

ffice of the City **MBUDSMAN**

Striving to reach a workable solution



**Izishwankathelo zamatyala
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UKUPHAZANYISWA KOMBANE OKUNGEKHO MTHETHWENI KUKHOKELELE EKUBENI KUBHAQWE UKUBA ISIVUMELWANO SOKUQESHISA ESINGEKHOYO

Iqela lentenetya lohlwayiwe ngenxa yokuphazanyiswa okungekho mthethweni kwesixhobo sokubala umbane osetyenzisiweyo, nto leyo ekhokelele ekubeni kubhaqwe umbane otsaliweyo wasetyenziswa ungahlawulelwanga. Bezingafumaneki iingcombolo ngokusetyenziswa kwalo mbane, laze isebe elijongene nalo mba lakhupha isaziso sokuba kuphandwe leakhawunti. Iirekhodi zokuhlola zibonise ukuba isixhobo sokubala umbane osetyenzisiweyo sasilahlekile kodwa amandla ombane abe ekhona kwesosiza. Isebe elijongene nalo mba libhaqe ukuphazanyiswa (koqhagamshelo oluthe ngqo) yaze loo akhawunti yadliwa umrhumo oye wahlawulwa ngumqeshindawo 'ongaziwayo'.

Le ndawo yolonwabo iyinxalenye yeSixeko saseKapa kwaye isebe elinoxanduva kule ndawo langqina ukuba ukulungiswa kwesixhobo sokubala umbane osetyenzisiwayo kwenziwe ngo2018. Nangona kunjalo, babengenazo iinkcukacha ezinxulumene nomyalelo ochaza

inkonzo efunekayo okanye ke isaziso esenziwayo ngalo mba. IOfisi kaNozikhhalazo zoLuntu (OCO)) yacela isivumelwano sokuqeshisa esifanelekileyo, labe isebe elijongene nalo mba lingenaso. IOfisi kaNozikhhalazo zoLuntu yabuzisa banzi ngokunxulumene nesivumelwano sokuqeshisa kwiSebe loLawulo lwePropati, laye laqinisekisa ukuba ayiqeshiswanga indawo. Ngenxa yokungabikho koxwebhu lwesivumelwano sokuqeshisa, imbali yabaqeshisi bale ndawo ayikwazanga ukuqinisekiswa. IOfisi kaNozikhhalazo zoLuntu ikhuphe ingxelo ngomngcipheko kwaye yandulula ukuba kwenziwe ingqwalasela ekhawulezileyo ukuze kuqhutywe ngokusesikweni inkqubo yesivumelwano sokuqeshisa. IOfisi kaNozikhhalazo zoLuntu isaqhuba nokubeka iliso kwinkqubela phambili yalo mba.

ISIVUMELWANO ESINGAHLONELWANGA SENTLAWULO YOTSALOMALI

Kufunwe intlawulo yesohlwayo sokungahlonelwa kwesivumelwano sotsalomali. Le ndawo yokuhlala, yayibhaliswe ngegama loyise, ongasekhoyo, womkhalazi. Emva kokusweleka komnini ndawo, iakhawunti yebhanki iye yanqunyanyiswa. Ungenelelo lweOfisi kaNozikhhalazo zoLuntu lukhokelele ekubeni kurhoxiswe isohlwayo sentlawulo engahlonelwanga kwaye kucinywe indlela ekutsalwa ngayo intlawulo kwiakhawunti leyo.

AMANZI KUNYE NOQINGQO MAXABISO

Abakhalazi basithatha iSixeko saseKapa njengecandelo elinye, hayi amaCandelo ngamacandelo oLawulo, kwaye ngenxa yoko bafaka izikhhalazo eziphantsi kwamaCandelo ohlukeneyo oLawulo – kulo umzekelo bafaka esamanzi ndawonye nesoqingqo maxabiso zidweliswe kwifomu enye yesikhhalazo.

Esi isikhhalazo sinxulumene nokugqabhuka kombhobho kunye nokwaphuka phakathi kombhobho okhokelayo owawulungisiwe waze umkhalazi wafaka isicelo sembuyekezo. Imbuyekezo ikhatyiwe njengoko isebe elijongene nalo mba, lithe akukho bungqina bokuba iSixeko sasisebenza kwiziseko zokubonelela ngamanzi ezisendleleni ngeli xesha kuthethwa ngalo.

Akukho bungqina babufumanayo kwinkqubo yolawulo lwangaphakathi lweSixeko.

IOfisi kaNozikhhalazo zoLuntu iOCO, ihlalutye ingxelo yokusetyenziswa kwamanzi, yafumanisa ukuba, kwaye kwanda ukusetyenziswa kwamanzi ngexesha kanye lokugqabhuka kombhobho. Emva kwexesha elithile ukusetyenziswa kwamanzi kuye kwabuyela kwisiqhelo, oku kungqinwe xa kufundwa isixhobo sokubala amanzi. IOfisi kaNozikhhalazo zoLuntu yenza isindululo sokuba ngokusekelwe kuhlalutyo lweengcombolo ezikhoyo, isebe elijongene nalo mba liphonononge iintlawulo ezenziwe ngelixesha kwenzeke ngalo iziphene. ISebe elijongene nalo mba liye laزامkela izindululo ezo.

IZIXHOBQ EZIMBINI ZOKUBALA UMBANE

Umkhalazi ucele ukuncediswa ekurhoxisweni komrhumo wokuphazamisa ngokungekho mthethweni, owafunwayo ngenxa yezixhobo ezimbini zokubala ezazifakelwe ngokungekho mthethweni. Umkhalazi kutsha nje ufumene indawo yorhwebo waze wafaka isicelo sokubonelelwa kunye nokufakelwa isixhobo sokubala umthamo omkhulu. Igcisa elisuka kwisebe elijongene nalo mba lenze uhlolo lwendawo yomkhalazi, layokwazisa isebe loKhuselo lweNgeniso yoMbane, ngomonakalo onokuba wenzekile.

Kwigumbi lezixhobo zokubala, kuye kwabonwa ukuba, izixhobo ezimbini, ezichazwe njengezixhobo zokubala ezifakwe ngokungekho mthethweni, ziye zakhutshwa kwafakwa izixhobo zokubala ezintsha kwaza kwakhutshwa nesaziso sokuphazanyiswa kombane okungekho mthethweni kuzo zombini ezi zixhobo zokubala.

Kwezo akhawunti kuye kwafunwa intlawulo yohlengahlengiso olongezelelweyo lombane osetyenzisiwe ungahlawulelwanga. Umkhalazi ucele ukongezelwa iintsuku ezingamashumi amabini ananye (21) nanjengoko eqeshe ingcali ukuba

ivakalise izimvo zayo kulo mba. Noxa kunjalo isebe elijongene nalo mba lona liye laqhubekeka lafaka uhlengahlengiso, kuthe xa kunjalo umkhalazi wabheka kwiOfisi kaNozikhalazo zoLuntu.

IOfisi kaNozikhalazo zoLuntu iqaphele ukuba umkhalazi wayengazi ukuba izixhobo zokubala zafakwa ngokungekho mthethweni, kwaye iSixeko asizange siwuchaze kumkhalazi lo mba xa abahloli sixhobo babengene kwigumbi lesixhobo sokubala beyokuhlola umlinganiselo okwisixhobo sokubala. Kuye kwakho uthethathethwano amatyeli aliqela phakathi komkhalazi, isebe elijongene nalo mba kunye neOfisi yoMphandi Zikhalazo.

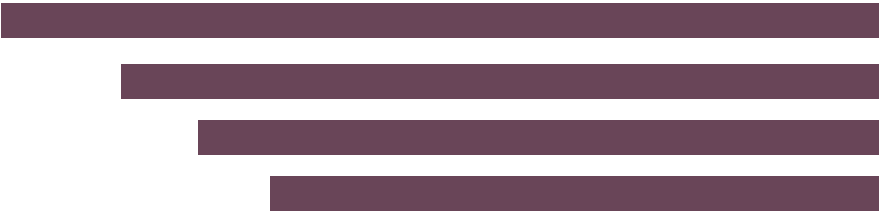
IOfisi kaNozikhalazo zoLuntu yenza isindululo, njengasisombululo simbi sale mpikiswano, sokuba isebe elijongene nalo mba, malimophulele umkhalazi, kwaye yandulula ukuba kurhoxiswe umrhumo wokuphazamisa ngokungekho mthethweni, sindululo eso esiye samkelwa. Umkhalazi akakhange aphikisane nentlawulo yokususela kumhla wangaphambili kwaye ebezimisele kakhulu ukuhlawula aligqibe ityala



Ubhaliso / Impazamo yesakhiwo

Umkhalazi uthe indlu yesizalwana sakhe esingasekhoyo yabhaliswa ngegama lomnye umntu ngempazamo. Omnye wamaqela abandakanyekayo kwesi sikhhalazo wafumana inkxasomali yendlu, nangona kunjalo nje indlu yakhiwe kwisiza ebekungafanelanga kwakhiwe kuso. Izicelo zezindlu zifakwa lisebe elijongene nalo mba, zize ke zithunyelwe kwiSebe lezeZindlu lePhondo apho zivunywa khona.

ISixeko siye saqinisekisa ukuba umnini wendawo sisizalwane esingasekhoyo kwaye indawo leyo ibibhaliswe egameni lomntu wesithathu. ISebe elijongene nalo mba ligqibe ekubeni liqhubeke ngeenkqubo zokulungisa udluliselo ukuze kulungiswe impazamo leyo. Inxalenye yale nkqubo ibandakanya utyelelo kwezi ndawo zimbini. Emva kotyelelo lweziza, nangokusekelwe koko kubhaqiweyo, isebe elijongene nalo mba kuye kwafuneka lenze izilungiso kulaa nkqubo yokuqala, kwaye ngoku, liza kulandela inkqubo yohlengahlengiso ukuqinisekisa ukuba indawo leyo ibhaliswa ngomnini onelungelo.



Olunye uhlobo lonikezelo lombane lunokuba yindleko enkulu

Isikhalazo sinxulumene nentlawulo (yamaR8 264,50) yokwaphula icandelo lama39 loMthetho kaMasipala wokuBonelela ngoMbane, njengoko isixhobo somkhalazi sokuvelisa umbane okanye esincinci sokunkinkisha umbane engingqini, (SSEG) kule ndawo ikhankanywe ngentla apha, besingekavunyelwa siSixeko. Umkhalazi uthe emva kokuba efumene isaziso, wasithobela ngokukhupha isixhobo sokuvelisa zingekapheli iintsuku ezingama30, nangona kunjalo, wahlawuliswa intlawulo kwiakhawunti yakhe.

Isiphumo solu phando sidize ukuba kufakwe iifomu ezimbini zezicelo, enye yeyokudibanisa umbane oveliswe ekhayeni kuthungelwano lokuhambisa umbane (kuCanzibe 2019) kunye nefomu equka izilungiso zokufakela umbane ozimeleyo (kweyoMsintsi 2019). Nangona kunjalo, ezi ziye zafakwa kwisaziso esinye endaweni yokuba kuvalwe eyesicelo sokudityaniswa kwinkqubo yothungelwano lokuhambisa umbane, ukuze kuqalwe entsha yokufakela umbane ozimeleyo, zisuke zafakwa ngaxeshanye ezi zicelo, kwaze kwalandelwa iinkqubo ezahlukeneyo.

Umkhalazi ukhutshelwe isaziso sokuchasa umthetho ngenxa yokungangenisi amaxwebhu athile kwisicelo sokuqala. Kufuneka kuqatshelwe ukuba indlela ekubekwe ngayo isivakalisi / imo yexesha, kwisaziso esimalunga nokuchasa umthetho iyalahlekisa okanye iyabhidisa emntwini osifundayo. Ayifundeki ngokungathi umntu uhlawulisiwe okanye uza kunikwa isohlwayo, ifundeka ngokungathi lo mntu uzakunikwa isohlwayo ukuba ngaba kuphele iintsuku ezingama-30 engekasithobeli isaziso.

Yonke imiyalelo iye yalandelwa kwangethuba kwaye iSixeko saxeelwa naso, nangona kunjalo, isohlwayo sokwaphula umthetho sasisahlawuliswa kwiakhawunti yakhe.

IOfisi yoMphandi Zikhalazo yayinoluvo lokuba kwakukho ingxaki kwiinkqubo zolawulo zeSixeko, nto leyo eyathi ekugqibeleni yabangela ukuba kufunwe intlawulo yokwaphula umthetho ngesaziso esasifanele ukuba sivalwe ngo2019 akube umkhalazi esilungisile isicelo. IOfisi yoMphandi Zikhalazo iye yandulula ukuba intlawulo yolwapholo mthetho engamaR8 264,50 efunwe kwiakhawunti leyo

irhoxiswe, nto leyo eye yamkelwa lisebe elijongene nalo mba.

Uqhagamshelwano lwamashumi eminyaka

Isikhalazo sokuqala esasibhaliswe kwi Ofisi yoMphandi Zikhalazo ngo2017 sasimalunga nokusetyenziswa kwamanzi amaninzi okwakubangelwa kukuvuza kwesixhobo sokubala amanzi. Umkhalazi akakwazanga ukuhlawula ityala elinxulumene nawo, wacele uncedo lwethu. Emva kokuhlalutywa kweengcombolo zexesha lokusetyenziswa kwesixhobo sokubala, kuye kwacetyiswa umkhalazi ukuba avavanye sixhobo sokubala, saze isixhobo asafikelela kwimigangatho emisiweyo.

Xa isixhobo silutshonile uvavanyo, ukusetyenziswa kwamanzi kubekwa iliso ukuze kuhlengahlengiswe iakhawunti ngokufanelekileyo. Kuye kwacetyiswa isebe elijongene nalo mba ukuba iakhawunti inqunyanyisiwe de uhlengahlengiso lugqitywe kwaye nomkhalazi enze amalungiselelo entlawulo. IOfisi yoMphandi Zikhalazo yalivala ityala.

Ngokukhawuleza ukuya kweyeSilimela 2019, umkhalazi wabuya kwakhona efuna uncedo njengoko amanzi akhe ayevaliwe, nangona isebe elijongene nalo mba lalisaghuba inkqubo yokuhlola indlela ekusetyenziswa ngayo amanzi. Amanzi ommelwane nawo aye avalwa.

IOfisi yoMphandi Zikhalazo yaya kutyelelo lwesiza kwaye yacela ummelwane ukuba avule impompo yakwakhe, ze umkhalazi yena avale zonke iimpompo, kwaphawulwa ukuba isixhobo sokubala amanzi somkhalazi sasiqhubeka sibala amanzi asetyenziwayo.

IOfisi yoMphandi Zikhalazo iye yandulula kwisebe elijongene nalo mba, ikhangele ukuba ngaba lukhona na unxibelelwano olwenzekayo phakathi kwezi zixhobo zokubala amanzi. IOfisi yoMphandi Zikhalazo iphinde yafuna ukuba isebe elijongene nalo mba liqinisekise ukuba sesiphi isixhobo sokubala esisebenza kwesiphi isiza,

kunye nendawo esibekwe kuyo esommelwane isixhobo sokubala.

Isebe elijongene nalo mba liye langqina ukuba omkhalazi kunye nommelwane "babelana" ngesixhobo sokubala amanzi, kwaye ummelwane ufakwe kunikezelo lwamanzi omkhalazi, ngokungekho mthethweni.

Kwakhona kuye kwaqinisekiswa ukuba ummelwane uhlawuliswa ukusetyenziswa kwamanzi kwisiza

esahlukileyo, kwaye isiza sesithathu sahlawuliswa kuphela iintlawulo zokufumaneka kwamanzi.

Emva koko, iOfisi yoMphandi Zikhalazo indulule ukuba iakhawunti yomkhalazi ihlengahlengiswe ngokusekelwe kusetyenziso lwamanzi emva kokuba unxibelelwano lususiwe, eso sindululo samkeleka.