

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3431

19 May 2023

SKILLS DEVELOPMENT ACT, 1998 (ACT NO. 97 OF 1998)

DRAFT REGULATIONS FOR NATIONAL SKILLS AUTHORITY TO CONDUCT
INVESTIGATIONS

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Innovation intend after consultation with the National Skills Authority, in terms of section 36(s) of the Skills Development Act, 1998 (Act No. 97 of 1998), to intend to make the Regulations in the Schedule.

Interested persons are invited to submit, within 60 days from the date of the publication of this Notice, any written comments or representations on the proposed Regulations to the National Skills Authority by email or post to:

E-mail: Lehula.D@dhet.gov.za or Mahlo.M@dhet.gov.za

Post: The Executive Officer: National Skills Authority
Department of Higher Education and Training
178 Francis Baard Street
Private Bag X174
Pretoria
0001

Any enquiries in connection with this gazette notice can be directed to Ms. D Lehula,
telephone: 012 312 6115/ 079 725 3295

MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION

DATE:

SCHEDULE**ARRANGEMENT OF REGULATIONS**

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Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

“chairperson” means the Chairperson of the National Skills Authority, unless stated otherwise;

“day(s)” means any day other than a Saturday, Sunday or public holiday, which shall be calculated excluding the first and including the last day.

“entity” means an institution or organisation established by the Act;

“Executive Officer” means a person appointed in terms of section 8 (2)(a) of the Act;

“investigation letter” means a letter which indicates the initiation of an investigation as contemplated in section 5(1)(d) of the Act;

“investigation” means an investigation as contemplated in section 5(1)(d) of the Act;

“the Act” means the Skills Development Act, 1998 (Act No. 97 of 1998).

Application

2. These Regulations apply to all entities established or individuals appointed in accordance with the Act

Investigation by NSA

3. The NSA may—

- (a) investigate, on its own initiative, on receipt of a complaint, or request by the Minister, of any alleged—
 - (i) maladministration in connection with the affairs of SETAs and other entities established in terms of the Act;
 - (ii) abuse or unjustifiable exercise of power or other improper conduct or undue delay by any person performing a function in accordance with the Act;
 - (iii) improper or unlawful enrichment of members of the Accounting Authority of SETAs and any other entities established in terms of the Act.
 - (iv) mismanagement of finances of a SETA or any other entity established in terms of the Act; and
 - (v) reported poor performance of a SETA; and
- (b) to investigate any other matter related to the application of the Act, including matters not specified in paragraph (a) above, if directed to by the Minister in terms of section 14A(4)(c) of the Act.

Determination of merits of complaint

4. (1) Upon receipt of a complaint and before deciding to investigate, the NSA—
- (a) may request additional information from the complainant as the NSA may deem necessary;

- (b) must inform the person or entity against whom the complaint is made of the nature of the complaint and enquire whether he, she or it desires to provide a written submission on the complaint; and
- (c) may make enquiries as it may deem necessary to determine the merits of the complaint.
- (2) Complaints must be lodged in writing and addressed to the Executive Officer or the Chairperson.
- (3) If requested by the NSA, the complainant must, when a complaint is lodged, provide credible evidence to the NSA in support his or her submission and representation.

Decision to investigate

- 5. (1) When the NSA decides to investigate a matter, the NSA must, within seven days from the date of taking a decision to investigate, send an investigation letter to the Minister. The NSA must also, within 7 days from date of taking a decision to investigate, inform the complainant as well as the person, SETA or entity to be investigated, in writing, of such decision.
- (2) The investigation letter referred to in sub-regulation (1) must—
 - (a) be signed by the Chairperson of the NSA;
 - (b) reflect the details of the issues and allegations giving rise to the investigation;

- (c) indicate whether the decision to investigate is due to the NSA's own initiative, or as a result of a complaint received, or upon direction of the Minister; and
 - (d) the Terms of Reference for the investigation.
- (3) The processing of personal information during the investigation must comply with the provisions of POPIA.

Format of Investigations

- 6.
 - (1) The NSA must develop and approve the Terms of Reference for each investigation and set out an investigation plan.
 - (2) The Terms of Reference must include details of the allegations and issues that will be investigated.
 - (3) The investigation plan may provide for a preliminary investigation for the purpose of determining the merits of a complaint or a formal investigation.
 - (4) The NSA may request, in writing, at any time after an investigation is initiated, for the individual, SETA or entity being investigated, to attend a meeting with the NSA and/or to produce, and make available for inspection, within 14 days from the date of request, any document as may be determined by the NSA, relating to the investigation.
 - (5) The individual, SETA or other entity being investigated must notify the NSA, at least three days prior to the proposed meeting date, if the date identified for the meeting is not suitable.

- (6) The NSA may, if good cause is shown, postpone a scheduled meeting to a later date not more than 14 days from the proposed meeting.

Preliminary Investigation

7. (1) A preliminary investigation may take place by way of a meeting between the NSA and the individual, the SETA or other entity being investigated and may include a consultation with the complainant.
- (2) The meeting will be held at the venue identified by the NSA.
- (3) The NSA must give written notice of the meeting scheduled in terms of sub-regulation (1) to the individual, SETA or other entity being investigated, at least 14 days before the proposed meeting.
- (4) The preliminary investigation Terms of Reference must be provided to the individual, SETA or other entity being investigated, at least 14 days prior to the meeting.
- (5) The NSA may, at any stage during the preliminary investigation, refer the matter for a formal investigation.

Formal Investigation

8. (1) A formal investigation shall take place at an investigation hearing, on a date, and at a time and venue determined by the NSA.

- (2) Once the matter has been referred for a formal investigation, the Chairperson of the NSA must issue a notice to every person required to attend the investigation hearing.
- (3) The notice contemplated in sub-regulation (2) must contain—
 - (a) the date, time and venue where the hearing is to be held;
 - (b) the formal investigation Terms of Reference;
 - (c) notice of the right to be represented; and
 - (d) notice of the right to call witnesses.
- (4) The NSA may—
 - (a) question the complainant and any possible witnesses; and
 - (b) inspect any evidence relevant to the investigation.

Powers of entry

- 9. (1) The NSA may, for purposes of the investigation and after providing 14 days written notice and a copy of the investigation letter to the SETA, individual or other entity being investigated, enter at a reasonable time any building or premises of an individual, SETA or other entity on or in which anything connected with the investigation is or is suspected to be.
- (2) No person, SETA or entity shall, after receipt of the notice in sub-regulation (1), refuse the NSA entry to premises unless that person, SETA or entity is legally authorized to do so.

- (3) Upon entry to the premises, the NSA shall conduct itself in a professional manner, with due consideration for the staff and operations of the individual, SETA or entity in question.
- (4) The NSA must take all reasonable steps to ensure that it does not hinder the continued operations of the individual, SETA or entity in question, during the investigation.

Power to question and inspect

- 10.** (1) The NSA has the authority to—
- (i) inspect all books, documents and records relating to the individual, SETA or the entity in question;
 - (ii) question any person whom it reasonably suspects of having information which has a bearing on a matter or person being investigated; and
 - (iii) request any person whom it reasonably suspects of having documentation, to produce or deliver to the NSA any book, document or record that must be kept in terms of this Act, or that is or was in the possession or in the custody or under the control of such person or employee of an individual, SETA or entity being investigated.
- (2) No individual, SETA or entity shall refuse the NSA access to:
- (i) inspect books, documents and records relating to the individual, SETA or the entity in question unless legally authorized to do so; and

- (ii) question any person whom it reasonably suspects of having information which has a bearing on a matter involving an individual, SETA or entity being investigated.
- (3) If, during an investigation, it appears to the NSA that any other person is implicated in the matter being investigated and that such implication may be to the detriment of that person, the NSA shall afford such person the same rights as the individual, SETA or entity under investigation.

Investigation report

- 11. (1) Within 14 days after the completion of an investigation, the NSA must compile an investigation report and submit a copy thereof to the person, SETA or entity under investigation.
- (2) Where a preliminary investigation was conducted, the NSA must compile and submit a report of the preliminary investigation to the Minister, which may include a final close-out investigation report.
- (3) Where a formal investigation was conducted, the NSA must compile and submit a report of the formal investigation to the Minister which must include a final close-out investigation report.
- (4) An investigation will be deemed to be concluded if a final close-out investigation report is provided to the Minister.
- (5) The investigation close – out report must include—
 - (a) details of the allegations investigated;

- (b) details of the investigation as the NSA may deem relevant;
 - (c) the findings of the NSA;
 - (d) a recommendation and advice to the Minister; and
 - (e) full and transparent details of the investigation as undertaken by the NSA.
- (6) The NSA will take reasonable measures to ensure that all investigations are concluded at their earliest convenience.

Liability of the NSA

12. A member, the Executive Officer or secretariat of the NSA and its delegation, shall not be liable in respect of any information reflected in any report, finding, point of view, advice or recommendation made or expressed in good faith and submitted to the Minister or made known in terms of the Act.

Short title and commencement

13. These Regulations are called the Regulations for the National Skills Authority to Conduct Investigations and come into operation on the date of publication in the *Government Gazette*.

DEPARTEMENT VAN HOËR ONDERWYS EN OPLEIDING

NO. 3431

19 Mei 2023

WET OP VAARDIGHEIDSONTWIKKELING, 1998 (WET 97 VAN 1998)

KONSEPREGULASIES VIR NASIONALE VAARDIGHEIDSOWERHEID OM
ONDERSOEKE UIT TE VOER

Ek, ,

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Minister van Hoër Onderwys, Wetenskap en Innovasie beoog om ná oorlegpleging met die Nasionale Vaardigheidsowerheid, ingevolge artikel 36(s) van die Wet op Vaardigheidsontwikkeling, 1998 (Wet No. 97 van 1998), die Regulasies in die Bylae te maak.

Belangstellendes word uitgenooi om binne drie maande vanaf die datum van publikasie van hierdie Kennisgewing enige skriftelike kommentaar of versoë oor die voorgestelde Regulasies in te dien by die Direkteur-generaal, Departement van Hoër Onderwys en Opleiding, Privaatsak X 174, Pretoria, 0001 (vir die aandag van Me D Lehula, of per e-pos aan Lehula.D@dhet.gov.za) binne 60 dae vanaf die datum van publikasie van hierdie Kennisgewing.

MINISTER VAN HOËR ONDERWYS, WETENSKAP EN INNOVASIE**DATUM:****BYLAE****RANGSKIKKING VAN REGULASIES**

1. Definisies
2. Aansoek
3. Onderzoek deur die NVO
4. Bepaling van meriete van klagte
5. Besluit om te ondersoek
6. Formaat van ondersoeke
7. Voorlopige ondersoek
8. Formele ondersoek
9. Mag van toegang
10. Mag om te ondervra en te inspekteer
11. Onderzoekverslag
12. Aanspreeklikheid van die NVO
13. Kort titel en aanvangsdatum

Definisies

1. In hierdie regulasie sal enige woord of uitdrukking waaraan die Wet 'n betekenis heg, die betekenis hê wat die Wet daaraan heg tensy dit uit die samehang anders blyk—

“dag/dae” beteken enige dag buiten 'n Saterdag, Sondag of openbare vakansiedag, wat bereken word met die uitsluiting van die eerste en die laaste dag;

“die Wet” beteken die Wet op Vaardigheidsontwikkeling, 1998 (Wet No. 97 van 1998).

“entiteit” beteken 'n instelling of organisasie wat deur die Wet ingestel is;

“ondersoekbrief” beteken 'n brief wat die begin van 'n ondersoek aandui soos beoog in artikel 5(1)(d) van die Wet;

“ondersoek” beteken 'n ondersoek soos beoog in artikel 5(1)(d) van die Wet;

“Uitvoerende beampste” beteken 'n persoon wat ingevolge artikel 8(2)(a) van die Wet aangestel is;

“voorsitter” beteken die Voorsitter van die Nasionale Vaardigheidsowerheid, tensy anders vermeld;

Toepassing

2. Hierdie Regulasies is van toepassing op alle entiteite wat gestig is of individue wat ooreenkomstig die Wet aangestel is

Ondersoek deur NVO**3.** Die NVO mag—

- (a) op eie inisiatief, by ontvangs van 'n klagte, of versoek deur die Minister, ondersoek instel na enige beweerde—
- (i) wanbestuur in verband met die sake van SOOO's en ander entiteite wat ingevolge die Wet ingestel is;
 - (ii) misbruik of onregverdigbare uitoefening van mag of ander onbehoorlike gedrag of onnodige vertraging deur enige persoon wat 'n funksie ooreenkomstig die Wet verrig;
 - (iii) onbehoorlike of onwettige verryking van lede van die Rekenpligtige Gesag van SOOO's en enige ander entiteite wat ingevolge die Wet gestig is;
 - (iv) wanbestuur van finansies van 'n SOOO of enige ander entiteit wat ingevolge die Wet gestig is; en
 - (v) swak prestasie van 'n SOOO wat aangemeld word; en
- (b) enige ander aangeleentheid wat verband hou met die toepassing van die Wet, ondersoek, insluitende aangeleenthede wat nie in paragraaf (a) hier bo gespesifiseer word nie, indien die Minister opdrag gee daarvoor ingevolge artikel 14A(4)(c) van die Wet.

Bepaling van meriete van klagte

- 4.** (1) By ontvangs van 'n klagte en voordat besluit word om ondersoek in te stel—
- (a) mag die NVO bykomende inligting van die klaer versoek soos die NVO nodig ag;

- (b) moet die NVO die persoon of entiteit teen wie die klagte ingedien word, inlig van die aard van die klagte en navraag doen of hy, sy of dit 'n skriftelike voorlegging oor die klagte wil lewer; en
- (c) mag die NVO enige navraag doen wat dit nodig ag om die meriete van die klagte te bepaal.
- (2) Klagtes moet skriftelik ingedien word en aan die Uitvoerende Beamppte of die Voorsitter gerig word.
- (3) As die NVO dit versoek, moet die klaer, wanneer 'n klag ingedien word, betroubare bewyse aan die NVO verskaf ter ondersteuning van sy of haar voorlegging en vertoë.

Besluit om te ondersoek

- 5. (1) Wanneer die NVO besluit om 'n aangeleentheid te ondersoek, moet die NVO binne sewe dae vanaf die datum waarop die besluit om te ondersoek geneem is, 'n ondersoekbrief aan die Minister stuur. Die NVO moet ook binne 7 dae vanaf die datum waarop 'n besluit om ondersoek geneem is die klaer sowel as die persoon, SOOO of entiteit wat ondersoek gaan word, skriftelik van sodanige besluit in kennis stel.
- (2) Die ondersoekbrief waarna in subregulasie (1) verwys word, moet—
 - (a) deur die Voorsitter van die NVO onderteken word;
 - (b) die besonderhede van die kwessies en bewerings wat tot die ondersoek aanleiding gegee het, weerspieël;

- (c) aandui of die besluit om te ondersoek te wyte is aan die NVO se eie inisiatief, of as gevolg van 'n klagte wat ontvang is, of op bevel van die Minister is; en
 - (d) die Opdrag vir die ondersoek.
- (3) Die verwerking van persoonlike inligting gedurende die ondersoek moet aan die bepalinge van POPIA voldoen.

Formaat van ondersoeke

6. (1) Die NVO moet die Opdrag vir elke ondersoek ontwikkel en goedkeur en 'n ondersoekplan uiteensit.
- (2) Die Opdrag moet besonderhede insluit van die bewerings en kwessies wat ondersoek sal word.
- (3) Die ondersoekplan kan voorsiening maak vir 'n voorlopige ondersoek met die doel om die meriete van 'n klagte of 'n formele ondersoek te bepaal.
- (4) Die NVO kan enige tyd nadat 'n ondersoek begin is, skriftelik versoek dat die individu, SOOO of entiteit wat ondersoek word, 'n vergadering met die NVO bywoon en/of enige dokument, soos deur die NVO bepaal, met betrekking tot die ondersoek, binne 14 dae vanaf die datum van die versoek, voorlê en beskikbaar stel vir inspeksie.
- (5) Die individu, SOOO of ander entiteit wat ondersoek word, moet die NVO minstens drie dae voor die voorgestelde vergaderingsdatum in kennis stel as die datum wat vir die vergadering geïdentifiseer is, nie geskik is nie.

- (6) Die NVO mag, as goeie rede aangevoer word, 'n geskeduleerde vergadering uitstel tot 'n latere datum nie meer as 14 dae vanaf die voorgestelde vergadering nie.

Voorlopige ondersoek

7. (1) 'n Voorlopige ondersoek kan plaasvind by wyse van 'n vergadering tussen die NVO en die individu, die SOOO of ander entiteit wat ondersoek word en kan 'n konsultasie met die klaer insluit.
- (2) Die vergadering sal gehou word by die plek wat deur die NVO geïdentifiseer is.
- (3) Die NVO moet minstens 14 dae voor die voorgestelde vergadering, skriftelik kennis gee van die vergadering wat ingevolge subregulasie (1) geskeduleer is, aan die individu, SOOO of ander entiteit wat ondersoek word.
- (4) Die Opdrag vir die voorlopige ondersoek moet ten minste 14 dae voor die vergadering verskaf word aan die individu, SOOO of ander entiteit wat ondersoek word.
- (5) Die NVO kan op enige stadium gedurende die voorlopige ondersoek die aangeleentheid vir 'n formele ondersoek verwys.

Formele ondersoek

8. (1) 'n Formele ondersoek sal gedurende 'n ondersoekverhoor plaasvind, op 'n datum en op 'n tyd en plek wat deur die NVO bepaal word.

- (2) Sodra die aangeleentheid vir 'n formele ondersoek verwys is, moet die Voorsitter van die NVO 'n kennisgewing uitreik aan elke persoon wat die ondersoekverhoor moet bywoon.
- (3) Die kennisgewing beoog in subregulasie (2) moet die volgende bevat—
- (a) die datum, tyd en plek waar die verhoor gehou gaan word;
 - (b) die Opdrag vir die formele ondersoek;
 - (c) kennisgewing van die reg om verteenwoordig te word; en
 - (d) kennisgewing van die reg om getuies te roep.
- (4) Die NVO mag—
- (a) die klaer en enige moontlike getuies ondervra; en
 - (b) enige bewyse wat op die ondersoek van toepassing is, inspekteer.

Mag van toegang

9. (1) Die NVO mag, vir doeleindes van die ondersoek en ná 14 dae van skriftelike kennisgewing en 'n afskrif van die ondersoekbrief gegee is aan die SOOO, individu of ander entiteit wat ondersoek word, enige gebou of perseel van 'n individu, SOOO of ander entiteit waarop of waarin enigiets wat met die ondersoek verband hou, is of vermoedelik is op 'n redelike tyd betree.
- (2) Geen persoon, SOOO of entiteit mag, ná ontvangs van die kennisgewing in subregulasie (1), die NVO toegang tot 'n perseel weier, tensy daardie persoon, SOOO of entiteit wetlik gemagtig is om dit te doen nie.

- (3) By toegang tot die perseel sal die NVO homself op 'n professionele wyse gedra, met inagneming van die personeel en bedrywighede van die betrokke individu, SOOO of entiteit.
- (4) Die NVO moet alle redelike stappe doen om te verseker dat dit nie die voortgesette bedrywighede van die betrokke individu, SOOO of entiteit, gedurende die ondersoek belemmer nie.

Mag om te ondervra en te inspekteer

- 10.** (1) Die NVO het die gesag om—
- (i) alle boeke, dokumente en rekords wat met die individu, SOOO of die betrokke entiteit verband hou, te inspekteer;
 - (ii) enige persoon te ondervra wat dit redelikerwys vermoed inligting het wat betrekking het op 'n aangeleentheid of persoon wat ondersoek word; en
 - (iii) enige persoon wat dit redelikerwys vermoed dokumentasie het, te versoek om enige boek, dokument of rekord wat ingevolge hierdie Wet gehou moet word, of wat in besit of in bewaring daarvan is of was of onder die beheer van sodanige persoon of werknemer van 'n individu, SOOO of entiteit wat ondersoek word, aan die NVO voor te lê of aan die NVO te lewer.
- (2) Geen individu, SOOO of entiteit mag die NVO toegang weier om:
- (i) boeke, dokumente en rekords met betrekking tot die individu, SOOO of die betrokke entiteit te inspekteer nie, tensy wetlik gemagtig om dit te doen; en

- (ii) enige persoon te ondervra wat dit redelikerwys vermoed inligting het wat betrekking het op 'n aangeleentheid waarby 'n individu, SOOO of entiteit wat ondersoek word, betrokke is nie.
- (3) As dit gedurende 'n ondersoek aan die NVO blyk dat enige ander persoon betrokke is by die aangeleentheid wat ondersoek word en dat sodanige implikasie moontlik tot nadeel van daardie persoon is, sal die NVO aan daardie persoon dieselfde regte as die individu, SOOO of entiteit wat ondersoek word, verleen.

Ondersoekverslag

- 11. (1) Binne 14 dae ná die voltooiing van 'n ondersoek moet die NVO 'n ondersoekverslag opstel en 'n afskrif daarvan by die persoon, SOOO of entiteit wat ondersoek word, indien.
- (2) Waar 'n voorlopige ondersoek gedoen is, moet die NVO 'n verslag van die voorlopige ondersoek saamstel en aan die Minister voorlê, wat 'n finale afsluitingsondersoekverslag kan insluit.
- (3) Waar 'n formele ondersoek gedoen is, moet die NVO 'n verslag van die formele ondersoek saamstel en aan die Minister voorlê, wat 'n finale afsluitingsondersoekverslag moet insluit.
- (4) 'n Ondersoek sal as afgehandel beskou word as 'n finale ondersoekverslag aan die Minister verskaf word.
- (5) Die ondersoek se afsluitingsverslag moet die volgende insluit—

- (a) besonderhede van die bewerings wat ondersoek is;
 - (b) besonderhede van die ondersoek wat die NVO as toepaslik beskou;
 - (c) die bevindinge van die NVO;
 - (d) 'n aanbeveling en advies aan die Minister; en
 - (e) volledige en deursigtige besonderhede van die ondersoek soos onderneem deur die NVO.
- (6) Die NVO sal redelike maatreëls tref om te verseker dat alle ondersoeke so spoedig moontlik afgehandel word.

Aanspreeklikheid van die NVO

12. 'n Lid, die Uitvoerende Beampte of sekretariaat van die NVO en sy afvaardiging, is nie aanspreeklik ten opsigte van enige inligting wat weerspieël word in enige verslag, bevinding, standpunt, advies of aanbeveling wat te goeder trou gemaak of uitgespreek is en by die Minister ingedien of ingevolge die Wet bekend gemaak is nie.

Kort titel en aanvangsdatum

13. Hierdie Regulasies word die Regulasies vir die Nasionale Vaardighedsowerheid om Ondersoeke Uit te Voer genoem en tree in werking op die datum van publikasie in die *Staatskoerant*.

UMNYANGO WEZEMFUNDO EPHAKEME NOKUQEQUESHA**UMTHETHO WOKUTHUTHUKISA AMAKHONO, KA-1998 (UMTHETHO WENO- 97
KA- 1998)****UMTHETHO OWUHLAKA WEZIPHATHIMANDLA ZAMAKHONO WOKUHAMBISA
UPHENYO KUZWELONKE**

Mina u-, ,

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UNgqongqoshe WeZemfundo Ephakeme, Isayensi kanye Nokuqala Kabusha uzimisele ukuthi ngemuva kokuxhumana neSiphathimandla Samakhono Kuzwelonke, ngokuhambisana nesigaba sama-36(s) soMthetho Wokuthuthukisa Amakhono, ka-1998 (UMthetho WeNo- 97 ka-1998), enze Umthetho ngaphakathi kweSheduli.

Abantu abanokukhathalela loku bayamenywa ukuba bangenise, ngaphakathi nezinyanga ezintathu ukusukela ngosuku lokushicilela kwalesi Saziso, yinoma yimiphi imibono ebhaliwe noma ukwethulwa ngomthetho ophakanyisiwe iye kuMqondisi Jikelele, Umnyango Wezemfundo Ephakeme Nokuqeqesha, *Private Bag X174, Pretoria, 0001* (iqondiswe ku Nksz D Lehula, noma nge-imeyili ku Lehula.d@dhet.gov.za, ngaphakathi kweentsuku ezi 60 ukusuka ngosuku okwashicilelwa ngaso lesi Saziso.

UNGQONGQOSHE WEMFUNDO EPHAKEME ISAYENSI NOKUQALA KABUSHA**USUKU:****ISHEDULI****UHLELO LWEMITHETHO**

1. Izincazelo
2. Ukusetshenziswa
3. Uphenyo olwenziwa yi-NSA
4. Ukuthola ukufanela kwesikhalazo
5. Isinqumo Sokuphenya
6. Izimo Zophenyo
7. Uphenyo lwangaphambili
8. Uphenyo olusemthethweni
9. Amandla Okungena
10. Amandla Okubuza kanye Nokuhlola
11. Umbiko Wophenyo
12. Ukuba Necala kwe-NSA
13. isihloko esifushane kanye nokuqalisa

Izincazelo

1. Kule Mithetho, yinoma yiliphi igama noma umusho okuye kwanikezwa incazelo ngaphakathi koMthetho kunaleyo ncazelo okunikezwe yona futhi, ngaphandle uma ingqikithi ikubeka ngokwehlukile kubonisa—

“umgcinisihlalo” usho Umgcinisihlalo Wesiphathimandla Samakhono Kuzwelonke ngaphandle kwalapho kushiwo ngokwehlukile;

“u(izin)suku” zisho yinoma yiluphi olunye usuku ngaphandle koMgqibelo, iSonto noma iholide lomphakathi, elizakubalwa ngokushiya usuku lokuqala kanye nokubandakanya usuku lokugcina.

“inhlango” isho isikhungo noma inhlango emiswe nguMthetho;

“I-Ofisa Yesigungu” isho umuntu oqashwe ngokuhambisana nesigaba se- 8 (2)(a) soMthetho;

“incwadi yophenyo” isho incwadi eboniswa ukuqaliswa kophenyo njengoba kucatshangwe esigabeni se-5(1)(d) soMthetho;

“uphenyo” lusho uphenyo njengoba kucatshangwe esigabeni sesi-5(1)(d) soMthetho;

“UMthetho” usho Umthetho Wokuthuthukisa Amakhono, ka- (Umthetho WeNo- 97 ka- 1998).

Ukusetshenziswa

2. Le Mithetho imaqondana nazo zonke izinhlangano ezimisiwe noma abantu abaqashwe ngokuhambisana noMthetho.

Uphenyo olwenziwa yi-NSA

3. I-NSA ingase—

(a)

iphenya, ngokuziqalisela kwayo, lapho ithola isikhalazo, noma isicelo

sikaNgqongqoshe, nganoma yiziphi izinsolo—

- (i) ukuhambisa ngokungafanele mayelana nezindaba zama-SETA nezinye izinhlangano ezisungulwe ngokoMthetho;
- (ii) ukuhlukumeza noma ukusebenzisa amandla ngendlela engafanele noma okunye ukuziphatha okungafanele noma ukubambezeleka okungadingekile okwenziwa yinoma yimuphi umuntu owenza umsebenzi ngokuhambisana noMthetho;
- (iii) ukunothiswa okungafanele noma okungekho semthethweni kwamalungu eZiphathimandla Ezishaya Umthetho ze-SETA kanye nanoma yiziphi ezinye izinhlangano ezisungulwe ngokuhambisana noMthetho.
- (iv) ukungaphathwa kahle kwezimali ze-SETA nanoma yiziphi enye inhlangano esungulwe ngokoMthetho; kanye
- (v) nokubikiwe kokusebenza okubi kwe-SETA; kanye

- (b) nokuphenya nganoma yiluphi olunye udaba oluhlobene nokusetshenziswa koMthetho, okuhlanganisa nezindaba ezingashiwongo endimeni (a) ngenhla, uma kuyalelwe nguNgqongqoshe ngokwesigaba 14A(4)(c) soMthetho.

Ukuthola ukufanela kwesikhalazo

4. (1) Ngemva kokuthola isikhalazo nangaphambi kokuthatha isinqumo sokuphenya, i-NSA— (a) ingacela ulwazi olwengeziwe kummangali njengoba i-NSA ibona kudingekile;
- (b) kumele yazise umuntu noma inhlango okukhalwa ngayo ngohlobo lwesikhalazo futhi ibuze ukuthi kungabe ifuna ukuhlinzeka ngesethulo esibhalwe phansi ngesikhalazo; kanye
- (c) nokuthi ingenza imibuzo ngendlela engabona kudingekile ukuze inqume ukufaneleka kwesikhalazo.
- (2) Izikhalazo kumele zinginiswe futhi ziqondiswe ku-Ofisa Yesigungu noma kuMgcinisihlalo.
- (3) Uma ecelwe yi-NSA, ummangali kufanele, lapho kungeniswa isikhalo, anikeze ubufakazi obubambekayo ku-NSA ukweseka ukungenisa kanye nokumelwa kwakhe

Isinqumo sokuphenya

5. (1) Uma i-NSA inquma ukuphenya udaba, i-NSA kufanele, zithi zingakapheli izinsuku eziyisikhombisa ukusukela osukwini lokuthatha isinqumo sokuphenya,

ithumele incwadi yophenyo kuNgqongqoshe. I-NSA kufanele futhi, zithi zingakapheli izinsuku eziyi-7 ukusukela osukwini lokuthatha isinqumo sokuphenya, yazise ummangali kanjalo nomuntu, i-SETA noma inhlangano ezophenywa, ngokubhalwe phansi, ngaleso sinqumo.

(2) Incwadi yophenyo okukhulunywe ngayo kumthetho ongaphansi (1) kufanele—

- (a) isayinwe nguMgcinisihlalo we-NSA;
- (b) akhombise imininingwane yezindaba nezinsolo ezidala uphenyo;
- (c) akhombise ukuthi isinqumo sokuphenya siqaliswe yi-NSA ngokwayo, noma ngenxa yesikhalazo esitholiwe, noma ngokuyalelwa nguNgqongqoshe; kanye
- (d) Imininingwane Yophenyo Okuxoxelwa phezu kwayo (*i-Terms of Reference*)

(3) Ukucutshungulwa kolwazi lomuntu siqu sakhe ngesikhathi sophenyo kumele kuhambisane nokulungiselelwa kwe-POPIA.

Izimo Zophenyo

6. (1) I-NSA kufanele isungule futhi igunyaze Imininingwane Yophenyo ngalunye Okuxoxelwa phezu kwalo futhi ibeke nohlelo lophenyo.
- (2) Imininingwane Yophenyo Okuxoxelwa phezu kwayo kumele ifake imininingwane yezinsolo nezindaba ezizophenywa

- (3) Uhlelo lophenyo lungase luhlinzekele uphenyo lokuqala ngenjongo yokunquma ukufaneleka kwesikhalazo noma uphenyo olusemthethweni.
- (4) I-NSA ingacela, ngokubhala phansi, nganoma yisiphi isikhathi ngemva kokuqalwa kophenyo, ukuba umuntu, i-SETA noma inhlango ephenywayo, ihambele umhlango ne-NSA kanye/noma ikhiqize, futhi yenze ukuthi kube khona yinoma yimuphi umbhalo onganqunywa yi-NSA, ohlobene nophenyo ukuze uhlolwe, zingakapheli izinsuku eziyi-14 ukusukela ngosuku lwesicelo,
- (5) Umuntu, i-SETA noma enye inhlango ephenywayo kufanele yazise i-NSA, okungenani ezinsukwini ezintathu ngaphambi kosuku lomhlango ohlongozwayo, uma usuku oluhlonziwe lomhlango lungafaneleki.
- (6) I-NSA ingase, uma kunembangela ezwakalayo, ihlehlise umhlango ohleliwe ube sosukwini oluzayo olungeqi ezinsukwini eziyi-14 ukusukela emhlanganweni owawuhlongoziwe.

Uphenyo Lwangaphambilini

- 7. (1) Uphenyo lokuqala lungenzeka ngomhlango phakathi kwe-NSA nomuntu, i-SETA noma enye inhlango ephenywayo futhi ingase ibandakanye nokubonisana nommangali.
- (2) Umhlango uzobanjelwa endaweni ekhonjwe yi-NSA.
- (3) I-NSA kufanele inikeze isaziso esibhaliwe somhlango ohleliwe ngokomthetho ongaphansi wo- (1) kumuntu ngamunye, i-SETA noma enye inhlango

ephenywayo, okungenani ezinsukwini eziyi-14 ngaphambi komhlangano ohlongozwayo.

- (4) Imininingwane Okuxoxelwa Phezu kwayo yophenyo lwangaphambilini kufanele inikezwe umuntu ngamunye, i-SETA noma enye inhlango ephenywayo, okungenani ezinsukwini eziyi-14 ngaphambi komhlangano.
- (5) I-NSA ingakwazi, kunoma yisiphi isigaba phakathi nophenyo lokuqala, ukudlulisela udaba ukuze luphenywe ngokusemthethweni.

Uphenyo Olusemthethweni

- 8. (1) Uphenyo olusemthethweni luyokwenziwa ekulalelweni kophenyo, ngosuku, kanye nesikhathi nendawo enqunywe yi-NSA.
- (2) Uma udaba seludlulisiwe ukuze luphenywe ngokusemthethweni, uMgcinisihlalo we-NSA kufanele akhiphe isaziso esiya kuwo wonke umuntu odingekayo ukuze athamele ukulalelwa kophenyo.
- (3) Isaziso esihlongozwe kwisigaba ezingaphansi se-(2) kufanele siqukathe—(a) usuku, isikhathi kanye nendawo lapho ukulalelwa kwecala kuzobanjelwa khona;
 - (b) Imininingwane Yokuxoxelwa phezu kwako yophenyo olusemthethweni;
 - (c) isaziso selungelo lokumelwa; kanye
 - (d) nesaziso selungelo lokubiza ofakazi.
- (4) I-NSA ingase— (a) ibuze ummangali nanoma yibaphi abangaba ofakazi; futhi
 - (b) ihlole noma yibuphi ubufakazi obuhambisana nophenyo.

Amandla okungena

9. (1) I-NSA, ngezinjongo zophenyo nangemuva kokunikeza isaziso esibhaliwe sezinsuku eziyi-14 kanye nekhophi yencwadi yophenyo eya ku-SETA, umuntu noma enye inhlango ephenywayo, ingafaka ngesikhathi esifanele noma yiliphi ibhilidi noma izakhiwo zomuntu, i-SETA noma enye inhlango ephathelene naloku noma okusolwa ukuthi kukhona nanoma yini ehlobene nophenyo.
- (2) Akukho muntu, i-SETA noma inhlango eyothi ngemva kokuthola isaziso esigabeni esingaphansi ku-(1), yenqabele ukungena kwe-NSA ezakhiweni zayo ngaphandle kwalapho lowo muntu, i-SETA noma inhlango igunyazwe ngokomthetho ukwenza kanjalo.
- (3) Lapho ingena emagcekeni, i-NSA izoziphatha ngendlela yobungcweti, ngenxa yokucabangela abasebenzi kanye nokusebenza komuntu ngamunye, i-SETA noma inhlango ethintekayo.
- (4) I-NSA kufanele ithathe zonke izinyathelo ezifanele ukuqinisekisa ukuthi ayivimbeli ukuqhubeka nokusebenza komuntu, i-SETA noma inhlango okukhulunywa ngayo, ngesikhathi sophenyo.

Amandla okubuza kanye nokuhlola

10. (1) I-NSA inegunya loku—
- (i) hlola zonke izincwadi, imibhalo namarekhodi aphaathelene nomuntu, i-SETA noma inhlango ethintekayo;
- (ii) buza noma yimuphi umuntu elimsola ngokufanelekile ukuthi unolwazi olunomthelela odabeni noma kumuntu ophenywayo; kanye
- (iii) nokucela yinoma yimuphi umuntu elimsola ngokufanelekile ukuthi unemibhalo, ukuthi aveze noma alethe kwa-NSA noma iyiphi incwadi,

umbhalo noma irekhodi okufanele ligcinwe ngokwalo Mthetho, noma eliphethwe noma eligcinwe noma elingaphansi kokulawula yilowo muntu noma umsebenzi womuntu, i-SETA noma inhlango ephenywayo.

(2) Akekho umuntu, i-SETA noma inhlango ezonqabela i-NSA ukufinyelela:

- (i) ukuhlola izincwadi, imibhalo namarekhodi aphaathelene nomuntu, i-SETA noma inhlango okukhulunywa ngayo ngaphandle uma igunyazwe ngokomthetho ukwenza kanjalo; kanye
 - (ii) nokubuza noma yimuphi umuntu emsola ngokufanelekile ukuthi unolwazi olunomthelela odabeni olubandakanya umuntu oyedwa, i-SETA noma inhlango ephenywayo.
- (3) Uma, ngesikhathi sophenyo, kubonakala ku-NSA ukuthi noma yimuphi omunye umuntu uyathinteka odabeni oluphenywayo futhi lokho kusho ukuthi kungaba yingozi kulowo muntu, i-NSA izonikeza lowo muntu amalungelo afanayo nomuntu, i-SETA noma ibhizinisi elingaphansi kophenyo.

Umbiko wophenyo

11. (1) Ezinsukwini eziyi-14 ngemva kokuphothulwa kophenyo, i-NSA kufanele ihlango umbiko wophenyo bese ihambisa ikhophi yawo kumuntu, i-SETA noma inhlango ephenywayo.
- (2) Lapho uphenyo lokuqala lwenziwe, i-NSA kufanele ihlango umbiko wophenyo futhi ithumele umbiko wophenyo lokuqala kuNgqongqoshe, ongafaka nombiko wokugcina wophenyo oluvalwayo.

- (3) Lapho kwenziwa uphenyo olusemthethweni, i-NSA kufanele ihlanganise futhi ithumele umbiko wophenyo olusemthethweni kuNgqongqoshe okufanele uhlanganise nombiko wokugcina wophenyo oluvalwayo.
- (4) Uphenyo luzothathwa njengoluphothulwe uma umbiko wokugcina wophenyo oluseduze unikezwa uNgqongqoshe.
- (5) Uphenyo luyavalwa - umbiko kufanele ubandakanye—
- (a) imininingwane yezinsolo eziphenyiwe;
 - (b) imininingwane yophenyo njengoba i-NSA ingabona lufanelekile;
 - (c) okutholwe yi-NSA;
 - (d) izincomo nezeluleko kuNgqongqoshe; kanye
 - (e) nemininingwane egcwele nesobala yophenyo njengoba lwenziwa yi-NSA.
- (6) I-NSA izothatha izinyathelo ezifanele zokuqinisekisa ukuthi lonke uphenyo luyaphothulwa ngokushesha nje.

Ukuba necala kwe-NSA

12. Ilungu, i-Ofisa Yesigungu noma ihhovisi likanobhala we-NSA kanye namanxuswa ayo, ngeke bathweswe icala nganoma yiluphi ulwazi oluvezwe kunoma yimuphi umbiko, okutholiwe, umbono, izeluleko noma izincomo ezenziwe noma ezivezwe ngokuhle futhi zihanjiswe kuNgqongqoshe noma zaziswe ngokoMthetho.

Isihloko esifushane kanye nokuqalisa

- 13.** Le Mithetho ibizwa ngokuthi yiMithetho Yesiphathimandla Samakhono kuZwelonke sokwenza Uphenyo futhi uzoqala ukusebenza ngosuku ozoshicilelwa ngalo kuGazethi Kahulumeni.

LEFAPHA LA THUTO LE THUPELO E PHAHAMENG**MOLAO WA NTSHETSOPELE YA BOKGONI, 1998 (MOLAO WA NOMORO YA 97
WA 1998)****MORALO WA MELAWANA YA BOLAODI BA NAHA BA BOKGONI BAKENG SA HO
ETSA DIPHUPUTSO**

Nna,

ce170521

Letona la Thuto e Phahameng, Saense le Tshibollo le ikemiseditse hore ka mora therisano le Bolaodi ba Naha ba Bokgoni, ka ho ya ka karolo 36(s) ya Molao wa Ntshetsopele ya Bokgoni, 1998 (Molao wa Nomoro ya 97 wa 1998) ho etsa Melawana Shejulung.

Batho ba nang le thahasello ba mengwa ho romela, ho eso fete dikgwedi tse tharo ho tloha letsatsing la phatlalatso ya Tsebiso ena, ditshwaelo kapa ditlhahiso dife kapa dife tse ngotsweng mabapi le Melawana e sisingwang ho Molaodi-Kakaretso, Lefapha la Thuto le Thupelo e Phahameng, Private Bag X 174, Pretoria, 0001 (di lebiswe ho Mme D Lehula, kapa ka emeile ho Lehula.d@dhnet.gov.za), ho eso fete matsatsi a 60 ho tloha letsatsing la phatlalatso ya Tsebiso ena.

LETONA LA THUTO E PHAHAMENG, SAENSE LE TSHIBOLLO**LETSATSI:****SHEJULU****TLHOPHISO YA MELAWANA**

1. Ditlhaloso
2. Tshebediso
3. Phuputso ka Bolaodi ba Naha ba Bokgoni (NSA)
4. Ho hlwaya dintlha tsa bohlokwa tsa tletlebo
5. Qeto ya ho Fuputsa
6. Sebopeho sa Diphuputso
7. Diphuputso tsa ho Qala
8. Diphuputso tse latelang Tshebetso tse Tlwaelehileng
9. Matla a ho Kena
10. Matla a ho Botsa le ho Hlahloba
11. Tlaleho ya Phuputso
12. Boikarabelo ba Bolaodi ba Naha ba Bokgoni
13. Sehlooho se sekgutshwane le ho qala ho kena tshebetsong

Ditlhaloso

1. Melawaneng ena, lentswe kapa polelwana efe kapa efe e fuweng moelelo Molaong e tla ba le moelelo oo e o fuweng mme, ntle le haebe ho ka hare ho bolela ka tsela e nngwe e itseng—

“modulasetulo” ho bolelwa Modulasetulo wa Bolaodi ba Naha ba Bokgoni, ntle le ha ho boletswe ka tsela e nngwe;

“(ma)letsatsi” ho bolelwa letsatsi lefe kapa lefe leo e seng la Moqebelo, Sontaha kapa letsatsi la phomolo, le tla balwa ho sa kenyelletswe letsatsi la ho qala mme ho akaretswa la ho qetela.

“setheo” ho bolelwa institjhushene kapa mokgatlo o theilweng ka Molao;

“Mohlanka wa Phethahatso” ho bolelwa motho ya kgethuweng ka ho ya ka karolo 8 (2)(a) ya Molao;

“lengolo la phuputso” ho bolelwa lengolo le bontshang ho qalwa ha phuputso jwalo ka ha ho boletswe karolong ya 5(1)(d) ya Molao;

“phuputso” ho bolelwa phupuputso jwalo ka ho boletswe karolong ya 5(1)(d) ya Molao;

“Molao” ho bolelwa Molao wa Ntshetsopele ya Bokgoni, 1998 (Molao wa Nomoro ya 97 wa 1998).

Tshebediso

2. Melawana ena e tla sebetsa ditheong tsohle tse hlonngweng kapa bathong ba kgethuweng ka ho ya ka Molao

Phuputso ka Bolaodi ba Naha ba Bokgoni (NSA)

3. Bolaodi Ba Naha ba Bokgoni bo ka—

- (a) fuputsa, ka ho iqalla ka bobona, ha bo ka fumana tletlebo kapa kopo ho tswa ho Letona, mabapi le
- (i) tsamaiso efe kapa efe e seng molaong e amanang le ditaba tsa di-SETA le ditheo tse ding tse hlonngweng ka ho ya ka Molao;
 - (ii) tshebediso e sa lokang kapa tshebediso ya matla ka tsela efe kapa efe e sa lokang kapa boitshwaro bo sa nepahalang kapa tieho e sa hlokeheng e etswang ke motho ofe kapa ofe ha a phetha mosebetsi ka ho latela Molao;
 - (iii) ho ithuisa ka tsela e sa lokang kapa e seng molaong ha ditho tsa Bolaodi bo Ikarabelang ba di-SETA le ditheo dife kapa dife tse ding tse hlonngweng ka ho ya ka Molao.
 - (iv) tsamaiso e sa lokang ya ditjhelete tsa SETA kapa setheo sefe kapa sefe se seng se hlonngweng ka ho latela Molao; le
 - (v) tshebetso e fokolang e tlalehuweng ya SETA; le
- (b) ho fuputsa ka taba efe kapa efe e nngwe e amanang le tshebediso ya Molao, ho kenyelletswa le ditaba tse sa bolelwang temaneng ya (a) mona ka hodimo, ha e laelwa ke Letona ka ho latela karolo ya 14A(4)(c) ya Molao.

Ho hlwaya dintlha tsa bohlokwa tsa tletlebo

- 4. (1)** Ha bo ka fumana tletlebo mme le pele bo ka etsa qeto ka ho fuputsa, Bolaodi ba Naha ba Bokgoni—
- (a) bo ka kopa lesedi le eketsehileng ho tswa ho motletlebi e leng leo Boladi ba Naha ba Bokgoni bo bonang bo hlokeha;

- (b) le tshwanetse ho tsebisa motho kapa setheo seo tletlebo e entsweng kgahlanong le sona ka mofuta wa tletlebo mme bo botse hore na a ka rata ho fana ka tlhahiso e ngotsweng mabapi le tletlebo; mme
- (c) le ka etsa dipatlisiso tseo le bonang di hlokeha ho hlwaya dintlha tsa bohlokwa tsa tletlebo.
- (2) Ditletlebo di tshwanetswe ho romelwa ka ho ngolwa mme di lebiswe ho Mohlanka wa Phethahatso kapa Modulasetulo.
- (3) Ha a ka kotjwa ke Bolaodi ba Naha ba Bokgoni, motletlebi o lokela hore, ha ho romelwa tletlebo, a fane ka bopaki bo utlwahalang ho Bolaodi ba Naha ba Bokgoni e leng bo tshehetsang tlhahiso le boemedi ba hae.

Qeto ya ho fuputsa

- 5. (1) Bolaodi ba Naha ba Bokgoni ha bo etsa qeto ya ho fuputsa taba, Bolaodi bo lokela, hore ho eso fete matsatsi a supileng ho tloha letsatsing la ho etsa qeto eo ya ho fuputsa, ho romela lengolo la phuputso ho Letona. Bolaodi ba Naha ba Bokgoni hape bo lokela hore, ho eso fete matsatsi a 7 le nkile qeto ya ho fuputsa, le tsebise motletlebi mmoho le motho, SETA kapa setheo se tla fuputswa, ka ho se ngolla, ka qeto e jwalo.
- (2) Lengolo la phuputso leo ho buuwang ka lona molawaneng o monyenyanane wa (1) le tshwanetswe—
 - (a) ho saenwa ke Modulasetulo wa Bolaodi ba Naha ba Bokgoni;

- (b) ho bontsha dintlha tsa ditaba le menyenyetsi e bakileng hore ho be le phuputso;
 - (c) ho bolela hore na qeto ya ho fuputsa ke ka baka la tshibollo ya Bolaodi ba Naha ba Bokgoni ka bobona, kapa ka baka la tletlebo e fumanweng, kapa bo laetswe ke Letona; le
 - (d) Dipehelo le Sebopeho sa phuputso.
- (3) Tshebetso ya tlhahisoleseding ya motho ka seqo ka nako ya phuputso e lokela ho latela dipehelo tsa Molao wa Tshireletso ya Tlhahisoleseding ya Motho ka Seqo (POPIA).

Sebopeho sa Diphuputso

6. (1) Bolaodi ba Naha ba Bokgoni bo tshwanetse ho hlahisa le ho ananela Dipehelo le Sebopeho sa phuputso ka nngwe mme bo behe le morero wa phuputso.
- (2) Dipehelo le sebopeho di lokela ho kenyelletsa dintlha tsa menyenyetsi le ditaba tse tla fuputswa.
- (3) Morero wa phuputso o ka lokisetsa phuputso ya ho qala bakeng sa ho hlwaya dintlha tsa bohlokwa tsa tletlebo kapa phuputso e latelang tshebetso tse tlwaelehileng.
- (4) Bolaodi ba Naha ba Bokgoni bo ka kopa, ka ho ngola fatshe, nakong efe kapa efe ka mora ho ba phuputso e simollwe, hore motho, SETA kapa setheo se tla fuputswa, se kenele kopano le Bolaodi ba Naha ba Bokgoni

le/kapa ho hlahisa, le ho etsa hore ho fumanehe bakeng sa tlhahlobo, ho eso fete matsatsi a 14 ho tloha letsatsing leo kopo e entsweng ka lona, tokomane efe kapa efe eka batluwang ke Bolaodi ba Naha ba Bokgoni, e amanang le phuputso.

- (5) Motho, SETA kapa setheo se fuputswang se lokela ho tsebisa Bolaodi ba Naha ba Bokgoni, bonyane matsatsi a mararo pele ho letsatsi le sisingwang la kopano, haebe letsatsi leo le boletsweng la kopano le ke ke la ba le mo loketseng.
- (6) Bolaodi ba Naha ba Bokgoni bo ka, haebe ho na le lebaka le utlwahalang, kgutlisetsa morao kopano eo e hlophisitsweng hore e be letsatsing le leng hamorao empa ho eso fete matsatsi a 14 ho tloha letsatsing leo le kgutliseditsweng morao la kopano.

Diphuputso tsa ho Qala

- 7. (1) Phuputso ya ho qala e ka tshwarwa ka mokgwa wa ho kopana pakeng tsa Bolaodi ba Naha ba Bokgoni le motho, SETA kapa setheo se fuputswang mme e ka kenyelletsa therisano le motletlebi.
- (2) Kopano e tla tshwarelwa sebakeng se tla behwa ke Bolaodi ba Naha ba Bokgoni.
- (3) Bolaodi ba Naha ba Bokgoni bo lokela ho fana ka tsebiso e ngotsweng ya kopano e hlophisitsweng ka ho ya ka molawana o monyenyanane wa (1) ho motho, SETSA kapa setheo se seng se fuputswang, bonyane matsatsi a 14 pele ho kopano e sisingwang.

- (4) Dipehelo le Sebopeho sa kopano ya pele di lokelwa ho nehwa motho, SETA kapa setheo se seng se fuputswang, bonyane matsatsi a 14 pele ho kopano.
- (5) Bolaodi ba Naha ba Bokgoni, bo ka re neng kapa neng nakong ya phuputso ya ho qala, ba romela taba bakeng sa phuputso e latelang tshebetso tse tlwaelehileng.

Diphuputso tse latelang Tshebetso tse Tlwaelehileng

- 8. (1) Phuputso e latelang tshebetso tse tlwaelehileng e tla etswa ha ho mametswe phuputso, letsatsing, le nakong le sebakeng se tla behwa ke Bolaodi ba Naha ba Bokgoni.
- (2) Hang ho ba taba e romelwe ho ya phuputsong e latelang tshebetso tse tlwaelehileng, Modulasetulo wa Bolaodi ba Naha ba Bokgoni o tshwanetse ho fana ka tsebiso ho motho e mong le e mong ya tla tshwanela ho tla hlaha mamelong ya phuputso.
- (3) Tsebiso eo ho buuwang ka yona molawaneng o monyenyanane wa (2) e tshwanetse ho kenyelletsa—
 - (a) letsatsi, nako le sebaka seo mamelo e tla tshwarelwa teng;
 - (b) Dipehelo le Sebopeho sa phuputso e latelang tshebetso tse tlwaelehileng;
 - (c) tsebiso ka tokelo ya ho ba le moemedi; le
 - (d) tsebiso ka tokelo ya ho bitsa dipaki.
- (4) Bolaodi Ba Naha ba Bokgoni bo ka—

- (a) hloma dipotso ho motletlebi le dipaki dife kapa dife tse ka bang teng; le
- (b) ho hlahloba bopaki bofe kapa bofe bo tshwanelang phuputso.

Matla a ho kena

9. (1) Bolaodi ba Naha ba Bokgoni, bakeng sa morero wa ho fuputsa le ka mora ho fana ka tsebiso e ngotsweng ya matsatsi a 14 le khopi ya lengolo la phuputso ho SETA, motho kapa setheo se seng se fuputswang, ba kena nakong efe kapa efe e tshwanetseng moahong kapa sebakeng sa motho, SETA kapa setheo se seng se nang le, kapa se oho belaelwang hore ho na le eng kapa eng e amanang le phuputso.
- (2) Ha ho na motho, SETA kapa setheo se tla re, ka mora ho fumana tsebiso e molawaneng o monyenyanane wa (1), sa hana hore Bolaodi ba Naha ba Bokgoni ho kena sebakeng ntle le haebe motho eo, SETA kapa setheo e dumelletswa ka molao ho etsa jwalo.
- (3) Ha bo kena sebakeng, Bolaodi ba Naha ba Bokgoni bo tla itshwara ka mokgwa wa seprofeshenale, bo ela hloko basebetsi le ditshebetso tsa motho, SETA kapa setheo se amehang.
- (4) Bolaodi ba Naha ba Bokgoni bo lokela ho nka mehato e utlwahalang ba ho etsa bonnete ba hore ha bo sitise tswelopele ya ditshebetso tsa motho, SETA kapa setheo se amehang, ka nako ya phuputso.

Matla a ho botsa le ho hlahloba

- 10.** (1) Bolaodi ba Naha ba Bokgoni bo na le matla a ho—
- (i) hlahloba dibuka tsohle, ditokomane le direkoto tse amanang le motho, SETA kapa setheo se amehang;
 - (ii) ho botsa motho ofe kapa ofe dipotso e leng ho belaelwang hantle hore o na le lesedi le ka bang le tshusumetso tabeng kapa ho motho ya fuputswang; le
 - (iii) ho kopa motho ofe kapa ofe ya belaelwang hantle hore o na le ditokomane, hore a hlahise kapa a ise ho Bolaodi ba Naha ba Bokgoni buka, tokomane kapa rekoto efe kapa efe e tshwanetsweng ho bolokwa ka ho ya ka Molao, kapa eo e leng, kapa e kileng ya ba matsohong kapa tlhokomelong, kapa tlasa taolo ya motho eo kapa mosebeletsi wa motho, SETA kapa setheo se fuputswang.
- (2) Ha ho na motho, SETA kapa setheo se tla hanela Bolaodi ba Naha ba Bokgoni ho kgona ho:
- (i) hlahloba dibuka, ditokomane le direkoto tse amanang le motho, SETA kapa setheo se amehang ntle le ha ho dumelletswa semolao ho etsa jwalo; le
 - (ii) ho botsa motho ofe kapa ofe dipotso e leng ho belaelwang hantle hore o na le lesedi le ka bang le tshusumetso tabeng e kenyelletsang motho, SETA kapa setheo se fuputswang.
- (3) Haebe, ka nako ya phuputso, ho boheha ho Bolaodi ba Naha ba Bokgoni hore ho ka nna ba hore ho na le motho e mong ya amehang tabeng e ntseng e fuputswa mme pelaelo eo ya motho e ka nna baka kotsi ho

motho eo, Bolaodi ba Naha ba Bokgoni bo tla neha motho eo ditokelo tse tshwanang le tsa motho, SETA kapa setheo se fuputswang.

Tlaleho ya phuputso

11. (1) Matsatsing a 14 ka mora ho phethwa ha phuputso, Bolaodi ba Naha ba Bokgoni bo lokela ho ngola tlaleho ya phuputso mme bo romele khopi ya yona ho motho, SETA kapa setheo se neng se fuputswa.
- (2) Moo ho ileng ha ba le phuputso ya ho qala, Bolaodi ba Naha ba Bokgoni bo lokela ho ngola le ho romela tlaleho ya phuputso ya ho qala ho Letona, e leng e tla kenyelletsa tlaleho ya makgaolakang e kwalang phuputso.
- (3) Moo ho ileng ha ba le phuputso e latelang tshebetso tse tlwaelehileng, Bolaodi ba Naha ba Bokgoni bo lokela ho ngola le ho romela tlaleho ya phuputso e latelang tshebetso e tlwaelehileng ho Letona, e leng e tla kenyelletsa tlaleho ya makgaolakang e kwalang phuputso.
- (4) Phuputso e tla nkuwa e phethilwe ha tlaleho ya makgaolakang e kwalang phuputso e fuwe Letona.
- (5) Tlaleho e kwalang phuputso e lokela ho kenyelletsa—
- (a) dintlha tsa menyenyezi e neng e fuputswa;
 - (b) dintlha tsa phuputso tseo Bolaodi ba Naha ba Bokgoni bo bonang di tshwanetse;
 - (c) phumano ya Bolaodi ba Naha ba Bokgoni;
 - (d) kgothaletso le keletso e yang ho Letona; le

- (e) dintlha tse felletseng hape tse pepeneneng tsa phuputso tse nkuweng ke Bolaodi ba Naha ba Bokgoni.
- (6) Bolaodi ba Naha ba Bokgoni bo tla nka mehato e utlwahalang ya ho etsa bonnete ba hore diphuputso tsohle di phethwa ka potlako ka ho ya ka moo ho ka kgonwang.

Boikarabelo ba Bolaodi ba Naha ba Bokgoni

12. Setho, Mohlanka wa Phethahatso kapa bongodi ba Bolaodi ba Naha ba Bokgoni mmoho le thomo ya bona, bo ke ke ba behwa molato bakeng sa tlhahisoleseding efe kapa efe e hlahellang tlalehong efe kapa efe, diphumano, maikutlo, keletso kapa kgothaletso e entsweng kapa e hlalisitswe ka moya o motle mme ya romelwa ho Letona kapa ya tsebahatswa ka ho ya ka Molao.

Sehlooho se sekgutshwane le ho qala ho kena tshebetsong

13. Melawana ena e tla bitswa Melawana bakeng sa Bolaodi ba Naha ba Bokgoni ba ho Etsa Diphuputso mme yona e tla kena tshebetsong letsatsing leo *Lesedinyana lena la Mmuso* le phatlaladitsweng ka lona.