

**IBHUKWANA LOKUQHAKAMISA IZINDLELA ZOKUTHOLA ULWAZI/
IMINININGWANO**

(IBHUKWANA PAIA)

**NGOKUYA KWESIGABA 51, SOMTHETHO 2000 WOKUQHAKAMBISA IZINDLELA
ZOKUTHOLA ULWAZI**

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1. UMTHETHO

Umthetho-2000 wokuqhakambisa izindlela zokuthola ulwazi noma imininingwano, PAIA isebenzisa isigaba 32 somthethosisekelo ogunyaza ukuthi wonke umuntu unelungelo lokuthola ulwazi kuhulumeni kanye nokuthola ulwazi kwabanye abantu uma nje leyo mininingwano noma lelo lwazi ludingelwa ukuthi lisetshenziswe noma livikelwe njengelungelo lakho.

PAIA ithi wonke umuntu makanikezwe igunya lokuthola irekhodi, kungaba irekhodi labantu abazimele noma lezinkampane ezizimele, uma nje lelo lwazi lufunelwa ukusetshenziswa noma ukuvikela ilungelo. Yize kunjalo, lesicelo sokuthola ulwazi kumele sihambisane nezimfuno ezichazwe emthethweni.

Lebhukwana lokuqhakambisa izindlela zokuthola ulwazi lenziwe ngokuhambisana nesigaba somthetho u-14. Inhloso yalebhukwana ukwenza isicelo sakho sokuthola irekhodi ku-CTU sibelula njengoba kushiwo kulomthetho.

2. IMINININGWANO NGENKAMPANI KANYE NEZINDLELA ZOKUXHUMANA NAYO.

Inombolo yokubhalisa kwe-*Transport Underwriting Managers Limited* u-88/04921/07. (“**CTU**”) ucwepheshe kwezomshwayilense ku-Underwriting Managers embhonini yamaTekisi kanye nasembonini yamaBhasi, ihlinzeka ngezinhlobonhlobo zemshwayilense, izinzuzo, iphinde ihlinzeke ngosizo uma untshontshelwe, udunwe imoto kanye noma uhlangabezane nengozi. I-CTU yasungulwa ngonyaka ka-1991, isungulelwa ukhlinzeka ngezinsizo zomshwayilense embonini yamabhasi kanye neyatekisi eNingizimu Afrika.

U-Chief Operating Officer owe-CTU uqokelwe esikhundleni sokuba usekela Information Officer eqokwa ngu- Chief Executive Officer, uqokwelwe kulesikhundla ukuthi kube nguyena muntu osebenza izicelo zokhlinzekwa ngolwazi noma ngemininingwano njengokusho komthetho.

QAPHELA: Chief Operating Officer (Sekela Information Officer)
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Johannesburg
2034

IKheli lesakhiwe: 1st Floor Village Green,
127 Greenway
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I-Email address: justinm@ctu.co.za

I-Website: www.ctu.co.za

3. UMHLAHLANDLELA

Lomhlahlandlela we-PAIA utholakala mahhala ngazo zonke izilimi ezisemthethweni zaseNingizimu Afrika, wonke umuntu unelungelo lokuthola lona mhlahlandlela. Uma ufuna ukuthola ikhophi lomhlahlandlela, ungaxhumana no-Information Regulator ku:

The Information Regulator

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Braamfontein
Johannesburg
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P.O Box 31533
Braamfontein, Johannesburg, 2017

INombolo yocingo: +27 10 023 5207

I-Website: <https://www.justice.gov.za/inforeg/index.html>

4. UMTHETHO OSEBENZAYO

Umthetho ungasetshenziswa lapho kufanele khona ensebenzweni ye-CTU, imininingwano noma ulwazi ngalokhu luyatholakala ngokuhambisana nalemthetho elandelayo kanye neminye imithetho engabalwangwa lapha:

- Umthetho wentela yemali engenayo, umthetho oyinombolo-58 wonyaka ka-1962
- Umthetho wenkampani, umthetho oyinombolo-71 wonyaka ka-2008
- Umthetho wenani elingeziwe lentela, umthetho oyinombolo-89 wonyaka ka-1991
- Umthetho wokuthuthukiswa kwamakhono, umthetho oyinombolo-9 wonyaka 1999
- Umthetho wezimali zempesheni, umthetho oyinombolo-24 wonyaka 1956
- Umthetho wezimali zezindleko zezempilo, umthetho oyinombolo-131 wonyaka 1998
- Umthetho wezomshwayilense, umthetho oyinombolo-18 wonyaka ka-2017
- Umthetho wokululekwa ngokwezimali kanye nensebenzo yabantu besithathu, umthetho oyinombolo-37 wonyaka ka-2002
- Umthetho wokuthuthukiswa kwabantu abamnyama ngokwezimali, umthetho oyinombolo-53 wonyaka ka-2003
- Umthetho i-Employment equity Act, oyinombolo-55 wonyaka ka-1998
- Umthetho womshwayilense wemali yokungasebenzi, umthetho oyinombolo-4 wonyaka ka-2002
- Umthetho womshwayilense wokungasebenzi, umthetho oyinombolo-63 wonyaka ka-2001
- Umthetho wezempilo kanye nezokuphepha emsebenzini, umthetho oyinombolo-85 wonyaka ka-1993
- Umthetho weyesincephezelo ngokulimala noma ngokuthola ukugula emsebenzini, umthetho oyinombolo-130 wonyaka ka-1993
- I-Labour Relations Act, umthetho oyinombolo-66 wonyaka ka-1996
- Umthetho obheka ukuthi izindlela zokusebenza zisesimeni esilungile yini, umthetho oyinombolo-75 wonyaka ka-1997
- Umthetho weholo elisemthethweni noma eligunyaziwe, umthetho oyinombolo-9 wonyaka ka-2018
- Umthetho wokunakekela umuntu oshonelwe ngothandiweyo wakhe, umthetho oyinombolo-27 wonyaka ka-1990
- Umthetho ovikela abasebenzi abaveza ulwazi oluthile, umthetho oyinombolo-26 wonyaka ka-2000
- Umthetho wokuncintisana, oyinombolo-89 wonyaka ka-1998
- Umthetho wezwe lonke wokukhokha izimali, umthetho oyinombolo-78 wonyaka ka-1998
- Umthetho we-Estate Duty Act, oyinombolo-45 wonyaka ka-1955
- Umthetho we-Preferential Procurement Policy Framework, oyinombolo-5 wonyaka ka-2000
- Umthetho wokuvikela imininingwano yakho, oyinombolo-4 wonyaka 2013
- Umthetho wokuba negunya lokuhlinzekwa ngemininingwano, umthetho oyinombolo-2 wonyaka ka-2000
- Umthetho oqhakambisa ilungelo lezomthetho, umthetho oyinombolo-3 wonyaka ka-2000
- Umthetho oqhakambisa ukulingana embsebenzini kanye nokugwema ukucwasana, umthetho oyinombolo-4 wonyaka ka-2000
- Umthetho wemalimboleko wezwe lonke, umthetho oyinombolo-34 wonyaka ka-2005
- Umthetho wokuvikela ikhasimende, umthetho oyinombolo-68 wonyaka ka-2008
- Umthetho osiza ekuhlukaniseni abantu, umthetho oyinombolo-68 wonyaka ka-1997
- Umthetho wezokugebengu, umthetho oyinombolo-94 wonyaka ka-1992
- Umthetho wesikhungo sokubheka izimali ngobuhlakani, umthetho oyinombolo-38 wonyaka 2001

- Umthetho ogunyaza ezokuxhumana kanye neminingwano yezokuxhumana (RICA), umthetho oyinombolo-70 wonyaka ka-2002
- Umthetho wezinhlekelele, umthetho oyinombolo-57 wonyaka-2002
- Umthetho ovikela ilingelo lakho elikumthethosisekelo kubashokobezi nanoma yibuphi obunye ubugebengu, umthetho oyinombolo-33 wonyaka ka-2004
- Umthetho ovikela imali kuzikhungo ezibolekisa ngemalimboleko, umthetho oyinombolo-28 wonyaka ka-2001
- Umthetho wokuvimbela kanye nokulwisana nobugebengu, umthetho oyinombolo-12 wonyaka ka-2004
- Umthetho wokuvimbela kanye nokulwisana kobugebengu obuhleliwe, umthetho oyinombolo-121 wonyaka ka-1998

5. UKUBA NEGUNYA LOKUTHOLA AMAREKHODI

5.1 Izihloko kanye nezigaba zamarekhodi agciniweyo

Ukufakwa noma ukusetshenziswa kwanoma yisiphi isihloko noma isigaba serekhodi, akumele kubhekwe noma kuthathwe njengokuthi amarekhodi angena kulezo zihloko kanye nakulezo zigaba ayotholakala ngaphansi kwalomthetho. Ikakhulukazi, ezinye zezizathu zokunqatshelwa ukuthi uthole amarekhodi athile zingasetshenziswa esicelweni sakho njengokusho komthetho.

- Imininingwano wenkampani
- Amarekhodi ezimali kanye nawentela
- Imininingwano yaseBhangi
- IRekhodi lokuqashwa
- Impahla eyenziwe ngobukhulu ubuhlakani
- Amarekhodi omshwayilense
- Amarekhodi empahla engathuthwa kanye nempahla engeke yathutheka
- Imininingwano yobucwepheshe bamakhompyutha
- Izivumelwano mayelana nebhizinisi elisebenzayo kuyimanje.
- Izivumelwano zabo bonke abantu
- Ukubhalelana izincwadi
- Imininingwano mayelana necala lezomthetho eliqulwayo
- Inzalo kanye notshalomali

5.2 Ukuhlukaniswa kanye Nezincazelo

Isigaba	Ngokuhlukaniswa	Isigaba sezincazelo
a	Kungenzeka kudalulwe	Ukuthola umqulu wezincwadi zomphakathi
b	Kungenzeka kungadalulwi	Isicelo emumva kokuqala kokuqulwa kwecala lobugebengu kanye necala lombango [s7]
c	Kungenzeka kudalulwe	Ilungelo lobunikazi
d	Ukudalulwa kunomkhawulo/ keneisigcino	Imininingwano yomfakisisicelo sokuhlinzekwa ngolwazi noma ngemininingwano. [s61]
e	Kungenzeka kungadalulwi	Ukudalulwa kwemininingwano yomuntu engasikho mqoka [s63(1)]
f	Kungenzeka kungadalulwi	Okungaba nomthelela omubi kwezentengiso noma kwezezimali [s64(a)(b)] Okungaba nomthethela omubi enkampanini kanye nakubantu besithathu (third party) abasenkontilikeneni nakwezinye izingxoxo [s64(c)]
g	Kungenzeka kungadalulwi	Ukuphula ukugcina imfihlo kubantu besithathu njengokwesivumelwano [s65]
h	Kungenzeka kungadalulwi	Okungadicilela phansi ezokuphepha kwabantu noma nokuvikela kwempahla [s66]
i	Kungenzeka kungadalulwi	Umqulu wezincwadi zomthetho, izincwadi phakathi koMmeli kanye nekhasimende [s67]
j	Kungenzeka kunganqatshwa	Ukuhlolwa kwezemvelo/ uphenyo oluveza ukuphepha kwendawo/ ubungozi bendawo [s64(2); s68(2)]
k	Kungenzeka kungadalulwi	Imininingwano yentengiso yabantu abazimele [s68]
l	Kungenzeka kungadalulwi	Ucwaningo oluzimele, olungachemile kanye nokuthuthukisa imininingwano yenkampani noma yabantu besithathu [s69]
m	Kungenzeka kunganqatshwa	Ukudalula emphakathini izinto ezimbi [s70]

5.3 Ukufinqwa kwamarekhodi akhona noma atholakalayo

Amarekhodi omnyango	Isihloko	Isigaba
Okuthuthukisa kwebhizinisi, ezokuxhumana kanye nomnyango wabasebenzi phecelezi HR	Uhlu lemikhiqizo	a,d
	Amarekhodi omphakathi	a
	Abezindaba	a
	Ulwazi/ Imininingwano ngezentengiso	i
	Ibhukwana elisebenzayo	d
	Indali ngemikhiqizo	a
	Amasu amasha entengiso kanye namasu amasha okuthuthukisa ibhizinisi	l
	Lapho kugcinwa khona imininingwano yamakhasimende	l
	Amarekhodi omsebenzi	d,e,i
	Izinkontileka zokuqashwa	d,e
	Imihlahlandlela yomnyango wabasebenzi, imithetho kanye nenqubomqomo	l
	Amarekhodi ezempilo omsebenzi	d,e,h
Isu kanye nentengiso	Ibhuku lenkontileka ejwayelekile	F,l
Ezezimali kanye nokuphatha noma ukungamela	Izitatimende zezimali ezibhaliwe	a
	Amarekhodi entela	l
	Ama-akhawunti wokuphatha	d
	Amarejista wempahla	l
	Amarekhodi ezomthetho	a
	Imithetho eyimihlahlandlela yenkampani kanye nenqubomqomo	d
Ubucwepheshe	Uhlelo lwamarekhodi abaphathi	l
	Uphawu lokuhweba	l
	Amarekhodi ekhwalithi	l
	Amarekhodi wobunjiniyela	l
Impahla	Amarejista wempahla	l
	Amatatiyela	d
	Ukuqashisa	d

5.4 Inqubo yokucela kanye nezindleko/ imali

5.4.1 Umfakisiselo kumele asebenzise ifomu u-(Annexure A) ukwenza isicelo sokuthola irekhodi. Lesicelo kumele sithunyelwe kusekela Information Officer. Lesi sicelo kumele sithunyelwe ngekheli noma nge-email kusekela Information Officer we CTU.

5.4.2 Umfakisiselo kumele aveze imininingwano emqoka esicelweni sakhe ukwenzela ukuthi usekela Information Officer azokwazi ukuthola lelo rekhodi kanye nokuthola umfakisiselo. Umfakisiselo kumele aphinde aveze futhi ukuthi yiliphi ifomu alidingayo lerekhodi. Umfakisiselo kumele aphinde aveze indlela afuna ukuthi kuxhunywane naye ngayo bese futhi ahlinzeka imininingwano yalendlela afuna ukuthi isentshenziswe ekuxhumaneni naye.

5.4.3 Umfakisiselo kumele alisho lelo lungelo alifunayo futhi aveze ukuthi ulifunela ukulisebenzisa noma ukulivikela lelo lungelo, bese aveza isizathu sokuthi yingani acabanga ukuthi lerekhodi alicelile yilona elidingekayo ukuze lisentshenziswe noma kuvikelwe ilungelo.

5.4.4 Uma isicelo senzela omunye umuntu, umfakisiselo kumele aveze ubufakazi obunzulo ukwenzela ukuthi usekela Information Officer naye aneliseke.

5.4.5 Usekela Information Officer kumele azise nge-notice umfakisiselo mayelana nemali engamashumi amahlanu amarandi (R50) okumele ikhokhwe ngaphambi kokuthi isicelo sisentshenzwe. Awuyikhokhi kodwa lemali uma uzenzela wena isicelo.

5.4.6 Umfakisiselo angafaka isikhalo sokunganeliseki ezinhlakeni ezingaphakathi noma angafaka isicelo sakhe ngqo enkantolo uma anganeliseki ngalemali yesicelo ekhishwayo.

5.4.7 Usekela Information Officer uzokwenza isinquma ngaleso sicelo bese wazisa umfakisiselo kulelo fomu elidingekayo.

5.4.8 Uma leso sicelo sivunywa, kuzodingeka ukuthi kukhokhwe imali yezindleko zophenyo, ukuqhikiza kabusha, ukulungiselela kanye nesikhathi samahora angezekile ngesikhathi kwenziwa lolu phenyo, nokulungisa lerekhodi lokudalula.

6. UKUNQATSHELWA IMVUME YOKUTHOLA AMAREKHIDI

6.1 Izizathu zokunqatshelwa imvumo yokuthola amarekhodi

6.1.1 Kuyosetshenzwa kuphela izicelo ezinezimfuneko ezibalulwe ngenhla, lezo zicelo ziyosetshezwa ngesikhathi esibalulwe ku-PAIA. Izicelo zingachithwa noma zinganqatshwa ngenxa yalezizathu ezilandelayo, njengoba kuveziwe ku-PAIA

- Ngokwempodo yokuvikela ubumfihlo babantu besithathu, okungasiyo inkampani kodwa okungumuntu uqobo;
- Ngokwempodo yokuvikela imininingwano yentengiso yabantu besithathu;
- Ngokwempodo yokuvikela enye yemininingwano eyimfihlo yabantu besithathu;
- Ngokwempodo yokuvikela amarekhodi agunyazelwe noma ukusetshenzisela ukuqula kwamacala ezomthetho;
- Imininingwano yentengiso ye-CTU; noma
- Ngokwempodo yokuvikela imininingwano yocwaningo lwabantu besithathu kanye nolwe-CTU.

6.1.2 Abafakizicelo bayokwaziswa zingakapheli izinsuku ezingamashumi amathathu (30) ukuthi izicelo zabo ziphumelele noma zichithiwe.

6.1.3 Lesi sikhathi esiyinsuku ezingamashumi amathathu singaphinde futhi singezwe ngesinye isikhathi esiyizinsuku ezingamashumi amathathu uma ulwazi noma imininingwano efunekayo ayikatholakali. Umfakisicelo uyokwaziswa nge-notice kulesikhathi sokuqala sezinsuku ezingamashumi amathathu ukuthi kuzophinda kungezwe ngaphezulu futhi ezinye izinsuku ezingamashumi amathathu.

6.1.4 Ziyochithwa noma ziyonqatshwa izicelo zokuhlinzekwa ngolwazi noma ngomniningwano ongabalulekile, futhi ozokwenza ukuthi kugcine sekumosheke izinsiza.

6.1.5 Zonke izicelo zokuhlinzekwa ngolwazi noma ngemininingwano ziyondlula ngaphansi kohlelo oluthize, kanye nokuhambisana nomthetho ofaneleyo.

6.2 Ezinye izizathu ezingeziwe

Umthetho wokuqhakambisa imvume yokuthola ulwazi uveza izizathu eziningi ezenza ukuthi umuntu anganikwa ulwazi noma imininingwano ayidingayo. Lezo zizathu zenzela ukuvikela ubumfihlo kanye nobuntshisekelo babanye abantu, amanye walawo marekhodi asuke asaziwa emphakathini, lapho intshisekelo yomphakathi isuke

ingakabhekwa, ukuvikela ngokwempoqo imininingwano yabantu besithathu kanye nokuvikela ngokwempoqo enye yemininingwano eyimfihlo yabantu besithathu.

7. IZIXAZULULO

7.1 Izixazululo zangaphakathi

I-CTU ayinalo uhlaka ngaphakathi kwayo olubheka ukunganeliseki, phecelezi *appeal procedure*. Ngakho-ke isinqumo esithathwe usekela Information Officer siwujuqu. Abafakisicelo kumele basebenzise izinhlaka ezingaphandle uma banqatshelwe ukuhlinzekwa ngemininingwano noma mhlambe umfakisicelo akanelisekile ngempenduli ayinikezwe ngusekela Information Officer.

7.2 Izixazululo zangaphandle

7.2.1 Umfakisicelo onganelisekanga ngezizathu azihlinzekwe zona ngusekela Information Officer ngokunqatshelwa kokudalula kwemininingwano, kumele afake isicelo sokuthola usizo enkantolo zingakapheli izinsuku ezingamashumi amathathu (30) aziswe ngazo.

7.2.2 Abantu besithathu abanganelisekanga ngezizathu abazihlinzekwe ngusekela Information Officer ngokunqatshelwa kokudalula kwemininingwano, kumele bafake isicelo sokuthola usizo enkantolo zingakapheli izinsuku ezingamashumi amathathu (30) abaziswe ngazo

Ngokuya komthetho, yilezinkantolo ezilandelayo ezinamandla okusebenza lezo zicelo zokunganeliseki:

- Inkantolo yomthethosisekelo;
- Inkantolo ephakeme;
- Ezinye zezinkantolo ezisebenza ukufana nalezi esizibalile; noma
- Inkantolo kaMantshi esebenza ngokuqokwa noma ngegunya likanqonqoshe wezomthemtho kanye nokuthuthukiswa kwamalungelo abantu.

8. UKUVEZWA KWEMALI YEZINDLEKO

8.1 Lezindleko ezisetshenziswe lana zihambisana nenqubomgomo evezwe ngaphansi komthetho. Imali yezindleko okumele zikhokhwe lana ihlukene izigaba ezimbili:

- **Izindleko zesicelo:** Imali engabuyiselwa emumva engamashumi amahlanu (R50) (ayikafakwa intela kulemali) kumele ikhokhwe uma umuntu athumela isicelo sokuthola noma ngabe yiliphi irekhodi. Lena mali awuyikhokhi uma uzenzela wena isicelo sokuthola amarekhodi wakho.
- **Imali yezindleko zemvume:** Lemali kumele ikhokhwe ngaphambi kokuthi unikezwe igunya lamarekhodi kufomu elidingekayo. Lezindleko ziveziwe kusigaba III se-Annexure A njengoba kushiwo nakuGazethi kahulumeni, ku-*notice* inombolo: 187, umthetho 11

8.2 Uma usekela Information Officer esethole lesicelo, uzokwazisa umfakisicelo ukuthi akhokhe imali yezindleko ngaphambi kokuthi kusetshenzwe lesicelo sakhe.

8.3 Uma uphenyo lwelesicelo selenziwe kanye nokulungisela ukudalulwa kwerekhodi, sifaka lapho nezinhlalo ezeziwe ukwenzela ukuthi litholakale efomini eliceliwe, ukuze konke lokhu esikubalilile kwenzeke kahle, kudingeka amahora angeziwe njengoba kushiwo kunqubomgomo, usekela Information Officer uzokwazisa umfakisicelo ukuthi akhokhe ingxenye yemali yezindleko zemvume kodwa leyo mali iyokhokhwa uma isicelo sakhe sivunyiwe.

8.4 Usekela Information Officer uzoligcina ngakuyena irekhodi, uyoze akunike irekhodi uma usukhokhe leyo mali edingekayo.

8.5 Uma umfakisicelo isicelo sakhe sokuba nemvumo yokuthola irekhodi sesivunyiwe, kumele akhokhe imali yezindleko zokuthola leli rekhodi, lapho kufanele khona, izindleko zesicelo, izindleko zensebenzo yokukhiqiza kabusha kanye nophenyo kanye nokulungisela, isikhathi okungamahora angeziwe okukhulunywe ngawo ayadingeka ukwenza uphenyo kanye nokulungisela ukudalulwa kwerekhodi, lapho kufakwa phakathi ngisho nokwenza izinhlelo zokuthi lelo rekhodi litholakale kufomu eliceliwe.

8.6 Uma ingxenye yemali yesicelo sakho sokuba nemvumo yokuthola irekhodi isikhokhiwe, kanti lesicelo siinqatshiwe, usekela Information Officer kumele akhokhele umfakisicelo imali yakhe emumva.

8.7 Imali yazo zonke izindleko ingashintsha noma ngabe yinini njengokusho komthetho, ngakho-ke ulwazi lokuthi izindleko seziyimalini angeke lutholakale ngokushesha ngalesikhathi wena ufaka isicelo. Abafakisicelo bayokwaziswa uma kukhona ushintsho ngalemali yezindleko ngaphambi kokuthi kwenziwe leyo nkokhelo.

9. UKUTHOLAKALA KWALEBHUKWANA (MAUNAL)

9.1 Leli bhukwana litholakala mahhlala emahhoveisini ase-CTU uma ufuna ukulihlola noma ukulibheka, ungaphinde futhi ulithole naku-website ethi www.ctu.co.za. Amakhophi walebhukwana ayatholakala ku-SAHRC.

9.2 Lebhukwana le-PAIA kufanele litholakale njengokusho komthetho oyinombolo R.187 wangezi- 15 February 2002. Lebhukwana liyophinda libuyekwezwa uma kubonakala ukuthi kunesidingo salokho.

10. OKUHLANGANISIWE/ OKUNAMATHELISIWE (ATTACHMENTS)

Isithathiselo (Appendix) A: Cela ifomu lokuthola imininingwano

