



**ISEBE LEZAMAHLATHI, EZOKULOBA NEZENDALO**

**UMGAQONKQUBO OQULUNQWAYO WOLWABELO LWAMALUNGELO OKULOBELA  
EZORHWEBO ISHISHINI LEZOKULOBA LESOUTH COAST ROCK LOBSTER: 2021**

**LO MGAQONKQUBO UQULUNQWAYO KUFUNEKA UFUNDWE KUNYE NOMGAQONKQUBO  
JIKELELE OQULUNQWAYO NGOLWABELO LWAMALUNGELO OKULOBELA EZORHWEBO:  
2021 KUNYE NOMGAQONKQUBO OQULUNQWAYO WOKUDLULISELWA KWAMALUNGELO  
OKULOBELA EZORHWEBO: 2021**

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**(In case of any inconsistency, the English text of the Gazetted Draft Policy will prevail).**

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## **INXENYE A: INTSHAYELELO**

### **1. Intshayelelo**

Lo mgaqonkqubo wolwabelo nolawulo lwamalungelo okulobela ezorhwebo kwiShishini lezokuloba leSouth Coast Rock Lobster ("ishishini lezokuloba le-SCRL") ukhutshwa nguMphathiswa wezamaHlathi, ezokuLoba nezeNdalo ("uMphathiswa") kwaye kuza kubhekiselelwa kuwo ngolu hlobo "UMgaqonkqubo weShishini lezokuLoba leSouth Coast Rock Lobster:2021". UMgaqonkqubo weShishini lezokuLoba leSouth Coast Rock Lobster:2021 kufuneka ufundwe kunye noMgaqonkqubo Jikelele ka-2021 ongoLwabelo lwamaLungelo okuLoba ("2021: uMgaqonkqubo Jikelele").

UMphathiswa, ngokwayamene necandelo 79 loMthetho woVimba abaPhila eLwandle (Marine Living Resources Act) 18 ka-1998 (i-MLRA), unikezele ngamandla okunika amalungelo okuloba akwicandelo 18 le-MLRA, kumaGosa aziiNtloko eSebe lezamaHlathi, ezokuLoba nezeNdalo (iSebe).

UMgaqonkqubo weShishini lezokuLoba leSouth Coast Rock Lobster: 2021 wandlala iinjongo, iindlela zokuhlaza kunye neengcamango eziza kukhokela ulwabelo lwamalungelo okuloba eshishini lezokuloba leSouth Coast Rock Lobster. Lo mgaqonkqubo uza kukhokela ugunyaziwe otyunjiweyo ekuthatheni izigqibo ngezicelo kweli shishini lezokuloba.

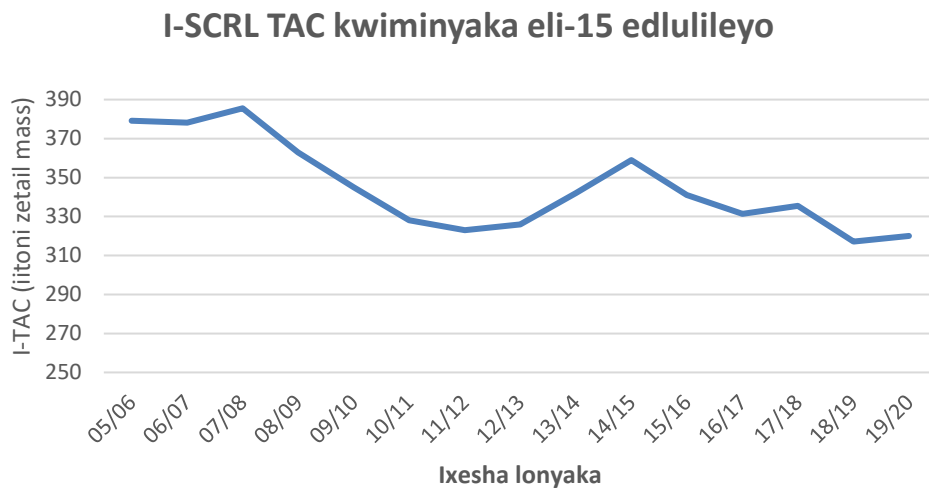
### **2. Iprofayili yeshishini lezokuloba**

#### **2.1. Inkcazelo yeshishini lezokuloba**

Ishishini lezokuloba le-SCRL lishishini lokuloba enzulwini yamanzi olwandle ngesigcayiseli sosinga olude elaqala ngowe-1974. Ngelo xesha, iinqanawa zokuloba zaseMzantsi Afrika nezangaphandle kwawo zaziloba lo vimba ufumaneka enzulwini yamanzi. Nangona kunjalo, ngowe-1976 uMzantsi Afrika wabhengeza uMmandla wezoQoqosho oKhethekileyo (Exclusive Economic Zone) weemayile ezingama-200 waza ngokuphumeleleyo wayekisa uthabathonxaxheba lwangaphandle kwishishini lezokuloba le-SCRL. Iinqanawa zokuloba zaseMzantsi Afrika ezingama-26 zizonke zashiyeka ziqhubeka kwishishini lezokuloba elo. Eli nani lehla laya kutsho kwi-15 ngowe-1981 emva kweminyaka yokuloba ngokuzinzileyo nangokungenamigaqo okwakhokelela ekuncipheni kwalo vimba. Ngowe-1975, ama-2092 eetoni esouth coast rock lobster alotywa kwaza ngowe-1981 oku kwehla ukuya kutsho kuma-176 eetoni kuphela.

Ishishini lezokuloba le-SCRL laqalisa ukubekwa ngokomgaqo ngomgudu ovumelekileyo

wokulotywayo kukonke (“i-TAC”) ngowe-1984. I-TAC yamiselwa kuma-450 eetoni (itail mass). Emva kweminyaka elishumi, uphando lubonakalise ukuba uvimba usaqhubeka nokuncipha. Isicwangcisoqhinga solawulo seli shishini lezokuloba satshintshwa ngokomthethosiseko ngowe-2000. Isicwangcisoqhinga esidibeneyo se-TAC nesomgudu osetyenziswayo uwonke (“i-TAE”) saqaliswa, okuthe kwanyina inani leentsuku inqanawa yokuloba ye-SCRL enokuhlala ngazo elwandle. Unyino “Iweentsuku zaselwandle” lubalwa ngokwesabelo se-TAC esilotywayo yinqanawa yokuloba ethile, kuthathelwa ingqalelo umthamo waloo nqanawa.



Isicwangciso solawulo seSebe seshishini lezokuloba le-SCRL sibe neziqhamo. I-SCRL TAC yenyuka ukusuka kuma-340 eetoni (kanye nama-1 922 eentsuku zaselwandle) ngexesha lonyaka lokuloba lowe-2001/2002 yaya kutsho kuma-382 eetoni (kanye nama-2 089 eentsuku zaselwandle) ngowe-2007/2008, kwaye itshintshatshintshe ngokungekho ngaphezulu kwe-5% phakathi konyaka phakathi kwama-317 eetoni nama-363 eetoni ukusukela ngoko. Isigqibo sonyino lokulotywayo sikhokelwe yiNkqubo yoLawulo yokuSebenza (Operational Management Procedure) (“i-OMP”), eyaqaliswa okokuqala ngowe-2008. Kubekho ii-OMP ezininzi eziphuhlisiweyo kwaye zahlaziywa, uhlaziyo olulandelayo lulungiselelwe owe-2022. Iinjongo ze-OMP yamva, ‘i-OMP-2019’, kukugcina utshintsho lwe-TAC yaphakathi enyakeni luhleli kwi-5%, ukunyusa ibiomass yokuzalwa kwamaqanda yalo vimba ngama-30% kwisigaba sexesha seminyaka engama-20 (owe-2006 ukuya kowe-2025) kwaye nokuba kungathobi i-TAC ibe ngaphantsi kwama-321 eetoni ngamaxesha onyaka yowe-2019/2020 nowe-2020/2021. Ixesha lonyaka lokuloba lecandelo lokuloba le-SCRL kunyaka wonke liqala nge-1 Okthobha ukuya kwi-30 Septemba kwi-TAC emiselwe ngonyaka ngugunyaziwe otyunjiweyo.

Iinqanawa zokuloba zixhotyiswe ngomzimveliso wokulungisa okulotywayo enqanaweni, iifasilithi zokupakisha nezokukhenkcisa okanye iifasilithi eziyilelwe ngokukodwa ukugcina iintlanzi

eziphilileyo. Imisila yenkala neenkala ezipheleleyo ezikhenkciweyo zikhenkciwa elwandle kwaye, xa zisothulwa kumazibuko aseKapa nawaseGqeberha, zihlelwa ngokweendidi kwaye ziphinde zipakishwe kwiifasilithi eziselunxwemeni. Ngenxa yokuba ukulungiswa okuninzi kusenzeka elwandle, iziseko eziselunxwemeni zimbalwa. Iinkala eziphilayo zothulelwa kwiifasilithi zamatanki eenkala eziphilayo. Phantse konke okulotywayo kuthunyelwa kwamanye amazwe, kakhulu ezikhenkciweyo ziya e-USA zize eziphilayo zithunyelwe eItaly, eFrance naseTaiwan.

Iinqanawa zokuloba ziyaxhotyiswa ngezinto zokulungiselela ukuloba ngesigcayiseli esilusinga olude. Izigcayiseli zeplastikhi ezimile okomphanda zimiswa ngokwezigaba zexesha ezahlukeneyo ukusuka kwiinyure ezingama-24 ukuya kwiintsuku ezininzi. Iinqanawa yokuloba nganye ngokukodwa itsala kwaye imisa malunga nama-2 000 ukuya kuma-6000 ezigcayiseli ngosuku ngamaqela ezigcayiseli ezingama-100 ukuya kuma-200. Ukuloba ngezicayiseli zosinga olude yindlela yokuloba okunesidingo somsebenzi omninzi. Abasebenzi ngaphakathi kwenqanawa yokuloba ngabantu abafika kuma-35. Iinqanawa zokuloba kwishishini lezokuloba le-SCRL zinkulu, iinqanawa zokuloba kunxweme ziphakathi kwama-30 nama-60 eemitha. Ziloba phakathi kweentsuku ezingama-180 ukuya kwezingama-300 ngonyaka. Ngelixa lesigaba sexesha selungelo sokugqibela, ukusuka kowe-2005 ukuya kowe-2020, inani leenqanawa zokuloba eziloba ngokuzimisela yayiziinqanawa zokuloba ezili-10 kumaxesha onyaka asekuqaleni kwaye ngokuhla kwe-TAC inani leenqanawa zokuloba lazinza laziinqanawa zokuloba ezisi-7 okanye ezisi-8 ngexesha lonyaka ngalinye. Ezi nqanawa zokuloba zisi-7/8 zilobe ngokuqhelekileyo ama-38 eetoni (itail mass) inye ngexesha lonyaka.

Ishishini lezokuloba le-SCRL linesidingo senkunzi eninzi, lifuna iinqanawa zokuloba ezinkulu, inani elibonakalayo labasebenza ngaphakathi enqanaweni, ukufikelela kwiimakethi zangaphandle kwelizwe kunye neengxowamali zeendleko ezinganxulumananga nomsebenzi ngokungqalileyo ezinje ngefuweli, ulondolozo lwenqanawa yokuloba kunye nemivuzo.

## **2.2. Ezobunzululwazi ngokuphilayo kunye nemibandela kavimba**

I-South coast rock lobster (iPalinurus gilchristi) isoloko ikho kwithala lelizwekazi elingaphantsi kwamanzi olwandle yamazantsi oMzantsi Afrika, kwimaleko yemigangatho yamadwala ngobunzulu obungama- 50 ukuya kuma-200 eemitha kwaye iphakathi kweCape Agulhas kumzantsi wentshona kunye naseMonti kumntla mpuma. Ezi zidalwa zohlobo olunye zifumaneka ngokwemilinganiselo yezorhwebo kwiindawo ezimbini: kude nonxweme kwiAgulhas Bank, kwindawo emalunga nama-200 eekhilomitha ukusuka elwandle, kwaye ekufutshane nonxweme (ezi-2 ukuya kuma-50 eekhilomitha ukusuka elwandle) phakathi kweMossel Bay neMonti. Imihlaba yemveli yokuloba yahlulwe ngokwemimandla emine, iAgulhas Bank, iBhayi kunye nePort Alfred.

Ummandla wePort Alfred unethala lelizwekazi elimxinwa, elinabela eBhayi naseSt Francis kwaye linabe kakhulu eAgulhas Bank. ISouth coast rock lobster sisidalwa esikhula ngokucothayo kwaye esiphila ixesha elide. Ummandla wonxweme phakathi kweDanger Point neCape Agulhas ngummandla obalulekileyo wamantshontsho eenkala, afudukela kwiindawo ezihlala izidalwa ezidala kwiAgulhas Bank kunye nakummandla wonxweme ophakathi kweMossel Bay neBhayi. Irock lobster eziphila phakathi kwePort Alfred neMonti ngokuqhelekileyo zincinci, zikhula ngokucothayo kwaye azifuduki. ISlipper lobster (*Scyllarides elisabethae*), iOctopus (iOctopus magnificus), iPanga, iHagfish kunye neKinglip zaziwa ngokuba zizidalwa ezilotywe kungajongwanga kulotywa zona zeshishini lezokuloba le-SCRL.

### 3. Inkqubo yolwabelo lwamalungelo okuloba yexesha elide yangaphambili

Ngowe-2005 amalungelo okuloba aye abelwa isigaba sexesha seminyaka eli-15 kwiinkampani zokuloba ezili-17 (ngeenqanawa zokuloba ezisixhenxe zizonke).

Iprofayili yotshintsho yecandelo ngowe-2005/2006 yaba:

- (a) Ngaphezulu kwama-60% abanini bamalungelo kwishishini lezokuloba yayingabanizabelo abangabantu abantsundu abangaphezulu kwama-50%;
- (b) Ipesenti ye-TAC neye-TAE ezaziphantsi kwabantu abantsundu yayingama-72.22% nama-72.18%, ngokwahlukahlukeneyo; kwaye
- (c) Ipesenti yobuninizabelo/inzala yelungu eyayiyeyamabhinqa yayiyi-18.42%.

Kwisigaba sexesha selungelo leminyaka eli-15, iinkampani zokuloba zihlanganise amalungelo azo kwaye ekupheleni kwelungelo ngowe-2020, zezisixhenxe kuphela kwishumi elinesixhenxe leenkampani ezaye zahlala ziqhubeka.

Ekupheleni kwamalungelo okuloba exesha elide ngowe-2020, abanini bamalungelo abasixhenxe baloba ama-94% nama-100% olwabelo lwe-TAC yabo kwixesha lonyaka ngalinye. Abane kubanini bamalungelo abasixhenxe babene -TAC yama-< 40 eetoni baza abanini bamalungelo abane (inkampani eneyona TAC iphezulu kwaye neenkampani ezintathu ezineyona TAC incinci) babe namalungelo kwamanye amacandelo. Iinkampani ezimbini ezineyona TAC iphezulu yayinobumnini obungama-100% eenqanawa ezine ngelixa abanini bamalungelo abaseleyo banokuba banenxenye yobunini kwezinye iinqanawa zokuloba ezine ezisetyenziswayo kutshanje.

Umnini welungelo wangaphambili	I-TAC yakutshanje (i-kg yetail mass)	i-% ye-TAC	I-% eqhelekileyo ye-TAC elotywayo ngexesha lonyaka ngalinye	Inani leenqanawa zokuloba zobunini obungama-100%	Inani lamalungelo kwamanye amacandelo
Umnini welungelo 1	135 198	40.3	92	3	4 asebenzayo, 4 aphelelweyo
Umnini welungelo 2	83 842	25.0	100	1	0
Umnini welungelo 3	59 513	17.8	97		0
Umnini welungelo 4	23 508	7.0	98		0
Umnini welungelo 5	13 958	4.2	100		1 elisebenzayo, 1 eliphelelweyo
Umnini welungelo 6	11 379	3.4	94		1 elisebenzayo, 2 aphelelweyo
Umnini welungelo 7	7 667	2.3	98		1 eliphelelweyo

#### 4. Iinjongo

4.1 Iinjongo zolwabelo lwamalungelo okuloba kwicandelo le-SCRL zezi:

- (a) Ukuphuyezwa kokusetyenziswa ngokwaneleyo kunye nophuhliso oluzinzileyo ngokuphathelele kufundonzulu ngokuphilayo neendawo okuphila kuzo loovimba abaphila elwandle;
- (b) isidingo sokulondoloza oovimba abaphila elwandle ukulungiselela izizukulwana zangoku nezexesha elizayo.
- (c) isidingo sokusebenzisa iindlela zokulumkisa ngokuphathelele kulawulo nophuhliso loovimba abaphila elwandle;
- (d) ukuxhasa uzinzo lwezoqoqosho nokuma kakuhle kweshishini lezokuloba;
- (e) ukwabelwa kwamalungelo abafakizicelo abaxhomekeke kwi-SCRL ngengeniso yabo yomvuzo engundoqo;
- (f) ukukhuthaza utshintsho, ukwandisa uthabathonxaxheba olululutho (ukwandisa uthabathonxaxheba, ukudalwa kwexabiso, kunye nothungelwano) kunye nohlumo;
- (g) ukuphucula umgangatho wemisebenzi ngokukhuthazwa kwengqesho esisigxina nolwabelo lwamalungelo kwii-SMME zabantu abavinjwa amathuba ngaphambili;
- (h) ukukhuthaza ukuthobela ubulungisa ngokwezengqesho;
- (i) ukukhuthaza intlutha kunye nokuncitshiswa kwendlala;
- (j) ukukhuthazwa ukuba ulutsha namabhinqa babe ngabanini kwaye baphuhlise.

## **INXENYE B: INKQUBO YOLWABELO LWAMALUNGelo OKULOBELA EZORHWEBO**

### **5. Ukunikwa kwamalungelo okuloba**

Amalungelo okuloba anikwa ngokwayamene necandelo 18 le-MLRA. Onke amalungelo anikiweyo aza kuba semthethweni ukusukela kumhla wolwabelo lwawo isigaba sexesha esingadlulanga kwiminyaka eli-15, kwaye emva koko ilungelo elo liza kuphelelwa ngokuzenzekelayo lize libuyele kuRhulumente.

#### **5.1. Uhlobo lwabaNini baMalungelo**

5.1.1. Izicelo eziza kuthathelwa ingqalelo zezeenkampani zabanini baseMzantsi Afrika, amaqumrhu aqingqiweyo kunye nookopoletyeni ababandakanya amaqumrhu asemthethweni aseMzantsi Afrika. Izicelo zabantu abazimeleyo aziz'ukuthathelwa ingqalelo.

5.1.2. Abo bafakizicelo ababenamalungelo kwishishini lezokuloba le-SCRL ngaphambili abafaka izicelo zamalungelo kwakhona okuqhuba ukulobela ezorhwebo kwishishini lezokuloba le-SCRL, baza kuthathwa njengabaFakizicelo boDidi A. Abafakizicelo ababenamalungelo kumacandelo okuloba angengawo aweshishini lezokuloba le-SCRL ngesigaba sexesha sika-2005 ukuya ku-2020 bathathwa ngokuba ngabaFakizicelo boDidi B. Abafakizicelo abangazange babe namalungelo okulobela ezorhwebo ngaphambili nakwawaphi na amacandelo okulobela ezorhwebo aseMzantsi Afrika baza kuthathwa njengabaFakizicelo boDidi C.

#### **5.2. Isithuba sexesha samaLungelo**

Amalungelo okuloba aza kunikwa ishishini lezokuloba le-SCRL kwisigaba sexesha esingadlulanga kwiminyaka eli-15. Isithuba sexesha samalungelo siza kumiselwa ngugunyaziwe otyunjiweyo kuthathelwa ingqalelo, phakathi kwezinye izinto, izinga lotshintsho kwishishini lezokuloba, isidingo senkunzi eninzi seshishini lezokuloba, isidingo sokukhuthaza utyalomali olungaphaya nohlumo lwezoqoqosho, ulwazi lwangoku lwesimo sofundonzulu ngokuphilayo sezidalwa zohlobo olunye ekujoliswe kuzo kunye nokusebenza kwabathabathinxaxheba kwishishini lezokuloba.

#### **5.3. Ubandakanyeko kumacandelo amaninzi**

Abafakizicelo kwishishini le-SCRL (ukuquka abaninizabelo babo abalawulayo kunye namalungu eqela labalawuli besigqeba abo) abaz'ukuvalwelwa ukuba babe ngabanini bamalungelo okulobela



ezorhwebo kwamanye amacandelo okuloba.

#### **5.4. Ukudluliselwa kwamaLungelo awaBelweyo ngokwayamene nalo Mgaqonkqubo**

Ngokwayamene necandelo 21 le-MLRA uMphathiswa unokwamkela udluliselo lwamalungelo okuloba ngokupheleleyo okanye ngokwenxenye. Nangona kunjalo, amalungelo anikiweyo kwishishini lokuloba ngokwayamene ne-MLRA awaz'ukudluliselwa kwiminyaka emihlanu yokuqala yokwabelwa kwawo.

#### **6. Inani leenqanawa zokuloba**

Ngoku kukho iinqanawa zokuloba ezisibhozo ze-SCRL ezisebenza kumanzi aseMzantsi Afrika eziloba i-2020/2021 TAC engama-337 eetoni.

Nanjengoko abanye abafakizicelo abaphumeleleyo bengaz'ukuba ngabanini ngokupheleleyo beenqanawa zokuloba abajonge ukuzisebenzisa kwaye ngenxa yokuba iinqanawa zokuloba zifuna ukubuyiselwa ngezinye, iSebe liyaqonda ukuba abafakizicelo abaninzi abaphumeleleyo kuza kufuneka bazise ngokungaphaya neenqanawa zokuloba ezintsha emva kolwabelo lwamalungelo okuloba exesha elide ngokuye i-SCRL ibuyela esimeni sayo kwaye ne-TAC inyuka. ISebe liza kuvavanya ngononophelo impembelelo enyukayo yokwaziswa okungaphaya kunye neenqanawa zokuloba ezintsha kudederhu lweenqanawa. Abafakizicelo abaphumeleleyo abaz'ukuvunyelwa ukwazisa iinqanawa zokuloba ezinokuba ngumgudu oyinkcitho ongaphaya koko bakwabelweyo.

#### **7. Abaqalayo ukungena**

Njengeshishini lezokuloba elinesidingo senkunzi eninzi, abafakizicelo boDidi A kuye kwafuneka bedale utyalomali olukhulu kwishishini lezokuloba kwiziseko (umz. kwiinqanawa zokuloba, kwiifasilithi zolungiselelo) kunye nokumaketha kwiminyaka eli-15 edlulileyo ukumisela amaqumrhu ame kakuhle kwezoqoqosho. Abafakizicelo boDidi A basebenzise ngokupheleleyo i-TAC yabo, beloba ngokuqhelekileyo ngaphezulu kwama-90% e-TAC abayabelweyo ixesha lonyaka ngalinye. Nangona amalungelo aye ahlanganiswa kwisigaba sexesha samalungelo sangaphambili, amanyathelo olawulo lonatyiso lwe-TAC akazange atshintshe kwaye akazange abeke phambili abo babelwe kancinci ukuba bancedise ekunikeneni amathuba ngokuthabatha inxaxheba ngokululutho kwishishini lokuloba.

Ngelixa siqonda imibandela yecandelo emiselweyo phantsi kwamalungelo exesha elide angaphambili ngokubhekiselele kutyalomali, ukusebenza, uzinzo lwezoqoqosho kunye nohlumo lweshishini, iSebe liza kuthathela ingqalelo ukuqukwa kwabaqalayo ukungena ukuthobela iinjongo neMithethosiseko yecandelo 2, kunye necandelo 18(5) le-MLRA leSebe.

## **8. Iindlela zokuhlulaza zobungakanani obufunekayo**

Kweli shishini lezokuloba, inyathelo lokwabela ubungakanani bokufunekayo liza kubandakanya uhhlalutyo oluhlangeneyo:

- Iwe-TAC yangaphambili yabafakizicelo boDidi A;
- lezinga lokusetyenziswa kwe-TAC ngabafakizicelo boDidi A;
- Ionatyiso lwe-TAC phakathi kwabafakizicelo boDidi A ukuphucula ulwabelo lwabafakizicelo boDidi A ngokwembali ababenobungakanani bokufunekayo obuncinci, ukuncedisa ngokuthabatha inxaxheba ngokululutho kwishishini lezokuloba;
- lolwabelo lwe-TAC kubafakizicelo boDidi B no-C oluhambelana nolwabelo lwabafakizicelo boDidi A ngelixa lamalungelo exesha elide angaphambili; kunye
- nangezinga umfakizicelo aphumeze ngalo injongo zeSebe.

Xa anokuthi uvimba abuyele kwisimo sesiqhelo, i-TAC inokunyuswa ngesigaba sexesha sokubakho kwamalungelo. Kule meko, iSebe liza kusebenzisa inkqubo yomlinganiselo owehlayo ngokuphathelele kulwabelo lobungakanani bokufunekayo obongezelelweyo obubeka phambili abanini bamalungelo abanolwabelo oluncinci.

Ulwabelo lobungakanani bokufunekayo luza kubekwa phambili kude kugqitywe inkqubo yezibheno yolwabelo lwamalungelo kweli shishini lezokuloba. Ulungelelwaniso olwenziweyo kulwabelo lobungakanani bokwenziwayo, ekugqityweni kwezibheno, luza kusetyenziswa kwixesha lonyaka elizayo.

## **9. Iindlela zokuhlulaza zokuvavanya**

Izicelo ziza kuhluzwa ngokwayamene neqela “leendlela zokuhlulaza zokubekelwa bucala”. Bonke abafakizicelo baza kuthi emva koko banikwe amanqaku ngokwahlukeneyo ngokwayamene “neendlela zokuhlulaza zokuzinzisa zothelekiso” ezilinganiselweyo. Kuza kumiselwa uhluzo ngenjongo yokuchongwa kwabafakizicelo abaphumeleleyo kwaye umgudu uza kwabelwa umfakizicelo ophumeleleyo ngamnye.

## **9.1. Iindlela zokuhluzza zokubekelwa bucala**

Ukongeza kwiindlela zokuhluzza zokubekelwa bucala ezichazwe kuMgaqonkqubo Jikelele: 2021 ngokuphathelele ekufakweni kwezicelo ezineziphene ezibambekayo kunye neemfuno (icandelo 6), ugunyaziwe otyunjiweyo uza kubekela bucala abafakizicelo abasilelayo ukuhlangabezana nezi mfuno zilandelayo:

### **(a) Ukuthobela**

Umfakizicelo uza kubekelwa bucala ukuba, umninizabelo olawulayo, ilungu elinenzala elilawulayo, okanye umlawuli, ugwetyelwe ukwaphula i-MLRA, imigaqo ebhengezwe phantsi kwayo kunye nemiqathango yamaphephamvume (ngaphandle kwendlela yokuhlululwa kwesohlwayo).

Umfakizicelo uza kubekelwa bucala kwakhona ukuba, umninizabelo olawulayo, ilungu elinenzala elilawulayo, okanye umlawuli, liye ilungelo lokuloba lakhe lacinywa okanye larhoxiswa ngokwayamene ne-MLRA.

### **(b) Ubumnini bemvume ngokwamaphepha**

Izicelo zabafakizicelo zobumnini bemvume ngokwamaphepha, njengoko kuchaziwe kuMgaqonkqubo Jikelele: 2021, ziza kubekelwa bucala.

### **(c) Ukukhohlisa ngokobumnini**

Abafakizicelo abafunyaniswe bebandakanyeka ekuKhohliseni ngobumnini njengoko kuchaziwe kuMgaqonkqubo Jikelele: 2021 baza kubekelwa bucala.

### **(d) Ukuhlawulwa kweelevi**

Abafakizicelo kufuneka bathobele iimfuno zokuhlululwa kweelevi njengoko kuchazwe ngokubanzi kuMgaqo Jikelele: 2021.

## **9.2. Iindlela zokuhluzza zozinziso lothelekiso**

Abafakizicelo baza kuvavanywa ngokwayamene nezi ndlela zokuhluzza zokuzinzisa zilandelayo, eziza kulinganiselwa ngenjongo yokuvavanya nokuhlola izicelo.

### **(a) Indlela ekusetyenzwa ngayo ekulobeni (Kubhekiselelwe kubafakizicelo boDidi A)**

1. Indlela ekusetyenzwa ngayo ekulobeni kwabafakizicelo ababenamalungelo okuloba

kwishishini lezokuloba le-SCRL ukusukela kowe-2005 ukuya kowe-2020 iza kuvavanywa ukuqonda ukuba bawasebenzise ngokululutho na amalungelo abo okuloba.

2. Inani lamaxesha onyaka okuloba achithiweyo ngokuzimiseleyo ekulobeni, izithethe zokuloba ngokuzimiseleyo ngawo onke amaxesha okuloba alandelelanayo kunye nezinga lamandla okuloba (umz. ipesenti ye-TAC elotyweyo, okulotywe ngokudluliseleyo) liza kuthathelwa ingqalelo xa kunikwa inqaku le ndlela yokuhluzisa .

**(b) Amava okuloba nolwazi (Kubhekiselelwe kubafakizicelo boDidi B no-C)**

1. Ukubandakanyeka komfakizicelo kumacandelo okuloba nemisebenzi enxulumeneyo (ukuloba, ukulungisa, ukumaketha), kunye
2. Ukubandakanyeka komfakizicelo kwishishini lezokuloba le-SCRL elinemisebenzi enxulumeneyo (ukuloba, ukulungisa, ukumaketha kunye nolawulo lwezimali yinkampani nabaninizabelo)

**(c) Inqanawa zokuloba ezifanelekileyo (Kubhekiselelwe kubafakizicelo boDidi A, B no-C)**

1. Umfakizicelo uza kulindeleka ukuba abonakalise ilungelo lokufikelela kwinqanawa yokufikelela efanelekileyo okuloba le-SCRL. Ukufikelela kunokuba ngendlela yokuba ngumnini, inxenye yobumnini, isivumelwano sokulotywayo, isivumelwano sokuqesha, okanye ukuthengwa kwenqanawa yokuloba okanye ukwakhiwa kwenqanawa yokuloba entsha. Ukuba umfakizicelo unenjongo yokuthenga inqanawa yokuloba, ubungqina besivumelwano sokuthenga kunye nesiqinisekiso sebhanki kufuneka zinikwe. Kwimeko yenqanawa yokuloba entsha eyakhiweyo, iiplani zenqanawa yokuloba neendleko zenkampani ebisakha inqanawa yokuloba kunye bobungqina bentlawulo okanye inxenye yentlawulo kufuneka zinikwe. Akuyiyo injongo yokunyusa inani leenqanawa zokuloba ngelixa lenkqubo yolwabelo, koko uMphathiswa unokuba uthathela ingqalelo iinjongo zomgaqonkqubo ekuthatheni isigqibo senani leenqanawa zokuloba emazibandakanywe.
2. Inqanawa yokuloba efanelekileyo kwishishini lezokuloba le-SCRL yinqanawa yokuloba:
  - a. enobona bude buncinci obubhaliswe e-SAMSA obumalunga nama-25 eemitha.
  - b. inesixokelelwano sokubeka iliso esisebenzayo senqanawa yokuloba.
  - c. inesakhono sokumisela iintsinga ezimalunga nemayile enye ubude kunye nezigcayiseli ezingama-100;
  - d. inesakhono sokugcina izigcayiseli ezingama-1 000 ubuncinane;
  - e. inesakhono sokuthwala izixhobo ezifunekayo zokunyusa; kwaye
  - f. inesakhono sokuthwala malunga nabasebenza ngaphakathi kwenqanawa yokuloba

abangama-30 okanye ngaphezulu

Ukuze kuqinisekiswa ukuba inqanawa yokuloba iyahlangabezana na neendlela zokuhlaza zenqanawa yokuloba, abafakizicelo kuza kufuneka bangenise iifoto zenqanawa kunye neekopi zesatifiketi sobhaliso se-SAMSA.

**(d) Ukuthobela (Kubhekiselelwe kubafakizicelo boDidi A no-B)**

Ukunyhasha okungephi nokubalaseleyo, ukuquka noko kuphathelele koko kwakuhlululelwe isohlwayo sokuvuma ityala okanye umfakizicelo ungene kwisibongozo sokuhliselwa isigwebo, phakathi kowe-2005 nowe-2020 kungathathelwa ingqalelo njengendlela yokuhlaza yokuzinzisa kwaye kungachaphazela ngokubalaseleyo isicelo.

**(e) Utyalomali kwishishini lezokuloba (Kubhekiselwa kubafakizicelo boDidi A, B no-C)**

Ugunyaziwe otyunjiweyo kufuneka athathele ingqalelo:

1. Abafakizicelo boDidi A, utyalomali olwenziweyo kwiinqanawa zokuloba kunye nezinye iimpahla ezinxabiso ezizinzileyo ezinje ngamaziko okulungisa nawokumaketha kwicandelo lokuloba le-SCRL (kunye, nakwamanye amacandelo, ukuba akhona, kodwa oku kuza kunikwa umlinganiselo omncinci) kwiminyaka eli-15 edlulileyo. Utyalomali ngendlela yobunizabelo nalo luza kuthathelwa ingqalelo.
2. Kubafakizicelo boDidi B, utyalomali olwenziwe kwamanye amacandelo ngendlela yeenqanawa zokuloba, iimpahla zexabiso ezizinzileyo, amaziko akhoyo okulungisa nokumaketha, kodwa ukubonakalisa kwawo okucacileyo kokuzinikela (nesakhono) ekutyaleni imali kweli candelo (oko kukuthi, ufikelelo kwiinqanawa yokuloba) luza kufuneka.
3. Bonke abafakizicelo boDidi C balindeleke ukuba babonakalise ukuba banolwazi, isakhono kunye namandla okuloba nokulungisa i-SCRL. Utyalomali olwenziweyo kwiinqanawa zokuloba kunye nezinye iimpahla ezinxabiso ezizinzileyo ezinje ngamaziko akhoyo okulungisa nawokumaketha kwicandelo lokuloba le-SCRL luza kuthathelwa ingqalelo.

**(f) Utshintsho (Kubhekiselelwe kubafakizicelo boDidi A, B no-C)**

Xa kuhlolwa kwaye kunikwa izicelo amanqaku, ugunyaziwe otyunjiweyo angakhethe abafakizicelo ngokusekelwe kwiindlela zohluzo zotshintsho. Xa kukhutshwa inqaku lendlela yokuhlaza yotshintsho, ugunyaziwe otyunjiweyo angathathela ingqalelo: iinkcukachamanani zobalobantu

okanye olunye ulwazi olunikwa Zezeenkukachamanani zoMzantsi Afrika ngokuphathelele kulwakheko lwabantu belizwe baseMzantsi Afrika, kunye nepesenti yabo bantu belizwe eyenziwa ngamaqela eenkcukachamanani zabemi awohlukeneyo; isidingo sokuqinisekisa ukuhlonitshwa nokuthabatha inxaxheba ngokululutho kwishishini lokuloba kwaBantu abaVinjwa amaThuba ngaPhambili (ii-HDI) kunye nemigaqo yokusebenza okulungileyo phantsi koMthetho oLungisiweyo wokuXhotyiswa kwezoQoqosho okuFikelela ngokuNabileyo (Broad Based Economic Empowerment Amended Act).

Abafakizicelo, ngokuxhomekeke kuhlobo lomfakizicelo, baza kuhlolwa kwaye banikwe amanqaku – ngezi ndlela zohluzo zotshintsho zilandelayo:

1. Ipesenti yabantu abahlelelekileyo nee-HDI ebonakalisiweyo kumanqanaba omvuzo ophezulu, ebhodi yabalawuli, amalungu kunye nawamagosa aphezulu nawolawulo;
2. Ubunzulu ubumnini bomfakizicelo neziqinisekiso zolawulo lotshintsho lwabantu abahlelelekileyo nee-HDI (njengoko bulinganiselwe kwinkqubo yolwabelo lwamalungelo ka-2013) obuthe batshintsha ngabo, bahlala bunjalo, okanye behla kwisigaba sexesha esilandela emva kokunikwa kwamalungelo kwinkqubo yolwabelo lwamalungelo ka-2013;
3. Ukuba ingaba abasebenzi (ngaphandle kwabazusa imivuzo ephezulu) bayazusa na kwisikim sezabelo sabasebenzi;
4. Ukuthobela uMthetho wobuLungisa kwezeNgqesho (Employment Equity Act) 55 ka-1998 kunye nokubonakalisa abo bahlelelekileyo nee-HDI kumanqanaba awohlukahlukeneyo engqesho engaphantsi kwenqanaba legosa eliphezulu nelolawulo;
5. Inkqubo yokufumana abanikinkonzo bokunika amathuba kwabo bawavinjwayo ngaphambili;
6. Ukuthobela uwisomthetho ngophuhliso lwezakhono kunye nezixamali ezichithiweyo kwiinkqubo zoqeqesho zezokufunda umsebenzi kwingqesho zabantu abahlelelekileyo nee-HDI; kunye
7. Utyalomali lwequmrhu loluntu.

**(g) Ukudalwa kwamathuba emisebenzi kunye nemiqathango yengqesho (Kubhekiselelwe kubafakizicelo boDidi A, B no-C)**

Ugunyaziwe otyunjiweyo angabeka phambili namphina umfakizicelo ozinikelayo ekugcineni amathuba akhoyo engqesho, okanye ukwandisa amathuba engqesho ukuba wabelwe ilungelo kwishishini lezokuloba le-SCRL. Ngenxa yezi njongo ugunyaziwe otyunjiweyo uza kuthathela ingqalelo umgangatho wamathuba engqesho aza kudalwa, ukuquka nokuthobela uMthetho wemiQathango esiSiseko yeNgqesho (Basic Conditions of Employment Act), 1997 (No. 75 ka-1997) (“i-BCEA”); kunye nokuzinikela komfakizicelo ukunika abasebenzi:

1. ingqesho esisigxina;
2. uncedo lwezonyango okanye naluphi na uhlobo lwenkxaso yezonyango;
3. ingxowamali yomhlalaphantsi;
4. imiqathango yokusebenza ngokukhuselekileyo ngokwayamene neemfuno zezowisomthetho ezisebenzayo; kunye
5. nesikim sezabelo sabasebenzi, esiqinisekisa ukuba abasebenzi bonwabela ubuninizabelo obululutho kumnini welungelo.

## **INXENYE C: AMANYATHELO OLAWULO**

### **10. Inkqubo yobudlelane bezidalwa nokuzingqongileyo kumashishini ezokuloba**

Eli shishini lezokuloba liza kulawulwa ngokwayamene nenkqubo yobudlelane bezidalwa nokuzingqongileyo kumashishini ezokuloba ("i-EAF"). Ulawulo lwenkqubo yobudlelane bezidalwa nokuzingqongileyo kumashishini ezokuloba yinkqubo ephelileyo elondoloza okanye ephucula impilo yobudlelane bezidalwa nokuzingqongileyo kwaye izinzise izidingo ezahlukahlukeneyo zasekuhlaleni kunye nemikhwa esulungekileyo. Le nkqubo ichaza kwakhona ubudlelane bezidalwa nokuzingqongileyo (ecosystem) ngokuthe gabalala kwaye iquka iinkqubo zobudlelane bezidalwa nokuzingqongileyo, zezentlalo, zezoqoqosho nezolawulo.

### **11. Inkqubo yomqwalaseli**

- a. Umninilungelo welungelo lokuloba le-SCRL uza kubandakanya umqwalaseli okwinqanawa yokuloba echongiweyo yomnini welungelo xa kufunwa enze njalo liSebe okanye yiarhente yalo.
- b. Umnini welungelo kufuneka ahlawule iindleko zokuziswa komqwalaseli xa kufunwa njalo liSebe.
- c. Umnini welungelo uza kuvumela uMqwalaseli ukuba afikelele ngaphandle kokuthintelwa ukubeka iliso kumsebenzi wokuloba, kunye nokuvavanya ukuthobela imiqathango yamaphephamvume kunye nayo yonke imithetho esebenzayo.
- d. Xa linokuthi iSebe likholelwe ngokufanelekileyo ukuba uMqwalaseli uyathintelwa ekuqhubeni izibophelelo zakhe ngayo nayiphi na indlela okanye uyoyikiswa ngayo nayiphi na indlela ngelixa akwinqanawa yokuloba yomnini welungelo, isebe lingaqalisa iingxoxo zamatyala phantsi kwecandelo 28 le-MLRA.

### **12. Ubungakanani bokufunekayo bamalungelo arhoxisiweyo**

Xa kunokuthi ilungelo lirhoxiswe kweli shishini lokuloba, ilungelo ke ngoko: (a) lingabelwa kumfakisicelo ongaphumelelanga ofake isicelo ngexesha lenkqubo yolwabelo eyiyeyona yamva, (b) ohlangabezane nazo zonke iindlela zokuhlulisa zokubekelwa bucala, kwaye (c) wafumana

amanqaku ngokwaneleyo phakathi kwabafakizicelo abangaphumelelanga njengoko kurekhodiwe kwiGeneral Published Reasons zokugqibela zoMphathiswa okanye uGunyaziwe oTyunjiweyo wakhe. Aba bafakizicelo baza kubekwa kuluhlu lokulindela kwaye baza kwabelwa ilungelo xa lithe lavela kungakhange kubekho sidingo sokumema okanye isimemo sezinye izicelo.

**13. Ukudluliselwa kwamaLungelo okuLobela ezoRhwebo kunye/okanye iZabelo kunye/okanye iinzala zamaLungu**

AbaNini bamaLungelo kweli candelo baza kuthathela ingqalelo uMgaqonkqubo wokuDluliselwa kwamaLungelo okuLobela ezoRhwebo okanye amaLungelo okanye iiNxenye zawo (uMgaqonkqubo wokuDlulisela) xa kudluliselwa amalungelo abo okuloba kunye/okanye izabelo kunye/okanye iinzala zelungu.

**14. Imiqathango yamaphephamvume**

Imiqathango yamaphephamvume yeli shishini lezokuloba iza kukhutshwa rhoqo ngonyaka. Imiqathango yamaphephamvume iza kuqinisekiswa emva kokubonisana nabafakizicelo abaphumeleleyo kweli shishini lezokuloba kwaye iza kuhlaziywa xa kufanelekile.

**15. Ukubeka iliso nokuvavanywa koMgaqonkqubo**

15.1 ISebe liza kubeka iliso kwaye livavanye umgaqonkqubo ngokuqalisa imisebenzi emininzi yokulinganisa ukusebenza okusesikweni ngesithuba sexesha seminyaka eli-15. Kuyaqikelelwa ukuba iqela lokuqala lemisebenzi yokulinganisela ukusebenza liza kuqalisa emva kweminyaka esixhenxe (7).

15.2 Nangona iSebe liza kugqiba imiqathango ngqo yabaNini bamaLungelo abaza kulinganiswa ngayo emva kolwabelo lwamaLungelo okulobela ezorhwebo, kwaye nasemva kokubonisana nabaNini bamaLungelo, le miqathango ilandelayo inabileyo inxulumene nokusebenza ingasetyenziswa:

- (a) Utshintsho.
- (b) Utyalomali kwiinqanawa zokuloba, imizimveliso kunye nezixhobo zokuloba.
- (c) Ukusetyenziswa okuzinzileyo.
- (d) Imisebenzi yokulotywa kweSouth Coast Rock Lobster.
- (e) Ukuthobela ukuncitshiswa kwezidalwa ezilotywe kungajongwanga kulotywa zona ngemithetho nemigaqo esebenzayo.
- (f) Ukuthobela imithetho esebenzayo nemigaqo.
- (g) Ukunikwa kwengxelo kwangexesha nangokugqibeleleyo ngokulotyweyo kunye nolunye ulwazi olusebenzayo.

15.3 Injongo yokulinganiselwa komsebenzi iza kuba kukuqinisekisa ukuba kuyahlangatyezwana na



neenjongo zalo mgaqonkqubo.

## **16. Ulwaphulomthetho**

Ulwaphulomthetho olunje ngolu:

- (a) Umfakisicelo ophumeleleyo osilelayo ukusebenzisa ilungelo lakhe le-SCRL ngalo naliphi na ixesha lonyaka elinye ngesigaba sexesha elinikwe ngaso ilungelo elo ngaphandle kwenkcazelo evakalayo;
- (b) Ukwaphulwa kwamagatya e-MLRA, imigaqo ye-MLRA, imiQathango yamaPhephamvume, uMgaqonkqubo wokuDluliselwa kwamaLungelo kunye neminye imiThetho enxulumeneyo ebandakanyiweyo kwimiqathango yamaPhephamvume nguMnini weLungelo, okanye abasebenzi bakhe (nokuba ngaba basisigxina, basebenza ngokupheleleyo okanye ngamaxesha athile), iikontraka zakhe, iiarhente okanye abacebisi bakhe kunye neskipper senqanawa yokuloba;

kungagqibelela ekuqalisweni kweengxoxo zamatyala ezomthetho (okunokuquka ukuqaliswa kweengxoxo zamatyala zecandelo 28 ngokwayamene ne-MLRA nezinye iingxoxo zamatyala zolwaphulomthetho).

## **USAYINO LOKWAMKELA**

(As English version Gazetted)

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**IGAMA: (Nks) B CREECY, MP**

**ISIKHUNDLA: UMPHATHISWA WEZAMAHLATHI, EZOKULOBA NEZENDALO**