UMbutho Wabanikezeli Bofikelelo

Olungenazingcingo

Umgaqo Wokuziphatha

Inguqulelo 4.1

Yamkelwe eKapa (Kwiintanethi) ngomhla we-2 Tshazimpunzi 2014

ULUHLU LWEZIQULATHO

Inkcazelo 3

1. Intshayelelo 3
2. Iintsingiselo ezixhasa Umgaqo Wokuziphatha 4
3. Iphepha-mvume 4
4. Isixhobo sikanomathotholo 4
5. Iindawo Eziphezulu Nofakelo 4
6. Ukusetyenziswa kwezibopho ezingenaphepha-mvume 5
7. Abathengisi Bezixhobo 5
8. Ukhuseleko 6
9. Ukuziphatha Ngobuchule 6
10. Izigqibo Ezisemgangathweni zeSivumelwano 6
11. Amazinga eenkonzo 7
12. Ulawulo lomxholo 7
13. Ukhuselo lwabathengi 7
14. Ukhuselo lobuqu nemfihlo 8
15. Ukhuselo lwelungelo lokushicilela nobunini bobungqondi 8
16. Ukhuselo lweSpam 8
17. Ukhuselo lwabantwana 8
18. Ulwaphulo mthetho ngothungelwano 8
19. Inkqubo Yezikhalazo & Noluleko 9
20. Ukubeka esweni ukuthobela 9
21. Iimfuno zolwazi 10
22. Inkqubo yokususa 10
23. Uhlolo Nolungiso Lomgaqo wokuziphatha 10
24. Imiba Yolawulo 11

Imbali Yenguqulelo 11

Isihlomelo A – Inkqubo yokususa 12

Inkcazelo

La magama alandelayo achaziwe:

"**IAmplifaya**" ithetha isixhobo sokwandisa amandla entshukumisa yemitha kanomathotholo. Senza oku ngokuthatha amandla kumthombo onikezela ngamandla kwaye silawule isiphumo ukuze sihambelane nobume bentshukumisa yemitha yongeniso kodwa ngobubanzi obukhulu;

"**UMbutho**" ithetha umbutho Wabanikezeli Bofikelelo Olungenazingcingo;

"**Igunya**" ithetha Igunya Elizimeleyo Lonxibelelwano eMzantsi Afrika (ICASA);

"**Isikhalazo**" ithetha Isikhalazo esifakwe ngaphantsi kweNkqubo yoMbutho yeZikhalazo noLuleko;

"**Ulwaphulo mthetho ngothungelwano** ithetha neyiphi indlela yokuziphatha kwiIntanethi okanye kuthungelwano neIntanethi okanye ukusebenzisa iIntanethi ngokwezigqibo zomthetho wolwaphulo mthetho eMzantsi Afrika, kuquka neyiphi indlela yokuziphatha enokohlwaywa ngokwezigqibo zeSahluko XIII soMthetho weECT;

"**Iinkcukacha zeLungu Lesizwe**" ithetha nowuphi umntu odaliweyo okanye ngokomthetho apho ulwazi ngobuqu okanye ngeshishini lufunyanwe kuye okanye lube mayelana naye oluthi lucelwe, luqokelelwe, ludityaniswe, lulungiswe okanye lugcinwe;

"**ECA**" ithetha uMthetho woNxibelelwano ngeKhompyutha, Nombolo. 36 ka 2005;

"**UMthetho we ECT** " ithetha uMthetho woNxibelwano ngeKhompyutha noRhwebo, Nombolo. 25 ka 2002;

"**Ulawulo Olunyanzelisa umthetho**" ithetha naliphi isebe likarhulumente, iqela okanye umntu okwinkonzo yelo sebe okanye iqela, onelungelo okanye igunya ngokusesikweni lokuphanda nakuphi na ukuziphatha okuchasene nomthetho okanye okungekho mthethweni okanye kunyanzeliswe nawuphi umthetho, kuquka umthetho wesiqhelo;

"**Indawo Ephezulu**" luncedo lonxibelelwano-kude ngonomathotholo oluthi luncede

abasebenzisi balo abakwiindawo ezohlukeneyo;

"**IRB**" (Industry Representative Body) ithetha Iqela Elimele Ishishini;

"**Ilungu**" ithetha ilungu loMbutho;

"**Isixhobo sikaNomathotholo**" sisixhobo esinazo zombini uhambiso nolwamkelo ezithi zidibane kwaye zisebenzise iingcingo ezinye okanye zihlale endaweni enye;

"**Spam**" ithetha uninzi lwe imeyile ezingacelwanga.

1. Intshayelelo

1.1. Umgaqo wokuziphatha woMbutho ubhengeza imigangatho emincinane yeenkonzo kunye nokuziphatha okubhekisele kumaLungu.

1.2. Nangona kunomthetho jikelele ongentla, amanye amagatya asenokuba nemida

yokusetyenziswa okanye angasetyenziswa konke kwiimeko ezithile a e inkonzo enikezwe liLungu okanye udidi lwAmaLungu inika umda wegatya o nangezizathu kuthathelwa ingqalelo zonke iimeko ezifanele.

2. Iintsingiselo ezixhasa uMgaqo wokuziphatha

2.1. AmaLungu azakunika imbeko kwaye ahloniphe uwiso-mthetho nolawulo, kunye nomoya oxhasa olo wiso-mthetho nolawulo.

2.2. AmaLungu azinikezela kwintsebenziswano nokusebenza nabanye abalandela ezi ntsingiselo.

2.3. AmaLungu azakwenza ngakumbi ukudlula iimfuno ezisisiseko kwaye azame ukugqwesa, abonise umgangatho ophezulu kuzo zonke izenzo zorhwebo.

3. Iphepha-mvume

3.1. AmaLungu aya kuthi maxesha onke, apho kuyimfuneko, abe nephepha-mvume elichanileyo okanye banikwe inkululeko yephepha-mvume okanye ethathelwa ingqalelo yiECA.

3.2. AmaLungu asalingwayo afanele, apho kuyimfuneko, angenise isiqinisekiso sesicelo okanye sobhaliso lwelo phepha-mvume okanye inkululeko yephepha-mvume kwisithuba seenyanga ezimbini zekhalenda ethe amkelwa njengamaLungu angabalingwa.

4. Isixhobo sikaNomathotholo

4.1. AmaLungu ayakusebenzisa kuphela Isixhobo sikaNomathotholo esiluhlobo olwamkelweyo kwaye ukusisebenzisa kuya kuba ngokuhambisana nolawulo olusebenzayo lohlobo oluvunyiweyo olukhutshwe nguMlawuli.

4.2. Zonke Izixhobo zikaNomathotholo ziya kuthi ziphawulwe ngezitikha eziluhlobo oluvunyiweyo.

4.3. AmaLungu kudingeka athenge Isixhobo sikaNomathotholo kubathengisi abathobela ngokugcweleyo lo Mgaqo wokuziphatha, kangangoko ibhekisele kwabo bathengisi.

5. Iindawo Eziphezulu Nofakelo

5.1. Zonke Iindawo Eziphezulu asebenza kuzo amaLungu kunye Nofakelo olwenziwe ngamaLungu ziya kuthi zibonise izaziso ezicacisa kakuhle igama neenkcukacha zonxibelelwano zoMbutho kwaye ziya kuthi zibonise uphawu lobulungu beWAPA xa sele olo phawu lokubonisa luvunyiwe nguMbutho.

5.2. AmaLungu aya kuthi alandele iimfuno ezisisiseko zoMbutho ezimalunga neeNdawo Eziphezulu.

5.3. Ukuqinisekisa ukuthotyelwa kolu lungiselelo, amaLungu ayavuma ukuvumela ukuhlolwa kweeNdawo zabo Eziphezulu ngabameli boMbutho ngokunika isaziso kwiintsuku ezingekho ngaphantsi kweshumi zokusebenza, esiya kuthi sinikezelwe apho kufuneka uhlolo ngokwezigqibo zeSikhalazo.

5.4. Iindawo Eziphezulu zeLungu eziza kuba phantsi kohlolo kunye noKuvunywa nguMbutho ziquka Iindawo Eziphezulu abazihlanganyeleyo abo basebenza kuzo, kuquka nabo abangengawo amaLungu.

WAPA

5.5. Olu lwazi lulandelayo kufuneka iLungu lilunikezele kuMbutho kwaye ku e kwisaziso esingangenwa ngamanzi lubonakale ngokucacileyo kwiNdawo Ephez

5.5.1. Igama Lomsebenzi Wothungelwano;

5.5.2. Inombolo Yonxibelelwano;

5.5.3. Iwebhusayithi;

5.5.4. ECNS, ECS kunye neeNombolo Zephepha-Mvume (uba zikhona);

5.5.5. Iinkcukacha zonxibelelwano zoMbutho; kunye

5.5.6. Nophawu loMbutho.

5.6. AmaLungu kwakhona ayakhuthazwa ukuba abonise olu lwazi lulandelayo kwisaziso esingangenwa ngamanzi kwiNdawo Ephezulu:

5.6.1. Umntu woNxibelwano weNdawo Ephezulu /Isebe;

5.6.2. Ingcaciso yeNdawo Ephezulu;

5.6.3. Ulungelelwaniso lwe GPS yeNdawo Ephezulu;

5.6.4. Uluhlu lonke lweSixhobo sikaNomathotholo olusetyenziswe kwiNdawo Ephezulu nganye, neenombolo zohlobo oluvunyiweyo;

5.6.5. Umthamo, ukumelana kweepali ezimbini, kunye nobubanzi bomtha wecandelo leempondo zocingo zikanomathotholo kunye nezisemqolo iimpondo zocingo zikanomathotholo ;

5.6.6. Uluhlu lomgama obanzi wempinda ezisetyenziswe kwindawo nganye.

6. Ukusetyenziswa kwezibopho ezingenaphepha-mvume

6.1. AmaLungu, ngaphandle kokuba anikwe ububanzi bephepha-mvume, athembisa ukusebenza ngokuthobela imithetho ephathelene ekhutshwe nguMlawuli kwaye ngokungqongqo ngokwemida yezibopho zenkululeko yephepha-mvume njengoko kuchazwe kwiSihlomelo B Somthetho kaNomathotholo ka2010, njengoko ulungisiwe.

6.2. Nakuphi na ukusetyenziswa ngaphandle kwephepha-mvume kweempinda ngaphandle kwezi zibopho uMbutho uza kuthatha oku njengetyala elinobuzaza, kwaye iLungu elinetyala liza kucelwa ukuba lithobele kwiiyure ezingama 24 okanye lijongane nesenzo soluleko esiquka ukudluliselwa kuMlawuli.

6.3. AmaLungu ayazibophelela ekusebenziseni izibopho ezinenkululeko yephepha-mvume ngendlela yobuchule nethathela ingqalelo abanye abasebenzisi bezi zibopho. AmaLungu ayazibophelela ngaphezulu ukusombulula naluphi ungenelo okanye ezinye iingxabano ezimayelana neempinda ngokukhawuleza nangomoya omhle.

7. Abathengisi Bezixhobo

7.1. AmaLungu angabathengisi bezixhobo baya kuthi ngamaxesha onke babenephepha-mvume elichanileyo okanye imvume abayinikwe nguMlawuli obagunyazisa ukuba baqhube ishishini elifana neli.

7.2. Bonke abathengisi bezixhobo kufuneka bathobele Imithetho Yohlobo Oluvu e Nemithetho Yokufaka Uphawu.

7.3. Bonke abathengisi bezixhobo baza kuzibophelela ekuthengiseni kuphela uhlobo oluvunyiweyo lweSixhobo sikaNomathotholo.

8. Ukhuseleko

8.1. AmaLungu kufuneka, kangangoko kufuneka, alandele uMthetho weMpilo yeZomsebenzi noKhuseleko, Nombolo. 85 ka 1993.

8.2. Oku kuya kuthi kuquke kodwa kungaphelelanga

8.2.1. Ekuqinisekiseni ukuba onke amagcisa asetyenziselwa ukusebenza iipali ezinde ngaphezu kweemitha ezintathu axhotyiswe ngentambo yokufikelela kwisixhobo evunywe yiSABS kwaye afumene uqeqesho lwezifundo ezivunyiweyo zentambo yokufikelela;

8.2.2. Ekuqinisekiseni ukuba amaqela rhoqo anabantu ababini ubuncinane; kunye

8.2.3. Nokubhalisela imbuyekezo yomonzakalo wabasebenzi ngokwezigqibo zoMthetho weMbuyekezo yaBasebenzi kunye neminye imithetho esebenzayo.

9. Ukuziphatha Ngobuchule

9.1. Ekusebenzeni kwawo nabathengi, amanye amashishini kunye naphakathi kwawo, amaLungu aya kuthi asebenze ngobuchule, ngokulungileyo nangengqiqo.

9.2. AmaLungu aya kuthi azibophelele ekuziphatheni ngokomthetho ngawo onke amaxesha kwaye athobele zonke iimfuno zomthetho aze asebenzisane naBalawuli Abanyanzelisa uMthetho xa kukho imbophelelo yomthetho yokwenza oko.

9.3. Akukho nto kulo Mgaqo eya kuthi ichazwe okanye itolikwe ngokuba inikezela naluphi na uncedo lorwhebo kwiLungu ngaphezu kwelinye iLungu kwaye amaLungu anqandwa ngokungqongqo ukuba aqale ukuba nomoya ombi wokufuna ukusebenzisa izibonelelo zoMgaqo ngenjongo eyintsusa yokufumana uncedo olunjalo.

10. Izigqibo Ezisemgangathweni zeSivumelwano

10.1. AmaLungu aya kuthi, xa kuphathelele, abeneSivumelwano seZigqibo Ezisemgangathweni, kuquka uMgaqo Ovunyiweyo Wokusebenza (Acceptable Use Policy-AUP), ofumaneka kwiwebhusayithi, oqulethe lonke ulwazi kunye nezigqibo eziphathelele kubudlelwane bawo nabamkeli beenkonzo zawo. Ezo zigqibo ezisemgangathweni ziya kwenziwa zifumaneke nakubani ongaba ngumamkeli weenkonzo phambi kokuqaliswa kwaso nasiphi isivumelwano seenkonzo.

10.2. Izigqibo Ezisemgangathweni zeSivumelwano ziza kuquka:

10.2.1. Imbophelelo yokuba umamkeli weenkonzo akayi kuthi enolwazi adale, agcine,okanye asasaze nawuphi na umxholo ongekho mthethweni okanye ngenjongo aziphathe ngendlela engekho mthethweni yokusebenzisa iinkonzo zeLungu;

10.2.2. Isithembiso sokuba akukho lwazi olubanga ilungelo loshicilelo oluya kwenziwa, luboniswe, lupapashwe okanye lukotshwe ngumamkeli weenkonzo enolwazi;

10.2.3. Isithembiso sokuba ubunini belungelo lengqingqo yomnye umntu abuzukubangwa ngumntu enolwazi.

10.2.4. Isithembiso sokuba awasayi kuthumela okanye akhuthaze ukuthunyelw

10.3. Izigqibo Ezisemgangathweni ziya kuthi ziqulathe ilungelo kwicala leLungu uku umxholo ofakwe lelo Lungu xa liwucingela ukuba awukho mthethweni lafumana isaziso sokuwususa.

10.4. Izigqibo Ezisemgangathweni ziya kuthi ziqulathe ilungelo kwicala leLungu ukurhoxisa okanye ukuphelisa iinkonzo zakhe nawuphi na umamkeli weenkonzo ezithi zingathobeli ezi okanye okunye okunxulumene neembophelelo.

11. Amazinga eenkonzo

11.1. AmaLungu aya kuthi anikezele okanye athembise kuphela amazinga eenkonzo abonakala enengqiqo ngokuthathela ingqalelo amazinga avumelekileyo orhwebo, ulwazi lokwenza, indawo apho kuza kusiwa khona iinkonzo kunye neminye imiqobo yokusebenza.

12. Ulawulo Lomxholo

12.1. Akukho mbophelelo yesiqhelo nakweliphi na iLungu yokubeka iliso umxholo womamkeli weenkonzo zalo, ngaphandle koko kubonelelwa phantsi komthetho waseMzantsi Afrika, kodwa iLungu linoxanduva lokuthatha inyathelo xa lithe lanolwazi lwawo nawuphi na umxholo okanye indlela yokuziphatha okungekho mthethweni.

12.2. ILungu aliyi kuthi linolwazi lifake okanye linikezele ngonxibelelwano lokufikelela kumxholo ochasene nomthetho okanye ongekho mthethweni, ngaphandle kokuba oku kufunwa ngumthetho, okanye lizibandakanye kwindlela yokuziphatha echasene nomthetho okanye engekho mthethweni.

12.3. Xa iLungu liba nolwazi lwendlela yokuziphatha okanye umxholo ochasene nomthetho liya kuthi lirhoxise okanye liphelise iinkonzo kumamkeli weenkonzo kwaye lichaze indlela yokuziphatha okanye umxholo kuMlawuli ophathelele Onyanzelisa uMthetho.

13. Ukhuselo lwabathengi

13.1. AmaLungu azibophelela ekusebenzeni ngentembeko nangokulungileyo.

13.2. AmaLungu aya kuthi athobele yonke imigangatho nemithetho enyanzelisayo ephathelele neentengiso.

13.3. AmaLungu azibophelela ekusebenzeni ngemigaqo yokuziphatha yabathengi kunye, ngaphandle kokubeka umda kumthetho ongentla, woku

13.3.1. Beka iliso uthungelwano lwabo lonxibelelwano, iiyure ezingama-24 ngosuku, iintsuku ezisi-7 ngeveki;

13.3.2. Nikezela ngeziko lokusebenzisa uthungelwano/idesika yoncedo;

13.3.3. Nikezela ngoku phandle malunga neenkonzo zabo; kuquka

13.3.3.1. Ubunini bezixhobo;

13.3.3.2. Ukuqashisa okukhoyo kunye nenkxaso ngemali yezixhobo;

13.3.3.3. Umgaqo nkqubo wokubuyisela ubuxhakaxhaka obunzima kunye nokurhoxisa

iinkqubo;

13.3.3.4. Umgaqo nkqubo weziqinisekiso zobuxhakaxhaka obunzima;

13.3.3.5. Umgaqo nkqubo wothutho lwezixhobo zomthengi;

13.3.3.6. Iinkqubo zorhoxiso;

13.3.3.7. Ubhaliso lwamagama emimandla;

13.3.4. Nikezela ngendlela esebenzayo yokusombulula izikhalazo.

14. Ukhuselo lobuqu nemfihlo

14.1. AmaLungu aya kuthi ahloniphe ilungelo elisemthethweni labasebenzisi be intanetni lobumfihlo bobuqu kunye nobumfihlo bonxibelelwano.

14.2. AmaLungu aya kuthi angasebenzisi okanye abe nento yokwenza nolwazi lobuqu Ngeenkcukacha zamaLungu Esizwe ngaphandle kokwenzela iimfuno zawo buqu okanye ngaphandle kokufumana kuqala imvume ebhaliweyo Ngeenkcukacha zamaLungu Esizwe.

14.3. AmaLungu aya kuthi ahloniphe ubumfihlo beposi nemiyalezo ngekhompyutha.

14.4. AmaLungu aya kuthi abhengeze kuphela ulwazi oluyimfihlo xa ethe anyanzeliswa ngumthetho ukwenza oko ngokwezigqibo zomthetho okanye ukufumana kuqala imvume ebhaliweyo Ngeenkcukacha zamaLungu Esizwe.

14.5. Akukho nto kulo Mgaqo wokuziphatha eya kuthi ichazwe okanye itolikwe ngokuba ifuna naliphi na iLungu ukuba linikezele ngolwazi, ngenyani, oluyimfihlo okanye elinobuzaza ngokorwhebo ngaphandle kokuba elo Lungu lifumane isithembiso esibhaliweyo mayelana nokhuseleko lolo lwazi.

15. Ukhuselo lelungelo lokushicilela nobunini bobungqondi

15.1. AmaLungu aya kuthi ahloniphe ilungelo lobunini bobungqondi bomamkeli weenkonzo zawo kunye nabanye abantu kwaye awayi kuthi enolwazi enze ibango kwelo lungelo.

16. Ukhuselo lweSpam

16.1. AmaLungu aya kuthi angathumeli okanye akhuthaze ukuthunyelwa kweSpam kwaye aza kuthatha amanyathelo avakalayo ukuqinisekisa ukuba uthungelwano lwawo alusetyenziswa ngabanye ngenjongo yoku.

16.2. AmaLungu kufuneka anikezele ngoncedo lokujongana nezikhalazo ezingeSpam esisuka kuthungelwano lwawo kwaye kufuneka asabele ngokukhawuleza kwizikhalazo azifumeneyo.

17. Ukhuselo lwabantwana

17.1. AmaLungu aya kuthi athathe amanyathelo avakalayo ukuqinisekisa ukuba awanikezeli ngeenkonzo kubantwana ngaphandle kwemvume ebhaliweyo yomzali okanye umgadi womntwana.

17.2. AmaLungu athembisa ukuba aza kunikezela kubamkeli bofikelelo kwiIntanethi ngolwazi lweenkqubo, iindlela zokuphawula umxholo, ukuhluza okanye nezinye iindlela zokusebenza kobuxhakaxhaka bangaphakathi obunokusetyenziswa ukunceda ekulawuleni nasekubeni iliso ufikelelo lwabantwana.

17.3. Ezi zibonelelo zingentla azisebenzi apho iLungu linikezela ngeenkonzo kubamkeli bamashishini beenkonzo zabo apho abantwana bengenalo ufikelelo kwiIntanethi.

18. Ulwaphulo mthetho ngothungelwano

18.1. AmaLungu aya kuthi athathe amanyathelo avakalayo ukunqanda ufikelelo olungagunyaziswanga, ungenelelo, okanye ukuphazamiseka kweenkcukacha kuthungelwano lwawo kunye naphantsi kolawulo lwawo.

19. Inkqubo Yezikhalazo & Noluleko

19.1. UMbutho uye wangenisa Inkqubo Yezikhalazo Noluleko enokusetyenziswa ngamaLungu, abamkeli beenkonzo zamaLungu kunye nabanye abantu, kwaye amaLungu ayavuma ukuzibophelela kunye nokusebenzisana nenkqubo enjalo.

19.2. Ikopi yeNkqubo Yezikhalazo Noluleko kwakhona ipapashwe ku:www.wapa.org.za.

19.3. AmaLungu aya kuthi azibophelele ekufumaneni nasekuphandeni Izikhalazo ngaphandle kokuba ezo Zikhalazo ziyimfeketho, azivakali, ziyacaphukisa okanye zingomoya ombi.

19.4. AmaLungu aya kuthi enze zonke iinzame ezivakalayo ukusombulula Izikhalazo ngokuhambelana nenkqubo yazo yezikhalazo. Xa ngaba Isikhalazo asinakusonjululwa kwisithuba sexesha elichazwe kwinkqubo yezikhalazo yeLungu, Isikhalazo singadluliselwa kuMbutho ukwenza isigqibo.

19.5. Inkqubo yezikhalazo yamaLungu iya kuthi iqulathe isithuba sexesha elamkelekileyo lokujongana neSikhalazo.

19.6. AmaLungu aya kuthi alandele Umgaqo Wokuziphatha, Inkqubo Yezikhalazo Noluleko kunye nezigqibo zoMbutho.

19.7. Inkqubo yezikhalazo yeLungu iza kuthi ivumele ukudluliselwa ngqo kweSikhalazo kuMbutho kwisiganeko apho iLungu liye lenza gwenxa okanye alawulandela uMgaqo Wokuziphatha.

19.8. UMbutho ungadlulisela nasiphi Isikhalazo esifakiweyo kwiLungu ukuze lisisombulule.

19.9. UMbutho uya kuthi ugcine amaxwebhu azo zonke iinkqubo zoluleko kangangexesha eliyiminyaka emi-3.

20. Ukubeka esweni ukuthobela

20.1. Amalungu aya kuthi angenise kuMbutho ingxelo yawo onke amanyathelo athathiweyo ngenxa yesiphumo sesaziso sokususa kwisithuba sexesha elivakalayo emva kokuba kufakwe isaziso sokususa.

20.2. AmaLungu aya kuthi angenise kuMbutho ingxelo yonyaka engqinisisa ukuthobela kwawo lo Mgaqo Wokuziphatha.

20.3. UMbutho unelungelo lokuphanda ukuziphatha kunye nokuthotyelwa koMgaqo Wokuziphatha ngamaLungu awo ngokuziqalela le esi senzo kunye nangokufaka iinkqubo zoluleko xa kufanele.

21. Iimfuno zolwazi

21.1. AmaLungu aya kuthi abonise ngokucacileyo uphawu lobuLungu kuMbutno ngemeko nangendlela echanileyo kwaye anikezele ngonxibelelwano lokufikelela kuMgaqo Wokuziphatha kwiiwebhusayithi zawo.

21.2. AmaLungu aya kuthi azise abathengi bawo kunye nabandwendweli kwiiwebhusayithi zawo ukuba iLungu linembophelelo yezibonelelo zalo Mgaqo Wokuziphatha.

21.3. AmaLungu aya kuthi anikezele ngeenkcukacha buqu ezigcweleyo kwiiwebhusayithi zawo, kuquka kodwa kungaphelelanga kwigama lawo elibhalisiweyo, iinkcukacha zonxibelelwano ngekhompyutha, idilesi yendawo kunye neenkcukacha zefowuni kunye nefeksi.

22. Inkqubo yokususa

22.1. UMbutho uye wangenisa Inkqubo Yokususa ehambiselana neSahluko XI soMthetho weECT. Ikopi yale Nkqubo Yokususa ihlonyelwe apha kwaye iphawulwe ngo Isihlomelo A kwaye kwakhona ipapashwe ku-www.wapa.org.za.

22.2. Onke amaLungu athembisa ukuzibophelela nokusebenzisana nale Nkqubo Yokususa.

22.3. AmaLungu kufuneka angenise iinkqubo zawo zokususa ezimayelana nomxholo nezenzo ezingekho mthethweni, kwaye asabele kwixesha elivakalayo xa ethe afumana isaziso sokususa.

22.4. AmaLungu kufuneka agcine imbali yazo zonke izaziso zokususa azifumeneyo kangangexesha eliyiminyaka emi-3 ngaphandle kokuba ukugcina ezo nkcukacha akukho mthethweni.

22.5. AmaLungu kufuneka, kwisithuba sexesha elivakalayo, adibanise kwaye ahambise ingxelo kuMbutho mayelana nawo onke amanyathelo athathwe liLungu elo ukuphendula kwisaziso elisifumeneyo sokususa.

22.6. ILungu ngalinye liya kuthi lonyule uMbutho njenge arhente yalo ebekiweyo ukufumana izaziso zokususa ngaphandle kokuba elo Lungu kwixesha elidlulile liye lonyula enye iarhente okanye i-IRB ukuba ibe yiarhente yalo ebekiweyo mayelana neenjongo ezinjalo kwaye liye lanikezela kuMbutho isiqinisekiso esibhaliweyo solo lonyulo.

22.7. AmaLungu aya kuthi anikezele ngonxibelelwano lokufikelela kwiNkqubo Yokususa kwiwebhusayithi yawo.

23. Uhlolo Nolungiso Lomgaqo wokuziphatha

23.1. UMbutho uya kuthi ube nelungelo lokuhlola lo Mgaqo Wokuziphatha amaxesha ngamaxesha kwaye ulungise apho kuyimfuneko, kuxhomekeke ekuchazeni olo lungiso kuMphathiswa apho uMbutho ubhaliswe njenge-IRB.

23.2. Ulungiso olwenziwe ngendlela luza kubophelela onke amaLungu.

WAPA

24. Imiba Yolawulo

24.1. UMbutho uya kuthi udale kwaye ugcine iwebhusayithi eya kuthi wenze uluntu ɹɪĸeɪeɪe lufikelele ubuncinance koku kulandelayo:

24.1.1. Inguqulelo yangoku yoMgaqo Wokuziphatha woMbutho kunye nembali yengququlelo;

24.1.2. Inguqulelo yangoku yoMbutho yeNkqubo Yezikhalazo & Noluleko kunye nembali yenguqulelo;

24.1.3. Inguqulelo yangoku yoMbutho yeNkqubo Yokususa kunye nembali yenguqulelo;

24.1.4. Uluhlu lwangoku oluhlaziyiweyo lwamaLungu oMbutho echongeka ngodidi lobulungu awo kwaye kuquka neenkcukacha zonxibelelwano kunye nonxibelelwano lokufikelela kwiwebhusayithi yalo maLungu;

24.1.5. Imibhalo yezifundo zabathengi;

24.1.6. Uncedo lweZikhalazo zabathengi.

24.2. UMbutho uya kuthi ugcine imbali egcweleyo yazo zonke Izikhalazo ezifakiweyo.

Imbali Yenguqulelo

Inguqulelo	Umhla wokuvunywa	Umhla wokusebenza	Ushwankathelo lohlaziyo
1.0	17 EyeNkanga 2006		
1.1	25 EyeNkanga 2006		
1.2	26 EyeNkanga 2006		
1.3	01 EyoMnga 2006		
1.4	05 EyoMnga2006		
1.5	08 EyoMnga2006		
1.6	08 EyoMqungu2007		
1.7	02 EyoMdumba2007		
2.0	5 Tshazimpunzi2007		
2.1	9 Tshazimpunzi2007		
2.2	12 Tshazimpunzi2007		
3.0	21 EyoMsintsi 2011	21 EyoMsintsi 2011	
4.0	12 EyoMsintsi 2012	12 EyoMsintsi 2012	
4.1	2 EyoKwindla2014	2 EyoKwindla2014	

Isihlomelo A – Inkqubo Yokususa

ICandelo 77 loMthetho we ECT lichaza isakhelo sowiso mthetho lwezaziso zokususa ngale ndlela:

"77. (1) Ngeenjongo zesi Sahluko, isaziso sesenzo esingekho mthethweni kufuneka sibhalwe, sithunyelwe ngummangali kumnikezeli ngeenkonzo okanye iarhente yakhe ebekiweyo kwaye kufuneka siquke:

a. Amagama agcweleyo nedilesi yommangali;
b. Usayino lommangali olungesandla okanye ngekhompyutha;
c. uchongo lwelungelo ekutyholwa ukuba liye labangwa;
d. uchongo lombhalo okanye isenzo ekwenziwa ibango lokuba sisenzo esingekho mthethweni;
e.
f. Inyathelo lolungiso elifanele ukuthathwa ngumnikezeli ngeenkonzo mayelana neSikhalazo linkcukacha zonxibelelwano ngefowuni nangekhompyutha, uba zikhona, ezommangali;
g. Umbhalo wokuba ummangali wenza ngomoya omhle;
h. Umbhalo wokuba ummangali ulwazi olukwisaziso sokususa ngokwazi kwakhe luyinyani kwaye luchanile; kwaye

- Nawuphi na umntu ofaka isaziso sesenzo esingekho mthethweni kumnikezeli ngeenkonzo esazi ukuba umbhalo awutsho nyani zodwa uya kuba netyala lomonakalo wokususa okungekuko.
- Umnikezeli ngeenkonzo akanatyala lokususa okungekuko xa esabele kwisaziso."

Inkqubo Yokususa echazwe ngezantsi kufuneka ilandelwe ngawo onke amaLungu oMbutho akuba efumene isaziso sokususa okanye isaziso esibonakala ngathi sesokususa.

Ukufumana

1. Ikopi yokususa efunyenwe ngqo liLungu kufuneka ithunyelwe ku- info@wapa.org.za kwisithuba seeyure ezingama-24 sokufumana lo kopi.

Izihlando zamaxesha ezisebenzayo

2. La maxesha alandelayo asisikhokhelo aya kuthi asebenze kwinkqubo echazwe ng

   2.1. Uvavanyo Lokuqala: iintsuku zomsebenzi ezi-2–4 ukusukela kumhla uMbu isaziso sokususa;

   2.2. Ukungqinwa kwenyani: iintsuku zomsebenzi 1–3 ukusukela ekugqityweni kovavanyo lokuqala;

   2.3. Ukuvunywa kwesaziso sokususa: iintsuku zomsebenzi 1–2 ekugqityweni kokungqinwa kwenyani;

   2.4. Ukungqinwa kweMpendulo yeLungu: njengoko kuchazwe kumacandelo aphathelele.

Uvavanyo Lokuqala

3. Apho uMbutho ufumana isaziso sokususa, ngqo okanye sithunyelwe liLungu, uya kuthi uthathe amanyathelo okuqala okungqina:

   3.1. Ingaba yiarhente ebekiweyo yeLungu mayelana nokukhutshwa kwesaziso sokususa;

   3.2. Ukuba kunjalo, ingaba isaziso sokususa sithobela iimfuno zecandelo 77(1)(a)-(g) njengoko kuchazwe ngentla.

4. Apho uMbutho ungeyo arhente ebekiweyo njengoko kuchazwe kwicandelo 3.1 n ke

   4.1. Apho umamkeli wesaziso sokususa eliLungu loMbutho, ngoko ke uMbutho uya kuthi:

      4.1.1. Uchonge iarhente ebekiweyo mayelana neLungu uze uthumele isaziso sokususa kulo arhente okanye kwiLungu buqu; kwaye

      4.1.2. Wazise okhuphe isaziso sokususa ("Ummangali") kunye neLungu ngenyathelo elithathiweyo.

   4.2. Apho umamkeli wesaziso sokususa engelilo iLungu loMbutho, ngoko ke uMbutho uya kuthi wazise uMmangali ngomba wokuba:

      4.2.1. uMbutho awuyiyo iarhente ebekiweyo mayelana nomamkeli;

      4.2.2. umamkeli akalilo iLungu loMbutho; kwaye

      4.2.3. uMbutho awukwazi ukuqhubela phambili nalo mba.

5. Apho isaziso sokususa singachazi umnikezeli ngeenkonzo mayelana nokukhutshwa kwaso ngoko ke uMbutho uya kuthatha amanyathelo avakalayo ukufumanisa ingaba umnikezeli ngeenkonzo ongachazwanga liLungu loMbutho kwaye uza kwenza ingxelo ngesiphumo sale nkqubo kuMmangali. Ukuba umamkeli uchazwe njengeLungu loMbutho uza kuqhubela phambili ngokwezigqibo zecandelo 3 ngentla.

6. Apho ukujonga okokuqala ngokwezigqibo zecandelo 3.2 ngentla kubonisa ukuba uMmangali akathobelanga icandelo 77(1) ngoko ke uMbutho uya kuthi wazise uMmangali:

   6.1. Ukuba isaziso sokususa sinamakhwiniba;

   6.2. Ngezizathu ezithile zalo makhwiniba; kwaye

   6.3. uMmangali angangenisa kwakhona isaziso sokususa emva kokuba elungise lo makhwiniba.

Ukungqinwa kweenyani

7. Apho uMbutho wanelisekile ukuba isaziso esigcweleyo nesichanileyo usifumene mayelana neLungu loMbutho apho uMbutho uyiarhente ebekiweyo, ngoko ke uMbutho uya kuthi –

   7.1. Ungqine ukuba umxholo oseke isihloko sesaziso sokususa okwa ngoku usetyenzwa okanye uphantsi kolawulo lweLungu elo elithunyelelwe isaziso sokususa;

   7.2. Ungqine ukuba umxholo oseke isihloko sesaziso sokususa unako ukususwa njengoko kuyimfuneko.

8. Apho uMbutho ungakwazi ukungqina ngokuchanileyo icandelo 7.1 okanye 7.2 ngentla, uya kuthi wazise uMmangali ngendlela eyiyo.

Ukwamkela Isaziso Sokususa

9. Apho uMbutho uye wazanelisa ukuba isaziso sokususa usifumene kakuhle, uya kuthi

    9.1. Uthumele isaziso sokususa kwiLungu eliphathelele kwaye ulicele ukuba linikezele ngembalelwano echaza ukufumana Isikhalazo; kwaye

    9.2. Wazise uMmangali ukuba isicelo sokususa siye samkelwa nguMbutho kwaye sadluliselwa kwiLungu eliphathelele ukuze kuthathwe amanyathelo.

Ukungqinwa Kwempendulo yeLungu

10. Apho uMbutho ufumana ubungqina obubhaliweyo kwiLungu eliphathelele okanye ungqina ngokwawo ukuba umxholo okhalazelwayo uye wasuswa ngoko ke uya kuthi wazise uMmangali ngendlela eyiyo.

11. Umbutho kufuneka, kwisiganeko apho ungafumananga ubungqina kwiLungu eliphathelele bokuba umxholo okhalazelwayo uye wasuswa kwaye kungenzekanga ngaphambi kwesithuba sexesha eliziiyure ezingama-48 zokwenza ngokwezigqibo zecandelo 9 ngentla, uthatha amanyathelo ukujonga ingaba umxholo uye wasuswa okanye akunjalo.

    11.1. Ukuba umxholo uye wasuswa ngoko ke uMbutho uya kuthi wazise uMmangali ngendlela eyiyo.

    11.2. Ukuba umxholo uye wangasuswa uthumele unxibelelwano olubhaliweyo kwiLungu eliphathelele ucele ukuba ngokukhawuleza lazise uMbutho ngamanyathelo athathiweyo ukusabela kwisaziso sokususa.

12. Kwisiganeko apho kungekho mpendulo okanye kufunyenwe impendulo engonelisiyo ephendula unxibelelwano oluthunyelwe phantsi kwecandelo 11.2 ngentla, ngoko ke uMbutho uya kuthi, kungenzekanga ngaphambi kwesithuba sexesha eliziiyure ezingama-48 emva kokuthunyelwa konxibelelwano okubhekiswa kulo kwicandelo 11.2 ngentla, unxibelelane ngefowuni neLungu eliphathelele uze ubuze malunga namanyathelo athathiweyo ukusabela kwisaziso sokususa.

13. Kwisiganeko apho umxholo oseke isihloko somba wesaziso sokususa uye wangasuswa kwixesha eliziiyure ezingama-24 zokugqitywa kwenyathelo elithathelwe ingqalelo kwicandelo 12 ngentla, ngoko ke uMbutho uya kuthi wazise uMmangali ukuba

    13.1. iLungu liye lasilela ukusabela kwisaziso sokususa okanye liye lala ukususa umbhalo lowo, ngokwemeko leyo ekuyiyo;

    13.2. uMmangali angafaka esinye Isikhalazo ngakwiLungu elo ngokwezigqibo zoMgaqo Wokuziphatha woMbutho.