INCWADI YOKUFUNDISA YESEBE LENKONZO KARHULUMENTE NOLAWULO

malunga
necandelo le-14
loMthetho oKhuthaza ukuFikelela kuLwazi, wonyaka ka-2000
(UMthetho onguNombolo-2 ka-2000)

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1. IMISEBENZI YESEBE LENKONZO KARHULUMENTE NOLAWULO (I-DPSA)

I-DPSA icebisa uMphathiswa weNkonzo kaRhulumente noLawulo (i-MPSA) kwimiba yomgaqo-nkqubo enxulumene nenkonzo karhulumente malunga nezigunyaziso zomgaqo-siseko kunye nezinye zomthetho. Ukongenza, i-DPSA ixhasa uMphathiswa ekusebenziseni ubongameli be-Arhente kaRhulumente yoBuchwephesha boLwazi (i-SITA) neZiko leNdlela entsha yokwenza izinto yeNkonzo kaRhulumente (i-CPSI).

Izigunyaziso zomgaqo-siseko nezomnye umthetho: ISahluko se-10 soMthetho woMgaqo-siseko weRiphabliki yoMzantsi Afrika, wonyaka ka-1996 (uMthetho onguNombolo-108 ka-1996), sibeka ngendlela imiba yolawulo. Icandelo le-197 liqulethe iimfuno ezithe ngqo zenkonzo karhulumente, kubandakanywa iimfuno

- zenkonzo karhulumente emazisebenze, kwaye zakheke, malunga nomthetho wesizwe;
- zemigaqo nemiqathango yengqesho kwinkonzo karhulumente emayimiselwe ngumthetho wesizwe; kunye
- nenkqubo-sikhokelo yeendlela zokuziphatha efanayo nokulungileyo koorhulumente bamaphondo amasebenzise uxanduva kubaqeshwa benkonzo karhulumente.

Umthetho wesizwe nenkqubo-sikhokelo yeendlela zokuziphatha nokulungileyo okucingwe kuMgaqo-siseko omiselwe ngoMthetho weNkonzo kaRhulumente, wonyaka ka-1994 (obhengezwe phantsi kweSaziso se-103 sonyaka ka-1994). Lo Mthetho ubeka ngendlela amagunya nemisebenzi yoMphathiswa weNkonzo kaRhulumente noLawulo. Ngokufutshane, uMthetho uphathisa ngethemba uMphathiswa ngamagunya nemisebenzi-

- ukwenza umgaqo-nkqubo kwimiba yemisebenzi, amalungiselelo ombutho, imisebenzi yengqesho, imivuzo, kunye nezinye iimeko zenkonzo, ubudlelwane basemsebenzini, ulawulo lolwazi, ubuchwephesha bolwazi, utshintsho nokubumba ngokutsha;
- ukumisela inkqubo-sikhokelo yeendlela zokuziphatha nokulungileyo ukunika isiphumo kumgaqo-nkqubo;
- ukwaba imisebenzi kumasebe;
- ukucebisa uMongameli neziphatha-mandla zesigqeba kwimiba enxulumene kwinkonzo karhulumente ngokunjalo neebhodi ezifumana inkxaso-mali yazo kwingeniso karhulumente; kunye
- nokwenza imimiselo.

I-Arhente kaRhulumente yoBuchwepheshe boLwazi: Ukongeza kwimiba yenkonzo karhulumente ekubhekiselwe kuyo ngasentla, amagunya nemisebenzi yoMphathiswa aquka ne-SITA. I-SITA luxanduva lweBhodi yaBalawuli. IBhodi yaBalawuli isebenza ngokungqinelana nemithetho-siseko yolawulo eyamkelweyo namalungiselelo olawuleko oMthetho woLawulo lweMali kaRhulumente, wonyaka ka-1999 (uMthetho onguNombolo-1 ka-1999). UMlawuli-Jikelele we-DPSA ngummeli wayo kwiBhodi ye-SITA.

IZiko leNdlela entsha yokwenza izinto yeNkonzo kaRhulumente: IZiko leNdlela entsha yokwenza izinto yeNkonzo kaRhulumente (i-CPSI) lamiselwa njengenkampani

yecandelo lama-21 esebenza njengekwaziyo, umququzeleli kwanentshatsheli yembono zokuqalisa izinto ezintsha. Oku kufuna ukudalwa kobume bemeko obunako ukulungiselela imveliso zokwaneliswa kweembono ezintsha; ukuququzelela uthethathethwano phakathi kweziphatha-mandla ezohlukeneyo, ngombono wokumisela ubambiswano oluluqilima noluyinzuzo macala nolutshatshelisa ixabiso nemfuno yendlela entsha yokwenza izinto kwinkonzo karhulumente. IBhodi yeZiko inoxanduva kuMphathiswa weNkonzo kaRhulumente noLawulo.

2. ISAKHIWO SE-DPSA

I-DPSA yakhelwe ukuzalisekisa igunya elithwe gqaba gqaba ngasentla. Mahlanu awona macandelo okanye amasebe kwiSebe: uLawulo lweZibonelelo zaBasebenzi noPhuhliso, uLawulo lweMbuyekezo, i-Ofisi yeGosa loLwazi eliyiNtloko likaRhulumente, ukuPhuculwa kokuNikezwa kweNkonzo kunye noLawulo.

ULawulo lweZibonelelo zaBasebenzi, uLawulo loLwahlukano-nkcubeko, uMsebenzi weNgqesho noLawulo lweKhondo, ukuCwangciswa kweZibonelelo zaBasebenzi ne-PSETA.

ULawulo lweMbuyekezo luquka amacandelo alandelayo: iNkqubo yoLawulo loLwazi lweMali nokuVavanywa koMsebenzi, uMvuzo neeNzuzo, uThethathethwano noBudlelwane baseMsebenzini neNkonzo kaRhulumente eNye.

I-Ofisi yeGosa loLwazi eliyiNtloko likaRhulumente iquka amacandelo alandelayo: uKusetyenziswa kobuchwephesha nguRhulumente, uBuchwephesha boLwazi noNxibelelwano, uLawulo, iZibonelelo zokusebenza zoBuchwephesha boLwazi noNxibelelwano noPhuhliso loLuntu kunye nokuFikelela.

UkuPhuculwa kokuNikezwa kweNkonzo kuquka amacandelo alandelayo: uMsebenzi woPhuhliso loLuntu, ukuHlaziywa kweBatho Pele, ukuQuquzelelwa kokuNikezwa kweNkonzo neNkqubo yokuNikezwa kweNkonzo.

ULawulo luquka amacandelo alandelayo: ukuBeka iliso nokuVavanya okuHlanganisiweyo, uPhando, iMicimbi yaMazwe ngamazwe neyase-Afrika, iNkqubo eChasene noRhwaphilizo kunye neNkqubo enceda amazwe ukuphucula ulawulo ebizwa ngokuba kukuVuselelwa kwe-Afrika (African Peer Review Mechanism).

Amacandelo amabini akhoyo athi asebenze ngemisebenzi yabasebenzi kwiSebe elibizwa i-Ofisi yeGosa lezeMali eliyiNtloko noLawulo lweZakhono zoLuntu.

I-Ofisi yeGosa loLwazi eliyiNtloko iquka iiyunithi ezilandelayo: uLawulo loLudwe lweZibonelelo noKhuseleko noLwazi ngoBuchwepheshe kunye noLawulo loLwazi.

ULawulo lweZakhono zoLuntu luquka iiyunithi ezilandelayo: uLawulo noPhuhliso lwabaNtu nobuDlelwane noTshintsho loMsebenzi.

Ukongeza kwawona wacandelo mahlanu, kukho inkxaso yoMphathiswa nenkxaso kwi-Ofisi yoMlawuli-Jikelele. UNxibelelwano necandelo leNkxaso yoMphathiswa lunceda i-Ofisi yoMphathiswa, ngeli lixa i-Ofisi yoMlawuli-Jikelele ixhasa uMlawuli-

Jikelele. ULawulo lweNkqubo, iiNkonzo zoMthetho necandelo loPhicotho-zincwadi lwaNgaphakathi lukwanika ingxelo kuMlawuli-Jikelele.

Nceda uqaphele ukuba apho kuvela imbambano phakathi kwesi sicatshulwa sesiNgesi, isicatshulwa sesiNgesi sakubakho.

3. IINKCUKACHA ZOQHAGAMSHELWANO ZEGOSA LOLWAZI

UMlawuli-Jikelele we-DPSA liGosa loLwazi lwayo malunga noMthetho wokuKhuthazwa kokuFikelela kuLwazi. Igosa lolwazi elilisekela le-DPSA nguMlawuli oyiNtloko: iiNkonzo zoMthetho.

Idilesi yeposi: Private Bag X916
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Idilesi yesitalato: Batho Pele House
116 Proes Street (C/o Proes and Bosman Streets)
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Umnxeba: 012-336-1218/1010
Ifeksi: 012-336-1807

Idilesi ye-imeyili: empie@dpsa.gov.za okanye daniem@dpsa.gov.za

4. ISIKHOKELO SEKHOMISHINI YAMALUNGELO OLUNTU EKUBENI USETYENZISWA KANJANI UMTHETHO

Isikhokelo ekubeni usetyenziswa kanjani uMthetho oKhuthaza ukuFikelela kuLwazi, wonyaka ka-2000, siyakubakho kwiKhomishini yamaLungelo oLuntu lwaseMzantsi Afrika engedlulanga u-Agasti ka-2003. Imibuzo ingenziwa kwi:

Khomishini yamaLungelo oLuntu lwaseMzantsi Afrika:
KwiYunithi ye-PAIA
ISebe loPhando nokuNgqinela ngamaxwebhu

Idilesi yeposi: Private Bag 2700
Houghton
2041

Umnxeba: 011-484 8300
Ifeksi: 011 484 1360
Iwebhsayithi: www.sahrc.org.za
I-imeyili: PAIA@sahrc.org.za

5. IINGXELO EZIGCINIWEYO

5.1 INKCAZELO YAMACANDELO EQULETHE KUWO IINGXELO EZIGCINIWEYO I-DPSA NEENDIDI ZEENGXELO EZIGCINIWEYO EZIQULETHWE KWICANDELO NGALINYE

Ngeenjongo zokuququzelela isicelo malunga noMthetho, amacandelo equlethe kuwo iingxelo ezigciniweyo i-DPSA neendidi zeengxelo ezigciniweyo eziqulathwe kwicandelo ngalinye njengoko kuhleliwe kwisicatshulwa sesiNgesi "seNcwadi yokufundisa yeSebe leNkonzo kaRhulumente noLawulo" (uMhlathi wesi-5.1, otayitile yawo ithi - "Inkcazelo yamacandelo apho i-DPSA iqulethe khona iingxelo ezigciniweyo neendidi zeengxelo ezigciniweyo eziqulethwe kwicandelo ngalinye"). Le ncwadi yokufundisa ikho kwiwebhsayithi ye-DPSA kwa:http://www.dpsa.gov.za/acts&policies.asp

5.2 IINGXELO EZIGCINIWEYO EZIKHOYO NGOKUZENZEKELAYO

Akukho saziso sele sipapashiwe malunga neendidi zeengxelo ezigciniweyo ze-DPSA ezikhoyo ngaphandle kokuba umntu acele ukufikelela malunga neenkqubo ezikuMthetho oKhuthaza ukuFikelela kuLwazi. Ngoko ke, iingxelo ezigciniweyo kwiwebhsayithi ye-DPSA, www.dpsa.gov.za, zikhona ukulungiselela ukuhlolwa okanye ukudawunlodwa ngaphandle kokuba umntu enze isicelo esinjalo malunga noMthetho oxeliweyo.

5.3 INKQUBO YOKUCELA

(a) *Ukunikezwa okanye ukulandulwa kwesicelo*: Umceli makavunyelwe afikelele kwingxelo egciniweyo yebhodi karhulumente ukuba umceli uvumelana nokulandelayo:

- Umceli uvumelana nazo zonke iimfuno zenkqubo kuMthetho onxulumene kwisicelo sokufikelela kwingxelo egciniweyo; kunye
- Nokufikelela kula ngxelo igciniweyo kuwo nomphi umhlaba wokulandula okhankanywe kuMthetho.

(b) Ndikucela kanjani ukufikelela kwingxelo egciniweyo:

- Umceli makasebenzise ifom (iFom-A) eyashicilelwa kwiPhepha-ndaba lakwaRhulumente (iSaziso sikaRhulumente R187 somhla we-15 kuFebruwari ka-2002).
- Umceli kwakhona makabonise ukuba umceli ufuna ikopi yengxelo egciniweyo okanye umceli ufuna ukungena ajonge ingxelo egciniweyo ezi-ofisini zenkonzo karhulumente. Enye indlela ukuba ingxelo egciniweyo asiloxwebhu lwephepha ngoko ke ingahlolwa kwifom eceliweyo, apho kuyimfuneko.
- Ukuba umntu ucela ukufikelela kwifom ethile (umz. ikopi yephepha, ikopi esekhompyutheni, njl.njl.) ngoko ke umceli umele kukufumana ukufikelela kulo fom. Oku kungaphandle kokuba kwakuphazamisana ngokungafanelekana nokuqhuba kwebhodi karhulumente enxulumeneyo, okanye ukonakalisa ingxelo egciniweyo, okanye yophule ilungelo lokubhala nokushicilela umsebenzi wayo ongekho phantsi kukarhulumente. Ukuba ngezizathu ezithile

ukufikelela akunakunikwa ngendlela efunekayo kodwa ngenye indlela, intlawulo mayibalwe ngokwendlela umceli aqale wakucela ngayo.

- Ukuba, ukongeza kwimpendulo ebhaliweyo kwisicelo sabo sengxelo egciniweyo, umceli ufuna ukuxelelwa ngesigqibo ngendlela engenye, umz. umnxeba, oku makuboniswe.
- Ukuba umceli ucela ulwazi egameni lomnye umntu, igunya esenziwa ngalo isicelo masiboniswe.
- Ukuba umceli akakwazi kufunda okanye ukubhala, okanye unokukhubazeka, ngoko ke isicelo singenziwa ngomlomo. Igosa lolwazi ngoko ke maligcwalise ifom egameni lomceli onjalo lize libanike ikopi yefom egcwalisiweyo.

(c) *Iintlawulo ezihlawulwayo zesicelo nokwaziswa ngesigqibo kukufikelela*

- Umceli ofuna ukufikelela kwingxelo egciniweyo equlethe ulwazi lobuqu akufuneki ahlawule intlawulo yesicelo. Bonke abanye abaceli mabahlawule intlawulo yesicelo yama-R35.
- Igosa lolwazi malazise umceli (ngaphandle komceli buqu) ngesaziso, efuna umceli ukuba ahlawule intlawulo yokucela emiselweyo (ukuba ikhona) phambi kokuqhutyelwa phambili kwesicelo.
- Umceli angafaka isibheno sangaphakathi, apho kufanelekileyo, okanye isicelo enkundleni ngokuchasene nokunikela okanye ukuhlawulwa kwentlawulo.
- Emva kokuba igosa lolwazi lenze isigqibo kwisicelo umceli makaziswe ngesigqibo esinjalo ngendlela umceli afuna ukwaziswa ngayo.
- Ukuba isicelo sinikeziwe ngoko ke enye intlawulo yokufikelela mayihlawulwe ukulungiselela ukuveliswa kwakhona nokukhangelwa nokulungiselelwa neliphi ixesha elifunekayo elingaphaya kweeyure ezibekiweyo ukukhangela nokulungiselela ingxelo egciniweyo ukuba ibhengezwe.
- Ukufikelela kwinxelo egciniweyo kuyakubanjwa kude kube zonke iintlawulo ezikhoyo zihlawulwe.

6. IINKONZO EZIKHOYO KURHULUMENTE

Imisebenzi ye-DPSA, njengoko imiselwe kumhlathi woku-1, yenje ngokuba abaxumi bayo ngamanye amasebe karhulumente kwaye ayihambisi neziphi iinkonzo ezikhoyo kurhulumente. Nangona kunjalo, ulwazi lwedemografi oluthile ngenkonzo karhulumente (umzekelo ubungakanani benkonzo karhulumente nenani labaqeshwa kwisebe ngalinye) bungazuzwa kwiYunithi yoLwazi yeNkonzo kaRhulumente ye-DPSA kwi-imeyili ethi: M&E@dpsa.gov.za.

7. AMALUNGISELELO AVUMELA UKUBANDAKANYEKA KUQULUNQO LOMGAQO-NKQUBO NOKWENZIWA KWEMISEBENZI

Umgaqo-nkqubo nomthetho: Xa i-DPSA iceba umgaqo-nkqubo omtsha okanye umthetho yamkela umgaqo-siseko nazo zonke iziphathamandla ngokumema uhlomlo kumaphepha apapashiweyo kunye/okanye kwiintlanganiso zocweyo/ neenkomfa. Inkqubo yokuthatha inxaxheba yohluka ngohlobo lweprojekthi kwaye iqhele ukwaziswa phambi kokuqalisa kweprojekthi okanye emva koko.

Isenzo solawulo: Kwiimeko apho isenzo solawulo ngokubalulekileyo nangokungalunganga zichukumisa-

- amalungelo okanye okulindelweyo okusemthethweni kwakhe nomphi umntu; okanye
- amalungelo karhulumente,

imimiselo yenkqubo elungileyo yesenzo solawulo emiselweyo kumalungiselelo oMthetho wokuKhuthazwa koBulungisa boLawulo, wonyaka ka-2000 (uMthetho onguNombolo-3 ka-2000), kuyakubanjelelwa kuyo (ikakhulu icandelo lesi-4 nelesi-5).

Iimeko zenkonzo yabaqeshwa benkonzo karhulumente: Iimeko zenkonzo neminye imiba yomnqweno ofanayo wabaqeshwa benkonzo karhulumente ngamabhunga okubonisana ekuthethathethwene ngawo adalwe malunga noMthetho woBudlelwane baseMsebenzini, wonyaka ka-1995 (uMthetho onguNombolo-66 ka-1995). Iimanyano zorhwebo ezimela inani elibekiweyo labaqeshwa benkonzo karhulumente zingaliqela kwibhunga lokubonisana elinjalo. IBhunga lokuBonisana eliQuquzelela iNkonzo kaRhulumente yibhodi apho kwezinye zezinto zonke iimeko zenkonzo zisebenza kubo bonke abaqeshwa benkonzo karhulumente ngokufanayo kuthethathethwene ngazo. AmaBhunga okuBonisana eCandelo alandelayo akhona:

- IBhunga lokuBonisana leCandelo leNkonzo kaRhulumente Jikelele
- IBhunga leMfundo loBudlelwane baseMsebenzini
- IBhunga lokuBonisana leCandelo leMpilo neNtlano-ntle kaRhulumente
- IBhunga lokuBonisana leCandelo loKhuselo noKhuseleko

8. AMANCEDO AKHOYO MALUNGA NEZENZO OKANYE UKUSILELA UKWENZA

Iinkqubo ezilandelayo zikhona ukulungiselela abantu ukunika ingxelo okanye uncedo oluthathwa njengolunxamnye nomthetho, izenzo zamagosa ezingafanelekanga okanye ezingekho semthethweni okanye ukushiywa yi-DPSA okanye namphi omnye wabaqeshwa bayo:

(a) *Iinkqubo zokunika ingxelo okanye ukunceda:*

(i) Amancedo malunga nezenzo okanye ukusilela ukwenza ngokoMthetho oKhuthaza ukuFikelela kuLwazi: Igunya lobheno lwangaphakathi ngeenjongo zalo Mthetho nguMphathiswa weNkonzo kaRhulumente noLawulo (icandelo lama-74 - 77). Emva kokugqiba uncedo lobheno lwangaphakathi isicelo masifakwe kwinkonzo (icandelo lama-78 – 820).

(ii) Umqeshwa wenkonzo karhulumente angafaka isikhalazo sokuphengululwa yiKhomishini yeNkonzo kaRhulumente ngesenzo segosa okanye ukushiywa (icandelo lama-35 loMthetho leNkonzo kaRhulumente, wonyaka ka-1994).

(iii) Umntu angasebenzisa amancedo ezabasebenzi malunga nezenzo zegosa okanye ukushiywa kobume basemsebenzini, okubizwa ukuphikiswa kwemithetho (uMthetho weNkonzo kaRhulumente,

wonyaka ka-1994, noMthetho woBudlelwane baseMsebenzini, wonyaka ka-1995);

(iv) Umntu angafaka isikhalazo nomhloli wezemisebenzi ngako nokuphi okuthathwa njengolwaphulo lweeMeko ezisiSiseko zoMthetho weNgqesho, wonyaka ka-1997 (uMthetho onguNombolo-75 ka-1997 - icandelo lama-78(1)(a)), okanye uMthetho woBulungisa kwezeNgqesho, wonyaka ka-1998 (uMthetho onguNombolo-55 ka-1998 - icandelo lama-34(e)).

(v) Umntu angafaka isikhalazo noMkhuseli kaRhulumente ngesenzo segosa esikrokreleka ukungabikho semthethweni okanye esingafanelekanga okanye ukushiywa (uMgaqo-siseko noMthetho woMkhuseli kaRhulumente, wonyaka ka-1994 (uMthetho onguNombolo-23 ka-1994)).

(vi) Umntu angafaka isikhalazo neKhomishini yamaLungelo oLuntu lwaseMzantsi Afrika ngesenzo segosa okanye ukushiywa okukrokrelekayo ukwenza ulwaphulo okanye isoyikiso kulo neliphi ilungelo eliphambili (uMthetho weKhomishini yamaLungelo oLuntu, wonyaka ka-1994 (uMthetho onguNombolo-54 ka-1994)).

(vii) Ukuze ukhuseleke kwiimpindezelo ngenxa yobhengezo malunga nokuziphatha okungekho semthethweni okanye okunxamnye nomthetho ngumqeshi okanye ngugxa wakho, umntu osembuzweni angalandela iinkqubo zokubhengeza ezikuMthetho weZibhengezo eziKhuselweyo, wonyaka ka-2000 (uMthetho onguNombolo-26 ka-2000).

(viii) Ukusetyenziswa kwamanye amancedo asemthethweni afana neziko leenkqubo zokuhlolwa kwakhona kwenkundla yesenzo solawulo malunga noMthetho oKhuthaza uBulungisa boLawulo, wonyaka ka-2000 (uMthetho onguNombolo-3 ka-2000).

(b) *Amanye amancedo axhasayo:*

(i) Umntu angacela izizathu zesenzo solawulo malunga noMthetho oKhuthaza uBulungisa boLawulo, wonyaka ka-2000 (icandelo lesi-5).

(ii) Umntu angacela ukufikelela kwiingxelo ezigciniweyo zesebe likarhulumente okanye enye ibhodi karhulumente malunga noMthetho oKhuthaza ukuFikelela kuLwazi, wonyaka ka-2000 (icandelo le-11).

(c) *Umsebenzi wokunika ingxelo:*

(i) Umqeshwa wenkonzo karhulumente, ngexesha lemisebenzi yakhe esesikweni, uyanyanzelwa malunga neNdlela yoKuziphatha yabaqeshwa benkonzo karhulumente ukuba anike ingxelo kwiziphathamandla ezifanelekileyo, ubuqhopholo, urhwaphilizo, ukuqesha ngokwazana, ukulawula okubi naso nesiphi esinye isenzo esenza isityholo okanye esidlel'indlala kumnqweno karhulumente. Umqeshwa osilelayo ukuthobela oku, unetyala lokuziphatha kakubi. (uMmiselo-B.3 no-C.4.10 weSahluko sesi-2 seMimiselo yeNkonzo kaRhulumente, yonyaka ka-2001).

(ii) Uxanduva lomqeshi wonke nomqeshwa ukubhengeza ulwaphulo-mthetho nokunye ukuziphatha okunxamnye nomthetho kwindawo yokusebenza kwanokuxhasa uMthetho weZibhengezo eziKhuselweyo, wonyaka ka-2000 (Intshayelelo).