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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF MINERAL RESOURCES**

NO. 1566

04 DECEMBER 2019

**PUBLICATION OF THE MINE COMMUNITY RESETTLEMENT  
GUIDELINES, 2019 FOR PUBLIC COMMENT**

I, **SAMSON GWEDE MANTASHE, MP**, Minister of Mineral Resources and Energy, hereby publish the Draft Mine Community Resettlement Guidelines, 2019 (draft Resettlement Guidelines) for public comments.

Interested and affected parties are hereby invited to submit written representations on the draft Resettlement Guidelines. The aforesaid representations must be marked for the attention of **Ms Sibongile Malie** and hand delivered, emailed or sent by post, within 30 days of publication of this notice to the following addresses;

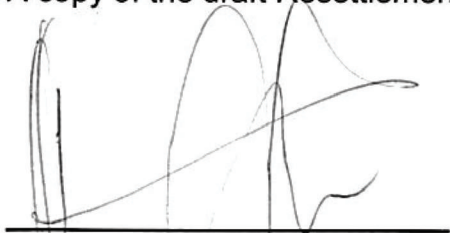
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Email address: [Sibongile.Malie@dmr.gov.za](mailto:Sibongile.Malie@dmr.gov.za)

A copy of the draft Resettlement Guidelines, 2019 is attached hereto.



**MRS G MANTASHE, MP**  
**MINISTER OF MINERAL RESOURCES AND ENERGY**

DATE: 15/11/2019



# mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

## **DRAFT MINE COMMUNITY RESETTLEMENT GUIDELINES, 2019**

**Setswana, Sepedi and IsiZulu translations are enclosed herein.**

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## 1. INTRODUCTION

The South African mining and minerals industry is the cornerstone of the economy. It contributes to the Gross Domestic Product, job creation and amelioration of poverty and inequality. Despite these positive contributions the mining and minerals industry has direct or indirect negative socio-economic and environmental impacts on land owners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities. It also has an effect of displacement of communities where mining activities take place in the form of physical resettlement, exhumation of graves, loss and damage to property, influx of people to the mining community and a boom in informal settlements.

The rights and interests of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities, relating to resettlement as a result of a proposed mining development is governed by a number of pieces of legislation. The Mineral and Petroleum Resources Development Act, 2002 (MPRDA) read with regulations and guidelines on consultation provides for an extensive consultation process with landowners, lawful occupiers and interested and affected parties, before a prospecting right, mining right or mining permit is granted.

An applicant is obliged to notify and consult landowners, lawful occupiers and interested and affected parties about the proposed development and submit the results of the consultation to the Department in support of the application. The consultation process entails meaningful engagement with landowners, lawful occupiers and interested and affected parties on the impacts the proposed project will have on their rights to use and enjoyment of their land and should address matters relating to resettlement.

The MPRDA has no explicit provisions for resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities, however, the Consultation Guidelines prescribe that the applicant's consultation report should include a description of the most appropriate means to carry out the proposed operation with due accommodation of the issues raised in the consultation process i.e. agreement on resettlement plan.

Therefore these Resettlement Guidelines are intended to outline the process and requirements to be complied with by an applicant or a holder of a prospecting right, mining right or mining permit when such application or right will result in physical resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities, from their land. These Resettlement Guidelines extend to existing prospecting rights, mining rights or mining permits where incremental project expansion will have the effect of displacement or resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities.

The Guidelines make provision for development of a Resettlement Plan, Resettlement Action Plan and Resettlement Agreement. A *Resettlement Plan* is a broader consultative document which is concerned with project description; impact analyses; costs and budgetary considerations and consultation mechanisms. The *Resettlement Action Plan* is a document that lists what steps must be taken in order to achieve the goals set out in the resettlement plan. The purpose of the Action Plan is to clarify what resources are required to reach the goal, formulate a timeline for when specific tasks need to be completed and determine what resources are required. The Resettlement Action Plan, in summary, must outline action to be taken, identify responsible stakeholders and timeframes.

The *Resettlement Agreement* serves to record in full all the commitments made by a mining right holder in the Resettlement Plan and the Resettlement Action Plan. It should outline rights and obligations of all parties to the agreement. This agreement must be signed by all relevant stakeholders and submitted to the office of the Regional Manager for noting.



## 2. ACRONYMS AND DEFINITIONS

“**Consultation Guideline**” refers to the Guideline for consultation with communities and interested and affected parties developed in terms of sections 10(1)(b),16(4)(b), 22(4)(b),27(5)(b) of the Mineral and Petroleum Resources Development Act (Act 28 of 2002);

“**Community**” refers to community as defined in the MPRDA.

“**Compensation**” means cash payments or in-kind contributions for assets acquired or affected by a resettlement project”.

“**Interested and affected parties**” means any person, group of persons, or organization interested in or affected by a resettlement activity and any organ of state that may have jurisdiction over any aspect of the resettlement activity.

“**Meaningful consultation**” for the purposes of these Guidelines means consultation with landowners, lawful occupiers, interested and affected parties, holders of informal and communal land rights, mine communities and host communities by an applicant or a holder of a mining right, prospecting right or mining permit with a view to:

1. Provide for the opportunity for landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities to comment and obtain clear, accurate and understandable information about all the impacts of the proposed mining activity or implications of a decision on resettlement;
2. Determine whether some accommodation is possible between the applicant for a prospecting right and the landowner insofar as the interference with the landowner’s rights to use the property is concerned;
3. Provide opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;
4. Encourage transparency and accountability in decision-making; and
5. Give effect to the requirement for procedural fairness of administrative action as contained in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

“**Mine community**” refers to a community where mining takes place and adjacent communities within a local, district or metropolitan municipality.

**“Host community”** For the purposes of these Guidelines, refers to a community within a local or metropolitan municipality adjacent to the mining area, as defined in the MPRDA;

**“Resettlement”** means the voluntary or involuntary displacement and relocation of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities as a result of planned or operational mining activities.

**“Stakeholders”** refers to those individuals, groups, organisations and institutions who are interested in, and potentially affected by a project, or have the ability to influence a project;

**MPRDA:** Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

**IPLRA:** Interim Protection of Informal Land Rights Act, 1998.

**SLP:** Social and Labour Plan.

**NGO:** Non-Governmental Organisation.

**CBO:** Community Based Organisation.

**RMEC:** Resettlement Monitoring and Evaluation Committee.

### 3. PURPOSE OF THE RESETTLEMENT GUIDELINES

The purpose of this document is to provide guidelines to be applied by an applicant or a holder of a prospecting right, mining right or mining permit when such application, prospecting right, mining right or mining permit will have the effect of resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities.

The Guidelines outline the process and requirements to be complied with by an applicant or a holder of a prospecting right, mining right or mining permit when such application or right will result in physical resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities, from their land.

### 4. POLICY AND LEGAL FRAMEWORK

4.1 South Africa has numerous policies and legislative instruments regulating issues of land and resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities. These in summary include but are not limited to:

(i) *Constitution of the Republic of South Africa, 1996.*

Section 25(6) of the Constitution provides that “A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.”

(ii) *The Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002).*

The MPRDA sets out the procedure that must be followed and requirements that must be satisfied when an application for a prospecting, mining right or mining permit is made under it. In particular sections 5, 22, 25, 54 and 55 contain sufficient detail about meaningful consultation with landowners, lawful occupiers and

interested and affected parties. The MPRDA, section 54 further provides for appropriate redress in the form of agreement on compensation for loss or damage as a result of proposed prospecting or mining operations.

*(iii) Expropriation Act, 73 of 1975 (Act No. 73 of 1975).*

Section 3 of this Act permits any Minister of the department to expropriate land with compensation for the attainment of the objects a given Act.

*(iv) National Environmental Management Act, 107 of 1998, (Act No. 107 of 1998).*

This Act provides comprehensive regulation of environmental impacts. It provides for Environmental Impact Assessments (EIA's) which are required for certain activities listed in that Act. EIA's are used to evaluate the possible environmental impacts of a proposed project, taking into account inter-related socio-economic, cultural and human-health impacts.

*(v) National Water Act, 36 of 1998 (Act No. 36 of 1998).*

This Act provides for protection of water resources. It provides for water use licence (WUL) or authorisation. In terms of this Act every mine must have a WUL from the Department of Water and Sanitation in order to regulate and minimize the detrimental impacts on the water resources.

*(vi) Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998, (Act No. 19 of 1998).*

This Act is administered by Department of Rural Development Land Reform and prohibits illegal evictions from land and provides recourse for affected parties.

*(vii) The Local government Municipal Systems Act, 2000 (Act No 32 of 2000) and the Development Facilitation Act, 1995 (Act No 67 of 1995) are also some of the pieces of legislation requiring public participation and regulating land tenure intended to afford communities sufficient legal protection in relation to their land and recourse in the event of arbitrary deprivation of land.*

## 5. FUNDAMENTAL PRINCIPLES FOR RESETTLEMENT

5.1 The following fundamental principles shall be taken into account:

- (a) **Meaningful consultation:** an applicant or a holder of a prospecting right, mining right or mining permit must consult meaningfully with landowners, lawful occupiers, interested and affected parties, holders of informal and communal land rights, mine communities and host communities.
- (b) **Gender equality:** the proposed resettlement must not violate the Constitutional right to equality for women, children, people with disabilities and the vulnerable members of a community. In terms of the Constitution of the Republic of South Africa, everyone has a right to equal treatment.
- (c) **Protection of existing rights:** landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities may not be deprived of enjoyment of the rights to land without provision of appropriate compensation.
- (d) **Conditions relating to meetings:** The key condition is that all the stakeholders must have been given sufficient notice in advance and a reasonable opportunity to participate in consultation meetings, provided with sufficient information to make informed decisions and proper records must be kept.
- (e) **Avoid and Minimise:** To avoid resettlement wherever feasible; minimize resettlement where population displacement is unavoidable; avoid the breaking up of communities by only resettling entire communities. Where resettlement is unavoidable, to ensure that affected people receive assistance so that they will be at least as well off as they would have been in the absence of the project.

## 6. SCOPE AND APPLICABILITY OF THE GUIDELINES

6.1 The guidelines apply to an application for prospecting right, mining right, mining permit.

6.2 Depending on when the demand for land emerges, displacement or resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine

communities and host communities can occur during project planning and construction or during active mining operations. It may also occur as a result of incremental project expansion.

6.3 An applicant or holder of a prospecting right, mining right or a mining permit shall comply with these guidelines at all the stages of development, when such development will have the effect of displacement or resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities.

6.4 To this end, the Guidelines also apply to existing prospecting rights, mining rights or mining permits where incremental project expansion will have the effect of displacement or resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities.

6.5 The Guideline shall be applicable from the date it is published in the gazette for implementation.

## **7. MEANINGFUL CONSULTATION**

Consultation with landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities shall be consistent with the Consultation Guideline developed in terms of sections 10(1)(b), 16(4)(b), 22(4)(b), 27(5)(b) of the Mineral and Petroleum Resources Development Act (Act 28 of 2002);

### ***7.1 Duty to consult***

An applicant or a holder of a prospecting right, mining right or a mining permit shall:

7.1.1 Provide for the opportunity for landowners, lawful occupiers, interested and affected parties, holders of informal and communal land rights, mine communities and host communities to comment and obtain clear, accurate and understandable information about all the impact of the proposed mining activity or implications of a decision on resettlement;

- 7.1.2 Determine whether some accommodation is possible between the applicant for a prospecting right and the landowner insofar as the interference with the landowner's rights to use the property is concerned;
- 7.1.3 Provide opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;
- 7.1.4 Encourage transparency and accountability in decision-making; and
- 7.1.5 Give effect to the requirement for procedural fairness of administrative action as contained in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

## **7.2 Stakeholders to be consulted**

The affected stakeholders to be consulted will be informed by the nature and extent of the proposed operation and area specific considerations. An applicant or a holder of a prospecting right, mining right or mining permit must conduct stakeholder mapping to identify and profile stakeholders that must form part of the meaningful consultation process. The meaningful consultation process may comprise a broad range of stakeholders including but not limited to:

- 7.2.1 Host Community;
- 7.2.2 Mine Community;
- 7.2.3 Landowners (Traditional and Title Deed owners);
- 7.2.4 Lawful occupiers;
- 7.2.5 Holders of informal land rights;
- 7.2.6 Holders of communal land rights;
- 7.2.7 Traditional Authority;
- 7.2.8 Land Claimants;
- 7.2.9 Non-Governmental Organisation;
- 7.2.10 Community Based Organisations;
- 7.2.11 The Department of Rural Development and Land Affairs;
- 7.2.12 Any other person ( including on adjacent and non-adjacent properties) whose socio-economic conditions may be directly affected by the proposed mining operation;

7.2.13 The Local Municipality; and

7.2.14 The relevant Government Departments, agencies and institutions responsible for the various aspects of the environment and infrastructure which may be affected by the proposed project.

### **7.3 Methods of consultation with stakeholders**

An applicant or a holder of a prospecting right, mining right or a mining permit may use appropriate tools and platforms to engage landowners, lawful occupiers, interested and affected parties, holders of informal and communal land rights, mine communities and host communities about the proposed mining development as outlined in the Consultation Guideline which may include:

7.3.1 Regular meetings or workshops;

7.3.2 Surveys or roadshows; and

7.3.3 Announcements of the consultation process may be made in local radio stations, newspapers and relevant media.

## **8 OBLIGATIONS OF AN APPLICANT OR A HOLDER OF A PROSPECTING RIGHT, MINING RIGHT OR MINING PERMIT**

8.1 When an applicant or a holder of a prospecting right, mining right or a mining permit intends to relocate landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities to an alternative area, the applicant or a holder of a prospecting right, mining right or a mining permit shall;

8.1.1 Consult with the landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities by offering choices and options that are practical and economically suitable.

8.1.2 Ensure that landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities are informed about the options and rights concerning the resettlement by providing them with all relevant information and documents to make informed decisions.



- 8.1.3 Provide the landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities with compensation for any losses to their property and livelihoods.
- 8.1.4 Assist with the resettlement by providing financial and related support to affected landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities.
- 8.1.5 Provide the landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities with residential housing, housing sites or agricultural land.
- 8.1.6 Offer support after resettlement to ensure people's livelihoods and standards of living are restored.
- 8.1.7 Assist with sustained development within the resettled mine community or host community after resettlement.
- 8.1.8 The cost of resettlement shall be borne by an applicant or a holder of a mining right or a mining permit agreed by the landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities.
- 8.1.9 Establish a Resettlement Monitoring and Evaluation Committee contemplated in item 14.5 of these Guidelines.
- 8.1.10 Develop a Resettlement Plan contemplated in item 10 of these Guidelines.
- 8.1.11 Develop a Resettlement Action Plan contemplated in item 11 of these Guidelines.
- 8.1.12 Conclude a Resettlement Agreement contemplated in item 12 of these Guidelines.

## **9. RESETTLEMENT AND COMPENSATION**

- 9.1 Resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities to make way for mining activities must as far as possible enhance and improve affected communities livelihoods such as housing, schools, health facilities and recreational facilities.

9.2 No mining activity shall take commence until a resettlement agreement is reached on the appropriate amount of compensation as a result of resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities. Resettlement agreement to reflect the contents of the Resettlement Plan and Resettlement Action Plan.

9.3 The objective of resettlement is to enable the relocation of individuals, households and communities to new locations. Companies should take the following factors into consideration:

- (a) Creating an enabling environment that allows the livelihoods and standard of living of affected people to be improved, or at least restored.
- (b) Reflecting the way people live in their current location and meet their key requirements in terms of living space, functionality and access to resources cultural considerations should be taken into account in the design process.
- (c) Any resettlement solution should be considered in the local context and offer choices to those being resettled, with the informed participation of affected people and statutory authorities. Resettlement sites and designs should be developed and agreed with all stakeholders, not just community leaders or statutory authorities.
- (d) The relocation of households and communities should preserve existing social networks, livelihoods and maintain community and household cohesion.
- (e) Maintaining links with existing assets and resources not affected by resettlement, or replace them.
- (f) Enabling resettled people to appropriately share in benefits, for example project-related employment.
- (g) Offering fair, equitable and adequate replacement housing and house plots that are at least the same standard as existing housing and ideally better.
- (h) Ensuring the replacement of all existing community facilities, related infrastructure, and provision of additional facilities and infrastructure as required by local planning regulations.
- (i) Ensuring upkeep of new housing and facilities are affordable for the recipient.

- (j) Providing security of tenure through registration of property rights by regulatory authorities the process of security of tenure may be lengthy, and should be planned accordingly. Allowing for ongoing development and expansion of the new community.
- (k) Businesses should be considered early in the process, as potential drivers of resettlement communities.
- (l) Communities in which resettled people will be hosted should be considered in planning from day one, and should see benefits in the resettlement process.
- (m) Statutory authorities should be involved from the outset, in order to ensure timely approvals and adoption of infrastructure.

#### 9.4 Calculation of compensation amounts.

9.4.1 There is no standard formula for determination of sufficient compensation as a result of resettlement. Compensation rates should be determined based on the local context and current full replacement values. A transparent, participatory approach to determining compensation should be undertaken. An experienced Independent Valuer deemed acceptable to companies and communities should be used. The compensation policy should be consistent. The methods used for valuation should be clearly documented and disseminated. Compensation rates should be updated if the process is undertaken over a long period.

9.4.2 The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. With regard to land and structures, replacement costs are defined as follows:

- (a) **Agricultural and grazing land:** the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes.
- (b) **Land in urban areas:** the market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

- (c) **Household and public structures:** the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and any registration and transfer taxes.

## 10. MINE COMMUNITY RESETTLEMENT PLAN

- 10.1 An application for a mining right, prospecting right or a mining permit or a holder of a prospecting right, mining right or mining permit shall develop a resettlement plan whenever such application will have the effect of physical resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities.
- 10.2 The resettlement plan shall be consulted with landowners, lawful occupiers, interested and affected parties, holders of informal and communal land rights, mine communities and host communities as outlined in items 7.2 of these Guidelines.
- 10.3 The resettlement plan may include measures to ensure that the displaced persons are informed about their options and rights pertaining to the resettlement; consulted meaningfully; provided assistance during relocation; and offered support after displacement, for a transition period based on a reasonable estimate of the time likely to be taken to restore their livelihood and standards of living.
- 10.4 The types of resettlement packages may include:
- 10.4.1 Cash compensation for assets, including crops and structures;
  - 10.4.2 Provision of resettlement housing;
  - 10.4.3 Provision of a resettlement site;
  - 10.4.4 Allowances to facilitate the moving process; and
  - 10.4.5 Livelihood restoration programmes.

## 10.5 *Contents of a Resettlement Plan*

Taking into account project and site specific considerations, a resettlement plan may contain the following elements:

### 10.5.1 *Project Description*

- (i) Describe in full detail the name, nature, extent and type of project to be undertaken.

### 10.5.2 *Impact Analysis*

- (i) Outline the details of a Socio-Economic Impact analyses conducted regarding the potential or actual negative and positive impacts of the proposed resettlement, costs, benefits and opportunities.
- (ii) Consider alternative measures to resettlement, advantages, disadvantages and mitigation measures.

### 10.5.3 *Meaningful Consultation*

- (i) Contain detailed information about the meaningful consultation with all stakeholders, proof of such consultation and outcomes of such meaningful consultation as outlined in item 7 of these Guidelines.

### 10.5.4 *Implementation Schedule*

- (i) An applicant or holder of a prospecting right, mining right or mining permit shall prepare an implementation plan with clear allocation of roles and responsibilities, timelines, financial resources, deliverables and stakeholder engagement.

### 10.5.5 *Costs and Budgetary Implications*

- (i) The costs for implementing the plan shall be borne by the applicant or holder of a prospecting right, mining right or mining permit. These costs shall include costs relating to independent evaluation of movable and immovable property, legal and consultancy services, where applicable.

- (ii) The valuation of movable and immovable property shall be certified by the Office of the Valuer General.

#### *10.5.6 Institutional Arrangements*

- (i) The institutional arrangements relate to both formal and informal institutions and agencies that are responsible to facilitate and deliver on the resettlement plan commitments.
- (ii) The resettlement plan shall identify agencies responsible for resettlement activities such as Local Municipality, Department of Human Settlements and an assessment of the institutional capacity of such agencies.
- (iii) Identify organisations responsible for delivery of resettlement measures and provision of services, and ensuring that local organisations familiar with the communities are used. Clearly define the roles and responsibilities of all stakeholders.
- (iv) Ensure that persons responsible for implementing the resettlement plan do not have conflicting interests.

#### *10.5.7 Approval and Declaration*

- (i) The resettlement plan shall contain a declaration by the Chief Executive Officer or an equivalent person of the right holder taking responsibility for the contents of the plan and its execution.

## **11. RESETTLEMENT ACTION PLAN**

11.1 The Resettlement Action Plan is a document that lists what steps must be taken in order to achieve the goals set out in the resettlement plan. The purpose of the Action Plan is to clarify what resources are required to reach the goal, formulate a timeline for when specific tasks need to be completed and determine what resources are required. The Action Plan, in summary, must outline action to be taken, identify responsible stakeholders and timeframes (See **Table A** for an example).

11.2 The Resettlement Action Plan is a tool concerned with practical implementation of the broader resettlement plan. The Action Plan must therefore be read together with the Resettlement Plan.

11.3 Landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities must also be consulted meaningfully on the contents of the Resettlement Action Plan.

**Table A:**

<b>ACTION</b>	<b>RESPONSIBLE STAKEHOLDER</b>	<b>TIMEFRAME</b>
Develop a Resettlement Plan	Mining right holder	Pre-project phase
Develop a Resettlement Action Plan	Mining right holder	Pre-project phase
Meaningful consultation with land owners, lawful occupiers and interested and affected parties.	Mining right holder	Pre-project phase
Valuation of immovable and immovable property	Mining right holder and the Office of the Valuer General	Implementation phase
Physical relocation of people, livestock and possessions.	Mining right holder and contractor	Implementation phase
Initiate sustainability projects.	Mining right holder	Post-implementation

## 12. RESETTLEMENT AGREEMENT

12.1 The Resettlement Agreement shall not be valid unless it is in writing and signed by authorised representatives of mine communities, land owners and lawful occupiers and the applicant or holder of a prospecting right, mining right, or mining permit.

12.2 The resettlement agreement serves to record in full all the commitments made by a mining right holder in relation to the resettlement. It should outline rights and obligations of all parties to the agreement. Taking into account project and site specific considerations the Resettlement Agreement may contain the following elements:

### 12.3 *Elements of a Resettlement Agreement*

12.3.1 Parties to the agreement.

12.3.2 Interpretation clause.

12.3.3 Purpose and objects of the agreement.

12.3.4 Record of meaningful consultation process.

12.3.5 Mining right and its duration or life of mine.

12.3.6 Rights and obligation of parties to the agreement.

12.3.7 Recodal of the commitments made in the Resettlement Plan.

12.3.8 Recodal of the commitments made in the Resettlement Action Plan.

12.3.9 Dispute resolution mechanisms.

12.3.10 Tenure of the agreement.

12.3.11 Fraud and corruption.

12.3.12 Review, variation and amendments.

12.3.13 Domicilia and notices.

12.3.14 Signatories.

12.4 Once the agreement is signed, it together with all annexes, must be submitted to the office of the Regional Manager for noting. Annexes to the agreement may include the Resettlement Plan, Resettlement Action Plan and related documents.



## **13. DISPUTE RESOLUTION MECHANISM**

### ***31.1 Legal representation***

An applicant or a holder of a prospecting right, mining right or mining permit shall where feasible provide financial assistance to affected landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities to obtain competent representation in the dispute resolution processes.

### ***13.2 Party to Party dispute resolution process***

If there is a dispute about any aspect of the resettlement, an applicant or a holder of a prospecting right, mining right or mining permit shall endeavor to resolve the dispute amicably through engagements and mutual agreement with affected landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities. In this regard an applicant or a holder of a prospecting right, mining right or mining permit shall:

- (a) Create a grievance management mechanism and an effective, formal and structured grievance procedure to track and attend to project and resettlement-related grievances from the start of resettlement planning.
- (b) Affected landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities should be informed and receive continuous communication about grievance procedures.
- (c) Identify a site or community-based location where grievances can be received in writing.
- (d) Response time to grievances received is critical, particularly once a commitment is made to respond within a certain time period. Management of grievances can be a time-intensive activity, and may require a full-time, dedicated staff member to be responsible for receiving, documenting and processing grievances.
- (e) Emphasis on locally appropriate grievance resolution mechanisms (e.g. through traditional leaders or local structures) can result in conflict being handled faster and at a lower cost. Ensure that every complaint has an internal “owner” who is responsible for ensuring that it is effectively closed out.

- (f) Monitor and close out complaints on the basis of “outcomes” not just by recording that a corrective action has been completed. At a minimum verify whether the complainant was satisfied with the corrective action or not, and check whether they were happy with the process.

### ***13.3 Regional Manager led Process (section 54)***

If a resettlement related dispute cannot be resolved through the party to party dispute resolution process and grievance mechanisms and procedures the applicant or a holder of a prospecting right, mining right or a mining permit shall notify the Regional Manager about the dispute and the Regional Manager shall initiate a negotiation process as contemplated in section 54(3) of the MPRDA.

In this regard the Regional Manager shall;

- (a) Constitute a negotiation team comprising representation from all affected parties (the applicant, the right holder, representatives of affected community/ies, traditional leadership etc).
- (b) Develop Terms of Reference for the negotiation team with clear parameters regarding the role of the team, scope of its work, meeting dates and times and timeframes to resolve the dispute.
- (c) Require all affected parties to submit all relevant information (documents, agreements etc) that pertains to the dispute.
- (d) Chair the meetings as per the terms of reference objectively with a view to facilitate a speedy resolution of the dispute.
- (e) Ensure that the meetings quorate and that every party is represented and mandated.
- (f) Refer complicated matters to the Deputy Director General, Director General or the Minister where warranted.

### **13.4 Formal mediation, arbitration and conciliation process**

If a resettlement related dispute cannot be resolved through Regional Manager led process, parties to the dispute may refer the matter to an arbitration or conciliation process in terms of applicable legislation (Arbitration Act and Conciliation Act).

The referral must take place within a reasonable time and the conciliation or arbitration process shall be undertaken and concluded within reasonable time.

### **13.5 Court Processes**

Parties to a resettlement dispute are encouraged to resolve matters through engagement, however if a resettlement dispute cannot be resolved through the party to party process, the Regional Manager led process and the conciliation or arbitration process, the aggrieved party may take the dispute to the competent court within a reasonable period of time.

## **14. REPORTING, MONITORING AND EVALUATION**

14.1 Monitoring and evaluation should not be left to implementation stages but must be considered upfront and integrated into project planning. Monitoring and evaluation should be concerned with monitoring, evaluation and reporting on the effectiveness of the approved Resettlement Plan, Resettlement Action Plan and Resettlement Agreement.

14.2 The purpose of monitoring is to provide project managers, as well as directly affected persons, households, communities and project financiers, with timely, concise, indicative information on whether compensation, resettlement, other impact mitigation or community development measures are on track to achieve sustainable livelihood restoration and improvement in the welfare of the affected people, or whether plans need to be adjusted.

14.3 Monitoring and Evaluation should take place from the outset of resettlement activities and occur through the planning and engagement phases, as opposed to

only occurring during implementation it should continue post-resettlement and monitor the success of livelihoods and vulnerable people's programmes.

14.4 Measuring whether or not livelihoods programmes have been successful requires a commitment to monitoring longer than two or three years it may be up to ten years before livelihoods are fully restored in some cases, particularly where tree crops are impacted. Evaluate emergent, mid-term and long-term impacts of the resettlement activities on the welfare of impacted households, communities and local government.

#### **14.5 Establishment of a Resettlement Monitoring and Evaluation Committee**

14.5.1 An applicant or a holder of a mining right or a mining permit shall, where the operations involve displacement and resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities, establish a Resettlement Monitoring and Evaluation Committee (RMEC).

14.5.2 The RMEC shall comprise representation from the stakeholders referred to in item 7.2 of these Guidelines.

#### **14.6 Functions of the Resettlement Monitoring and Evaluation Committee**

14.6.1 The functions of the RMEC shall include:

- (a) Development of a monitoring and evaluation plan.
- (b) Implementation of the monitoring and evaluation plan.
- (c) Maintain continuous engagement with affected stakeholders and providing regular updates and information about the progress in implementation of the monitoring and evaluation plan and the resettlement plan.
- (d) Conduct completion audits at the end of the projects.
- (e) Monitor and evaluate achievement against objectives in the resettlement plan and difficulties arising from implementation.
- (f) Monitor the impact of projects to communities including post resettlement impacts.

### **14.7 Funding and resources requirements of the Resettlement Monitoring and Evaluation Committee**

14.7.1 An applicant or a holder of a mining right or a mining permit shall, where the operations involve displacement and resettlement of landowners, lawful occupiers, holders of informal and communal land rights, mine communities and host communities, be responsible for all the costs, funding and resources requirements of the RMEC.

14.7.2 Resource requirements relate to dedicated staff complement with resources e.g. computers, laptops, office space, meeting facilities, phones, transportation etc.

### **14.8 Reporting obligations**

14.8.1 A holder of a mining right, prospecting right or a mining permit shall be responsible for reporting progress with implementation of the resettlement plan periodically to the Department.

14.8.2 The Department, through the Regional Manager shall monitor and evaluate implementation of the resettlement plan by a holder of a mining right or a mining permit. Monitoring and evaluation to be done for the duration of the mining right.

## **15. RESETTLEMENT BENEFITS AND MPRDA COMMITMENTS**

15.1 Resettlement compensation and related benefits should not be conflated with Social and Labour Plan and Mining Charter commitments. Resettlement compensation and related benefits should be clearly distinguishable and separated from the Social and Labour plan and Mining Charter commitments.

## **16. REVIEW OF THE RESETTLEMENT GUIDELINES**

16.1 These Guidelines may be reviewed by the Minister, by notice in the Gazette.

# SEPEDI TRANSLATION

## DITLHAHLIKAKANYWA TŠA KHUDUŠO YA SETŠHABA SA MOEPO, 2019

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## 1. MATSENO

Intasteri ya Afrika Borwa ya meepo le diminerae ke motheo wa ikonomi. E na le seabe go Tšweletšomoka ya Naga, tlholo ya mešomo le kaonafatšo ya bohloki le go se lekalekane. Ka ntle ga diabe tše tše di botse intasteri ya meepo le diminerae e na le dikhuetšo tše mpe thwii goba aowa tša tikologo le tša šošio-ikonomi go bengnaga, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae. Gape e na le khuetšo ya tlošo ya ditšhaba fao ditiro tša moepo di diregago ka sebopego sa khudušo ya sebele, kepollo ya mabitla, tahlegelo le tshenyo ya thoto, tšhologelo ya batho ditšhabeng tša meepo le kgolo ya lebelo ya mešašana.

Ditokelo dikgahlego tša mongnaga, badudi ba semolao, baswari ba ditokelo tša naga tša tše e sego tša semmušo le kopanelo, ditšhaba tša meepo le ditšhaba tša benggae, tša go amana le khudušo ka lebaka la tlhabollo ya moepo ye e šišintšwego di laolwa ke dikarolo tša molao tše mmalwa. Molao wa Tlhabollo ya Methopo ya Diminerae le Peteroleamo, 2002 (MPRDA) o balwa le melawana le ditlhahli ka ga ditherišano o bolela ka tshepetšo ya ditherišano ye e nabileng gotee le bengnaga, badudi ba semolao le bakgathatema ba go amega le ba go ba le kgahlego, pele go fiwa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo.

Mokgopedi o gapeletšega go tsebiša le go rerišana le bengnaga, badudi ba semolao le bakgathatema ba go amega le ba go ba le kgahlego mabapi le tlhabollo ye e šišintšwego le go tliša dipoelo go Kgoro go thekga kgopelo. Tshepedišo ya therišano e akaretša poledišano ye bohlokwa le bengnaga, badudi ba semolao le bakgathatema ba go amega le ba go ba le kgahlego ka ga dikhuetšo tše protšeke ye e šišintšwego e tlogo ba natšo godimo ga ditokelo tša bona tša tšhomišo le boipshino ka naga ya bona gomme ba swanela go šogana le ditaba tša go ama khudušo.

MPRDA ga e na mabaka a go kwagala a khudušo ya bengnaga, badudi ba semolao, baswari ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae, bjalo Ditlhahli tša Therišano di šišinya gore pego ya therišano

ya mokgopedi e swanela go akaretša tlhalošo ya mekgwa ye e lebanego gagolo le go dira mošomo wo o šišintšwego ka kamogelo ye e swanetšeng ya ditabana tše di tšweletšego tshepedišong ya therišano, e lego kwano ka ga peakanyo ya khudušo.

Bjalo, Ditlhahli tša Khudušo tše maikemišetšo a tšona ke go hlaloša tshepedišo le dinyakwa tše di swanelago go latelwa ke mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo ge tokelo goba kgopelo ye bjalo e feleletša ka khudušo ya sebele ya bengnaga, badudi ba semolao, baswari ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae, go tšwa nageng ya bona. Ditlhahli tša Khudušo tše di akaretša ditokelo tša nyakišišo, ditokelo tša moepo goba diphemiti tša moepo tše di lego gona fao katološo ya protšeke ka koketšo e tlogo ba le khuetšo ya tlošo goba khudušo ya bengnaga, badudi ba semolao, baswari ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae.

Ditlhahli di dira tokišetšo ya tšweletšo ya Peakanyo ya Khudušo, Leanotiro la Khudušo le kwano ya Khudušo. *Peakanyo ya Khudušo* ke tokomane ya therišano ye e nabileng yeo e bolelago ka tlhalošo ya protšeke; ditshekatsheko tša khuetšo; mabaka a ditshenyegelo le tekanetšo le mekgwa ya therišano. *Leanotiro la Khudušo* ke tokomane yeo e dirago lenaneo la dikgato tše di swanetšego go tšewa go fihlelela dinepo tše di laeditšwego ka gare ga peakanyo ya khudušo. Morero wa Leanotiro ke go hlaloša gore ke methopo efe e nyakegago go fihlelela nepo, go bopa tatelano ya mešongwana ye itšeng ge go nyakega gore e fetšwe le go laetša gore ke methopo efe ye e nyakegago. Leanotiro la Khudušo, ka kakaretšo, le swanetše go hlaloša kgato ye e tlogo tšewa, go hlaola bakgathatema ba ba rwelego maikarabelo le dinako.

Kwano ya Khudušo e šoma go rekota ka botlalo boineelo ka moka bja go dirwa moswari wa tokelo ya moepo ka gare ga Peakanyo ya Khudušo le Leanotiro la Khudušo. E swanetše go hlaloša ditokelo le dikgapeletšo tša bakgathatema ka moka go kwano. Kwano ye e swanetše go saenwa ke bakgathatema ba maleba ka moka le go išwa go ofisi ya Molaodi wa Selete gore go tsebege.



## 2. DIAKHERONIMI LE DITLHALOŠO

“**Tlhahli ya Therišano**” go šupša Tlhahli ya therišano le ditšhaba le bakgathatema ba go amega le ba go ba le kgahlego ya go tšweletšwa go ya dikarolo 10(1)(b),16(4)(b), 22(4)(b),27(5)(b) tša Molao wa Tlhabollo ya Methopo ya Peteroleamo le Diminerale;

“**Setšhaba**” go šupša setšhaba bjalo ka ge se hlalositšwe ka gare ga MPRDA.

“**Tefo**” go šupša tefelo ya kheše goba ditefo tša go dirwa ka letlotlo goba ditirelo goba go angwa ke protšeke ya khudušo”.

“**Bakgathatema ba go amega le ba go ba le kgahlego**” go šupša motho mang goba mang, sehlopha sa batho, goba mokgatlo wa go amega le go ba le kgahlego go modiro wa khudušo le lekala lefe goba lefe la mmušo leo le kago ba le tokelo godimo ga taba efe goba efe ya modiro wa khudušo.

“**Therišano ye bohlokwa**” bakeng sa merero ya Ditlhahli tše e šupa therišano le bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae ka mokgopedi goba moswari wa tokelo ya moepo, tokelo ya go nyakišiša goba phemiti ya moepo ka kgopolo ya:

1. Go fa go bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae monyetla wa go swayaswaya le go hwetša tshedimošo ye e hlakilego, nepagala le go kwešišega ka ga dikhuetšo ka moka tša tiro ya moepo ye e šišintšwego goba ditšhišinyo tša sephetho ka ga khudušo;
2. Go laetša ge eba phetogonyana e kgonega gare ga mokgopedi wa tokelo ya go nyakišiša le mongnaga ge go bolelwa ka tsenogare ya ditokelo tša mongnaga tša go šomiša thoto;
3. Go fa menyetla ya go lokiša go se kwane mabapi le ditabana tša sethegniki, go rarolla dithulano le go boelanya dikgahlego tše di thulanago;
4. Hlohletša ponagatšo le boikarabelo go tše o ya diphetho

5. Diriša nyakego ya toka ya tshepedišo ya kgato ya tshepedišo bjalo ka ge e akareditšwe ka gare ga Molao wa Kgodišo ya Toka ya Tshepedišo, 2000 (Molao wa Nr. 3 wa 2000).

**“Setšhaba sa moepo”** go šupša setšhaba sa fao moepo o diregago le ditšhaba tša kgauswi ka gare ga mmasepala wa selegae, selete goba metropholithene.

**“Setšhaba sa monggae”** bakeng sa morero wa Ditlahli tše, go šupša setšhaba sa ka gare ga mmasepala wa selegae goba metropholithene sa kgauswi le lefelo la moepo, bjalo ka se hlalositšwe ka gare ga MPRDA;

**“Khudušo”** go šupša khudušo le tlošo ya boithaopo goba ye e sego ya boithaopo tša bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae ka lebaka la ditiro tša moepo tša tshepedišo goba tše di beakantšwego.

**“Bakgathatema”** go šupša batho bao, dihlopha, mekgatlo le diinstitšhušene tše di nago le kgahlego go, le kgonagalo ya go angwa ke protšeke, goba ba na le bokgoni bja go huetša protšeke;

**MPRDA:** Molao wa Tlhabollo ya Methopo ya Peteroleamo le Diminerale, 2002 (Molao wa Nr. 28 wa 2002).

**IPILRA:** Molao wa Tšhireletšo ya Nakwana ya Ditokelo tša Naga tše e sego tša Semmušo, 1998.

**SLP:** Peakanyo ya Leago le Bašomi.

**NGO:** Mokgatlo wo e sego wa Mmušo.

**CBO:** Mokgatlo wa go thewa Setšhabeng.

**RMEC:** Komiti ya Tekolo le Tlhokomelo ya Khudušo.

### 3. MORERO WA DITLHAHLI TŠA KHUDUŠO

Morero wa tokomane ye ke go fa ditlhahli tše di tlogo dirišwa ke mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo ge kgopelo ye bjalo, tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo e tla ba le khuetšo ya khudušo ya bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae.

Ditlhahli di hlaloša tshepedišo le dinyakwa tše di tlogo latelwa ke mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo ge tokelo goba kgopelo ye bjalo e tla feleletša ka khudušo ya sebele ya bengnaga, badudi ba semolao, moswari wa ditokelo tša naga tša kopanelo le tše e sego tša mmušo, ditšhaba tša meepo le ditšhaba tša benggae, go tšwa nageng ya bona.

### 4. PHOLISI LE FOREIMIWEKE YA MOLAO

4.1 Afrika Borwa e na le dipholisi tše mmalwa le didirišwa tša molao tša go laola ditabana tša naga le khudušo ya bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae. Tše ka bokopana di akaretša eupša ga di felelego:

(viii) *Molaotheo wa Repapliki ya Afrika Borwa, 1996.*

Karolo ya 25(6) ya Molaotheo e bolela gore “Motho goba setšhaba seo naga ye se e swerego e sego ya šireletšwa ka molao ka lebaka la ditlwaelo goba melao ya kgethollo ya semorafe ya maloba e dumeletšwe, go fihla fao go dumeletšwego ke Molao wa Palamente, go tshwaro ya naga yeo e šireleditšwego ke molao goba tokišo ye e lekanang.”

(ix) *Molao wa Tlhabollo ya Methopo ya Peteroleamo le Diminerale, 2002 (Molao wa Nr. 28 wa 2002).*

MPRDA e laetša gore tshepedišo yeo e swanetše go latelwa gomme dinyakwa tše di swanetšego go kgotsofatšwa ge kgopelo ya go nyakišiša, tokelo ya moepo goba phemiti e dirilwego ka fase ga yona. Ka dikarolong tše itšeng 5, 22, 25, 54 le 55 di na le ntlha ye e feletšeng ka ga therišano ye bohlokwa le bengnaga, badudi ba semolao le bakgathatema bago amega le ba go ba le kgahlego. MPRDA, karolo ya 54 gape e bolela ka tokišo ya maleba ka sebopego sa kwano ka tefo ya tahlegelo goba tshenyego ka lebaka la mešomo wa moepo goba go nyakišiša.

(x) *Molao wa Tšeo ka Kgang, 73 wa 1975 (Molao wa Nr. 73 wa 1975).*

Karolo ya 3 ya Molao wo e dumelela Tona efe goba efe ya kgoro go tšea ka kgang naga ka tefo ya phihlelelo ya maikemišetšo a Molao wo o filweng.

(xi) *Molao wa Bosetšhaba wa Taolo ya Tikologo, 107 wa 1998 (Molao wa Nr. 107 wa 1998).*

Molao wo o bolela ka taolo ye e tletšeng ya dikhuetšo tša tikologo. O bolela ka Ditshekatsheko tša Khuetsšo ya Tikologo (di-EIA) tšeo di nyakegago bakeng sa ditiro tše tše di ngwadilwego ka gare ga Molao woo. Di-EIA di šomišwa go lekola kgonagalo ya dikhuetšo tša tikologo tša protšeke ye e šišintšwego, go akaretšwa dikhuetšo tša šošio-ikonomi ye e kopantšwego, setšo le seemo sa maphelo a batho.

(xii) *Molao wa Bosetšhaba wa Meetse, 36 wa 1998 (Molao wa Nr. 36 wa 1998).*

Molao wo o bolela ka tšhireletšo ya methopo ya meetse. O bolela ka laesense ya tšhomišo ya meetse (WUL) goba tumelelo. Go ya ka Molao wo nako le nako moepo o swanetše go ba le WUL go tšwa Kgorong ya Meetse le Kelelatšhila gore o kgone go laola le go fokotša dikhuetšo tše kotsi go methopo ya meetse.

(xiii) *Molao wa Thibelo ya Ntšhetšontle ye e sego Molaong le Bodudi bjo e sego Bja Semolao bja Naga, (Molao wa Nr. 19 wa 1998).*

Molao wo o laolwa ke Kgoro ya Tlhabollo ya Dinagamagae le Pušetšo ya Mmušo gomme o thibela ntšhetšontle ye e sego molaong go tšwa nageng gomme o bolela ka tharollo go bakgathatema ba go amega.

(xiv) Molao wa Mekgwa ya Mmasepala wa pušoselegae, 2000 (Molao wa Nr. 32 wa 2000) le Molao wa Kgontšho ya Tlhabollo, 1995 (Molao wa Nr. 67 wa 1995) le yona ke ye mengwe ya melao ye e nyakang kgathotema ya setšhaba le go laola tshwaro ya naga ye e ikemišeditšeng go fa ditšhaba tšhireletšo ye e lekaneng ya semolao mabapi le naga ya bona le tharollo ge go ka ba le tlhokego ya boithatelo ya naga.

## 5. MELAO YA MOTHEO YA KHUDUŠO

5.1 Melao ya motheo ye e latelang e tla elwa tlhoko:

- (a) **Therišano ye bohlokwa:** mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o swanetše go rerišana ka tshwanelo le bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae.
- (b) **Tekatekano ya bong:** khudušo ye e šišintšwego ga ya swanela go gatelela tokelo ya Molaotheo go tekatekano ya basadi, bana, bagolofadi le maloko a setšhaba a go ba le bofokodi. Go ya ka Molaotheo wa Repapliki ya Afrika Borwa, mang le mang o na tokelo ya kalafo ye e lekanang.
- (c) **Tšhireletšo ya ditokelo tše di lego gona:** bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae ba ka se tingwe boipshino bja ditokelo go naga ntle le kabo ya tefo ya maleba.
- (d) **Mabaka a go amana le dikopano:** Lebaka le legolo ke gore bakgathatema ka moka ba swanetše go ba ba filwe tsebišo ye e lekaneng e sa le ka pela le monyetla wa go kwagala wa go tšea karolo ka dikopanong tša therišano, le go fiwa tshedimošo ye e lekaneng go tšea diphetho tše di kwešišegang le direkote tša maleba di swanetše go fiwa.

(e) **Efoga le go fokotša:** Go efoga khudušo kae le kae mo go kgonegang; fokotša khudušo fao tlošo ya batho e sa efogegego; efoga karogantšho ya ditšhaba fela ka go huduša setšhaba ka moka. Fao khudušo e sa efogegego, go kgonthišiša gore batho ba ba amilwego ba amogela thušo gore bonnyane ba be kaone go swana le ka fao ba bego ba tlo ba ka gona ge protšeke e be e se gona.

## **(6) SEKOUPU LE TIRIŠEGO YA DITLHAHLI**

- 6.1 Ditlahlili di šomišwa go kgopelo ya tokelo ya go nyakišiša, tokelo ya moepo, phemiti ya moepo.
- 6.2 Go ya ka gore nyako ya naga e tšwelela neng, tlošo le khudušo ya bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae e ka direga nakong ya peakanyo ya protšeke le kago goba nakong ge ditiro tša moepo di direga. Gape e ka direga ka lebaka katološo ya protšeke ye ka koketšo. Mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o tla latela ditlahlili tše dikgatong ka moka tša tlhabollo, ge tlhabollo ye bjalo e tla ba le seabe go tlošo goba khudušo ya bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae.
- 6.3 Go fihla mo, Ditlahlili gape di šoma go ditokelo tša go nyakišiša, ditokelo tša moepo goba phemiti ya moepo tše di lego gona fao katološo ya protšeke ye ka koketšo e tla huetša ya tlošo goba khudušo ya bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae.
- 6.4 Tlhlahlili e tla šoma go tloga letšatšikgweding leo e phatlaladitšwego ka lona ka gare ga kuranta ya mmušo gore e phethagatšwe.

## **(7) THERIŠANO YE BOHLOKWA**

Therišano le bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba

tša meepo le ditšhaba tša benggae e tla latela Tlhahli ya Therišano ye e tšweleditšwego go ya ka dikarolo tša 10(1)(b),16(4)(b), 22(4)(b),27(5)(b) tša Molao wa Tlhabollo ya Methopo ya Peteroleamo le Diminerale (Molao wa 28 wa 2002);

### **7.1 Maikarabelo a go reriša**

Mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o tla:

- i. Fa bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae monyetla wa go swayaswaya le go hwetša tshedimošo ye e hlakilego, nepagala le go kwešišega ka ga khuetšo ka moka ya tiro ya moepo ye e šišintšwego goba ditšhišinyo tša sephetho ka ga khudušo;
- ii. Laetša ge eba phetogonyana e a kgonega gare ga mokgopedi wa tokelo ya go nyakišiša le mongnaga ge go bolelwa ka tsenogare ya ditokelo tša mongnaga tša go šomiša thoto;
- iii. Fa menyetla ya go lokiša go se kwane ka ditabana tša sethegniki, go rarolla dithulano le go boelanya dikgahlego tše di thulanago;
- iv. Hlohleletša ponagatšo le boikarabelo tšeong ya sephetho; le
- v. Diriša nyakego ya toka ya tshepedišo ya kgato ya tshepedišo bjalo ka ge e akareditšwe ka gare ga Molao wa Kgodišo ya Toka ya Tshepedišo, 2000 (Molao wa Nr. 3 wa 2000).

### **7.2 Bakgathatema ba go swanela go rerišwa**

Bakgathatema ba go amega ba ba swanelago go rerišwa ba tla tsebišwa ka mohuta le bogolo bja protšeke ye e šišintšwego le dikgopolo tsša itšeng tšsa lefelo. Mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o swanetše go dira peakanyo ya bakgathatema go hlaola le go profaela bakgathatema bao ba swanelang go bopa karolo ya tshepedišo ya therišano ye bohlokwa. Tshepedišo ya therišano ye bohlokwa e ka bopša ka kgetho ye e fapanego ya bakgathatema go akaretšwa eupša e sego fela go:

- 7.2.1 Setšhaba sa Monggae;
- 7.2.2 Setšhaba sa Moepo;
- 7.2.3 Bengnaga (Setšo le beng ba dithaetlelediti);
- 7.2.4 Badudi ba semolao;
- 7.2.5 Baswari ba ditokelo tša naga e sego tša semmušo;
- 7.2.6 Baswari ba ditokelo tša naga tša kopanelo;
- 7.2.7 Boetapele bja Setšo;
- 7.2.8 Battleleimi ba Naga;
- 7.2.9 Mokgatlo wo e sego wa Mmušo;
- 7.2.10 Mekgatlo ye e theilwego Setšhabeng;
- 7.2.11 Kgoro ya Tlhabollo ya Dinagamagae le Merero ya Naga;
- 7.2.12 Motho mang goba mang (go akaretšwa dithoto tša kgauswi le tše e sego tša kgauswi) yoo maemo a gagwe a šošio-ikonomi a kago angwa thwii ke protšeke yea moepo ye e šišintšwego;
- 7.2.13 Pušoselegae; le
- 7.2.14 Dikgoro tša Mmušo tša maleba, dietšentshi le diinstitšhušene tše di rwelego maikarabelo a dilo tša go fapana tša tikologo le mananeokgoparara ao a kago angwa ke protšeke ye e šišintšwego.

### **7.3 Mekgwa ya go rerišana le bakgathatema**

Mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo a ka šomiša polatefomo le dithulusi tša maleba go boledišana bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae ka ga protšeke ya moepo ye e šišintšwego bjalo ka ge e hlalositšwe ka gare ga Tlhahli ya Therišano yeo e kago akaretša:

- 7.3.1 Dikopano goba diwekešopo tsa kgafetšakgafetša;
- 7.3.2 Disabeyi goba masolo; le
- 7.3.3 Tsebišo ya tshepedišo ya therišano e ka dirwa ditišing tša radio tša tikologo, dikuranteng le bobegaditabeng bja maleba.



## **8 MAIKARABELO A MOKGOPEDI GOBA MOSWARI WA TOKELO YA GO NYAKIŠIŠA, TOKELO YA MOEPO GOBA PHEMITI YA MOEPO**

- 8.1. Ge mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti a ikemišetša go khuduša bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae go lefelo le lengwe, mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o tla;
- 8.1.1 Rerišana le bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo ka go aba dikgetho le ditlhaolo tše di diragatšegago le go swanela go ya ka ikonomi.
- 8.1.2 Kgonthišiša gore bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo ba tsebišwa ka ditlhaolo le ditokelo mabapi le khudušo ka go ba fa tshedimošo ya maleba ka moka le ditokomane go tšea diphetho tše di kwešišegago.
- 8.1.3 Fa bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo tefo ya ditahlegelo dife goba dife go dithoto tša bona le boiphedišo.
- 8.1.4 Thuša ka khudušo ka go fa thekgo ya ditšhelete le ye nngwe bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae.
- 8.1.5 Fa bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo dintlo tša madulo, mafelo a dintlo goba naga ya temo.
- 8.1.6 Fa thekgo morago ga khudušo go kgonthišiša gore boiphedišo bja batho le maemo a go phela di tsošološwe.

- 8.1.7 Thuša ka tlhabollo ye e swarelelago ka gare ga setšhaba sa moepo se se khudušitšwego goba setšhaba sa monggagae morago ga khudušo.
- 8.1.8 Tshenyegelo ya khudušo e tla ba maikarabelo a mokgopedi goba moswari wa tokelo ya moepo goba phemiti ya moepo ye e kwanetšwego ke bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae.
- 8.1.9 Hloma Komiti ya Tekolo le Tlhokomelo ya Khudušo.
- 8.1.10 Hloma Komiti ya Tekolo le Tlhokomelo ya Khudušo ye e laeditšwego mo ntlheng ya 14.5 ya Ditlhahli tše.
- 8.1.11 Tšweletša Leanotiro la Khudušo mo ntlheng ya 11 ya Ditlhahli tše.
- 8.1.12 Tsenela kwano ya Khudušo ye e laeditšwego mo ntlheng ya 12 ya Ditlhahli tše.

## 9. KHUDUŠO LE TEFO

- 9.1. Khudušo ya bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae go bula sekgoba sa ditiro tša moepo di swanetše ka mo kgonegago go matlafatša le kaonafatša boiphedišo bja ditšhaba tše di amegago bjalo ka dintlo, dikolo, ditlabela tša maphelo le ditlabela tša boithabišo.
- 9.2. Ga go na tiro wa moepo ye e tlogo thoma go fihlela kwano ya khudušo e fihleletšwe ka palo ya maleba ya tefo ka lebaka la bengnaga, badudi ba semolao, bakgathatema ba go amega le ba go ba le kgahlego, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae. Kwano ya khudušo ya go laetša diteng tša Peakanyo ya Khudušo le Leanotiro la Khudušo.
- 9.3. Maikemišetšo a khudušo ke go kgontšha khudušo ya batho, malapa le ditšhaba go mafelo a maswa. Dikhamphani di swanela go hlokomela mabaka a a latelago:

- (a) Go hlola tikologo ya go kgontšha yeo e dumelelago boiphediso le maemo a go phela a batho ba go amega gore go kaonafalwe, goba bonnyane bo tsošološwe.
- (b) Go laetša ka fao batho ba phelago ka mafelong a bona a bjale le go kgotsofatša dinyakwa tša bona tše bohlokwa go ya ka sekgoba sa bophelo, tšhomišego le phihlelelo ya dikgopolo tša setšo e swanela go elwa tlhoko tshepetšong ya moakanyetšo.
- (c) Tharollo efe goba efe ya khudušo e swanela go elwa tlhoko go ya ka seemo sa tikologo le go fa dikgetho go bao ba khudušwago, ka kgathotema ye kwešišegago ya batho ba go amega le makala a mmušo. Mafelo a khudušo le meakanyetšo di swanela go dirwa le go kwanelwa ke bakgathatema ka moka, e sego fela baetapele ba setšhaba goba makala a mmušo.
- (d) Khudušo ya malapa le ditšhaba di swanela go babalela dineteweke tša leago tše di lego gona, boiphedišo le go tlhokomela kopano ya malapa le setšhaba.
- (e) Go ba le dikamano le letlotlo le le lego gona le ditlabela tše di sa angwego ke khudušo, goba go peobakeng.
- (f) Go kgontšha batho ba ba khudušwago go abelana ka tshwanelo dikholego, mohlala mošomo wa go amana le protšeke.
- (g) Go fa dintlo tša peobakeng tše di lekaneng, tša go lekanena le tša toka le ditsha tša dintlo tše bonnyane di swanago ka maemo le dintlo tše di lego gona ebile e le tše kaone.
- (h) Go kgonthišiša peobakeng ya mafelo a setšhaba ao a lego gona ka moka, mananeokgoparara a go amega, le kabo ya mananeokgoparara le mafelo a tlaleletšo bjalo ka ge go nyakwa ke melawana ya peakanyo ya tikologo.
- (i) Go kgonthišiša tlhokomelo ya dintlo tše diswa le ditlabelo di a fihlelelega go moamogedi.
- (j) Go fa nako ya tšhireletšo ka ngwadišo ya ditokelo tša thoto ka makala a taolo tshepetšo ya nako ya tšhireletšo e ka ba ye telele, gomme e swanela go beakanywa ka tshwanelo. Go dumelela tšwelopele ya tlhabollo le katološo ya setšhaba se seswa.
- (k) Dikgwebo di swanela go elwa tlhoko ka pela mo tshepetšong, bjalo ka baotledi ba ka moso ba ditšhaba tša khudušo.

- (l) Ditšhaba tšeo ka gare ga tšona batho ba khudušitšwego di tla amogelwa di swanela go elwa tlhoko peakanyong go tloga letšatšing la mathomo, gape di swanela go bona dikholego ka gare ga tshepetšo ya khudušo.
- (m) Makala a molao a swanela go akaretšwa go tloga mathomong, gore go kgonthiše dikamogelo ka nako le kamogelo ya mananeokgoparara.

#### 9.4 Tlhakantšho ya ditšhelete tša tefo.

9.4.1 Ga go na formula ya tekanetšo ya tharollo ya tefo ye e lekaneng ka lebaka la khudušo. Dikelo tša tefo di swanela go laetšwa go ya ka seemo sa tikologo le ditefišo tša bjale tša peobakeng ka botlalo. Mekgwa wa kgathotema, ponagatšo go laetša tefo o swanela go tšewa. Mekgwa ya go šomišwa go lekola e swanetše go ngwalwa le go phatlalatšwa gabotse. Mosekaseki yo a Ikemetšego wa go ba le boitemogelo o gopolwa go ba amogelega dikhamphaning le ditšhabeng o swanela go šomišwa. Pholisi ya tefo e swanela go se fetoge. Mekgwa ye e šomišitšwego go lekola e swanela go ngwalwa le go phatlalatšwa gabotse. Dikelo tša tefo di swanela go dirwa ka tsebišo ye ntšhwa ge tshepetšo e dirilwe godimo ga paka ye telele.

9.4.2 Kelo ya tefo ya letlotlo le le lahlelegileng e swanetše go hlakantšhwa ka tshenyegelo ya peobakeng ye e tletšeng, ke go re, boleng bja mmara bja letlotlo le ditshenyegelo tša kgwebišano. Mabapi le naga le dibopego, ditshenyegelo tša peobakeng, dibopego le naga di hlaloswa ka tsela ye:

- (a) **Naga ya phulo le temo:** boleng bja mmara bja naga ya tšhomišo ya tšweletšo ya go lekana goba kgonagalo ye e beilwego ka lefelong la naga ye e amilwego, le tshenyegelo ya tokišo go maemo a go swana le goba bokaone go phala dinaga tšeo tša go amega, le tshenyegelo ya ngwadišo efe goba efe le makgetho a phetišetšo.
- (b) **Naga ka dinagasetoropo:** boleng bja mmara ya naga ya tšhomišo le bogolo bja go lekana, bja go ba le ditirelo le dinolofatši tša mananeokgoparara a setšhaba ao a kaonafetšego goba a go swana a go bewa ka lefelong la naga ya go amega, le tshenyegelo efe goba efe ya ngwadišo le makgetho a phetišetšo.

- (c) **Dibopego tša malapa le tša setšhaba:** tshenyegelo ya go reka goba go aga sebopego se seswa, ka lefelo le boleng bja go swana le goba bjo bo kaone go phala bja sebopego se se amogilego, goba ya go lokiša sebopego se se amilwego seripa, go akaretšwa ditefo tša bašomi le borakonteraka le ngwadišo efe goba efe le makgetho a phetišetšo.

## 10. PEAKANYO YA KHUDUŠO YA SETŠHABA SA MOEPO

- 10.1. Kgopelo ya tokelo ya moepo, tokelo ya nyakišišo goba phemiti ya moepo goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moipobodi tla tšweletša peakanyo ya khudušo nako efe goba efe ge kgopelo ye bjalo e tla ba le khuetšo go khudušo ya sebele ya benganaga ba go amega, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae.
- 10.2. Peakanyo ya khudušo e tla rerisanwa le benganaga ba ba amegago, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae bjalo ka ge go hlalositšwe mo ntlheng ya 7.2 ya Ditlhahli tše.
- 10.3. Peakanyo ya khudušo e ka akaretša magato a go kgonthišiša gore batho bao ba tlošitšwego ba tsebišwa ka ga ditlhaolo tša bona le ditokelo mabapi le khudušo; ba rerišišwe ka tshwanelo; ba fiwe thušo nakong ya khudušo; le go fiwa thekgo morago ga tlošo, ya paka ya phetogo ya go thewa godimo ga kakanyo ya go kwagala ya nako ye e kgonagalang go tšewa go tsošološa boiphedišo bja bona le maemo a bophelo;
- 10.4. Mehuta ya diphaketše tša khudušo di ka akaretša:
- 10.4.1. Tefo ya kheše ya letlotlo, go akaretšwa dibjalo le dibopego;
  - 10.4.2. Kabo ya dintlo tša khudušo;
  - 10.4.3. Kabo ya lefelo la khudušo;
  - 10.4.4. Diputseletšo go kgontšha tshepetšo ye e sepelego;

10.4.5. Mananeo a tsošološo ya boiphedišo.

### 10.5. *Diteng tša Peakanyo ya Khudušo*

Go ela tlhoko protšeke le lefelo la dikgopolo tše itšeng, peakanyo ya khudušo e ka ba le dielemente tše di latelago:

#### 10.5.1. *Tlhalošo ya Protšeke*

(i) Hlalosa ka botlalo leina, tlhalošo, bogolo le mohuta wa protšeke ye e tlogo dirwa.

#### 10.5.2. *Tshekatsheko ya Khuetsšo*

(i) Hlaloša dintlha tša ditshekatsheko tša Khuetsšo ya Šošio-ikonomi ya go dirwa mabapa le dikhuetsšo tše phoethifi le tše nekethifi tša nnete le tša kgonagalo tša khudušo ye e šišintšwego, ditshenyegelo, dikholego le menyetla.

(ii) Akanya go magato a mangwe go khudušo, mehola, mathata le magato a thibelo .

#### 10.5.3. *Therišano ye Bohlokwa*

(i) E na le tshedimošo ye e tletšeng ka ga therišano ye bohlokwa le bakgathatema ka moka, bohlatse bja therišano ye bjalo bjalo ka ge go hlalositšwe mo ntlheng ya 7 ya Ditlhahli tše.

#### 10.5.4. *Setulo ya Phethagatšo*

(i) Mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o tla lokiša peakanyo ya phethagatšo ya go ba le kabo ya go kwagala ya dikarolo le maikarabelo, tatelano, methopo ya ditšhelete, poledišano le bakgathatema le ditšweletšwa.

#### 10.5.5. *Ditshenyegelo le ditšhišinyo tša Tekanetšo*

(ii) Ditshenyegelo tša go phethagatša peakanyo di tla rwalwa ke mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo.

Ditshenyegelo tše di tla akaretša ditshenyegelo tša go ama tekolo ya go ikemela ya thoto ya go šutišega le ya go se šutišege, fao go amegago.

- (iii) Tekolo ya thoto ya go šutišega le ya go se šutišege e tla tiišetšwa ke Ofisi ya Mosekasekipharephare.

#### 10.5.6. *Dipeakanyo tša institšhušene*

- (a) Dipeakanyo tša institšhušene di ama bobedi diinstitšhušene tša semmušo le tša go se tša semmušo le dientšentshi tše di nago le maikarabelo a go kgontšha le go phethagatša boineelo bja peakanyo ya khudušo.
- (b) Peakanyo ya khudušo e tla hlaola dietšentshi tša go rwala maikarabelo a ditiro tša khudušo bjalo ka Pušoselegae, Kgoro ya Madulo a Batho le kelo ya bokgoni bja institšhušene ya dietšentshi tše bjalo.
- (c) Hlaola mekgatlo ye e rwelego maikarabelo a tsweletso ya magato a khudušo le kabo ya ditirelo, le go kgonthišiša gore mekgatlo ya tikologo ye e tsebang ditšhaba e a šomišwa. Hlalosa gabotse dikarolo le maikarabelo a bakgathatema ka moka.
- (d) Kgonthišiša gore batho ba ba rweleng maikarabelo a go phethagatša peakanyo ya khudušo ga ba na dikgahlego tša go thulana.

#### 10.5.7. *Kamogelo le Tsebagatšo*

- (i) Peakanyo ya khudušo e tla ba le tsebagatšo ka Mohlankedimogolophethiši goba motho wa maemo a lekaneng a moswari wa tokelo yo a tšeago maikarabelo a diteng tša peakanyo le phethagatšo ya yona.

## 11. LEANOTIRO LA KHUDUŠO

11.1. Leanotiro la khudušo ke tokomane yeo e laetšago magato ao a swanetšego go tšewa go fihlelela dinepo tše di laeditšwego ka gare ga peakanyo ya khudušo. Morero wa Leanotiro ke go hlaloša gore ke methopo efe e nyakegago go fihlelela nepo, bopa tatelano ya ge mešongwana ye itšeng e nyakega go phethwa le go laetša gore go nyakega methopo efe. Leanotiro, ka boripana, le swanetše go hlaloša

kgato ye e tlogo tšewa, hlaola bakgathatema ba go rwala maikarabelo le dinako (Bona **Tafola ya A** bjalo ka mohlala).

11.2. Leanotiro la khudušo ke thulusi ya go swaragane le phethagatšo ya tirišo ya peakanyo ya khudušo ka go naba. Leanotiro bjalo le swanetše go balwa gotee le Peakanyo ya Khudušo.

11.3. Benganaga ba ba amegago, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae gape ba swanetše go rerišwa ka tshwanelo ka ga diteng tša Leanotiro la Khudušo.

**Tafola ya A:**

<b>KGATO</b>	<b>MOKGATHATEMA WA MAIKARABELO</b>	<b>NAKO</b>
Tšweletša peakanyo ya Khudušo	Moswari wa tokelo ya moepo	Kgato ya pele ga protšeke
Tšweletša Leanotiro la Khudušo	Moswari wa tokelo ya moepo	Kgato ya pele ga protšeke
Therišano ye bohlokwa le bengnaga, badudi ba semolao le bakgathatema ba go amega le ba go ba le kgahlego.	Moswari wa tokelo ya moepo	Kgato ya pele ga protšeke
Tekolo ya thoto ye e šutišegago le ye e sa šutišegago	Moswari wa tokelo ya moepo le Ofisi ya Mosekasekipharephare	Kgato ya phethagatšo
Khudušo ya sebele ya batho, diruiwa le dilo	Moswari wa tokelo ya moepo le rakonteraka	Kgato ya phethagatšo
Thoma diprotšeke tša tshwarelelo.	Moswari wa tokelo ya moepo	Morago ga phethagatšo



## 12. KWANO YA KHUDUŠO

12.1. Kwano ya khudušo e ka se be ya nnete ntle le ge e dirilwe ka go ngwalwa le go saenwa ke baemedi ba ba dumeletšwego ba ditšhaba tša moepo, benganaga, badudi ba semolao le mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo, goba phemiti ya moepo.

12.2. Kwano ya khudušo e šoma go rekota ka botlalo boineelo ka moka a go dirwa ke moswari wa tokelo ya moepo mabapi le khudušo. E swanetše go hlaloša ditokelo le maikarabelo a bakgathatema ka moka go kwano. Ge go elwa tlhoko protšeke le lefelo, dikgopolo tše itšeng tša Kwano ya Khudušo di ka ba le dielemente tše di latelang:

### 12.3. *Dielemente tša Kwano ya Khudušo*

12.3.1. Bakgathatema go kwano.

12.3.2. Temana ya tlhathollo.

12.3.3. Morero le maikemišetšo a kwano.

12.3.4. Rekote ya tshepetšo ya therišano ye bohlokwa.

12.3.5. Tokelo ya moepo le nako ya yona goba bophelo bja moepo.

12.3.6. Ditokelo le boikarabelo bja bakgathatema go kwano.

12.3.7. Go fa khoute ya boineelo bja go dirwa ka gare ga Peakanyo ya Khudušo.

12.3.8. Go fa khoute ya boineelo bja go dirwa ka gare ga Leanotiro la Khudušo.

12.3.9. Mekgwa ya tharollo ya thulano.

12.3.10. Paka ya kwano.

12.3.11. Boradia le bomenemene.

12.3.12. Tshekatsheko, phapantšho le diphetogo.

12.3.13. Domicilia le ditsebišo.

12.3.14. Basaeni.

12.4. Ge kwano e se na go saenwa, yona gotee le dikgomaretšo ka moka, e swanetše go tlišwa ofising ya Molaodi wa Selete gore go tsebege. Dikgomaretšo go kwano di ka

akaretša Peakanyo ya Khudušo, Leanotiro la Khudušo le ditokomane tša go amana natšo.

### **13. MOKGWA WA THAROLLO YA THULANO**

#### ***31.1 Kemedi ya semolao***

Mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo mo go kgonegago o tla fa thušo ya ditšhelete go benganaga ba ba amegago, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae go hwetša kemedi ya go ba le bokgoni ka ditshepetšong tša tharollo ya thulano.

#### ***13.2 Tshepetšo ya tharollo ya thulano ya mokgathatema le mokgathatema***

Ge go na le thulano ka ga taba efe goba efe ya khudušo, mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o tla leka go rarolla thulano ka kwano ka dipoledišano le kwano ya kopanelo le bengnaga ba ba amegago, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae. Mabapi le se mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o tla:

- (a) Bopa mokgwa wa taolo ya dingongorego le tshepedišo ye botse, semmušo le ye e beakatšwego ya dingongorego go lota mohlala le go swaragane le dingongorego tša go amana le khudušo le protšeke go tloga mathomong a peakanyo ya khudušo.
- (b) Bengnaga ba ba amegago, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae ba swanela go tsebišwa le go amogela kgokagano ye e tšwelagopele ka ga ditshepedišo tša ngongorego.
- (c) Hlaola lefelo goba lefelo le le theilwego setšhabeng fao dingongorego di kago amogelwa ka go ngwalwa.
- (d) Nako ya karabo go dingongorego tše di amogetšwego e bohlokwa, gagolo ge boineelo bo se no dirwa bja go araba mo pakeng ya nako ye itšeng. Taolo ya dingongorego e ka ba tiro ya go tšea nako ye ntši, le gore e ka nyaka mošomi wa

nako ka moka, wa go šoma ka thata go rwala maikarabelo a go amogela, tokumenta le go sepediša dingongorego.

- (e) Kgatelelo godimo ga mekgwa ya tharollo ya ngongorego ya maleba ya selegae (mohl. ka baetapele ba setšo goba mekgatlo ya tikologo) e ka feleletša ka thulano ya go šongwa ka lebelo gape ka tshenyegelo ya fase. Kgonthišiša gore mongongoregi wo mongwe le wo mongwe o na le “mong” wa ka gare yoo a rwelego maikarabelo a go kgonthišiša gore e tswaletšwe gabotse.
- (f) Hlokomela le go tswalela dingongorego go ya ka “dipoelo” e sego fela ka go rekota gore kgato ya phošollo e feditšwe. Bonnyane tiišetša ge eba mongongoregi o kgotsofetše ka kgato ya phošollo goba aowa, le go lebelela ge eba ba be ba thabišitšwe ke tshepetšo.

### **13.3 Tshepetšo ya go etwapele ke Molaodi wa Selete (karolo ya 54)**

Ge thulano ya go amana le khudušo e ka se rarollwa ka tshepetšo ya tharollo ya thulano ya mokgathatema le mokgathatema le mekgwa ya pelaelo le ditshepedišo mokgopedi goba moswari wa tokelo ya go nyakišiša, tokelo ya moepo goba phemiti ya moepo o tla tsebiša Molaodi wa Selete ka ga thulano gomme Molaodi wa Selete o tla thoma tshepetšo ya ditherišano bjalo ke go laeditšwe ka karolong ya 54(3) ya MPRDA.

Mabapi le se Molaodi wa Selete o tla;

- (g) Bopa sehlopha sa ditherišano sa go bopša ke kemedi go tšwa go bakgathatema ka moka ba go amega (mokgopedi, moswari wa tokelo, baemedi ba setšhaba/ditšhaba tše di amegago, boetapele bja setšo, bjbj).
- (h) Tšweletša Mabaka a Tšhupetšo a ditherišano tša go ba le magomo a go kwagala mabapi le karolo ya sehlopha, sekoupu sa mošomo wa yona, dinako le matšatšikgwedi a kopano le dinako tša go rarolla thulano.
- (i) Nyaka gore bakgathatema ka moka ba go amega ba tliše tshedimošo ka moka ya maleba (ditokomane, dikwano, bjbj) ye e amanago le thulano.
- (j) E etapele dikopano ka tshwanelo go ya ka mabaka a tšhupetšo ka kgopolo ya go kgontšha tharollo ya ka pela ya thulano.
- (k) Kgonthišiša gore dikopano di fihlelela khoramo le gore mokgathatema yo mongwe le yo mongwe o emetšwe le go ba le maswanedi.

- (l) Romela ditaba tše thata go Motlatšamolaodipharephare, Molaodipharephare goba Tona fao go dumelelegago.

### **13.4 Tshepetšo ya semmušo ya namolelo, kahlolo le poelanyo**

Ge thulano ya go amana le khudušo e ka se rarollwa ka tshepetšo ya go etwa pele ke Molaodi wa Selete, bakgathatema thulanong ba ka iša thulano go kahlolo goba poelanyo go ya ka molao wo o amegago (Molao wa Kahlolo le Molao wa Poelanyo).

Thomelo e swanetše go direga mo nakong ya go kwagala gomme tshepetšo ya poelanyo le kahlolo e tla dirwa le go phethwa mo nakong ya go kwagala.

### **13.6 Ditshepetšo tša Kgorotsheko**

Bakgathatema go thulano ya khudušo ba hlohleletšwa go raraolla mathata ka poledišano, efela ge thulano ya khudušo e ka se rarollwa ka tshepetšo ya mokgathatema le mokgathatema, tshepetšo ya go etwapele ke Molaodi wa Selete le tshepetšo ya poelanyo goba kahlolo, mokgathatema yo a phošeditšwego a ka iša thulano go kgorotsheko ye e nago le bokgoni mo pakeng ya go kwagala ya nako.

## **14. GO BEGA, TLHOKOMELO LE TEKOLO**

14.1. Tlhokomelo le tekolo ga di a swanela go tlogelelwa dikgato tša phethagatšo eupša di swanetše go elwa tlhoko ka botshephegi le go kopanywa ka peakanyong ya protšeke. Tlhokomelo le tekolo di swanela go ama tlhokomelo, tekolo le go bega gabotse Peakanyo ya Khudušo ye e amogetšwego, Leanotiro la Khudušo le Kwano ya Khudušo.

14.2. Morero wa tlhokomelo ke go fa balaodi ba protšeke, le batho ba ba amega thwii, malapa, ditšhaba le bathekgi ba ditšhelete ba protšeke ka tshedimošo ya maleba, ye kopana, ya go laetša ge e ba tefo, khudušo, thibelo ya khuetšo ye nngwe goba dikgato tša tlhabollo ya setšhaba a eme gabotse go fihlelela tsošološo ya boiphedišo

bja go swarelela le kaonafatšo ka leagong la batho ba ba amegilego goba ge eba dipeakanyo di swanela go fetolwa.

14.3. Tlhokomelo le Tekolo di swanela go direga go tloga mathomong a ditiro tša khudušo le go direga ka dikgato tša peakanyo le poledišano, ge e bapetšwa le go direga fela nakong ya phethagatšo e swanela go tšwetšapele morago ga khudušo le go hlokomela katlego ya boiphedišo le mananeo a batho ba go ba le bofokodi.

14.4. Go ela ge eba goba aowa mananeo a boiphedišo a atlegile, a nyaka boineelo tlhokomelong ya go feta mengwaga ye mebedi goba ye meraro, e ka fihla go mengwaga ye lesome pele boiphediso bo tsošološwa ka botlalo mabakeng a mangwe, gagolo fao dibjalo tša mehlare di amegago. Lekola dikhuetšo tša tšhoganetšo, tša paka ya magareng le paka ye telele ya ditiro tša khudušo godimo ga leago ya malapa ao a amilwego, ditšhaba le pušoselegae.

#### **14.5. Tlhomo ya Komiti ya Tekolo le Tlhokomelo ya Khudušo**

14.5.1. Mokgopedi goba moswari wa tokelo ya moepo goba phemiti, fao mešomo e akaretšago tlošo le khudušo ya bengnaga, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše e sego tša semmušo, ditšhaba tša moepo le ditšhaba tša benggae, o tla hloma Komiti ya Tekolo le Tlhokomelo ya Khuduso (RMEC).

14.5.2. RMEC e tla bopša ke kemedi go tšwa go bakgathatema ba ba bolelwago mo ntlheng ya 7.2 ya Ditlhahli tše.

#### **14.6. Mešomo ya Komiti ya Tekolo le Tlhokomelo ya Khudušo**

14.6.1 Mešomo ya RMEC e tla akaretša:

- (g) Tšweletšo ya peakanyo ya tekolo le tlhokomelo.
- (h) Phethagatšo ya peakanyo ya tekolo le tlhokomelo.
- (i) Thekga poledišano ye e tšwelagopele le bakgathatema ba ba amegago le go fa ditsebišo tše diswa kgafetša le tshedimošo ka ga kgatelopele phethagatšong ya polane ya tlhokomelo le tekolo le peakanyo ya khudušo.
- (j) Dira tekolo ya dipuku ya maphethelo mafelelong a diprotšeke.

- (k) Hlokomela le go lekola phihlelelo kgahlanong le maikemišetšo ka gare ga polane ya khudušo le mathata ao a tšweletšwago ke phethagatšo.
- (l) Hlokomela khuetšo ya diprotšeke ditšhabeng go akaretšwa dikhuetšo tša morago ga khudušo.

#### **14.7 Thekgo ya ditšhelete le dinyakwa tša ditlabela tša Komiti ya Tekolo le Tlhokomelo ya Khudušo**

- 14.7.1 Mokgopedi goba moswari wa tokelo ya moepo goba phemiti ya moepo o tla, fao operations di akaretšago tlošo le khudušo ya bengnaga, badudi ba semolao, baswari ba ditokelo tša naga tša kopanelo le tše esego tša semmušo, ditšhaba tša meepo le ditšhaba tša benggae rwala maikarabelo a ditshenyegelo ka moka, dinyakwa tsa thekgo ya ditšhelete le ditlabela tša RMEC.
- 14.7.2 Dinyakwa tša ditlabela e mana le palo ya bašomi ba ba ikgafetšego ba go ba le ditlabela, mohl. dikhomphuthara, dilepothopo, sekgoba sa ofisi, dinolofatši tša dikopano, megala, dinamelwa, bjbj.

#### **14.8 Dinyakwa tša go bega**

- 14.8.1 Moswari wa tokelo ya moepo, tokelo ya go nyakišiša goba phemiti ya moepo o tla rwala maikarabelo a go begela Kgoro kgatelopele nako le nako ka phethagatšo ya peakanyo ya khudušo.
- 14.8.2 Kgoro, ka Molaodi wa Selete e tla hlokomela le go lekola phethagatšo ya polane ya khudušo ka moswari wa tokelo ya moepo goba phemiti ya moepo. Tlhokomelo le tekolo ya go tlo dirwa pakeng ya tokelo ya moepo.

### **15. DIKHOLEGO TŠA KHUDUŠO LE MAITLAMO A MPRDA**

- 15.1 Tefo ya khudušo le dikholego tša go amana nayo ga di a swanela go hlakantšhwa le maitlamo a Peakanyo ya Leago le Bašomi le Tšhatha ya Moepo. Tefo ya Khudušo

le dikholego tša go amana nayo di swanela go farologanywa gabotse le go arogantšhwa le maitlamo a Peakanyo ya Leago le Bašomi le Tšhatha ya Moepo.

## 16. TSHEKATSHEKO YA DITLHAHLI TŠA KHUDUŠO

16.1 Ditlahlhi tše di ka sekasekwa ke Tona, ka tsebišo ka gare ga Kuranta ya Mmušo.

# SETSWANA TRANSLATION

## DIKAELO TSA NTLHA TSA KHUDUSO YA BAAGI BA KWA MEEPONG, 2019

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## 1. MATSENO

Madirelo a meepo le diminerale ke pinagare ya ikonomi. A na le seabe mo Ntshokunonong Yotlhe ya Naga, go tlhola ditiro le phokotso ya bohuma le go se lekalekane. Kwa ntle ga seabe se sentle seno madirelo a meepo le diminerale a na le kutlwalo e e tlhamaletseng kgotsa e e sa tlhamalalang ya loago le ikonomi le tikologo mo beng ba lefatshe, badudu ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi. A na gape le ditlamorago mo go tlosweng ga baagi ba kwao go epiwang ka mokgwa wa khuduso, go epololwa ga mabitla, go latlhegelwa le go senyegelwa ke thoto, thologelo ya batho kwa baaging ba kwa meepong le kgolo ya ditakana.

Ditshwanelo le dikgatlhegelo tsa beng ba lefatshe, badudi ba ba ka fa molaong beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi, tebang le khuduso e le ka ntlha yatlhabololo e e tshitshintsweng ya tlhabololo ya meepo di laolwa ke palo e e rileng ya melao. Molao wa Tlhabolololo ya Diminerale le Phetheroliamo o buisiwa mmogo le melawana le dikaelo tsa ditherisano o tlamela ka ditshwanelo le dikgatlhegelo tsa beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi tebang le khuduso e le thulaganyo e e tseneletseng ya ditherisano le beng ba lefatshe, badudi ba ba ka fa molaong le batho ba ba nang le kgatlhego le ba ba amegang, pele tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa e neelwa beng ba lefatshe.



Mokopi o tlamega go itsise le go rerisana le beng ba lefatshe, badudi ba ba ka fa molaong le batho ba ba nang le kgatlhego le ba ba amegang ka ga tlhabololo e e tshitshintsweng le go tliša dipoelo tsa ditherisano kwa Lefapheng go tshegetsā kopo. Thulaganyo ya ditherisano e na le dipuisano tse di ultwagalang le beng ba lefatshe, badudi ba ba ka fa molaong le batho ba ba nang le kgatlhego le ba ba amegang ka ga kutlwalo eo porojeke e e tshitshintsweng e ka nnang mo ditshwanelong tsa go dirisa le go itumelela lefatshe la bone le go rarabolola mabaka a a amanang le khuduso ya beng ba lefatshe.

MPRDA ga e na melawana ya khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi, fela Dikaedi tsa Ditherisano di tlhagisa gore pegelo ya ditherisano tsa bakopi di tshwanetse go akaretsa tlhaloso ya mekgwa e e tshwanetseng thata go dira ditshitshinyo tsa tiro ka go ela tlhoko merero e e tlhagisitsweng mo thulaganyong ya ditherisano. Ke gore. Tumelelano ka leano la khuduso ya beng ba lefatshe.

Ka jalo dikaelo tseno tsa khuduso di ikaeletse go tlhagisa thulaganyo le ditlhokego tse di tshwanetseng go latelwa ke mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa fa kopo eo kgotsa tshwanelo e tla lereng khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi, mo lefatsheng la bone. Dikaelo tseno tsa khuduso di atoloseditswe go ditshwanelo tsa tlhotlhomiso tse di leng teng, ditshwanelo tsa go epa, tetla ya go epa fao koketsego ya kgolo ya porojekee tla nnang le ditlamorago tsa khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi.

Dikaelo di tlamela ka tlhabololo ya Leano la khuduso, Leano la dikgato la khuduso le Tumelelano ya khuduso. *Leano la khuduso* ke tokomane e kgolo ya ditherisano eo e lebileng tlhaloso ya porojeke, tshekatsheko ya kutlwalo, go elelwa ditshenyegelo le tekanyetsokabo le mekgwa ya ditherisano. *Leano la dikgato la khuduso* ke tokomane e e tlhagisang gore ke dikgato dife tse di tshwanetseng go tsewa gore go fitlhelwe maikaelelo a a tlhagisitsweng ka fa leanong la khuduso. Maitlhomoo a Leano la Dikgato ke go tlhalosa gore go tlhokega didiriswa dife go fitlhelwa maikaelelo, dira nako gore ditiro

tse di rieing di konosetswa leng le go lolamisa gore go tlokega didiriswa dife. Leano la dikgato la khuduso, ka bokhutshwane, le tshwanetse go tlhagisa dikgato tse di tla tsewang, supa banna le seabe bao ba ikarabelang le nako.

*Tumelelano ya khuduso* ke rekoto ka botlalo maitlamo otlhe a a dirilweng ke mong wa tshwanelo ka fa Leanong la khuduso le Leano la dikgato la khuduso. Le tshwanetse go tlhagisa ditshwanelo le maitlamo a batho botlhe mo tumelelanong. Tumelelano eno e tshwanetse go saeniwa ke banna le seabe botlhe le go isiwa kwa ofising ya Motsamaisi wa Kgaolo go elelwa.

## 2. DIAEKHORONIMI LE DITLHALOSO

“**Kaedi ya Ditherisano**” e kaya Kaedi ya ditherisano le baagi le batho ba ba nang le kgatlhego le ba ba amegang e dirilwe go ya ka dikarolo 10(1)(b),16(4)(b), 22(4)(b),27(5)(b) tsa Molao wa Tlhabololo ya Diminerale le Phetheroliamo (Molao 28 wa 2002);

“**Baagi**” go kaya baagi jaaka go tlhalositswe mo go MPRDA.

“**Tuelo**” e kaya tuelo ya fa seatleng kgotsa ya thoto yadilo tse di fitlhetsweng kgotsa di amilwe ke porojeke ya khuduso”.

“**Batho ba ba nang le kgatlhego le ba ba amegang**” go kaya motho mongwe, setlhopha sa batho, kgotsa mokgatlho o o nang le kgatlhego mo kgotsa o amilwe ke tiragalo ya khuduso le setheo sengwe sa puso se se ka nnang le taolo mo nngweng ya dintlha tsa tiro ya khuduso.

“**Ditherisano tse di utlwagalang**” mo mabakeng a Dikaelo tseno go kaya ditherisano le beng ba lefatshe, badudi ba ba ka fa molaong, batho ba ba nang le kgatlhego le ba ba amegileng, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi

ba baamogedi ka mokopi kgotsa mong wa tshwanelo ya go epa, tshwanelo ya tlhotlhomiso kgotsa tetla ya go epa ka mogopolo wa gobeng ba lefatshe:

1. Tlamela ka tšhono go beng ba lefatshe, badudi ba ba ka fa molaong, batho ba ba nang le kgatlhego le ba ba amegileng, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi go tshwaela le go fitlhela tshedimosetso e e sedifetseng, e enepagetseng le go tlhaloganyega ka ga kutlwalo yotlhe ya tiro ya moepo e e tshitshintsweng kgotsa ditlamorago tsa tshweetso ya khudusobeng ba lefatshe;
2. Lolamisa gore mokopi wa tshwanelo ya tlhotlhomiso a ka utlwana le mong wa lefatshe tebang le kamano le ditshwanelo tsa mong wa lefatshe tsa go dirisa thoto eo;
3. Neelana ka tšhono ya go baakanya go sa utlwisane ka ga merero ya setegeniki, go rarabolola dikganetsano le go ruanya dikgatlhegelo tse di nang le kgotlhang;
4. Rotloetsa tshedifalo le maikarabelo mo go tseeng tshweetso; le
5. Diragatsa tlhokego ya thulaganyo e e siameng ya kgato ya tsamaiso jaaka e le ka Molaong wa Tsweletso ya Bosiamisi jwa Tsamaiso, 2000 (Molao. 3 wa 2000).

**“Baagi ba kwa meepong”** go kaya baagi kwa moepo o diragalang go bapile le baagi ba mmasepala wa selegae, kgaolo kgotsa motsesetoropo.

**“Baagi ba baamogedi”** Mo mabakeng a Dikaelo tseno, go kaya baagi ba selegae kgotsa motsesetoropo o ogaufi le lefelo la moepo, jaaka go tlhalositswe mo go MPRDA;

**“Khuduso”** go kaya go tlosiwa ka boithaopo kgotsa e se ka boithaopo le go huduswa ga beng ba lefatshe, badudi ba ba ka fa molaong, batho ba ba nang le kgatlhego le ba ba amegileng, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi ka ntlha ya ditiro tse di rulagantsweng tsa moepo wa beng ba lefatshe.

**“Banna le seabe”** go kaya batho bao, ditlhopha, mekgatlho le ditheo tse di nang le kgatlhego mo, le go amiwa thata ke porojeke kgotsa ba na le bokgoni jwa go go susumetsa porojeke;

**MPRDA:** Molao wa Tlhabololo ya Diminerale le Phethoroliamo, 2002 (Molao. 28 wa 2002).

**IPILRA:** Molao wa Nakwana wa Tshireletso ya Ditshwanelo tsa Lefatshe le le sa tlhamalalang, 1998.

**SLP:** Leano la Loago le Badiri.

**NGO:** Mokgatlho o e seng wa Puso.

**CBO:** Mokgatlho wa Baagi.

**RMEC:** Komiti ya tekolo le Tshekatsheko ya Khuduso.

### **3. MAIKAELELO A DIKAELO TSA KHUDUSO**

Maikaelelo a tokomane e ke go neelana ka dikaelo tse di tla dirisiwang ke mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa fa kopo eo, tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go eoa e tla nang le ditlamorago tsa khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedibeng ba lefatshe.

Dikaelo di tlhagisa thulaganyo le ditlhokego tseo mokopi, kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa, kgotsa tetla ya go epa a tshwanetseng go tsamaisana natso fa kopo eo kgotsa tshwanelo e tla tlišang khudugo ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi mo lefatsheng la bonebeng ba lefatshe.

### **4. PHOLESI LE LETLHOMESO LA SEMOLAO**

4.1 Aforikaborwa e na le dipholesi tse di mmalwa le melawana e e laolang merero ya lefatshe le khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba

ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi. Tseno ka boripana di akaretsa le go se felele fa gobeng ba lefatshe:

(i) *Molaotheo wa Rephaboliki ya Aforika Borwa, 1996.*

Karolo 25(6) ya Molaotheo e tlamela ka gore “Motho kgotsa baagi bao lefatshe la bone le sa babalesegang ka ntlha melao kgotsa tiragatso ya bogologolo ya tlhaolele, o tshwanetse ke, ka fao go tlamelwang ke Molao wa Palamente, go lefatshe leo le sireletsegileng semolao kgotsa go ka tokafatswa.”

(ii) *Molao wa Tlhabololo ya Diminerale le Phetheroliamo, 2002 (Molao 28 wa 2002).*

MPRDA e tlhagisa thulaganyo eo e tshwanelwang ke go latelwa le ditlhokego tse di di tshwanelang ke go kgotsofadiwa fa mokopi wa tlhotlhomiso, tshwanelo ya go epa, tetla ya go epa e dirwa fa tlase ga yone. Dikarolo 5, 22, 25, 54 and 55 di na le dintlha ka botlalo ka ga ditherisano tse di utlwagalang le beng ba lefatshe, badudi ba ba ka fa molaong le batho ba ba nang le kgalhego le ba ba amegang. The MPRDA, karolo 54 e tlamela gape ka tokafatso e e maleba ka mokgwa wa tumelano ka tuelo ya tatlhegelo ka ntlha tiro ya tlhotlhomiso kgotsa go epa.

(iii) *Molao wa Thopo, 73 wa 1975 (Molao. 73 wa 1975).*

Karolo 3 ya Molao o e letla gore Tona nngwe ya Lefapha a ka thopa lefatshe kwa ntle ga tuelo go fitlhelela maitlomo a Molao.

(iv) *Molao wa Bosetšhaba wa Tsamaiso ya Tikologo, 107 wa 1998, (Molao. 107 wa 1998).*

Molao o tlamela ka taolo e e utlwagalang ya kutlwalo ya tikologo. O tlamela ka Tshekatsheko ya Kutlwalo ya Tikologo (EIA's) tse di tlhokegang mo ditirong tse dingwe tse ditlhagisitsweng mo Molaong oo. EIA's di dirisetswa go sekaseka kutlwalo e e kgonagalang ya porojeke e e tshitshintsweng mo tikologong, go elelwa kutlwalo e e golaganeng ya loago le ikonomi, setso le boitekanelo jwa batho.

(v) *Molao wa Bosetšhaba wa Metsi, 36 wa 1998 (Molao. 36 wa 1998).*

Molao o o tlamela ka tshireletso ya metsi. O tlamela ka laesense ya tiriso ya metsi (WUL) kgotsa tetla. Go ya ka Molao o moepo o tshwanetse go nna le WUL go tsweng kwa Lefapheng la Metsi le Kgeleloleswe gore o laole le go fokotsa tshwaetso ya metsi.

(vi) *Thibelo ya Khuduso e e seng ka fa molaong go tsweng mo Tirisong e e seng ka fa Molaong ya molao wa Lefatshe, 19 wa 1998, (Molao. 19 wa 1998).*

Molao o o laolwa ke Lefapha la Tlhabololo ya Magae le Ntšhwafatso ya Mafatshe le go thibela khuduso mo lefatsheng e e seng ka fa molaong le go thusa batho bao ba amegileng.

(vii) Molao wa Dithulaganyo tsa Mmasepala le Puso Selegae, 2000 (Molao 32 wa 2000) le Molao wa Tsamaiso ya Tlhabololo. 1995 (Molao 67 wa 1995) ke nngwe ya melawana e e tlhokang botsayakarolo jwa baagi le go laola lefatshe le le dirang gore baagi ba nne le tshireletso ya semolao tebang le lefatshe la bone le thuso fa ba tseelwa lefatshe ka dikgoka.

## 5. MELAO POTLANA YA KHUDUSO

5.1 Melao potlana ya khuduso e e latelang e tla elwa tlhoko:

- (a) **Ditherisano tse di utlwagalang:** mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa o tshwanetse go rerisana sentle le beng ba lefatshe, badudi ba ba ka fa molaong, batho ba ba nang le kgalhego le ba ba amegang, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamoged..
- (b) **Tekatekano ya bong:** khuduso e e tshitshinngwang ga e a tshwanela go gataka tshwanelo ya Molaotheo ya tekatekano ya basadi, bana le batho ba ba nang le bogole le baagi ba ba fa kotsing. Go ya ka Molaotheo wa Rephaboliki ya Aforika Borwa, mongwe le mongwe o na le tshwanelo ya go tsholwa ka go lekalekana.
- (c) **Tshireletso ya ditshwanelo tse di leng teng:** beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le

baagi ba baamogedi ga ba a tshwanelwa ke go tseelwa ditshwanelo tsa go itumelela lefatshe kwa ntle ga tlanelo ya tuelo e e maleba.

(d) **Mabaka tebang le dikopano:** Lebaka legolo ke gore banna le seabe botlhe ba tshwanetse go neelwa kitsiso e e lekaneng go sa le gale le tšhono e e utlwagalang go tsaya tshweetso sentle mme go tshwanetse ga tsholwa rekoto e e siameng.

(e) **Tila le go Fokotsa:** Go tila khuduso fa go kgonagalang; fokotsa khuduso fao go tlosiwa ga batho go ka tilwang, tila go kgaoganya baagi ka go hudusa baagi botlhe. Fao khuduso e ka se tilweng, go netefatsa gore batho ba ba amegang ba fitlhela thuso gore ba tokafale e le ka ntlha ya porojeke e.

## 6. SEKOUPU LE TIRAGATSO SA DIKAELO

6.1 Dikaelo ke tsa kopo ya tshwanelo ya tlhotlhomiso, tshwanelo ya go epa, tetla ya go epa.

6.2 Go ikaegilwe ka gore topo ya lefatshe e tlhagelela leng, go tlosiwa kgotsa khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi e ka diragala ka nako ya thulaganyo ya porojeke le kago kgotsa ka nako ya tiro ya goe pa. E ka diragala gape ka ntlha ya koketsego potlana ya porojeke.

6.3 Mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso kgotsa tetla ya goepa o tla dira go ya ka dikaelo tseno mo dikgatong tsotlhe tsa tlhabololo, fa tlhabololo e ka nnang le ditlamorago mo go tlosweng kgotsa khudusong ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi le baagi ba kwa meepong le baagi ba baamogedibeng ba lefatshe.

6.4 Go fitlha fano, Dikaelo di diragala go ditshwanelo tsa tlhotlhomiso, ditshwanelo tsa go epa, kgotsa tetla ya go epa fao koketsego ya porojeke e tla nnang le ditlamorago tsa go tlosiwa kgotsa khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba ba kwa meepong le baagi ba baamogedi.

6.5 Kaedi e tla diragala go tswa mo letlheng leo e phasaladitsweng mo kaseteng ya mmuso gore e tsenngwe tirisong.

## 7. DITHERISANO TSE DI UTLWAGALANG

Ditherisano le beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi di tla tsamaisana le Kaelo ya Ditherisano e e dirilweng go ya ka dikarolo 10(1)(b),16(4)(b), 22(4)(b),27(5)(b) tsa Molao wa Tlhabololo ya Diminerale le Phetheroliamo (Molao 28 wa 2002);

### **7.1 Maikarabelo go rerisana**

Mokopi kgotsa mong wa tshwanelo ya go tlhotlhomisa, tshwanelo ya moepo kgotsa tetla ya go epa o tla:

- i. Neelana ka tšhono go beng ba lefatshe, badudi ba ba ka fa molaong, batho ba ba nang le kgatlhego le ba ba amegileng, beng ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi go tshwaela le go fitlhela tshedimosetso e e sedifetseng, e e nepagetseng le go tthaloganyega ka ga kutlwalo yotlhe ya tiro ya moepo e e tshitshintsweng kgotsa ditlamorago tsa tshweetso ya khuduso;
- ii. Lolamisa gore go na le kutlwano magareng ga mokopi le mong wa lefatshe tebang le go tsenelela thata mo ditshwanelong tsa mong wa lefatshe tsa go dirisa thoto eo;
- iii. Tlamela ka ditšhono tsa go sedifatsa go se utlwisisane ka ga Neelana ka tšhono ya go baakanya go sa utlwisisane ka ga merero ya setegeniki, go rarabolola dikganetsano le go ruanya dikgatlhegelo tse di nang le kgotlhang merero;
- iv. Rotloetsa tshedifalo le maikarabelo mo go tseeng tshweetso; le
- v. Diragatsa tlhokego ya thulaganyo e e siameng ya kgato ya tsamaiso jaaka e le ka Molaong wa Tsweletso ya Bosiamisi jwa Tsamaiso, 2000 (Molao. 3 wa 2000).

### **7.2 Banna le seabe ba ba rerisiwang**

Banna le seabe ba ba amegileng ba tla rerisiwa le go itsisiwe ka ga tlholego le bogolo jwa tiro e e tshitshintsweng le mabaka a rileng a lefelo. Mokopi kgotsa mong wa tshwanelo ya go tlhotlhomiso, tshwanelo ya go epa, tetla ya go epa o tshwanetse go dira tebo ya banna le seabe go supa le go porofaela banna le seabe bao e nnang karolo ya thulaganyo e e utlwagalang ya ditherisano. Thulaganyo e e utlwagalang ya ditherisano e ka nna le banna le seabe ba ba anameng fela ba sa felele go:



- 7.2.1 Baagi ba Baamogedi;
- 7.2.2 Baagi ba kwa Meepong;
- 7.2.3 Beng ba Lefatshe (Bang ba Setso le Setsha);
- 7.2.4 Badudi ba ba ka fa molaong;
- 7.2.5 Beng ba ditshwanelo tsa baagi;
- 7.2.6 Beng ba ditshwanelo tsa baagi tsa lefatshe;
- 7.2.7 Bothati jwa Setso;
- 7.2.8 Balopi ba Lefatshe;
- 7.2.9 Mokgatlho o e seng wa Puso;
- 7.2.10 Mekgatlho e e Ikaegileng ka Puso;
- 7.2.11 Lefapha la Tlhabololo ya Magae le Merero ya Lefatshe;
- 7.2.12 Motho mongwe le mongwe (go akaretsa dithoto tse di fa gaufi le tse di seng fa gaufi) tseo maemo a tsone a loago le ikonomi a ka amiwang ka tthamalalo ke tiro ya moepo e e tshitshintsweng;
- 7.2.13 Mmasepala wa Selegae; le
- 7.2.14 Mafapha a a maleba a Puso, ditheo tse di nang le maikarabelo mo dintlheng tse di farologaneng tsa mafaratlhatlha tseo di ka amiwang ke porojeke e e tshitshintsweng.

### **7.3 Mokgwa wa go rerisana le banna le seabe**

Mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa a ka dirisa mekgwa e e maleba le dipolatelyo go bua le beng ba lefatshe, badudi ba ba ka fa molaong beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi ka ga tlhabololo e e tshitshintsweng ya moepi jaaka go tthagisitswe mo Kaeding ya Ditherisano eo e ka akaretsang:

- 7.3.4 Dikopano kgotsa dithutano tsa ka gale;
- 7.3.5 Dithutopatlisiso kgotsa matsholo; le
- 7.3.6 Dikitsiso tsa dithulaganyo tsa ditherisano di ka diriwa kwa diteišeneng tsa selegae tsa radio, makwalodikgang le bobegakgang jo bo maleba.

## **8 MAIKARABELO A MOKOPI KGOTSA MONG WA TSHWANELO YA TLHOTLHOMISO, TSHWANELO YA GO EPA KGOTSA TETLA YA GO EPA**

8.1 Fa mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa a ikaelela go hudusa beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi kwa lefelong le lengwe, mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa o tla;

8.1.1 Rerisana le beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi le baagi ba baamogedi ka go ba neela ditlhopo tse di siameng le go nna tlwatlwatlase.

8.1.2 Netefatsa gore beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong, le baagi ba baamogedi ba itsisiwe ka ga ditlhopo le ditshwanelo tebang le khuduso ka go ba neela tshedimose tso yotlhe e emaleba le ditokomane go tsaya tshweetso sentle.

8.1.3 Neela beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi tuelo ya tatlhegelo nngwe le nngwe ya thoto le matshelo.

8.1.4 Thusa ka khuduso ka go tlamela ka tshegetso ya matlole le dingwe go beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong, le baagi ba baamogedi.

8.1.5 Neela beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi ka matlo, ditsha le lefatshe la temothuo.

8.1.6 Tlamela ka tshegetso morago ga khuduso go netefatsa gore matshelo a batho le seemo sa botshelo se a somarelwa.

8.1.7 Thusa ka tlhabololo ya leruri mo baaging ba ba hudisitsweng ba meepo kgotsa baagi ba baamogedi morago ga khuduso.

8.1.8 Ditshenyegelo tsa khuduso e tla nna tsa mokopi kgotsa mong wa tshwanelo ya moepo kgotsa tetla ya moepo e dulelane ke beng ba lefatshe, badudi ba ba

ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi.

8.1.9 Dira Komiti ya go Lekola le go Sekaseka jaaka e akanyeditswe mo ntlheng ya 14.5 ya Dikaelo tseno.

8.1.10 Dira Leano la khuduso jaaka le akanyeditswe mo ntlheng ya 10 ya Dikaelo tseno.

8.1.11 Dira Leano la dikgato la khuduso jaaka le akanyeditswe mo ntlheng ya 11 ya Dikaelo tseno.

8.1.12 Fetsa Tumelelano ya khuduso jaaka le akanyeditswe mo ntlheng.

## 9. KHUDUSO LE TUELO

(a) Khuduso ya beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong, le baagi ba baamogedi e dire gore ditiro tsa moepo fa go kgonagalang di kgontshe le go tokafatsa matshelo a baagi jaaka ditlabakelo tsa matlo, dikolo, boitekanelo le boitapoloso.

(b) Ga gona tiro ya moepo e e tla simololang go fitlhelela tumelelano ya khuduso e diriwa mo tuelong e e matshwanedi ka ntlha ya khuduso of beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi. Tumelelano ya Khuduso e tshwanetse go bontsha diteng tsa Leano la khuduso le Leano la dikgato la khuduso.

(c) Maitlhommo a khuduso ke go kgontsha khudugo ya motho ka nosi, magae le baagi go ya kwa mafelong a mantšha. Dikhampane di tshwanetse go ela tlhoko dintlha tse di latelang:

- (i) Tihola tikologo e e kgontshang matshelo le seemo sa botshelo sa batho ba ba amegileng se tokafale kgotsa se tsosoloswe.
- (ii) Supa ka fao batho ba tshelang mo ba dulang ga jaana, tirego le phitlhelelo ya didiriswa, setso se tshwanetse go elwa tlhoko mo thulaganyong ya go bopa.
- (iii) Tharabololo nngwe le nngwe ya khuduso e tshwanetse go elwa tlhoko mo maamong a selegae le go neela bahuduswa, ka botsayakarolo jwa batho

ba ba amegileng le bothati jwa semolao. Ditsha tsa khuduso le popo di tshwanetse go tihabololwa le go dumelelanwa le banna le seabe botlhe, e seng fela baeteledipele ba baagi kgotsa bothati jwa semolao.

- (iv) Khuduso ya malapa le baagi e tshwanetse go somarela mafaratlhatlha a seloago a a leng teng, matshelo le go tshola popagano ya baagi le malapa.
- (v) Tshola dikgolagano le dithoto le didiriswa tse di sa amang ke khuduso, kgotsa go di refosa.
- (vi) Kgontsha batho ba ba hudusiwang go arogana mesola sentle, sekao ditiro tse di amanang le porojeke.
- (vii) Neelana ka matlo le dipoloto tsa matlo sentle, ka tekatekano ka tekano tseo di tshwanang ka maemo jaaka matlo a a leng teng e bile a le botoka.
- (viii) Netefatsa thefoso ya ditlabakelo tsotlhe tse di leng teng tsa baagi, mafaratlhatlha a a maleba, le tlanelo ya didiriswa tsa tlaleletso le mafaratlhatlha jaaka go tlhoka ke melawana ya thulaganyo ya selegae.
- (ix) Netefatsa gore matlo a mantšhwa le didiriswa ga di tlhwatlhwa godimo go baamogedi.
- (x) Tlamela ka tshireletso ya lefatshe ka kwadiso ya ditshwanelo tsa thoto ke bothati jwa taolo, thulaganyo ya tshireletso ya thoto e ka nna telele, mme e tshwanetse go rulaganngwa sentle. Go letla tihabololo e e tswelelang le kanamo ya setšhaba se se ntšhwa.
- (xi) Kgwebo e tshwanetse go elelwa ka gale mo thulaganyong, jaaka kgontsho ya khuduso ya baagi.
- (xii) Baagi bao batho ba ba hudusiwang ba tla amogelwang ba tshwanetse go elwa tlhoko mo go rulaganyeng go tsweng mo letsatsing la ntlha mme ba tshwanetse go bona kungo ya thulaganyo ya khuduso.
- (xiii) Bothati jwa semolao bo tshwanetse go akarediwa kwa tshimologong, go netefatsa thebolo ka nako le kamogelo ya mafaratlhatlha.

#### **9.4 Palelo ya tlhwatlhwa ya tuelo.**

9.4.1 Ga gona mokgwa o o tlhomamemng wa go lolamisa tuelo e elekaneng ka ntlha ya khuduso. Dielo tsa tuelo di tshwanetse go lolamisiwa go ikaegilwe ka maemo a

selegae le boleng jwa jaanong jwa thefoso e e tletseng. Mokgwa o o sedifetseng, wa tseokarolo o tshwanetse wa dirwa go lolamisa tuelo. Go tshwanetse ga dirisiwa Mmala boleng yo o ikemetseng yo o amogelwang ke dikhampane le baagi. Pholesi ya tuelo e tshwanetse ya tsepama. Mekgwa e e dirisetswang go bala boleng e tshwanetse go kwadiwa sentle le go phasalatswa. Dielo tsa tuelo di tshwanetse go baakangwa fa thulaganyo e dirwa mo pakeng e telele.

9.4.2 Seelo sa tuelo ya dithoto tse di latlhegileng se tshwanetse go balelwa ka tshenyegelo ya thefoso e e tletseng, ke gore, boleng jwa mebaraka jwa dithoto mmogo ditshenyegelo tsa kananyo. Tebang le popego ya lefatshe, ditshenyegelo tsa thefoso di tlhalosiwa jaaka go latela:

- (a) Lefatshe la temothuo le phulo: boleng jwa mmaraka jwa lefatshe le le lekanang la tiriso ya ntshokuno kgotsa le le fa gaufi le lefatshe le le amegang, le tshenyegelo ya paakanyo go maemo a a lekanang le kgotsa le botoka jwa lefatshe le le amegileng, gammogo le tshenyegelo nngwe ya kwadiso le makgetho a phetiso.
- (b) **Mafatshe mo mafelong a toropo:** boleng jwa mmaraka jwa lefatshe la bogolo le tiriso e e lekanang, ka mafaratlhatlha a botlhe a a tshwanang kgotsa tokafetseng le ditirelo tse di fa gaufi le lefatshe le le amegileng, gammogo le tshenyegelo nngwe ya kwadiso le lekgetho la phetiso.
- (c) **Dikago tsa magae le botlhe:** tshenyegelo ya go reka kgotsa go aga kago e ntšhwa, ka lefelo le boleng jo bo tshwanang le kgotsa bo le botoka le kago e e amegileng, kgotsa jwa go baakanya kago e eamegileng go le gonnye, go akaretsa madi a badiri le makgetho a kwadiso le phetiso.

## 10. LEANO LA KHUDUSO YA BAAGI BA KWA MEEPONG

- (a) Kopo ya tshwanelo go epa, tshwanelo ya tlhotlhomiso kgotsa tetla go epa kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa o tla dira leano la khuduso fao kopo eo e tla nnang le ditlamorago mo khudusong ya beng ba lefatshe, badudi ba ba ka fa

molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi.

(b) Leano la khudusol e tla rerisanwa le beng ba lefatshe, badudi ba ba ka fa molaong, batho ba ba nang le kgatlhego le bao ba amegang, beng ba ditshwanelo tsa lefatshe la baagi jaaka go tlhagisitswe mo dintlheng tsa 7.2 tsa dikaelo tseno.

(c) Leano la khuduso le ka akaretsa mekgwa ya go netefatsa gore batho ba ba tloswang ba itsisiwe ka ga ditlhopo le ditshwanelo tsa bone tebang le khuduso, ba rerisitswe sentle; neetswe tshegetso ka nako ya khuduso; ka paka ya kgabaganyo go ikaegilwe ka tekanyo e e utlwagalang ya nako eo e ka tsewang go tsosolosa matshelo a bone le seemo sa botshelo.

a. Mefuta ya dithulaganyo tsa khuduso e ka akaretsa:

- i. Tuelo e e mo seatleng ya dithoto, go akaretsa dijalo le dikago;
- ii. Tlamelo ya matlo a khuduso;
- iii. Tlamelo ya setsha sa khuduso;
- iv. Tetla ya go bebofatsa thulaganyo ya go tsamaya; le
- v. Mananeo a tsosoloso ya matshelo.

**b. *Diteng tsa Leano la khuduso***

Go etswe tlhoko porojeke le setsha, leano la khuduso le ka nna le dielemente tse di latelang:

*Tlhaloso ya Porojeke*

- (i) Tlhalosa ka botlalo leina, bogolo le mofuta wa porojeke e e tla diriwang.

*Tshekatsheko ya Kutlwalo*

- (i) Tlhagisa dintlha tsa tshekatsheko ya Kutlwalo ya Loago le Ikonomi e e dirilweng tebang le dikutlwalo tse di siameng le tse di sa siamang tse di dirilweng tsa porojeke e e tshitshintsweng ya khuduso, ditshenyegelo, mesola le ditšhono.

- (ii) Ela tlhoko mekgwa mengwe ya khuduso, mesola, tlhalelo ya mesola le mekgwa thibelo.

#### *Ditherisano tse di utlwagalang*

- (i) Di na le tshedimosetso e e tletseng ka ga ditherisano tse di utlwagalang le banna le seabe, bopaki jwa ditherisano tse di jalo le dipoelo tsa ditherisano tse di utlwagalang tseo jaaka go tlhagisitswe mo ntlheng ya 7 ya Dikaelo tseno.

#### *Šejulu ya go tsenya tirisong*

- (i) Mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa o tla baakanya leano ya go tsenya tirisong le na le kabo ya diabe e e sedifetseng, nako, matlole, dithebole lepuisano le banna le seabe.

#### *Ditshenyegelo le Tekanyetsokabo*

- (i) Ditshenyegelo tsa go tsenya tirisong leano di tla nna tsa mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa. Ditshenyegelo tseno di tla akaretsa ditshenyegelo tse di amanang le mmala boleng yo o ikemetseng wa thoto e e sutang le e e sa suteng, ditirelo tsa semolao le tsa morerisanyi, fa go diragalang.
- (iii) Palo boleng ya thoto e e sutang le e e sa suteng e tla kanwa ke Kantoro ya Mmala boleng Kakaretso.

#### *Dithulaganyo tsa Setheo*

- (i) Dithulaganyo tsa setheo di amana le ditheo tsa tlhamalalo le tse e seng tsa tlhamalalo tse di nang le maikarabelo a go bebofatsa le go rebola maitlamo a leano la khuduso.
- (ii) Leano la khuduso le tla supa ditheo tse di nang le maikarabelo a ditiro tsa khuduso tse di jaaka Mmasepala wa Selegae, Lefapha la Bonno jwa Batho le tshekatsheko ya bokgoni jwa setheo jaaka ditheo tse di jalo.

- (iii) Supa mekgatlho e e nang le maikarabelo a thebolo ya mekgwa ya khuduso le tlamelo ya ditirelo, le go netefatsa gore mekgatlho ya selegae e e itseng baagi e a dirisiwa. Tlhalosa sentle diabe le maikarabelo a banna le seabe.
- (iv) Netefatsa gore batho ba ba nang le maikarabelo a go tsenya tirisong leano la khuduso ga ba na kgotlhang ya dikgatlhegelo.

### *Thebolo le Kgoeletso*

- (a) Leano la khuduso le tla nna le kgoeletso ka Motlhankedi Mogolo kgotsa molekana nae ka kemo wa mong wa tshwanelo a tsaya maikarabelo a diteng tsa leano le tiragatso.

### **(b) LEANO LA DIKGATO LA KHUDUSO**

- a. Leano la dikgato la khuduso leo le tlhagisang gore ke dikgato dife tse di tshwanetseng go tsewa gore o kgone go fitlhelela maikaelelo a a tlhagisitsweng mo leanong la khuduso. Maikaelelo a Leano la Dikgato ke go sedifatsa gore go tlhokega didiriswa dife go fitlhelela maikaelelo, dira nako ya gore ditiro tse di rileng di fetswa leng le go lolamisa gore gore go tlhokega didiriswa dife. Leano la Dikgato, ka bokhutshwane, le tshwanetse go tlhagisa dikgato tse di tla tsewang, supa banna le seabe ba ba nang le maikarabelo le nako (Leba ***Papetlana A*** jaaka sekai).
- b. Leano la Dikgato la Khuduso ke sediriswa se se mabapi le tiragatso tota ya leano la khuduso lotlhe. Leano la Dikgato le tshwanetse go buisiwa mmogo le Leano la khuduso.
- c. Beng ba lefatshe, badudi b aba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba meepo le baagi ba baamogedi ba tshwanetse go rerisiwa sentle ka ga diteng tsa Leano la Dikgato la Khuduso.

### ***Papetlana A:***



<b>KGATO</b>	<b>MONNA LE SEABE YO TSAYANG MAIKARABELO</b>	<b>NAKO</b>
Dira Leano la khuduso	Mong wa tshwanelo ya go epa	Kgato ya pele ga porojeke
Dira Leano la dikgato la khuduso	Mong wa tshwanelo ya go epa	Kgato ya pele ga porojeke
Ditherisano tse utlwagalang le beng ba lefatshe, badudi ba ba ka fa molaong le batho ba ba nang le kgatlhego ba ba amegileng.	Mong wa tshwanelo ya go epa	Kgato ya pele ga porojeke
Palo boleng ya dithoto tse di sutang le tse di sa suteng	Mong wa tshwanelo ya go epa le Ofisi Mmala boleng Kakaretso	Kgato ya go tsenya tirisong
Go tloswa ga batho, leruo le dithoto.	Mong wa tshwanelo ya go epa le konteraka	Kgato ya go tsenya tirisong
Simolola diporojeke tsa leruri.	Mong wa tshwanelo ya go epa	Morago ga go tsenya tirisong

### (c) TUMELELANO YA KHUDUSO

- a. Tumelelano ya Khuduso e ka se dire ka ntle le go kwadiwa le go saeniwa ke moemedi yo o letleletsweng wa baagi ba kwa meepong, beng ba lefatshe le badudi ba ba ka fa molaong le mokopi kgotsa mong tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya moepo.
- b. Tumelelano ya khuduso e rekota maitlamo otlhe a a dirilweng ke mong wa tshwanelo ya go epa tebang le khuduso. E tshwanetse go tlhagisa ditshwanelo le maikarabelo a batho botlhe ba ba dumelelaneng. Go elwa tlhoko porojeke le

mabaka a lefelo a a rileng Tumelelano ya khuduso e ka nna le dielemente tse di latelang:

**c. Dielemente tsa Tumelelano ya khuduso**

- i. Batho ba ba dumelelang.
  - ii. Molawana wa thanolo.
  - iii. Maikaelelo le maitlamo a tumelelano.
  - iv. Rekoto ya thulaganyo ya ditherisano tse di utlwagalang.
  - v. Tshwanelo ya go epa le paka kgotsa botshelo jwa moepo.
  - vi. Ditshwanelo le maikarabelo mo tumelelanong.
  - vii. Rekoto ya maitlamo a a dirilweng mo Leanong la Khuduso.
  - viii. Rekoto le maitlamo a a dirilweng mo Leanong la Dikgato la Khuduso.
  - ix. Mekgwa ya tharabololo ya dikgotlhang.
  - x. Paka ya tumelelano.
  - xi. Tsietso le bogwenegwene.
  - xii. Tshekatsheko, phapantsho le diphetolo.
  - xiii. Boagi le dikitsiso.
  - xiv. Basaeni.
- d. Fa tumelelano e sena go saeniwa, yone mmogo le dimamettlelelo, di tshwanetse go isiwa kwa kantorong ya Motsamaisi wa Kgaolo go e ela tlhoko. Dimamettlelelo mo tumelelanong di ka akaretsa Leano la khuduso, Leano la Dikgato la Khuduso le ditokomane tse di maleba.

### **13. MOKGWA WA THARABOLOLO YA DIKGOTLHANG**

#### **31.1 Kemedi ya semolao**

Mokopi kgotsa mong wa tshwanelo ya tlotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa fa go kgonagala o tla tlamela ka thuso ya matlole go beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong, le

baagi ba baamogedi go bona kemedi e e bokgoni mo dithulaganyong tsa tharabololo ya dikgotlhang.

### **13.2 Thulaganyo ya Motho go ya go yo Mongwe**

Fa go na le kgotlhang ka ga ntlha nngwe ya khuduso, mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya gepa o tla leka go rarabolola sentle kgotlhang ka dipuisano le tumelelano ya setho beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong, le baagi ba baamogedi. Mo ntlheng mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa kgotsa tetla ya go epa o tla:

- (g) Tihola mokgwa wa tsamaiso ya ngongorego le thulaganyo e e nonofileng, e e tlhamaletseng le go golagana go latedisa le go dira dingongorego tse di amanang le khuduso kwa tshimologong ya leano la khuduso.
- (h) Beng ba lefatshe, badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba ba baamogedi ba tshwanetse go itsisiwe le go amogela tlhaeletsano e e tsweleng ka ga dithulaganyo tsa dingongorego.
- (i) Supa setsha kgotsa lefelo la baagi fao ngonorego e ka amogelwang ka go kwadiwa.
- (j) Nako ya go tsibogela dingongorego tse di amogetsweng e botlhokwa, bogolo segolo fa maitlamo a dirilwe go tsibogela mo pakeng ya nako e e rileng. Tsamasio ya dingongorego e ka nna tiro e e tsayanag nako, mme e ka tlhoka modiri wa nako e e tletseng yo a nang le maikarabelo a go amogela, go kwala le go tsweletsa dingongorego.
- (k) Gatelela mekgwa ya go rarabolla mathata e e tshwanelanang le fa gae (sekao. Ka ditheo tsa baeteledipele ba setso kgotsa tsa selegae) e ka dira gore ngongorego e rarabololwe ka bonako le ka botlhwatlhwa tlase. Netefatsa gore ngongorego nngwe le nngwe e na le wa “ka fa gare” yo o nang le maikarabelo a go netefatsa gore e fetswa ka nonofo.
- (l) Lekola le go tswalela dingongorego ka maemo a “dipoelo” e seng fela ka go kwala dikgato tsa tshiamiso tse di feditsweng. Ka bonnye netefatsa gore a mongongoregi

o kgotsofetse ka kgato tshiamiso kana jang, le go tlhola gore o itumeletse thulaganyo.

### **13.3 Thulaganyo e eeteletsweng pele ke Motsamaisi wa Kgaolo (karolo 54)**

Fa ngongorego e e amanang le khuduso e ka se rarabololwe ka thulaganyo ya tharabololo ya batho le mekgwa ya ngongorego le dithulaganyo tsa mokopi kgotsa mong wa tshwanelo ya tlhotlhomiso, tshwanelo ya go epa, kgotsa tetla ya go epa o tla itsise Motsamaisi wa kgaolo ka ga ngongorego mme Motsamaisi wa Kgaolo o tla simolola thulaganyo ya dipuisano jaaka go akanyeditswe mo karolong 54(3) ya MPRDA.

Mo ntlheng e Motsamasi wa Kgaolo o tla;

- (a) Tlhama setlhopa sa dipuisano se se nang le kemedi go tsweng kwa bathong botlhe ba ba amegang (mokopi, mong wa tshwanelo, baemedi ba baagi ba ba amegang, boeteledipele ba setso jalo le jalo).
- (b) Dira Dintlha tsa Kaelo tsa setlhopa sa dipuisano ka kaelo e e sedifetseng tebang le seabe sa setlhopa, sekoupu sa tiro, matlha a dikopano le dinako tsa go rarabolola ngongorego.
- (c) Lopa batho botlhe ba ba amegang go neelana ka tshedimose tso yotlhe e e maleba (ditokomane, ditumelelano jalo le jalo) tse di ka ga ngongorego.
- (d) Etelela pele dikopano go ya ka dintlha tsa kaelo sentle ka mogopolo wa go potlakisa tharabololo ya ka bonako ya ngongorego.
- (e) Netefatsa gore dikopano di lolame le gore mongwe le mongwe o teng le go laolelwa.
- (f) Romela merero e e matswakabele kwa go Motlatsa Mokaedi kakaretso, Mokaedi Kakaretso kgotsa Tona fa go tlhokega.

### **13.4 Thulaganyo e e tlhamaletseng ya tsereganyo le thuanjo le poelano**

Fa ngongorego e e amanang le khuduso e ka se rarabololwe ka thulaganyo e e eeteletsweng pele ke Motsamaisi wa kgaolo, bangongoregi ba ka romela ntlha e go ruangwa kgotsa poelenong go ya ka molao o o leng teng (Molao wa Thuanyo le Poelano).

Thomelo e tshwanetse go diragala mo nakong e e utlwagalang mme thulaganyo ya poelano kgotsa thuanjo e tla diragadiwa le go konosetswa mo nako e e utlwagalang.

## **8.2 Dithulaganyo tsa Kgatlatshekelo**

Batho ba ngongorego ya khuduso ba rotloediwa go rarabolola merero ka dipuisano, fela fa ngongorego ya khuduso e ka se rarabololwe ka thulaganyo ya batho, thulaganyo e e eteletsweng pele ke Motsamaisi wa Kgaolo le thulaganyo ya thuanjo kgotsa poelano, mongongoregi a ka isa ngongorego kwa kgatlatshekelo e e bokgoni mo pakeng ya nako e e utlwagalang.

## **14. GO BEGA, GO LEKOLA LE GO SEKASEKA**

- e. Go lekola le go sekaseka ga di a tshwanela go tlogelwa kgato ya go tsenya tirisong fela go tshwanetse go dire go sa le gale le go tsenyeletswa mo thulaganyong ya porojeke. Go lekola le go sekaseka go tshwanetse ga ikaega ka tekolo, tshekatsheko le pego ka ga nonofo ya Leano la khuduso le le rebotsweng, Leano la Dikgato tsa Khuduso le Tumelelano ya khuduso.
- f. Maikaelelo a tekolo ke go neela batsamaisi ba porojeke, gammogo le batho ba ba amegileng ka tlhamalalo, malapa, baagi le baetleetsi ba porojeke, ka tshemosetso e e mo nakong, nepagetseng, e e supang gore a tuelo, khuduso, thibelo nngwe ya kutlwalo kgotsa mekgwa ya go tlhabolola baagi di siame go fitlhelela tsosoloso le tokafatso ya matshelo a leruri mo loagong la batho ba ba amegang, kgotsa gore maano a tlhoka go fetolwa.
- g. Go lekola le Go sekaseka go tshwanetse ga diragala kwa tshimologong ya ditiro tsa khuduso le go diragala mo dikgatong tsotlhe tsa dipuisano tsa go rulaganya, go na le gore go diragale ka nako ya go tsenya tirisong, go tshwanetse go tswelela ka nako ya go tsenya tirisong le go tswelela go fitlha morago ga khuduso le go lekola tswelelopele ya matshelo le mananeo a batho ba ba leng mo kotsing.
- h. Go lekanyetsa gore a mananeo a matshelo a tswelotsepele go tlhoka maitlamo a go lekola go feta dingwaga tse pedi kgotsa tse tharo mme e ka nna go fitlha go dingwaga di le lesome pele matshelo a tsosoloswa ka botlalo mo mabakeng

mangwe, bogolosegolo fao ditlhare le dimela di amilweng. Sekaseka kutlwalo e e tlhagelelang, ya paka gare le paka telele ya ditiro tsa khuduso mo loagong la malapa a a amegileng, baagi le puso selegae.

***i. Go tlholwa ga Komiti Tekolo le Tshekatsheko ya Khuduso***

- i. Mokopi kgotsa mong wa tshwanelo ya go epa kgotsa tetla ya go epa o tla, fao tiro e akaretsang go tloswa le khuduso ya badudi ba ba ka fa molaong, beng ba ditshwanelo tsa lefatshe la baagi, baagi ba kwa meepong le baagi ba baamogedi, o tla dira Komiti ya Tekolo le Tshekatsheko ya Khuduso (RMEC).
- ii. RMEC e tla nna le kemedi go tsweng kwa banna le seabe ba ba kailweng mo ntlheng ya 7.2 ya Dikaelo tseno.

***j. Ditiro tsa Komiti ya Tekolo le Tshekatsheko***

14.6.1 Ditiro tsa RMEC di tla akaretsa:

- (m) Go tlhola leano la tekolo le tshekatsheko.
- (n) Go tsenya tirisong leano la tekolo le tshekatsheko.
- (o) Tshegetso puisano e e tsweleng le banna le seabe ba ba amegileng le go neelana ka tshedimosetso ya moragonyana ka ga kgatelopele mo tiragatsong ya leano la tekolo le tshekatsheko leleano la khuduso.
- (p) Dira boruni jwa go feleletsa kwa bokhutlong jwa diporejeke.
- (q) Lekola le go sekaseka kgatlhanong le maitlomo mo leanong la khuduso le mathata a a tlhagelelang mo tsenyeng tirisong.
- (r) Lekola kutlwalo ya diporojeke mo baaging go akaretsa kutlwalo ya morago ga khuduso.

***14.7 Thuso ya matlole le didiriswa tse di tlhokegang tsa komiti ya Tekolo le Tshekatsheko ya Khuduso***

14.7.1 Mokopi kgotsa mong wa tshwanelo ya go epa kgotsa tetla ya go epa o tla, fao tiro e akaretsang go tloswa le khuduso ya beng ba lefatshe, badudi ba ba ka fa

molaong, beng ba ditshwanelo tsa lefatshe la baagi le baagi ba baamogedi, ba tla nna le maikarabelo a ditshenyegelo tsotlhe, matlole le tlhokego ya didiriswa tsa RMEC.

14.7.2 Ditlhokego tsa didiriswa tse di tebang le badiri le didiriswa sekao. Dikhompiuthara, khompitharathope, dikantoro, ditlabakelo tsa dikopano, megala, dipalangwa jalo le jalo.

#### **14.8 Maikarabelo a go bega**

14.8.1 Mong wa tshwanelo ya go epa, tshwanelo ya tlhotlhomiso o tla nna le maikarabelo a go bega kgatelopele ya tiragatso ya leano la khuduso nako le nako kwa lefapheng.

14.8.2 Lefapha, ka Motsamaisi wa Kgaolo le tla lekola le go sekaseka tiragatso ya leano la khuduso ka mong wa tshwanelo ya go epa kgotsa tetla ya go epa. Tekolo le tshekatsheko e tla diriwa mo pakeng yotlhe ya tshwanelo ya go epa.

### **15. MESOLA YA KHUDUSO LE MAITLAMO A MPRDA**

15.1 Tuelo ya khuduso le mesola e e jalo ga e a tshwanela go kopakopangwa le Leano la Loago le Badiri le maitlamo a Tšhata ya Meepo. Tuelo ya khuduso le mesola e e jalo e tshwanetse ya farologantshwa le go arogantshwa le Leano la Loago le Badiri le maitlamo a Tšhata ya Meepo.

### **16. PHETOLO YA DIKAELO TSA KHUDUSO**

16.1 Dikaelo tseno di ka fetolwa ke Tona, ka kitsiso mo Kaseteng.

# ISIZULU TRANSLATION

## IMIHLAHLANDLELA YOKUHLALISWA KABUSHA KOMPHAKATHI WASEMAYINI ESASETSHENZWA YONYAKA WE-2019

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## 1. Isingeniso

Imboni yaseNingizimu Afrika yezimayini namaminerali insika yomnotho. Le mboni inegalelo kwisamba esiphelele sezimpahla ezikhiqizwa nezinsizakalo zesizwe ngonyaka (i-GDP), ekwakhiweni kwamathuba emisebenzi kanye nasekuqedeni ubuphofu nokungalingani. Yize leli galelo elihle lale mboni yezimayini namaminerali linemithelela eqondile noma engaqondile kwezenhlalo nezomnotho kubaninimhlaba, kubahlali abasemthethweni, nakulaba abanamalungelo omhlaba ongahlekile nomphakathi, emiphakathini yezimayini kanye nemiphakathi yendawo. Iphinde ibe nothelela wokufuduswa kwemiphakathi lapho imisebenzi yezimayini yenzeka ngendlela yokuba basuswe bayohlaliswa kwezinye indawo, ukumbiwa kwamathuna, ukulahleka kanye nokulimala kwempahla, ukufika kwabantu ezindaweni zomphakathi kanye nokugcwala kwemijondolo.

Amalungelo nezintshisekelo zabaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekilele nowomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo, aphaathelene nokuhlalisa kabusha ngenxa yentuthuko yokumayina ehlongozwayo elawulwa yizingxenye zomthetho. UMthetho Wokuthuthukisa Imithombo Yamaminerali Nophethiloli yonyaka we-2002 (i-MPRDA) efundwa nezimiso kanye nemihlahandlela ngokubonisana uhlinzekela inqubo ebanzi yokubonisana nabaninimhlaba, abahlali abasemthethweni kanye nabanetshisekelo nabathintekayo, ngaphambi kokuthola ilungelo lokuthola ilungelo, invume yokumayina.

Umfakisicelo uboshezwe ukuba azise futhi abonisane nabaninimhlaba, abahlali abasemthethweni kanye nezingenye ezinetshisekelo nezithintekayo ngentuthuko ehlongozwayo futhi ahambise imiphula eMnyango ukuze kuboniswane ngayo ngokuselwa isicelo. Inqubo yokubonisana ibandakanya ukuxoxisana okuhle nabaninimhlaba, abahlali abasemthethweni kanye nezingxenye ezinentshisekelo nezithintwa ngumthelela iphrojekhthi ehlongozwayo emalungelweni abo okusebenzisa kanye nokujabulela umhlaba wabo futhi ifanele isebenze imidanti ephaathelene nokuhlaliswa kabusha.

I-MPRDA ayinayo imibandela ecacile yokuhlaliswa kabusha kwabaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile nowomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo, iMihlahlandlela Yokubonisana ibeka ukuthi umbiko wokubonisana womfakisicelo ufanele ufake incazelo yezindlela ezifanele kakhulu zokuphatha umsebenzi ohlongozwayo ngokuphathwa kwemidanti efanele ephakanyiswe kwinqubo yokubonisana, okuyisivumelwano sohlelo lokuhlaliswa kabusha.

Ngakho-ke le Mihlahlandlela Yokuhlaliswa Kabusha kuhloswe ngayo ukucacisa inqubo kanye nezidingo okufanele zihlonishwe ngumfakisicelo noma ngumnikazi welungelo lokufuna amaminerali, ngumnikazi welungelo lomhlaba ongahlelekile nowomphakathi, lapho isicelo noma ilungelo lizoholela ekuhlalisweni kabusha kwabanini bomhlaba, abahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongakahlelekile nowomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo. Le Mihlahlandlela Yokuhlaliswa Kabusha wedlulela amalungelweni okufuna amaminerali, amalungelo omhlaba ongahlelekile nowomphakathi, lapho ukunwetshwa okukhulayo kweprojekthi kuzoba nomphumela wokufuduka noma nokuhlaliswa kabusha kwabaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongakahlelekile nowomphakathi, emiphakathi yasezimayini kanye nemiphakathi yendawo.

Imihlahlandlela yenza umbandela wokwakhiwa koHlelo Lokuhlaliswa Kabusha, koHlelo Lokuzokwenziwa Ukuhlaliswa Kabusha kanye neyeSivumelwano Sokuhlaliswa kabusha. UHlelo Lokuhlaliswa Kabusha lungumbhalo omkhulu wokubonisana othinta incazelo yeprojekthi; ukuhlaziywa komthelela; izindleko nokucatshangelwa kwesabelomali nezinqubo zokubonisana. UHlelo Lokuhlaliswa Kabusha ngumbhalo osho ukuthi yiziphi izinyathelo okufanele zithathwe ukuze kufezekiswe izinhloso ezibekwe ohlelweni lokuhlaliswa kabusha. Inhloso yoHlelo Lokuhlaliswa Kabusha ukucacisa ukuthi iziphi izinsizakusebenza ezidingekayo ukuze kufezwe inhloso, kumiswe izikhathi lapho imisebenzi ethile edinga ukwenziwa ifanele iqedwe futhi nokunquma ukuthi yimiphi imithombo edingekayo. UHlelo Lokuzokwenziwa Ukuhlaliswa Kabusha, ngokufingqiwe,

lufanele luchaze izinyathelo okufanele zithathwe, lusho okusetshenziswa nabo nezikhathi ezimisiwe.

IsiVumelwano Sokuhlaliswa Kabusha senza umsebenzi wokubhala phansi ngokuphelele konke ukuzibophezela kwabanikazi bamalungelo asoHlelweni Lokuhlaliswa Kabusha nasoHlelweni Lokuzokwenziwa Kokuhlaliswa Kabusha. IsiVumelwano sifanele sichaze amalungelo nezibopho zazo zonke izingxenye zesivumelwano. Lesi sivumelwano sifanele sisayiniwe yibo bonke okusetshenzisanwa nabo futhi sifanele sithunyelwe ehhovisi loMphathi Wesifunda ukuze asivume.

## 2. AMA-AKHRONIMI NEZINCAZELO

**“uMhlahlandlela Wokubonisana”** usho uMhlahlandlela wokubonisana nemiphakathi kanye nezingxenye ezinentshisekelo nezithintekayo owakhiwe ngokwesahluko se-10(1)(b), se-16(4)(b), sama-22(4)(b), sama-27(5)(b) soMthetho Wokuthuthukiswa Kwemithombo Yamaminerali Nophethiloli wonyaka we-2002, (uMthetho wama-28 wonyaka we-2002).

**“uMphakathi”** usho umphakathi njengoba uchazwe kwi-MPRDA.

**“Ukuxeshazelwa”** kusho ukukhokha imali engukheshi noma iminikelo yomusa yempahla etholakala noma ethintwa yiprojekhthi yokuhlaliswa kabusha”.

**“Izingxenye ezinentshisekelo futhi nezithintekile”** zisho noma yimuphi umuntu, iqembu labantu, noma inhlango enentshisekelo noma ethintwa umsebenzini wokuhlaliswa kabusha noma nanoma iluphi uhlaka lombuso olungaba namandla phezu kwanoma imuphi umsebenzi wokuhlaliswa kabusha.

**“Ukubonisana okuhle”** ngezinhloso zalezi Mhlahlandlela kusho ukubonisana kwabaninimhlaba, kwabahlali abasemthethweni, kwezingxenye ezinentshisekelo nezithintekayo, kwabanikazi bamalungelo omhlaba ongahlekile nowomphakathi, kwemiphakathi yasezimayini kanye nemiphakathi yendawo nofaka isicelo noma nomnikazi welungelo lokufuna amaminerali noma onemvume yokumayina ngenhloso:

1. Yokuhlinzekela ithuba labaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongakahleleki nowomphakathi, imiphakathi yasezimayini

kanye nemiphakathi yendawo ukuze kuphawule futhi kutholwe imininingwane ecacile, ehlabeni emhlohlweni neqondakalayo ephathelene nayo yonke imithelela yomsebenzi ohlongozwayo wokumayina noma yemithelela yesinqumo sokuhlaliswa kabusha;

2. Ukunquma ukuthi indawo ethile yokuhlala ingakhona yini ukutholakala phakathi komfakisisicelo welungelo lokufuna amaminerali nomninimhlaba njengokungenelela kwamalungelo omninimhlaba okusebenzisa impahla;
3. Ukunikeza amathuba okuqeda ukungaqondi mayelana nemidanti yokusebenza, nokuxazulula kwezingxabano kanye nangenhloso yokubuyisana kwezingxenye ezintshisekelo ezingqubuzanayo;
4. Ukukhuthaza ubusobala kanye nokuziphendulela ekuthatheni izinqumo; futhi
5. Ukwenza kusebenze isidingo sokusebenza kwenqubo yezinyathelo zokuphatha njengoba ziqukethwe eMthethweni Wokuqhubekisela Ubulungiswa Bokuphatha wonyaka we-2000 (uMthetho wesi-5 wonyaka we-2000).

**“uMphakathi Wasemayini”** usho umphakathi kanye nemiphakathi eseduzane kumasipala wasekhaya, wesifunda noma wedolobhakazi lapho ukumayina kwenzeka khona.

**“uMphakathi wendawo”** ngezinhloso zale Mihlahlandlela, usho umphakathi ngaphakathi komasipala wasekhaya noma wedolobhakazi eliseduzane nendawo yokumayina, njengoba uchaziwe kwi-MPRDA;

**“Ukuhlaliswa kabusha”** kusho ukususwa ngokuzithandela noma ngokungazithandeli kanye nokuyohlaliswa kabusha kwabaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongahlelekile nomphakathi, kwemiphakathi yasezimayini kanye nemiphakathi yendawo, ngenxa yemisebenzi yokumayina ehleliwe noma esebenzayo.

**“Okusetshenziswa nabo”** kushiwo labo bantu, amaqembu, izinhlangano kanye nezikhungo ezinentshisekelo kanye nezingathintwa iphrojekhthi engakhona, noma enamandla okuba nomthelela kwiphrojekhthi;

**I-MPRDA:** UMthetho Wokuthuthukiswa Kwemithombo Yamaminerali Nophethiloli wonyaka we-2002, (uMthetho wama-28 wonyaka we-2002).

**I-IPILRA:** UMthetho Wokuvikelwa Kwesikhashana Kwamalungelo Omhlaba Ongahleliwe wonyaka we-1998.

**I-SLP:** UHlelo Lwasenhlalweni Nolwabasebenzi

**I-NGO:** Inhlangano Enguzimele Geqe.

**I-CBO:** Inhlangano Esekwe Emphakathini.

**I-RMEC:** IKomidi Lokuqapha Kabusha Nokuhlola Ukuhlaliswa Kabusha

### **3. INHLOSO YEMIHLAHLANDLELA YOKUHLALISWA KABUSHA**

Inhloso yalo mbhalo ukuhlinzeka ngemihlahlandlela okufanele isetshenziswe ngumfakisiselo noma ngumnikazi welungelo lokufuna amaminerali, wamalungelo omhlaba ongahlelekile nowomphakathi, welungelo lokumayina noma wemvume yokumayina lapho isicelo esinjengalesi, ilungelo lokufuna amaminerali, ilungelo lomhlaba ongakahlelekile nowomphakathi lizoba nomthelela ekuhlalisweni kabusha kwabaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongakahlelekile nowomphakathi, emiphakathi yasezimayini kanye nemiphakathi yendawo.

Le Mihlahlandlela ichaza inqubo kanye nezidingo okufanele zihlonishwe ngumfakisiselo noma ngumnikazi welungelo lokufuna amaminerali, ngumnikazi welungelo lomhlaba ongahlelekile nowomphakathi, lapho isicelo noma ilungelo lizoholela ekuhlalisweni kabusha kwabanini bomhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongakahlelekile nowomphakathi, kwemiphakathi yasezimayini kanye nemiphakathi yendawo.

### **4. INQUBOMGOMO NOHLAKA LOMTHETHO**

4.1 INingizimu Afrika inezinqubomgomo eziningi namathuluzi omthetho alawula imidanti yomhlaba kanye nokuhlaliswa kabusha kwabaninimhlaba, kwabahlali

abasemthethweni, kwabanikazi bamalungelo omhlaba ongahlelekile nawomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo. Lokhu kufingqa kufaka phakathi kepha akupheleli ku:

(xv) *Mthethosisekelo waseRiphabhlikhi YaseNingizimi Afrika.*

Sahluko sama-25(6) soMthethosisekelo esihlinzeka ukuthi "Umuntu noma umphakathi isikhathi sawo sokuhlala emhlabeni akuvikelekile ngokomthetho ngenxa yemithetho yaphambili yemithetho noma yemikhuba yobandlululo unelungelo, kuze kube yilapho kuhlinzekwe uMthetho wePhalamende, lokuhlala kulowo mhlaba ngokuvikeleka okusemthethweni noma ngokulungisa kabusha."

(xvi) *UMthetho Wokuthuthukiswa Kwemithombo Yamaminerali Nophethiloli Wonyaka we-2002, (uMthetho wama-28 wonyaka we-2002).*

I-MPRDA ibeka inqubo okufanele ilandelwe kanye nezidingo okufanele zifezwe lapho kufakwa isicelo sokufuna amaminerali, selungelo lokumayina noma semvume yokumayina senziwe ngaphansi kwayo. Ikakhulukazi isaluko sesi-5, sama-22, sama-25, sama-54 nesama-55 zinemininingwane eyanele yokubonisana okuhle nabaninimhlaba, nabahlali abasemthethweni nabanentshisekelo nezingenye ezithintekile. I-MPRDA, isahluko sama-54 siphinde sihlizzekele ukulungiselwa okufanele ngendlela yesivumelwano ngesinxephezelo sokulahlekelwa noma sokulimalelwa ngenxa yyokufunwa kwaminerali noma yemisebenzi yokumayina ehlongozwayo.

(xvii) *UMthetho Wokufunwa Kwamaminerali wama-73 wonyaka we-1975 (uMthetho wama-73 wonyaka we-1975).*

Isahluko sesi-3 salo Mthetho sivumela nanoma yimuphi uNgqongqoshe woMnyango ukuba athathe umhlaba ngokunxephezela ukuze afeze izinhloso azinikezwe nguMthetho.

(xviii) *UMthetho Kazwelonke Wokuphathwa Kwezemvelo we-107 wonyaka we-1998 (uMthetho we-107 we-1998)*

Lo mthetho uhlinzeka ngokulawula okubanzi kwemithelela yezemvelo. Uhlinzekela uHlobo Lomthethelela Wzemvelo (i-EIA) oludingekayo ukwenza imisebenzi ethile

ebhalwe kulowo Mthetho. Ama-EIA asetshenziselwa ukuhlola imithelela engaba khona emvelweni yeprojekthi ehlongozwayo, kubhekwa imithelela ehlobene yezenhlalo nomnotho, yamasiko kanye nezempilo yabantu.

(xix) *UMthetho Kazwelonke Wamanzi wama-36 wonyaka we-1998 (uMthetho wawa-36 wonyaka we-1998)*

Lo mthetho uhlinzekela ukuvikelwa kwemithombo yamanzi. Uhlikenzekela imvume yokusetshenziswa kwamanzi (i-WUL) noma ukugunyazwa. Ngokwalo mthetho imayini nemayini ifanele ibe ne-WUL evela eMnyangweni Wezamanzi Nokuthuthwa Kwendle ukuze kulawulwe futhi kuncishiswe imithelela eyingozi emithonjeni yezamanzi.

(xx) *Ukunqandwa kokuxoshwa kwabantu okungekho okubela eMthethweni Wokuhlala Emhlabeni Okungekho Emthethweni we-19 wonyaka we-1998 (uMthetho we-19 wonyaka we-1998).*

Lo mthetho uphethwe nguMnyango Wezokuthuthukiswa Kwezindawo Zasemaphandleni futhi uvimbela ukuxoshwa okungemthetho emhlabeni futhi uphinde uhlinzeke usizo kulabo abathintekayo.

(xxi) *UMthetho Wezinhlalo Zomasipala Basekhaya wonyaka we-2000 (uMthetho wama-32 wonyaka we-2000) kanye noMthetho Wokuqhubekisa Intuthuko wonyaka we-1995 (uMthetho wama-67 wonyaka we-1995) futhi ezinye zezingcezu zomthetho ezidinga ukubamba iqhaza komphakathi kanye nokulawula umhlaba wokuqashwa okuhloswe ngazo ukunika umphakathi ukuvikeleka okwanele ngokomthetho maqondana nomhlaba wawo kanye nokulungiselelwa lapho kwehliswa umhlaba kungacatshangangwa.*

## 5. IMIGOMO EYISISEKELO YOKUHLALISWA KABANTU KABUSHA

5.1 Le migomo eyisisekelo elandelayo izobhekwa:

(a) **Ukubonisana okuhle:** umfakisicelo noma umnikazi welungelo lokumayina noma wemvume yokumayina ufanele abonisane kahle nabaninimhlaba, nabahlali

abasemthethweni, nabanikazi bamalungelo omhlaba ongahlelekile nowomphakathi, nemiphakathi yasezimayini kanye nemiphakathi yendawo.

- (b) **Ukulingana ngokobulili:** ukuhlaliswa kabusha okuhlongozwayo akufanele kwephule ilungelo loMthethosisekelo lokulingana labesifazane, lezingane, labantu abanokukhubazeka kanye nelamalungu omphakathi abuthakathaka. NgokoMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, wonke umuntu unelungelo lokuphathwa ngokulingana.
- (c) **Ukuvikelwa kwamalungelo akhona:** Abaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile nowomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo ingeke yancishwa ukujabulela amalungelo omhlaba ngaphandle kokunikezwa isinxephezelo esifanele.
- (d) **Izimo eziphathelene nemihlangano:** Umbandela obalulekile ukuthi bonke okusetshenziswana nabo bafanele banikezwe isaziso esanele kusenesikhathi kanye nethuba elifanele lokuzibandakanyeka emihlanganweni yokubonisana, banikezwe imininingwane eyanele yokuthatha izinqumo ngolwazi futhi bagcine amarekhodi afanele agcinwe.
- (e) **Ukugwema futhi Nokunciphisa:** Ukugwema ukuhlaliswa kabusha kwabantu kwenye indawo lapho kungenzeka khona; ukuncishiswa kokuhlaliswa kabusha lapho ukususwa kwabantu kungeke kwagwenya; ukuqanda ukuhlukana kwemiphakathi ngokuhlaliswa kabusha kwemiphakathi yonke. Lapho ukuhlaliswa kabusha kungenakugwenywa, ukuqinisekisa ukuthi abantu abathintekile bathola usizo ukuze okungenani bakwazi ukuziphilisa njengoba bebezokwenza uma iphrojekhthi ibingekho.

## 6. UBUKHULU NOKUSEBENZISEKA KWEMIHLAHLANDLELELA

6.1 Imihlahlandlela isebenza kwisicelo selungelo lokufuna amaminerali, selungelo lokumayina noma semvume yokumayina ufanele:

6.2 Kuye ngokuthi sivela nini isidingo somhlaba, ukususwa noma ukuhlaliswa kabusha kwabaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlelekanga nowomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo, kungenzeka ekuhleleni iphrojekhthi nokwakha noma ngesikhathi



sokusebenza kwezimayini okusebenzayo. Kungenzeka futhi ngenxa yokwanda okukhulayo kweprojekthi.

6.3 Umfakisiselo noma umnikazi welungelo lokufuna kwamaminerali, welungelo lokumayina noma lemvume yokumayina uzohlonipha lemihlahlandlela kuzo zonke izigaba zentuthuko, lapho leyo ntuthuko izoba nomthelela wokufuduswa noma wokuhlaliswa kabusha kwabaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongakahlelekile nowomphakathi, emiphakathi yasezimayini kanye nemiphakathi yendawo.

6.4 Kuze kube manje, le Mihlahlandlela isebenza futhi emalungelweni akhona okufuna amaminerali, emalungelweni okumayina nasemvumweni yokumayina ukwandiswa kweprojekthi okuqhubekayo kuzoba nomthelela wokufuduka noma wokuhlaliswa kabusha kwabaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongakahlelekile nowomphakathi, emiphakathi yasezimayini kanye nemiphakathi yendawo.

6.5 Lo Mhlahlandlela uzosebenza kusukela ngosuku ozoshicilelwa ngalo kwigazethi ukuze uqalise ukusebenza.

## **7. UKUBONISANA OKUHLE**

Ukubonisana nbaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo kufanele bkuhambisane nesahluko se-10(1)(b), se-16(4)(b), sama-22(4)(b), sama-27(5)(b) soMthetho Wokuthuthukiswa Kwemithombo Yamaminerali Nophethiloli (uMthetho wama-28 wonyaka we-2002).

### ***7.1 Umsebenzi wokubonisana***

Umfakisiselo noma umnikazi welungelo lokufuna amaminerali, welungelo lokumayina noma noma wemvume yokumayina ufanele:

- i. Ukuhlinzekela ithuba labaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongakahlelekanga nawomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo futhi ukwazi ukuphawula futhi ithole

- imininingwane ecacile, ehlabha emhlohlweni neqondakalayo ephathelene nayo yonke imithelela yomsebenzi ohlongozwayo wokumayina noma imithelela yesinqumo sokuhlaliswa kabusha;
- ii. Ukunquma ukuthi indawo ethile yokuhlala ingakhona yini ukutholakala phakathi komfakisicelo welungelo lokufuna amaminerali nomninimhlaba njengokungenelela kwamalungelo omninimhlaba okusebenzisa impahla;
  - iii. Ukunikeza amathuba okuqeda ukungaqondi mayelana nemidanti yokusebenza, nokuxazulula kwezingxabano kanye nangenhloso yokubuyisana kwezingxenye ezintshisekelo ezingqubuzanayo;
  - iv. Ukukhuthaza ubusobala kanye nokuziphendulela ekuthatheni izinqumo; futhi
  - v. Ukwenza kusebenze isidingo sokusebenza kwenqubo yezinyathelo zokuphatha njengoba ziqukethwe eMthethweni Wokuqhubekisela Ubulungiswa Bokuphatha wonyaka we-2000 (uMthetho wesi-5 wonyaka we-2000).

## **7.2 Okusetshenziswa nabo okufanele kuboniswane nabo**

Okusetshenziswa nabo abathintekile okufanele kuboniswane nabo ngohlobo nobukhulu bomsebenzi nokucutshungulwa okuthile kwendawo. Umfakisicelo noma umnikazi welungelo lokufuna amaminerali, welungelo lokumayina noma noma wemvume yokumayina ufanele enze uhlu lalabo okuboniswana nabo kanye namaphrofayili abo okufanele abe yingxenye yenqubo yokubonisana okuhle. Inqubo yokubonisana okuhle kufanele yakhiwe okuboniswana nabo abehlukahlukene bebandakanya kodwa bengapheleli:

7.2.1 Kumiphakathi Wendawo;

7.2.2 Kumiphakathi Wemayini;

7.2.3 Abanimhlaba (Abanikazi Bendabuko Nabanamatayitela Omhlaba)

7.2.4 Abahlala ngokusemthethweni;

7.2.5 Abaphethe amalungelo omhlaba ongahlelekile;

7.2.6 Abaphethe amalungelo omhlaba womphakathi;

7.2.7 Isiphathimandla Sendabuko;

7.2.8 Abafakizicelo Zomhlaba;

7.2.9 Inhlangano Enguzimele Geqe;

7.2.10 I-CBO: Inhlangano Esekwe Emphakathini;

7.2.11 UMnyango Wezokuthuthukiswa Kwezindawo Zasemaphandleni;

7.2.12 Nanoma yimuphi omunye umuntu (kubandakanya ezindaweni ezisondelene nezingasondelani) ozimo zazo zomnotho nenhlalo zingathintwa ngokuqondile umsebenzi wokukufunwa kwamamirali okuhlongozwayo;

7.2.13 UMasipala Wendawo; kanye

7.2.14 IMinyango Kahulumeni efanele, ama-emajenti nezikhungo ezibheke izinto ezahlukahlukene zemvelo kanye nezingqalasizinda ezingahle zithintwe yiphrojekthi ehlongozwayo.

### **7.3 Izindlela zokubonisana nokusetshenziswa nabo**

Umfakisiselo noma umnikazi welungelo lokumayina noma wemvume yokumayina angasebenzisa amathuluzi nezizinda ezifanele ukuxoxisana nabaninimhlaba, nabahlali abasemthethweni, nabanikazi bamalungelo omhlaba ongahlelekile nowomphakathi, nemiphakathi yasezimayini kanye nemiphakathi yendawo ngentuthuko yokumayina ehlongozwayo njengoba ichaziwe eMhlahlandleleni Wokubonisana ongafaka phakathi:

7.3.1 Imihlangano nokucobelelana ngolwazi njalo;

7.3.2 Ucwangingo noma imikhankaso yokwazisa; kanye

7.3.3 Izimememezelo ngenqubo yokubonisana zingenziwa eziteshini zomsakazo zendawo, kumaphephandaba kanye nakwabezindaba abafanele.

## **8 IZIBOPHO UMFAKISICELO NOMA UMNKAZI WELUNGELO LOKUFUNA AMAMINERALI, WELUNGELO LOKUMAYINA NOMA NOMA WEMVUME YOKUMAYINA**

8.1 Umfakisiselo noma umnikazi welungelo lokumayina noma wemvume yokumayina ohlose ukuhlalisa kabusha abaninimhlaba, nabahlali abasemthethweni, nabanikazi bamalungelo omhlaba ongahlelekile nowomphakathi, nemiphakathi yasezimayini kanye nemiphakathi yendawo kwenye indawo, umfakisiselo noma umnikazi welungelo lokumayina noma wemvume yokumayina:

- 8.1.1 Uzoxoxisana nabaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo ngokubanikeza ngokubanikeza lokho okufanele bakhethe kukho okukhukhonekayo nokungabizi.
- 8.1.2 Uzoqinisekisa abaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo bazisiwe ngokufanele bakhethe kukho kanye nangamalungelo maqondana nokuhlaliswa kabusha ngokuba abanikeze lonke ulwazi nemibhalo efanele ukuze bakwazi ukuthatha izinqumo.
- 8.1.3 Uzonikeza abaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo izinxephezelo zokulahlekelwa nanoma yikuphi kwempahla noma kwendlela yokuziphilisa.
- 8.1.4 Uzosiza ngokuhlaliswa kabusha abaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongahlelekile nawomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo ngokubahlinzeka izimali nokusekelwa okufanele.
- 8.1.5 Uzonikeza abaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo izindlu zokuhlala, iziza zezindlu kanye nomhlaba wokulima.
- 8.1.6 Uzinikeza okunye ukusekelwa ukuze aqinisekise izindlela zokuziphilisa zabantu futhi nokubuyisela amazinga okuphila.
- 8.1.7 Asize ngentuthuko esimeme emphakathi wemayini noma wendawo ohlaswe kabusha ngemuva kokuhlaliswa kwenye indawo.
- 8.1.8 Izindleko zokuhlaliswa kabusha zizokhokhwa umfakisiselo noma umnikazi welungelo lokumayina noma wemvume yokumayina okuvunyelwene ngazo nabaninimhlaba, nabahlali abasemthethweni, nabanikazi bamalungelo omhlaba ongahlelekile nowomphakathi, nemiphakathi yasezimayini kanye nemiphakathi yendawo.

- 8.1.9 Uzosungula iKomidi Lokuqapha Nokuhlola elilindelwe ku-14.5 walemi mihlahlandlela.
- 8.1.10 Uzokwakha uHlelo Lokuhlaliswa Kabusha olulindelwe ku-10 wale Mihlahlandlela.
- 8.1.11 Uzokwakha uHlelo Lokuzokwenziwa Ukuhlaliswa Kabusha olulindelwe ku-11 wale Mihlahlandlela.
- 8.1.12 Uzongena Esivumelwaneni Sokuhlaliswa Kabusha olulindelwe ku-12 wale Mihlahlandlela.

## **9 UKUHLALISWA KABUSHA NOKUNXESHEZELWA**

- 9.1 Ukuhlaliswa kabusha abaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo ezosuswa ukuze umsebenzi wokumayina uqale ifanele ngokukhonekayo kwenze ngcono futhi kuphucule izimpilo zemiphakathi ethintekayo njengezindlu, izikole, izikhungo zezempilo kanye nezindawo zokuzithokozisa.
- 9.2 Awukho umsebenzi wezimayini ozoqala kuze kufinyelelwe esivumelwaneni sokuhlaliswa kabusha ngenani elifanele lemali yesinxephezelo ngenxa yokuhlaliswa kabusha kwabaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba ongahlekile nawomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo. Isivumelwano sokuhlaliswa kabusha sizokhombisa okuqkethwe lokuHlelo Lokuhlaliswa Kabusha noHlelo Lokuzokwenziwa Ukuhlaliswa Kabusha.
- 9.3 Inhloso yokuhlaliswa kabusha ngukuvumela ukuhlaliswa kwenye indawo kwabantu ngabanye, kwemindeni nemiphakathi. Izinkampani zifanele zibheke lezi zinto ezilandelayo:
- (a) Ukwakha indawo evumayo ukuthi izindlela zokuphila nezinga lokuphila labantu abathintekile kuthuthukisiwe, noma okungenani libuyiselwe.
  - (b) Ukubonisa indlela abantu abahlala ngayo endaweni yabo yamanje futhi nokuhlangabezana nezidingo zabo ezibalulekile ngokuya ngendawo yokuhlala,

- ukusebenziseka kanye nokufinyelela ezinsizakalweni zamasiko kufanele kubhekelwe enqutsheni yokwakha.
- (c) Nanoma isiphi isixazululo sokuhlaliswa kabusha sifanele sibhekwe ngokesimo sendawo futhi sinikeze okungakhethwa kukho kulabo abahlaliswa kasha, ngokubamba iqhaza okunolwazi kwabantu abathintekile kanye neziphathimandla zomthetho. Ukuhlaliswa kabusha kuziza namadizayni kufanele enziwe futhi kuvunyelwane ngakho yibo bonke okusetshenziswan nabo, kungagcini kuphela nabaholi bomphakathi noma neziphathimandla zomthetho.
- (d) Ukufuduselwa kwenye indawo imindeneni nemiphakathi ifanele kugcine amanethiwekhi akhona enhlalweni, izindlela zokuziphilisa futhi kugcine ubumbano lomphakathi nemindeneni.
- (e) Ukugcinwa londolozwa kwezixhumanisi nezinsizakusebenza ezikhona ezingathintekanga ekuhlalisweni kabusha, noma zibuyiselwe.
- (f) Ukuuvumela abantu abahlaliswe kabusha ukuba babe nesabelo esifanele kwimihlomulo, isibonelo emsebenzini ohlobene nephrojekhthi.
- (g) Ukunikeza izindlu zokuhlala ezifanelekile, kanye neziza zezindlu okungenani zezinga elilinganayo nelifanayo nelezindlu ezikhona futhi makwenzeka elingcono kakhulu.
- (h) Ukuqinisekisa ukusiwa kwenye indawo kwazo zonke izikhungo zomphakathi ezikhona, ingqalasizinda ezihlobene nazo, kanye nokuhlinzea ezinye izikhungo nengqalasizinda njengoba kudingwa yizimiso zokuhlela zendawo.
- (i) Ukuqinisekisa ukuthi ukhushulwa kwezininga lezindlu nezikhungo ezintsha akubizi kwabememukelayo.
- (j) Ukuhlinzeka ngokuphepha kobunikazi ngokubhalisa amalungelo empahla yiziphathimandla ezilawulayo kungathatha isikhathi eside, futhi kufanele kuhlelwe ngokufanele. Ukuvumela intuthuko eqhubekayo nokwanda komphakathi omusha.
- (k) Amabhizinisi afanele achatshangelwe inqubo isaqala, njengabangahle babe abaqhubi bokuhlaliswa kwemiphakathi ehlaliswa kabusha.
- (l) Imiphakathi lapho abantu abahlaliswe kabusha izobekwa khona ifanele icatshangelwe ekuhleleni kusukela ngosuku lokuqala, futhi ifanele ibone imihlomulo enqutsheni yokuhlaliswa kabusha.

(m) iziphathimandla zomthetho zifanele zibandkanywe kusukela ekuqaleni, ukuze ukuqinisekiswa ukuvunyelwa kwanjalo kanye nokwamukelwa kwezingqalasizinda.

#### 9.4 Ukubalwa kwamanani emali yezinxephezelo.

9.4.1 Ayikho indlela emisiwe yokuquma izinxephezela esanele njengomphumela wokuhlaliswa kabusha. Amanani emali yesinxephezelo afanele anqunywe kubhekwa indawo kanye nezimali zamanje zokuhlaliswa kabusha. Indlela esobala nebandakanya wonke umuntu ekunqumeni isinxephezelo ifanele isetshenziswe. OBeka Amanani Emali Ozimele othathwa njengowamukelekile ezinkampanini nasemiphakathini ufanele asetshenzisiwe. Inqubomgomo yokuxhephezela ifanele ifane. Izindlela ezisetshenziswayo zifanele zibhalwe ngokucacile futhi zisatshaliselwe emphakathini. Amanani emali yesinxephezelo afanele enziwe ahambe nesikhathi uma esetshenziswa esikhathini eside.

9.4.2 Inani lemali yesinxephezelo sempahla elahlekile lifanele libalwe ngezindleko zokuyithenga eliphelele, okungukuthi, inani lemakethe lezimpahla likanye nezindleko zokuthengiselana. Mayelana nomhlaba nezakhiwo, izindleko zokuyithenga lichazwa kanjena.

- (a) **Ezolimo nezamadlelo:** inani lemakethe lomhlaba osetshenziselwa umkhiqiso olinganayo noma ongabakhona oseduze nendawo ethintekayo, kanye nezindleko zokulungiselela emazingeni afanayo noma angcono kunalawo omhlaba othintekile, kanye nezindleko zanoma ikuphi zokubhaliswa noma izintela zokuwudlulisa.
- (b) **Umlaba osendaweni esemadolobheni:** inani lemakethe lomhlaba wobukhulu nosetshenziswa ngokulingana, onezakhiwo zezingqalasizinda nezinsizakalo ezifanayo eziseduze komhlaba othintekayo, kanye nezindleko zokubhaliswa kanye nokudluliswa kwentela.
- (c) **Izakhiwo zemindeni nezomphakathi:** Izindleko zokuwuthenga noma zokwakha isakhiwo esisha, esinendawo nekhwalithi efana naso noma esingcono kuna lesa sakhiwo esithintekile, noma lokulungisa isakhiwo esithintekile ngokuyingxenye,

kufaka phakathi imali yabasebenzi kanye nosonkontileka kanye nanoma yikuphi ukubhaliswa nokudlulisa izintela.

## **10 UHLELO OKUHLALISWA KABUSHA KOMPHAKATHI WASEMAYINI**

10.1 Ukufaka isicelo selungelo lokumayina noma lomnikazi welungelo lokufunwa kwamaminerali, noma lemvume yokumayina kufanele lenze uhlelo lokuhlaliswa kabusha njalo lapho isicelo esinjengalesi sizonomthelela wokuhliswa kabusha siqu kwabanini bomhlaba, abahlala ngokusemthethweni, abanikazi bamalungelo omhlaba ongakahlelekile nowomphakathi, emiphakathi yasezimayini kanye nemiphakathi yendawo.

10.2 Uhlelo lokuhlaliswa kabusha kwabaninimhlaba, abahlali abasemthethweni, izingxenye ezinentshisekelo nezithintekayo, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo njengoba kuchaziwe ku- 7.2 walemi Mihlahlandlela.

10.3 Uhlelo lokhlaliswa kabusha lungafaka izindlela zokuqinisekisa ukuthi abantu abasusiwe bayaziswa ngabakhetha kukho kanye nangamalungelo aphaathelene nokuhlaliswa kabusha; kuboniswene kahle nabo; banikezwa usizo ngesikhathi sokufuduka; futhi banikezwa ukwesekwa ngemuva kokufuduka, isikhathi soguquko kususelwa esilinganisweni sangaleso sikhathi okungenzeka ukuthi kuthathwe ukubuyisa izimpilo zabo kanye namazinga okuphila abo.

10.4 Izinhlobo zamaphakheji okuhlaliswa kabusha kwenye indawo zingabandakanya

10.4.1 Isinxephezelo semali engukheshi yempahla, kufaka phakathi izilimo nezakhiwo

10.4.2 Ukuhlinzekwa ngezindlu zokuhlala kabusha;

10.4.3 Ukuhlinzekwa ngesiza sokuhlala kabusha;

10.4.4 Izibonelelo zokwenza lula inqubo yokufuduka; futhi

10.4.5 Nezinhlalo zokubuyiselwa kwempilo.

### **10.5 *Okuqukethwe Wuhlelo Lokuhlaliswa Kabusha***



Ngokubheka iphrojekhthi nokucatshangelwa kwesiza esithile, uhlelo lokuhlaliswa kabusha lungaqukatha izinto ezilandelayo:

#### 10.5.1 *Incazelo Yephrojekhthi*

- (ii) Chaza ngokuphelele igama, uhlobo, ubukhulu kanye nobunjalo bephrojekhthi okufanele yenziwe.

#### 10.5.2 *Ukuhlaziywa Komthelela*

- (iii) Chaza imininingwane yokuhlaziywa koMthelela Enhlalweni Nasemnothweni okwenziwa maqondana nomthelela ongaba khona noma okuyiwonawona ongemuhle kanye nomuhle wokuhlaliswa kabusha, wezindleko, wemihlomulo namathuba ahlangozwayo.
- (iv) Bheka ezinye izindlela zokuhlaliswa kabusha, ubuhle, ububi, kanye nezindlela zokunciphisa.

#### 10.5.3 *Ukubonisana Okuhle*

- (ii) Kuqukethe ulwazi olulandayo mayelana nokubonisana okuhle nabo bonke ababambe iqhaza, ubufakazi balokho kubonisana nemiphumela yokubonisana okuhle njengoba ichaziwe ku-7 wale Mihlahlandlela.

#### 10.5.4 *Uhlelo Lokuqalisa.*

- (iv) Umfakisicelo noma ophethe ilungelo lokufuna amaminerali, ilungelo lokumayina noma onemvume yokumayina ufanele akhe uhlelo lokusebenza elinokwabiwa kwezindima nezibopho okucacile, isikhathi, izikhathi ezimisiwe ezicacile, izinsizakusebenza zezimali, okukhonekayo ukwenziwa kanye nokubandakanywa kwalabo okusetshenziswana nabo.

#### 10.5.5 *Izindleko Nemiphumela Yesabelozimali*

- (iii) Izindleko zokuqalisa uhlelo zizothwalwa ngumfakisicelo noma umnikazi welungelo lomnikazi welungelo lokufuna amaminerali, ilungelo lokumayina noma invume yokumayini. Lezi zindleko zizofaka izindleko ezihlobene

nokuhlolwa okuzimele kwempahla ephathekayo nengaphatheki, izinsizakalo zomthetho nezokubonisana, lapho kukhona.

- (iv) Ukuqashelwa kwenani kwempahla ephathekayo nengaphatheki kuzoqinisekiswa iHhovisi Lomhloli Jikelele (Valuer General).

#### 10.5.6 *Ukuhlelwa Kwezikhungo*

- (v) Ukuhlelwa kwezikhungo kuhlobene nazo zombili izikhungo ezisemthethweni nezingekho emthethweni ezinomsebenzi wokwenza nokwethula ngezibopho zohlelo lokuhlaliswa kabusha.
- (vi) Uhlelo lokuhlaliswa kabusha luzohlonda ama-ajensi abheke okwenziwayo kokuhlaliswa kabusha afana noMasipala Wasekhaya, uMnyango Wezokuhlaliswa Kwabantu kanye namandla ezikhungo zama-ajensi anjengalawa.
- (vii) Khomba izinhlango ezibheke ukwethulwa kwezinyathelo zokuhlaliswa kabusha futhi nokuhlinzekwa kwezinsizakalo, futhi nokuqinisekisa ukuthi izinhlango zasendaweni ezijwayele imiphakathi ziyasetshenziswa. Kuchaza ngokucacile izindima nezibopho zabo bonke okusetshenziswa nabo.
- (viii) Kuqinisekisa ukuthi abantu ababhekeumsebenze wokusetshenziswa kohlelo lokuhlaliswa kabusha abanazo izintshisekelo ezingqubuzanayo.

#### 10.5.7 *Ukuvunywa kanye Nokuqinisekiswa*

- (j) Uhlelo lokuhlaliswa kabusha luzoba nesiqinisekiso soMphathi Omkhulu noma umuntu olingana nonelungelo lokwenza umsebenzi wokuqokethwe nokusetshenzwa kwalo.

## 11 UHLELO LOKWENZIWAYO UKUHLALISA ABANTU KABUSHA

11.1 UHlelo Lokuhlaliswa Kabusha ngumbhalo osho ukuthi yiziphi izinyathelo okufanele zithathwe ukuze kufezekiswe izinhloso ezibekwe ohlelweni lokuhlaliswa kabusha. Inhloso yoHlelo Lokuhlaliswa Kabusha ukucacisa ukuthi iziphi izinsizakusebenza ezidingekayo ukuze kufezwe inhloso, kumiswe izikhathi lapho imisebenzi ethile

edinga ukwenziwa ifanele iqedwe futhi nokunquma ukuthi yimiphi imithombo edingekayo. UHlelo Lokuhlaliswa Kabusha, ngokufingqiwe, lufanele luchaze izinyathelo okufanele zithathwe, lukhombwe okusetshenziswana nabo nezikhathi ezimisiwe (Bheka iThebula A ukuthola isibonelo).

11.2 UHlelo Lokuhlaliswa Kabusha luyithuluzi elibheke ukuqaliswa ukusebenza kohlelo olukhulu lokuhlaliswa kabusha. Ngakho-ke, uHlelo Lokuzokwenziwa lufanele lufundwe kanye noHlelo Lokuhlaliswa Kabusha.

11.3 Abaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo kufanele kuboniswane nayo ngokwakhayo ngokuqokethwe uHlelo Lokuhlaliswa Kabusha..

#### **ITHEBULA A**

<b>ISENZO</b>	<b>OKUSETSHENZWA NAYE OWENZA UMSEBENZI</b>	<b>ISIKHATHI ESIMISIWE</b>
Ukwakhiwa Kohlelo Lokuhlaliswa Kabusha	Umnikazi Welungelo Lokumayina	Isigaba sangaphambi kwephrojekhthi
Ukwakhiwa Kohlelo Lokuzokwenziwa Ukuhlaliswa Kabusha	Umnikazi Welungelo Lokumayina	Isigaba sangaphambi kwephrojekhthi
Ukuxoxisana okuhle nabantu nabaninimhlaba, abahlali abasemthethweni nabanentshisekelo nezingenye ezithintekile	Umnikazi Welungelo Lokumayina	Isigaba sangaphambi kwephrojekhthi
Ukuqashelwa kwempahala engagudluki futhi engaphatheki	UMnikazi welungeloLokumayina	Isigaba Sokuqalisa

	neHhovisi Lomhloli Jikelele.	
Ukufuduswa kwabantu koqobo, kwemfuyo kanye nakho konke kwabo.	Umnikazi welungelo lokumayina nosonkontileka	Isigaba Sokuqalisa
Ukuqala amaprojekhthi okusimamisa	Umnikazi Welungelo Lokumayina	Ngemuva kokuqalisa

## 12 Isivumelwano Sokuhlaliswa Kabusha

### 12.1 ISIVUMELWANO SOKUHLALISWA KABUSHA

12.2 Isivumelwano sokuhlaliswa kabusha senza umsebenzi wokuba irekhodi sakho konke ukuzibophezela kwabanikazi bamalungelo okumayina maqondana nokuhlaliswa kabusha. Isivumelwano sifanele sichaze amalungelo nezibopho zazo zonke izingxenye zesivumelwano. Sibheka iprojekhthi nokucatshangelwa kwesiza esithile, isivumelwano Sokuhlaliswa Kabusha singaqukatha izinto ezilandelayo:

### 12.3 Izici Zokuhlaliswa Kabusha

12.3.1 Izingxenye esivumelwaneni.

12.3.2 Umshwana ohumushayo.

12.3.3 Inhloso kanye nezinhloso zesivumelwano.

12.3.4 Amarekhodi enqubo yokubonisana Okuhle.

12.3.5 Ilungelo lokumayina kanye nesikhathi salo noma nempilo yemayini.

12.3.6 Amalungelo nezibopho zezingxenye ezisesivumelwaneni.

12.3.7 Ukubhalwa kokuzibophezela okwenziwe oHlelweni Lokuhlaliswa Kabusha.

12.3.8 Ukubhalwa kokuzibophezela okwenziwe oHlelweni Lokuzokwenziwa Ukuhlaliswa Kabusha.

12.3.9 Izindlela Zokuxazulula Izinkinga.

12.3.10 Isikhathi sokusebenza kwesivumelwano.

12.3.11 Ukukhwabanisa nenkohliso.

12.3.12 Ukubuyekezwa, ukuhluka kanye nezichibiyelo.

12.3.13 Ikhaya nezaziso.

12.3.14 Abasayinayo

12.4 Uma isivumelwano sesisayiniwe, sona kanye nezixhumelo, sifanele sithunyelwe ehhovisi loMphathi Wesifunda ukuze asivume. Izixhumelo zesivumelwano zingafaka uHlelo Lokuhlaliswa Kabusha, uHlelo Lokuzokwenziwa Ukuhlaliswa Kabusha kanye nemibhalo ehlobene nakho.

## **13 IZINDLELA ZOKUXAZULULA IZINKINGA**

### ***31.1 Ukumelwa kwezomthetho***

Umfakisiselo noma umnikazi welungelo lokumayina noma wemvume yokumayina ufanele, lapho kukhoneka ahlinzeke usizo lwezezimali kubaninimhlaba abathintekayo, kubahlali abasemthethweni, kubanikazi bamalungelo omhlaba angahlelekile nawomphakathi, kwimiphakathi yasezimayini kanye nemiphakathi yendawo, ukuze bakwazi ukuthola ukumelwa okufanele enqutsheni yokuxazulula izingxabano.

### ***13.2 Inqubo yokuxazululwa kwengxabano zeqembu neqembu***

Uma kukhona ingxabano mayelana nanoma iyiphi ingxenye yokuhlaliswa kabusha, umfakisiselo noma umnikazi welungelo lokumayina noma wemvume yokumayina ufanele alwele ukuxazulula igxabano ngokuthula ngokuxoxiswana kanye nesivumelwano esiphakathi kwabanikazi belungelo lokumayina noma bemvume yokumayina, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba angahlelekile nawomphakathi, kumiphakathi yasezimayini kanye nemiphakathi yendawo. Kulokhu umfakisiselo noma umnikazi welungelo lokufuna amaminerali, welungelo lokumayina noma noma wemvume yokumayina ufanele:

(m) Akhe indlela yokuphatha izikhalazo kanye nenqubo yezikhalazo esebenzayo, inkambiso esemthethweni nehlelekile yokuthola futhi iphathe izikhalazo

- zephrojekhthi kanye nezokuhlaliswa kabusha kusukela ekuqaleni kokuhlelela ukuhlaliswa kabusha.
- (n) Abaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba ongahlekile kanye nabamalungelo omhlaba womphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo bafanele baziswe futhi babe nokuxhumana okuqhubekayo ngesikhalazo.
- (o) Akhombe isiza noma indawo esekwe ngumphakathi lapho izikhalazo ezingatholwa khona ngokubhalwe phansi.
- (p) Isikhathi sokuphendula kwizikhalazo ezitholakele sibalulekile, ikakhulukazi lapho ukuzibophezela kwenziwe ukuthi kuphendulwe ngesikhathi esithile. Ukuphathwa kwezikhalazo kungaba ngumsebenzi odinga isikhathi, futhi kungadinga ilungu lezisebenzi elisebenza ngokuphelele, elizinikele esisebenzayo ukwamukela, ukubhala kanye nokusebenza izikhalazo.
- (q) Ukugcizelela kuzindlela zokulungisa isikhalazo ezifanele endaweni (isib. ngokusebenzisa abaholi bendabuko noma izinhlaka zasendaweni) kungaholela ekuthe izingxabano zixazululwe ngokushesha nangezindleko ezincane. Ukuqinisekisa ukuthi zonke izikhalazo zino'mnikazi' wangaphakathi obheke ukuqinisekisa ukuthi zivalwe ngokuphelele.
- (r) Ukuqapha bese uvala izikhalazo "ngemiphumela" hhayi nje ngokubhala ukuthi isenzo sokulungisa sesiphothuliwe. Okungenani qinisekisa ukuthi ingabe umfakisikhalazo wenelisekile ngesenzo sokulungiswa noma cha, bese ubheka ukuthi ingabe bajabule yini ngaleyo nqubo.

### **13.3 Inqubo ephethwe uMphathi Wesifunda (isahluko sama-54)**

Uma ingxabano yokuyohlaliswa kwenye indawo ingaxazululeki ngesivumelwano phakathi kwezingxenyane zenqubo yokuxazululwa kwezingxabano nangezinqubo nezinkambiso zezikhalazo umfakisicelo noma umnikazi welungelo lokufuna amaminerali, welungelo lokumayina noma wemvume yokumayini ufanele azise uMphathi Wesifunda ngengxabano futhi uMphathi Wesifunda ufanele aqalise inqubo yokuxoxisana njengoba kulindelwe kwisahluko sama-54 (3) se-MPRDA.

Kulokhu uMphathi Wesifunda;

- (m) Uzokwakha ithimba lokuxoxisana elakhiwe izethulo ezivela kubo bonke abathintekayo (umfakisicelo, umninilungelo, abamele u(im)i)mphakathi o(e)thintekayo, ubuholi bendabuko, njll).
- (n) Uzokwakha imibandela ezolandelwa yithimba lokuxoxisana ebeka imigcele ecacile maqondana neqhaza leqembu, ubukhulu bomsebenzi walo, izinsuku zokuhlangana kanye nezikhathi nezikhathi eziimisiwe zokuxazulula ingxabano.
- (o) Uzofuna bonke abathintekayo ukuthi balethe yonke imininingwane efanele (imibhalo, izivumelwano, njll.) ephathelene nengxabano.
- (p) Uzophatha imihlangano ngokwemibandela ezolandelwa ithimba lezingxoxiswano ngokungachemi ngenhloso yokuxazulula ingxabano ngokushesha.
- (q) Uzoqinisekisa ukuthi abakhona emihlanganweni benza ikhoramu futhi onke amaqembu amelwe futhi agunyazwe.
- (r) Uzodlulisela phambili imidanti enzima kwiPhini Lomqondisi-Jikelele, kuMqondisi-Jikelele noma kuNgqongqoshe lapho kufanele.

### **13.4 Inqubo esemthethweni yokulamula, yokuxolelana neyokubuyisana**

Uma ingxabano yokuyohlaliswa kabusha kwenye indawo ingaxazululeki ngenqubo eqhutshwa nguMphathi Wesifunda, amaqembu aphikisanayo angadlulisela udaba kwinqubo yokulamula nokubuyisana ngokomthetho osebenzayo (uMthetho Wokulamula noMthetho Wokubuyisana).

Ukudluliselwa kufanele kwenzeke kungakapheli isikhathi esifanele futhi inqubo yokulamula nokubuyisana iyokwenziwa futhi iphethwe ngesikhathi esifanele.

### **13.7 Izingqubo Zenkantolo**

Amaqembu engxabanweni yokuhlaliswa kabusha kwenye indawo akhuthazwa ukuba axazulule izindaba zawo ngokuxoxisana, kepha uma ingxabano yokuyohlaliswa kabusha





#### **14.5 Ukusungulwa Kwekomidi Lokuqapha Kabusha Nokuhlola Ukuhlaliswa Kabusha**

14.5.1 Umfakisiselo noma umnikazi welungelo lokumayina noma wemvume yokumayina ufanele, lapho imisebenzi ibandakanya ukususwa nokuhlaliswa kabusha kwabaninimhlaba, abahlali abasemthethweni, abanikazi bamalungelo omhlaba angahlelekile nawomphakathi, imiphakathi yasezimayini kanye nemiphakathi yendawo, asungule iKomidi Lokuqapha Nokuhlola Ukuhlaliswa Kabusha ( i-RMEC).

14.5.2 I-RMEC izoba nezethulo ezivela kulabo okusetshenziswana nabo okukhulunywe ngabo ku-7.2 wale Mihlahlandlela.

#### **14.6 Imisebenzi Yekomidi Lokuqapha Ukuhlaziya Nokuhlola Kabusha**

14.6.1 Imisebenzi ye-RMEC izobandakanya:

(s) Ukwakhiwa kohlelo lokuqapha nokuhlola.

(t) Ukusetshenziswa kohlelo lokuqapha nokuhlola.

(u) Ukugcina ukuxoxisana okuqhubekayo nokutshenziswana nabo abathintekayo kanye nokunikeza njalo ulwazi olusha nolwazi olumayelana nenqubekela phambili ekusetshenzisweni kohlelo lokuqapha kanye nokuhlola kanye nohlelo lokuhlaliswa kabusha kwenye indawo.

(v) Ukwenza ucwaningomabhuku ekupheleni kwamaphrojekthi.

(w) Ukuqapha nokuhlola impumelelo ekufezeni izinhloso ezinhlalweni zokuhlaliswa kabusha kanye nobunzima obuvela ekusetshenzisweni.

(x) Ukuqapha umthelela wamaphrojekthi emiphakathini kubandakanya imithelela yesikhathi esingemuva kokuhlaliswa kabusha.

#### **14.7 Izidingo zezezimali nezinsizakusebenza zeKomidi Lokuqapha Nokuhlola Kokuhlaliswa Kabusha.**

14.7.1 Umfakisisicelo noma umnikazi welungelo lokumayina noma wemvume yokumayina, lapho imisebenzi ibandakanya ukususwa nokuhlaliswa kabusha kwabaninimhlaba, kwabahlali abasemthethweni, kwabanikazi bamalungelo omhlaba angahlelekile nawomphakathi, kwemiphakathi yasezimayini kanye nemiphakathi yendawo, uzobheka zonke izindleko, ukuxhaswa ngezimali kanye nezidingo zezinsizakusebenza ze-RMEC.

14.7.2 Izidingo zezinsizakalo zihlobene nokuhambisana nabasebenzi nezinsizakusebenza, isib. amakhompyutha, ama-laptop, indawo yehhovisi, izindawo zokuhlanganela, izingcingo, ezokuhamba, njll.

#### **14.8 Izibopho Zokubika .**

14.8. 1 Umnikazi welungelo lokumayina, ilungelo lofunwa kwamaminerali noma wemvume uzokwenza imibiko ngenqubekela phambili yokusetshenziswa kohlelo lokuhlaliswa kabusha njalo eMnyangweni.

14.8.2 UMnyango, ngokusebenzisa uMphathi Wesifunda ufanele uqaphe futhi uhlole ukusetshenziswa kohlelo lokuhlaliswa kabusha ngumnikazi welungelo lokumayina noma wemvume yokumayina. Ukuqapha kanye nokuhlola kufanele kwenziwe isikhathi sonke selungelo lokumayina.

### **15 IMIHLOMULO YOKUHLALISWA KABUSHA NOKUZIBOPHEZELA KWE-MPRDA**

15.1 Isinxephezelo sokuhlaliswa kabusha kwenye ndawo nemihlomulo ehlobene nakho akufanele sihlanganiswe nezibopho zoHlelo Lwasenhlalweni Nolwabasebenzi kanye nezoSomqulu Wezimayini. Isinxephezelo sokuhlaliswa kabusha kwenye indawo nemihlomulo ifanele ihlukaniseke ngokucacile futhi ihlukaniswe kuzibopho zoHlelo Lwasenhlalweni Nolwabasebenzi kanye neziSomqulu Wezimayini.

### **16 INHLOSO YEMIHLAHLANDLELA YOKUHLALISWA KABUSHA**

16.1 Le Mihlahlandlela ingabukezwa nguNgqongqoshe ngeSaziso Kwi gazethi.

# **WARNING!!!**

## **To all suppliers and potential suppliers of goods to the Government Printing Works**

The Government Printing Works would like to warn members of the public against an organised syndicate(s) scamming unsuspecting members of the public and claiming to act on behalf of the Government Printing Works.

One of the ways in which the syndicate operates is by requesting quotations for various goods and services on a quotation form with the logo of the Government Printing Works. Once the official order is placed the syndicate requesting upfront payment before delivery will take place. Once the upfront payment is done the syndicate do not deliver the goods and service provider then expect payment from Government Printing Works.

Government Printing Works condemns such illegal activities and encourages service providers to confirm the legitimacy of purchase orders with GPW SCM, prior to processing and delivery of goods.

To confirm the legitimacy of purchase orders, please contact:

Anna-Marie du Toit (012) 748-6292 ([Anna-Marie.DuToit@gpw.gov.za](mailto:Anna-Marie.DuToit@gpw.gov.za)) and

Siraj Rizvi (012) 748-6380 ([Siraj.Rizvi@gpw.gov.za](mailto:Siraj.Rizvi@gpw.gov.za))

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