

ICANDELO 3

Usenza njani isicelo sokufikelela kwiinkcukacha

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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 zeenkukacha.

UDIDI LWEQUMRHU	IFOMU YE-PAIA	ICANDELO LE-PAIA
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Iifomu kufuneka zifumaneka kwiwebhusayithi 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 kwiinkcukacha ezikulawulo lwequmrhu likarhulumente okanye elabucala senziwa ngokugcwalisa ifomu yesicelo se-PAIA ize ingeniswe kwiqumrhu elo libandakanyekayo. Isicelo se-PAIA kufuneka sithunyelwe kwiGosa lezeenkukacha, iSekela Gosa lezeenkukacha okanye iNtloko yequmrhu likarhulumente okanye elabucala, kwaye kufuneka kusetyenziswe iinkcukacha zoqhagamshelwano ezichanekileyo nezakamvanje.

Ukongeza ekunikezeleni ngeenkukacha 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 neenkukacha 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, sifekswwe 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 kweekopi 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 kweekopi 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 lingandincedisela ekwenzeni isicelo se-PAIA?

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

Uncedo kufuneka lunikezelwe ngamaGosa ezeeNkcukacha mahala.

IMISEBENZI YAMAGOSA EZEENKCUKACHA	INGCACISO
Ukuncedisela umenzi sicelo agcalise 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 ukuncedisa 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 ezongezwayo, ngezizathu ezithile, eziquka isicelo eso (1) amaxwebhu amakhulu kakhulu, (2) ukubonisana namanye amaqumrhu karhulumente okanye awabucala, (3) okanye ukuba umenzi sicelo uvumile ukulungeza 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 nangeenkukacha malunga nexesha isibheno okanye isicelo enkundleni ekumele sifakwe ngayo ndawonye nomgaqo ekumele ulandelwe.
UKukhatywa kwesicelo	Ukuba isicelo se-PAIA sikhatywayo, 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 ngeenkukacha eziphathelelene nokwenza isibheno ngesigqibo okanye ngokwenza isicelo senkundla.
Ukulityaziswa kokukhululwa kweenkcukacha	IGosa lezeeNkcukacha lisenokuthatha isigqibo sokulibazisa ekukhululeni iinkukacha kumenzi sicelo ngokweCandelo 24 le-PAIA, ukuba ezo nkukacha bekufanele ukuba zishicilelwe zingaphelanga iintsuku ezingama-30 okanye ukuba iinkukacha ezo kufuneka zishicilelwe ngokomthetho kodwa zibe zizeza kushicilelwa.

I-PAIA kumaCandelo 23 nelama-55 ithi ukuba iGosa lezeeNkcukacha alikwazi ukuzifumana ezo rekhodi ziceliwayo, 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 ezeNkcukacha.

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 ebessithathwe liGosa lezeeNkcukacha besilungile kusini na. Ukuba umntu lowo ukwisikhundla esiphezulu uyavumelana nesigqibo seGosa lezeeNkcukacha, isibheno sangaphakathi siza kuthi sikhatyiwe size isigqibo ebessithathiwe ekuqaleni malunga nesicelo se-PAIA siqinisekise. Ukuba umntu okwisikhundla esiphezulu akavumelani nesigqibo esithathwe liGosa lezeeNkcukacha, isibheno siza kuthi ke ngoko siqwalaselwe size nesigqibo ebessithathiwe ekuqaleni ngokuphathelele kwisicelo se-PAIA siguqulwe.

Kubalulekile ukuqaphela ukuba isibheno sangaphakathi 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 sangaphakathi 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 ayikhetheleyo kwifomu yesicelo.

3.4.1.3 Ndingasenza njani isibheno sangaphakathi?

Isibheno sangaphakathi 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 neenkukacha ezisemfihlakalweni, iinkcukacha ezithile zorhwebo, kunye neenkukacha 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 neenkukacha eziyimfuneko zalo ndlela ayikhethayo.

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

Xa isibheno sangaphakathi 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 sangaphakathi 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 sangaphakathi 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 lezeNkcukacha 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 lweNkcukacha zokoBuqu omtsha othi kukho ixesha leentsuku ezili-180 zokuba umenzi sicelo afake isikhalazo kuMlawuli weNkcukacha, emva kokuba ezenze zonke iinqubo ze-PAIA zokufikelela kwiinkcukacha zokobuqu.

Amatyala ofikelelo kwiinkcukacha asenokuchotshelwa kwiiNkundla 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 elithile 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 olungumdlala 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 lezeenkukacha ukuba lale ngokufikelela kwiinkcukacha. I-PAIA inika izizathu ezili-12 apho ufikelelo kwiinkcukacha lunokwalelwa khona ligosa lezeenkukacha 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*).

UMGAQO NGOKUBANZI	
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 zisenokungabengezwa ligosa lezeenkukacha. Ngelifutshane, izizathu ezingunobangela wokuba iinkcukacha zingakwazi ukubhengezwa zisenokungachazwa ngokuphathelele ekubeniingabaukubhengezwakwezonkcukachakungabangelaumonakaloomkhulungaphezukokungabengezwa kwazo. I-PAIA ngoko ke idwelisa izizathu ezilishumi elinambini apho ukufikelela kwiinkcukacha kunokwalelwa khona ligosa lezeenkukacha lequmrhu likarhulumente okanye elabucala (ezi zizathu zili-12 ziza kudweliswa kwicandelo 4.3 apha ngezantsi). Kwelinye icala, ezinye zezi zizathu zokungabengezwa zezinyanzelwayo kwigosa lezeenkukacha, nto leyo ethetha ukuba igosa lezeenkukacha 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 lezeenkukacha lisenokuzibhengeza okanye lisenokungazibhengezi iinkcukacha okanye iirekhodi ezo zifunwayo. Ngoko ke, igosa lezeenkukacha kufuneka lisebenzise eyalo ingqiqo malunga nokuqwalasela ukuba ingaba ukubhengeza iinkcukacha ezo kuza kubangela iingxaki ezongezelekileyo 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. Ukhuselelo lobumfihlelo bomnye umntu

I-Gosa 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 ukukhuselela ilungelo lobumfihlelo bomntu wesithathu ongumntu ophilayo, i-Gosa lezeeNkcukacha kufuneka lihlote 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.

I-Gosa lezeeNkcubeko kufuneka liqwalasele neenkukacha 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. Ukhusele 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;
- » Iinkcukacha zezemali, ezoshishino, ezobunzululwazi, ezophando okanye ezobugcisa ezimalunga nomntu wesithathu;
- » Iinkcukacha ebezizigqithiswe phantsi kwemiqathango yokuba semfihlakalweni nokuthembeka kumntu wesithathu.

Nangona kukho umgaqo omisiweyo wokukhuselela 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 kukhuselelo loluntu okanye ukuba sesichengeni kokusingqongileyo kufuneka zikhutshwe, nokuba ukukhutshwa kweenkcukacha ezikumilakunjalokusenokumbekaesichengeni umntu lowo wesithathu. Okukuquka iinkcukacha ezingayingelo eluntwini (*bona icandelo 4.4 ngezantsi*).

4.3.3. Ukhusele lweenkcukacha eziyimfihlo

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

4.3.4. Ukhusele lokukhuseleka komntu kunye nempahla

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

4.3.5. Ukhusele lweenkcukacha kwiingxoxo zenkundla

Iinjongo zeli candelo kukukhuselela iinkcukacha ezifunekayo kwiingxoxo zekundla neenkqubo zokugunyaziswa komthetho. Eli candelo liqaphela eminye imithetho elawula iindidi ezithile zeenkcukacha. Kumba weli candelo umthetho weenkcukacha 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 lweenkcukacha kunye neirekhodi, 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. Ukhuselelo lweeNkcukacha zoPhando

Igosa lezeenkcukacha lequmrhu likarhulumente okanye elabucala kufuneka likwalele ukufikelela kwiirekhodi eziqulathe 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, ukhuselelo loMzantsi Afrika kunye nobudlelwane namazwe ngamazwe

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

4.3.7.2. Iingenelo zoqoqosho, zezemali nezoshishino loMzantsi Afrika

Icandelo 42 le-PAIA lifuna ukukhuselwa kweenkcukacha zequmrhu likarhulumente ukuba ukubhengezwa kwazo kungalubeka esichengeni uqoqosho kunye nesimo sezezimali seRiphabliki. 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 lezeenkukacha lisenokusikhaba isicelo seenkukacha ukuba licinga ukuba ukwenziwa kweso sicelo kuya kuba yinkcithaxesha nje engasokuze iye ndawo ibe imosha izixhobo eziluncedo kwaneenkono. Ukongeza, iGosa lezeenkukacha lisenokulukhaba ufikelelo kwiinkukacha ukuba ngaba eso sicelo sibonwa njengesingenangqiqo okanye esenziwe ngumenzi sicelo ngeenjongo nje zokucaphukisa okanye ezokuvusa umnye.

4.4 Ukungananzwa komdla oyingenelo yoluntu

Lonke ukhuseleko olwenziwa kwiinkukacha ezichazwe apha ngasentla alusebenzi ukuba ukukhutshwa kwezo nkukacha kuza kuba yingenelo engumdlal woluntu. Ngale ndlela, umdlal oyingenelo yoluntu awuzinanzi zonke ezinye izizathu zokukhaba ufikelelo kwiinkukacha.

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

Ingaba iinkukacha zibonisa ukwaphulwa komthetho kakubi?

OKANYE

Ingaba iirekhodi ezifunwayo ziqulethe iinkukacha eziphathelele kukhuseleko olukhawulezileyo nolumandlal kakhulu okanye ukuba sesichengeni kokusingqongileyo?

KWAYE

Ingaba iingenelo ezingumdlal woluntu ngokuphathelele ekubhengezweni kwezi nkukacha kuyazigqumelela iingozi ezisenokubakho?

ICANDELO 5

Izixhobo ezingundoqo kunye nezinye iinkcukacha eziluncedo

Eli candelo liquka:

5.1 Uluhlu lwezixhobo ezingundoqo ezisetyenzisiweyo 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 2004	Izilungiso kwicandelo 92(4) lwe-PAIA ukuzekulungiselelwe amaTyala neziGwebo zabantu abaphazamisana ngabom nangempazamo nezicelo zabenzi-zocelo zeenkukacha, 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).

ISIXHOSA

**ISIKHOKELO MALUNGA NOKUSETYENZISWA KOMTHETHO WOKUPHUCULWA KOKUFIKELELA
KWIINKCUKACHA KA-2000**