



**UMNYANGO WEZAMAHLATHI, EZOKUDOBA NEZEMVELO**

**INQUBOMGOMO EWUHLAKA YOKWABIWA KWAMALUNGELO OKUDOBELA UKUHWABA  
EMBONINI YEZOKUDOBA ISIKHUPHASHI SASEMADWALENI SASOGWINI OLUSENINGIZIMU (I-  
SOUTH COAST ROCK LOBSTER): 2021**

**LE NQUBOMGOMO EWUHLAKA KUMELE IFUNDWE NDAWONYE NENQUBOMGOMO  
EWUHLAKA EWUJIKHELELE YOKWABIWA KWAMALUNGELO OKUDOBELA UKUHWABA: 2021  
KANYE NENQUBOMGOMO EWUHLAKA YOKUDLULISWA KWAMALUNGELO OKUDOBELA  
UKUHWABA:2021**

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

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## **INGXENYE A: ISINGENISO**

### **1. Isingeniso**

Le nqubomgomo yokwabiwa nokuphathwa kwamalungelo okudoba Isikhuphashi Sasemadwaleni Sasogwini Oluseningizimu (i-South Coast Rock Lobster) ("imboni yezokudoba i-SCRL") ikhishwe wuNgqongqoshe Wezokudoba, Ezamahlathi Nezemvelo ("uNgqongqoshe") futhi iyobizwa ngokuthi "Inqubomgomo Yemboni Yezokudoba Isikhuphashi Sasemadwaleni Sasogwini Oluseningizimu: 2021". Inqubomgomo Yemboni Yezokudoba Isikhuphashi Sasemadwaleni Sasogwini Oluseningizimu: 2021 iyofundwa ndawonye neNqubomgomo Ewujikelele yowezi-2021 Yokwabiwa Kwamalungelo Ezokudoba ("Inqubomgomo Ewujikelele: 2021").

UNgqongqoshe, ngokwesigaba 79 soMthetho Wezinsiza Eziphila Olwandle 18 we-1998 ("i-MLRA"), wadlulisela amandla okugunyaza amalungelo okudobela ukuhweba aqukethwe ngokwesigaba 79 soMthetho Wezinsiza Eziphila Olwandle 18 we-1998 ("i-MLRA") ezikhulwini zoMnyango Wezamahlathi, Ezokudoba Nezemvelo ("uMnyango").

Inqubomgomo Yemboni Yezokudoba Isikhuphashi Sasemadwaleni Sasogwini Oluseningizimu: 2021 yendlala izimpokophelo, indlelakuhlunga, kanye nokucutshungulwayo okuzoba wumhlahlandlela wokwabiwa kwamalungelo okudoba embonini yezokudoba Isikhuphashi Sasemadwaleni Sasogwini Oluseningizimu. Le nqubomgomo izosekela isiphathimandla esigunyaziwe ekuthatheni izinqumo zokufakwa kwezicelo kule mboni yezokudoba.

### **2. Iphrofayela yemboni yezokudoba**

#### **2.1. Incazelo ngemboni yezokudoba**

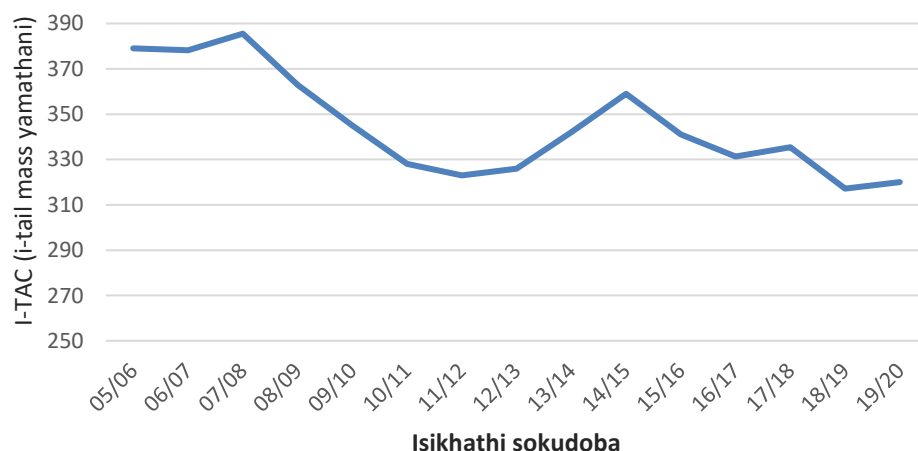
Imboni yezokudoba i-SCRL iwuhlobo lokudoba ngonoxhaka bentambo ende emanzini ajulile eyaqala ngowe-1974. Kuleso sigaba, izikebhe zaseNingizimu Afrika nezakwamanye amazwe zazidoba le nsiza esemanzini ajulile. Nokho, ngowe-1976 iNingizimu Afrika yaqoka Indawo Yezomnotho Ekhethekile engamamayela angama-200 eqondene nayo futhi yaphumelela ukumisa ukuzibandakanya kwabantu bakwamanye amazwe embonini ye-SCRL. Yizikebhe zaseNingizimu Afrika ezingama-26 zizonke ezasala embonini yezokudoba. Isibalo sehla safika ku-15 ngowe-1981 emuva kweminyaka yokudoba okungagcineki nokungalawulwa okwaholela ekufadalaleni kwezinsiza. Ngowe-1975, amathani ayizi-2092 esikhuphashi sasemadwaleni sasogwini oluseningizimu adotshwa futhi ngowe-1981 lokhu kwasekwehle kwaba amathani ayi-176.

Imboni yezokudoba i-SCRL yaqala ukulawulwa ngokwenani lokuvumelekile okungadotshwa sekukonke ("i-TAC") ngowe-1984. Kwamiswa i-TAC yamathani angama-450 (i-tail mass) Emuva

kweminyaka eyishumi, ucwaningo lwaveza ukuthi isibalo sezinsiza sasisashona phansi. Iqhingasu lezokuphatha lale mboni yezokudoba lashintshwa kakhulu ngowezi-2000. Kwethulwa i-TAC ehlanganisiwe kanye nomzamo osetshenziswayo uwonke ("i-TAE"), eyayinciphisa isibalo sezinsuku isikebhe se-SCRL okwakumele isichithe olwandle. Umkhawulo "wezinsuku zasolwandle" ubalwa ngokwesabelo se-TAC eyabanjwa yisikebhe esithile, kubhekwa amandla okudoba kwesikebhe.

Uhlelo lwezokuphatha loMnyango lwemboni ye-SCRL luthela izithelo. I-TAC ye-SCRL yanyuka yasuka kumathani angama-340 (kanye nezinsuku eziyi-1 922 olwandle) ngesikhathi sokudoba sowezi-2001/2002 kwaba amathani angama-382 (kanye nezinsuku zasolwandle eziyizi-2 089) ngowezi-2007/2008, futhi yanyuka ngokungengaphezu kwama-5% maphakathi nonyaka phakathi kwamathani angama-317 namathani angama-363 kusukela ngaleso sikhathi. Isinqumo somkhawulo wokudotshwayo silawulwa ngokwe-Operational Management Procedure ("i-OMP"), eyethulwa okokuqala ngowezi-2008. Sekube nama-OMP amaningi asungulwa nabuyekwezwa, njengoba elandelayo ebuyekeziwe kulindeleke ukuthi iphume ngowezi-2022. Izimpokophelo ze-OMP yakamuva, 'i-OMP-2019', bekuwukugcina ukushintshwa kwe-TAC yaphakathi nonyaka ingadluli kuma-5%, ukwandisa isilinganiso samaqanda abekelwayo kule nsiza ngama-30% esikhathini seminyaka engama-20 (2006 kuya kowezi-2025) kanye nokungayehlisi i-TAC ibe ngaphansi kwamathani angama-321 ngesikhathi sokudoba sowezi-2019/202 kanye nowezi-2020/2021. Isikhathi sokudoba somkhakha wezokudoba i-SCRL onyakeni wonke siqala mhla lu-1 Okthoba kuya kowezi-30 Septhemba kube i-TAC inqunywa minyaka yonke yisiphathimandla esigunyaziwe.

### I-TAC yaseminyakeni eyi-15 edlule



Izikebhe zinemboni yokuqhuba imisebenzi yalezi zinhlanzi ngaphakathi kuzo, izinhlelo zokupakisha nokomisa ngamaqhwa noma izinhlelo sokugcina izikebhe ezakhiwe ngokukhethekile.

Imisila yesikhuphashi kanye nezikhuphashi eziphelele ezomiswe ngeqhwa zomiswa ngeqhwa olwandle, uma sezithululwa echwebeni laseKapa naseGqeberha, iyakalwa futhi ipakishwe kabusha ezikhungweni ezisogwini. Njengoba imisebenzi yokulungiswa kwalezi zinsiza yenzeka olwandle, ingqalasizinda yasogwini ayiyiningi. Izikhuphashi eziphilayo zithunyelwa ezikhungweni zamathangi ezikhuphashi eziphilayo. Cishe konke okudotshiwe kuthunyelwa emazweni angaphandle, ikakhulukazi e-USA njengengxenye yemikhiqizo eyomiswe ngeqhwa bese imikhiqizo ephilayo ithunyelwe e-Italy, eFrance nase-Taiwan.

Izikebhe zifakwa izintambo kwenzelwa uhlelo lokudoba ngonoxhaka bentambo. Onoxhaka baplastiki abamise okwesigubhu bamiswa isikhathi sokusebenza esihlukahlukanayo kusukela kumahora angama-24 kuya ezinsukwini eziningana. Isikebhe ngasinye sivame ukuthwala nokuhlela kabusha onoxhaka abalinganiselwa kuzi-2000 kuya kuzi-6000 ngosuku ngamasethi onoxhaka abayi-100 kuya kwezingama-200. Ukudoba ngonoxhaka bentambo ende kuyindlela yokudoba edinga abasebenzi abaningi. Abasebenzi bahlanganisa abantu abangama-35. Izikebhe zasembonini ye-SCRL ezinkulu, izikebhe zakude nogu zihlukana ngobude obuphakathi kwamamitha angama-30 nama-60. Zidoba phakathi kwezinsuku eziyi-180 nama-300 ngonyaka. Ngesikhathi esifanele sokugcina, kusukela ngowezi-2005 kuya kowezi-2020, isibalo sezikebhe ezazidoba sasiyizikebhe eziyi-10 ezikhathini zokudoba zaphambilini futhi kuthe uma kwehla i-TAC izikebhe zazinza ku-7 noma u-8 ngesikhathi sokudoba. Izikebhe eziyi-7/8 zidobe amathani alinganiselwakuma-38 (i-tail mass) ngesikhathi sokudoba ngasinye.

Imboni ye-SCRL isebenza ngemali yokuqhuba ibhizinisi, okudinga izikebhe ezinkulu, isibalo ezikhulu sabasebenzi basesikebheni, ukufinyelela ezimakethe zakwamanye amazwe kanye nezimali ezinezindleko zokusebenza njengofuwela, ukunakekelwa kwezikebhe kanye nemiholo.

## **2.2. Okuhlukahlukeni ngesimo semvelo kanye nezinsiza**

Isikhuphashi sasemadwaleni sasogwini oluseningizimu (*i-Palinurus gilchristi*) sihlala endaweni eyodwa okuyisengxenye eseningizimu neNingizimu Afrika, okuba sezindaweni eziphansi olwandle ezinamadwala asekujuleni okungamamitha angama-50 kuya kuma-200 futhi sigcina phakathi kwe-Cape Agulhas eningizimu-ntshonalanga kanye naseMonti enyakatho-mpumalanga. Lolu hlobo lwezinhlanzi lutholakala ezindaweni ezimbili ngobuningi obulungele ukuhweba: kude nogu lwase-Agulhas, endaweni elinganiselwa kumakhilomitha angama-200 ngasogwini, nasezindaweni eziseduze kogu (amakhilomitha ama-2 kuya kwangama-50 usuka ogwini) phakathi kwase-Mossel Bay naseMonti. Izindawo zokudoba okwakudotshwa kuzo emandulo zihlukaniswe zaba yizindawo ezine, i-Agulhas Bank, iMonti kanye ne-Port Alfred. Indawo yase-Port Alfred inendawo yokudoba eqondile, evulekayo eMonti nase-St Francis bese ivuleke kakhulu kakhulu e-

Agulhas Bank. Isikhuphashi sasemadwaleni sasogwini oluseningizimu siwuhlobo lwenhlanzi yasemanzini abandayo esikhula kancane futhi esiphila isikhathi eside. Indawo eduze nogu ephakathi kwe-Danger Point ne-Cape Agulhas iyindawo ebalulekile okuhlala kuyo lolu hlobo lwezinhlanzi olusakhula, ezithuthela e-Agulhas Bank uma sezikhulile kanye nasendaweni eseduze nogu ephakathi kwe-Mossel Bay ne-Port Elizabeth. Izikhuphashi zasemadwaleni eziba phakathi kwe-Port Alfred neMonti zivame ukuba zincane, zikhule ngokungasheshi futhi azifuduki. I-*Slipper lobster* (i-*Scyllarides elisabethae*), Ingwane (i-*Octopus magnificus*), i-*Panga*, i-*Hagfish* ne-*Kingklip* zithathwa ngokuthi zingokudotshwa kungaqondiwe embonini ye-SCRL.

### **3. Inqubo yokwabiwa kwamalungelo ezokudoba isikhathi eside yangaphambilini**

Ngowezi-2005 amalungelo okudoba abelwa izinkampani zezokudoba (ezinezikebhe eziyisikhombisa sezizonke) isikhathi seminyaka eyi-15 kuya kweyi-17.

Iphrofayela yoguquko yomkhakha ngowezi-2005/2006 yayimi kanje:

- (a) Abanikazi bamalungelo abangaphezu kwama-60% embonini yezokudoba kwakungabantu abamnyama abangabanimasheya abangaphezu kwama-50%.
- (b) Iphesenti le-TAC nele-TAE elikubantu abamnyama libe ngama-72.22% nama-72.18% ngokwahlukana; futhi
- (c) Iphesenti labanimasheya/ubulungu babantu besimame lalingama-18.42%.

Ngesikhathi selungelo seminyaka eyi-15, izinkampani zezokudoba zihlanganise amalungelo azo futhi kwathi ekupheleni kwelungelo ngowezi-2020, kwaba yizinkampani eziyisikhombisa kwezinyishumi nesikhombisa ezasala.

Ekupheleni kwelungelo lokudoba lesikhathi eside ngowezi-2020, abanikazi bamalungelo abayisikhombisa babedobe izabelo eziphakathi kwama-94% nama-100% ezabelo zabo ngesikhathi sokudoba ngasinye. Abane kubanikazi bamalungelo abayisikhombisa babene-TAC engamathani angu-< 40 futhi abanikazi bamalungelo abane (inkampani ene-TAC enkulu kakhulu kanye nezinkampani ezintathu ezine-TAC encane kakhulu) ababenamalungelo kweminye imikhakha. Izinkampani ezimbili ezine-TAC enkulu kakhulu zazinobunikazi obungama-100% bezikebhe kube abanikazi bamalungelo abasele kulindeleke ukuthi bangaba nobunikazi obuyingxenywe kwezinye izikebhe ezine ezisetshenziswe kamuva.

Umnikazi welungelo wangaphambilini	I-TAC yakamuva (i-kg tail mass)	I-% TAC	I-% eliyisilinganiso esimaphakathi le-TAC ebanjwe ngesikhathi sokudoba	Isibalo sezikebhe ezinobunikazi obungama-100%	Isibalo samalungelo kweminye imikhakha
Umnikazi welungelo 1	135 198	40.3	92	3	4 asebenzayo, 4 aphelelwe isikhathi
Umnikazi welungelo 2	83 842	25.0	100	1	0
Umnikazi welungelo 3	59 513	17.8	97		0
Umnikazi welungelo 4	23 508	7.0	98		0
Umnikazi welungelo 5	13 958	4.2	100		1 elisebenzayo, 1 eliphelelwe isikhathi
Umnikazi welungelo 6	11 379	3.4	94		1 elisebenzayo, 2 aphelelwe isikhathi
Umnikazi welungelo 7	7 667	2.3	98		1 eliphelelwe isikhathi

#### 4. Izimpokophelo

4.1 Izimpokophelo zokwabiwa kwamalungelo okudoba embonini ye-SCRL wukwenza okulandelayo:

- ukusebenzisa ngokusemandleni nokugcina ngendlela yemvelo kwezinsiza eziphila olwandle;
- isidingo sokugcina izinsiza eziphilayo olwandle kwenzelwe izizukulwane zamanje nezangomuso;
- isidingo sokusebenzisa izindlela zokuqikelela maqondana nokuphathwa nokuthuthukiswa kwezinsiza eziphila olwandle.
- ukusekela uzinzo lwezomnotho kanye nokusebenza kwemboni yezokudoba.
- ukwabela abafakizicelo, abathembele ku-SCRL njengensizangqangi yokungenisa imali, amalungelo;
- ukukhuthaza uguquko, ukwandisa ukuzibandakanya ngendlela enenzuzo (ukwandisa ukubamba iqhaza, ukwandisa inzuzo, kanye nokuxhumanisa) kanye nokukhula;
- ukuthuthukisa izingaqophelo lemisebenzi ngokukhuthaza ukuqashwa kwabasebenzi ngokuphelele nokwabela ama-SMME angawabantu ababephucwe amathuba phambilini;
- ukukhuthaza ukulandelwa kwezinqubo zokuphathwa kwabasebenzi ngokufanele;
- ukukhuthaza ukutholakala kokudla kanye nokuqedwa kobubha;
- ukukhuthaza ubunikazi babantu abasha nabesifazane kanye nokubathuthukisa.

## **INGXENYE B: INQUBO YOKWABIWA KWAMALUNGELO OKUDOBELA UKUHWEBA**

### **5. Ukugunyaza amalungelo okudoba**

Amalungelo okudoba agunyazwa ngokwesigaba 18 se-MLRA. Wonke amalungelo ayoba semthethweni kusukela ngosuku lokwabiwa kwawo isikhathi esingengaphezu kweminyaka eyi-15, okuyothi emuva kwalokho anqanyulwe bese abuyiselwe kuHulumeni.

#### **5.1. Uhlobo Lwabanikazi Bamalungelo**

5.1.1. Kuyocutshungulwa izicelo zezinkampani, ama-close corporations kanye nemifelandawonye yaseNingizimu Afrika kuphela eyakhiwe yizinkampani ezisemthethweni zaseNingizimu Afrika kuphela. Izicelo ezivela kumuntu ngayedwana angeke zamukelwe.

5.1.2. Labo bafakizicelo ababenamalungelo embonini ye-SCRL phambilini futhi abaphindayo ukufaka isicelo sokuthola amalungelo okuhweba embonini ye-SCRL, bayothathwa ngokuthi Bangabafakizicelo Abasesigabeni A. Abafakizicelo abanamalungelo kweminye imikhakha ngaphandle kwe-SCRL ngesikhathi sonyaka wezi-2005 kuya kowezi-2020 bayothathwa ngokuthi Bangabafakizicelo Abasesigabeni B. Abafakizicelo abangakaze babe namalungelo okudobela ukuhweba phambilini kunoma omuphi umkhakha wemboni yezokuhweba eNingizimu Afrika bayothathwa ngokuthi Bangabafakizicelo Abasesigabeni C.

#### **5.2. Ubungako besikhathi selungelo**

Amalungelo okudoba ayogunyazwa ku-SCRL isikhathi esingeqe eminyakeni eyi-15. Ubungako besikhathi samalungelo siyonqunywa isiphathimandla esigunyaziwe kubhekwa, phakathi kwezinye izinto, izinga loguquko embonini yezokudoba, imali yempahla ekhona embonini yezokudoba, isidingo sokukhuthaza ukuqhubeka kotshalomali nokukhula komnotho, ulwazi lwamanje ngesimo semvelo sezinhlobo zezinhlanzi eziqondiwe kanye nokusebenza kwababambiqhaza embonini yezokudoba.

#### **5.3. Ukubandakanya imikhakha eminingi**

Abafakizicelo Embonini Yezokudoba ye-SCRL (kubandakanya abaninimashaya abalawulayo kanye namalungu ethimba labo eliphezulu eliphethe) angeke bashiywe ngaphandle ekubeni namalungelo okudobela ukuhweba kweminye imikhakha yezokudoba.



#### **5.4. Ukudluliswa Kwamalungelo Abiwe Ngokwale Nqubomgomo**

Ngokwesigaba 21 se-MLRA uNgqongqoshe angase agunyaze ukudluliswa kwengxenywe noma ngokuphelele kwamalungelo okudoba. Nokho, amalungelo agunyazelwe imboni yezokudoba ngokwe-MLRA akazukudluliswa eminyakeni yokuqala emihlanu egunyaziwe.

#### **6. Isibalo sezikebhe**

Njengamanje kunezikebhe zokudoba i-SCRL eziyisishiyagalombili ezisebenza emanzini aseNingizimu Afrika ezivuna i-TAC yowezi-2020/2021 engamathani angama-337.

Njengoba abanye abafakizicelo abaphumelele bengeke babe nezikebhe zabo ngokugcwele nangenxa yokuthi izikebhe zingase zidinge ukushintshwa, uMnyango uyazi ukuthi abafakizicelo abaningi abaphumelele kungase kudingeke ukuba bafake ezinye izikebhe ezintsha emuva kokwabiwa kwamalungelo okudoba esikhathi eside futhi kuthi uma kwanda izinsiza ze-SCRL kunyuke ne-TAC. UMnyango uzohlola ngokucophelela umthelela ongaba khona ngokufakwa kwezikebhe ezintsha ohlwini lwezikebhe. Abafakizicelo abaphumelele angeke bavunyelwe ukuba bafake izikebhe ezikwazi ukwandisa umzamo ngokungaphezu kwezabelo zabo.

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

Njengoba kuyimboni edinga imali yokuqhuba ibhizinisi, abafakizicelo bakuSigaba A kwadingeka ukuba bafake utshalomali olukhulu kwingqalasizinda yemboni yezokudoba (isib. isikebhe, izikhungo zokusebenzela) nezokwazisa eminyakeni eyi-15 edlule ukuze babe nezinkampani ezingenisa umnotho. Abafakizicelo Besigaba A basebenzise i-TAC yabo ngokugcwele, bedoba isilinganiso esingaphezu kwe-TAC yesabelo sabo ngama-90% ngesikhathi sokudoba ngasinye. Yize amalungelo ehlanganisiwe ngesikhathi samalungelo esidlule, izindlela zokuphatha ukwabiwa kwe-TAC azishintshanga futhi bekungabekwanga phambili labo abanezabelo ezincane zokusiza ekuhlinzekeni ngamathuba okubandakanya ngendlela enenzuzo embonini yezokudoba.

Njengoba kusakhunjulwa okunhlobonhlobo ngomkhakha owasungulwa ngaphansi kwamalungelo esikhathi eside aphambilini maqondana notshalomali, ukuqhutshwa komsebenzi, uzinzo kwezomnotho kanye nokukhula kwebhizinisi, uMnyango uzobheka ukubandakanya abaqalayo ukungena ukuze balandela isigaba 2 Sezimpokophelo Nemigomo, kanye nesigaba 18(5) se-MLRA yoMnyango.

## **8. Indlelakuhlunga Yezabelo**

Kule mboni yezokudoba, uhlelo lokwaba isabelo luzokwakhiwa ngokuhlaziywa kolundelayo ngendlela ehlanganisayo:

- i-TAC yangaphambilini eyayingeyabafakizicelo bakuSigaba A;
- ubungako bokusetshenziswa kwe-TAC ngabafakizicelo bakuSigaba A;
- ukwabiwa kabusha kwe-TAC phakathi kwabafakizicelo bakuSigaba A ukuthuthukisa ukwabela abafakizicelo bakuSigaba A abanesibalo esincane ngokwasemlandweni, ukusiza kube nokubamba iqhaza okunenzuzo embonini yezokudoba;
- ukwabelwa kwabafakizicelo bakuSigaba B no-C nge-TAC ehambisana nezabelo zabafakizicelo bakuSigaba A ngesikhathi sokwabiwa kwamalungelo kwesikhathi eside kwaphambilini; kanye
- nezinga abafakizicelo abaphumelele ngalo ukuze izimpokophelo zoMnyango.

Uma kwenzeka izinsiza ziba khona futhi, i-TAC ingase inyuswe ngesikhathi sokudoba. Uma kwenzeka lokhu, uMnyango uzosebenzisa indlela yesikalo esehlayo maqondana nokwabiwa kwesibalo sokwengezela ebeka phambili abanikazi bamalungelo abanezabelo ezincane.

Ukwabiwa kwesabelo kuzoba ngokwesikhashana kuze kuphothulwe inqubo yokudluliswa kwezinqumo ngokwabiwa kwamalungelo kule mboni yezokudoba. Ukuchitshiyelwa kwezibalo zokwabiwe, uma sekuphothulwe inqubo yokudluliswa kwezinqumo, kuzosetshenziswa ngesikhathi zokudoba ezilandelayo.

## **9. Indlelakuhlunga yokuhlola**

Izicelo ziyohlolwa "ngokwendlelakuhlunga eqondene nokushiya ngaphandle emisiwe". Bonke abafakizicelo emuva kwalokho bayonikwa amaphuzu ngokwahlukana "ngokwendlelakuhlunga yokulinganisa ngokuqhathanisa" emisiwe. Kuyobe sekunqunywa umnqamula-juqu ukuze kukhethwe abafakizicelo abaphumelele futhi umzamo uyokwabelwa umfakizicelo ophumelele.

### **9.1. Indlelakuhlunga eqondene nokushiya ngaphandle**

Ngaphezu kwendlelakuhlunga echazwe kuNqubomgomo Ewujikelele: 2021 eqondene nokufaka izicelo kanye namaphutha amakhulu, Isiphathimandla Esigunyaziwe sizoshiya ngaphandle abafakizicelo abahluleka ukuhlangabezana nezidingo ezilandelayo:

**(a) Ukulandelwa kwezimiso**

Umfakisicelo angashiywa ngaphandle uma, umnimasheya olawulayo, ilungu elinamandla okulawula, noma umqondisi, elahlwe ngecala lokuphula i-MLRA, imithethonqubo emiswe ngaphansi kwayo kanye nemibandela yemvume (ngaphandle kokunikwa ithuba lokukhetha ukukhokha inhlawulo).

Umfakisicelo uzophinde ashinywe ngaphandle uma, umnimasheya olawulayo, ilungu elinamandla okulawula, noma umqondisi, enelungelo lokudoba elisuliwe noma aliphuciwe ngokwe-MLRA.

**(b) Ubunikazi bemvume ngokwamaphepha**

Izicelo ezivela kubafakizicelo bobunikazi bezimvume ngokwamaphepha, njengoba kuchazwe kuNqubomgomo Ewujikelele: 2021, zizoshiywa ngaphandle..

**(c) Ukukhohlisa Ngobunikazi**

Kutholakala ukuthi abafakizicelo abandakanyeka Ebunikazini Ngokwamaphepha njengoba kuchazwe kuNqubomgomo Ewujikelele: 2021, bazoshiywa ngaphandle.

**(d) Ukukhokhwa kwezinkokhelo**

Abafakizicelo kumele balandele okudingekayo maqondana nokukhokhwa kwezindleko njengoba kuchazwe kuNqubomgomo Ewujikelele: 2021.

**9.2. Indlelakuhlunga yokuqathanisa eqondene nokulinganisa**

Abafakizicelo bazohlolwa ngokwendlelakuhlunga yokulinganisa elandelayo, ezokalwa ukuze ihlole amandla ezicelo ngazinye.

**(a) Indlela okudotshwa ngayo (Kusebenza Kubafakizicelo beSigaba A)**

1. Indlela yokudoba kwabafakizicelo ababenelungelo lokudoba embonini ye-SCRL kusukela ngowezi-2005 kuze kube ngowezi-2020 izonqunywa uma bekwaze ukusebenzisa amalungelo okudoba ngempumelelo.
2. Isibalo sezikhathi zokudoba ezichithwe kudotshwa ngaphandle kokuyeka, amaphethini okudoba ngokuyekwa kulandelana izikhathi zokudoba kanye nobuningi bokudotshiwe (isib. iphesenti le-TAC edotshiwe, ukudoba ngokweqile) kuzobhekwa uma kukhishwa amaphuzu kulesi sigaba.

**(b) Isipiliyoni sokudoba kanye nolwazi (Kusebenza kubafakizicelo beSigaba B no-C)**

1. Ukubandakanyeka kwabafakizicelo kweminye imikhakha yezokudoba kanye nemisebenzi eqondene nayo (ukudoba, ukusebenza, ezokwazisa), kanye
2. Nokubandakanyeka kukamfakizicelo embonini ye-SCRL kweminye imisebenzi eqondene nayo (ukudoba, ukusebenza, ezokwazisa nokuphathwa kwezimali yinkampani nabaninimasheya).

**(c) Izikebhe ezifanelekile (Kusebenza kubafakizicelo bakuSigaba A, B no-C).**

1. Kuzodingeka ukuba umfakizicelo aveze ilungelo lokuthola isikebhe esifanelekile kwezokuvuna i-SCRL. Ukutholakala kwesikebhe kungaba ngokobunikazi, ubunikazi obuyingxenye, isivumelwano sokudotshiwe, isivumelwano sokuqasha isikebhe, noma ukuthenga isikebhe noma ukwakha isikebhe esisha. Uma umfakizicelo ehlose ukuthenga isikebhe, kuzodingeka ubufakazi besivumelwano sokuthenga futhi kumele kuhlinzekwe ngesiqinisekiso sasebhange. Esimweni sesikebhe esakhiwe kabusha, izinhlelo zesikebhe kanye nezindleko ezibhalwe zachazwa yinkampani eyakha isikebhe futhi kumele kuhlinzekwe nangobufakazi bezezimali noma ingxenye yokukhokhiwe. Akuhlosiwe ukunyusa isibalo sezikebhe ngesikhathi senqubo yokudoba, kodwa uNgqongqoshe angabheka izimpokophelo zenqubomgomo lapho echitha isibalo sezikebhe ezingamukelwa.
2. Isikebhe esifanele embonini ye-SCRL yisikebhe esinokulandelayo:
  - a. esinobude obubhaliswe kwi-SAMSA obulinganiselwa kumamitha angama-25;
  - b. uhlelo olusebenzayo lokuqapha isikebhe;
  - c. esikwazi ukukhipha izintambo ezilinganiselwa kubude obuyimayela eyodwa kanye nonoxhaka abayi-100;
  - d. ezikwazi ukugcina okungenena onoxhaka abayizi-1000;
  - e. esikwazi ukuphatha ama-*winch* adingekayo; kanye
  - f. nesikwazi ukuthwala abasebenzi basesikebheni abalinganiselwa kuma-30 noma ngaphezulu

Ukuze kuqinisekiswa ukuthi isikebhe siyahlangabezana nendlelakuhlunga yezikebhe efanele, abafakizicelo kumele bathumele izithombe zezikebhe kanye namakhophi esitifiketi sokubhalisa ku-SAMSA.

**(d) Ukulandelwa kwezimiso (Kusebenza kubafakizicelo beSigaba A no-B)**

Ukuphulwa kwemithetho okuncane nokukhulu, okubandakanya lokho okuqondene nokukhokhwa kwenhlawulo yokuvuma icala noma umfakisicelo avuma icala, phakathi kowezi-2005 nowezi-2020 kungase kubhekwe njengendlelakuhlunga yokulinganisa futhi kungase kube nomthelela omubi esicelweni.

**(e) Utshalomali embonini yezokudoba (Kusebenza kubafakizicelo bakuSigaba A, B no-C).**

Isiphathimandla esigunyaziwe kumele sibheke okulandelayo:

1. Maqondana nabafakizicelo bakuSigaba A, utshalomali olwenziwe ezikebheni ezifanele kanye nakwezinye izimpahla enjengezakhiwo ezinjengengqalasizinda yokuqhuba imisebenzi nezokwazisa emkhakheni wokudoba i-SCRL (kanye, nakweminye imikhakha, uma kusebenza, kodwa lokhu kuzoba nesikalo esincane) ngesikhathi seminyaka eyi-15. Utshalomali ngokobunikazi bamasheya nakho kuzobhekwa.
2. Maqondana nabafakizicelo bakuSigaba B, utshalomali olwenziwe kweminye imikhakha ngezikebhe, impahla enjengezakhiwo, ingqalasizinda yezokuqhutshwa kwemisebenzi kanye nezokwazisa, kodwa okucacise kahle ukuzibophezela kwabo (ngokwamandla) ekutshaleni kulo mkhakha (njengokukwazi ukuthola isikebhe) kuzodingeka.
3. Bonke abafakizicelo bakuSigaba C kudingeka baveze ulwazi lwabo, amakhono kanye namandla okudoba kanye nokusebenza i-SCRL. Utshalomali olwenziwe ezikebheni ezifanele kanye nenye impahla enjengezakhiwo njengengqalasizinda yezokuqhutsha kwemisebenzi nezokwazisa emkhakheni wemboni ye-SCRL luzobhekwa.

**(f) Uguquko (Kusebenza kubafakizicelo bakuSigaba A, B no-C).**

Uma kuhlolwa futhi kunikwa izingcingane amaphuzu, isiphathimandla esigunyaziwe singase sikhethwe abafakizicelo ngokususela kwindlelakuhlunga yoguquko. Uma kukhishwa umphumela wendlelakuhlunga yoguquko, isiphathimandla esigunyaziwe singase sibheke: izibalo zabantu noma olunye ulwazi oluhlinzekwe yi-Statistics South Africa maqondana nokwakheka kwesibalo sabantu baseNingizimu Afrika, kanye nephesenti labo bantu elakheke ngokwamaqoqo abantu abahlukene ngokwendalo; isidingo sokuqinisekisa ukuhlonishwa nokubamba iqhaza ngendlela eqondakalayo embonini yezokudoba Kwabantu Ababephucwe Amathuba Phambilini (ama-HDI) kanye nemigomo yokusebenza okuhle ngaphansi koMthetho Ochitshiyelwe Wokufukulwa Kwabantu Abamnyama Kwezomnotho Okubanzi.

Abafakizicelo, kuncike kufomu lomfakisicelo, bazohlolwa futhi banikwe amaphuzu

ngokwendlelakuhlunga yoguquko elandelayo:

1. Iphesenti labantu basemaqoqweni amisiwe kanye nama-HDI abamelwe emholweni opezulu, abangabaqondisi bebhodi, amalungu kanye nezikhulu kanye namazinga okuphatha;
2. Ubungako bokushintsha kobunikazi nokuphatha kwesikhungo somfakisicelo babantu abavela kumaqoqo amisiwe kanye nama-HDI (njengoba kukalwe kwinqubo yokwabiwa kwamalungelo yowezi-2013) buthuthukile, abushintshanga, noma behlile ngesikhathi sokudoba kulandela ukugunyazwa kwamalungelo okudoba enqubweni yokwabiwa kwamalungelo ngowezi-2013;
3. Ukuthi ingabe abasebenzi (ngaphandle kwalabo abahola kakhulu) bazuzile na ohlelweni lwezabelo lwabasebenzi;
4. Ukulandelwa koMthetho Wezokulinganisa Abasebenzi 55 we-1998 kanye nokumelwa kwamaqoqo amisiwe kanye nama-HDI emazingeni ahlukene okuqasha angaphansi kwamazinga ezikhulu nabaphathi.
5. Ukuthenga ngokubeka phambili ababencishwe amathuba;
6. Ukulandelwa komthetho kwezokuthuthukiswa kwamakhono kanye nemali echithwa ezinhlelweni zokuqeqesha nama-learnership maqondana namaqoqo amisiwe nama-HDI; kanye
7. Nokwelulela isandla emphakathini kwenkampani.

**(g) Ukwakhiwa kwamathuba omsebenzi kanye nemibandela yokuqasha (Kusebenza kubafakizicelo bakuSigaba A, B no-C)**

Isiphathimandla esigunyaziwe singabeka phambilini noma womuphi umfakisicelo ozibophezele ekugcineni amathuba omsebenzi akhona, noma ukwandisa amathuba omsebenzi uma abelwa ilungelo embonini ye-SCRL. Ngokwalezi zinhloso isiphathimandla esigunyaziwe zizobheka izingaqophelo lamathuba omsebenzi avuliwe, okubandakanya ukulandelwa koMthetho Wemigomo Yokusebenza Eyisisekelo, 1997 (No. 75 we-1997) ("i-BCEA"); kanye nokuzibophezela kukamfakisicelo ekuhlinzekeni abasebenzi bakhe ngokulandelayo:

1. ukuqashwa ngokugcwele;
2. *i-medical aid* noma woluphi olunye uhlobo lokusiza ngokwezempilo;
3. isikhwama somhlalaphansi ne-*provident fund*;
4. izimo zokusebenza eziphephile ngokwezidingo zomthetho ezisebenzayo; kanye
5. nohlelo lwamasheya lwabasebenzi, oluqinisekisa ukuthi abasebenzi bathokozela ubunikazi bamasheya ngempumelelo avela kumnikazi welungelo.

## **INGXENYE C: IZINDLELA ZOKUPHATHA**

### **10. Indlela yokubhekana nembali yezokudoba yohlelo lwemvelo**

Imboni yezokudoba izophathwa ngokwendlela yohlelo lwemvelo lwembali yezokudoba ("EAF"). Indlela yohlelo lwezemvelo lokuphathwa kwembali yezokudoba igcina noma ithuthukisa isimo sempilo sohlelo lwemvelo futhi elinganisa ukuhlukahlukana kwezidingo kanye nokubalulekile emphakathini. Le ndlela iphinde ichaze uhlelo lwemvelo ngokobubanzi bayo futhi ibandakanya izinhlelo zezemvelo, zezehlalakahle, zezomnotho nezokubusa.

### **11. Uhlelo lomqaphi**

- a. Umnikazi welungelo lokudoba i-SCRL uyokwamukela umqaphi esikebheni somnikazi welungelo esikebheni esiqokiwe lapho uMnyango noma i-eyenti yawo idinga ukwenza njalo.
- b. Umnikazi welungelo uyothwala izindleko zokuqokwa komqaphi uma uMnyango udinga ukuba kwenzeke njalo.
- c. Umnikazi welungelo uyovumela Umqaphi ukuthi akwazi ukungena aqaphe imisebenzi yezokudoba ngaphandle kwemikhawulo, futhi ahlole ukulandelwa kwemibandela yemvume kanye nayo yonke imithetho esebenzayo.
- d. Uma kwenzeka uMnyango ukholwa wukuthi uMqaphi uyavinjwa ekwenzeni imisebenzi yakhe azibophezele kuyo nganoma eyiphi indlela noma esatshiswa nganoma eyiphi indlela esasesikebheni somnikazi welungelo, uMnyango ungaqalisa inqubo engaphansi kwesigaba 28 se-MLRA.

### **12. Isibalo samalungelo aphuciwe**

Uma kuphuthwa ilungelo kule mboni yezokudoba, lelo lungelo lingase: **(a)** labelwe umfakisicelo ongaphumelelanga obefake isicelo enqubweni yokwabiwa kwamalungelo yakamuva, **(b)** ohlangabezane nakho konke okuqondene nendlelakuhlunga yokushiya ngaphandle, kanye **(c)** nothole amaphuzu anelisayo phakathi kwabafakizicelo abangaphumelelanga njengoba kubhalwe Ezizathwini Zokushicilela Eziwujikelele zikaNgqongqoshe noma Isiphathimandla Esigunyaziwe sakhe. Abafakizicelo bazofakwa ohlwini lwabalindle futhi bazokwabelwa ilungelo ngokuvela kwalo ngaphandle kwesidingo sokucela ukuba kufakwe izicelo kabusha.

### **13. Ukudluliswa Kwamalungelo Okudobela Ukuhweba kanye/noma Izabelo kanye/noma**

## **Izintshisekelo Zamalungu**

Abanikazi Bamalungelo kulo mkhakha bayolandela iNqubomgomo Yokudluliswa Kwamalungelo Okudobela Ukuhweba noma Amalungelo noma Izingxenye zakhona (iNqubomgomo Yokudluliswa) uma kudluliswa amalungelo okudoba abo kanye/noma izabelo kanye/noma izintshisekelo zamalungu.

### **14. Imibandela yezimvume**

Imibandela yezimvume yale mboni yezokudoba izokhishwa minyaka yonke. Imibandela yemvume izonqunywa emuva kokubonisana nabafakizicelo abaphumelele kule mboni yezokudoba futhi izobuyekwezwa lapho nangesikhathi kudingeka.

### **15. Ukuqapha nokuhlolwa kwenqubomgomo**

15.1 UMnyango uzoqapha futhi uhlole inqubomgomo ngokuqalisa inqwaba yezindlela zokusebenza ngokugcwele kukalwa imisebenzi yokulinganisa yesikhathi seminyaka eyi-15. Kulindeleke ukuthi imisebenzi yokuqala yokukala uhlelo lokusebenza izokwenzeka njalo emuva kweminyaka eyisikhombisa (7).

15.2 Yize uMnyango uzophothula uhlelo ngqo oluqondene nendlelakuhlunga abanikazi bamalungelo abazolinganiswa ngayo emuva kokwabiwa kwamalungelo okudobela ukuhweba, kanye nangemuva kokubonisana nabanikazi bamalungelo, kungase kusetshenziswe izinhlelo ezihambisana nokusebenza ezibanzi:

- (a) Uguquko.
- (b) Utshalomali ezikebheni, izimboni nempahla yokudoba.
- (c) Ukusetshenziswa ngendlela egcinekayo.
- (d) Indlela Okuqhuba Ngayo Ukuvunwa Kwesikhuphashi Sasemadwaleni Sasogwini Oluseningizimu
- (e) Okudobekile kwezimiso zokungenelela ngemithetho nemithethonqubo esebenzayo.
- (f) Ukulandelwa kwezimiso zokungenelela ngemithetho kanye nemithethonqubo esebenzayo.
- (g) Ukubika ngokudotshiwe ngesikhathi nangokugcwele kanye nolunye ulwazi olusebenzayo.

15.3 Inhloso yokulinganisa ukusebenza kuzoba wukuqinisekisa ukuthi izimpokophelo zale nqubomgomo eziwuhlaka ziyafezwa.



## 16. Ukuphula Imithetho

Ukuphula imithetho okuyizinhlobo ezilandelayo:

- (a) Umfakisicelo ophumelele ohluleka ukusebenzisa ilungelo lokudoba le-SCRL nganoma esiphi isikhathi sokudoba esisodwa ngesikhathi Ilungelo lakho ligunyaziwe kunencazelo ezwakalayo;
- (b) Ukuphula kwezinhlinzeko ze-MLRA, Imithethonqubo ye-MLRA, Imigomo Yezimvume, inqubomgomo Yokudluliswa Kwamalungelo kanye neminye Imithetho ehambisana nayo emigomweni yeMvume kaMnini lungelo, noma abasebenzi bayo (okungaba ngabasebenza ngokugcwele, okungaba ngokuphelele noma ngezikhathi ezithile), osonkontileka bayo, ama-ejenti noma abeluleki kanye nokapteni wesikebhe;

kungadala ukuba kuqaliswe inqubo yezomthetho (engase ibandakanye ukuqaliswa kwenqubo yesigaba 28 ye-MLRA kanye noma nenqubo yamacala ezobugebengu).

## ISIGINESHA YOKUGUNYAZA

(As English version Gazetted)

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

**ISIKHUNDLA:** UNGQONGQOSHE WEZAMAHLATHI, EZOKUDOBA NEZEMVELO