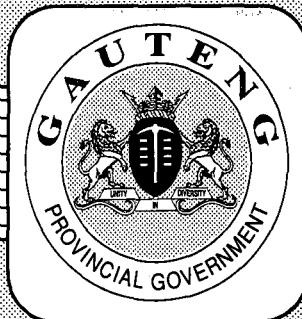


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THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

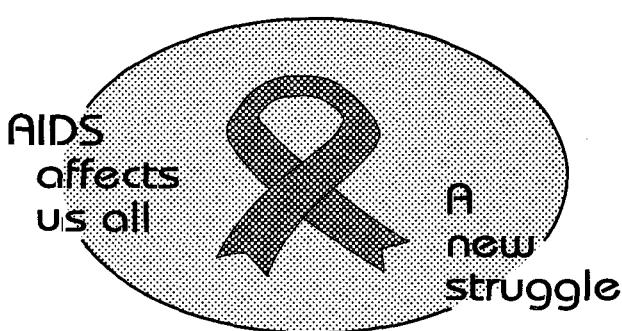
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Vol. 7

PRETORIA, 25 JULY  
JULIE 2001

No. 140

We all have the power to prevent AIDS



AIDS

HELPLINE

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DEPARTMENT OF HEALTH

Prevention is the cure

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**GENERAL NOTICE  
ALGEMENE KENNISGEWING**

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**NOTICE 4430 OF 2001**

**DEPARTMENT OF EDUCATION**

**EDUCATION POLICY ACT, 1998 (Act 12 of 1998)**

**REGULATIONS ON THE GAUTENG EDUCATION AND TRAINING COUNCIL,  
DISTRICT EDUCATION AND TRAINING COUNCILS, SPECIALIST ADVISORY  
COUNCILS AND LOCAL EDUCATION AND TRAINING UNITS**

In terms of sections 18 (1) and 18 (2) of the Education Policy Act, 1998 (Act 12 of 1998), I, Ignatius Jacobs, Member of the Executive Council for Education, hereby give effect to the following regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units.

**IGNATIUS JACOBS  
Member of the Executive Council for Education Gauteng**

**ARRANGEMENT OF CHAPTERS**

- CHAPTER A:** **DEFINITIONS, INTERPRETATION AND APPLICATION**
- CHAPTER B:** **PURPOSE**
- CHAPTER C:** **ESTABLISHMENT AND FUNCTIONS OF LOCAL EDUCATION AND TRAINING UNITS**
- CHAPTER D:** **ESTABLISHMENT OF COUNCILS**
- CHAPTER E:** **COMPOSITION OF COUNCILS**
- CHAPTER F:** **DESIGNATION OF ORGANISATIONS FOR PURPOSES OF PRESENTATION ON COUNCIL AND WITHDRAWAL OF DESIGNATION**
- CHAPTER G:** **COMPOSITION OF LOCAL EDUCATION AND TRAINING UNITS**
- CHAPTER H:** **ADOPTION AND AMENDMENT OF CONSTITUTION**
- CHAPTER I:** **TERM OF OFFICE AND VACANCIES**
- CHAPTER J:** **OFFICE BEARERS AND EXECUTIVE COMMITTEE**
- CHAPTER K:** **MEETINGS AND MEETING PROCEDURES**
- CHAPTER L:** **ADMINISTRATION AND FINANCE**
- CHAPTER M:** **DEMARCATION OF GROUPING OF EDUCATION INSTITUTIONS**
- CHAPTER N:** **REPEALS, TRANSITIONAL ARRANGEMENTS AND FIRST STEPS**
- SCHEDULE A:** **SCHEDULE OF REGULATIONS TO BE REPEALED**

## CHAPTER A

### DEFINITIONS, INTERPRETATION AND APPLICATION

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and-

**“chairperson”**, means the person designated as chairperson in terms of regulation 36;

**“deputy-chairperson”**, means the person designated as deputy-chairperson in terms of regulation 36;

**“designated organisation”** means an organisation designated in terms of regulation 16;

**“education and training development practitioner”**, includes an educator as defined in the Educators Employment Act, 1994 (Proclamation No 138 of 1994), and any other person who provides education and training or other education related services, irrespective of formal qualification;

**“grouping of education institutions”** means a collection of education institutions grouped together in terms of regulation 50 by the Member of the Executive Council for purposes of establishing a Local Education and Training Unit;

**“independent education institution”**, means an education institution which is not administered under the auspices of the Provincial Department;

**“learner”**, means any person being educated or trained at an education institution;

**“Local Education and Training Unit”**, means a Local Education and Training Unit established in terms of regulation 5;

**“Member of the Executive Council”**, means the Member of the Executive Council responsible for education in Gauteng Province;

**“national department”**, means the department responsible for education nationally;

**“parent”** includes:

- (a) the parent or guardian of a learner,
- (b) the person legally entitled to custody of a learner, or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner’s education at school.

**“provincial department”**, means the department responsible for education in the Province;

**"public education institution"**, means an education institution which is administered under the auspices of the provincial department;

**"relevant council"**, means the Gauteng Education and Training Council, a District Education and Training Council or a Specialist Advisory Council established in terms of Sections 6, 8 and 10 of the Act;

**"secretary"**, means a person designated as secretary in terms of regulation 36;

**"the Act"**, means the Education Policy Act, 1998 (Act No 12 of 1998).

2. Any person interpreting these regulations must give a purposeful construction to its provisions in a manner that is consistent with the object of the Act and these regulations.

## CHAPTER B

### PURPOSE

- 3 The purpose of these regulations is to-

- (a) regulate the establishment of relevant councils and units;
- (b) specify the interest groups that must constitute a relevant council or unit;
- (c) prescribe the criteria and procedures for appointing and approving the membership of persons to a relevant council or unit;
- (d) determine the circumstances when vacancies may arise in a relevant council or unit and how these vacancies may be filled;
- (e) provide for the election of an executive committee with office-bearers for a relevant council or unit;
- (f) regulate the procedure for convening and conducting meetings of a relevant council or unit;
- (g) specify a procedure for demarcating and grouping of education institutions; and
- (h) ensure that membership of councils or units, as a whole, is broadly representative of the education and training system and related interests.

## CHAPTER C

### ESTABLISHMENT AND FUNCTIONS OF LOCAL EDUCATION AND TRAINING UNITS

4. (1) A district manager must establish a Local Education and Training Unit in respect of a grouping of education institutions as referred to regulation 49.  
(2) In relation to that grouping, the Unit must:
  - (a) develop and implement programmes to determine the vision for education and training;
  - (b) identify needs and determine priorities for education and training;

- (c) compile plans for meeting its education and training needs for submission to and approval by the District Education and Training Council under whose jurisdiction it falls;
- (d) make recommendations on any education related matter to the District Education and Training Council under whose jurisdiction it falls;
- (e) perform any other function assigned or delegated to it in terms of these regulations; and
- (f) submit such reports as may be requested by the relevant District Education and Training Council.

## CHAPTER D

### ESTABLISHMENT OF COUNCILS

- 5. When the Member of the Executive Council intends to establish any Education and Training Council, at both a provincial and district level, he or she may
  - (a) place an advertisement requesting applications for membership of the relevant council in at least one daily newspaper with a wide circulation in the Province;
  - (b) appoint a membership committee to scrutinise all applications received;
  - (c) consult with the membership committee before making any appointments; and
  - (d) appoint members from the Local Education and Training Unit onto the relevant council.
- 6. A Specialist Advisory Council will be established, after consultation with the GETC, as and when it is required by the Member of the Executive Council and will cease to function once the brief, as determined by the Member of the Executive Council, has been completed.
- 7. The advertisements referred to in regulation 5 (a) must specify
  - (a) which council is to be established;
  - (b) the functions and duties of the envisaged council;
  - (c) the closing date for applications;
  - (d) to whom applications should be addressed; and
  - (e) the documentation which must accompany applications.
- 8. The membership committee referred to in regulation 5 (b) must consist of
  - (a) the Chairperson of the Gauteng Education and Training Council;
  - (b) the Gauteng Department of Education representative on the Gauteng Education and Training Council;
  - (c) one senior official representing the Gauteng Department of Education Head Office;
  - (d) one senior official of the Gauteng Department of Education from the relevant district; and
  - (e) two civil society leaders, highly knowledgeable of the education sector and who are not likely to be appointed to the relevant council, appointed by the Head of Department.

9. The membership committee referred to in regulation 5 (b) must prepare recommendations for consideration by the Member of the Executive Council.

## CHAPTER E

### COMPOSITION OF COUNCILS

10. Subject to regulations 11 and 14, a relevant council must be composed of one person appointed by each designated organisation representing the following interest groups operational within its area of jurisdiction:
- (a) parents;
  - (b) education and training development practitioners;
  - (c) the provincial department;
  - (d) learners;
  - (e) heads of institutions;
  - (g) governing bodies of institutions;
  - (h) independent education institutions;
  - (i) non-governmental organisations whose core-activities are education related;
  - (j) community-based organisations whose core-activities are education related;
  - (k) an education or training board or Sector Education and Training Authority established in terms of any law;
  - (l) business;
  - (m) labour; and
  - (n) any other interest group or organ of state that the relevant council considers appropriate to making a contribution on education-related matters specific to its functions.
11. In addition to the interest groups referred to in regulation 10-
- (a) the Gauteng Education and Training Council must be composed of one person representing district managers and one representative from each of the District Education and Training Council established in terms of the Act;
  - (b) The District Education and Training Council must be composed of one representative of the relevant district office and one representative from-
    - (i) each Local Education and Training Unit established in terms of these regulations within the education district in respect of which this council was formed;
    - (ii) district-based specialised fora, if established; and
    - (iii) district-based education and training fora, if established.
  - (c) Specialist Advisory Councils may be composed of any number of persons appointed by the Member of the Executive Council for the fulfilment of any brief handed to the respective specialist advisory council by the Member of the Executive Council.
12. The provisions of regulations 10 and 11 do not preclude the Member of the Executive Council from appointing other persons who by virtue of their expertise or experience may make a valuable contribution to the activities of the relevant council at any time after the relevant council has been established, but-

- (a) the total number of persons appointed in terms of this regulation must be less than 20 percent of the total number of members of the relevant council at the time of the appointment; and
  - (b) the appointment could be made on the terms and conditions considered appropriate by the Member of the Executive Council.
13. Whenever the Member of the Executive Council seeks to appoint a person to a relevant council in terms of regulation 12, he or she may only do so after consultation with the relevant council, if established.
14. A relevant council may commence its operations as soon as the Member of Executive Council has determined which organisations must be declared designated organisations in terms of regulation 16, has informed the relevant organisations of his or her decision, and a meeting has been convened in terms of regulation 42.

## CHAPTER F

### DESIGNATION OF ORGANISATIONS FOR PURPOSES OF REPRESENTATION ON COUNCILS AND WITHDRAWAL OF DESIGNATION

15. The Member of the Executive Council may, on written application by an organisation representing a constituency referred to in regulation 10, declare it to be a designated organisation for purposes of representation on a relevant council if-
- (a) the constitution or set of rules relating to admission as members to that organisation does not violate the provisions of section 9 of the Constitution of the Republic of South Africa, 1996 Act 106 of 1996);
  - (b) the Member of the Executive Council is satisfied that the organisation-
    - (i) represents a significant proportion of the relevant constituency within the area of jurisdiction of the council concerned; and
    - (ii) has a demonstrable interest or history of involvement in the matters falling within the terms of reference of the council concerned.
16. If the Member of the Executive Council rejects the application made in terms of regulation 16, he or she must provide the applicant with written reasons for this decision.
17. The designation of an organisation in terms of regulation 15 is valid for a period of three years.
18. On the expiry of the period of three years referred to in regulation 17, an organisation may reapply for designation in terms of regulation 15 and any decision by the Member of the Executive Council to declare an organisation to be a designated organisation must be taken after consultation with the relevant council.
19. The Member of the Executive Council may, after consultation with the relevant council, withdraw the designation of an organisation if-
- (a) the organisation so requests;

- (b) the organisation does not meet the requirements for designation as specified in regulation 15; or
  - (c) a representative of the organisation has without good cause failed to attend three consecutive meetings of the relevant council and the council has passed a resolution requesting the Member of the Executive Council to withdraw the designation of the organisation.
20. The Member of the Executive Council may not withdraw the designation of an organisation unless he or she has given the organisation an opportunity to make representations on the withdrawal.

## CHAPTER G

### COMPOSITION OF LOCAL EDUCATION AND TRAINING UNITS

21. A Local Education and Training Unit, in respect of a grouping of education institutions referred to in regulation 49, must be composed of one representative from-
- (a) each governing body in the group; and
  - (b) any interest group or organ of state that the Unit, which may include the organisations referred to in regulation 10, considers appropriate to making a contribution on education-related matters specific to its functions, if-
  - (i) the District Manager is satisfied that the organisation represents a significant proportion of the relevant constituency within the area of jurisdiction of the Unit;
  - (ii) the District Manager is satisfied that the organisation has a demonstrable interest or history of involvement on the matters falling within the terms of reference of the Unit, which may be established by a written constitution; and
  - (iii) there is no unfair discrimination in its provisions on membership to the organisation.
22. The provisions of regulation 21 do not preclude the District Manager from appointing other persons who by virtue of their expertise or experience may make a valuable contribution to the activities of the relevant unit at any time after the relevant unit has been established, but-
- (a) the total number of persons appointed in terms of this regulation must be less than 20 percent of the total number of members of the relevant unit at the time of the appointment; and
  - (b) the appointment could be made on the terms and conditions considered appropriate by the District Manager.
23. The membership of an organisation in terms of regulation 21 (b) is valid for a period of three years.
24. On expiry of the period of three years referred to in regulation 23 an organisation may be reappointed by the District Manager in terms of regulation 21 (b).

25. The District Manager may, after consultation with the relevant unit, withdraw the membership of an organisation if:
  - (a) the organisation so requests;
  - (b) the organisation does not meet the requirements for membership as specified in regulation 23; or
  - (c) a representative of the organisation has without good cause failed to attend three consecutive meetings of the relevant unit and the unit has passed a resolution requesting the relevant District Director to withdraw the membership of the organisation.
26. The District Manager may not withdraw the membership of an organisation unless he or she has given the organisation an opportunity to make representations on the withdrawal.

## CHAPTER H

### ADOPTION AND AMENDMENT OF CONSTITUTION

27. A relevant council must, by a majority of two-thirds of its members, adopt a constitution not inconsistent with the Act.
28. A relevant council may, by a majority of two-thirds of its members, amend its constitution.
29. A constitution referred to in regulations 27 and 28 must at least deal with the matters referred to in Chapters J to K of these regulations.
30. A Local Education and Training Unit may, by a majority of two-thirds of its members, adopt or amend a constitution not inconsistent with the Act.
31. A constitution referred to in regulation 30 must at least deal with the matters contemplated in Chapters J to K.

## CHAPTER I

### TERM OF OFFICE & VACANCIES

32. The person, body, organisation or department of the province appointing a representative to a relevant council or unit must determine the term of office of its representatives.
33. A vacancy in a relevant council or unit arises when:
  - (a) the relevant council or unit is informed in writing by the person, body, organisation or department of the Province who appointed the representative, that the appointment is being withdrawn;
  - (b) the relevant council or unit is informed in writing of the representative's resignation;
  - (c) the representative of the organisation dies;
  - (d) the term of office of the representative expires; or

- (e) the Member of the Executive Council or a district manager, as the case may be, after consultation with the relevant council or unit, removes the representative from office where –
    - (i) the representative fails to perform his or her functions as a member of the relevant council or unit;
    - (ii) the conduct of the representative is prejudicial to the interests of the relevant council or unit; or
    - (iii) the representative fails to attend three consecutive meetings of the relevant council or unit without leave or good cause.
34. Whenever a vacancy arises, the provisions regulating the appointment of the representative concerned apply for purposes of filling the vacancy.

## CHAPTER J

### OFFICE BEARERS AND EXECUTIVE COMMITTEE

35. As soon as is possible after the commencement of its operations and on that day every succeeding year or on a day as near as possible to that date, a relevant council or unit must elect from amongst its representatives an executive committee which must be made up of–
  - (a) a chairperson;
  - (b) a deputy-chairperson;
  - (c) a secretary; and
  - (d) any other person it considers appropriate, except that the number of executive committee members may not exceed six persons.
36. The chairperson must preside over all meetings of a relevant council or unit and must –
  - (a) sign the minutes of meetings after they have been confirmed; and
  - (b) perform any other functions and duties entrusted to the chairperson in terms of the Act.
37. The deputy-chairperson must preside over meetings of a relevant council or unit and perform the duties and functions of the chairperson whenever the chairperson is absent or for any reason unable to act or to perform those functions and duties.
38. If both the chairperson and the deputy-chairperson are absent or unable to act or to perform the functions and duties of the chairperson, the relevant council or unit must, by show of hands, elect from the representatives a person to act as chairperson.
39. The secretary must ensure that the administrative and secretarial work arising from the functioning of the relevant council or unit in terms of the Act, are performed and must also ensure that the administrative and secretarial work of the office of secretary are carried out, which include–.

- (a) keeping and maintaining a record of representatives on the relevant council or unit;
  - (b) attending all meetings of the relevant council or unit, and its executive committee and recording the minutes of the proceedings at those meetings;
  - (c) conducting the correspondence of the relevant council or unit and keeping originals of letters received and copies of letters sent;
  - (d) reading significant correspondence that has taken place since the previous meeting at each meeting of the relevant council or unit;
  - (e) retaining a copy of the confirmed and signed minutes of every meeting of the relevant council or unit its executive committee, or any other sub-committee of the relevant council or unit in safe custody in the office of the relevant council or unit, for a period of at least three years from the date those minutes were confirmed; and
  - (f) submitting to the Member of the Executive Council or District Manager, as the case may be, the document referred to in regulation 46.
40. Any member of the executive committee may be removed from office for serious neglect of duty, serious misconduct or due to incapacity, by a decision of the executive committee acting with the concurrence of the relevant council or unit concerned, and in consultation with the Member of the Executive Council.
41. If a vacancy arises in the executive committee before the one-year period referred to in regulation 35, the relevant council or unit may fill in the vacancy for the remaining period of office.

## CHAPTER K

### MEETINGS AND MEETING PROCEDURES

42. A relevant council or unit and its executive committee must meet at least four times a year.
43. The secretary or the person or persons designated by the Head of Department in terms of regulation 47 to assist the relevant council must prepare-
- (i) a written notice of every relevant council or unit meeting stating the date, time and venue of the meeting and the business to be discussed, and must send the notice to each representative at least 10 days before the date of the meeting; and
  - (ii) submit an annual report on the activities of the Unit or relevant council to the relevant unit or council, as the case may be.
44. A quorate meeting of a relevant council or unit will be formed if at least 30% members eligible to attend are present at the meeting.
45. A motion proposed at a meeting of a relevant council or unit may not be considered unless it has been seconded. The chairperson may require a motion to be submitted in writing, in which case the chairperson must read the motion to the meeting.

46. Any matter for decision before a relevant council or unit, must be decided by consensus, but if consensus is not attainable, the whole range of divergent views together with a clear indication of which representatives hold the respective divergent views must be recorded in writing and submitted to the Member of the Executive Council or the District Manager, as the case may be.

## CHAPTER L

### ADMINISTRATION AND FINANCE

47. The Head of Department may at the request of a relevant council, designate any person in the employ of the provincial department to assist the relevant councils to perform their functions and duties.
48. The Head of Department must -  
(a) control all monies received by a relevant council; and  
(b) keep all books, records and statements relating to the receipt and spending of these monies

## CHAPTER M

### DEMARCATION OF GROUPING OF EDUCATION INSTITUTIONS

49. When intending to demarcate a grouping of education institutions for purposes of giving effect to regulation 4, the Member of the Executive Council must-
- (a) announce the intention to demarcate the grouping by notice to all heads and governing bodies of education institutions located in a relevant education district;  
(b) specify in the notice -  
(i) that comment is being sought on a proposed grouping;  
(ii) the terms of the demarcation and the reasons for such terms;  
(iii) the person to whom or place where enquires relating to the demarcation may be directed;  
(iv) the period for comment which must be no less than one month from the date of the notice; and  
(v) the person to whom or place where comments on the proposed demarcation may be lodged;  
(c) at any time before making the demarcation, hold consultations with any relevant interest group (s); and  
(d) consider the comments received and the content of the consultations before making the demarcation.
50. For purposes of amending a demarcation made in terms of regulation 49, the provision of that regulation applies with the changes that the context requires.

**CHAPTER N****REPEALS, TRANSITIONAL ARRANGEMENTS AND FIRST STEPS**

- A.
  51. The regulations listed in column one of Schedule A are hereby repealed to the extent set out in column two of Schedule A.
  52. Despite regulation 51 any steps taken in terms of the repealed regulation will be regarded as having been done in terms of this regulation.
  53. The department responsible for education in the Province must take the necessary steps for purposes of convening the first meeting of a relevant council or unit.

**SCHEDULE A****SCHEDULE OF REGULATIONS TO BE REPEALED**

<b>Title, Number and Year of Publication</b>	<b>Extent of repeal</b>
Regulations for the Establishment of the Education and Training Council: Regulation No. 1893 of 1996	The whole.

**KENNISGEWING 4430 VAN 2001****DEPARTEMENT VAN ONDERWYS****WET OP ONDERWYSBELEID, 1998 (Wet 12 van 1998)****REGULASIES BETREFFENDE DIE GAUTENGSE RAAD VIR ONDERWYS EN  
OPLEIDING, DISTRIKSRADE VIR ONDERWYS EN OPLEIDING, SPESIALIS-  
ADVIESRADE EN PLAASLIKE EENHEDE VIR ONDERWYS EN OPLEIDING**

Ingevolge artikels 18(1) en 18(2) van die Wet op Onderwysbeleid, 1998 (Wet 12 van 1998), gee ek, Ignatius Jacobs, Lid van die Uitvoerende Raad vir Onderwys, hierby uitvoering aan die volgende regulasies betreffende die Gautengse Raad vir Onderwys en Opleiding, Distriksrade vir Onderwys en Opleiding, Spesialis-adviesrade en Plaaslike Eenhede vir Onderwys en Opleiding.

**IGNATIUS JACOBS****Lid van die Uitvoerende Raad vir Onderwys****Gauteng**

**INDELING VAN HOOFSTUKKE**

- HOOFSTUK A:** WOORDOMSKRYWINGS; UITLEG EN TOEPASSING
- HOOFSTUK B:** OOGMERK
- HOOFSTUK C:** INSTELLING EN FUNKSIES VAN PLAASLIKE EENHEDE VIR ONDERWYS EN OPLEIDING
- HOOFSTUK D:** INSTELLING VAN RADE
- HOOFSTUK E:** SAMESTELLING VAN RADE
- HOOFSTUK F:** AANWYSING VAN ORGANISASIES VIR DOELEINDES VAN VERTEENWOORDIGING OP RAAD, EN TERUGTREKKING VAN AANWYSING
- HOOFSTUK G:** SAMESTELLING VAN PLAASLIKE EENHEDE VIR ONDERWYS EN OPLEIDING
- HOOFSTUK H:** AANVAARDING EN WYSIGING VAN KONSTITUSIE
- HOOFSTUK I:** AMPSTERMYN EN VAKATURES
- HOOFSTUK J:** AMPSDRAERS EN UITVOERENDE KOMITEE
- HOOFSTUK K:** VERGADERINGS EN VERGADERINGPROSEDURES
- HOOFSTUK L:** ADMINISTRASIE EN FINANSIES
- HOOFSTUK M:** AFBAKENING VAN GROEPERING VAN ONDERWYSINRIGTINGS
- HOOFSTUK N:** HERROEPINGS, OORGANGSREËLINGS EN EERSTE STAPPE
- BYLAE A:** REGULASIES WAT HERROEP STAAN TE WORD

## HOOFTUK A

### WOORDOMSKRYWINGS, UITLEG EN TOEPASSING

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking wat in die Wet omskryf is, dieselfde betekenis, en beteken-

**"aangewese organisasie"** 'n organisasieaangewys ingevolge regulasie 16;

**"adjunkvoorsitter"** die persoon as adjunkvoorsitter aangewys ingevolge regulasie 36;

**"die Wet"** die Wet op Onderwysbeleid, 1998 (Wet No 12 van 1998);

**"groepering van onderwysinrigtings"** 'n versameling onderwysinrigtings wat, vir doeleindes van die instelling van 'n Plaaslike Eenheid vir Onderwys en Opleiding, deur die Lid van die Uitvoerende Raad saamgegroepeer is ingevolge regulasie 50;

**"leerder"** iemand wat by 'n onderwysinrigting onderrig of opgelei word;

**"Lid van die Uitvoerende Raad"** die Lid van die Uitvoerende Raad verantwoordelik vir onderwys in die Provincie Gauteng.

**"nasionale departement"** die departement wat nasionaal vir onderwys verantwoordelik is;

**"onafhanklike onderwysinrigting"** 'n onderwysinrigting wat nie onder die beskerming van die Provinciale Departement gadministreer word nie;

**"onderwys- en opleidingontwikkelingspraktisyne"** ook 'n opvoeder soos omskryf in die Wet op die Indiensneming van Opvoeders, 1994 (Proklamasie No 138 van 1994), en enige ander persoon wat onderwys en opleiding of ander onderwysverwante dienste voorsien, ongeag formele kwalifikasie;

**"openbare onderwysinrigting"** 'n onderwysinrigting wat onder die beskerming van die provinsiale departement gadministreer word;

**"ouer"** ook:

- (a) die ouer of voog van 'n leerder;
- (b) die persoon wat wettig op die versorging van 'n leerder geregtig is; of
- (c) die persoon wat onderneem om die verpligte van 'n persoon bedoel in paragrawe (a) en (b) na te kom met betrekking tot die leerder se onderrig op skool;

**"Plaaslike Eenheid vir Onderwys en Opleiding"** 'n Plaaslike Eenheid vir Onderwys en Opleiding ingestel ingevolge regulasie 5:

**"provinsiale departement"** die departement verantwoordelik vir onderwys in die Provincie;

**"sekretaris"** iemand aangewys as sekretaris ingevolge regulasie 36;

**"tersaaklike raad"** die Gautengse Raad vir Onderwys en Opleiding, 'n distriksraad vir Onderwys en Opleiding, of 'n Spesialisadviesraad ingestel ingevolge artikels 6, 8 en 10 van die Wet;

**"voorsitter"** die persoon as voorsitter aangewys ingevolge regulasie 36.

2. Iemand wat hierdie regulasies vertolk, moet doelgerigte uitvoering aan die bepalings van die regulasies gee op 'n wyse wat ooreenstem met die oogmerk van die Wet en hierdie regulasies.

## HOOFSTUK B

### OOGMERK

3. Die oogmerk van hierdie regulasies is om-

- (a) die instelling van tersaaklike rade en eenhede te reguleer;
- (b) die belangegroepe wat 'n tersaaklike raad of eenheid moet uitmaak, te spesifiseer;
- (c) die kriteria en procedures vir die aanstelling en goedkeuring van persone as lede van 'n tersaaklike raad of eenheid voor te skryf;
- (d) die omstandighede te bepaal waaronder daar vakatures in 'n tersaaklike raad of eenheid kan ontstaan en hoe hierdie vakatures gevul kan word;
- (e) vir die verkiesing van 'n uitvoerende komitee met ampsdraers vir 'n tersaaklike raad of eenheid voorsiening te maak;
- (f) die procedure vir die sameroeping van en optrede tydens vergaderings van 'n tersaaklike raad of eenheid te reguleer;
- (g) 'n prosedure vir afbakening en groepering van onderwysinrigtings te spesifiseer; en
- (h) toe te sien dat rade of eenhede se ledetal, in die geheel, redelik verteenwoordigend van die onderwys- en opleidingstelsel en verwante belangte is.

## HOOFSTUK C

### INSTELLING EN FUNKSIES VAN PLAASLIKE EENHEDE VAN ONDERWYS EN OPLEIDING

- 4.(1) 'n Distrikbestuurder moet 'n Plaaslike Eenheid vir Onderwys en Opleiding instel met betrekking tot 'n groepering van onderwysinrigtings soos bedoel in regulasie 49.
- (2) Die Eenheid moet, met betrekking tot daardie groepering
- (a) programme ontwikkel en implementeer om die visie vir onderwys en opleiding te bepaal;
  - (b) onderwys en opleiding se behoeftes identifiseer en prioriteite bepaal;
  - (c) planne opstel om in sy onderwys- en opleidingsbehoeftes te voorsien en dit voorlê vir die goedkeuring van die Distrikstraad vir Onderwys en Opleiding onder wie se jurisdiksie die Eenheid ressorteer;
  - (d) oor enige onderwysverwante aangeleentheid aanbevelings doen by die Distrikstraad vir Onderwys en Opleiding onder wie se jurisdiksie die Eenheid ressorteer;
  - (e) enige ander funksie verrig wat ingevolge hierdie regulasies aan hom toegewys of gedelegeer word; en
  - (f) sodanige verslae indien as wat die tersaaklike Distrikstraad vir Onderwys en Opleiding versoek.

## HOOFSTUK D

### INSTELLING VAN RADE VIR ONDERWYS EN OPLEIDING

5. Wanneer die Lid van die Uitvoerende Raad van voorneme is om op provinsiale sowel as distrikvlak 'n Raad vir Onderwys en Opleiding in te stel, kan hy of sy-
- (a) in minstens een dagblad met 'n wye sirkulasie in die Provinsie, 'n advertensie plaas waarin aansoeke om lidmaatskap van die tersaaklike raad gevra word;
  - (b) 'n lidmaatskapkomitee aanstel om alle aansoeke wat ontvang word, noukeurig na te gaan;
  - (c) die lidmaatskapkomitee raadpleeg voordat enige aanstellings gedoen word; en
  - (d) lede uit die Plaaslike Eenheid vir Onderwys en Opleiding op die tersaaklike raad aanstel.
6. 'n Spesialis-adviesraad sal, na oorlegpleging met die GROO (Gautengse Raad vir Onderwys en Opleiding), ingestel word soos en wanneer die Lid van die

Uitvoerende Raad verlang, en die funksies van die Adviesraad sal eindig sodra die opdrag, soos deur die Lid van die Uitvoerende Raad bepaal, voltooi is.

7. Die advertensie bedoel in regulasie 5(a) moet die volgende spesifiseer:
  - (a) watter raad ingestel staan te word;
  - (b) die funksies en pligte van die beoogde raad;
  - (c) die sluitingsdatum vir aansoeke;
  - (d) aan wie die aansoeke gerig moet word; en
  - (e) die dokumentasie wat die aansoeke moet vergesel;
8. Die lidmaatskapkomitee bedoel in regulasie 5(b), moet bestaan uit
  - (a) die Voorsitter van die Gautengse Raad vir Onderwys en Opleiding;
  - (b) die Gautengse Departement van Onderwys se verteenwoordiger op die Gautengse Raad vir Onderwys en Opleiding;
  - (c) een senior beampete wat die Hoofkantoor van die Gautengse Departement van Onderwys verteenwoordig;
  - (d) een senior beampete van die Gautengse Departement van Onderwys uit die betrokke distrik; en
  - (e) twee leiers uit die burgerlike samelewing met goeie kennis van die onderwyssektor en wat waarskynlik nie op die tersaaklike raad aangestel sal word nie, aangestel deur die Departementshoof.
9. Die lidmaatskapkomitee bedoel in regulasie 5(b), moet aanbevelings opstel vir oorweging deur die Lid van die Uitvoerende Raad.

## HOOFSTUK E

### SAMESTELLING VAN RADE VIR ONDERWYS EN OPLEIDING

10. Behoudens regulasies 11 en 14, moet 'n tersaaklike raad saamgestel wees uit een persoon aangestel deur elke aangewese organisasie wat die volgende belangegroepe verteenwoordig wat binne sy gebied van jurisdisksie werksaam is:
  - (a) ouers;
  - (b) onderwys- en opleidingontwikkelingspraktisyns;
  - (c) die provinsiale departement;
  - (d) leerders;
  - (e) hoofde van inrigtings;
  - (f) beheerliggame van inrigtings;
  - (g) onafhanklike onderwysinrigtings;
  - (h) nieregeringsorganisasies wie se kernwerksaamhede onderwysverwant is;
  - (i) gemeenskapsgebaseerde organisasies wie se kernwerksaamhede onderwysverwant is;

- (j) 'n onderwys- of Opleidingsraad of Sektorale Gesag vir Onderwys en Opleiding ingestel ingevolge enige wet;
- (k) besigheid;
- (l) arbeid; en
- (m) enige ander belangegroepe of staatsorgaan wat deur die tersaaklike raad geskik geag word om 'n bydrae te lewer tot onderwysverwante aangeleenthede wat met sy funksies verband hou.

11. Benewens die belangegroepe bedoel in regulasie 10

- (a) moet die Gautengse Raad vir Onderwys en Opleiding saamgestel wees uit een persoon wat Distrikbestuurders verteenwoordig en een verteenwoordiger van elk van die Distrikstrate vir Onderwys en Opleiding ingestel ingevolge die Wet;
  - (b) moet die Distrikstraad vir Onderwys en Opleiding saamgestel wees uit een verteenwoordiger van die tersaaklike distrikskantoor en een verteenwoordiger van
    - (i) elke Plaaslike Eenheid vir Onderwys en Opleiding wat ingevolge hierdie regulasies ingestel is binne die onderwysdistrik tenop sigte waarvan hierdie raad ingestel is;
    - (ii) distriksgebaseerde gespesialiseerde forums, indien ingestel; en
    - (iii) distriksgebaseerde onderwys- en opleidingsforums, indien ingestel.
  - (c) Spesialis-adviesrade kan saamgestel word uit enige aantal persone aangewys deur die Lid van die Uitvoerende Raad vir die uitvoering van enige opdrag wat deur die Lid van die Uitvoerende Raad aan die onderskeie spesialis-adviesrade gegee word.
12. Die bepalings van regulasies 10 en 11 belet nie die Lid van die Uitvoerende Raad om ander persone aan te stel nie wat, te eniger tyd na die instelling van die tersaaklike raad, uit hoofde van hul kundigheid of ervaring 'n waardevolle bydrae tot die werksaamhede van die tersaaklike raad kan maak, maar
- (a) die totale aantal persone ingevolge hierdie regulasie aangestel, moet minder wees as 20 persent van die totale aantal lede van die tersaaklike raad ten tye van die aanstelling; en
  - (b) die aanstelling kan gedoen word op die bedinge en voorwaardes wat die Lid van die Uitvoerende Raad geskik ag.
13. Indien die Lid van die Uitvoerende Raad 'n persoon ingevolge regulasie 12 op die tersaaklike raad wil aanstel, kan hy of sy dit doen alleenlik na raadpleging met die tersaaklike raad, indien ingestel.

14. 'n Tersaaklike raad kan met sy werkzaamhede begin sodra die Lid van die Uitvoerende Raad bepaal het watter organisasies as aangewese organisasies verklaar moet word ingevolge regulasie 15, die betrokke organisasie van sy of haar besluit in kennis gestel het, en 'n vergadering belê is ingevolge regulasie 42.

## HOOFTUK F

### AANWYSING VAN ORGANISASIES VIR DOELEINDES VAN VERTEENWOORDIGING OP RADE, EN TERUGTREKKING VAN AANWYSING

15. Die Lid van die Uitvoerende Raad kan, by skriftelike aansoek deur 'n organisasie wat 'n kieskollege bedoel in regulasie 10 verteenwoordig, die organisasie 'n aangewese organisasie verklaar vir doeleindes van verteenwoordiging op 'n tersaaklike raad indien:
  - (a) die konstitusie of stel reëls betreffende toelating as lede tot daardie organisasie nie die bepalings van artikel 9 van die Grondwet van Suid-Afrika, 1996 (Wet 106 van 1996) oortree nie; en
  - (b) die Lid van die Uitvoerende Raad tevrede is dat die organisasie:
    - (i) 'n beduidende gedeelte van die tersaaklike kieskollege binne die gebied van jurisdiksie van die tersaaklike raad verteenwoordig; en
    - (ii) 'n klaarblyklike belang het by of 'n geskiedenis van betrokkenheid het by aangeleenthede wat binne die opdrag van die tersaaklike raad val.
16. Indien die Lid van die Uitvoerende Raad die aansoek afwys wat ingevolge regulasie 15 gedoen is, moet hy of sy die aansoeker van skriftelike redes vir hierdie besluit voorsien.
17. Die aanwysing van 'n organisasie ingevolge regulasie 15 is vir 'n tydperk van drie jaar geldig.
18. By verstryking van die tydperk van drie jaar bedoel in regulasie 17, kan 'n organisasie opnuut ingevolge regulasie 15 om aanwysing aansoek doen, en enige besluit deur die Lid van die Uitvoerende Raad om 'n organisasie 'n aangewese organisasie te verklaar, moet na raadpleging met die tersaaklike raad geneem word.
19. Die Lid van die Uitvoerende Raad kan, na raadpleging met die tersaaklike raad, die aanwysing van 'n organisasie terugtrek indien:
  - (a) die organisasie dit versoek;

- (b) die organisasie nie voldoen aan die vereistes vir aanwysing soos gespesifieer in regulasie 15 nie; of
  - (c) 'n verteenwoordiger van die organisasie sonder gegronde redes versuim het om drie agtereenvolgende vergaderings van die tersaaklike raad by te woon en die raad 'n besluit geneem het wat die Lid van die Uitvoerende Raad versoek om die aanwysing van die organisasie terug te trek.
20. Die Lid van die Uitvoerende Raad mag nie die aanwysing van 'n organisasie terugtrek nie, tensy hy of sy die organisasie 'n geleentheid gebied het om vertoe oor die terugtrekking te rig.

## HOOFSTUK G

### SAMESTELLING VAN PLAASLIKE EENHEDE VIR ONDERWYS EN OPLEIDING

21. 'n Plaaslike Eenheid vir Onderwys en Opleiding moet, ten opsigte van 'n groepering van onderwysinrigtings bedoel in regulasie 49, saamgestel word uit een verteenwoordiger van-
- (a) elke beheerliggaam in die groep; en
  - (b) enige belangsgroep of staatsorgaan wat die Eenheid, wat organisasies bedoel in regulasie 10 kan insluit, geskik ag om 'n bydrae te lewer oor onderwysverwante aangeleenthede wat met die funksies van die Eenheid verband hou, indien-
    - (i) die Distrikbestuurder tevrede is dat die organisasie 'n beduidende gedeelte van die betrokke kieskollege binne die gebied van jurisdiksie van die Eenheid verteenwoordig;
    - (ii) die Distrikbestuurder tevrede is dat die organisasie 'n klaarblyklike belang het by of 'n geskiedenis van betrokkenheid het by aangeleenthede wat binne die opdrag van die Eenheid val; en
    - (iii) daar geen onregverdige diskriminasie in sy bepalings oor lidmaatskap van die organisasie is nie.

22. Die bepalings van regulasie 21 belet nie die Distrikbestuurder om ander persone aan te stel nie wat, te eniger tyd na die instelling van die betrokke eenheid, uit hoofde van hul kundigheid of ervaring 'n waardevolle bydrae tot die werkzaamhede van die betrokke eenheid kan maak, maar-

- (a) die totale aantal persone ingevolge hierdie regulasie aangestel, moet minder wees as 20 persent van die totale aantal lede van die betrokke eenheid ten tyde van die aanstelling; en
  - (b) die aanstelling kan gedoen word onder die bedinge en voorwaardes wat die Distrikbestuurder geskik ag.
23. Die lidmaatskap van 'n organisasie ingevolge regulasie 21(b) is geldig vir 'n tydperk van drie jaar.
24. By verstryking van die tydperk van drie jaar bedoel in regulasie 23, kan die Distrikbestuurder 'n organisasie opnuut ingevolge regulasie 21(b) aanstel.
25. Die Distrikbestuurder kan, na oorlegpleging met die betrokke eenheid, die lidmaatskap van 'n organisasie terugtrek indien:
- (a) die organisasie dit versoek;
  - (b) die organisasie nie aan die vereistes vir lidmaatskap, soos gespesifieer in regulasie 23, voldoen nie; of
  - (c) 'n verteenwoordiger van die organisasie sonder gegrondte rede versaum het om drie agtereenvolgende vergaderings van die betrokke eenheid by te woon en die eenheid 'n besluit geneem het om die betrokke Distrikbestuurder te versoek om die aanwysing van die organisasie terug te trek.
26. Die Distrikbestuurder mag nie die lidmaatskap van 'n organisasie terugtrek nie tensy hy of sy aan die organisasie 'n geleenthed gebied het om vertoe oor die onttrekking te rig.

## HOOFSTUK H

### AANVAARDING EN WYSIGING VAN KONSTITUSIE

27. 'n Tersaaklike raad moet, met 'n meerderheid van twee derdes van sy lede, 'n konstitusie aanvaar wat nie strydig met die Wet is nie.
28. 'n Tersaaklike raad kan, met 'n meerderheid van twee derdes van sy lede, sy konstitusie wysig.
29. 'n Konstitusie bedoel in regulasies 27 en 28, moet minstens die aangeleenthede bedoel in Hoofstukke J tot K van hierdie regulasies dek.

30. 'n Plaaslike Eenheid vir Onderwys en Opleiding kan, met 'n meerderheid van twee derdes van sy lede, 'n konstitusie aanvaar wat nie strydig met die Wet is nie.
31. 'n Konstitusie bedoel in regulasie 30 moet minstens die aangeleenthede bedoel in Hoofstukke J tot K dek.

## HOOFSTUK I

### AMPSTERMYN EN VAKATURES

32. Die persoon, liggaam, organisasie of departement van die Provinse wat 'n verteenwoordiger op 'n tersaaklike raad of eenheid aanstel, moet die ampstermyn van sy verteenwoordigers bepaal.
33. 'n Vakature in 'n tersaaklike raad of eenheid ontstaan wanneer
  - (a) die tersaaklike raad of eenheid skriftelik deur die persoon, liggaam, organisasie of departement van die Provinse wat die verteenwoordiger aangestel het, in kennis gestel word dat die aanstelling teruggetrek word;
  - (b) die tersaaklike raad of eenheid skriftelik van die bedanking van die verteenwoordiger in kennis gestel word;
  - (c) die verteenwoordiger te sterwe kom;
  - (d) die ampstermyn verstryk; of
  - (e) die Lid van die Uitvoerende Raad of 'n Distrikbestuurder na gelang van die geval, na raadpleging met die tersaaklike raad of eenheid, die verteenwoordiger uit die amp ontslaan indien
    - (i) die verteenwoordiger versium om sy of haar pligte as lid van die tersaaklike raad of eenheid uit te voer;
    - (ii) die gedrag van die verteenwoordiger die belang van die tersaaklike raad of eenheid skade berokken; of
    - (iii) die verteenwoordiger versium om drie opeenvolgende vergaderings van die tersaaklike raad of eenheid sonder toestemming of gegronde redes by te woon.
34. Indien 'n vakture ontstaan, is die bepalings wat die aanstelling van die betrokke verteenwoordiger reguleer van toepassing vir doeleindes van die vul van die vakture.

## HOOFTUK J

### AMPSDRAERS EN UITVOERENDE KOMITEE

35. So spoedig moontlik na die aanvang van sy werksaamhede en elke daaropvolgende jaar op daardie dag of op 'n dag so na as moontlik aan daardie datum, moet 'n tersaaklike raad of eenheid uit sy verteenwoordigers 'n uitvoerende komitee kies wat saamgestel moet wees uit-
- (a) 'n voorsitter;
  - (b) 'n adjunkvoorsitter;
  - (c) 'n sekretaris; en
  - (d) enige ander persoon wat die raad of eenheid geskik ag, met inagneming daarvan dat die uitvoerende komitee uit hoogstens ses lede mag bestaan.
36. Die voorsitter moet alle vergaderings van 'n tersaaklike raad of eenheid lei en moet-
- (a) die notules van vergaderings onderteken nadat dit goedgekeur is; en
  - (b) enige ander funksies en verpligte uitvoer wat ingevolge die Wet aan die voorsitter toevertrou word;
37. Die adjunkvoorsitter moet vergaderings van 'n tersaaklike raad of eenheid lei en die voorsitter se verpligte en funksies uitvoer indien die voorsitter afwesig is of om enige rede nie in staat is om daardie verpligte of funksies uit te voer nie.
38. Indien sowel die voorsitter as die adjunkvoorsitter afwesig is of nie in staat is om die funksies en pligte van die voorsitter uit te voer nie, moet die tersaaklike raad of eenheid deur middel van die opsteek van hande 'n persoon uit die verteenwoordigers kies om as voorsitter op te tree.
39. Die sekretaris moet toesien dat die administratiewe en sekretariële werk wat ingevolge die Wet uit die funksionering van die tersaaklike raad of eenheid voortvloeи, verrig word en moet ook toesien dat die administratiewe en sekretariële werk van die amp van sekretaris, wat die volgende insluit, verrig word:
- (a) die byhou van 'n rekord van verteenwoordigers op die tersaaklike raad of eenheid;
  - (b) bywoning van alle vergaderings van die tersaaklike raad of eenheid en sy uitvoerende komitee, en die byhou van notules van die verrigtinge by daardie vergaderings;
  - (c) hantering van die korrespondensie van die tersaaklike raad of eenheid, en die bewaring van oorspronklike brieve wat ontvang is en afskrifte van brieve wat versend is;

- (d) die voorlees, by elke vergadering van die tersaaklike raad of eenheid, van belangrike korrespondensie wat sedert die vorige vergadering plaasgevind het;
  - (e) die bewaring in die kantoor van die tersaaklike raad of eenheid, van 'n afskrif van die goedgekeurde en ondertekende notules van elke vergadering van die tersaaklike raad of eenheid of sy uitvoerende komitee, of enige ander subkomitee van die tersaaklike raad of eenheid, vir 'n tydperk van minstens drie jaar vanaf die datum wat daardie notule goedgekeur is; en
  - (f) voorlegging aan die Lid van die Uitvoerende Raad of Distrikbestuurder, na gelang van die geval, van die dokument bedoel in regulasie 46.
40. Enige lid van die uitvoerende komitee kan oor ernstige pligsversuim, ernstige wangedrag of onbevoegdheid uit 'n amp ontslaan word by 'n besluit van die uitvoerende komitee wat optree met die instemming van die tersaaklike raad of eenheid en in oorelog met die Lid van die Uitvoerende Raad.
41. Indien daar voor die eenjaartydperk bedoel in regulasie 35, 'n vakature in die uitvoerende komitee ontstaan, kan die tersaaklike raad of eenheid die vakature vir die oorblywende ampstydperk vul.

## HOOFTUK K

### VERGADERINGS EN VERGADERINGPROSEDURES

42. 'n Tersaaklike raad of eenheid en sy uitvoerende komitee moet minstens vier keer per jaar vergader.
43. Die sekretaris of die persoon of persone wat ingevolge regulasie 47 deur die Departementshoof aangewys is om aan die tersaaklike raad of eenheid bystand te verleen, moet:
- (a) 'n skriftelike kennisgewing opstel van elke vergadering van die tersaaklike raad of eenheid, met vermelding van die datum, tyd en plek van die vergadering en die sake wat bespreek gaan word, en die kennisgewing minstens 10 dae voor die datum van die vergadering aan elke verteenwoordiger stuur; en
  - (b) 'n jaarverslag oor die werkzaamhede van die tersaaklike raad of eenheid aan die tersaaklike raad of eenheid, na gelang van die geval, voorlê.
44. 'n Vergadering van 'n tersaaklike raad of eenheid sal 'n kworum uitmaak indien minstens 30% van die lede wat op bywoning geregtig is, by die vergadering teenwoordig is.

45. 'n Mosie wat by 'n vergadering van 'n tersaaklike raad of eenheid ingedien word, mag nie behandel word nie tensy dit gesekondeer is. Die voorsitter kan vereis dat 'n mosie skriftelik ingedien word, in welke geval die voorsitter die mosie aan die vergadering moet voorlees.
46. Enige saak wat vir besluitneming voor 'n tersaaklike raad of eenheid dien, moet deur konsensus beslis word, maar in die geval waar konsensus nie bereik kan word nie, moet die hele omvang van uiteenlopende menings, tesame met 'n duidelike aanduiding van watter verteenwoordigers die onderskeie uiteenlopende menings huldig, skriftelik aangeteken word en aan die Lid van die Uitvoerende Raad of aan die Distrikbestuurder, na gelang van die geval, voorgelê word.

## HOOFTUK L

### ADMINISTRASIE EN FINANSIES

47. Die Departementshoof kan op versoek van 'n tersaaklike raad of eenheid enige persoon in diens van die provinsiale departement aanwys om die tersaaklike raad of eenheid in die uitvoering van hul funksies en pligte by te staan.
48. Die Departementshoof moet-
  - (a) alle gelde beheer wat deur 'n tersaaklike raad of eenheid ontvang word; en
  - (b) alle boekhouding, rekords en state bewaar wat met die ontvangs en besteding van daardie gelde verband hou.

## HOOFTUK M

### AFBAKENING VAN GROEPERING VAN ONDERWYSINRIGTINGS

49. Wanneer die Lid van die Uitvoerende Raad van voorneme is om 'n groepering van onderwysinrigtings af te baken vir doeleindes van die uitvoering van regulasie 4, moet hy of sy-
  - (a) die voorneme om die groepering af te baken, aan alle hoofde en beheerrade van onderwysinrigtings wat in 'n tersaaklike onderwysdistrik geleë is, by kennisgewing bekendmaak;
  - (b) die volgende in die kennisgewing spesifiseer:
    - (i) dat kommentaar oor 'n voorgenome groepering verlang word;
    - (ii) die bepalings van die afbakening en die redes vir sodanige bepalings;

- (iii) die plek waar of die persoon aan wie navrae oor die afbakening gerig kan word;
  - (iv) die kommentaartydperk, wat nie minder nie as een maand vanaf die datum van die kennisgewing moet wees;
  - (v) die persoon aan wie of die plek waar kommentaar oor die voorgenome afbakening ingedien kan word;
- (c) te eniger tyd voordat die afbakening gemaak word, met enige tersaaklike belangsgroep(e) oorleg pleeg, en
- (d) die inhoud van die oorlegplegings en die kommentaar wat ontvang is, oorweeg voordat die afbakening gedoen word.
50. Vir doeleindes van die wysiging van 'n afbakening wat ingevolge regulasie 49 gedoen is, is die bepaling van daardie regulasie van toepassing met die verandering wat die samehang vereis.

## HOOFSTUK N

### HERROEPINGS, OORGANGSREËLINGS EN EERSTE STAPPE

51. Die regulasies gelys in kolom een van Bylae A word hierby herroep in die mate soos eengesit in kolom twee van Bylae A.
52. Ondanks regulasie 51, sal enige stappe gedoen ingevolge die herroepende regulasie, geag word ingevolge hierdie regulasie gedoen te gewees het.
53. Die departement verantwoordelik vir onderwys in die Provincie, moet die nodige stappe doen vir doeleindes van die saamroep van die eerste vergadering van 'n tersaaklike raad of eenheid.

## BYLAE A

### BYLAE VAN REGULASIES WAT HERROEP STAAN TE WORD

Titel, Nommer en Jaar van publikasie	Omvang van herroeping
Regulasies vir die Instelling van die Raad vir Onderwys en Opleiding: Regulasie No. 1893 van 1996	In geheel.

**NOTICE 4430 OF 2001****UMNYANGO WEZEMFUNDO****UMTHETHO WOMGOMO WEZEMFUNDO, 1998 (uMthetho 12 ka 1998)**

**IMITHETHONQUBO NGOMKHANDLU WEZEMFUNDO NOKUQEQUESHA  
EGAUTENG, IMIKHANDLU YEZEMFUNDU NOKUQEQUESHA EZIFUNDENI,  
IMIKHANDLU ENABAYALI ABANGOCHWEPHESHE KANYE NAMAYUNITHI  
EZEMFUNDU NOKUQEQUESHA ENDAWO**

Ngokwezigaba 18 (1) kanye no 18 (2) zoMthetho woMgomo wezeMfundu, 1998 (uMthetho 12 ka 1998), Mina, Ignatius Jacobs, iLungu loMkhandlu Omkhulu wezeMfundu, ngalokhu ngigunyaza ukusebenza kwemithethonqubo elandelayo ngoMkhandlu wezeMfundu nokuQeqesha eGauteng, imiKhandlu yezeMfundu nokuQeqesha eziFundeni, imiKhandlu enabaYali abangoChwepheshe kanye namaYunithi ezeMfundu nokuQeqesha eNdawo.

**IGNATIUS JACOBS****iLungu loMkhandlu Omkhulu wezeMfundu****Gauteng**

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## ISAHLUKO A

### IZINCAZELO, UKUHUNYUSHWA NOKUSEBENZA

1. Kule mithethonqubo, ngaphandle uma ingqikithi isho okunye, igama noma isisho esichazwe kuMthetho sinencazelo efanayo, kanti -
  - “umphathisihlalo”, kusho umuntu oqokwe waba ngumphathisihlalo ngokomthethonqubo 36;
  - “usekela-sihlalo”, kusho umuntu oqokwe waba ngusekela-mphathisihlalo ngokomthethonqubo 36;
  - “inhlangano eqokiwe” kusho inhlangano eqokwe ngokomthethonqubo 16;
  - “osebenza ukuthuthukisa ezemfundo nokuqequesha”, kufaka umfundisi njengalokho echaziwe kuMthetho wokuQashwa kwabaFundisi, 1994 (Isimemezelo No 138 sika 1994), kanye nanoma yimuphi omunye umuntu ofundisayo noma oqequeshayo noma enye insiza ephathelene nemfundo, kungakhathaleki ukuthi ukufundele yini lokho;
  - “amaqembu ezizinda zemfundo” kusho iqoqo lezizinda zemfundo eziqokelelwé ndawonke ngokomthethonqubo 50 yiLungu IoMkhandlu Omkhulu injongo kuwukusungula iYuniti yezeMfundu nokuQequesha yeNdawo;
  - “izizinda zemfundo ezizimele”, kusho isizinda semfundo esingenganyelwe ngaphansi koMnyango wesifundazwe;
  - “umfundu”, kusho noma yimuphi umuntu ofundiswa noma oqequesha esizindení semfundo;
  - “iYuniti yezeMfundu nokuQequesha yeNdawo”, kusho iYuniti yezeMfundu nokuQequesha yeNdawo esungulwe ngokomthethonqubo 5;
  - “iLungu IoMkhandlu Omkhulu”, kusho iLungu IoMkhandlu Omkhulu elibhekene nezemfundo esiFundazweni saseGauteng;
  - “umnyango kazwelonke”, kusho umnyango obhekene nezemfundo kuzwelonke;
  - “umzali” kufaka:
    - (a) umzali noma umbheki womfundu,
    - (b) umuntu onegunya lomthetho lokubheka umfundu, noma
    - (c) umuntu ozinikela ukufeza izibopho zomuntu ekukhulunywa ngaye kwizindima
      - (a) no (b) maqondana nemfundo yomfundu esikoleni.
  - “umnyango wesifundazwe”, kusho umnyango obhekene nezemfundo esiFundazweni;
  - “isizinda semfundo sikahulumeni”, kusho isizinda semfundo esenganyelwe ngaphansi komnyango wesifundazwe;

"umkhandlu othintekayo", kusho uMkhandlu wezeMfundu nokuQeqesha eGauteng, uMkhandlu wezeMfundu nokuQeqesha esifundeni noma uMkhandlu onabayali abangoChwepheshesungulwe ngokweZigaba 6, 8 no 10 zoMthetho;

"unobhala", kusho umuntu oqokwe njengonobhala ngokomthethonqubo 36;

"umthetho", kusho uMthetho woMgomo wezeMfundu, 1998 (uMthetho No. 12 ka 1998).

2. Noma ngubani ohumusha le mithethonqubo kumele abeke ingqikithi yemibandela yayo ngendlela ehambisana ngqo nenjongo yoMthetho kanye nale mithethonqubo.

### **ISAHLUKO B**

#### **INJONGO**

- 3 Injongo yale mithethonqubo -

- (a) ukuhambisa ngomthetho ukusungulwa kwemikhandlu namayunithi afanele;
- (b) ukucacisa amaqembu anentshisekelo ekumele amelwe kwimikhandlu nakumayunithi afanele;
- (c) ukumisa imikhakha nenqubo yokuqoka nokuvuma ukuthi abantu babe ngamalungu omkhandlu noma eyunithi efanele;
- (d) ukunquma izimo ezingaveza izikhala kwimikhandlu noma kumayunithi afanele nokuthi kumele zigcwaliswe kanjani lezi zikhala;
- (e) ukuhlinzekela ukukhethwa kwekomidi elikhulu elinabantu abasezikhundleni emkhandlwini noma kwiyunithi efanele;
- (f) ukuhambisa ngomthetho inqubo yokubiza nokuhambisa imihlangano yomkhandlu noma yeyunithi ethize;
- (g) ukucacisa inqubo yokwahlukanisa nokuqokelela ndawonye izizinda zemfundo; kanye
- (h) nokuqinisekisa ukuthi amalungu emikhandlwini noma kumayunithi, ngokuphelele, amele ngokubanzi lonke uhlelo lwezemfundo nokuqeqesha kanye nezintshisekelo ezihambisana nalokho.

### **ISAHLUKO C**

#### **UKUSUNGULWA NEMISEBENZI YAMAYUNITHI EZEMFUNDU NOKUQESESHE ENDAWO**

4. (1) Umphathi wesifunda kumele asungule iYunithi yezeMfundu nokuQeqesha yeNdawo maqondana nokuqoqelwa ndawonye kwezizinda zemfundo njengalokho kushiwo kumthethonqubo 49.
- (2) Maqondana nalawo maqembu, iYunithi kumele:
  - (a) iqambe futhi isebezise izinhlelo ukuze inqume umbono wemfundo nokuqeqesha;
  - (b) ithole izidingo bese inquma okusemqoka kakhulu kwezemfundo nokuqeqesha;

- (c) yakhe amasu okuhlangabezana nezidingo žayo kwezemfundo nokuqequesha ukuze athunyelwe bese evunywa nguMkhandlu wezeMfundu nokuQequesha esiFundazweni engena ngaphansi kwamandla okuphatha kwawo;
- (d) yenze iziphakamiso nganoma yiluphi udaba oluphathelene nezemfundo kuMkhandlu wezeMfundu nokuQequesha esiFundazweni engena ngaphansi kwamandla okuphatha kwawo;
- (e) yenze nanoma yimuphi omunye umsebenzi eyabelwe noma ejutshwe ukuba iwenze ngokwale mithethonqubo; futhi
- (f) ithumele imibiko engase icelwe nguMkhandlu wezeMfundu nokuQequesha esiFundazweni ofanele.

## ISAHLUKO D

### **UKUSUNGULWA KWEMIKHANDLU**

5. Lapho iLungu loMkhandlu Omkhulu lihlose ukusungula noma yimuphi uMkhandlu wezeMfundu nokuQequesha, ezingeni lesifunda nelesifundazwe -
  - (a) angakhipha umkhangiso emema izicelo zokuba yilungu kunoma yimuphi umkhandlu ofanele okungenani ephephandabeni elilodwa eliphuma nsukuzonke elifinyelela ezindaweni eziningi zesiFundazwe;
  - (b) angaqoka ikomidi lobulungu elizocubungula zonke izicelo ezitholakele;
  - (c) angaxhumana nekomidi lobulungu ngaphambi kokuqoka noma ngubani; futhi
  - (d) angaqokela amalungu avela kwiYuniti yezeMfundu nokuQequesha eNdawo kumkhandlu ofanele.
6. Umkhandlu wabaYali abangoChwepheshe ujosungulwa, emva kokuxhumana neGETC, ngaleso sikhathi lapho iLungu loMkhandlu Omkhulu eliyobona kudingekile bese uhlakazwa lapho umsebenzi elithunywe wona, njengalokho unqunywe yiLungu loMkhandlu Omkhulu, usuPhothuliwe.
7. Imikhangiso ekukhulunywe ngayo kumthethonqubo 5 (a) kumele icacise -
  - (a) umkhandlu ozosungulwa;
  - (b) imisebenzi nezibopho zalowo mhandlu ocatshangwayo;
  - (c) usuku lokuvala maqondana nezicelo;
  - (d) igama lomuntu ekumele izicelo ziqondiswe kuyena; kanye
  - (e) nemibhalo ekumele iphelekezele izicelo.
8. Ikomidi lobulungu ekukhulunywe ngalo kumthethonqubo 5 (b) kumele libe -
  - (a) noMphathishihlalo woMkhandlu wezeMfundu nokuQequesha eGauteng;
  - (b) omele uMnyango wezeMfundu nokuQequesha eGauteng oseMkhandlwini wezeMfundu nokuQequesha eGauteng;
  - (c) umsebenzi osezingeni eliphakeme omele iNhlokokhovisi yoMnyango wezeMfundu eGauteng;
  - (d) umsebenzi osezingeni eliphakeme omele uMnyango wezeMfundu ovela kwisifunda esithintekayo; kanye

- (e) nabaholi bomphakathi ababili, abanolwazi olunzulu ngomkhakha wezemfundo futhi kungabi nethuba lokuthi bangaqokelwa eMkhandlwini, begokwe yiNhloko yoMnyango.
9. Ikomidi lobulungu ekukhulunye ngalo kumthethonqubo 5 (b) kumele lilungise iziphakamiso ezizocutshungulwa yiLungu loMkhandlu Omkhulu.

### **ISAHLUKO E**

#### **AMALUNGU EMIKHANDLU**

10. Kuncike kwimithethonqubo 11 no 14, umkhandlu ofanele kumele ube nomuntu oyedwa oqokwe yinlangano ekhethiwe ngayinye amele amaqembu anezintshisekelo alandelayo asebenzela ngaphakathi kwamandla wawo omthetho:
- (a) abazali;
  - (b) abasebenzi bezemfundo nokuqequesha;
  - (c) umnyango wesifundazwe;
  - (d) abafundi;
  - (e) izinhloko zezizinda;
  - (f) imigwamanda eyengamele izizinda;
  - (g) izizinda zemfundo ezizimele;
  - (h) izinhlangano ezingekho ngaphansi kukahulumeni imisebenzi yazo esemqoka ehlangene nezemfundo;
  - (i) izinhlangano zomphakathi imisebenzi yazo esemqoka ephathelene nezemfundo;
  - (j) ibhodi lemfundo noma lokuqequesha noma isiPhathimandla sezeMfundu nokuQequesha eMikhakheni esungulwe kokwanoma yimuphi umthetho;
  - (k) amabhizinisi;
  - (l) abasebenzi; kanye
  - (m) nanoma yiliphi elinye iqembu noma igatsha likahulumeni umkhandlu othintekayo oliona lifanelekile ukuba libeke imibono mayelana nezindaba eziphathelene nemfundo ezibhekene ngqo nemisebenzi yawo.
11. Ngaphezu kwamaqembu anezintshisekelo abalulwe kumthethonqubo 10-
- (a) uMkhandlu wezeMfundu nokuQequesha eGauteng kumele ube nomuntu oyedwa omele abaphathi bezifunda kanye nelungu elilodwa elivela kwimiKhandlu yezeMfundu nokuQequesha kwisiFunda ngasinye esungulwe ngokoMthetho;
  - (b) Umkhandlu wezeMfundu nokuQequesha esiFundeni kumele ube nelungu elilodwa elimele ihovisi lesifunda kanye nelungu elilodwa elivela
- (i) kwiYunithi yezeMfundu nokuQequesha ngayinye esungulwe ngokwale mithethonqubo ngaphakathi kwesifunda semfundo umkhandlu lo owasungulelwa sona;
  - (ii) kumaforamu ochwephesho azinze ezifundeni, uma ususunguliwe; kanye

- (iii) namaforamu emfundo nokuqequesha azinze ezifundeni, uma ususunguliwe.
- (c) Imikhandlu yabaYali abangoChwepheshe ingaqukatha noma inani labantu abangaki abaqokwe yiLungu loMkhandlu Omkhulu ukuze bafeze noma yimuphi umsebenzi owedluliselwa yiLungu loMkhandlu Omkhulu kuMkhandlu wabaYali abangoChwepheshe ofanele.
12. Imibandela yemithethonqubo 10 no 11 ayikuvimbi ukuthi iLungu loMkhandlu Omkhulu liqoke abanye abantu okuthi ngobuchwepheshe babo noma isipiliyon i qha kwenze babe nokukwazi ukunika izimvo eziyigugu kwimisebenzi yomkhandlu othintekayo noma yingasiphi isikhathi emva kokusungulwa komkhandlu lowo, kodwa -
- (a) isamba esiphelele sabantu abaqokwa ngokwalo mthethonqubo kumele sibe ngaphansi kwamaphesenti angama-20 uma kuqhathaniswa nesibalo esiphelele samalungu alowo mkhandlu othintekayo ngesikhathi sokuqoka; futhi
  - (b) ukuqokwa kungenziwa kulandele izimiso nemibandela eyobonwa yiLungu loMkhandlu Omkhulu ingefanelekile.
13. Noma nini lapho iLungu loMkhandlu Omkhulu lifuna ukuqokela umuntu emkhandlwini ofanele ngokomthethonqubo 12, lingakwenza lokho kuphela emva kokubonisana nomkhandlu othintekayo, uma ususunguliwe.
14. Umkhandlu ofanele ungaqala imisebenzi yawo ngokushesha emva kokuthi iLungu loMkhandlu Omkhulu selinqumile ukuthi yiziphi izinhlangano ekumele ziqokwe njengezinhlangano ezikhethiwe ngokomthethonqubo 16, esebazisile abenhlangano ethintekayo ngesinqumo sakhe, futhi sewubiziwe umhlangano ngokomthethonqubo 42.

## ISAHLUKO F

### **UKUKHETHWA KWEZINHLANGANO NGENJONGO YOKUTHI ZIMELWE KWIMIKHANDLU KANYE NOKUHOXISWA KOKUQOKWA**

15. Ilungu loMkhandlu Omkhulu, uma kunesicelo esilotshwe yinhlangano emele izintshisekelo ezibabalulwe kumthethonqubo 10, linganquma ukuthi ibe yinhlangano eqokiwe ukuze kufezeke injongo yokuthi kube nokumelwa kumkhandlu ofanele uma-
- (a) umthethosisekelo noma imithetho ebhekene nokungeniswa kwamalungu kuleyo nhlangano ingalwisan nemibandela yesigaba 9 soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996 (uMthetho 106 ka 1996);
  - (b) uma iLungu loMkhandlu Omkhulu lanelisekile ngokuthi inhlangano-
    - (i) imele isibalo esibonakalayo sabantu abathintekayo ngaphakathi kwendawo engaphansi kwamandla omthetho omkhandlu ofanele; kanye nalapho
    - (ii) iveza intshisekelo esobala noma inomlando wokumbandakanya ezindabeni ezingena ngaphansi kwemihlahlandela yomkhandlu ofanele.
16. Uma iLungu loMkhandlu Omkhulu lingasemukeli isicelo esenziwe ngokomthethonqubo 15, kumele linikeze obefake isicelo izizathu ezilotshiwe mayelana naleso sinqumo.

17. Ukuqokwa kwenhlangano ngokomthethonqubo 15 kusebenza isikhathi esiyiminyaka emithathu.
18. Ekupheleni kwesikhathi esiyiminyaka emithathu ebalulwe kumthethonqubo 17, inhlango ingafaka isicelo sokukhethwa ngokomthethonqubo 15 kanti noma yisiphi isinqumo esithathwa yiLungu IoMkhandlu Omkhulu maqondana nenhlangano ezogokwa ukuthi ibe yinhlangano ekhethiwe siyothathwa emva kokubonisana nomkhandlu othintekayo.
19. Ilungu IoMkhandlu Omkhulu, kungathi emva kokubonisana nomkhandlu othintekayo, lihoxise ukuqokwa kwenhlangano uma-
  - (a) inhlango ikucela lokho;
  - (b) inhlango ingehlangabezani nezidingo zokuqokwa njengalokho zicacisiwe kumthethonqubo 15; noma
  - (c) ilungu elimele inhlango, ngale kwasizathu esizwakalayo, lehlulekile ukwethamela imihlangano yomkhandlu othintekayo emithathu ilandelana umkhandlu ube usuthathe isinqumo ucela iLungu IoMkhandlu Omkhulu ukuba lihoxise ukuqokwa kwenhlangano.
20. Ilungu IoMkhandlu Omkhulu alinakuhoxisa ukuqokwa kwenhlangano ngaphandle uma seliyinikile leyo nhlangano ithuba lokuzimela maqondana nokuhoxiswa.

#### **ISAHLUKO G**

#### **AMALUNGU AMAYUNITHI EZEMFUNDO NOKUQEQQESHA ENDAWO**

21. Iyunithi yezeMfundo nokuQeqesha yeNdawo, maqondana nokuqoqelwa ndawonye kwezizinda zemfundo okubalulwe kumthethonqubo 49, kumele ibe nelungu ngalinye elivel
  - (a) kumgwamanda ngamunye eqenjini; kanye
  - (b) nanoma yiliphi iqembu elinentshisekelo noma uphiko lukahulumeni, okungafaka nezinhlango ezibalulwe kumthethonqubo 10, iyunithi ebona lifanele ukufaka esivivaneni zesindaba eziphathelene nemfundo ezibhekene ngqo nemisebenzi yayo uma-
    - (i) uMphathi wesiFundu anelisekile ukuthi inhlango imele inani elibonakalayo labantu abahlala ngaphansi kwendawo yamandla okuphatha kweYunithi;
    - (ii) uMphathi wesiFundu anelisekile ukuthi inhlango inentshisekelo ebonakalayo noma umlando wokumbandakanyeka ezindabeni ezingena ngaphansi kwemihlahlandlela yeYunithi, engasungulwa ngomthethosisekelo olotshiwe; futhi
    - (iii) kungenakucwasa kwimibandela yokuba yilungu laleyo nhlangano.
22. Imibandela yomthethonqubo 21 ayivimbi uMphathi wesiFundu ekuqokeni abanye abantu okuthi ngobuchwepheshi babo noma isipiliyon qha kwenze babe nokunkika izimvo eziyigugu kwimisebenzi yeyunithi ethintekayo noma yingasiphi isikhathi emva kokusungulwa kweyunithi leyo, kodwa -

- (a) isamba esiphelele sabantu abaqokwa ngokwalo mthethonqubo kumele sibe ngaphansi kwamaphesenti angama-20 uma kuqhathaniswa nesibalo esiphelele samalungu aleyo yunithi ethintekayo ngesikhathi sokuqoka; futhi
  - (b) ukuqokwa kungenziwa kulandele izimiso nemibandela eyobonwa nguMphathi wesiFunda ingefanelekile.
- 23. Ubulungu benhlangano ngokomthethonqubo 21 (b) busebenza isikhathi esiyiminyaka emithathu.
- 24. Ekupheleni kwesikhathi seminyaka emithathu esibalulwe kumthethonqubo 23 inhlangano ingabuye iqokwe nguMphathi wesiFunda ngokomthethonqubo 21 (b).
- 25. Umphathi wesiFunda, kungathi emva kokubonisana neyunithi ethintekayo, ahoxise ukuqokwa kwenhlangano uma-
  - (a) inhlangano ikucela lokho;
  - (b) inhlangano ingehlangabezani nezidingo zokuqokwa njengalokho zicacisiwe kumthethonqubo 23; noma
  - (c) ilungu lenhlangano ngale kwesizathu esizwakalayo lehlulekile ukwethamela imihlangano yeyunithi ethintekayo emithathu ilandelana iyunithi bese ithatha isinqumo sokucela uMphathi Omkhulu ukuba ahoxise ubulungu benhlangano.
- 26. Umphathi wesiFunda akanakuhoxisa ukuqokwa kwenhlangano ngaphandle uma eseyinikile leyo nhlangano ithuba lokuzimela maqondana nokuhoxiswa.

## ISAHLUKO H

### **UKWAMUKELWA NOKUCHITSHIYELWA KOMTHETHOSISEKELO**

- 27. Umkhandlu othintekayo kumele, ngeningi lokubili kokuthathu, wamukele umthethosisekelo ongaphikisani noMthetho.
- 28. Umkhandlu othintekayo, ngeningi lamalungu awo angokubili kokuthathu, ungawuchibiyela umthethosisekelo wawo.
- 29. Umthethosisekelo ekukhulunywa ngawo kwimithethonqubo 27 no 28 kumele okungenani ubhekane nezindaba ezibalulwe kwiZahluko J kuya ku K kule mithethonqubo.
- 30. Iyunithi yezeMfundu nokuQeqesha yeNdawo, ngeningi lamalungu ayo angokubili kokuthathu, ingemukela noma ichibiyele umthethosisekelo ongaphikisani noMthetho.
- 31. Umthethosisekelo ekukhulunywa ngawo kumthethonqubo 30 kumele okungenani ubhekane nezindaba ezibalulwe kwiZahluko J kuya ku K.

**ISAHLUKO I****IZIKHATHI EZIKHUNDLENI NEZIKHALA**

32. Umuntu, umgwamanda, inhlango noma umnyango wesiFundazwe oqoka ilungu elizobamela kumkhandlu noma iyunithi efanele kumele basho ukuthi abameli babo bazoba ngamalungu isikhathi esingakanani.
33. Isikhala kumkhandlu noma iyunithi ethize sivela lapho-
- (a) umkhandlu noma iyunithi ethintekayo yaziswe ngokubhaliwe ngumuntu, umgwamanda, inhlango noma umnyango wesifundazwe owaqoka ummeli, ukuthi ukuqokwa sekuyahoxiswa;
  - (b) umkhandlu noma iyunithi ethintekayo yaziswe ngokubhaliwe ngokwesula kommeli;
  - (c) ummeli wenhlango eshona;
  - (d) isikhathi sommeli sokuba sesikhundleni sesiphelile; noma
  - (e) ilungu loMkhandlu Omkhulu noma uMphathi wesiFunda, kuye nesimo, emva kokubonisana nomkhandlu noma iyunithi ethintekayo, ekhipha ummeli esikhundleni lapho -
    - (i) ummeli ehluleka ukwenza imisebenzi yakhe njengelungu lomkhandlu noma iyunithi ethintekayo;
    - (ii) ukuziphatha kwelungu kungazikhathaleli izintshisekelo zomkhandlu noma iyunithi ethintekayo; noma
    - (iii) ilungu lehluleka ukwethamela imihlangano emithathu ilandelana yomkhandlu noma iyunithi ethintekayo ngale kwesicelo selivu noma isizathu esibonakalayo.
34. Noma nini lapho kuvela isikhala, imibandela ehambisa ngokomthetho ukuqokwa kwelungu ekukhulunya ngakho iyosebenza ukuze kugcwaliswe isikhala.

**ISAHLUKO J****ABANEZIKHUNDLA KANYE NEKOMIDI ELIKHULU**

35. Ngokushesha emva kokuqala imisebenzi yabo bese kuthi njalo ngeminyaka elandelayo noma ngosuku olusondele impela kulolo, umkhandlu noma iyunithi ethintekayo kumele ikhethe kubantu abayimele ikomidi elikhulu ekudingeka liqukathe -
- (a) umphathisihlalo;
  - (b) usekela-mphathisihlalo;
  - (c) unobhala; kanye
  - (d) nanoma yimuphi omunye umuntu obonakala efanele, ngaphandle kokuthi inani lamalungu omkhandlu omkhulu akumele leve kubantu abayisithupha.
36. Umphathisihlalo kumele engamele yonke imihlangano yomkhandlu noma iyunithi ethintekayo futhi kufuneka-
- (a) Asayinde amaminithi emihlangano emva kokuba evuniwe; futhi

- (b) Enze eminye imisebenzi nezibopho ebekwe emahlombe omphathisihlalo ngokoMthetho.
37. Usekela-mphathisihlalo kumele engamele imihlangano yomkhandlu noma iyunithi ethintekayo enze nemisebenzi nezibopho ezibekwe emahlombe omphathisihlalo njalo uma umphathisihlalo engekho noma ngenxa yanoma yisiphi isizathu engakwazi ukwenza leyo misebenzi nezibopho.
38. Uma bengekho bobabili omphathisihlalo nosekela-mphathisihlalo noma bengakwazi ukwenza imisebenzi nezibopho zomphathisihlalo, umkhandlu othintekayo, ngokuphakamisa izandla, kumele ukhethe kumalungu umuntu ozomela umphathisihlalo.
39. Unobhala kumele aqinisekise ukuthi umsebenzi wokuphatha nobubhalane ovela ekusebenzeni komkhandlu noma iyunithi efanele ngokoMthetho, uyensiwa futhi kumele aqinisekise ukuthi umsebenzi wokuphatha nobubhalane wehhovisi likanobhala uyensiwa, okuxuba-
- (a) ukuqokelela nokugcina uhlu olunamalungu amele umkhandlu noma iyunithi ethintekayo;
  - (b) ukwethamela yonke imihlangano yomkhandlu noma yeyunithi ethintekayo, nekomidi layo elikhulu bese eloba amaminithi okwenzeka kuleyo miolangano;
  - (c) ukubhekana nokuxhumana okuza noma okuvela kumkhandlu noma iyunithi ethintekayo bese egcina uqobo Iwezincwadi ezitholakele kanye namakhophi alezo ezithunyelwa kwabanye;
  - (d) ukufunda ukuxhumana okubalulekile okwenzeke kusukela emhlanganweni odlule kuyona yonke imihlangano yomkhandlu noma yeyunithi ethintekayo;
  - (e) ukugcina amakhophi amaminithi avunyiwe asayindwa ayo yonke imihlangano yomkhandlu noma yeyunithi ethintekayo noma yekomidi elikhulu, noma awaliphi elinye ikomidi elincane lomkhandlu noma leyunithi ethintekayo ephephile ehhovisi lomkhandlu noma leyunithi efanele, isikhathi esiyiminyaka emithathu kusukela osukwini lawo maminithi avunywa ngalo; kanye
  - (f) nokuthumela kwiLungu loMkhandlu Omkhulu noma uMphathi wesifunda, kuye nesimo, umbhalo ekukhulunywa ngawo kumthethonqubo 46.
40. Noma yiliphi ilungu lekomidi elikhulu lingakhishwa esikhundleni uma liyekelile umsebenzi kakhulu, liziphathe kabi kakhulu noma kungukuthi alinakhono kuye ngesinqumo sekomidi elikhulu likwenza lokhu ngokuvunyelwa ngumkhandlu noma iyunithi, nangokubonisana neLungu loMkhandlu Omkhulu.
41. Uma kuvela isikhala kwikomidi elikhulu ngaphambi kokuphela konyaka okubalulwe kumthethonqubo 35, umkhandlu noma iyunithi ethintekayo ingasigcwala isikhala maqondana nesikhathi sokuba sesikhundleni esisele.

## ISAHLUKO K

### **IMIHLANGANO KANYE NENQUBO YOKUBAMBA IMIHLANGANO**

42. Umkhandlu noma iyunithi ethintekayo nekomidi layo elikhulu kumele bahlangane okungenani kane ngonyaka.
43. Unobhala noma umuntu noma abantu abaqokwe ukuba yiziNhloko zeMinyango ngokomthethonqubo 47 ezizosisa umkhandlu othintekayo kumele -
  - (i) balungise isaziso esilotshiwe ngayo yonke imihlangano yomkhandlu noma iyunithi efanele sisho usuku, isikhathi kanye nendawo yokubambela umhlangano kanye nalokho okuyobe kudingidwa, futhi bathumele izaziso kuwona wonke amalungu okungenani kusenezinsuku eziyishumi ngaphambi kosuku lomhlangano; futhi
  - (ii) bathumele umbiko wonyaka ngemisebenzi yeyunithi noma yomkhandlu othintekayo kuleyo yunithi noma umkhandlu, kuye nesimo.
44. Umhlangano osemthethweni womkhandlu noma weyunithi ethintekayo uyokwenzeka uma okungenani amalungu angamaphesenti angama-30 ekufanele ethamele umhlangano ekhona emhlanganweni.
45. Isiphakamiso esethulwa emhlanganweni womkhandlu noma weyunithi efanele ngeke sacutshungulwa ngaphandle uma kunosisekelayo. Umphathisihlalo angahle adinge ukuthi isiphakamiso sethulwe silotshiwe, kuleso simo –ke umphathisihlalo uyobe esesifundela umhlangano.
46. Noma yiluphi udaba oludinga ukuthathelwa isinqumo phambi komkhandlu noma kweyunithi efanele, kumele kunqunye ngo "Elethu!", uma –ke lokho kungenzeki, yonke imibono eyehlukile kanye nokucacisa ukuthi yiliphi ilungu elinalowo mbono owehlukile kumele kuqoshwe ngokubhalwa bese kuyokwethulwa kwiLungu loMkhandlu Omkhulu noma uMphathi wesiFunda, kuye nesimo.

## ISAHLUKO L

### **EZOKUPHATHA NEZEZIMALI**

47. Inhloko yoMnyango kungathi ngokucelwa ngumkhandlu noma iyunithi efanele, iqoke noma ngubani oqashwe ngumnyango wesifundazwe ukuba asize imikhandlu noma amayunithi athintekayo ekwenzeni imisebenzi nezibopho zawo.
48. Inhloko yoMnyango kumele -
  - (a) yengamele zonke izimali ezitholwa ngumkhandlu noma iyunithi ethintekayo; futhi
  - (b) igcine zonke izincwadi, amarekhodi nezitativende eziphathelene nokutholwa nokuchithwa kwalezi zimali.

## ISAHLUKO M

### **UKUKLANYWA KWAMAQEMBU EZIZINDA ZEMFUNDO**

49. Lapho lihlose ukuklama amaqembu ezizinda zemfundo ukuze kusebenze umthethonqubo 4, iLungu loMkhandlu Omkhulu kufuneka-
- (a) limemezele inhloso yokuklama amaqembu ngokuthumela isaziso kuzona zonke izinhloko zeminyango nemigwamanda ephethe izizinda zemfundo ezinze kwisifunda semfundo esifanele;
  - (b) likubeke kucace kwisaziso
    - (i) ukuthi kudingeka imibono ngamaqembu ahlongozwayo;
    - (ii) imibandela yokuklama kanye nezizathu zemibandela enjalo;
    - (iii) umuntu noma indawo lapho imibuzo ephathelene nokuklama engaqondiswa khona;
    - (vi) isikhathi sokuletha imibono ekungafanele sibe ngaphansi kwenyanga eyodwa kusukela ngosuku lokuphuma kwesaziso; kanye
    - (vii) nomuntu noma indawo lapho imibono maqondana nokuklama okuhlongozwayo engayiswa khona;
  - (c) noma yingasiphi isikhathi ngaphambi kokuklama, libambe imihlangano neqembu (namaqembu) anezintshisekelo athintekayo; futhi
  - (d) libhekele imibono etholakele kanye nengqikithi yokushiwo emihlanganweni ngaphambi kokuklama.
50. Ukuze kuchibiyeleke ukwaklama okwensiwe ngokomthethonqubo 49, umbandela walowo mthethonqubo usebenza nezinguuko ezidingwa yindikimba yokwenzekayo.

## ISAHLUKO N

### **UKUCHITHWA, AMALUNGISELELO ESIKHASHANA KANYE NEZINYATHELO NOKUQALA**

51. Imithethonqubo elotshwe ohlwini lokuqala IweSheduli A ngalokhu iyachithwa ngangalokho kubekiwe ohlwini Iwesibili IweSheduli A.
52. Yize noma ukhona umthethonqubo 51 noma yisiphi isinyathelo esithathwe kulandelwa umthethonqubo ochithiwe kuyothathwa ngokuthi senziwe ngokwalo mthethonqubo.
53. Umnyango obhekene nezemfundo esifundazweni kufanele uthathe izinyathelo ezifanele ukuze kubizwe umhlangano wokuqala womkhandlu noma weyunithi efanele.

**ISHEDULI A****ISHEDULI YEMITHETHONQUBO EZOCHITHWA**

<b>Isihloko, inombolo kanye noNyaka wokuShicilelwa</b>	<b>Ubungako bokuchithwayo</b>
Imithethonqubo yokuSungulwa koMkhandlu wezeMfundu nokuQeqesha: uMthethonqubo No. 1893 ka 1996	Yonke.

**NOTICE 4430 OF 2001****KGORO YA TŠA THUTO**

**MOLAO WA POLISI YA TŠA THUTO, WA 1998 (MOLAO WA  
12 WA 1998)**

**MELAWANA KA GA KHANSELE YA TŠA THUTO LE TLHAHLO YA  
GAUTENG, DIKHANSELE TŠA THUTO LE TLHAHLO TŠA SELETE,  
DIKHANSELE TŠA BOELETŠI BJO BO IKGETHILEGO LE DIYUNITI  
TŠA THUTO LE TLHAHLO TŠA SELEGAE.**

Go ya ka dikarolo tša 18 (1) le 18 (2) tša Molao wa Polisi ya tša Thuto wa 1998 (Molao wa 12 wa 1998), Nna, Ignatius Jacobs, Leloko la Khansele-Phethiši ya tša thuto, ke tsenya tšhomisong melawana ka ga Khansele ya tša Thuto le Tlhahlo, Dikhansele tša Thuto le Tlhahlo tša Selete, Dikhansele tša Boeletši bjo bo ikgethilego le Diyuniti tša Thuto le Tlhahlo tša Selegae.

**IGNATIUS JACOBS  
Leloko la Khansele-Phethiši ya tša Thuto  
Gauteng**

**PEAKANYO YA DIKGAOLO**

- KGAOLO YA A:** DITLHALOSO, PHETOLELO LE TIRIŠO
- KGAOLO YA B:** MAIKEMIŠETŠO
- KGAOLO YA C:** TLHOMO LE MEŠOMO YA DIYUNITI TŠA THUTO LE  
TLHAHLO TŠA SELEGAE
- KGAOLO YA D:** GO HLONGWA GA DIKHANSELE
- KGAOLO YA E:** TLHAMO YA DIKHANSELE
- KGAOLO YA F:** KGETHO YA MEKGALO MABAKENG A KEMEDI MO  
KHANSELENG LE KGOGELOMORAGO YA KGETHO
- KGAOLO YA G:** TLHAMO YA DIYUNITI TŠA THUTO LE TLHAHLO TŠA  
SELEGAE
- KGAOLO YA H:** KAMOGELO LE PHOŠOLLO YA MOLAOTHEO
- KGAOLO YA I:** SEBAKA SA TULO OFISING LE DIKGOBA TŠA  
MOŠOMO
- KGAOLO YA J:** BAO BA SWEREGO DIOFISI LE KOMITI-PHETHIŠI
- KGAOLO YA K:** DIKOPANO LE DITSHEPEDIŠO TŠA DIKOPANO
- KGAOLO YA L:** TAOLO LE DITŠHELETE
- KGAOLO YA M:** GO BEA MELLWANE YA DIHLOPHA TŠA DIHLONGWA  
TŠA THUTO
- KGAOLO YA N:** DIPHEDIŠO, DIPEAKANYO TŠA DIPHETOGO LE  
MAGATO A PELE
- ŠETŠULE YA A:** ŠETŠULE YA MELAWANA YEO E TLAGO FEDIŠWA

**KGAOLO YA A****DITLHALOSO, PHETOLELO LE TIRIŠO**

1. Mo melawaneng ye, ka ntie le gore tlhaloso e laetše ka tsela ye nngwe, lentšu goba polelo yeo e hlalositšego ka gare ga Molao di na le tlhaloso yeo e swanago, gomme-

**“modulasetulo”**, e hlalosa motho yoo a kgethilwego bjalo ka modulasetulo go ya ka mabaka a molawana wa 36;

**“motlatša-modulasetulo”**, e hlalosa motho yo a kgethilwego bjalo ka motlatša-modulasetulo go ya ka mabaka a molawana wa 36;

**“mokgahlo wo o kgethilwego”** e hlalosa mokgahlo wo o kgethilwego go ya ka mabaka a molawana wa 16;

**“mošomi yo a šomago ka ga tšwetšopele ya thuto le tlhahlo”** e akaretša morutiši go ya ka moo e hlalositšwego ka gare ga Molao wa Mešomo ya Barutiši, wa 1994 (Tsebišo ya Nomoro ya 138 ya 1994), le motho ofe goba ofe yo a fanago ka thuto le tlhahlo goba ditiro tše dingwe tše di amanago le thuto, go sa kgathalatsege gore o na le dithuto tše itšego tša semmušo;

**“go kgobokanya dihlongwa tša thuto”**, e hlalosa kgobokanyo ya dihlongwa tša thuto tše di kgobokantšitšwego mmogo go ya ka molawana wa 50 ke Leloko la Khansele-Phethiši ka mabaka a go hloma Yuniti ya Thuto le Tlhahlo ya Selegae;

**“sehlongwa sa thuto seo se ikemetšego”**, e hlalosa sehlongwa sa thuto seo se sa laolwego ka fase ga taetšo ya Kgoro ya Profense;

**“moithuti”**, e hlalosa motho ofe goba ofe yo a rutwago goba a hlahlwago mo sehlongweng sa thuto;

**“Yuniti ya Thuto le Tlhahlo ya Selegae”**, e hlalosa Yuniti ya Thuto le Tlhahlo ya Selegae yeo e hlomilwego go ya ka mabaka a molawana wa 5;

**“Leloko la Khansele-Phethiši”**, e hlalosa leloka la Khansele-Phethiši leo le ikarabelago go tša thuto mo Profenseng ya Gauteng;

**“kgoro ya setšhaba”**, e hlalosa kgoro yeo e ikarabelago go tša thuto ya boditšhaba;

**“motswadi”** e akaretša:

- (a) motswadi goba mofepi wa moithuti,
- (b) motho yo a nago le tokelo ya semolao ya tlhokomelo ya moithuti, goba
- (c) motho yo a ikemišetšago go phethagatša ditlemo tša motho yo go boletšwego ka yena mo ditemaneng tša (a) le (b) mabapi le thuto ya moithuti kua sekolong.

**"kgoro ya profense"**, e hhalosa kgoro yeo e ikarabelago go tša thuto mo profenseng;

**"sehlongwa sa thuto sa setšhaba"**, e hhalosa sehlongwa sa thuto seo se laolwago ka fase ga taetšo ya kgoro ya profense;

**"khanele ya maleba"** e hhalosa Khansele ya Thuto le Tlhahlo ya Gauteng, Khansele ya Thuto le Tlhahlo ya Selete goba Khansele ya Boeletši bjo lkgethilego, tše di hlomilwego ka mabaka a Dikarolo tša 6, 8 le 10 tša Molao;

**"mongwaledi"**, e hhalosa motho yo a kgethilego bjalo ka mongwaledi go ya ka mabaka a molawana wa 36;

**"Molao"**, e hhalosa Molao wa Polisi ya tša Thuto, wa 1998 (Molao wa 12 wa 1998).

2. Motho ofe goba ofe yo a fetolelago melawana ye o swanetše go fa tlhamo ya maikemišetšo ya ditlhalošišo ka tsela yeo e lego gore e tsepame thwii le sedirišwa sa Molao gammogo le melawana ye.

## KGAOLO YA B

### MAIKEMIŠETŠO

3. Maikemišetšo a melawana ye ke go-
  - (a) laola go hlongwa ga dikhansele le diyuniti tša maleba;
  - (b) laetsa thwii dihlopha tše di nago le kgahlego tše di swanetšego go hlama khanele goba yuniti ya maleba;
  - (c) hlatholla mokgwa le ditshepedišo tša go kgetha le go dumelela go ba leloko la khanele goba yuniti ya maleba;
  - (d) hwetša mabaka ge dikgoba di ka ba gona mo khanseleng goba yuniting ya maleba le gore na dikgoba tše di swanetše go tlatšwa bjang;
  - (e) go dira gore go kgethwe komiti-phethiši gammogo le bao ba tlago ba ka diofising tša khanele goba yuniti ya maleba;
  - (f) laola tshepedišo ya go bitša le go sepediša dikopano tša khanele goba yuniti ya maleba;
  - (g) laetsa ka go ikgetha tshepedišo ya go bea mellwane le go kgobokanya dihlongwa tša thuto; gammogo le
  - (h) netefatša gore go ba leloko la dikhansele goba diyuniti ka moka, ke kemedi ka bophara ya mokgwa wa thuto le tlhahlo gammogo le dikgahlego tše di amanago le tšona.

## KGAOLO YA C

### **TLHOMO LE MEŠOMO YA DIYUNITI TŠA THUTO LE TLHAHLO TŠA SELEGAE**

4. (1) Molaodi wa selete o swanetše go hloma Yuniti ya Thuto le Tlhahlo mabapi le kgobokanyo ya dihlongwa tša thuto go ya ka moo e laeditšwego ka gona go molawana wa 49.
- (2) Mabapi le kgobokanyo yeo, Yuniti e swanetše go:
  - (a) tšwetšapele le go phethagatša mananeo go hwetša ponelopele ya thuto le tlhahlo;
  - (b) laetša dinyakwa le go hwetša ditlapele tša thuto le tlhahlo;
  - (c) hlama mananeo a go go fihlelela dinyakwa tša thuto le tlhahlo go tlišwa le go dumelwelwa ke Thuto ya Selete le Khansele ya tlhahlo yeo e welago ka fase ga taolo ya yona;
  - (d) dira ditshwayotshwayo ka taba efe goba efe yeo e amanago le tša thuto go Thuto ya Selete le Khansele ya Tlhahlo yeo e welago ka fase ga sona;
  - (e) phethagatša mošomo ofe goba ofe wo mongwe woo o filwego goba o kgethetšwego go ona go ya ka mabaka a melawana ye; gammogo le tliša dipego tšeo di ka kgopelwago ke Thuto ya Selete le Khansele ya Tlhahlo ya maleba.

## KGAOLO YA D

### **GO HLONGWA GA DIKHANSELE**

5. Ge Leloko la Khansele-Phethiši le ikemišetša go hloma Khansele efe goba efe ya Thuto le Tlhahlo kua bobeding bja maemo a profense le selete, a ka no-
  - (a) bea tsebišo ya kgatišo ya go kgopela bao ba nyakago dikgoba tša go ba maloko a khansele ya maleba mo bonnyaneng kuranteng e tee ya letšatši yeo e phatlalatšwago kudu mo Profenseng;
  - (b) kgetha komiti ya maloko ao a tlago sekaseka dikgopelo tšeo di amogetšwego;
  - (c) rerišana le komiti yeo ya go kgetha maloko pele ga ge go ka hirwa batho; gammogo le
  - (d) go kgetha maloko go tšwa Yuniting ya Thuto le Tlhahlo ya Selegae go ya go Khansele ya maleba.
6. Khansele ya Boeletši bjo lkgethilego e tla hlongwa, ka morago ga therišano le GETC, go ya ka moo le ge go nyakwa ke Leloko la Khansele-Phethiši gomme e tla tlogela go šoma ge tsebišo, go ya ka moo e laeditšwego ke Leloko la Khansele-Phethiši, e šetše e feditšwe.
7. Ditsebišo tšeo go boletšwego ka tšona mo molawaneng wa 5 (a) di swanetše go hhalosa gore-
  - (a) ke khansele efe yeo e tlago hlomiwa;
  - (b) mešomo le ditshwanelo tša khansele yeo e lebeletšwego;

- (c) letšatši la go tswalela dikgopelo tša mošomo
  - (d) motho yoo dikgopelo di tla romelwago go yena; gammogo le ditokumente tše di swanetšego go sepela le dikgopelo.
8. Komiti ya maloko yeo go boletšwego ka yona molawaneng wa 5 (b) e swanetše go ba le-
- (a) Modulasetulo wa Khansele ya Thuto le Tlhahlo ya Gauteng;
  - (b) Kemedi ya Kgoro ya tša Thuto ya Gauteng mo KhanSELeng ya Thuto le Tlhahlo ya Gauteng;
  - (c) Mo-ofisiri yo mogolo o tee yo a emelago Kantoro-Kgolo ya Kgoro ya tša Thuto ya Gauteng;
  - (d) Mo-ofisiri yo mogolo o tee wa Kgoro ya tša Thuto ya Gauteng yo a tšwago seleteng sa maleba; gammogo le
  - (e) Baetapele ba babedi ba setšhaba sa selegae, bao ba tsebago kudu ka ga lefapha la tša Thuto, bao ba sa swanelago go kgethwa ke khansele ya maleba; yeo e kgethilwego ke Hlogo ya Lefapha.
9. Komiti ya maloko yeo go boletšwego ka yona mo molawaneng wa 5 (b) e swanetše go lokiša ditshwayotshwayo tše di tla hlokomedishišwago ke Leloko la Khansele-Phethiši.

### KGAOLO YA E

#### TLHAMO YA DIKHANSELE

10. Go ya ka melawana ya 11 le 14, khansele ya maleba e swanetše go ba le motho o tee yo a kgethilwego ke mokgahlo wo o kgethilwego wo o emelago dihlopha tše di latelago tše di nago le kgahlego ebile di šoma mo lefelong leo la taolo:
- (a) batswadi;
  - (b) bašomi ba tšwetšopele ya thuto le tlhahlo;
  - (c) lefapha la profense;
  - (d) baithuti;
  - (e) dihlogo tša dihlongwa;
  - (f) makgotla a taolo a dihlongwa;
  - (g) dihlongwa tša thuto tše di ikemetšego;
  - (h) mekgahlo yeo e sego ya mmušo yeo e lego gore ditiro tša yona tše kgolo di amana le thuto;
  - (i) makgotla a setšhaba ao e lego gore ditiro tša ona tše kgolo di amana le thuto;
  - (j) boto ya thuto goba ya tlhahlo goba Karolo ya tša Thuto le Taolo ya Tlhahlo tše di hlomilwego go ya ka molao ofe goba ofe;
  - (k) kgwebo;
  - (l) bašomi; gammogo le
  - (m) sehlopha sefe goba sefe se sengwe seo se nago le kgahlego goba setho sa mmušo seo e lego gore khansele ya maleba e se bona e le gore se loketše go thuša ka dikakanyo mo ditabeng tše di amanago le thuto mo mešomong ya yona ye itšego.
11. Go tlaleletša dihlopha tše di nago le kgahlego tše go boletšwego ka tšona mo molawaneng wa 10-

- (a) Khansele ya Thuto le Tlhahlo ya Gauteng e swanetše go ba le motho o tee yo a emetšego balaodi ba selete gammogo le moemedi o tee go tšwa Khanseleeng ya Thuto le Tlhahlo ya Selete se sengwe le se sengwe se se hlomilwego go ya ka mabaka a Molao;
- (b) Khansele ya Thuto le Tlhahlo ya Selete e swanetše go ba le moemedi o tee wa ofisi ya selete sa maleba le moemedi o tee go tšwa go-
  - (i) Yuniti ya Thuto le Tlhahlo ya Selegae yeo e hlomilwego go ya ka mabaka a melawana ye ka gare ga selete sa thuto mabapi le go ya ka moo khansele ye e hlamilwego ka gona;
  - (ii) makgotla ao a ikgethilego a selete, ge e le gore a hlomilwe; gammogo le
  - (iii) makgotla a thuto le tlhahlo a selete, ge e le gore a hlomilwe.
- (c) Dikhansele tša Boeletši bjo bo Ikgethilego di ka hlangwa ka palo efe goba efe ya batho bao ba kgethilego ke Leloko la Khansele-Phethiši ka phethagatšo ya tlhathollo yeo e tlišitšwego go khansele ya boeletši bjo bo ikgethilego ye itšego ke Leloko la Khansele-Phethiši.

12. Ditlhalošišo tša melawana ya 10 le 11 ga di thibele Leloko la Khansele-Phethiši go kgetha batho ba bangwe bao e lego gore go ya ka bokgabane bja bokgoni goba maitemogelo ba ka thuša ka dikakanyo tša mohola mo ditiragalang tša khansele ya maleba nako efe goba efe ka morago ga gore khansele ya maleba e hlongwe, eupša-

- (a) palomoka ya batho bao ba kgethilegogo ya ka molawana wo e swanetše go ba ka ka fase ga 20 ya diperesente ya palomoka ya maloko a khansele ya maleba nakong ya kgetho; gammogo le
- (b) kgetho e ka dirwa ka dinako le mabaka ao a bonwego a lokile ke Leloko la Khansele-Phethiši.

13. Ge e le gore Leloko la Khansele-Phethiši le nyaka go kgetha motho go khansele ya maleba go ya ka mabaka a molawana wa 12, a ka dira bjalo ka morago ga therišano le khansele ya maleba, ge e le gore e hlomilwe.

14. Khansele ya maleba e ka thomiša ka mešomo ya yona ka morago ga ge Leloko la Khansele-Phethiši le laeditše gore ke mekgahlo efe yeo e swanetše go tsebišwa gore ke yona e kgethilego go ya ka mabaka a molawana wa 16, o boditše mekgahlo yeo ya maleba ka ga sephetho sa gagwe, le gore kopano e biditšwe go ya ka mabaka a molawana wa 42.

#### KGAOLO YA F

#### **KGETHO YA MEKGALHO MABAKENG A KEMEDI MO DIKHANSELENG LE KGOGELOMORAGO YA KGETHO**

15. Leloko la Khansele-Phethiši le ka, ka kgopelo ya go ngwalwa ke mokgahlo woo o emetšego tikologo ya kgetho yeo go boletšwego ka yona mo molawaneng wa 10,

tsebiša gore ke ona mokgahlo wo o kgethetšwego mabaka a kemedi mo khanseleng ya maleba ge e le gore-

- (a) Mola Theo goba sehlopha sa melao yeo e amanago le kamogelo ya maloko mo mokgahlong woo ga di tshela ditlhalošišo tša karolo ya 9 ya Mola Theo wa Repapoliki ya Afrika Borwa, wa 1996, (Molao wa 106 wa 1996);
- (b) Leloko la Khansele-Phethiši le kgotsofetše gore mokgahlo o-
  - (i) emela karolo ye kgolo ya tikologo ya kgetho mo lefelong la taolo la khansele ya maleba; gammogo le-
  - (ii) na le kgahlego yeo e bontšhwago goba histori ya go tšea karolo mo ditabeng tše di welago mabakeng a tšupetšo a khansele ya maleba.

16. Ge Leloko la Khansele-Phethiši le gana kgopelo yeo e dirilwego go ya ka mabaka a molawana wa 15, o swanetše go fa mokgopedi mabaka ao a ngwadilwego fase mabapi le sephetho se.

17. Kgetho ya mokgahlo go ya ka mabaka a molawana wa 15 e šoma sebaka sa mengwaga ye meraro.

18. Ge nako ya mengwaga ye meraro e fela yeo go boletšwego ka yona mo molawaneng wa 17, mokgahlo o ka dira kgopelo gape ya gore o kgethwe go ya ka mabaka a molawana 15 gomme sephetho sefe goba sefe seo se tšerwego le Leloko la Khansele-Phethiši go tsebisa mokgahlo go ba mokgahlo wo o kgethilwego e swanetše go dirwa ka morago ga therišano le khansele ya maleba.

19. Leloko la Khansele-Phethiši le ka, gogelamorago kgetho ya mokgahlo ka morago ga therišano le mokgahlo wa maleba ge e le gore-

- (a) mokgahlo woo o kgopela gore go dirwe ka wona mokgwa woo;
- (b) mokgahlo ga o fihlelele dinyakwa tša go kgethwa go ya ka moo di laeditšwego ka gare ga molawana wa 15; goba
- (c) moemedi wa mokgahlo o paletšwe ka ntle ga mabaka a mabotse go tsenela dikopano tše tharo tše di latelanago tša khansele ya maleba gomme khansele e fetišitše sephetho sa go kgopela Leloko la Khansele-Phethiši go gogela morago kgetho ya mokgahlo.

20. Leloko la Khansele-Phethiši le ka se gogelamorago kgetho ya mokgahlo ka ntle ga gore a fe mokgahlo sebaka sa go dira dikemedi mo kgogelongmorago.

## KGAOLO YA G

### TLHAMO YA DIYUNITI TŠA THUTO LE TLHAHLO TŠA SELEGAE

21. Yuniti ya Thuto le Tlhahlo ya Selegae, mabapi le go kgobokanya dihlongwa tša thuto go ya ka mo go boletšwego ka gona mo molawaneng wa 49, e swanetše go ba le moemedi o tee go tšwa go-

- (a) mokgahlo wo mongwe le wo mongwe wa taolo mo sehlopheng; gammogo le

- (b) sehlopha sefe goba sefe seo se nago le kgahlego goba setho sa mmušo gore Yuniti, yeo e ka akaretšago sehlopha seo se nago le kgahlego seo go boletšwego ka sona mo molawaneng wa 10, e bone go lokile go thuša ka dikakanyo mo ditabeng tše di amanago le thuto tše di lebanego thwii le mešomo ya tšona, ge e le gore-
- (I) Molaodi wa Selete o kgotsofetše gore mokgahlo o emela karolo ye kgolo ya tikologo ya kgetho ya maleba mo lefelong leo la taolo la Yuniti;
  - (ii) Molaodi wa Selete o kgotsofetše gore mokgahlo o na le kgahlego yeo e bontšhwago goba histori ya go tsea karolo mo ditabeng tše di welago mo mabakeng a tšhupetšo a Yuniti, ao a kago hlongwa ka molaotheo woo o ngwadilwego; gammogo le gore;
  - (iii) Ga go na kgethollo yeo e sa lokago mo ditlhalošišong tša go ba leloko mo mokgahlong.

22. Ditolhalošišo tša molawana 21 ga di thibele Molaodi wa Selete go kgetha batho ba bangwe bao e lego gore ka bokgabane bja bokgoni bja bona goba maitemogelo ba ka tliša thušo ya mohola mo ditiragalang tša yuniti ya maleba nako efe goba efe ka morago ga gore yuniti ya maleba e hlongwe, eupša-

- (a) palomoka ya batho bao ba kgethilwego go ya ka mabaka a molawana e swanetše go ba ka fase diperesente tše 20 ya palomoka ya maloko a yuniti ya maleba nakong ya kgetho; gammogo le
- (b) kgetho e ka dirwa go ya ka mabaka le maemo ao a bonwago a lokile ka Molaodi wa Selete.

23. Go ba leloko la mokgahlo go ya ka mabaka a 21 (b) go tiišeditšwe sebaka sa mengwaga ye meraro.

24. Ge sebaka sa mengwaga ye meraro se fela go ya ka moo go boletšwego ka gona molawaneng wa 23, mokgahlo o ka kgethwaa gape ke Molaodi wa Selete go ya ka mabaka a molawana wa 21 (b).

25. Molaodi wa Selete a ka gogelamorago boloko bja mokgahlo ka morago ga therišanò le yuniti ya maleba ge e le gore-

- (a) mokgahlo woo o kgopela gore go be ka mokgwa woo;
- (b) mokgahlo ga o fihlelele dinyakwa tša go ba leloko ka moo go laeditšwego mo molawaneng wa 23;
- (c) moemedi wa mokgahlo o paletšwe ka ntla ga mabaka a kwagalago ke go tsenela dikopano tše tharo tša yuniti tše di latelanago gomme yuniti e fetišitše sephetho ka go kgopela Molaodi wa Selete sa maleba go gogelamorago boloko bja mokgahlo.

26. Molaodi wa Selete a ka se gogelamorago boloko bja mokgahlo ka ntla le gore a be a file mokgahlo sebaka sa go dira dikemedi mo kgogelomoragong.

## KGAOLO YA H

### KAMOGELO LE PHOŠOLLO YA MOLAOTHEO

27. Khansele ya maleba e swanetše gore ka bontši bja peditharong ya maloko a yona, ba amogele molaotheo wo o sa sepelelanego le Molao.
28. Khansele ya maleba e ka, phošolla molaotheo ka bontši bja peditharong ya maloko a bona.
29. Molaotheo wo go bolelwago ka ona mo melawaneng ya 27 le 28 e swanetše gore bonnyane e šome ka ditaba tše go boletšwego ka tšona mo Dikgaolong tša J go fihla go K tša melawana ye.
30. Yuniti ya Thuto le Tlhahlo ya Selegae e ka amogela goba ya phošolla molaotheo wo o sa sepelelanego le Molao ka bontši bja peditharong ya maloko a yona.
31. Molaotheo wo go boletšwego ka ona mo molawaneng wa 30 o swanetše gore bonnyane o šome ka ditaba tše di akantšwego mo Dikgaolong tša J go fihla go K.

## KGALOLO YA I

### SEBAKA SA TULO OFISING LE DIKGOBA TŠA MOŠOMO

32. Motho, lekgotla, mokgahlo goba lefapha la Profense tše di kgethago moemedi go ya khanseleng goba yuniting ba swanetše go laetša sebaka sa tulo sa ofisi sa baemedi ba bona.
33. Sekgoba sa mošomo mo khanseleng goba yuniting se ba gona ge-
- (a) khansele goba yuniti ya maleba e tsebišitše ke motho, lekgotla, mokgahlo goba lefapha la profense bao ba kgethilego moemedi, ka go ngwala gore kgetho yeo e gogetšwe morago;
  - (b) khansele goba yuniti ya maleba e tsebišitše ka go ngwala ka ga go itokolla mošomong ga moemedi;
  - (c) Moemedi wa mokgahlo a hlakofetše;
  - (d) Sebaka sa moemedi sa tulo ofising se fedile; goba
  - (e) Leloko la Khansele-Phethiši goba Molaodi wa Selete, ka moo go lego ka gona, ka morago ga therišano le khansele goba yuniti ya maleba, di tloša moemedi ofising yeo-
    - (i) e lego gore moemedi o palelwa ke go phethagatša mešomo ya gagwe bjalo ka leloko la khansele goba yuniti ya maleba;
    - (ii) maitshwaro a moemedi a ka hlolago tshenyo mo dikgahlegong tša khansele goba yuniti ya maleba; goba
    - (iii) moemedi o paletšwe ke go tsenela dikopano tše tharo tše di latelanago tša khansele goba yuniti ya maleba ka ntle ga maikhutšo goba tlhaloso yeo e kwagalago.

34. Ge sekgoba se e ba gona, ditlhalošišo tšeо di laolago kgetho ya moemedi yo a amegago di a šoma mo mabakeng a go tlatša sekgoba.

### KGAOLO YA J

#### BAO BA SWEREGO DIOFISI LE KOMITI-PHETHIŠI

35. Ka bonako bjo bo kgonegago ka morago ga go thoma mošomo le ka lona letšatši leo ngwaga wo mongwe le wo mongwe wo o latelago goba ka letšatši leo le lego kgauswi le letšatši leo, khansele goba yuniti ya maleba di swanetše go kgetha komiti-phethiši magareng ga baemedi ba bona ye e swanetšego go dirwa ka-

- (a) modulasetulo;
- (b) motlatšamodulasetulo;
- (c) mongwaledi; gammogo le
- (d) motho ofe goba ofe yo a swanetšego, ka ntle ga gore palo ya maloko a komiti-phethiši e se ke ya feta batho ba tshelela.

36. Modulasetulo o swanetše go swara setulo mo dikopanong ka moka tša khansele goba yuniti ya maleba le go-

- (a) saena metsotso ya dikopano ka morago ga gore e tiišetšwe; gammogo le
- (b) phethagatša mešomo le ditshwanelo dife goba dife tšeо di neetšwego modulasetulo go ya ka mabaka a Molao.

37. Motlatšamodulasetulo o swanetše go swara setulo mo dikopanong tša khansele goba yuniti ya maleba gomme a phethagatše ditshwanelo le mešomo ya modulasetulo ge yena modulasetulo a se gona goba ka lebaka lefe goba lefe leo le ka dirago gore a se ke a kgora go phethagatša ditshwanelo le mešomo yeo.

38. Ge bobeding modulasetulo le motlatši wa gagwe ba se gona goba ba sa kgone go dira goba go phethagatša ditshwanelo le mešomo ya modulasetulo, khansele goba yuniti ya maleba di swanetše go kgetha ka go emiša matsogo motho yo a ka dirago bjalo ka modulasetulo go tšwa baemeding.

39. Mongwaledi o swanetše go netefatša gore mošomo wa taolo le wa bongwaledi wo o tšwelelago mo go šomeng ga khansele goba yuniti ya maleba go ya ka mabaka a Molao, o a phethagatšwa gomme o swanetše go kgonthišisa gore mošomo wa taolo le wa bongwaledi wa ofisi ya mongwaledi o a tšweletšwa, woo o akaretšago-

- (a) go swara le go boloka rekoto ya baemedi mo khanseleng goba yuniting ya maleba;
- (b) go tsenela dikopano ka moka tša khansele goba yuniti ya maleba, le komiti-phethiši ya ona gammogo le go rekota metsotso ya ditshepedišo mo dikopanong tšeо;

- (c) sepediša mangwalo a khansele goba yuniti ya maleba le go swara di-oritšenale tša mangwalo ao a amogetšwego le dikhophi tša mangwalo ao a rometšwego;
- (d) go bala ditaba tše ntši tše di diragetšego go tloga mo kopanong ye e fetilego ya khansele goba yuniti ya maleba;
- (e) swara khophi ya metsotso yeo e saenilwego ebile e tiišeditšwe ya kopano ye nngwe le ye nngwe ya khansele goba yuniti ya maleba goba komiti-phethiši ya yona, goba komiti efe goba efe ye nnyane ya khansele goba uniti ya maleba mo tlhokomelong yeo e bolokegilego ka gare ga ofisi ya khansele goba yuniti ya maleba, sebaka sa bonyane mengwaga ye meraro go tloga ka letšatši leo metsotso e tiišeditšwego ka lona; gammogo le
- (f) go nea Leloko la Khansele-Phethiši goba Molaodi wa Selete, go ya ka moo go tla bego go le ka gona, tokumente yeo go boletšwego ka yona mo molawaneng wa 46.

40. Leloko lefe goba lefe la komiti-phethiši le ka tlošwa ofising ka mabaka a go hllokologa mošomo go go lego kotsi kudu, maitshwaro ao a šiišago goba ka baka la go šitwa, ka sephetho sa komiti-phethiši yeo e šomago ka tumelelano le khansele goba yuniti ya maleba, gammogo le therišano le Leloko la Komiti-Phethiši.

41. Ge sekgoba sa mošomo se ka tšwelela mo komiting-phethiši pele ga sebaka sa ngwaga seo go bolelwago ka sona mo molawaneng wa 35, khansele goba yuniti ya maleba e ka tlatša sekgoba sa nako ye e šetšego ya ofisi.

## KGAOLO YA K

### DIKOPANO LE DITSHEPEDIŠO TŠA DIKOPANO

42. Khansele goba yuniti ya maleba le komiti-phethiši ya yona di swanetše go kopana bonyaneng gane ka ngwaga.

43. Mongwaledi goba motho goba batho bao ba kgethilwego ke Hlogo ya Lefapha go ya ka mabaka a molawana wa 47 go thuša khansele ya maleba, ba swanetše go

- (i) beakanya tsebišo yeo e ngwadilwego ya khansele goba yuniti ye nngwe le ye nngwe ya maleba yeo e laetšago letšatši, nako le lefelo la kopano le ditaba tše di tla sekasekwago, ebile o swanetše go romela tsebišo go moemedi yo mongwe le yo mongwe bonnyane matšatši a lesome (10) pele ga letšatši la kopano; gammogo le go
- (ii) tliša pego ya ngwaga ka ga ditiragalo tša khansele goba yuniti ya maleba go khansele goba yuniti ya maleba, bjalo ka moo go lego ka gona.

44. Kopano yeo e dirago khoramo ya khansele goba yuniti ya maleba e tla hlangwa ge e le gore bonyane 30% ya maloko ao a swanetšego go tsena a gona mo kopanong

45. Tšhišinyo yeo e hlagišitšwego mo kopanong ya khansele goba yuniti ya maleba e ka se ke ya hlokamedišwa ka ntle le gore e tlaleletšwe ke motho yo mongwe. Modulasetulo a ka nyaka gore tšhišinyo e tlišwe ka go ngwalwa fase, se se hłalosago gore modulasetulo o swanetše gore a e bale ka gare ga kopano.

46. Taba efe goba efe yeo go swanetšego gore go tšewe sephetho ka yona pele ga khansele goba yuniti ya maleba e swanetše go phethwa ka kwano, eupša ge e le gore ga go hwetšwe kwano, dikakanyo ka moka tše di fapanango gammogo le taetšo ye botse ya gore na ke baemedi bafe bao ba nago le dikakanyo tše di fapanago di swanetše go rekotwa ka go ngwala gomme di tlišwe go Leloko la Khansele-Phethiši goba Molaodi wa Selete, go ya ka moo go lego ka gona.

### KGAOLO YA L

#### TAOLO LE DITŠHELETE

47. Hlogo ya Lefapha kgetha motho ofe goba ofe ka kgopelo ya khansele goba yuniti ya maleba, mo mošomong wa lefapha la profense go thuša dikhansele goba diyuniti tša maleba go phethagatša mešomo ya bona le ditshwanelo.

48. Hlogo ya Lefapha e swanetše go-

- (a) Iaola ditšhelete ka moka tše di amogetšwego ke khansele ya maleba; gammogo le
- (b) go swara dipuku, direkoto le ditatamente tše di amanago le kamogelo le go šomiša ditšhelete tše.

### KGAOLO YA M

#### GO BEA MELLWANE YA DIHLOPHA TŠA DIHLONGWA TŠA THUTO

49. Ge go ikemišetšwa go bea mellwane ya dihlopha tša dihlongwa tša thuto mabakeng a go phethagatša molawana wa 4, Leloko la Khansele-Phethiši le swanetše go-

- (a) tsebiša maikemišetšo a go bea mellwane ya dihlopha ka tsebišo go dihlogo ka moka le makgotla ao a laolago a dihlongwa tša thuto ao a beilwego seleteng sa thuto sa maleba;
- (b) a hłalosa ka gare ga tsebišo-
  - (i) gore tshwayotshwayo e šetše e rarollotšwe ka dihlopha tše di šišintšwego;
  - (ii) mabaka a go bea mellwane le gore na ke ka baka lang go bewa mabaka ao;
  - (iii) motho goba lefelo leo dipotšišo tše di amanago le go bea mellwane di ka išwago go lona;
  - (iv) nako ya tshwayotshwayo yeo e lego gore ga se ya swanela go ba ka fase ga kgwedi e tee go tloga ka letšatši leo la tsebišo; le
  - (v) motho goba lefelo leo ditshwayotshwayo tša tšišinyo ya go bea mellwane di swanetšego go išwa go lona;

- (c) nako efe goba efe pele ga ge go ka dirwa mellwane, go swanetše go swarwe ditherišano le dihlopha dife goba dife tše di nago le kgahlego tša maleba; gammogo le
- (d) go hlokomedisiša ditshwayotshwayo tše di amogetšwego le dikagare tša ditherišano pele ga ge go ka bewa mellwane.

50. Mo mabakeng a go phošolla go bewa ga mellwane go ya ka mabaka a molawana 49, tlhalošišo ya molawana woo e šoma go diphetogo tše e lego gore tlhaloso e a di hloka.

### KGAOLO YA N

#### DIPHEDIŠO, DIPEAKANYO TŠA DIPHETO GO LE MAGATO A PELE

51. Melawana yeo e beilwego ka gare ga kholomo ya pele ya Šetšule ya A e a fedišwa ka bogolo bjoo bo hlalositšwego ka gare ga kholomo ya bobedi ya Šetšule ya A.

52. Le ge e le gore molawana wa 51 o hlaloswa ka tsela yeo, magato afe goba afe ao a tserwego go ya ka mabaka a molawana wo o fedišitšwego a tla tšewa gore a dirilwe go ya ka mabaka a molawana wo.

53. Lefapha leo le ikarabelago go tša thuto mo Profenseng le swanetše go tše magato a tshwanelo mabakeng a go bitša kopano ya pele ya khansele goba yuniti ya maleba.

### ŠETŠULE YA A

#### ŠETŠULE YA MELAWANA YEO E TLAGO FEDIŠWA

Hlogo, Nomoro le ngwaga wa Kgatišo	Bogolo bja phedišo
Melawana ya go Hlongwa ga Khansele ya Thuto le Tihahlo: Molawana wa Nomoro ya 1893 wa 1996.	Ka moka

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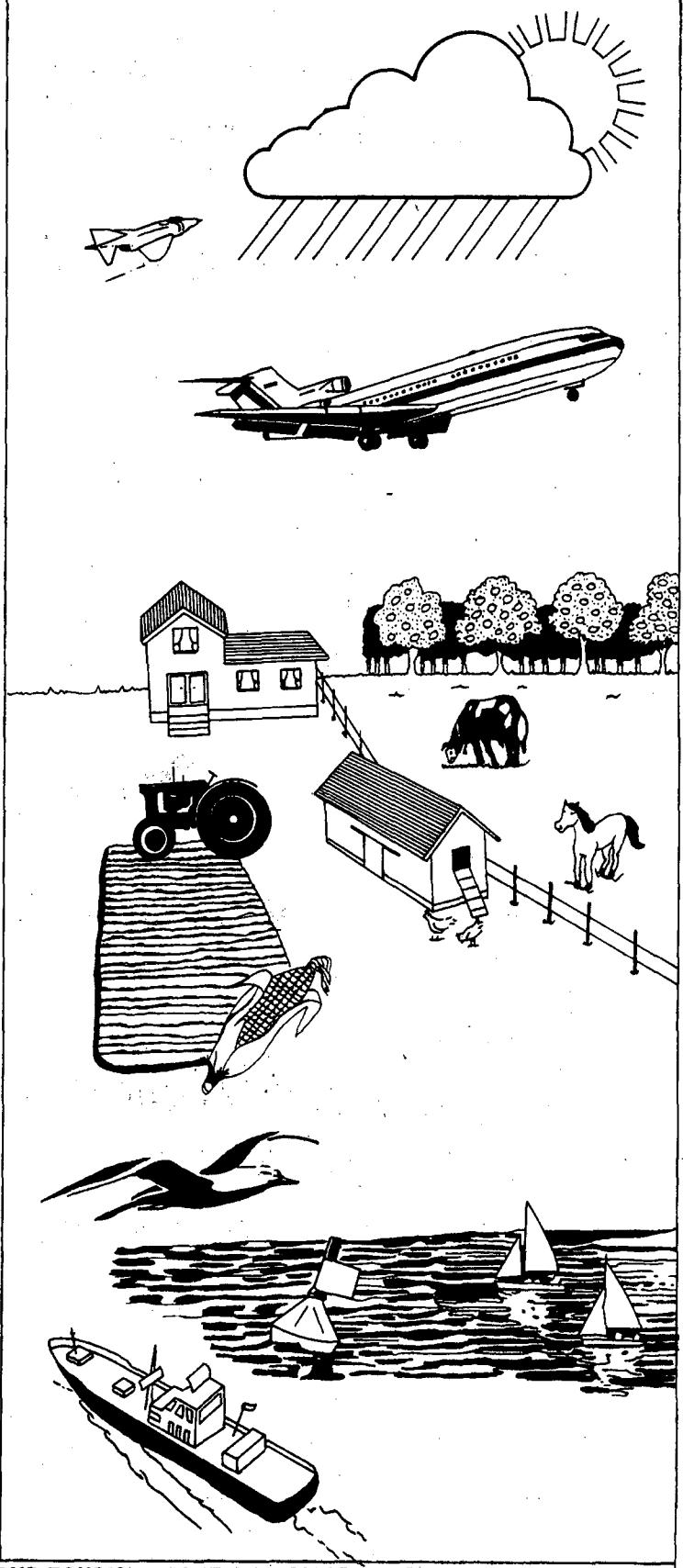
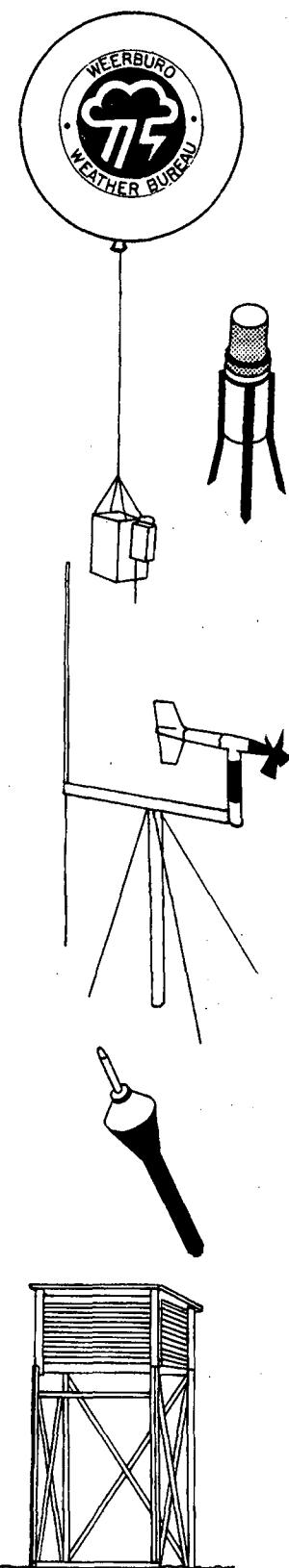
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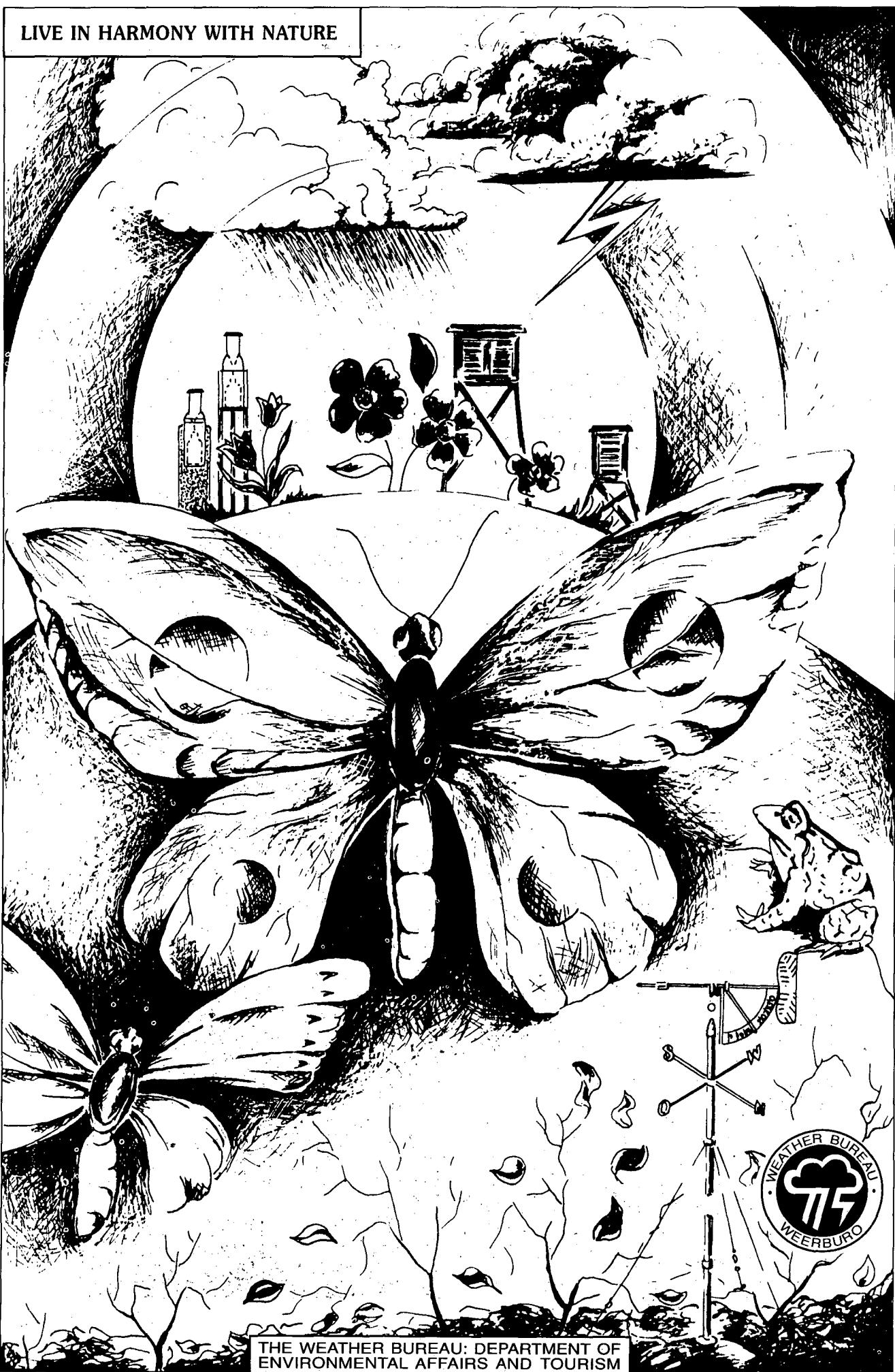
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