IRIPHABHULIKHI YASENINGIZIMU-AFRIKA

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UMTHETHOSIVIVINYWA WOMTHETHOSICHIBIYELO WESIBILI WEZINGANE

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(*Njengokuchitshiyelwa yiKomidi Lemisebenzi Yokuthuthukiswa Komphakathi (iPhalamende Likazwelonke))*

(Umbhalo wesiNgisi woMthethosivivinywa yiwona osemthethweni)

_____

(uNgqongqoshe Wokuthuthukiswa Komphakathi)

UMBHALO OCHAZA OKUJWAYELEKILE:

[ ] Amagama abhalwe ngokugqamile afakwe kubakaki aveza okweqiwe embhalweni ovele ukhona.

_____ Amagama adwetshelwe ngolayini igqamile aveza okufakiwe embhalweni ovele ukhona

UMTHETHOSIVIVINYWA

Ukuchibiyela uMthetho Wezingane, we-2005, ukuze kwandiswe incazelo: kufakwe izincazelo ezintsha; kuhlinzekwe ngokuthi ukususwa kwengane iyiswa endaweni ephephile yokunakekela okwesikhashana ngaphandle komyalelo wenkantolo kumele kwethulwe phambi kwenkantolo yezingane ukuze kubuyekezwe ngaphambi kokuphela kosuku lwenkantolo olulandelayo; ukuhlinzekela ukubuyekezwa kwesinqumo sokusususwa kwengane ngaphandle komyalelo wenkantolo; ukuhlinzekela ukuthi inhloko yesifundazwe yezokuthuthukiswa komphakathi idlulisele ingane noma umuntu esuswa ohlotsheni oluthile lonakekelo eyiswa kolunye; ukuhlinzeka ngokuthi isicelo sengane sokuthi ihlale endaweni yokunakekelwa ize idlule eminyakeni eyi-18 ubudala, kumele sifakwe ngaphambi kokuphela konyaka lo ingane ehlanganisa ngawo iminyaka eyi-18 ubudala; kanye nokuhlinzekela ngezindaba ezithinta lokhu.

MAKUPHASISWE uMthetho yiPhalamende leRiphabhulikhi yaseNingizimu-Afrika, kanje:-

Izichibiyelo zesigaba 1 soMthetho 38 wezi-2005, njengokuchitshiyelwa yisigaba 3 soMthetho 41 wezi-2007

1. Isigaba 1 soMthetho Wezingane, 2005 (owaziwa njengoMthetho omkhulu), uchitshiyelwa-

(a) ngokukhishwa kwencazelo “yasonhlalakahle obhekele ukuthathwa kwengane ngokusemthethweni” kwegama “noma” ekugcineni kwendima (a), ukufakwa encazelweni igama “noma” ekugcineni kwendima (b) nokufakwa kwendima elandelayo:

> “(c) usonhlalakahle ogashwe uMnyango noma umnyango wesifundazwe wokuthuthukiswa komphakathi, kubandakanya nosonhlalakahle ongagashiwe ngokugcwele noma ngokwenkontileka, owungcweti wemisebenzo yokuthathwa kwezingane ngokusemthethweni futhi obhaliswe ngokoMthetho Wongoti Bemisebenzi Yosonhlalakahle, 1978 (uMthetho No. 110 we-1978);”;

(b) ngokufaka emva kwencazelo “uhlelonakekelo losingabuzali**”** **i**ncazelo elandelayo:

> “ **’ikolishi’** lisho ikolishi elichazwe kuMthetho Wemfundo Eghubekayo Nokuqeqeshwa, 2006 (uMthetho No. 16 wezi-2006),”;

(c) ngokufaka emva kwencazelo “ukusikwa kwesitho sangasese” incazelo elandelayo:

" **'Ibanga le-12'** lisho ibanga le-12 njengoba lichazwe esigabeni 1 soMthetho Wemfundo Ephakeme, 1997 (uMthetho No. 101 we-1997);"; kanye

(d) nokufaka emva kwencazelo "yeNkantolo Ephakeme" incazelo elandelayo:

" **'imfundo ephakeme'** kusho imfundo ephakeme echazwe esigabeni 1 soMthetho Wemfundo Ephakeme, 1997 (uMthetho No. 101 we-1997).".

Ukuchitshiyelwa kwesigaba 151 soMthetho 38 wezi-2005

2. Isigaba 151 soMthetho Omkhulu sichitshiyelwa-

(a) ngokufaka esikhundleni sesigatshana (2) isigatshana esilandelayo:

"(2) Umantshi okhiphe umyalelo ngokwesigatshana (1) angaphinde akhiphe umyalelo wesikhashana [**wokuthi ingane ifakwe**] wokubekwa kwesikhashana ngaphansi konakekelo oluphephile kwengane uma kubonakala kubalulekile ukuphepha nenhlalonhle yengane."; futhi

(b) ngokufaka emva kwesigatshana (2) isigatshana esilandelayo:

"(2A) Inkantolo eyalela ukususwa kwengane kumele futhi ngesikhathi **esifanayo** idlulisele udaba kusonhlalakahle okhethiwe iphinde iyalele lowo sonhlalakahle ukuthi aqinisekise ukuthi-

(a) umyalelo ngokwesigatshana (2) wethulwa phambi kwenkantolo yezingane, ukuze ubuyekezwe ngaphambi kokuphela kosuku lwenkantolo olulandeyo emva kokususwa; futhi

(b) ingane ethintekayo, futhi uma kungenzeka nomzali, oyiqaphile noma oyinakekelayo, kuya ngesimo, baba khona enkantolo yezingane ngenhloso **yokusiza** inkantolo yenze isinqumo esivuna kakhulu ingane.".

Isichibiyelo sesigaba 152 soMthetho 38 wezi-2005

3. Isigaba 152 soMthetho omkhulu sichitshiyelwa-

(a) ngokufaka esikhundleni sesigatshana (2) amagama alandela indima (a) la magama alandelayo:

"(2) Uma usonhlalakahle oqokiwe esuse ingane wayibeka endaweni ephephile yonakekelo lwesikhashana njengoba kuhlongozwe esigatshaneni (1), usonhlalakahle oqokiwe kumele –";

(b) ngokususa esigatshaneni (2) igama "futhi" ekugcineni kwendima (a);

(c) ngokususa esigatshaneni (2) igama "futhi" ekugcineni kwendima (b);

(d) ngokufaka esikhundleni sendima (c) le ndima elandelayo:

"(c) esikhathini esingamahora angama-24 futhi ngaphandle kokuchitha isikhathi, kubikwe udaba emnyangweni wokuthuthukiswa komphakathi

esifundazweni ngokususwa kwengane futhi nangendawo lapho ingane ibekwe khona**[.]**; kanye";

(e) ngokufaka esigatshaneni (2) le ndima elandelayo:

"(d) ukuqinisekisa ukuthi-

(i) udaba luyiswa phambi kwenkantolo yezingane ukuze lubuyekezwe ngaphambi kokuphela kosuku lwenkantolo olulandelayo emva kokubekwa kwengane endaweni ephephile yonakekelo lwesikhashana; nokuthi

(ii) ingane okukhulunywa ngayo, lapho kungenzeka, umzali, umqaphi wengane noma oyinakekelayo, kuye ngesimo, babe khona enkantolo yezingane.";

(f) ngokususa esigatshaneni (3) igama "futhi" ekugcineni kwendima (a);

kanye

(g) nangokufaka esigatshaneni (3) esikhundleni sendima (b) le ndima elandelayo:

"(b) ukudlulisa udaba ngaphambi kokuphela kosuku lokuqala lwenkantolo emva kosuku okususwe ngalo ingane iyiswa kusonhlalakahle okhethiwe**, [uphenyo oluhlongozwe esigabeni 155(2); kanye]** okumele aqinisekise ukuthi-

(i) udaba luyiswa phambi kwenkantolo yezingane ukuze lubuyekezwe ngaphambi kokuphela kosuku lwenkantolo olulandelayo emva kokususwa kwengane;

(ii) ingane okukhulunywa ngayo, nalapho kungenzeka, umzali, umqaphi wengane noma oyinakekelayo, kuye ngesimo, babe khona enkantolo yezingane, ngaphandle uma lokhu kungenzeki; nokuthi

(iii) uphenyo oluhlongozwe esigabeni 155(2) luyenziwa;".

Ukuchitshiyelwa kwesigaba 171 soMthetho 38 wezi-2005, njengoba sifakwe yisigaba 10 soMthetho 41 wezi-2007

4. Isigaba 171 soMthetho omkhulu sichitshiyelwa-

(a) ngokufaka esikhundleni sesigatshana (1) lesi sigatshana esilandelayo:

"(1) Inhloko yomnyango wokuthuthukiswa komphakathi esifundazweni okuqondenwe naso, kuncike esigatshaneni (5), **[ngomyalelo]** ingadlulisela ngokubhala phansi [ukudluliswa] ingane esendaweni yokunakekela **[esikhungweni sokunakekela izingane nentsha noma kumuntu onakekela ingane noma endaweni ephephile yokunakelela okwesikhashana leyo ngane isibekwe kwenye indawo yesikhungo sokunakekela izingane nentsha noma umuntu]** iye kwenye indawo yokunakekela.

(b) ngokufaka emva kwesigatshana (1) lesi sigatshana esilandelayo:

"(1A) Inhloko yomnyango wokuthuthukiswa komphakathi esifundazweni okuqondenwe naso, kuncike esigatshaneni (5), ingadlulisa ngokubhala phansi kumuntu okukhulunywa ngaye esigabeni 176(2) esuswa endaweni yokunakekela eyiswa kwenye indawo yokunakekela.";

(c) ngokufaka esikhundleni sesigatshana (3) lesi sigatshana esilandelayo:

"(3) (a) Uma inhloko yomnyango wokuthuthukiswa komphakathi idlulisa ingane ngokwesigatshana (1**) [ukuthi inakekelwe umzali wengane, umqaphi wengane noma obenakekela ingane phambilini]** ngaphansi **kokuqashwa** usonhlalakahle oqokiwe, **[umyalelo]** isaziso sokudlulisa esibhaliwe kumele **sibeke** ngezidingo lezo ingane nalowo mzali, **umqaphi** wengane**, [noma]** obenakekela ingane phambilini noma indawo enakekela ingane ngaleso sikhathi okumele zilandelwe.

(d) ngokufaka esigatshaneni (4) esikhundleni samagama alandela indima (a) la magama alandelayo:

"Ngaphambi kokuthi inhloko yomnyango wokuthuthukiswa komphakathi ikhiphe **[umyalelo]** isaziso sokudlulisa esibhaliwe ngokwesigatshana (1), kumele ibheke umbiko kasonhlalakahle okhethiwe, okumele [**abonisane**] ngabe ibonisene naye-";

(e) ngokufaka esigatshaneni (4) esikhundleni sendima (c) no-(d) lezi zindima ezilandelayo, ngokuhlukana:

"(c) isikhungo sokunakelela izingane nentsha noma umuntu onakekela noma indawo ephephile yokunakekela kwesikhashana noma enye indawo yokunakelela okubekwe kuyo ingane; nokuthi

(d) isikhungo sokunakekela izingane nentsha, enye indawo yokunakelela noma umuntu okumele kudluliselwe ingane kuye.";

(f) ngokufaka esikhundleni sesigatshana (5) lesi sigatshana esilandelayo:

"(5) Uma inhloko yomnyango wokuthuthukiswa komphakathi esifundazweni idlulisa ingane noma umuntu okukhulunywa ngaye esigabeni 176(2) isuswa **[esikhungweni esiphephile sokunakekelwa kwezingane nentsha]** endaweni yokunakekela enemigoqo eminingi iyiswa kwenye indawo engenayo imigoqo eminingi **[esikhungweni sokunakelela izingane nentsha noma kumuntu onakekelayo]** inhloko yomnyango wokuthuthukiswa komphakathi kumele izenelise ngokuthi ukudluliswa ngeke kucwase ezinye izingane endaweni yokunakekela engenayo imigoqo eminingi. ";

(g) ngokufaka esigatshaneni (6) esikhundleni samagama alandela indima (a) la magama alandelayo:

"**[Awukho umyalelo]** Ukudluliswa okuhlongozwa esigatshaneni (1) angeke **[kwalandelwa]** kwaqaliswa ukusebenza ngaphandle **[kokuphasiswa]** kwemvume yenkantolo yezingane uma ingane idluliswe-"; kanye

(h) nangokufaka esigatshaneni (6) esikhundleni sendima (a) le ndima elandelayo:

"(a) kusuka **ekunakekelweni** ngumuntu, kumbandakanya unakekelo lukasingamzali, kuya esikhungweni sokunakekela izingane nentsha; noma".

Ukuchitshiyelwa kwesigaba 176 soMthetho 38 wezi-2005, njengoba kufakwe yisigaba 10 soMthetho 41 wezi-2007

5. Isigaba 176 soMthetho omkhulu sichitshiyelwa-

(a) ngokufaka esigatshaneni (2) esikhundleni samagama alandela indima (a) la magama alandelayo:

"Inhloko yomnyango wokuthuthukiswa komphakathi esifundazweni uma icelwa ingane ebekwe ngaphansi konakekelo noma icelwa ngumuntu omele leyo ngane, angayivumela ukuba iqhubeke ibe ngaphansi **[kwalolo]** konakekelo kuze kube kuphela unyaka leyo ngane ehlanganisa ngawo iminyaka engama-21 yobudala uma – ;

(b) ngokufaka esigatshaneni (2) esikhundleni sendima (b) le ndima elandelayo:

"(b) ukuqhubeka nokuhlala endaweni yokunakekela kuyadingeka ukuze lowo muntu akwazi ukuphothula **[imfundo noma ukuqeqeshwa]** ibanga le-12, imfundo ephakeme, imfundo yasekolishi, noma ukuthwasela umsebenzi."; futhi

(c) nangokufaka lesi sigatshana esilandelayo:

"(3) Isicelo esifakiwe esihlongozwa esigatshaneni (2) kumele sifakwe ngaphambi kokuphela konyaka leyo ngane ehlanganisa ngawo iminyaka eyi-18 yobudala, kodwa isicelo esifakwe emva kwesikhathi singavunyelwa, uma kuvezwa izizathu ezizwakalayo, uma leso sicelo sifakwe zingakapheli izinyanga ezintathu emva kosuku lokuvala."

Isihloko esifushane kanye nokuqaliswa

6. Lo Mthetho uzobizwa ngoMthethosichibiyelo Wesibili Womthetho Wezingane Wezi-2016, futhi uzoqala ukusebenza ngosuku olunqunywe uMongameli ngesimemezelo kwiGazethi.

IMEMORANDAMU YEZINJONGO ZOMTHETHOSIVIVINYWA WOMTHETHOSICHIBIYELO WESIBILI WEZINGANE

1. UMLANDO

1.1 Odabeni luka-**C and Others v Department of Health and Social Development, Gauteng and others 2012 (2) SA 208 (CC)**, iNkantolo yoMthethosisekelo yaqinisekisa umyalelo weNkantolo Ephakeme eyanquma ukuthi izigaba 151 no 152 zoMthetho Wezingane, 2005 (uMthetho No. 38 wezi-2005) ("uMthetho Wezingane"), azihambisani nomthethosisekelo, ngokuhlinzekela ukususwa kwengane iyiswe endaweni ephephile yokunakekela kwesikhashana ngomyalelo noma ngaphandle komyalelo wenkantolo, ngendlela yokuthi sihlenzekela ngokuthi ingane isuswe ekunakekelweni umndeni yiziphathimandla zombuso bese ifakwa endaweni ephephile yokunakekela kwesikhashana, kodwa ayihlinzekeli ukuthi ingane ilethwe ngaphambi kwentantolo yezingane ukuze kubuyekezwe umyalelo. Inkantolo ithole ukuthi uMthetho uyaxega ngokungabi namasu okubhekana nezimo lapho usonhlalakahle noma iphoyisa lisuse ingane ngendlela engalungile noma lapho inkantolo yenza umyalelo osuselwe kumininingwane engelona iqiniso. Ukusetshenziswa kwesinqumo seNkantolo Yomthethosisekelo, UMthethosivivinywa Womthethosichibiyelo Wesibili Wezingane ("uMthethosivivinywa"), kuhlose ukuchibiyela uMthetho ukuze uhlinzekele ukususwa kwengane iyiswa endaweni ephephile yokunakekela kwesikhashana ngaphandle komyalelo wenkantolo kwethulwe ngaphambi kwenkantolo yezingane ukuze ubuyekezwe ngaphambi kokuphela kosuku lwenkantolo olulandelayo nokuthi uvele ubuyekezwe, kanye futhi nokuthi umyalelo wesikhashana ovunywe maqondana nokususwa kwengane iyiswa endaweni ephephile yokunakekela kwesikhashana wethulwe ngaphambi kwenkantolo yezingane ngaphambi kokuphela kosuku lwenkantolo olulandelayo nokuthi umzali , umqaphi wengane noma oyinakekelayo kumele babe khona enkantolo.

1.2 UMthethosivivinywa uhlose ukwelula incazelo kasonhlalakahle obhekele ukuthathwa kwengane ngokusemthethweni; ukufaka izincazelo ezintsha, ukuhlinzekela ngenhloko yomnyango wokuthuthukiswa komphakathi ukuthi idlulise ingane kumuntu esuswa kwenye indawo yokunakekela iyiswa kwenye indawo yokunakekela; nokuhlinzekela isicelo sengane ukuthi igcinwe endaweni yokunakekela nangale kweminyaka eyi-18 yobudala, kumele sethulwe ngaphambi kokuthi kuphele unyaka ingane ethintekayo ihlanganisa iminyaka eyi-18 ubudala.

2. IZINJONGO ZOMTHETHOSIVIVINYWA

2.1 Injongo yoMthethosivivinywa ukusebenzisa amalungelo ezingane ahlinzekelwe esigabeni 28 soMthethosisekelo WeRiphabhulikhi yaseNingizimu-Afrika, 1996 ("uMthethosisekelo"), ukwenza uMthetho uhambisane neminye imithetho kanye nokusebenzisa isinqumo seNkantolo Yomthethosisekelo odabeni luka-**C and Others v Department of Health and Health and Social Development, Gauteng and others 2012 (2) SA 208 (CC)**.

2.2 UMthethosivivinywa uhlose ukwengeza imisebenzi yenhloko yomnyango wokuthuthukiswa komphakathi maqondana nezindaba ezithile okukhulunywe ngazo; nokwandisa isikhathi ingane engabekwa ngaso ngaphansi konakekelo lukasingamzali. Iqiniso lithi ezinye izingane ezikwezinye izindawo zokunakekela, ngenxa yezimo **ezingagwemeki**, ziyehluleka ukuphothula imfundo yamabanga aphansi ngaphambi kokuthi zihlanganise iminyaka yobudala yokuthathwa njengabantu asebakhulile. Okwesibili ezinye izingane ezisezindaweni zokunakekela zidinga ukuqeqeshelwa imisebenzi, imfundo ephakeme noma imfundo eqhubekayo nokuqeqesha. Lezi zimo zidinga ukuthi ingane igcinwe kwenye indawo yokunakekela kuze kube iphothula imfundo yayo noma ihlanganisa iminyaka engama-21 yobudala kuye ngokuthi yikuphi okufika kuqala. UMthetho awuniki amandla inhloko yomnyango wokuthuthukiswa komphakathi ezifundazweni ukuthi idlulise izingane noma abantu besuka kwenye **indawo yokunakekela** beyiswa kwenye indawo kanti futhi lokhu kuba yinselelo lapho kuba nesidingo sokuthi ingane noma umuntu adluliswe. UMthethosivivinywa uhlose ukulungisa lezi zinselelo okukhulunywe ngazo ngokuqalisa ukusebenza kwalo Mthetho.

3. INCAZELO YESIGABA NESIGABA

Ukufakwa kwesigaba 1: Ukuchitshiyelwa kwesigaba 1

3.1 Isigaba 1 soMthethosivivinywa sihlose ukwandisa incazelo kasonhlalakahle obhekele ukuthathwa kwengane ngokusemthethweni nokufaka izincazelo “zekolishi”, “imfundo eqhubekayo nokuqeqesha”, “ibanga lesi-12” kanye “nemfundo ephakeme”.

Ukufakwa kwesigaba 2: Ukuchitshiyelwa kwesigaba 151

3.2 Isigaba 2 sihlose ukuchibiyela uMthetho ngokuhlinzekela umantshi enkantolo yezingane ukuthi akhiphe umyalelo wesikhashana ukuze kube nokunakekela okuphephile kwesikhashana kwengane.

3.3 Lesi sigaba sihlose ukufaka esigatshaneni (2A), esidinga ukuthi owengamele isihlalo ukuthi aphinde akhiphe umyalelo oyalela ukuthi umyalelo wesikhashana ufakwe enkantolo ngaphambi kokuphela kosuku lwenkantolo olulandelayo kulandela umyalelo wesikhashana, ukuqinisekiswa noma ukubeka eceleni kwalowo myalelo wesikhashana kanye nokuvumela ingane **okuqondenwe** nayo nomzali, **umqaphi** wengane noma oyinakekelayo ukuthi babe khona enkantolo uma kwenzeka. Izichibiyelo zihlose ukuqalisa isahlulelo senkantolo odabeni luka**-C and Others v Department of Health and Social Development, Gauteng and Others** 2012 (2) SA 208 (CC), lapho iNkantolo Yomthethosisekelo yanquma ukuthi ukususwa kwengane isuswa kumzali bese leyo ngane ifakwa endaweni ephephile yonakekelo lwesikhashana ngomyalelo noma ngaphandle komyalelo wenkantolo futhi nangaphandle kokuvele kuvunyelwe ubuyekezo kwalokho kususwa, bekungahambisani nomthethosisekelo.

Ukufakwa kwesigaba 3: Isichibiyelo sesigaba 152

3.4 Isigaba 3 sihlose ukuchibiyela isigaba 152(2)(a) soMthetho ngokufaka “oqokiwe” ukushintsha “usonhlalakahle” abe “usonhlalakahle oqokiwe”. Lokhu kuhlose ukuhlinzeka ngokuthi usonhlalakahle kumele aqinisekise ngokuthi udaba luyiswa phambi kwenkantolo yezingane ukuze lubuyekezwe ngaphambi kokuphela kosuku lwenkantolo olulandelayo, nokuqinisekiswa ukuthi ingane ethintekayo kanye, lapho kungenzeka, nomzali, umqaphi wengane, kuye ngesimo, babe khona enkantolo yezingane.

Ukufakwa kwesigaba 4: Isichibiyelo sesigaba 171

3.5 Isigaba sihlose ukuchibiyela isigaba 171 soMthetho ngokunika amandla inhloko yomnyango wokuthuthukiswa komphakathi, ngesaziso esibhaliwe, okudlulisela ingane noma umuntu esuswa ohlotsheni oluthile lonakekelo eya kolunye. UMthetho njengoba umile ugwema izinkinga ezibonakalayo uma kunesidingo sokudlulisela ingane noma umuntu ngenxa yokushintsha kwezimo. Izichibiyelo ezihlongoziwe zizonika amandla inhloko yomnyango wokuthuthukiswa komphakathi ukuthi idlulise ingane noma umuntu esuswa onakekelweni olunemigoqo eminingi eyiswa onakekelweni olungenayo imigoqo eminingi.

Ukufakwa kwesigaba 5: Isichibiyelo sesigaba 176

3.6 Isigaba 5 soMthethosivivinywa sihlose ukuchibiyela isigaba 176 soMthetho ngokulula izinhlinzeko zesigaba 176(2) ukuthi zivumele umuntu, omele ingane ebekwe endaweni yokunakekela, enze isicelo sokuthi kuvunyelwe ingane igcinwe endaweni yokunakekela kuze kuphele unyaka izohlanganisa iminyaka engama-21 yobudala isendaweni yonakekelo.

3.7 Isigaba 5 siphinde sihlose ukuchibiyela isigaba 176 (2)(b) soMthetho ngokufaka endaweni yamagama “imfundo nokuqeqesha” amagama “ibanga le-12, imfundo ephakeme nemfundo eqhubekayo nokuqeqesha” ukuze kucaciswe injongo yomthetho kanye futhi nokunika amandla inhloko yomnyango wokuthuthukiswa komphakathi okwelula isikhathi sokubekwa endaweni yokunakekelwa ngokuqondene nabantu abasafunda ibanga le-12, imfundo ephakeme noma imfundo eqhubekayo nokuqeqesha.

4. ABANTU NOMA IMIGWAMANDA ETHINTIWE

Lo luhlu olulandelayo olwemigwamanda ethintiwe:

UHLU LWEZINHLANGANO EZINGEKHO NGAPHANSI KWAHULUMENI, IMINYANGO KAZWELONKE NEYEZIFUNDAZWE ETHINTIWE UKUZE KUBUYEKEZWE UMTHETHO

1. Working Group on Positive Discipline;
2. Wilna Malherbe Adoption;
3. Thakaneng Street Children;
4. SCALABRINI;
5. South African Montessori Association;
6. KwaZulu-Natal Adoption Coalition;
7. Operation Compassion South Africa;
8. National Council for Persons with Physical Disabilities;
9. Ikholwa Community Services, Rhema Hands of Compassion and Acres of Love;
10. Lawyers For Human Rights;
11. The Homestead Projects for Street Children;
12. Linda Biersteker on behalf of ACESS, National ECD Alliance, S.A. Congress for ECD; Western Cape ECD Association; Western Cape Resource and Training Organisation Forum; Early Learning Resource Unit; Foundation for Community Work; Katlehong Early Learning Resource Unit; Children's Institute; Northlink College, Siyabhaba Trust—Caritas South Africa.
13. Abraham Kriel Childcare;
14. Child Welfare SA eMalahleni;
15. Childline Gauteng;
16. Child Welfare South Africa through submissions made by Child Welfare member organisations, Mpumalanga, Eastern Cape and KZN;
17. Policy and Legislative Analysis sub-group of the Campaign on the Right to Education for Children with Disabilities;
18. Black Sash Trust;
19. ANEX;
20. South African Council for Social Service Professions—PBSW;
21. Resources Aimed At the Prevention Of Child Abuse And Neglect;
22. Ons Plek;
23. National Alliance for Street Children;
24. Jo'burg Child Welfare;
25. Ilifa Labantwana;
26. Family Life Centre, Parkwood, Johannesburg;
27. Cmr Uitenhage En Port Elizabeth;
28. ACVV National Council; and
29. National Adoption Coalition.

Iminyango Kazwelonke

1. UMnyango Wobulungiswa Nokuthuthukiswa Komthethosisekelo;
2. UMnyango Wabesifazane, Izingane Nabantu Abakhubazekile;
3. UMnyango Wezindaba Zasekhaya;
4. UMnyango Wokuhlaliswa Kwabantu;
5. UMnyango Wezindaba Zomdabu;
6. UMnyango Wabasebenzi;
7. UMnyango Wemfundo Wemfundo Eyisisekelo;
8. UMnyango Wokuhlunyeleliswa Kwezimilo;
9. UMnyango Wezempilo;
10. UMnyango Wokubusa Ngokubambisana;
11. UMnyango Wezokuthutha,
12. UMnyango Kamgcinimafa Kazwelonke;
13. UMnyango Wemisebenzi Kahulumeni Nokuphatha;
14. UMnyango Wokuthuthukiswa Kwezindawo Zasemakhaya Nokubuyiselwa Komhlaba;
15. UMnyango Wezemidlalo Nokungcebeleka;
16. UMnyango Wemisebenzi Yomphakathi.

Iminyango Yezifundazwe

Iminyango yokuthuthukiswa komphakathi ezifundazweni eziyisishiyagalolunye.

5. UMTHELELA WEZIMALI KUHULUMENI

Izifundazwe zizosebenzisa isabelomali esikhona esabiwe.

6. INQUBO YASEPHALAMENDE

6.1 Abeluleki bezomthetho bombuso noMnyango Wokuthuthukiswa Komphakathi babone ukuthi lo Mthethosivivinywa kumele udingidwe ngokuhambisana nenqubo elotshwe esigabeni 76 soMthethosisekelo, njengoba okuqukethwe uMthethosivivinywa, kwezinye izindawo ikakhulukazi, udingida “ngemisebenzi yezenhlalakahle”, okuwumsebenzi wezishayamthetho zezifundazwe nesikazwelonke njengokusho kweNgxenye A kaSheduli 4 yoMthethosisekelo. Ngokwesigaba 76(3) soMthethosisekelo uMthethosivivinywa kumele udingidwe ngokuhambisana nenqubo equkethwe yisigaba 76(1) noma 76(2) uma ungena ngaphansi kwemisebenzini ekuSheduli 4 yoMthethosisekelo.

6.2 Abeluleki bezomthetho bombuso babone ukuthi asikho isidingo sokudlulisela lo Mthethosivivinywa eNdlini Kazwelonke Yabaholi Bomdabu ngokwesigaba 18(1)(a) soMthetho Wohlaka Lokubusa Nobuholi Bomdabu, 2003 (uMthetho No. 41 wezi-2003), njengoba ungaqukethe izinhlinzeko eziqondene nemithetho yomdabu noma amasiko ezindaweni zomdabu.