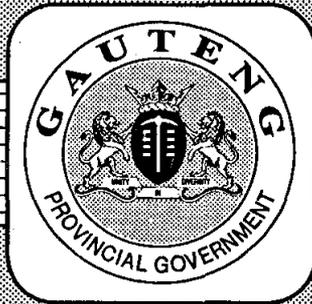


GTG-N 7798 (P3-23)

GTAK 7798 (P28-48) 29/9

THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

**Provincial Gazette Extraordinary**  
**Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**  
Other countries • Buitelands: **R3,25**

Vol. 4

PRETORIA, 10 SEPTEMBER 1998

**No. 529**

**GENERAL NOTICE**

NOTICE 2277 OF 1998

**GAUTENG PROVINCIAL LEGISLATURE**

**PUBLICATION OF GAUTENG STREET CHILDREN SHELTERS  
BILL**

Notice is hereby given that the Member of the Executive Council for Welfare & Population Development intends to introduce the Gauteng Street Children Shelters Bill in the Legislature as published in this Extraordinary Gazette

Any person or organisation wishing to comment on this proposed legislation may lodge written comments or representations on or before **1 October 1998** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature  
Gauteng Provincial Legislature  
C/o Committee Co-ordinator (Ms J Singh)  
Private Bag X52  
Johannesburg 2000

*Physical address:*

Gauteng Provincial Legislature  
Corner President and Loveday Streets  
Johannesburg  
Tel. No: (011) 498-5561  
Fax. No: (011) 498-5719

## **BILL**

**To provide for the establishment, registration, administration of street child shelter; to prescribe conditions and requirements for the erection, and subsidization of shelters and other facilities; to protect abuse, exploitation and discrimination of street children; to impose obligations on shelter operators; to establish methods of governance and operation of shelter operators; to monitor shelter operations; and to provide for matters connected therewith.**

**BE IT ENACTED** by the Provincial Legislature of Gauteng, as follows: -

## **ARRANGEMENT OF ACT**

### **CHAPTER 1**

#### **DEFINITIONS AND GENERAL PRINCIPLES**

##### **Section**

1. Definitions
2. Application of Act
3. General principles of the Act

### **CHAPTER 2**

#### **OBLIGATIONS OF SHELTER OPERATORS**

4. Protection against abuse, exploitation and discrimination
5. Permitted disciplinary measures
6. Disciplinary register
7. Safety
8. Programmes for street children
9. Privacy
10. Diversity
11. Child rights

**CHAPTER 3**

**STRUCTURE OF SHELTER**

- 12. The shelter structure
- 13. Physical facilities

**CHAPTER 4**

**GOVERNANCE OF A SHELTER**

- 14. Board of management
- 15. Composition of the board of management
- 16. Functions of board of management
- 17. Management of shelter

**CHAPTER 5**

**OPERATION OF THE SHELTER**

- 18. Conditions of operating a shelter
- 19. Hours of operation
- 20. Personnel
- 21. Cleanliness
- 22. Register of children
- 23. Financial records
- 24. Display of registration certificate

**CHAPTER 6**

**REGISTRATION CERTIFICATE TO OPERATE A STREET CHILDREN'S SHELTER**

- 25. Application for a registration certificate
- 26. Duration of a registration certificate
- 27. Processing an application; granting or denying a registration certificate

**CHAPTER 7**

**MONITORING SHELTER OPERATIONS**

- 28. Inspections
- 29. Annual evaluation by the MEC
- 30. Register of street children's shelters and other services
- 31. Register of Street Children

**CHAPTER 8**

**APPEALS**

- 32. Appeals from delegated decisions
- 33. Decision by the MEC

**CHAPTER 9**

**FUNDING A STREET CHILDREN'S SHELTER**

- 34. Power to make a performance subsidy
- 35. Funding criteria

**CHAPTER 10**

**CANCELLATION OF A REGISTRATION CERTIFICATE**

- 36. Ground for cancellation of a registration certificate
- 37. Proceedings on an intimation of cause for cancellation of a registration certificate.
- 38. Public hearing on cancellation of a registration certificate or revocation of a performance subsidy.
- 39. Decision after hearing
- 40. Removal of children to an approved facility

**CHAPTER 11**

**OFFENCES AND PENALTIES**

- 41. False information

**CHAPTER 12**

**MISCELLANEOUS**

- 42. Regulations
- 43. Delegation of powers and assignment of duties
- 44. Transitional and savings provision
- 45. Short title and commencement date

**CHAPTER 1****DEFINITIONS AND GENERAL PRINCIPLES****DEFINITIONS**

1. In this Act, unless the context otherwise indicates –

“Board” means a board of management referred to in section 14;

“Child” means a person under the age of 18 years;

“Head of Department” means the head of the Provincial Department of Welfare and Population Development in the Province;

“MEC” means member of the executive council responsible for Welfare and Population Development in the Province;

“Performance Condition” means a condition attached to a performance subsidy to a shelter operator that requires the shelter operator to perform stipulated duties;

“Performance Subsidy” means financial support by the Department of Welfare and Population Development based on welfare programmes;

“Prescribed” means prescribed by regulations;

“Province” means the province of Gauteng;

“Registration” means a process whereby a project including street work, drop-in centers shelters and other appropriate services are registered;

“Registration certificate” means a certificate issued in terms of section 26 of this Act;

“Regulation” means regulations made in terms of this Act; and

“Street child” means a child –

- (i) living on the street mainly concerned with survival and shelter; or
- (ii) detached from his or her family and living in a temporary shelter such as a hostel or abandoned houses and buildings, or who moves from one place to place living with friends; or

- (iii) who remains in contact with a family but, because of poverty, overcrowding, sexual abuse or other abuses within the family, spends some nights and most days on the street; or
- (iv) in institutional care who has come from a situation of homelessness and seems at risk of returning to homeless existence.

"Shelter Operator" means a person, body corporate, unincorporated association or governmental unit that operates a shelter for street children;

"this Act" includes regulations.

### **Application of Act**

2. Subject to the provisions of the Child Care Act, 1983 (Act No.74 of 1983), and Child Care Amendment Act, 1996 (Act No. 96 of 1996), this Act must apply throughout the Province.

### **General principles of the Act**

3. This Act must apply -
  - (1) to meet the basic needs of street children;
  - (2) to provide street children with a nurturing environment;
  - (3) to the social and physical environments within which street children live, to build environments around them that empower them to deal with their world in socially constructive ways;
  - (4) to develop programmes, strategies and services to prevent children from coming to live on the streets, and in which competent child and youth care practitioners seek to divert street children back to communities and families; and
  - (5) to ensure competent care, treatment, development and education for street children.

**CHAPTER 2.****OBLIGATIONS OF SHELTER OPERATORS TOWARDS CHILDREN IN SHELTERS****Protection against abuse, exploitation and discrimination**

4. (1) A shelter operator must take the highest degree of care to protect children in the shelter operator's care from abuse, exploitation, malnourishment, exploitation and discrimination.
- (2) A shelter operator and an employee of a shelter operator must not strike or otherwise physically or mentally abuse a child in the shelter operator's care.

**Permitted disciplinary measures**

5. (1) A shelter operator may not use corporal punishment or other forms of physical discipline on a child in the shelter operator's care.
- (2) A shelter operator may use only those disciplinary measures that may be prescribed by the MEC.

**Disciplinary register.**

6. A shelter operator must keep a disciplinary register, which records the disciplinary measures taken with respect to children in the shelter.

**Safety**

7. A shelter operator must ensure the highest feasible degree of care for the health, nutrition and safety of a child in its care.

**Programmes for street children**

8. (1) A shelter operator must provide in accordance with the standards prescribed by the MEC -
  - (a) a development program and a treatment plan for a child in the operator's care;

- (b) a family reunification programme;
  - (c) access to educational services;
  - (d) access to health services; and
  - (e) access to social welfare services.
- (2) The standards referred to in subsection (1) must be by way of regulations.

### **Privacy**

9. The shelter operator must maintain standards of confidentiality and privacy concerning children in his or her care.

### **Diversity**

10. (1) A shelter operator must neither practice nor permit unfair discrimination, when selecting children for admission to the shelter or treating such children.
- (2) A shelter operator must maintain a programme within the shelter that seeks to inculcate among shelter staff, and among the children in its care a culture that places a high value upon cross-cultural diversity.

### **Child rights**

11. A shelter operator must maintain a programme within the shelter that seeks to inculcate among shelter staff a child-rights based culture.

## **CHAPTER 3.**

### **OBLIGATIONS OF SHELTER OPERATORS**

#### **The shelter structure**

12. A shelter operator must provide a permanent, safe shelter structure that complies with local government safety, health, fire and building bylaws and codes.

**Physical facilities**

13. (1) A shelter operator must provide according to the standards established by the MEC -
- (a) a structure appropriate to the safety and development of the child;
  - (b) safe, warm, adequate, appropriate and separate sleeping facilities;
  - (c) adequate, appropriate and separate ablution facilities, with running water, and sufficient showers or bathing facilities;
  - (d) adequate and appropriate cooking, eating and recreational facilities; and
  - (e) adequate and economical administrative facilities.
- (2) The standards referred to in subsection (1) must be prescribed in the regulations.

**CHAPTER 4.****GOVERNANCE OF A SHELTER****Board of management**

14. A shelter operator must have as its governing body a Board of management.

**Composition of the board of management**

15. (1) A board must consist of the number of persons which the MEC must prescribe.
- (2) Amongst members of the board contemplated in subsection (1), the following must be elected:
- (a) a chairperson;
  - (b) a secretary; and
  - (c) treasurer.

**Powers and duties of the board of management**

16. The board must have the following powers and duties:
- (1) to oversee the overall management of the shelter;
  - (2) to provide ongoing consultation and support to shelter operator;
  - (3) to monitor and regulate the finances of the shelter;
  - (4) to provide audited financial statements as may be required;
  - (5) to monitor and ratify the employment and dismissal of staff;
  - (6) to oversee the disciplinary issues of staff in the shelter;
  - (7) to embark on fundraising projects aimed at the sustainability of the shelter; and
  - (8) to embark on marketing projects for enhancing the image of the shelter.

**Governance of a shelter**

17. (1) The shelter operator must have a constitution or other constitutive document that meets the following criteria:
- (a) the membership of the Board gives reasonably proportionate representation to the historically disadvantaged groups among the street children population in the Province;
  - (b) at least one member of the Board must have a record of advocacy on behalf of street children,
  - (c) a person appointed to the Board must have some special characteristic or capacity useful to the Board in governing the shelter; and
  - (d) the shelter must have a democratic, accountable and transparent system of governance and financial accountability.
- (2) A shelter operator must ensure the maximum feasible participation in the governance of a shelter of older children resident in the shelter and their parents or legal guardians and non-governmental associations concerned with street children.

**CHAPTER 5.****OPERATION OF THE SHELTER****Conditions of operating a shelter**

18. (1) A person may not operate street children's shelter without a registration certificate from the Department issued under Chapter 6.
- (2) A shelter operator must comply with conditions contemplated in section 28.
- (3) A shelter operator must conform to conditions prescribed in a performance subsidy.
- (4) A shelter operator must conform to recommendations made by the MEC in an annual evaluation made under section 29.

**Hours of operation**

19. A shelter operator must operate its shelters twenty-four hours a day.

**Personnel**

20. (1) At all times, a shelter operator must have sufficient capable personnel on the shelter premises to provide for the reasonably foreseeable physical needs of the children in the operator's care, in a ratio of staff to children that the MEC may prescribe.
- (2) A shelter operator must have on the premises at all times a person trained in child and youth care.
- (3) A shelter operator must ensure the observance of the Code of Ethical Conduct for managers of a shelter.
- (4) A shelter operator must maintain a protocol for the management of child abuse and neglect within a residential programme that conforms to prescribed standards.

**Cleanliness**

21. A shelter operator must ensure that the shelter meets prescribed standards of cleanliness.

**Register of children**

22. A shelter operator must maintain a daily attendance register of children who utilize the shelter or its facilities.

**Financial records**

23. (1) A shelter operator must -
- (a) maintain accurate and detailed books recording its income and expenditures;
  - (b) other financial transactions; and
  - (c) a financial system that reduces the probability of corruption or peculation from the funds of the welfare operator.
- (1) The financial records contemplated in subsection (1) must be audited in the prescribed manner.

**Display of registration certificate**

24. A shelter operator must display registration certificate in his or her administrative office conspicuously.

**CHAPTER 6.**

**REGISTRATION CERTIFICATE TO OPERATE A STREET CHILDREN'S SHELTER**

**Application for a registration certificate**

25. (1) A shelter operator or a prospective shelter operator may apply for a new or renewal registration certificate -
- (a) within three months after this Act comes into force;
  - (b) prior to opening a new street children's shelter; or

- (c) three months prior to the expiry of an existing registration certificate.
- (2) The application form must include-
- (a) a description of the physical facility demonstrating that it conforms to the prescribed requirements;
  - (b) a description of the shelter programme that demonstrates that it conforms to the prescribed requirements;
  - (c) a statement of the number of beds that the shelter provides for children;
  - (d) a statement that the shelter conforms to the requirements of Chapter 2; and
  - (e) a statement of the age level of the street children that the shelter operator expects to have as clients of the shelter.

#### **Duration of a registration certificate**

- 26 (1) The MEC may issue a registration certificate valid for a period determined by him or her in the regulations.
- (2) Until receipt of the MEC's decision upon an application for a registration certificate, a shelter operator may continue to operate the shelter if the operator –
- (a) has applied for a registration certificate within the period prescribed by section 25; or
  - (b) has received notice from the MEC permitting late application; and has not yet received notice of a decision by the MEC upon the application.

#### **Procedure when granting or denying a registration certificate**

27. (1) Pursuant to procedures prescribed in the regulations made by the MEC, and not later than three months after receipt of the application, the MEC must –
- (a) grant a registration certificate; or

- (b) deny the registration certificate; or
  - (c) grant a registration certificate with conditions that differ from the terms of the application.
- (2) The MEC must immediately notify the applicant of a decision made in terms of subsection (1).

## CHAPTER 7.

### MONITORING SHELTER OPERATIONS

#### Inspections

- 28 (1) The MEC must inspect a shelter to determine compliance with the provisions of this Act, the Child Care Amendment Act, 1996, not less than once in six months.
- (2) The MEC may make an inspection referred to in subsection (1) with or without prior notice to the shelter operator.
- (3) (a) A shelter operator must produce for the MEC's inspection –
- (i) a register; or
  - (ii) the shelter operator's constitution or other constitutive document; or
  - (iii) the minutes of the Board; or
  - (iv) the disciplinary register prescribed by section 6; or
  - (v) other documents requested by the MEC.
- (b) a shelter operator must –
- (i) make staff available for questioning by the MEC;
  - (ii) make available the shelter and all its parts to the visual inspection of the MEC; and
  - (iii) make available for questioning the children in the operator's care.

**Annual evaluation by the MEC**

29. (1) The MEC must evaluate the operations of a welfare operator annually on a prescribed form.
- (2) The annual evaluation may include recommendations for changes in --
- (a) physical characteristics of the shelter;
  - (b) its governance;
  - (c) its administration;
  - (d) its operations; or
  - (e) the operation of a programme maintained by the shelter operator.

**Register of street children's shelters and other services.**

30. The MEC must keep a current register of street children's shelters and other facilities that provide services for street children.

**Register of Street Children**

31. (1) A shelter operator must keep a record of the names of street children who spend a night in the shelter.
- (2) The MEC must keep a current register of street children utilizing shelter services in the Province.

**CHAPTER 8.****APPEALS****Appeals from delegated decisions**

32. (1) A shelter operator aggrieved by a decision made by an official to whom the MEC has delegated decision-making authority under this Act may appeal the decision to the MEC.

- (2) The appealing shelter operator must file notice of appeal with the MEC not later than one month after the decision complained of, stating the grounds of that appeal.

#### **Decision by the MEC**

33. (1) The MEC must decide the appeal on the basis of the original record of the proceedings, or, if the official kept no record, the MEC must rehear the matter, and decide on the basis of evidence presented.
- (2) A party aggrieved by a decision made under subsection (1), may apply to Court having jurisdiction for reviewing the matter.

### **CHAPTER 9**

#### **FUNDING A STREET CHILDREN'S SHELTER**

##### **Power to make a performance subsidy**

34. (1) With the concurrence of the MEC for Financial matters, the MEC may make a performance subsidy to a shelter operator to operate street children's shelter.
- (2) The MEC must prescribe the performance conditions of the subsidy by regulations.

##### **Funding criteria**

35. (1) The MEC may make a performance subsidy to a street children's shelter operator, and determine its amount and the conditions attached to it, after taking into account -
  - (a) the degree to which the street children's shelter operator has previously complied and likely will comply with;
  - (b) its objectives as set forth in section 3;
  - (c) the conditions attached to a registration certificate;
  - (d) the conditions attached to a performance subsidy;
  - (e) the recommendations of an evaluation report prepared by the MEC;

- (f) the number of street children that street children's shelter services;
  - (g) the costs per street child for funding that street children's shelter;
  - (h) the percentage of the total budget for that street children's shelter that will pay for administrative and other overhead expenses;
  - (i) the level and quality of care provided;
  - (j) the extent to which the street shelter operator's practices support equity in employment; and
  - (k) other prescribed criteria.
- (2) In making the determination prescribed by subsection (1), the MEC may not take into account expectations by a street children's shelter provider created by previous subsidies.

## CHAPTER 10.

### CANCELLATION OF A REGISTRATION CERTIFICATE

#### Grounds for cancellation of a registration certificate.

36. (1) The MEC may -
- (a) cancel the shelter operator's registration certificate; or
  - (b) revoke a performance subsidy if the shelter operator -
    - (i) in a manner that threatens the physical, mental or moral well being of the children grossly violates this Act, the conditions of the registration certificate or the performance conditions of the performance subsidy;
    - (ii) fails to carry out a significant recommendation made in an annual evaluation;
    - (iii) persistently violates the administrative provisions of this Act; or
    - (iv) obtains the performance subsidy through fraud, material misrepresentation or corruption.

- (2) The MEC must give notice of intention to act in terms of subsection (1) to the shelter operator.

#### **Proceedings on an intimation of cause for cancellation of a registration certificate**

37. (1) If the MEC has cause to believe that, he or she ought to cancel a registration certificate or revoke a performance subsidy, the MEC may either -
  - (a) Institute an enquiry to investigate the operation of the shelter and report its findings and recommendations to the MEC; or
  - (b) hold the hearing mentioned in section 38.
- (2) If the MEC finds that by reason of the shelter operator's gross violation of this Act or a condition of the registration certificate or of a performance subsidy or its failure to carry out a significant recommendation in an annual evaluation, imminent substantial danger threatens the physical, mental or moral well-being of children in a shelter, the MEC must immediately temporarily cancel the shelter operator's registration certificate or temporarily revoke its performance subsidy.

#### **Public hearing on cancellation of a registration certificate or revocation of a performance subsidy**

38. (1) The MEC must hold a hearing if -
  - (a) the MEC has determined that probable cause exists that the MEC ought to cancel a registration certificate or revoke a performance subsidy; or
  - (b) pursuant to section 37, the MEC has temporarily cancelled a registration certificate.
- (2) The MEC must hold the hearing mentioned in subsection (1) on two weeks' notice -
  - (a) served personally on the shelter operator or the shelter operator's person in charge of the shelter at the time the MEC serves the notice;
  - (b) posted in the shelter at a place where the public can observe it;

- (c) published in a newspaper of general circulation in the community in which the shelter stands; and
  - d) in the case of an emergency cancellation served within two weeks of the cancellation of the registration certificate.
- (3) At the hearing mentioned in subsection (2) -
- (a) the MEC must present evidence tending to prove that the shelter operator operates the shelter badly that, the MEC should permanently cancel the registration certificate or revoke the performance subsidy; and
  - (b) the shelter operator, shelter staff, the children in the shelter operator's care and members of the public generally may present evidence and argument in support of or to refute the MEC's evidence.

#### **Decision after hearing**

39. (1) Following the hearing mentioned in section 38, the MEC must either -
- (a) permanently cancel the registration certificate or the performance subsidy; or
  - (b) decline to cancel the registration certificate or performance subsidy; or
  - (c) in the case of a temporary cancellation of a registration certificate or of a revocation of a performance subsidy, withdraw the temporary cancellation or revocation, or
  - (d) prescribe conditions for the continuation of the registration certificate or the withdrawal of the temporary cancellation.
- (2) The MEC may permanently cancel the registration certificate, or the performance subsidy, only if the MEC finds by a preponderance of probabilities that grounds exist permanently to cancel the registration certificate or to revoke the performance subsidy.

#### **Removal of children to an approved facility**

40. (1) Where the MEC permanently cancels a registration certificate, or temporarily cancels a registration certificate, he or she must immediately close the shelter.

- (2) Where the MEC closes a shelter, the MEC must withdraw the subsidy for the purposes of operating the shelter until either -
- (a) the MEC grants a registration certificate to a new shelter operator; or
  - (b) the MEC restores a certificate that the MEC temporarily cancelled.
- (3) If the MEC grants a registration certificate to a new shelter operator, the MEC must at the time of issuance of the registration certificate deliver, its funds to the new shelter operator, and transfer the performance subsidy to the new shelter operator.
- (4) If the MEC determines to close the shelter, the MEC must oversee its closure and the removal of the children to alternative suitable facilities.
- (5) If the MEC withdraws a temporary cancellation of a registration certificate, the MEC must restore the initial position to the shelter operator.

## CHAPTER 12.

### OFFENCES AND PENALTIES

#### **False information**

41. (1) A shelter operator who knowingly supplies false information to the MEC, commits an offence and must be liable to a fine or imprisonment not exceeding 5 (five) years or to both such fine and imprisonment.
- (2) Any person who abuses, maltreats, exploits street children

**CHAPTER 13.****MISCELLANEOUS****Regulations**

42. (1) The MEC may make regulations -
- (a) prescribing the form of any certificate, order or authority to be made in terms of this Act; or any other form required in carrying out the provisions of this Act;
  - (b) as to the procedure relating to the registration of shelters, the requirements with which they must comply and the cancellation and surrender of certificates of registration issued in terms of this Act.
  - (c) as to the classification of shelters registers under this Act.
  - (d) as to the care, training and development of the street children.
  - (e) as to any matter which in terms of this Act is required or permitted to be prescribed by regulation.
- (2) The MEC may generally make regulations he or she deems necessary and expedient in order to promote the objects of this Act.
- (3) Regulations made under this section must provide penalties for the contravention thereof.

**Delegation of powers and assignment of duties**

43. (1) The MEC may-
- (a) delegate to the Head of Department or any officer of his or her department any power granted to him by this Act except powers referred to in section 42; and
  - (b) authorise such head of department or such officer to perform any duty that the MEC is authorised to perform under this Act

- (2) The head of department may-
- (a) delegate to any other officer of his or her department any power conferred upon him or her by this Act; and
  - (b) authorise such officer to perform any duty imposed upon him or her by this Act
- (3) Any person to whom any power has been delegated or whom has been authorised to perform any duty under this section, must exercise that power or perform that duty, subject to such conditions as the person who effected the delegation or the authorisation considers necessary.
- (4) Any delegation of power or authorisation to perform a duty under this section-
- (a) must be done in writing;
  - (b) must not prevent the person who effected the delegation or granted the authorisation from exercising that power or performing that duty himself or herself; and
  - (c) may at any time be withdrawn in writing by the person who granted it.

#### **Transitional and savings provisions**

44. (1) The existing shelters continue to operate, but must be registered within three (3) months after this Act has come into effect.
- (2) The funding of the existing shelters must, within three months be transferred to the shelters registered in terms of this Act in the prescribed manner.
- (3) Any order, notice, payment or certificate issued, made or any other action taken under any of the relevant existing laws, and which could be made, issued under any provision of this Act, must be deemed to have been made or issued under the corresponding provision of this Act, and if this Act does not contain any such corresponding provision, must be proceeded with, disposed of and given effect to in so far as the MEC has not provided otherwise.

#### **Short title and commencement date.**

45. This Act is called *Gauteng Street Children Shelters Act, 1998* and must come into operation on a date fixed by Premier by proclamation in the provincial gazette.

**MEMORANDUM ON THE OBJECTS OF THE BILL****1. SUBJECT**

**The Gauteng Street Children Shelters Bill, 1998**

**2. PURPOSE**

**To provide for the establishment, registration and administration of the street children shelters and also to regulate and prescribe conditions under which the shelter operators must operate the shelters.**

**3. BACKGROUND**

In South Africa like elsewhere in the developing countries the problem of children living in the Street without adequate care and shelter has developed as one of the major problems facing the Government. Marginalized, despised, discriminated against, even murdered are the realities that the children living in the streets are faced with on daily basis.

The numbers of street children in Gauteng have increased rapidly. Marginalized by events beyond their control, they struggle to merely survive. Existing welfare service delivery programmes do not adequately cater for street children's developmental, protection and survival needs.

This bill aims to provide comprehensive legislation, which regulates the development, erection and maintenance of street children shelters in Gauteng. The idea is to remove as many children as possible from the street and to afford them their constitutional right as provided for, in the Constitution.

**4. FINANCIAL IMPLICATIONS**

None

**5. PERSONNEL IMPLICATIONS**

None

**6. CONSTITUTIONAL IMPLICATIONS**

None

**CLAUSE BY CLAUSE ANALYSIS**

- Clause 1: This section provides for the definition of the words used in the Bill
- Clause 2: This section provides for the jurisdiction of the Bill
- Clause 3: This section provides for the General Principles of the Act
- Clause 4: This clause contains the obligations of the shelter operators to protect the children against abuse, exploitation and discrimination.
- Clause 5: This section indicates the permitted disciplinary measures that may be by the shelter operator
- Clause 6: This section obliges the shelter operator to keep record of all the disciplinary measures taken
- Clause 7: This section provides for the safety of the children
- Clause 8: This section stipulates the programmes to be run by the shelter operator
- Clause 9: This section stipulates that the shelter operator must provide high standards of confidentiality and privacy concerning the children in his care.
- Clause10: This section states that the shelter operator must not permit unfair discrimination when selecting children for admission to the shelter.
- Clause 11: This section deals with the child's rights in the shelter.
- Clause12: This section regulates the structure of the shelter.
- Clause13: This section provides for the required facilities the shelter
- Clause14: This section deals with the establishment of the governing body of the shelter
- Clause 15: This section deals with the composition of the board of management
- Clause 16: This section stipulates the powers and functions of the board
- Clause 17: This section provides for the governance of the shelter

- Clause 18: This section prescribes the conditions under which a shelter must be operated
- Clause 19: This section stipulates that a shelter must be operated 24-hours a day
- Clause 20: This section provides for the personnel of the shelter
- Clause 21: This section deals with the degree of cleanliness of the shelters
- Clause 22: This section provides that shelter operator must maintain an attendance register of children who utilize the shelter
- Clause 23: This section obliges the shelter operator to keep financial records
- Clause 24: This section provides for the display of the registration certificate
- Clause 25: This clause provides for the application of a registration certificate
- Clause 26: This clause provides for the duration of the registration certificate
- Clause 27: This section stipulates the procedure to be followed when granting or denying a registration certificate
- Clause 28: This section deals with the inspections of the shelters
- Clause 29: This section enables the MEC to annually evaluate the shelter
- Clause 30: This clause requires the MEC to keep a register of all the shelters in Gauteng
- Clause 31: This section provides that a shelter operator must keep records of the children who utilize the shelter temporarily
- Clause 32: This section provides for the appeal against decision made by officials of the Department to whom the MEC has delegated the power to make decisions
- Clause 33: This section provides the manner in which the MEC must decide the appeal matters before him.
- Clause 34: This section provides the MEC with the power to make performance subsidy to a shelter operator.
- Clause 35: This section deals with the criteria to be used when funding a shelter

- Clause 36:** This section stipulates the grounds for the cancellation of a registration certificate
- Clause 37:** This section stipulates the proceedings when canceling a registration certificate
- Clause 38:** This section provides for the holding of public hearings by the MEC when canceling a registration certificate or when revoking a performance subsidy
- Clause 39:** This section provides the different decisions that the MEC may take after the hearing in section 38 above
- Clause 40:** This section provides for the removal of the children from the shelter whose registration certificate has been cancelled.
- Clause 41:** This section provides for the offences and penalties under this Bill.
- Clause 42:** This section provides the MEC with the power to make Regulation.
- Clause 43:** This section gives the MEC the authority to delegate his/her powers under this Bill.
- Clause 44:** This section provides for the registration of existing shelters
- Clause 45:** This section contains the short title of the "Act" and provides for its commencement date.

**KENNISGEWING 2277 VAN 1998****WETSONTWERP**

Om voorsiening te maak vir die daarstelling, registrasie en administrasie van toevlugsoorde vir straatkinders; om voorwaardes en vereistes vir die oprigting en subsidiëring van toevlugsoorde en ander fasiliteite voor te skryf; om straatkinders teen mishandeling, uitbuiting en diskriminasie te beskerm; om toevlugsoord-operateurs verpligtinge op te lê; om bestuurs- en bedryfsmetodes vir toevlugsoord-operateurs daar te stel; om toevlugsoorde te monitor; en om voorsiening te maak vir sake wat daarmee verband hou.

Word soos volg deur die Provinsiale Wetgewer van Gauteng **UITGEVAARDIG**:

**ORDENING VAN WET****HOOFSTUK 1****OMSKRYWINGS EN ALGEMENE BEGINSELS****Afdeling**

1. Omskrywings
2. Toepassing van Wet
3. Algemene Beginsels van die Wet

**HOOFSTUK 2****VERPLIGTINGE VAN TOEVLUOSOORD-OPERATEURS**

4. Beskerming teen mishandeling, uitbuiting en diskriminasie
5. Toegelate dissiplinêre stappe
6. Dissiplinêre register
7. Veiligheid
8. Programme vir straatkinders
9. Privaatheid
10. Diversiteit
11. Kinderregte

### HOOFSTUK 3

#### STRUKTUUR VAN TOEVLUGSOORD

12. Die struktuur van die toevlugsoord
13. Fisiese fasiliteite

### HOOFSTUK 4

#### BESTUUR VAN 'N TOEVLUGSOORD

14. Bestuursraad
15. Samestelling van die bestuursraad
16. Funksies van die bestuursraad
17. Bestuur van 'n toevlugsoord

### HOOFSTUK 5

#### BEDRYF VAN DIE TOEVLUGSOORD

18. Voorwaardes vir bedryf van 'n toevlugsoord
19. Bedryfsure
20. Personeel
21. Sindelikeid
22. Register van kinders
23. Finansiële rekords
24. Vertoning van registrasiesertifikaat

### HOOFSTUK 6

#### REGISTRASIESERTIFIKAAT OM 'N TOEVLUGSOORD VIR STRAATKINDERS TE BEDRYF

25. Aansoek om registrasiesertifikaat
26. Geldigheidsduur van 'n registrasiesertifikaat

27. Verwerking van aansoek; toekenning of afwysing van registrasiesertifikaat

## **HOOFSTUK 7**

### **MONITOR VAN TOEVLUOSOORD-OPERASIES**

28. Inspeksies
29. Jaarlikse evaluering deur die LUR
30. Register van toevlugsoorde en ander dienste vir straatkinders
31. Register van straatkinders

## **HOOFSTUK 8**

### **APPÈLLE**

32. Appèlle teen gedelegeerde besluite
33. Besluit deur die LUR

## **HOOFSTUK 9**

### **BEFONDSING VAN 'N TOEVLUOSOORD VIR STRAATKINDERS**

34. Bevoegdheid om 'n prestasiesubsidie toe te staan
35. Befondsingkriteria

## **HOOFSTUK 10**

### **KANSELLASIE VAN 'N REGISTRASIESERTIFIKAAT**

36. Gronde vir kansellasië van 'n registrasiesertifikaat
37. Prosedure by kennisname van rede vir kansellasië van 'n registrasiesertifikaat
38. Openbare verhoor oor kansellasië van 'n registrasiesertifikaat of herroeping van 'n prestasiesubsidie
39. Besluit na verhoor

40. Verwydering van kinders na 'n goedgekeurde fasiliteit

## HOOFSTUK 11

### OORTREDINGS EN BESTRAFFINGS

41. Valse inligting

## HOOFSTUK 12

### DIVERSE

42. Regulasies
43. Delegering van bevoegdhede en opdrag van pligte
44. Oorgangs- en besparingsbepalings
45. Korttitel en inwerkingtredingsdatum

## HOOFSTUK 1

### OMSKRYWINGS EN ALGEMENE BEGINSELS

#### OMSKRYWINGS

1. In hierdie Wet, tensy die samehang anders aandui, beteken -

"Raad" die bestuursraad waarna in artikel 14 verwys word;

"Kind" 'n persoon onder die ouderdom van 18 jaar;

"Departementshoof" die hoof van die Provinsiale Departement Welsyn en Bevolkingsontwikkeling in die Provinsie;

"LUR" die lid van die uitvoerende raad verantwoordelik vir Welsyn en Bevolkingsontwikkeling in die Provinsie;

"Prestasievoorwaarde" 'n voorwaarde verbonde aan die toekenning van 'n prestasiesubsidie aan 'n toevlugsoord-operateur, wat vereis dat die toevlugsoord-operateur voorgeskrewe pligte uitvoer;

"Prestasiesubsidie" finansiële steun deur die Departement Welsyn en Bevolkingsontwikkeling, gebaseer op welsynsprogramme;

"Voorgeskryf" deur regulasies voorgeskryf;

"Provinsie" die Provinsie van Gauteng;

"Registrasie" 'n proses waardeur 'n projek, insluitend straatwerk, inloopsentrums, toevlugsoorde en ander toepaslike dienste geregistreer word;

"Registrasiesertifikaat" 'n sertifikaat wat ingevolge artikel 26 van hierdie Wet uitgereik word;

"Regulasie" 'n regulasie wat ingevolge hierdie wet uitgevaardig word;

"Straatkind" 'n kind wat -

- (i) op straat woon, hoofsaaklik besorg met oorlewing en skuiling; of
- (ii) van sy of haar familie verwyderd is en in 'n tydelike skuilplek soos 'n hostel of in verlate huise of geboue woon, of wat van plek na plek by vriende tuisgaan; of
- (iii) met 'n familie in verbinding bly maar wat vanweë armoede, oorbevolking, seksuele mishandeling of ander mishandeling binne die familie sekere dae en die meeste nagte op straat deurbring; of

- (iv) in institusionele sorg is, wat uit 'n situasie van dakloosheid afkomstig is en wat die gevaar loop om na 'n daklose bestaan terug te keer.

"Toevlugsoord-operateur" 'n persoon, regspersoon, oningelyfde vereniging of regeringseenheid wat 'n toevlugsoord vir straatkinders bedryf; en

"hierdie Wet" ook die regulasies wat daarby ingesluit word.

### **Toepassing van Wet**

2. Onderworpe aan die bepalings van die Kindersorgwet, 1983 (Wetr. 74 van 1983), en Kindersorgwysigingswet, 1996 (Wetr. 96 van 1996), moet hierdie Wet dwarsdeur die Provinsie geld.

### **Algemene beginsels van die Wet**

3. Hierdie Wet moet van toepassing wees -
- (1) om aan die basiese behoeftes van straatkinders te voldoen;
  - (2) om straatkinders van 'n versorgende omgewing te voorsien;
  - (3) op die sosiale en fisiese omgewings waarin straatkinders woon, om omgewings te skep wat hulle in staat stel om hul wêreld op sosiaal-opbouwende wyses te hanteer;
  - (4) om programme, strategieë en dienste te ontwikkel om te verhoed dat kinders op straat woon, en waarvolgens bevoegde kinder- en jeugsorgpraktisyns daarna strewende om kinders na gemeenskappe en families te laat terugkeer; en
  - (5) om bevoegde sorg, behandeling, ontwikkeling en opvoeding vir straatkinders te verseker.

## **HOOFSTUK 2**

### **VERPLIGTINGE VAN TOEVLUOSOORD-OPERATEURS TEENOR KINDERS IN SODANIGE OORDE**

#### **Beskerming teen mishandeling, uitbuiting en diskriminasie**

4. (1) 'n Toevlugsoord-operateur moet die hoogste standaard van sorg dra om kinders in die toevlugsoord-operateur se sorg teen mishandeling, uitbuiting, wanvoeding en diskriminasie te beskerm.
- (2) 'n Toevlugsoord-operateur en 'n werknemer van 'n toevlugsoord-operateur mag geen kind in die sorg van 'n toevlugsoord-operateur slaan of op enige ander wyse liggaamlik of geestelik mishandel nie.

### **Toegelate dissiplinêre stappe**

5. (1) 'n Toevlugsoord-operateur mag geen lyfstraf of ander vorme van liggaamlike dissipline aan 'n kind in die toevlugsoord-operateur se sorg toedien nie.
- (2) 'n Toevlugsoord-operateur mag slegs sodanige dissiplinêre maatreëls toepas wat deur die LUR voorgeskryf mag word.

### **Dissiplinêre register**

6. 'n Toevlugsoord-operateur moet 'n dissiplinêre register byhou, waarin dissiplinêre maatreëls wat ten opsigte van die kinders in die toevlugsoord geneem word, opgeteken word.

### **Veiligheid**

7. 'n Toevlugsoord-operateur moet die hoogste moontlike standaard van sorg ten opsigte van die gesondheid, voeding en veiligheid van die kinders in sy sorg handhaaf.

### **Programme vir straatkinders**

8. (1) 'n Toevlugsoord-operateur moet, ooreenkomstig die standarde wat deur die LUR voorgeskryf word -
  - (a) 'n ontwikkelingsprogram en behandelingsplan vir 'n kind in die operateur se sorg voorsien;
  - (b) 'n gesinsherenigingsprogram voorsien;
  - (c) toegang tot opvoedingsdienste bewerkstellig;
  - (d) toegang tot gesondheidsdienste bewerkstellig; en
  - (e) toegang tot sosiale welsynsdienste bewerkstellig.
- (2) Die standarde waarna in subartikel (1) verwys word, moet by wyse van regulasies geskied.

### **Privaatheid**

9. Die toevlugsoord-operateur moet standarde van vertroulikheid en privaatheid ten opsigte van die kinders in sy of haar sorg handhaaf.

### **Diversiteit**

10. (1) Wanneer kinders vir toegang tot die oord gekies word, of tydens die behandeling van sodanige kinders, mag 'n toevlugsoord-operateur nie onregverdige diskriminasie toepas of toelaat dat dit toegepas word nie.

- (2) 'n Toevlugsoord-operateur moet 'n program in die toevlugsoord handhaaf wat daarop ingestel is om, by die oordpersoneel en die kinders in sy of haar sorg, 'n kultuur in te skerp wat kruiskulturele diversiteit hoog aanslaan.

### **Kinderregte**

11. 'n Toevlugsoord-operateur moet 'n program in die oord handhaaf wat daarop ingestel is om 'n kinderregte-gebaseerde kultuur onder oordpersoneel in te skerp.

## **HOOFSTUK 3**

### **STRUKTUUR VAN TOEVLUOSOORD**

#### **Die struktuur van die toevlugsoord**

12. 'n Toevlugsoord-operateur moet 'n permanente, veilige oordstruktuur voorsien, wat aan plaaslike veiligheids-, gesondheids-, brand- en gebouverordeninge en -kodes voldoen.

#### **Fisiese fasiliteite**

13. (1) 'n Toevlugsoord-operateur moet, volgens die standaard wat deur die LUR neergelê word, die volgende voorsien:
- (a) 'n struktuur wat vir die veiligheid en ontwikkeling van die kind geskik is;
  - (b) veilige, warm, toereikende, geskikte en afsonderlike slaapperiewe;
  - (c) toereikende, geskikte en afsonderlike reinigingsgeriewe, met lopende water, en genoegsame storte en badgeriewe;
  - (d) toereikende en geskikte kook-, eet- en ontspanningsgeriewe; en
  - (e) toereikende en ekonomiese administratiewe fasiliteite.
- (2) Die standaard waarna in subartikel (1) verwys word, moet deur die regulasies voorgeskryf word.

## HOOFSTUK 4

### BESTUUR VAN 'N TOEVLUOSOORD

#### Bestuursraad

14. 'n Toevlugsoord-operateur moet 'n Bestuursraad as sy beheerliggaam hê.

#### Samestelling van die Bestuursraad

15. (1) 'n Raad moet bestaan uit die aantal persone wat die LUR moet voorskryf.
- (2) Onder die lede van die Raad soos in subartikel (1) beoog, moet die volgende verkies word:
- (a) 'n voorsitter;
  - (b) 'n sekretaris; en
  - (c) 'n tesourier.

#### Magte en bevoegdhede van die Bestuursraad

16. Die Raad moet oor die volgende magte en bevoegdhede beskik:
- (1) om oor die algehele bestuur van die toevlugsoord toesig te hou;
  - (2) om voortdurende berading en steun aan die toevlugsoord-operateur te bied;
  - (3) om die finansies van die toevlugsoord te monitor en te reguleer;
  - (4) om die geouditeerde finansiële state wat vereis mag word, te verskaf;
  - (5) om die indiensneming en ontslag van personeel te monitor en goed te keur;
  - (6) om oor die dissiplinêre sake ten opsigte van oordpersoneel toesig te hou;
  - (7) om fondsinsamelingsprojekte wat op die voortgesette onderhoud van die toevlugsoord gemik is, van stapel te stuur; en
  - (8) om bemarkingsprojekte gerig op die uitbouing van die toevlugsoord se beeld van stapel te stuur.

#### Bestuur van 'n toevlugsoord

17. (1) Die toevlugsoord-operateur moet oor 'n reglement of ander grondwetlike dokument beskik, wat aan die volgende kriteria voldoen:

- (a) lidmaatskap van die Raad moet redelike, proporsionele verteenwoordiging van die histories minder bevoorregte groepe onder die bevolking van straatkinders in die Provinsie bied;
  - (b) minstens een lid van die Raad moet oor 'n rekord van kampvegting namens straatkinders beskik;
  - (c) 'n persoon wat op die Raad aangestel word, moet oor 'n spesiale eienskap of vermoë beskik wat vir die Raad by die bestuur van die toevlugsoord van nut is; en
  - (d) die toevlugsoord moet oor 'n demokratiese, verantwoordbare en deursigtige beheerstelsel en finansiële verantwoordbaarheid beskik.
- (2) 'n Toevlugsoord-operateur moet die maksimum moontlike deelname van ouer kinders wat by die oord inwoon, asook hul ouers of wettige voogde en nie-regeringsverenigings wat by straatkinders betrokke is, by die bestuur van die toevlugsoord verseker.

## HOOFSTUK 5

### BEDRYF VAN DIE TOEVLUOSOORD

#### Voorwaardes vir bedryf van 'n toevlugsoord

18. (1) 'n Persoon mag nie 'n toevlugsoord vir straatkinders bedryf sonder 'n registrasiesertifikaat van die Departement wat ingevolge Hoofstuk 6 uitgereik is nie.
- (2) 'n Toevlugsoord-operateur moet die voorwaardes wat in artikel 28 beoog word, nakom.
- (3) 'n Toevlugsoord-operateur moet die voorwaardes wat in 'n prestasiesubsidie voorgeskryf word, nakom.
- (4) 'n Toevlugsoord-operateur moet die aanbevelings wat deur die LUR tydens 'n jaarlikse evaluering ingevolge artikel 29 gemaak word, nakom.

#### Bedryfsure

19. 'n Toevlugsoord-operateur moet die toevlugsoord vier-en-twintig uur per dag bedryf.

#### Personeel

20. (1) 'n Toevlugsoord-operateur moet te alle tye genoegsame personeel op die oordperseel hê om aan die redelik voorspelbare liggaamlike behoeftes van die kinders in die operateur se sorg te voldoen, in 'n

verhouding van personeel tot kinders soos wat die LUR mag voorskryf.

- (2) 'n Toevlugsoord-operateur moet te alle tye 'n persoon op die perseel hê wat in kinder- en jeugsorg opgelei is.
- (3) 'n Toevlugsoord-operateur moet nakoming van die Etiese Gedragskode vir bestuurders van 'n toevlugsoord verseker.
- (4) 'n Toevlugsoord-operateur moet 'n protokol vir die bestuur van kindermishandeling en verwaarlosing binne 'n residensiële program handhaaf, wat aan die voorgeskrewe standarde voldoen.

### **Sindelikheid**

21. 'n Toevlugsoord-operateur met sorg dat die toevlugsoord aan die voorgeskrewe standarde van sindelikheid voldoen.

### **Register van kinders**

22. 'n Toevlugsoord-operateur moet 'n daaglikse bywoningsregister byhou van kinders wat van die toevlugsoord of sy geriewe gebruik maak.

### **Finansiële rekords**

23. (1) 'n Toevlugsoord-operateur moet -
  - (a) noukeurige en gedetailleerde boeke byhou, waarin sy inkomste en uitgawes aangeteken word;
  - (b) ander finansiële transaksies aanteken; en
  - (c) 'n finansiële stelsel bedryf wat die waarskynlikheid van korrupsie of verduistering van die welsynsoperateur se fondse verminder.
- (2) Die finansiële rekords wat in subartikel (1) beoog word, moet op die voorgeskrewe wyse geouditeer word.

### **Vertoning van registrasiesertifikaat**

24. 'n Toevlugsoord-operateur moet 'n registrasiesertifikaat op 'n duidelike plek in sy of haar administratiewe kantore vertoon.

**HOOFSTUK 6****REGISTRASIESERTIFIKAAT OM 'N TOEVLUOSOORD VIR STRAATKINDERS  
TE BEDRYF****Aansoek om registrasiesertifikaat**

25. (1) 'n Toevlugsoord-operateur of voornemende toevlugsoord-operateur moet om 'n nuwe of hernieude registrasiesertifikaat aansoek doen -
- (a) binne drie maande nadat hierdie Wet in werking tree;
  - (b) voor 'n nuwe toevlugsoord vir straatkinders geopen word; of
  - (c) drie maande voor die vervaldatum van 'n bestaande registrasiesertifikaat.
- (2) Die aansoekvorm moet die volgende insluit -
- (a) 'n beskrywing van die fisiese fasiliteit wat bewys lewer dat dit aan die voorgeskrewe vereistes voldoen;
  - (b) 'n beskrywing van die toevlugsoordprogram wat bewys lewer dat dit aan die voorgeskrewe vereistes voldoen;
  - (c) 'n verklaring van die aantal beddens wat die toevlugsoord vir kinders voorsien;
  - (d) 'n verklaring dat die toevlugsoord aan die vereistes van Hoofstuk 2 voldoen; en
  - (e) 'n verklaring van die ouderdomsvlak van die straatkinders wat die toevlugsoord-operateur verwag om as kliënte in die toevlugsoord te hê.

**Geldigheidsduur van 'n registrasiesertifikaat**

26. (1) Die LUR mag 'n registrasiesertifikaat uitreik wat geldig is vir 'n tydperk wat deur hom of haar in die regulasies bepaal word.
- (2) Tot ontvangs van die LUR se besluit oor 'n aansoek om 'n registrasiesertifikaat, mag 'n toevlugsoord-operateur voortgaan om die toevlugsoord te bedryf mits die operateur -
- (a) binne die tydperk wat deur artikel 25 voorgeskryf word om 'n registrasiesertifikaat aansoek gedoen het; of
  - (b) deur die LUR verwittig is dat láát aansoek wel toegelaat is; en nog nie kennis van die besluit van die LUR oor die aansoek

ontvang het nie.

### **Prosedure by die toekenning of afwysing 'n registrasiesertifikaat**

27. (1) Ingevolge prosedures wat deur die regulasies uitgevaardig deur die LUR voorgeskryf word, en nie later as drie maande na ontvangs van die aansoek nie, moet die LUR -
- (a) 'n registrasiesertifikaat toeken; of
  - (b) die registrasiesertifikaat afwys; of
  - (c) 'n registrasiesertifikaat toeken met voorwaardes wat van die bepalings van die aansoek verskil.
- (2) Die LUR moet die aansoeker onmiddellik in kennis stel van 'n besluit wat ingevolge subartikel (1) gemaak word.

## **HOOFSTUK 7**

### **MONITOR VAN TOEVLUOSOORD-OPERASIES**

#### **Inspeksies**

28. (1) Die LUR moet nie minder as een maal in elke ses maande 'n toevlugsoord inspekteer om vas te stel of die bepalings van hierdie Wet en die Kindersorgwet, 1996 nagekom word.
- (2) Die LUR mag 'n inspeksie waarna in subartikel (1) verwys word met of sonder voorafkennigsweging aan die toevlugsoord-operateur uitvoer.
- (3) (a) 'n Toevlugsoord-operateur moet vir die LUR se inspeksie die volgende aanbied -
- (i) 'n register; of
  - (ii) die toevlugsoord-operateur se reglement of ander grondwetlike dokument; of
  - (iii) die notules van die Raad; of
  - (iv) die dissiplinêre register wat deur artikel 6 voorgeskryf word; of
  - (v) ander dokumente wat deur die LUR versoek word.
- (b) 'n Toevlugsoord-operateur moet -

- (i) personeel beskikbaar maak om deur die LUR ondervra te word;
- (ii) die toevlugsoord en al sy dele vir visuele inspeksie aan die LUR beskikbaar maak;
- (iii) die kinders in die operateur se sorg vir ondervraging beskikbaar maak.

### **Jaarlikse evaluering deur die LUR**

29. (1) Die LUR moet jaarliks die bedrywighede van 'n welsynsoperateur op 'n voorgeskrewe vorm evalueer.
- (2) Die jaarlikse evaluering mag aanbevelings insluit vir veranderings van -
- (i) die fisiese eienskappe van die toevlugsoord;
  - (ii) die beheer daarvan;
  - (iii) die administrasie daarvan;
  - (iv) die bedryf daarvan; of
  - (v) die bedryf van 'n program wat deur die toevlugsoord-operateur in stand gehou word.

### **Register van toevlugsoorde en ander dienste vir straatkinders**

30. Die LUR moet 'n register van toevlugsoorde vir straatkinders byhou, asook van ander fasiliteite wat dienste aan straatkinders verskaf.

### **Register van straatkinders**

31. (1) 'n Toevlugsoord-operateur moet rekord hou van die name van straatkinders wat in die oord oornag.
- (2) Die LUR moet 'n lopende register byhou van straatkinders wat van toevlugsoorde in die Provinsie gebruik maak.

## HOOFSTUK 8

### APPËLLE

#### Appëlle teen gedeleëerde besluite

32. (1) 'n Toevlugsoord-operateur wat gegrief is oor 'n besluit gemaak deur 'n amptenaar aan wie die LUR magtiging tot besluitneming ingevolge hierdie Wet gedeleëer het, kan appël teen die besluit by die LUR aanteken.
- (2) Die toevlugsoord-operateur wat appël aanteken moet nie later as een maand na die besluit waarteen kopsie gemaak word kennisgewing van appël by die LUR indien, met vermelding van die redes vir die appël.

#### Besluit deur die LUR

33. (1) Die LUR moet 'n beslissing oor die appël vel, op grond van die oorspronklike rekord van prosedure, of, indien die amptenaar geen rekord gehou het nie, moet die LUR die saak weer hoor en 'n besluit neem gegrond op die bewyse wat gelewer word.
- (2) 'n Party wat deur 'n besluit ingevolge subartikel (1) gegrief is, kan by 'n Hof met regsbevoegdheid aansoek doen om die saak na te gaan.

## HOOFSTUK 9

### BEFONDSING VAN 'N TOEVLUOSOORD VIR STRAATKINDERS

#### Bevoegdheid om 'n prestasiesubsidie toe te staan

34. (1) Met die instemming van die LUR belas met Finansiële Sake, kan die LUR 'n prestasiesubsidie aan 'n toevlugsoord-operateur toestaan om 'n toevlugsoord vir straatkinders te bedryf.
- (2) Die LUR moet die prestasievoorwaardes vir die subsidie by wyse van regulasie voorskryf.

#### Befondsingskriteria

35. (1) Die LUR kan 'n prestasiesubsidie aan 'n toevlugsoord vir straatkinders toestaan, en die bedrag en die voorwaardes daaraan verbonde vasstel, nadat die volgende in aanmerking geneem is -
- (a) die mate waartoe die operateur van die toevlugsoord vir straatkinders voorheen die volgende nagekom het en in die toekoms waarskynlik die volgende sal nakom -
- (i) sy doelwitte soos in artikel 3 uiteengesit;

- (ii) die voorwaardes verbonde aan 'n registrasiesertifikaat;
  - (iii) die voorwaardes verbonde aan 'n prestasiesubsidie;
  - (iv) die aanbevelings van 'n evalueringsverslag voorberei deur die LUR;
  - (v) die aantal straatkinders wat die toevlugsoord bedien;
  - (vi) die koste per straatkind vir befondsing van die toevlugsoord vir straatkinders;
  - (vii) die persentasie van die totale begroting van daardie toevlugsoord wat vir administratiewe en ander uitgawes sal betaal;
  - (viii) die vlak en gehalte van sorg wat voorsien word;
  - (ix) die mate waartoe die toevlugsoord-operateur se praktyke gelykheid by indiensneming steun; en
  - (x) ander voorgeskrewe kriteria.
- (2) By die vasstelling van wat in subartikel (1) voorgeskryf word, mag die LUR nie verwagtinge wat deur vorige subsidies by die toevlugsoord-operateur geskep is, in aanmerking neem nie.

## HOOFSTUK 10

### KANSELLASIE VAN 'N REGISTRASIESERTIFIKAAT

#### Gronde vir kansellasië van 'n registrasiesertifikaat

36. (1) Die LUR kan -
- (a) die toevlugsoord-operateur se registrasiesertifikaat kanselleer; of
  - (b) 'n prestasiesubsidie herroep
- indien die toevlugsoord-operateur -
- (i) hierdie Wet, of die voorwaardes van die registrasiesertifikaat of die prestasiesubsidie grof oortree, op 'n wyse wat die liggaamlike, geestelike of morele welsyn van die kinders bedreig;
  - (ii) versuim om 'n beduidende aanbeveling wat in die jaarlikse evaluering gemaak is, uit te voer;

(iii) voortdurend die administratiewe bepalings van hierdie Wet oortree; of

(v) die prestasiesubsidie deur middel van bedrog, wesentliche wanvoorstelling of korrupsie bekom.

(2) Die LUR moet aan die toevlugsoord-operateur kennis gee van sy of haar bedoeling om ingevolge subartikel (1) op te tree.

#### **Prosedure by kennisname van rede vir kansellasië van 'n registrasiesertifikaat**

37. (1) Indien die LUR rede het om te glo dat hy of sy 'n registrasiesertifikaat behoort te kanselleer, of 'n prestasiesubsidie behoort te herroep, kan die LUR of

(a) 'n ondersoek laat instel om die bedrywighede van die toevlugsoord te ondersoek en aan die LUR verslag te doen oor die bevindinge en aanbevelings daarvan; of

(b) 'n verhoor instel soos wat in artikel 38 vermeld word.

(2) Indien die LUR bevind dat, vanweë growwe oortreding van hierdie Wet of van die voorwaardes van die registrasiesertifikaat of van 'n prestasiesubsidie, of versuim om 'n beduidende aanbeveling van 'n jaarlikse evaluering uit te voer, daar 'n aansienlike gevaar bestaan wat die liggaamlike, geestelike of morele welsyn van kinders in die toevlugsoord bedreig, moet die LUR die toevlugsoord-operateur se registrasiesertifikaat onmiddellik tydelik kanselleer of tydelik sy of haar prestasiesubsidie herroep.

#### **Openbare verhoor oor kansellasië van 'n registrasiesertifikaat of herroeping van 'n prestasiesubsidie**

38. (1) Die LUR moet 'n verhoor instel indien -

(a) die LUR vasgestel het dat daar rede is om te vermoed dat die LUR 'n registrasiesertifikaat behoort te kanselleer of 'n prestasiesubsidie behoort te herroep; of

(b) die LUR 'n registrasiesertifikaat ingevolge artikel 37 tydelik gekanselleer het.

(2) Die LUR moet die verhoor vermeld in subartikel (1) hou met twee weke se kennisgewing wat -

(a) persoonlik op die toevlugsoord-operateur bedien word, of op die persoon wat ten tye van die bediening deur die LUR in beheer van die toevlugsoord is;

(b) in die toevlugsoord ten toon gestel word op 'n plek waar die

publiek dit te sien kan kry;

- (c) gepubliseer word in 'n koerant wat algemeen in die gemeenskap waar die toevlugsoord geleë is, gesirkuleer word; en
  - (d) ingeval van noodkansellasië, binne twee weke vanaf kansellasië van die registrasiesertifikaat bedien word.
- (3) Tydens die verhoor wat in subartikel (2) vermeld word -
- (a) moet die LUR getuienis lewer om te bewys dat die toevlugsoord-operateur die toevlugsoord so swak bedryf dat die LUR die registrasiesertifikaat permanent moet kanselleer of die moet prestasiesubsidie herroep; en
  - (b) mag die toevlugsoord-operateur, die oordpersoneel, die kinders in die sorg van die toevlugsoord-operateur en lede van die publiek getuienis en repliek lewer ten gunste van of ter weerlegging van die LUR se getuienis.

### **Besluit na verhoor**

39. (1) Na die verhoor waarna in artikel 38 verwys word, moet die LUR of -
- (a) die registrasiesertifikaat of die prestasiesubsidie permanent gekanselleer; of
  - (b) van kansellasië van die registrasiesertifikaat of die prestasiesubsidie afsien; of
  - (c) ingeval van tydelike kansellasië van 'n registrasiesertifikaat of herroeping van 'n prestasiesubsidie, die tydelike kansellasië of herroeping terugtrek; of
  - (d) voorwaardes vir die voortsetting van die registrasiesertifikaat of opskorting van die tydelike kansellasië voorskryf.
- (2) Die LUR kan die registrasiesertifikaat of die prestasiesubsidie permanent kanselleer, maar slegs indien die LUR as gevolg van oorwegende waarskynlikhede bevind dat daar wel gronde bestaan om die registrasiesertifikaat te kanselleer of die prestasiesubsidie te herroep.

### **Verwydering van kinders na 'n goedgekeurde fasiliteit**

40. (1) Waar die LUR 'n registrasiesertifikaat permanent kanselleer, of 'n registrasiesertifikaat tydelik kanselleer, moet hy of sy onmiddellik die toevlugsoord sluit.
- (2) Waar die LUR 'n toevlugsoord sluit, moet die LUR die subsidie vir die

doeleindes van die bedryf van die oord onttrek totdat -

- (a) die LUR 'n registrasiesertifikaat aan 'n nuwe toevlugsoord-operateur toeken; of
  - (b) die LUR 'n sertifikaat wat die LUR tydelik gekanselleer het, herinstel.
- (3) Indien die LUR 'n registrasiesertifikaat aan 'n nuwe toevlugsoord-operateur toeken, moet die LUR ten tye van die uitreiking van die registrasiesertifikaat die fondse aan die nuwe toevlugsoord-operateur lewer en die prestasiesubsidie aan die nuwe toevlugsoord-operateur oordra.
- (4) Indien die LUR besluit om die toevlugsoord te sluit, moet die LUR oor die sluiting daarvan en die verwydering van die kinders na alternatiewe geskikte fasiliteite toesig hou.
- (5) Indien die LUR 'n tydelike kansellering van 'n registrasiesertifikaat terugtrek, moet die LUR die toevlugsoord-operateur tot sy aanvanklike posisie herstel.

## HOOFSTUK 11

### OORTREDINGS EN BESTRAFFINGS

#### Valse inligting

41. (1) 'n Toevlugsoord-operateur wat wetende valse inligting aan die LUR voorsien, is skuldig aan 'n oortreding en kan 'n boete opgelê word of tronkstraf van hoogstens 5 (vyf) jaar, of beide sodanige boete en tronkstraf.
- (2) Enige persoon wat 'n straatkind mishandel of uitbuit, of wat versuim om die bepalings van hierdie Wet na te kom, is skuldig aan 'n oortreding en kan bestraf word soos in die regulasies voorgeskryf, tensy die straf in hierdie Wet bepaal word.

## HOOFSTUK 12

### DIVERSE

#### Regulasies

42. (1) Die LUR mag regulasies uitvaardig -
- (a) wat die vorm van enige sertifikaat, bevel of magtiging wat ingevolge hierdie Wet uitgereik word, voorskryf; of van enige

ander vorm wat vir die uitvoering van die bepalings van hierdie Wet vereis word;

- (b) betreffende prosedure in verband met die registrasie van toevlugsoorde, die vereistes waaraan hulle moet voldoen en die kansellasië en opskorting van registrasiesertifikate wat ingevolge hierdie Wet uitgereik word;
  - (c) oor die klassifikasie van toevlugsoorde wat ingevolge hierdie Wet geregistreer word;
  - (d) oor die sorg, opleiding en ontwikkeling van die straatkinderes;
  - (e) oor enige saak wat ingevolge hierdie Wet vereis word of wat deur regulasie voorgeskryf mag word.
- (2) Die LUR mag oor die algemeen regulasies uitvaardig wat hy of sy nodig en wenslik ag om die doelwitte van hierdie Wet te bevorder.
- (3) Regulasies wat ingevolge hierdie artikel uitgevaardig word, moet bestraffings vir die oortreding daarvan insluit.

#### **Delegering van bevoegdheids en opdrag van pligte**

43. (1) Die LUR kan -

- (a) enige bevoegdheids wat deur hierdie Wet aan hom of haar toegeken word aan die Departementshoof of enige amptenaar van sy of haar departement delegeer, behalwe die bevoegdheids waarna in artikel 42 verwys word; en
- (b) sodanige departementshoof of sodanige amptenaar magtig om enige plig uit te voer wat die LUR ingevolge hierdie Wet gemagtig is om uit te voer.

(2) Die Departementshoof kan -

- (a) enige bevoegdheids wat deur hierdie Wet aan hom of haar toegeken word aan enige ander amptenaar van sy of haar departement delegeer; en
- (b) sodanige amptenaar magtig om enige plig wat deur hierdie Wet aan hom of haar opgedra word, uit te voer.

(3) Enige persoon aan wie enige bevoegdheids gedelegeer is of wat gemagtig is om enige plig ingevolge hierdie artikel uit te voer, moet sodanige plig of bevoegdheids uitoefen onderworpe aan sodanige voorwaardes as wat die persoon wat die delegering of magtiging opgedra het, nodig mag ag.

- (4) Enige delegering van bevoegdheid of magtiging om 'n plig ingevolge hierdie artikel uit te voer -
- (a) moet skriftelik geskied;
  - (b) moet nie sodanige persoon wat die delegering opgedra het of magtiging verleen het daarvan weerhou om sodanige bevoegdheid of plig self uit te voer nie; en
  - (c) mag te enige tyd skriftelik deur die persoon wat dit opgedra het, onttrek word.

#### **Oorgangs- en besparingsbepalings**

44. (1) Die bestaande toevlugsoorde sal voortgaan om bedryf te word, maar moet binne drie (3) maande van die inwerkingtreding van hierdie Wet geregistreer word.
- (2) Die befondsing van die bestaande toevlugsoorde moet binne drie maande op die voorgeskrewe wyse na die toevlugsoorde wat ingevolge hierdie Wet geregistreer is, oorgedra word.
- (3) Enige bevel, kennisgewing, betaling of sertifikaat wat gemaak of uitgereik is, of enige ander aksie geneem onder enige van die tersaaklike bestaande wette, en wat ingevolge enige bepaling van hierdie Wet uitgereik, gemaak of geneem sou kon word, moet geag word gemaak of uitgereik te wees ingevolge die ooreenstemmende bepaling van hierdie Wet, en indien die Wet nie sodanige ooreenstemmende bepaling bevat nie, moet daar daarmee voortgegaan of gehandel of daaraan uitvoering gegee word insoverre die LUR nie andersins bepaal nie.

#### **Korttitel en inwerkingtredingsdatum**

45. Hierdie Wet staan bekend as die Gautengse Wet op Toevlugsoorde vir Straatkinders, 1998 en tree in werking op 'n datum wat deur die Premier vasgestel word by wyse van proklamasie in die Provinsiale Koerant.

**MEMORANDUM IN VERBAND MET DOELWITTE VAN WET**

**1. ONDERWERP**

Die Wet op Gautengse Straatkinderskuilings, 1998

**2. DOEL**

Om voorsiening te maak vir die vestiging, registrasie en administrasie van die straatkinderskuilings, die regulering daarvan en die neerlegging van voorwaardes waaronder die skuilingoperateurs sodanige skuilings moet bedryf.

**3. AGTERGROND**

Soos die geval in ander ontwikkelende lande het die probleem van kinders wat op straat bly sonder voldoende sorg en skuiling ook in Suid-Afrika ontwikkel tot een van die hoofvraagstukke waarmee die Regering te kampe het. Die straatkinders word daagliks gekonfronteer met die werklikheid van gemarginaliseerdheid, veragting, diskriminasie en moord.

Die aantal straatkinders in Gauteng het vinnig toegeneem. Synde gemarginaliseerd deur gebeure buite hulle beheer, voer hulle 'n bestaanstryd. Bestaande programme waardeur welsyndiens gelewer word, maak nie voldoende voorsiening vir die straatkinders se ontwikkelings-, beskermings- en oorlewingsbehoefte nie.

Die doel van hierdie wet is om omvattende wetgewing daar te stel sodat die ontwikkeling, oprigting en onderhoud van straatkinderskuilings in Gauteng beheer kan word. Daar word beoog om soveel kinders as moontlik van die straat te verwyder en om aan hulle hul grondwetlike reg te laat toekom soos deur die Grondwet voorsien .

**4. FINANSIËLE IMPLIKASIES**

Geen.

**5. PERSONEELIMPLIKASIES**

Geen.

**6. GRONDWETLIKE IMPLIKASIES**

Geen.

**KLOUSULE ONTLEDING**

- Klousule 1. Hierdie afdeling maak voorsiening vir die omskrywings van die woorde wat in die Wetsontwerp gebruik is.
- Klousule 2. Hierdie afdeling maak voorsiening vir die toepassing van Wet
- Klousule 3. Hierdie afdeling maak voorsiening vir die algemene Beginsels van die Wet
- Klousule 4. Hierdie afdeling bevat die verpligtinge van toevlugsoord-operateurs teenoor kinders in sodanige orde wat betref beskerming teen mishandeling, uitbuiting en diskriminasie
- Klousule 5. Hierdie afdeling maak voorsiening vir die toegelate dissiplinêre stappe
- Klousule 6. Hierdie afdeling maak voorsiening vir die byhou van 'n dissiplinêre register
- Klousule 7. Hierdie afdeling bevat die verpligtinge ten opsigte van veiligheid
- Klousule 8. Hierdie afdeling maak voorsiening vir programme vir straatkinders
- Klousule 9. Hierdie afdeling bevat vereistes betreffende privaatheid
- Klousule 10. Hierdie afdeling bevat vereistes om diskriminasie te voorkom en diversiteit te bevorder
- Klousule 11. Hierdie afdeling handel oor die inskerping van kinderregte
- Klousule 12. Hierdie afdeling bevat vereistes betreffende die struktuur van toevlugsoord
- Klousule 13. Hierdie afdeling bevat vereistes betreffende die fisiese fasiliteite van toevlugsoorde
- Klousule 14. Hierdie afdeling maak voorsiening vir die instelling van 'n bestuursraad
- Klousule 15. Hierdie afdeling bevat vereistes vir die samestelling van die bestuursraad
- Klousule 16. Hierdie afdeling maak voorsiening vir die funksies van die bestuursraad

- Klousule 17. Hierdie afdeling bevat vereistes betreffende die bestuur van 'n toevlugsoord
- Klousule 18. Hierdie afdeling maak voorsiening vir voorwaardes vir bedryf van 'n toevlugsoord
- Klousule 19. Hierdie afdeling bevat vereistes in verband met bedryfsure
- Klousule 20. Hierdie afdeling bevat vereistes in verband met personeel
- Klousule 21. Hierdie afdeling bevat vereistes in verband met sindelikeid
- Klousule 22. Hierdie afdeling maak voorsiening vir 'n register van kinders
- Klousule 23. Hierdie afdeling bevat vereistes betreffende finansiële rekords wat gehou moet word
- Klousule 24. Hierdie afdeling maak voorsiening vir die vereiste vertoning van registrasiesertifikaat
- Klousule 25. Hierdie afdeling maak voorsiening vir 'n aansoek om registrasiesertifikaat
- Klousule 26. Hierdie afdeling maak voorsiening vir die geldigheidsduur van 'n registrasiesertifikaat
- Klousule 27. Hierdie afdeling maak voorsiening vir die verwerking van aansoek; toekenning of afwysing van registrasiesertifikaat
- Klousule 28. Hierdie afdeling maak voorsiening vir inspeksies
- Klousule 29. Hierdie afdeling maak voorsiening vir jaarlikse evaluering deur die LUR
- Klousule 30. Hierdie afdeling maak voorsiening vir 'n register van toevlugsoorde en ander dienste vir straatkinders
- Klousule 31. Hierdie afdeling maak voorsiening vir 'n register van straatkinders
- Klousule 32. Hierdie afdeling maak voorsiening vir appèlle teen gedelegeerde besluite

- Klousule 33. Hierdie afdeling maak voorsiening vir die besluit deur die LUR na aanleiding van appèlle
- Klousule 34. Hierdie afdeling maak voorsiening vir die bevoegdheid om 'n prestasiesubsidie toe te staan
- Klousule 35. Hierdie afdeling maak voorsiening vir die befondsingskriteria
- Klousule 36. Hierdie afdeling maak voorsiening vir die gronde vir kansellasië van 'n registrasiesertifikaat
- Klousule 37. Hierdie afdeling bevat die prosedure by kennisname van rede vir kansellasië van 'n registrasiesertifikaat
- Klousule 38. Hierdie afdeling maak voorsiening vir 'n openbare verhoor oor kansellasië van 'n registrasiesertifikaat of herroeping van 'n prestasiesubsidie
- Klousule 39. Hierdie afdeling maak voorsiening vir die besluit na verhoor
- Klousule 40. Hierdie afdeling maak voorsiening vir die verwydering van kinders na 'n goedgekeurde fasiliteit
- Klousule 41. Hierdie afdeling maak voorsiening vir die gevolge van die verskaffing van valse inligting
- Klousule 42. Hierdie afdeling maak voorsiening vir die uitvaardiging van regulasies
- Klousule 43. Hierdie afdeling maak voorsiening vir die delegering van bevoegdhede en opdra van pligte
- Klousule 44. Hierdie afdeling maak voorsiening vir die oorgangs- en besparingsbepalings
- Klousule 45. Hierdie afdeling maak voorsiening vir die korttitel en inwerkingtreedingsdatum

**NOTICE 2277 OF 1998**

**MOLAOKAKANYWA**

Go kgonagatša go hlongwa, go ngwadišwa, le go laolwa ga mafelo a tšhireletšo ya bana bao ba ebelago mekgobeng; go laela mabaka le dinyakwa tša go agwa le go phaphellwa ga mafelo a tšhireletšo le dinolofatši tše dingwe; go šireletša kgahlanong le tshwarompe, go jabetšwa le go kgethollwa ga bana bao ba ebelago mekgobeng; go hloma dikobamele tša badiriši ba mafelo a tšhireletšo; go hloma mekgwa ya go laola le go šoma ga badiriši ba mafelo a tšhireletšo; le go kgonagatša merero yeo e amanago le tšeo.

Lekgotlatheramolao la Gauteng le hloma molao ka mo go latelago:-

**PEAKANYO YA MOLAO**

**KGAOLO YA 1**

**DITLHALOSO LE DINTLHA KA KAKARETŠO**

**Karolo**

1. Ditlhaloso
2. Tirišo ya Molao wo
3. Dintlha tša Molao wo ka kakaretšo

**KGAOLO 2**

**DIKOBAMELO TŠA BENG BA MAFELO A TŠHIRELETŠO**

4. Tšhireletšo kgahlanong le tshwarompe, go jabetšwa le kgethollo
5. Magato ao a dumeletšwego a kgalemo
6. Registara ya kgalemo
7. Polckege
8. Maraneo a bana ba ebelago mekgobeng
9. Bosephiri
10. Phapano
11. Ditokelo tša ngwana

**KGAOLO 3****SEBOPEGO SA LEFELO LA TŠHIRELETŠO**

12. Sebopego sa lefelo la tšhireletšo
13. Dinolofatši tša sebopego

**KGAOLO 4****TAOLO YA LEFELO LA TŠHIRELETŠO**

14. Boto ya tshepedišo
15. Sebopego sa boto ya tshepedišo
16. Mesomo ya boto ya tshepedišo
17. Tšhepedišo ya lefelo la tšhireletšo

**KGAOLO 5****MOŠOMO WA LEFELO LA TŠHIRELETŠO**

18. Mabaka a go dirišwa lefelo la tšhireletšo
19. Diiri tša mošomo
20. Bašomedi
21. Bohlweki
22. Registara ya bana
23. Dipuku tša matlotlo
24. Go pepentšhwa ga setifikeiti sa boingwadišo

**KGALO 6****SETIFIKEITI SA BOINGWADIŠO SA GO DIRIŠA LEFELO LA TŠHIRELETŠO  
LA BANA BAO BA EBELAGO MEKGOBENG**

25. Kgopelo ya setifikeiti sa boingwadišo
26. Lebaka la setifikeiti sa boingwadišo
27. Go šomana le kgopelo, go fa goba go ganetšago setifikeiti sa boingwadišo

**KGAOLO 7****GO H LAPETŠA MEŠOMO YA LEFELO LA TŠHIRELETŠO**

28. Ditekolo
29. Kelo ya ngwaga ka ngwaga ya Leloko la Lekgotlaphethiši
30. Registara ya mafelo a tšhireletšo a bana ba ebelago mekgobeng le ditirelo tše dingwe
31. Registara ya bana ba ebelago mekgobeng

**KGAOLO 8****DIAPHILI**

32. Diaphili tša go tšwa diphethong tše di roletšwego
33. Sephetho sa Leloko la Lekgotlaphethiši

**KGAOLO 9****GO THEKGWA KA DITŠHELETE GA LEFELO LA TŠHIRELETŠO YA BANA  
BA EBELAGO MEKGOBENG**

34. Maatla a go dira phaphello ya mošomo
35. Ditsela tša go thekga ka ditšhelete

**KGAOLO 10****GO FEDIŠWA GA SETIFIKEITI SA BOINGWADIŠO**

36. Mabaka a go fedišwa ga setifikeiti sa boingwadišo
37. Ditherišano ka ga go bewa ga lebaka la maikemisetso a go fedišwa setifikeiti sa boingwadišo.
38. Theeletšo ya bohlatse bja phatlalatša ka ga go fedišwa ga setifikeiti sa boingwadišo, goba go emišwa ga phaphello ya mošomo.
39. Sephetho morago ga theeletšo.
40. Go tlošwa ga bana go ba iša senolofatšing seo se amogetšwego.

**KGAOLO 11****MELATO LE DIKOTLO**

41. Tshedimošo ya bofora

**KGAOLO 12****TŠE DI FAPAFAPANEGO**

42. Melaotshepedišo
43. Go roletšwa ga maatla le go fiwa ga maikarabelo
44. Dikgonagatšo tša Lebakanyana le tša go seketša
45. Hlogo ye kopana le letšatši la go thoma

**KGAOLO YA 1****DITLHALOSO LE DINTLHA KA KAKARETŠO****DITLHALOSO**

1. Ka Molaong wo, ntle le ge kwišišego e nyaka gore go be ka mokgwa wo mongwe -

"Boto" ke go re boto ya tshapedišo yeo e boletšwego karolong ya 14;

"Ngwana" ke go re motho yo a lego bogolo bja ka tlase ga mengwaga ye 18;

"Hlogo ya Kgoro" ke gore Hlogo ya Kgoro ya Probentshe ya Leago le Tlhabollo ya Setšhaba ka Probentsheng ye;

"Leloko la Lekgotlaphethiši" ke go re Leloko la Lekgotlaphethiši leo le nago le boikarabelo go Leago le Tlhabollo ya setšhaba ka probentsheng ye;

"Lebaka la Mošomo" ke go re lebaka leo le sepelelanago le phaphello ya mošomo go modiriši wa lefelo la tšhireletšo, leo le nyakago gore modiriši wa lefelo la tšhireletšo a dire mešomo yeo e beilwego;

"Phaphello ya Mošomo" ke go re thekgo ya tšhelete ya go tšwa go Kgoro ya Leago le Tlhabollo ya Setšhaba, yeo e theilwego mananeong a leago;

"Laetšwego" ke go re melaotshepedišo yeo e laetšwego;

"Probentshe" ke go re probentshe ya Gauteng;

"Boingwadišo" ke go re lenaneo leo ka lona projeke yeo e akaretšago mošomo wa mekgobeng, mafelo a go beya bana tšhireletšong, le ditirelo tše dingwe tša maleba di ngwadišwago;

"Setifikeiti sa Boingwadišo" ke go re setifikeiti seo se ntšhitšwego go ya ka karolo 26 ya Molao wo;

Molaotshepedišo, ke go re molaotshepedišo wo o dirilwego go ya ka Molao wo; gomme

"Ngwana yo a ebelago mekgobeng" ke go re ngwana yo a -

(i) phelago mekgobeng gomme a tshwenyega feela ka go phela le go hwetša tšhireletšego; goba

(ii) aroganego le lapa la gabo gomme a phela ka lefelong la tšhireletšo la lebakanyana, go swana le hostele, goba dintlo tšeo di tlogetšwego le meago, goba yo a tlogago lefelong le lengwe go ya go le lengwe a

phela le bagwera; goba

- (iii) dulago a ikgokaganya le ba lapa la gabo, eupša ka lebaka la bohloki, pitlagano ya batho, tshwarompe ya bong, goba ditshwarompe tše dingwe ka lapeng, a fetša mašego a mangwe le matšatši a mantši a le mekgobeng; goba
- (iv) lego mafelong a mmušo a tlhokomelo, gomme a etšwa lebakeng la go hloka legae, gomme a bonala a le kotsing ya go ka boela gape bophelong bja go hloka legae.

"Mong wa Lefelo la Tšhireletšo" ke go re motho, mokgatlo, mokgatlo wo o ikemetšego goba sekgao sa mmušo seo se dirišago lefelo la tšhireletšo la bana bao ba ebelago mekgobeng.

"Molao wo" e akaretša melaotshepedišo.

### Tirišo ya Molao wo

- 2. Go ya ka ditaelo tša Molao wa Tlhokomelo ya Bana, 1983 (Molao wa 74 wa 1983), le Molaophetošwa wa Tlhokomelo ya Bana, 1966 (Molao wa 96 wa 1996), Molao wo o swanetše go dirišwa ka Probenstsheng ye ka moka.

### Dintlha tša Molao wo ka kakaretšo

- 3. Molao wo o swanetše go dirišwa -
  - (1) go kgotsofatša dinyakwa tša motheo tša bana bao ba ebelago mekgobeng;
  - (2) go fa bana bao ba ebelago mekgobeng tikologo yeo e godišago;
  - (3) go tikologo ya leago le sebopego sa yona, yeo bana bao ba ebelago mekgobeng ba phelago go yona, go aga tikologo yeo e tla ba dirago gore ba kgone go lebagana le lefase la bona ka mekgwa yeo e agago setšhaba.
  - (4) go hlabolla mananeo, maano le ditirelo tša go thibela bana go phela mekgobeng, le gona moo bahlokamedi ba bana le baswa, bao ba nago le bokgoni, ba nyakago go bušetša bana bao ba ebelago mekgobeng, ditšhabeng tša bona le malapeng a bona; le
  - (5) go kgonthiša tlhokomelo ya bokgoni, tshwaro, tlhabollo le thuto ya bana bao ba ebelago mekgobeng.

**KGAOLO 2****DIKOBAMELO TŠA BADIRIŠI BA MAFELO A TŠHIRELETŠO MABAPI LE  
BANA BAO BA LEGO KA MAFELONG A TŠHIRELETŠO****Tšhireletšo kgahlanong le tshwarompe, go jabetšwa le kgethollo**

4. (1) Mong wa lefelo la tšhireletšo o swanetše go tšeya magato a godimodimo a tlhokomelo go šireletša bana bao ba lego tlhokomelong ya gagwe, kgahlanong le tshwarompe, go jabetšwa, phepompe le kgethollo.
- (2) Mong wa lefelo la tšhireletšo le mošomedi wa modiriši wa lefelo la tšhireletšo ga se ba swanela go betha goba ba ba hlokofatša ngwana yo a lego tlhokomelong ya mong wa lefelo la tšhireletšo, mmeleng goba monaganong.

**Magato ao a dumelwago a kgalemo**

5. (1) Mong wa lefelo la tšhireletšo ga se a swanela go diriša kotlo ya mmeleng goba mohuta ofe goba ofe wa kgalemo ya mmeleng ngwaneng yo a lego tlhokomelong ya gagwe.
- (2) Mong wa lefelo la tšhireletšo a ka diriša feela magato a kgalemo ao a ka laelwago ke Leloko la Lekgotlaphethiši.

**Registara ya kgalemo**

6. Mong wa lefelo la tšhireletšo o swanetše go ba le registara ya kgalemo, yeo ka go yona a ngwalago magato a kgalemo ao a tšerwego mabapi le bana bao ba lego ka lefelong la tšhireletšo.

**Polokego**

7. Mong wa lefelo la tšhireletšo o swanetše go kgonthiša gore go ba le maemo a godimodimo ao a ka kgonegago a tlhokomelo ya maphelo, phepo le polokego ya ngwana yo a lego tlhokomelong ya lefelo leo.

**Mananeo a bana bao ba ebelago mekgobeng**

8. (1) Mong wa lefelo la tšhireletšo o swanetše go kgonagatša go ya ka maemo ao a bewago ke Leloko la Lekgotlaphethiši -
  - (a) lenaneo la tihabollo le leano la tshwaro la ngwana yo a lego tlhokomelong ya mong wa lefelo leo la tšhireletšo;
  - (b) lenaneo la go mo kopanya gape le lapa la gabo;

- (c) phihlelelo ya ditirelo tša thuto;
- (d) phihlelelo ya ditirelo tša maphelo; le
- (e) phihlelelo ya ditirelo tša leago.

(2) Maemo ao a bolelwago go karolwana (1) a swanetše go ba tsela ya melaotshepedišo.

### **Bosephiri**

9. Mona wa lefelo la tšhireletšo o swanetše go bona gore go ba le bosephiri mabapi le bana bao ba lego tlhokomelong ya gagwe.

### **Phapano**

10. (1) Mong wa lefelo la tšhireletšo ga se a swanela go diriša goba go dumelela tirišo ya kgethollo ye e sa lokago, ge go kgethwa bana bao ba swanetšego go amogelwa ka lefelong la tšhireletšo goba tshwarong ya bana bao.

(2) Mong wa lefelo la tšhireletšo o swanetše go tšwetša pele ka lefelong leo, lenaneo leo maikemišetšo a lona e lego go bjala, magareng a badiredi ba lefelo leo la tšhireletšo le bana, moya wa go lemoga bohlokwa bjo bogolo bja go fapafapana ga ditšo.

### **Ditokelo tša ngwana**

11. Mong wa lefelo la tšhireletšo o swanetše go tšwetša pele lenaneo ka lefelong leo, leo maikemišetšo a lona e lego go tsenya moya wago lemoga bohlokwa ditokelo tša ngwana, magareng a bašomedi ba lefelo leo.

## **KGAOLO 3**

### **DIKOBAMELO TŠA BENG BA MAFELO A TŠHIRELETŠO**

#### **Sebopego sa lefelo la tšhireletšo**

12. Mong wa lefelo la tšhireletšo o swanetše go kgonagatša sebopego sa go ya go ile, seo se bolokegilego le gona seo se sepelelanago le melaoselegae le mekgwa ya tshepetšo ya mmušo wa selegae, mabapi le polokego, maphelo, le meago.

**Dinolofatšo tša sebopego**

13. Mong wa lefelo la tšhireletšo o swanetše go kgonagatša tše di latelago go ya ka maemo ao a beilwego ke Leloko la Lekgotlaphethiši -
- (a) sebopego seo se sepelelanago le polokego le tlhabollo ya ngwana;
  - (b) dinolofatši tša go robala tše di bologelegilego, di lego borutho, di lekanego, di lego maleba le tše di aroganego;
  - (c) dinolofatši tša boithomelo tše di lekanego, di lego maleba le tše di aroganego, di na le meetse ao a sepelago le dišawara tše di lekanego; go tša dinolofatši tša go hlapa;
  - (d) dinolofatši tša go apeya, go ja le tša boitapološo, tše di lekanego le tše di lego maleba; le
  - (e) dinolofatši tša taolo tše di lekanego le tše di seketšago.
- (2) Maemo ao a boletšwego karolwaneng (1) a swanetše go laelwa go melaotshepedišo.

**KGAOLO 4****TAOLO YA LEFELO LA TŠHIRELETŠO****Boto ya tshepedišo**

14. Mong wa lefelo la tšhireletšo o swanetše go ba le Boto ya tshepedišo bjale ka lekgotla leo le laolago lefelo leo.

**Sebopego sa Boto ya tshepedišo**

15. (1) Boto e swanetše go ba le palo ya batho, yeo e bewago ke Leloko la Lekgotlaphethiši.
- (2) Magareng a maloko a boto ao a ukangwago karolwaneng (1), go swanetše go kgethwa ba ba latelago:
- (a) modulasetulo;
  - (b) mongwaledi; le
  - (c) moswaramatlotlo.

**Maatla le maikarabelo a boto ya tšhepedišo**

16. Boto e swanetše go ba le maatla le maikarabelo a latelago:
- (1) go okamela tšhepedišo ya lefelo la tšhireletšo ka kakaretšo;
  - (2) go kgonagatša ditherišano tše di tšwelago pele le thekgo go mong wa lefelo la tšhireletšo;
  - (3) go hlapetša le go sepediša ditšhelete tša lefelo la tšhireletšo;
  - (4) go kgonagatša dipego tšeo di lekotšwego tša ditšhelete go ya le ka mo go nyakegago;
  - (5) go hlapetša le go tiišetša go thwalwa le go rakwa ga bašomi;
  - (6) go okamela merero ya kgalemo ya bašomi ka lefelong la tšhireletšo;
  - (7) go thoma diprojeke tša go kgoboketša ditšhelete tšeo di lebišitšwego tšwetšopeleng ya lefelo la tšhireletšo; le
  - (8) go thoma diprojeke tša papatšo ya go tšweletša ponagalo ya lefelo la tšhireletšo.

**Taolo ya lefelo la tšhireletšo**

17. (1) Mong wa lefelo la tšhireletšo o swanetše go ba le molaotheo goba pampiri ye nngwe ya motheo yeo e kgotsofatšago maemo a latalago:
- (a) bosetho bja boto bo emela ka mo go kgotsofatšago, dihlopha tšeo di dikilego di hlokišitšwe dibaka magareng a bana bao ba ebelago mekgobeng ka Probentsheng ye;
  - (b) le ge e ka ba leloko le tee la Boto, le swanetše go ba le kile la emela bana bao ba ebelago mekgobeng;
  - (c) motho yo a hlongwago go ba leloko la Boto o swanetše go ba le seka seo e sego sa mehleng, goba bokgoni bjo bo lego mohola go Boto taolong ya lefelo leo la tšhireletšo; le gona
  - (d) lefelo leo la tšhireletšo le swanetše go ba le lenaneo la taolo le la ditšhelete, leo le nago le demokrasi, boikarabelo le go ba pepeneneng.
- (2) Mong wa lefelo la tšhireletšo o swanetše go kgonthiša gore go ba le go kgatha tema ka mo go kgonegago taolong ya lefelo la tšhireletšo, ga bana ba bagolwane bao ba dulago ka lefelong leo la tšhireletšo le batswadi ba bona goba bahlokamedi ba bona ba semolao, le mekgatlo yeo e sego ya mmušo yeo e swaraganego le bana bao ba ebelago mebileng.

**KGAOLO 5****MOŠOMO WA LEFELO LA TŠHIRELETŠO****Mabaka a go diriša lefelo la tšhireletšo**

18. (1) Motho a ka se diriše lefelo la tšhireletšo ya bana bao ba ebelago mekgobeng ntle le setifikeiti sa boingwadišo sa go tšwa go Kgoro gomme se ntšhitšwe go ya ka Kgaolo 6.
- (2) Mong wa lefelo la tšhireletšo o swanetše go obamela mabaka ao a ukangwago karolong 28.
- (3) Mong wa lefelo la tšhireletšo o swanetše go sepedišana le mabaka ao a beilwego phaphellong ya mošomo.
- (4) Mong wa lefelo la tšhireletšo o swanetše go sepedišana le ditšhišinyo tšeo di dirilwego ke Leloko la Lekgotlaphethiši kelong ya ngwaga ka ngwaga yeo e dirwago go ya ka karolo 29.

**Diiri tša mošomo**

19. Mong wa lefelo la tšhireletšo o swanetše go diriša lefelo leo diiri tše masome-pedi-nne ka letšatši.

**Bašomedi**

20. (1) Mabakeng ka moka, mong wa lefelo la tšhireletšo o swanetše go ba le bašomedi ba ba lekanego, bao ba nago le bokgoni, ka mabaleng a lefelo leo la tšhireletšo, go kgonagatša kgotsofatšo ya dinyakwa tšeo di ka bago gona tša bana bao ba lego tlhokomelong ya mong wa lefelo la tšhireletšo, tekanong ya bašomi le bana, yeo e ka bewago ke Leloko la Lekgotlaphethiši.
- (2) Mong wa lefelo la tšhireletšo o swanetše go ba le motho yo a hlahletšwego tlhokomelo ya bana le baswa ka lepatlelong la lefelo la tšhireletšo mabakeng ka moka.
- (3) Mong wa lefelo la tšhireletšo o swanetše go kgonthiša gore basepediši ba lefelo la tšhireletšo ba obamela Lenaneo la Boitshwaro mabapi le Maikutlo a Batho.
- (4) Mong wa lefelo la tšhireletšo o swanetše go ba le lenaneo la go sepediša tshwarompe le tlhokomologo ya bana lenaneong la badudi leo le sepedišanago le maemo a beilwego.

**Bohlweki**

21. Mong wa lefelo la tšhireletšo o swanetše go kgonthiša gore lefelo la tšhireletšo le kgotsofatša maemo ao a beilwego a bohlweki.

**Registara ya bana**

22. Mong wa lefelo la tšhireletšo o swanetše go ba le registara ya letšatši ka letšatši ya go ba gona ga bana bao ba dirišago lefelo leo la tšhireletšo goba dinolofatši tša lona.

**Dipuku tša matlotlo**

23. (1) Mong wa lefelo la tšhireletšo o swanetše -
- (a) go ba le dipuku tše di nago le dipego tše di nepagetšego le gona tšeo di tseneletšego mabapi le ditseno le ditshenyegelo tša lefelo leo la tšhireletšo;
  - (b) diphetolelano tše dingwe tša ditšhelete; le
  - (c) lenaneo la ditšhelete leo le fokotšago kgonagalo ya bomenetša goba go utswiwa ga tšhelete go tšwa ditšheleteng tša leago.
- (2) Dipuku tša ditšhelete, tšeo di ukangwago karolwaneng (1) di swanetše go lekolwa ka mokgwa wo o beilwego.

**Go pepentšhwa ga setifikeiti sa boingwadišo**

24. Mong wa lefelo la tšhireletšo o swanetše go pepentšha setifikeiti sa boingwadišo ka kantorong ya gagwe ya taolo, ka mokgwa wo se tla bonalago.

**KGAOLO 6****SETIFIKEITI SA BOINGWADIŠO SA GO DIRIŠA LEFELO LA TŠHIRELETŠO LA BANA BAO BA EBELAGO MEKGOBENG****Kgopelo ya setifikeiti sa boingwadišo**

25. (1) Mong wa lefelo la tšhireletšo, goba motho yo a nyakago goba mong wa lefelo la tšhireletšo a ka dira kgopelo ya setifikeiti se seswa goba mpshafatšo ya setifikeiti sa boingwadišo -
- (a) lebakeng le sa fetego dikgwedi tše tharo morago ga gore Molao wo o thome go dirišwa;

- (b) pele ga go bulwa ga lefelo le leswa la tšhireletšo ya bana bao ba ebelago mekgobeng; goba
  - (c) dikgweding tše tharo pele ga go felelwa ke nako ga setifikeiti seo se lego gona sa boingwadišo.
- (2) Foromo ya go dira kgopelo e swanetše go akaretša -
- (a) tlhaloso ya sebopego sa lefelo leo, yeo e laetšago gore le sepelelana le dinyakwa tšeo di beilwego;
  - (b) tlhasolo ya lenaneo la tšhireletšo, yeo e laetšago gore le sepelelana le dinyakwa tšeo di beilwego;
  - (c) pego ka ga palo ya malao a bana ao a lego ka lefelong leo la tšhireletšo;
  - (d) pego ya gore lefelo leo la tšhireletšo le sepelelana le dinyakwa tša Kgaolo 2; le
  - (e) pego ya bogolo bja bana ba ba ebelago mekgobeng bao mong wa lefelo la tšhireletšo a letetšego gore ba tla amogelwa ka lefelong leo.

#### Lebaka la setifikeiti sa boingwadišo

26. (1) Leloko la Lekgotlaphethiši le ka ntšha setifikeiti sa boingwadišo seo se šomago lebakeng leo le beilwego ke yena ka melaongtshapedišo.
- (2) Go fihlela ge go amogelwa sephetho sa Leloko la Lekgotlaphethiši mabapi le kgopelo ya setifikeiti sa boingwadišo, mong wa lefelo la tšhireletšo a ka tšwela pele go diriša lefelo leo ge -
- (a) a dirile kgopelo ya setifikeiti sa boingwadišo lebakeng leo le beilwego ke karolo 25; goba
  - (b) a hweditše tsebišo ya go tšwa go Leloko la Lekgotlaphethiši yeo e dumelelago dikgopelo tša go dirwa morago ga nako; gomme a se a hlwa a hwetša tsebišo ka ga sephetho sa Leloko la Lekgotlaphethiši mabapi le kgopelo yeo.

#### Tsela ya go fa goba go ganetša setifikeiti sa boingwadišo

27. (1) Go dumelelana le ditsela tšeo di beilwego ka melaongtshapedišo yeo e beilwego ke Leloko la Lekgotlaphethiši, le gona e sego morago ga dikgwedi tše tharo morago ga go amogelwa ga kgopelo, Leloko la Lekgotlaphethiši le swanetše-

- (a) go fa setifikeiti sa boingwadišo; goba
  - (b) le ganetše setifikeiti sa boingwadišo; goba
  - (c) le fe setifikeiti sa boingwadišo ka mabaka ao a fapanago le mabaka a kgopelo.
- (2) Leloko la Lekgotlaphethiši le swanetše go tsebiša modirakgopelo ka pela mabapi le sephetho seo se tšerwego go ya ka karolwana (1).

## KGAOLO 7

### GO H LAPETŠA MEŠOMO YA LEFELo LA TŠHIRELETŠO

#### Ditekolo

28. (1) Leloko la Lekgotlaphethiši le swanetše go lekola lefelo la tšhireletšo go kgonthiša ge e le gore le sepelelana le ditaelo tša Molao wo, Molaophetošwa wa Tlhokomelo ya Bana, 1996, le ge e ka ba gatee dikgweding tše tšhelelago.
- (2) Leloko la Lekgotlaphethiši le ka dira tekolo yeo e boletšwego karolwaneng (1) ka tsebišo goba ntle le tsebišo yeo e filwego peleng go mong wa lefelo la tšhireletšo.
- (3) (a) Mong wa lefelo la tšhireletšo o swanetše go tšweletša tše di latelago gore di lekolwe ke Leloko la Lekgotlaphethiši -
- (i) registara; goba
  - (ii) molaotheo wa mong wa lefelo la tšhireletšo goba pampiri ye nngwe ya motheo; goba
  - (iii) tše di rerilwego ke Boto; goba
  - (iv) registara ya kgalemo yeo e beilwego ke karolo 6; goba
  - (v) dipampiri tše dingwe tšeo di kgopelwago ke Leloko la Lekgotlaphethiši.
- (b) Mong wa lefelo la tšhireletšo o swanetše -
- (i) go dira gore go be le bašomi bao ba tla botšišwago ke Leloko

la Lekgotlaphethiši;

- (ii) a kgonagatše gore lefelo leo le dikarolo tša lona ka moka di lekolwe ka mahlo ke Leloko la Lekgotlaphethiši; le gona
- (iii) go dira gore bana bao ba hlokometšwego ke mong wa lefelo la tšhireletšo ba be gona go ka botšišwa.

**Kelo ya ngwaga ka ngwaga ya Leloko la Lekgotlaphethiši**

29. (1) Leloko la Lekgotlaphethiši le swanetše go ela mešomo ya mošomi wa leago ngwaga ka ngwaga foromong yeo e beilwego.
- (2) Kelo ya ngwaga ka ngwaga e ka akaretša ditšhišinyo tša diphetogo go -
- (a) dika tša sebopego sa lefelo la tšhireletšo;
  - (b) pušo ya lona;
  - (c) taolo ya lona;
  - (d) mešomo ya lona;
  - (e) tirišo ya lona ya lenaneo leo le swerwego ke mong wa lefelo la tšhireletšo.

**Registara ya mafelo a tšhireletšo ya bana bao ba ebelago mekgobeng le ditirelo tše dingwe**

30. Leloko la Lekgotlaphethiši le swanetše go ba le registara yeo e lego nakong ya mafelo a tšhireletšo ya bana bao ba ebelago mekgobeng le dinolofatši tše dingwe tše di kgonagatšago ditirelo tša bana ba ba ebelago mekgobeng.

**Registara ya bana bao ba ebelago mekgobeng**

31. (1) Mong wa lefelo la tšhireletšo o swanetše go ba le maina a bana bao ba ebelago mekgobeng bao ba fetšago bošego ba le ka lefelong leo la tšhireletšo.
- (2) Leloko la Lekgotlaphethiši le swanetše go ba le registara ya bjale ya bana bao ba ebelago mekgobeng, bao ba dirišago ditirelo tša tšhireletšo ka Probentsheng ye.

**KGAOLO 8****DIAPHILI****Diaphili tša go tšwa diphethong tše di roletšwego**

32. (1) Mong wa lefelo la tšhireletšo yo a kgopišitšwego ke sephetho seo se dirilwego ke mohlankedi yo Leloko la Lekgotlaphethiši le mo roletšego boikarabelo bja go tšeya diphetho go ya ka Molao wo, a ka dira aphili kgahlanong le sephetho seo go Leloko la Lekgotlaphethiši.
- (2) Mong wa lefelo la tšhireletšo yo a dirago aphili o swanetše go tšweletša tsebišo ya go dira aphili go Leloko la Lekgotlaphethiši lebakeng leo le sa fetego kgwedi e tee morago ga sephetho seo go belaelwago ka ga sona, gomme o swanetše go beya mabaka a aphili yeo.

**Sepheho sa Leloko la Lekgotlaphethiši**

33. (1) Leloko la lekgotlaphethiši le swanetše go tšeya sephetho ka ga aphili yeo motheong wa dipego tša mathomo tša ditherišano, goba ge e le gore mohlankedi ga se a boloka dipego tšeo, Leloko la Lekgotlaphethiši le swanetše go theeletša morero woo gape, gomme le tšeye sephetho go ya ka bohlatse bjo bo tšweleditšwego.
- (2) Lehlakore leo le kgopišitšwego ke sephetho seo se dirilwego go ya ka karolwana (1), le ka dira kgopelo go Kgoro ya Tsheko yeo e nago le taolo gore taba yeo e lebeletwe leswa.

**KGAOLO 9****GO THEKGWA KA DITŠHELETE GA LEFELO LA TŠHIRELETŠO YA BANA  
BA EBELAGO MEKGOBENG****Maatla a go dira phaphello ya mošomo**

34. (1) Ka kwano le Leloko la lekgotlaphethiši leo le swaraganego le Merero ya Ditšhelete, Leloko la Lekgotlaphethiši le ka dira phaphello ya mošomo go mong wa lefelo la tšhireletšo, gore a diriše lefelo la tšhireletšo ya bana bao ba ebelago mekgobeng.
- (2) Leloko la Lekgotlaphethiši le swanetše go beya mabaka a mošomo a phaphello yeo ka melaotshepedišo.

**Ditsela tša go thekga ka tšhelete**

35. (1) Leloko la Lekgotlaphethiši le ka dira phaphello ya mošomo go mong wa lefelo la tšhireletšo ya bana bao ba ebelago mekgobeng, gomme la kgonthiša gore e tla ba bokae le mabaka ao a sepelelanago le yona, morago ga go hlokomela -
- (a) maemo ao mong wa lefelo la tšhireletšo ya bana bao ba ebelago mekgobeng a a kgotsofaditšego mabakeng a peleng, le gore a ka tšwela pele go a kgotsofatša;
  - (b) maikemišetšo a lona bjale ka ge a hlalositšwe karolong 3;
  - (c) mabaka ao a amanago le setifikeiti sa boingwadišo;
  - (d) mabaka ao a amanago le phaphello ya mošomo;
  - (e) ditšhišinyo tša pego ya kelo yeo e beakantšwego ke Leloko la Lekgotlaphethiši;
  - (f) palo ya bana bao ba ebelago mekgobeng bao ba direlwago ke lefelo la tšhireletšo ya bana bao ba ebelag mekgobeng;
  - (g) tshenyagalelo ka ngwana, ya go thekga lefelo leo la tšhireletšo ya bana bao ba ebelago mekgobeng;
  - (h) phesente ya palomoka ya ditekanyetšo tša lefelo leo la tšhireletšo ya bana bao ba ebelago mekgobeng, yeo e tlogo lefela ditshenyagalelo tša taolo le tše dingwe tša tshepedišo;
  - (i) maemo le boleng bja tlhokomelo yeo e fiwago;
  - (j) kelo yeo ka yona mešomo ya mong wa lefelo la tšhireletšo e thekgago tekatekano ya thwalo; le
  - (k) ditsela tše dingwe tše di beilwego.
- (2) Ge le dira sephetho seo se beilwego ke karolwana (1), Leloko la Lekgotlaphethiši le ka no se ele hloko tšeo di letetšwego ke moabi wa lefelo la tšhireletšo ya bana bao ba ebelago mekgobeng, e lego tšeo di tlišitšwego ke diphaphello tša peleng.

**KGAOLO 10****GO FEDIŠWA GA SETIFIKEITI SA BOINGWADIŠO****Mabaka a go fedišwa ga setifikeiti sa boingwadišo**

36. (1) Leloko la Lekgotlaphethiši le ka -
- (a) fediša setifikeiti sa boingwadišo sa mong wa lefelo la tšhireletšo; goba
  - (b) a emiša phaphello ya mošomo ge mong wa lefelo la tšhireletšo -
    - (i) a ka re ka mokgwa wo o sa lokelago go phela ga botse ga mmele, monagano goba maitshwaro a bana, a tlhokomologa Molao wo goba mabaka a setifikeiti sa boingwadišo goba mabaka a phaphello ya mošomo;
    - (ii) a šitwa ke go phethagatša tšhišinyo ye kgolo yeo e dirilwego kelong ya ngwaga ka ngwaga;
    - (iii) a tšwela pele ka go hlokomologa ditaello tša taolo tša Molao wo; goba
    - (iv) a hwetša phaphello ya mošomo ka mathaithai, bohlatse bja bofora goba bomenetša.
- (2) Leloko la Lekgotlaphethiši le swanetše go fa mong wa lefelo la tšhireletšo tsebišo ya maikemišetšo a go tšeya magato go ya ka karolwana (1).

**Ditherišano ka ga go bewa ga lebaka la maikemišetšo a go fediša setifikeiti sa boingwadišo**

37. (1) Ge Leloko la Lekgotlaphethiši le na le lebaka la go dumela gore le swanetše go fediša setifikeiti sa boingwadišo goba le emiše phaphello ya mošomo, Leloko la Lekgotlaphethiši le ka -
- (a) hloma dinyakišišo ka ga mešomo ya lefelo la tšhireletšo gomme tšeo di hweditšwego ke dinyakišišo tšeo le ditšhišinyo di begelwe Leloko la Lekgotlaphethiši; goba
  - (b) swara theeletšo yeo e boletšwego karolong 38.

- (2) Ge Leloko la Lekgotlaphethiši le hwetša gore ka ge mong wa lefelo la tšhireletšo a bile le tlhokomologo ye šoro ya Molao wo goba ya lebaka la setifikeiti sa boingwadišo goba ya phaphello ya mošomo, goba lefelo leo le šitilwe ke go phethagatša tšhišinyo ye kgolwane kelong ya ngwaga ka ngwaga, go na le kotsi ye kgolwane yeo e ka diregago go pheleng ga botse ga mebele, menagano le maitshwaro a bana ka lefelong le tšhireletšo, Leloko la Lekgotlaphethiši le swanetše gore ntle le go senya nako, le fediše lebakanyana setifikeiti sa boingwadišo sa lefelo la tšhireletšo, goba le emiše lebakanyana ka phaphello ya mošomo.

**Theeletšo ya Phatlalatša ka ga go fedišwa ga setifikeiti sa boingwadišo goba go emišwa ga phaphello ya mošomo**

38. (1) Leloko la Lekgotlaphethiši le ka swara theeletšo ya phatlalatša ge -
- (a) Leloko la lekgotlaphethiši le kgonthišetše gore go ka ba le lebaka la gore Leloko la Lekgotlaphethiši le swanetše go fediša setifikeiti sa boingwadišo goba le emiše phaphello ya mošomo; goba
- (b) ka go dumelalana le karolo 37, Leloko la Lekgotlaphethiši le fedišetše lebakanyana setifikeiti sa boingwadišo.
- (2) Leloko la Lekgotlaphethiši le swanetše go swara theeletšo yeo e boletšwego karolwaneng (1) ka tsebišo ya dibeke tše pedi -
- (a) yeo e filwego seatleng sa mong wa lefelo la tšhireletšo goba go motho yo a šomago legatong la mong wa lefelo la tšhireletšo, nakong yeo Leloko la Lekgotlaphethiši le ntšhago tsebišo yeo;
- (b) ka go kgomaretšwa ka lefelong leo la tšhireletšo ka lefelong leo batho ba ka e bonago;
- (c) ka go phatlalatšwa ka kuranteng yeo e fihlelago batho ba bantši ka setšhabeng seo lefelo leo la tšhireletšo le lego go sona; le gona
- (d) mabakeng a tšhoganyetšo tsebišo e ka dirwa lebakeng la dibeke tše pedi la go fedišwa ga setifikeiti sa boingwadišo.
- (3) Theeletšong yeo e boletšwego karolwaneng (2) -
- (a) Leloko la Lekgotlaphethiši le swanetše go tšweletša bohlatse bja go laetša gore mong wa lefelo la tšhireletšo o diriša lefelo leo la tšhireletšo gampe, mo e lego gore Lelokola Lekgotlaphethiši le

swanetše go fediša go ya go ile setifikeiti sa boingwadišo, goba le emiše phaphello ya mošomo; le gore

- (b) mong wa lefelo la tšhireletšo, bašomi ba lefelo la tšhireletšo, bana bao ba lego tlhokomelong ya lefelong leo le batho ka kakaretšo ba ka tšweletša bohlatse le dintlha tša tša go thekga goba go ba kgahlanong le bohlatse bja Leloko la Lekgotlaphethiši.

**Sepheho morago ga theeletšo**

39. (1) Morago ga theeletšo yeo e boletšwego karolong 38, Leloko la Lekgotlaphethiši le ka -

- (a) fediša go ya go ile setifikeiti sa boingwadišo goba phaphello ya mošomo; goba
- (b) gana go fediša setifikeiti sa boingwadišo goba phaphello ya mošomo; goba
- (c) mabapi le go fedišwa ga lebakanyana ga setifikeiti sa boingwadišo goba go emišwa ga phaphello ya mošomo, le gomiše phedišo ya lebakanyana, goba kemišo; goba
- (d) beya mabaka a go tšwetšwa pele ga setifikeiti sa boingwadišo goba go gomišwa ga phedišo ya lebakanyana.

(2) Leloko la Lekgotlaphethiši le ka ka fediša setifikeiti sa boingwadišo go ya go ile, goba phaphello ya mošomo, ge feela Leloko la Lekgotlaphethiši le ka hwetša gore go na le kgonagalo ye kgolwane ya gore go na le mabaka a go ya go ile a go fediša setifikeiti sa boingwadišo goba go emiša ka phaphello ya mošomo.

**Go tlošwa ga bana go ba iša senolofatšing seo se amogetšwego**

40. (1) Ge Leloko la Lekgotlaphethiši a fediša setifikeiti sa boingwadišo go ya go ile, goba a fediša lebakanyana setifikeiti sa boingwadišo, o swanetše go tswalela lefelo leo la tšhireletšo ka bjako.

(2) Ge Leloko la Lekgotlaphethiši le le tswalela lefelo la tšhireletšo, Leloko la Lekgotlaphethiši le swanetše go gomiša phaphello ya go diriša lefelo leo, go fihla ge -

- (a) Leloko la Lekgotlaphethiši le aba setifikeiti sa boingwadišo go mong yo moswa wa lefelo la tšhireletšo; goba

- (b) Leloko la Lekgotlaphethiši le tsošološa setifikeiti seo Leloko la Lekgotlaphethiši le se fedišitšego lebakanyana.
- (3) Ge Leloko la Lekgotlaphethiši le aba setifikeiti sa boingwadišo go mong yo moswa wa lefelo la tšhireletšo, Leloko la Lekgotlaphethiši le swanetše gore lebakeng leo la kabo ya setifikeiti sa boingwadišo, a iše ditšhelete tša sona go mong yo moswa wa lefelo la tšhireletšo, gomme le fetišetše phaphello ya go šoma go mong yo moswa wa lefelo leo la tšhireletšo.
- (4) Ge Leloko la Lekgotlaphethiši le kgonthiša go tswalela lefelo la tšhireletšo, Leloko la Lekgotlaphethiši le swanetše go okamela go tswalelwa goo le go tlošwa ga bana go ba iša senolofatšing se sengwe seo se swanelegago.
- (5) Ge Leloko la Lekgotlaphethiši le gomiša phedišo ya lebakanyana ya setifikeiti sa boingwadišo, Leloko la Lekgotlaphethiši le swanetše go bušetša maemo a peleng go mong wa lefelo la tšhireletšo.

## KGAOLO 11

### MELATO LE DIKOTLO

#### Tshedimošo ya bofora

41. (1) Mong wa lefelo la tšhireletšo yo a rego mola a tseba, a fa tshedimošo ya bofora go Leloko la Lekgotlaphethiši, o dira molato gomme o swanetše go lebanwa ke tefo goba kgolego ya lebaka leo le sego ka godimo ga mengwaga ye 5 (mehlano) goba tefo yeo le kgolego ka bobedi.
- (2) Motho mang goba mang yo a swarago gampe, a hlokofatšago, a jabetšago bana bao ba ebelago mekgobeng goba a sa šome go ya ka ditaelo tša Molao wo, o tla bonwa molato gomme a ka otlwa go ya le ka mo go beilwego ka melaongshepedišo, ntle le ge kotlo e beilwe ka Molaong wo.

## KGAOLO 12

### TŠE DI FAPAFAPANEGO

#### Melaotshepedišo

42. (1) Leloko la Lekgotlaphethiši le ka dira melaotshepedišo -
- (a) yeo e fago sebopego sa setifikeiti sefe goba sefe, taelo goba maatla go

ya ka Molao wo; goba sebopego sefe goba sefe seo se nyakegago phethagatšong ya Molao wo;

- (b) mabapi le tsela yeo e amanago le go ngwadišwa ga mafelo a tšhireletšo, dinyakwa tšeo mafelo ao a swanetšego go di obamela, le go fedišwa le go neelwa ga ditifikeiti tša boingwadišo tšeo di ntšhitšwego go ya ka Molao wo;
  - (c) mabapi le go bewa ga diregistara tsa mafelo a tšhireletšo ka magoro ka tlase ga Molao wo.
  - (d) mabapi le tlhokomelo, tlhahlo le tlhabollo ya bana bao ba ebelago mekgobeng;
  - (e) mabapi le morero ofe goba ofe woo go ya ka Molao wo o nyakwago goba o dumelelwago go ka bewa ka molaotshepedišo.
- (2) Leloko la Lekgotlaphethiši ka kakaretšo le ka dira melaotshepedišo yeo le bonago e le bohlokwa e bile e nyakega go tšweletša maikemišetšo a Molao wo.
  - (3) Melaotshepedišo yeo e dirwago ka tlase ga karolo ye e swanetše go beya dikotlo mabapi le go tshelwa ga yona.

**Tholelo ya maatla le go fiwa ga maikarabelo**

43. (1) Leloko la Lekgotlaphethiši le ka -

- (a) rolela Hlologo ya Kgoro goba mohlankedi ofe goba ofe wa kgoro ya gagwe maatla afe goba afe ao a a filwego go ya ka Molao wo, ntle le maatla ao a boletšwego go karolo 42; le gona
  - (b) fa hlogo yeo ya kgoro goba mohlankedi yoo maatla a go dira mošomo ofe goba ofe woo Leloko la Lekgotlaphethiši le nago le maatla a go o dira ka tlase ga Molao wo.
- (2) Hlogo ya kgoro e ka -
- (a) rolela mohlankedi ofe goba ofe yo mongwe wa kgoro ya gagwe maatla afe goba afe ao a beilwego go yena ka Molao wo; le gona
  - (b) fa mohlankedi yoo maatla a go dira mošomo ofe goba ofe wo o beilwego magetleng a gagwe ka Molao wo.

- (3) Motho ofe goba ofe yoo maatla afe goba afe a roletšwego go yena, goba yo a filwego maatla a go dira mošomo ofe goba ofe ka tlase ga karolo ye, o swanetše go diriša maatla ao goba a dire mošomo woo, go ya ka mabaka ao motho yo a dirago tholelo yeo a bonago go le bohlokwa.
- (4) Tholelo efe goba efe ya maatla goba go fiwa maatla a go dira mošomo ofe goba ofe ka tlase ga karolo ye -
- (a) e swanetše go dirwa ka go ngwala;
- (b) ga se ya swanela go thibela motho yo a dirago tholelo yeo goba yo a filego maatla, go diriša maatla ao goba go dira mošomo woo ka boyena; le gona
- (c) e ka gomišwa nakong efe goba efe ka go ngwala ke motho yo a e filego.

#### Dikgonagatšo tša lebakanyana le tša go seketša

44. (1) Lefelo la tšhireletšo leo le lego gona le tšwela pele go šoma, eupša le swanetše go ngwadišwa lebakeng le sa fetego dikgwedi tše tharo (3) morago ga gore Molao wo o thome go dirišwa.
- (2) Go thekgwa ka ditšhelete ga mafelo ao a lego gona, go swanetše gore lebakeng la dikgwedi tše tharo, go fetišetšwe go mafelo a tšhireletšo ao a ngwadišitšwego go ya ka Molao wo ka mokgwa wo o beilwego.
- (3) Taelo efe goba efe, tsebišo, tefelo goba setifikeiti seo se ntšhitšwego, se dirilwego goba, kgato efe goba efe yeo e tšerwego ka tlase ga ofe goba ofe wa melao ye e lego gona, le yeo e ka dirwago, ya ntšhwa ka tlase ga taelo efe goba efe ya Molao wo, e swanetše go tšewa bjale ka yeo e dirilwego goba e ntšhitšwego ka tlase ga taelo ya maleba ya Molao wo, gomme ge Molao wo o se na taelo ya mohuta woo ya maleba, go swanetše go tšwelwa pele ka wona, go fetšwe ka wona, o be o dirišwe, go ya le ka moo Leloko la Lekgotlaphethiši le sa fago ditaello tše dingwe.

#### Hlogo ye kopana le letšatši la go thoma

45. Molao wo o bitšwa Molao wa Gauteng wa Mafelo a Tšhireletšo a Bana bao ba Ebelago Mekgobeng, 1998 gomme o swanetše go thoma go dirišwa letšatšing leo le beilwego ke Molekgotlamogolo ka kgoeletšo ka kuranteng ya Mmušo.

**MEMORANDAMO KA GA MAIKEMIŠETŠO A MOLAOKAKANYWA****1. TABA**

Molaokakanywa wa Gauteng wa Mafelo a Tšhireletšo a Bana bao ba Ebelago Mekgobeng, 1998

**2. MORERO**

Go kgonagatša go hlongwa, boingwadišo le taolo ya mafelo a tšhireletšo a bana bao ba ebelago mekgobeng, le go sepediša le go laela maemo ao beng ba mafelo a tšhireletšo ba swanetšego go diriša mafelo ao go ya ka wona.

**3. BOTŠO**

Ka Afrika Borwa, go swana le kae goba kae ka dinageng tšeo di hlabologago, bothata bja bana bao ba ebelago mekgobeng ntle le tlhokomelo ye e lekanego le tšhireletšo e tšweletše bjale ka bjo bongwe bja mathata a magolo ao Mmušo o lebanego nawo. Go hlokomologwa, go šišingwa, go kgethollwa, le gona go bolawa ke dikgonthe tšeo bana bao ba phelago mekgobeng ba lebanego natšo letšatši ka letšatši.

Dipalo tša bana bao ba ebelago mekgobeng di oketšegile ka bjako ka Gauteng. Ka go hlokomologwa mabakeng ao ba sa kgonego go a laola, bana bao ba ebelago mekgobeng, ba katanela go phela. Mananeo ao a lego gona a kabo ya ditirelo tša tlhokomelo ya leago ga a hlokomela ka mo go lekanego, dinyakwa tša bana bao ba ebelago mekgobeng, tša tlhabologo, tšhireletšo le go tšwela pele ba phela.

Nepo ya Molaokakanywa wo ke go kgonagatša molao wo o phatlaletšego, wo o sepedišago tlhabollo, go agwa le go hlokomelwa ga mafelo a tšhireletšo a bana bao ba ebelago mekgobeng ka Gauteng. Leano ke go tloša ke go tloša bana ba palo ye kgolo ka mo go ka kgonagago go tšwa mekgobeng le go ba fa ditokelo tša bona tša molaotheo, bjale ka ge di kgonagaditšwe ka Molaongtheo.

**4. DITLAMORAGO TŠA DITŠHELETE**

Ga di go.

**5. DITLAMORAGO TŠA BAŠOMEDI**

Ga di go.

**6. DITLAMORAGO TŠA MOLAO THEO**

Ga di go.

**7. TSHEKATSHEKO YA TEMANA KA TEMANA**

- Temana 1: Karolo ye e kgonagatša tlhaloso ya mantšu ao a dirišitšwego Molaongkakanywa wo.
- Temana 2: Karolo ye e kgonagatša maatla a Molaokakanywa wo.
- Temana 3: Karolo ye e kgonagatša dintlha ka kakaretšo tša Molaokakanywa.
- Temana 4: Temana ye e na le dikobamelotšo tša beng ba mafelo a polokego tša go šireletša bana kgahlanong le tshwarompe, go jabetšwa le kgethollo.
- Temana 5: Karolo ye e laetša magato ao a dumelelwago a kgalemo ao a ka tšewago ke mong wa lefelo la tšhireletšo.
- Temana 6: Karolo ye e gapeletša mong wa lefelo la tšhireletšo go ba le rekoto ya magato ka moka a kgalemelo ao a tšerwego.
- Temana 7: Karolo ye e kgonagatša tšhireletšo ya bana.
- Temana 8: Temana ye e beya mananeo ao a swanetšego go sepedišwa ke mong wa lefelo la tšhireletšo.
- Temana 9: Temana ye e beya gore mong wa lefelo la tšhireletšo o swanetše go fa maemo a godimo a botshepegi le bosephiri mabapi le bana bao ba lego tlhokomelong ya gagwe.
- Temana 10: Karolo ye e re mong wa lefelo la tšhireletšo ga se a swanela go dumelela kgethollo ye e sa lokago ge a kgetha bana bao ba ilego go amogelwa lefelong leo la tšhireletšo.
- Temana 11: Karolo ye e swaragane le ditokelo tša ngwana ka lefelong la tšhireletšo.
- Temana 12: Karolo ye e sepediša sebopego sa lefelo la tšhireletšo.
- Temana 13: Karolo ye e kgonagatša go ba gona ga dinolofatši tšeo di nyakegago ka lefelong la tšhireletšo.
- Temana 14: Karolo ye e swaragane le go hlongwa ga lekgotla la go laola lefelo la tšhireletšo.
- Temana 15: Karolo ye e swaragane le go hlangwa ga boto ya tshepedišo.
- Temana 16: Karolo ye e beya maatla le mešomo ya boto.
- Temana 17: Temana ye e kgonagatša taolo ya lefelo la tšhireletšo.
- Temana 18: Karolo ye e laela mabaka ao ka wona lefelo la tšhireletšo le swanetšego go dirišwa.

- Temana 19: Temana ye e beya gore lefelo la tšhireletšo le swanetše go šoma diiri tše 24 ka letšatši ka letšatši.
- Temana 20: Temana ye e kgonagatša go ba gona ga bašomedi ba lefelo la tšhireletšo.
- Temana 21: Karolo ye e swaragane le maemo a bohlweki a mafelo a tšhireletšo.
- Temana 22: Karolo ye e kgonagatša gore mong wa lefelo la tšhireletšo a be le registara ya go ba gona ga bana bao ba dirišago lefelo leo la tšhireletšo.
- Temana 23: Karolo ye e gapeletša mong wa lefelo la tšhireletšo go ba le direkoto tša matlotlo.
- Temana 24: Karolo ye e kgonagatša go bewa pepeneneng ga setifikeiti sa boingwadišo.
- Temana 25: Temana ye e kgonagatša go dirwa ga kgopelo ya setifikeiti sa boingwadišo.
- Temana 26: Temana ye e beya lebaka la go šoma ga setifikeiti sa boingwadišo.
- Temana 27: Temana ye e laela tsela yeo e swanetšego go latelwa ge go fiwa goba go ganetšwa setifikeiti sa boingwadišo.
- Temana 28: Karolo ye e swaragane le tekolo ya mafelo a tšhireletšo.
- Temana 29: Karolo ye e dira gore Leloko la Lekgotlaphethiši le ele lefelo la tšhireletšo ngwaga ka ngwaga.
- Temana 30: Karolo ye e nyaka gore Leloko la Lekgotlaphethiši le be le registara ya mafelo ka moka a tšhireletšo ka Gauteng.
- Temana 31: Temana ye e laela gore mong wa lefelo la tšhireletšo o swanetše go ba le direkoto tša bana bao ba dirišago lefelo le lebakanyana.
- Temana 32: Karolo ye e kgonagatša go dirwa ga aphili kgahlanong le sephetho seo se dirilwego ke bahlankedi ba Kgoro bao Leloko la Lekgotlaphethiši le ba roletšego maatla a go dira diphetho.
- Temana 33: Karolo ye e kgonagatša mokgwa wo ka wona Leloko la Lekgotlaphethiši le swanetšego go tšeya sephetho ka ga merero ya aphili yeo e tlišitšwego go lona.
- Temana 34: Karolo ye e fa Leloko la Lekgotlaphethiši maatla a go dira phaphello ya mošomo go mong wa lefelo la tšhireletšo.
- Temana 35: Temana ye e swaragane le mokgwa wo o swanetšego go dirišwa ge go thekgwa lefelo la tšhireletšo ka tšhelete.
- Temana 36: Karolo ye e beya mabaka a go fedišwa ga setifikeiti sa boingwadišo.
- Temana 37: Karolo ye e beya tsela yeo e latelwago ge go fedišwa setifikeiti sa boingwadišo.

- Temana 38: Karolo ye e kgonagatša go swarwa ga ditheeletšo tša phatlalatša ke Leloko la Lekgotlaphethiši ge go fedišwa setifikeiti sa boingwadišo goba ge go emišwa phaphello ya mošomo.
- Temana 39: Karolo ye e kgonagatša diphetho tše di fapafapanago tše di ka tšewago ke Leloko la Lekgotlaphethiši morago ga theeletšo yeo e lego go 38 ka godimo.
- Temana 40: Karolo ye e kgonagatša go tlošwa ga bana go tšwa lefelong la tšhireletšo leo setifikeiti sa lona sa boingwadišo se fedišitšwego.
- Temana 41: Karolo ye e kgonagatša go ba gona ga melato le dikotlo ka tlase ga Molaokakanywa wo.
- Temana 42: Karolo ye e fa Leloko la Lekgotlaphethiši maatla a go dira melaotshepedišo.
- Temana 43: Karolo ye e fa Leloko la Lekgotlaphethiši maatla a go rolela maatla a lona ka tlase ga Molaokakanywa wo.
- Temana 44: Temana ye e kgonagatša go ngwadišwa ga mafelo ao a lego gona a tšhireletšo.
- Temana 45: Karolo ye e na le hlogo ye kopana ya "Molao" gomme e beya letšatši la go thoma go šoma ga wona.

**NOTICE 2277 OF 1998**

**UMTHETHO-SIVIVINYO**

**Ukuze unikezele ngokuqaliswa, ukubhaliswa, ukuphathwa kwendawo yokukhoseleisa izingane; ukumisa izimo kanye nezidingo zokwakha, kanye nokunikeza amasabusidi ezindaweni zokukhosela kanye nakwezinye izakhiwo; ukuvikela ukuhlukunyeza, ukuxhashazwa kanye nokubandlululwa kwezingane ezihlala emgwaqeni; ukumisa ukuzibophezela kulabo abaphethe izindawo zokukhosela; ukuqalisa izindlela zokungamela kanye nokusebenza kwalabo abaphethe izindawo zokukhosela; ukuqapha ukuqhutshwa kwezindawo zokukhosela; kanye nokuhlinzekela izindaba ezihambisana nalokhu.**

**NJENGOBA WONA UMISWE** isiShayamthetho seSifundazwe saseGauteng, kanjena:-

**UKUHLELWA KOMTHETHO**

**ISAHLUKO 1**

**IZINCAZELO KANYE NEMIGOMO EVAMILE**

**Isigaba**

1. Izincazelo
2. Ukusetshenziswa koMthetho
3. Imigomo evamile yoMthetho

**ISAHLUKO 2**

**IZIBOPHO ZALABO ABAPHETHE IZINDAWO ZOKUKHOSELA**

4. Ukuvikelwa ekuhlukunyezweni, ekuxhashazweni kanye nasekubandlululweni
5. Izindlela zokuqondisa izigwegwe ezivunyiwe
6. Irejista yokuqondisa izigwegwe
7. Ukuphepha
8. Izinhlelo zabantwana basemugwaqeni
9. Imfihlo
10. Ukwehlukahlukana
11. Amalungelo ezingane

**ISAPHLUKO 3****UMUMO WESAKHIWO SOKUKHOSELA**

12. Umumo wesakhiwo sokukhosela
13. Izinto ezibambekayo

**ISAPHLUKO 4****UKWENGANYELWA KWEZINDAWO ZOKUKHOSELA**

14. IBhodi yabaphathi
15. Ukwakheka kwebhodi yabaphathi
16. Imisebenzi yebhodi yabaphathi
17. Ukuphathwa kwendawo yokukhosela

**ISAPHLUKO 5****UKUSEBENZA KWENDAWO YOKUKHOSELA**

18. Imibandela yokuqhutshwa kwendawo yokukhosela
19. Amahora okusebenza
20. Abasebenzi
21. Ukuhlanzeka
22. Irejista yezingane
23. Imininingwane yezimali
24. Ukubekwa ngokusobala kwesitifiketi sokubhaliswa kwendawo

**ISAPHLUKO 6****ISITIFIKETI SOKUBHALISWA KOKUQHUTSHWA KWENDAWO YOKUKHOSELA IZINGANE**

25. Ukufakwa kwesicelo sesitifiketi sokubhaliswa
26. Isikhathi sesitifiketi sokubhalisa
27. Ukuqhutshwa kwesicelo; ukunikezwa noma ukwalelwa ukuthola isitifiketi sokubhalisa

**ISAPHLUKO 7****UKUQASHWA KOKUQHUTSHWA KWENDAWO YOKUKHOSELA**

28. Ukuhlolwa
29. Ukuhlolwa kwaminyaka yonke okwenziwa uNgqongqoshe(MEC)
30. Uhlu lokubhaliswa kwezindawo zokukhosela izingane kanye neminye imisebenzi
31. Ukubhaliswa kwezingane ezihlala emgwaqeni

**ISAPHLUKO 8****IZIKHALAZO**

32. Izikhalazo zezinqumo ezithathiwe
33. Isinqumo sikaNgqongqoshe (MEC)

**ISAPHLUKO 9****UKUNIKEZWA KWEMALI KWENDAWO YOKUKHOSELISA IZINGANE**

34. Amandla okwenza isabusidi yokwenza
35. Isu lokunikezelwa kwezimali

**ISAPHLUKO 10****UKUKHANSELWA KWESITIFIKETI SOKUBHALISA**

36. Isizathu sokukhanselwa kwesitifiketi sokubhaliswa
37. Imininingwane ngesaziso sembangela yokukhanselwa kwesitifiketi sokubhaliswa.
38. Ukulalelwa kobufakazi okuvuleleke kuwona wonke umuntu kwembangela yokukhanselwa kwesitifiketi noma ukuchithwa kwesabusidi yokwenza.
39. Isinqumo ngemuva kokulalelwa kobufakazi
40. Ukususwa kwezingane esakhiweni esivumelekile

**ISAPHLUKO 11****AMACALA KANYE NEZINHLAWULO**

41. Ulwazi olungelona iqiniso

**ISAPHLUKO 12****OKUNHLOBONHLOBO**

42. Imithetho
43. Ukundluliselwa kwamandla kanye nokunikezwa kwemisebenzi
44. Imibandela yokundlulisa kanye neyokuphephisa
45. Ukubizwa kanye nosuku lokuqaliswa

**ISAHLIKO 1****IZINCAZELO KANYE NEMIGOMO EVAMILE****IZINCAZELO**

## 1. Kulomthetho, ngaphandle uma okuqukethwe kukhombisa –

“IBhodi” lisho ibhodi labaphathi ekukhulunywa ngalo esigabeni 14;

“Ingane” kushiwo umuntu ongophansi kweminyaka engu-18;

“Inhloko yoMnyango” kushiwo inhloko yoMnyango wesiFunda sezeNhlalakahle kanye noKuthuthukiswa koMphakathi eSifundazweni;

“UNgqongqoshe” kuchazwa ilungu eliphezulu lomkhandlu obhekene nezeNhlalakahle kanye noKuthuthukiswa koMphakathi esiFundazweni;

“Isimo sokwenza” kushiwo isimo esincike kusabusidi yokwenza kulowo onendawo yokugcina izingane esidinga ukuthi yena enze imisebenzi ebaluliwe;

“Isabusidi yokwenza” ichaza ukwesekelwa ngezimali nguMnyango wezenhlalakahle kanye noKuthuthukiswa koMphakathi kube kuncike ezinhlelweni zezenhlalakahle;

“Misiwe” kushiwo lokho okumiswe yiMithetho;

“IsiFunda” kushiwo isiFundazwe saseGauteng;

“Ukubhalisa” kushiwo uhlelo lapho kuthi iprojethi ebandakanya umsebenzi wasemgwaqeni, izikhungo zokukhusela izingane ezishiyiwe kanye neminye imisebenzi efanele ibhaliswa;

“Isitifiketi sokubhalisa” sisho isitifiketi esinikezwe ngokusho kwesigaba 26 saloMthetho;

“UMthetho” kushiwo imithetho eyenziwe ngokusho kwaloMthetho omkhulu; kanye

“Nezingane zasengwaqeni” kushiwo ingane-

(i) ehlala emgwaqeni ngoba ifuna ukuphila kanye nendawo yokuhlala; noma

(ii) esusiwe emndenini wayo futhi ihlala endaweni yokufihla ikhanda yesikhashana njengehositela noma ezindlini kanye nasezakhiweni ezingahlali muntu, esuka kwenye indawo iye kwenye ibe ihlala nabangani; noma

- (iii) ehlala ithintana nomndeni wakubo, ngenxa yendlala, ukucinana, ukuhlukunyezwa ngokocansi noma ukuhlukunyezwa kwasemundenini, ngaleyo ndlela ichitha ubusuku obuthile kanye nezinsuku ezuningi engwaqeni; noma
- (iv) ebhekelle endaweni ethile evela esimeni lapho ingenakhaya futhi kubonakala sengathi isencupheni ekutheni ibuyele esimweni sokungabi nakhaya

"Onendawo yokukhoselisa" kushiwo umuntu, inhlanganisela yabantu, inhlangani noma iyunithi kahulumeni eqhuba indawo yokukhoselisa izingane zasemgwaqeni;

"IoMthetho" ubundakanya eminye imitheshwana.

### Ukusebenza koMthetho

2. Kuncike ezimisweni zoMthetho woKunakekelwa kweziNgane, 1983 (Umthetho ongunombolo 74 ka 1983), kanye noMthetho oyisichibiyelo woKunakekelwa kwezingane, 1996 (Umthetho ongunombolo 96 ka 1996), IoMthetho kufanele usebenze kusona sonke isiFundazwe.

### Imigomo eVamile yoMthetho

3. LoMthetho kufanele usebenze –
- (1) ukuze ufeze izidingo ezisemqoka zezingane ezihlala emgwaqeni;
  - (2) ukuze unikeze izingane zasemgwaqeni ngendawo yokuthi zikhulele kuyo;
  - (3) endawo yezokwenhlalo kanye nokomzimba ezinganeni ezihlala emgwaqeni, ukuze wakhe izimo ezinganeni ezizozinikeza amasu okubhekana nesimo eziphila kuso ngendlela eyakhayo;
  - (4) ukuze uthuthukise izinhlelo, amasu kanye nemisebenzi ukuze izingane zivimbeleke ekutheni zizohlala emigwaqeni, futhi ekuzothi izingane ezifanele kanye nabasebenza ngonakekelo lwentsha bazame ukuziguqula zibuyele emuva emiphakathini kanye nasemindenini; kanye
  - (5) nokuqiniseka olukahle unakekelo, impatho, intuthuko kanye nemfundo yezingane ezihlala emgwaqeni.

**ISAPHLUKO 2****IZIBOPHO ZABAPHETHE IZINDAWO ZOKUKHOSELA EZINGANENI EZIKULEZI NDAWO**

**Ukuvikelwa ekuhlukunyezweni, ekuxhashazweni kanye nasekubandlululweni**

4. (1) Ophethe indawo yokukhosela kufanele anikezele ukuphepha okuphelele ezinganeni ezisendaweni ayiphethe ukuze zingahlukunyezwa, zingaxhashazwa, zingabulawa indlala futhi zingabandlululwa.
- (2) Ophethe indawo yokukhosela kanye noqashwe kuyo akufanele baye esitelekeni noma bahlukumeze ingane ngokomzimba kanye nangokoqondo endaweni yokukhosela abakuyo.

**Ukuqondisa izigwegwe okwamukelekile**

5. (1) Ophethe indawo yokukhosela akufanele asebenzise induku noma ezinye izindlela ezinesihluku ekuqondiseni izigwegwe enganeni esendaweni yokukhoselisa engaphansi kwakhe.
- (2) Ophethe indawo yokukhosela angasebenzisa kuphela lezo zindlela zokuqondisa izigwegwe ezingabekwa uNgqongqoshe.

**Irejista yokuqondisa izigwegwe**

6. Ophethe indawo yokukhosela kufanele agcine irejista yokuqondisa izigwegwe, ezigcina phansi izindlela zokuqondisa izigwegwe ezenziwe mayelana nezingane ezisendaweni yokukhosela.

**Ukuphepha**

7. Ophethe indawo yokukhosela kufanele aqinisekise izinga ekuyilona liphezulu lezempilo, ukundleka kanye nokuphepha kwezingane ezingaphansi kwakhe.

**Izinhlelo zezingane zasemgwaqeni**

8. (1) Ophethe indawo yokukhosela kufanele enze ngokuhambisa kwamazinga amiswe nguNgqongqoshe-
- (a) uhlelo lwezentshokolo kanye nesu lokulashwa kwengane engaphansi kwakhe;

- (c) uhlelo lokuthi ingane iphinde ihlanganiswe nomndeni wakubo
  - (d) ukukwazi ukufinyelela ezimfanelweni zemfundo;
  - (e) Ukukwazi ukufinyelela ezimfanelweni zezempilo; kany
  - (f) Nokukwazi ukufinyelela ezimfanelweni zenhlalakahle yomphakathi.
- (2) Amazinga abaluliwe esigatshanene (1) kufanele abe ngendlela yangokomthetho.

### Imfihlo

9. Ophethe indawo yokukhosela kufanele agcine amazinga emfihlo kanye nokuba ngawedwana aphantelene nengane ebhekwe nguye.

### Ukwehlukahlukana

10. (1) Ophethe indawo yokukhosela kufanele angavumeli ukubandlulula kungafanele, uma ekhetha izingane ezizomukelwa endaweni yokukhosela noma ekwelashweni.
- (2) Ophethe indawo yokukhosela kufanele agcine kuleyondawo uhlelo oluzama ukuvuselela kumalunga abasebenzi, kanye nasezinganeni ezingaphansi kwakhe isiko olubeka ukubaluleka kokuhlangana kwamasiko ahlukahlukene.

### Amalungelo ezingane

11. Ophethe indawo yokukhosela kufanele agcine uhlelo endaweni yokukhosela oluzama ukuvuselela kumalunga abasebenzi bendawo isiko lamalungelo ezingane.

## ISAHLUKO 3

### IZIBOPHO ZOPHETHE INDAWO YOKUKHOSELA

#### Umumo wesakhiwo sokukhosela

12. Ophethe indawo yokukhosela kufanele anikezele ngesakhiwo sendawo yokukhosela esimile esivumelanayo nemitheshwana kanye namakhodi kahulumeni wasekhaya yokuphepha, yezempilo, yezemililo kanye nezakhiwo.

**Izinto ezibambekayo**

13. (1) Ophethe indawo yokukhosela kufanele ahlelele ngokwamazinga amiswe nguNgqongqoshe-

(a) isakhiwo esivumelana nokuphepha kanye nokuthuthuka kwengane;

(b) aphephile, afudumele, anele, akahle kanye futhi nezinto ezahlukahlukene zokulala;

(c) anele, akahle kanye nezahlukene izindawo zokugeza; ezinamanzi agijima kahle, kanye namashawa anele nezindawo zokugezela;

(d) anele kanye futhi nekahle indawo yokupheka, yokudla kanye nokuzithokozisa; kanye

(e) nezinye izinto ezanele futhi neziphethwe ngokufanele.

(2) Amazinga abaliwe esigatshanyaneni (1) kufanele ashicilelwe emthethweni.

**ISAHLUKO 4****UKWENGANYELWA KWENDAWO YOKUKHOSELA****Ibhodi yabaphathi**

14. Ophethe indawo yokukhosela kufanele abenebhodi eyengamele iBhodi yabaphathi.

**Ukwakheka kwebhodi yabaphathi**

15. (1) Ibhodi kufanele ibe nenani labantu elizomiswa uNgqongqoshe.

(2) Kumalunga ebhodi njengoba ebekiwe esigatshaneni (1), laba abalandelayo kufanele bakhethwe:

- (a) usihlalo
- (b) unobhala
- (c) umgcini zimali

**Amandla kanye nemisebenzi yebhodi labaphathi**

16. Ibhodi kufanele libe nalaandla kanye nalemisebenzi elandelayo

- (1) ukuqapha konke ukuphathwa kwendawo yokukhosela;
- (2) ukunikezela ngkuxhumana kanye nokwesekela okuqhubekayo kuloyo ophethe indawo yokukhosela;
- (3) ukugada kanye nokulungisa izimali zendawo yokukhosela;
- (4) ukunikeza izitatimende zezimali ezicwaningisiwe njengoba kungadingeka;
- (5) ukugada kanye nokulungisa ukuqashwa kanye nokuxoshwa kwabasebenzi;
- (6) ukuqapha izindaba eziphathelene nokuqondisa izigwegwe zabasebenzi endaweni yokukhosela;
- (7) ukuzibandakanya namaprojethi okuqoqwa kwezimali ezihlose ekugcineni indawo yokukhosela isebenza kahle; kanye
- (8) ukuzibandakanya namaprojethi okuzidayisa ukuze kuqhakambiswe indawo yokukhosela.

**Ukwenganyelwa kwezindawo zokukhosela**

17. (1) Ophethe indawo yokukhosela kufanele abe nomthetho sisekelo noma ezinye izincwajana ezisesekelo ezigcina lezi zilinganiso ezilandelayo:

- (a) ubuluga beBhodi bunikeza ukumeleleka ngokulinganayo okukahle kumaqembu abengenawo amathuba ngaphambilini ezinganeni zasemngwaqeni esiFundazweni;
- (b) okungenani ilunga elilodwa leBhodi kufanele libe nomlando wokumela izingane zasemngwaqeni,
- (c) umuntu oyedwa okhethiwe eBhodini kufanele abenolwazi oluthe phecelezi oluwusizo kuBhodi ekutheni yengamele indawo yokukhosela; kanye
- (d) indawo yokukhosela kufanele ibenohlelo lokungamela kanye nelokubika ngezimali lwentando yeningi, oluqotho futhi oluvulelekile.

(2) Ophethe indawo yokukhosela kufanele aqinisekise ukubamba iqhaza okuphakeme ekunganyelweni kwendawo yokukhosela ehlal izingane ezindala bese kuthi abazali bazo noma abazibheke ngokusemthethweni kanye nezinhlango ezingekho ngaphansi kukahulumeni ezibhekele izingane zasemgwaqeni.

**ISAHLUKO 5****UKUSEBENZA KWENDAWO YOKUKHOSELA****Imibandela yokuqhutshwa kwendawo yokukhosela**

18. (1) Umuntu angeke aqhube indawo yokukhosela izingane zasemgwaqeni ngaphandle kwestifiketi sokubhaliswa esivela kuMnyango esinikezwe ngaphansi kweSahluko 6.

(2) Ophethe indawo yokukhosela kufanele ahambisane nemibandela ebekiwe esigabeni 28.

(3) Ophethe indawo yokukhosela kufanele ahambisane nemibandela ebekiwe kumasabusidi okwenza.

(4) Ophethe indawo yokukhosela kufanele ahambisane neziphakamiso ezenziwe nguNgqongqoshe ekubukezeni kwakhe konyaka okwenziwe ngaphansi kwesigaba 29.

**Amahora okusebenza**

19. Ophethe indawo yokukhosela kufanele ayivule indawo yakhe amahora angu-24 ngosuku.

**Abasebenzi**

20. (1) Ngazo zonke izikhathi, ophethe indawo yokukhosela kufanele abe nabasebenza kuyo abanele kuyo indawo ukuze banikeze izindingo ezikahle zezingane ezingaphansi kophethe, ngokwezilinganiso zomsebenzi eqhathaniswa nezingane okungabekwa nguNgqongqoshe.

(2) Ophethe indawo yokukhosela kufanele ngaso sonke isikhathi emagcekeni endawo yokukhosela oqeqeshiwe ekunakekeleni izingane kanye nentsha.

(3) Ophethe indawo yokukhosela kufanele aqinisekise ukulandelwa kweKhodi yeNdlela efanele yoKuziphatha kubaphathi bendawo yokukhosela.

(4) Ophethe indawo yokukhosela kufanele agcine imininingwane yokuphathwa kokuhlukunyezwa kwezingane kanye nokunganakwa ngaphakathi ohlelweni lokuhlala oluhambisana namazinga abekiwe.

**Ukuhlanzeka**

21. Ophethe indawo yokukhosela kufanele aqinisekise ukuthi indawo yokukhosela iyawafeza amazinga okuhlangezeka abekiwe.

### Irejista yezingane

22. Ophethe indawo yokukhosela kufanele agcine nsuku zonke irejista yokuza kwezingane ezisebenzisa indawo yokukhosela noma isakhiwo sayo.

### Imininingwane yezimali

23. (1) Ophethe indawo yokukhosela kufanele -

(a) Ngcina amabhuku eqondile futhi eneminingwane yemali engenile kanye nesebenzile;

(b) okunye ukusetshenziswa kwemali; kanye

(c) uhlelo lwemali olwehlisa ukubakhona kokukhohlakala noma ukuntshontshwa kwezimali zomqhubi wezenhlalakahle.

(2) Imininingwane yezimali ebaliwe esigatshaneni (1) kufanele icwaningwiswe ngendlela emisiwe.

### Ukubekwa ngokusobala kwesitifiketi sokubhaliswa kwendawo

24. Ophethe indawo yokukhosela kufanele abeke obala isitifiketi sokubhalisa ehhovisi lakhe lokuphatha.

## ISAHLUKO 6

### ISITIFIKETI SOKUBHALISWA KOKUQHUTSHWA KWENDAWO YOKUKHOSELA IZINGANE

#### Ukufakwa kwesicelo sesitifiketi sokubhaliswa

25. (1) Ophethe indawo yokukhosela noma ofuna ukubanayo angafaka isicelo sesitifiketi esisha noma asivuselele -

(a) kungakapheli izinyanga ezintathu uMthetho uqalile ukusebenza;

(b) ngaphambi kokuvulwa kwendawo yokukhosela entsha; noma

(c) kusasele izinyanga ezintathu ngaphambi kokuba kuphelelwe isikhathi isitifiketi sokubhalisa.

(2) Ifomu yesicelo kufanele ibandakanye -

(a) incazelo yesakhiwo ekhombisa ukuthi siyahambisana nezidingo ezimisiwe;

(b) incazelo yohlelo lwendawo yokukhosela olukhombisa ukuthi luyahambisana nezidingo ezimisiwe;

(c) isitatimende senani lemibhede indawo yokukhosele lizoyinikeza ezinganeni;

(d) isitatimende sokuthi indawo yokukhosela iyahambisana nezidingo zezingane zasengwaqeni zesaHluko 2; kanye

(e) isitatimende sesilinganiso seminyaka yezingane zasengwaqeni lezo ophethe indawo yokukhosela azilindele ukuba zibe ezisizakala endaweni yokukhosela.

**Isikhathi sesitifiketi sokubhalisa**

26 (1) Ungqongqoshe anganikeza ngesitifiketi esisebenzayo isikhathi esinqunywa nguyena emthethweni.

(2) Kuze kube kufika isinqumo sikaNgqongqoshe esicelweni sesitifiketi sokubhaliswa, ophethe indawo yokukhosela angaqhubeka asebenzise indawo yokukhosela-

(a) uma esefake isicelo sesitifiketi sokubhalisa esikhathini esimiwe isigaba 25; noma

(b) uma esethile isaziso esivela kuNgqongqoshe esivumela ukuvaka isicelo sekwendlule isikhathi; futhi ebe engakatholi isaziso sesinqumo sikaNgqongqoshe esicelweni.

**Inqubo uma kunikezwa noma kunqatshwa isitifiketi sokubhaliswa**

27. (1) Izingqubo ezifanele ezimiswe emthethweni owenziwe nguNgqongqoshe futhi kungakandluli izinyanga ezintathu ngemuva kokutholakala kwesicelo, uNgqongqoshe kufanele -

(a) anikeze isitifiketi sokubhaliswa; noma

(b) ale nesitifiketi sokubhalisa; noma

(c) anikeze ngesitifiketi sokubhalisa kanye nemibandela eyehlukile kokumiselwe ukufaka isicelo.

(2) Ungqongqoshe kufanele kuthi ngokushesha aziseofake isicelo ngesinqumo esenziwe ngokuhambisana nesigatshana (1).

## ISAHLUKO 7

### UKUQASHWA KOKUQHUTSHWA KWENDAWO YOKUKHOSELA

#### Ukuhlolwa

28. (1) Ungqongqoshe kufanele ahlole indawo yokukhosela ukuze athole ukuhambisana nezimiselo zaloMthetho, uMthetho oyisichibiyelo woKunakekelwa kweZingane, 1996, ngokungengaphansi kokukodwa ezinyangeni eziyisithupha.

(2) Ungqongqoshe angenza uhlolo ekukhulunywe ngalo esigatshaneni (1) ebe azise noma engamazisanga ophethe indawo yokukhosela.

(3) (a) Ophethe indawo yokukhosela kufanele akhiphele ukuhlola kukaNgqongqoshe -

(i) irejista; noma

(ii) umthethosisekelo wophethe indawo yokukhosela eziyisisekelo; noma noma ezinye izincwadi

(iii) amaminithi eBhodi; noma

(iv) irejista yokuqondisa izigwegwe emiswe yisigaba 6; noma

(v) ezinye izincwadi ezifunwe nguNgqongqoshe.

(b) ophethe indawo yokukhosela kufanele -

(i) enze ukuba amalunga abasebenzi abekhona ukuze abuzwe imibuzo nguNgqongqoshe;

(ii) enze ukuba indawo yokukhosela kanye nezinye  
izingxenye zibekhona ukuze uNgqongqoshe  
azihlole ngokuzibona; noma

(iii) enze ukuba izingane ezingaphansi konakekelo  
lwakhe zibekhona ukuzezibuzwe imibuzo.

### Ukuhlolwa kwaminyaka yonke okwenziwa nguNgqongqoshe

29. (1) Ungqongqoshe kufanele ahlole imisebenzi yoqhuba ezenhlalakahle minyaka yonke kufomu elimisiwe.

(2) Ukuhlolwa kwaminyaka yonke kungabandakanya iziphakamiso zezinguquko -

- (a) endleleni indawo yokukhosela eyakhiwe ngayo;
- (b) ukulawulwa kwayo;
- (c) ukuphathwa kwayo;
- (d) imisebenzi yayo; noma
- (e) umsebenzi wohlelo olugcinwa ophethe indawo yokukhosela.

### Irejista yendawo yokukhosela yezingane zasemgwaqeni kanye neminye imisebenzi.

30. UNgqongqoshe kufanele agcine irejista yamanje yezindawo zokukhosela zezingane ezihlala emgwaqeni kanye nezinye izakhiwo ezinikeza imisebenzi yezingane zasemgwaqeni.

### Irejista yezingane zasemgwaqeni

31. (1) Ophethe indawo yokukhosela kufanele agcine imininingwane yamagama ezingane zasemgwaqeni ezilala endaweni yokukhosela.

(2) Ungqongqoshe kufanele agcine irejista ekhona njengamanje yezingane zasemgwaqeni ezisebenzisa indawo yokukhosela kanye nokunye okukuyo esiFundeni.

## ISAHLUKO 8

### IZIKHALAZO

#### Izikhhalazo zezinqumo ezithathiwe

32. (1) Ophethe indawo yokukhosela enesikhhalazo ngesinqumo esenziwe isiphathimandla esinikwe amandla nguNgqongqoshe egunya lokuthatha izinqumo ngaphansi koMthetho angafaka isikhhalazo kuNgqongqoshe ngesinqumo.

(2) Ophethe indawo yokukhosela okhalazayo kufanele afake isaziso sesikhalazo sakhe kuNgqongqoshe kungakandluli inyanga eyodwa kuthathwe isinqumo lesi ekukhalwa ngaso, esho nezizathu zesikhalazo.

### Isinqumo sikaNgqongqoshe

33. (1) UNgqongqoshe kufanele anqume ngesikhalazo elandela imininingwane yasekuqaleni yokufalelwa kobufakazi, noma, uma kungukuthi isiphathimandla asibekabga mininingwane, uNgqongqoshe kufanele aphinde alalele udaba, bese enquma ngokulandela ubufakazi obethuliwe.

(2) Loyo ongaphethwe kahle isinqumo esenziwe ngaphansi kwesigatshana (1), angafaka isicelo eNkantolo sokuba athole incwadi egunyaza ukubukezwa kodaba.

## ISAHLUKO 9

### UKUNIKEZWA KWEMALI KWENDAWO YOKUKHOSELA IZINGANE

#### Amandla okwenza isabusidi yokwenza

34. (1) Ngokuvumelana noNgqongqoshe wezimali, uNgqongqoshe angayenza isabusidi yokwenza kophethe indawo yokukhosela ukuze abenendawo yokukhosela izingane ezihlala emgwaqeni.

(2) UNgqongqoshe kufanele amise imibandela yokenza yesabusidi ngokuthi enze imithetho.

#### Isu lokunikezelwa kwezimali

35. (1) UNgqongqoshe angenza isabusidi yokwenza kophethe indawo yokukhosela izingane zasemgwaqeni, futhi anqume inani layo kanye nemibandela ehambisana nayo, ngemuva kokubhekisisa -

(a) izinga ekuthe indawo ophethe indawo yokukhosela izingane ezihlala emgwaqeni ngaphambilini wahambisana kanye futhi nokuthi usethubeni elingakanani lokuhambisana nemibandela ebekiwe;

(b) izinhloso zayo njengoba zibekiwe esigabeni 3;

- (c) izimo ezihambisana nesitifiketi sokubhaliswa;
- (d) izimo ezihambisana nesabusidi yokwenza;
- (e) iziphakamiso zombiko wokuhlolwa olungiswe uNgqongqoshe;

(f) inani lezingane ezihlala emgwaqeni ezisizakala kuleyo ndawo yokukhosela;

(g) izindleko ngengane eyodwa yasemgwaqeni ezimalini enikezwa indawo yezingane zasemgwaqeni;

(h) iphesenti lesabelo zimali sesisonke sendawo yokukhosela izingane zasemgwaqeni ezokhokhela izindleko zokuphatha kanye nokusebenza kwendawo.

(i) izinga kanye nendlela unakekelo lunikezwa ngayo;

(j) indlela ekuthi loyo ophethe indawo yokukhosela abahlala emgwaqeni asekele ngokwenza ukulingana ekuqasheni; kanye

(k) amanye amasu abekiwe.

(2) Ukuze kutholakale okufunekayo okumisiwe yisigatshana (1), uNgqongqoshe angeke abhekele esinqumeni sakhe lokho okuliindelwe ophethe indawo yezingane ezihlala emgwaqeni okwenziwe ngamasabusidi akewawathola ngaphambilini.

## ISAPHLUKO 10

### UKUKHANSELWA KWESITIFIKETI SOKUBHALISA

#### Isizathu sokukhanselwa kwesitifiketi sokubhaliswa.

36. (1) Ungqongqoshe -

(a) angakhansela isitifiketi sokubhaliswa saloyo ophethe indawo yokukhosela; noma

(b) angachitha isabusidi yokwenza uma kungukuthi ophethe indawo yokukhosela -

(i) uziphathe ngendlela ephazamisa umzimba, umqondo noma umoya wezingane waphula noMthetho, imibandela yesitifiketi sokubhaliswa noma isimo sokwenza kwesabusidi yokwenza;

(ii) ehluleka ukwenza iziphakamiso ezisemqoka ezenziwe ekuhloleni kwaminyaka yonke;

(iii) eqhubeka ephula izimiso zokuphatha zalomthetho; noma

(iv) ethola isabusidi yokwenza ngogunyathi, ngokuqamba amanga noma ngokukhohlakala.

(2) Ungqongqoshe kufanele anikeze isaziso sekuhloswe umthetho ngokuvumelana nesigatshana

(1) kophethe indawo yokukhosela.

**Imininingwane ngesaziso sembangela yokukhanselwa kwesitifiketi sokubhaliswa**

37. (1) Uma uNgqongqoshe enesizathu sokuthi akholwe ukuthi, uhlose ukukhansela isitifiketi sokubhalisa noma achithe isabusidi yokwenza, uNgqongqoshe -

(a) angamisa uphenyo ukuze luphenye umbenzi wendawo yokukhosela bese ibika ekutholile kanye neziphakamiso kuNgqongqoshe; noma

(b) angabamba ukulalelwa okushiwo esigabeni 38.

(2) Uma uNgqongqoshe ethola ukuthi isizathu sokuphulwa koMthetho ngophethe indawo yokukhosela noma isimo sesitifiketi sokubhalisa noma sesabusidi yokwenza noma

ukuhluleka kwakhe ukugcini iziphakamiso zokuhlola kokuphela konyaka, ingozi enkulu ebeka engozini ukuphila kahle komzimba, ingqondo noma umphefumulo wezingane endaweni yokukhosela, uNgqongqoshe kufanele ngokushesha amise okwesikhashana isitifiketi sokubhaliswa sophethe indawo yokukhosela noma okwesikhashana achithe isabusidi yakhe yokwenza.

**Ukulalelwa kobufakazi okuvuleleke kuwona wonke umuntu kwembangela yokukhanselwa kwesitifiketi noma ukuchithwa kwesabusidi yokwenza**

38. (1) Kufanele uNgqongqoshe abambe ukulalelwa -

(a) uma uNgqongqoshe esetholile ukuthi kungenzeka kube nesizathu sokuthi uNgqongqoshe uhlose ukukhansela isitifiketi sokubhalisa noma isabusidi yokwenza; noma

(b) uma ngokwemfanelo yesigaba 37, uNgqongqoshe okwesikhashana ukhansele isitifiketi sokubhaliswa.

(2) Ungqongqoshe kufanele abambe ukulalelwa okushiwo esigatshaneni (1) anikeze isaziso samasonto amabili -

(a) esinikezwa buqu kophethe indawo yokukhosela noma  
 loyo omubhekele endaweni yokukhosela  
 ngesikhathi uNgqongqoshe ekhipha isaziso;

(b) sikhangiswe endaweni yokukhosela lapho umphakathi  
 ungakwazi ukuthi usibone khona;

(c) sishicilelwe ephephandabeni elivamile ukutholakala  
emphakathini lapho kukhona khona indawo  
yokukhosela; futhi

(d) uma ukukhanselwa kungokuphuthumayo okukhiswa  
kungakapheli amasonto amabili okukhanselwa  
kwesitifiketi sokubhaliswa.

(3) Ekulalelweni kobufakazi okushiwo esigatshaneni (2) -

(a) uNgqongqoshe kufanele anikeze ubufakazi obuqonde  
ukufakazisa ukuthi ophethe indawo yokukhosela  
uyiphethe kabi kangangokuba, uNgqongqoshe kufanele  
akhansela unosophelo isitifiketi sokubhalisa noma achithe isabusidi  
yokwenza; futhi

(b) ophethe indawo yokukhosela, abasebenza endaweni  
yokukhosela, izingane ezibhekelwe ngophethe  
endaweni yokukhosela kanye namalunga omphakathi  
ngokubanzi anganika ubufakazi futhi aphikise esekela noma echitha  
ubufakazi bukaNgqongqoshe.

### Isinqumo ngemuva kokulalelwa kobufakazi

39. (1) Kulandela ukulalelwa kobufakazi okushiwo esigabeni 38,  
uNgqongqoshe kufanele -

(a) akhansela unosiphelo isitifiketi sokubhalisa noma  
isabusidi yokwenza; noma

(b) ale ukukhansela isitifiketi sokubhalisa noma isabusidi  
yokwenza; noma

(c) esimeni sokukhansela okwesikhashana isitifiketi  
sokubhaliswa noma sokuchitha isabusidi yokwenza,  
sokuhoxisa ukukhanselwa noma ukuchithwa kwesikhashana,  
noma

(d) imibandela ebekiwe yokuqhubeka kwesitifiketi  
sokubhaliswa noma  
ukuhoxiswakokukhanselwa kwesikhashana.

(2) UNgqongqoshe angakhansela unomphelo isitifiketi  
sokubhaliswa, noma isabusidi yokwenza, kuphela  
uma uNgqongqoshe ethola ukuthi kunezizathu ezikhona zokuthi

kukhanselwe isitifiketi sokubhaliswa noma kuchithwe isabusidi yokwenza.

**Ukususwa kwezingane zisiwa esakhiweni esivunyiwe ngokusemthethweni**

40. (1) Lapho uNgqongqoshe ekhansela unomphelo isitifiketi sokubhalisa, noma esikhansela okwesikhashana, kufanele ngokushesha avale indawo yokukhosela.

(2) Lapho uNgqongqoshe evala indawo yokukhosela, uNgqongqoshe kufanele ahoxise isabusidi ngenhloso yokusebenzisa indawo yokukhosela kuze kube -

(a) uNgqongqoshe unikeza isitifiketi sokubhalisa komusha ozophatha indawo yokukhosela; noma

(b) uNgqongqoshe ubuyisela isitifiketi esikhanselwe uNgqongqoshe okwesikhashana.

(3) Uma uNgqongqoshe enikeza isitifiketi komusha ozophatha indawo yokukhosela, uNgqongqoshe kungathi ngaleso sikhathi sokunikeza kwesitifiketi sokubhaliswa, ahambise nezimali zaso, nokudluliselwa kwesabusidi yokwenza komusha ozophatha indawo yokukhosela.

(4) Uma uNgqongqoshe ebona ukuthi kuvalwe indawo yokukhosela, uNgqongqoshe kufanele angamele ukuvalwa kwayo kanye nokususwa kwezingane zisiwa esakhiweni esinye esifanele.

(5) Uma uNgqongqoshe ehoxisa ukukhanselwa kwesikhashana kwesitifiketi sokubhaliswa, uNgqongqoshe kufanele abuyisele isimo obekuyiso sasekuqaleni sophethe indawo yokukhosela.

## ISAHLUKO 12

### AMACALA KANYE NEZINHLAWULO

#### Ulwazi olungelona iqiniso

41. (1) Ophethe indawo yokukhosela othi ngokwazi anikeze ulwazi olungelona iqiniso kuNgqongqoshe, wenza icala futhi kufanele abhekane nenhlawulo noma nokuboshwa okungeqile eminyakeni engu-5 noma kokubili inhlawulo kanye nokuboshwa.

(2) Noma ubani osebenzisa ngokungafanele, ophatha kabi, oxhaphaza izingane ezihlala emngwaqeni noma ahluleke ukuhambisana nezimiselo zaloMthetho, unecala futhi angapanishwa njengoba kubekiwe emthethweni, ngaphandle uma inhlawulo ibekiwe kuloMthetho.

**ISAHLUKO 13**

**OKUNHLOBONHLOBO**

**Imithetho**

42. (1) Ungqongqoshe angenza imithetho-

(a) ebeka ifomu lanoma isiphi isitifiketi, umyalelo noma igunya okumele lilandelwe ngokusho kwalomthetho; noma enye indlela edingekayo ekwenzeni izimiselo zaloMthetho;

(b) mayelana nenqubo ehambisana nokubhaliswa kwezindawo zokukhosela, izidingo okufanele zihambisane nako kanye nokukhanselwa kanye nokunikezela ngezitifiketi zokubhaliswa ezinikezelwe ngokusho kwalomthetho.

(c) mayelana nokucaciswa kwamarejista ezindawo zokukhosela ezingaphansi kwalomthetho.

(d) mayelana nonakekelo, uqeqesho kanye nokuthuthukiswa kwezingane ezihlala emgwaqeni.

(e) mayelana nanoma iluphi udaba okuthi ngokusho kwalomthetho ludingeke noma luvunyelwe ukuba lumiswe umthetho.

(2) Ungqongqoshe kungathi ngokuvamile enze imithetho abona kufanele futhi efanelekile ukuze kukhuthazwe izinhloso zaloMthetho.

(3) Imithetho eyenziwe ngaphansi kwalesi sigaba kufanele ihlinzekele ngenhlawulo ngokuphulwa kwayo.

**Ukudluliselwa kwamandla kanye nokunikezwa kweisebenzi**

43. (1) Ungqongqoshe -

(a) angandlulisela amandla awanikwe uMthetho koyinhloko yoMnyango noma kunoma isiphi isiphathimandla somnyango wakhe ngaphandle kwamandla ekukhulunywa ngawo esigabeni 42; kanye

(b) angagunyaza leyonhloko yomnyango noma lesi siphathimandla ukuba senze noma imuphi umsebenzi uNgqongqoshe agunyazwe ukuba awenze ngaphansi kwalomthetho.

## (2) Inhloko yomnyango -

(a) ingadlulisela kunoma isiphi isiphathimandla somnyango waso noma imaphi amandla enikwe wona nguMthetho; futhi

(b) ingagunyaza leso siphathimandla ukuba senze umsebenzi esiwabelwe yiloMthetho.

(3) Noma imuphi umuntu ekuthi noma imaphi amandla anikwe yena noma ogunyaziwe ukuba enze noma imuphi umsebenzi ngaphansi kwalesi sigaba, kufanele asebenzise lawo mandla noma enze lowomsebenzi, kube kuncike emibandeleni njengoba ibekwe ondlulise lawomandla noma igunya ekubonakale kunesidingo.

(4) Noma ikuphi ukunikezwa kwamandla noma igunya lokwenza umsebenzi ngaphansi kwalesi sigaba -

(a) loko kufanele kwenzeke ngokubhalwa phansi;

(b) akufanele kuvimbele lowo ondlulisele noma onikeze lelogunya ekutheni asebenzise lawo mandla noma enze lowomsebenzi ngokwakhe; futhi

(c) kungathi nganoma isiphi isikhathi kuhoxise ngokubhalwe phansi yilowo okunikezile.

**Imibandela yokundlulisela kanye neyokuphephisa**

44. (1) Izindawo zokukhosela ezikhona ziyaqhubeka zisebenze, kodwa kufanele zibhaliswe zingakapheli izinyanga ezintathu ngemuva kokuqala ukusebenza kwaloMthetho,

(2) Ukunikezwa kwezimali kwezindawo zokukhosela ezikhona kufanele, zingakapheli izinyanga ezintathu kufanele zindluliselwe kuzindawo zokukhosela ezibhaliswe ngokulandela uMthetho ngendlela obhalwe ngayo.

(3) Noma imuphi umyalelo, isaziso, inkohelo noma ukunikezwa kwesitifiketi, okwenziwe noma isiphi esinye isenzo esithathwe ngaphansi kwanoma imiphi imithetho, futhi engashe yenziwe, ekhishwe ngaphansi kwanoma isiphi isimiso saloMthetho, kufanele kuthathwe ngokuthi wenziwe noma ukhishiwe ngaphansi

kombandela ohambisana naloMthetho, futhi uma loMthetho ungaphethe lombandela ohambisanayo, kufanele kuqhutshekwe nawo, uhlakazwe bese kuthathwa ngokuthi uNgqongqoshe akakahlinzekeli lutho.

**Ukubizwa kanye nokusuku lokuqalisa.**

45. LoMthetho ubizwa ngokuthi uMthetho weziNgane eziHlala eMgwaqeni eGauteng, 1998 futhi kufanele uqale ukusebenza osukwini olumiswe uNdunankulu ngokumemezela kugazethi yesifunda.

**IMEMORANDAMU NGEZINHLOSO ZOMTHETHO-SIVIVINYO****1. ISOHLOKO**

Umthetho-sivivinyo waseGauteng Wezindawo Zokukhosela Izingane Ezihlala Engwaqeni, 1998

**2. UMLANDO**

ENingizimu Afrika njengakunoma imaphi amanye amazwe athuthukayo inkinga yezingane eziseNgwaqeni ngaphandle konakekelo olwanele kanye nendawo yokukhosela sekuphenduke kwaba inkinga enkulu ebheke uHulumeni. Ukushiyeka ngaphandle, ukwenyanywa, ukubandlululwa, ngisho nokubulawa izinto ekuthi izingane ezihlala emgwaqeni zibhekane nazo nsuku zonke.

**Isibalo zezingane ezihlala emgwaqeni eGauteng sesikhuphuke kakhulu. Zibe zishiyeke ngaphandle ngenxa yezimo ezingaphezu kwamandla azo, ziyazabalaza ukuze ziphile. Izinhlalo zokunikezwa kwemisebenzi yezehlala kahle ekhona azibhekeli ngokwanele intuthuko, ukuvikeleka kanye nezidigo zokuphila kwezingane ezihlala emgwaqeni.**

Lomthetho-sivivinyo uhlose ukuhlinzekela ngomthetho owanele, ozohambisa ngendlela intuthuko, ukukhandwa kanye nokugcinwa kahle kwezindawo zaseGauteng zokukhosela izingane ezihlala emgwaqeni. Okuqondiwe ukuba kususwe izingane eziningi emgwaqeni bese zinikezwa ilungelo lazo lomthethosisekelo njengoba libekiwe kuMthethosisekelo.

**4. OKUZOKWENZEKA EZIMALINI**

Akukho

**5. OKUZOKWENZEKA KUBASEBENZI**

Akukho

**6. OKUZOKWENZEKA KUMTHETHOSISEKELO**

Akukho

**UKUHLAZIYWA KWEKILOZI NEKILOZI**

- Ikilozi 1:** Lesi sigaba sihlinzekela izincazelo zamagama asetshenziwe kumthetho sivivinyo.
- Ikilozi 2:** Lesi sigaba sihlinzekela ukusetshenziswa koMthetho sivivinyo.
- Ikilozi 3:** Lesi sigaba sihlinzekela imibandela yoMthetho sivivinyo ngokubanzi
- Ikilozi 4:** Lesi sigaba siqukethe ukuvikelwa ekuhlukunyezweni ekuxhashazweni kanye nasekubandlulweni.
- Ikilozi 5:** Lesi sigaba sikhombisa izindlela zokuqondisa izigwegwe ezivunyelwe
- Ikilozi 6:** Lesi sigaba siqinisekisa ukubaluleka kokugcinwa kwamarejista okuqondiswa kwezigwegwe ngabaphathi bendawo yokukhusela
- Ikilozi 7:** Lesi sigaba sihlinzekela ukuphepha kwezingane ezigcinwe kulendawo
- Ikilozi 8:** Lesi sigaba sibonisa izinhlelo ezidingakalayo kwindawo ekhoselisa izingane zasemgweqeni
- Ikilozi 9:** Lesi sigaba sihlinzekela ukugcinwa kwezimfihlo zezingane aziqaphile
- Ikilozi 10:** Lesi sigaba sexwayisa umgcini wendawo yokukhosela ukuba angabinobendlululo uma ehlunga izingane ezizohlala kulendawo
- Ikilozi 11:** Lesi sigaba sihlinzekela amalungelo ezingane.
- Ikilozi 12:** Lesi sigaba sikhombisa izidingo kumumo wesakhiwo
- Ikilozi 13:** Lesi sigaba sihlinzekela izidingo ezibambekayo kwisakhiwo sokukhosela izingane

- Ikilozi 14:** Lesi sigaba sihlinzekela ukubakhona kwebhodi
- Ikilozi 15:** Lesi sigaba sihlinzekela ukwakhiwa kwebhodi
- Ikilozi 16:** Lesi sigaba sicacisa amandla kanye nemisebenzi yebhodi labaphathi
- Ikilozi 17:** Lesi sigaba sikhombisa indlela yokwenganyelwa kwezindawo zokukhosela
- Ikilozi 18:** Lesi sigaba sicacisa imibandela yokuqhutshwa kwezindawo zokukhosela
- Ikilozi 19:** Lesi sigaba sivumela ukusetshenziswa kwendawo yokukhoselo amahora angu 24.
- Ikilozi 20:** Lesi sigaba sihlinzekela abasebenzi
- Ikilozi 21:** Lesi sigaba siqinisekisa isidingo sokugcina izindawo zokukhosela zihlanzekile
- Ikilozi 22:** Lesi sigaba siqinisekisa ukubaeluleka kokugcinwa kwerejista yezingane ezikhoselisiwe
- Ikilozi 23:** Lesi sigaba siqinisekisa ukubaluleka kokugcinwa kwezimali
- Ikilozi 24:** Lesi sigaba siqinisekisa ukubaluleka kokubekwa ngokusobala kwesitifiketi sokubhaliswe kwendawo
- Ikilozi 25:** Lesi sigaba sihlinzekela ukufakwa kwesicela sokubhaliswa kwesitifiketi
- Ikilozi 26:** Lesi sigaba sihlinzekela isikhathi sesitifiketi sokubhalisa
- Ikilozi 27:** Lesi sigaba sicacise umgudu olandelwayo uma ufaka isicelo sesitifiketi sokubhaliswa kwendawo yokukhosela
- Ikilozi 28:** Lesi sigaba siqikelelisa isidingo sokuhlolwa kwendawo yokukhosela
- Ikilozi 29:** Lesi sigabe sihlinzeka uNgqongqoshe ngamandla okuhlola indawo yokukhosela minyika yonke.

- Ikilozi 30:** Lesi sigaba sigcizelela isidingo sokuba uNgqongqoshe agcine irejiste yazo zonke izindawo zokukhosela
- Ikilozi 31:** Lesi sigaba sihlinzekela ukugcinwa kwerejista yezingane ezihlala emgwaqeni
- Ikilozi 32:** Lesi sigaba sivumela ukuzwakaliswa kwezikhalo ngezinqumo ezithathiwe
- Ikilozi 33:** Lesi sigaba sicacisa indlela uNgqongqoshe okufanele athathe izinqumo ngayo, ngezikhhalazo ezilethwe phambi kwakhe.
- Ikilozi 34:** Lesi sigaba sinekeza uNgqongqoshe amandla okunikela ngemali yesabusidi
- Ikilozi 35:** Lesi sigaba sicacise umgomo olandelwayo yokunikezelwa ngezimali kwizindawo zokukhusela
- Ikilozi 36:** Lesi sigaba sibeka izizathu zokuphucwa isitifiketi
- Ikilozi 37:** Lesi sigaba sichaza inqubo elandelwayo makuphucwa isitifiketi
- Ikilozi 38:** Lesi sigaba sigunyaza ukubanjwa kwezi thangemi zomphakathi ngu Ngqongqoshe uma ephuca isitifiketi noma isabusidi
- Ikilozi 39:** Lesi sigaba sichaza izinqumo ezahlukene ezingathethwa ngu Ngqongqoshe emva kwesigcawu somphakathi
- Ikilozi 40:** Lesi sigaba sigunyaza ukususwa kwezingane kwindawo yokukhusela, uma isitifiketi sephuciwe
- Ikilozi 41:** Lesi sigaba sichaza ngokuphulwa kwemithethi nezinhlawulo ezingakhokhwa ngaphansi kwalomthetho sivivinyo
- Ikilozi 42:** Lesi sigaba sigunyaza uNgqongqoshe ngamandla okwenza imithetho, ngaphansi kwalo mthetho sivivinyo
- Ikilozi 43:** Lesi sigaba sigunyaza uNgqongqoshe ukwethewsa amandla

kubasebenzi: bonyengo wakhe ukube bammele ngezikhathi ezithile

**Ikilozi 44:** Lesi sigaba sigunyeza ukubhaliswa ngokusemthethweni kwezindawo zokukhosela esezivele zisebenza

**Ikilozi 45:** Lesi sigaba siqukethe isihloko esifinqiwe salomthetho sivivinyo, nosuku ozoqala ukusebenza ngaso.



LIVE IN HARMONY WITH NATURE

THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



**CONTENTS**

**INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>	<i>No.</i>	<i>Bladsy No.</i>	<i>Koerant No.</i>
<b>GENERAL NOTICE</b>			<b>ALGEMENE KENNISGEWING</b>		
2277			2277		
Gauteng Street Children Shelters Bill, 1998: For comment.....			Gauteng Street Children Shelters Bill, 1998: For comment.....		
	1	529		28	529