URhulumente weNtshona Koloni

ISebe leMfundo leNtshona Koloni
IZiko leeFoni
ICandelo loLawulo lwaBasebenzi ngoBuchule
0861 819 919

Inombolo yefayili: 3/3/2/3
Isalathiso: 20221122-9160

Isetyhula: 0001/2023
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli, kuBaphathi beeSekethe, kwiiNtloko zawo onke amaziko emfundo nakuMalungu amaBhunga oLawulo

Isishwankathelo esifutshane: *Ukutshekishwa nokungqinisiswa kweenkcukacha nezimo zawo onke amagosa adibana nabafundi kumaziko kuthelekiswa neRejista i-National Register for Sexual Offenders.*

Isihloko: Ukufakelwa kwezilungiso kwinkqubo yokutshekishwa nokungqinisiswa kweenkcukacha nezimo zamagosa kuthelekiswa neRejista i-*National Register for Sexual Offenders*.

1. Le setyhula isebenza kuwo onke amagosa amaziko emfundo akwiSebe leMfundo leNtshona Koloni (i-*WCED*) adibana nabafundi.

2. UMongameli welizwe uwuvumile uMthetho i-*Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act o 13 of 2021*), ukomeleza ukulwa ubundlobongela obusekelwe kwisini (*gender-based violence),* phakathi kwezinye izinto, ngomhla wama-28 Januwari 2022.

3. *Lo Mthetho (Amendment Act) ukhankanywe ngasentla* ufakela izilungiso kwiSahluko 6 soMthetho i-*Criminal Law (Sexual Offences and Related Matters) Amendment Act,* 2021*) ukwenzela*:

3.1 Ukwandisa inkalo ekufikelelwa kuzo kwiRejista i-*National Register for Sex Offenders (NRSO)* ukubandakanya iinkcukacha zabo bonke abaphuli-mthetho abanamatyala ezesondo ingabi ngabaphuli-mthetho abanamatyala ezesondo abawenze ebantwaneni nakubantu abakhubazekileyo kuphela;

3.2 Ukwandisa ilisti yabantu ekufuneka bakhuselwe ibandakanye nabanye abantu abasesichengeni abangaba, abafazi abasebatsha abathile, abantu abakhubazeke emzimbeni, engqondweni okanye ngokucinga nabantu abakubudala obungaphezulu kweminyaka engama-60, umzekelo abafumana iinkonzo zononophelo nezenkxaso ekuhlaleni; kunye

3.3 Nokwandiswa kwamathuba okuba iinkcukacha zomaphuli-mthetho onamatyala ezesondo ekufuneka zihlale ngawo kwiRejista i-*NRSO* phambi kokuba zisuswe.

4. ISebe i-*WCED* liyawamkela lo mthetho njengoko uya kwandisa iindawo ezikhuselekileyo nezinokhuseleko kubantu bonke, kunye nokomeleza indlela abaziphatha ngayo abantu emsebenzini nesimo sabo bonke abasebenzi benkonzo karhulumente nabasebenzi bezemfundo kwisikolo ngasinye nakwi-ofisi nganye kwisebe.

5. Ngokusekelwe kwizilungiso ezifakelweyo ezivunyiweyo, iSebe *i-WCED,* libambisene neSebe lezoBulungisa neloPhuhliso lwezeNtlalo (*Departments of Justice and Social Development*), liqalisa inkqubo yokuqinisekisa ukuba onke amagosa aya kuqeshwa ngenkqubo yokugaywa nokukhethwa kwabasebenzi, amagosa akwinkonzo ngoku, kwakunye nabo nabaphi na abanye abantu abadibana nabafundi, bayatshekishwa ukungqinisisa iinkcukacha nezimo zabo malunga neRejista i-*NRSO* kunye neRejista kaZwelonke yoKhuseleko lwaBantwana (*National Child Protection Register*).

6. Kwathathwa isigqibo ngaphakathi kwicandelo lezemfundo eliphantsi kolawulo lweSebe leMfundo esiSiseko ngokubambisana neSebe lezoBulungisa noPhuhliso loMgaqo-siseko sokuba, kwenziwe oku ngokumana kusandiswa ngokwezigaba, kusetyenziswa izigaba ezithathu. ISigaba 1 siya kujolisa kubo bonke abasebenzi bezikolo zemfundo eneemfuno ezizodwa. Oku kusekelwe kumgqaliselo wokuba abafundi kwizikolo zemfundo eneemfuno ezizodwa bathathwa njengabona basesichengeni kakhulu.

7. Ukwenzela ukuba kuthotyelwe umthetho, kuya kulandelwa le nkqubo iqaliswa ngokwezigaba ilandelayo:

ISIGABA 1: ABASEBENZI BEZIKOLO ZEMFUNDO ENEEMFUNO EZIZODWA		
Udidi	**Inyathelo**	**Umhla omiselweyo**
Ukuqeshwa nokunyuselwa kusetyenziswa inkqubo yokugaya nokukhetha abasebenzi	Bonke abenzi-zicelo mabazalise iFom 8 (J739): *Application for certificate by person in respect of own particulars* yaye bangenise isatifikethi esiqinisekisiweyo njengenxalenye yenkqubo yokwenza isicelo.	Usebenza kumsebenzi oqeshiweyo ngamnye
Izikolo zemfundo eneemfuno ezizodwa	Bonke abasebenzi abasebenza kwizikolo zemfundo eneemfuno ezizodwa mabazalise *iFom 8 (J739): Application to determine whether particulars of a person have been included in the NRSO.*.	Iifom mazingeniswe kwi-ofisi yesithili ungadlulanga owe-30 Apreli 2023
Iihostele kwizikolo zemfundo eneemfuno ezizodwa	*Bonke abasebenzi abasebenza kwiihostele ezikwizikolo zemfundo eneemfuno ezizodwa mabazalise iFom 8 (J739): Application to determine whether particulars of a person have been included in the NRSO.*	Iifom mazingeniswe kwi-ofisi yesithili ungadlulanga owe-30 Apreli 2023

ISIGABA 2: ABASEBENZI BEZIKOLO ZIKARHULUMENTE EZIQHELEKILEYO		
Udidi	**Inyathelo**	**Umhla omiselweyo**
Iihostele kwizikolo zikarhulumente eziqhelekileyo	Bonke abasebenzi abasebenza kwiihostele ezikwizikolo zikarhulumente eziqhelekileyo mabazalise iFom *8 (J739): Application to determine whether particulars of a person have been included in the NRSO.*.	Iifom mazingeniswe kwi-ofisi yesithili ungadlulanga owe-30 Septemba 2023
Izikolo eziziprayimari	*Bonke abasebenzi abasebenza kwizikolo eziziprayimari mabazalise iFom 8 (J739): Application to determine whether particulars of a person have been included in the NRSO*	Iifom mazingeniswe kwi-ofisi yesithili ungadlulanga owe-30 Septemba 2023
Izikolo eziziseko ndari	*Bonke abasebenzi abasebenza kwizikolo eziziseko ndari mabazalise iFom 8 (J739): Application to determine whether particulars of a person have been included in the NRSO.*.	Iifom mazingeniswe kwi-ofisi yesithili ungadlulanga owe-30 Septemba 2023

ISIGABA 3: ABASEBENZI ABAKWII-OFISI ZESEBE I-WCED		
Udidi	**Inyathelo**	**Umhla omiselweyo**
UNdlunkulu nee-ofisi zezithili	Bonke abasebenzi abasebenza kwaNdlunkulu nakwii-ofisi zezithili mabazalise iFom *8 (J739): Application to determine whether particulars of a person have been included in the NRSO.*	Iifom mazingeniswe kwi-ofisi yesithili ungadlulanga owe-30 Septemba 2023

8. Iifom zamagosa asebenza kwinkonzo karhulumente ngoku njengoko kukhankanyiwe kumhlathi 7 mazingeniswe ngesandla kwezi ofisi zilandelayo:

8.1 Izikolo: zizingenisa kwi-ofisi yesithili echaphazelekayo. I-ofisi yesithili mayiqokelele amaxwebhu ize iwangenise kwizitraktsha zeesekethe zazo.

8.2 Abasebenzi be-ofisi yesithili: abasebenzi mabaqokelele amaxwebhu baze bawangenise kwi-ofisi yoMlawuli oyiNtloko weCandelo loLawulo lweMicimbi yaBasebenzi kwaNdlunkulu.

8.3 Abasebenzi bakwaNdlunkulu: abalawuli mabaqokolele amaxwebhu baze bawangenise kwi-ofisi yoMlawuli oyiNtloko weCandelo loLawulo lweMicimbi yaBasebenzi kwaNdlunkulu.

9. Kucelwa niqaphele ukuba iindleko zokufaka isicelo kwiNkonzo yamaPolisa oMzantsi Afrika (SAPS) ngama-R75 kwiFom eyi-*Fingerprint Clearance Form*. Kucelwa ukuba abaqeshwa bahlawule esi sixa-mali baze emva koko bangenise irisithi yentlawulo elandela isicelo, njengoko ifunyenwe kwi-*SAPS*, kwiinqununu. Ifom edityanisiweyo (isiHlomelo E) ebonisa zonke iinkcukacha zomqeshwa nobungqina bokufunyanwa kwerisithi obuqhotyoshelweyo mayingeniswe, kwisikolo ngasinye, kwii-ofisi zezithili zemfundo, neziya kuyidibanisa ukwenzela ukuba isebe lemfundo lisihlawule isikolo njengembuyiselo. Kungenjalo, izikolo zinokuhlawula i-R75 ezindleko zize zenze ibango lentlawulo kwisebe, ngokulandela le nkqubo yokufaka ibango ichazwe apha ngentla.

10. Iifom eziya kuzaliswa, ezikhutshwa liSebe lezoBulungisa, ziqhotyoshelwe njengeSihlomelo A no-B.

11. Iimfanelo eziyimbophelelo zabasebenzi, ngokwecandelo 46 leSahluko 6 soMthetho i-*Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act 13 of 2021)* zezi zilandelayo:

11.1 *Umqeshwa oqeshwe ngumqeshi ekuqaliseni ukusebenza kwesi Sahluko, obanjiweyo okanye owabanjwayo ngenxa yesenzo solwaphulo-mthetho lwezesondo esenziwe emntwaneni okanye kumntu okhubazeke ngokwasengqondweni, okanye ekutyholwa ukuba wenza isenzo solwaphulo-mthetho lwezesondo emntwaneni okanye kumntu okhubazekileyo ngengqondo nekubhekiswa kuye kwicandelo 77 (6) okanye 78 (6) lomthetho i-Criminal Procedure Act, 1977, kungakhathaliseki nokuba isenzo solwaphulo-mthetho olunjalo senzekile okanye asenzekanga okanye kurhaneleka ukuba senzekile ngethuba lokuqeshwa kwakhe, noneenkcukacha zakhe ezibandakanyiweyo okanye eziya kufakwa kwiRejista, kufuneka ngaphandle kokulibazisa achaze isigwebo esilolu hlobo okanye isiphumo soko kumqeshi wakhe.*

11.2 *Umqeshwa owenza isicelo sengqesho emva kokuqalisa ukusebenza kwesi Sahluko, kufuneka, ukuba ukhe wabanjwa ngenxa yesenzo solwaphulo-mthetho lwezesondo esenziwe emntwaneni okanye kumntu okhubazeke ngokwasengqondweni okanye ekurhaneleka ukuba wenze isenzo solwaphulo-mthetho lwezesondo emntwaneni okanye kumntu okhubazeke ngokwasengqondweni ekubhekiswa kuye kwicandelo 77 (6) okanye 78 (6) lomthetho i-Criminal Procedure Act, 1977, noneenkcukacha zakhe ezibandakanyiweyo okanye eziya kufakwa kwiRejista, makasichaze isigwebo esilolu hlobo okanye isiphumo soko xa efaka isicelo sengqesho.*

11.3 *Umqeshwa ongalithobeliyo icandelwana (1) okanye (2), unetyala lokwaphula umthetho yaye esakufunyaniswa enetyala uya kugwetywa umdliwo (fine) okanye ukuvalelwa entolongweni ixesha elingadlulanga kwiminyaka esixhenxe okanye zozibini izohlwayo esokugwetyelwa umdliwo (fine) nokuvalelwa entolongweni.*

12. Ingcaciso engaphezulu malunga neenkqubo ekufuneka zilandelwe ngokubhekiselele kwiRejista i-*NRSO* zinokufunyanwa kwiSebe lezoBulungisa: https://www.justice.gov.za/. Amabhunga olawulo makalandele iinkqubo ezifanayo kubasebenzi abaqeshwe ngawo njengoko umthetho unokusetyenziswa kubo bonke abantu abadibana nabafundi. Makuqatshelwe kwakhona ukuba nabani na odibana nabafundi kufuneka ahlolwe kuthelekiswa neRejista i-*NSRO* yaye kunikwe ubungqina.

13. Isikhokelo samanyathelo amakalandelwe siqhotyoshelwe njengesiHlomelo C.

14. Ileta esayiniweyo evela kwiSebe i-*WCED* iqhotyoshelwe njengesiHlomelo D. Le leta ingasetyenziswa e-*SAPS* xa kusenziwa isicelo sengxelo yokunyatheliswa kweminwe.

15. Makwaziswe okuqulethwe yile setyhula bonke abathathi-nxaxheba nabasebenzi ukuze bakuthathele ingqalelo.

ISAYINWE: NGU-B WALTERS
INTLOKO YESEBE LEMFUNDO
UMHLA: 2023-03-03