe na muṅwe.

Nḓivhadzo ya u bula nga u tou funa i na khethekanyo dza rekhode na ṱhalutshedzo dza rekhode idzo dzine dza dzula dzi hone:

- U itela u ṱolwa u ya nga mulayo muṅwe na muṅwe u si wa PAIA;
- U itela u renga kana u kopa u bva kha dzangano ḽa tshitshavha; na
- U bva kha dzangano ḽa tshitshavha ndi mahala.

Nḓivhadzo ya u bula nga u tou funa i tea u ṱalutshedza nḓila ya u swikela rekhode dze dza bulwa nga u tou funa na u dzula dzi hone. A zwi thusi tshithu u ita khumbelo ya tshiofisi kha dziṅwe rekhode arali rekhode dzenedzo dzo no ḓi bulwa nga u tou funa na u dzula dzi hone. Kha nyimele nnzhi, hu ṱoḓea tshelede u itela uri khumbelo ya tshiofisi i shumiwe nahone izwi zwi nga dzhia maḓuvha a 30. Izwi zwi nga thivhelwa arali vho thoma nga u vhala nḓivhadzo ya u bula nga u tou funa na u topola arali rekhode ine vha khou i ṱoḓa i tshi dzula i hone kana hai.

Naho zwi tshi tou vha khombekhombe uri dzangano ḽa tshitshavha ḽi ganḓise nḓivhadzo ya u bula nga u tou funa, a si nyito ya u 'tou funa' nga dzangano ḽa tshitshavha. Nḓivhadzo i vhidzwa u pfi 'nḓivhadzo ya u bula nga u tou funa' ngauri i ṋetshedza nḓivhadzo ya mafhungo oṱhe e a bulwa nga u tou funa, hu si ngauri zwi bva kha muhumbulo wa muofisiri wa zwa mafhungo uri hu a ganḓiswa mutevhe wa vhukuma kana hai.

2.5 Mafhungo a dzulaho a hone o farwaho nga khamphani ya kana dzangano ḽa phuraivete

U fana na madzangano a tshitshavha, madzangano a phuraivete a nga fara mafhungo ane vha nga a swikela vha songo ita khumbelo ya tshiofisi. Hu sa athu vha tshi ita khumbelo ya tshiofisi ya mafhungo u ya nga PAIA zwine zwi nga ṱoḓa tshelede na tshifhinga tsha u lindela tsha maḓuvha a 30, kha vha wanuluse arali mafhungo aya vha tshi nga a wana vha songo ita khumbelo ya tshiofisi.

Ṱhoho ya dzangano ḽa phuraivete a nga, nga zwiitisi zwa u tou funa na zwi iteaho nga vhuya, bveledza mutevhe wa mafhungo ane a dzula a hone u bva kha dzangano ḽa phuraivete vhone vha songo thoma vha ita khumbelo ya tshiofisi. Mutevhe uyu u vhidzwa upfi '**Nḓivhadzo ya khethekanyo ya 52**' kana '**nḓivhadzo ya u bula nga u tou funa**'.

U fhambana na nyimele i iteaho kha dzangano ḽa tshitshavha hune muofisiri wa zwa mafhungo **a tea u** ganḓisandivhadzo ya u bula nga u tou funa , muofisiri wa zwa mafhungo wa dzangano ḽa phuraivete ha **kombetshedzi** u ita ngauralo. U ya nga PAIA, a "nga, nga u tou funa" ganḓisa mutevhe wo raliho. Hei ndi yone phambano khulwanesa vhukati ha nḓivhadzo ya khethekanyo ya 52 ya madzangano a phuraivete na nḓivhadzo ya khethekanyo ya 15 ya madzangano a tshitshavha.

Nḓivhadzo ya u bula nga u tou funa ya dzangano ḽa phuraivete i na khethekanyo dza rekhode na ṱhalutshedzo dza rekhode idzo dzine dza dzula dzi hone:

- U itela u ṱolwa u ya nga mulayo muṅwe na muṅwe u si wa PAIA;
- U itela u renga kana u kopa u bva kha dzangano ḽa tshitshavha; na
- U bva kha dzangano ḽa tshitshavha ndi mahala.

Nḓivhadzo ya u bula nga u tou funa i tea u ṱalutshedza nḓila ya u swikela rekhode dze dza bulwa nga u tou funa na u dzula dzi hone.

KHETHEKANYO YA 3

U ita khumbelo ya u swikela mafhungo

Khethekanyo iyi i katela zwitevhelaho:

3.1 Tshaka dza khumbelo

3.2 Tshelede dzi tshimbilelanaho na u ita khumbelo

3.3 Mushumo wa Muofisiri wa zwa Mafhungo

3.4 Thandululo ya mulayo

3 Ndi itisa hani khumbelo ya PAIA?

Khumbelo ya u swikela mafhungo i nga itwa kha madzangano a tshitshavha na a phuraivete. Muthu a itaho khumbelo u vhidzwa u pfi ndi “muhumbeli”. PAIA i dodombedza nḓila dzo fhambanaho dza u swikela mafhungo kha dzangano ḽa tshitshavha kana ḽa phuraivete. Fomo dzo khetheaho na u randelwa dzi tea u shumiswa musi hu tshi humbelwa. Fomo dzi nga wanala kha PAIA.

LUSHAKA LWA DZANGANO	FOMO YA PAIA	KHETHEKANYO YA PAIA
Dzangano ḽa tshitshavha	Fomo ya A	Khethekanyo ya 18
Dzangano ḽa phuraivete	Fomo ya C	Khethekanyo ya 53

Fomo dzi tea u wanala kha webusaithi dza dzangano ḽa tshitshavha na ḽa phuraivete. Dzi nga dovha hafhu dza wanala kha ofisi ya vunḓu ḽiṅwe na ḽiṅwe ya Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe, khathihi na kha webusaithi kha www.sahrc.org.za.

3.1 Ndi nnyi ane a nga ita khumbelo ya PAIA?

Muthu muṅwe na muṅwe o tendelwa u ita khumbelo nga fhasi ha PAIA. Muhumbeli a nga vha:

Muthu

» muthu ha tou tea u vha mudzulapo wa Afurika Tshipembe kana mudzuli kha ḽa Afurika Tshipembe

KANA

Muthu tshimulayo

» u fana na bindu kana dzangano

KANA

Muthu o imelaho muthu kana muthu tshimulayo

Muhumbeli u na pfanelo ya u swikela rekhode dzi re na mafhungo a vhuṋe a muhumbeli ene muṋe, kana a muthu ane a khou ita khumbelo o imela ene.

Dzangano ḽa tshitshavha ḽi dzhiiwa sa muthu tshimulayo nahone ḽi nga ita khumbelo ya u swikela rekhode dzo farwaho nga madzangano a phuraivete, **fhedzi arali** dzangano ḽa tshitshavha hu (1) ḽi tshi khou imela madzangalelo a tshitshavha, na (2) arali rekhode dzi tshi khou ṱoḓelwa u swikela kana u tsireledza pfanelo dzifhio na dzifhio nga nnḓani ha idzo dza dzangano ḽa tshitshavha.

Ndi zwa ndeme u dzhiela nzhele uri PAIA a i shumeli mihasho ya muvhuso (hu tshi katelwa matavhi a lushaka, mavunḓu na mimasipala), na muthu ufhio na ufhio kana tshiimiswa tshine tsha vha na maanḓa kana u shuma mushumo u ya nga Mulayotewa, (u fana na Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe na Ofisi ya Mutsireledzi wa Tshitshavha), kana mulayotewa wa vunḓu (u fana na Bodo ya zwa Dziḽaisentsi dza Zwikambi ya Western Cape), u ita khumbelo dza PAIA kha maṅwe madzangano a tshitshavha.

3.1.1 Ndi ḓadza hani fomo ya khumbelo ya PAIA?

Khumbelo ya u swikela mafhungo o farwaho nga dzangano ḽa tshitshavha kana ḽa phuraivete i itwa nga u ḓadza fomo ya khumbelo ya PAIA na u i swikisa kha dzangano ḽo teaho. Khumbelo ya PAIA i tea u livhiswa kha Muofisiri wa zwa Mafhungo, Mufarisa Muofisiri wa zwa Mafhungo kana Ṭhoho ya dzangano ḽa tshitshavha kana ḽa phuraivete, nahone i tea u shumisa zwidodombedzwa zwa vhukwamani zwone na u vha zwa zwino.

U engedza kha u ṋetshedza zwidodombedzwa zwa dzangano ḽo teaho, fomo ya khumbelo ya PAIA *yo dzudzanywaho i katela zwi tevhelaho*:

MAFHUNGO A ṬOḐEAHO	ṬHALUTSHEDZO
Zwidodombedzwa zwa muhumbeli	Mafhungo o linganaho nga ha muhumbeli u ita uri zwi leluwe u topola muhumbeli, hu tshi katelwa na zwidodombedzwa zwa vhukwamani zwa muhumbeli, ḓiresi ya imeiḽi, nomboro dza fakisi na/kana dza luṱingo fhano Afurika Tshipembe.
Zwidodombedzwa zwa rekhode yo humbelwaho	Mafhungo o linganaho nga rekhode ane a ḓo ita uri zwi leluwe u i ṱopola. Hu nga shumiswa ḽiṅwe bammbiri u ṅwala zwidodombedzwa zwa khumbelo, tenda siaṱari ḽiṅwe na ḽiṅwe ḽo engedzwaho ḽa sainwa na u dzheniswa kha fomo ya khumbelo.
Nḓila ya u swikela rekhode	Ṭhalutshedzo ya tshivhumbeo kana nḓila ine rekhode ya tea u ṋetshedzwa kana u itwa uri i swikelee.
Nḓila ya u ḓivhadza muhumbeli nga u swikela	Nḓila ine vha ḓo ḓivhadza muhumbeli nga ha tsheo ya u ṋea kana u hana khumbelo.
Khetho ya luambo	Musi khumbelo yo itwa kha **dzangano ḽa tshitshavha**, luambo lune vha takalela u wana rekhode ngalwo lu tea u ṋetshedzwa.
Vhukoni ha muthu a itaho khumbelo o tendelwaho	Musi khumbelo yo itwa ho imelwa muṅwe muthu, vhuṱanzi vhu khwaṱhisedzaho muthu ane a khou ita khumbelo vhu tea u ṋetshedzwa (u ḓivhea sa muthu a re na thendelo).
Pfanelo dzi kwameaho	Musi khumbelo yo itwa kha **dzangano ḽa phuraivete**, muhumbeli u tea u sumbedza pfanelo ine ya kwamea na u ṱalutshedza uri ndi ngani rekhode i tshi khou ṱoḓea u itela u shumisa kana tsireledzo ya pfanelo yeneyo.

Vhahumbeli vha sa koni u vhala kana u ṅwala vha nga ita khumbelo nga u tou amba na Muofisiri wa zwa Mafhungo kana Mufarisa Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha, ane a vha na vhuḓifhinduleli ha u ḓadza Fomo ya A o imela muhumbeli.

3.1.2 Naa hu na maitele ane a tea u tevhedzwa musi hu tshi itwa khumbelo ya PAIA?

Muhumbeli u tea u ṅewa thendelo ya u swikela rekhode dzo humbelwaho, arali o tevhedza maitele a ṱhoḓea dzi tevhelaho:

Khumbelo ya PAIA i tea u itwa kha fomo yone (Fomo ya A kha madzangano a tshitshavha, Fomo ya C kha madzangano a phuraivete), yo livhiswa kha Muofisiri wa zwa Mafhungo kana kha Mufarisa Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha kana ḽa phuraivete, kana kha Ṱhoho ya dzangano ḽa tshitshavha kana ḽa phuraivete.

Fomo ya khumbelo ya PAIA i tea u iswa nga tshanḓa, u posiwa, u fakisiwa kana ya rumelwa nga imeiḽi kha dzangano ḽa tshitshavha kana ḽa phuraivete he khumbelo ya itwa hone.

Rekhode dzo humbelwaho a dzi tei u vha na zwiitisi zwa u lambiwa ngazwo zwo ṅetshedzwa kha PAIA**.**

3.2 Ndi vhugai u ita khumbelo ya PAIA?

Vhahumbeli vha tea u badela tshelede musi vha tshi **humbela** u swikela rekhode u bva kha madzangano a tshitshavha na a phuraivete.

Tshelede ya u humbela rekhode u bva kha dzangano ḽa tshitshavha ndi **R35**, ngeno tshelede ya u humbela rekhode u bva kha dzangano ḽa phuraivete hu **R50**.

Ndi zwa ndeme u dzhiela nzhele zwa uri vhahumbeli vhane vha khou humbela u swikela mafhungo avho a vhuṅe vha vhofhololwe kha u badela tshelede; fhedziha, vha kha ḓi kombetshedzea u badela tshelede ya u swikela.

Vhahumbeli vha holaho tshelede ṱhukhu kha **R14, 712** nga ṅwaha (arali vha songo mala) na **R27,192** nga ṅwaha (arali vho malwa kana vha tshi dzulisana na mufunwa wavho), a VHA tei u badela tshelede ya khumbelo.

3.2.1 Ndi vhagai u swikela rekhode dza PAIA?

Vhahumbeli vha dovha hafhu vha kombetshedzea u badela tshelede ya u **swikela** rekhode dza madzangano a tshitshavha na a phuraivete. Tshelede i badela mitengo ya u ṱoḓa rekhode na u i kopa.

Tshelede ya u swikela rekhode dza madzangano a tshitshavha ndi:

MUSHUMO	TSHELEDE
Khophi ya siaṱari ḽa A4	60 cents
U ganḓisa kha siaṱari ḽa A4	40 cents
U kopa kha CD	R40
Ḽiṅwalo ḽa tshifanyiso kha siaṱari ḽa A4	R22
Khophi ya tshifanyiso	R60
Ḽiṅwalo ḽa mulaedza wo rekhodiwaho kha siaṱari ḽa A4	R12
Khophi ya mulaedza wo rekhodiwaho	R17
U ṱoḓa na ndugiselo ya rekhode ine ya ḓo bulwa	R15 nga awara kana tshipiḓa tsha hone, hu sa katelwi awara ya u thoma, i ṱoḓea nga nḓila i pfeseseaho u itela u ṱoḓa na u lugisela

Tshelede ya u swikela rekhode dza dzangano ḽa phuraivete ndi:

MUSHUMO	TSHELEDE
Khophi ya siaṱari ḽa A4	R1.10
U ganḓisa kha siaṱari ḽa A4	75 cents
U kopa kha CD	R70
Ḽiṅwalo ḽa tshifanyiso kha siaṱari ḽa A4	R40
Khophi ya tshifanyiso	R60
Ḽiṅwalo ḽa tshipitshi kha siaṱari ḽa A4	R20
Khophi ya tshipitshi	R30
U ṱoḓa na u lugisela rekhode ya u ḓo bulwa	R30 nga awara kana tshipiḓa tsha hone, hu sa katelwi awara ya u thoma, i ṱoḓea nga nḓila i pfeseseaho u itela u ṱoḓa na u lugisela.

Kha madzangano a tshitshavha na a phuraivete tshelede ya u posa i tea u badelwa nga muhumbeli uri rekhode dzawe dzi ḓo kona u rumelwa.

Phambuwi

Arali Muofisiri wa zwa Mafhungo, Mufarisa Muofisiri wa zwa Mafhungo, kana Ṱhoho ya dzangano ḽa tshitshavha/ phuraivete a tshi humbula uri khuvhanganyo na khophi dza maṅwalo zwi ḓo dzhia tshifhinga tshi fhiraho awara dza rathi, u tea u ḓivhadza muhumbeli, (nga nḓivhadzo ya tshiofisi), uri tsha raru tsha tshelede ya u swikela i badelwa phanḓa sa diphosithi.

Arali rekhode i songo ṋetshedzwa nga tshivhumbeo tshe ya humbelwa ngatsho, tshelede ya u swikela ye ya ṱoḓwa kha muhumbeli a i tei u fhira tshelede ye ya vha i tshi ḓo ṱoḓwa arali u swikela ho ṋetshedzwa nga tshivhumbeo tshe ya humbelwa ngatsho. Fhedziha, mulayo uyu a u shumi arali tshivhumbeo tshiṅwe tshi tshi ṱoḓiwa ngauri mafhungo a vho tea u bviswa u bva kha rekhode.

Arali muhumbeli a sa koni u vhala, u vhona kana u pfa rekhode i kha tshivhumbeo tsho farwaho nga dzangano ḽa tshitshavha nga nṱhani ha u vha na vhuholefhali, dzangano ḽa tshitshavha ḽi kombetshedzea u ṋetshedza rekhode nga tshivhumbeo tshine tsha swikelea nga muhumbeli. Tshelede ya u swikela i ṱoḓwaho u bva kha muhumbeli a i tei u fhira tshelede ye ya vha i tshi ḓo ṱoḓwa arali ho vha hu si na vhuholefhali..

3.3 Muofisiri wa zwa Mafhungo a nga nthusa ndi tshi ita khumbelo ya PAIA naa?

Musi khumbelo ya PAIA yo itwa kha dzangano ḽa tshitshavha, Muofisiri wa zwa Mafhungo kana Mufarisa Muofisiri wa zwa Mafhungo u tea u vha thusa musi vha tshi ḓadza fomo dza PAIA he zwa tea.

Thuso yo raliho i tea u ṋetshedzwa hu si na mbadelo.

MISHUMO YA VHAOFISIRI VHA ZWA MAFHUNGO	ṬHALUTSHEDZO
U thusa muhumbeli musi a tshi ḓadza fomo ya PAIA	Musi khumbelo ya PAIA i sa tevhedzi ṱhoḓea dzoṱhe dze dza dodombedzwa kha PAIA na kha fomo, Muofisiri wa zwa Mafhungo kana Mufarisa Muofisiri wa zwa Mafhungo a nga SI hane khumbelo. Madzuloni a izwo, Muofisiri wa zwa Mafhungo u tea u ḓivhadza muhumbeli, **nga u tou ṅwala**, uri u khou kundelwa u ṋetshedza khumbelo ngauri a yo ngo fhelela, a dovhe a ḓiṋetshedzele u ḓo thusa muhumbeli uri a ite tshanduko dzo teaho kha fomo. Arali muhumbeli a sa khou fhindula vhurifhi kana u lulamisa fomo nga tshifhinga tshi ṱanganedzeaho, zwenezwo Muofisiri wa zwa Mafhungo a nga hana khumbelo.
U ṋetshedza muhumbeli mafhungo one he zwa tea	Arali zwi tshi nga pfesesea na u konadzea u zwi ita, Muofisiri wa zwa Mafhungo **u tea** u ṋetshedza muhumbeli maṅwe mafhungo o farwaho nga dzangano ḽa tshitshavha ḽine na ḽone ḽo tea khumbelo, naho hu na uri rekhode dzo vha dzi si tshipiḓa tsha khumbelo ya u thoma.
U fhirisa khumbelo	Musi khumbelo ya PAIA yo rumelwa kha dzangano ḽa tshitshavha ḽi si ḽone, Muofisiri wa zwa Mafhungo wa dzangano iḽo **u tea** u fhirisela khumbelo kha dzangano ḽa tshitshavha ḽone kha **tshifhinga tsha maḓuvha a 14** a musi o ṱanganedza khumbelo nahone u tea u ḓivhadza muhumbeli nga ha u fhirisela nga u tou ṅwala.

Maḓuvha a 30 a u fhindula khumbelo	Khumbelo ya PAIA i tea u fhindulwa nga dzangano ḽa tshitshavha kana ḽa phuraivete hu sa athu u fhela maḓuvha a 30 nga murahu ha musi ho ṱanganedziwa khumbelo. Muofisiri wa zwa Mafhungo a nga humbela u engedzelwa tshifhinga tsha maḓuvha a sa fhiri maḓuvha o engedzwaho a 30, na uri nga nṱhani ha zwiitisi zwo tiwaho, zwine zwa katela khumbelo i re na (1) vuḽumu khulwane ya maṅwalo, (2) vhuvhudzisi kha maṅwe madzangano a tshitshavha kana a phuraivete, (3) kana arali muhumbeli o ṋetshedza thendelo ya u engedza nga u tou ṅwala. Hu tendelwa u engedza luthihi fhedzi kha khumbelo ya PAIA.
U ṋetshedza kana u hana u swikela	Ndi vhuḓifhinduleli ha Muofisiri wa zwa Mafhungo ha u ṋetshedza kana u hana u swikela rekhode. Tsheo iyi i tea u rumelwa kha muhumbeli yo tou ṅwalwa.
Tshivhumbeo tsha u swikela, tshelede ya u swikela na thandululo	Musi khumbelo ya PAIA yo ṋetshedzwa, Muofisiri wa zwa Mafhungo u tea u ḓivhadza muhumbeli nga ha tshivhumbeo tshine u swikela ha ḓo ṋetshedzwa ngatsho na nga tshelede ya u swikela, ine ya ḓo badelwa musi u swikela ho no ṋetshedzwa. Nḓivhadzo i tea hafhu u ḓivhadza muhumbeli uri u na pfanelo ya u ita aphiḽi ya nga ngomu na khumbelo ya khothe malugana na tshelede ya u swikela kana tshivhumbeo tshine u swikela ha ḓo ṋetshedzwa ngatsho. U engedza kha izwo, nḓivhadzo i tea hafhu u ṋetshedza mafhungo a tshifhinga tshine aphiḽi kana khumbelo ya khothe ya tea u dzheniswa kha faela khathihi na maitele ane a tea u tevhelwa.
U hana khumbelo	Arali khumbelo ya PAIA yo haniwa, nḓivhadzo i rumelwaho kha muhumbeli i tea u bula zwiitisi zwa u hana, zwine zwa tea u tikedzwa nga mbetshelwa dzo teaho dza PAIA. U fana na tshivhumbeo kana u swikela na tshelede ya u swikela, nḓivhadzo i tea u ṋetshedza muhumbeli mafhungo a elanaho na pfanelo yawe ya u aphiḽa tsheo kana u faela khumbelo kha khothe.
U fhirisela phanḓa tshifhinga tsha u bvisa rekhode	Muofisiri wa zwa Mafhungo a nga dzhia tsheo ya u fhirisela phanḓa tshifhinga tsha u bvisa rekhode kha muhumbeli u ya nga Khethekanyo ya 24 ya PAIA, arali rekhode iyi yo livhiswa kha u ganḓiswa kha maḓuvha a 90 kana arali rekhode i tshi kombetshedzea nga mulayo uri i ganḓiswe fhedzi i sa athu.

PAIA i bula kha Khethekanyo dza 23 (ya dzangano ḽa tshitshavha) na 55 (ya dzangano ḽa phuraivete) uri arali Muofisiri wa zwa Mafhungo a tshi khou kundelwa u wana rekhode yeneyo yo humbelwaho, kana hu tshi tendwa uri a iho, Muofisiri wa zwa Mafhungo u tea, nga murahu ha musi o no khwaṱhisedza uri maga oṱhe a pfeseseaho a u wana rekhode o dzhiwa, u rumela afidavithi kha muhumbeli ya u fha nḓivhadzo ya uri rekhode dzi no khou ṱoḓiwa a dziho kana a dzi wanali.

3.4 Ndi thasululo dzifhio dza zwa mulayo dzine ndi nga dzi shumisa musi khumbelo yanga ya PAIA yo haniwa?

Muhumbeli u na pfanelo ya u dzhia maga a mulayo a tshi dzhiela Muofisiri wa zwa Mafhungo, Mufarisa Muofisiri wa zwa Mafhungo, kana Ṱhoho ya dzangano ḽa tshitshavha kana ḽa phuraivete arali Muofisiri wa zwa Mafhungo o dzhia tsheo ya u:

- Hanela u swikela rekhode
- Engedza tshifhinga tsha u fhindula khumbelo
- Ṱoḓa tshelede ya khumbelo kana tshelede ya u swikela
- A ṋetshedza u swikela kha rekhode i kha tshivhumbeo tsho fhambanaho na tshe tsha humbelwa.

Khethekanyo iyi i ḓo ṱalutshedza thasululo dza mulayo dzine muhumbeli ane a tama u hanedza tsheo dza Vhaofisiri vha zwa Mafhungo a nga dzi shumisa.

3.4.1 Tshiko tsha thusokha madzangano a tshitshavha

Musi muhumbeli a songo takalela tsheo ye ya dzhiwa nga Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha, muhumbeli u na pfanelo ya u ita aphiḽi ya nga ngomu. Aphiḽi ya nga ngomu i katela muthu wa vhuimo ha nṱha ane a ḓo sedzulusa tsheo ya Muofisiri wa zwa Mafhungo a dzhia tsheo ya u sumbedza uri tsheo yo dzhiwaho ndi yone kana a si yone. Arali muthu o faraho poso khulwane a themendela tsheo ya Muofisiri wa zwa Mafhungo, zwenezwo aphiḽi ya nga ngomu i a haniwa nahone tsheo ya u thoma i elanaho na khumbelo ya PAIA i a khwaṱhisedzwa. Arali muthu wa vhuimo ha nṱha a sa themendele tsheo ya Muofisiri wa zwa Mafhungo, zwenezwo aphiḽi i a ṋetshedzwa nahone tsheo ya u thoma i elanaho na khumbelo ya PAIA i a humiselwa murahu.

Ndi zwa ndeme u dzhiela nzhele zwa uri vha nga swikisa aphiḽi ya nga ngomu kha mihasho ya lushaka, vunḓu na masipala. A hu na maitele a aphiḽi ya nga ngomu a shumaho kha maṅwe madzangano a tshitshavha.

Ḓorobo khulwane ya Cape Town ndi tsumbo ya muvhuso wa masipala une khawo aphiḽi ya nga ngomu i nga swikiswa. Vha Tshikwama tsha Khombo dza Badani ndi tsumbo ya dzangano ḽa tshitshavha ḽine ḽa sa vhe tshipiḓa tsha muvhuso wa lushaka, vunḓu kana wapo, sa afha tsho thomiwa nga mulayo (Mulayo wa Tshikwama tsha Khombo dza Badani), zwenezwoha aphiḽi ya nga ngomu a i koni u nga itwa khatsho.

3.4.1.1 Ndi nnyi ane a nga ita aphiḽi ya nga ngomu?

Muhumbeli a itaho khumbelo ya PAIA kha dzangano ḽa tshitshavha ḽa lushaka, vunḓu kana masipala a mbo ḓi hanelwa u swikela u na pfanelo ya u ita aphiḽi ya nga ngomu. Izwi zwi itwa nga u ḓadza **Fomo ya B** ya PAIA na u i ḓadza na dzangano ḽa tshitshavha ḽa lushaka, vunḓu kana masipala. Khophi ya Fomo ya B i nga wanala kha webusaithi ya madzangano o teaho ya dovha ya wanala kha ofisi iṅwe na iṅwe kha Khomishini ya Pfanelo dza Vhathu ya Afurika Tshipembe.

Arali aphiḽi ya nga ngomu i tshi katela muthu wa vhuraru, dzangano ḽa muvhuso ḽe ḽa ṱanganedza aphiḽi ya nga ngomu ḽi na vhuḓifhinduleli ha u kwama vhathu vha vhuraru vhoṱhe vho teaho. Ṱhoḓea dza u ḓivhadza na u imela dzi a fana na idzo dzine dza ṱoḓea kha khumbelo ya u thoma ya PAIA.

Vhathu vha vhuraru na vhone vha a tendelwa u ita aphiḽi ya nga ngomu kha tsheo yo dzhiwaho nga dzangano ḽa tshitshavha ya u ṋetshedza u swikela rekhode yo tiwaho.

3.4.1.2 Ndi lini hune vha nga ita aphiḽi ya nga ngomu?

Muhumbeli a nga ita aphiḽi ya nga ngomu kha tsheo ya dzangano ḽa tshitshavha nga zwiitisi zwi tevhelaho:

- Muhumbeli a songo fushea nga tshelede i ṱoḓeaho ya khumbelo.
- Muhumbeli a songo fushea nga tsheo ya u ṋetshedza maḓuvha a 30 a muengedzo wa phindulo ya khumbelo kha dzangano ḽa tshitshavha.
- Muhumbeli a songo fushea musi tshivhumbeo tshine rekhode dza ṋetshedzwa ngatsho tshi sa fani na tshivhumbeo tshe tsha humbelwa, nahone muhumbeli a tshi tenda zwa uri zwo vha zwi nga si vhe muhwalo kha dzangano ḽa tshitshavha u ṋetshedza rekhode nga tshivhumbeo tshine muhumbeli a ṱoḓa tshone.

3.4.1.3 Ndi itisa hani aphiḽi ya nga ngomu?

Aphiḽi ya nga ngomu i tea u itwa nga muhumbeli hu sa athu u fhira maḓuvha a 60 musi o ṱanganedza u haniwa ha khumbelo ya PAIA ya u thoma. Izwi zwi itwa nga u ḓadza **Fomo ya B** na u i swikisa kha muhasho wa muvhuso wa lushaka, vunḓu kana wa masipala wo teaho.

Muvhuso wa Lushaka	Arali khumbelo ya PAIA yo itwa kha muhasho wa lushaka, muhumbeli a nga ita aphiḽi ya nga ngomu kha Minisiṱa wa muhasho wonoyo.
Muvhuso wa Vunḓu	Arali khumbelo ya PAIA yo itwa kha muhasho wa vunḓu, muhumbeli a nga ita aphiḽi kha Muraḓo wa Khoro Ndanguli ya muhasho wonoyo.
Muvhuso wa Masipala	Arali khumbelo ya PAIA yo itwa kha muhasho wa masipala, muhumbeli a nga ita aphiḽi kha meyara wa masipala, kana mulangadzulo wa masipala, kana muṅwe muthu o tiwaho nga Khoro ya Masipala wo tiwaho.

Fomo ya B i swikiswa kha Muofisiri wa zwa Mafhungo/Mufarisa Muofisiri wa zwa Mafhungo onoyo we a hana khumbelo ya u thoma, ane zwa zwino u kombetshedzea u i isa kha muthu o faraho poso khulwane kha yawe.

NDI ZWAVHUḒI U ḒIVHA

Arali aphiḽi i tshi ṱoḓa uri nḓivhadzo i fhiwe muthu wa vhuraru (zwi amba uri, musi mafhungo a tshi katela mafhungo a vhuṋe a muṅwe muthu, khathihi na mafhungo a tshiphiri, mafhungo a zwa vhubindudzi o tiwaho, na mafhungo a vhuṱoḓesi a muthu wa vhuraru), zwenezwo aphiḽi i tea u itwa hu sa athu u fhela maḓuvha a 30 nga murahu ha musi nḓivhadzo yo bviswa.

Muhumbeli u tea u swikisa aphiḽi ya nga ngomu kha Muofisiri wa zwa Mafhungo wa dzangano ḽo teaho nga poswo, fakisi kana imeiḽi.

Aphiḽi ya nga ngomu i tea u katela thero ya aphiḽi ya nga ngomu, zwiitisi zwa u tikedza aphiḽi, na maṅwe mafhungo o teaho a ḓivhiwaho nga muthu a itaho aphiḽi.

Arali muhumbeli a takalela u nga ḓivhadzwa nga tsheo ya aphiḽi ya nga ngomu nga nḓila iṅwe, (nga nṱha ha phindulo yo tou ṅwalwaho), u tea u bula nḓila ine a i takalela na u ṋetshedza maṅwe mafhungo o teaho.

3.4.1.4 Hu itea mini musi aphiḽi ya nga ngomu i tshi itiwa nga murahu ha musi tshifhinga tsho randelwaho tsho fhira?

Musi aphiḽi ya nga ngomu i tshi itwa nga murahu ha tshifhinga tsha maḓuvha a 60 tsho fhela, dzangano ḽa tshitshavha ḽo teaho ḽi tea u ṱanganedza aphiḽi arali zwiitisi zwi pfalaho zwo itaho uri i itwe yo lenga zwa sumbedzwa. Musi dzangano ḽa tshitshavha ḽo teaho ḽi sa ṱanganedzi aphiḽi ya nga ngomu yo itwaho u lenga, ḽi tea u ṋetshedza nḓivhadzo kha muthu we a ita aphiḽi.

3.4.1.5 Mitengo ya aphiḽi dza nga ngomu ndi ifhio?

Muhumbeli ane a ita aphiḽi ya nga ngomu u kombetshedzea u badela tshelede yo randelwaho. Arali tshelede ya aphiḽi i tshi badelwa zwenezwo musi hu tshi itwa aphiḽi, tsheo i elanaho na aphiḽi i nga fhiriselwa phanḓa u swika tshelede i tshi badelwa.

NDI NGA FAELA KHUMBELO YA TSHEO YA DZANGANO ḼA TSHITSHAVHA KHOTHE NAA?

Ee. Arali muhumbeli a songo bvelela kha aphiḽi ya nga ngomu yawe na dzangano ḽa tshitshavha, kana arali dzangano ḽa tshitshavha ḽo hana u ṱanganedza aphiḽi ya nga ngomu yo ḓaho u lenga, kana arali muhumbeli a na mbilaelo nga nḓila ifhio na ifhio nga nṱhani ha tsheo yo dzhiwaho nga dzangano ḽa tshitshavha, muhumbeli a nga ita khumbelo kha khothe ya u thusiwa nga u ḓadza khumbelo hu sa athu u fhela maḓuvha a 30 o ṱanganedza tsheo. **Muhumbeli kana muthu wa vhuraru nga ita khumbelo kha khothe nga murahu ha maitele a aphiḽi ya nga ngomu o no vhiniwa**.

3.4.2 Tshiko tsha thuso kha madzangano a phuraivete

Musi muhumbeli a songo fushea nga tsheo yo dzhiwaho nga ṱhoho ya dzangano ḽa tshitshavha, sa tsumbo u hanela u swikela, u engedza tshelede ya u swikela, kana u engedza tshifhinga tsha u ṋea phindulo, muhumbeli a nga ita khumbelo ya u thusiwa kha khothe hu sa athu u fhela maḓuvha a 180 musi o wana tsheo ye ya vhanga mbilaelo. Tsheo ya dzangano ḽa phuraivete i ḓo sedzuluswa nga khothe nahone hu ḓo dzhiwa tsheo nga khothe ya uri u swikela hu a ṋetshedzwa kana hai.

BRUMMER V MINISIṬA WA MVELEDZISO YA MATSHILISANO

Kha fhungo iḽi dzikhothe dzo bula uri tshifhinga tsha u thoma tsha maḓuvha a 30 tshi re fhasi ha PAIA hune muhumbeli a nga ita khumbelo kha dzikhothe arali a songo fushea nga tsheo ya Muofisiri wa zwa Mafhungo we a sa kone u swikela ṱhoḓea dza u shumela vhulamukanyi. Zwenezwo ho mbo ḓi ṱahiswa ḽa uri tshifhinga tsha maḓuvha a 30 tsho vha tshi si tshone nahone tshi tea u engedzwa tsha vha maḓuvha a 180. Khaṱhulo iyi yo sumbedzwa kha Mulayo wa Tsireledzo ya Mafhungo a Vhuṋe muswa une wa bula uri hu na tshifhinga tsha maḓuvha a **180 tshine vhahumbeli vha nga swikisa mbilaelo kha Mulauli wa zwa Mafhungo, nga murahu ha u shumisa maitele a PAIA hu u itela u swikela rekhode ya vhuṋe.**

U swikela milandu ya mafhungo hu ḓo thetsheleswa kha Dzikhothe dza Madzhisiṱaraṱa sa khothe ya u thoma, sa zwe zwa ṋetshedzwa nga fhasi ha khethekanyo ya 79 ya PAIA na kha Khothe Khulwane.

3.4.3 Hu ḓo iteani kha mulandu wanga khothe?

Hu na khonadzeo dza mvelelo dzo vhalaho musi vha tshi isa mulandu wa PAIA khothe. Nga murahu ha u thetshelesa masia oṱhe a fhungo, mutshimbidzi a tshimbidzaho mulandu u na maanḓa a u ṋetshedza ndaela. Izwi zwi nga katela ndaela ine ya: (1) khwaṱhisedza, shandukisa, kana ya bvisa tsheo ya dzangano ḽa tshitshavha kana ḽa phuraivete zwi tshi elana na khumbelo ya PAIA; (2) i ṱoda dzangano ḽa tshitshavha kana ḽa phuraivete ḽi tshi dzhia ḽiga ḽo tiwaho kana u ḽitsha nyito yo tiwaho; (3) ya ṋetshedza ndaela ya u thivhelo, ndaela ya mulevho, thuso yo tiwaho, kana ndiliso; kana (4) ya ita khuwelelo ya mbadelo ya mitengo yeneyo.

KHETHEKANYO YA 4

Arali u swikela mafhungo hu tshi nga hanelwa

Khethekanyo iyi i katela:

4.1 U linganyisa pfanelo ya u swikela mafhungo na dziṅwe pfanelo

4.2 Zwiitisi zwi kombetshedzaho na zwa u tou funa zwa u lamba u swikela

4.3 Zwiitisi zwa u lamba u swikela mafhungo zwo dodombedzwaho kha PAIA

4.4 Ndingo ya dzangalelo ḽa tshitshavha

4.1 Arali u swikela mafhungo hu tshi nga hanelwa

Khethekanyo iyi i ṇetshedza manweledzo nga ha uri ndi lini hune u swikela mafhungo ha haniwa nga fhasi ha PAIA, na nyendedzi nga ha u shumisa milayo i tendelaho muofisiri wa zwa mafhungo uri a hane khumbelo. PAIA i dodombedza zwiitisi zwa 12 zwine ngazwo u swikela mafhungo hu nga haniwa nga muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha kana ḽa phuraivete, zwiṅwe zwa hone ndi zwa khombekhombe ngeno zwiṅwe zwi zwa u tou funa *(kha vha sedze khethekanyo ya 4.2. afha fhasi u itela maṅwe mafhungo)*. U engedza kha izwo PAIA i sika khethekanyo dza dzangalelo ḽa tshitshavha ine ya kunda zwiṅwe zwiitisi zwa u hana u swikela mafhungo nga nḓila i bveledzaho, arali dzangalelo ḽa tshitshavha kha mafhungo ḽa fhira nyofho. *(kha vha sedze khethekanyo ya 4.4 afha fhasi u itela maṅwe mafhungo)*.

U VHONA URI PFANELO YA U SWIKELA MAFHUNGO NA DZIṄWE PFANELO ZWI A LINGANA	
MULAYONYANGAREDZI	Pfanelo ya u swikela mafhungo i wanala kha Mulayotibe wa Pfanelo dza Vhuthu wa Mulayotewa wa Afurika Tshipembe. U itela u ṇea mveledzwa kha pfanelo iyi, u swikela mafhungo hu tea u ṇetshedzwa tshifhinga tshinzhi u ya nga hune zwa konadzea.
PHAMBUWI	U fana na dziṅwe pfanelo dzi re kha Mulayotibe wa Vhuthu, pfanelo ya u swikela mafhungo i nga elwa kana ya hanelwa kha nyimele dziṅwe. PAIA i dodombedze zwiitisi zwine ngazwo khumbelo dza mafhungo dzi nga haniwa, zwenezwo pfanelo ya u swikela mafhungo i nga elwa.

42 Zwiitisi zwi kombetshedzaho na zwa u tou funa zwa u hanela u swikela mafhungo

PAIA i bula uri kha nyimele dziṅwe mafhungo ha koni u nga bulwa nga muofisiri wa zwa mafhungo. Nga u pfufhifhadza, zwiitisi zwi itaho uri mafhungo a sa buliwe zwi elana na uri u buliwa ha mafhungo hu nga vhaisa u fhirisa u sa bula. Zwenezwo PAIA yo dodombedza zwiitisi zwa 12 zwine ngazwo u swikela mafhungo hu nga hanelwa nga muofisiri wa zwa mafhungo wa dzangano ḽa tshitshavha kana ḽa phuraivete *(zwiitisi izwi zwa 12 zwi ḓo bulwa nga vhuḓalo kha khethekanyo ya 4.3 afha fhasi)*. Zwiṅwe zwa izwi zwiitisi zwa u sa bulwa ndi zwa khombekhombe,zwi ambaho uri muofisiri wa zwa mafhungo **ha tei** u tendela u swikela mafhungo arali tshiṅwe tsha zwiitisi zwa u hanela u swikela mafhungo tsha khombekhombe tshi tshi nga vha hone. Zwiṅwe zwiitisi zwa u hanela u swikela mafhungo ndi zwine zwa ḓivhea sa u tou funa. Izwi zwi amba uri muofisiri wa zwa mafhungo a nga kana a sa bule mafhungo. Zwenezwo, muofisiri wa zwa mafhungo u tea u shumisa mihumbulo yawe musi a tshi dzhia tsheo ya bula kana u sa bula mafhungo. U tea u ita izwi nga u ṱola arali u bula zwi tshi nga vhaisa dzangano ḽa tshitshavha kana ḽa phuraivete u fhirisa u sa bula.

MAIPFI A PAIA ANE VHA TEA U A ḒIVHA …

U itela u hanelwa ha khombekhombe, PAIA i shumisa ipfi "**u tea**".

U itela u hanelwa ha u tou funa, PAIA i shumisa ipfi "**a nga**".

Kha vha elelwe: Sa Muofisiri wa zwa Mafhungo vha tea u dzula vha sa khou dzhia sia musi vha tshi khou shumisa tshiitisi tsha u hanela u swikela mafhungo. Vha songo dzhia sia. Kha vha fare vhathu nga nḓila i fanaho!

4.3 Zwiitisi zwa u hanela u swikela mafhungo

Sa zwe zwa ha bulwa afho nṱha hu na zwiitisi zwo fhambanaho zwine ngazwo khumbelo ya u swikela mafhungo i nga kana ya tea u haniwa nga Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha kana ḽa phuraivete. Zwiitisi izwi zwo dodombedzwa nga fhasi ha Ndima ya 4 ya Tshipiḓa tsha 2 tsha Dzangano ḽa Tshitshavha, na Ndima ya 4 ya Tshipiḓa tsha 3 tsha Dzangano ḽa Phuraivete kha PAIA.

4.3.1 Tsireledzo ya phuraivesi ya muthu wa vhuraru

Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha kana ḽa phuraivete ha tei u tendela u swikela mafhungo a vhuṋe a muthu, hu tshi katelwa na muthu o lovhaho *(u itela ṱhalutshedzo ya "muthu" kha vha sedze Maipfi a Vhuṱhogwa afho nṱha*). PAIA i bula uri u itela u tsireledza pfanelo ya phuraivesi ya muthu wa vhuraru ane a vha muthu, Muofisiri wa zwa Mafhungo u tea u sedza arali u ṋea mafhungo muhumbeli hu ambiwaho ngao 'zwi tshi ḓo katela u bula mafhungo a vhuṋe nga nḓila i si ya vhuḓi' (kha vha sedze khethekanyo dza 34 na 63 dza PAIA).

Khethekanyo ya 1 ya PAIA i ṋetshedza ṱhalutshedzo yo ṱanḓavhuwaho ya zwine mafhungo a katela "mafhungo a vhuṋe". I katela mafhungo a elanaho na vhudzekani, vhuimana, na vhurereli, khathihi na maṅwalo a vhuṋe, DNA, ganḓiso dza minwe, na nyimele hune dzina ḽa muthu ḽa vha ḽi kha rekhode.

Muofisiri wa zwa Mafhungo u tea hafhu u sedza arali mafhungo a vhuṋe hu ambiwaho ngao a tshi wela fhasi ha khethekanyo dzi tevhelaho dza mafhungo a vhuṋe ane a nga bulwa:

- Mafhungo a vhuṋe a muthu we a ṋea thendelo ya uri mafhungo aya a bviswe;
- Mafhungo a vhuṋe ane o no ḓi ḓivhadzwa tshitshavha;
- Mafhungo a vhuṋe a ṅwana wa vhukale ha fhasi ha 18 hune u bulwa ha mafhungo o raliho hu vhuedza ṅwana, na uri muhumbeli ndi muṱhogomeli wa ṅwana (zwi amba, mubebi kana muunḓi);
- Mafhungo a vhuṋe a muthu o lovhaho kha muthu ane a vha shaka ḽa tsini ḽa mufu, kana we a ṋewa thendelo (thendelo yo tou ṅwalwaho) nga shaka ḽa tsini;
- Mafhungo a vhuṋe a muthu o lovhaho lwa tshifhinga tshi fhiraho miṅwaha ya 20;
- Mafhungo a vhuṋe a muthu ane a vha kana we a vha e muofisiri kha dzangano ḽa tshitshavha kana phuraivete hune mafhungo a elana na vhuimo hawe sa muofisiri.

PAIA i ṱoḓa uri Vhaofisiri vha zwa Mafhungo u bva kha vha Tshumelo dza Mbuelo ya Afurika Tshipembe (SARS) vha sa bule mafhungo a vhuṋe a muthelo na mbuelo, nga nnḓani ha musi muhumbeli a tshi khou humbela u swikela mafhungo awe ene muṋe.

4.3.2 Tsireledzo ya mafhungo a vhuvhambadzi a muthu wa vhuraru

Vhaofisiri vha zwa Mafhungo vha madzangano a tshitshavha na a phuraivete **vha tea** u hana u swikela mafhungo arali u bvisa mafhungo ayo zwi tshi nga tshinyadza madzangalelo a zwa vhubindudzi kana masheleni a bindu. PAIA i vhea kha mutevhe mafhungo a zwa vhubindudzi a tevhelaho ane a nga si bulwe nga Muofisiri wa zwa Mafhungo:

- Zwiphiri zwa vhuvhambadzi;
- Mafhungo a masheleni, zwa vhubundudzi, saithifiki, vhuṱoḓesi kana thekinikaḽa nga muthu wa vhuraru ane, arali o bviswa, a nga vhaisa muthu wa vhuraru;
- Mafhungo e a ḓo ṋetshedzwa hu na u fulufhela muthu wa vhuraru.

Naho hu na mulayo wo ḓoweleaho wa u tsireledza mafhungo a khamphani, dzangano ḽa tshitshavha ḽi kombetshedzea u shuma nga nḓila i re khagala. Zwo ḓi ralo hu tea u dzhielwa nzhele uri hu na dziṅwe nyimele dzine mafhungo a zwa vhubindudzi a khamphani a nga bviswa.

U sa katelwa kha PAIA: Rekhode dza muthu wa vhuraru dzine dza vha na mafhungo a elanaho na tsireledzo ya tshitshavha kana khombo kha mupo dzi tea u bviswa, naho hu na uri u bviswa ha mafhungo o raloho zwi tshi nga vhaisa muthu wa vhuraru. Izwi zwi ita mafhungo a dzangalelo ḽa tshitshavha *(kha vha sedze khethekanyo ya 4.4 afha fhasi).*

4.3.3 Tsireledzo ya mafhungo a tshiphiri

PAIA i ṋetshedza mbetshelwa ya uri muofisiri wa zwa mafhungo **u tea** u hana u swikela rekhode arali u bviswa ha rekhode zwi tshi ḓo amba u pfukiwa ha vhuḓifhinduleli ha vhuḓifulufheli ha muthu wa vhuraru u ya nga thendelano kana khonṱhiraka.

4.3.4 Tsireledzo ya tsireledzo ya muthu na ndaka

Khethekanyo iyi i bula uri muofisiri wa zwa mafhungo **u tea** u hana u swikela rekhode arali u bulwa ha rekhode hu tshi nga lavhelelwa u isa tsireledzo ya muthu kana ndaka kha tshiimo tshi si tshavhuḓi. Khethekanyo iyi i na pfanelo ya phuraivesi sa afha i tshi dzhiela nṱha vhutshilo ha muthu na ndaka yawe.

4.3.5 Tsireledzo ya mafhungo kha maitele a zwa mulayo

Ndivho ya khethekanyo iyi ndi u tsireledza mafhungo a ṱoḓeaho kha maitele a u kombetshedza zwa mulayo na mulayo. Khethekanyo iyi i dzhiela nzhele miṅwe milayo i laulaho khethekanyo dziṅwe dza mafhungo. Kha nyimele ya khethekanyo iyi Mulayo wa Maitele a Vhutshinyi wa 51 wa 1977 u dzhielwa nzhele sa mulayo u laulaho rekhode dzi elanaho na maitele a beiḽi na maṅwe maitele a u kombetshedza mulayo. Tshiṅwe hafhu, izwi zwi shuma kha rekhode dzine dza vha dza tshiphiri u bva kha vhubveledzi. Nga maṅwe maipfi rekhode dzine a dzi wanali kha tshitshavha, nga nnḓani ha muthu ane a vha na thendelo ya u swikela rekhode idzo, sa tsumbo ramilayo ane a vha na vhushaka na muthusiwa. Rekhode ifhio na ifhio i na vhushaka vhukati ha ramilayo na muthusiwa wawe yawe yo tsireledzwa fhasi ha khethekanyo ya 40 ya PAIA.

Naho hu na uri PAIA i a ṱanganedza u vha hone ha miṅwe milayo i elanaho na ndangulo na u bulwa ha mafhungo na rekhode, kha nyimele hune mulayo wa hanela nga nḓila i sa pfali ya pfanelo dza u swikela mafhungo nahone zwi tshi hanedzana na milayo ya u vha khagala na vhuḓifhinduleli, PAIA i ḓo vha nga nṱha ha mulayo uyo.

4.3.6 Tsireledzo ya Mafhungo a Vhuṱoḓesi

Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha kana ḽa phuraivete u tea u hana u swikela rekhode dzine dza vha na mafhungo a elanaho na vhuṱoḓesi vhune ha vha kana ha ḓo itwa nga dzangano ḽa tshitshavha kana ḽa phuraivete ḽine ha khou ambiwa ngaḽo kana muthu wa vhuraru. U hana uhu ha u swikela mafhungo hu kha nyimele dzine u bulwa ha rekhode zwa ḓo bvisela khagala vhuṱoḓesi ha muthu wa vhuraru kana dzangano ḽa tshitshavha kana ḽa phuraivete, muthu kana tshiimiswa tshi itaho vhuṱoḓesi, kana fhungo ḽa vhuṱoḓesi kha nyimele i si yavhuḓi (*kha vha sedze kha khethekanyo ya 43 na ya 69 dza PAIA*).

4.3.7 Mafhungo ane a nga hanelwa u swikela khao

Khethekanyo dzi tevhelaho dza mafhungo dzi elana na mafhungo ane Muofisiri wa zwa Mafhungo a nga hana u swikela, arali a tshi nga kona u khwaṱhisedza uri mafhungo ane ha khou ambiwa ngao a wela fhasi ha khethekanyo dzi tevhelaho na uri a zwi ho kha dzangalelo ḽa tshitshavha u a bula (*u itela u wana mafhungo manzhi nga ha khethekanyo ya dzangalelo ḽa tshitshavha kha vha sedze khethekanyo 4.4 afha fhasi)*.

4.3.7.1 Vhupileli, tsireledzo zwa Afurika Tshipembe na vhushaka ha dzitshaka

Khethekanyo ya 41 ya PAIA i ṱoḓa muofisiri wa zwa Mafhungo a tshi dzhiela nzhele arali khumbelo ya mafhungo i tshi elana na mafhungo a tsireledzo ya Afurika Tshipembe. Muofisiri wa zwa Mafhungo a nga hana khumbelo arali a tshi nga khwaṱhisedza uri u bvisa mafhungo zwi ḓo vhea kha tshiimo tshi si tshavhuḓi tsireledzo ya Afurika Tshipembe.

4.3.7.2 Dzangalelo ḽa Afurika Tshipembe kha ikonomi, masheleni na vhuvhambadzi

Khethekanyo ya 42 ya PAIA i ṱoḓa tsireledzo ya mafhungo a dzangano ḽa tshitshavha arali u bulwa hao hu tshi ḓo vhaisa tshiimo tsha ikonomi na masheleni zwa Riphabuḽiki. Tshiitisi itshi tsha u hana ndi tou funa zwine zwa amba uri Muofisiri wa zwa Mafhungo u ḓo tea u dzhiela nzhele fhungo ḽa uri madzangano a tshitshavha o maanḓafhadzwa nga Mulayotewa wa Afurika Tshipembe uri a vhe na vhuḓifhinduleli kha Riphabuḽiki, na uri ndi kha nyimele dziṅwe fhedzi hune mafhungo a nga haniwa. Zwiṅwe hafhu, Muofisiri wa zwa Mafhungo u ḓo tea u sumbedza uri u bulwa ha mafhungo ane a khou ambiwa ngao zwi ḓo vhaisa madzangalelo a masheleni na ikonimi ya Afurika Tshipembe.

4.3.7.3 Mashumele a madzangano a tshitshavha

Khethekanyo ya 44 ya PAIAi ṋea Vhaofisiri vha zwa Mafhungo maanḓaa u lamba u swikelwa ha rekhode arali zwi tshi ḓo thithisa mashumele a dzangano ḽa tshitshavha. Khethekanyo ya 44 yo ṱanḓavhuwa, rekhode dzo vhalaho dzo ṅwalwaho fhasi ha mashumele dzi katela:

- Minetse ya miṱangano;
- Rekhodo dzi re na ngeletshedzo kana mihumbulo;
- Rekhode dzi elanaho na zwa vhuvhudzisi na maṅwe madzangano;
- Rekhode dzi elanaho na u vhumbiwa/sikiwa ha mbekanyamaitele kana themendelo.

4.3.7.4 “Khumbelo dzi si dza vhukuma kana dzi sinyusaho, kana u isa zwiko kha zwithu zwi sa ri tshithu”

Muofisiri wa zwa mafhungo a nga hana khumbelo ya mafhungo arali a tshi vhona uri u shuma khumbelo zwi nga tshinya tshifhinga na u tambisa zwiko. U engedza kha izwo Muofisiri wa zwa Mafhungo a nga hana u swikela rekhode arali khumbelo i tshi vhonala sa i si na mushumo kana yo itwa nga muhumbeli a tshi itela u sinyusa kana hu u levha.

4.4 Dzangalelo ḽa Tshitshavha ḽi bva Phanḓa

Tsireledzo dzoṱhe dzi ṋetshedzwaho mafhungo sa zwe zwa dodombedzwa afho nṱha dzi thudzelwa kule arali u bviswa ha mafhungo hu tshi ḓo vhuedza tshitshavha. Nga nḓila iyi ndingo ya dzangalelo ḽa tshitshavha i bva phanḓa ha zwiṅwe zwiitisi zwoṱhe zwa u hana u swikela mafhungo.

Ndingo i tevhelaho i tea u shumiswa nga Muofisiri wa zwa Mafhungo wa dzangano ḽa tshitshavha kana ḽa phuraivete hu sa athu lambiwa u tendela u swikela mafhungo a welaho fhasi ha khethekanyo ya sa bula yo dodombedzwaho afho nṱha. Arali nyimele idzi dzo swikelwa, mafhungo a tea u bulwa nga zwiitisi zwa dzangalelo ḽa tshitshavha.

Mafhungo a a sumbedza u pfukiwa ha mulayo nga maanḓa naa?

KANA

Rekhode hu no khou ambiwa nga hadzo dzi na mafhungo a elanaho na khombo kha tsireledzo ya tshitshavha i re tsini na u itea na u vha khulwane kana vhupo naa?

NA

Dzangalelo ḽa tshitshavha musi hu tshi ambululwa mafhungo ḽi fhira tshinyalelo ine ya nga vha hone nga kule naa?

KHETHEKANYO YA 5

Rifarentṣi dza ndeme na maṅwe mafhungo a vhuṱhogwa

Khethekanyo iyi i katela:

5.1 Mutevhe wa rifarentsi dza ndeme dzo shumiswaho hu tshi kuvhanganywa Nyendedzi iyi ya PAIA, hu tshi katelwa na milayo

5.2 Mutevhe wa zwiṅwe zwiko zwa vhuṱhogwa zwa PAIA

5.1 Rifarentsi dza vhuṱhogwa

TSHIKO	MUṄWALI
Promotion of Access to Information Act 2 of 2000	Vhusimamilayo
Protection of Personal Information Act 4 of 2013	Vhusimamilayo
PAIA Unpacked (available at www.saha.org.za)	SAHA
PAIA Resource Kit (available at www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (available at www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (available at www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (available at www.sahrc.org.za)	SAHRC

5.2 Milayo ya PAIA

GOVERNMENT NOTICE	DATUMU	ṰHOHO NA ṰHALUTSHEDZO
Government Notice: No. R. 1244	22 Khubvumedzi 2003	Khwiṋiso i elanaho na u wanalea ha bugupfarwa dza PAIA dza madzangano a tshitshavha na a phuraivete.
Government Notice: No. R. 187	15 Luhuhi 2002	Khwiṋiso kha PAIA malugana na Khethekanyo ya 10 ya Nyendedzi khathihi na u wanalea ha bugupfarwa dza PAIA.
Government Notice: No. R. 233	9 Ṱhafamuhwe 2001	Mulayo uyu u elana na mbadelo dzine dza badelwa u itela u swikela rekhode dza madzangano a tshitshavha na a phuraivete.
Government Notice No. R. 466	1 Fulwi2007	I katela fomo dzine Vhaofisiri vha zwa Mafhungo vha tea u tevhedza musi vha tshi ganḓisa ndivhadzo dza u bula nga u tou funa u ya nga khethekanyo ya 15 na ya 52 dza PAIA.

5.3 Khwiṇiso ya PAIA

GOVERNMENT NOTICE	DATUMU	ṬHOHO NA ṬHALUTSHEDZO
Government Notice No. 428	31 Ṭhafamuhwe 20004	Khwiṇiso kha khethekanyo ya 92(4) ya PAIA u itela uri i ḓo ṇetshedza mbetshelwa ya Vhutshinyi na Ndaṱiso kha vhathu vhane vha thithisa vho ḓiimisela khumbelo ya muhumbeli wa mafhungo, sa tsumbo, nga u tshinya dzirekhode.
Government Notice No. 96	15 Phando 2003	Khwiṇiso kha PAIA uri i ḓo ṇetshedza vhugudisi ha vhatshimbidzi kha Khothe dza Madzhisiṱaraṱa u itela uri vha ḓo thetshelesa mafhungo a PAIA.
Government Notice No. R. 187	15 Luhuhi 2002	Khwiṇiso kha PAIAmalugana na Khethekanyo ya 10 ya Nyendedzi iyi khathihi na u wanalea ha bugupfarwa dza PAIA.

5.4 Khwiṇiso kha Milayo ya PAIA

GOVERNMENT NOTICE	DATUMU	ṬHOHO
Government Notice: No. 1263	11 Lambamai 2003	Nḓivhadzo i elanaho na u wanalea ha bugupfarwa dza PAIA dza madzangano a phuraivete.

5.5 Zwiṅwe zwiko zwa ndeme zwa PAIA

1) **Using PAIA to Promote Housing Rights, SAHA** (i wanala kha www.saha.org).
2) **Accessing Information for Your Community, SAHA** (i wanala kha www.saha.org).
3) **Accessing Information in the LGBTI Sector, SAHA** (i wanala kha www.saha.org).

UMHLAHLANDLELA NGEKUSETJENTISWA KWEMTSETFO WEKUTFUTFUKISA KUTFOLAKALA KWELWATISO NOMBOLO 2 WANGA 2000

Nyendedzi Ya U Shumisa Mulayo Wa hu□huwedzo Ya U Swikela Mafhungo Wa 2 Wa 2000

XITSONGA

Webusayiti: www.sahrc.org.za

Imeyili: info@sahrc.org.za

Thwitara: @SAHRCommission

Feyisibuku: SAhumanrightscommission

Youtube: SAHRC1

Vuxokoxoko bya Vutihlanganisi bya Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga

Tihofisinkulu Joni

Riq: 011 877 3600 • Fekisi: 011 403 0684

Kapa-Vuhumadyambu Port Elizabeth

Riq: 043 722 7828 • Fekisi: 043 722 7830

Free State Bloemfontein

Riq: 052 447 1133 • Fekisi: 051 447 1128

KwaZulu-Natal Durban

Riq: 031 304 7323/4/5 • Fekisi: 031 304 7323

Limpopo Polokwane

Riq: 015 2913500 • Fekisi: 051 291 3505

Mpumalanga Nelspruit

Riq: 013 752 8292 • Fekisi: 013 752 6890

Kapa-N'walungu Upington

Riq: 054 332 3993/4 • Fekisi: 054 332 7750

North West Rustenburg

Riq: 014 592 0694 • Fekisi: 014 594 1089

Kapa-Vupeladyambu Kapa

Riq: 021 426 2277 • Fekisi: 021 426 2875

Ku kuma matwisiselo ya Xiletelo xa PAIA

Xiyenge xa 1
Manghenelo eka Xiletelo xa PAIA

Xiyenge xa 2
Laha u nga sungulaka kona ku kuma vuxokoxoko lebyi u byi lavaka

Xiyenge xa 3
Maendlelo ya xikombelo xa mfikelelo wa vuxokoxoko

Xiyenge xa 4
Nkarhi lowu mfikelelo wa vuxokoxoko wu nga /wu nga ha ariwaka

Xiyenge xa 5
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Matheme lama pfunaka

MATHEME	NHLAMUSELO
Hakelo ya mfikelelo	Leyi i hakelo leyi faneleke ku hakeriwa hi mukomberi eka nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo lowu eka wona u lavaka vuxokoxoko, ku fikelela tihakelo ta ku kuma na ku kandziyisa tirhekodo leti u tilavaka. *(Ku kuma vuxokoxoko byo tala hi tihakelo ta mfikelelo vona Xiyenge xa 3 xa Xiletelo lexi).*
Fomo ya A	Yi kumeka eka webusayiti ya Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga, na le ka tiwebusayiti ta mihlangano yin'wana yo hambanahambana ya vaaki/mfumo. Fomo leyi yi tirhisiwa ku kombela mfikelelo lowu wu khomiweke hi nhlangano wa vaaki/mfumo. *(Ku kuma vuxokoxoko byin'wana eka Fomo ya A na swikombelo swa mfikelelo wa vuxokoxoko eka mihlangano ya vaaki/mfumo vona Xiyenge xa 3 xa Xiletelo lexi).*
Fomo ya C	Yi kumeka emakumu ka PAIA, eka webusayiti ya Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga, na le ka tiwebusayiti ta tikhamphani tin'wana to hambanahambana leti nga riki ta vaaki/mfumo. Fomo leyi yi tirhisiwa ku kombela mfikelelo wa vuxokoxoko lebyi byi khomiweke hi nhlangano lowu nga riki wa vaaki/mfumo. *(Ku kuma vuxokoxoko byin'wana eka Fomo ya C na swikombelo swa mfikelelo wa vuxokoxoko eka mihlangano leyi nga riki ya vaaki/mfumo vona Xiyenge xa 3 xa Xiletelo lexi).*
Xiletelo	Swi vula Xiletelo lexa PAIA lexi xi hlengeletiweke na ku kandziyisiwa hi Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga, tanihilaha swi lulamiseriweke hakona eka Xiyenge xa 10 xa PAIA, ku pfuna vanhu hi ku tirhisa na ku twisisa PAIA.
Muofisiri wa Vuxokoxoko na Xandla xa Muofisiri wa Vuxokoxoko	Muofisiri wa Vuxokoxoko (mikarhi yin'wana loyi a vuriwaka IO) i munhu loyi a pfumeleriweke hi nhlangano lowu khumbekaka ku tirhana na swikombelo swa PAIA. Eka nhlangano wa vaaki/mfumo loyi i munhu loyi a nga murhangeri wa nhlangano kumbe loyi a khomelaka tanihi murhangeri wa nhlangano. Kutani eka masipala ku ta va mufambisi wa masipala; eka ndzawulo ya rixaka ku ta va Mulawuri-Jenerali; eka nhlangano wo tanihi Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga ku ta va CEO.
Aphili ya le Ndzeni (Fomo ya B)	Vakomberi va ta tirhisa Fomo ya B ya PAIA ku aphila xiboho lexi xi endliweke ntsena hi swiyenge swa mfumo wa rixaka, wa swifundzankulu na wa timasipala mayelana na mfikelelo wa vuxokoxoko. *(Ku kuma vuxokoxoko byin'wana eka tiaphili ta le ndzeni vona Xiyenge xa 3 xa Xiletelo lexi).*

Ntlawa wa vanhu	Khamphani kumbe nhlangano lowu wu voniwaka hi nawu tanihi vandla rin'we kumbe 'munhu' loyi a nga na timfanelo na vutihlamuleri.
Holobye	Laha ku vulavuriwaka hi Holobye swi fambelana na Holobye wa Vululami na Nhluvukiso wa Vumbiwa na Mitirho ya Makhotso.
Munhu wa ntumbuluko	Munhu wa xiviri, ku nga ri munhu wa xinawu kumbe ntlawa wa vanhu wo tanihi khamphani (vona ntlawa wa vanhu laha henhla).
Nhlangano lowu nga riki wa vaaki/mfumo	(Nakambe wu vuriwa khamphani leyi nga riki ya vaaki/mfumo, nhlangano), Lowu i munhu wa ntumbuluko kumbe ntlawa wa vanhu kumbe xinakulobye lexi xi khumbekaka kumbe xi khumbekeke eka vubindzurisi byihi kumbe byihi, bindzu kumbe ntirho naswona ku nga ri ntsena eka xiyimo xolexo.
Nhlangano wa vaaki/ mfumo	(Nakambe lowu wu vuriwaka khamphani leyi nga riki ya vaaki/mfumo, ndzawulo), leyi i ndzawulo yihi kumbe yihi kumbe nhlangano wa swiyenge swa mfumo wa rixaka, wa swifundzankulu na wa miganga. Nakambe wu katsa mihlangano yihi kumbe yihi leyi yi tirhaka ntirho kumbe vutihlamuleri bya mfumo hi nkarhi lowu rhekodo leyi khumbekaka yi tumbuluxiweke hawona.
Rhekodo	Vuxokoxoko byihi kumbe byihi lebyi kandziyisiweke ku karhi ku nga tekeriwi enhlokweni xivumbeko, ku katsa, tanihi xikombiso, timatheriyali ta vhidiyo sw.sw. Rhekodo leyi komberiwaka kusuka eka nhlangano wa vaaki/ mfumo kumbe lowu nga riki wa vaaki/mfumo swi ta vula rhekodo leyi a yi ri emavokweni ya nhlangano walowo ku karhi ku nga tekeriwi enhlokweni loko nhlangano walowo wu ri wona wu tumbuluxeke rhekodo leyi.
Hakelo ya xikombelo	Hakelo leyi yi faneleke ku hakeriwa ku endla xikombelo xa mfikelelo wa vuxokoxoko. Eka xikombelo xa vuxokoxoko xo ya eka nhlangano wa vaaki/ mfumo ku na hakelo leyi vekiweke ya R35; eka xikombelo xa vuxokoxoko xo ya eka nhlangano lowu nga riki wa vaaki/mfumo ku na hakelo leyi vekiweke ya R50. *(Ku kuma vuxokoxoko byin'wana eka tihakelo ta xikombelo na mpfumelelo wa ku nga hakeli vona Xiyenge xa 3 xa Xiletelo lexi).*
Mukomberi	Mukomberi i munhu wa ntumbuluko kumbe ntlawa wa vanhu lowu wu endlaka xikombelo xa mfikelelo wa vuxokoxoko hi ku yimela munhu un'wana wo karhi.
Vandla leri nga riki n'wini	Leswi swi vula munhu wa ntumbuluko kumbe ntlawa wa vanhu lowu nga riki mukomberi wa vuxokoxoko, naswona a hi nhlangano lowu xikombelo xa vuxokoxoko xi endliwaka eka wona

Nxaxamelo wa maritonkomiso

Maritonkomiso lama landzelaka ya kumeka eka Xiletelo lexi na swipfuno swin'wana leswi hakanyingi swi tirhisiwaka swa PAIA:

DIO	Xandla xa Muofisiri wa Vuxokoxoko
IO	Muofisiri wa Vuxokoxoko
ODAC	Senthara ya Vutsundzuxi ya Xidemokirasi lexi Pfulekeke
PAIA	Nawu wa Nkondletelo wa Mfikelelo wa Vuxokoxoko wa 2 wa 2000
PPIA	Nawu wa Nsirhelelo wa Vuxokoxoko bya Munhu wa 4 wa 2013
SAHA	Tiakhayivhi ta Matimu ya Afrika-Dzonga
SAHRC	Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga

XIYENGE XA 1
Manghenelo

Xiyenge lexi xi katsa:

1.1 Xikongomelo xa Xiletelo lexa PAIA

1.2 Matimu ya PAIA

1.3 Xikongomelo xa PAIA na matirhiselo ya yona

1.4 Ntirho wa Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga

1.1 Xikongomelo xa Xiletelo lexa PAIA

Xiletelo lexi xi nyikaka vuxokoxoko hi Nawu wa Nkondletelo wa Mfikelelo wa Vuxokoxoko wa (PAIA) 2 wa 2000. Xiletelo lexa PAIA xi ta pfuna vanhu eka ku endla swikombelo swa vuxokoxoko ehansi ka PAIA, na ku nyika swikombiso swa hilaha PAIA yi tirhisiweke hakona eka nkarhi lowu nga hundza ku antswisa timfanelo ta ximunhu. Yi endla leswi hi ku nyika:

- Nkatsakanyo wo olova ku twisisa wa PAIA
- Swiphemuphemu swa hilaha PAIA yi nga tirhisiwaka hakona ku antswisa timfanelo tin'wana ta ximunhu
- Nxaxamelo wa mixaka ya vuxokoxoko lebyi byi nga komberiwaka hi ku tirhisa PAIA
- Xiletelo xa goza-hi-goza xa matirhiselo ya PAIA ku endla xikombelo xa vuxokoxoko
- Nkatsakanyo wa tidyondzo leti ti dyondziweke kusuka eka xikombelo xa nkarhi lowu nga hundza xa vuxokoxoko na milandzu ya khoto ya PAIA

1.2 Matimu ya PAIA

Loko Vumbiwa bya Afrika-Dzonga byi pfapfarhutiwile eka nkarhi lowu landzelaka ku wa ka Xihlawuhlawu hi va1990, mihlangano yo hambanahambana na vanhu va lulamisile mapfhumba ya ku katsiwa ka mfanelo ya mfikelelo wa vuxokoxoko. A ku languteriwa leswaku ku katsiwa ka mfanelo leyi eka Tsalwa ra Timfanelo – Kavanyisa ka 2 ka Vumbiwa – swi ta tiyisisa leswaku mixaniso yo tanihi Xihlawuhlawu yi nga ha tshuki yi va kona tanihileswi mfumo na tikhamphani leti nga riki ta vaaki/mfumo a ti ta boheka ku endla himukhuva wa vutihlamuleri na nkavuciva hi ku nyika mfikelelo wa vuxokoxoko, naswona hikokwalaho, a ti nga ta kota ku tumbela hi papa ra xihundla.

Hi 1996 Vumbiwa wa Riphabuluki ya Afrika-Dzonga byi sungule ku tirha. Xiyenge xa 32 xi hlayisile mfanelo ya mfikelelo wa vuxokoxoko lebyi byi khomiweke hi havumbirhi bya mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo. Leswi, hi nkarhi wa kona, a swi ri xiphemu xa nawu emisaveni lexi xi engeteleke mfanelo ya mfikelelo wa vuxokoxoko ku fika eka vuxokoxoko lebyi byi khomiweke hi mihlangano leyi nga riki ya vaaki/mfumo. Xiyenge xa 32 xi tlhele xi vula leswaku milawu yi fanele ku pasisiwa leyi nga humelerisa mfanelo ya mfikelelo wa vuxokoxoko hi ku koxometa tindlela leti hatona vuxokoxoko kusuka eka mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo byi nga ta hlahluviwa, na hi ku nyika vuxokoxoko byin'wana hi swivangelo leswi ehansi ka swona mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo yi nga ta kota ku ala mfikelelo wa vuxokoxoko.

Hi 2000 Nawu wa Nkondletelo wa Mfikelelo wa Vuxokoxoko (PAIA) ekuheteleleni wu vile nawu, swi karhi swi humelerisa xipimelo xa Xiyenge xa 32 xa Vumbiwa xa ku pasisiwa ka nawu wa mfikelelo wa vuxokoxoko.

1.3 Xikongomelo xa PAIA na matirhiselo ya yona

Xikongomelo xa PAIA i ku kondletela mfanelo ya mfikelelo wa vuxokoxoko, ku hlohlotela mfuwo wa nkavuciva na vutihlamuleri eAfrika-Dzonga. Ku yisa emahlweni PAIA yi na xikongomelo xa ku khutaza xidemokirasi lexi pfulekeke laha vanhu kusuka eka swiyimo hinkwaswo swa vutomi va havexerisiwaka matimba ya ku vulavurisana na mfumo na ku nghenelela eka swiboho leswi swi khumbaka vutomi bya vona.

Mfanelo ya mfikelelo wa vuxokoxoko i mfanelo leyi nga faniki na yin'wana tanihileswi yi kotisaka ku humelerisiwa ka timfanelo tin'wana ta ximunhu: leyi i yin'wana ya tindlela ta nkoka swinene leti PAIA yi nga tirhisiwaka eka tona.

Mphakelo wa vukorhokeri bya mfumo

» PAIA yi nga tirhisiwa ku havexerisa vanhu hi vuxokoxoko lebyi habyona va nga endlaka leswaku mfumo wu tihlamulela eka mphakelo wa wona wa vukorhokeri bya masungulo byo tanihi tiyindlu, mati na nkululo.

Timfanelo leti nga eka vumbiwa ta vaaki na ta xipolitiki

» PAIA yi nga tirhisiwa ku hlengeleta vuxokoxoko lebyi vanhu va nga byi tirhisaka ku tirhisa timfanelo to tanihi mfanelo ya ku vhota na mfanelo ya ku va na ntshunxeko wa ku hlengeletana.

Xihlawuhlawu na Ndzingano

» PAIA yi nga tirhisiwa tanihi xitirho xo seketela ku lwisana na xihlawuhlawu, xo tanihi xihlawuhlawu ku ya hi nghohe, rimbewu, sw.sw., eka mihlangano yo hambanahambana ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo.

I swa nkoka ku tekela enhlokweni leswaku PAIA a yi nge koti ku tirhisiwa ku kuma tirhekodo ku va ti tirhisiwa eka vumangalelani bya xinawu bya mikwetlembetano na bya vugevenga, ku katsa na le ndzhaku ka ku sungula ka vumangalelani byolebyo, na loko nkandziyiso kumbe mfikelelo wa rhekodo leyi hi xikongomelo xo fana wu sirheleriwile hi nawu *(vona Xiyenge xa 7 xa Nawu lowu).*

1.4 Ntirho wa Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga

Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga (SAHRC) yi lerisiwile ehansi ka PAIAku:

» Kondletela mfanelo ya mfikelelo wa vuxokoxoko
» Veka tihlo eka matirhiselo ya PAIA hi mihlangano yo hambanahambana ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo
» Endla swibumabumelo ku tiyisa Nawu lowu
» Vikela Palamende lembe na lembe

Nawu wa Nsirhelelo wa Vuxokoxoko bya Munhu

Nawu wa Nsirhelelo wa Vuxokoxoko bya Munhu wa 4 wa 2013 (PPIA) wu cinca PAIA hi tindlela to tala. Yin'wana ya tindlela ta nkoka leti hatona Nawu lowu wu cincaka PAIA yi fambelana na ntirho wa SAHRC. Ehansi ka PPIA mitirho ya SAHRC hi ku ya hi PAIA yi ta hundziseriwa eka Mulawuri wa Vuxokoxoko, nhlangano lowuntshwa lowu tiyimelaka lowu wu nga ta tumbuluxiwa ku veka tihlo eka havumbirhi bya PPIA na PAIA, na ku tirhana na swivilelo leswi swi fambelanaka na mfikelelo wa vuxokoxoko na nsirhelelo wa vuxokoxoko bya munhu.

Hambiswiritano, SAHRC yi ta tama ya ha ri na vutiboheleri bya yona lebyi nga eka Vumbiwa bya ku kondletela, ku sirhelela na ku veka tihlo mfanelo ya mfikelelo wa vuxokoxoko tanihileswi swi nga xiswona eka timfanelo hinkwato letin'wana leti hlayisiweke eka Tsalwa ra Timfanelo.

XIYENGE XA 2

Kulava vuxokoxoko lebji lavaku

Xiyenge lexi xi katsa:

2.1 Laha u nga kumaka kona swiletelo na tibukumpfuno leti tirhisekaka ku ku pfuna eka ku endla swikombelo swa vuxokoxoko

2.2 I mani loyi u nga tihlanganisaka na yena ku kuma ku pfuneka loko u tshuka u lava swihi kumbe swihi

2.3 Leswi mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo yi lavekaka ku endla swona ku pfuna valavi va vuxokoxoko

2.4 Vuxokoxoko byin'wana bya kumeka xikan'wekan'we handle ko fanela ku endla xikombelo xa ximfumo, xiyenge lexi xi ta nyika nkatsakanyo wa laha leswi swi nga fikeleriwaka kona

2.1 Ku tilulamisela ku sungula

Xikongomelo xa PAIA i ku kondletela hindlela ya nkhinkhi rixaka leri vanhu va Afrika-Dzonga va nga na mfikelelo lowu vuyerisaka wa vuxokoxoko ku va kotisa ku tirhisa hi vutalo na ku sirhelela hinkwato ta timfanelo ta vona. Kambe mikarhi yin'wana munhu a nga ha kanakana hi laha a faneleke ku sungula kona na hilaha a nga endlaka hakona ku fikelela vuxokoxoko hi ku landza PAIA. PAIA yi vhumba xiphiqo lexi naswona hintiyiso yi lerisa leswaku swiletelo swo karhi na tibukumpfuno swi kandziyisiwa ku kunguhata maendlelo yo yisa emahlweni ya valavi va vuxokoxoko. Xiyenge lexi xi ta nyika nkatsakanyo wa swiletelo leswi na tibukumpfuno, vutihlamuleri bya vakandziyisi va swiletelo leswi na timbukupfuno leti, na, swa nkoka ku tlula hinkwaswo, laha va nga ti kumaka kona.

Hakunene, xin'wana xa switirho swa matimba swinene leswi munhu a nga swi tirhisaka ku kuma mfikelelo wa vuxokoxoko i xikombelo xa ximfumo xa vuxokoxoko lexi xi endliwaka hi ku landza PAIA, lexi xiletelo lexi xi nga ta ku pfuna hi swona. Kambe tsundzuka, leyi a hi ndlela yi ri yoxe leyi hayona u nga landzelerisaka vuxokoxoko. Vuxokoxoko byin'wana bya kumeka xikan'wekan'we handle ko endla xikombelo xa ximfumo xa PAIA. Eka swiyimo swin'wana, nawu hintiyiso wu lava havumbirhi bya mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo ku paluxa vuxokoxoko byo karhi eka mani na mani. Xiyenge lexi xi tlhela xi nyika nkatsakanyo wa laha vuxokoxoko lebyi byi nga kumekaka kona.

Nawu wa Nkondletelo wa Mfikelelo wa Vuxokoxoko wu languteriwa ku va xiphemu xa milawu lexi havexerisaka matimba lexi xi pfunaka Maafrika-Dzonga **hinkwavo**. Xi endleriwa ku va nawu lowu wu olovaka ku wu twisisa naswona lowu munhu un'wana na un'wana a nga kotaka ku wu tirhisa. Munhu a nga lavi gqwetha ku endla xikombelo xa vuxokoxoko hi ku landza PAIA. Xiletelo lexi xi kandziyisiwile ku endlela ku pfuna Maafrika-Dzonga kusuka eka swiyimo hinkwaswo swa vutomi ku kondletela mfanelo ya vona leyi hlayisiweke eka vumbiwa ya mfikelelo wa vuxokoxoko.

2.2 Xiletelo xa PAIA

Xiyenge xa 10 xa PAIA xi lava leswaku Khomixini yi hlengeleta na ku kandziyisa xiletelo lexi tirhisekaka hi ku olova eka ku fikelela tirhekodo na tidokhumente na ku tirhisa mfanelo ya munhu ku kuma vuxokoxoko. Xiletelo lexi mikarhi yin'wana xi vuriwa 'Xiletelo xa Xiyenge xa 10'.

Xi ku nyika vuxokoxoko hinkwabyo lebyi u byi lavaka ku fikelela tirhekodo tihi kumbe tihi. Nakambe xi xaxameta vuxokoxoko bya vutihlanganisi bya tindzawulo ta mfumo na mihlangano leyi hlayisaka tirhekodo ta mfumo, xikan'we na vuxokoxoko bya vutihlanganisi bya tikhamphani leti nga riki ta vaaki/mfumo to hambanahambana.

2.2.1 Laha xiletelo lexi xi nga kumekaka kona

Xiletelo lexi xa kumeka hi tindzimi hinkwato ta ximfumo ta Afrika-Dzonga: Xinghezi, Xibunu, Xindhevele, Xiqhoza, Xizulu, Xipedi, Xisuthu, Xitswana, Xiswazi, Xivhenda na Xitsonga. Mikandziyiso ya xiletelo lexi yi nga kumeka eka tihofisinkulu na tihofisi hinkwato ta swifundzankulu ta Khomixini (vuxokoxoko bya vutihlanganisi bya tihofisi byi nga kumeka emakumu ka Xiletelo lexi). Hi ku engetela, tikhopi ta xielekitironiki ta kumeka eka webusayiti ya Khomixini (www.sahrc.org.za).

2.3 Tibukumpfuno ta PAIA

Hi ku engetela eka Xiletelo xa Xiyenge xa 10 xa PAIA xi fanele ku landzeleriwa hi Khomixini, PAIA yi tlhela yi lava nhlangano wun'wana na wun'wana wa vaaki/mfumo, xikan'we na mihlangano leyi nga riki ya mfumo, ku humesa bukumpfuno leyi yi nga na vuxokoxoko hi matirhiselo ya PAIA ku fikelela tirhekodo ta vona vini.

2.3.1 Tibukumpfuno ta PAIA ta mihlangano ya vaaki/mfumo

Xiyenge xa 14 xa PAIA xi lava leswaku mihlangano hinkwayo ya vaaki/mfumo yi kandziyisa bukumpfuno hi mpimo wa le hansi hi tindzimi tinharhu ta ximfumo leti ti pfunetaka valavi va vuxokoxoko ku endla swikombelo ku endla swikombelo swa vuxokoxoko kusuka eka nhlangano lowu khumbekaka. Hi mpimo lowutsongo swinene, bukumpfuno leyi yi fanele ku va na vuxokoxoko byo tirhiseka lebyi landzelaka:

XILAVEKO	NHLAMUSELO
Xileriso	Xivumbeko na mitirho ya nhlangano wa vaaki/mfumo.
Vuxokoxoko bya vutihlanganisi	Adirese ya poso na ya xitarata, nomboro ya riqingho na ya fekisi na, loko yi ri kona, adirese ya imeyili ya muofisiri wa vuxokoxoko wa nhlangano wa vaaki/mfumo, xikan'we na ya xandla xa muofisiri wa vuxokoxoko xa nhlangano lowu wa vaaki/mfumo
Xiletelo xa Xiyenge xa 10 xa PAIA	Nhlamuselo ya Xiletelo lexi xi hlengeletiweke hi Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga na mafikelelo ya xona.
Mikhetekanyo ya tirhekodo leti khomiweke	Vuxokoxoko lebyi eneleke ku pfuneta eka ku humelerisa mfikelelo wa rhekodo leyi yi khomiweke hi nhlangano wa vaaki/mfumo. Nhlangano wa vaaki/mfumo hikokwalaho wu fanele wu hlamusela timhaka leti wu khomaka tirhekodo hi tona, na mikhetekanyo ya tirhekodo leti khomiweke eka mhaka yin'wana na yin'wana.
Vuxokoxoko lebyi kumekaka xikan'wekan'we	Vuxokoxoko byin'wana byi kumeka xikan'wekan'we handle ka ku va munhu a fanele ku kombela mfikelelo hi ku ya hi PAIA. Bukumpfuno ya nhlangano wa vaaki/mfumo yi fanele ku kombisa vuxokoxoko lebyi byi kumekaka xikan'wekan'we.
Vukorhokeri bya nhlangano wa vaaki/mfumo	Nhlamuselo ya vukorhokeri lebyi kumekaka eka vaaki kusuka eka nhlangano wa vaaki/mfumo, na makumelo ya mfikelelo wa vukorhokeri byolebyo.
Ku nghenelela ka vaaki	Nhlamuselo ya malulamiselo wahi kumbe wahi kumbe xipimelo xa ku va u lava switsundzuxo, u nyika nhlamuselo kumbe u nghenelela eka kumbe u hlohlotela ku tumbuluxiwa ka pholisi; kumbe ku tirhisiwa ka matimba kumbe ku tirhiwa ka mitirho hi nhlangano lowu wa vaaki/mfumo.
Ndlela yin'wana yo pfuna	Goza leri u nga ri tekaka loko muofisiri wa vuxokoxoko wa nhlangano wa vaaki/mfumo a ku alela mfikelelo wa vuxokoxoko.

2.3.2 Laha u nga kumaka kona bukumpfuno ya nhlangano wa vaaki/mfumo

Mihlangano ya vaaki/mfumo yi fanele ku endla bukumpfuno leyi u yi kuma hi ku olova. Hi mpimo lowutsongo, yi nga endla tano hi tindlela leti landzelaka:

- Hi ku endla khopi yi kumeka eka hofisi yin'wana na yin'wana ya nhlangano walowo wa vaaki/mfumo hi nkarhi wa ntirho;
- Hi ku endla bukumpfuno leyi yi kumeka eka webusayiti, loko yi ri kona, ya nhlangano wa vaaki/mfumo

Tanihilaha swi vuriweke hakona laha henhla, **Nawu wa Nsirhelelo wa Vuxokoxoko bya Munhu** wa 4 wa 2013 (PPIA) wu cinca PAIA hi tindlela to tala. Yin'wana ya leti yi hi mayelana na tibukumpfuno ta Xiyenge xa 14 ta mihlangano ya vaaki/mfumo. Ehansi ka PPIA, tibukumpfuno leti a ta ha fanelangi ku yisiwa eka Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga, kambe ti fanele ku kumeka hi ku tirhisa Inthanete na ku endliwa ti kumeka eka munhu un'wana na un'wana loyi a kombelaka khopi.

2.3.3 Tibukumpfuno ta PAIA eka mihlangano leyi nga riki ya vaaki/mfumo

Mihlangano leyi nga riki ya vaaki/mfumo na yona ya laveka ku hlengeleta bukumpfuno. Leswi swi fambisana na Xiyenge xa 51 xa PAIA. Eka nkarhi wa sweswi, a hi mihlangano hinkwayo leyi nga riki ya vaaki/mfumo leyi hintiyiso yi lavekaka ku landzelela xiyenge lexi.[1] Hikokwalaho, u ta kuma leswaku nhlangano lowu u tsakelaka ku kombela vuxokoxoko eka wona wu hava bukumpfuno ku ku nyika. Leswi a swi vuli leswaku nhlangano lowu a wu fanelangi ku landzelela PAIA hi ku angarhela. U nga tama wa ha endla xikombelo xa vuxokoxoko eka nhlangano lowu naswona va tama va ha laveka hi nawu ku tirha xikombelo xa wena. Endlelo ra ku endla xikombelo xa vuxokoxoko hi ku landza PAIA ri tama ra ha fana, hambiloko vandla leri komberiweke ri tshunxiwile ku va ri nga hlengeleti bukumpfuno.

XANA HI YIHI MIHLANGANO LEYI NGA RIKI YA VAAKI/MFUMO LEYI NGA FANELANGIKI KU KANDZIYISA BUKUMPFUNO YA VUXOKOXOKO?

Ndlela leyi marito ya Nawu lowu ya veketeriweke hayona yi vula leswaku mihlangano HINKWAYO leyi nga riki ya vaaki/mfumo yi hlengeleta bukumpfuno. Hambiswiritano, Holobye a nga ha tshunxa mihlangano yo karhi leyi nga riki ya vaaki/mfumo kumbe mikhetekanyo ya mihlangano ku va yi nga kandziyisi bukumpfuno. Eka nkarhi wa sweswi, Holobye u tshunxile mihlangano HINKWAYO leyi nga riki ya vaaki/mfumo ku va yi nga hlengeleti tibukumpfuno ku fikela hi siku ra 1 Sunguti 2016 HANDLE KA LOKO nhlangano wa kona wu wela eka mikhetekanyo leyi koxometiweke laha hansi.

[1] Leswi swi ta cinca hi siku ra 31 N'wendzamhala 2015, loko mihlangano hinkwayo ya vaaki/mfumo yi ta va yi fanele ku va na bukumpfuno hi ku landza xiyenge xa 51 xa PAIA.

Tikhamphani leti landzelaka leti nga riki ta vaaki/mfumo ti fanele ku hlengeleta bukumpfuno ya PAIA loko ti thola ku tlula 50 wa vatirhi eka tiindasitiri leti landzelaka kumbe ti ri na mpindzulo wa lembe na lembe lowu wu tlulaka ntsengo lowu wu xaxametiweke:

INDASITIRI/VUMAKI	MPINDZULO WA LEMBE NA LEMBE
Vurimi	R2 wa timiliyoni
Migodi na Ku Cela Mihoncho	R7 wa timiliyoni
Vuendli hi Michini	R10 wa timiliyoni
Gezi, Gasi na Mati	R10 wa timiliyoni
Vumaki bya Miako	R5 wa timiliyoni
Vuxavisi na Mabindzu yo Xavisa ya Mimovha na Vukorhokeri bya Vulunghisi	R15 wa timiliyoni
Mabindzu ya Holiseli, Vayimeri va Mabindzu na Vukorhokeri lebyi Tirhisanaka	R25 wa timiliyoni
Vuphameri, Byetlelo na Mabindzu Man'wana	R5 wa timiliyoni
Vuhlayiselo na Vuhlanganisi	R10 wa timiliyoni
Vukorhokeri bya Timali na Mabindzu	R10 wa timiliyoni
Vukorhokeri bya Muganga, byo Hlawuleka na bya Munhu	R5 wa timiliyoni

Holobye u tlhele a vula leswaku tikhamphani hinkwato leti ti nga hlamuseriwangiki tanihi 'tikhamphani leti nga riki ta vaaki/mfumo' ehansi ka Xiyenge xa 1 xa Nawu wa Tikhamphani wa 71 wa 2008 ti laveka ku va ti hlengeleta bukumpfuno ya Xiyenge xa 51.

2.3.4 Laha u nga kumaka kona bukumpfuno ya nhlangano lowu nga riki wa vaaki/mfumo

Mihlangano hinkwayo leyi nga riki ya vaaki/mfumo leyi yi lavekaka ku hlengeleta bukumpfuno yi fanele ku endla bukumpfuno leyi u yi kuma hi ku olova. Eka mpimo wa le hansi, yi laveka ku endla tano hi tindlela leti landzelaka:

- Hi ku endla khopi yi kumeka ku va yi kamberiwa eka hofisi yin'wana na yin'wana ya nhlangano wolowo lowu nga riki wa vaaki/mfumo. Nhlangano lowu nga riki wa mfumo wu nga ka wu nga koxi hakelo ya ku kamberiwa;
- Hi ku endla bukumpfuno leyi yi kumeka eka webusayiti ya vona.

2.3.5 Mahlengeletelo loko u ri khamphani leyi nga riki ya vaaki/mfumo

Ku na ndzetelo wo pfuna wa Vaofisiri va Vuxokoxoko va tikhamphani leti nga riki ta vaaki/mfumo leti ti lavaka ku landzelela Xiyenge xa 51 xa PAIA eka webusayiti ya Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga (www.sahrc.org.za). Leswi swi katsa thempuleti leyi chichekaka leyi Vaofisiri va Vuxokoxoko va nga yi tirhisaka tanihi kungu ro fikelela xikongomelo.

Hi ku ya hi Xiyenge xa 51, murhangeri wa nhlangano lowu nga riki wa vaaki/mfumo u fanele ku:

- Pfuxeta ku cinca kwihi kumbe kwihi ka matheriyali lowu nga eka bukumpfuno leyi nkarhi na nkarhi;
- Endla bukumpfuno leyi yi kumeka tanihilaha swi lawuleriweke hakona hi Nawu lowu eka tihofisi ta khamphani na le ka webusayiti ya vona;
- U fanele ku khomanisa fomo ya xikombelo (Fomo ya C ya PAIA) eka bukumpfuno na ku tlhela a endla tifomo ta xikombelo ti kumeka eka webusayiti na le ka miako hinkwayo ya khamphani.

Bukumpfuno leyi yi fanele hi mpimo wa le hansi yi va na vuxokoxoko lebyi landzelaka:

XILAVEKO	NHLAMUSELO
Vuxokoxoko bya vutihlanganisi	Adirese ya poso na ya xitarata, nomboro ya riqingho na ya fekisi na loko yi ri kona, adirese ya imeyili ya Muofisiri wa Vuxokoxoko wa nhlangano wa khamphani leyi nga riki ya mfumo.
Vuxokoxoko lebyi kumekaka xikan'wekan'we	Vuxokoxoko byin'wana byi kumeka xikan'wekan'we handle ka ku va munhu a fanele ku kombela mfikelelo hi ku landza PAIA. Bukumpfuno ya khamphani leyi nga riki ya vaaki/mfumo yi fanele ku kombisa vuxokoxoko lebyi kumekaka. xikan'wekan'we.
Tirhekodo leti kumekaka hi ku komberiwa	Bukumpfuno ya Xiyenge xa 51 yi fanele ku xaxameta mikhetekanyo ya tirhekodo leti ti kumekaka hi ku komberiwa.
Endlelo ra PAIA	Katsakanya endlelo ra PAIA leri faneleke ku landzeleriwa ku kombela mfikelelo wa vuxokoxoko kusuka eka khamphani leyi nga riki ya vaaki/mfumo (h.l. Fomo ya C).
Vuxokoxoko bya Khamphani	Ku katsa na vuxokoxoko bya murhangeri wa khamphani kumbe CEO wa khamphani (tanihileswi swi nga xiswona hi ku landza PAIA Muofisiri wa Vuxokoxoko wa khamphani leyi nga riki ya vaaki/mfumo hi ntolovelo i CEO kumbe murhangeri).
Tihakelo	Vula mukomberi na tihakelo ta mfikelelo leti khumbekaka hi ku landza PAIA (vona Xiyenge xa 3 ku kuma vuxokooko byo yisa emahlweni).
Ndlela yin'wana yo pfuna	Xana i maololoxelo wahi lama kumekaka eka vakomberi loko xikombelo xa vona xa vona xa vuxokoxoko xi ariwile?
Vuxokoxoko byi Yisa Emahlweni	Vuxokoxoko byihi kumbe byihi byo yisa emahlweni lebyi byi fambelanaka na swikombelo swa mfikelelo wa tirhekodo.

2.4 Vuxokoxoko lebyi kumekaka xikan'wekan'we lebyi byi khomiweke hi nhlangano wa vaaki/mfumo

A hi vuxokoxoko hinkwabyo lebyi lavaka xikombelo xa ximfumo ku va byi fikeleriwa. Mihlangano yo hambanahambana ya vaaki/mfumo ya laveka himukhuva wa milawu yo hambanahambana ku endla vuxokoxoko byo karhi byi kumeka eka mani na mani. Hambi ku ri eka ku hundza leswi, mihlangano yo tala yi ta paluxa vuxokoxoko byo yisa emahlweni hi ku swi tshunxekela hikwalaho ka swivangelo swa nkavuciva, vutihlamuleri na ku olovisela vaaki. Ku kondletela mpaluxo hi ku swi tshuxekela wa vuxokoxoko na ku humelerisa mfikelelo lowukulu wa vuxokoxoko lebyi, Xiyenge xa 15 xa PAIA xi lava mihlangano hinkwayo ya vaaki/mfumo ku va yi kandziyisa nxaxamelo, lowu wu tivekaka tanihi '**xitiviso xa Xiyenge xa 15'** kumbe **'xitiviso xa mpaluxo hi ku swi tshunxekela'**, wa hinkwabyo vuxokoxoko lebyi khumbaka nhlangano wolowo lebyi byi kumekaka xikan'wekan'we eka munhu un'wana na un'wana.

Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo u laveka ku va a tumbuluxa xitiviso xa mpaluxo hi ku swi tshunxekela xa nhlangano wa vaaki/mfumo na ku xi endla xi kumekaka eka tihofisi ta nhlangano lowu wa vaaki/mfumo xikan'we na ku xi kandziyisa eka Gazete ya Mfumo. Xitiviso xa mpaluxo hi ku swi tshunxekela xi fanele ku pfuxetiwa lembe rin'wana na rin'wana.

Xitiviso xa mpaluxo hi ku swi tshunxekela xi na mikhetekanyo ya tirhekodo na nhlamuselo ya tirhekodo toleto leti ti kumekaka xikan'wekan'we:

- Ku va ti kamberiwa hi ku landza nawu wihi kumbe wihi handle ka PAIA;
- Ku va ti xaviwa kumbe ti khopiwa kusuka eka nhlangano wa vaaki/mfumo; na
- Kusuka eka nhlangano wa vaaki/mfumo mahala.

Xitiviso xa mpaluxo hi ku swi tshunxekela xi fanele ku hlamusela mafikelelo ya tirhekodo leti ti paluxiwaka hi ku swi tshunxekela na ku va ti kumeka xikan'wekan'we. Ku hava xivangelo xa ku endla xikombelo xa ximfumo ku va tirhekodo to karhi loko tirhekodo toleto se ti paluxiwile hi ku swi tshunxekela naswona ti kumeka xikan'wekan'we. Eka swiyimo swo tala, hakelo ya laveka hi xikongomelo xa leswaku xikombelo xa ximfumo xi tirhiwa naswona leswi swi nga teka kufika eka 30 wa masiku. Leswi swi nga ha papalatiwa loko u rhanga u kamba xitiviso xa mpaluxo hi ku swi tshunxekela na ku kumisisa loko rhekodo leyi u yi lavaka yi kumeka xikan'wekan'we kumbe swi nga ri tano.

Hambileswi swi bohaka ku va nhlangano wa vaaki/mfumo wu kandziyisa xitiviso xa mpaluxo hi ku swi tshunxekela, a hi xiendlo lexi 'tshunxekeriwaka' hi nhlangano wa vaaki/mfumo. Xitiviso xi vuriwa 'xitiviso xa mpaluxo hi ku swi tshunxekela' hikuva xi nyika xitiviso xa hinkwabyo vuxokoxoko lebyi byi paluxiweke hi ku swi tshunxekela, ku nga ri hikwalaho ka ku swi ya hi mavonelo ya Muofisiri wa Vuxokoxoko loko swi fanerile ku kandziyisa nxaxamelo wa xiviri kumbe swi nga ri tano.

2.5 Vuxokoxoko lebyi kumekaka xikan'wekan'we lebyi byi khomiweke hi khamphani kumbe nhlangano lowu nga riki wa vaaki/mfumo

Tanihilaha swi nga hi xiswona hi mihlangano ya vaaki/mfumo, mihlangano leyi nga riki ya vaaki/mfumo na yona yi nga ha khoma vuxokoxoko lebyi u nga kotaka ku byi fikelela handle ka ku endla xikombelo xa ximfumo. Ku nga si endliwa xikombelo xa ximfumo xa vuxokoxoko hi ku landza PAIA lexi xi tikombaka xi ta khumba hakelo na 30 wa masiku ya nkarhi wo rindzela, kumisisa loko vuxokoxoko lebyi byi kumeka xikan'wekan'we handle ka ku endla xikombelo xa ximfumo.

Murhangeri wa nhlangano lowu nga riki wa vaaki/mfumo, hi ku va a swi tshunxekela na ku va hi nkarhi wo karhi, a nga ha tumbuluxa nxaxamelo wa vuxokoxoko lebyi kumekaka xikan'wekan'we kusuka eka nhlangano lowu nga riki wa vaaki/mfumo handle ka ku va u endla xikombelo xa ximfumo. Nxaxamelo lowu wu vuriwa '**xitiviso xa Xiyenge xa 52'** kumbe '**xitiviso xa mpaluxo hi ku swi tshunxekela.**'

Swi karhi swi hambana na mihlangano leyi nga riki ya vaaki/mfumo laha vaofisiri va vuxokoxoko wa nhlangano wa vaaki/mfumo va **faneleke** ku kandziyisa xitiviso xa mpaluxo hi ku swi tshunxekela, muofisiri wa vuxokoxoko wa nhlangano lowu nga riki wa vaaki/mfumo a nga **boheki** ku endla tano. Hi ku landza PAIA yi vulaka hakona, "hi ku va a swi tshuxekela a nga ha" kandziyisa nxaxamelo wo tano. Loku i ku hambana lokukulu exikarhi ka xitiviso xa xiyenge xa 52 xa mihlangano leyi nga riki ya vaaki/mfumo na xitiviso xa xiyenge xa 15 xa mihlangano ya vaaki/mfumo.

Xitiviso xa mpaluxo hi ku swi tshunxekela xa nhlangano lowu nga riki wa vaaki/mfumo xi na mikhetekanyo ya tirhekodo na nhlamuselo ya tirhekodo letiya ti kumekaka xikan'wekan'we:

- Ku va ti kamberiwa hi ku landza nawu wihi kumbe wihi handle ka PAIA;
- Ku va ti xaviwa kumbe ku kandziyisiwa kusuka eka nhlangano wa vaaki/mfumo; na
- Kusuka eka nhlangano wa vaaki/mfumo mahala.

Xitiviso xa mpaluxo hi ku swi tshunxekela xi fanele xi tlhela xi hlamusela mafikelelo ya tirhekodo leti ti paluxiwaka hi ku swi tshunxekela na ku va tikumeka xikan'wekan'we.

XIYENGE XA 3

Maendlelo ya xikombelo ku kuma mfikelelo wa vuxokoxoko

Xiyenge lexi xi katsa leswi landzelaka:

3.1 Mixaka ya swikombelo

3.2 Tihakelo leti fambelanaka na ku endla swikombelo

3.3 Ntirho wa Muofisiri wa Vuxokoxoko

3.4 Ndlela yin'wana yo pfuna ya xinawu

3 Xana ndzi endlisa ku yini xikombelo xa PAIA?

Xikombelo xa mfikelelo wa vuxokoxoko xi nga endliwa eka havumbirhi bya mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo. Munhu loyi a endlaka xikombelo u tiveka tanihi “mukomberi”. PAIA yi koxometa tindlela to hambanahambana ta ku fikelela vuxokoxoko ku nga va kusuka eka nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo. Tifomo to karhi leti lawuleriweke ti fanele ku tirhisiwa loko ku komberiwa vuxokoxoko. Tifomo leti yi kumeka eka PAIA.

MUXAKA WA NHLANGANO	FOMO YA PAIA	XIYENGE XA PAIA
Nhlangano wa vaaki/mfumo	Fomo ya A	Xiyenge xa 18
Nhlangano lowu nga riki wa vaaki/mfumo	Fomo ya C	Xiyenge xa 53

Tifomo ti fanele ku kumeka eka tiwebusayiti ta havumbirhi bya mavandla ya vaaki/mfumo na lama nga riki ya vaaki/mfumo. Ti nga tlhela ti kumeka eka hofisi yin’wana na yin’wana ya xifundzankulu ya Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga, xikan’we na le ka webusayiti eka www.sahrc.org.za.

3.1 Xana i mani a nga endlaka xikombelo xa PAIA?

Munhu wihi kumbe wihi wa pfumeleriwa ku endla xikombelo ehansi ka PAIA. Mukomberi a nga ha va:

Munhu wa ntumbuluko

» munhu loyi a nga boheki ku va a ri muakatiko wa Afrika-Dzonga kumbe mutshami wa Afrika-Dzonga ,

Kumba

Ntlawa wa vanhu

» wo tanihi bindzu kumbe nhlangano,

Kumba

Munhu loyi a endlaka hi ku yimela munhu wa ntumbuluko kumbe ntlawa wa vanhu

Mukomberi u na mfanelo ya ku fikelela tirhekodo leti ti nga na vuxokoxoko bya munhu hi mayelana na mukomberi hi yexe, kumbe hi mayelana na munhu loyi xikombelo xi endliwaka hi ku yimela yena.

Nhlangano wa vaaki/mfumo wu tekiwa tanihi ntlawa wa vanhu naswona wu nga ha endla xikombelo xa mfikelelo wa tirhekodo leti ti khomiweke hi mihlangano leyi nga riki ya vaaki/mfumo, ***ntsena loko*** nhlangano lowa vaaki/mfumo (1) wu endla hindlela leyi vuyerisaka vaaki, na (2) loko tirhekodo leti ti lavekaka ku humelerisa kumbe ku sirhelela timfanelo tihi kumbe tihi handle ka letiya ta nhlangano wa vaaki/mfumo.

I swa nkoka ku tekela enhlokweni leswaku PAIA a yi lulamiseli ngopfungopfu tindzawulo ta mfumo (ku katsa na marhavi ya rixaka, ya xifundzankulu na ya masipala), na munhu wihi kumbe wihi kumbe nhlangano lowu wu tirhisaka matimba kumbe wu endlaka ntirho hi ku landza Vumbiwa, (wo tanihi Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga na Hofisi ya Musirheleri wa Vaaki), kumbe vumbiwa bya xifundzankulu (byo tanihi Huvo yo Nyika Tilayisense ta Byalwa ya Kapa-Vupeladyambu), ku endla swikombelo swa PAIA eka mavandla man’wana ma vaaki/mfumo.

3.1.1 Xana ndzi yi tatisa njhani fomo ya xikombelo xa PAIA?

Xikombelo xa mfikelelo wa vuxokoxoko lebyi byi khomiweke hi nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo xi endliwa hi ku tatisa fomo ya xikombelo xa PAIA na ku yi yisa eka nhlangano lowu faneleke. Xikombelo xa PAIA xi fanele xi kongomisiwa eka Muofisiri wa Vuxokoxoko, Xandla xa Muofisiri wa Vuxokoxoko kumbe murhangeri wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo, naswona u fanele ku tirhisa vuxokoxoko bya vutihlanganisi bya nkhaqato na ku va lebyi pfuxetiweke.

Hi ku engetela eka ku nyika vuxokoxoko hi mayelana na nhlangano lowu faneleke, fomo ya xikombelo ya PAIA leyi lawuleriweke yi katsa leswi landzelaka:

VUXOKOXOKO LEBYI LAVEKAKA	NHLAMUSELO
Vuxokoxoko bya mukomberi	Vuxokoxoko byo ringanela hi mayelana na mukomberi ku endla swi olova hindlela yo tivikana ku tiva mukomberi, ku katsa na vuxokoxoko bya vutihlanganisi bya mukomberi: adirese ya poso, adirese ya imeyili, nomboro ya fekisi na/kumbe ya riqingho ya le Afrika-Dzonga.
Vuxokoxoko bya rhekodo leyi komberiwaka	Vuxokoxoko byo ringanela hi mayelana na rhekodo leyi ku yi endla yi olova ku yi tiva. Phepha ro engetela ri nga ha tirhisiwa ku koxometa xikombelo lexi, ntsena loko pheji yin'wana na yin'wana yo engetela yi sayiniwile na ku khomanisiwa eka fomo ya xikombelo.
Mukhuva wa mfikelelo wa rhekodo	Nhlamuselo ya muxaka kumbe mukhuva lowu rhekodo yi faneleke ku nyikiwa hawona kumbe ku endliwa yi fikeleleka hawona.
Mukhuva lowu mukhomberi wa mfikelelo a nga ta tivisiwa hawona	Mukhuva lowu mukomberi a nga ta tivisiwa hawona hi mayelana na xiboho xa ku nyika kumbe ku ala xikombelo.
Ririmi leri hlawuriwaka	Loko xikombelo xi endliwa eka **nhlangano wa vaaki/mfumo**, ririmi leri tsakeriwaka leri harona u nga ta kuma rhekodo leyi ri fanele ku nyikiwa.
Xiyimo xa munhu loyi a pfumeleriweke ku endla xikombelo	Loko xikombelo xi endliwa hi ku yimela munhu un'wana wo karhi, vumbhoni bya xiyimo lexi munhu loyi a endlaka xikombelo lexi eka xona byi fanele ku nyikiwa (loyi a tivekaka tanihi munhu loyi a pfumeleriweke).
Timfanelo leti khumbekaka	Loko xikombelo xi endliwa eka **nhlangano lowu nga riki wa vaaki/mfumo,** mukomberi u fanele ku vula mfanelo leyi yi kombisiweke na ku hlamusela ku hikwalaho ka yini rhekodo leyi yi laveka eka ku tirhisiwa kumbe ku sirheleriwa ka mfanelo yaleyo yo kongoma.

Vakomberi lava va nga kotiki ku hlaya kumbe ku tsala va nga endla swikombelo swa nomu eka Muofisiri wa Vuxokoxoko kumbe Xandla xa Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo, loyi yena a nga ta va na vutihlamuleri bya ku tatisa Fomo ya A hi ku yimela mukomberi.

3.1.2 Xana ku na endlelo leri ri faneleke ku landzeleriwa loko ku endliwa xikombelo xa PAIA?

Mukomberi u fanele ku nyikiwa mfikelelo wa tirhekodo leti ti komberiweke loko a landzelerile swilaveko leswi landzelaka swa maendlelo:

- Xikombelo xa PAIA xi fanele ku endliwa eka fomo leyi lulameke (Fomo ya A ya mihlangano ya vaaki/mfumo, Fomo ya C ya mihlangano leyi nga riki ya vaaki/mfumo), naswona yi kongomisiwa eka Muofisiri wa Vuxokoxoko kumbe Xandla xa Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo, kumbe eka Murhangeri wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo.
- Fomo ya xikombelo xa PAIA yi fanele ku yisiwa hi voko, yi posiwa, yi fekisiwa kumbe yi rhumeriwa hi imeyili eka nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo lowu xikombelo xi endliweke eka wona.
- Tirhekodo leti ti komberiweke a ti fanelangi ku lawuriwa hi swivangelo swa ku ariwa leswi lulamiseriweke ehansi ka PAIA**.**

3.2 Xana hi tihi tihakelo ta ku endla xikombelo xa PAIA?

Vakomberi va laveka ku hakela hakelo loko va **kombela** mfikelelo wa tirhekodo ta kusuka eka havumbirhi bya mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo.

Hakelo ya ku kombela tirhekodo kusuka eka nhlangano wa vaaki/mfumo i **R35,** loko hakelo ya ku kombela tirhekodo kusuka eka nhlangano lowu nga riki wa vaaki/mfumo yi ri **R50.**

I swa nkoka ku tekela enhlokweni leswaku vakomberi lava va kombelaka mfikelelo wa vuxokoxoko bya vona vini va tshunxiwile eka ku hakela hakelo, hambiswiritano va tama va ha laveka ku hakela tihakelo ta mfikelelo.

Vakomberi lava va holaka ehansi ka **R14, 712** hi lembe (loko va nga ri na vukati) na **R27,192** hi lembe (loko va tekile/tekiwile kumbe va ri eka vutomi bya xinakulobye), a VA FANELANGI ku hakela tihakelo ta xikombelo.

3.2.1 Xana hi tihi tihakelo ta ku fikelela tirhekodo ehansi ka PAIA?

Vakomberi va tlhela va laveka ku hakela tihakelo ta ***ku fikelela*** tirhekodo ta mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo. Hakelo leyi yi angarhela tihakelo ta ku hangunuxiwa ka rhekodo leyi na ku yi kandziyisa.

Swiphemuphemu swa tihakelo ta ku fikelela tirhekodo ta mihlangano ya vaaki/mfumo hi leswi:

NGHINGIRIKO	HAKELO
Khopi hi pheji ya A4	60 wa tisente
Ku pirinta hi pheji ya A4	40 wa tisente
Khopi ya CD	R40
Ku thayipiwa ka swifaniso swo voniwa hi pheji ya A4	R22
Khopi ya xifaniso xo voniwa	R60
Ku thayipiwa ka nkandziyiso wo yingiseriwa hi pheji ya A4	R12
Khopi ya nkandziyiso wo yingiseriwa	R17
Ku hangunuxiwa na ku lulamisiwa ka rhekodo leyi ku va yi paluxiwa	R15 hi awara kumbe xiphemu xa yona, ku karhi ku nga katsiwi awara yo sungula, leyi lavekaka hindlela yo tivikana eka ku hangunuxiwa na ku lulamisiwa

Swiphemuphemu swa tihakelo ta ku fikelela tirhekodo ta nhlangano lowu nga riki wa vaaki/mfumo hi leswi:

NGHINGIRIKO	HAKELO
Khopi hi pheji ya A4	R1.10
Ku pirinta hi pheji ya A4	75 wa tisente
Khopi ya CD	R70
Ku thayipiwa ka xifaniso xo voniwa hi pheji ya A4	R40
Khopi ya xifaniso xo voniwa	R60
Ku thayipiwa ka nkandziyiso wo yingiseriwa hi pheji ya A4	R20
Khopi ya nkandziyiso wo yingiseriwa	R30
Ku hangunuxiwa na ku lulamisiwa ka rhekodo ku va yi paluxiwa	R30 hi awara kumbe xiphemu xa yona, ku karhi ku nga katsiwi awara yo sungula, leyi lavekaka hindlela yo tivikana eka ku hangunuxiwa na ku lulamisiwa.

Tihakelo to posa ti fanele ku hakeriwa hi mukomberi ku va ku fikisiwa tirhekodo ta yena eka xiyimo xa havumbirhi bya mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo.

Ku tshunxiwa ku nga humesi tihakelo

Loko Muofisiri wa Vuxokoxoko, Xandla xa Muofisiri wa Vuxokoxoko, Murhangeri wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo a ehleketa leswaku ku hlengeletiwa na ku kandziyisiwa ka tidokhumente swi ta teka nkarhi wo leha ku tlula tsevu wa tiawara, u fanele ku tivisa mukomberi, (hi xitiviso xa ximfumo) leswaku n'wexanharhu xa hakelo ya mfikelelo yi fanele ku hakeriwa tanihi dipoziti.

Loko rhekodo leyi yi nga nyikiwi hi xivumbeko lexi komberiwaka, hakelo ya mfikelelo leyi yi koxiwaka mukomberi a yi fanelangi ku hundza hakelo leyi a yi ta va yi koxiwile loko mfikelelo a wu nyikiwa hi xivumbeko lexi komberiwaka. Hambiswiritano, nawu lowu a wu tirhi loko xivumbeko xin'wana xi laveka hikuva vuxokoxoko byi fanele byi tsemiwa kusuka eka rhekodo leyi.

Loko mukomberi a nga swi koti ku hlaya, ku vona kumbe ku twa rhekodo leyi hi xivumbeko lexi yi khomiweke haxona hi nhlangano wa vaaki/mfumo hikwalaho ka vutsoniwa, nhlangano wa vaaki/mfumo wu laveka ku nyika rhekodo leyi hi xivumbeko lexi xi fikelelekaka hi mukomberi. Hakelo ya mfikelelo leyi koxiwaka mukomberi a yi fanelangi ku hundza hakelo leyi a yi ta va yi koxiwile eka vutsoniwa.

3.3 Xana Muofisiri wa Vuxokoxoko a nga ndzi pfuna ku endla xikombelo xa PAIA?

Loko xikombelo xa PAIA xi endliwa eka nhlangano wa vaaki/mfumo, Muofisiri wa Vuxokoxoko kumbe Xandla xa Muofisiri wa Vuxokoxoko u fanele a ku pfuna laha swi lavekaka ku tatisa tifomo ta PAIA.

Mpfuneto wo tano wu fanele ku nyikiwa mahala.

MITIRHO YA VAOFISIRI VA VUXOKOXOKO	NHLAMUSELO
U pfuna mukomberi hi ku tatisa fomo ya PAIA	Loko xikombelo xa PAIA xi nga landzeleli hinkwaswo swa swilaveko leswi vekiweke leswi koxometiweke eka PAIA na le ka fomo, Muofisiri wa Vuxokoxoko kumbe Xandla xa Muofisiri wa Vuxokoxoko a NGA KA A NGA ali xikombelo lexi. Ematshan'weni, Mukomberi wa Vuxokoxoko u fanele ku tivisa mukomberi, **hi ku tsala**, leswaku a nga swi koti ku nyika xikombelo lexi hikuva a xi helelangi, naswona a tinyikela ku pfuna mukomberi ku endla ku cinca loku lavekaka eka fomo. Loko mukomberi a nga hlamuli papila kumbe a lulamisa fomo leyi hi mpimo lowu tivikanaka wa nkarhi, kutani Muofisiri wa Vuxokoxoko a nga ha ala xikombelo lexi.
U nyika mukomberi vuxokoxoko lebyi faneleke laha swi kotekaka	Loko swi ta va swi tivikana na ku va swi ta koteka ku endla tano, Muofisiri wa Vuxokoxoko u *fanele* ku nyika mukomberi vuxokoxoko byihi kumbe byihi byin'wana lebyi byi khomiweke hi nhlangano wa vaaki/mfumo lebyi nakambe byi fambelanaka na xikombelo, hambiloko tirhekodo a ti nga ri xiphemu xa xikombelo xa masungulo.

Xikombelo xo hundzisela	Loko xikombelo xa PAIA xi endliwa eka nhlangano wa vaaki/mfumo lowu hoxekeke, Muofisiri wa Vuxokoxoko u **fanele** ku hundzisela xikombelo lexi eka nhlangano wa vaaki/mfumo lowu lulameke **ku nga si hela 14 wa masiku** ya ku kuma xikombelo lexi naswona u fanele ku tivisa mukomberi hi ku hundziseriwa loku hi ku tsala.
30 wa masiku ku hlamula xikombelo	Xikombelo xa PAIA xi fanele ku hlamuriwa hi nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo ku nga si hela 30 wa masiku endzhaku ka ku kuma xikombelo. Muofisiri wa Vuxokoxoko a nga ha kombela ku engeteriwa ka nkarhi lowu wu nga riki ku tlula 30 wa masiku yo engetela, na hi swivangelo swo kongoma, leswi swi katsaka ku va xikombelo xi khumba (1) ntsengo lowukulu wa tidokhumente, (2) ku tihlanganisa na mavandla man'wana ya vaaki/mfumo kumbe lama nga riki ya vaaki/mfumo, (3) kumbe loko mukomberi a nyikile engetelo hi ku tsala. Ko va engetelo wun'we ntsena wu pfumeleriwaka hi xikombelo xa PAIA**.**
Ku nyika kumbe ku ala mfikelelo	I vutihlamuleri bya Muofisiri wa Vuxokoxoko ku nyika kumbe ku ala mfikelelo wa tirhekodo leti. Xiboho lexi xi fanele xi nyikiwa mukomberi hi ku tsala.
Xivumbeko xa mfikelelo, hakelo ya mfikelelo na ndlela yinwana yo pfuna	Loko xikombelo xa PAIA xi nyikiwa, Muofisiri wa Vuxokoxoko u fanele ku tivisa mukomberi hi xivumbeko lexi mfikelelo wu nga ta nyikiwa haxona na hi ntsengo wa hakelo ya mfikelelo, leyi yi faneleke ku hakeriwa xikan'wekan'we loko mfikelelo wu nyikiwile. Xitiviso xi fanele ku tlhela xi tivisa mukomberi leswaku u na mfanelo ya ku nghenisa aphili ya le ndzeni na xikombelo ekhoto ehenhla ka hakelo ya mfikelelo kumbe ehenhla ka xivumbeko lexi mfikelelo wu nga ta nyikiwa haxona. Hi ku engetela, xitiviso xi fanele ku tlhela xi nyika vuxokoxoko hi mayelana na nkarhi lowu aphili kumbe xikombelo xa khoto xi faneleke ku nghenisiwa hawona xikan'we na endlelo leri ri faneleke ku landzeleriwa.
Ku ariwa ka xikombelo	Loko xikombelo xa PAIA xi ariwa, xitiviso xo ya eka mukomberi xi fanele ku vula swivangelo swa ku ariwa, leswi swi faneleke ku seketeriwa hi swipimelo leswi fambelanaka swa PAIA. Tanihileswi swi nga xiswona eka xivumbeko kumbe mfikelelo na ntsengo wa hakelo ya mfikelelo, xitiviso xi fanele ku nyika mukomberi vuxokoxoko mayelana na mfanelo ya yena ya ku aphila xiboho lexi kumbe ku nghenisa xikombelo ekhoto.
Ku hlwerisa ku humesiwa ka rhekodo	Muofisiri wa Vuxokoxoko a nga ha hlwerisa ku humesiwa ka rhekodo eka mukomberi hi ku ya hi Xiyenge xa 24 xa PAIA, loko rhekodo yaleyo yi kunguhatiwile ku va yi kandziyisiwa ku nga si hela 90 wa masiku kumbe loko rhekodo leyi yi laviwa hi nawu ku kandziyisiwa kambe yi nga se endliwa tano.

PAIA yi vula eka Swiyenge swa 23 (nhlangano wa vaaki/mfumo) na 55 (nhlangano lowu nga riki wa vaaki/mfumo) leswaku loko Muofisiri wa Vuxokoxoko a nga koti ku kuma tirhekodo to karhi leti komberiweke, kumbe ku tshembiwa leswaku a ti kona, Muofisiri wa Vuxokoxoko, endzhaku ka ku tiyisisa leswaku magoza hinkwawo yo tivikana ya kumiwile ku kuma rhekodo leyi, u fanele ku yisa afidavhiti eka mukomberi a nyika xitiviso leswaku tirhekodo leti ku vulavuriwaka hatona a ti kona kumbe a ti kumeki.

3.4 Xana hi wahi maololoxelo ya xinawu lama ndzi nga na wona loko xikombelo xa mina xa PAIA xi ariwa?

Mukomberi u na mfanelo ya ku teka magoza ya xinawu ehenhla ka Muofisiri wa Vuxokoxoko, Xandla xa Muofisiri wa Vuxokoxoko, kumbe Murhangeri wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo loko Muofisiri wa Vuxokoxoko a tekile xiboho xa ku:

- Ala mfikelelo wa rhekodo
- Engetela nkarhi wa ku hlamula xikombelo
- Koxa hakelo ya xikombelo kumbe hakelo ya mfikelelo
- Nyika mfikelelo wa rhekodo hi xivumbeko xo hambana eka lexi a xi komberiwile emasungulweni.

Xiyenge lexi xi ta hlamusela maololoxelo ya xinawu lama nga kona eka vakomberi lava va tsakelaka ku kaneta swiboho swa Vaofisiri va Vuxokoxoko.

3.4.1 Ndlela yin'wana yo Pfuna ya Xinawu ehenhla ka Mihlangano ya Vaaki/Mfumo

Loko mukomberi a nga tsakangi hi xiboho lexi tekiweke hi Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo, mukomberi loyi u na mfanelo ya ku nghenisa aphili ya le ndzeni. Aphili ya le ndzeni yi khumba munhu loyi a nga eka xiyimo xa le henhla loyi a kambisisaka xiboho xa Muofisiri wa Vuxokoxoko na ku teka xiboho loko a tekile xiboho lexi lulameke. Loko munhu loyi a nga eka xiyimo xa le henhla a pasisa xiboho xa Muofisiri wa Vuxokoxoko, kutani aphili ya le ndzeni yi ariwa kutani xiboho xa masungulo hi mayelana na xikombelo xa PAIA xa tiyisisiwa. Loko munhu loyi a nga eka xiyimo xa le henhla a nga pasisi xiboho xa Muofisiri wa Vuxokoxoko, kutani aphili ya nyikiwa naswona xiboho xa masungulo mayelana na xikombelo xa PAIA xa cinciwa.

I swa nkoka ku tekela enhlokweni leswaku u nga yisa ntsena aphili ya le ndzeni eka tindzawulo ta mfumo wa rixaka, wa xifundzankulu na wa masipala. Ku hava endlelo ra aphili ya le ndzeni eka mihlangano yin'wana ya vaaki/mfumo.

Dorobankulu ra Kapa i xikombiso xa mfumo wa masipala leri ehenhla ka rona aphili ya le ndzeni yi nga yisiwaka. Nkwama wa Tinghozi ta le Magondzweni i xikombiso xa nhlangano wa vaaki/mfumo lowu wu nga riki xiphemu xa mfumo wa rixaka, xifundzankulu kumbe miganga, tanihilaha swi lulamisiweke hakona hi nawu (Nawu wa Nkwama wa Tinghozi ta le Magondzweni), naswona hikokwalaho aphili ya le ndzeni yi nge nghenisiwi ehenhla ka wona.

3.4.1.1 Xana i mani a nga ha nghenisaka aphili ya le ndzeni?

Mukomberi loyi a endlaka xikombelo xa PAIA eka nhlangano wa vaaki/mfumo wa rixaka, wa xifundzankulu kumbe wa masipala naswona a aleriwa mfikelelo u na mfanelo ya ku nghenisa aphili ya le ndzeni. Leswi swi endliwa hi

ku tatisa **Fomo ya B ya** PAIA na ku va yi tatisiwa hi nhlangano wa vaaki/mfumo wa rixaka, wa xifundzankulu kumbe wa masipala. Khopi ya Fomo ya B yi nga kumeka eka webusayiti ya mihlangano leyi faneleke naswona ya kumeka eka hofisi yin'wana na yin'wana ya Khomixini ya Timfanelo ta Ximunhu ya Afrika-Dzonga.

Loko aphili ya le ndzeni yi khumba vandla rihi kumbe rihi leri nga riki n'wini, nhlangano wa vaaki/mfumo lowu wu kumeke aphili ya le ndzeni wu na vutihlamuleri bya ku tihlanganisa na hinkwawo ya mavandla lama faneleke lama nga riki vini. Swilaveko swa ku tivisiwa na ku nyikiwa ka nhlamuselo swa fana tanihileswi swi lavekaka eka xikombelo xa masungulo xa PAIA.

Mavandla lama nga ri vini na wona ya pfumeleriwa ku nghenisa tiaphili ta le ndzeni ehenhla ka swiboho leswi swi endliweke hi nhlangano wa vaaki/mfumo ku nyika mfikelelo wa rhekodo yo kongoma.

3.4.1.2 Xana i nkarhi wihi ndzi nga nghenisaka aphili ya le ndzeni?

Mukomberi a nga ha nghenisa aphili ya le ndzeni ehenhla ka xiboho xa nhlangano wa vaaki/mfumo hi swivangelo leswi landzelaka:

- A nga enerisekangi hi tihakelo leti lavekaka ta xikombelo.
- Mukomberi a nga enerisekangi hi xiboho xa ku nyika 30 wa masiku ya engetelo eka nhlangano wa vaaki/mfumo ku va wu hlamula xikombelo.
- Mukomberi a nga enerisekangi loko xivumbeko lexi tirhekodo ti nyikiweke haxona xi nga fani na xivumbeko lexi xi komberiweke, kutani mukomberi wa tshemba leswaku a swi ta va swi nga vangi ndzhwalo wo tivikana eka nhlangano wa vaaki/mfumo ku va wu nyika tirhekodo leti hi xivumbeko lexi tsakeriwaka hi mukomberi.

3.4.1.3 Xana ndzi yi endla njhani aphili ya le ndzeni?

Aphili ya le ndzeni yi fanele ku nghenisiwa hi mukomberi ku nga si hela 60 wa masiku ya ku kuma ku ariwa ka xikombelo xa masungulo xa PAIA. Leswi swi endliwa hi ku tatisa **Fomo ya B** kutani u yi yisa eka ndzawulo leyi faneleke ya mfumo wa rixaka, wa xifundzankulu kumbe wa miganga.

Mfumo wa Rixaka	Loko xikombelo xa PAIA a xi endliwile eka ndzawulo ya rixaka, mukomberi a nga ha nghenisa aphili ya le ndzeni eka Holobye wa ndzawulo yaleyo.
Mfumo wa Xifundzankulu	Loko xikombelo xa PAIA a xi endliwile eka ndzawulo ya xifundzankulu, mukomberi a nga ha nghenisa aphili eka Xirho xa Huvonkulu ya ndzawulo yaleyo.
Mfumo wa Masipala	Loko xikombelo xa PAIA a xi endliwile eka ndzawulo ya masipala, mukomberi a nga ha nghenisa aphili eka meyara wa masipala, kumbe xipikara xa masipala, kumbe munhu wihi kumbe un'wana loyi a thoriweke hi Huvo ya Masipala ya masipala wolowo.

Fomo ya B yi yisiwa eka Muofisiri ya Vuxokoxoko yaloye/Xandla xa Muofisiri wa Vuxokoxoko xolexo xi aleke xikombelo xa masungulo, lexi se xi nga ta laveka ku yi yisa eka Muofisiri wa Vuxokoxoko.

TEKELA ENHLOKWENI:
Loko aphili yi lava leswaku xitiviso lexi nyikiwaka vandla leri nga riki n'wini (h.l., loko vuxokoxoko byi ri na vuxokoxoko bya munhu hi mayelana na munhu un'wana, xikan'we na vuxokoxoko bya xihundla, vuxokoxoko byo karhi bya xibindzu, na vuxokoxoko bya ndzavisiso hi mayelana na vandla leri nga riki n'wini), kutani aphili yi fanele ku nghenisiwa ku nga si hela 30 wa masiku ya ku va xitiviso xi va xi nyikiwa.
Mukomberi u fanele ku yisa aphili ya le ndzeni eka Muofisiri wa Vuxokoxoko wa nhlangano lowu faneleke hi poso, fekisi kumbe imeyili.
Aphili ya le ndzeni yi fanele ku katsa mhaka leyi aphili ya le ndzeni yi vulavulaka hayona, swivangelo leswi seketelaka aphili leyi, naswona yi katsa vuxokoxoko byihi kumbe byihi byin'wana lebyi fambelanaka lebyi tiviwaka hi munhu loyi a endlaka aphili leyi.
Loko mukomberi a tsakela ku tivisiwa hi xiboho mayelana na aphili ya le ndzeni himukhuva wo hambana, (hi ku engetela eka nhlamulo yo tsariwa), u fanele ku vula mukhuva lowu tsakeriwaka na ku nyika vuxokoxoko byihi kumbe byihi lebyi lavekaka.

3.4.1.4 Xana ku humelela yini loko aphili ya le ndzeni yi nghenisiwa endzhaku ka siku ra ku hundzeriwa hi nkarhi lowu lawuleriweke?

Loko a phili ya le ndzeni yi nghenisiwa endzhaku ka loko nkarhi wa 60 wa masiku wu hundzile, nhlangano wa vaaki/mfumo lowu fambelanaka wu fanele ku amukela aphili leyi loko xivangelo xa kahle xi kombisiwa xi nghenisiwa nkarhi wu hundzile. Loko nhlangano wa vaaki/mfumo lowu faneleke wu nga amukeli ku nghenisiwa nkarhi wu hundzile ka aphili ya le ndzeni, wu fanele ku nyika munhu loyi a endleke aphili leyi xitiviso.

3.4.1.5 Xana hi tihi tihakelo ta tiaphili ta le ndzeni?

Mukomberi loyi a endlaka aphili ya le ndzeni u laveka ku hakela hakelo leyi lawuleriweke, loko yi ri kona. Loko hakelo ya aphili yi fanele ku hakeriwa hi nkarhi wa ku nghenisiwa xikombelo, xiboho hi mayelana na aphili xi nga ha hlwerisiwa ku fikela loko hakelo leyi yi hakeriwile.

XANA NDZI NGA NGHENISA XIKOMBELO EKHOTO EHENHLA KA XIBOHO XA NHLANGANO WA VAAKI/MFUMO?
Ina. Loko mukomberi a nga humelelangi hi aphili ya yena ya le ndzeni ehenhla ka nhlangano wa vaaki/mfumo, kumbe loko nhlangano wa vaaki/mfumo wu arile ku amukela ku nghenisiwa loku nga hlwela ka aphili ya le ndzeni, kumbe loko mukomberi a vilerisiwile hi ndlela yihi kumbe yihi hikwalaho ka xiboho xa nhlangano wa vaaki/mfumo, mukomberi a nga ha endla xikombelo ekhoto ku rhuliwa ndzhwalo hi ku nghenisa xikombelo ku nga si hela 30 wa masiku ya ku kuma xiboho lexi. **Mukomberi kumbe vandla leri nga riki n'wini ri nga ha endla xikombelo eka tikhoto endzhaku ka loko endlelo ra aphili ya le ndzeni ri gimetiwile.**

3.4.2 Ndlela yin'wana yo Pfuna ya Xinawu ehenhla Mihlangano leyi nga riki ya Vaaki/Mfumo

Loko mukomberi a nga enerisekangi hi xiboho lexi xi tekiweke hi murhangeri wa vandla leri nga riki ra vaaki/mfumo, tanihi xikombiso eka ku ala mfikelelo, eka ku rhwexa tihakelo ta mfikelelo, kumbe eka ku engetela nkarhi lowu eka wona nhlamulo yi faneleke ku nyikiwa, mukomberi a nga ha edla xikombelo ekhoto ku rhuliwa ndzhwalo ku nga si hela 180 wa masiku ya ku kuma xiboho lexi xi vangeke xivilelo lexi. Xiboho xa nhlangano lowu nga riki wa vaaki/mfumo xi ta kambisisiwa hi khoto kutani xiboho xi ta endliwa hi tikhoto loko mfikelelo wu fanele ku nyikwa kumbe wu nga fanelangi ku nyikiwa.

BRUMMER V HOLOBYE WA NHLUVUKISO WA VAAKI

Eka mhaka leyi tikhoto ti vurile leswaku nkarhi wa masungulo wa 30 wa masiku ehansi ka PAIA lowu eka wona mukomberi a nga ha endlaka xikombelo eka tikhoto loko a nga enerisekangi hi xiboho xa Muofisiri wa Vuxokoxoko a wu nga enelangi ku tisa mhaka ya vululami. Hikokwalaho ku tiyisisiwile leswaku nkarhi wa 30 wa masiku a wu nga ri enawini naswona wu engeteriwile ku fika eka 180 wa masiku. Vuahluri lebyi byi kombisiwile eka Nawu wa lowuntshwa wa Nsirhelelo wa Vuxokoxoko bya Munhu lowu wu vulaka leswaku ku na nkarhi wa 180 wa masiku ku va vakomberi va yisa xivilelo eka Mulawuri wa Vuxokoxoko, endzhaku ka ku heta maendlelo hinkwawo ya PAIA ya ku kuma mfikelelo wa rhekodo ya munhu.

Milandzu ya mfikelelo wa vuxokoxoko yi nga yingiseriwa emahlweni ka Tikhoto ta Majisitarata tanihi khoto ya xiyimo xo sungula, tanihilaha swi lulamiseriweke hakona ehansi ka Xiyenge xa 79 xa PAIA na le ka Tikhoto ta le Henhla.

3.4.3 Xana ku ta humelela yini hi nandzu wa mina lowu nga ekhoto?

Ku na mivuyelo yo hlayanyana leyi nga endlekaka loko nandzu wa PAIA wu yisiwa ekhoto. Endzhaku ka ku yingiseriwa ka matlhelo hinkwawo ya mhaka leyi, muavanyisi loyi a fambisaka nandzu lowu u na matimba ya ku nyika xileriso. Leswi swi nga ha katsa xileriso lexi: (1) xi tiyisisaka, xi cincaka, kumbe xi susaka xiboho xa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo hi mayelana na xikombelo xa PAIA; (2) xi lavaka leswaku nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo wu teka goza ro karhi kumbe ku tshika goza ro karhi; (3) xi nyikaka xileriso, xileriso xo tivisa, ku rhuliwa ko karhi ka ndzhwalo, kumbe ndziriso; kumbe (4) xi lava ku hakeriwa ka tihakelo to karhi.

XIYENGE XA 4

Nkarhi lowu mfikelelo wa vuxokoxoko wu nga ariwaka kumbe wu nga ha ariwaka

Xiyenge lexi xi katsa:

4.1 Ku ringanisa mfanelo ya ku kuma mfikelelo wa vuxokoxoko na timfanelo letin'wana

4.2 Swivangelo leswi bohaka swi hambanisiwa na leswi yaka hi mavonelo swa ku ariwa ka mfikelelo

4.3 Swivangelo swa ku ariwa ka mfikelelo wa vuxokoxoko leswi xaxametiweke eka PAIA

4.4 Xikambelo xa ku tsakela ka vaaki

4.1 Nkarhi lowu Mfikelelo wa Vuxokoxoko wu nga ha ariwaka

Xiyenge lexi xi ta nyikwa nkatsakanyo wa nkarhi lowu mfikelelo wa vuxokoxoko wu nga ha ariwaka ehansi ka PAIA, na xiletelo xa matirhiselo ya milawu leyi pfumelelaka Muofisiri wa Vuxokoxoko ku ala xikombelo. PAIA yi xaxameta 12 wa swivangelo leswi hikwalaho ka swona mfikelelo wa vuxokoxoko wu nga ha ariwaka hi Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo, leswi swin'wana swa swona swi bohaka naswona swin'wana swa swona swi yaka hi mavonelo *(Vona Xiyenge xa 4.2 laha hasi ku kuma vuxokoxoko byo yisa emahlweni)*. Hi ku engetela PAIA yi tumbuluxa xinawana xa ntsakelo wa vaaki lexi xi bakanyaka hindlela leyi vuyerisaka xihi kumbe xihi xa swivangelo swa ku ariwa ka mfikelelo wa vuxokoxoko laha ntsakelo wa vaaki wu nga mhaka yo vilerisa. *(Vona Xiyenge xa 4.4 laha hansi ku kuma vuxokoxoko byo yisa emahlweni)*.

KU RINGANISA MFANELO YA MFIKELELO WA VUXOKOXOKO NA TIMFANELO TIN'WANA	
TANIHI NTOLOVELO	Mfanelo ya mfikelelo wa vuxokoxoko yi kumeka endzeni ka Tsalwa ra Timfanelo ra Vumbiwa bya Afrika-Dzonga naswona, hi xikongomelo xo humelerisa mfanelo leyi, mfikelelo wa vuxokoxoko wu fanele ku nyikiwa hakanyingi hilaha swi kotekaka hakona.
LETI NGA FANIKI NA TIN'WANA	Ku fana na timfanelo tin'wana to tala leti ti nga eka Tsalwa ra Timfanelo, mfanelo ya mfikelelo wa vuxokoxoko yi nga tsongahatiwa kumbe yi ariwa eka swiyimo swin'wana. PAIA yi hlamusela swivangelo leswi eka swona swikombelo swa vuxokoxoko swi nga ha ariwaka, naswona hikowakalo, laha mfanelo ya mfikelelo wa vuxokoxoko yi nga ha tsongahatiwaka.

4.2 Swivangelo leswi Bohaka swi hambanisiwa na leswi Yaka hi Mavonelo swa ku ala mfikelelo wa vuxokoxoko

PAIA yi vula leswaku eka swiyimo swo karhi vuxokoxoko byi nga ka byi nga paluxiwi hi Muofisiri wa Vuxokoxoko. Hi ku komisa, swivangelo leswi endlaka leswaku vuxokoxoko byi nga koti ku paluxiwa swi fambelana na loko ku paluxiwa ka vuxokoxoko lebyi swi ta vanga ku vaviseka lokukulu kutlula loko byi nga paluxiwangi. Hikokwalaho, PAIA yi xaxameta khumembirhi wa swivangelo leswi eka swona mfikelelo wa vuxokoxoko wu nga ariwaka hi Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo *(swivangelo leswa 12 swi ta koxometiwa eka Xiyenge xa 4.3 laha hansi)*. Hi tlhelo rin'wana, swin'wana swa swivangelo swa ku nga paluxiwi swa boha ehenhla ka Muofisiri wa Vuxokoxoko leswi swi vulaka leswaku Muofisiri wa Vuxokoxoko **a nga fanelangi** ku pfumelela mfikelelo wa vuxokoxoko loko xin'wana xa swivangelo leswi bohaka swa ku ariwa ka mfikelelo swi nga kota ku tiyisisiwa hi vumbhoni. Hi tlhelo lerin'wana, swivangelo leswin'wana swa ku ariwa ka mfikelelo wa vuxokoxoko hi leswi swi vuriwaka **leswi yaka hi mavonelo**. Leswi swi vula leswaku Muofisiri wa Vuxokoxoko a nga ha paluxa kumbe a nga ka paluxi vuxokoxoko lebyi. Hikokwalaho, Muofisiri wa Vuxokoxoko u fanele ku tirhisa mavonelo ya yena eka ku hlahluva loko ku paluxa vuxokoxoko lebyi swi ta vanga ku vaviseka lokukulu eka nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo ku tlula loko byi nga paluxiwi.

MATHEME YA *PAIA LAMA FANELEKE KU TEKERIWA ENHLOKWENI…*
Eka ku ariwa loku bohaka, PAIA yi tirhisa rito “fanele”.
Eka ku ariwa loku yaka hi mavonelo, PAIA yi tirhisa “nga ha”.
Tsundzuka: tanihi Muofisiri wa Vuxokoxoko, u fanele ku tshama u karhi u languta swilo tanihileswi swi nga xiswona loko u tirhisa xivangelo xa ku ariwa ka mfikelelo wa vuxokoxoko. U nga teki matlhelo, u nga voyameli eka tlhelo ro karhi hi mikarhi hinkwayo!

4.3 Swivangelo swa ku ariwa ka mfikelelo wa vuxokoxoko

Tanihilaha swi vuriweke hakona laha henhla ku na swivangelo swo hambanahambana leswi ehansi ka swona xikombelo xa mfikelelo wa vuxokoxoko **xi nga ha** ariwaka kumbe **xi faneleke** ku ariwa hi Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo. Swivangelo leswi swi xaxametiwile eka PAIA ehansi ka Kavanyisa ka 4 ka Xiphemu xa 2 xa Nhlangano wa Vaaki/Mfumo, na Kavanyisa ka 4 ka Xiphemu xa 3 xa Nhlangano lowu nga riki wa Vaaki/Mfumo.

4.3.1 Nsirhelelo wa xihundla xa nhlangano lowu nga riki wa vaaki/mfumo

Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo **a nga fanelangi** ku pfumelela mfikelelo wa vuxokoxoko bya munhu bya munhu wa ntumbuluko, ku katsa na munhu loyi a nga lova ***(eka nhlamuselo ya “munhu wa ntumbuluko” vona Matheme yo Pfuna laha henhla)***. PAIA yi vula leswaku hi xikongomelo xa ku sirhelela mfanelo ya ku va na xihundla ya vandla leri nga riki n’wini leri nga munhu wa ntumbuluko, Muofisiri wa Vuxokoxoko u fanele ku hlahluva loko ku humesiwa vuxokoxoko lebyi ku vulavuriwaka habyona eka mukomberi ‘swi ta khumba mpaluxo lowu nga tivikaniki wa vuxokoxoko bya munhu’ (vona Swiyenge swa 34 na 63 swa PAIA).

Xiyenge xa 1 xa PAIA xi nyika nhlamuselo yo anama ya leswaku i vuxokoxoko byihi byi vumbaka “vuxokoxoko bya munhu”. Byi katsa vuxokoxoko lebyi fambelanaka na rimbewu, vuyimani, na vukhongeri/vugandzeri, xikan’we na mapapila ya munhu, DNA, migandlu ya tintiho, na swiyimo laha vito ra munhu ri vonakalaka eka tirhekodo.

Muofisiri wa Vuxokoxoko u fanele ku tlhela a langutisisa loko vuxokoxoko bya munhu lebyi ku vulavuriwaka habyona byi wela kumbe byi nga weli eka mikhetekanyo leyi landzelaka ya vuxokoxoko bya munhu lebyi byi nga ha paluxiwaka:

- Vuxokoxoko bya munhu bya munhu loyi a nga nyika mpfumelelo wa vuxokoxoko lebyi ku va byi humesiwa;
- Vuxokoxoko bya munhu lebyi se byi nga eka mani na mani;
- Vuxokoxoko bya munhu hi mayelana na n’wana loyi a nga ehansi ka vukhale bya malembe ya 18 laha ku paluxiwa ka vuxokoxoko byolebyo swi nga ta vuyerisa swinene n’wana loyi, naswona mukomberi ku nga muhlayisi wa n’wana (h.l. mutswari kumbe muhlayisi);
- Vuxokoxoko bya munhu bya munhu loyi a nga lova loyi eka mukomberi a nga xaka ra le kusuhi ra munhu loyi, kumbe loyi a pfumeleriweke (hi mpfumelelo wo tsariwa) hi xaka ra le kusuhi;
- Vuxokoxoko bya munhu bya munhu loyi a nga lova loyi a nga va a lovile eka nkarhi wa kutlula 20 wa malembe;
- Vuxokoxoko bya munhu bya munhu loyi a nga ofixiyali kumbe a ri ofixiyali eka nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo na laha vuxokoxoko lebyi byi fambelanaka na xiyimo xa yena tanihi ofixiyali.

PAIA yi lava leswaku Vaofisiri va Vuxokoxoko kusuka eka Vukorhokeri bya Xibalo bya Afrika-Dzonga (SARS) va nga paluxi vuxokoxoko bya xibalo xa munhu na bya timali leti a ti kumaka, handle ka loko mukomberi a kombela mfikelelo wa vuxokoxoko bya yena n'wini.

4.3.2 Nsirhelelo wa vuxokoxoko bya vandla leri nga riki n'wini

Vaofisiri va Vuxokoxoko va mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo **va fanele** ku ala mfikelelo wa vuxokoxoko loko ku humesiwa ka vuxokoxoko byolebyo swi ta vanga ku vaviseka eka ntsakelo wa xibindzu kumbe wa swa timali ka bindzu. PAIA yi xaxameta vuxokoxoko lebyi landzelaka bya xibindzu lebyi nga ta ka byi nga paluxiwi hi Muofisiri wa Vuxokoxoko:

- Swihundla swa bindzu;
- Vuxokoxoko bya swa timali, swa xibindzu, swa xisayense, swa ndziriso na swa xithekiniki hi mayelana na vandla leri nga riki n'wini lebyi, loko byi humesiwa, byi nga ta vanga ku vaviseka eka vandla leri nga riki n'wini;
- Vuxokoxoko lebyi byi nyikiweke vandla leri nga riki n'wini hi ku ri tshemba.

Hambileswi ku nga na endlelo ra ntolovelo ku sirhelela vuxokoxoko bya khamphani, nhlangano wa vaaki/mfumo wu laveka ku tirha himukhuva wa nkavuciva. Ku na swiyimo swo karhi laha vuxokoxoko bya xibindzu bya khamphani byi nga humesiwaka.

Ku siyiwa ehandle ka PAIA: Tirhekodo ta vandla leri nga riki n'wini leti fambelanaka na vuhlayiseki bya vaaki kumbe mixungeto ya mbangu ti fanele ku humesiwa, hambiloko ku humesiwa vuxokoxoko byolebyo ku tikomba ku ta vanga ku vaviseka eka vandla leri nga riki n'wini. Leswi swi vumba vuxokoxoko bya ntsakelo wa vaaki *(vona xiyenge xa 4.4 laha hansi).*

4.3.3 Nsirhelelo wa vuxokoxoko bya xihundla

PAIA yi vula leswaku Muofisiri wa Vuxokoxoko **u fanele** ku ala mfikelelo wa rhekodo loko ku humesiwa ka rhekodo leyi swi ta vanga ku onhiwa ka vutihlamuleri bya ntshembano lebyi faneleke ku kombiwa vandla leri nga riki n'wini hi ku landza ntwanano kumbe kontiraka.

4.3.4 Nsirhelelo wa vuhlayiseki bya munhu na nhundzu

Xiyenge lexi xi vula leswaku Muofisiri wa Vuxokoxoko **u fanele** ku ala mfikelelo wa rhekodo loko mpaluxo wa rhekodo leyi hindlela yo tivikana wu nga languteriwa ku vevukisa vuhlayiseki bya munhu kumbe nhundzu. Xiyenge lexi xi na mfanelo ya ku va na xiphemu xa xihundla eka xona tanihileswi xi tekelaka enhlokeweni vutomi bya munhu na nhundzu ya yena.

4.3.5 Nsirhelelo wa vuxokoxoko eka vumangalelani bya xinawu

Xikongomelo xa xiyenge lexi i ku sirhelela vuxokoxoko lebyi byi lavekaka eka tiphurosese ta xinawu na ta ku sindzisiwa ka nawu. Xiyenge lexi xi tekela enhlokweni milawu yin'wana leyi lawulaka mikhetekanyo yin'wana ya vuxokoxoko. Eka xiyimo xa xiyenge lexi, Nawu wa Mafambiselo ya Vugevenga wa 51 wa 1977 xi tekiwa tanihi nawu lowu wu lawulaka tirhekodo leti fambelanaka na maendlelo yo humesa enandzwini swa nkarhinyana na maendlelo man'wana ya ku sindzisiwa ka nawu. Nakambe, leswi swi tirha eka tirhekodo leti yirisiweke ku va ti

kandziyisiwa. Hi marito man'wana i tirhekodo leti ti nga kumekiki eka munhu wihi kumbe wihi un'wana, handle ka munhu loyi a nga na mfanelo yo hlawuleka ya ku fikelela tirhekodo toleto, tanihi xikombiso muyimeri wa swa nawu loyi a nga na mfanelo leyi nga na tlilayente. Tirhekodo tihi kumbe tihi leti ti yaka hi vuxaka lebyi byi nga kona exikarhi ka muyimeri wa swa nawu na tlilayente ya yena ti sirheleriwile ehansi ka Xiyenge xa 40 xa PAIA.

Hambileswi PAIA yi amukelaka vukona bya milawu yin'wana leyi fambelanaka na malawulelo na mpaluxo wa vuxokoxoko na tirhekodo, eka xiyimo laha milawu leyi yi tsongahataka mfikelelo wa vuxokoxoko ku ri hava xivangelo xo tivikana naswona yi kanetana na maendlelo ya nkavuciva na vutihlamuleri, PAIA yi ta siva nawu wolowo.

4.3.6 Nsirhelelo wa Vuxokoxoko bya Ndzavisiso

Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo na lowu nga riki wa vaaki/mfumo u fanele ku ala mfikelelo wa tirhekodo leti nga na vuxokoxoko lebyi fambelanaka na ndzavisiso lowu wu endliwaka kumbe lowu wu nga ta endliwa hi nhlangano wa vaaki/mfumo na lowu nga riki wa vaaki/mfumo lowu ku vulavuriwaka hawona kumbe vandla leri nga riki n'wini. Ku ariwa loku ka mfikelelo wa vuxokoxoko ku le ka swiyimo laha ku paluxiwa ka rhekodo leyi swi nga ta paluxa ndzavisiso wa vandla leri nga riki n'wini kumbe nhlangano wa vaaki/mfumo na lowu nga riki wa vaaki/mfumo, munhu kumbe nhlangano lowu endlaka ndzavisiso lowu, kumbe mhaka leyi ndzavisiso wu tirhanaka na yona eka xiyimo lexi nga riki kahle hindlela yo tivikana. *(vona Swiyenge swa 43 na 69 swa* PAIA*)*.

4.3.7 Vuxokoxoko lebyi byi nga ha aleriwaka mfikelelo

Mikhetekanyo leyi landzelaka ya vuxokoxoko yi fambelana na vuxokoxoko lebyi Muofisiri wa Vuxokoxoko a nga ha byi alelaka mfikelelo, ntsena loko a nga kota ku nyika nhlamuselo yo tivikana leswaku vuxokoxoko lebyi ku vulavuriwaka habyona byi wela mikhetekanyo leyi landzelaka naswona a swi nga ta vuyerisa vaaki ku byi paluxa *(ku kuma vuxokoxoko byin'wana eka xinawana xa ntsakelo wa vaaki vona Xiyenge xa 4.4 laha hansi)*.

4.3.7.1 Vusirheleri, nhlayiseko na vuxaka bya matiko ya matiko ya misava bya Afrika-Dzonga

Xiyenge xa 41 of PAIA xi lava leswaku muofisiri wa vuxokoxoko a langutisisa loko xikombelo xa vuxokoxoko xi fambelana na vuxokoxoko hi mayelana nhlayiseko wa Afrika-Dzonga. Muofisiri wa vuxokoxoko a nga ha ala xikombelo loko a nga nyika vumbhoni bya leswaku swi ta veka enxungetweni vuhlayiseki bya Afrika-Dzonga ku humesa vuxokoxoko lebyi.

4.3.7.2 Ntsakelo wa ikhonomi, wa timali na wa mabindzu wa Afrika-Dzonga

Xiyenge xa 42 xa PAIA xi lava nsirhelelo wa vuxokoxoko bya nhlangano wa vaaki/mfumo loko ku paluxiwa ka byona swi ta vavisa xiyimo xa ikhonomi na xa timali xa Rhiphabuliki. Xivangelo lexi xa ku ariwa xi ya hi mavonelo leswi vulaka leswaku Muofisiri wa Vuxokoxoko u ta fanela ku tekela enhlokweni ntiyiso wa leswaku mihlangano ya vaaki/mfumo yi lerisiwile ehansi ka Vumbiwa bya Afrika-Dzonga ku va na vutihlamuleri eka vaaki, na leswaku hikokwalaho ko va ntsena eka swiyimo swo karhi laha vuxokoxoko byi nga ha ariwaka. Ku yisa emahlweni, Muofisiri wa Vuxokoxoko u ta fanela ku kombisa leswaku mpaluxo wa vuxokoxoko lebyi ku vulavuriwaka habyona wu ta vanga ku vaviseka eka mitsakelo ya swa timali na ya ikhonomi ya Afrika-Dzonga.

4.3.7.3 Matirhelo ya mihlangano ya vaaki/mfumo

Xiyenge xa 44 xa PAIA xi nyika Vaofisiri va Vuxokoxoko vuswikoti bya ku ala mfikelelo wa rhekodo loko yi ta kavanyeta matirhelo ya nhlangano wa vaaki/mfumo. Xiyenge xa 44 xi anamile, tirhekodo to tala leti xaxametiweke ehansi ka matirhelo ti katsa:

- Makanelwa ya tinhlengeletano;
- Tirhekodo leti nga na switsundzuxo kumbe mavonelo;
- Tirhekodo leti ti khumbaka vutihlanganisi byo kuma switsundzuxo na mihlangano yin'wana;
- Tirhekodo leti ti khumbaka ku tumbuluxiwa ka tipholisi kumbe swibumabumelo.

4.3.7.4 "Swikombelo leswi nga tivikaniki hindlela leyi erivaleni kumbe leswi nga na vutswaka, kumbe ku hambukisiwa ka nkoka na ku va loku tivikanaka ka swipfuno"

Muofisiri wa Vuxokoxoko a nga ha ala xikombelo xa vuxokoxoko loko a vona onge ku tirha swikombelo swi ta dya nkarhi mahala naswona swi ta vanga ku tlangisiwa ka swipfuno. Hi ku engetela, Muofisiri wa Vuxokoxoko a nga ha ala mfikelelo wa rhekodo loko xikombelo xi voniwa xi nga nyawuli kumbe xi endliwa hi mukomberi ku karhata swi nga fanelangi kumbe ku vanga vutswaka.

4.4 Ku Bakanyiwa ka Ntsakelo wa Vaaki

Misirhelelo hinkwayo leyi nyikiwaka vuxokoxoko tanihilaha yi koxometiweke hakona laha hansi ya tshikiwa loko ku humesiwa ka vuxokoxoko ku ri ka ntsakelo wa vaaki. Hindlela leyi, xikambelo xa ntsakelo wa vaaki xi bakanya hinkwaswo swivangelo swa ku ariwa ka mfikelelo wa vuxokoxoko.

Xikambelo lexi landzelaka xi fanele ku tirhisiwa hi Muofisiri wa Vuxokoxoko wa nhlangano wa vaaki/mfumo kumbe lowu nga riki wa vaaki/mfumo ku nga si ariwa ku pfumelela mfikelelo wa vuxokoxoko lowu wu welaka ehansi ka mikhetekanyo ya ku nga paluxiwi loku xaxametiweke laha henhla. Loko swipimelo leswi swi fikeleriwa, kutani vuxokoxoko byi fanele ku paluxiwa hi swivangelo swa ntsakelo wa vaaki.

Xana vuxokoxoko lebyi byi kombisa ku onhiwa ko tivikana ka nawu?

Kumbe

Xana tirhekodo leti ku vulavuriwaka hatona ti na vuxokoxoko lebyi fambelanaka na vuhlayiseki bya vaaki kumbe nxungeto wa mbangu lowu nga ekusuhi na ku humelela kumbe lowu tivikanaka?

Na

Xana ntsakelo wa vaaki eka ku paluxiwa ka vuxokoxoko lebyi wu na ntikelo lowu nga erivaleni lowu hundzaka ku vaviseka loku nga tshukaka ku va kona?

XIYENGE XA 5

Swiyelaniso swa nkoka na vuxokoxoko byin'wana bya nkoka

Xiyenge lexi xi katsa:

5.1 Nxaxamelo wa swiyelaniso swa nkoka leswi swi tirhisiweke ku hlengeleta Xiletelo lexa PAIA, ku katsa na milawu

5.2 Nxaxamelo wa swipfuno swin'wana swo tirhiseka swa PAIA

5.1 Swiyelaniso swa nkoka

XIPFUNO	MUTSARI
Promotion of Access to Information Act 2 of 2000	Nawu
Protection of Personal Information Act 4 of 2013	Nawu
PAIA Unpacked (xa kumeka eka www.saha.org.za)	SAHA
PAIA Resource Kit (xa kumeka eka www.saha.org.za	SAHA
The Guide on How to Use the Promotion of Access to Information Act 2 of 2000 (xa kumeka eka www.sahrc.org.za)	SAHRC
PAIA Community Tool Guide (xa kumeka eka www.sahrc.org.za)	SAHRC
PAIA Frontline Staff Manual (xa kumeka eka www.sahrc.org.za)	SAHRC

5.2 Swinawana swa PAIA

XITIVISO XA MFUMO	SIKU	NHLOKOMHAKA NA NHLAMUSELO
Xitiviso xa Mfumo: No. R. 1244	22 Ndzati 2003	Xihundzulo lexi fambelanaka na vukona bya tibukumpfuno ta PAIA ta tihuvo ta vaaki/mfumo na leti nga riki na vaaki/ mfumo.
Xitiviso xa Mfumo: No. R. 187	15 Nyenyanyana 2002	Xihundzulo xa PAIA lexi nga hi mayelana na Xiyenge lexa Xiyenge na vukona bya tibukumpfuno ta PAIA.
Xitiviso xa Mfumo: No. R. 233	9 Nyenyankulu 2001	Xinawana lexi xi fambelana na tihakelo leti faneleke ku hakeriwa ku kuma mfikelelo wa tirhekodo ta mihlangano ya vaaki/mfumo na leyi nga riki ya vaaki/mfumo.
Xitiviso xa Mfumo xa No. R. 466	1 Khotavuxika 2007	Tifomo leti katsiweke ta Muofisiri wa Vuxokoxoko ta landzela loko ku kandziyisiwa switiviso swa mpaluxo hi ku swi tshunxekela hi ku landza swiyenge swa 15 na 52 swa PAIA.

5.3 Swihundzulo swa PAIA

XITIVISO XA MFUMO	SIKU	NHLOKOMHAKA NA NHLAMUSELO
Xitiviso xa Mfu)mo xa No. 428	31 Nyenyankulu 20004	Xihundzulo xa xiyenge xa 92(4) xa PAIA ku lulamisela Milandzu na Mixupulo ya vanhu lava sivela hi vomu na hindla leyi hoxekeke xikombelo xa xa vuxokoxoko xa mukomberi, tanihi xikombiso hi ku onha tirhekodo.
Xitiviso xa Mfumo xa No. 96	15 Sunguti 2003	Xihundzulo xa PAIA ku lulamisela vuleteri bya vaofisiri vo fambisa eka Tikhoto ta Vamajisitarata ku yingisela milandzu ya PAIA.
Xitiviso xa Mfumo xa No. R. 187	15 Nyenyanyana 2002	Xihundzulo xa PAIA hi mayelana na Xiletelo xa Xiyenge xa 10 na vukona bya tibukumpfuno ta PAIA.

5.4 Swihundzulo swa swinawana swa PAIA

XITIVISO XA MFUMO	SIKU	NHLOKOMHAKA
Xitiviso xa Mfumo: No. 1263	11 Dzivamisoko 2003	Xitiviso lexi fambelanaka na vukona bya tibukumpfuno ta PAIA ta mihlangano leri nga riki ya vaaki/mfumo.

5.5 Swipfuno swin'wana swo tirhiseka swa PAIA

1) **Using PAIA to Promote Housing Rights, SAHA** (xa kumeka eka www.saha.org).
2) **Accessing Information for Your Community, SAHA** (xa kumeka eka www.saha.org).
3) **Accessing Information in the LGBTI Sector, SAHA** (xa kumeka eka www.saha.org).

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