

**IsiNdebele**

**ISAZISO SOMBUSO**

**I-OFISI LEKOMITJHANA YEZABASEBENZI BOMBUSO**

**Nomboro R 1012**

**25 Julayi 2003**

**IMIYALO EQALENE NEENGHONGHOYILO ZABASEBENZI BOMBUSO**

Lapha kwaziswa bona iKomitjhana yezabaSebenzi bomBuso ngaphasi kwesigaba 11 somThetho weKomitjhana yezabaSebenzi bomBuso ka-1997 (umThetho wenomboro 46 ka-1997), esifundwa ngokukhambisana nesigaba 196 (4) (f) (ii) somThethosisekelo weRiphabhligi yeSewula Afrika ka-1996 (umThetho wenomboro 108 ka-1996), yenze imiYalo ebekwe lapha kuTjhejuli 1.

Yenziwa beyatlikitlwa ePitori ngomhlaka 25 Julayi 2003.

**S.S. SANGWENI**

**USihlalo**

**Komitjhana yezabaSebenzi bomBuso**

**TJHEJULI 1**

**A. IINHLATHULULO**

Kilekambiso, ngaphandle kwalokha ubujamo nabuveza ngenye indlela-  
“**iKomitjhana**” kutjho iKomitjhana yezabaSebenzi bomBuso ehloniwe ngokuya kwesigaba 196 (1) somThethosisekelo;  
“**umThethosisekelo**” kutjho umThethosisekelo weRiphabhligi yeSewula Afrika ka-1996 (umThetho wenomboro 108 ka-1996);  
“**amalanga**” kutjho amalanga wokusebenza;

**“abathatha isiqunto”** kutjho abantu obuhlathululwe esigatjaneni 1 (1) somThetho wezabaSebenzi boMbuso ka-1994;

**“isinghonyoyilo”** kutjho ukunganeliswa mayelana nesenzo esisemthethweni namkha ukutjhiywa ngaphandle okwenziwe mquatjhi okuthinta kumbi umsebenzi osetjhebiswaneni lokuqatjha, kungafaki okuthiwa kuqoqosa okungasi semthethweni;

**“ihloko yomnyango”** kutjho ophethe isikhundla okukhulunywe ngaye emaTjhejulini 1,2 no-3 womThetho wezabaSebenzi bomBuso ka-1994, namkha umuntu omjaphethe esikhundleneso;

**“umThetho wezabaSebenzi bomBuso”** kutjho umThetho wezabaSebenzi bomBuso ka-1994 (isiMemezelo senomboro 103 saka-1994);

**“ihlangano yezabasebenzi eyaziwako”** kutjho zoke iihlangano zabasebenzi ezifakwe emKhandlwini wokuKhambelanisa nokuKhulumisana wabaSebenzi bomBuso kanye nenye nenye ihlangano yezabasebenzi enamalungelo weenhlango emnyangweni othileko;

**“ukurarulula”** kutjho ukurarulula isinghonyoyilo bekwaneliseke umsebenzi owoniweko;

**“umjameli”** kutjho umsebenzi osebenza nowoniweko, umjameli namkha isiphathiswa sehlangano yezabasebenzi eyaziwako;

## **B. UMNQOPHO NOKUSEBENZA**

1. Umnqopho walekambiso yokunghonyoyila kuragelisa phambili itjhebiswano elihle lemsebenzini kanye nokulungisa iinghonyoyilo embusweni ngokufezakalisa iminqopho eqakatheke khulu ekilekambiso okunginasi-

- (a) ukusebenzisa isigaba 196 (4) (f) (ii) somThethosisekelo esinikela iKomitjhana amandla wokuphenya iinghonyoyilo zabasebenzi embusweni ezithinta izenzo zangokomthetho namkha ukutjhiywa ngaphandle kwazo, begodu kuphakanyiswe iimpengu ezifaneleko;
- (b) ukusebenzisa isigaba 11 somThetho weKomitjhana yezabaSebenzi bomBuso ka-1997 (umThetho wenomboro 46 ka-

1997) onikela iKomitjhana amandla bona yenze imiyalo eqalene neenghonyayo;

(c) kuphuhlisa-

- (i) ukutjhejwa kweenghonyayo burhaba, ngendlela engathathi hlangothi nenokulingana;
- (ii) itjhebiswano lemsebenzini elihle;
- (iii) ukurarululwa kweenghonyayo zomuntu ngamunye ezingeni eliphasi khulu lomnyango.

### **C. UKUPHATHWA KWESINGHONYAYO**

1. Isinghonyayo kufanele sirarululwe ngokukhona okukhulu mquatjhi begodu sirarululwe khulokhulu endaweni lapho senzeke khona.
2. Umquatjhi kufanele aqinisekise bonyana isinghonyayo sitjhejwa ngendlela elungileko, engathathi hlangothi nenganyuliko, begodu imithethokambiso yobulungiswa bemvelo iyalandelwa.
3. Ikambiso kufanele kube ngileyo erhelebha nekghonakalisa umquatjhi nomsebenzi ukulungisa ukunganeliswa.
4. Akunamsebenzi ozakukhutjwa inyumbazana namkha abandlululwe bunqopha namkha ingasi bunqopha ngebanga lokufaka isinghonyayo.
5. Nayikuthi isenzo sokukhalima sithathelwa umsebenzi, ukusetjenziswa kwalekambiso msebenzi ukulungisa enye nanye indaba ekhambelana nesenzo sokukhalima angeze yajamisa ikambiso yokukhalima.
6. Isinghonyayo kufanele senziwe ngomtlolo begodu zoke iinqunto ezithathwa ngesikhathi sekambiso zenziwe ngomtlolo.
7. Umsebenzi angarhelejwa mjameli.

### **D. UKUKHAMBISANA NAMAQINTELO**

1. Ekubekeni ukukhambisana namaqintelo wesikhathi, lokhu kufanele kubalwe ngokungafaki ilanga lokuthoma nokufaka ilanga lokugcina.

2. Abathintekako kufanele bakhambisane namaqintelo wesikhathi abekwe kilekambiso, ngaphandle kwalokha bobabili nabavumelana ngokuwakhulisa.
3. Isinghonyoyilo kufanele sifakwe kumqatjhi kungakapheli amalanga ama-90 ukusuka ngelanga umsebenzi azi ngalo ngegadango langokomthetho namkha ukutjhiywa kwalo ngaphandle, okumthinta kumbi.
4. Umsebenzi angafuna bonyana isinghonyoyilo sakhe sidluliselwe eKomitjhaneni kungakapheli amalanga ali-10 ngemva kokuthola isiqunto sabathatha isiqunto.

#### **E. UKUNIKELWA KWELWAZI**

1. Umqatjhi kufanele anikele ngelwazi elifaneleko elifuneka bona umsebenzi enze namkha alendelele isinghonyoyilo, nayikuthi liyafuneka.
2. Ukunikelwa kwelwazi elinjalo kuyame emaqintelweni abekwe mthetho.
3. Umsebenzi kufanele anikele ngelwazi mayelana nobujamo besinghonyoyilo neragelo phambili elenziweko mayelana nelanga lokutjhejwa kokugcina kwaso.
4. Umqatjhi kufanele anikele umsebenzi ikhophi yeforomo lesinghonyoyilo ngemva kwezinga elinye nelinye labalawuli abaqalene nesinghonyoyilo.

#### **F. AMAGADANGO WOMNYANGO WOKUTJHEJA ISINGHONGHOYILO**

1. Umsebenzi angafaka isinghonyoyilo kumsebenzi okhonjiweko ukukghonakalisa ukurarululwa kwesinghonyoyilo ngemnyangweni.
2. Iforomo elibekiweko elitholakala esiNgezelelweni A kufanele lisetjenziswe lokha nakwenziwa isinghonyoyilo.
3. Umsebenzi okhonjiweko kufanele akhulumisane nezakhiwo ezifaneleko zabalawuli bomnyango ukulinga ukurarulula umraro.
4. Isinghonyoyilo singararululwa nginanyana ngimuphi umuntu ngaphakathi kwezakhiwo ezifaneleko zabalawuli ezinegunya lokwenza njalo.
5. Umsebenzi owoniweko uzakwaziswa msebenzi okhonjiweko ngobujamo neragelo phambili elenziweko ekurarululweni kwesinghonyoyilo.

6. Nayikuthi isinghonyoyilo sirarululwa bekwaneliswe umsebenzi owoniweko isiqinisekiso salokho sizakutlolwa phasi, msebenzi okhonjiweko.
7. Nayikuthi isinghonyoyilo asirarululeki, abathatha isiqunto kufanele bazise umsebenzi owoniweko ngendlela efaneleko.
8. Umnyango (kufaka abathatha isiqunto) banamalanga ama-30 wokuqalana nesinghonyoyilo. Isikhathi singakhuliswa ngokuvumelana kwabathintekako ngomtlo.
9. Nayikuthi ngemva kobana umsebenzi owoniweko aziswa ngomphumela wesinghonyoyilo begodu akaneliswa—
  - (a) kufanele azise abathatha isiqunto ngomtlo kungakapheli amalanga ali-10;
  - (b) abathatha isiqunto kufanele ngokuya kwesigaba 35 (1) somThetho wezabaSebenzi bomBuso ka-1994, badlulisele isinghonyoyilo nemitlo efaneleko eKomitjhaneni yezabaSebenzi bomBuso ezakwenza isiphakamiso kungakapheli amalanga amahlanu ngemva kokwaziswa msebenzi owoniweko.
10. Nayikuthi isinghonyoyilo sibumba ikambiso yezabasebenzi engathathwa njengakalungi njengombana ihlathululwe emThethweni weTjhebiswano lezabaSebenzi ka-1995, umsebenzi angazisa abathatha isiqunto ngomtlo bonyana ufisa ukusebenzisa iindlela zokurarululwa kwemiraro ezitholakala emthethwenisisekelo womKhandlu wokuKhambelanisa nokuKhulumisana wabaSebenzi bomBuso namkha umkhandlu wekoro ofaneleko (lapho kukghonakalako) begodu neKomitjhana yezabaSebenzi bomBuso kufanele ingasatjheji isinghonyoyileso.
11. Nayikuthi kunokwehluleka ngehlangothini lomnyango lokuphendula isinghonyoyilo kungakapheli isikhathi okukhulunywe ngaso emThethweni F8, isiphathiswa esoniweko singenza isinghonyoyilo saso—
  - (a) bunqopha eKomitjhaneni; namkha
  - (b) ebumeni bobungaphathwa kuhle emsebenzini, emKhandlwini wokuKhambelanisa nokuKhulumisana wabaSebenzi bomBuso namkha emkhandlwini wekoro ofaneleko (kenye nanye ekhona kilezi) ngokuya kwekambiso yawo yokurarulula imiraro.

### **G. UKUDLULISELWA EKOMITJHANENI**

1. Nasele iKomitjhana ithole ilwazi kabathatha isiqu nto, kufanele kuthi kungakapheli amalanga ama-30 itjheje isinghonghoyilo esinjalo begodu yazise abalawuli abathatha isiqu nto, ngesiphakamiso sayo namabanga wesiqu nto sayo ngomtlo lo.
2. Ekufumaneni isiphakamiso seKomitjhana, abathatha isiqu nto kufanela kuthi kungakapheli amalanga amahlanu, bazise umsebenzi neKomitjhana ngesiqu nto sabo ngomtlo lo.

### **H. IINGHONGHOYILO ZEENHLOKO ZEMINYANGO YOMBUSO**

1. Nayikuthi ihloko yomnyango inesinghonghoyilo ebujameni—
  - (a) behloko yomnyango wesitjhaba, ingaletha isinghonghoyilo kuMongameli; namkha
  - (b) behloko yomnyango wephrovinsi ingaletha isinghonghoyilo kuNdunakulu ofaneleko.
2. UMongameli namkha uNdunakulu unamalanga ama-30 wokutjheja isinghonghoyilo. Isikhathi singakhuliswa ngokuvumelana.
3. ImiYalo F9 no-10 izakufundwa namatjhuguluko afunwa bujamo, isebenza kizo zoke iinghonghoyilo zeenhloko zeminyango.

### **I. UKUTJHEJWA KUHLE NGOKUHLOLA**

1. Ihloko yomnyango kufanele iqinisekise bonyana ukurarululwa kwesinghonghoyilo kutjhejwa kuhle ngokugcinwa kwamarekhodi wesibalo seenghonghoyilo ezirarululwe ukuthoma ekuthomeni konyaka kanye nokubika eKomitjhaneni njalo eenyangeni ezisithandathu.
2. IKomitjhana kufanele ibike ngokuphathwa kweenghonghoyilo kanye nangokusebenza kwekambiso yeenghonghoyilo kanye ngonyaka ePalamende begodu namayelana nemisebenzi yayo ePhrovinsini esiBethamthethweni saleyo Phrovinsi.

### **J. EZINYE IINKAMBISO**

Lokha isinghonyoyilo nasenziwa ngokuya kwalekambiso, umsebenzi owoniweko kufanele aveze bonyana ingabe kghani usebenzisa enye na ikambiso.

### **K. AMANYE AMAGADANGO WETJHUGULUKO**

1. Isinghonyoyilo esifakwe ngaphambi kokwaziswa kwemiThetho yesiKhatjhana, okutjho bonyana ngaphambi komhlaka 1 Julayi 1999, sizakutjhejwa besiqedwe kungathi imiThetjhwana yezabaSebenzi bomBuso ayikasukulwa.
2. Isinghonyoyilo esenziwa ngaphambi kokwaziswa kwalemiyalo yeenghonyoyilo, kufanele sitjhejwe besiphethwe ngokuya kwemiThetho yesiKhatjhana yeeNghonyoyilo eyaziswe ku*Gazede yomBuso* yenomboro 20231 ka-1999.

### **L. ILANGA LOKUTHOMA UKUSEBENZA**

Ilanga lokuthoma ukusebenza kwalemiYalo kuyame eenjamisweni zomThetho K, 19 Septemba 2003.

**IsiNgezelelo A**

**IFOROMO LESINGHONGHOYILO**

**SIBAWA BONA UFUNDE NGOKUYELELA IMIYALO ELANDELAKO  
NGAPHAMBI KOKUZALISA IFOROMO**

1. Iforomeli kufanele lisetjenziswe ukwenza isinghonghoyilo (kungafaki ukuqothwa emsebenzini okungasi kuhle) lokha nawungakaneliswa sisenzo sangokomthetho namkha kutjhiywa ngaphandle begodu bewungakghoni ukurarulula umraro ngokusebenzisa ikulumiswano engakahlelwa.
2. Kufanele ufake isinghonghoyilo kungakapheli amalanga ama-90 ukusuka ngelanga owazi ngalo ngesenzo sangokomthetho namkha ukutjhiya ngaphandle okukuthinte kumbi.
3. Ungarhelejwa namkha ujanyelwe ngosebenza naye namkha mjameli namkha siphathiswa esibuya enyonyaneni yabasebenzi eyaziwako.
4. Kuqakathekile ukuzalisa loke ilwazi ngokunembako. Lokha nakuzaliswa iforomo, kufanele linikelwe umsebenzi okhonjiweko okhambisa kuhle iinghonghoyilo esikhungweni sakho. Umnyango uzakunamathisela iforomeli emitlolweni yesinghonghoyilo begodu lizakusetjenziswa kiwo woke amagadango wekambiso yokunghonghoyila.
5. Kwelinye nelinye igadango lapho umuntu osesakhiweni esifaneleko sabalawuli alinga ukurarulula isinghonghoyilo, omunye nomunye othintekako uzakuzalisa iforomo elifaneleko. Uzakunikelwa ithuba lokuphendula kwelinye nelinye igadango nombono omunye nomunye.
6. Ekupheleni kwegadango elinye nelinye lekambiso yokunghonghoyila, umnyango uzakunikela ikhophi yeforomo elizalisiweko.
7. Nasele isinghonghoyilo sirarululiwe, akusatlhogeki bonyana uzalise loke iforomo. IPhiko lokuPhathwa kwabaSebenzi lomnyango wakho lizakufayila iforomo. Lizakusetjenziselwa ukubika iimbalo eKomitjhaneni yezabaSebenzi bomBuso.



8. Kufanele uzalise iiNgcenywe A no-B zeforomeli begodu ulinikele umsebenzi okhonjiweko okhambisa kuhle iinghonyayo esikhungweni sakho. Umsebenzi uzalitikitla ebhlogweni elingaphasi kweNgcenywe B yeforomo ukutjengisa bonyana isinghonyayo sifunyenwe. Qinisekisa bonyana uthola ikhophi yeforomo lapho ukufunyanwa kwesinghonyayo sakho kuvunyanwa khona.

9. INgcenywe C yeforomo lesinghonyayo izakuzaliswa mqatjhi nawe ngesikhathi samagadango ahlukeneko lapho imizamo izakwenziwa ukurarulula isinghonyayo.

**INGCENYE A: ILWAZI NGAWWE**

*Kufanele izaliswe msebenzi owonjweko:*

**Ama-Initjhiyali nesibongo:** .....

**Inomboro ye-Persal:** .....

**Umnyango oqatjhe kiwo:** .....

**IPhiko:** .....

**Isikhundla:** .....

**Ilanga owazi ngalo isenzo sangokomthetho namkha ukutjhiywa ngaphandle:** .....

**Ilinomboro zokuthintana: Inomboro yomtato:** .....

**Inomboro yefeksi:** .....

**Igama lomjameli (lapho kufaneleko):**.....

**Ilinomboro zokuthintana zomjameli: Inomboro yomtato:** .....

**Inomboro yefeksi:** .....

**Igama lelangano yabasebenzi (lapho kufaneleko):**

.....

**Ilinomboro zokuthintana zenyonyana: Inomboro yomtato:** .....

**Inomboro yefeksi:** .....

**INGCENYE B: IMININGWANA YESINGHONGHOYILO**

*Kufanele izaliswe msebenzi owoniweko:*

**Woniwe ngani? (Nayikuthi isikhala esingenzasi asikaneli, zalisa amaphepha wokungezelela):**

.....  
.....  
.....

**Ngiyiphi intatha oyihlongozako?:**

.....  
.....

**LITLIKITLWE:** .....  
**Umsebenzi Ilanga**

*Ukutholwa kweforomo lesinghonyoyilo kuyavunywa begodu ikhophi inikelwa umsebenzi owoniweko*

**UMSEBENZI OKHONJIWEKO**

**ILANGA**

**Igama:**

**Isikhundla:**

**INGCENYE C: AMAZINGA WOKURARULULWA KWEENGHONGHOYILO**

**AMANOTHI:**

- *Ihlangotheli leforomo linikela ngamazinga ahlukeneko wegunya wokulinga ukurarulula umbango. Kodwana, akunamazinga abekiweko wokurarulula isinghonyoyilo. Ngokuya kobujamo, ikhasi linye namkha amanengi ngenzasi kufanele azaliswe.*
- *Nayikuthi isinghonyoyilo angeze sararululwa ezingeni lehloko yomnyango, kufanele silethwe kwabagunyazwe ukuthatha isiqunto (ikhasi elingaphasi elikhuluma ngabagunyazwe ukuthatha isiqunto kufanele lizaliswe).*

- *Isinghonyoyilo kufanele sitjhejwe ngiwo woke amazinga akhona (kufaka abagunyazwe ukuthatha isiqunto) kungakapheli isikhathi esimalanga ama-30, ngaphandle kwalokha nasingangezelelwa ngokuvumelana nomsebenzi owoniweko.*

**IZINGA: UMSEBENZI OKHONJIWEKO .....**

***Kufanele izaliswe msebenzi okhonjiweko:***

Igama: .....

Ukukhonjwa: .....

Inomboro yomtato: .....

Inomboro yefeksi: .....

**Ingabe kghani isinghonyoyilo sararululwa? Iye ..... Awa .....**

**Nayikuthi iye, nikela iminingwana yesivumelwano (nayikuthi isikhala esingenzasi asikaneli faka amanye amakhasi wokungezelela)**

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**ITLIKITLO: .....**

**UMSEBENZI OKHONJIWEKO      ILANGA**

***Izaliswa msebenzi***

**Ingabe kghani isinghonyoyilo sararululwa? Iye ..... Awa .....**

**Ingabe kukhona ongakutjho?**

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.....

**ITLIKITLO: .....**

**UMSEBENZI      ILANGA**

