IBHUKWANA LEZINGXOXO

INQUBOGOMO KA-2021 YABAVUKUZI ABAZIMELE ABANCANE

ISIBUYEKEZO SESIBILI, V2, (2021)

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ISAHLUKO I

1. ISINGENISO

Imboni Yezezimayini Yabavukuzi Abazimele abancane (i-ASM) yemukelwe ngokusemthethweni ngenkathi singena embusweni wentando yeningi ngonyaka ka-1994. Uhulumeni wethule izindlela zokungenelela nezinhlaka eziningi zokuxhasa ngenhloso yothuthukiswa kwemboni ye-ASM ikakhulukazi ukukhuthaza ukubamba iqhaza kwabantu Ababencishwe Amathuba Phambilini kwabahleli Bokubaluleka (ama-HDP) nangenhloso yokubhekana nezinselelo ezibhekene nalo mkhakha. Lokhu kungenelela kubandakanya ukwenziwa koMhlahlandlela Ngobubanzi (i-White Paper): UMhlahlandlela Wezimbiwa Phansi Nezimayini waseNingizimu Afrika, ka-1998" (i-White Paper, ka-1998). Le nqubomgomo inesahluko kuyo esidingida ngemboni ye-ASM. Lokho okwakuphakanyiswe kule nqubomgomo ku-White Paper sekwaba ngumthetho esigabeni -27 somthetho i-Mineral and Petroleum Resources Development Act, ka-2002 (okuyi-MPRDA).

Naphezu kwalezi zinqubo zokungenelela zenqubomgomo nezomthetho kanye nezinhlaka zokweseka ngemuva konyaka we-1994, imboni ye-ASM iyaqhubeka nokuhlangabezana nezinselelo. Imboni kulokhu kuyimboni engakahleleki, naphezu kokukhuphuka kwenani lezimvume zesigaba 27 zezimayini ezikhishwe nguMnyango. Nakuba lemboni ibandakanya abantu abaningi ababambe iqhaza kuyo, inenani elikhulu labantu abaqashiwe, futhi inomthelela omkhulu kwezenhlalo nakwezomnotho, itshale nezimali, futhi inegalelo nakwi-Gross Domestic Product (okuyi-GDP), akucacile kahle mayelana nezintela nama-royalties okuqondene nayo.

Isigaba 27 se-MPRDA esibhekelele uhlelo lwezamalayisensi maqondana nale mboni ye-ASM, sibonakala siyisithiyo esikhulu ekuthuthukisweni nasekukhuleni kwalo mkhakha. Lokhu kungenxa yokuthi lo Mthetho awuyichazi imiqondo. Imboni Yabavukuzi Abazimele Nabancane ayibhekelelwe kuwo. Abavukuzi Abazimele Nabancane baphethwe ngendlela efanayo nabavukuzi abakhulu ngokwezimfuneko zokuphathwa kwezemvelo, zokusetshenziswa kwamanzi, zokusetshenziswa komhlaba nangezimfuneko zezempilo nezokuphepha nangezimfuneko zokwabelwa ngezezimali.

Ngaphezu kwalokho, lo Mthetho unemikhawulo ekudlulisweni nasekuvinjelweni kwemvume yezimayini, ubukhulu bendawo kumele bube ngamahektha ama-5 kuphela

kanti lokhu kunomthelela ongemuhle kumnikazi wemvume ekutholeni ukuxhaswa ngezimali kanye nokusebenza okusimeme jikelele. Ukufakwa kwezicelo zokubamba iqhaza kule mboni kuvulelekile kubo bonke abantu ngisho nakubavukuzi abakhulu. Lezi zinto, ezibandakanya nezindlela ezingezinhle zokwesekwa nguHulumeni, ngoxhaso lwezimali nangokuhlinzekwa ngezinye izinsizakalo kule mboni ye-ASM, kube nomthelela ongemuhle maqondana nokungahleleki kwalo mkhakha nasekuthuthukeni kwayo. Lokhu kubangele ukuthi eminyakeni edlule abantu abakule mboni kanye nabanentshisekelo kuyo kanye nalabo abathintekayo bafune ukuthi kube nokungenelela kwenqubomqobo kanye nemithetho.

Kuyaqina impela ukufuna ukuthi uHulumeni enze izinguquko kunqubomqomo nakumithetho ngenhloso yokuhlela kahle le mboni ye-ASM. Ababambiqhaza kule mboni bafuna uHulumeni agxile kakhulu embonini ye-ASM ngenxa yokuthi le mboni ingakwazi ukufaka isandla ekuthuthukisweni kwezenhlalo nezomnotho kanye nokwenza ngcono izimpilo zabantu baseNingizimu Afrika, ikakhulukazi imiphakathi yasemakhaya. Ngaphezu kwalokhu abantu bafuna ukuthi uhlaka olubalulekile lwemithetho luhambisane emazingeni ezifunda nasemhlabeni wonke ngenhloso yokuhlela nokuthuthukiswa kwemboni ye-ASM. Lokhu kungesinye isizathu phakathi kwezizathu ezimaqondana nokwanda kwezimayini ezingekho emthethweni okubikwa ngazo kakhulu kuleli lizwe.

Izimayini ezingekho emthethweni zinomthelela omkhulu nongemuhle emphakathini nakwezezimali maqondana, phakathi kokunye nabasebenzi, izinkampani, nasemkhakheni wezimboni nakuleli lizwe ngenxa yokulahlekelwa yimali, nentela, namathuba omsebenzi, nasekusetshenzisweni kwemali, nasekuthumeleni imikhiqizo kwamanye amazwe, nasemalini etholakala ngokushintshisana kwemali yamanye amazwe nasezinhlelweni zokuthenga impahla. Futhi zenza ukuthi kube nobungozi obukhulu ekusimaneni kwale mboni kanye nekhono layo lokudlala indima mayelana nekusasa lazo zonke izakhamuzi zaseNingizimu Afrika.

Ukubuyekezwa kohlaka lweNqubomgomo ye-ASM njengoba kubhaliwe ku-White Pater, ka-1998 kuhloswe ngakho ukubhekana nezinselelo ezibalulwe lapha ngenhla. Inhloso yalokhu kubuyekezwa kwale nqubomgomo ukuveza ukungenelela kwenqubomgomo kahulumeni ngenhloso yokubhekana nalezi zinselelo kanye nokuxhasa ukuthuthukiswa okusimeme kwalo mkhakha we-ASM. Lokhu kungenelela kwezinqubomgomo kuzokwenza ukuthi le mboni ikwazi ukudlala indima ebonakalayo

emnothweni omkhulu, nasekwakheni amathuba emisebenzi kanye nasekuqedeni ubuphofu.

Leli bhukwana linezahluko ezili-10 ezidingida lezi zindikimba ezilandelayo:

I. Ukuchazwa kwamagama nezinjongo zeNqubomgomo ye-ASM, ka-2020;
II. Ukwahlukaniswa kwemiqondo;
III. Uhlelo wamalayisensi nezokuphatha
IV. Izinqubo zezikhungo kanye nokweseka
V. Izinhlelo zezintela kanye nama-royalty;
VI. Ukubhekelelwa kwezemvelo, ezempilo, ezokuphepha kanye nokusetshenziswa kwamanzi;
VII. Inqubomgomo kahulumeni mayelana nezimayini ezingekho emthethweni;
VIII. Ukubika nobuqotho;
IX. Ukusebenza kwenqubomgomo, nokulandelwa kwayo nokuqashelwa kwayokanyenokuhlolwa kwayo; kanye
X. Ukubuyekezwa Kwenqubomgomo.

Iziphakamiso zenqubomgomo kaHulumeni zicaciswe kahle ngaphansi kwaleso naleso sahluko kanye nendikimba. Inhloso wukuthi lokhu kungenelela kwale nqubomgomo kwenze ukuthi kube nomthetho olandelwayo.

Ngokwenqubo, ukubuyekezwa kwale nqubomgomo kuzokwenziwa ngokuxoxisana kanye nokubhekelelwa kwemibono yabo bonke abantu abanentshisekelo kule mboni kanye namalungu omphakathi ababambisene nawo. Kuzoba nokubonisana kwangaphambilini ngezinhloso nangezinjongo zokubuyekezwa kwenqubomgomo ngaphambi kokuthunyelwa kohlaka lwenqubomgomo ye-ASM ukuze ivunyelwe yiKhabhinethi. Ikhabhinethi izobe izivumela izincomo zale drafthi yenqubomgomo ngenhloso yokuba umphakathi akwazi ukuphawula ngayo. Ngemuva kwesikhathi sokuphawula komphakathi, kuzobe sekuxoxiswana nalabo abanentshisekelo kanye namalungu omphakathi okubanjiswene nawo mayelana nalokho okuphawulwe ngakho bese-ke idrafthi yenqubomgomo ye-ASM iphinde ithunyelwe kuKhabhinethi ukuze ivunyelwe ukuba iqale isebenze. Le drafthi yeNqubomgomo ye-ASM izodlula kwinqubo ye-Socio-Economic Impact Assessment (okuyi-SEIAS), kuxoxiswane ngayo nesigaba sehhovisi likaMongameli esibhekelele uhlelo Lwezokuhlela, Ukuqapha Nokuhlola.

2. INHLOSO YENQUBOMGOMO YE- ASM

Inhloso yenqubomgomo ye-ASM ukugqugquzela ukuhleleka Kwemboni Yezimayini Yabavukuzi abazimele abancane ukuze ikwazi ukusebenza ngendlela esimeme futhi ibe idlala nendima kwezomnotho ngendlela yokukhokha intela nama-royalty kanye nangokudala amathuba emisebenzi kanye nokuqeda ukusebenza okungekho emthethweni kwe-ASM.

3. IZINCAZELO

"***Abavukuzi abazimele abancane***" kuqondiswe kulabo bavukuzi abavukuza ngokusebenzisa izindlela nezinto zakudala. Lokhu kufaka phakathi imisebenzi yabantu abasebenzisa kakhulu izindlela zakudala zokuvukuza, amathuluzi ezandla akudala ekuvukuzeni izimbiwa, ezivame ukutholakala ngaphezulu komhlaba noma ezindaweni ezingajulile kakhulu.

"Abavukuzi abancane" kusho umsebenzi wokuvukuza noma wokumba ongasebenzisi izindlela zobuchwepheshe nemishini, namakhemikhali abandakanya i-mercury ne-cyanide noma iziqhumane; noma ukwenziwa kwemisebenzi yokuvukuza engahlongoziwe, ongabandakanyi ukutshalwa kwezimali noma izindleko noma ukusetshenziswa kwemali engaphezu kwaleyo engabekwa.

"***Ama-royalty***" kuqondiswe kunoma yiyiphi imali yama-royalty okumele ikhokhelwe uHulumeni ngokuya ngoMthetho wePhalamende.

"Izakhamuzi zaseNingizimu Afrika" kumaqondana nomuntu wemvelo (hhayi ibhizinisi) oseneminyaka osekhule ngokwanele (oseneminyaka yobudala eyi-18), owazalelwa eNingizimu Afrika noma eyisakhamuzi saphakade. Uma kukhulunywa ngalokho okusungulwe ngaphansi komthetho kushiwo inkampani esungulwe yabhaliswa ngokoMthetho Wezinkampani uMthetho ka-2008, eyenza imisebenzi kuleli lizwe ngokulandela imithetho yaseNingizimu Afrika.

4. IZIFINGQO

IZIFINGQO	INCAZELO
I-ASM	Abavukuzi abazimele nabancane.
I-CGS	Umkhandlu we-Geoscience.

I-COGTA	UMnyango Wezokubusa Nokubambisana kanye Nezindaba Zezendabuko
Ama-DFI	Izikhungo Zokuthuthukisa Ngokwezimali.
I-DMRE	UMnyango Wezokumbiwa Phansi Namandla
I-DEA	UMnyango Wezemvelo.
UMnyango:	UMnyango Wezokumbiwa Phansi Namandla
Ama-HDP	Abantu Ababencishwe Amathuba Phambilini
I-ITA	UMthetho Wezentela, ka-1967
I-LSM	Abavukuzi Abakhulu.
I-MPRDA	Umthetho i-Mineral and Petroleum Resources Development Act, ka-2002.
I-MHSA	UMthetho Wempilo Nezokuphepha Ezimayini, ka-1996
MQA	I-Mining Qualifications Authority.
I-MHSC	UMkhandlu Wezempilo Nokuphepha Ezimayini.
I-MPMT	I-Minerals and Precious Metals Theft Unit.
I-NEMA	Umthetho Wokuphathwa Kwezemvelo kuZwelonke, ka-1998
I-NCSMT	Ezokuphathwa Kokuhleleka Nezamasu kuZwelonke Ithimba elasungulwa yiKhabhinethi ngonyaka ka-2010
I-NWA	UMthetho Wezamanzi kuZwelonke ka-1998
I-SAMRAD	Uhlelo Lezokuphathwa Kwezimbiwa eNingizimu Afrika eNingizimu Afrika.

I-SAPS	EzamaPhoyisa aseNingizimu Afrika.
I-SBC	INkampani Yezamabhizinisi Amancane
I-TA	Isivumelwane Semali Yobukhonzi
I-Dti	UMnyango Wezohwebo Nezezimboni
I-TOT	Uhlelo Lwezentela
I-VCC	Inkampani Etshala Imali enkampanini esakhula
I-White Paper	I-White Paper ehlanganisa iNqubomgomo Mayelana Nemboni Yezimayini Nezimbiwa eNingizimu Afrika, ka-1998

ISAHLUKO II

5. IZINCOMO ZOCWANINGO LOKUQHATHANISA

Ingonyaka ka-2019 uMnyango wenza ucwaningo lokuqhathanisa lapho owawuqhathanisa khona ama-ASM akhethiwe ase-Afrika ezweni laseKenya, eGhana kanye naseZambia. Kwasungulwa uhlu lwemibuzo esezingeni elivamile yase ijikeleziswa koNgqongqoshe abafanele ngaphambi kwalolo nalolo cwaningo lokuqhathanisa ngenhloso yokwenza amalungiselelo kanye nokuthola ulwazi olufanele. Ucwaningo lokuqhathanisa lwaphetha ngombiko owavunywa nguNgqongqoshe ngoMashi 2020.

Ngamafuphi, lo mbiko wokucwaninga uncome ukuthi uMnyango kumele kube khona izinto ozithatha ohlakeni lwenqubomgomo nolwemithetho kwamanye amazwe (okuyiKenya, iZambia neGhana) ezingekho njengamanje ku-MPRDA.ngenhloso yokusungula inqubomgomo kanye nohlaka lomthetho lwemboni ye-ASM yaseNingizimu Afrika. Lezi zinto zibandakanya okulandelayo:

(a) *Ukubekiswa izimvumo e-ASM kubantu bendawo*: kuzo zozintathu lezi zindawo amaphemithi e-ASM agcinelwe abantu bendawo. Uhlaka lwenqubomgomo olwethuliwe kumele luhlolisise ukuthi kungenzeka yini ukuthi kulethwe le mfuneko, uma kubhekwa umlando waseNingizimu Afrika wokubandakanyekwa kwabavukuzi abavela emazweni angomakhelwane, emisebenzini yokuvukuza esemthetho nengekho emthethweni.

(b) *Ukuchazwa kwemiqondo:* Abavukuzi Abazimele Nabancane kumele bodwa bahlukaniswe Kubavukuzi Abakhulu, njengoba kwenziwa naseZambia.

(c) *Ukukhushulwa kwamazinga*: uhlaka lwenqubomgomo nomthetho kumele kucacise kahle ukukhuphuka ngokwamazinga kusukela Kubavukuzi Abazimele kuya Kubavukuzi Abancane nokusukela Kubavukuzi Abancane kuya ekubeni ezingeni le-LSM.

(d) *Ukubakhona nokusebenzisana phakathi kwabavukuzi be-ASM nabe-LSM:* inqubomgomo kumele icacise mayelana nobudlelwane phakathi kwemisebenzi yabavukuzi be-ASM nabe-LSM. I-LSM kumele inikwe amandla ngumthetho ukwabela abavukuzi be-ASM izingxenye zezindawo zezimayini, kusayinwe nama-Tributing Agreement (okungama-TA) ngenhloso yokulawula ubudlelwano kanye nokusebenzisana.

(e) *Ukudluliswa kanye nokuvinjelwa*: ukucatshanga ngokuphinde kubuyekezwe ukulinganiselwa kokudluliswa kwamaphemithi ezimayini kuthathwe nemodeli efana neyeGhana lapho ukudluliswa kuvunyelwe khona ngemvume yoNgqongqoshe kanye nezakhamizi zaseGhana noma abanye opharetha abafanelekile be-ASM.

(f) *Ukuqokwa kwezindawo zomkhakha we-ASM:* UNgqongqoshe kufanele anikezwe amandla ngumthetho yokubekela imboni ye-ASM izindawo. Lokhu kungenziwa ngokubambisana noMkhandlu we-Geoscience (okuyi-CGS), uMkhandlu Wezempilo Nokuphepha Emayini (okuyi-MHSC) kanye noMnyango Wezemvelo, Ezamahlathi kanye Nezokudoba (okuyi-DEFF). I-CGS kufanele isebenzise idatha yokwakheka komhlaba ngenhloso yokucacisa nokweseka lezo zindawo eziqokiwe. Ezinye izikhungo kumele zihlinzeke ngolwazi nedatha okufanele ngenhloso yokugunyazwa okudingekayo (izinhlelo ze-EIA kanye ne-MHS).

(g) *Ukulinganiselwa kwemisebenzi ye-ASM mayelana nokuvukuza ngaphezulu komhlaba:* Le nketho yenqubomgomo kumele iphenywe ngokuqhubekayo njengoba ukulinganiselwa kungenzeka kubonakale njengokubandlululayo, njengokubekela eceleni, nokungaba nemiphumela engasizi lutho. Kutholakale ukuthi sekunemisebenzi ethile yezimayini engekho emthethweni eyenzeka ngaphansi komhlaba.

(h) *Ukusungulwa kwamahhovisi ezimayini ezifunda:* Ngokufanayo neGhana, lawa mahhovisi kufanele enzelwe ukwenza kube lula ukuthola amalayisense e-ASM; Ukuhlanganisa amarejista e-ASM akhona nalawo alindelekile, ukucaciswa kwemininingwane enganqunywa nguNgqongqoshe; Ukugada nokuqapha umsebenzi owenziwayo kanye nokusebenza kwalaba bavukuzi; ukweluleka nokuhlinzekwa kwezindawo zokuqeqesha kanye nosizo oludingekayo ukuze imisebenzi ye-ASM yenziwe kahle nangempumelelo; Ukuthunyelwa kwefomu kuMnyango ngendlela nangezikhathi ezithile njengoba kuyalelwe, imibiko noma eminye imibhalo kanye nolwazi ngemisebenzi ye-ASM Esifundeni; kanye nokugqugquzela ukusungulwa izinhlangano Zabavukuzi Abazimele Nabancane. Lokhu kungenziwa ngenye indlela yokuthi le misebenzi yenziwe Ngabaphathi Bezifunda noma yiYunithi Yabavukuzi Abancane abakuqeqeshelwe lokhu.

(i) *Ukubunjwa Kwamakomidi Ezifunda Ezimayini* Amakomidi abantu abanezintshisekelo eziningi ezihlukahlukene endaweni ngayinye ekhethiwe ye-ASM emelwe ngumuntu ovela ku-DMRE, ku-DEFF, naku-COGTA njl. kufanele

asungulwe ngokuya ngokomthetho.

(j) *Ukubunjwa Kwezinhlangano ze-ASM:* Abasebenzi be-ASM kufanele bakhuthazwe ukuthi bazihlele ngokwabo ngokwamabandla amukelwe ngokomthetho. Kumele izinhlangano ze-ASM kuZwelonke noma kuzifunda zithuthukiswe futhi zesekwe.

(k) *Usizo lwezezimali emisebenzini ye-ASM:* izindlela zokuxhasa ngezimali amaphrojekthi e-ASM kufanele zenziwe zitholakale zihlinzekelwe ngokomthetho.

ISAHLUKO III

6. UKWAHLUKANISWA KWEMIQONDO

Abavukuzi abazimele nabancane

I-MPRDA ayichazi kahle mayelana namagama athi "Abavukuzi Abazimele" kanye "Abavukuzi Abancane". Ngokwalo Mthetho iphemithi yezimayini ingakhishwa isikhathi esiyiminyaka emibili-2 ehlanganisa indawo engama-hectares ayisihlanu-5 evuselelwa izikhathi ezintathu3 ngayinye kungeqi unyaka owodwa. Lokhu kuchazwa ngendlela yokuthi kumaqondana kuphela nokuvukuza indawo encane. Ngakho-ke lo Mthetho awukhulumi nabavukuzi abancane Njengoba le miqondo ingachaziwe kahle yenza ukuthi kungalawuleki kahle futhi kuletha nongabazane maqondana nemisebenzi yabavukuzi abazimele nabancane. Ngenxa yalokhu, kube nezincazelo ezahlukahlukene ezisetshenziswe yimboni ukuzama ukuvala lesi sikhala esenza kungalawuleki kahle. Lokhu kusukela encazelweni ye-ASM ekuMthetho Wamabhizinisi Amancane, ka-2003, lapho kuchazwa "ezezimayini ezisathuthuka" noma "izimayini ezincane" kanye nokuhlanganiseka kwabavukuzi abazimele nabavukuzi abancane kanye nezimayini ezingekho emthethweni.

Inqubomgomo eyisiphakamiso sikaHulumeni:

Kuphakanyiswe lokhu okulandelayo ukuze kuvaleke isikhala mayelana nezincazelo zamagama:

a) Incazelo "Abavukuzi abazimele abancane" kumele kuqondiswe kubavukuzi abavukuza ngokusebenzisa izindlela nezinto zakudala. Lokhu kufaka phakathi imisebenzi yabantu noma yamaqembu asebenzisa kakhulu izindlela zakudala zokuvukuza, amathuluzi ezandla akudala ekuvukuzeni

izimbiwa, ezivame ukutholakala ngaphezulu komhlaba noma ezindaweni ezingajulile kakhulu.

b) Izincazelo“*Abavukuzi Abancane*” kuyokusho umsebenzi wokuvukuza noma wokumba ongasebenzisi izindlela zobuchwepheshe nemishini, namakhemikhali abandakanya i-mercury ne-cyanide noma iziqhumane; noma ukwenziwa kwemisebenzi yokuvukuza engahlongoziwe, ongabandakanyi ukutshalwa kwezimali noma izindleko noma ukusetshenziswa kwemali engaphezu kwaleyo engabekwa.

c) Kuphakanyiswa izilinganiso maqondana nenani lotshalomali olubandakanyekayo zingahle zibekwe, okungaba yisamba semali esingeqile Emarandini ayiMiliyoni eyo-1 mayelana Nabavukuzi Abazimele Nabancane kanye Notshalomali olungamarandi angeqile Kumamiliyoni ayi-10 maqondana Nabavukuzi Abancane.

d) Uhlelo lokudlulela ezingeni elilandelayo: kuzobhekelwa ukuthi kuvunyelwe ukuthi umvukuzi ozimele athole ithuba lokudlulela ezingeni lokuba ngumvukuzi omncane, bese kuthi umvukuzi omncane adlulele ezingeni lomvukuzi ophakathi nendawo, ongaphansi noma osafufusa lapho kuzobe kubhekwe izilinganiselo zokukhiqiza kanye notshalomali.

Le ndlela yenza ukuthi kuhlukaniseke kahle mayelana Nabavukuzi Abazimele kanye Nabavukuzi Abancane kanye namagama ahambisana nalokhu. Uhlaka lwenqubomgomo nezomthetho luzobhekelela uhlelo Lwamaphemithi Abavukuzi Abazimele kanye Namaphemithi Abavukuzi Abancane mayelana nezimfuneko kanye nezibophezelo zalokhu ngakunye.

ISAHLUKO IV

7. UHLELO LOKUTHOLAKALA KWEZIMVUME NEZOKUPHATHA

Uhlaka lwezomthetho lwe-MPRDA kusigaba 27 esikhuluma ngabavukuzi abancane kuphela selukhombisile ukuthi alwenele ukuphendula ngokugcwele izidingo zemboni ye-ASM. Lolu hlaka lwenzelwe imisebenzi emikhulu futhi aluzange lubhekele izinto ezikhethekile zemboni ye-ASM ngakho-ke alufanelekile. Abavukuzi abancane kule minyaka edlule babhekane nezinselelo kulolu hlelo olukhona njengamanje okubandakanya (i) ukufinyeleleka nokusebenziseka kalula kohlelo ukufakwa kwezicelo nge SAMRAD (ii) izidingo zezinsizakusebenza (iii) indawo yamahhovisi e-DMRE (iv) ukufinyelela olwazini (v) ukuthola uxhaso lwezimali (vii) ubunzima obukhulu

bokuhlangabezana nezimfuneko kanye (viii) nokuntuleka kokwesekwa okuvela kuhulumeni (ukwesekwa kwesikhungo, uxhaso lwezimali, ukwakhiwa kwamakhono, ingqalasizinda, imakethe, ukutholakala komhlaba, njl).

Ngokokusebenza okuqotho kwamazwe omhlaba, inqubomgomo kanye nohlaka lwezomthetho olumayelana Nabavukuzi Abazimele Nabancane kumele kube ngecacile nephusile. Imikhakha yamalayisense kufanele isebenze maqondana nesikhathi, ubude besikhathi, amalungelo kanye nezibopho. Indlela yokuthola amalayisense, izinqubo kanye nezinhlelo kufanele kube lula futhi kucace mayelana nokuyiqonda nokuyisebenzisa.

Iziphakamiso zenqubomgomo kaHulumeni:

Ukuze kuqinisekiswe ukuthi uhlelo lwamalayisense kanye nokuphathwa kwemboni Yabavukuzi Abazimele Nabancane kuyahambisana nenqubo ehamba phambili esetshenziswa emhlabeni wonke nezuzisa abantu baseNingizimu Afrika, uHulumeni uphakamisa lokhu okulandelayo:

(a) Izinhlobo zamaphemithi okumele kuhlinzekwe ngawo

Inqubomgomo nomthetho okubandakanya lokhu kuzohlinzeka ngezinhlobo ezimbili zamaphemithi Abavukuzi Abazimele Nabancane.

(i) Iphemithi Yabavukuzi Abazimele.
(ii) Iphemithi Yabavukuzi Abancane.

(b) Indlela yokuhlinzekwa kwamalayisensi

Kuphakanyiswa ukuhlinzekwa kwezinhlobo ezimbili zamalayisensi Inqubo yendlela yokufaka isicelo kuqala kunabanye izoqhubeka nokwenziwa njengendlela yokuthola ilayisense ngokuzenzekela. Noma kunjalo uHulumeni

uzoba namandla okumema ukufakwa kwezicelo mayelana nabavukuzi abazimele noma abavukuzi abancane kulezo zindawo eziqokiwe. Lolu hlelo lwezimemo luzokwamukelwa ngokwesekwa nguMkhandlu i-Geoscience (okuyi-CGS).

(c) Izidingo zokuhlinzekwa kwamalayisensi

Ukunikezwa kwelayisense mayelana nemisebenzi ye-ASM kufanele kwenziwe

ngendlela enobulungiswa, elinganayo nangendlela esobala uma kubhekwa lokhu okulandelayo:

(i) Ukufeza inhloso yenqubomgomo, ikakhulukazi, isidingo sokwenza ukuthi i-HDSA ibambe iqhaza ngendlela ephusile embonini yezimayini;
(ii) Ukudlala indima ekuthuthukisweni kwezenhlalo nezomnotho, ekudaleni amathuba emisebenzi kanye nasekulweni nobuphofu;
(iii) Ukuthuthukiswa kwamaqembu ahlelekile
(iv) Ukubeka phambili intshisekelo yabesifazane kanye namaqembu angenamandla abandakanyeka embonini ye-ASM;
(v) Ukubeka phezulu ohlwini lokubalulekile uqeqesho kanye nokuba nekhono kwabanamalayisensi emisebenzini eyenziwa ezimayini**;**
(vi) Ukuhlelwa kwale mboni kanye nokuba yilunga ngendlela yempoqo ezinhlanganweni ze-ASM kanye
(vii) Nokukhushulelwa phezulu kwemisebenzi ibe sezingeni labavukuzi abakhulu.

(d) Uhlobo lwephemithi

Isimo sezomthetho Sephemithi Yabavukuzi Abazimele kanye Nephemithi Yabavukuzi Abancane kumele sicaciswe kahle. Lawa maphemithi kumele alinganiselwe kumalungelo angempela anikezwe futhi abhaliswe nguMnyango futhi akwazi ukudluliswa, kubanjiwe ngawo futhi akwazi ukuguqulelwa emalini, njengoba kunjalo ngamalungelo emayini anikezwa ngokwe-MPRDA. Umnikazi wemvume kufanele akwazi ukuphoqelela amalungelo akhe ngokwemigomo yephemithi kubantu besithathu.

(e) Ububanzi bendawo yephemithi

Ngokubheka isimo indlela engqala esetshenziswa abavukuzi abazimele kanye nalokho abavukuzi abancane abahluke ngakho ubungako nobukhulu bamaphemithi kumele kubhekwe ngokubhekisisa izimo ezinjengohlobo lezimbiwa phansi, izinsizakusebenza zezobuchwepheshe nezezezimali ezidingekayo kanye nemithelela yezemvelo ehlotshaniswa nokukhishwa kwalezo zinsizakusebenza.

(f) Ubude besikhathi yeminyaka yokusebenza kwe-ASM

Ukunqunywa kobude besikhathi samaphemithi e-ASM kumele kuqinisekise isiqinisekiso sokuthi abaphucwa wona abanikazi bamaphemithi. Lokhu kumele kubandakanye nemigomo yokusimama nokuxhashazwa okuphelele kwezinsizakusebenza ngenkathi izinzuzo kufanele zande ukuze kuvunyelwe abanikazi ngokushesha ngangokunokwenzeka.

(g) Amandla okubeka imingcele ezindaweni ze-ASM

Ungqogqoshe uzonikezwa amandla okuklama izindawo noma izifunda ezithile njengezindawo noma njengezifunda zabavukuzi abazimele noma abavukuzi abancane. Ukuqokwa noma ukuklanywa kuzokwaziswa futhi kusekelwe ngemininingwane yokwakheka komhlaba evela ku-CGS kanye nokubonakala kwemisebenzi ye-ASM kuleyo ndawo noma kuleso sifunda esithile. Le ndlela izosiza ekusebenziseni kahle nasekuhlanganiseni izinsizakusebenza, nangokukhuluma ngobungozi nangezinzuzo phakathi kwalabo abadlala indima.

UNgqongqoshe angahle futhi abambisane neminyango ebhekele ezemvelo, Amahlathi kanye Nokudoba kanye Nezamanzi ukwenza ucwaningo lokuthi kungenzeka yini endaweni ekhonjiwe ukuthola ubungozi, imithelela engaba khona, imithombo yamanzi ngaphambi kokuba kuthathwe isinqumo sokubekela i-ASM leyo ndawo.

(h) Ukubekela izakhamuzi zaseNingizimu Afrika kuphela amaphemithi

Amaphemithi Abavukuzi Abazimele kanye Namaphemithi Abavukuzi Abancane kumele abekelwe izakhamuzi zaseNingizimu Afrika kuphela njengoba kuchaziwe. Ukuba khona kwabantu abavela emazweni angaphandle kuleli lizwe ngokungemthetho kule mboni yabavukuzi abazimele kanye nabavukuzi abancane kumele kubhekwane nakho ngendlela yenguquko ngenhloso yokuqeda ukuvukuza okungekho emthethweni. Bonke abavukuzi abangekho emthethweni bazonikezwa isikhathi esingunyaka owodwa ukuba baziveze ukuze kubhekwe ukuthi bangafakwa kanjani ohlelweni oluhlelekile. Uma laba bavukuzi bengalisebenzisi leli thuba lenguquko, kuzodedelwa abezomthetho ukuba benze umsebenzi wabo.

(i) Ukunikezwa kwamaphemithi kubantu ngamunye noma kumaqembu ahlelekile

Nakuba ukuhlinzekwa kwamaphemithi kumuntu ngamunye ozimele kungeke kuyekwe, kodwa uHulumeni uzoqala ngokukhipha Amaphemithi Abavukuzi Abazimele kanye Namaphemithi Abavukuzi Abancane kubantu abangamaqembu ahlelekile. kuqalwa ngamaqembu ahlelekile ngoba kubonakala ukuthi anamakhono

Elibanzi lokuba nomthelela omuhle emnothweni nokuthi aqinisekisa ukusimama ngenxa yokuthwalisana ubungozi.

(j) Umkhawulo wokusebenza kwe-ASM ngaphezulu komhlaba

Imisebenzi Yabavukuzi Abazimele kanye Neyabavukuzi Abancane kumele ilinganiselwe ngaphezulu komhlaba nasendaweni evulekile. Kuzobhekwa ukwakhiwa kohlelo olususelwa ebungozini lwezimayini ezingaphansi komhlaba kubhekwe ukujula nezindlela zokuvukuza ezisetshenziswa ngabavukuzi abazimele nabancane. Lokhu kuzoholwa imikhakha yokusebenza yezempilo nezokuphepha kanye nokuphathwa kwemvelo kanye nezinyathelo ezidingekayo zokuvuselela.

(k) Ukwedlulisela nesithiyo

Umnikazi Wephemithi Yomvukuzi Ozimele kanye Nephemithi Yomvukuzi Omncane kufanele anikezwe ilungelo lokudlulisa noma lokuthiya iphemithi ngokwemvume noNgqongqoshe. Lokhu kuzosiza abanikazi bamaphemithi ekutholeni imali yokwenza imisebenzi esimeme kanye nokusabalalisa izinzuzo kwabanye abantu abanentshisekelo ku-ASM.

(l) Ukuthengisa nokuhweba ngamaminerali

Inqubomgomo kanye nohlaka lwezomthetho kufanele luvivise ngamandla abanikazi bamaphemithi e-ASM ngenhloso yokwengeza ivelu kumaminerali abo, yokuhweba nokuthi bazibandakanye kuzo zonke izinqubo zokuthuthukiswa kwamaminerali. Kumele kucatshangelwe ukusungulwa kwemakethe elawulwayo noma inkampani ezimele ezosiza abavukuzi abazimele nabancane ukuthi bakwazi ukuthengisa nokuhweba ngokusemthethweni ngemikhiqizo yabo yamaminerali ngendlela evulelekile nevikelekile Lokhu kuzosiza ekuqedeni izinhlangano ezingathembekile ezizuza ngokungadingekile ekusebenzeni kanzima kwabavukuzi abazimele

nabancane nokwanda kwezimakethe zomshoshaphansi ezilimaza izinhlelo zezimali.

(m) Ukubakhona ngokubambisana nemisebenzi emikhulu

Ukubakhona ngokubambisana phakathi kwabasebenzi abakhulu nabavukuzi abazimele nabancane kumele kuvunyelwe ngendlela Yesivumelwane Semali Yobukhonzi. Lokhu kungabandakanya ukuhlukanisa nokuhlonza umhlaba mayelana nokwenziwa kwemisebenzi ye-ASM ngaphakathi kwemvume yomvukuzi omkhulu, nokuhlola izinhlelo zokukhokhiswa kwentela okungenziwa nokubuyiselwa imali, ukusekelwa kwezobuchwepheshe, izikimu zokuqashisa izisetshenziswa namathuba e-ASM okucubungula nokucwengisisa izimbiwa phansi, okuzokwenza ukuthi babe yingxenye yezinqubo zomkhiqizo noma zokukhiqiza. Uhlaka kufanele luhlinzekele ngezikhuthazi kanye nezinhlelo zokusimamisa amanani ukuze abavukuzi abakhulu bagqugquzeleke ukusebenzisana nabavukuzi abazimele nabancane.

(n) Izinsalela kanye nemfucuza yemayini

Kumele ukuthi uhlaka lwe-ASM lukwazi ukufinyelela ezindaweni kuzinsalela zokuvukiziwe nokulahliwe kumele kusungulwe nezinqolobane ngokuhambisana nomthetho osukhona njengoba kuchazwe kusinqumo senkantolo ngalolu daba. Abanikazi balezi zinsalela nokulahliwe kumele bakhuthazwe ukuthi basebenzisane nabavukuzi abazimele nabavukuzi abancane mayelana nomethetho osebenzayo maqondana nokuphathwa kwezemvelo kanye namanzi.

(o) Ukuthola umhlaba

Ukutholakala komhlaba kuhlala luwudaba oludinga ukuba kuxoxiswane ngalo neminyango kaHulumeni efanele. Inqubo yokuthola ukutholwa komhlaba kubanikazi bomhlaba nakubahlali abasemthethweni kuhlanganisa nabanikazi bamalungelo omhlaba angahlelekile kumele icaciswe ngokuhambisana nohlaka olukhona lokulawula. Akumele kwenqatshwe ukuthola umhlaba ngaphandle kwezizathu ezizwakalayo. Mayelana nalokhu uhlaka kumele luvikele ngendlela ephusile yokuxoxisana ngezidingo, ukuxoxisana ngokunxeshezelwa kwabanikazi bomhlaba kanye nabahlali abasemthethweni, ukuthuthelwa kwabantu kwenye indawo noma ukufudusa kanye nezindlela zokuxazulula izingxabano. Lokhu kubandakanya ukulandela izidingo zokuklanywa komhlaba ohlonziwe ngenhloso yokuvukuza.

ISAHLUKO V

8. IZINQUBO ZEZIKHUNGO KANYE NOKWESEKA

Isakhiwo esigunyaziwe seHhovisi loMqondisi Labavukuzi Abancane alenele neze ukweseka imboni ye-ASM yaseNingizimu Afrika. Kukhona nokubambisani kahle kanye nokuxhumana kahle neminye iMinyango kaHulumeni efanele engaba nentshisekelo ngqo nengadlala indima ebalulekile ekuthuthukisweni kwemboni yaseNingizimu Afrika ye-ASM (I-Dti, uMnyango Wezokuthuthukiswa Kwamabhizinisi Amancane, i-COGTA, i-DEFF).

Enye yezinselelo ezinkulu embonini ye-ASM ukungabibikho koxhaso lwezimali yize kunenqwaba yezikhungo zoxhaso lwezentuthuko. Akukho ukusebenzisana phakathi kwegunya nemisebenzi yeHhovisi labaQondisi kanye nalawa ma-DFI. Imizamo kaHulumeni yokuthuthukisa amakhono ezikhungweni esikhathini esedlule ayizange iveze imiphumela ebifiswa.

Imboni ye-ASM ihlukene kakhulu futhi azikho izinhlangano ezibonakalayo noma izinhlaka ezihlelekile zokubhekana nezinkinga zayo.

Iziphakamiso zenqubomgomo kaHulumeni:

(a) Amahhovisi ezimayini Amakhulu/Ezifunda

UMnyango kumele ubuyekeze amakhono iHhovisi labaQondisi Labavukuzi Abancane, uphinde usungule kabusha le yunithi kube yiyunithi enamakhono nesebenzayo ezokwazi ukwenza ngcono inqubo yokukhishwa kwamalayisensi iphinde yeseke nemboni ye-ASM, isebenzise futhi iphoqelele ukulandelwa nokuqapha iphinde ihlole ukuthi izinqubomgomo, imithetho kanye nemithethonqubo isebenza ngempumelelo.

UMnyango kumele wenze izinhlelo zesikhungo nabantu abaningi abanentshisekelo zihleleke zibe semthethweni. Kumele kusungulwe ihhovisi leMenenja yesiFunda kuchazwe neqhaza laleli hhovisi ngokuphathelene nohlaka lwabavukuzi abazimele nabancane.

(b) Ukubunjwa Kwezinhlangano ze-ASM

Uhlaka lwenqubomgomo nolwezomthetho lusungule Izinhlangano ze-ASM ezingeni likaZwelonke Nelesifunda. Ukuba yilungu kulezi zinhlangano kumele kube yimpoqo futhi kube yingxenye yezimfuneko zokuthola ilayisensi. Ukuba yilungu lenhlangano kuzoba umbandela wokuthola iphemithi yabavukuzi abazimele noma iphemithi yabavukuzi abancane. Lokhu kungukuqinisekisa ukuthi abavukuzi abazimele nabavukuzi abancane bayahleleka.

(c) Ukubunjwa Kwamakomidi Ezifunda Ezimayini

Uhlaka lwenqubomgomo nezomthetho lumele lusungule amaKomidi Abanentshisekelo Abaningi Ezimayini Zesifunda. Lawa maKomidi azosekelwe ngaphakathi koMnyango. Kuzoba nezingqungquthela zabanentshisekelo abaningi emazingeni ezifundazwe nakohulumeni basekhaya. Umsebenzi wawo kuzobe kungukusiza ukwenza lula inqubo yokuthola amalayisensi, ahlinzeke nangamasevisi eluliwe, aphinde asabalalise ulwazi.

(d) Ukubunjwa kwamaqembu ahlelekile

Uhlaka lwenqubomgomo nolwezomthetho kumele lukhuthaze ukwakhiwa kwamaqembu ahleliwe. amaqembu ahleliwe ayathandwa ngenxa yamandla awo okukhulisa nokusabalalisa umthelela wephrojekthi ebe ethwalisana ubungozi.

(e) Usizo lwezezimali

I-ASM ihlushwa kakhulu yizinselelo zezezimali yingakho kuba nokwanda kwemisebenzi engekho emthethweni. Ukusebenza kwesigaba 27 se-MPRDA kuhlonze izinselelo ezikhona mayelana nokuhlinzekwa kosizo lwezezimali ku-SSM enemali engenele. Yize uhulumeni engekho esimweni sokuhlinzeka ngezezimali, i-ASM kumele isizwe ekuqiniseni udaba lwezebhizinisi lwayo ukuze ikwazi ukuxhumana nezikhungo ezehlukene ezixhasa ngezimali ukuze ikwazi ukusiza nokutshala imali emisebenzini ye-ASM ngokusebenzisa izinsizakalo ezinwetshiwe.

(f) Uqeqesho, Ukuthuthukiswa kwamakhono kanye nobuchule

Enye yezinselelo ezisemqoka ezihlonziwe maqondana ne-ASM ukungabibikho koqeqesho emikhakheni eyehlukene kubandakanya ukuphathwa kwebhizinisi

namakhono ezobuchwepheshe ekuvukuzeni kahle izimbiwa phansi. Ukusebenzisana nezikhungo ezifana ne-MQA enezinhlelo zokuqeqesha ukusiza abavukuzi abancane kubandakanya nohlelo lokuqala lokuxhasa abavukuzi le-HDSA kanye Nesikole Sabavukuzi se-ASM. Lezi zinhlelo zibhekiswe ekuqeqesheni ukuphathwa kwemvelo, ezempilo nezokuphepha namakhono okuphatha amabhizinisi. Izinga lezemfundo labavukuzi abazimele nabancane lingadinga ukuba lithathwe njengengxenye yendlela yokukhishwa kwamalayisensi. Lokhu kuzobaluleka kakhulu ekuhlelekeni kwale mboni ukuze kuqinisekiswe ukuthi i-ASM iyasimama futhi iyakwazi ukuhambisana nezidingo ezidingekayo.

ISAHLUKO VI

9. UHLELO LWEZENTELA ZIKAHULUMENI

Imboni yezimayini yaseNingizimu Afrika kudingeka ngokomthetho ukuthi ikhokhe intela nama-royalties ngale ndlela elandelayo:

(a) Ukukhokhelwa Kwama-royalty

Umthetho i-Mineral and Petroleum Royalty Act, ka-2008 uthi ama-royalty esekwe emalini kumele akhokhwe mayelana nezimbiwa phansi ezivukuzwa eNingizimu Afrika bese zidluliselwa phambili. Umthetho i-Royalty Act uhlukanisa phakathi kwezinsizakusebenza ezihlanjululwe nezingahlanjululwa. Amaphesenti ama-royalty ezimayini abekwa ngamaphesenti ama-5 mayelana nezimbiwa ezihlanjululwe namaphesenti ayi-7 mayelana nezimbiwa ezingahlanjululiwe. Umthetho i-Royalty Act isebenzisa izndlela ezimbili zokubala isikweletu sama-royalty, ivelu yezimbiwa phansi kanye nezinga lephesenti le-royalty, elisetshenziswa kusisekelo.

(b) Ezentela

Izinkampani zezimayini nazo zingakhokhiswa intela yemali engenayo, intela yemali etholakalayo, intela yokubamba, intela yokuthengiselana efana ne-VAT, intela yokudlulisa kanye nentela yokudlulisa izibambiso ngokomthetho i-Income Tax Act, ka-1967.

Imboni Yabavukuzi Abazimele Nabancane ayikhululwanga esibophezelweni sokukhokha intela nama-royalties ukuze ibe neqhaza elibambayo ekukhuleni

komnotho womphakathi. Kodwa-ke, ngenxa yokungahleleki kwalo mkhakha, alaziwa iqhaza lalezi zimboni ze-ASM mayelana nemali eliyifakayo emnothweni.

UMgcinimafa Kazwelonke usungule amathuluzi nezikhuthazo zokuxhasa osomabhizinisi abancane. Lokhu kufaka (i) isikhuthazi sebhizinisi elincane, (ii) uhlelo lokukhokhelwa kwentela kanye (iii) nohlelo lwentela mayelana nenkampani eyenza utshalomali kwezinye izinkampani. Lezi zinhlelo nezikhuthazo (okuxoxwe ngazo lapha ngezansi) ziyatholakala kubavukuzi abazimele nabancane.

Inkampani yezamabhizinisi amancane

Isikhuthazo sebhizinisi elincane (i-SBC) sethulwa ngonyaka ka-2001 ngokwesigaba 12E soMthetho Wentela Yemali Engenayo (i-ITA). Isikhuthazo sethulwa ngenhloso yokufaka isandla ekuthuthukisweni kwamabhizinisi amancane ngaphakathi ukuze kwenziwe ngcono ukukhula komnotho eNingizimu Afrika. Izinkampani zamabhizinisi amancane zidlala indima ebalulekile ekuthuthukisweni komnotho nokwakhiwa kwamathuba emisebenzi. Uhlelo lwezikhuthazo zamabhizinisi amancane luhlinzeka ngamanani entela asukela ku-0%, 7%, 21% ngezilinganiso zokuqala zemali engenayo ekhokhiswa intela etholwe yinkampani kuze kufike ku-R550 000. Isikhuthazo siyatholakala ezinkampanini ezinenzuzo engeqi ku-R20 wamamiliyoni. Okwamanje cishe ama-SBC angu-100 000 ayahlomula kulesi sikhuthazo esimayelana nentela.

Ithebula 1: **Ithebula lamazinga entela mayelana Nezinkampani Ezingamabhizinisi Amancane (okuyi-SBC)**

Iminyaka yezezimali ephela noma nini phakathi komhla lulu-1 April 2020 nomhla zingama-31 March 2021:

Imali engenayo ekhokhiswa intela (ngamarandi)	Izinga Lentela (ngamarandi)
1 – 83 100	0% wemali engenayo ekhokhiswa intela
83 101 – 365 000	7% wentela yemali engenayo engaphezulu kuka-83 100
365 001 – 550 000	19 733 + 21% wentela yemali engenayo engaphezulu kuka-365 000
550 - 001 nangaphezulu	58 583 + 28% wenani elingaphezulu kuka-550 000

Intela yenzuzo

Uhlelo lwentela yenzuzo lwethulwa ngonyaka ka-2008 ngokweSheduli Yesithupha ku-ITA. Lolu hlelo luyingxenye yegunya elibanzi likaHulumeni lokukhuthaza ezamabhizinisi nokwenza ukuthi isimo sikwazi ukuvumela osomabhizinisi abancane ukuthi baphile futhi bakhule, nokunciphisa umthwalo wokukhokhela intela kumabhizinisi enza inzuzo ngonyaka efinyelela ku-R1 wamamiliyoni. Intela yenzuzo wuhlelo olulula olwenzelwe ukwenza kube lula kumabhizinisi amancane ukuhlangabezana nezibopho zawo zentela. Uhlelo lwentela yenzuzo lungena esikhundleni sentela yemali yentengiso, i-VAT, intela yesikhashana, intela yokuthola imali kanye nentela yezinzuzo kumabhizinisi amancane ngenzuzo efanelekayo yonyaka eyi-R 1 wamamiliyoni noma ngaphansi.

Ibhizinisi elincane elibhaliselwe intela yemali yenzuzo, noma kunjalo, lingakhetha ukuhlala ohlelweni lwe-VAT (kusuka ngomhlaka lulu-1 Mashi 2012). Intela yenzuzo ayiphoqelelwe, okusho ukuthi ibhizinisi elincane linganquma ukuthi lifuna ukusebenzisa lolu hlelo noma uhlelo lwentela lwamanje lapho amabhizinisi angadonsa khona izindleko. Itholakala kubanikazi bamabhizinisi abangabodwa (abantu), ababambisene, izinkampani ezivaliwe, amaqembu ahleliwe, nezinkampani kusukela ngomhlaka lulu-1 Mashi 2009.

Intela yenzuzo ibalwa ngokusebenzisa izinga lentela enanini lentela yenzuzo yebhizinisi elincane. Amanani asebenza kunoma yimuphi unyaka wokuhlola ophela esikhathini esiyizinyanga eziyi-12 esiphela mhla zingama-28 Nhlolanja 2018. Ngaphansi kuka-10 000 izinkampani ezisebenzisa i-TOT. Ukungena kulolu hlelo kuhamba kancane ngoba amabhizinisi amancane anesibopho sentela noma ngabe engayenzanga inzuzo (intela isuselwa kunzuzo). Ukube, noma kunjalo, ibhizinisi elincane belingaphandle kohlelo lwentela yenzuzo, bebengarekhoda ukulahlekelwa okuhloliwe obekuzodluliselwa esikhathini sokuhlola esilandelayo. Amabhizinisi amancane futhi awakwazi ukukhipha izindleko ezifana ne-SBC, ngenxa yalokho, iningi lamabhizinisi amancane likhetha inketho uhlobo lwebhizinisi lomnikazi oyedwa (elikhokhiswa intela njengomuntu ngamunye) noma i-SBC. Amanani entela yenzuzo asethwe kuSheduli Yesithupha ye-ITA anjengokulandelayo:

Inzuzo (ngamarandi)	Izinga Lentela (ngamarandi)
0 - 335 000	0%
335 001 – 500 000	1% ye-R1 ngalinye ngaphezulu kuka-335 000

500 001 – 750 000	1 650 + 2% wenani elingaphezulu kuka-550 000
750 - 001 nangaphezulu	6 650 + 3% wenani elingaphezulu kuka-750 000

Inkampani Etshala Imali Enkampanini Esakhula (okuyi-VCC)

Ukutholakala kwezimali zamasheya kuseyinselelo enkulu ekukhuleni komnotho wamabhizinisi amancane naphakathi naphakathi kanye nokuhlolwa kwezimayini ezincane. Ukuphendula mayelana nale nselelo, ngonyaka ka-2008, uHulumeni wamisa umthetho wentela wezinkampani ezizimele (i-VCC) ngokwesigaba 12J se-ITA ngenhloso yokwakha indlela yokuhlanganisa abatshalizimali abazongenisela izimali emabhizinisini amancane nasemisebenzini emincane yezimayini. I-VCC uqobo (ngokuya ngemodeli yamasheya angasese) kuhloswe ukuthi isebenze "njengotshalomali oyingelosi" kulawo mabhizinisi ngokunikeza amasheya nezinsizakalo zokuphatha ezisekelayo. I-VCC kuhloswe ukuba yenze ezokumaketha okuzoheha abatshalizimali abangabathengisi. Inenzuzo yokuhlanganisa abatshalizimali abancane kanye nokuqoqela ndawonye ongoti kwezotshalomali okuvuna umkhakha wamabhizinisi amancane. Abatshalizimali bathola ukwehliselwa utshalomali lwamasheya kuma-VCC. Njengamanje, kunama-VCC angaphezu kwe-100 abhalisiwe.

Iziphakamiso zenqubomgomo kaHulumeni:

- UHulumeni kumele asheshise mayelana nenqubomgomo kanye nemithetho ngenhloso yokuhlela abavukuzi abazimele nabancane ukuze babe yingxenye yomnotho omkhulu.
- Abavukuzi Abazimele Nabancane kumele bakhuthazwe ukuthi basebenzise izindlela zokukhokhelwa kweentela kanye nezikhuthazo njengoba kuthuthukiswe nguMgcinimafa Kazwelonke lokhu kufaka (i) isikhuthazi sebhizinisi elincane, (ii) uhlelo lokukhokhelwa kwentela kanye (iii) nohlelo lwentela mayelana nohlelo lwentela yenkampani eyenza utshalomali kwezinye izinkampani.
- UHulumeni (i-DMRE ne-SARS) kufanele enze lula uhlelo lokuqoqwa kwentela embonini ye-ASM futhi aqale izinhlelo zokuqeqesha nezemfundo ezindabeni zentela kubasebenzisi be-ASM.
- Uhulumeni kufanele abhekane ngokuqinile nezimayini ezingekho emthethweni ngokusebenzisa imigomo yokulawula futhi akhuthaze ukwenziwa ngokusemthethweni kwe-ASM.

ISAHLUKO VII

10. UKUBHEKELELWA KWEZEMVELO EZOKUPHATHA, EZEMPILO, EZOKUPHEPHA KANYE NOKUSETSHENZISWA KWAMANZI

(a) Umthetho Wokuphathwa Kwezemvelo kuZwelonke, ka-1998 kanye nama-SEMA

(b) UMthetho Wempilo Nezokuphepha Ezimayini, ka-1998

(c) UMthetho Wamalayisensi Okusetshenziswa Namanzi kuZwelonke ka-1998

Imisebenzi eminingi ye-ASM ayihambisani nezidingo zemvelo, ukusetshenziswa kwamanzi kanye nezempilo nezokuphepha. Lokhu kungenxa yokungakahleleki kwale mboni, ukusweleka kwabasebenzi, ulwazi, amakhono, izindleko ezidalwa Ngongoti Bezokuhlolwaa Kwezemvelo ngenhloso yokusebenzisa lezi zimfuneko zomthetho. Le misebenzi ye-ASM ayihambisani nesidingo sokuvuselela umhlaba futhi akukho ukulandela izidingo zokuvalwa kwemayini.

Ukwethulwa kohlelo olulodwa lokuphathwa kwemvelo ngenhloso yokuhlunga izidingo zamalayisense maqondana nokusetshenziswa kwamanzi, ukuphathwa kwemvelo kanye nemisebenzi yezimayini akuzange kube nomthelela omuhle embonini yezimayini ye-ASM. Esikhundleni salokho uhlelo lukhuphule izindleko zokwenza ibhizinisi mayelana Nabavukuzi Abazimele nabancane. Izidingo zamalayisense kufaka phakathi amanzi, ukuphathwa kwemvelo kanye nezindleko zezimali ngezidingo Zongoti Zabahloli Bezemvelo ngokwemithetho esebenzayo kuyisithiyo kubantu abaningi abafuna ukungena embonini yezimayini.

Isibonelo, izimali zokufaka izicelo zokugunyazwa kwezemvelo zimi ngale ndlela elandelayo:

a) Ukwenza uhlaka/EIA - R10,000
b) BA - R2000
c) Isichibiyelo- R2,000 - Ingxenye 1 Nengxenye 2
d) Uhlelo Lwamaphemithi Oludidiyelwe - R5,000 noma R1,000 lwesephulelo esingu-50% njengoba izindleko zihlukanisiwe mayelana nokufakwa kwesicelo selayisensi yemfucuza.

Kuyaziwa ukuthi lezi yizimali zezicelo kuphela hhayi izindleko zangempela zokwenza izinqubo ze-EIA noma zokuthola ukugunyazwa kwemvelo. Izinqubo ezidinga

ukuqokwa kukangoti wezokuhlola kwezemvelo (i-EAP), ukuhlola, ukubonisana kanye nokuthi kaningi kuqokwa ochwepheshe ukwenza ukuhlola ngokobuchwepheshe.

Izidingo zezempilo nezokuphepha zephemithi yezimayini zicishe ziqine njengalezo zelungelo lokuvukuza. UMkhandlu wezeMpilo nezokuPhepha eMayini (okuyi-MHSC) ususungule imihlahlandlela ehlose ukubhekelwa ngqo kwe-ASM. Yize kunjalo imboni ye-ASM isathatha lezi zidingo njengezivimbela lo mkhakha.

Mayelana namalayisense okusetshenziswa kwamanzi, umnyango obhekele lokho usungule izinkombandlela zokusebenza ezihamba phambili ezenzelwe ukuze kuzuze abavukuzi abazimele nabancane ngokuncike ezingeni lomthelela womsebenzi. UMnyango Wezamanzi ulandela indlela encike kumthelela futhi uhlukanisa le misebenzi ngemikhakha kanje:

a) *Umthelela omkhulu:* kudinga ilayisense yokusebenzisa amanzi, izidingo eziqinile.
b) *Umthelela ophakathi nendawo:* ungadinga ilayisense yokusebenzisa amanzi noma ukugunyazwa okuvamile, izidingo ezingaqinanga ngokungatheni.
c) *umthelela ophansi:* akukho layisense yokusebenzisa amanzi kepha ukugunyazwa okujwayelekile okunezidingo ezingenzima impela futhi akunazindleko.

Abavukuzi Abazimele Nabancane bangangena ngaphansi komkhakha wemisebenzi enomthelela ophansi, kepha lokhu kuya ngohlobo lwezimbiwa phansi, ngobukhulu nangobungako bemisebenzi eyenziwayo.

Isiphakamiso senqubomgomo kaHulumeni:

UHulumeni uyasibona isidingo sokuthi imboni ye-ASM isebenze ngendlela ehlelekile nesimeme futhi ihambisane nemithetho yezemvelo, yokusetshenziswa kwamanzi kanye neyezempilo nezokuphepha. Mayelana nalokhu inqubomgomo ye-ASM nohlaka lwezomthetho kumele kuhambisane futhi kubhekiswe emthethweni oyinhloko olawula imvelo, ukusetshenziswa kwamanzi kanye nezempilo nezokuphepha.

a) UHulumeni esebenzisana nababambiqhaza kule mboni (i-MHSC, i-MQA & Business Organised), uzohlela izindlela zokungenelela ekuqeqesheni, ekunikeni amandla nasekufundiseni abavukuzi abazimele nabavukuzi abancane ngokulandela izidingo zokuphathwa kwemvelo, ukusetshenziswa

kwamanzi kanye nezidingo zezempilo nezokuphephа.

b) Iminyango ebhekele ukusungula izindlela zokufinyelela kuznqubomgomo nakumihlahlandlela eyenzelwe imboni ye-ASM kubandakanya nezinhlelo zokukhuthaza ezibhekiswe kubavukuzi abazimele nabancane. Imihlahlandlela efamele ye-MHS evela ku-MHSC izobuye ibuyekezwe ukubhekana ngokugcwele nezidingo zezempilo nezokuphepha zeMboni ye-ASM.

c) UHulumeni uzoqinisa ukuqapha futhi asebenzise indlela edidiyelwe yokuqapha (ngokubambisana phakathi kweminyango noma kwababambiqhaza abaningi ekuqapheni ukulandelwa kwemithetho nomkhakha we-ASM)..

d) Hulumende uzohlinzeka ngezindlela zokugqugquzela kanye nezokwemukwa kwezikhuthazo kubasebenzi be-ASM ukuze balandele imithetho yezemvelo, nezemphilo kanye nezokuphepha kanye nokusetshenziswa kwamanzi.

ISAHLUKO VIII

11. INQUBOMGOMO KAHULUMENI MAYELANA NEZIMAYINI EZINGEKHO EMTHETHWENI

(a) Umsebenzi we-NCSMT

(b) Ukusungulwa Kweyunithi Ezobhekana Nezimayini Ezingekho Emthethweni Nokwebiwa Kwezimbiwa Phansi

(c) Izichibiyelo kumthetho ohambisana nalokhu

Izimayini ezingekho emthethweni ziyinkinga enkulu eNingizimu Afrika nasembonini yezimbiwa phansi. Baningi kakhulu abantu okumanje ababandakanyekayo ekuvukuzeni ngokungekho emthethweni (ngokuvelele nangokuba ngongqondongqondo). UHulumeni akavumelani nomkhuba wezimayini ezingekho emthethweni eNingizimu Afrika futhi kuthathwa izinyathelo zokulwa nale misebenzi.

Emkhakheni wegolide kuphela, kulinganiselwa ukuthi imali engaphezulu kwamaRandi kwamabhiliyoni angu-70 ngonyaka ilahlekile ngokushushumbiswa kwale mpahla nemithelela emibi efanayo nayo iyabonakala kweminye imikhakha, efana ne-chrome, amalahle nedayimane. Imiphakathi ithinteka ngqo yisihlava semisebenzi yezimayini engekho emthethweni ngokucekelwa phansi kwemvelo, ubungozi bezempilo, nodlame lwamaqembu ezigelekeqe oludalwa wukulwa kwabavukuzi abangekho emthethweni.

Izimayini ezingekho emthethweni kufanele zihlukaniswe Nbavukuzi Abazimele Nabancane angabantu ababambe iqhaza langempela embonini ngenhloso yokondla imindeni yabo, nokufaka isandla emnothweni nasekukhuleni kwemboni. UHulumeni ubelokhu ethatha izinyathelo ezinqala ezizoqinisekisa ukuthi imikhuba yezimayini ezingekho emthethweni iyamiswa. Yonke imisebenzi yezokumbiwa phansi nesebenza imikhiqizo izokwenziwa ngaphakathi kohlaka lwezomthetho, okuyi-MPRDA neminye imithetho efanele. Mayelana nalokhu, isigungu seminyango eminingi, i-National Coordination and Strategic Management Team (i-NCSMT), sasungulwa esakhiwa ngabamele i-DMR, i-South African Police Service, i-Intelligence Services, kanye noMnyango Wezasekhaya.

Isiphakamiso senqubomgomo kaHulumeni:

a) Inqubomgomo kanye nohlaka lwezomthetho kumele lucacise ngokusobala phakathi kwezimayini ezingekho emthethweni ne-ASM.
b) UHulumeni kufanele aqinise imithetho ephathelene nokwenza izimayini ezingekho emthethweni zibe isenzo sobugebengu kubandakanya ne-MPRDA, uMthetho Wezinqubo Zokugebengu, ka-1977, uMthetho Wensimbi Eyigugu, ka-2005, uMthetho Wezimpahla Ezingamasekeni, ka-2009, kanye noMthetho Wokuvimbela Ubugebengu Obuhlelekile, ka-1998 mayelana namacala nezinhlawulo kokuvimba imisebenzi yezimayini engekho emthethweni.
c) UHulumeni kufanele asungule i-Minerals and Precious Metals Theft Unit (i-MPMTU) ngaphakathi kwe-South African Police Service (i-SAPS).
d) I-MPMTU kufanele ibe uphiko labaseshi elinamandla aphelele futhi eliqeqeshiwe ukubhekana nezindaba zezimbiwa phansi neziyigugu ezihlobene nokweba.
e) Kunesidingo sokuqhubeka nokuhlola ukwakhiwa kobungoti obusetshenziswa maqondana namacala ezimayini ezingekho emthethweni.

UMthetho Wezobuphoyisa uyachitshiyelwa yi-SAPS enikeza ithuba lokwenza izimvo zokuhlanganisa nokuvumelanisa imisebenzi yezimayini engekho emthethweni.

ISAHLUKO VIX

12. UKUBIKA NOBUQOTHO

(a) Ukuzibophezela ekwenzeni imibiko

(b) Ukubuka okuhlukanisiwe mayelana nabavukuzi be-ASM

Uhlaka lwamanje lwe-MPRDA lunezindlela ezanele zokubika Isigaba 28 soMthetho sibeka isibopho kumuntu onemvume yokumba ukuze agcine amarekhodi afanele emisebenzi yezimayini kanye namarekhodi ezimali afanele mayelana nemisebenzi yezimayini. Lesi sigaba siqhubeka nokudinga ukuthi umnikazi wephemithi yabavukuzi athumele kuMqondisi- Jikelele izinzuzo ezibekiwe zanyanga zonke ezinemininingwane eqondile nenembile nedatha, umbiko wezimali ocwaningiwe wonyaka noma izitatimende zezimali ezibonisa ibhalansi nokulahlekelwa yinzuzo.

Isidingo sesigaba 28 maqondana nokugcinwa kwamarekhodi kanye nokuthunyelwa kolwazi kanye nedatha sasihloselwe ukwenza uHulumeni abe nolwazi olwanele mayelana nobukhulu bemisebenzi eyenziwa Abavukuzi Abancane Ezweni. Inselelo ngokuqaliswa kwalo mbandela maqondana namaphemithi abavukuzi akhishiwe njengoba imininingwane edingekayo ingaqoqwanga yabhalwa phansi. Lokhu kuzohlinzeka uHulumeni ngemininingwane enembile maqondana nenani Labavukuzi Abazimele Nabancane, amazinga okuqashwa kanye nezinga lezimboni lokunikela emnothweni nasekukhokhelweni kwama-royalty. Noma kunjalo, izinga lokulandelwa kwemithetho ngabanikazi bamaphemithi abavukuzi mayelana nokugcinwa kwamarekhodi kanye nezibopho zokwenza imibiko njengoba kudingwa yilo mbandela alithandabuzeki.

Lokhu kubangelwa ukungahleleki kwalo mkhakha we-ASM, ukwanda kwezigameko zezimayini ezingekho emthethweni, izinga lemfundo Labavukuzi Abazimele Nabancane, ukufinyeleleka ezinhlelweni zokuthumela imibiko nezinqubo namakhono, ohlangothini loMnyango ukuqapha ukuqaliswa kanye phoqelela ukulandelwa komthetho.

Amakomidi eziFunda ezezimayini ahlongozwayo kanye nezinhlangano ze-ASM zingadlala indima ebaluleke kakhulu ekufundiseni nasekwaziseni abavukuzi ngezidingo zokubika, izinhlelo nezinqubo.

Isiphakamiso senqubomgomo kaHulumeni:

- Inqubomgomo ye-ASM nohlaka lwezomthetho olufanele kumele lube nezidingo eziqinile zokubika.
- UMnyango kumele uphoqelele izidingo zokuthi imboni ye-ASM ithumele umbiko njalo ngenyanga, ngekota kanye nangonyaka mayelana nokukhiqiza, izibalo zabasebenzi kanye nezindleko zokukhokhela indawo, izintela kanye nama-royalty. Lokhu kuzosiza uHulumeni ukuthi abe neminininingwane etholakala kalula futhi ethembekile ngomkhakha futhi abe sesimweni sokuhlola inqubekela phambili.
- UMnyango kufanele wenze izinhlelo zokubika eziqondene nemboni we-ASM futhi uthuthukise amakhono ngaphakathi okuhlaziya le mibiko.
- Uzohlola izindlela zokubika ezihlukene (i-ASM kumele ibike ngendlela ehlukile kuneyemboni ye-LSM) mayelana nokukhiqizwa nokunye okuhlobene nalokhu.
- Uzokwethula ukuhlolwa kwemboni ngobubanzi ngezikhathi ezithile mayelana nomthelela wamaphemithi abavukuzi akhishiwe. Ngokufanayo mayelana nokuhlolwa kwemibiko ngezikhathi ezithile ze-Mining Charter (ngezikhawu zeminyaka emi-5).
- UHulumeni kufanele ethule izinhlelo zokuqeqesha Abavukuzi Abazimele Nabancane mayelana nokugcinwa kwamarekhodi, nokwenziwa kwemibiko, nokuphathwa kolwazi, nokuphathwa kwebhizinisi (imisebenzi yokwelulwa).
- UHulumeni kumele enze izindlela ezilula zokubika kanye nezinto zokubika kanye namathemplethi.

ISAHLUKO X

13. UKUSEBENZA KWENQUBOMGOMO, NOKULANDELWA KWAYO NOKUQASHELWA KWAYOKANYENOKUHLOLWA KWAYO

(a) Izikhathi, izinhlelo kanye namasu okusebenza kwayo

Umnyango unomsebenzi omkhulu wokuqapha ukusebenza Kwenqubomgomo ye-ASM. Ekwenzeni lo msebenzi uMnyango kufanele usebenzisane neminye iminyango nezinhlaka zikahulumeni, ababambiqhaza kule mboni kanye nomphakathi. UMnyango kumele usungule uhlelo lokuqalisa ukusebenza kwenqubomgomo olunezikhathi ezibekiwe

(a) umthamo (wesikhungo, wezezimali) uzotholakala, (b) ukumenyezelwa komthetho,

imithethonqubo kanye nemihlahlandlela kanye (c) namasu okuqalisa.

(b) Ukulandelwa, ukuqapha kanye nokuhlola

INqubomgomo izoqhubeka nokuqashwa kanye nokuhlolwa kwemibiko ekhishwa njalo yenqubekela phambili mayelana nokusebenza kwayo ukusebenza. Inqubo enjalo izosiza ekufezekisweni kwezinjongo nezinhloso zenqubomgomo.

ISAHLUKO XI

14. UKUBUYEKEZWA KWENQUBOMGOMO

(a) Isibophezelo sokubuyekeza kanye nezikhathi zokubuyekeza

Umkhakha wezimayini unamandla futhi uthintekile ngentuthuko entsha evelayo endaweni, esifundeni, noma emhlabeni jikelele. INqubomgomo-ke izobuyekezwa lapho kunesidingo sokwenza isiqiniseko sokuthi ihlala ifanelekile futhi ihambisana nemikhuba yokusebenza emihle ekhona kule mboni.

(b) Izinqubomgomo nemithetho okucashunwe kukho

(i) Umthetho i-Mineral and Petroleum Resources Development Act, ka-2002 (okuyi-MPRDA), ka-2002
(ii) UMthetho Wezempilo Nezokuphepha Ezimayini, ka-1998
(iii) UMthetho Ochibiyela Ukubhaliswa Kwezitifiketi Zezimbiwa Phansi, 2003.
(iv) Umthetho i-Mineral and Petroleum Royalty Act, ka-2008.
(v) UMthetho Wokuphathwa Kwezemvelo kuZwelonke, ka-1998.
(vi) Umthetho i-Geoscience Amendment Act, ka-2010.
(vii) UMthetho Wobuchwepheshe Kwezimbiwa Phansi, ka-1987.
(viii) UMthetho Wezamanzi kuZwelonke ka-1998.
(ix) UMthetho Wenqubo Yobugebengu, ka-1977.
(x) UMthetho Wensimbi Eyigugu, ka-2005.
(xi) UMthetho Wezimpahla Ezingamasekeni, ka-2009.
(xii) UMthetho Wokunqanda Ubugebengu Obuhlelekile, ka-1998.
(xiii) UMthetho Wezamabhizini Amancane Kuzwelonke, 2003.
(xiv) UMthetho Wezentela, ka-1967.

(xv) I-White Paper equkethe iNqubomgomo Yemboni Yezimbiwa Phansi yeNingizimu Afrika, 1998.