SPECIAL INVESTIGATING UNIT

ESTABLISHED IN TERMS OF ACT 74/1996

Head of the Unit – Willie Hofmeyr

TEL: [043] 726-9705
FAX: [043] 726-9269 / 726-9261
[043] 727-1051 [Legal]
[043] 727-0020 [Finance]
[043] 726-9808 [HR]

OUR REF : S.R. Walser

Sekela-Gosa lo-Lwazi

Sanlam Park
59 Western Avenue
Vincent
EAST LONDON
P O Box 893
EAST LONDON, 5200

E-Mail:bwalser@siu.org.za
Docex 56,East London

INCWADANA YO-LWAZI

[PHANTSI KO-SECTION 14 WOMTHETHO OKHUTHAZA UKUFIKELELEKA KO-LUNTU KULWAZI, UMTHETHO WESIBINI KA-2000]

UMKHOMBANDLELA

IButho eliLodwa loPhando lijongene nokulwa urhwaphilizo, yaye lune-Sebe lophando olukuqondo oluphezulu kwakunye neSebe lokuphicotha amatyala khona ukuze kufunyanwe kubuyiselwe kuRhulumente izinto ezibandakanyekayo kolo-phando.

INKCAZO NGOKUMA KWELI BUTHO

- IButho elilodwa lisekwe ngo-Proclamation R118 ka-2001 phantsi komthetho olawula amaButho woPhando awodwa neenkundla ezizodwa umthetho 74 ka 1996 njengoko uhlonyelwe.
- UMnumzana William Andrew Hofmeyr nguye intloko yeli-Butho, yaye wonyulwe nguMongameli woMzantsi Afrika.
- IButho loPhando linakho ukuyalelwa nguMongameli ukuba liphande naziphina izinto nakwiliphina iPhondo nakweyiphina indawo yoMzantsi-Afrika.

IMISEBENZI YEBUTHO ELILODWA LOPHANDO YILE:

(a) Ukuphanda zonke izinto eziziswe kulo nguMongameli nge-Proclamation;

(b) Ukuqokelela ubungqina obungqamene nezenzo okanye izinto ezingenziwanga ezinxulumene nophando olo;

(c) Ukuba kuyenzeka ukusa enkundleni eyodwa abantu abachatshazelwa luphando olo;

(d) Ukungenisa ubungqina kwinkundla kwizityholo ezo zifakiweyo;

(e) Ukusa ubungqina obubonakalisa ukuba kwenziwe ulwaphulo Mthetho kumagunya otshutshiso;

(f) Ukwenza eminye imisebenzi engachasenanga nalo mthetho anokuthi uMongameli ayicele ukuba eli butho liyenze;

(g) Ukuthi ngamaxesha ngamaxesha xa uMongameli efuna njalo linike ingxelo ngokumalunga nophando nokuma kophando olo lulwenzileyo kwizinto kumatyala aphambi kwe-Special Tribunal eso;

(h) Ukuthi lakugqiba ukuphanda iButho liithumele ingxelo yokugqibela ku-Mongameli;

(i) Ukufaka ingxelo ePalamente malunga nezinto eliziphandayo ubume balo nenkcitho eliyenzileyo, oko likwenze kabini ngonyaka.

IINJONGO ZEBUTHO ELILODWA LOPHANDO

Kukuphanda nayiphina into kwezi zilandelayo:

(a) Ulawulo olugwenxa noluxhomisa amehlo kwimisebenzi okanye kwizinto zika-Rhulumente;

(b) Ukuziphatha okugwenxa okanye okungekho mthethweni kwabasebenzi bakaRhulumente;

(c) Ukuthatyathwa ngokungekho mthethweni imali okanye izinto zikaRhulumente;

(d) Izenzo ezingezizo okanye ezingavunywanga okanye ezingekho mthethweni nemvumelwano ezikwanjalo ezichaphazela impahla kaRhulumente;

(e) Ukulahleka okusemthethweni okanye ngokungenankathalo kwezinto zikaRhulumente okanye ukwenzakaliswa kwazo;

(f) Urhwaphilizo nobuqhophololo obujongene nezinto zika Rhulumente ukuziphatha ngokungekho mthethweni okanye ngobugwenxa ngumntu obubangela ukuba kulahleke okanye konzakale amalungelo abantu nokuba ngabaluphina uhlobo.

Igosa-LoQhamshelwano	UMnumzana WILLIAM ANDREW HOFMEYR [OkwayiNtloko yeButho]
USekela-Gosa loQhagamshelwao	ROBERT WALSER
Idilesi yoMsebenzi	Sanlam Park Avenue 59 Western Avenue Vincent EAST LONDON
Idilesi yoku-Posa	P.O.Box 893 EAST LONDON 5200
Inombolo ye-mfono –mfono	(043) 7269705 ext 289
Fax No:	(043) 727-1051
E-Mail:	bwalser@siu.org.za

IFOROMI YOKUCELA ULWAZI

- Umceli makasebenzi iForomi eqingqiweyo xa efuna ukufumana iRhekodi.
- IForomi yokucela iyakunikwa libutho nakubanina okanye nayiphina inkampani ecelayo.
- Iforomi leyo ingafunyanwa ngumceli kule dilesi yomsebenzi yebutho okanye ingathunyelwa nge-Fekisi okanye iposwe okanye i-Imeyilwe kuye nabanina oyicelayo.
- Umceli lowo makathi esicelweni awubonise esicelweni umdla okanye achaze ukuba uyifunela ntonina iRekodi leyo.
- Akugqiba ukuyizalisa iforomi leyo mayibuyiselwe yona kwibutho apha.
- Iforomi ezalisiweyo isenokuphoswa,ifekiswe,iposwe, okanye iziswe ngesandla ngokweza nkcukacha zinikiweyo.

ISICELO ESENZIWA NGOMLOMO SERHEKOTHI.

Nabani na othi mhlawumbi ngenxa yokungafundi okanye ngenxa yokukhubazeka angakwazi ukucela irhekothi lebutho ngolu hlobo luchaziweyo ngentla (kubhaliweyo)

Unakho ukuyicela irhekothi ngomlomo, eso sicelo masenziwe kwigosa loQhagamshelwano okanye kwisekela lalo njengoko ziniki iingcukacha zabo ngentla apha. Lelo gosa eliya kumnceda umceli lowo ekufakeni isicelo esibhaliweyo.

IMIRHUMO

- Imirhumo ehamba nesi sicelo yileyo iqulathwe kwimithethwana ephantsi okanye eyenziwe phantsi komthetho wesibini ka-2000 netshintshayo amaxesha ngamaxesha.
- Umceli ocela irekothi enento yokwenza naye buqu akanyanzelekanga ukuba ayihlawulele loo nto. Wonke omnye umceli kufuneka ayibhatale imirhumo eqingqiweyo.
- Umceli uyakwaziswa ukuba yimalini na ekufuneka eyihlawule yaye uyakulindeleka ukuba aqale ahlawule phambi kokuba anikwe irhekothi elo.
- Ukuba ixesha eliqingqiweyo kule mithethwana lidlule okanye liphelile, umceli uyakulindeleka ukuba abhatalwe umrhumo othe xhaxhe ukuze kukhangelwe kuvezwe kulungiswe yonke irhekothi entsha.

ISIGQIBO XA KWENZIWE ISICELO SERHEKOTHI

- Igosa loQhagamshelwano okanye iSekela layo liyakuthi ngokukhawuleza kodwa zingaphelanga iintsuku ezimashumi amathathu emva kokuba emva kokuba efumene isicelo asiqwalasele isicelo aze amazise umceli ngesiphumo sesicelo eso kambe nezizathu zokuba egqibe kanjani ngesicelo.
- Iimeko ezithile igosa loQhagamshelwa okanye iSekela lalo linakho ukugqitha kwezi ntsuku zimashumi mathathu kangangezinye iintsuku ezimashumi mathathu.
- Eli gosa linyanzelekile ukuba limazise umntu wesithathu ochaphazelekayo kulo rekothi ukuba kukho isicelo salo rhekothi ukwenzela ukuba, ukuba uyathanda abe nakho ukusiphiksa okanye azokusincedisa. Igosa elo linakho ukusala isicelo serekothi ngexizathu ezithile. Kambe igosa loQhagamshelwano okanye iSekela lalo kuxhomekeke kulo ukwala okanye ukuvuma isicelo serekothi.
- Nomceli unelungelo lokuba abhene kwisicelo segosa okanye se-Sekela lo xa bengavumanga ukumnika irekothi.

IZINTO EZIQULATHWE LULWAZI OKANYE YI-RHEKOTHI

ULWAZI OLUNGOLAWULO LWEBUTHO.

Olu lulwazi olunxulumene nolawulo nokuqhutywa kwebutho umhla nomhla, yaye iquka imicimbi enjenge- nambara zeefoni zangaphakathi, uludwe lwee-adilesi, iinqubo zebutho, izivumelwano ezibhaliweyo zebutho, iirekhothi ezibonakalisa imo yezimali nemo eliphethwe ngayo ibutho.

(ULWAZI OLUMALUNGA NENDLELA ELIQHUBA NGAYO IBUTHO)

Olu luhlobo lolwazi olumalunga nendlela eliqhuba ngayo ibutho.

- Olu hlobo luquka indlela ekuphandwa ngayo nekuxoxwa ngayo amatyala libutho.
- Ezi Rekothi kuqukwa imbalelwano, amaphepha afaka naphendula ityala aphambi kwenkundla, ubungqina obukhutshelweyo babhalwa buvela kumangqina abephantsi kwemibuzo libutho nobunye ubungqina obusemaphepheni.
- Makuqapheleke ukuba uninzi lweerekothi zokuqhuba kwebutho nolwazi oluphantsi koko alunakwenziwa pahaha yaye lukhuselekile ukuba ludizwe elubala ngenxa yemisebenzi nendlela elisebenza ngayo ibutho eli, yaye nangenxa yokuba abanye abantu besithathu nangaphezulu bechaphazeleka luphando olo. Kusemthethweni ukuba ulwazi olunjalo lukhuseleke ekubeni ludizwe elubala kwangokunjalo, ulwazi oluphathelele kumathala asephambi kwenkundla angekagqitywa lukhuselekile ekubeni ludizwe.

ULUDWE LWAMAREKOTHI AFUMANEKA SIMAHLA UNGAKHANGE WENZE SICELO.

UKUBA UBANI UFUNA UKUYIJONGA LE MITHETHO ENGAPHANDLE KWALONA WEBUTHO ANGAYIFUMANEA LE ILANDELAYO:

- **Umthetho we-Pension Act. 24 of 1956**
- **Umthetho weNkundla ePhakamileyo Act. 59 of 1959**
- **Umthetho weRhafu Act. 58 of 1962**
- **Umthetho we-Inshorensi wabangaqeshwanga Act 30 of 1966**
- **Umthetho wokuqhutywa kwamatyala eZizi Act. 51 of 1977**
- **Umthetho we Tekisi eyangezwayo Act.89 of 1991**
- **Umthetho wokupheliswa kokungelelwa nokujongwa kweposi yomntu Act.127 of 1992**
- **Umthetho wokuKhusela umsebenzi emsebenzini Act.85 of 1993**
- **Umthetho wokubuyekezwa komntu oguliswe ziingozi nezivubeko zezifo zasemsebenzi Act.130 of 1993**
- **Umthetho ohlaziya imithetho eliqela Act.204 of 1993**

- **Umthetho olawula iingcali zophando Act. 38 of 1994**
- **Umthetho olawula ubudlelane babasebenzi nabaqeshwa Act. 66 of 1995**
- **Umthetho olawula iimeko zokuqeshwa Act. 75 of 1997**
- **Umthetho wotshutshiswa Act. 32 of 1998**
- **Umthetho ojongene nobulungisa ekuqeshweni Act.55 of 1998**
- **Umthetho ojongene nokuphuculwa kwezakhono zabasebenzi Act.97 of 1998**
- **Umthetho ojongene nokuchasana nobungebengu obumanyeneyo Act.121 of 1998**
- **Umthetho ojongene nokuphuculwa kwezakhono nemirhumo ehamba nook kubasebenzi Act.9 of 1999**
- **Umthetho ojongene nonxibelelwano ngoomashini nokufana noko Act.25 of 2002.**

UKULUNGISELELA UKUTHENGA OKANYE UKUKOPHA IZINTO APHA KWIBUTHO.

- Ibutho linalo iphepha elifunyanwa kulo nakubanina umntu onakho ukuyifumana i-Internet. Eli phepha linayo yonke imfunalwazi ngemisebenzi eyenziwa libutho enjengale:-
- IiRepothi eziya e-Palamente nyaka nonyaka zivela kwibutho,
- Umthetho olawula ibutho eli nezihlomelo zawo,
- IiProklameshini ezikhutshiweyo phantsi komthetho lo webutho.

OKUFUMANEKA KWIBUTHO NGAPHANDLE KWENTLAWULO:-

- Olu xwebu lolwazi lukhuthswa phantsi kwalo mthetho wokusasaza ulwazi Act.No.2 of 2000.
- Iiforomi zesicelo ekuthethwe ngazo ngaphambili xa ufuna ulwazi.
- Iforomi yokuba ukufake isibheno xa walelwe ukufumaneka kwento oyicela libutho okanye ligosa lebutho.

OLUNYE ULWAZI OLUNOKUTHI LWALATHELWE

Umphathiswa wezoBulungisa nomgaqo-siseko akanzenga mithethwana kwesi sithuba.

ISALATHISO [Guide] ESISEKOMISHONI YAMALUNGELO OLUNTU:-

IKomishoni yamalungelo oluntu yiyo ngokusemthethweni ekufuneka iqulunqe isalathiso sokuba lo mthetho wophuhliso wokuveliswa kolwazi ebantwini uyakusetyenziswa njani na. Esi salathiso siya kuvela kuyo iKomishoni leyo kule dilesi yayo:-

The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton 2041
Tel (011) 484 8300
Fax: (011) 484 0582
Website: www.sahrc.org.za
E-Mail paia@sahrc.org.za

INKCAZO NGEMISEBENZI YEBUTHO EBANTWINI NAKURHULUMENTE

- Ibutho eliLodwa lophando linakho ukufumana ingxelo okanye isikhalazo kubantu jikelele okanye kubasebenzi baka Rhulumente, ngxelo okanye sikhalazo eso kufuneka sibe sinxulumene nenjongo yemisebenzi nomkhombandlela webutho elo.
- Le ngxelo kumele ukuba kangangoko kunokwenzeka ifumaneka njengebhaliweyo.
- Yonke ingxelo eziswe ngaphambili yogcinwa ngokufihlakeleyo.
- Kungumnqweno webutho eli ukusebenzisa namaSebe kaRhulumente namanye onke amabutho agcine nokulondoloza ukugcina umthetho.
- Ibutho lizinikele ekubeni lenze ubuhlobo ngosebenza kunye namanye amaSebe ukuze kwande ukusebenza kakuhle, ugcino lwendleko nomsebenzu ophuhlileyo eburhulumente.
- Ibutho liyakwamkela ukufumana iingxelo ezivela eluntwini jikelele ukuze lincedakale ekuphandeni izinto eliziphetheyo.

UKUCHAZWA KWAMALUNGELO ABANTU UKUBA BANGENELELE EKUCEBISENI IBUTHO UKUBA LINGAZIMISA NJANI NA IINKQUBO ZALO.

- Ibutho liyakwamkela ukucetyiswa nokuboniswa nangubanina nokuba uzimele okanye umele umzi woshishino okanye waseburhulumenteni nangayo nayiphina into ebhekisele ukwakhiwa komsebenzi nakwinkqubo nakwindlela elisebenza ngayo ibutho elo kodwa makuqondakale

ukuba ibutho alisayi kunyanzeleka ukuba liziqhube ngoko ezo zimemelelo okanye loo macebiso.

- Intloko yebutho iyakuthi igqibe kulo mbandela yaye isigqibo sayo siyawuvala umcimbi kwangokunjalo ibutho alisayi kunyanzeleka ukuba linike izizathu xa lenza isigqibo kulo mbandela unjalo.

INKCAZO NGENDLELA EKUNOKUTHI KULUNGISWE NGAYO IZIPHOSO OKANYE IZINTO EZINGENZIWANGA EBEKUMELE UKUBA ZENZIWE LIBUTHO.

Ukuba ubani okanye iziko loshishino liye lakhathazwa lisenzo okanye ukungenzei kwebutho eli la mancedo alandelayo angenziwa:-

- Ukukhalaza kwintloko yebutho ucele ukuba ingenelele
- Ukukhalaza kwintloko yabaTshutshisi.
- Ukukhalaza kuMphathiswa wobuLungisa noPhuhliso lomGaqo-Siseko
- Ukukhalaza kuMkhuseli woLuntu.
- Ukukhalaza kwiiNkundla zoMthetho ukuba oko kufanele oko okanye kwi Special Tribunal. Kodwa makuqapheleke ukuba ibutho namalungu alo akhuselekile ngomthetho olawula indlela abasebenzi bakaRhulumente abakhuseleke ngayo, Act. 20 of 1957.

UKUFUMANEKA KOLU XWEBU

Olu xwebhu loLwazi luyafumaneka ukuba lungahlolwa nangubani na kwii-Lwimi ezintathu lilapha lona kwii-Ofisi zebutho eMonti. Kungenjalo iikopi zingafumaneka nakwi Komishini yamaLungelo aBantu nakwi-Printa ka-Rhulumente.