



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

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kwiGazethi yePhondo**

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IZIQLATHO

(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso-Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following Provincial Notice is published for comment:

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer:

Esi Saziso sePhondo silandelayo sipapashelwe okokuba kufunyanwe amagqabantshintshi:

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Any person or organisation wishing to comment on the draft Regulations is requested to submit the comments in writing before or on 9 April 2018.

Enige persoon of organisasie wat kommentaar op die Konsepregulasies wil lewer, word versoek om die kommentaar skriftelik in te dien voor of op 9 April 2018

Nawuphi na umntu okanye umbutho othanda ukwenza amagqabantshintshi kwiMithetho eyilwayo uyacelwa okokuba angenise amagqabantshintshi abhaliweyo phambi okanye nge: 9 uTshazimpuzi 2018

- (a) By post to:
The Chief Executive Officer
Heritage Western Cape
Private Bag X9067
Cape Town 8000
- (b) By hand delivery to:
The Chief Executive Officer
Heritage Western Cape
3rd Floor, Protea Assurance Building
Greenmarket Square
Cape Town 8001
- (c) By email to:
Penelope.Meyer@westerncape.gov.za
For attention: Ms Penelope Meyer

- (a) Per pos aan:
Die Hoof- Uitvoerende Beampte
Erfenis Wes-Kaap
Privaat Sak X9067
Kaapstad 8000
- (b) Per hand afgelewer by:
Die Hoof- Uitvoerende Beampte
Erfenis Wes-Kaap
3de Verdieping, Protea Versekering-gebou
Groentemarkplein
Kaapstad 8001
- (c) Per e-pos aan:
Penelope.Meyer@westerncape.gov.za
Vir aandag: Me Penelope Meyer

- (a) Ngeposi kwi:
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Heritage Western Cape
Private Bag X9067
Cape Town 8000
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IChief Executive Officer
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3rd Floor, Protea Assurance Building
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Iqqaliswe: Nksk. Penelope Meyer

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaaipstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukugaya izimvo.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 42/2018

16 March 2018

HERITAGE WESTERN CAPE POLICY: PUBLIC CONSULTATION REQUIRED FOR APPLICATIONS MADE IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT, ACT 25 OF 1999, (THE NHRA)

Promotion of Administrative Justice Act (PAJA, Act 3 of 2000)

Administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair. For the purpose of HWC, such administrative action pertains to any decision of HWC taken in terms of the NHRA.

Rights and legitimate expectations

In terms of NHRA, "those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities."

In terms of section 5(1) of the NHRA, Heritage resources have lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival; every generation has a moral responsibility to act as trustee of the national heritage for succeeding generations and the State has an obligation to manage heritage resources in the interests of all South Africans; heritage resources have the capacity to promote reconciliation, understanding and respect, and contribute to the development of a unifying South African identity; and heritage resources management must guard against the use of heritage for sectarian purposes or political gain.

Importantly, in terms of this Guideline, the NHRA notes that Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.

To this end, the NHRA requires that, in terms of section 25(1)(b), HWC maintain a list of conservation bodies which have, in accordance with regulations by the heritage resources authority concerned, registered their interest in a geographical area; or a category of heritage resources.

Fair Administrative Procedure

"Fair administrative procedure" depends on the circumstances of each case. In terms of section 3 of PAJA, HWC must ensure that such person is given:

- Adequate notice of the nature and purpose of the proposed administrative action
- Reasonable opportunity to make representations
- A clear statement of the administrative action
- Adequate notice of any right of review or internal appeal, where applicable
- Adequate notice of the right to request reasons for the action

In terms of section 4 of PAJA, HWC has decided to follow:

1. Notice and Comment Procedure as outlined in section 4(3) of PAJA

In terms of section 4(3) of PAJA, HWC must require that:

- Appropriate steps are taken to communicate the administrative action to those likely to be materially and adversely affected by it and call for comments from them.
- Any comments received are considered prior to taking the administrative action

Detailed requirements are given below.

2. Process for Consultation with registered Conservation bodies

A process for public consultation is envisaged in the NHRA through the registration of Conservation Bodies in terms of section 25(1) of the NHRA.

Conservation bodies are interested parties in the management of our heritage resources. Registered conservation bodies must be consulted when applications are received for particular geographical areas or categories of heritage resources for which they have registered in terms of section 25(1) of the National Heritage Resources Act, 1999.

Please find the list of registered conservation bodies on our website: www.hwc.org.za

SPECIFIC REQUIREMENTS IN RESPECT OF VARIOUS APPLICATIONS;

Sections 27 and 38(3)

Heritage Western Cape requires that any application made to HWC for a decision or comment in terms of sections 27 and 38(3) of the NHRA, is advertised as follows:

- An advertisement to be placed in a local newspaper. The format of the notice is attached as Annexure A.
- An at least A3 size laminated copy of the notice placed in clear view on the property or site to which the application pertains for a minimum of 30 days.
- Email or other written correspondence with the relevant registered Conservation Body/Bodies allowing a minimum of 30 days for comment

Sections 30, 31 and 34

Heritage Western Cape requires that any application made to HWC for a decision in terms of sections 30, 31 and 34 the NHRA, is advertised as follows:

1. Applications in respect of Total Demolition, Partial Demolition and major alterations which may affect the streetscape.

- An at least A3 size laminated notice (Annexure A) placed in clear view on the property or site to which the application pertains for a minimum of 30 days.
- An advertisement to be placed in local/community newspaper (Annexure A)
- Email or written correspondence with the relevant registered Conservation Body/Bodies allowing a minimum of 30 days for comment

2. Applications in respect of minor internal alterations

- An at least A3 size laminated notice (Annexure A) placed in clear view on the property or site to which the application pertains for a minimum of 30 days.
- Email or other written correspondence with the relevant registered Conservation Body/Bodies allowing a minimum of 30 days for comment

Proof of Consultation Process

For all applications made to HWC that require a decision in terms of sections 27, 30, 31 and 34 as well as decisions in terms of section 38(3) of the NHRA, HWC requires proof of consultation in terms of the Notice and Comment Procedure outlined in (1) above as well as in terms of the Process for Consultation with registered Conservation Bodies outlined in (2) above.

Such proof includes:

- A copy of the published newspaper notice if applicable
- Photographs of the notice on the site
- Copies of any comments received
- Contact details of any person who has indicated their interest in the application
- Copies of correspondence with registered Conservation Bodies

Section 35

In terms of section 5(5) of the NHRA, Heritage resources contribute significantly to research, education and tourism and they must be developed and presented for these purposes in a way that ensures dignity and respect for cultural values.

Most archaeological and palaeontological sites are located in rural areas, with no relevant local newspaper, and that are difficult to access. To this end, HWC requires that applications for permits in terms of section 35 of the NHRA, are advertised as follows:

- Email or written correspondence with the relevant registered Conservation Body/Bodies allowing a minimum of 30 days for comment
- Written correspondence with the landowner explaining the proposed action
- Publication and distribution of the information learned through the research process

Proof of Consultation Process

For all applications made to HWC that require a decision in terms of sections 35 of the NHRA, HWC requires proof of consultation in terms of the Notice and Comment Procedure outlined in (1) above as well as in terms of the Process for Consultation with registered Conservation Bodies outlined in (2) above.

Such proof includes:

- Copies of any comments received
- Contact details of any person who has indicated their interest in the application
- Copies of correspondence with registered Conservation Bodies
- Copies of correspondence with the landowner
- Evidence of publication and distribution of information learned through the research process

Exemption from compliance with the above requirements

Should any individual or applicant be unable to comply with the above requirements, or should good reason exist to dispense with the requirement for public consultation, (eg. emergency rescues or interventions, or provision of emergency infrastructure), the following action must be taken:

- Written application to HWC indicating reasons for non-compliance, or requesting exemption from requirements with full motivation
- Negotiation with HWC regarding how HWC can assist with ensuring that an application is compliant with the above requirements.

Annexure A

NOTICE

APPLICATION IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT, 1999, ACT 25 OF 1999 (THE NHRA)

Please note that an application has been made in terms of S_____ of the NHRA regarding the following property:

ERF/FARM PORTION _____

SUBURB/FARM _____

TOWN_____

LOCAL/DISTRICT MUNICIPALITY _____

STREET ADDRESS _____

Short Description of the work to be done:

Alterations/Demolition _____

A copy of the application can be obtained from:

Name: _____

e-mail: _____

Telephone: _____

Postal Address: _____

And may be viewed at the offices of Heritage Western Cape, 3rd Floor, Protea Assurance Building, Greenmarket Square, Cape Town.

Any person wishing to object or comment **on heritage grounds to the application must make such comment /objection in writing to the above address on or before_____ . (30 days from the date of publication).**

Kindly note that objections or comments not made on heritage grounds will not be considered.

A copy of this notice must be displayed on the site for the full 30 days terminating on the date above.

PROVINSIALE KENNISGEWING

P.K. 42/2018

16 Maart 2018

ERFENIS WES-KAAP-BELEID: OPENBARE KONSULTASIE VEREIS VIR AANSOEKE WAT INGEVOLGE DIE WET OP NASIONALE ERFENISHULPBRONNE, WET 25 VAN 1999 (DIE WNEH) GEDOEN IS

Wet op die Bevordering van Administratiewe Geregtigheid (WBAG, Wet 3 van 2000)

Administratiewe handeling wat die regte of legitieme verwagtinge van enige persoon wesenlik en nadelig beïnvloed, moet prosedureel regverdig wees. Vir die doel van EWK het sodanige administratiewe handeling betrekking op enige besluit van EWK wat ingevolge die WNEH geneem word.

Regte en legitieme verwagtinge

Ingevolge die WNEH moet “daardie erfenishulpbronne van Suid-Afrika wat van kulturele betekenis of ander spesiale waarde vir toekomstige geslagte en vir die huidige gemeenskap is, beskou word as deel van die nasionale besit en val dit binne die bestek van werksaamhede van erfenisowerhede”.

Ingevolge artikel 5(1) van die WNEH, het erfenishulpbronne ’n blywende waarde in eie reg en lewer bewys van die oorsprong van die Suid-Afrikaanse samelewing, en omdat hulle waardevol, eindig, niehernubaar en onvervangbaar is, moet hulle sorgvuldig bestuur word om hulle oorlewing te verseker; het elke geslag ’n morele verantwoordelikheid om as trustee van die nasionale kultuurerfenis op te tree vir opvolgende geslagte en het die Staat ’n verpligting om erfenishulpbronne in belang van alle Suid-Afrikaners te bestuur; het erfenishulpbronne die vermoë om versoening, begrip en respek te bevorder, en dra by tot die ontwikkeling van ’n verenigende Suid-Afrikaanse identiteit; en moet erfenishulpbronne bestuur waak teen die gebruik van erfenis vir sektariese doeleindes of politieke gewin.

Dit is belangrik, ten opsigte van hierdie Riglyn, dat die WNEH noem dat erfenishulpbronne ’n belangrike deel van die geskiedenis en oortuigings van gemeenskappe vorm en op so ’n wyse bestuur moet word dat die reg van geaffekteerde gemeenskappe om geraadpleeg te word oor en deel te neem aan die bestuur daarvan, erken word.

Vir hierdie doel vereis die WNEH, ingevolge artikel 25(1)(b), dat EWK ’n lys van bewaringsliggame byhou wat, in ooreenstemming met regulasies van die betrokke erfenishulpbronerheid, hulle belang geregistreer het in ’n geografiese gebied; of ’n kategorie van erfenishulpbronne.

Regverdig administratiewe prosedure

“Regverdig administratiewe prosedure” hang van die omstandighede van elke geval af. Ingevolge artikel 3 van die WBAG moet EWK verseker dat sodanige persoon die volgende ontvang:

- Toereikende kennisgewing van die aard en doel van die beoogde administratiewe handeling
- Redelike geleentheid om verhoër te word
- ’n Duidelike uiteensetting van die administratiewe handeling
- Toereikende kennisgewing van enige reg op hersiening of interne appèl, indien van toepassing
- Toereikende kennisgewing van die reg om redes vir die handeling te versoek

Ingevolge artikel 4 van die WBAG het EWK op die volgende besluit:

1. Kennisgewing- en Kommentaarprosedure soos uiteengesit in artikel 4(3) van die WBAG.

Ingevolge artikel 4(3) van die WBAG, moet EWK vereis dat:

- Toepaslike stappe gedoen word om die administratiewe handeling te kommunikeer aan diegene wat waarskynlik wesenlik en nadelig daardeur beïnvloed sal word en ’n oproep doen om kommentaar van hulle.
- Enige kommentaar wat ontvang word, oorweg word alvorens die administratiewe handeling uitgevoer word

Gedetailleerde vereistes word hieronder uiteengesit.

2. Proses vir Konsultasie met geregistreerde Bewaringsliggame

’n Proses vir openbare konsultasie word in die WNEH voorsien deur die registrasie van bewaringsliggame ingevolge artikel 25(1) van die WNEH.

Bewaringsliggame is belanghebbende partye in die bestuur van ons erfenishulpbronne. Geregistreerde bewaringsliggame moet geraadpleeg word wanneer aansoeke ontvang word vir bepaalde geografiese gebiede of kategorieë erfenishulpbronne waarvoor hulle geregistreer het ingevolge artikel 25(1) van die Wet op Nasionale Erfenishulpbronne, 1999.

Raadpleeg asseblief ons webwerf vir die lys van geregistreerde bewaringsliggame: www.hwc.org.za

SPESIFIEKE VEREISTES TEN OPSIGTE VAN VERSKILLENDE AANSOEKE:

Artikel 27 en 38(3)

Erfenis Wes-Kaap vereis dat enige aansoek wat by EWK gedoen word vir ’n besluit of kommentaar ingevolge artikel 27 en 38(3) van die WNEH soos volg geadverteer word:

- ’n Advertensie wat in ’n plaaslike koerant geplaas moet word. Die formaat van die kennisgewing word as Aanhangsel A aangeheg.
- ’n Gelamineerde afskrif van die kennisgewing van ten minste A3-grootte wat vir ’n minimum van 30 dae binne duidelike sig geplaas is op die eiendom of terrein waarop die aansoek van toepassing is.
- E-pos- of ander skriftelike korrespondensie met die betrokke geregistreerde bewaringsliggaam(-liggame) wat ’n minimum van 30 dae vir kommentaar toelaat.

Artikel 30, 31 en 34

Erfenis Wes-Kaap vereis dat enige aansoek wat by EWK gedoen word vir 'n besluit ingevolge artikel 30, 31 en 34 van die WNEH soos volg geadverteer word:

1. Aansoeke ten opsigte van algehele slooping, gedeeltelike slooping en groot verbouings wat die straatlandskap kan beïnvloed.
 - 'n Gelamineerde afskrif van die kennisgewing (Aanhangsel A) van ten minste A3-grootte wat vir 'n minimum van 30 dae binne duidelike sig geplaas is op die eiendom of terrein waarop die aansoek van toepassing is.
 - 'n Advertensie wat in 'n plaaslike/gemeenskapskoerant geplaas moet word (Aanhangsel A)
 - E-pos- of skriftelike korrespondensie met die betrokke geregistreerde bewaringsliggaam(-liggame) wat 'n minimum van 30 dae vir kommentaar toelaat
2. Aansoeke ten opsigte van klein interne verbouings
 - 'n Gelamineerde afskrif van die kennisgewing (Aanhangsel A) van ten minste A3-grootte wat vir 'n minimum van 30 dae binne duidelike sig geplaas is op die eiendom of terrein waarop die aansoek van toepassing is.
 - E-pos- of ander skriftelike korrespondensie met die betrokke geregistreerde bewaringsliggaam(-liggame) wat 'n minimum van 30 dae vir kommentaar toelaat

Bewys van Konsultasieproses

Vir alle aansoeke wat aan EWK gerig word wat 'n besluit ingevolge artikel 27, 30, 31 en 34 vereis, sowel as besluite ingevolge artikel 38(c) van die WNEH, vereis EWK bewys van konsultasie ingevolge die Kennisgewing- en Kommentaarprosedure wat in (1) hierbo uiteengesit word, sowel as ingevolge die Proses vir Konsultasie met geregistreerde Bewaringsliggame wat in (2) hierbo uiteengesit word.

Sodanige bewys sluit in:

- 'n Afskrif van die gepubliseerde koerantkennisgewing, indien toepaslik.
- Foto's van die kennisgewing op die terrein
- Afskrifte van enige kommentaar wat ontvang is
- Kontakbesonderhede van enige persoon wat te kenne gegee het dat hulle 'n belang by die aansoek het
- Afskrifte van korrespondensie met geregistreerde bewaringsliggame

Artikel 35

Ooreenkomstig artikel 5(5) van die WNEH dra erfenishulpbronne in beduidende mate by tot navorsing, opvoeding en toerisme en moet hulle vir hierdie doeleindes ontwikkel en aangebied word op 'n wyse wat waardigheid en respek vir kulturele waardes verseker.

Die meeste argeologiese en paleontologiese terreine is in landelike gebiede geleë, met geen plaaslike koerant nie, en toegang daartoe is moeilik. Vir hierdie doel vereis EWK dat aansoeke om permitte ingevolge artikel 35 van die WNEH soos volg geadverteer word:

- E-pos- of skriftelike korrespondensie met die betrokke geregistreerde bewaringsliggaam(-liggame) wat 'n minimum van 30 dae vir kommentaar toelaat
- Skriftelike korrespondensie met die grondeienaar wat die voorgestelde handeling verduidelik
- Publikering en verspreiding van die inligting wat deur die navorsingsproses bekom is.

Bewys van Konsultasieproses

Vir alle aansoeke wat aan EWK gerig word wat 'n besluit ingevolge artikel 35 van die WNEH vereis, vereis EWK bewys van konsultasie ingevolge die Kennisgewing- en Kommentaarprosedure wat in (1) hierbo uiteengesit word, sowel as ingevolge die Proses vir Konsultasie met geregistreerde Bewaringsliggame wat in (2) hierbo uiteengesit word.

Sodanige bewys sluit in:

- Afskrifte van enige kommentaar wat ontvang is
- Kontakbesonderhede van enige persoon wat te kenne gegee het dat hulle 'n belang by die aansoek het
- Afskrifte van korrespondensie met geregistreerde bewaringsliggame
- Afskrifte van korrespondensie met die grondeienaar
- Bewys van die publikering en verspreiding van inligting wat deur die navorsingsproses bekom is.

Vrystelling van voldoening aan bostaande vereistes

Indien enige individu of aansoeker nie in staat is om aan die bostaande vereistes te voldoen nie, of indien daar goeie rede bestaan om af te sien van die vereiste vir openbare konsultasie (bv. noodreddings of—ingrepe, of voorsiening van noodinfrastruktuur), moet die volgende stappe gedoen word:

- Skriftelike aansoek by die
- Onderhandeling met EWK oor hoe EWK behulpsaam kan wees om te verseker dat 'n aansoek aan die bostaande vereistes voldoen.

Aanhangsel A**KENNISGEWING****AANSOEK INGEVOLGE DIE WET OP NASIONALE ERFENISHULPBRONNE, 1999, WET 25 VAN 1999 (DIE WNEH)**

Let asseblief daarop dat 'n aansoek ingevolge A_____ van die WNEH ten opsigte van die volgende eiendom ingedien is:

ERF/PLAAS-GEDEELTE _____

VOORSTAD/PLAAS _____

DORP _____

PLAASLIKE/DISTRIKSMUNISIPALITEIT _____

STRAATADRES _____

Kort beskrywing van die werk wat gedoen sal word:

Verbouings/Sloping _____

'n Afskrif van die aansoek van verkry word van:

Naam: _____

E-pos: _____

Telefoon: _____

Posadres: _____

En is ter insae by die kantoor van Erfenis Wes-Kaap, 3e Verdieping, Protea Versekering-gebou, Groentemarkplein, Kaapstad.

Enige persoon wat **op erfenisgronde** beswaar wil maak teen of kommentaar wil lewer op die aansoek, moet sodanige kommentaar/beswaar skriftelik aan die bostaande adres rig voor of op_____. (30 dae vanaf die datum van publikasie).

Let asseblief daarop dat besware of kommentaar wat nie op erfenisgronde gerig word nie, nie oorweeg sal word nie.

'n Afskrif van hierdie kennisgewing moet op die perseel vertoon word vir die volle 30 dae wat op die datum hierbo ten einde loop.

ISAZISO SEPHONDO

I.S. 42/2018

16 kweyoKwindla 2018

UMGAQO-NKQUBO WENTSHONA KOLONI WELIFA LEMVELI: UTHETHWANO LOLUNTU OLUDINGEKAYO KWIZICELO EZENZIWE NGOKUHAMBELANA NOMTHETHO WESIZWE WEZIBONELELO ZELIFA LEMVELI, UMTHETHO 25 WE-1999, (I-NHRA)**UKthetho iPromotion of Administrative Justice Act (PAJA, uMthetho 3 wama-2000)**

Amanyathelo olawulo anokuthi achaphazele izinto anazo okanye kakubi amalungelo okanye okulindelweyo kwako nawuphi na umntu kufuneka kube kulungile ngokwasemthethweni. Ukulungiselela injongo yeHWC, nawuphi na amanyathelo olawulo aphaathelelene nakusiphi na isigqibo seHWC esithatyathwe ngokuhambelana neNHRA.

Amalungelo nokulindelweyo okusemthethweni

Ngokuhambelana neNHRA, “ezo zibonelelo zelifa lemveli loMzantsi Afrika ezinentsingiselelo yenkcubeko okanye elinye ixabiso elilodwa kulungiselelwa uluntu olukhoyo kunye nezizukulwana zelixa elizayo kufuneka zibe yinxalenye eqwalaselweyo yelifa lesizwe ze zingeniswe kwicandelo lemisebenzi yoogunyaziwe bezibonelelo zelifa lemveli.”

Ngokuhambelana necandelo 5(1) leNHRA, izibonelelo zeLifa leMveli zinexabiso elingapheliyo ngokwelungelo lazo ze zinikezele ngobungqina bemvelaphi yoluntu loMzantsi Afrika yaye njengoko zixabisekile, zinesiphelo, zingenakuphindwa yaye zingenakufunyanwa kwakhona kufuneka zilawulwe ngononophelo ukuqinisekisa ngokusinda kwazo; nasiphi na isizukulwana sinoxanduva olusesikweni sokusebenza njengabagcini belifa lemveli lesizwe ukulungiselela izizukulwana ezilandelayo yaye uRhulumente unoxanduva lokulawula izibonelelo zelifa lemveli esenzela ukugcina umdla wabo bonke abemi boMzantsi Afrika; yaye ulawulo lwezibonelelo zelifa lemveli kufuneka luthintele ukusetyenziswa kwelifa lemveli kulungiselelwa iinjongo zecandelo elithile okanye inzuzo yezopolitiko.

Ngokubalulekileyo, ngokuhambelana neSikhokhelo, iNHRA iqaphele into yokokuba izibonelelo zeLifa leMveli zenza inxalenye ebalulekileyo yembali neenkolelo zoluntu yaye kufuneka ilawulwe ngendlela apha ethi inike ingqwalasela kwilungelo loluntu oluchaphazelekayo ekufuneka kuthethwene nalo nokuthabatha inxaxheba kulawulo.

Ukuza kuthi ga ngoku, iNHRA idinga into yokokuba, ngokwecandelo 25(1)(b), iHWC igcine uluhlu lwamaqumrhu olondolozo lwendalo athi, ngokuhambelana nemithetho yogunyaziwe ochaphazelekayo wezibonelelo zelifa lemveli, ibhalise umdla lwawo kummandla wendawo okanye icandelo lezibonelelo zelifa.

INkqubo yoLawulo elungileyo

“INkqubo yoLawulo elungileyo” ixhomekeke kwiimeko zeshlo ngasinye. Ngokwecandelo 3 lePAJA, iHWC kufuneka iqinisekise ngento yokuba umntu lowo unikwe:

- Isaziso esaneleyo sohlobo nenjongo yesenzo esicetywayo solawulo
- Ithuba elifanelekileyo lokuzimela
- Ingxelo ecacileyo yesenzo solawulo
- Isaziso esaneleyo salo naliphi na ilungelo lovavanyo okanye ukubhena kwangaphakathi, apho kufanelekileyo
- Isaziso esaneleyo selungelo sokucela izizathu zesenzo eso

Ngokwecandelo 4 lePAJA, iHWC igqibe ngokulandela:

1. Isaziso neNkqubo yamaGqabantshintshi njengoko ichazwe kwicandelo 4(3) lePAJA

Ngokwecandelo 4(3) lePAJA, iHWC kufuneka ifumane okokuba:

- Amanyathelo afanelekileyo athatyathiwe ukuchaza amanyathelo olawulo kwabo kungenzeka okokokuba bachaphazeleke ngokwezinto zabo nakukubi siso ze ifune amagqabantshintshi kubo.
- Nawuphi na amagqabantshintshi angenisiweyo ayaqwalaselwa phambi kokuba kuthatyathwe amanyathelo olawulo.

Iimfuno ezichaziweyo zinikwe apha ngasezantsi.

2. Inkqubo yoThethwano kunye namaqumrhu abhalisiweyo oLondolozo lwendalo

Inkqubo yoThethwano loluntu iqulunqwe kwiNHRA ngokubhaliswa kwamaQumrhu oLondolozo lwendalo ngokuhambelana necandelo 25(1) leNHRA.

Amaqumrhu olondolozo lwendalo ngamaqela anomdla kulawulo lwezibonelelo zelifa lemveli. Amaqumrhu olondolozo lwendawo abhalisiweyo kufuneka kuthetha-thethwane nawo xa kwamkelwe izicelo zemimandla yeendawo ezithile okanye amacandelo ezibonelelo zelifa lemveli athe abhaliswa ngokwecandelo 25(1) loMthetho weSizwe weZibonelelo zeLifa leMveli, 1999.

Nceda fumana uluhlu lwamaqumrhu olondolozo lwendalo kwiwebhusayiti yethu: www.hwc.org.za

IMFUNO EZITHE NGQO NGOKUBHEKISELELE KWIZICELO EZAHLUKENEYO;**Amacandelo 27 nelama-38(3)**

ILifa leMveli leNtshona Koloni lidinga into yokokuba nasiphi na isicelo esenziwe kwiHWC kulungiselelwa isigqibo okanye amagqabantshintshi ngokwamacandelo 27 kunye nelama-38(3) leNHRA, kufuneka sipapashwe ngolu hlobo lulandelayo:

- Isibhengezo kufuneka sifakwe kwiphepha-ndaba lengingqi. Indlela yokubhalwa kwesaziso incanyathiswe njengeSihlomo A.
- Malunga nekopi enobukhulu bephepha eliyi-A3 yesaziso incanyathiselwe kwindawo ebonakalayo kwipropati okanye kwisakhiwo apho isicelo senziwa khona isithuba esibuncinane buzintsuku ezingama-30.
- I-imeyile okanye nenye imbalelwano yeQumrhu/yamaQumrhu abhalisiweyo afanelekileyo oLondolozo lwendalo ze uyinike isithuba seentsuku ezingama-30 ubuncinane ukulungiselela amagqabantshintshi.

Amacandelo 30, 31 kunye nama-34

ILifa leMveli leNtshona Koloni lidinga into yokokuba isicelo esenziwe kwiHWC ukuba kwenziwe isigqibo ngokwamacandelo 30, 31 kunye nama-34 eNHRA, sibhengezwe ngolu hlobo lulandelayo:

1. Izicelo ngokubhekiselele kukuDilizwa okuPheleleyo, ukuDilizwa okuNgaphelelanga kunye nolungiso olunokuthi luchaphazele izitalato zekapa.
 - Malunga nekopi enobukhulu bephepha eliyi-A3 yesaziso (iSihlomelo A) incanyathiselwe kwindawo ebonakalayo kwipropati okanye kwisakhiwo apho isicelo senziwa khona isithuba esibuncinane buzintsuku ezingama-30.
 - Isibhengezo kufuneka sifakwe kwiphepha-ndaba lengingqi/loluntu(iSihlomelo A)
 - I-imeyile okanye nenye imbalelwano yeQumrhu/yamaQumrhu abhalisiweyo afanelekileyo oLondolozo lwendalo ze uyinike isithuba seentsuku ezingama-30 ubuncinane ukulungiselela amagqabantshintshi
2. Izicelo ngokubhekiselele kulungiso lwangaphakathi olungephi
 - Malunga nekopi enobukhulu bephepha eliyi-A3 yesaziso (iSihlomelo A) incanyathiselwe kwindawo ebonakalayo kwipropati okanye kwisakhiwo apho isicelo senziwa khona isithuba esibuncinane buzintsuku ezingama-30.
 - I-imeyile okanye nenye imbalelwano yeQumrhu/yamaQumrhu abhalisiweyo afanelekileyo oLondolozo lwendalo ze uyinike isithuba seentsuku ezingama-30 ubuncinane ukulungiselela amagqabantshintshi

Ubungqina beNkqubo yoThethwano

Ukulungiselela zonke izicelo ezenziwe kwiHWC ezidinga isigqibo ngokuhambelana namacandelo 27, 30, 31 kunye nama-34 ngokunjalo nezigqibo ngokuhambelana necandelo 38(3) leNHRA, iHWC idinga isingqiniso sothethwano ngokuhambelana neSaziso neNkqubo yamaGqabantshintshi echazwe ku-(1) ngasentla ngokunjalo nangokuhambelana neNkqubo yoThethwano kunye namaQumrhu oLondolozo lwendalo achazwe ku-(2) ngasentla.

Ubungqina obunjalo bubandakanya:

- Ikopi yesaziso esipapashwe kwiphephandaba ukuba kufanelekile
- Amafoto esaziso esikwindawo
- Iikopi zawo nawaphi na amagqabantshintshi afunyenweyo
- Iinkcukacha zophagamshekwano zakhe nawuphi na umntu ochaze ukuba nomedla kwisicelo
- Iikopi zembalelwano kunye namaQumrhu oLondolozo lwendalo

ICandelo 35

Ngokuhambelana necandelo 5(5) leHRA, izibonelelo zeLifa leMveli zixhasa kakhulu kuphando, imfundo nokhenketho yaye kufuneka ziphuhlise ze zinezizwe kulungiselelwa ezi njongo ngendlela apha eqinisekisa isidima nentlonipho yeenqobo ezisesikweni zenkcubeko.

Uninzi lwendawo zakudala nofundo ngeendawo zobomi lomnombu wakudala ezikwimimandla yasemaphandleni, ekungekho phepha-ndaba lengingqi lifanelekileyo, nalawo ekunzima ukuwafumana. Ukuza kuthi ga ngoku, iHWC idinga into yokuba izicelo zamaphepha-mvume ngokwecandelo 35 leNHRA, zipapashwe ngale ndlela:

- I-imeyile okanye imbalelwano enamaQumrhu afanelekileyo abhalisiweyo oLondolozo lwendalo kunikwa ithuba elibuncinane buzintsuku ezingama-30 kulungiselelwa amagqabantshintshi
- Imbalelwano kunye nabanini-mhlaba kuchazwa lo msebenzi ucetywayo
- Upapasho nokunikezelwa kwengcaciso efundwe ngokusetyenziswa kwenkqubo yophando

Ubungqina beNkqubo yoThethwano

Kuzo zonke izicelo ezenziwe kwiHWC ezidinga isigqibo ngokwamacandelo 35 eNHRA, iHWC idinga ubungqina bothethwano ngokweSaziso neNkqubo yamaGqabantshintshi echazwe ku-(1) ngasentla ngokunjalo nangokweNkqubo yoThethwano kunye namaQumrhu abhalisiweyo oLondolozo lwendalo achazwe ku-(2) ngasentla.

Ubungqina obunjalo bubandakanya:

- Iikopi zawo nawaphi na amagqabantshintshi afunyenweyo
- Iinkcukacha zakhe nawuphi na umntu othe wabonakalisa umdla wakhe kwisicelo
- Iikopi zembalelwano namaQumrhu abhalisiweyo oLondolozo lwendalo
- Iikopi zembalelwano nabanini-mhlaba
- Ubungqina bopapasho nokuhanjiswa kwengcaciso efundiweyo ngenkqubo yophando

Ukukhululwa kukuhambelana nezi mfuno zingasentla

Ukuba ngaba nawuphi na umntu okanye umenzi wesicelo akabanga nakho ukuhambelana nezi mfuno zingasentla, okanye ukuba ngaba kukho isizathu esikhoyo sokwenza ngaphandle kwemfuneko yothethwano loluntu, (umz. Uhlangulo olungxamileyo okanye amangenelo, okanye ukunikezelwa kwezibonelelo ezingxamileyo), oku kulandelayo kufuneka kwenziwe:

- Izicelo ezibhaliweyo eziya kwiHWC kunikwa izizathu zokungahambelani, okanye isicelo sokukhululwa kwiimfuno kunye nempembelelo yenkxaso
- Uthethwano neHWC ngokubhekiselele kwindlela iHWC enganceda ngayo ngokuqinisekisa into yokokuba isicelo siyahambelana kunye nezi mfuno zingentla.

Isihlomelo A**ISAZISO****ISICELO NGOKOMTHETHO WESIZWE WEZIBONELELO ZELIFA LEMVELI, WE-1999, UMTHETHO 25 WE-1999 (I NHRA)**

Nceda uqaphele into yokokuba isicelo senziwe ngokwe S_____yeNHRA ebhekiselele kule propati ilandelayo:

ISIZA/ISAHLULO SEFAMA _____

ISIXEKO/IFAMA _____

IDOLOPHU _____

UMASIPALA WENGINQI/WESITHILI _____

IDILESI YESITALATO _____

Inkcazelo emfutshane yomsebenzi oza kwenziwa: Ukulungiswa/ukudilizwa _____

Ikopi yesicelo inakho ukufumaneka ku:

Igama: _____

I-imeyile: _____

Imfono-mfono: _____

Idilesi yeposi: _____

Sinakho ukuhlolwa kwii-ofisi zeLifa leMveli leNtshona Koloni, 3rd Floor, Protea Assurance Building, Greenmarket Square, Cape Town.

Nawuphi na umntu othanda ukuchasa okanye ukunika amagqabantshintshi **kwimihlaba yelifa lemveli** kwisicelo kufuneka awenze amagqabantshintshi/inkcaso leyo kule dilesi ingasentla ngomhla okanye phambi komhla_____. (iintsuku ezingama-30 ukusuka kumhla wopapasho).

Nceda uqaphele into yokokuba inkcaso/amagqabantshintshi angenziwanga kwimihlaba yelifa lemveli akasayi kuqwalaselwa.

Ikopi yesicelo kufuneka incanyathelise kwisakhiwo isithuba esipheleleyo ezintsuku ezingama-30 ezipheleleyo eziphelelwa ngomhla ongasentla.

