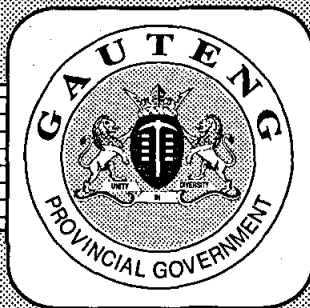


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THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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No. 530

## GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 2278 OF 1998

### GAUTENG PROVINCIAL LEGISLATURE PUBLICATION OF GAUTENG REGIONAL SOCIAL WELFARE INSTITUTES BILL

Notice is hereby given that the Member of the Executive Council for Welfare & Population Development intends to introduce the Gauteng Regional Social Welfare 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 of Regional Social Welfare Institutes; to facilitate participation of welfare recipients, welfare providers, advocacy groups and other elements in civil society in welfare decision making; to provide for powers and duties of Regional Social Welfare Institutes; to rationalize planning and funding for welfare; to reduce duplication in welfare programmes; to increase accountability and transparency of welfare programmes; to provide for demarcation of welfare regions; to outline duties of welfare providers; to subsidize welfare programmes; and to provide for matter incidental thereto.

**BE IT ENATED BY** the Provincial Legislature of Gauteng, as follows:

### ARRANGEMENT OF SECTIONS

| Section                                                                                                                  | Page |
|--------------------------------------------------------------------------------------------------------------------------|------|
| 1. Definitions                                                                                                           | 1    |
| 2. Application of the Act                                                                                                | 5    |
| 3. General Principles of the Act                                                                                         | 5    |
| 4. Establishment of the social welfare institutes                                                                        | 5    |
| 5. Constitution of Regional social welfare institute                                                                     | 5    |
| 6. Powers and duties of regional social welfare institutes                                                               | 6    |
| 7. Appointment of regional executive committee                                                                           | 7    |
| 8. Demarcation of welfare regions                                                                                        | 8    |
| 9. Meetings of regional social welfare institutes                                                                        | 5    |
| 10. Powers of regional social welfare institutes                                                                         | 9    |
| 11. Duties of welfare providers                                                                                          | 9    |
| 12. Duties relating to performance subsidy                                                                               | 10   |
| 13. Establishment of provincial executive committee                                                                      | 10   |
| 14. Powers and duties of the provincial executive committee                                                              | 10   |
| 15. Composition of the provincial executive committee                                                                    | 11   |
| 16. General responsibility of the MEC                                                                                    | 11   |
| 17. Delegation of powers and duties                                                                                      | 12   |
| 18. Operational guidelines                                                                                               | 13   |
| 19. Accounting procedures and guidelines                                                                                 | 13   |
| 20. Duty to supply administrative and support services to regional social welfare institutes and the executive committee | 13   |
| 21. Powers of the MEC to fund a welfare programme                                                                        | 13   |
| 22. Performance subsidies                                                                                                | 13   |
| 23. Performance conditions                                                                                               | 14   |
| 24. Allocation of funds for welfare programmes                                                                           | 14   |

|                                              |    |
|----------------------------------------------|----|
| 25. Cancellation of a performance subsidy    | 15 |
| 26. Protection of welfare clients by the MEC | 17 |
| 27 Regulations                               | 17 |
| 28 Short title and commencement              | 18 |

## Definitions

1. In this Act unless the context otherwise indicate -

**"Advocacy group"** means a non governmental organisation where the principal purpose consists of advocacy of the interests of welfare clients or the poor or the unemployed, which does not operate a welfare programme;

**"Chairperson"** means chairperson of the regional executive committee;

**"Department"** means department of Welfare and Regulation development;

**"faith organization"** means a church or other religious body that operates a welfare programme;

**"MEC"** means member of executive council responsible for Welfare and Population development in the Province;

**"performance subsidy"** means a subsidy concerning delivery of services contemplated in -

**"prescribed"** means prescribed by regulations;

**"Province"** means the Province of Gauteng, and "prescribe" has a corresponding meaning;

**"region"** means an area demarcated by the MEC in terms of section 8;

**"Regional Social Welfare Institute"** means an institute established in terms of section 4

**"Regional executive committee"** means a regional executive committee contemplated in section 7;

**"Welfare client"** means a person to whom a welfare provider supplies welfare services; and

**"Welfare programme"** means a programme that supplies welfare services authorized by the Department whether with or without subsidy.

### **Application of the Act**

2. This Act must apply in the Province of Gauteng, but subject to the relevant applicable laws.

### **General Principles of the act**

3. The general principles of this Act are –
  - (1) to maximize the participation of welfare recipients, non-governmental organisation concerned with welfare, advocacy groups and other elements of civil society in ongoing welfare decision-making processes;
  - (2) to rationalize and plan the direction of funding for welfare objectives;
  - (3) to reduce unnecessary duplication in welfare programmes;
  - (4) to increase accountability and transparency of welfare programmes;
  - (5) to supply regional forums where welfare providers, welfare advocacy groups, local authorities and Department officials can discuss matters of common concern;
  - (6) to further the delegation of provincial welfare functions to local authority structures; and
  - (7) to provide structures that support the processes of transformation within the welfare sector towards more efficient and more participatory governance.

### **Establishment of the Regional Social Welfare Institutes**

4. There is hereby established a Regional Social Welfare Institute.

### **Constitution of Regional Social Welfare Institute**

5. The Regional Social Welfare Institute must consist of -

- (1) one member selected by each Non-Governmental Organisation operating in the region;
- (2) one member selected by each faith organization in the region;
- (3) one member selected from among its elected or appointed officials by each local authority or metro-level governmental unit in the region;
- (4) three members appointed by the MEC from among the chief executive officers of businesses with branches or head offices in the region;
- (5) three members appointed by the MEC from among the chief executive officers of advocacy groups operating in the region.
- (6) one member selected by each Community based development Organisation carrying out a programme in the region.

**Powers and duties of regional social welfare institutes.**

**6. Powers and duties of Regional Social Welfare Institutes are -**

- (1) to advise the MEC on all aspects of welfare policy in the Region;
- (2) to examine and make recommendations to the MEC concerning Departmental plans for the delivery of welfare programmes in the region;
- (3) to advise the MEC on the coordination of the delivery of welfare programmes in the region;
- (4) to continuously monitor and evaluate the delivery of welfare programmes in the region, and make report to the MEC;
- (5) to advise the MEC about measures for ensuring that the MEC apportions welfare programmes in the region equitably among all the groups in the region, taking special care to provide that historically disadvantaged groups receive an equitable per capita allocation of welfare resources;
- (6) to recommend that the MEC provide or deny a performance subsidy for a welfare programme in the region to a welfare provider;

- (7) to advise the MEC concerning the allocation of funding to the region and among several programmes in the region;
- (8) to advise the MEC about measures, to ensure maximum transparency and accountability with regard to public funds, and to ensure that expenditures follow Departmental policy; and
- (9) to provide for participation in decision-making by welfare clients, advocacy groups for welfare clients, and the public generally.

### **Appointment of Regional executive committee**

- 7. (1) From among the members of an Regional Social Welfare Institutes, the MEC must select a Regional Executive Committee consisting of not less than 10 members and not more than twenty five members as he or she may determine.
- (2) The MEC must appoint the members of the Regional Executive Committee, taking into account the following criteria:
  - (a) the extent to which the members of the Regional Executive Committee will reflect the social groups among the various welfare clients in the region;
  - (b) recommendations, if any, from an annual general meeting of the Regional Social Welfare Institutes;
  - (c) the extent to which they will reflect the kinds of welfare programmes conducted in the region; and
  - (d) ensuring that welfare clients, the historically disadvantaged, and advocacy groups representing them have substantial representation among the members of the Regional Executive Committee.
- (3) The MEC must appoint from among the members of the Regional Executive Committee a Chairperson and a Secretary.
- (4) The MEC may –
  - (a) determine the term of office and other conditions of service of members of the regional executive committee;
  - (b) appoint associate members in a prescribed manner.

- (5) The regional social welfare institute may authorise the regional executive committee to exercise any of its powers, or any power or duty conferred on such a regional social welfare institute in the prescribed manner.
- (6) The meetings of the regional executive committee must be held as prescribed

### **Demarcation of welfare regions**

- 8. (1) The MEC must demarcate the Province, into not more than six welfare regions, and have regard to -
  - (a) the relative heterogeneity of a proposed regional population with regard to wealth and demands made upon the welfare system;
  - (b) the existing welfare services presently rendered within a proposed region, whether by the Department or by a welfare provider;
  - (c) the extent to which the local authorities within a proposed region have accepted delegation of welfare functions to them;
  - (d) the number, size, experience and expertise of welfare providers presently operating within a proposed region; and
  - (e) the number and strength of welfare advocacy groups in a proposed region.
- (2) The demarcation of the Province referred to in subsection (1) must coincide with local government boundaries.

### **Meetings of regional social welfare institutes**

- 9. (1) Members of the regional social welfare institutes must meet annually at a general meeting.
- (2) A Regional Social Welfare Institutes must meet in an ordinary meeting -
  - (a) at least once every two months; or
  - (b) at the call of the Chairperson; or



- (c) upon petition of one fifth of its members stating the proposed agenda for the meeting.
- (3) A meeting of a Regional Social Welfare Institutes must follow the prescribed procedures.
- (4) In areas where substantial numbers of clients of welfare programmes in the region reside, the Chairperson must convene a meeting in the prescribed manner.
- (5) The agenda for a general meeting must be as prescribed

### **Powers of regional social welfare institutes**

- 10. (1) In addition to the powers provided for by this Act, the regional social welfare institute may -
  - (a) recommend to the MEC changes in the composition of the Regional Executive Committee;
  - (b) recommend to the MEC a budget for the coming years; and
  - (c) make recommendations on policy issues for guiding the Regional Social Welfare Institutes.
- (3) The regional social welfare institute must report to the MEC of its activities in the prescribed manner.

### **Duties of welfare providers**

- 11. (1) A welfare provider must in all its operations concerning welfare clients conduct its affairs -
  - (a) in the best interests of those clients;
  - (b) in a way that demonstrates respect for the clients;
  - (c) that ensures the protection of the client's dignity;
  - (d) within the guidelines prescribed by departmental policy;
  - (e) with the participation in its decision-making of welfare clients, their organizations and advocacy groups representing them; and

- (f) with transparency and accountability of its decision-making processes and of its financial affairs.

(2) A welfare provider must -

- (a) afford access to its facilities and any part of its welfare programmes to an official of the Department, with or without notice;
- (b) provide the Departmental official on demand a document connected or that the official believes connected with a welfare programme;
- (c) to supply a Departmental official on demand access to a client of its welfare programme or a member of the welfare provider's staff; and
- (d) provide the Department with reports of its welfare activities and financial records as may prescribed.

**Duties relating to a performance subsidy.**

12. A welfare provider who has received a performance subsidy from the Department must during the term of the subsidy strictly conform to the conditions of that subsidy.

**Establishment of provincial executive committee**

13. There is hereby established Provincial Executive Committee, with a membership to be prescribed by the MEC.

**Powers and duties of the provincial executive committee**

14. (1) The provincial executive committee must give advice to the MEC, and make recommendations and proposals to the MEC, that must -
- (a) be consistent with the differences between the regions;
  - (b) ensure operational uniformity of welfare programmes between the regions;
  - (c) ensure that regional social welfare Institutes allocate funds within their control as prescribed and in compliance with Departmental policy priorities;

- (d) ensure that Regional Social Welfare Institutes adhere to the provisions of this Act, other applicable laws, national and provincial policies;
  - (e) advise the MEC on a matter related to the functions and operations of Regional Social Welfare Institutes; and
  - (f) ensure the monitoring and evaluation of the performance of Regional Social Welfare Institutes.
- (2) The MEC may determine additional powers for the provincial executive committee

### **Composition of the provincial executive committee**

15. (1) The composition of the provincial executive committee must be determined by the MEC in prescribed manner.
- (a) The MEC must prescribe the procedure to be followed at the meetings of the provincial executive committee referred to subsection (1) by way of regulations.

### **General responsibility of the MEC.**

16. (1) The MEC must –
- (b) monitor the financial and other operations of Regional Social Welfare Institutes; and
  - (c) take necessary steps to ensure that it conforms to the objectives of this Act.
  - (d) The MEC may –
  - (e) accept the advice or suggestion made to him by regional social welfare institute or its executive committees; and
  - (f) decline in writing to accept the advice or suggestion referred to in paragraph A.
- (3) The MEC must on a matter about which the Regional Social Welfare Institutes or the executive committee has not conveyed to him advice, a suggestion or a proposal, either –

- (g) to the extent permitted by time and circumstances, consult the relevant Regional Social Welfare Institutes or the executive committee prior to implementing a decision in the matter and receive its advice, suggestion or proposal; or
- (h) after implementing the decision, forthwith notify the relevant Regional Social Welfare Institutes or the executive committee of the action taken

### **Delegation of powers and duties**

#### **17. (1) The MEC may –**

- (a) delegate to Regional Social Welfare Institutes powers and assign duties he or she believes necessary to promote the objects of this Act;
- (b) delegate to the Head of Department or any officer of his or her department any power granted to him or her by this Act except powers to make regulations;

#### **(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.

**Operational guidelines.**

18. Subject to this Act, the MEC may prescribe operational procedures and guidelines for the exercise of powers by Regional Social Welfare Institutes and the executive committee.

**Accounting procedures and guidelines.**

19. The MEC may prescribe accounting procedures and guidelines for Regional Social Welfare Institutes and the executive committee.

**Duty to supply administrative and support services to regional social welfare institutes and the executive committee.**

20. (1) As required to carry out the objectives of this Act, the MEC must supply administrative and support personnel and services to an Regional Social Welfare Institutes and to the executive committee.
- (2) The MEC may employ consultants on the recommendation of an Regional Social Welfare Institutes or the Provincial Executive Committee to assist the performance of its functions.

**Powers of the MEC to fund a welfare programme**

21. (1) Subject to this Act, the MEC may grant a performance subsidy to a welfare provider for a specific programme.
- (2) Except where imminent substantial danger threatens the physical, mental or moral well-being of a welfare client, the MEC may grant a performance subsidy to a welfare provider –
- (a) after receiving the recommendations of the executive committee; and
- (b) after receiving recommendation of the regional social welfare institutes concerning the relevant welfare programme,

the amount of the subsidy and its performance conditions.

**Performance subsidies**

22. The MEC may grant a performance subsidy to a welfare provider.

**Performance conditions**

23. (1) The MEC may prescribe specific performance conditions for the granting of the subsidy.
- (2) The welfare provider must agree in writing to perform conditions referred to in subsection (1)

**Allocation of funds for welfare programmes**

24. (1) An Regional Social Welfare Institutes must prepare an annual budget request for funding that itemizes the proposed performance subsidies for welfare programmes within its region and the costs of its own operations, and must submit that request to the executive committee and the MEC.
- (2) In preparing the budget request mentioned in subsection (1), the Regional Social Welfare Institutes must take into account
- (a) the welfare requirements of its region;
  - (b) the previous year's departmental expenditures for welfare services in the region;
  - (c) guidelines concerning the preparation of the budget that the MEC may have issued; and
  - (d) national and provincial laws and policies,
- (3) Taking into account -
- (a) the budget requests of the Regional Social Welfare Institutes;
  - (b) the previous year's departmental expenditures for welfare services by regions;
  - (c) guidelines that the MEC may have issued; and
  - (d) national and provincial laws and policies,
- the executive committee must prepare a proposed annual budget request for funding provincial welfare programmes.

- (4) The executive committee must include in the proposed annual budget request mentioned in subsection (2) a proposed allocation to each region of a sum both for total welfare services that it proposes that the MEC provide in a region, and the costs of the operations of that region's Regional Social Welfare Institutes, and submit the proposed annual budget request to the MEC.

#### **Cancellation of a performance subsidy**

25. (1) the MEC may suspend or revoke in whole or part a performance subsidy to an welfare provider.
- (2) If the MEC has cause to believe that the MEC ought to suspend or revoke a performance subsidy, the MEC may -
  - (a) institute an enquiry to investigate the welfare provider's conduct of the welfare programme, and to report its findings and recommendations to the MEC; or
  - (b) proceed under subsection (1).
- (3) If the MEC finds in writing that the welfare provider has grossly violated its duties or a condition of its performance subsidy, or that it procured the subsidy through fraud, the MEC may suspend or revoke a performance subsidy to that provider.
- (4) If the MEC finds that a welfare provider has grossly violated its duties or a condition of the performance subsidy, and that as a result imminent substantial danger threatens the physical, mental or moral well-being of its welfare clients, the MEC must immediately temporarily suspend the performance subsidy of that welfare provider.
- (5) The MEC must publish the proposed suspension or revocation order in a newspaper of general circulation in the Province, on not less than one month's notice, inviting comment on the proposed order.
- (6) The MEC must -
  - (a) publish a notice in a newspaper or newspapers of general circulation in the area in which the welfare provider conducts its welfare programme, stating -

- (i) the time of the hearing, and
    - (ii) the venue where the MEC will hold the hearing, which venue the MEC must locate at a place where a substantial proportion of the welfare clients of the welfare provider live; and
  - (b) that the MEC proposes to suspend or revoke a performance subsidy previously made to a designated welfare provider for the conduct of a specified welfare programme;
  - (c) if feasible, cause the provider to post copies of the notice prominently in the places where the welfare clients of the welfare provider will likely observe it; and
  - (d) hold a hearing concerning the proposed suspension or revocation order at the time and place specified in the notice.
- (7) At the hearing -
- (a) the MEC must present evidence tending to demonstrate that the welfare provider conducts the programme in violation of law or in violation of the conditions of the performance subsidy, in ways that pursuant to subsection (3) justify the suspension or revocation of the performance subsidy, or that the welfare provider obtained the performance subsidy through fraud; and
  - (b) the welfare provider, its staff, the clients of the welfare programme and members of the public generally may present evidence and arguments in support of or to refute the MEC's evidence.
- (8) The MEC must either -
- (a) decline to make the finding; or
  - (b) suspend the performance subsidy, stating conditions for its reinstatement; or
  - (c) revoke the performance subsidy.



## Protection of welfare clients by the MEC

26. (1) Where the MEC –
  - (a) revokes a performance subsidy to a welfare provider; or
  - (b) suspends a performance subsidy to a welfare provider on grounds of imminent danger to its welfare clients, the MEC may take such action as may be appropriate against the welfare provider and may substitute the welfare provider with a new welfare provider.
- (2) The MEC may on good cause –
  - (a) reinstate the performance subsidy; or
  - (b) close down the welfare programme, or
  - (c) substitute a new welfare provider in place of the former one.
- (3) If the MEC decides to close down the welfare programme, the MEC must utilise the subsidy for a similar welfare programme.
- (4) If the MEC determines to close down the welfare programme, the MEC must provide an alternative accommodation for welfare clients.
- (5) If the MEC substitutes a new welfare provider, the MEC must deliver funds pertaining to the welfare programme to the new welfare provider.

## Regulations

27. (1) The MEC may generally make regulations, he or she considers necessary for furthering the objectives of this Act.
- (2) Regulations contemplated in subsection (1) must provide for penalties in the event of a contravention.

**Short title and commencement**

28. This Act is called Regional Social Welfare Institutes Act, 1998 and must come into operation on a date fixed by Premier by proclamation in a provincial gazette.

# **MEMORANDUM ON THE OBJECTS OF REGIONAL SOCIAL WELFARE INSTITUTES BILL, 1998.**

## **1. PURPOSE**

The purpose of this Bill is to establish six Regional Social Welfare Institutes which will address the following problems:-

- 1.1 Historically skewed allocation of welfare resources and delivery of welfare services.
- 1.2 The uneven development of welfare service providers within the historically disadvantaged communities
- 1.3 Inadequate process of accountability by Welfare organisations to the communities they serve.
- 1.4 The slow and unco-ordinated process of transforming welfare institutions and other welfare agencies.

## **2. BACKGROUND**

The manner in which the Gauteng's social Welfare system has been operated prior to 1994, has been discriminatory and unjust. The impoverished majority had little or no access to welfare services whereas the minority enjoyed a full range of welfare services.

The Department of Welfare and population Development is desirous of changing all these inequities by passing legislation which will regulate the participation in and allocation of welfare resources. This legislation is the proposed Bill of Regional Social Welfare Institutes.

## **3. FINANCIAL IMPLICATIONS**

None

**4. PERSONNEL IMPLICATIONS**

None

**5. CONSTITUTIONAL IMPLICATIONS**

None

**4. CLAUSE BY CLAUSE ANALYSIS**

Clause 1 defines words and expressions in the bill.

Clause 2 deals with the application of the ACT.

Clause 3 deals with the general principles.

Clause 4 establishes the regional Social Welfare Institutes.

Clause 5 constitutes regional social welfare Institutes.

Clause 6 deals with powers and duties of regional social welfare institute.

Clause 7 deals with appointment of regional executive committee.

Clause 8 deals with demarcation of welfare regions.

Clause 9 deals with meetings of regional social welfare institute.

Clause 10 deals with powers of regional welfare institutes.

Clause 11 deals with duties of welfare providers.

Clause 12 deals with duties relating to performance subsidy.

Clause 13 establishes provincial executive committee

Clause 14 deals with powers and duties of the provincial executive committee.

Clause 15 deals with composition of the executive committee.

Clause 16 deals with the general responsibility of the MEC.

Clause 17 deals with the delegation of powers and duties.

Clause 18 deals with operational guidelines.

Clause 19 deals with accounting procedures and guidelines.

Clause 20 deals with the duty to supply administrative and support services to regional social welfare institutes and the executive committee.

Clause 21 deals with powers of the MEC to fund a welfare programme.

Clause 22 deals with performance subsidies.

Clause 23 deals with performance conditions.

Clause 24 deals with allocation of funds for welfare programmes.

Clause 25 deals with the cancellation of the performance subsidy.

Clause 26 deals with protection of the clients by the MEC.

Clause 27 makes provision for the regulations.

Clause 28 makes provision for the short title and commencement for identification purposes and the date for coming into operation of this Law.



**KENNISGEWING 2278 VAN 1998**

# **PROVINSIALE WETGEWER VAN GAUTENG**

**GAUTENGSE WETSONTWERP OP STREEKWELSYN, 1998**

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soos bekendgestel

---

deur

**LUR: WELSYN EN BEVOLKINGSONTWIKKELING**

**[B - 1998]**





## WETSONTWERP

Om voorsiening te maak vir die stigting van Streekwelsynsinrigtings; om die deelname van welsynontvangers, welsynverskaffers, kampvegtergroepe en ander elemente in die burgerlike samelewing aan besluitneming ten opsigte van welsyn te bevorder; om voorsiening te maak vir die pligte en bevoegdhede van Streekwelsynsinrigtings; om beplanning en befondsing van welsyn te rasionaliseer; om duplisering in welsynsprogramme te verminder; om die verantwoordbaarheid en deursigtigheid van welsynsprogramme te verhoog; om voorsiening te maak vir die afbakening van welsynstreke; om die pligte van welsynverskaffers uiteen te sit; om welsynsprogramme te subsidieer; en om voorsiening te maak vir sake wat daarmee verband hou.

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

## ORDENING VAN ARTIKELS

| Artikel                                                                                                                 | Bladisy |
|-------------------------------------------------------------------------------------------------------------------------|---------|
| 1. Omskrywings                                                                                                          | 26      |
| 2. Toepassing van die Wet                                                                                               | 26      |
| 3. Algemene beginsels van die Wet                                                                                       | 26      |
| 4. Vestiging van streekwelsynsinrigtings                                                                                | 27      |
| 5. Samestelling van streekwelsynsinrigting                                                                              | 27      |
| 6. Pligte en bevoegdhede van streekwelsynsinrigtings                                                                    | 28      |
| 7. Aanstelling van uitvoerende streekkomitee                                                                            | 28      |
| 8. Afbakening van welsynstreke                                                                                          | 29      |
| 9. Vergaderings van streekwelsynsinrigtings                                                                             | 30      |
| 10. Bevoegdhede van streekwelsynsinrigtings                                                                             | 30      |
| 11. Pligte van welsynverskaffers                                                                                        | 31      |
| 12. Pligte wat met prestasiesubsidie verband hou                                                                        | 31      |
| 13. Stigting van provinsiale uitvoerende komitee                                                                        | 31      |
| 14. Pligte en bevoegdhede van provinsiale uitvoerende komitee                                                           | 32      |
| 15. Samestelling van die provinsiale uitvoerende komitee                                                                | 32      |
| 16. Algemene verantwoordelikheid van die LUR                                                                            | 32      |
| 17. Delegering van pligte en bevoegdhede                                                                                | 33      |
| 18. Bedryfsriglyne                                                                                                      | 34      |
| 19. Rekeningkundige prosedures en riglyne                                                                               | 34      |
| 20. Plig om administratiewe en ondersteuningsdienste aan streekwelsynsinrigtings en die uitvoerende komitee te voorsien | 34      |
| 21. Bevoegdhede van die LUR om 'n welsynsprogram te befonds                                                             | 34      |
| 22. Prestasiesubsidies                                                                                                  | 35      |
| 23. Prestasievoorwaardes                                                                                                | 35      |
| 24. Toekenning van fondse vir welsynsprogramme                                                                          | 35      |
| 25. Kansellasië van 'n prestasiesubsidie                                                                                | 36      |
| 26. Beskerming van welsynskliënte deur die LUR                                                                          | 37      |
| 27. Regulasies                                                                                                          | 38      |
| 28. Korttitel en inwerkingtreding                                                                                       | 38      |

## Omskrywings

1. In hierdie Wet, tensy die samehang anders aandui, beteken -  
    **"Kampvegtergroep"** 'n nie-regeringsinstansie waar die hoofdoel kampvegting vir die belange van welsynskliënte of die armes of die werkloses is, en wat nie 'n welsynsprogram bedryf nie;  
  
    **"Voorsitter"** die voorsitter van die uitvoerende streekkomitee;  
  
    **"Departement"** die Departement Welsyn en Bevolkingsontwikkeling in die Provinsie;  
  
    **"LUR"** die lid van die uitvoerende raad verantwoordelik vir Welsyn en Bevolkingsontwikkeling in die Provinsie;  
  
    **"prestasiesubsidie"** 'n subsidie ten opsigte van die lewering van dienste wat beoog word in -  
  
    **"voorgeskryf"** deur regulasies voorgeskryf, en voorskryf het 'n ooreenstemmende betekenis;  
  
    **"Provinsie"** die Provinsie van Gauteng;  
  
    **"streek"** 'n gebied wat deur die LUR ingevolge artikel 8 afgebaken is;  
  
    **"Streekwelsynsinrigting"** 'n inrigting wat ingevolge artikel 4 gestig word;  
  
    **"Uitvoerende streekkomitee"** 'n uitvoerende komitee vir 'n streek soos in artikel 7 bedoel word;  
  
    **"Welsynskliënt"** 'n persoon aan wie welsynverskaffers welsynsdienste lewer; en  
  
    **"Welsynsprogram"** 'n program wat welsynsdienste verskaf wat deur die Departement gemagtig is, hetsy met of sonder 'n subsidie.

## Toepassing van die Wet

2. Hierdie Wet moet in die Provinsie van Gauteng van toepassing wees, maar onderworpe aan die betrokke tersaaklike wette.

## Algemene beginsels van die Wet

3. Die algemene beginsels van hierdie Wet is -
  - (1) om die deelname van welsynsontvangers, nie-regeringsinstansies wat by welsyn betrokke is, kampvegtergroepe en ander elemente in die burgerlike samelewing aan voortgesette besluitnemingsprosesse ten opsigte van welsyn te maksimaliseer;

- (2) om rigting te gee aan die befondsing van welsynsdoelwitte, en dit te rasionaliseer en te beplan;
- (3) om onnodige duplisering van welsynsprogramme te verminder;
- (4) om die verantwoordbaarheid en deursigtigheid van welsynsprogramme te verhoog;
- (5) om streekforums te voorsien waar welsynverskaffers, welsynkampvegtergroepe, plaaslike owerhede en Departementele amptenare sake van gemeenskaplike belang kan bespreek;
- (6) om die delegering van provinsiale welsynsfunksies aan plaaslike owerheidstrukture te bevorder; en
- (7) om strukture te skep wat die transformasieprosesse binne die welsynsektor ondersteun en om sodoende meer doeltreffende en deelnemende beheer te bevorder.

#### **Vestiging van Streekwelsynsinrigtings**

4. Die Streekwelsynsinrigting word hiermee gevestig.

#### **Samestelling van Streekwelsynsinrigting**

5. Die Streekwelsynsinrigting moet bestaan uit -
  - (1) een lid wat deur elke Nie-regeringsinstansie wat in die streek werksaam is, gekies word;
  - (2) een lid wat deur elke geloofsorganisasie in die streek gekies word;
  - (3) een lid wat deur elke plaaslike owerheid of metrovlak-regeringseenheid in die streek vanuit die geledere van sy eie verkose of aangestelde amptenare gekies word;
  - (4) drie lede wat deur die LUR vanuit die geledere van die hoofuitvoerende beamptes van besighede met takke of hoofkantore in die streek aangestel word;
  - (5) drie lede wat deur die LUR vanuit die geledere van die hoofuitvoerende beamptes van kampvegtergroepe wat in die streek werksaam is, aangestel word; en
  - (6) een lid wat deur elke Gemeenskapsgebaseerde ontwikkelingsorganisasie wat 'n program in die streek bedryf, gekies word.

## **Pligte en bevoegdhede van streekwelsynsinrigtings**

6. Die pligte en bevoegdhede van streekwelsynsinrigtings is -
- (1) om die LUR oor alle aspekte van die welsynsbeleid in die Streek te adviseer;
  - (2) om Departementele planne vir die lewering van welsynsprogramme in die streek te ondersoek en aanbevelings daaroor aan die LUR te maak;
  - (3) om die LUR oor die koördinasie van die lewering van welsynsprogramme in die streek te adviseer;
  - (4) om die lewering van welsynsprogramme in die streek deurlopend te monitor en te evalueer, en aan die LUR verslag te doen;
  - (5) om die LUR te adviseer ten opsigte van maatreëls om te verseker dat die LUR welsynsprogramme in die streek billik aan al die groepe in die streek toedeel, en veral om te verseker dat histories minder bevoorregte groepe 'n regverdige per kapita toekenning van welsynsbronne ontvang;
  - (6) om aan die LUR aanbevelings te maak ten opsigte van die toekenning of afkeuring van 'n prestasiesubsidie aan 'n welsynverskaffer vir 'n welsynsprogram in die streek;
  - (7) om die LUR te adviseer in verband met die toekenning van fondse aan die streek en onder die verskeie programme in die streek;
  - (8) om die LUR te adviseer in verband met maatreëls om maksimum deursigtigheid en verantwoordbaarheid ten opsigte van openbare fondse te verseker, en om te verseker dat uitgawes volgens Departementele beleid geskied; en
  - (9) om voorsiening te maak vir deelname deur welsynskliënte, kampvegtergroepe vir welsynskliënte en die algemene publiek aan besluitneming.

## **Aanstelling van Uitvoerende Streekkomitee**

7. (1) Die LUR moet, vanuit die geledere van Streekwelsynsinrigtings, 'n Uitvoerende Streekkomitee kies, bestaande uit nie minder as 10 lede en nie meer as vyf en twintig lede nie, soos wat hy of sy mag bepaal.
- (2) Die LUR moet die lede van die Uitvoerende Streekkomitee aanstel met inagneming van die volgende kriteria:
- (a) die mate waartoe die lede van die Uitvoerende Streekkomitee die

- maatskaplike groepe onder die verskeie welsynskliënte in die streek sal weerspieël;
- (b) aanbevelings, indien enige, van 'n algemene jaarvergadering van die Streekwelsynsinrigtings;
  - (c) die mate waartoe hulle die verskillende tipes welsynsprogramme wat in die streek bedryf word, sal reflekteer; en
  - (d) versekering dat welsynskliënte, die histories minder bevoorregtes en kampvegtergroepe wat hulle verteenwoordig aansienlike verteenwoordiging onder die lede van die Uitvoerende Streekkomitee het.
- (3) Die LUR moet 'n Voorsitter en Sekretaris vanuit die geledere van die Uitvoerende Streekkomitee lede aanstel.
- (4) Die LUR mag -
- (a) die ampstermyn en ander diensvoorwaardes van lede van die Uitvoerende Streekkomitee bepaal;
  - (b) geassosieerde lede op 'n voorgeskrewe wyse aanstel.
- (5) Die Streekwelsynsinrigting kan die Uitvoerende Streekkomitee magtig om enige van sy bevoegdhede uit te oefen, of enige bevoegdheid of plig wat aan sodanige Streekwelsynsinrigting op die voorgeskrewe toegewys is.
- (6) Die vergaderings van die Uitvoerende Streekkomitee moet volgens die voorgeskrewe reëls gehou word.

### **Afbakening van welsynstreke**

8. (1) Die LUR moet die Provinsie in hoogstens ses welsynstreke afbaken, met inagneming van -
- (a) die relatief heterogenese aard van 'n voorgestelde streeksbevolking met betrekking tot geldelike vermoë en die eise wat op die welsynstelsel gemaak word;
  - (b) die bestaande welsynsdienste wat reeds binne 'n voorgestelde streek gelewer word, hetsy deur die Departement of deur 'n welsynverskaffer;
  - (c) die mate waartoe die plaaslike owerhede binne 'n voorgestelde streek die delegering van welsynsfunksies aan hulle aanvaar het;

- (d) die aantal, grootte, ondervinding en kundigheid van welsynverskaffers wat tans in die voorgestelde streek werkzaam is; en
  - (e) die aantal en krag van kampvegtergroepe in 'n voorgestelde streek.
- (2) Die afbakening van die Provinsie waarna in subartikel (1) verwys word, moet met plaaslike regeringsgrense ooreenstem.

### **Vergaderings van streekwelsynsinrigtings**

9. (1) Lede van die Streekwelsynsinrigtings moet jaarliks op 'n algemene vergadering byeenkom.
- (2) 'n Streekwelsynsinrigting moet in 'n gewone vergadering byeenkom -
- (a) minstens een maal elke twee maande; of
  - (b) wanneer 'n vergadering deur die Voorsitter belê word; of
  - (c) wanneer een vyfde van sy lede 'n vergadering versoek, met vermelding van die voorgestelde sakelys vir die vergadering.
- (3) 'n Vergadering van 'n Streekwelsynsinrigting moet volgens die voorgeskrewe prosedures gehou word.
- (4) In gebiede waar aansienlike getalle kliënte van welsynsprogramme in die streek woonagtig is, moet die Voorsitter 'n vergadering op die voorgeskrewe wyse belê.
- (5) Die sakelys van 'n algemene vergadering moet soos voorgeskryf wees.

### **Bevoegdhede van Streekwelsynsinrigtings**

10. (1) Benewens die bevoegdhede waarvoor in hierdie Wet voorsiening gemaak word, mag 'n Streekwelsynsinrigting -
- (a) aanbevelings aan die LUR doen ten opsigte van veranderinge aan die samestelling van die Uitvoerende Streekkomitee;
  - (b) aanbevelings aan die LUR maak ten opsigte van 'n begroting vir die komende jare; en
  - (c) aanbevelings ten opsigte van beleidsake vir rigtinggewing aan Streekwelsynsinrigtings maak.
- (2) Die Streekwelsynsinrigting moet op die voorgeskrewe wyse aan die LUR verslag doen van sy aktiwiteite.

### **Pligte van welsynverskaffers**

11. (1) 'n Welsynverskaffer moet, in al sy bedrywighede in verband met welsynskliënte, sy werksaamhede uitvoer -
  - (a) in die beste belange van daardie kliënte;
  - (b) op 'n wyse wat respek vir die kliënte toon;
  - (c) wat verseker dat kliënte se menswaardigheid beskerm word;
  - (d) binne die riglyne wat deur departementele beleid neergelê word;
  - (e) met die deelname van sy welsynskliënte, hul organisasies en kampvegtergroepe wat hulle verteenwoordig aan sy besluitneming; en
  - (f) met deursigtigheid en verantwoordbaarheid by sy besluitnemingsprosesse en finansiële sake.
- (2) 'n Welsynverskaffer moet -
  - (a) aan 'n amptenaar van die Departement, met of sonder kennisgewing, toegang tot sy fasiliteite en enige deel van sy welsynsprogramme verleen;
  - (b) op versoek aan die Departementele amptenaar 'n dokument verskaf wat verband hou met 'n welsynsprogram, of wat die amptenaar van mening is daarmee verband hou;
  - (c) op versoek van die Departementele amptenaar toegang tot 'n kliënt van sy welsynsprogram of 'n personeellid van die welsynverskaffer verleen;
  - (d) die Departement voorsien van verslae oor sy welsynsbedrywighede en finansiële rekords soos wat voorgeskryf mag word.

### **Pligte wat met prestasiesubsidie verband hou**

12. 'n Welsynverskaffer wat 'n prestasiesubsidie van die Departement ontvang, moet vir die duur van die termyn van die subsidie die voorwaardes verbonde aan die subsidie streng nakom.

### **Stigting van provinsiale uitvoerende komitee**

13. 'n Provinsiale Uitvoerende Komitee word hiermee gestig, met lidmaatskap om deur die LUR voorgeskryf te word.

**Pligte en bevoegdhede van provinsiale uitvoerende komitee**

14. (1) Die provinsiale uitvoerende komitee moet die LUR adviseer en aanbevelings en voorleggings aan die LUR maak, wat -
- (a) die verskille tussen die streke in aanmerking neem;
  - (b) verseker dat welsynsprogramme eenvormig tussen streke uitgevoer word;
  - (c) verseker dat Streekwelsynsinrigtings fondse wat onder hul beheer is, toeken en aanwend soos voorgeskryf en met nakoming van die prioriteite van Departementele beleidsvoorskrifte;
  - (d) verseker dat Streekwelsynsinrigtings die bepalings van die Wet, ander toepaslike wette en nasionale en provinsiale beleidsvoorskrifte nakom;
  - (e) die LUR adviseer oor enige saak wat met die funksies en bedrywighede van Streekwelsynsinrigtings verband hou; en
  - (f) verseker dat die prestasies van Streekwelsynsinrigtings gemonitor en geëvalueer word.
- (2) Die LUR kan addisionele bevoegdhede vir die provinsiale uitvoerende komitee bepaal.

**Samestelling van die provinsiale uitvoerende komitee**

15. (1) Die samestelling van die provinsiale uitvoerende komitee moet deur die LUR op die voorgeskrewe wyse bepaal word.
- (a) Die LUR moet by wyse van regulasies die prosedure wat gevolg moet word tydens die vergaderings van die provinsiale uitvoerende komitee waarna in subartikel (1) verwys word, voorskryf.

**Algemene verantwoordelikheid van die LUR**

16. (1) Die LUR moet -
- (a) die finansiële en ander bedrywighede van Streekwelsynsinrigtings monitor; en
  - (b) die nodige stappe doen om te verseker dat die doelwitte van hierdie Wet nagekom word.



- (2) Die LUR kan -
  - (a) die advies of 'n voorstel wat deur 'n Streekwelsynsinrigting of sy uitvoerende komitees gemaak word, aanvaar; of
  - (b) aanvaarding van die advies of voorstel waarna in paragraaf (a) verwys word, skriftelik van die hand wys.
- (3) Die LUR moet, ten opsigte van 'n saak waaroor die Streekwelsynsinrigting of die uitvoerende komitee geen advies, voorstel of voorlegging oorgedra het nie, of -
  - (a) in die mate wat tyd en omstandighede dit toelaat, die betrokke Streekwelsynsinrigting of die uitvoerende komitee raadpleeg voor die implementering van 'n besluit oor die saak, en sy advies, voorstel of voorlegging ontvang; of
  - (b) onmiddellik nadat die besluit geïmplementeer is, die betrokke Streekwelsynsinrigting of die uitvoerende komitee in kennis stel van die aksie wat geneem is.

### **Delegering van pligte en bevoegdhede**

- 17. (1) Die LUR kan -
  - (a) aan die Streekwelsynsinrigting bevoegdhede deleger of pligte opdra wat hy of sy nodig ag om die doelwitte van hierdie Wet te bevorder;
  - (b) enige bevoegdheid wat deur hierdie Wet aan hom of haar toegeken is, aan die Departementshoof of enige amptenaar van sy of haar departement deleger, behalwe die bevoegdhede om regulasies uit te vaardig.
- (2) Die Departementshoof kan -
  - (a) enige bevoegdheid wat deur hierdie Wet aan hom of haar toegeken is, aan enige ander amptenaar van sy of haar departement deleger; en
  - (b) sodanige amptenaar magtig om enige plig wat deur hierdie Wet aan hom of haar opgedra is, te verrig.
- (3) Enige persoon aan wie enige bevoegdheid gedelegeer is of wat gemagtig is om enige plig ingevolge hierdie artikel te verrig, moet daardie bevoegdheid uitoefen of plig verrig onderhewig aan sodanige voorwaardes as wat die persoon wat die bevoegdheid gedelegeer het of die plig opgedra het, nodig ag.

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

### **Bedryfsriglyne**

18. Onderworpe aan hierdie Wet, mag die LUR bedryfsprosedures en -riglyne vir die uitoefening van bevoegdhede deur Streekwelsynsinrigtings of die uitvoerende komitee voorskryf.

### **Rekeningkundige prosedures en riglyne**

19. Die LUR mag rekeningkundige prosedures en riglyne vir Streekwelsynsinrigtings of die uitvoerende komitee voorskryf.

### **Plig om administratiewe en ondersteuningsdienste aan streekwelsynsinrigtings en die uitvoerende komitee te voorsien**

20. (1) Soos dit vereis word om aan die doelwitte van hierdie Wet uitvoering te gee, moet die LUR administratiewe en ondersteuningspersoneel en -dienste aan 'n Streekwelsynsinrigting en aan die uitvoerende komitee verskaf.
- (2) Die LUR kan, op aanbeveling van 'n Streekwelsynsinrigting of die Provinsiale Uitvoerende Komitee, konsultante aanstel om met die verrigtinge van sy funksies bystand te lewer.

### **Bevoegdhede van die LUR om 'n welsynsprogram te befonds**

21. (1) Onderworpe aan hierdie Wet, kan die LUR 'n prestasiesubsidie aan 'n welsynverskaffer vir 'n spesifieke program toestaan.
- (2) Behalwe waar daar 'n aansienlike en dreigende gevaar bestaan wat die liggaamlike, geestelike en morele welsyn van 'n welsynskliënt bedreig, kan die LUR 'n prestasiesubsidie aan 'n welsynverskaffer toestaan -
- (a) nadat aanbevelings van die uitvoerende komitee ontvang is; en
  - (b) nadat 'n aanbeveling van die streekwelsynsinrigting betreffende die betrokke welsynsprogram ontvang is ten opsigte van die

bedrag van die subsidie en die prestasievoorwaardes daaraan verbonde.

### **Prestasiesubsidies**

22. Die LUR mag 'n prestasiesubsidie aan 'n welsynverskaffer toestaan.

### **Prestasievoorwaardes**

23. (1) Die LUR kan spesifieke prestasievoorwaardes vir die toekenning van die subsidie voorskryf.
- (2) Die welsynverskaffer moet skriftelik daartoe instem om die voorwaardes waarna in subartikel (1) verwys word, na te kom.

### **Toekenning van fondse vir welsynsprogramme**

24. (1) 'n Streekwelsynsinrigting moet 'n jaarlikse begrotingsversoek vir befondsing voorberei, wat die voorgestelde prestasiesubsidies vir welsynsprogramme in sy streek item vir item uiteensit, asook die koste verbonde aan sy eie bedrywighede, en moet sodanige versoek aan die uitvoerende komitee en die LUR voorlê.
- (2) By die voorbereiding van die begrotingsversoek wat in subartikel (1) vermeld word, moet die Streekwelsynsinrigting die volgende in aanmerking neem -
- (a) die welsynsprogramme in sy streek;
  - (b) die vorige jaar se departementele uitgawes vir welsynsdienste in die streek;
  - (c) riglyne ten opsigte van die voorbereiding van die begroting wat die LUR mag uitgereik het; en
  - (d) nasionale en provinsiale wette en beleidstellings.
- (3) Met inagneming van -
- (a) die begrotingsversoeke van die Streekwelsynsinrigtings;
  - (b) die vorige jaar se departementele uitgawes vir welsynsdienste per streek;
  - (c) riglyne wat die LUR mag uitgereik het; en
  - (d) nasionale en provinsiale wette en beleidstellings

moet die uitvoerende komitee 'n voorgestelde jaarlikse begrotingsversoek vir die befondsing van welsynsprogramme voorberei.

- (4) Die uitvoerende komitee moet in die voorgestelde jaarlikse begrotingsversoek waarna in subartikel (3) verwys word 'n voorgestelde toekenning aan elke streek insluit, van 'n bedrag vir beide die totale welsynsdienste wat voorgestel word dat die LUR in 'n streek moet voorsien, en die koste van die bedrywighede van daardie Streekwelsynsinrigting, en moet die voorgestelde jaarlikse begrotingsversoek aan die LUR voorlê.

### **Kansellasië van 'n prestasiesubsidie**

25. (1) Die LUR mag die hele of 'n gedeelte van 'n prestasiesubsidie aan 'n welsynverskaffer opskort of herroep.
- (2) Indien die LUR rede het om te glo dat die LUR 'n prestasiesubsidie moet opskort of herroep, kan die LUR of -
- (a) 'n ondersoek na die welsynverskaffer se uitvoering van die welsynsprogram laat instel, welke ondersoek oor die bevindings en aanbevelings aan die LUR verslag moet doen; of
- (b) ingevolge subartikel (1) voortgaan.
- (3) Indien die LUR skriftelik bevind dat 'n welsynverskaffer grof nalatig was by die uitvoering van sy pligte of 'n voorwaarde van sy prestasiesubsidie geskend het, of dat die subsidie op 'n bedrieglike wyse bekom is, kan die LUR 'n prestasiesubsidie aan sodanige verskaffer opskort of herroep.
- (4) Indien die LUR bevind dat 'n welsynverskaffer grof nalatig was by die uitvoering van sy pligte of 'n voorwaarde van sy prestasiesubsidie geskend het, en dat daar as gevolg daarvan 'n aansienlike en dreigende gevaar bestaan wat die liggaamlike, geestelike of morele welsyn van sy welsynskliënte bedreig, moet die LUR onmiddellik die prestasiesubsidie aan daardie welsynverskaffer tydelik opskort.
- (5) Die LUR moet die voorgestelde opskorting- of herroepingsbevel in 'n koerant van algemene sirkulasie in die Provinsie publiseer en, met minstens een maand se kennisgewing, kommentaar op die voorgestelde bevel uitnooi.
- (6) Die LUR moet -
- (a) 'n kennisgewing in 'n koerant of koerante van algemene sirkulasie in die gebied waar die welsynverskaffer sy welsynsprogram bedryf publiseer, met vermelding: -

- (i) van die tyd van die verhoor; en
    - (ii) van die plek waar die LUR die verhoor gaan hou, welke plek die LUR moet beslis en geleë moet wees waar 'n aansienlike gedeelte van die welsynskliënte van die welsynverskaffer woonagtig is; en
  - (b) dat die LUR voornemens is om 'n prestasiesubsidie wat voorheen aan 'n aangewese welsynverskaffer vir die uitvoering van 'n gespesifiseerde welsynsprogram toegestaan is, op te skort of te herroep;
  - (c) indien doenlik, die verskaffer opdrag gee om afskrifte van die kennisgewing op prominente plekke op te sit, waar die welsynskliënte van die welsynverskaffer dit waarskynlik te sien sal kry; en
  - (d) van die hou van 'n openbare verhoor op die tyd en plek en betreffende die voorgename opskorting- of herroepingsbevel soos gespesifiseer in die kennisgewing.
- (7) Tydens die verhoor -
- (a) moet die LUR getuienis lewer om te demonstreer dat die welsynverskaffer die program in teenstelling met die bepalings van die wet bedryf of die voorwaardes van die prestasiesubsidie geskend het, op wyses wat ingevolge subartikel (3) die opskorting of herroeping van die prestasiesubsidie regverdig, of dat die welsynverskaffer die prestasiesubsidie op 'n bedrieglike wyse bekom het; en
  - (b) mag die welsynverskaffer, sy personeel, die kliënte van die welsynsprogram en lede van die algemene publiek getuienis en repliek lewer ter ondersteuning of weerlegging van die LUR se getuienis.
- (8) Die LUR moet of -
- (a) nie dié bevinding maak nie; of
  - (b) die prestasiesubsidie opskort, met vermelding van voorwaardes vir die herinstelling daarvan; of
  - (c) die prestasiesubsidie herroep.

### **Beskerming van welsynskliënte deur die LUR**

26. (1) Waar die LUR -

- (a) 'n prestasiesubsidie aan 'n welsynverskaffer herroep; of
  - (b) 'n prestasiesubsidie aan 'n welsynverskaffer opskort op grond van dreigende gevaar vir sy welsynskliënte, kan die LUR sodanige aksie teen die welsynverskaffer neem as wat toepaslik mag wees, en mag die welsynverskaffer met 'n nuwe welsynverskaffer vervang.
- (2) Met goeie gronde kan die LUR -
- (a) die prestasiesubsidie weer instel; of
  - (b) die welsynsprogram beëindig; of
  - (c) die vorige welsynverskaffer met 'n nuwe een vervang.
- (3) Indien die LUR besluit om die welsynsprogram te beëindig, moet die LUR die subsidie vir 'n soortgelyke welsynsprogram aanwend.
- (4) Indien die LUR besluit om die welsynsprogram te beëindig, moet die LUR alternatiewe akkommodasie vir die welsynskliënte verskaf.
- (5) Indien die LUR die welsynverskaffer met 'n nuwe welsynverskaffer vervang, moet die LUR die fondse wat met die welsynsprogram verband hou aan die nuwe welsynverskaffer lewer.

### **Regulasies**

27. (1) Die LUR kan algemene regulasies uitvaardig wat hy of sy vir die uitvoering van die doelwitte van hierdie Wet nodig mag ag.
- (2) Regulasies wat in subartikel (1) beoog word, moet voorsiening maak vir bestraffing in die geval van oortreding.

### **Korttitel en inwerkingtreding**

28. Hierdie Wet staan bekend as die Wet op Streekwelsynsinrigtings, 1998, en moet in werking tree op 'n datum wat deur die Premier vasgestel word by wyse van proklamasie in die Provinsiale Koerant.

## **MEMORANDUM IN VERBAND MET DOELWITTE VAN WET OP STREEKWELSYNSTELLINGS, 1998**

### **1. DOEL**

Dit is die doel van hierdie Wet om ses Streekwelsynsin stellings te vestig ten einde die volgende probleme aan te spreek:

- 1.1 Histories-oneweredige toesegging van welsynshulpbronne en die lewering van welsynsdienste.
- 1.2 Die ongelyke ontwikkeling van welsynsdien verskaffers binne die histories-benadeelde gemeenskappe.
- 1.3 Ontoereikende aanspreeklikheid deur welsynsorganisasies aan die gemeenskappe wat deur hulle bedien word.
- 1.4 Die stadige en ongekoördineerde transformasie van welsynsin stellings en ander welsynsagentskappe.

### **2. AGTERGROND**

Voor 1994 is die Gautengse welsynstelsel op diskriminerende en onregverdigte wyse hanteer. Die verarmde meerderheid het min of geen toegang tot welsynsdienste gehad nie, terwyl die minderheid toegang tot 'n wye verskeidenheid sodanige dienste gehad het.

Die Departement van Welsyn en Bevolkingsontwikkeling is begerig om al hierdie ongelykhede te wysig deur wetgewing waardeur die deelname aan en toesegging van welsynshulpbronne beheer word.

### **3. FINANSIËLE IMPLIKASIES**

Geen.

### **4. PERSONEELIMPLIKASIES**

Geen.

### **5. GRONDWETLIKE IMPLIKASIES**

Geen.

**KLOUSULE ONTLEDING**

- Klousule 1. Hierdie afdeling maak voorsiening vir die omskrywing van woorde wat in die Wetsontwerp gebruik is.
- Klousule 2. Hierdie afdeling maak voorsiening vir die toepassing van die Wet
- Klousule 3. Hierdie afdeling maak voorsiening vir die algemene beginsels van die Wet
- Klousule 4. Hierdie afdeling maak voorsiening vir die vestiging van Streekswelsynsinrigtings
- Klousule 5. Hierdie afdeling maak voorsiening vir die samestelling van 'n streekswelsynsinrigting
- Klousule 6. Hierdie afdeling bevat die pligte en bevoegdhede van streekswelsynsinrigtings
- Klousule 7. Hierdie afdeling maak voorsiening vir die aanstelling van 'n Uitvoerende Streekkomitee
- Klousule 8. Hierdie afdeling maak voorsiening vir die afbakening van welsynstreke
- Klousule 9. Hierdie afdeling bevat besonderhede van die vergaderings van Streekswelsynsinrigtings
- Klousule 10. Hierdie afdeling maak voorsiening vir die bevoegdhede van Streekdienswelsynsinrigtings
- Klousule 11. Hierdie afdeling maak voorsiening vir die pligte van wylsynsverskaffers
- Klousule 12. Hierdie afdeling maak voorsiening vir die pligte wat met prestasiesubsidie verband hou
- Klousule 13. Hierdie afdeling maak voorsiening vir die stigting van 'n Provinsiale Uitvoerende Komitee
- Klousule 14. Hierdie afdeling maak voorsiening vir die pligte en bevoegdhede van die Provinsiale Uitvoerende Komitee
- Klousule 15. Hierdie afdeling maak voorsiening vir die samestelling van die Provinsiale Uitvoerende Komitee



- Klousule 16. Hierdie afdeling bevat besonderhede van die algemene verantwoordelikheid van die LUR
- Klousule 17. Hierdie afdeling maak voorsiening vir die delegering van pligte en bevoegdhede
- Klousule 18. Hierdie afdeling maak voorsiening vir die voorskryf van bedryfsriglyne
- Klousule 19. Hierdie afdeling maak voorsiening vir die voorskryf van rekenkundige prosedures en riglyne
- Klousule 20. Hierdie afdeling maak voorsiening vir die plig om administratiewe en ondersteuningsdienste aan Streekwelsynsinrigtings en die Uitvoerende Komitee te voorsien
- Klousule 21. Hierdie afdeling maak voorsiening vir die bevoegdhede van die LUR om 'n welsynsprogram te befonds
- Klousule 22. Hierdie afdeling maak voorsiening vir die toestaan van prestasiesubsidies
- Klousule 23. Hierdie afdeling maak voorsiening vir die prestasievoorwaardes wat voorgeskryf kan word
- Klousule 24. Hierdie afdeling maak voorsiening vir die toekenning van fondse vir welsynsprogramme
- Klousule 25. Hierdie afdeling maak voorsiening vir die kansellasië van 'n prestasiesubsidie
- Klousule 26. Hierdie afdeling maak voorsiening vir die beskerming van welsynskliënte deur die LUR
- Klousule 27. Hierdie afdeling maak voorsiening vir die uitvaardiging van regulasies
- Klousule 28. Hierdie afdeling maak voorsiening vir die kort titel en inwerkingstreding datum



NOTICE 2278 OF 1998

**SEPEDI**

# **LEKGOTLATHERAMELAO LA GAUTENG**

## **MOLAOKAKANYWA WA GAUTENG WA SELETE WA TLHOKOMELO YA LEAGO, 1998**

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Bjale ka go o tsebagaditšwe

---

ke

**LELOKO LA LEKGOTLAPHETHIŠI: LEAGO LE TLHABOLLO YA SETŠHABA**



# MOLAOKAKANYWA

Go kgonagatša go hlongwa ga Di-institute tša Selete tša Thlokomelo ya Leago; go kgonagatša go kgatha tema ga baamogedi ba tlhokomelo ya leago, baabi ba tlhokomelo ya leago, dihlopha tša baemedi le makala a mangwe a leago ao a kgathago tema go tšeweng ga diphetho ka ga tlhokomelo ya leago; go kgonagatša maatla le maikarabelo a Di-Institute tša Selete tša Thlokomelo ya Leago; go lekanetša peakanyo le go thekgwa ka ditšhelete ga tlhokomelo ya leago, go fokotša poeletšo ya mananeo a tlhokomelo ya leago, go oketša boikarabelo le go ba pepeneneng ga mananeo a tlhokomelo ya leago; go kgonagatša mellwane ya karogano ya dilete tša tlhokomelo ya leago; go hlalosa maikarabelo a baabi ba tlhokomelo ya leago; go phapella mananeo a tlhokomelo ya leago, le go kgonagatša le merero yeo e amanago le tšeo.

Lekgotlatheramelao la Probentshe ya Gauteng LE HLOMA molao ka mokgwa wo:

## PEAKANYO YA DIKAROLO

Karolo

Letlakala

|     |                                                                                                                              |    |
|-----|------------------------------------------------------------------------------------------------------------------------------|----|
| 1.  | Ditlhaloso                                                                                                                   | 43 |
| 2.  | Tirišo ya Molao wo                                                                                                           | 47 |
| 3.  | Dintlha ka kakaretšo tša Molao wo                                                                                            | 47 |
| 4.  | Go thongwa ga di-institute tša tlhokomelo ya leago                                                                           | 47 |
| 5.  | Go hlangwa ga institute ya selete ya tlhokomelo ya leago                                                                     | 47 |
| 6.  | Maatla le maikarabelo a di-institute tša dilete tša tlhokomelo ya leago                                                      | 48 |
| 7.  | Go hlongwa ga komitiphethiši ya selete                                                                                       | 49 |
| 8.  | Go bewa ga mellwane ga dilete tša tlhokomelo ya leago                                                                        | 50 |
| 9.  | Dikopano tša di-institute tša dilete tša tlhokomelo ya leago                                                                 | 50 |
| 10. | Maatla a di-institute tša dilete tša tlhokomelo ya leago                                                                     | 51 |
| 11. | Maikarabelo a baabi ba tlhokomelo ya leago                                                                                   | 51 |
| 12. | Maikarabelo ao a amanago le phaphello ya mošomo                                                                              | 52 |
| 13. | Go hlongwa ga komitiphethiši ya probentshe                                                                                   | 52 |
| 14. | Maatla le maikarabelo a komitiphethiši ya probentshe                                                                         | 52 |
| 15. | Sebopego sa komitiphethiši ya probentshe                                                                                     | 53 |
| 16. | Maikarabelo a kakaretšo a Leloko la Lekgotlaphethiši                                                                         | 53 |
| 17. | Tholelo ya maatla le maikarabelo                                                                                             | 54 |
| 18. | Ditsela tša tlhahlo ya go šoma                                                                                               | 54 |
| 19. | Ditsela tša go swara ditšhelete le ditsela tša tlhahlo                                                                       | 54 |
| 20. | Boikarabelo bja go aba ditirelo tša taolo le tša thekgo go di-institute tša dilete tša tlhokomelo ya leago le komitiphethiši | 55 |
| 21. | Maatla a Leloko la Lekgotlaphethiši a go thekga lenaneo la tlhokomelo ya leago ka ditšhelete                                 | 55 |
| 22. | Diphaphello tša mošomo                                                                                                       | 55 |

|     |                                                                               |    |
|-----|-------------------------------------------------------------------------------|----|
| 23. | Mabaka a mošomo                                                               | 55 |
| 24. | Go abja ga ditšhelete tša mananeo a tlhokomelo ya leago                       | 56 |
| 25. | Go fediša ga phaphello ya mošomo                                              | 57 |
| 26. | Tshireletšo ya badiriši ba tlhokomelo ya leago ke Leloko la Lekgotlaphethiši. | 58 |
| 27. | Melaotshepedišo                                                               | 59 |
| 28. | Hlogo ye kopana le go thoma                                                   | 60 |

## Ditlhaloso

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

"**Sehlopha sa go emela**" ke go re mokgatlo wo e sego wa mmušo, moo morero wo mogolo o nago le boemedi bja ditlhologelo tša badiriši ba tlhokomelo ya leago, goba bahloki goba ba o ba se nago mešomo, wo o sa dirišego lenaneo la tlhokomelo ya leago;

"**Modulasetulo**" ke go re modulasetulo wa komiti ya komitiphethiši ya selete;

"**Kgoro**" ke go re Kgoro ya Tlhokomelo ya Leago le Taolo ya Leago le Tlhabollo ya Setšhaba

"**Mokgatlo wa tumelo**" ke go re kereke goba mokgatlo wo mongwe wa sedumedi woo o dirišago lenaneo la tlhokomelo ya leago.

"**Leloko la Lekgotlaphethiši**" ke go re Leloko la Lekgotlaphethiši leo le nago le boikarabelo bja Tlhokomelo ya Leago le Tlhabollo ya Setšhaba ka Probentsheng ye.

"**phaphello ya mošomo**" ke go re phaphello yeo e amago kabo ya ditirelo tšeo di ukangwago ka go -

"**laetšwego**" ka go re yeo e letšwego ka melaotshepedišo;

"**Probentshe**" ke go re Probentshe ya Gauteng gomme "laetšwego" e na le tlhaloso yeo e amanago le yona;

"**selete**" ke go re lefelo leo le beetšwego mellwane ke Leloko la Lekgotlaphethiši go ya ka karolo 8;

"**Institute ya Selete ya Tlhokomelo ya leago**" ke gore institute yeo e hlomilwego go ya ka karolo 4.

"**Komitiphethiši ya Selete**" ke go re komitiphethiši ya selete yeo e ukangwago karolong 7;

"**Modiriši wa tlhokomelo ya leago**" ke go re motho yoo moabi wa tlhokomelo ya leago a mo fago ditirelo tša tlhokomelo ya leago; gomme

"**Lenaneo la tlhokomelo ya leago**" ke go re lenaneo leo le abago ditirelo tša tlhokomelo ya leago leo le filwego maatla ke Kgoro ka phaphello goba ntle le yona.

### **Tirišo ya Molao wo**

2. Molao wo o swanetše go dirišwa ka Probentsheng ya Gauteng, eupša go ya ka melao ya maleba yeo e dirišegago.

### **Dintlha tša kakaretšo tša Molao**

3. Dintlha tša kakaretšo tša Molao wo ke -

- (1) go godiša ka mo go ka kgonegago, go kgatha tema ga baamogedi ba tlhokomelo ya leago, mekgatlo ye e sego ya mmušo yeo e swaraganego le tlhokomelo ya leago, dihlopha tša boemedi le makala a mangwe a setšhaba ao a swaraganego le mananeo ao a tšwelago pele a go tšeya dipheho;
- (2) go lekanetša le go beakanya thekgo ya ditšhelete ya maikemišetšo a tlhokomelo ya leago;
- (3) go fokotša poeletšo yeo e sego bohlokwa mananeong a tlhokomelo ya leago;
- (4) go oketša boikarabelo le go bewa pepeneneng ga mananeo a tlhokomelo ya leago;
- (5) go aba diforamo tša dilete moo baabi ba tlhokomelo ya leago, dihlopha tša boemedi bja tlhokomelo ya leago, dipušo tša selegae le bahlankedi ba Kgoro ba ka rerišanago ka ga merero yeo e ba amago mmogo;
- (6) go tšwetša pele tholelo ya mešomo ya probentshe ya tlhokomelo ya leago go makala a dipušo tša selegae; le
- (7) go aba makala le ao a thekgago mananeo a phetošo ka gare ga lefapheng la tlhokomelo ya leago gore go be le pušo yeo e nago le bokgoni bjo bogolwane le yeo e kgathago tema ka mo go oketšegilego.

### **Go hlongwa ga Di-institute tša Dilete tša Tlhokomelo ya Leago**

4. Ka tsela ye go hlongwa Institute ya Selete ya Tlhokomelo ya Leago.

### **Go hlongwa ga Institute ya Selete ya Tlhokomelo ya Leago**

5. Institute ya Selete ya Tlhokomelo ya Leago e swanetše go ba le

- (1) Leloko le tee leo le kgethilwego ke Mokgato wo mongwe le wo mongwe wa go se be wa Mmušo, wo o šomago ka seleteng seo;
- (2) leloko le tee leo le kgethilwego ke mokgatlo wo mongwe le wo mongwe wa tumelo ka selegeng seo;

- (3) leloko le tee leo le kgewthilwego go tšwa bahlankeding ba yona bao ba kgethilwego goba ba hlomilwego ke pušo ye nngwe le ye nngwe ya selegae, goba sekgao sa mmušo sa legato la pušo ya metse setoropo ka seleteng seo;
- (4) maloko a mararo ao a hlomilwego ke Leloko la Lekgotlaphethiši go tšwa go bahlankediphethiši bagolwane ba kgwebo ka makala goba dikantorokgolo ka seleteng seo;
- (5) maloko amararo ao a hlomilwego ke Leloko la Lekgotlaphethiši go tšwa go bahlankediphethiši bagolwane ba dihlopha tša boemedi tšeo di šomago ka seleteng seo;
- (6) leloko le tee leo le kgethilwego ke Mokgatlo wo mongwe le wo mongwe wa tlhabollo ya Setšhaba wo o phethagatšago lenaneo ka seleteng seo.

#### **Maatla le maikarabelo a di-institute tša dilete tša tlhokomelo ya leago**

#### **6. Maatla le maikarabelo a Di-institute tša Dilete tša Tlhokomelo ya Leago ke -**

- (1) go eletša Leloko la Lekgotlaphethiši mabapi le dintlha ka moka ka ga leanotshepetšo la tlhokomelo ya leago ka selegeng;
- (2) go hlahloba le go dira ditšhišinyo go Leloko la Lekgotlaphethiši mabapi le maano a Kgoro a go aba mananeo a tlhokomelo ya leago ka seleteng;
- (3) go eletša Leloko la Lekgotlaphethiši ka ga tomaganyo ya kabo ya mananeo a tlhokomelo ya leago ka seleteng;
- (4) go tšwela pele ka go hlapetša le go ela kabo ya mananeo a tlhokomelo ya leago ka seleteng, le go dira pego ye e yago go Leloko la Lekgotlaphethiši;
- (5) go eletša Leloko la Lekgotlaphethiši ka ga magato a go kgonthiša gore Leloko la Lekgotlaphethiši o aba mananeo a tlhokomelo ya leago ka dilete ka go lekalekana magareng ga dihlopha ka moka ka seleteng, go hlokometšwe kudugore dihlopha tšeo di dikilego di hlokišitšwe dibaka, di hwetša kabo yeo e swanelegago ya mehlodi ya tlhokomelo ya leago, go ya ka hlogo.
- (6) go šišinya gore Leloko la Lekgotlaphethiši le fe goba le ganetše phaphello ya mošomo ya lenaneo la tlhokomelo ya setšo ka seleteng, go moabi wa tlhokomelo ya leago;
- (7) go eletša Leloko la Lekgotlaphethiši mabapi le kabo ya ditšhelete go selete le magareng a mananeo a go fapafapana ka seleteng;
- (8) go eletša Leloko la Lekgotlaphethiši ka ga magato, go kgonthiša go ba pepeneneng le go ba le boikarabelo ka mo go ka kgonegago, mabapi le ditšhelete tša setšhaba, le go kgonthiša gore ditshenyagalelo di latela leanotshepetšo la Kgoro; le



- (9) go kgonagatša go kgatha tema go dirweng ga dipheho ke badiriši ba tlhokomelo ya leago, dihlopha tša boemedi tša badiriši ba tlhokomelo ya leago le batho ka kakaretšo.

### Go hlongwa ga komitiphethiši ya Selete

7. (1) Go tšwa malokong a Di-institute tša Dilete tša Tlhokomelo ya Leago, Leloko la Lekgotlaphethiši le swanetše go kgetha Komitiphethiši ya Selete yeo e nago le maloko a palo ye e sego ka tlase ga lesome le gona yeo e sego ka godimo ga masome-pedi-hlano go ya le ka mo a ka beyago ka gona.
- (2) Leloko la Lekgotlaphethiši le swanetše go hloma maloko a Komitiphethiši ya Selete, go hlokometše dinyakwa tše di latelago:
- (a) kelo yeo ka yona maloko a Komitiphethiši ya Selete a tla emelago sebopego sa dihlopha tša leago magareng a badiriši ba ba fapafapanego ka seleteng;
- (b) ditšhišinyo, ge di le gona go tšwa kopanong ya ngwaga ka ngwaga ya kakaretšo ya Di-institute tša Dilete tša Tlhokomelo ya Leago;
- (c) kelo yeo ka yona di tla emelago mehuta ya mananeo a tlhokomelo ya leago ao a dirišwago ka seleteng; le
- (d) go kgonthiša gore badiriši ba tlhokomelo ya leago, bao ba dikilego ba hlokišitšwe dibaka, le dihlopha tše di ba emelago di emela batho ba bontši bjo bo bonalago magareng a maloko a Komitiphethiši ya Selete.
- (3) Leloko la Lekgotlaphethiši le swanetše go hloma go tšwa magareng a Komitiphethiši ya Selete, Modulasetulo le Mongwaledi.
- (4) Leloko la Lekgotlaphethiši le ka -
- (a) kgonthiša lebaka la mošomo le mabaka a mangwe a mošomo a maloko a komitiphethiši ya selete;
- (b) hloma maloko a tlaleletšo ka mokgwa wo o laetšwego.
- (5) Institute ya selete ya tlhokomelo ya leago e ka fa komitiphethiši ya selete maatla a go diriša maatla afe goba a fe a yona, goba maatla afe goba afe goba maikarabelo ao a filwego institute yeo ya selete ya tlhokomelo ya leago ka mokgwa wo o laetšwego.
- (6) Dikopano tša komitiphethiši ya selete di swanetše go swarwa ka mokgwa wo di laetšwego.

**Go beelwa mellwane ga dilete tša tlhokomelo ya leago**

8. (1) Leloko la lekgotlaphethiši le swanetše go arola Probentshe, ka dilete tša palo ye e sa fetego tše tshelelago tša tlhokomelo ya gomme a e le hloko:
- (a) go swana ga batho ba selete seo mabapi le lehumo le dinyakwa tše ba di letetšego go lenaneo la tlhokomelo ya leago;
  - (b) ditirelo tše di lego gona tša tlhokomelo ya leago, tše ga bjale di abjago ka seleteng seo se šišintšwego, ke Kgoro goba moabi wa tlhokomelo ya leago;
  - (c) kelo yeo ka yona dipušo tša selegae tše di lego ka seleteng seo se šišintšwego di nago le tholelo yeo e amogelegago ya mešomo ya tlhokomelo ya leago go tšona;
  - (d) palo, bogolo, boitemogelo le bokgoni bja baabi ba tlhokomelo ya leago bao ga bjale ba šomago ka seleteng seo se beilwego; le
  - (e) palo le maatla a dihlopha tša boemedi bja tlhokomelo ya leago ka seleteng seo se šišintšwego.

(2) Go arolwa ga Probentshe go boletšwego karolwaneng (1) go swanetše go tla ka nako e tee le mellwane ya mmušo wa selegae.

**Dikopano tša di-institute tša dilete tša tlhokomelo ya leago**

9. (1) Maloko a di-institute tša dilete tša tlhokomelo ya leago di swanetše go kopana ngwaga ka ngwaga kopanong ya kakaretšo.
- (2) Institute ya Selete ya Tlhokomelo ya Leago e swanetše go kopana kopanong ya mehleng -
- (a) le ge e ka ba ga tee morago ga dikgwedi tše dingwe le tše dingwe tše pedi; goba
  - (b) ka piletšo ya Modulasetulo; goba
  - (c) ge tee-hlanong ya maloko a yona a nyaka gore go be le kopano, gomme a hlalosa seo se yago go rerišanwa kopanong yeo.
- (3) Kopano ya Institute ya Selete ya Tlhokomelo ya Leago e swanetše go latela ditsela tše di laetšwego.
- (4) Ka ditikologong tše maloko a palo ye e bonalago ya badiriši ba mananeo a

tlhokomelo ya leago a dulago ka seletgeng, Modulasetulo o swanetše go bitša kopano ka mokgwa wo o laetšwego.

- (5) Lenaneo la tšeo di ilego go rerwa kopanong ya kakaretšo le swanetše go ba ka mo go laetšwego.

**Maatla a di-institute tša dilete tša tlhokomelo ya leago**

10. (1) Godimo ga maatla ao a kgonagatšwago ke Molao wo, institute ya selete ya tlhokomelo ya leago e ka -
- (a) šišinya go go Leloko la Lekgotlaphethiši gore go be le diphetogo sebopegong sa Komitiphethiši ya Selete;
  - (b) šišinya go Leloko la Lekgotlaphethiši ka ga ditekanyetšo tša ngwaga wo o tlogo;
  - (c) dira ditšhišinyo ka ga merero ya leanotshepedišo ya go hlhla Di-institute tša Dilete tša Tlhokomelo ya Leago.
- (3) Institute ya selete e swanetše go begela Leloko la Lekgotlaphethiši ka ga mešomo ya yona ka mokgwa wo o laetšwego.

**Maikarabelo a baabi ba tlhokomelo ya leago**

11. Moabi wa tlhokomelo ya leago o swanetše gore mešomong ka moka yeo e amago badiriši ba tlhokomelo ya leago a sepedišo merero ya gagwe -
- (a) ka mo go tla kgahlago badiriši ka mo go ka kgonegago;
  - (b) ka mokgwa wo o laetšago tlhompho go badiriši;
  - (c) ka mokgwa wo o kgonthišago tšhireletšo ya seriti sa modiriši;
  - (d) go ya ka ditsela tša tlhahlo tšeo di laetšwego ke leanotshepetšo la kgoro;
  - (e) ka go kgatha tema go tšeweng ga dipheho ga badiriši ba tlhokomelo ya leago, mekgatlo ya bona le dihlopha tšeo di ba emelago; le
  - (f) ka go ba pepeneneng le go ba le boikarabelo mabapi le lenaneo la gagwe la go tšeya dipheho le merero ya gagwe ya ditšhelete.
- (2) Moabi wa tlhokomelo ya leago o swanetše -
- (a) go dira gore mohlankedi wa Kgoro a kgone go fihlelela dinolofatši le karolo efe goba efe ya lenaneo la tlhokomelo ya leago, ka tsebišo, goba ntle le yona;

- (b) a fe mohlankedi wa Kgoro, ge a nyaka, pampiri yeo e amanago le, goba yeo mohlankedi a dumelago gore e amana le lenaneo la tlhokomelo ya leago;
- (c) a fe mohlankedi wa Kgoro, ge a nyaka, phihlelelo go modiriši wa lenaneo la gagwe la tlhokomelo ya leago, goba leloko la bašomedi ba moabi wa tlhokomelo ya leago; le gore
- (d) a fe Kgoro dipego tša ditiro tša gagwe tša leago le dipego tša ditšhelete go ya le ka mo go ka laelwago.

#### **Maikarabelo mabapi le phaphello ya mošomo**

- 12. Moabi wa tlhokomelo ya leago yo a amogetšego phaphello ya mošomo go tšwa go Kgoro, o swanetše gore a re lebakeng la phaphello yeo, a obamele mabaka a phaphello yeo, ntle le go fapoga.

#### **Go hlongwa ga komitiphethiši ya probentshe**

- 13. Go hlongwa Komitiphethiši ya Probentshe, ya go ba le maloko ao a ilego go laelwa ke Leloko la Lekgotlaphethiši.

#### **Maatla le maikarabelo a komitiphethiši ya probentshe**

- 14. (1) Komitiphethiši ya probentshe e swanetše go eletša Leloko la Lekgotlaphethiši, le go dira ditšhišinyo le dikakanyo go Leloko la Lekgotlaphethiši, e lego tšeo di swanetšego go -
  - (a) go dumelelana le diphapano magareng a dilete;
  - (b) kgonthiša go swana ga go šoma ga mananeo a tlhokomelo ya leago magareng a dilete;
  - (c) kgonthiša gore di-institute tša dilete tša tlhokomelo ya leago di aba ditšhelete taolong ya tšona bjale ka g e go laetšwe, le gona ka go obamela diketho tša leanotshepetšo la Kgoro;
  - (d) kgonthiša gore Di-institute tša Dilete tša Tlhokomelo ya Leago di latela ditaelo tša Molao wo, melao ye mengwe ya maleba, maanotshepetšo a mmušo wa gare le a diprobentshe;
  - (e) eletša Leloko la Lekgotlaphethiši ka ga morero wo o amanago le mešomo ya Di-institute tša Dilete tša Tlhokomelo ya Leago; le go
  - (f) kgonthiša tlhapetšo le kelo ya go šoma ga Di-institute tša Dilete tša Tlhokomelo ya Leago.

- (2) Leloko la Lekgotlaphethiši le ka beya maatla a tlaleletšo a komitiphethiši ya probentshe.

**Sebopego sa komitiphethiši ya probentshe**

15. (1) Sebopego sa komitiphethiši ya probentshe se swanetše go bewa ke Leloko la Lekgotlaphethiši ka mokgwa wo o laetšwego.
- (a) Leloko la Lekgotlaphethiši le swanetše go laela tsela yeo e swanetšego go latelwa dikopanong tša komitiphethiši ya diprobentshe tšeo di boletšwego karolwaneng (1) ka mokgwa wa melaotshepedišo.

**Maikarabelo a kakaretšo a Leloko la Lekgotlaphethiši**

16. (1) Leloko la Lekgotlaphethiši le swanetše -
- (a) go hlapetša mešomo ya ditšhelete le e mengwe ya Di-Institute tša Dilete tša Tlhokomelo ya Leago; le
- (b) go tšeya magato ao a nyakegago go kgonthiša gore e dumelelana le maikemišetšo a Molao wo.
- (c) Leloko la Lekgotlaphethiši le ka -
- (d) amogela keletšo goba ditšhišinyo tšeo di dirwago go yana ke institute ya selete ya tlhokomelo ya leago goba dikomitiphethiši tša yona; le go
- (e) go gana ka go ngwala, keletšo goba tšhišinyo yeo e boletšwego temaneng A.
- (3) Leloko la Lekgotlaphethiši le swanetše gore mabapi le taba yeo Institute ya Selete ya Tlhokomelo ya Leago goba komitiphethiši ya yona, e sa le fago keletšo goba tšhišinyo le re -
- (a) go ya ka ka mo go dumelelwago ke nako le mabaka, le bone Di-institute tša maleba tša Dilete goba komitiphethiši pele ga go tsenywa tirišong ga sephetho ka ga morero wo, gomme le amogele keletšo goba tšhišinyo; goba
- (b) morago ga go tsenya sephetho tirišong, ntle le go senya nako le tsebiše Institute ya maleba ya Selete ya Tlhokomelo ya Leago goba komitiphethiši ka ga kgato yeo e tšerwego.

**Tholelo ya maatla le maikarabelo****17. (1) Leloko la Lekgotlaphethiši le ka -**

- (a) rolela Di-institute tša Dilete tša Tlhokomelo ya Leago maatla le go di fa maikarabelo ao a dumelago gore a bohlokwa go tšweletša maikemišetšo a Molao wo;
- (b) rolela Hlogo ya Kgoro goba mohlankedi ofe goba ofe wa kgoro ya gagwe, maatla afe goba afe aao a a filwego ke Molao wo, ntle le maatla a go dira melaotshepedišo;

**(2) Hlogo ya kgoro e ka -**

- (a) rolela mohlankedi ofe goba ofe wa kgoro ya gagwe maatla afe goba afe ao e a filwego ke Molao wo; le gona e ka
- (b) fa mohlankedi yoo maatla a go phethagatša boikarabelo bofe goba bofe bjo bo beilwego magetleng a gagwe ke Molao wo.

**(3) Motho ofe goba ofe yo a roletšwego maatla goba yo a filwego maatla a go phethagatša boikarabelo bjo bongwe le bjo bongwe ka tlase ga karolo ye, o swanetše go diriša maatla ao go ya ka mabaka ao motho yo a dirilego tholelo yeo, goba a filego maatla ao, a bonago go nyakega.****(4) Tholelo efe goba efe ya maatla goba go fiwa maatla a go phethagatša boikarabelo ka tlase ka karolo ye -**

- (a) e swanetše go dirwa ka go ngwala;
- (b) ga se ya swanela go thibela motho yo a filego tholelo yeo goba maatla a go phethagatša boikarabelo bjoo, go diriša maatla ao goba go phethagatša boikarabelo bjoo ka boyena; le gona
- (c) tholelo goba go fiwa ga maatla go ka gomišwa nako efe goba efe ka go ngwala ke motho yo a e filego.

**Ditsela tša tlhahlo tša mošomo****18. Go ya ka Molao wo, Leloko la Lekgotlaphethiši le ka laela tsela ya go šoma le ditsela tša tlhahlo tša go dirišwa ga maatla ke Di-institute tša Dilete tša Tlhokomelo ya Leago le komitiphethiši.****Ditsela tša go swara ditšhelete le ditsela tša tlhahlo****19. Leloko la Lekgotlaphethiši le ka laela ditsela tša go swara ditšhelete le ditsela tša**

tlhahlo tša Di-institutre tša Dilete tša Tlhokomelo ya Leago le komitiphethiši.

**Boikarabelo bja go aba ditirelo tša taolo le tša thekgo go di-institute tša dilete tša tlhokomelo ya leago le komitiphethiši**

20. (1) Bjale ka ge le nyakwa gore le pohethagatše dinyakwa tša Molao wo, Leloko la Lekgotlaphethiši le swanetše go aba bašomedi ba taolo le ba thekgo le ditirelo go Di-institute tša Dilete tša Tlhokomelo ya Leago le go komitiphethiši.
- (2) Leloko la Lekgotlaphethiši le ka thwala baeletši go ya ka tšhišinyo ya Di-institute tša Dilete tša Tlhokomelo ya Leago goba Komitiphethiši ya Probentshe go thuša go phethagatša mešomo ya lona.

**Maatla a Leloko la lekgotlaphethiši a go thekga lenaneo la tlhokomelo ya leago ka tšhelete**

21. (1) Go ya ka Molao wo, Leloko la Lekgotlaphethiši le ka fa phaphello ya mošomo go moabi wa tlhokomelo ya leago ya lenaneo le itšego.
- (2) Ntle le moo go bonalago go na le kotsi ye e ka tlelago mmele, monagano goba maitshwaro a modiriši wa tlhokomelo ya leago, Leloko la Lekgotlaphethiši le ka aba phaphello ya mošomo go moabi wa tlhokomelo ya leago -
- (a) morago ga go amogela ditšhišinyo tša komitiphethiši; le
- (b) morago ga go amogela ditšhišinyo tša di-institute tša dilete tša tlhokomelo ya leago mabapi le lenaneo le itšego la leago;

tšhelete ya phaphello le mabaka a yona a go šoma.

**Diphaphello tša mošomo**

22. Leloko la Lekgotlaphethiši le ka aba phaphello ya mošomo go moabi wa tlhokomelo ya leago.

**Mabaka a go šoma**

23. (1) Leloko la Lekgotlaphethiši le ka laela mabaka a itšego a go šoma gore go fiwe phaphello.
- (2) Moabi wa tlhokomelo ya leago o swanetše go dumela ka go ngwala go phethagatša mabaka ao a boletšwego karolwaneng (1).

**Go abja ga ditšhelete tša mananeo a tlhokomelo ya leago**

24. (1) Institute ya Selete ya Tlhokomelo ya Leago e swanetše go lokišetša kgopelo ya ditekanyetšo tša ngwaga ka ngwaga tšeo di nago le lenaneo la diphaphello tšeo di šišinywago tša mošomo tša mananeo a tlhokomelo ya leago ka seleteng sa yona, le ditshenyagalelo tša mešomo ya yona, gomme e swanetše go iša kgopelo yeo go komitiphethiši le go Leloko la Lekgotlaphethiši.
- (2) Ge di lokišetša dikgopelo tša ditekanyetšo tšeo di boletšwego karolwaneng (1), Di-institute tša Dilete tša Tlhokomelo ya Leago di swanetše go ela hloko -
- (a) dinyakwa tša tlhokomelo ya leago tša selete;
  - (b) ditshenyagalelo tša kgoro tša ngwaga wo o fetilego tša ditirelo tša tlhokomelo ya leago ka seleteng seo;
  - (c) ditsela tša tlhahlo tšeo di amago go lokišetšwa ga ditekanyetšo, tšeo Leloko la Lekgotlaphethišile ka bego le di ntšhitše; le
  - (d) melao le maanotshepetšo a mmušo wa gare le a diprobentshe,
- (3) Go hlokometšwe -
- (a) dikopelo tša ditekanyetšo tša Di-institute tša Dilete tša kabo ya Tlhokomelo ya Leago;
  - (b) ditshenyagalelo tša ngwaga wa go feta tša kgoro goba ditirelo tša dilete tša tlhokomelo ya leago;
  - (c) ditsela tša tlhahlo tše di ka bego di filwe ke Leloko la Lekgotlaphethiši;
  - (d) melao le maanotshepedišo a mušo wa gare le wa probentshe;
- komitiphethiši e swanetše go lokišetša dikgopelo tša ditekanyetšo tšeo di šišintšwego tša ngwaga ka ngwaga tša go thekga mananeo a probentshe a tlhokomelo ya leago.
- (4) Komitiphethiši e swanetše go akaretša ka dikgopelong tša ditekanyetšo tšeo di šišinywago tša ngwaga ka ngwaga, tšeo di boletšwego karolwaneng (2) kabo ye e šišinywago go selete se sengwe le se sengwe, ya tšhelete ya ditirelo ka moka tša tlhokomelo ya leago yeo e di šišinyago, e lego tšeo Leloko la Lekgotlaphethiši le di abago ka seleteng, le ditshenyagalelo tša mešomo tša Di-institute tša Dilete tša Tlhokomelo ya Leago ka seleteng seo gomme e iše dikgopelo tša ditekanyetšo tšeo di šišinywago go Leloko la Lekgotlaphethiši.



**Go fedišwa ga phaphello ya mošomo**

25. (1) Leloko la Lekgotlaphethiši le ka fega goba la emiša phaphello ya mošomo ka karolo goba ka moka ga yona go moabi wa tlhokomelo ya leago.
- (2) Ge Leloko la Lekgotlaphethiši le na le lebaka la go dumela gore Leloko le Lekgotlaphethiši le swanetše go fega goba go emiša phaphello ya mošomo, Leloko la Lekgotlaphethiši le ka -
  - (a) hloma dinyakišišo ka ga tshepedišo ya moabi wa tlhokomelo ya leago ya lenaneo la tlhokomelo ya leago, le go bega tšeo dinyakišišo di hweditšego le ditšhišinyo tša tšona, go Leloko la Lekgotlaphethiši, goba
  - (b) tšwela pele ka tlase ga karolwana (1).
- (3) Ge Leloko la Lekgotlaphethiši le lemoga ka go ngwala gore moabi wa tlhokomelo ya leago o hlokomologile maikarabelo a gagwe kudu, goba lebaka la phaphello ya mošomo, goba o hweditše phaphello yeo ka bomenetša, Leloko la Lekgotlaphethiši le ka fega goba la fediša phaphello ya mošomo go moabi yoo.
- (4) Ge Leloko la Lekgotlaphethiši le lemoga ka go ngwala gore moabi wa tlhokomelo ya leago o hlokomologile maikarabelo a gagwe kudu goba lebaka la phaphello ya mošomo, gomme ka tsela yeo go na le kgonagalo ya gore go ka ba le kotsi ye e bonalago mmeleng, monagangong le bophelong bjo botse bja maitshwaro a badiriši ba leago, Leloko la Lekgotlaphethiši le ka fega lebakanyana phaphello ya mošomo, ya moabi yoo wa tlhokomelo ya leago.
- (5) Leloko la Lekgotlaphethiši le swanetše go phatlalatša phego yeo e šišinywago goba taelo ya kemišo ka kuranteng yeo e fihlelelago batho ka kakaretšo ka Probentsheng, ka tsebišo ya lebaka leo le sego ka tlase ga kgwedi e tee, gomme le laletša go ntšhwa ga maikutlo mabapi le taelo yeo e šišinywago.
- (6) Leloko la Lekgotlaphethiši le swanetše -
  - (a) phatlalatša tsebišo ka kuranteng goba ka dikuranteng tšeo di fihleledlwago ke batho ka kakaretso ka tikologong yeo moabi wa tlhokomelo ya leago a sepedišago mananeo a gagwe a tlhokomelo ya leago, gomme a hlalose -
    - (i) nako ya theeletšo, le
    - (ii) lefelo leo go lona Leloko la Lekgotlaphethiši le ilego go swanela theeletšo yeo, e lego lefelo leo Leloko la

Lekgotlaphethiši le le swanetše go le beya moo palo ye e bonalago ya badiriši ba tlhokomelo ya leago ba moabi wa tlhokomelo ya leago ba dulago; le

- (b) gore Leloko la Lekgotlaphethiši le šišinya go fega goba go emiša phaphello ya mošomo, yeo peleng e bego e fiwa moabi wa tlhokomelo ya leago yo a filwego boikarabelo bja go sepediša lenaneo le itšego la tlhokomelo ya leago;
- (c) ge go le bohlokwa le dire gore moabi a romele dikhophi ka tsebišo yeo ka mafelong ao baamogedi ba tlhokomelo ya leago ya moabi wa tlhokomelo ya leago ba ka e bonago; le gore
- (d) a sware theeletšo yeo e lego mabapi le taelo ya go fegwa go go šišintšwego goba go emišwa nakong le lefelong leo le hlalositšwego ka tsebišong yeo.

(7) Theeletšong -

- (a) Leloko la Lekgotlaphethiši le swanetše go tšweletša bohlatse bjo bo laetšago gore moabi wa tlhokomelo ya leago o sepediša lenaneo leo ka mokgwa wo o hlokomologago molao goba, goba o hlokomologa go mabaka a phaphello ya mošomo, ka ditsela tšeo e lego gore go dumelelana le karolwana (3) di dumelela go fegwa goba go emišwa ga phaphello ya mošomo, goba gore moabi wa tlhokomelo ya leago o hweditše phaphello ya mošomo ka bomenetša; le gona
- (b) moabi wa tlhokomelo ya leago, bašomedi ba gagwe, badiriši ba mananeo a tlhokomelo ya leago le batho ka kakaretšo ba ka tšweletša bohlatse le dingangišano tša go thekga goba go lwantšha bohlatse bja Leloko la Lekgotlaphethiši.

(8) Leloko la Lekgotlaphethiši le swanetše go -

- (a) gana go tsebagatša ditemogo tša lona;
- (b) fega phaphello ya mošomo, le beya mabaka ao ka wona e ka hlongwago gape; goba
- (c) emiša phaphello ya mošomo.

**Tšhireletšo ya badiriši ba tlhokomelo ya leago ka Leloko la Lekgotlaphethiši**

26. (1) Mo Leloko la Lekgotlaphethiši -

- (a) le emišago phaphello ya mošomo go moabi wa tlhokomelo ya leago; goba
  - (b) le fegago phaphello ya mošomo go moabi wa tlhokomelo ya leago ka mabaka a kgonagalo ya go ba gona ga kotsi go badiriši ba lona ba tlhokomelo ya leago, Leloko la Lekgotlaphethiši le ka tšeya magato ao a ka bago maleba kgahlanong le moabi wa tlhokomelo ya leago, gomme le ka beya moabi yo moswa wa tlhokomelo ya leago legatong la yoo.
- (2) Leloko la Lekgotlaphethiši le ka re ka lebaka le le lokilego la -
- (a) hloma leswa phaphello ya mošomo; goba
  - (b) tswalela lenaneo la tlhokomelo ya leago,
  - (c) beya moabi yo moswa wa leago legatong la wa peleng.
- (3) Ge Leloko la Lekgotlaphethiši le le tšeya sephetho sa go tswalela lenaneo la tlhokomelo ya leago, Leloko la Lekgotlaphethiši le swanetše go diriša phaphello lenaneong la go swana le leo la tlhokomelo ya leago.
- (4) Ge Leloko la Lekgotlaphethiši le tšeya sephetho sa go tswalela lenaneo la tlhokomelo ya leago, Leloko la Lekgotlaphethiši le swanetše go fa badiriši ba tlhokomelo ya leago, lefelo le lengwe leo ba ka dulago go lona.
- (5) Ge Leloko la Lekgotlaphethiši le beya moabi yo moswa wa tlhokomelo ya leago, Leloko la Lekgotlaphethiši le swanetše go fa moabi yo moswa wa tlhokomelo ya leago, ditšhelete tšeo di amago lenaneo la tlhokomelo ya leago.

### **Melaotshepedišo**

27. (1) Leloko la Lekgotlaphethiši le ka re ka kakaretšo la dira melaotshepedišo yeo le bonago e nyakega go tšwetša pele maikemišetšo a Molao wo.
- (2) Melaotshepedišo yeo e ukangwago karolwaneng (1) e swanetše go kgonagatša dikotlo ma bakeng a tlhokomologo.

### **Hlogo ye kopana le go thoma**

28. Molao wo o bitšwa Molao wa Selete wa Di-institute tša Tlhokomelo ya Leago, 1998, gomme o swanetše go thoma go šoma letšatšing leo le beilwego ke Tonakgolo ka kgoeletšo ka kuranteeng ya probentshe.

## **MEMORANDAMO KA GA MAIKEMIŠETŠO A MOLAOKAKANYWA WA DI- INSTITUTE TŠA DILETE TŠA TLHOKOMELO YA LEAGO**

### **1. MORERO**

Morero wa Moloaokakanywa wo ke go hloma di-institute tše tshelago tša dilete, tšeo di tla hlokomelago mathata a latelago:

- 1.1 Kabo yeo e sekamišitšwego go tloga kgale, ya mehlodi ya tlhokomelo ya leago le kabo ya ditirelo tša tlhokomelo ya leago.
- 1.2 Tlhabollo ye e sa lekalekanago ya baabi ba ditirelo tša tlhokomelo ya leago ka ditšhabeng tšeo di dikilego di hlokišitšwe dibaka.
- 1.3 Lenaneo leo le sa lekanago la boikarabelo bja mekgatlo ya kabo ya tlhokomelo ya leago go setšhaba seo e se direlago.
- 1.4 Lenaneo leo le nanyago le gona le sa lomaganywago, la go fetoša dikago tša tlhokomelo ya leago le makala a mangwe a tlhokomelo ya leago.

### **2. BOTŠO**

Mokgwa wo ka wona lenaneo la Gauteng la tlhokomelo ya leago le dutšego le sepedišwa pele ga 1994, ebile leo le kgethollago le gona e se la go loka. Bontši bjo bo hlokišitšwego bo dutše go na le phihlelelo ye nnyane, goba bo se na phihlelelo ya ditirelo tša tlhokomelo ya leago, mola bonnyane bo bile le molokoloko wo o tletšego wa ditirelo tša tlhokomelo ya leago.

Kgoro ya Tlhokomelo ya Leago le Tlhabollo ya Setšhaba e kganyoga go fetoša tlhokego ka moka ya ditekatekano tše ka go dira molao wo o tla sepedišago go kgatha tema le go abjeng ga mehlodi ya tlhokomelo ya leago. Molao wo ke Molaokakanywa wo o šišinywago wa Selete wa Di-institute tša Dilete tša Tlhokomelo ya Leago.

### **3. DITLAMORAGO TŠA DITŠHELETE**

Ga di go.

### **4. DITLAMORAGO TŠA BAŠOMEDI**

Ga di go.

### **5. DITLAMORAGO TŠA MOLAOTHEO**

Ga di go.

**TSHEKATSHEKO YA TEMANA KA TEMANA**

Temana 1 e hlalosa mantšu le mebolelwana ka Molaongkakanywa wo.

Temana 2 e swaragane le go dirišwa ga Molaokakanywa wo.

Temana 3 e swaragane le dintlha tša kakaretšo.

Temana 4 e hloma di-institute tša dilete tša tlhokomelo ya leago.

Temana 5 e hloma semolao di-institute tša dilete tša tlhokomelo ya Leago.

Temana 6 e swaragane le maatla le maikarabelo a di-institute tša dilete tša tlhokomelo ya leago.

Temana 7 e swaragane le go hlongwa ga komitiphethiši ya dilete.

Temana 8 e swaragane le go arolwa ga dilete tša tlhokomelo ya leago.

Temana 9 e swaragane le dikopano tša di-institute tša dilete tša tlhokomelo ya leago.

Temana 10 e swaragane le maatla a di-institute tša dilete tša tlhokomelo ya leago.

Temana 11 e swaragane le maikarabelo a baabi ba tlhokomelo ya leago.

Temana 12 e swaragane le maikarabelo ao a amanago le phaphello ya mošomo.

Temana 13 e hloma komitiphethiši ya probentshe.

Temana 14 e swaragane le maatla le maikarabelo a komitiphethiši ya probentshe .

Temana 15 e swaragane le sebopego sa komitiphethiši.

Temana 16 e swaragane le boikarabelo bja kakaretšo bja Leloko la Lekgotlaphethiši.

Temana 17 e swaragane le go rolelwa ga maatla le maikarabelo.

Temana 18 e swaragane le ditsela tša tlhahlo tša go šoma.

Temana 19 e swaragane le ditsela tša go swara dipuku le ditsela tša tlhahlo.

Temana 20 e swaragane le boikarabelo bja go aba ditirelo tša taolo le tša thekgo go di-institute tša dilete le komitiphethiši.

Temana 21 e swaragane le maatla a Leloko la Lekgotlaphethiši a go thekga lenaneo la tlhokomelo ya leago.

Temana 22 e swaragane le diphaphello tša mošomo.

Temana 23 e swaragane le mabaka a mošomo.

Temana 24 e swaragane le go abja ga ditšhelete tša mananeo a tlhokomelo ya leago.

Temana 25 e swaragane le go fedišwa ga phaphello ya mošomo.

Temana 26 e swaragane le tšhireletšo ya badiriši ke Leloko la Lekgotlaphethiši.

Temana 27 e kgonagatša go ba gona ga melaotshepedišo.

Temana 28 e kgonagatša go ba gona ga hlogo ye kopana le go tlhoma ga tsebagatšo le letšatši la go thoma go šoma ga Molao wo.

**NOTICE 2278 OF 1998**

**ISISHAYAMTHETHO SESIFUNDAZWE SASEGAUTENG**

**UMTHETHO-SIVIVINYWA WEZENHLALAKAHLE KUZIFUNDA  
ZASEGAUTENG, 1998**

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**Njengoba wethulwe**  
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ngu

**UNgqongqoshe Wesifundazwe Wezenhlalakahle Nezentuthuko  
Yomphakathi**

**[B-1998]**





## UMTHETHO-SIVIVINYWA

Ukwenza amalungiselelo okusungulwa Kwamaziko Ezifunda Ezenhlalakahle; ukukhuthaza ukuzibandakanya kwalabo ababonelelwa ngezenhlalakahle, abanika usizo lwezenhlalakahle, amaqembu alwela amalungelo ezenhlalakahle kanye namanye amaqembu emphakathini uma kuthathwa izinqumo ngezenhlalakahle; ukwenza amalungiselelo okwedlulisela amandla kanye nomsebenzi Wamaziko Ezifunda Ezenhlalakahle; ukuhlanganisa umsebenzi wokuhlela kanye nokwaba izimali zezenhlalakahle; ukunciphisa ubuningi bezinhlelo ezenza umsebenzi ofanayo kwezenhlalakahle; ukukhuphula izinga lokusebenza ngokwezidingo zomphakathi kanye nokusebenza ngokusobala kuzinhlelo zezenhlalakahle; ukulungiselela ukubekwa kwemingcele phakathi kwezifunda zezenhlalakahle; ukuchaza ngemisebenzi yabanika usizo lwezenhlalakahle; ukuxhasa izinhlelo zezenhlalakahle; kanye nokulungiselela imibandela ehambisana nalo msebenzi.

**MAKUSHICILELWE NGOKOMTHETHO** yisiShayamthetho Sesifundazwe SaseGauteng, ngendlela elandelayo:

## UKUHLELWA KWEZIGABA

| Isigaba                                                                                                                             | Ikhasi |
|-------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. Incazelo                                                                                                                         | 63     |
| 2. Ukusebenza kwalo Mthetho                                                                                                         | 67     |
| 3. Imigomo elandelwa kulo Mthetho                                                                                                   | 67     |
| 4. Ukusungulwa kwamaziko ezenhlalakahle                                                                                             | 68     |
| 5. Ukubunjwa kwaMamaziko Ezifunda Ezenhlalakahle                                                                                    | 68     |
| 6. Amandla nemisebenzi yamaziko ezifunda ezenhlalakahle                                                                             | 68     |
| 7. Ukuqokwa kwekomiti elengamele lesifunda                                                                                          | 69     |
| 8. Ukubekwa kemingcele yezifunda yezenhlalakahle                                                                                    | 71     |
| 9. Imihlangano yamaziko ezifunda ezenhlalakahle                                                                                     | 71     |
| 10. Amandla amaziko ezifunda ezenhlalakahle                                                                                         | 72     |
| 11. Imisebenzi yabanika usizo lwezenhlalakahle                                                                                      | 72     |
| 12. Imisebenzi ephathelene nemali yokuxhasa ukwenziwa komsebenzi                                                                    | 73     |
| 13. Ukusungulwa kwekomiti elengamele lesifundazwe                                                                                   | 73     |
| 14. Amandla nemisebenzi ekomiti elengamele lesifunda                                                                                | 73     |
| 15. Ukubunjwa kwekomiti elengamele lesifunda                                                                                        | 74     |
| 16. Imisebenzi ekumele yenziwe nguNgqongqoshe Wesifundazwe                                                                          | 74     |
| 17. Ukwedluliselwa kwamandla nemisebenzi                                                                                            | 75     |
| 18. Imigomo okusetshenzwa phansi kwayo                                                                                              | 76     |
| 19. Inqubo yokuphathwa kwezimali kanye nemigomo                                                                                     | 76     |
| 20. Isibopho sokwelekelela ngomsebenzi wasemahhovisi kanye nolunye usizo kumaziko ezenhlalakahle ezifunda kanye nekomiti elengamele | 76     |

|                                                                                   |    |
|-----------------------------------------------------------------------------------|----|
| 21.Amandla kaNgqongqoshe okwabela ngezimali uhlelo lwezenhlalakahle               | 76 |
| 22.Imali yokuxhasa ukwenziwa komsebenzi                                           | 77 |
| 23.Izimo okusetshenzwa phansi kwazo                                               | 77 |
| 24.Ukwabiwa kwezimali zezinhlelo zezenhlalakahle                                  | 77 |
| 25.Ukuqedwa kwemali yokuxhasa umsebenzi                                           | 78 |
| 26.Ukuvikelwa nguNgqongqoshe Wesifundazwe kwalabo abathola usizo lwezenhlalakahle | 80 |
| 27.Inqubo                                                                         | 81 |
| 28.Isihloko esifinyeziwe kanye nesikhathi sokuqala ukusebenza koMthetho.          | 81 |

## Incazelo

1. Kulo Mthetho ngaphandle uma ingqikithi ichaza ngenye indlela-

**"Amaqembu alwelwa amalungelo ezenhlalakahle"** kusho inhlangano engekho phansi kukahulumeni, enhloso yayo kungukulwela amalungelo ezenhlalakahle kwabadingayo kumbe abampofu kumbe abangasebenzi, ibe ingaphethe uhlelo olunika usizo lwezenhlalakahle;

**"Usihlalo usho usihlalo wekomiti elengamele lesifunda"**

**"Umnyango"** usho UMnyango Wezenhlalakahle Nokuthuthuka Komphakathi;

**"inhlangano yokholo"** isho isonto kumbe enye inhlangano yokholo ephethe uhlelo lwezenhlalakahle;

**"UNgqongqoshe Wesifundazwe"** usho ilunga lomkhandlu wesifundazwe elengamele uMnyango Wezenhlalakahle Nokuthuthuka Komphakathi;

**"Imali yokuxhasa umsebenzi"** isho imali yokuxhasa umsebenzi okukhulunywa ngawo kusigaba-

**"ngokubekiwe"** kusho ngokubekiwe ngaphansi kwemithetho yenqubo;

**"Isifundazwe"** kusho isifundazwe saseGauteng, kanti ukuthi **"ngokubekiwe"** kunencazelo ehambisana nalokhu;

**"Isifunda"** kusho indawo ebekiwe nguNgqongqoshe Wesifundazwe Wesifundazwe ngokulandela isigaba 8;

**"Imaziko Lesifunda Lezenhlalakahle"** lisho iziko elisungulwe ngokulandela isigaba 4

**"Ikomiti Elengamele Lesifunda"** lisho ikomiti elengamele lesifunda njengoba kubekwe ngaphansi kwesigaba 7;

**"othola usizo lwezenhlalakahle"** kusho umuntu othola usizo ngokohlelo lwezenhlalakahle

**"uhlelo lwezenhlalakahle"** lisho uhlelo lapho kunikwa khona usizo lwezenhlalakahle ngokugunyazwa nguMnyango, lokhu kungenziwa ngokusetshenziswa kwemali yokuxhasa kumbe ingasetshenziswanga.

### **Ukusebenza kwalo Mthetho**

2. Lo Mthetho usebenza kuSifundazwe saseGauteng, kodwa usebenza ngokubhekela imithetho ehambisana nezenhlalakahle;

### **Imigomo eyejwayelekile yalo mthetho**

3. imigomo eyejwayelekile yalo Mthetho yilena-
  - (1) ukwandisa ukuzibandakanya kwabathola usizo lwezenhlalakahle, izinhlangano ezingekho phansi kukahulumeni izinhlangano ezithintekayo ngezenhlalakahle, amaqembu alwela amalungelo ezenhlalakahle kanye nezinye izingxenye zomphakathini kuzinqumo ezihlale zithathwa ngezenhlalakahle;
  - (2) ukuhlanganiswa kanye nokuhlela indlela yokuxhasa ngezimali ezolandelwa ukufeza izinjongo zenhlalakahle.
  - (3) ukunciphisa ubuningi obungadingekile bezinhlelo ezenza umsebenzi ofanayo kwezenhlalakahle;
  - (4) ukukhuphula izinga lokusebenza ngokwezidingo zomphakathi kanye nokusebenza ngokusobala kwezinhlelo ezenhlalakahle;
  - (5) ukuqamba izinkundla zezifunda lapho izinhlangano ezenhlalakahle, amaqembu alwela amalungelo ezenhlalakahle, ohulumeni bezindawo kanye neziphathimandla zoMnyango benendlela yokubonisana ngezindaba ezibathinta bonke.

- (6) Ukuqhuba ukwedluliselwa kohulumeni bezindawo kwamandla okwenza imisebenzi yezenhlalakahle, esuswa kuhulumeni wesifunda; futhi
- (7) Ukwakha izizinda ezizokwelekelela uhlelo lokuletha izinguquko kumkhakha wezenhlalakahle ukuze kwakhiwe uhulumeni olusizo kubantu futhi obandakanya umphakathi.

#### **Ukusungulwa kwaMaziko Ezifunda Ezenhlalakahle**

4. Lokhu kusho ukusungulwa Kweziko Lesifunda Lezenhlalakahle.

#### **Ukubunjwa Kweziko Lesifunda Lezenhlalakahle**

- 5 Iziko Lesifunda Lezenhlalakahle kufanele libandakanye-
  - (1) ilunga elilodwa eliqokwe yileyo naleyo nhlangano engekho phansi kukahulumeni esebenza kuleso sifunda;
  - (2) ilunga elilodwa eliqokwe yileyo naleyo nhlangano yokholo kusifunda;
  - (3) ilunga elilodwa eliqokwe phakathi kweziphathimandla ezikhethiwe kumbe eziqokwe yilowo nalowo hulumeni wendawo kumbe igatsha lomkhandlu-dolobha kuleso sifunda;
  - (4) amalunga amathathu aqokwe nguNgqongqoshe Wesifundazwe phakathi komongameli jikelele bamabhizinisi anamagatsha kumbe amahhovisi amakhulu kusifunda;
  - (5) amalunga amathathu aqokwe nguNgqongqoshe Wesifundazwe phakathi komongameli jikelele bamaqembu alwela amalungelo ezenhlalakahle asebenza kuleso sifunda;
  - (6) ilunga elilodwa eliqokwe yileyo naleyo nhlangano yezentuthuko eyenza umsebenza kuleso sifunda;

#### **Amandla kanye nemisebenzi yamaziko ezifunda ezenhlalakahle**

6. Amandla kanye nemisebenzi amaZiko Ezifunda Ezenhlalakahle yilawa-
  - (1) ukwaluleka uNgqongqoshe Wesifundazwe ngakho konke okuphathelene nenqubo ngezenhlalakahle kusifunda;

- (2) ukuhlola nokwethula izincomo kuNgqongqoshe Wesifundazwe mayelana nezinhloso zoMnyango zokwethulwa kwezinhlelo zezenhlalakahle kusifunda;
- (3) ukwaluleka uNgqongqoshe Wesifundazwe ngokuphathwa komsebenzi wezinhlelo zezenhlalakahle kusifunda;
- (4) ukuqapha ngaso sonke isikhathi kanye nokuhlola ukusebenza kwezinhlelo zezenhlalakahle kusifunda;
- (5) ukwaluleka uNgqongqoshe Wesifundazwe mayelana nezinyathelo zokuqinisekisa ukuthi uNgqongqoshe Wesifundazwe waba izinhlelo zosizo lwezenhlalakahle ngokuhambisana nezidingo phakathi kwawo wonke amaqembu abantu esifundeni, ebe enakekela ukuthi amaqembu abantu abebencishwe amathuba esikhathini saphambilini bathola isabelo sosizo lwezenhlalakahle esihambelana nezidingo zomuntu lowo ngamunye ngamunye;
- (6) ukwenza izincomo zokuthi uNgqongqoshe Wesifundazwe anike kumbe anqabele ukunikwa kwenhlangano yezenhlalakahle umxhaso wokwenza umsebenzi wohlelo lwezenhlalakahle kusifunda;
- (7) ukwaluleka uNgqongqoshe Wesifundazwe mayelana nokwabiwa kwezimali kusifunda kanye naphakathi kwezinhlelo kusifunda;
- (8) ukwaluleka uNgqongqoshe Wesifundazwe mayelana nezinyathelo zokuqinisekisa ukukhula kokusebenza ngokusobala kanye nokusebenza ngokwezidingo zomphakathi mayelana nezimali zomphakathi, kanye nokuqinisekisa ukuthi ukusetshenziswa kwezimali kulandela inqubo yoMnyango; futhi
- (9) ukulungiselela ukubandakanyeka kwabantu abathola usizo lwezenhlalakahle, amaqembu alwela amalungelo ezenhlalakahle, kanye nomphakathi uma kuthathwa izinqumo ngezenhlalakahle.

#### **Ukuqokwa kwekomiti elengamele lesifunda**

7. (1) Phakathi kwamalunga amaZiko Ezifunda Ezenhlalakahle, uNgqongqoshe Wesifundazwe kufanele aqoke iKomiti Elengamele Lesifunda elibandakanya amalunga engengaphansi kwangu-10 futhi angevile kwangamashumi amabili nanhlanu kuya ngokunquma kwakhe.

- (2) UNgqongqoshe Wesifundazwe kufanele aqoke amalunga eKomiti Elengamele Lesifunda, abhekele amaphuzu alandelayo;
- a) izinga lokubandakanyeka kwemikhakha yonke yabantu abadinga usizo lwezenhlalakahle kuKomiti Elengamele Lesifunda;
  - b) izincomo, uma zikhona, ezethulwa kuzingqungquthela zokuphethwa konyaka kumaZiko Ezifunda Ezenhlalakahle;
  - c) izinga lokubandakanyeka kwezinhlelo ezahlukenene zenhlalakahle ezenziwa kusifunda; futhi
  - d) ukuqinisekisa ukuthi abantu abathola usizo lwezenhlalakahle, abantu abebencishwe amathuba phambilini, kanye namaqembu alwela amalungelo ezenhlalakahle bathola ukumelwa okwanele kumalunga eKomiti Elengamele Lesifunda;
- (3) UNgqongqoshe Wesifundazwe kufanele aqoke uSihlalo kanye noNobhala phakathi kwamalunga eKomiti elengamele lesifunda.
- (4) UNgqongqoshe Wesifundazwe angakwazi-
- a) ukunquma isikhathi sokusebenza kanye nemigomo okusetshenzwa phansi kwayo amalunga ekomiti elengamele lesifunda;
  - b) ukuqoka amalunga okwengeza ngokulandela indlela ebekiwe.
- (5) iziko lesifunda lezenhlalakahle lingakwazi ukugunyaza ikomiti elengamele lesifunda ukusebenzisa noma maphi amandla alo, kumbe noma maphi amanye amandla kumbe umsebenzi obekwe ezandleni zalelo ziko lesifunda lezenhlalakahle ngokulandela indlela ebekiwe.
- (6) Imihlangano yekomiti elengamele lesifunda kufanele ibanjwe ngokulandela indlela ebekiwe.

### **Ukwahlukaniswa kwezifunda zezenhlalakahle**

8. (1) UNGqongqoshe Wesifundazwe kufanele ehlukanise izifunda zezenhlalakahle ezingevile kweziyisithupha kuSifundazwe, futhi abhekele imibandela elandelayo-
  - a) kube nokufana ngandlela thize komphakathi wesifunda esihlongozwayo malungana nesimo sezomnotho kanye nezidingo zalowo mphakathi zezinhlelo zezenhlalakahle;
  - b) izinhlelo zenhlalakahle ezesekelwe nguMnyango kumbe enye inhlango yezenhlalakahle ezitholwa ngumphakathi wakuleso sifunda esihlongozwayo,
  - c) izinga lokwamukelwa kwamandla okwengamela imisebenzi yezenhlalakahle nguhulumeni wesifunda lesa esihlongozwayo;
  - d) inani, ubukhulu, ulwazi kanye nekhono lezinhlango yezenhlalakahle ezisebenza kuleso sifunda esihlongozwayo; futhi
  - e) inani kanye namandla amaqembu alwela amalungelo ezenhlalakahle kusifunda lesa esihlongozwayo;
- (2) Ukwahlukaniswa kwezifunda okubalulwe kusigatshana (1) kufanele kuhambisane nemingcele yohulumeni bezindawo.

### **Imihlangano yamaziko ezifunda ezenhlalakahle**

9. (1) Amalunga amaziko ezifunda ezenhlalakahle kufanele ahlange njalo ngonyaka kungqungquthela yonyaka.
- (2) Amaziko Esifunda Ezenhlalakahle kufanele ahlange kumhlangano owayelekile-
  - a) okungenani kanye ezinyangeni ezimbili; kumbe
  - b) uma bebizwa nguSihlalo; kumbe
  - c) uma kunesikhalo esivela kumalunga ayingxenywe eyodwa kokuhlanu ebeka namaphuzu okuzokhulunywa ngawo emhlanganweni.
- (3) Umhlangano waMaziko Esifunda Ezenhlalakahle kufanele alandele inqubo ebekiwe.
- (4) Ezindaweni lapho kuhlala khona iningi labantu abathola usizo

kuzinhlelo zezenhlahlakahle, uSihlalo kufanele abize umhlangano ngokulandela inqubo ebekiwe.

- (5) Amaphuzu omhlangano owejwayelekile kufanele enziwe ngokulandela indlela inqubo.

**Amandla amaziko ezifunda ezenhlalakahle**

10. (1) Phezu kwamandla elinikwe wona ngokwalo Mthetho, iziko lesifunda lezenhlalakahle lingakwazi-
- a) ukwenza izincomo kuNgqongqoshe Wesifundazwe zokuba kwenziwe ushintsho ekubunjweni kweKomiti Elengamele Lesifunda;
  - b) ukuphakamisa isabelomali seminyaka elandelayo kuNgqongqoshe Wesifundazwe; futhi
  - c) ukwenza izincomo ngemibandela yezenqubo ezolandelwa ngaMaziko Ezifunda Ezenhlalakahle.
- (3) Iziko lesifunda lezenhlalakahle kufanele libikele uNgqongqoshe Wesifundazwe ngemisebenzi yalo, lokhu likwenza ngokulandela indlela ebekiwe.

**Imisebenzi zezinhlangano ezinika usizo lwezenhlalakahle.**

11. (1) Inhlangano yosizo lwezenhlalakahle kufanele kuthi kuyo yonke imisebenzi yayo ethinta abantu abathola usizo lwayo-
- (a) isebenze ngokucophelela izidingo zalabo abasizwayo;
  - (b) isebenze ngendlela ebonisa ukuhlonipha labo ebasizayo;
  - (c) isebenze ngendlela eqinisekisa ukuvikeleka kwesithunzi salowo osizwayo;
  - (d) isebenze ngaphansi kwemigomo ebekwe ngokwenqubo yoMnyango.
  - (e) isebenze ngokubandakanya abantu abanikwa usizo, izinhlangano zabo kanye namaqembu alwela amalungelo abo uma kuthathwa izinqumo; futhi
  - (f) isebenze ngokusobala kanye nangokwezidingo zomphakathi uma ithatha izinqumo kanye nasekuphathweni kwezimali.



(2) Inhlango yezenhlalakahle kufanele-

- (a) ivumele isiphathimandla soMnyango ukuba sibone izinhlelo kumbe ingxenye yezinhlelo zenhlalakahle, ngemva kokuba inhlango yazisiwe kumbe ingaziswanga;
- (b) inike isiphathimandla soMnyango umbhalo ophathelene kumbe umbhalo isikhulu soMnyango esikholwa ukuthi uphathelene nohlelo oluthile lwezenhlalakahle uma leso siphathimandla sifuna ukuba sinikwe umbhalo lowo;
- (c) ihlanganise isiphathimandla soMnyango nalowo osizwa ngokohlelo lwaleyo nhlangano yezenhlalakahle kumbe ilunga labasebenzela inhlango leyo yezenhlalakahle; futhi
- (d) inike uMnyango imibiko ngemisebenzi yenhlangano kanye namarekhodi ezimali ngokulandela inqubo engabekwa.

**Imisebenzi ephathelene nomxhaso wokwenza umsebenzi**

12. Inhlango yezenhlalakahle eke yathola imali yokuxhasa umsebenzi kuMnyango kufanele ilandele ngokucophelela imigomo ehambelana nalowo mxhaso ngesikhathi ithola imali yokuxhaswa.

**Ukusungulwa kwekomiti elengamele lesifundazwe**

13. Lokhu kusho ukusungulwa kweKomiti Elengamele Lesifundazwe, elinamalunga abekwe nguNgqongqoshe Wesifundazwe.

**Amandla kanye nemisebenzi yekomiti elengamele lesifundazwe**

14. (1) Ikomiti elengamele lesifundazwe kufanele laluleke uNgqongqoshe Wesifundazwe, futhi lenze izincomo neziphakamiso kuNgqongqoshe Wesifundazwe, okufanele-
- a) zibhekele ukwahluka kwezidingo phakathi kwezifunda
  - b) ziqinisekise ukulingana kwamazinga ezinhlelo zezenhlalakahle phakathi kwezifunda;
  - c) ziqinisekise ukuthi amaziko ezifunda ezenhlalakahle aba izimali ezisezandleni zawo ngokulandela imigomo ebekiwe futhi ngokulandela inqubo yoMnyango ngezinhlelo okufanele zithole imali kuqala;

- d) ziqinisekise ukuthi Amaziko Ezifunda Ezenhlalakahle alandela imininingwane yalo Mthetho, eminye imithetho ehambelana nalolu daba, inqubo kahulumeni kazwelonke kanye nekahulumeni wesifundazwe;
- e) zaluleke uNgqongqoshe Wesifundazwe ngodaba oluphathelele nemisebenzi kanye nokusebenza kwaMaziko Esifunda Ezenhlalakahle; futhi
- f) ziqinisekise ukuqashelwa kanye nokuhlolwa kokusebenza kwaMaziko Ezifunda Ezenhlalakahle.

(2) UNgqongqoshe Wesifundazwe anganika ikomiti elengamele lesifundazwe amanye amandla athe xaxa.

#### **Ukubunjwa kwekomiti elengamele lesifundazwe**

15. (1) Ukubunjwa kwekomiti elengamele lesifundazwe kufanele kwenziwe ngokwesinqumo sikaNgqongqoshe ngokulandela indlela ebekiwe.

- a) UNgqongqoshe Wesifundazwe kufanele abeke inqubo ezolandelwa kumihlangano yekomiti elengamele lesifundazwe njengoba kushiwo kusigatshana (1) ngemithetho yenqubo..

#### **Imisebenzi kaNgqongqoshe**

16. (1) UNgqongqoshe Wesifundazwe kufanele-

- b) aqaphele ukusetshenziswa kwezimali kanye neminye imikhakha yokusebenza kwaMaziko Ezifunda Ezenhlalakahle; futhi
- c) athathe izinyathelo ezifanele ukuqinisekisa ukuthi kulandelwa izinjongo zalo Mthetho.
- d) UNgqongqoshe Wesifundazwe angakwazi-
- e) ukuthatha isaluleko kumbe isiphakamiso esethulwa kuye liziko lesifunda lezenhlalakahle kumbe ikomiti elengamele; futhi
- f) ukwala ukwamukela isaluleko esethulwa kuye kumbe isiphakamiso esichazwe kusahluko A, lokhu ekwenza ngokubhala.

(3) Mayelana nodaba Amaziko Esifunda Ezenhlalakahle kumbe ikomiti elengamele engakaniki isaluleko kumbe isiphakamiso ngalo, uNgqongqoshe Wesifundazwe kufanele-

- (g) abonisane naMaziko Esifunda  
Ezenhlalakahle athintekayo kumbe ikomiti elengamele phambi kokuba asebenzise isinqumo esithathiwe ngalolo daba futhi amukele isaluleko, isiphakamiso kumbe isincomo salo, lokhu ekwenza ngokubhekela isikhathi kanye nesimo esikhona; kumbe
- (h) kuthi khona manjalo emva kokusebenzisa isinqumo, azise Amaziko Esifunda Ezenhlalakahle athintekayo kumbe ikomiti elengamele ngesinyathelo esithathiwe.

### Ukwedluliswa kwamandla nemisebenzi

#### 17. (1) UNgqongqoshe Wesifundazwe angakwazi-

- (a) ukwedlulisela kuMaziko Esifunda  
Ezenhlalakahle amandla futhi awabele imisebenzi acabanga ukuthi ifanelekile ukufeza izinjongo zalo Mthetho;
- (b) ukwedlulisela kuNhloko YoMnyango  
kumbe noma siphi isiphathimandla somnyango wakhe amandla anikwe yena ngokwalo Mthetho ngaphandle kwamandla okubeka imithetho yenqubo;
- (2) Inhloko yomnyango ingakwazi-
  - (a) ukwedlulisela kunoma siphi isiphathimandla somnyango wayo noma maphi amandla enikwe wona ngokwalo Mthetho; futhi
  - (b) ukugunyaza lesi siphathimandla ukwenza noma muphi umsebenzi esinikwe wona ngokwalo Mthetho.
- (3) Noma muphi umuntu okwedluliselwe kuye noma maphi amandla kumbe ogunyazwe ukwenza noma muphi umsebenzi ngaphansi kwalesi sigaba, kufanele asebenzise lawo mandla kumbe enze lowo msebenzi ngokulandela imigomo ebonwa ngumniki walawo mandla ukuthi ifanelekile.
- (4) Noma kuphi ukwedluliswa kwamandla kumbe ukugunyaza ukuba kwenziwe umsebenzi ngaphansi kwalesi sigaba-
  - (a) kufanele kwenziwe ngokuba kubhalwe phansi;

- (b) kufanele kungamvimbeli umuntu owedlulise lawo mandla kumbe ogunyaze ukuba kwenziwe lowo msebenzi ukuba asebenzise lawo mandla kumbe enze lowo msebenzi ngokwakhe; futhi
- (c) kungahoxiswa nganoma siphi isikhathi, lokhu kwenziwa ngokuba kubhalwe phansi, yilowo muntu obedlulisele amandla kumbe obenike igunya.

**Imigomo okusetshenzwa phansi kwayo**

18. Ngokwalo Mthetho, uNgqongqoshe Wesifundazwe angakwazi ukubeka indlela ezolandelwa kanye nemigomo okuzosetshenzwa phansi kwayo uma Amaziko Esifunda Ezenhlalakahle kanye nekomiti elengamele besebenzisa amandla abo.

**Indlela ezolandelwa ngokusetshenziswa kwezimali kanye nemigomo**

19. UNgqongqoshe Wesifundazwe angakwazi ukubeka indlela ezolandelwa mayelana nokusetshenziswa kwezimali abeke nemigomo ezolandelwa ngamaZiko Ezifunda Ezenhlalakahle kanye nekomiti elengamele.

**Ukwelekelela ngomsebenzi wasemahhovisi kanye nezinye izidingo zokuphathwa kwamaziko esifunda ezenhlalakahle kanye nekomiti elengamele.**

20. (1) Njengoba kudingekile ukuze kufezuke izinjongo zalo Mthetho, uNgqongqoshe Wesifundazwe kufanele elekelele ngomsebenzi wasemahhovisi kanye nangabantu abazokwelelekela nakwezinye izidingo zokuphathwa kwamaziko ezifunda ezenhlalakahle kanye nekomiti elengamele.
- (2) UNgqongqoshe Wesifundazwe angakwazi ukuqasha abeluleki ngemva kwezincwadi zamaziko ezifunda ezenhlalakahle kumbe Ikomiti Elengamele Lesifundazwe ukuze basize ekuqhutshweni komsebenzi.

**Amandla kaNgqongqoshe okuxhasa uhlelo lwezenhlalakahle ngezimali**

21. (1) Ngokulandela lo Mthetho, uNgqongqoshe Wesifundazwe angakwazi ukunika imali yokuxhasa umsebenzi kunhlangano yezenhlalakahle eyibhekise ohlelweni oluthile elwenzayo.
- (2) Ngaphandle lapho kukhona ingozi enkulu ezayo ezolimaza umzimba, ingqondo kumbe umoya walowo osizwayo ngezenhlalakahle, uNgqongqoshe Wesifundazwe

anganika imali yokuxhasa umsebenzi kunhlangano  
yezenhlalakahle-

- (a) emva kokuthola izincomo zekomiti  
elengamele; futhi
- (b) emva kokuthola izincomo zamaziko  
ezifunda ezenhlalakahle mayelana nohlelo lolo  
lwezenhlalakahle

inani lemali yomxhaso kanye nemigomo yomsebenzi okumele  
wenziwe

### **Imali yokuxhasa umsebenzi**

22. UNgqongqoshe Wesifundazwe angakwazi ukunika inhlangano  
yezenhlalakahle imali yokuxhasa umsebenzi.

### **Imigomo lemali ekhishwa phansi kwayo**

- 23. (1) UNgqongqoshe Wesifundazwe angakwazi ukubeka imigomo  
ethile yomsebenzi okumele wenziwe ukuze kutholakale imali yomxhaso.
- (2) Inhlangano yezenhlalakahle kufanele ivume ngokuba  
ibhale phansi ukwenza imisebenzi ethile ebekwe  
ngokwesigatshana (1).

### **Ukwabiwa kwezimali zabelwa imisebenzi yezenhlalakahle**

24. (1) Amaziko Ezifunda Ezenhlalakahle kufanele ahlanganise isicelo  
sesabelomali sonyaka esichaza ngaphuzi linye izimali ezihlongozwayo  
zokuxhasa imisebenzi yezenhlalakahle ezokwenziwa kusifunda kanye  
nezindleko zokusebenza kwawo, futhi kufanele ethule leso sicelo kukomiti  
elengamele kanye noNgqongqoshe.

- (2) Ekuhlanganiseni isicelo sesabelomali esichazwe  
kusigatshana (1), Amaziko Ezifunda Ezenhlalakahle kufanele  
aqikelele-

- (a) izidingo zenhlalakahle zesifunda
- (b) izindleko zomnyango zemisebenzi  
yezenhlalakahle onyakeni owedlule kuleso sifunda;
- (c) imigomo emayelana nokuhlanganiswa  
kwesabelomali okungenzeka ukuba yakhishwa  
nguNgqongqoshe Wesifundazwe; futhi

- (d) inqubo kahulumeni kazwelonke nowesifundazwe,
- (3) Kube kubhekisiswa-
  - (a) izicelo zezabelomali zaMaziko Ezifunda Ezenhlalakahle;
  - (b) izindleko zomnyango zemisebenzi yezenhlalakahle onyakeni owedlule kuleso sifunda;
  - (c) inqubo kahulumeni kazwelonke nowesifundazwe.

Ikomiti elengamele kufanele lihlanganise isicelo sonyaka sesabelomali yokuxhasa imisebenzi yesifunda yezenhlalakahle

- (4) Ikomiti elengamele kufanele kuthi esicelweni salo sesabelomali sonyaka esishiwo kusigatshana (2) lifake isiphakamiso sokwabiwa kwemali kuleso naleso sifunda okuyimali yemisebenzi yezenhlalakahle isiyonke kanye okuphakanyiswa ukuba uNgqongqoshe Wesifundazwe ayenze kusifunda, kanye nezindleko zokuqhuba umsebenzi Wamaziko Esifunda Ezenhlalakahle, bese kuthi leso sicelo sesabelomali esiphakanyisiwe sethulwe kuNgqongqoshe Wesifundazwe.

#### **Ukuhoxiswa kwemali yokuxhasa umsebenzi**

- 25. (1) uNgqongqoshe Wesifundazwe angakwazi ukumisa kumbe ukuhoxisa yonke kumbe ingxenye yemali yokuxhasa umsebenzi kunhlangano yezenhlalakahle.
- (2) uma uNgqongqoshe Wesifundazwe enesizathu sokukholwa ukuthi yena Ngqongqoshe kufanele amise kumbe ahoxise imali yokuxhasa umsebenzi, uNgqongqoshe Wesifundazwe angakwazi-
  - (a) ukwenza uphenyo lokucubungula ngomsebenzi wenhlangano yezenhlalakahle, kuthi imiphumela yophenyo kanye nezincomo kwethulwe kuNgqongqoshe Wesifundazwe; kumbe
  - (b) ukwenza njengoba kubekwe kusigatshana (1)
- (3) uma uNgqongqoshe Wesifundazwe ethola umbiko obhaliwe othi inhlangano yezenhlalakahle yenze isenzo esibi

kakhulu ngesikhathi iqhuba umsebenzi wayo kumbe yehlulekile ukulandela imigomo yokuthola kwayo umxhaso, kumbe kutholakala ukuthi imali yomxhaso iyithole ngomgunyathi, uNgqongqoshe Wesifundazwe angamisa kumbe ahoxise imali yokuxhasa umsebenzi etholwa yileyo nhlangano.

- (4) uma uNgqongqoshe Wesifundazwe ethola ukuthi inhlango yezenhlalakahle yenze isenzo esibi kakhulu ngesikhathi iqhuba umsebenzi wayo kumbe yehlulekile ukulandela imigomo yokuthola kwayo umxhaso, kuthi ngenxa yalokhu kube khona ingozi enkulu engavela emizimbeni, izingqondo kumbe emimoyeni yabathola usizo lwezenhlalakahle, uNgqongqoshe Wesifundazwe kufanele khona manjalo amise okwesikhashana imali yokuxhasa umsebenzi enikwa leyo nhlangano yezenhlalakahle.
- (5) UNgqongqoshe Wesifundazwe kufanele azise umphakathi ngesinqumo sokumiswa kumbe sokuhoxiswa komxhaso esihlongozwayo, lokhu akubhale kuphephandaba elifundwa liningi labantu kuleso sifundazwe, anike inothisi engengaphansi kwenyanga eyodwa, emema imibono mayelana nesinqubo leso esihlongozwayo.
- (6) UNgqongqoshe Wesifundazwe kufanele-
  - (a) akhiphe, kuphephandaba elifundwa liningi labantu endaweni lapho inhlango yezenhlalakahle iqhuba khona umsebenzi wayo, inothisi echaza-
    - (1) isikhathi sokulalelwa kodaba lolo
    - (2) indawo lapho uNgqongqoshe Wesifundazwe ezolalela udaba lolo, kube yindawo lapho iningi labathola usizo lwezenhlalakahle behlala khona; futhi
  - (b) ukuthi uNgqongqoshe Wesifundazwe uhlongoza ukumisa kumbe ukuhoxisa imali yokuxhasa umsebenzi ebeyitholwa yinhlangano ethile yezenhlalakahle ebeyenza ngayo umsebenzi othile;
  - (c) uma kungenzeka, enze ukuba inhlango leyo ichome amakhophi aleyo nothisi abonakale ngokugqhamile lapho abathola usizo lwezenhlalakahle bezoyibona khona, futhi

- (d) abize umhlangano omayelana nokumiswa kumbe ukuhoxiswa kwemali yomxhaso okuhlongozwayo, lo mhlango ubekingxathi esibekiwe nendawo ebekiwe kunothisi leyo, futhi
- (7) Emhlanganweni-
- (a) uNgqongqoshe Wesifundazwe kufanele ethule ubufakazi obukhomba ukuthi inhlangano yezenzhlalakahle iqhuba umsebenzi wayo ngokungekho emthethweni kumbe yephula imigomo ebekelwe ukuthola kwayo umxhaso, kucace ukuthi ngokulandela isigatshana (3) kufanele ukuba kumiswe kumbe kuhoxiswe imali yomxhaso, kumbe kutholakale ukuthi inhlangano yezenzhlalakahle ithole lemali yomxhaso ngomgunyathi; futhi
- (b) inhlangano yezenzhlalakahle, abasebenzi bayo, abathola usizo ohlelweni lwayo kanye namalunga omphakathi, bangakwazi ukwethula ubufakazi kumbe babeke amaphuzu avumelana kumbe aphikisa ubufakazi bukaNgqongqoshe.
- (8) UNgqongqoshe Wesifundazwe kufanele-
- (a) ale ukwethula umphumela; kumbe
- (b) amise imali yomxhaso, abeke imigomo umxhaso oyobuya phansi kwayo; kumbe
- (c) ahoxise imali yomxhaso

**Ukuvikelwa nguNgqongqoshe Wesifundazwe kwabantu abathola usizo lwezenzhlalakahle**

26. (1) Lapho uNgqongqoshe Wesifundazwe-
- (a) ehoxisa imali yokuxhasa inhlangano yezenzhlalakahle; kumbe
- (b) emisa imali yokuxhasa inhlangano yezenzhlalakahle ngezizathu zengozzi engavelela abantu abathola usizo lwezenzhlalakahle kuleyo nhlangano, uNgqongqoshe Wesifundazwe angakwazi ukuthathela leyo nhlangano yezenzhlalakahle izinyathelo ezifanele futhi angakwazi ukubeka enye inhlangano



yezenhlalakahle esikhundleni saleyo eyekiswe umsebenzi.

(2) UNgqongqoshe Wesifundazwe angakwazi ngesizathu esihle-

- (a) ukubuyisela imali yomxhaso; kumbe
- (b) ukuvala uhlelo lwezenhlalakahle, kumbe
- (c) ukubeka inhlango entsha esikhundleni sendala

(3) Uma uNgqongqoshe Wesifundazwe enquma ukuluvala uhlelo lwezenhlalakahle, uNgqongqoshe Wesifundazwe kufanele asebenzise imali yomxhaso ayisebenzisele uhlelo lwezenhlalakahle oluthi malufane nalolo oluvaliwe.

(4) Uma uNgqongqoshe Wesifundazwe enquma ukuluvala uhlelo lwezenhlalakahle, uNgqongqoshe Wesifundazwe kufanele anike abantu abathola usizo lwezenhlalakahle enye indawo lapho bengathola khona lolo sizo.

(5) Uma uNgqongqoshe Wesifundazwe ebeka enye inhlango yezenhlalakahle esikhundleni sendala, uNgqongqoshe Wesifundazwe kufanele edlulisele izimali zalolo hlelo oluyekisiwe kuleyo nhlangano entsha yezenhlalakahle.

#### **Imithetho yenqubo**

27. (1) UNgqongqoshe Wesifundazwe angakwazi ngokwejoyalekile ukubeka imithetho yenqubo abona ukuthi iyadingeka ekufezweni kwezinjongo zalo Mthetho.

(2) Imithetho yenqubo ebekwe kusigatshana (1) kufanele ibeke nezijeziso zalabo abaphula imithetho.

#### **Isihloko esifinyeziwe kanye nokuqala kokusebenza kwalo Mthetho**

28. Lo Mthetho ubizwa ngokuthi nguMthetho Wamaziko Ezifunda Ezenhlalakahle, ka1998 futhi kufanele uqale ukusebenza ngosuku olumiswe nguNdunankulu ngokwesimemezelo esikhishwa kuGazethi yesifundazwe.

**IMEMORANDAMU NGEZINHLOSO ZOMTHETHO-SIVIVINYO WESIFUNDA WEZINDABA ZENHLALAKAHLE YOMPHAKATHI, 1998****1. INHLOSO**

Inhloso yalomthetho-sivivinyo ukwakha izizinda zesifunda zezenhlalakahle yomphakathi ezizobhekana nalezi zinkinga ezilandelayo:-

- 1.1 Ukungabiwa kanye nokunganikezelwa kahle kwezidingo zemisebenzi yezenhlalakahle okubangelwe ngumlando esiphuma kuwo.
- 1.2 Ukungalingani kokuthuthukiswa kwabanikezeli bemisebenzi yezenhlalakahle emphakathini ebeyincishwa amathuba esikhathini esendlule.
- 1.3 Izindlela ezinganele zokubika ngalokho okwenziwe izinhlangano zezenhlalakahle emphakathini eziyisebenzayo
- 1.4 Uhlelo oluhamba kancane futhi olungahlanganisiwe kahle lokuguqula izikhungo zezenhlalakahle kanye namanye ama-ejensi ezenhlalakahle.

**2. UMLANDO**

Indlela ebekuthi uhlelo lwezenhlalakahle yomphakathi eGauteng lusebenze ngayo ngaphambi kuka 1994, beyibandlulula futhi ingalungile. Iningi elibulawa indlala linokuncane noma alikwazi ukufinyelela emisebenzini yezenhlalakahle bese kuthi idlanzana liyithole yonke imisebenzi yezenhlalakahle enhlobonhlobo.

Umnyango wezenhlalakahle kanye nokuthuthukiswa komphakathi uyafisa ukuguqula konke lokungalingani ngokuthi wenze imitheshwana ezolungisa ukubamba iqhaza kanye nokunikezwa kwezidingo zezenhlalakahle. Loyo mthetho yilowo Mthetho-sivivinyo Wesifunda Wezindaba Zezenhlalakahle Yomphakathi.

**3. OKUZOKWENZEKA EZIMALINI**

Akukho

**4. OKUZOKWENZEKA KUBASEBENZI**

Akukho

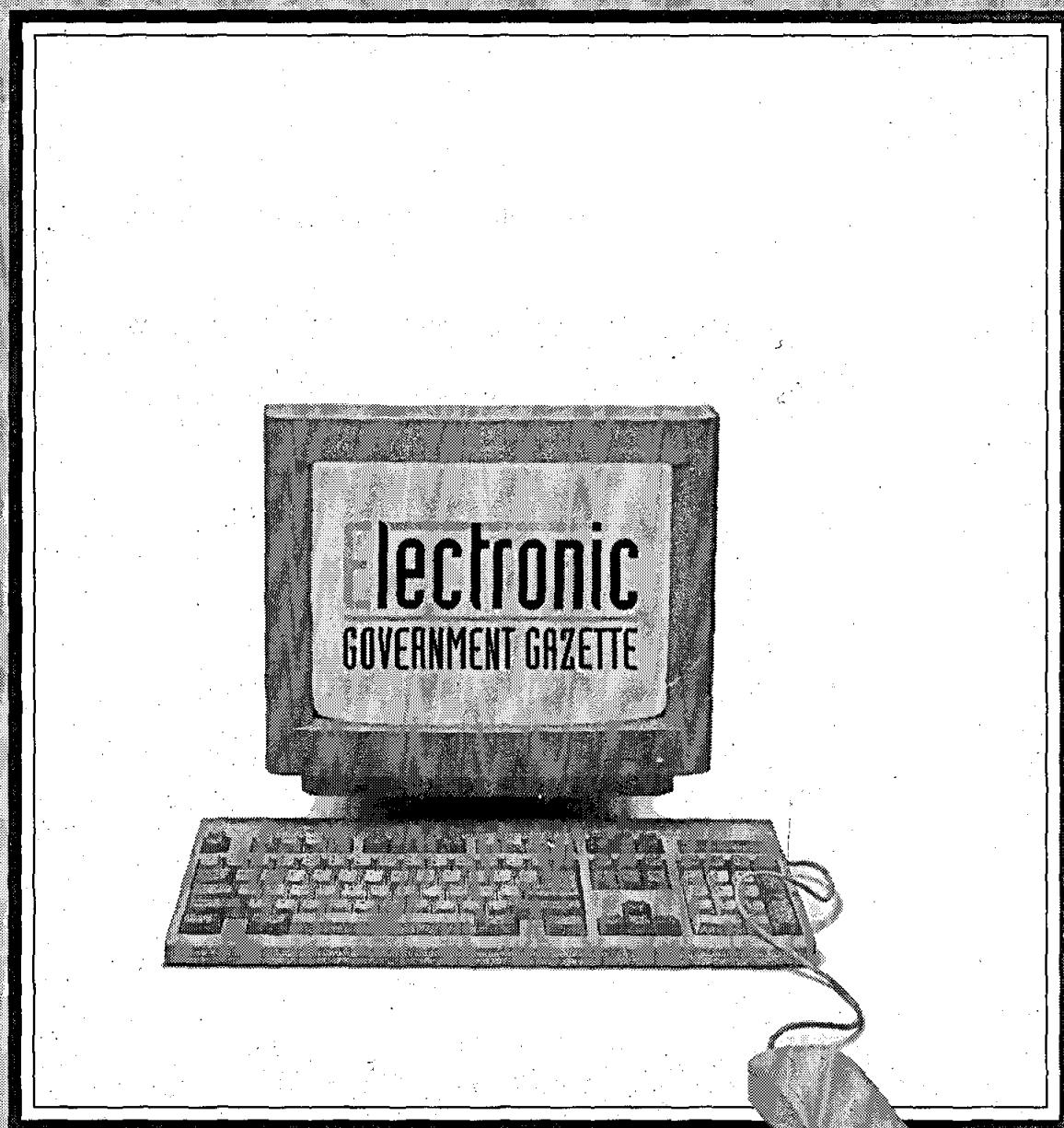
**5. OKUZOKWENZEKA KUMTHETHOSISEKELO**

Akukho

## UKUHLAZIYWA KWEKILOZI NEKILOZI (KWEKILOZI NGALINYE)

- Ikilozi 1 :** Lesi sigaba sihlinzekela izincazelo zamagama asetshenzisiwe eMthethweni sivivinyo.
- Ikilozi 2 :** Lesi sigaba sichaza ubungako bendawo bokusebenza kwalo Mthetho ngokubhekela imithetho ehambisana nezenhlalakahle.
- Ikilozi 3 :** Lesi sigaba sihlinzekela imigomo ejwayelekile elandelwa kulo Mthetho.
- Ikilozi 4 :** Lesi sigaba siqukethe incazelo emaqondana nokusungulwa kwa Maziko Ezifunda Ezenhlalakahle.
- Ikilozi 5 :** Lesi sigaba sihlinzekela ukubunjwa kweziko lesifunda lezenhlalakahle.
- Ikilozi 6 :** Lesi sigaba sihlinzekela siqukethe amandla nemisebenzi yamaziko ezifunda ezenhlalakahle.
- Ikilozi 7 :** Lesi sigaba sihlinzekela ukuqokwa kwekomiti elengamele lesifunda.
- Ikilozi 8 :** Lesi sigaba sihlinzekela ukubekwa kwemingcele yezenhlalakahle nokwahlukaniswa kwezifunda.
- Ikilozi 9 :** Lesi sigaba sihlinzekela ukubanjwa kwe mihlangano yamaziko ezifunda ezenhlalakahle.
- Ikilozi 10:** Lesi sigaba siqukethe amandla amaziko ezenhlalakahle.
- Ikilozi 11:** Lesi sigaba siqukethe imigomo yokwenziwa komsebenzi ngabasebenzi benzihlangano ezinika usizo lwezenhlalakahle.
- Ikilozi 12:** Lesi sigaba sichaza imisebenzi ephathelene nemali yokuxhasa ukwenziwa komsebenzi.
- Ikilozi 13:** Lesi sigaba sichaza ukusungulwa kwekomiti elengamele lesifundazwe.
- Ikilozi 14:** Lesi sigaba siqukethe amandla kanye nemisebenzi yekomiti elengamele lesifundazwe.
- Ikilozi 15:** Lesi sigaba sichaza ukubunjwa kwekomiti elengamele lesifundazwe.

- Ikilozi 16:** Lesi sigaba sihlinzekela uNgqongqoshe imisebenzi ekumele ayenze ukuze enze umsebenzi anikezwe wona.
- Ikilozi 17:** Lesi sigaba siqukethe ukwedluliselwa kwamandla nokwaba imisebenzi uNgqongqoshe.
- Ikilozi 18:** Lesi sigaba siqukethe imigomo ekusetshenzwa phansi kwayo.
- Ikilozi 19:** Lesi sigaba sichaza inqubo yokuphathwa kwezimali kanye nemigomo.
- Ikilozi 20:** Lesi sigaba sihlinzekela isibopho sokwelekelela ngomsebenzi wasemahhovisi kanye nolunye usizo kumaziko ezenhlalakahle ezifunda kanye nekomiti elengamele.
- Ikilozi 21:** Lesi sigaba siqukethe amandla ka Ngqongqoshe okwabela ngezimali uhlelo lwezenhlalakahle.
- Ikilozi 22:** Lesi sigaba sichaza imali yokuxhasa ukwenziwa komsebenzi.
- Ikilozi 23:** Lesi sigaba siqukethe izimo okusetshenzwa phansi kwazo nemigomo lemali ekhishwa phansi kwayo.
- Ikilozi 24:** Lesi sigaba sihlinzekela ukwabiwa kwezimali zezinhlelo zezenzhlalakahle.
- Ikilozi 25:** Lesi sigaba sihlinzeka ngesizathu sika Ngqongqoshe ukuhoxisa yonke kumbe ingxenye yemali yokuxhasa umsebenzi.
- Ikilozi 26:** Lesi sigaba sihlinzekela ukuvikelwa ngu Ngqongqoshe kwabantu abathola usizo lwezenhlalakahle.
- Ikilozi 27:** Lesi sigaba sihlinzeka ngemithetho yenqubo uNgqongqoshe angakwazi ngokujwayelekile ukuyibeka.
- Ikilozi 28:** Lesi sigaba sihlinzeka ngesihloko esifinyeziwe kanye nokuqala kokusebenza kwalo Mthetho.
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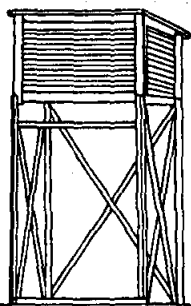
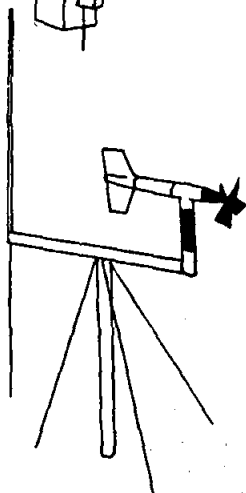
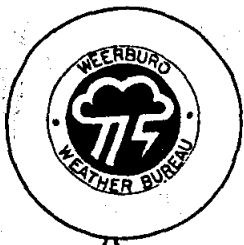
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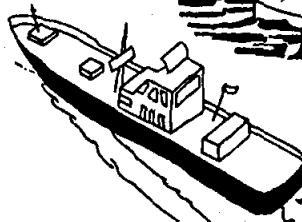
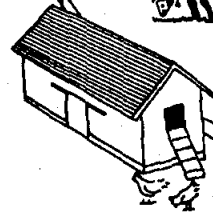
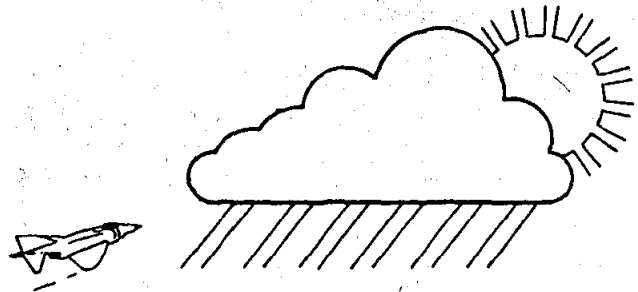


THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM  
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

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**CONTENTS**

| No.                   |                                                                             | Page<br>No. | Gazette<br>No. |
|-----------------------|-----------------------------------------------------------------------------|-------------|----------------|
| <b>GENERAL NOTICE</b> |                                                                             |             |                |
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| <b>ALGEMENE KENNISGEWING</b> |                                                                       |               |                |
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