

IMANUWALI
YE
LITIKO LEMISEBENTI YAHULUMENDE
NEKUPHATFWA

ngekulandzela

sigaba 14 seMtsetfo wekuTfutukisa kuFinyeleleka kuMniningwane, 2000
(Umtsetfo nombolo 2 wanga-2000)

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1. IMISEBENTI YELITIKO LEMISEBENTI YAHULUMENDE NEKUPHATFWA (I-DPSA)

I-DPSA yeluleka iNdvuna Yemisebenti Yahulumende Nekuphatfwa (i-MPSA) ngetindzaba tENCHUBOMGOMO letihlangene nemisebenti yahulumende ngekulandzela umtsetfosisekelo kanye nalamanye emagunya emtsetfo. Ngetulu kwaloko, i-DPSA yesekela iNdvuna ekucapheleni i-Ejensi yeTheknoloji yeMniningwane yeMbuso (i-SITA) kanye neSikhungo Selikhuno Lekucamba Sebasebenti Bahulumende (i-CPSI).

Emagunya emtsetfosisekelo kanye nalamanye emtsetfo: Sehluko 10 seMtsetfosisekelo waseNingizimu Afrika, 1996 (Umtsetfo nombolo 108 wanga-1996), uhlela tindzaba tekuphatfwa kwahulumende. Sigaba 197 sicuketse tidzingo letikhethsekile temisebenti yahulumende, kufaka ekhatsi tidzingo tekutsi

- umisebenti yahulumende kumele, futsi uhlelwe, ngekulandzela umtsetfo wavelonkhe;
- imitsetfo netimo tekucasha kumisebenti yahulumende titawulawulwa ngumtsetfo wavelonkhe; kanye
- neluhlakamsebenti lwemihambo nemazinga lafanako lekumele bohulumende basebentise tibopho tabo ngakubasebenti bahulumende babo.

Umtsetfo wavelonkhe kanye neluhlakamsebenti lwemihambo nemazinga labukwe kuMtsetfosisekelo usungulwe ngekusebentisa uMtsetfo Wemisebenti Yahulumende, 1994 (wamiswa ngaphasi kweSimemetelo 103 wanga-1994). LoMtsetfo uhlela emandla kanye nemisebenti yeNdvuna Yemisebenti yahulumende Nekuphatfwa. Kafushane, uMtsetfo uniketa iNdvuna emandla kanye nemisebenti ye-

- kwenta inchubomgomo ngetindzaba temisebenti, emalungiselelo enhlangano, imikhuba yekucasha, imiholo kanye naletinye timo tekusebenta, budlelwano betemisebenti, kuphatsa umniningwane, itheknoloji yemniningwane, kuhlela kabusha netingucuko;
- kumisa luhlakamsebenti lwemihambo nemazinga ekuphumelelisa inchubomgomo;
- kutfola imisebenti yematiko;
- kweluleka Mengameli kanye netiphatsimandla letikhulu ngetindzaba letihlobene nemisebenti yahulumende kanye nemitimba letfolo tinsita tetimali kumalingena yembuso; kanye
- nekwenza imitsetfosimiso.

I-Ejensi yeTheknoloji yeMniningwane yeMbuso: Ngetulu kwetindzaba temisebenti yahulumende letishiwo ngetulu, emandla nemisebenti yeNdvuna indlulela ku-SITA. I-SITA imiswe ngekulandzela uMtsetfo we-Ejensi yeTheknoloji yeMniningwane yeMbuso, 1998 (Umtsetfo nombolo 88 wanga-1998). I-SITA iniketa itheknoloji yemniningwane kanye netinhlelo temniningwane kanye netinsita letihlobene nato, kusimondza sekucinisekisa umniningwane lesigciniwe, kumisebenti yahulumende kanye nakuleminye imitimba yembuso. Kwenganyelwa kwe-SITA kusetandleni teBhodi yebaCondzisi. IBhodi yebaCondzisi isebenta ngekulandzela imigomo yekwengamela leyemukelekile nangemalungiselelo ekutiphendvulela eMtsetfo

wetiMali taHulumende, 1999 (Umtsetfo nombolo 1 wanga-1999).
Umcondzisi-Jikelele we-DPSA ulilunga leBhodi ye-SITA.

Sikhungo Selikhono Lekucamba semisebenti yahulumende: Sikhungo Selikhono Lekucamba semisebenti yahulumende (i-CPSI) sasungulwa njengenkapani yesigaba 21 kutewusebenta njengemsiti, umhlelebisi kanye nemsungulu wemibono leyakhako. Loku kudzinga kwakha simondzawo lesisitako kwakha kanye nekuklomelisa imibono lemisha; kuhlelebisa kubambisana phakatsi kwebabambimsuka labahlukahlukene, ngembono wekwakha budlelwano lobusimeme futsi lobuzuzisa tinhlangothi letimbili kanye nekucalisa ligugu kanye nesidzingo sekucamba ngekhatsi kwemisebenti yahulumende. IBhodi yeSikhungo itiphendvulela kuNdvuna Yebasebenti baHulumende Nekuphatfwa.

2. SAKHIWO SE-DPSA

I-DPSA ihlelelwe kugcwalisa ligunya lelibekwe ngetulu. Kunetigaba letikhulu letisihlanu nobe emagatja kuLitiko: Kuphatfwa Nekutfufukiswa Kwemfombolusito Weluntfu, Kuphatfwa Kwesincepheteliso, Lihhovisi Lesiphatsimandla Semningwane Lesikhulu Sahulumende, Kwenta ncono Nekwengamela Kuphakelwa Kwetinsita.

Kuphatfwa Nekutfufukiswa Kwemnotfolusito Welusito kukuketse letincenye letilandzelako: Kuphila Kahle Kwebasebenti, Kutfufukiswa Kwemfombolusito Yeluntfu, Kuphatsa Kwehlukahlukana, Imikhuba Yekuchasha Nekuphatsa Umsebenti, Kuhlela Umtfombolusito Weluntfu ne-PSETA.

Kuphatsa Nekuncephetelisa kukuketse letincenye letilandzelako: Luhlelo Lwekuphatfwa Umningwane Wetimali kanye Nekulinganisa Umsebenti, Kuholela Netinzuzo Letincane, Kucocisana Nebudlelwano Bemisebenti kanye Nemisebenti yahulumende Munye.

Lihhovisi Lesiphatsimandla Semningwane Lesikhulu Sahulumende licuketse loku lokulandzelako: e-Government, Itheknoloji Yemningwane Nekuchumana, Kwengamela, Sakhiwocanti Setheknoloji Yemningwane Nekuchumana kanye neKutfufukiswa Kwemphakatsi Nekufinyeleleka.

Kwenta ncono Kuphakelwa Kwetinsita kunaletinye letilandzelako: Umsebenti Wekutfufukisa Umphakatsi, Kuvuselelwa Kwe-Batho Pele, Kuhlelebisa Kuphakelwa Kwetinsita Nendlela Yekuphakelwa Kwetinsita.

Kwengamela kukuketse letincenye letilandzelako: Kucaphela Nekulinganisa Lokuhlanganisiwe, Kuphenya, Tindzaba Temhlaba Netase-Afrika, Kulwa Nenkhohlakalo Kumkhakha Wahulumende kanye Nendlela Yekubuyeketa Bontsanga e-Afrika.

Kunetincenye letimbili letisebenta ngemicimbi yesitafu ngekhatsi kweLitiko lekuliHhovisi leSiphatsimandla setiMali leSikhulu kanye neKuphatfwa Kwetimali Tebantfu.

Lihhovisi Lesiphatsimandla Setimali Lesikhulu licuketse lamayunithi lalandzelako: Iyunithi Yekuphatsa Kutsenga kanye neTheknoloji Yemningwane kanye neKuphatfwa Kwelwati.

Kuphatfwa Kwetimali Tebantfu kucuketse lamayunithi lalandzelako: Kuphatfwa Nekutfutukiswa Kwebantfu kanye Nebudlelwano Bebasebenti kanye Netingucuko.

Ngetulu kwaletigaba letisihlanu, kunebasiti beNdvuna kanye nebasiti eHhovisi leMcondzisi-Jikelele. Incenye Yetekuchumana Neyebasiti beNdvuna basebentela Lihhovisi leNdvuna, bese kutsi Lihhovisi leMcondzisi-Jikelele lesekela uMcondzisi-Jikelele. Incenye Yekuphatfwa Kweluhlelo, Tinsita Temtsetfo kanye nencenye Yekucwaninga Yangekhatsi iphindze ibike kuMcondzisi-Jikelele.

Khumbula lapho khona kuba nekungcubutana phakatsi kwalombhalo kanye neMbhalo weSingisi, uMbhalo weSingisi nguwo lotawuhamba phambili.

3. IMININGWANE YEKUCHUMANA YESIPHATSIMANDLA SEMNININGWANE

Umcondzisi-Jikelele we-DPSA uSiphatsimandla seMningwane ngekulandzela uMtsetfo wekuTfutukisa kuFinyeleleka kuMningwane. Lisekela lesiphatsimandla semningwane se-DPSA nguMcondzisi loMkhulu: Tinsita Temtsetfo.

Likheli leliposi: Private Bag X916
PRETORIA
0001

Likheli lesitaladi: Batho Pele House
116 Proes Street (C/o Proes and Bosman Streets)
PRETORIA

Lucingo: 012-336-1218/1010
Ifeksi: 012-336-1807

Likheli lencwadzigezi: empie@dpsa.gov.za nobe daniem@dpsa.gov.za

4. SELULEKO SEKHOMISHINI YEMALUNGELO EBANTFU YASENINGIZIMU AFRIKA SEKUTSI UNGAWUSEBENTISA NJANI LOMTSETFO

Leseluleko sekutsi ungawusebentisa Umsetfo Wekufinyeleleka Kumningwane, 2000, sitawuyatfolakala kuKhomishini Yemalungelo Eluntfu yaseNingizimu Afrika kungakendluli Agasti 2003. Imibuto ingatfunyelwa ku:

IKhomishini Yemalungelo Eluntfu yaseNingizimu Afrika:

Iyunithi ye-PAIA
Litiko Lekuphenya Nemiculu

Likheli leliposi:

Private Bag 2700
Houghton
2041

Lucingo:

011-484 8300

Ifeksi:

011 484 1360

Iwebhusayithi:

www.sahrc.org.za

Incwazigezi:

PAIA@sahrc.org.za

5. EMAREKHODI

5.1 INCHAZELO YETIHLOKO I-DPSA LEPHETSE EMAREKHODI ATO KANYE NETIGABA TEMAREKHODI LAPHETFWE NGESIHLOKO NGASINYE

Ngetinhloso tekuhlelebisa sicelo ngekulandzela uMtsetfo, tihloko leti i-DPSA iphetsa ngato emarekhodi kanye netigaba temarekhodi laphetfwe ngesigaba ngasinye njengobe ahlukaniwe kuMbhalo weSingisi we “Manuwali yeLitiko Lemisebenti Yahulumende Nekuphatfwa” (Ipharagrafu 5.1, sihloko lesitsi – “Inchazelo yetihloko leti i-DPSA iphatsa ngato emarekhodi netigaba temarekhodi ngesihloko ngasinye”). Lemanuywali iyatfolakala kuwebhusayithi ye-DPSA ku: <http://www.dpsa.gov.za/acts&policies.asp>

5.2 EMAREKHODI LATFOLAKALA NGAPHANDLE KWEKUCELA

Kute satiso lesisashicelelwe ngetigaba temarekhodi e-DPSA lakhona ngaphandle kwekutsi umuntfu ente sicelo sekuwafinyeleleka ngekulandzela tinchubo teMtsetfo wekuTfutukisa kuFinyeleleka kuMniningwane. Nanobe kunjalo, emarekhodi kuwebhusayithi ye-DPSA, www.dpsa.gov.za, ayatfolakala kutsi angabukwa nobe akhishwe ngaphandle kwekutsi umuntfu afake sicelo ngekulandzela uMtsetfo.

5.3 INCHUBO YEKUCELA

- (a) Kuniketwa nekunganiketwa kwesicelo: Umceli kumele aniketwe kufinyeleleka kulirekhodi lemtimba wahulumende uma umceli atfobela loku lokulandzelako:

- Umceli utfobela tonkhe tinchubo tetidzingo kuMtsetfo letihlobene nesicelo sekufinyeleleka kulelo lirekhodi; futsi
- Kufinyeleleka kulelirekhodi akuncatjelwa nganobe ngusiphi sizatfu sekwencaba lesiphawulwe kuMtsetfo.

(b) *Ngabe ngicela njani kufinyeleleka kulirekhodi:*

- Umuntfu locelako kumele asebtise lifomu (Form A) lelaphurintwa kuGazethi Yahulumende (Satiso Sahulumende R187 samhlaka 15 Febhuwari 2002).
- Umuntfu locelako kumele akhombise kwekutsi umceli umuntfu ufuna ikhophi yelirekhodi nobe umceli ufuna kungena abuke lirekhodi emahhovisi emtimba wahulumende. Lenye indlela, uma lirekhodi kungesilo umculu weliphepha, lingabukwa ngendlela leceliwe uma kukhonakala.
- Uma umuntfu acela kufinyeleleka efomini lelitsite (sib. ikhophi yeliphepha, ikhophi ye-elektroniki, njalo njalo) ngako-ke umceli kumele afinyeleleke ngaleyo ndlela, ngaphandle uma ngabe kwenta njalo kutawutsikameta kuphatfwa kwemtimba wahulumende, nobe kulimate lirekhodi, nobe kwephule lilungelombhalo lekungesilo lembuso. Uma ngabe ngetizatfu letibonakalako kufinyeleleka angeke kuniketwe ngendlela leceliwe kodwa ngalenyene indlela, ngako-ke inhlawulo kumele ihlelwe ngendlela umceli lacale wacela ngayo lirekhodi.
- Uma ngabe, ngetulu kwemphendvulo lebhaliwe kusicelo sabo selirekhodi, umceli ufuna kutjelwa ufuna kutjelwa ngesincumo ngendlela lehlukile, sib. lucingo, loku kumele kukhonjiswe.
- Uma umuntfu locelako acela umniningwane egameni lalomunye, sikhundla lekweniwa ngaso sicelo kumele sikhonjiswe.
- Uma umceli bekangakhoni kufundza nobe kubhala, nobe anekukhubateka, ngako-ke sicelo kumele sentiwe ngemlomo. Siphatsimandla semniningwane kumele sigwalise lifomu egameni lalowo muntfu locelako bese bamniketa ikhophi yelifomu leligcwalisiwe.

(c) *Tinhlawulo letibhadalwako tesicelo nesatiso sesincumo sekufinyeleleka*

- Umceli lodzinga kufinyeleleka kulirekhodi lelicuketse umniningwane ngemceli akadzingeki kwekutsi abhadale inhlawulo yekucela. Wonkhe lomunye umuntfu locelako kumele abhadale inhlawulo yekucela ya R35.
- Siphatsimandla Semniningwane kumele satise umceli (ngaphandle kwemceli wemniningwane wakhe) ngesatiso, lesicelo kubhadalwa kwenhlawulo lemisiwe (uma ikhona) ngaphambi kwalokunye kulungiswa kwesicelo.
- Umceli angafaka sikhalo sangekhatsi, lapho kudzingeke khona, nobe afake sicelo enkantolo sekuphikisa ithenda nobe kubhadalwa kwenhlawulo.
- Emva kwekutsi siphatsimandla semniningwane sesente sincumo ngesicelo umceli kumele atiswe ngaleso sincumo ngendlela umcele lekafune kwatiswa ngayo.
- Uma sicelo sivunyiwe lenye inhlawulo yekufinyeleleka kumele ibhadalwe yekukhicitwa kanye nekusesha kanye nekulungiselwa yanobe ngusiphi

sikhatsi lesidzingekele sema-awa labaliwe ekusesha kanye nekulungiselelwa kwalelirekhodi lekudzalulwa.

- Kufinyeleleka kulirekhod kutawugodlwa kuze kubhadalwe tinhlawulo takhona.

6. TINSITA LETIKHONA EMPHAKATSINI

Imisebenti ye-DPSA, njengobe ibekiwe kupharagrafu 1, injengekutsi emaklayenti ayo ngulamanye ematiko ahulumende kanye ayiphakeli tinsita emphakatsini. Nanobe kunjalo, lomunye umniningwane ngebunyenti ngemisebenti yahulumende (njengebukhulu bemisebenti yahulumende kanye nelinani lebasebenti ngelitiko) kungatfolakala kuYunithi yeMniningwane wemisebenti yahulumende ye-DPSA kulencwadzigezi: M&E@dpsa.gov.za.

7. EMALUNGISELELO LAVUMELA KUBANDZAKANYWA EKWAKHIWENI KWENCHUBOMGOMO KANYE NEKWENTIWA KWEMISEBENTI

Inchubomgomo nemtsetfo: Uma i-DPSA iphakamisa inchubomgomo lensha nobe umtsetfo ibonisana nabo bonkhe babambimsuka ngekumema imibono kumaphepha lashicelelwe kanye/nobe kumihlanganosikolo/kutinkomfa. Inchubo yekuhlanganye iyehluka ngekuya ngeluhlobo lwemklamo kanye futsi ivame kwatiwa ngaphambi kwekucala kwemklamo nobe emva kwaloko.

Sento sekuphatsa: Etahlakalweni lapho khona sentfo sekuphatfwa sitsikameta ngekwemphahla futsi kamatima-

- emalungelo nobe timfuno letisemtsetfweni tanobe ngumuphi umuntfu; nobe
- emalungelo emphakatsi

imibhalo lesemsetfweni yesento sekuphatsa ngenchubo lengakhetsi letfolakala kumibandzela yeMntsetfo wekuTfutukisa Bulungisa Bekuphatsa, 2000 (Umtsetfo nombolo 3 wanga-2000), itawulandzelelwa (ikakhulukati tigaba 4 na 5).

Timo tekusebenta tebasebenti bemisebenti yahulumende: Timo tekusebenta kanye naletinye tindzaba letizuzisa bonkhe basebenti bahulumende kumikhandlu yekubonisana leyakhiwe nguMntsetfo weBudlelwane bebaSebenti, 1995 (Umtsetfo nombolo 66 wanga-1995). Tinyonyana tebasebenti letimele linani lelitsite lebasebenti bahulumende tingaba yincenye kulowo mkhandlu wekubonisana. Umkhandlu Wekubonisana Webasebenti Bahulumende ngumtimba lococisana ngato tonkhe tintfo letitsintsa basebenti bahulumende. KunalemiKhandlu yekuBonisana yemiKhakha:

- Umkhandlu wekuBonisana webaSebenti baHulumende Jikelele
- Umkhandlu weBudlelwano bebaSebenti beteMfundvo
- Umkhandlu wekuBonisana weMkhakha weteMphilo neteNhlalakahle

- Umhandlu wekuBonisana weMkhakha wekuPhepha nekuKhuseleka

8. EMAKHAMBI LAKHONA MACONDZANA NEKUTSATSA TINYATSELO NOBE KWEHLULEKA KUTSATSA TINYATSELO

Letinchubo letilandzelako tikhona kutsi bantfu babike nobe balungise tento letingakalungi, letingakafaneli nobe letingekho emtsetfweni nobe emaphutsa e-DPSA nobe anobe ngutiphi kutisebenti.

- (a) *Tinchubo tekubuka nobe kulungisa:*
- (i) Emakhambi macondzana netento nobe kwehluleka kutsatsa tinyatselo ngekulandzela uMtsetfo Wekwenyusa Kufinyeleleka Kumningwane: Siphatsimandla sekundluliswa kwesikhalo ngetinhloso taloMtsetfo yiNdvuna Yebasebenti Bahulumende Nekuphatfwa ((tigaba 74 – 77). Emva kwekwehluleka kwemakhambi ekwendluliswa kwesikhalo kwangekhatsi, sicelo singafakwa enkantolo (tigaba 78 – 82).
 - (ii) Sisebenti sahumende singafaka sikhalo lesingaphenywa yiKhomishini Yemisebenti Yahulumende macondzana nesento lesisemtsetfweni nobe liphutsa (sigaba 35 seMtsetfo Wemisebenti Yahulumende, 1994).
 - (iii) Umuntfu angasebentisa emakhambi etemisebenti macondzana nesento nobe liphutsa lasemsebentini lelihlobene nemsebenti, lekumibango yemalungelo (uMtsetfo Wemisebenti Yahulumende, 1994, kanye neMtsetfo Webudlelwano Kutemisebenti, 1995);
 - (iv) Umuntfu ungafaka sikhalo nemhloli wetemisbenti macondzana nekwephulwa kweMtsetfo Wetimo Letisisekelo Tekucashwa, 1997 (uMtsetfo nombolo wanga 1997 - sigaba 78(1)(a)), nobe uMtsetfo Webulungiswa Kutekucasha, 1998 (uMtsetfo nombolo 55 wanga 1998 - sigaba 34(e)).
 - (v) Umuntfu angafaka sikhalo neMvikeli Wemphakatsi mayelana nesento lesisolelwako lesingekho emtsetfweni nobe liphutsa (uMtsetfosisekelo kanye neMtsetfo Wemvikeli Wemphakatsi, 1994 (uMtsetfo nombolo 23 wanga 1994)).
 - (vi) Umuntfu angafaka sikhalo neKhombishini Yemalungelo Eluntfu yaseNingizimu Afrika mayelana nesento lesisemtsetfweni nobe liphutsa lelisolelwa kwekutsi lenta kuhlukunyetwa kwemalungelo lasisekelo (Umtsetfo Wekhomishini Yemalungelo Eluntfu, 1994 (uMtsetfo nombolo 54 wanga 1994)).
 - (vii) Kute uvikelwe ekukhutweni ngenca yekuhlaba umkhosi macondza nekutiphatsa lokungemtsetfo nobe lokungatayekeki kwemcashi nobe kwesisebenti, lomuntfu lotsintsekako angalandze tinchubo tekuhlaba umkhosi kuMtsetfo Wekudzalula Lokuvikelekile, 2000 (uMtsetfo nombolo 26 wanga 2000).
 - (viii) Kusetjentiswa kwalamanye emakhambi njengekumiswa kwetinchubo tekubuyeketwa ngekwemtsetfo sesinyatselo sekuphatsa ngekulandzela

uMtsetfo Wekwenyusa Kuphatfwa Kwebulungisa, 2000 (uMtsetfo nombolo 3 wanga 2000).

- (b) 8.2 *Lamanye emakhambi lasekelako:*
- (i) 8.2.1 Umuntfu angacela tizatfu tesinyatselo sekuphatsa ngekulandzelana uMtsetfo Wekwenyusa Kuphatfwa Kwebulungiswa, 2000 (sigaba 5).
 - (ii) Umuntfu angacela kufinyeleleka kumarekhodi elitiko lahulumende nobe lomunye umtimba wahulumende ngekulandzela uMtsetfo Wekwenyusa Kufinyeleleka Kumniningwane, 2000 (sigaba 11).
- (c) *Umsebenti wekubika:*
- (i) Sisebenti semisebenti yahulumende, ngesikhatsi semisebenti yakhe lesemtsetfweni, uphocoelwe ngekweLucwebu lwekutiPhatsa lwetisebenti tahulumende kubika kutiphatsimandla letifanele, kufumbatsisa, inkhohlakalo, kucasha tihlobo, kuphatfwa kabi kanye naletinye tento letento licala nobe lesingahambisana netimfuno tesive. Sisebenti, lesehluleka kutfolo loku, sinelicala lekungatiphatsi kahle. (Umtsetfosimiso B.3 kanye na C.4.10 weSahluko 2 seMtsetfotimiso temiSebenti yaHulumende, 2001).
 - (ii) Umfwalo wabo bonkhe bacashi kanye nebasebenti wekuhlaba umkhosi ngekutiphatsa kwebugebengu kanye nalokunye kutiphatsa lokungakatayeleki emsebentini uphindze uphindze wesekele uMtsetfo Wekudzalula Lokuvikelekile, 2000 (Singenisio).