ISAZISO SIKAHULUMENI

IHOVISI LEKHOMISHANI YEZABASEBENZI BAKAHULUMENI

Unombolo R. 1012 25 Ntulikazi 2003

IMITHETHONQUBO YOKUBHEKANA NEZIKHALO ZABASEBENZI KUBASEBENZI KUHULUMENI

Kuyaziswa ukuze kwazi uwonke wonke ukuthi iKhomishani yezaBasebenzi bakahulumeni ngaphansi kwesigaba 11 soMthetho weKhomishani yezaBasebenzi bakahulumeni ka 1998 (uMthetho ongunombolo 46 ka 1997) ufundwa ngokuhlanganyela nesigaba 196 (4) (f) (ii) soMthethosisekelo weRhiphablikhi yaseNingizimu Afrika ka 1996 (uMthetho onguNombolo 108 ka 1996) yenze lemithethonqubo ebhalwe kuSheduli 1 lapha.

Kwenziwe kwasayinwa ePitoli ngosuku lwamashumi amabili nanhlanu kuNtulikazi 2003

S S Sangweni
USihlalo
Ikhomishani yezaBasebenzi bakaHulumeni

Isheduli 1

A. **IZINCAZELO**

Kulenqubo, ngaphandle uma ingqikithi ikhomba okunye –

"IKhomishani" kushiwo iKhomishani yezaBasebenzi bakaHulumeni esungulwe ngokwesigaba 196 (1) soMthethosisekelo;
"UMthethosisekelo" kushiwo uMthethosisekelo weRiphablikhi yaseNingizimu Afrika ka 1996 (uMthetho ongunombolo 108 ka 1996);
"izinsuku" kukhulunywa ngezinsuku okusetshenzwa ngazo;
"isiphathimandla esiphethe" kushiwo isiphathimandla njengoba sichazwe kusigatshana 1 (1) soMthetho wabaSebenzi bakaHulumeni ka 1994);
"isikhalo" kushiwo ukunganeliseki ngesenzo noma ahluleke ukukwenza umqashi okuba nomthelela omubi noma okuphatha kabi umsebenzi mayelana nobudlelwane basembenzini, ngaphandle kwezinsolo zokuxhoswa ngokungafanele;
"inhloko yomnyango" kushiwo ophethe isikhundla

okukhulunywa ngaso kuSheduli 1, 2 no 3 yoMthetho waBasebenzi bakaHulumeni ka 1994, noma umuntu osabambile kuleso sikhundla;

"uMthetho wezaBasebenzi bakaHulumeni" kushiwo uMthetho wezaBasebenzi bakaHulumeni ka 1994 (Isimemezelo esinguNombolo 103 sonyaka ka 1994);

"inyunyana eyaziwayo" kushiwo zonke izinyunyana ezamukelwe eMkhandlwini oxhumanisa ukukhulumisana ngezaBasebenzi bakaHulumeni kanye nonoma iyiphi inyunyana enamalungelo okuba inhlangano aqondene emnyangweni othile;

"xazulula' kushiwo ukuvumelana okumanelisayo lowo msebenzi obenesikhalo;

"omele" kushiwo omunye umsebenzi, umuntu omele noma isikhulu senyunyana eyaziwayo.

B. INHLOSO NOKUSEBENZA

1. Inhloso yalenqubo yesikhalo ngukuqinisa ubudlelwano basemsebenzini nokubhekana nezikhalo zabasebenzi bakahulumeni ngokufeza izimpokophelo eziphambili zalenqubo okunguku-

(a) gcina lokho okushiwo isigaba 196 (4) (f) (ii) soMthethosisekelo esinika iKhomishani amandla okuphenya izikhalo zabasebenzi kubasebenzi bakahulumeni mayelana nezenzo noma ukwehluleka ukwenza okuthile, nokuthi yenze noma yenze izincomo ezifanele zokulungisa leso simo;

(b) gcina lokho okushiwo isigaba 11 soMthetho wezaBasebenzi bakaHulumeni ka 1997 (uMthetho ongunombolo 46 ka 1997) onika iKhomishani amandla okwenza iMithethonqubo yokubhekana nezikhalo;

(c) Ukukhuthaza-

(i) Ukuphatha noma ukubhekana nezikhalo ngokushesha nangokungancemi nangokulinana

(ii) ubudlelwano kwezokusebenza obuqinile

(iii) ukuxazululwa kwezikhalo zomsebenzi oyedwa ezingeni eliphansi kulowo mnyango.

C. UKUPHATHA IZIKHALO

1. Isikhalo kufanele uma kwenzeka sixazululwe umqashi lapho noma ezingeni eliseduze nalapho siqubuke khona.

2. Umqashi kufanele aqinisekise ukuthi ubhekana nesikhalo ngendlela elungile, engancemi nengavuni muntu nokuthi imigomo yezobulungiswa iyalandelwa.

3. Inqubo kufanele ilekelele futhi yenze umsebenzi nomqashi babhekane nokunganeliseki.
4. Akekho umsebenzi okufanele ahlushwe noma alinyazwe ngqo noma ngendlela engaqondile ngenxa yokuthi ufake isikhalo.
5. Uma umsebenzi ethathelwa izinyathelo zokuqondiswa izigwegwe, ukusetshenziswa kwalenqubo ngumsebenzi ukuze abhekane nondaba oluphathelene nokuqondisa izigwegwe ngeke kuyimise inqubo yokuqondisa izigwegwe.
6. Isikhalo kufanele sibhalwe phansi uma sifakwa futhi zonke izinqumo ezithathiwe kuleyo nqubo kufanele zibhalwe.
7. Umsebenzi angasizwa ozommela

D. UKUGCINA IZIKHATHI EZINQUNYIWE

1. Uma kubhekwa ukugcina isikhathi esinqunyiwe, lokhu kufanele kubalwe ngokuthi kushiywe ngaphandle usuku lokuqala bese kubalwa usuku lokugcina.

2. Labo abathintekayo kufanele balandele isikhathi esimiswe kulenqubo, ngaphandle uma bevumelene ukuselula isikhathi.
3. Isikhalo kufanele sifakwe kumqashi zingakapheli izinsuku ezingama-90 kusukela ngosuku umsebenzi aze ngalo ngaleso senzo esimhluphayo noma ukwehluleka ukwenza.
4. Umsebenzi angafuna ukuthi isikhalo sakhe sedluliselwe kwiKhomishani ezinsukwini eziyi-10 ngemuva kokuthola isinqumo sesiphathimandla esiphethe.

E. UKUNIKEZWA KOLWAZI

1. Umqashi kufanele anikeze umsebenzi ulwazi olufanele oludingekayo ukuze akwazi ukufaka nokuqhuba isikhalo, uma elucela.

2. Ukunikezwa kwalolo lwazi kuncike kunoma iziphi izithiyo ezingamiswa umthetho.
3. Umsebenzi kufanele anikwe ulwazi mayelana nesimo sesikhalo sakhe nokuthi sesiqhubeke kangakanani ukuze siphothulwe ngosuku oluhleliwe.
4. Umqashi kufanele anikeze umsebenzi umfanekiso wefomu lesikhalo ngemuva kwezinga ngalinye lapho isikhalo sibhekwe isiphathimandla.

F. AMABANGA OMNYANGO OKUBHEKANA NESIKHALO

1. Umsebenzi angafaka isikhalo sakhe kumsebenzi okhethelwe ukuba enza-lula noma abe ngumxhumanisi kulenqubo yokuxazululwa kwezikhalo kulowo mnyango.

2. Kufanele kusetshenziswe ifomu elinqunyiwe Isijobelelo A uma kufakwa isikhalo.
3. Lowo msebenzi okhethewe kufanele axhumane nomkhakha oqondene wesiphathimandla kulowo mnyango ukuze azame ukuxazulula isikhalo.
4. Isikhalo singaxazululwa yinoma imuphi umuntu kulowo mkhakha oqondene onamandla okwenza lokho.
5. Umsebenzi ofake isikhalo uyokwaziswa yilowo msebenzi okhethiwe ngesimo nenqubekela-phambili eseyenziwe ekuxazululeni isikhalo.
6. Uma isikhalo sixazululiwe waneliseka umsebenzi ofake isikhalo isiqinisekiso salokhu siyobhala phansi ngumsebenzi okhethiwe.
7. Uma isikhalo singaxazululeki, isiphathimandla esiphethe kufanele sazise umsebenzi ofake isikhalo.
8. Umnyango, (kumbandakanya nesiphathimandla esiphethe) unezinsuku ezingama-30 zokubhekana nesikhalo. Lesi sikhathi singelulwa ngesivumelwano esibhaliwe.
9. Uma, ngemuva kokuba umsebenzi ofake isicelo esazisiwe ngemiphumela yesikhalo enganelisekile-
   (a) kufanele abhale azise isiphathimandla esiphethe ngalokhu zingakapheli izinsuku eziyi-10;
   (b) isiphathimandla kufanele ngokwesigaba 35 (1) soMthetho waBasebenzi bakaHulumeni ka 1994, sithumele isikhalo kanye nemibhalo esifanele kwiKhomishani yezaBasebenzi bakaHulumeni ukuze yenze izincomo zingakapheli izinsuku ezinhlanu kusukela yazisiwe ngulowo msebenzi onesikhalo.
10. Uma isikhalo sisho ukusolwa ngenqubo yokusebenza engalungile njengoba kuncaziwe eMthethweni wezaBasebenzi ka 1995, umsebenzi angazisa isiphathimandla esiphethe ukuthi ufisa ukusebenzisa inqubo yokuxazululwa kwezinkinga emiswe kuMthethosisekelo woMkhandlu oxhumanisa ukukhulumisana ngezaBasebenzi bakaHulumeni, noma omunye umkhandlu oqondene (noma imuphi oqondene) nokuthi iKhomishani yezabasebenzi bakaHulumeni ingasibheki isikhalo leso.
11. Uma umnynagp wehluleka ukuphendula isikhalo singakapheli isikhathi esinqunywe kuMthethonqubo F8 isikhulu esinesikhalo singafaka isikhalo –

(a) kuKhomishani ngqo; noma
(b) uma kuyinqubo yezokusebenza engalungile nomkhandlu oxhumanisa ukukhulumisana ngezaBasebenzi bakaHulumeni noma umkhanldu oqondene (noma imuphi oqondene) ngokwenqubo yokuxazululwa kwezinkinga.

G. UKUDLULISELWA KWIKHOMISHANI

1. Uma iKhomishani isithole lonke ulwazi kusiphathimandla esiphethe , kufanele kuthi zingakapheli izinsuku ezingama-30 ibheke leso sikhalo bese ibhale yazise isiphathimandla esiphethe ngezincomo zayo nezizathu ngesinqumo sayo.
2. Ngemuva kokuthola izincomo zekhomishani , isiphathimandla esiphethe kufanele kuthi zingakapheli izinsuku ezinhlanu sibhale sazise umsebenzi neKhomishani ngesinqumo saso.

H. IZIKHALO ZENHLOKO YOMNYANGO

1. Uma Inhloko yoMnyango inesikhalo , inga-
   (a) thumela isikhalo sayo kuMongameli uma kuyinhloko yomnyango kazwelonke ; noma
   (b) thumela isikhalo sayo kuNdunankulu oqondene uma kuyinhloko yomnyango wesifundazwe.
2. Umongameli noma uNdunankulu unezinsuku ezingama-30 ukuba abhekane nesikhalo. Isikhathi lesi singelulwa ngokuvumelana.
3. Imithethonqubo F9 no F10 kufundwa ngokushintsha okungadingwa yingqikithi kuyosebenza kuzo zonke izikhalo zezinhloko zeminyango.

I. UKUHLOLISISWA

1. Inhloko yomnyango kufanele iqinisekise ukuthi ukuxazululwa kwezikhalo kuyahlolisiswa ngokugcina amarekhodi amanani ezikhalo ezixazululiwe kusukela ekuqaleni konyaka ngamunye bese ibikela iKhomishani ngalokhu njalo ezinyangeni eziyisithupha.
2. Ikhomishani kufanele ibikele Indlu kaZwelonke okungenani kanye ngonyaka ngokuphathwa kwezikhalo nokusebenza ngempumelelo kwenqubo yezikhalo kanye nemisebenzi yayo, esiFundazweni kuSishayamthetho salelo siFundazwe.

J. EZINYE IZINQUBO

Uma kufakwa isikhalo ngokwalenqubo, umsebenzi ofake isikhalo kufanele adalule uma esebenzisa ezinye izinqubo.

K. AMALUNGISELELO ESIKHASHANA

1.Isikhalo esifakwe ngaphambi kwesimemezelo seMithethonqubo yesikhashana, okungaphambi komhlaka 1 ku-Ntulikazi 1999, iyoqhutshwa futhi iphothulwe ngokweMithethonqubo yeZikhalo yesiKhashana ekhishwe ngaphansi kweSimemezelo ePhephabhukwini loMbuso elinguNombolo 20231 ngo 1999.

L. USUKU LOKUQALA UKUSEBENZA

Usuku lokuqala ukusebenza kwalemithethonqubo ngumhlaka 19 kuMandulo 2003, kuhanjiswana nalokho okushiwo kuMthethonkambiso K.

Isijobelelo A

IFOMU LESIKHALO

UYANXUSWA UKUBA UFUNDE LEMIYALO ELANDELAYO NGAPHAMBI KOKUBA UGCWALISE IFOMU

1. Lelifomu kufanele lisetshenziselwe ukufa isikhalo (ngaphandle kwezinsolo zokuxhoshwa okungafanele) uma unganelisiwe yisenzo noma ukwehluleka ukwenza futhi ungakwazanga ukuxazulula leyo nkinga ngokusebenzisa ukuxoxisana okungamisiwe ngokomthetho.

2. Ufake isikhalo sakho zingakapheli izinsuku ezingama-90 kusukela osukwini owaze ngalo ngaleso senzo noma ukwehluleka ukwenza

3. Ungasizwa noma ummelwe ngomunye umsebenzi noma ommele noma isikhulu esivela kwinyunyana eyaziwayo.

4. Kubalulekile ukugcwalisa kahle ngokuyikho lonke ulwazi. Uma ifomu seligcwalisiwe, kufanele linikwe umsebenzi okhethelwe ukuba enze-lula noma abe ngumxhumanisi kulenqubo yezikhalo kuleso sikhungo. Umnyango uzojobelela lelifomu kweminye imibhalo yesikhalo futhi liyosetshenziswa kuzo zonke izigaba zenqubo yesikhalo.

5. Esigabeni ngasinye lapho umuntu emkhakheni oqondene wesiphathimandla ezama ukuxazulula isikhalo, lolo nalolo hlangothi luyogcwalisa isigaba esifanele sefomu . Uyonikezwa ithuba lokuphendula lokho nalokho okushiwo.

6. Ekupheleni kwazo zonke izigaba zenqubo yesikhalo , umnyango uyokunika umfanekiso wefomu eliphelele.

7. Uma isikhalo sesixazululiwe , akudingekile ukuba ugcwalise ingxenye esele yefomu. Umkhakha obhekele ezabasebenzi emnyangweni wakho uyobe usuyaligcina ifomu. Liyosetshenziswa uma kubikwa ngamanani kwiKhomishani yezaBasebenzi bakaHulumeni njalo ngonyaka.

8. Uyadingeka ukuba ugcwalise Ingxenye A no B yalelifomu bese ulinika umsebenzi okhethelwe ukuba enze-lula noma abe ngumxhumanisi kulenqubo yokuxazulula izikhalo kuleso sikhungo. Lomsebenzi uyosayida ebhokisini elingaphansi kwengxenye B yefomu ukukhombisa ukuthi usitholile isikhalo. Qiniseka ukuthi uthola umfanekiso walelifomu uma ukufaka kwakho isicelo sekwamukelwe.

9. Ingxenye C yefomu lesikhalo iyogcwaliswa umqashi nawe ezigabeni ezahlukene zokuzama ukuxazulula isikhalo .

INGXENYE A: IMININGWANE YAKHO

Kugcwalisa umsebenzi onesikhalo:

Izinhlamvu zamagama neSibongo : _____
Inombolo yomsebenzi : _____
Umnyango okuqashile : _____
Umkhakha : _____
Isikhundla : _____
Usuku owaze ngalo ngesenzo noma
Ukwehluleka ukwenza : _____
Izinombolo ongathintwa kuzo : Inombolo Yocingo:_____
Inombolo Yesikhahlamezi: _____

Igama lokumele (uma ekhona) : _____
Izinombolo zokumele : : Inombolo Yocingo:_____
Inombolo Yesikhahlamezi: _____

Igama lenyunyana (uma ikhona) : _____
Izinombolo zenyunyana : Inombolo Yocingo:_____
Inombolo Yesikhahlamezi: _____

INGXENYE B : IMININGWANE YESIKHALO

Kugcwalisa umsebenzi onesikhalo:

Yini isikhalo sakho? (Uma isikhala esingezansi singenele, jobelela ngelinye ikhasi/amakhasi):

Sixazululo sini osifisayo?

KUSAYINA:

UMSEBENZI **USUKU**

Ukutholwa kwesikhalo kuyamukelwa umsebenzi onesikhalo unikwa umfanekiso

UMSEBENZI OKHETHIWE: **USUKU**

Igama:

Isikhundla:

INGXENYE C: IZINQUMO NGESIKHALO: AMAZINGA

QAPHELA:

Lengxenye yefomu iphathelene namazinga ahlukene eziphathimandla ukuzama ukuxazulula ingxabano. Kodwa-ke akunamazinga anqunyiwe okuxazulula isikhalo. Kungagcwaliswa elilodwa noma amaningi kulamakhasi alandelayo, kuyoya ngesimo.

Uma isikhalo singaxazululeki kuze kufike ezingeni lenhloko yoMnyango , kufanele sithunyelwe kusiphathimandla esiphethe (ikhasi elingezansi eliqondene ngqo nokudlulisela kusiphathimandla esiphethe kufanele ligcwaliswe).

Isikhalo kufanele sibhekwe kuwo wonke amazinga afanele (okumbandakanya nesiphathimandla) zingakapheli izinsuku ezingama-30, ngaphandle uma isikhathi seluliwe ngokuvumelana nomsebenzi onesikhalo.

(Ingxenye C iyaqhutshwa)

IZINGA: UMSEBENZI OKHETHIWE _____

Kugcwalisa umsebenzi okhethiwe

Igama : _____

Isikhundla : _____

Inombolo yocingo : _____

Inombolo yesikhahlamezi: _____

Ngabe isikhalo sixazululiwe? Yebo ☐ Qha ☐

Uma kungu Yebo, nikeza imininingwane yesivumelwano (uma isikhala esingezansi singanele , uyanxuswa ukuba ujobelele ngelinye ikhasi/amakhasi)

KUSAYINA:

_____ _____

UMSEBENZI OKHETHIWE **USUKU**

Kugcwalisa umsebenzi

Ngabe isikhalo sixazululiwe? Yebo ☐ Qha ☐

Ngabe kukhona ofisa ukukusho?

KUSAYINA:

_____ _____

UMSEBENZI **USUKU**

(Ingxenye C iyaqhutshwa)

IZINGA: ISIPHATHIMANDLA ESIPHETHE

Kugcwalisa isiphathimandla esiphethe

Isinqumo mayelana nesikhalo kanye nezizathu zesinqumo (Uma isikhala esingezansi singanele, uyanxuswa ukuba ujobelele ngelinye ikhasi/ amakhasi)

KUSAYINA:

ISIPHATHIMANDLA ESIPHETHE **USUKU**

Kugcwalisa umsebenzi onesikhalo

Ngabe isikhalo sixazululiwe? Yebo ☐ Qha ☐

Uma kungu- Qha, uyanxuswa ukuba uchaze ukuthi yingani unganelisiwe:

KUSAYINA:

UMSEBENZI **USUKU**