



Isalathiso: 20150803-1936

2/19/2

Imibuzo: L Coleridge-Zils

ISetyhula: 0001/2016

Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli, (kwaNdlunkulu nakwii-ofisi zezithili zemfundo), kumaSekela-Balawuli, kwiiNtloko ze-IMG, kuBaphathi beeKomiti zeeSekethe, kwiintloko zamaziko emfundo, kwiiNqununu zezikolo zikarhulumente nakooSihlalo bamabhunga olawulo

Isishwankathelo esifutshane: Le setyhula yazisa ngoMgaqo-nkqubo wezoKutshaya omtsha weSebe leMfundo leNtshona Koloni (Western Cape Education Department Smoking Policy), 2015 omtsha

ISihloko: UMgaqo-nkqubo wezoKutshaya weSebe leMfundo leNtshona Koloni (Western Cape Education Department Smoking Policy), 2015

1. Le setyhula iyitshitshisa ngokupheleleyo iSetyhula 0046/2003 neSetyhula 0002/2004.
2. UMphathiswa wePhondo ophathiswe ezemfundo eNtshona Koloni, esenza ngokwemiqathango ye-*Tobacco Product Control Act, 1993 (Act 83 of 1993)*, ubhengeze lo Mgaqo-nkqubo wezoKutshaya weSebe leMfundo leNtshona Koloni, 2015.
3. Kufakelwe izilungiso kumthetho omalunga nokutshaya kwiindawo zikawonke-wonke, ukususela ekubeni kwakuvunywe uMgaqo-nkqubo oThintela ukuTshaya woLawulo lwePhondo leNtshona Koloni, zavunywa ngo-2002. Kuye kwaqulunqwa ke ngoko uMgaqo-nkqubo wezoKutshaya omtsha weSebe leMfundo leNtshona Koloni, 2015. UMgaqo-nkqubo wezoKutshaya weSebe leMfundo leNtshona Koloni, 2015 uqulethe eminye imiqathango yoMgaqo-nkqubo oThintela ukuTshaya woLawulo lwePhondo leNtshona Koloni, owapapashwa ngo-2002, kwakunye nengcaciso ethile yezilungiso ezifakelwe kwi-*Tobacco Product Control Act, 1993 (Act 83 of 1993)*.
4. Umhlathi 4.1 woMgaqo-nkqubo oThintela ukuTshaya woLawulo lwePhondo leNtshona Koloni ucacisa ukuba ukutshaya iimveliso zecuba kuthintelekile kuzo zonke iindawo

ezisemsebenzini zoLawulo lwePhondo leNtshona Koloni. Lo mqathango ubandakanya amaziko emfundo.

5. Zonke iindawo ezisemsebenzini eziphantsi kolawulo lweSebe leMfundo leNtshona Koloni zibhengezwa ngoko ke njengeendawo ekungatshaywayo kuzo, ngokomhlathi 5.1 (a) woMgaqo wezoKutshaya weSebe leMfundo leNtshona Koloni, 2015. Izaziso neesayini ezingumqondiso (*notices and signs*) ezibonisa iindawo apho ukutshaya kungavumelekanga khona, maziboniswe ngokubekwa kwindawo ecacileyo nese kuhleni yaye mazibe nesi silumkiso silandelayo: "NABANI NA ONGAWUTHOBELIYO LO MQATHANGO UKWESI SAZISO UYA KUTSHUTSHISWA.".
6. Lindawo ezithile apha ngaphakathi emsebenzini zinokubhengezwa njengeendawo ekutshayelwa kuzo, ngokomhlathi 5.1 (b) walo mgaqo-nkqubo. Ukuchongwa kweendawo ezilolu hlobo apha emsebenzini makungqinelane nemiqathango yoMgaqo-nkqubo wezoKutshaya weSebe leMfundo leNtshona Koloni, 2015, nezaziso neesayini ezibonisa iindawo apho ukutshaya kuvumelekileyo, mazicaciswe kakuhle.
7. Ukuphunyezwa kwalo mgaqo-nkqubo kuya kubekwa esweni liCandelo eliyiNtloko leZithili lisebenzisana nabameli okanye neekomiti zezempilo nezokhuseleko zakwaNdlunkulu, kwii-ofisi zezithili, kumaziko emfundo nakwizikolo zikarhulumente, abo baqeshwe ngokwesiqendu 17 no-19 ze-*Occupational Health and Safety Act, 1993 (Act 85 of 1993)*.
8. Kubalulekile ukuqaphela ukuba lo Mgaqo-nkqubo wezoKutshaya weSebe leMfundo leNtshona Koloni, 2015, awuyithathi indawo yoMgaqo-nkqubo oThintela ukuTshaya woLawulo lwePhondo leNtshona Koloni, kodwa mawufundwe kunye nawo.
9. Lo mgaqo-nkqubo usebenza ukususela ngoku yaye kucelwa aBalawuli abaziiNtloko, aBalawuli kwaNdlunkulu, ii-ofisi zezithili, iintloko zamaziko emfundo neenqununu zezikolo zikarhulumente, bazise ngokuqulethwe yile setyhula kubo bonke oofitshala nabasebenzi, amalungu amabhunga olawulo nabahlali besikolo ukuze bakuthathele ingqalelo.

ISAYINWE: NGU- PA VINJEVOLD

INTLOKO: YESEBE LEMFUNDO

UMHLA: 2015-12-03



**URhulumente
weNtshona Koloni**

EzeMfundo

ICandelo loQuquzelelo lweMigaqo-nkqubo

UMGAQO-NKQUBO WOKUTSHAYA WESEBE LEMFUNDO LENTSHONA KOLONI, 2015

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Izihlomelo

UMgaqo-nkqubo i-Western Cape Provincial Administration Smoking Policy

1. linkcazo-magama

Kulo mgaqo-nkqubo, naliphi na igama okanye ibinzana-magama elinikwe intsingiselo ngokoMthetho luhlala linaloo ntsingiselo liyinikeyo yaye, ngaphandle kokuba umxholo walatha okunye,-

“intengiso” ithetha –

naluphi na unxibelelwano okanye intshukumo yokushishina ejoliswe kuye nawuphi na umntu nangayiphi na indlela ngenjongo okanye enefuthe –

- (a) lokuphakamisa intengiso okanye ukusetyenziswa kwayo nayiphi na imveliso yecuba, ibhrendi yemveliso yecuba okanye igama lomvelisi wecuba malunga nemveliso yecuba; okanye
- (b) enjongo yayo ikucebisa ukuba umntu asebenzise imveliso yecuba.

“emsebenzini” kuthetha–

- (a) nawuphi na ummandla ongaphakathi, obiyelweyo okanye onamasango apho abasebenzi benza umsebenzi wabo, kubandakanywa iipaseji, izitepsi, ilifti, ikhefi, igumbi lokuhlambela okanye nayiphi na indawo esetyenziswa ngabantu bonke apho abasebenzi bemana besiya khona ngexesha lempangelo; kodwa
- (b) oku akubandakanyi naliphi na igumbi labucala kunye nenxalenye yommandla okhankanywe ku-(a), olungiselelwe ukuba ube yindawo yokutshaya ngumqeshi ethobela imiqathango echazwe kumhlathi 4.2 woMgaqo-nkqubo i-Western Cape Provincial Administration Smoking Policy.

2. Imithetho esisikhokelo

UMgaqo-siseko weRiphabhliki yoMzantsi Afrika, 1996

UMthetho iTobacco Products Control Act, 1993 (UMthetho 83 ka-1993)

UMthetho iOccupational Health and Safety Act, 1993 (UMthetho 85 ka-1993)

Isaziso malunga nokuTshaya kwiiNdawo zikaWonke-wonke, esapapashwa kwiGazethi kaRhulumente enombolo ingu-35198, yomhla wama-30 kweyoKwindla 2012, Isaziso sikaRhulumente 264

UMgaqo-nkqubo iWestern Cape Provincial Administration Smoking Policy, owamkelwa yiKhabhinethi yePhondo ngokweSiphakamiso 318 sika-2002

3. Injongo

3.1 Injongo yalo mgaqo-nkqubo kukwenza oku–

- (a) kukubhengeza zonke ukuba akutshaywa kuzo zonke izakhiwo zikarhulumente eziphantsi kweSebe leMfundo leNtshona Koloni ngokomhlathi 4.1 woMgaqo-nkqubo i-Western Cape Provincial Administration Smoking Policy.
- (b) kukuqinisekisa uthotyelo lwecandelo 24(a) loMgaqo-siseko weRiphabhliki yoMzantsi Afrika, 1996, imiqathango yomthetho iTobacco Products Control Act, 1993 (UMthetho 83 ka-1993), umthetho i-Occupational Health and

Safety Act, 1993 (uMthetho 84 ka-1993) neminye imithetho ehambelana noku.

- (c) kukuqinisekisa ukuba abantu abangatshayiyo bayakwazi ukusebenza nje ngokukhululekileyo, endaweni epholileyo engaqhunyelwa msi wacuba, kwindawo ekungatshaywayo kuyo ngeli lixa phofu uzithathele ingqalelo nezabo batshayayo izidingo.
- (d) kukuqinisekisa ukuba, ukuba kukho ndawo okanye igumbi elibekelwe ukutshaya, umsebenzi wesiqhelo awuchaphazeleki ngokuthi abantu baye kutshaya ngexesha elingelilo elekhefu.
- (e) kukuqinisekisa ukuba apho kungekho gumbi libekelwe ukutshaya, akho wona amanyathelo okukhusela amalungelo abantu abangatshayiyo.
- (f) kukuqinisekisa ukuba abafundi bafumana imfundo kwindawo enempilo yaye abasebenzi basebenza kwindawo esempilweni.
- (g) kukukhuthaza izikolo ukuba zizinikele ekuphakamiseni imeko-bume yezemfundo enempilo.

4. Isikowuphu

- 4.1 Lo mgaqo-nkqubo uchaphazela bonke abasebenzi abakuNdlu-nkulu nakwizithili zemfundo namaziko ezemfundo eSebe leMfundo leNtshona Koloni.
- 4.2 Lo mgaqo-nkqubo kufuneka ufundwe kunye noMgaqo-nkqubo i-Western Cape Provincial Administration Smoking Policy.

5. Imiqathango yomgaqo-nkqubo

- 5.1 Ukuze aqinisekise ukhuseleko lwabasebenzi, abafundi emazikweni ezemfundo nolwabantu abatyelele iindawo zikarhulumente nezinoluntu jikelele emsini wecuba, umqeshi kufuneka enze enye kwezi zinto zimbini zilandelayo:

- (a) Umqeshi angabhengeza yonke indawo yomsebenzi kubandakanywa:-

- (i) zonke ii-ofisi, amagumbi okusebenzela neendawo zokubambela iinkomfa
- (ii) amaholo, iikhorido, iilobhi, izitepsi, iiliffi, iikhefi okanye iindawo ekuphakwa okanye ekutyelwa kuzo namagumbi angasese;
- (iii) izithuthi zaseburhulumenteni nezithuthi zabafundi besikolo;
- (iv) iindawo zokudibanela abafundi, , iindawo ezikumaziko-mfundo ekudlalelwa kuzo imidlalo yangaphandle (izibonelelo zezemidlalo), amabala emidlalo kumaziko-mfundo okanye zikawonke-wonke abakholisa ukuya kuzo abasebenzi ngexesha lempangelo, amaziko okulondoloza abantwana; kunye
- (v) nezinye iindawo ezisetyenziswa rhoqo ngabasebenzi ngeli xesha basengqeshweni, ezisetyenziswa ngabafundi kumaziko-mfundo nangabantu abahambela amaziko-mfundo okanye okanye iindawo zengqesho, njengeendawo ekungatshaywayo kuzo.

(b) Umqeshi anganazo iindawo azinikela ukuba kutshayelwe kuzo apho engqeshweni kodwa kungafuneka aqinisekise ukuba ezo ndawo zizimele geqe ngokupheleleyo, azikho kwezi ndawo kusetyenzelwa kuzo.

5.2 Akukho mntu uya kutshaya icuba kwii-ofisi ezinabasebenzi beSebe leMfundo leNtshona Koloni okanye **kungama oziimitha ezili-10** ukusuka kuyo nayiphi na ifestile, indawo engenisa nekhupha umoya, umnyango okanye isango okanye iziko-mfundo eliphantsi kweSebe leMfundo leNtshona Koloni.

5.3 Umntu olawula indawana nje okanye indawo ezinkulu ekusetyenzwa kuzo ochazwe kumhlathana 5.3, uya kuxhoma iimpawu zokwazisa nabani na ongena kuloo ndawo okanye okuloo ndawo, ngokungavumeleki kokutshaya kuzo.

5.4 Intloko yeSebe kufuneka iqinisekise ukuba –

- (a) abasebenzi nabafundi banelungelo lokukuchasa ukutshaya emsebenzini okanye ezikolweni xa kusenziwa ngendlela ekhabanayo noMthetho i-Tobacco Products Control Act, 1993 (UMthetho 83 ka-1993) ngaphandle kokulwiswa nangaluphi na uhlobo;
- (b) abasebenzi okanye abafundi abangafuni kuba sendaweni enomsa wecuba emsebenzini okanye esikolweni ababikho kuyo;

- (c) asingomqathango wengqesho, uchazwa ngokuthe ngqo okanye kuyeleliswa nje kuwo, ukuba namphi na umsebenzi okanye umqeshwa makasebenze nakweyiphi na indawo ekuvumelekileyo ukuba kutshaywe kuyo;
- (d) akukho mmiselo uthi abasebenzi kufuneka basayine into ebakhuselayo endaweni yabo yengqesho ekuvumelekileyo kuyo ukutshaya.

6. Iindawo eziphandle ezilungiselelwe ukutshaya kumaziko-mfundo

- 6.1 Intloko yeziko-mfundo inganendawo evumayo ukuba kutshayelwe kuyo engaphandle kwamasango eziko elo.
- 6.2 Otshayayo uya kutshayela kuloo ndawo kuphela, hayi kwenye indawo esemasangweni eziko-mfundo.
- 6.3 Endaweni ekutshaywayo kuyo kufuneka kuxhonywe isaziso esichaza ukuba –
 - (a) indawo leyo yindawo ebekelwe ukuba kutshaye abasebenzi kuphela kuyo; yaye
 - (b) akukho bafundi nabantu abaneminyaka engaphantsi kwe-18 bavumelekileyo ukuba babekho kuyo loo ndawo.
- 6.4 Indawo ebekelwe ukutshaya mayingamelani nesango lesakhiwo sesikolo okanye kwimimandla ekumasango esikolo ekhankanywe kumhlathi 5.1 (b).

7. Uphunyezo

- 7.1 Abasebenzi abavumelekanga ukuba bathathe ikhefu lokuya kutshaya ngaphandle kokuba lixesha leti okanye lesidlo sasemini.
- 7.2 Bonke abalawuli nabaphathi kufuneka baqinisekise ukuba ikhefu lokuya kutshaya lithathwa kuphela ngekhofu leti nekhefu lesidlo sasemini kubasebenzi abasezi-ofisini nangamaxesha abekiweyo ezikolweni kubasebenzi abasebenza ezikolweni.

- 7.3 Ukwaphula lo mqathango kuya kuvunyelwa kuphela xa umlawuli, intloko yeziko-mfundo okanye umphathi enike imvume yokuba umsebenzi aye kutshaya ngaphandle noxa kwakube kungelilo ixesha lokuphumla elisesikweni, ngokomqathango womhlathana 7.2. Oku kuvunyelwa kuphela xa umsebenzi engakwazanga ukuthatha ikhefu lakhe elisesikweni ngenxa yokuxakeka ngezomsebenzi, mhlawumbi xa ebesentlanganisweni okanye esebaleni edlalisa abafundi.
- 7.4 Akufanele ukuba ichaphazeleke imfezeko, ucikizeko kwezolawulo kunye neemfuno zomsebenzi zeSebe leMfundo leNtshona Koloni, ngokunjalo nenqanaba lokukhupha iziqhamo zomsebenzi kunye neziqhamo ezilindelekileyo zabo basebenzi bachaphazelekayo, ngenxa yokulungiselelwa kwabasebenzi kube kusithiwa kulandela imiqathango yomhlathana 7.3.

8. lintengiso, inkxaso-mali nemiboniso

- 8.1 Akukho mntu uya kuthengisa okanye enze izibhengezo okanye enze ukuba omnye umntu enze intengiso yeemveliso zecuba kwizakhiwo, kwii-ofisi okanye kwizakhiwo nemihlaba esetyenziswa liSebe leMfundo leNtshona Koloni okanye kwizikolo zikarhulumente, esebenzisa iindlela ezingqalileyo okanye ezingangqalanga, ezibandakanya inkxaso-mali, imisitho, iinkonzo, isakhiwo, inkqubo, iprojekthi, ibhasari, isikolashiphu okanye nayiphi na enye indlela.
- 8.2 Umvelisi okanye umthengisi weemveliso zecuba ezisuka kwamanye amazwe angafaka imali yamalizo okanye anike inkxaso-mali ukuba injongo yaloo nkxaso asikokuthengisa okanye kuphakamisa icuba lakhe.

9. linkqubo zoluleko nezokufaka izikhalazo

- 9.1 Nawuphi na umsebenzi onombono wokuba nawuphi na umntu ofanele ukuthobela lo mgaqo-nkqubo uye wawophula, unelungelo lokusebenzisa iinkqubo zokufaka isikhalazo ezisemthethweni.

9.2 Bangathathelwa amanyathelo oluleko abasebenzi abangawuthobeli lo mgaqo-nkqubo.

10. Ubhangiso

Lo mgaqo-nkqubo ubhangisa:

Isetyhula 0046/2003, yomhla we-6 kweyoKwindla 2003; kunye nesetyhula 0002/2004, yomhla we-19 kweyoMnga 2003.

11. Uphengululo ngokutsha

Lo mgaqo-nkqubo kufuneka uphengululwe xa kukho isidingo soko, okanye xa iimeko zitshintshile njengaxa kukhutshwe imipoposho ngokwemithetho kunye / okanye ngokwemimiselo neemeko zokunqongophala kwemali.

Mna.....(igama loMphathiswa) Provincial Minister
weSebe

.....(igama leSebe)

Ndiyawuvuma uMgaqo-nkqubo wokuTshaya weSebe leMfundo leNtshona Koloni,
2015.

.....(makusayinwe apha)

..... (umhla)

WESTERN CAPE PROVINCIAL ADMINISTRATION

SMOKING POLICY



WESTERN CAPE PROVINCIAL ADMINISTRATION

SMOKING POLICY

1. PREAMBLE

- 1.1 Section 24(a) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) provides that everyone has the right to an environment that is not harmful to his/her health or well-being. The Tobacco Products Control Act, 1993 (Act 83 of 1993) (the Act), as amended by the Tobacco Products Control Amendment Act, 1999 (Act 12 of 1999), read with Notice R975 of 2000 (Regulation Gazette 6895, Government Gazette 21610 of 29 September 2000) (the Notice) provides for, among others, the protection of employees and the public from the harmful effects of tobacco smoke in public places, including places of work.
- 1.2 The Western Cape Provincial Administration (the Administration) as a responsible employer and public service provider, is fully committed to implement practical policy measures in line with the letter and spirit of the Act and the Notice.

2. PURPOSE

To provide guidelines to heads of department on the practical implementation of the Act and the Notice so as to ensure compliance therewith, with due consideration to departmental conditions and constraints.

3. AUTHORISATION

This policy is mandated by clause 8 of the Notice, which specifically provides that all employers shall have a written policy on smoking in the workplace.

4. POLICY PROVISIONS

4.1 Prohibition of smoking

Smoking of tobacco products is prohibited in all workplaces of the Administration, subject to the Act, the Notice and further policy provisions.

4.2 Designation of smoking areas

- 4.2.1 Heads of department may (on request or in terms of any other internal procedure) in writing permit smoking in those places of work, or part(s) thereof, which are wholly or partly occupied/utilised by employees of his/her department. Such smoking is, however, limited to areas that are designated as smoking areas in terms of clause 3 of the Notice.
- 4.2.2 In designating all smoking areas, heads of department must ensure that the areas comply with the following conditions as set out in clause 3 of the Notice:
- The designated smoking area does not occupy more than 25% of the total floor area of the public place.

- The designated smoking area is separated from the rest of the public place by a solid partition and an entrance door on which the sign "SMOKING AREA" is displayed, written in black letters, at least 2 cm in height and 1,5 cm in breadth, on a white background.
- The ventilation of the designated smoking area is such that air from the smoking area is directly exhausted to the outside and is not re-circulated to any other area within the public place.
- The message "SMOKING OF TOBACCO PRODUCTS IS HARMFUL TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT AND BREASTFEEDING WOMEN AND NON-SMOKERS. FOR HELP TO QUIT PHONE (011) 720 3145" is displayed at the entrance to the designated smoking area, written in black letters, at least 2 cm in height and 1,5 cm in breadth, on a white background.
- Notices and signs indicating areas where smoking is permitted and where it is not permitted must be permanently displayed and signs indicating that smoking is not permitted must carry the warning: "ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE SHALL BE PROSECUTED AND MAY BE LIABLE TO A FINE".

4.2.3 Before any area is finally designated as a smoking area, a head of department must obtain a written advice from the Department of Transport and Public Works, Chief Directorate Works, that the particular area complies with the structural and signage requirements of the Notice.

4.2.4 The furnishing of designated smoking rooms will be at the sole discretion of the head of department, whose decisions in this regard will be guided by the availability of funds and departmental priorities. As a minimum, however, appropriate ashtrays must be available. (The latter should also apply to open air smoking areas to avoid littering.)

4.3 **Restaurants/canteens**

4.3.1 Smoking on provincial premises utilised as restaurants, canteens and the like is not permitted.

4.4 **Signage of provincial premises**

4.4.1 The Department of Transport and Public Works, Chief Directorate Works, in consultation with each head of department, is responsible for the proper signage of all provincial premises in accordance with the provisions of the Act and the Notice.

4.5 **Smoke breaks**

4.5.1 Concessions to employees to leave their places of duty to smoke during official hours (smoke breaks) is the prerogative of the head of department.

4.5.2 The head of department may delegate this responsibility to appropriate managerial/supervisory levels to ensure that local conditions and constraints are duly considered.

4.5.3 The department's managerial efficiency and operational requirements, as well as the level of productivity and the required work output of the officials concerned, may not be compromised by such concessions.

4.6 **Smoking in official vehicles**

4.6.1 Smoking in official vehicles will be regulated by the relevant prescripts of the Department of Transport and Public Works, Transport Branch.

4.7 **Sale and advertising/promotion of tobacco products**

4.7.1 The sale or supply of tobacco products on any premises of the Administration must be in accordance with Regulation R976 of 2000 (Government Gazette 21610 of 29 September 2000).

4.7.2 No provincial property may be utilised to advertise/promote tobacco products, subject to paragraph 4.7.1.

4.7.3 No employee in his/her official capacity may directly or indirectly promote tobacco products or encourage the use thereof.

5. **MONITORING AND ENFORCEMENT OF THE POLICY**

5.1 **Monitoring**

5.1.1 The implementation of this policy will be monitored by departmental health and safety representatives/committees appointed in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

5.2 **Enforcement**

5.2.1 Every employee who is of the opinion that any person (to whom this policy applies) has breached these policy provisions, has the right to utilise the official grievance procedures.

5.2.2 Any employee who breaches this policy should be dealt with in accordance with the official disciplinary procedures.

6. **SCOPE OF APPLICATION**

6.1 This policy is applicable to all employees of the Administration, as well as visitors of employees and members of the public who are required to enter places of work in the course of service delivery.

6.2 This policy is also applicable to Members of the Provincial Cabinet who occupy offices in premises of the Administration.

7. **DEFINITIONS**

7.1 Terminology in this policy is used within the context of the definitions contained in the Acts and notices identified in this policy.

7.2 For purposes of this policy -

7.2.1 "employees" include persons employed by the Administration in a permanent, temporary or contract capacity on a full or part time basis;

7.2.2 "provincial premises" include all buildings (or part(s) thereof) owned or rented by the Administration, but exclude buildings that are primarily utilised as private dwellings; and

7.2.3 the official residence of the Premier will be deemed as a "private dwelling".

8. **IMPLEMENTATION**

This policy has been approved by the Provincial Cabinet in terms of Resolution 318 of 2002 and comes into operation with effect from 1 October 2002.