

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Vol. 372

PRETORIA, 28 JUNE
JUNIE 1996

No. 17274

INOTHISI KAWONKEWONKE

INOTHISI YE 779 KA 1996

White Paper ngoMgomo wezeThelekhomyunikheshini ishicilelwa lapha yiMinistri yezamaPosi, ezeThelekhomyunikheshini nezokuSakaza.

I-WHITE PAPER

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IMinistri yezamaPosi,
ezeThelekhomyunikheshini nezokuSakaza
Febhuwari 1996

Le-White Paper
itholakala
nange-Afrikaans,
kanye nesiSuthu.

Ishicilelewe
yiMinistri yezamaPosi,
ezeThelekhomyunikheshini kanye nezokuSakaza

Inprintwe
ngamaPrinta kaHulumeni
Mashi 1996

Idizaynwe
yi-Desktop at Work
(011) 728-6905

Yahunyushelwa
olwimini lwesiZulu
ngabase-Afrophone Translations & Interpreting Services
(011) 648-9115/9

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IBIKA

Kuyintokozo enkulu kimi ukwethula le-White Paper yomgomo ngenqubo yezeThelekhomyunikheshini, ngiwethulela abantu baseNingizimu Afrika.

Le-White Paper ingumphumela womsebenzi omkhulu lapho besixoxisana nomphakathi kanye nengxenye yezethelekhomyunikheshini futhi ingumphumela walokhu kusebenzisana phakathi kukaHulumeni, ingxenye yezethelekhomyunikheshini kanye nomphakathi. Uma le-White Paper isithulwe phambi kwePhalamende kanye nomthetho ohlongozwayo wezethelekhomyunikheshini, abantu abakhethwe wumphakathi ukuba bawumele, bayothola ithuba lokuba babeke imibono yabo ngaphambi kokuphasiswa kwayo.

Embusweni wedemokhrasi, lokhu kubonisana kusemqoka kakhulu ukuze kuqinisekise okokuqala, ukuthi imigomo ibekwa ngokubonisana nezakhamuzi, abathintekayo kanye nabantu abanentshisekelo, okwesibili, kusemqoka ukuthi imigomo yesekwe liningi labantu kanye nabantu okuyibo abayothinteka ngenqubo ehlongozwayo.

Kungumsebenzi kahulumeni ukusiza ekubhalweni kwalo mgomo wenqubo kanye nethlekhomyunikheshini, lokhu kwenziwe nenghloso yokuba kutholakale ukuvumelana kweningi. Kusobala, ukuthi lokhu akwenzeki ngazo zonke izikhathi, kanti angeke inqubo eyobekwa yanelise wonke umuntu. Kodwa angeke sibuyele kwindlela yenqubo yesikhathi esedlule yendlovu kayiphikiswa. I-White Paper yenqubo yezeThelekhomyunikheshini siyibhale ngokuqondisisa izinguquko ezingefaniswe nezamanye amazwe, ezithinta kakhulukazi iqhaza kanye nendawo ebanjwe ngezethelekhomyunikheshini ezweni lethu. Ushintsho kwezethekhnoloji, inkululeko kwezokuhweba kanye nokuhlanganisa amazwe omhlaba ngezethelekhomyunikheshini, konke lokhu kwenzeka ngesivini esikhulu bese kuba lukhuni ukuba siqagele ukuthi kuzoba namuphi umphumela kwinqubo yezethelekhomyunikheshini. Ukubhalwa kwenqubo sekube ngumsebenzi ongefaniswe nalutho. Kanti njalo-nje kuyofanele sihlale siwubuyekeza. Inqubo yezeThelekhomyunikheshini equkethwe kwi-White Paper kayibhekeli iminyaka engaphezu kweyisithupha ezayo, kanti uhlelo lokukhulula ezethelekhomyunikheshini lona luyobuyekwezwa emva kweminyaka emithathu. Phezu kwalokhu, kubalulekile ukuba abantu babe nesiqiniseko lapho kubandakanyeka khona utshalomali, ukwandiswa kwemisebenzi emazweni omhlaba kanye nokuqalwa kokuncintisana ngokuhlelekile.

Sizamile ukunika okuncane esingase sikunike okuyisiqiniseko kule-White Paper. Khona manjalo sicacisile ngombono omusha ngekusasa ngezethelekhomyunikheshini eNingizimu Afrika.

Injongo yethu esemqoka ngokuba kube nokulingana kwemisebenzi yokulethwa kwezinto zethelekhomyunikheshini namanye amazwe phakathi kwemiphakathi entulayo yasemaphandleni, kanye nemiphakathi yasemadolobheni, kuthi ukulethwa kwezinto zethelekhomyunikheshini ezisezingeni eliphezulu kukwazi ukwanelisa izidingo ezikhulayo zomnotho waseNingizimu Afrika. Indlela esihlele ngayo inqubo yethu yezethelekhomyunikheshini, isiholela ekubeni sibeke indlela kanye nezinto ezizosiholela ekubeni sifeze lenjongo. Lokhu kuchaziwe kabanzi, futhi ngiyanimema ukuba nifunde le-White Paper nethule imibono yenu ePhalamende.

Ngithanda ukubonga wonke umuntu obambe iqhaza kulo msebenzi kazwelonke wokubhalwa komgomo wezethelekhomyunikheshini. Lesi kube yisikhathi esithokozisayo somsebenzi omkhulu, futhi nginesiqiniseko sokuthi ukuqalwa kokusetshenziswa komgomo omusha, kuzoletha imiphumela emihle nezoletha ushintsho olukhulu ekuthuthukisweni kwezethelekhomyunikheshini eNingizimu Afrika.

Z Pallo Jordan

UNgqongqoshe wezamaPosi, ezeThelekhomyunikheshini nezokuSakaza

UKUBONGA

UNgqongqoshe wezamaPosi, ezeThelekbomyunikheshini nezokuSakaza, uDokotela Z Pallo Jordan, uthanda ukubonga iqbaza elibanjwe ngabantu abalandelayo kanye nezinblangano ezisizile ekubhalweni kwe-Green Paper ne-White Paper yomgomo wezeThelekbomyunikheshini.

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ISINGENISO

Umbiko wokugcina ngoMgomo wezeThelekhomyunikheshini ungumphumela wohlelo lokubonisana olubanzi olubandakanye umphakathi kanye nengxenye yezethelekhomyunikheshini. Nakuba Umbiko wokuqala kwakungowokubonisana, umbiko wokugcina uyisititimende esikhomba imigomo ezolandelwa nguhulumeni ekuthuthukiseni ezethelekhomyunikheshini kwelaseNingizimu Afrika.

UNgqongqoshe wezamaPosi, ezeThelekhomyunikheshini nezokuSakaza, uZ Pallo Jordan nguye owaqala uhlelo lokubonisana ngokuqala umbiko wokubonisana Ngomgomo kwezeThelekhomyunikheshini ngomhlaka 7 kuJulayi 1995 wabe esemema umphakathi ukuba uphendule ngemibuzo eyaphakanyiswa mayelana nenqubo. I-Green Paper yona ngokwayo yayingumphumela wokubonisana okunzulu nengxenye yezethelekhomyunikheshini. Abanini bezokusakaza, abasebenzi, izinhlangano zomphakathi, osomabhizinisi abamnyama, i-Electronics Industry Federation (EIF) kanye ne-National Telecommunications Forum (NTF) bonke babamba iqhaza ekubhalweni kwemibuzo eyayiqukethwe ku-Green Paper. I-Green Paper yabhalwa likomiti elalibekelwe lomsebenzi i-Technical Task Team, ngokusizwa ngochwepheshe abaningi bakwamanye amazwe kanye nethimba lokwaluleka lakuleli i-Advisory Panel-bonke laba bantu beqokwe nguNgqongqoshe,

Sekuhlanganiswe konke, iMinistry yathola iziphakamiso ezingu 131 ezaziphendula mayelana ne-Green Paper, lokhu okwenza amapheji angu-3,989. Iziphakamiso zethulwa yizinhlangano ezahlukeni zakuleli nezangaphandle, okwakuyizinhlangano ezazithinteka kwezethelekhomyunikheshini. Iziphakamiso zazihlanganisa lezo ezazethulwa ngabanini beziteshi zokusakaza, imboni yakuleli yemikhiqizo yezethelekhomyunikheshini, izinyunyana, amaqembu ezamabhizinisi, amabhange akuleli nawakwamanye amazwe, izinkampani zokuxhumana ezisemazweni amaningi, amayunivesithi kanye namaqembu asebenza ngomgomo yenqubo njenge-Centre for the Development of Information and Telecommunication Policy (CDITP). Kanti neziphakamiso zamalungu omphakathi ngalinye zazemukelwa.

I-Technical Task Team kanye ne-BMI Technnowledge abe esecubungula iziphakamiso, futhi ethula imibiko emibili emhlanganweni wokubikela osomabhizinisi owaba ngomhlaka 7 November 1995. Lemibiko ingukucubungulwa kwezibalo okwenziwa kuzimpendulo mayelana ne-Green Paper Ngomgomo kwezeThelekhomyunikheshini kanye 'noMbiko wesikhashana womlomo' ngezimpendulo mayelana ne-Green Paper Ngomgomo kwezeThelekhomyunikheshini.

Ngomhlaka 20 kuya kumhlaka 23 kuNovemba 1996 uNgqongqoshe wabiza umhlangano kazwelonke ukubonisana ngomgomo wezethelekhomyunikheshini ukuze kunikwe abantu abathintekayo kwezethelekhomyunikheshini ithuba lokubonisana ngamaphuzu asemqoka asukela kuzimpendulo nge-Green Paper. Kwaba khona ukuvumelana kuwo wonke amaphuzu, ngaphandle kwephuzu elithinta abanini kanye nemonopholi yabakwa-Eskom. Lamaphuzu edluliselwa kuNgqongqoshe kanye neThimba Losaziwayo ngokulandelana kwawo. Ithimba Losaziwayo laqokwa kulabo ababephakanyiswe yizithunywa ezazethamele umhlangano kazwelonke ukuze leluleke futhi libheke ukubhalwa kwe-White Paper kanye nomthetho, ngokulandela imigomo yenqubo eyamukelwa kundibano (Colloquium) kazwelonke.

Iqembu lokucubungula labhala i-White Paper ngokubonisana neThimba Losaziwayo kwase kuthi uNgqongqoshe wethula umbhalo wesibili we-White Paper ukuze kuboniswane kuNkomfa kazwelonke yezeThelekhomyunikheshini eyayibanjwe ngomhlaka 5 Febhuwari 1996.

Iziphakamiso ezasukela ezingxoxweni ze-NTF zabe sezibandakanywa kumbhalo wesithathu we-White Paper ngaphambi kokuba lombhalo wethulwe phambi kukaNgqongqoshe kanye neKhabhinethi ukuze wamukelwe. I-White Paper yezinqubo kwezeThelekhomyunikheshini yethulelwa umphakathi kuGazethi kaHulumeni kanti umphakathi ungayithola kumaPrinta kaHulumeni.

Kuyothi uma uNgqongqoshe esethule i-White Paper kanye nomthetho wezethelekhomyunikheshini ususePhalamende, kuyobe sekuqala isigaba sokugcina sokubonisana. Amaqembu ezezipolitiki ayobe esenza inkulumo-mpikiswano mayelana nokuqukethwe yi-White Paper kanye nomthetho, lokhu kwenziwa kuKomiti le-Portfolio lezeThelekhomyunikheshini, kuMkhandlu Kazwelonke kanye neSinethi. Ikomiti le-Portfolio lingamema umphakathi ukuba ubeke izimvo zawo kumihlangano yomphakathi uma libona kufanele. Inqubo yasePhalamende yiyo eyobe isiphothula uhlelo lokubhalwa kwemigomo yezethelekhomyunikheshini ngokuba kuvotwe ePhalamende ukuze kuphasiswe umthetho wezethelekhomyunikheshini.

INGQIKITHI NGAMAPHUZU ABALULEKILE

1. EZETHELEKHOMYUNIKHESHINI KANYE NENTUTHUKO ENINGIZIMU AFRIKA

Umbono kahulumeni ngekusasa kwezethelekhomyunikheshini ngowokuthi, kubhekwe izidingo ngokulingana phakathi kwabantu abantulayo basemaphandleni kanye nemiphakathi yasemadolobheni, lokhu kwenziwe ngokubalethela imisebenzi esezingeni eliphezulu ukuze kufezeke izidingo zomnotho okhulayo weNingizimu Afrika.

IMinistri yezamaPosi, ezeThelekhomyunikheshini kanye nezokuSakaza, izosungula uphiko lwezidingo zikawonkuwonke ukuze kukhuthazwe imisebenzi yezidingo zikawonkuwonke kwezethelekhomyunikheshini eNingizimu Afrika. Izinjongo, umsebenzi kanye nokubunjwa kwalolu phiko, kucaciswe kulesi sigaba.

2. ISIMO SEZIMAKETHE KWINGXENYE YEZETHELEKHOMYUNIKHESHINI

Kudingeka uhlelo olusha kusakhiwo sezimakethe engxenyeni yezethelekhomyunikheshini ukuze lengxenywe ibekwe kumgudu ozoyenza ikwazi ukusheshisa intuthuko kanye nokufezwa kwezidingo zikawonkuwonke futhi ibe isebenzisa inqubo, namazwe omhlaba kanye nethekhnoji entsha. Isakhiwo esisha sibandakanya isikhathi lapho i-Telkom izoqhubeka nokusebenza ngokungabangiswa, okuyothi emva kwalokho izingxenywe ezahlukeni embonini yezokuxhuma-kude ziyobe sezikhululwa ukuba zisetshenziswe ngezinye izinkampani ngokuqophisana ne-Telkom, lokhu kwenziwa kancane kancane ngendlela eyobe ibekwe futhi yengamelwa ngu-Regulator.

3. UBUNINI, UTSHALOMNOTHO KANYE NOKUFAKWA KWEZIMALI

Leli phuzu lizoncika kumphumela wohlelo lokushintsha indlela yokuphatha amafa ombuso kuHulumeni wobumbano.

4. UKUNIKA LABO BANTU BASENINGIZIMU AFRIKA ABABENGANAKIWE, AMATHUBA OKUTHI BAKWAZI UKUBAMBA IQHAZA KWEZOMNOTHO

Ukunika amathuba okubamba iqhaza kwezomnotho kulabo ababenganakiwe luhlelo oluzonika bonke abantu abavela kuleyo miphakathi, ithuba lokubamba iqhaza kuyo yonke imikhakha yezomnotho eNingizimu Afrika njengabathengi, abasebenzi, izimenenja kanye nabanini. Ukulethwa kwezidingo zikawonkuwonke ezingabizi, kanye nezitholakala kalula, kuzothuthukisa imisebenzi yemiphakathi kanye neyohwebo kulemiphakathi enomlando wokuncishwa amathuba, lokhu kwenzeka ngokuba lemiphakathi isizwa ngezidingongqangi kanye nokuvezwa kwamathuba emisebenzi kuyo ingxenywe yezethelekhomyu-

nikheshini. Phezu kwalokhu, kuzothathwa izinyathelo ezithile ukuze kukhuthazwe ukuba kunikwe amathuba ezomnotho kumiphakathi ebincishwe amathuba, lokhu okuzobandakanya ukuba kuvulwe amathuba okuba abantu bathenge babe ngabanini bamabhizinisi kulengxenywe, izinhlelo zokuba abasebenzi bathenge amasheya, ukwakhiwa kwamathuba emisebenzi ebonakalayo, kanye nokuphathwa kwemisebenzi ngokufanele, ukukhuthazwa ngendlela efanele kokuba abantu baziqalele amabhizinisi abo, amathuba okuthola amalayisensi kanye nokubuyiselwa emagameni abantu imisebenzi ethile, kanye nokubekwa eceleni kwemigomo.

5. UKULAWULWA KWEZETHELEKHOMYUNIKHESHINI KANYE NESPEKTHRAMU YAMAFRIKHWENSI EMISAKAZO

IMinistri yezamaPosi, ezeThelekhomyunikheshini kanye nezokuSakaza yiyo ezobhekana nomsebenzi wokubeka inqubo yezethelekhomyunikheshini kanye nespekthramu yamafrikhwensi emisakazo. Ama-Regulator azimele azokwaziwa ngokuthi yi-South African Telecommunications Regulatory Authority (SATRA), azosungulwa ukuze alawule ukuxhumana ukuze kuvikelwe umphakathi. I-SATRA iyophinde futhi iphathe ispekthramu yamafrikhwensi emisakazo, ngaphandle kwamafrikhwensi okusakaza erediyo okumanje alawulwa yi-Independent Broadcasting Authority (IBA). Izinjongo, umsebenzi kanye nesakhiwo se-SATRA kuchaziwe kulesi sigaba.

6. UKUNQUNYWA KWENTELA ABANTU ABANGAKWAZI UKUYIKHOKHA

Ukuthola ngokwanele kukawonkuwonke kanye nezinhloso ezimayelana nemisebenzi kuncike kakhulukazi ekufezweni kwezidingo zokuba lemisebenzi ibize kahle. Indlela okunqunywa ngayo izindleko zokuthola umsebenzi othile ngokulawula amatherifu kusemqoka ekuletheni imisebenzi kawonkuwonke. Isidingo esingukhiye ngesokuba kube khona ukulingana phakathi kokuletha imisebenzi ebiza kahle kanye nesidingo sokwenabisa futhi sokwenza ngcono izindlela zokuxhumana.

7. IMBONI ESIZA NGAMA-EQUIPMENT

INingizimu Afrika idinga imboni esimeme yokuphakela ngemishini yezethelekhomyunikheshini, ukuze ikwazi ukubhekana nezidingo zezwe zentuthuko nokubeka izwe laseNingizimu Afrika endaweni yokuba libhekane nezidingo zesentiyiri ka-21. Imboni yakuleli yezethelekhomyunikheshini esimeme emhlabeni wonke futhi ekwaziyo ukumelana namanye amazwe omhlaba iyoletsha ukutshalwa komnotho, ilethe amathuba emisebenzi kanye nokwanda kwemisebenzi yokukhulisa umnotho. IMinistri izosebenzela ukuba kuqedwe

kancane kancane imithetho yokuvikela izimboni engahambisani ne-GATT. Kodwa-ke, ngesikhathi soshintsho, ukuze kunikwe imboni yakuleli ukuba ikwazi ukuzilungiselela isimo esisha sokuhweba kanye nesimo sezimakethe, iMinistri izonxusa uNgqongqoshe wezoHwebo neZimboni ukuba aqhubeke nokuvikela izimboni zakuleli, ngokuvikela amatherifu emboni yakuleli yokuphakela ngemishini ezingeni elibophezeleyo le-GATT. Kunezinyathelo eziphakamiswe kulesi sigaba zokukhuthaza imboni yakuleli ephakela ngemishini.

8. ABANTU ABASEBENZA KULOMKHAKHA

IMinistri iphakamisa ukuthi kusungulwe izindlela ezimbili zokusiza ngezimali ukuze kuthuthukiswe amakhono abasebenzi engxenyeni yezethelekhomyunikheshini: ukunciphisa intela yalabo abaqeqesha abasebenzi kanye nokwehlisa intela yelayisensi. U-Regulator uyosungula i-Dayrekthoreyithi yokuthuthukiswa wamakhono abasebenzi ozoba nemisebenzi eminingi emayelana nokuthuthukiswa kwamakhono abasebenzi. Kuyokwesekwa izinhlobo ezinhlanu zemisebenzi:

- ukuqeqesha nokuvuselela uqeqesho lwabasebenzi
- ukuqeqesha ama-artisan kanye namathekhnishiyeni
- imfundo ephakeme yejazi lokuqala laseyunivesithi,
- imfundo yaseyunivesithi engaphezu kwejazi lokuqala kanye neriseshi
- ukuthuthukisa intshisekelo kwezethekhnoloji phakathi kwabantwana besikole.

9. UBAMBISWANO NAMAZWE ESAKHELENE NAWO, KANYE NAMAZWE OMHLABA

IMinistri inombono wokuthi ukubandakanyeka kweNingizimu Afrika ohlelweni lwezethelekhomyunikheshini kwezifunda kanye namazwe omhlaba kuzosiza iNingizimu Afrika ngokuthola amandla ahlanganyelwe, iqhaza elithe xaxa kumnotho wamazwe omhlaba, intuthuko yezethelekhomyunikheshini phakathi kwabantu kanye nakumabhizinisi, ukwenaba kwezohwebo kanye namandla ekuthuthukeni komnotho. INingizimu Afrika, ngenxa yendawo ekuyo, umnotho wayo we-Afrika, kanye nekhono layo lokuthuthukisa kanye nokuqhamuka nezisombululo zase-Afrika, isethubeni elihle lokuba isize iphinde ithole ukuzuza ngokubambisana namazwe angomakhelwane kanye namanye amazwe omhlaba.

10. UKUSHINTSHWA KWEMITHETHO

UMthetho wezeThelekhomyunikheshini omusha uzoletsa imigomo emisha edingekayo kanye nezinguquko ezidingekayo emthethweni. Lesi sigaba sibhekisisa isimo kwezomthetho mayelana namalaysensi kanye nezivumelwano ezengeziwe, ezenziwa kumbe ezakhishwa ngaphambi kokuqaliswa kwemithetho emisha kwezethelekhomyunikheshini, ukunikwa amalaysensi kwamabhizinisi ezethelekhomyunikheshini, ukuhlanganiswa kwezindawo zama-TBVC kanye nodaba lobunhloli nokwebiwa kwe-telecommunications call traffic.

1

EZETHELEKHOMYUNIKHESHINI KANYE NENTUTHUKO ENINGIZIMU AFRIKA

UMBONO KAHULUMENI NGEKUSASA LENGXENYE YEZETHELEKHOMYUNIKHESHINI

- 1.1 Uhulumeni uyakwamukela ukuba semqoka kokuthi, abantu badinga ukuba babe nezindlela zokuxhumana ukuze bakwazi ukufeza izinhloso zabo kwezomnotho nasemphakathini. Izindlela zokuxhumana ezibiza kahle kuwonkuwonke, ezifanayo kuzakhamuzi kanye nosomabhizinisi, yizo eziyisizinda salombono ngekusaza futhi yizo okuhloswe ukufinyelelwa kuzo ngalenqubo.
- 1.2 Okumelwe kwenziwe ngukuba kucaciswe lombono olinganisa ukulethwa kwemisebenzi kawonkuwonke kubantu bemiphakathi yasemaphandleni kanye naleyo yasemadolobheni ebincishwe amathuba, ukuze kulethwe imisebenzi esezingeni eliphezulu ezokwazi ukubhekana nezidingo zomnotho okhulayo waseNingizimu Afrika.
- 1.3 Umbono kufanele uhlanganise lezi zinjongo ezibonakala sengathi ziyangqubuzana, kanti lokhu kwenzeka ngokohlelo olubhekela zonke izidingo. Kanti lolu hlelo luphinde lukuvumele ukuthi imisebenzi kawonkuwonke ichazwe ngendlela ehlukile yalolu hlelo, futhi ngendlela ekhuthaza ukuba kuhlenganiswe ukuphathwa kwazo zonke izakhiwo-ngqangi ukuze izinjongo zalo msebenzi.

I-RDP

- 1.4 Ingxenywe yezethelekhomyunikheshini ingukhiye kumpumelelo ye-RDP. Ukutholakala kalula kwezizinda zethelekhomyunikheshini, kakubalulekile nje kuphela ekulethweni kwemisebenzi kuzingxenywe ezisemqoka kakhulu njengemfundo kanye nezempilo, kanti iphinde yenze umsebenzi wokukhuthaza ukwakhiwa kwamabhizinisi amancane futhi iletha umgudu wokuxhumana ukuze kuqinise iqhaza elibanjwa ngabantu ohlelweni lwedemokhrasi, kumiphakathi, kumaprovinci kanye nasezingeni likazwelonke. Ingumgogodla osemqoka kwezentuthuko futhi inika ithuba okungukuphela kwalo lokuba sithathe izinyathelo ezinde ukusheshisa uhlelo oluhamba kancane.

INTUTHUKO KWEZOMNOTHO KANYE NOKUNIKA ABANTU AMATHUBA

- 1.5 Ingxenywe zezethelekhomyunikheshini ngumthombo wentuthuko kwezomnotho kanti injalo-nje yiyo enika ezinye izimboni amaphiko entuthuko.
- 1.6 Ingxenywe ngokwayo iletha amathuba emikhiqizo emisha kanye nemisebenzi esungulwe kulelizwe, okuzothi emva kokuba amakhono afanele kanye nethekhnoloji sekwedluliselwe kubantu, kulethe igalelo elikhulu ekunikeni amathuba ezomnotho kubantu abavela kumiphakathi ebincishwe amathuba.
- 1.7 Lengxenywe ingakwazi ukwelekelela ekukhuliseni inani lemikhiqizo ethunyelwa kwamanye amazwe, kuthi imikhiqizo ethengwa kwamanye amazwe endaweni yayo kufakwe eyakulelizwe.
- 1.8 Phezu kwalokhu iyingxenywe yezakhiwo-ngqangi ezisemqoka ezidingekile ukuze kukhuthazwe umnotho, okubandakanya ukwakhiwa kanye nokuthuthukisa amabhizinisi kuzo zonke izingxenywe, lokhu okusho ukukhula komnotho wonkana.

UKUHLANGANA NAMAZWE OMHLABA

- 1.9 Umsebenzi wezethelekhomyunikheshini obhekela izidingo zonke, futhi osezingeni eliphezulu ofeza izidingo zokuxhumana namazwe amanye omhlaba, yiyona nto edingekayo ukufeza izidingo zezimboni zaseNingizimu Afrika ezisezingeni lamazwe omhlaba, futhi ozoxhumanisa umnotho walelizwe ohlelweni lwamazwe omhlaba.

AMAZWE ASE-AFRIKA

- 1.10 Ukuphuculwa kwezindlela zokuxhumana kumazwe ase-Afrika kuzoveza ngokusobala ukuba khona kweNingizimu Afrika ngokuba kwenziwe ngcono ukuxhumana phakathi kwamaziko kahulumeni kanye nezinkampani ezizimele futhi kulethe amathuba okuba lelizwe lithengisele amazwe ase-Afrika imikhiqizo ye-thekhnoloji.

UKUXHUMANISA IMIGOMO.

- 1.11 Ngenxa yokuba semqoka kwengxenywe yezethelekhomyunikheshini ekukhuleni komnotho kazwelonke kanye nentuthuko, ukuhlelwa kwalengxenywe kufanele kwenziwe ngokubhekela izidingo zonke zomnotho, izidingo zohwebo kanye nokuhlelwa kwezenhlalakahle, futhi kuhambisane neminye imithetho yenqubo kwezethelekhomyunikheshini. Kunesidingo sekomiti lenqubo kwezethelekhomyunikheshini elibhekela izidingo ezibanzi, ukuze lisize ukuthuthukisa zonke izigaba zezakhiwo-ngqangi kwezethelekhomyunikheshini eNingizimu Afrika, kanye nokuxhumana kwayo nomphakathi wamazwe omhlaba kwezolwazi. Ukuxhumana kuyingxenywe esemqoka kulesi sakhiwo-ngqangi, uNgqongqoshe, kanye nengxenywe, kufanele babe nabameli kunoma yiliphi ikomiti lalolu hlobo futhi kufanele kube yibo ababamba iqhaza elisemqoka kunoma yiziphi izinkulumo-mpikiswano ezimayelana nezethelekhomyunikheshini kanye nezindaba ezithinta imiphakathi yomhlaba yezolwazi.

I-EJENSI YOKULETHWA KWAMASEVISI EZINDAWENI ZONKE

- 1.12 IMinistri yezamaPosi, ezeThelekhomyunikheshini nezokuSakaza, izosungula i-ejensi yokuletha amasevisi ezindaweni zonke, ukukhuthaza umsebenzi wezingcingo kawonkuwonke kwezethelekhomyunikheshini eNingizimu Afrika.

IMINININGWANE

- 1.13 Ekwakheni i-ejensi yamasevisi kawonkuwonke kanye nokuyifaka ngaphansi koMthetho wezeThelekhomyunikheshini, kuzobaluleka ukuba singakhohlwa yizinkinga ezishiwo nguNgqongqoshe futhi ezivezwe yimibono eminingi eyethulwe mayelana ne-Green Paper, inkinga yokuthi izindlela ezejwayelekile zokulawula imithetho yenqubo kwezethelekhomyunikheshini angeke zanele ukuze kungasukwa kwinjongo yokuba kufezwe izidingo zamasevisi asezindaweni zonke zesikhathi esizayo ukuze kulungiswe isimo esikhona manje lapho iningi labantu bengatholi ukusizwa ngezidingo zabo zezethelekhomyunikheshini. Ubandlululo lushiye iningi labantu abamnyama, ikakhulukazi basemakhaya, bengakwazi ukuthola izidingo ezisemqoka zezethelekhomyunikheshini. Inqubo entsha yokuba noma ngubani akwazi ukuthola amasevisi kanye nokwanda kwezinhlobo ezintsha zokuxhumana lokhu kuhlangele nezidingo ezifanele zabantu basemadolobheni, kungenza ukuba silibale ukubhekana nezidingo zabantu basemaphandleni abantulayo. Lokhu kungenza ukuba intuthuko ingabi banzi ngendlela efanele; iNingizimu Afrika iyobe isilahlekelwe yithuba lokuthatha isinyathelo esikhulu kwezentuthuko, ebesingayisiza ekusebenziseni ithekhinoloji entsha. Ngaleyo ndlela ithekhinoloji angeke ikwazi ukuba isetshenziswe ngendlela efanele futhi ngokushesha, ukulungisa umonakalo owenzeka esikhathini esedlule, uma kukhulunywa ngokuthi abantu bakwazi ukuthola usizo ngezidingo zabo ezisemqoka kwezethelekhomyunikheshini kanye naku-mikhakha yentuthuko njengezempilo, ezemfundo, ezemisebenzi kanye nokuba abantu bazenzele imali yokuziphilisa.
- 1.14 Yize ukufakelwa kwamasevisi kuwonkuwonke kuyinto eyisidingo emhlabeni wonke, sibhekisise ikakhulu izidingo zeNingizimu Afrika. Kalikho elinye izwe elinomahluko ongaka phakathi kwabantu abantulayo kanye nalabo abathokozela ukuba nazo zonke izidingo abazifunayo ezisezingeni eliphezulu kwezethelekhomyunikheshini. Kalikho elinye izwe lapho abanini bezinkampani zezethelekhomyunikheshini betholakala kuphela ohlangeni olulodwa. Lokhu kwahlukana okwabangelwa lubandlululo, kufanele kuqedwe ngokushesha. Abantu abavela emiphakathini entulayo, ikakhulukazi labo abavela emaphandleni, kufanele kube yibo abathola ukusizwa kuqala. I-Ejensi yamasevisi asezindaweni zonke iyimpendulo yeNingizimu Afrika kulesi simo iNingizimu Afrika ebhekene naso kwezenhlalakahle, kwezomnotho kanye nakwezepolitiki.

UBUDLELWANE NO-REGULATOR

- 1.15 U-Regulator kanye ne-ejensi yamasevisi kawonkuwonke angeke baqophisane. Bayizingxenye zeqembu elilodwa elibhekene nenjongo eyodwa, kodwa banemisebenzi engefani kodwa ehambisanayo.

- 1.16 Eminye yemisebenzi yabo incike emithethweni yenqubo: Ibandakanya ukusebenza ngendlela esobala nangobuqotho kanye nokuqinisekisa ukuthi kulandelwe imigomo ebonisa izimiso kwinqubo yezethelekhomyunikheshini. U-Regulator nguye yedwa onamandla okuqinisekisa ukulandelwa kwemigomo. Eminye imisebenzi imayelana nentuthuko lapho imithetho yenqubo esobala ingakabi khona esikhathini samanje. I- ejensi yamasevisi kayinawo amandla okuqinisekisa ukulandelwa kwemithetho kodwa kufanele iqhamuke nezindlela ezintsha zokukhuthaza ukutholakala kwamasevisi ezindaweni zonke ngokusetshenziswa kohlelo lwezentuthuko olubhekela izidingo ezahlukenene. U-Regulator uzodinga ukuba asebenzise izindlela ezahlukenene, futhi uzodinga amakhono ehlukenene, ulwazi kanye nesipiliyoni.
- 1.17 I-Ejensi kanye no-Regulator bazosebenzisa izizinda ezifanayo zezimali, zolwazi nezokuphatha. Bazoba ngaphansi kukaNgqongqoshe ofanayo. Uma izinto zihamba ngendlela efanele, abaphathi kanye nabasebenza emahhovisi alezi zingxenywe bayosebenza ngokubambisana.
- 1.18 Imininingwane ephelele ngemisebenzi yalama-ejensi amabili, kufanele icaciswe ukuze bangenzi izinto ezifanayo, futhi kwande ukusebenzelana ukuze ulwazi lusetshenziswe ukufeza izinjongo zabo ezihambisanayo futhi kuncishiswe ukubangisana kwalabo abaphethe lama-ejensi uma kufanele kuthathwe izinqumo. I- ejensi kuzofanele isebenze ngaphansi kwemithetho yezwe kanye nenqubo ka-Regulator futhi kufanele ibike ngelikwenzayo ku-Regulator ngaleyo ndlela. Izoba luphiko lwentuthuko.

IZINJONGO ZE-EJENSI EBHEKENE NOKULETHWA KWAMASEVISI EZINDAWENI ZONKE

- 1.19 Izinjongo ze-ejensi kazwelonke kufanele kube ngukukhuthaza kanye nokuhlanganisa.

Kufanele:

- ibeke umsebenzi wamasevisi kawonkuwonke ukuba kube yiwo osemqoka kwinqubo yezethelekhomyunikheshini nakuzingxoxo-mpikiswano zomphakathi mayelana nalokhu, futhi
- ukuqinisekisa ukuthi izingxenywe zemboni yezethelekhomyunikheshini ziyabandakanywa kuzinhlelo zentuthuko, njalo uma izinjongo zale mboni zingaqinisekiswa ngokunikwa kolwazi nokuxhumana.

- 1.20 Ukufeza lezi zidingo, i-Ejensi kuzodingeka ukuba yakhe ubudlelwane obukhulu nezinhlangano ezizimele ezisemiphakathini kanye nezinhlangano zentuthuko kuhulumeni kanye nasemiphakathini, ikhulise ulwazi futhi yandise abantu abasebenza ukuxhumana nomphakathi.

ISIKHWAMA SAMASEVISI EZINDAWO ZONKE

- 1.21 Igatsha lizophatha isikhwama sezingcingo zikazwelonke esizothola izimali ngokuba abantu bakhokhele amasevisi kawonkuwonke ngendlela echazwe ngokomthetho, futhi elawulwa ngu-Regulator. U-Regulator nguye oyoqapha i-Ejensi ukuthi iyisebenzisa kanjani lemali.

IMISEBENZI

1.22 I-Ejensi izosebenza ngokubambisana ne-RDP, u-Regulator, abakwa-Telkom kanye nabanye abasebenza ngezethelekhomyunikheshini kanye nezinhlango zokuxhumana kule mikhakha elandelayo:

1.22.1 Ukwakha ukuvumelana kukazwelonke mayelana nencazelo yemisebenzi yamasevisi kawonkuwonke angabizi, kanye natholakala kalula.

- ukuchaza imisebenzi yamasevisi asezinaweni zonke, ngokubheka isimo saseNingizimu Afrika esikhathini samanje.
- ukukhuthaza ukuvumelana kuzwelonke mayelana nencazelo nomsuka wayo,
- ukuqapha, ngokubhekela intuthuko, ithekhinoloji, ukusetshenziswa kwayo, ukusetshenziswa kwamasevisi kanye nokulindelwe ngumphakathi ukuze kuhlelwe ngemfanelo incazelo njalo uma kunesidingo.

1.22.2 Ukusungula izinjongo, izinhloso, izikhathi, izinkomba kanye nezindlela zokuqaphela:

- ukwenza ukuba kube nokuvumelana ngamazinga okukala azosetshenziswa ukwengamela imisebenzi yamasevisi kawonkuwonke nokuthi yimiphi imisebenzi ephuthumayo: njengokubheka amazinga okwantuleka kwamasevisi, izindawo okwantuleka kuzo amasevisi, ukutholakala kwemisebenzi engafakwa kuleyo miphakathi, lapho imisebenzi izozinza khona, amandla okwengamela lemisebenzi kohulumeni balezo zindawo njalonjalo;
- ukuphakamisa kuNgqongqoshe ukuba kufezwe lezi zinjongo zokufakela amasevisi ezindaweni zonke (kanye nokufeza izinjongo zesikhathi esimaphakathi), ezweni lonke, lokhu kube kwehluka ngezifunda kanye nangemiphakathi.
- ukubalula izinkomba zokukala inqubekela phambili ekufezekeni kwalezi zinjongo.
- ukubalula izinkomba zokuthi ukutholakala kwamasevisi kunomahluko ongakanani okuwenzile ekwakhekeni kwamabhizinisi amancane kanye nasekwakhekeni kwamathuba emisebenzi, ukuvuleka kwamathuba omnotho kubantu abebentula phambilini.
- ukwaluleka u-Regulator mayelana nokusungulwa kwezindlela zokuqapha imisebenzi yamasevisi kawonkuwonke.

1.22.3 Ukwaluleka u-Regulator mayelana nezibopho zomphakathi zokukhokhela amalayisensi ayokhishwa ngu-Regulator, kanye nezindlela zokubheka ukuthi lokhu kwenziwa ngendlela efanele:

- ukuphakamisa kuNgqongqoshe naku-Regulator izindlela zokuguqula isimo sokungalingani kule ngxenye yezethelekhomyunikheshini, ngokunjalo kukhuthazwe ukuphumelelisa izinjongo zokufakela izingcingo zikawonkuwonke;
- ukusebenza nalabo abafakela izingcingo ukwakha ukuxhumana nemiphakathi okuzosiza ukwakha izindlela zokuba kwenziwe ngcono izinga lokukhokhela izingcingo emiphakathini.

1.22.4 U-Regulator ebikela uNgqongqoshe:

- ukuthathela kulwazi oluqokelelwe ngu-Regulator oluzobe luneminye

imininingwane etholakala ngemithombo yolwazi yomphakathi, ukuze kube khona futhi kwaziswe ngemephu yaseNingizimu Afrika ekhomba ukutholakala kanye nemisebenzi ezobe ikhomba ukuthi ngabe ukuphumelela kwezinjongo zokufakela amasevisi ezindaweni zonke kusezingeni elingakanani nokuthi abantu bazikhokhela kangakanani.

- ukukhombisa amagebe kanye namathuba okuba kunwetshwe izakhiwo kanye nemisebenzi, okubandakanya ukusebenza ezingxenyeni ezithuthuka kakhulu;
- ukuphakamisa ushintsho kwinqubo, umthetho kanye nemigomo ukuze kufezeke izinjongo zokufakelwa kwamasevisi ezindaweni zonke.

1.22.5 Imisebenzi yokuhlanganisa:

- ukusebenzisana nokubonisana ne-RDP, ezempilo, ezemfundo, kanye namanye amaministri nabakwa-Telkom kanye nabanye abafakela amasevisi, mayelana nomsebenzi wokufakela amasevisi ezikoleni, emakliniki kanye nokukhomba izinhlelo ezizosiza ekukhuliseni intuthuko kwimisebenzi yokufakelwa kwamasevisi.
- ukubambisana nemiphakathi ukukhomba izidingo zokufakelwa kwamasevisi;
- ukukhuthaza iriseshi ngezinhlobo ezintsha zamasevisi kanye nezethekhiniloji yezethelekhomyunikheshini;
- ukwengamela izikhwama zezingcingo zikawonkuwonke.

UKUQASHWA KWABASEBENZI KULAMAHHOVISI

- 1.23 UNqongqoshe nguye oyoqoka umqondisi oyokhetha idlanzana labasebenzi abanamakhono ehlukene ekuhleleni ngezentuthuko, ezenhlalakahle, ezomnotho kanye nezethelekhomyunikheshini. Ulwazi lokusebenza ngezentuthuko yomphakathi kanye nokusebenzela izinhlangano ezizinze emiphakathini kuyobaluleka kanti ikhono lokuxhumana nabantu liyobaluleka nalo.

UKUBUYEKEZA

- 1.24 Izidingo eziqhubekayo ze-ejensi yamasevisi asezindaweni zonke, ziyoya ngokuba zibuyekezwane nguNqongqoshe ebambisene nalabo abathintekayo emva kweminyaka emihlanu, kuthi uma kufanele, imisebenzi yale-ejensi ibuyiselwe ngaphansi kuka-Regulator.

UKWESEKWA NGEZIMALI

- 1.25 Izindleko zokwenza umsebenzi zale-Ejensi ziyokhokhwa yisikhwama sezethelekhomyunikheshini esiyophathwa yiDiphathimenti yezamaPosi nezethelekhomyunikheshini. Ibhajethi yale-Ejensi iyolungiswa yiDiphathimenti ngokubonisana nale-Ejensi, ukuze ibhajethi leyo yamukelwe liPhalamende.

2

ISIMO SEZIMAKETHE KWINGXENYE YEZETHELEKHOMYUNIKHESHINI

- 2.1 IMinistri ikholwa ngokuthi kudingeka ukuba izimakethe zengxenywe yezethelekhomyunikheshini zihlelwe kabusha, okuzokwenza ukuba lengxenywe isheshise intuthuko okuzophinde kubhekele ushintsho olwenzekayo kuthekhinoloji kanye nokunye emazweni omhlaba. Kabanzi, imakethe ebunjwe kabusha ibandakanya izikhathi lapho abakwa-Telkom bezosebenza ngokungabangiswa, okuyothi emva kwaleso sikhathi kube nokuhweba ngokukhululeka kuwonkuwonke ezingxenyeni ezithile zokuxhumana, lokhu kwenziwa kancane kancane, konke lokhu kwenzeka ngaphansi kweso lika-Regulator oyobe esebenza ngokuzimela.
- 2.2 Uhlalo olusha lwemakethe luncike ikakhulukazi emcabangweni wokuthi abakwa-Telkom bayokwazi ukuthola izimali ezanele zokuqala umsebenzi. Uma abakwa-Telkom behluleka ukuthola izimali ezanele zokuqala umsebenzi, ngenxa yokuthi singatholakali isisombululo ngokuthi ngobani abazoba ngabanini bale nkampani, isimo esibekiwe ngezansi siyokonakala kakhulu futhi kuyodinga ukuba kubuyelwe phansi.

Kufanele njengesingeniso, kuvunywe amaphuzu amathathu ahambisanayo, lokhu kwenziwe ekuqaleni.

- 2.3 Okokuqala, ngenxa yokuguquguquka kalula lwethekhinoloji yezethelekhomyunikheshini, kuya ngokuba lukhuni ukwahlukanisa izingxenywe ezithile zalemakethe, futhi kubekwe nemingcele esebenzayo ukwahlukanisa lezo zingxenywe zale makethe. Ngenxa yaleli qiniso, kusobala ukuthi kuyoba nokungavumelani ngezincazelo ezahlukanisa izingxenywe zale makethe. Iphuzu elisemqoka ngelokuthi, lomthetho omusha ubeka ukuthi kube ngu-Regulator, hhayi abakwa-Telkom, abanesibopho sokubeka izincazelo mayelana nokwahlukana kwezingxenywe zale makethe futhi nguye oyoqikelela ukuthi imithetho eyobekwa ngokulandela lezo zincazelo iyalandelwa. Lokhu kufanele kwenze lezo zincazelo zamukeleke eningini, labantu yize noma kuyoba khona ukuphikisana. Yize lokho sekushiwo, ngenxa yenkinga yokushintsheka kalula kanye nokungabi lula kokubekwa kwemingcele, u-Regulator kufanele azame ukuba azibeke izincazelo kanye nemingcele engaqinisekiswa ngokwezimiso. Lokhu kusho ukuthi u-Regulator, uma ebeka imithetho emayelana nokwakhiwa kwemakethe entsha, uma kungenzeka, kufanele azame ahambisane kanye nethekhinoloji, kungabanzima ukuqinisekisa imithetho yenqubo futhi lokhu kungenzeka kukhuthaze

izenzo ezingale komthetho kwabathile kule ngxenye. Lokhu kusho ukuthi ukuvumelana okukhulunywe ngakho angeke kube khona ngaphandle kokuba ukuqinisekiswa kokulandelwa kwemithetho kuhambisane nokuthi kube nokuzinikela ekusebenzeni ngokulandela imithetho yenqubo.

- 2.4 Okwesibili, kunabathile kuzinkampani ezikwamanye amazwe abagqogqezela ukuba kusetshenzwe ngokuvulelekile kule ngxenye, okuyothi uma lokhu sekuhlangene nenkinga yokuthi kulukhuni ukulawula ithekhinoloji kule ngxenye okushiwo ngenhla, okuyokwenza lokhu kudlale indawo enkulu uma kubhalwa inqubo ehlangene nengaphoqelegeleka kulelizwe. Amareyithi okubala izimali emhlabeni ayabuyekwezwa kumanje kanti umphumela walokhu akungabazeki ukuthi uyoba nomphumela kumatherifu akuleli kanye nokubhalansa kabusha kukaTelkom. Imithetho yenqubo ye-World Trade Organisation, ethatha ezethelekhomyunikheshini njengengxenye ehambelana nohwebo, seyiqalile ukusetshenziswa emazweni omhlaba. Izwe laseNingizimu Afrika liyazi-bandakanya kulenhlangano futhi selishilo ukuthi lihlose ukuvumela ukuba kuhwebe noma ngubani othandayo kwezethelekhomyunikheshini. Izinkampani zamasathelayithi njenge-PanAmSat sebevumela ukuba abasebenzisa amasathelayithi bathole ukuxhumana-ngqo nabo, lokhu kusho ukuthi abasakudingi ukuxhunywana kolayini bakuleli. Akulula esikhathini samanje ukuba kulawulwe izingcingo ezishaywa zibuyiselwa kulowo osuke ekade eshaye ucingo kuqala, ezivela emazweni angaphandle. Ukucutshungulwa kwezwi ngobuchwepheshe obuphezulu benza ukuthi ukushayelana ucingo nge-intanethi kube yinto engenzeka. Lezi zindlela zokuxhumana ezintsha angeke sikwazi ukungazishayi ndiva, kanti inqubo entsha kufanele izibhekele lezi zinto. Ngokunjalo inqubo entsha kufanele ihambisane nenqubo yezwe laseNingizimu Afrika ngokubanzi futhi njengelunga lenhlangano ye-WTO.
- 2.5 Okwesithathu, kuyinto eyaziwa kahle ukuthi maduze nje ezokusakaza nezethelekhomyunikheshini kuzoya ngokuhlangana. Le-White Paper angeke inqume ngenqubo mayelana naloludaba, kodwa yexwayisa uNgqongqoshe mayelana nalokhu kuhlangana futhi imnika igunya lokuba afundisise loludaba abese eqala uhlaka okuzosetshenzelwa kulo uma kwakhiwa inqubo mayelana naloludaba.

ISIKHATHI SOKUSEBENZA NGOKUNGABANGISANI NAMUNTU

- 2.6 Ukuze kukhuthazwe ukufezwa kwezinjongo zale ngxenye ezibandakanya: ukwandiswa kwezizinda zezethelekhomyunikheshini kanye nokulethwa kwamasevisi ezindaweni zonke, ukukhuthazwa kwentuthuko kule ngxenye futhi njengesizinda esilekelela intuthuko kwezinye izingxenye, ukwamukelwa kwenqubo enakekela kakhulu izidingo zomthengi, kanye nokuthuthukiswa kwezethelekhomyunikheshini kweNingizimu Afrika emazweni angaphandle, abakwa-Telkom kufanele banikwe isikhathi lapho bezosebenza khona bodwa bengaqophisani nankampani kwezethelekhomyunikheshini ukuze bakwazi ukufakela umphakathi amasevisi ajwayelekile. (igama elithi "ngokungabangisani" kufanele lithathwe njengelinqamulela ukuthi "public switched voice and data". Ingxenye yezethelekhomyunikheshini kumanje vele isivulekile kancane, kanti abakwa-Telkom abasayengamele yonke imisebenzi yezethelekhomyunikheshini,

ikakhulu izingcingo zamaselula). Ikakhulukazi ngesikhathi sokusebenza ngokungabangiswa, inhloso esemqoka ngeyokufaka izingcingo ezisemqoka ngokushesha futhi ezindaweni eziningi. Emva kwalesi sikhathi sokusebenza ngokungabangiswa, izingxenye ezahlukene zale makethe ziyobe sezivulelwa umphakathi, ngendlela ecaciswe ngezansi (bheka umdwebo okhomba isikhathi [umdwebo 1] olandela lombiko). Kufanele kubekwe izinsuku zokukhulula ukuhweba kule makethe, ukuze laba abafuna ukuvula amabhizinisi kwezethelekhomyunikheshini bakwazi ukuhlela ukuqala kwabo ukusebenza futhi bahlele nezimali abazozitshala. U-Regulator unelungelo lokunika amalayisensi okuqala amabhizinisi kulabo abangafuna ukusebenza kule ngxenye yezethelekhomyunikheshini, ukuze bahlele, bafake izimali futhi bahlale bekulungele ukuqala imisebenzi ngesikhathi leso esibekiwe. Ukuvulelwa uwonkuwonke ukusebenza kancane kancane kulengxenye yezethelekhomyunikheshini kufanele kulawulwe ngalo mbhalo kodwa izinsuku eziyisiqiniseko angeke zibekwe yilo mbhalo.

- 2.7 Isikhathi esifanele kufanele sibekwe ngu-Regulator ngokubheka ukuthi imisebenzi yamasevisi ezindawo zonke isigxile kanjani emva kwesikhathi esithile esibekiwe (okufanele ngabe lokhu sekwenzeka ngaso). Isikhathi esibekiwe sokuvulela lemakethe uwonkuwonke, sisho ukuvumelana kwalabo abathintekayo abavela ku-National Colloquium on Telecommunications Policy kuhlengene nochungechunge lokuqhubeka ngaphakathi. U-Regulator kufanele akwazi ukuguqula isikhathi asibekile, kodwa lokho akwenze ukufika ezingeni elithile. Amandla omlawuli mayelana nesikhathi ahambelana 1: nokubeka usuku lokuqala, futhi 2: ukuqaphela/ukubuyekeza inqubekela phambili ekufezekeni kwenjongo yokulethwa kwamasevisi ezindaweni zonke, kube kubhekiswa ushintsho nenqubekela phambili kwezethekhnoloji kulelizwe nakwamanye amazwe angaphandle. Ukubekwa kosuku lokuqala kufanele kube ngumsebenzi wokuqala ku-Regulator, futhi lokhu kufanele kwenziwe ngokushesha. Ukuqashelwa kwalengxenye kufanele kwenziwe njalo ngonyaka ngokuba kwenziwe izibalo, kubhekwe ukuthi ingakanani inqubekela phambili eyenzekile ekufezekeni kwezinjongo zale ngxenye yezohwebo u-Regulator abhekene nayo. U-Regulator uyokwenza ucwaningo lokubhekisisa lengxenye emva kweminyaka emithathu ukubona ukuthi kukhona yini ushintsho okufanele lwenziwe ohlelweni olushintshela lengxenye ekuhwebeni ngokuqophisana. U-Regulator uyobe esethula imiphumela yophenyo neyokubuyekeza, kanye neziphakamiso ezivela kulolo phenyo ezimayelana nesikhathi esibekiwe soshintsho lokhu ekwethulela uNgqongqoshe. Ukushintsha isikhathi kuyinto ehambelana nenqubo ngakho-ke kungumsebenzi kaNgqongqoshe.

- 2.8 Yonke imisebenzi yokulawula ebeyenziwa ngabakwa-Telkom esikhathini esedlule seyedluliselwa ezandleni zika-Regulator. (Lokhu kubandakanya amalayisensi emisebenzi ebandakanya izinto ezinye phezulu kokushaywa kwezingcingo okwaziwa njengama-value-added network [VAN] licences. Isikhathi sokusebenza kwalamalayisensi siyonqunywa ngu-Regulator njengeminye yemisebenzi yakhe eyejwayelekile.) U-Regulator kufanele futhi anqume incazelo eqondile yemisebenzi kanye nemingcele phakathi kwezingxenye zalemakethe ngaphambi kokuba akhiphe amalayisensi.

- 2.9 Ngesikhathi sokusebenza kuka-Telkom ngokungabangiswa, umsebenzi wabakwa-Telkom osemqoka kuzoba ngowokulethela uwonkuwonke amasevisi. Ezinye izinkampani zama-network, ezikhumbulekayo, izinkampani ezimbili zezingcingo zamaselula, ziyohubeka nokuba nezibopho ezithile zokufakela amasevisi kawonkuwonke njengoba kubekiwe manje ngaphansi kwemigomo yamalaysensi azo (lokhu okwaziwa ngokuthi yi-Joint Economic Development Plan) okusho uhlelo lokuthuthukisa umnotho ngokuhlanganyela.
- 2.10 Abakwa-Telkom bazosebenza njengenkampani efakela amasevisi ayisisekelo kanye nokuxhumanisa ngezincingco namanye amazwe ngesikhathi lenkampani isebenza ngokungabangiswa (bheka iglosari lapho kunikwa incazelo ngamatemu aqukethwe kwingxoxo elandelayo). Njengoba injongo enkulu yesikhathi sokusebenza ngokungabangiswa kungokuletha amasevisi ngokushesha nasezi-ndaweni eziningi, abakwa-Telkom kufanele basebenzise izimali ezitholakale kweminye imikhakha yale nkampani ukuxhasa lomsebenzi, okubandakanya ukulinganisa amazanga okufakelwa amasevisi ezweni lonke. Njengoba ingxenye ethile kwezethelekhomyunikheshini eNingizimu Afrika isivulelwe nezinye izinkampani, lokhu kusho ukuthi ngesikhathi sokusebenza ngokungabangiswa, kufanele kwenziwe imizamo ebonakalayo ukuba kuvinjelwe ezinye izinkampani ezizimele ukuba zingahchi abathengi, lokhu okunganciphisa imali engena kwa-Telkom. Mhlawumbe into esemqoka lapha ngokuba kunqandwe ukuba kube nokuxhumana emoyeni kungasetshenziswa amasevisi akwa-Telkom kanye nokuba kuthengiswe imisebenzi yabakwa-Telkom ngemali ethe xaxa yilabo abaqashe kwi-Telkom nabo.
- 2.10.1 Abakwa-Telkom bayoba nelayisensi yokusebenzisa i-PSTN kanye ne-public switched data network (PSDN), kulesi sikhathi sokusebenza ngokungabangiswa, lokhu bazokwenza ngokulandela izibopho ezisobala kanye nezinqumo zalokho abafanele bakwenze, ngokunquma kuka-Regulator. Kabanzi nje, inhloso ngokuba kufakwe izincingco ezingu-20 kulabo nalabo bantu abangu-100 ngonyaka ka-2000, kanti lokhu kuyoncika ekutheni leyo miphakathi inezidingo ezingakanani zokufakelwa izincingco, kanti nalokhu kungancika ekutheni lemiphakathi inazo izimali zokufaka izincingco. Inhloso yabakwa-Telkom yokuphinda kabili inani lezincingco ezikhona kanye nokuziphucula ibonakala iyindlela engasebenza ukufeza izinjongo zokufaka izincingco kuwonkuwonke. U-Regulator kufanele abeke izinqumo zezinjongo ezingafezeka zangalowo nalowo nyaka zokufakelwa kwezincingco emiphakathini. U-Regulator, ngokusizwa yi-ejensi yezincingco zikawonkuwonke, uyobeka izinqumo ngesibalo zezincingco zomphakathi okufanele zifakwe okuyoncika endaweni leyo, indlela okwakhiwe ngayo, njalonjalo. Yonke imisebenzi kanye nezimali zabakwa-Telkom (nezinye izinkampani ezikhona manje nezingaba khona esikhathini esizayo) okuhambelana nokufakelwa kwezincingco, kufanele kube sobala ku-Regulator. U-Regulator kufanele abe namandla asemthethweni okuphoqa izinkampani zezincingco ukuveza ulwazi u-Regulator abona ukuthi lufihlakele. U-Regulator kufanele enze amalungiselelo okuba kungadalulwa imininingwane ngabanini bamabhizinisi. Okusemqoka ngokuthi u-Regulator kufanele akwazi ukuthola ulwazi kalula ukuze enze umsebenzi wakhe.

- 2.10.2 Abakwa-Telkom bayobandakanya emsebenzini wabo, zonke izizinda nempahla okusasebenziseka obekungaphansi kwezabelo ezazingama-TBVC.
- 2.10.3 Izingcingo ezisemagcekeni amakhasitoma kazisaphethwe yi-Telkom ngokuphelele. Umsebenzi we-Telkom wokufakela ucingo lokuqala sewenziwa ngezinye izinkampani. Lezi zingcingo seziwele ngaphansi kukaRegulator okungumsebenzi wakhe ukubheka ukuthi imithetho iyalandelwa. Amakhasitoma anelungelo lokuthenga izingcingo azithandayo.
- 2.10.4 Uma kubhekwa ukukhula ngokushesha kwezingcingo zeselula kulelizwe, u-Regulator ugunyaziwe ukuhlola imakethe ukuze abone ukuthi ngabe sikhona yini isidingo selayisensi yesithathu. Uma sikhona, kufanele kuthi kungakapheli iminyaka emibili kwengezwe inkampani yesithathu yamaselula.
- 2.10.5 U-Regulator unelungelo, ngokubambisana neBhodi lokuQophisana (Competition Board), ukuze ahlole ngokuhleleka kwemboni yamaselula, ikakhulukazi udaba lokuthi kulungile yini ukuthi izinkampani eziphethe izizinda zamaselula kube yizo futhi ezithengisa ngezikhathi zokuxhumana ngamaselula, nokuthi ngabe lokhu akukhubazi yini uhwebo.
- 2.10.6 Kufanele kuqhutshekwe nokuba kukhuthazwe izinkampani ezizimele zamaselula, ngoba lokhu kukhuphula izinga lamaselula futhi kwandisa izinhlobo zamaselula amabhizinisi angakhetha kuzo. Kulokhu, abakwa-Telkom banomsebenzi wokwelekelela labo abanamabhizinisi amaselula, kanti nabo banomsebenzi wokwelekelela abakwa-Telkom.
- 2.10.7 Abakwa-Telkom, njengenkampani efakela izingcingo zikazwelonke, banesibopho sokufakela izingcingo kubo bonke abantu nezinkampani ezisebenza ngezingcingo ngokungabandlululi. Kodwa kuningi okusengenziwa. Abakwa-Telkom, akufanele bakwazi ukufaka iziphazamiso kuzinkampani zezingcingo ezifuna ukuxhuma ku-PSTN, futhi kufanele bazibhekisise ngokushesha nangeqiniso izicelo ezisemthethweni. U-Regulator unamandla okubeka imithetho ephoqa ukuba lezi zinkampani zixhunye emoyeni uma kunesidingo. Uma kufanele, abakwa-Telkom kufanele basize ukukhulisa umsebenzi wokufakwa kwezingcingo ngokwenza imisebenzi yezingcingo elusizo kumakhasitoma, lokhu kusho ukuthi uma izinga lohlobo locingo lungekho phezulu, nemali kufanele ibe phansi. U-Regulator kufanele aqaphele lokhu kusebenza.
- 2.11 Uhulumeni unezinjongo eziningi ngalesi sikhathi uTelkom esebenza ngokungabangiswa (njengoba kuchaziwe phambilini), okubaluleke kakhulu ngukwandiswa kwezizinda zezingcingo kanye nokufakwa kwezingcingo zikawonkuwonke. Abakwa-Telkom yibo abasemqoka ekufezeni lenjongo. Abakwa-Telkom nabo banezinye izidingo, ikakhulu njengoba lengxenye iya esikhathini lapho noma ngubani ezokwazi ukuhweba kwezokufakelwa kwezingcingo. Kafishane, i-Telkom inezidingo ezimbili eziphikisanayo ngesikhathi sokusebenza ngokungabangiswa: ukunweba umsebenzi wezingcingo kanye nokucina

izingcingo zingabizi, kanye nokubhalansa kabusha amatherifu akhe ukuze alungele uqophiswano nezinye izinkampani. Ukuze alungiselele lezi zidingo eziphikisanayo, kufanele kunqandwe ukuxhumana ngaphandle kwabakwa-Telkom kanye nokuthengisa umsebenzi wezingcingo zabakwa-Telkom kwenziwa ngemali ethe xaxa ngezinye izinkampani, lokhu kumele kuvinjwe ngenxa yokuthi kuzobalekisa ibhizinisi kwabakwa-Telkom. Kodwa ukuqashelwa kwalokhu nakho kufanele kuhambisane nesimo.

2.11.1 I-Telkom kufanele ivunyelwe ukuba ishintshe amatherifu ayo ngokushesha, lokhu okufanele kuphothulwe ngaphambi kokuphela kwesikhathi sokusebenza ngokungabangiswa. Izinyathelo ezikhombisa isibindi sokushintsha amatherifu ziyothathwa eminyakeni emine, ngonyaka wokugcina wokusebenza kwe-Telkom ngokungabangiswa. Ngaphambi kwaleso sikhathi, u-Regulator kufanele athathe izinyathelo zokuvimbela ukuxhumana kwezomoya okwenziwa ngaphandle kwe-PSTN.

2.11.2 Izingcingo ezizimele: izingcingo ezizimele ziqala uma umqashi wocingo eqasha ulayini wocingo abese ewushintsha ulayini ukuze usebenze ngendlela ethandwa nguye, okungabandakanya ukuswisha lezi zingcingo ngesikhathi esithile. Izingcingo ezinjalo kuvame kube ngezezinkampani ezinamabhizinisi ezindaweni ezahlukene, kanti inhloso yalolu hlobo lwezingcingo ngukuxhuma lamabhizinisi ukuze axhumane wodwa kuphela. Esikhathini esedlule, lezi zinhlobo zezingcingo zazivunyelwe ukuthwala imibiko nemibhalo kumbe amazwi hhayi kokubili.

Sizosebenzisa incazelo entsha evulekile echaza izingcingo ezizimele, kanje: ucingo oluzimele luzovunyelwa ukuthwala umthwalo "ikakhulukazi kumbe ngokubanzi ophathelene" nebhizinisi laleyo nkampani esebenzisa lolocingo. Akukho okunye okungathwalwa yilolo cingo. Ngakho-ke izingcingo ezizimele ezahlukeniswa manje ngokuthi zithwala imibiko yamazwi kumbe yemibhalo, angeke ziqhubeke ngokuba zahlukaniswe ngalendlela. Uma ucingo lwenkampani ezimele lusetshenziswa ikakhulukazi kumbe kabanzi ukwenza umsebenzi waleyo nkampani, akukho semqoka ukuthi lusetshenziselwa imibiko yamazwi kumbe imibiko ebhaliwe. Lezi zinkampani zingakwazi ukwandisa imisebenzi eyenziwa yizingcingo zazo.

Izinkampani ezinezingcingo zazo kufanele zizixhumanise nezingcingo zomphakathi (ama-PSTN kanye nama-PSDN). Njengoba kukhonjisiwe kumdlwebho 2, ukuxhumana phakathi kwezinkampani zezingcingo zikahulumeni kanye nezizimele ngokwethekhnoloji, kuvumela ukungena kwezingcingo ezishanywa kolayini bakahulumeni ziya kolayini bezinkampani ezizimele, kuphinde kuvumele izingcingo ezishanywa kolayini bezinkampani ezizimele kuya kolayini bezika hulumeni kanye nokuba lokhu kwenzeke kokubili. Lokhu kuyinto evumelekile. Okungavumelekile ngukwenza lokhu okubalwe ngenhla kanyekanye ngesikhathi ushaya. Ucingo olushanywa lusuka ku-PSTN luya kolayini ozimele, alukwazi ukubuyela futhi ku-PSTN. Ukwenza

lokhu ngokushaya okukodwa kufana nokuthi seweqa ulayini wocingo lukahulumeni, okungalahlekisela abakwa-Telkom imali kanti lokhu akuvumelekile.

U-Regulator kufanele anike izinkampani zezingcingo ezizimele amalayisensi. Ukuzithengisela ngokwazo imisebenzi yezingcingo ezi-yiqashe kwa-Telkom angeke kuvunyelwe kuze kuphele iminyaka engu-4

- 2.11.3 Ekupheleni konyaka wesine, lokhu okushiwo ngenhla kuyovunyelwa, okuyokhuthaza izindlela ezintsha zokusebenzisa izingcingo. Ukuze kuvinjelwe ukuphela kwebhizinisi kwabakwa-Telkom, kufanele kube nezimali ezibizwayo kulabo abazivulela imisebenzi yabo yezingcingo kuhlangane nezimali zezingcingo zikawonkuwonke eziyobe sezisetshenzwa yizinkampani ezizimele. Lokhu kufanele kubekwe ngu-Regulator ukuze kube yimali eyanele ukubuyisa ingxenye eyamukelekile yezimali okulindeleke ukuba abakwa-Telkom zibalahlekele. Izimali zokuxhuma izinkampani ezizimele emoyeni zingabaleka kangcono uma abakwa-Telkom bebonisana naleyo nkampani ngokwabo, kodwa kufanele u-Regulator abe namandla okwala kumbe ukuvuma leso sivumelwano sokuxhuma inkampani leyo emoyeni kanye nokuba axazulule ukungezwani uma izinkampani lezi zehluleka ukufika esivumelwaneni. U-Regulator kufanele abeke amaphuzu okufanele kusetshenzelwe phezu kwawo uma kuxhunywa inkampani ethile emoyeni.

- 2.12 Izimali zesikhwama sezingcingo zikawonkuwonke zizokhokhwa yizo zonke izingxenye zemakethe lapho kukhona ukuqophisana ngohwebo. Ngakho kuzoqala emva kweminyaka emine, lapho kuzobe sekuvunyelwe yonke inhlobo yokuqophisana. Uma izinkampani ezizimele kanye nama-VAN evunyelwe ukuqophisana ne-Telkom, kufanele nabo bafake ingxenye ethile yenzuzo yabo kusikhwama sezingcingo zikawonkuwonke (i-USF). Kungaba ngcono ukuthi izimali zokuxhumanisa izinkampani emoyeni zibe phansi bese kuthi izimali zesikhwama sezingcingo zikawonkuwonke zibe phezudlwana. Lokhu kucatshangwa ukuthi kuzokhuthaza ukukhula kwezinhlobo zezingcingo kube kolunye uhlangathi kuvikela inkampani efaka izingcingo zikawonkuwonke. Kodwa u-Regulator kufanele aqaphele ukuthi lendlela angeke yini ikhubaze injongo yokufakelwa kwezingcingo kuwonkuwonke, okuyothi uma ebona azishintshe izimali ezibizwayo ngokufanelekile.

Izimali zesikhwama sikawonkuwonke zihlukaniswa kabili, ngokulandela ifomula ebekwe ngu-Regulator. Ingxenye yezimali iya ngqo kubasebenzisi bezingcingo abahlosiwe, ukubelekelela ukuze bakwazi ukuzifakela izingcingo futhi bazisebenzise. Inhloso yale ngxenye yemali ngukwelekelela abantu abafaka izingcingo ngesikhathi abakwa-Telkom benyusa izimali zezingcingo eminyakeni emine. Enye ingxenye iya ngqo ekufakweni kwezingcingo ezindaweni ezingenazo.

- 2.13 Izinkampani zezingcingo ezenza neminye imisebenzi, zisiza ngezinto ezinje-
ngokwabelana ngolwazi, imibhalo ehamba ngocingo, ama-imeyili (e-mail),
ukuhunyushwa kwemibhalo ngocingo, ukufinyelela kumithombo yemibiko
ethile, kanye neminye imisebenzi yolwazi oluphathwa ngocingo. Ukuze kusiza-
kale amakhasitoma amaningi, i-VAN ivame ukuxhuma ku-PSTN. Kwezinye
izikhathi imisebenzi yalezi zinkampani ivame ukuqophisana ngqo ne-Telkom.
Ezimweni lapho kunalokhu kuqophisana kufanele kusetshenzwe ngendlela
efanayo, i-Telkom kungavunyelwa ukuba lezi zinkampani izibize imali enkulu
ukuze izigwinye. I-Telkom akufanele isungule ezinye izinkampani zayo ezincane
ngalesi sikhathi, kodwa kufanele ibe nezindlela ezifanele nezanele zokubala
izimali ama-COA/CAM. Empeleni zonke izinkampani kufanele zifeze izidingo
ze-COA/CAM. Kodwa-ke u-Regulator abeke umgomo mayelana nezidingo
zokusebenza, ukuze kungadalwa izindleko ezingadingekile kuzinkampani
okungagcina ngokulimaza umphakathi osebenzisa izingcingo. U-Regulator
kufanele anqume ukuthi ngabe ukuqophisana kulezi zingxenywe angeke yini
kukhubaze ukwandiswa komsebenzi wokufakela izingcingo nokuthi akubulali
yini ibhizinisi lakwa-Telkom. Lokhu kungumsebenzi onzima. Kungenzeka
ukuthi izinkampani zama-VAN ezithile ziletha amakhasitoma amasha kanye
nemali kwezezingcingo, ngakho, ukubala "umonakalo" owenzekela
abakwa-Telkom kungaba nzima. U-Regulator kufanele abe nemvume yokuhlola
amafomula ehlukeni okuxhumanisa izinkampani ezizimele emoyeni. Imithetho
mayelana nokusebenza kwezinkampani zama-VAN zangaphandle kufanele
kuboniswa ngakho ngokulandela imigomo eyasungulwa yi-WTO. Phezu
kwalokhu, kufanele kubhekwe izimo ezinganciphisela abakwa-Telkom ibhizinisi.
- 2.14 Izinkampani zezingcingo ezizimele ezinamalayisensi, kanye nabasebenzisi
bezingcingo abazimele ngokwejoyelekile, bafanele basebenzise izizinda
zakwa-Telkom, okubandakanya nemishini yakwa-Telkom ehambelana ne-
zingcingo. Kodwa-ke, uma u-Telkom engazimisele kumbe engakwazi ukuletha
isisombululo esisezingeni elamukelekayo singakapheli isikhathi esithile esibekwe
ngu-Regulator, lezi zinkampani zinganquma ukuzitholela zona imishini
yokuzixhumanisa emoyeni ngaphansi kwemibandela ethile ebekwe
ngu-Regulator. Ngamanye amazwi, abakwa-Telkom kufanele babe nelungelo
lokuthi kuqala, kodwa emva kwalokho noma yiphi inkampani enamandla
(okubandakanya i-Transtel ne-Eskom) ingakwazi ukunikela ngemisebenzi yayo.
Ngenxa yokuthi abakwa-Transtel ne-Eskom kabavunyelwe ngokwenqubo
kahulumeni, ukuqophisana ne-Telkom kumbe ukwenza ibhizinisi lokufakela
izingcingo kulesi sikhathi samanje, kufanele baqashise ngemishini yabo
yezethelekhomyunikheshini, bayiqashisele i-Telkom. Ngokufanayo abakwa-
Telkom kufanele baqashe imishini yokuxhumana kanye neminye kwa-Transtel
kanye ne-Eskom bayiqashisele ikhasitoma eliyidingayo, uma lemishini itholakala
kodwa abakwa-Telkom bengakwazi ukusiza ngayo. U-Regulator kufanele aqaphe
lokhu kuqashiselana kanye nemali egcina ibiziwe ukuze aqinisekise ukuthi
wonke amaqembu apha theka ngendlela efanele, okubandakanya umphakathi
osebenzisa izingcingo.
- 2.15 Ngaphandle kwezinkampani zamaselula ezinamalayisensi, akukho nkampani
yezingcingo kumbe isizinda sezingcingo esizoqophisana ne-Telkom ngesikhathi
i-Telkom isebenza ngokungabangiswa. Abakwa-Transtel ne-Eskom angeke
baqophisane ne-Telkom. Lezi zizinda kufanele "zisize" i-Telkom.

KUYINI UKUSIZANA?

- 2.16 Ukusizana ngezizinda zethelekhomyunikheshini phakathi kwe-Telkom kanye ne-Transtel bene-Eskom (izinkampani zikahulumeni), kuphakanyiswa ngokubona ukuthi lezi zinkampani zinemishini esebenzayo kanti lemishini ekulezi zizinda kufanele isetshenziswe ngokwanele, ukuze kuthuthukiswe imboni yezethelekhomyunikheshini yalelizwe kodwa kungenziwa lokho ukukhubaza ukusebenza kuka-Telkom ngokungaphazanyiswa.

Izizinda zethelekhomyunikheshini zalezi zinkampani zikahulumeni kungathathwa ngokuthi zihlukene izingxenywe ezintathu, njengoba kuchazwe ngezansi:

Ingxenywe esemqoka ukwelekelela emisebenzini eyenziwayo: izinkampani zikahulumeni zanikwa ilungelo lokwakha imishini nokwenza imisebenzi engaba yingozi empilweni. Ngesikhathi lezi zinkampani zinikwa leli lungelo elingandile, kwakucatshangwa ukuthi inkampani kahulumeni yezingcingo angeke yethenjwe ukuthi ingafeza izidingo zalezi zinkampani.

Ukuxhumana ngaphakathi: emveni kokuba lezi zinkampani zivunyelwe ukusungula izizinda zazo zezethelekhomyunikheshini emisebenzini yazo esemqoka kakhulu, izinkampani zikahulumeni zabe sezivunyelwa futhi ukusebenzisa lezi zizinda ukufeza izidingo zazo zangaphakathi, ukuze zingakhaleli imali yazo yokufaka lemishini. Lokhu kusho ukuthi zazivunyelwe ukuba zizisebenzisele izingcingo ezizikalele zona ngokwazo, izingcingo zezwi kanye nezithatha imibhalo. Ezinye izinkampani zazivunyelwe ukuthola lemisebenzi kwa-Telkom kuphela. Izinkampani zikahulumeni beziphinde zisebenzise izizinda zakwa-Telkom ukwengeza kwezazo, uma zibona kufanele, ngokuhambelana nezidingo zazo.

Olayini nemishini okungasetshenziswa: Akwenzeki ngokwethekhnoloji futhi akwenzeki ngasohlangothini lwezimali, ukwakha izizinda zethelekhomyunikheshini ezilingana izidingo ncamashi. Ngakho kunoma siphi izizinda esakhiwe kuye kube nolayini kumbe imishini engasetshenziswa, lokhu okubandakanya lezi zinkampani zikahulumeni. Izinkampani zikahulumeni zingathanda "ukuthengisa" labo layini nemishini ezingayisebenzisi, futhi zingakhuthazwa ukuba zelekelele ngolayini ezingabasebenzisi uma zivunyelwa ukuthengisa lokho ezingakudingi kwezethelekhomyunikheshini, lokhu zikwenza ngokuqophisana nabakwa-Telkom kulezo zindawo lapho uhlelo lwamatherifu akwa-Telkom angabhalansekile angenza kungangeni nzuzo.

Yize abakwa-Eskom bengenankampani eqophisana nabo ngokungakho ekukhandeni nasekuphakeleni ngogesi, i-Transnet (inkampani ephethe i-Transtel) isebenza ibhizinisi layo lezokuthutha esimweni esiya ngokuya sibe nezinkampani eziqophisana nale nkampani. Ngakho-ke abakwa-Transnet bangakwazi ukuzuza uma izizinda zabo zokuxhumana beziboleka amakhasitoma athile kumbe ozakwabo.

Uma kubhekwa okungenhla, ikakhulu uma kubhekelwa ukuba kungephulwa imigomo yokusebenza kuka-Telkom ngokungaphikiswa ngesikhathi kukhuliswa izizinda zezingcingo ezweni lonke, kuyosebenza imigomo elandelayo ngesikhathi sokusebenza kwe-Telkom ngokungabangiswa.

- 2.16.1 Izinkampani zikahulumeni ziyavunyelwa ukuqhubeka nokuzifakela zona izizinda zethelekhomyunikheshini ukwenza imisebenzi yazo esemqoka, kanye nokufeza izidingo zangaphakathi zokuxhumana, ngokulandela imibandela ekumalayisensi ezobekwa ngu-Regulator ebe ebhekisisa ukungabangiswa kwe-Telkom:
- 2.16.2 olayini nemishini engasetshenziwa kulezi zinkampani zikahulumeni kungakwazi futhi kufanele, uma isimo sivuma, ukuqashiselwa abakwa-Telkom, lokhu kwenziwa ngaphansi kwesivumelwano sebhizinisi esilungele izinhlangothi zombili, futhi kwenziwa ngaphansi kwehlo lika-Regulator ukuze kusizakale izwe lonke. Imigomo eyolandelwa ekusebenzisaneni phakathi kwe-Telkom nezinkampani zikahulumeni yilena:
- I-Telkom izozama ukusebenzisa olayini kanye nemishini izinkampani zikahulumeni ezingakusebenzisi, njengokuthi, inike amakhastoma ayo amaningi abanye olayini abangasetshenziwa, ikakhulu lapho i-Telkom engenalo ibhizinisi elihle khona uma isebenzisa olayini nemishini awo.
 - izinkampani zikahulumeni zizozama ukunciphisa ukuthenga imishini ezofana neyabakwa-Telkom. Kozodingeka kube khona ukubonisana nabakwa-Telkom.
 - i-Telkom ayinawo amandla okuthatha ngenkani olayini nemishini yezethelekhomyunikheshini yezinkampani zikahulumeni.
- 2.16.3 Emva kwesikhathi sokusebenza kwe-Telkom ngokungabangiswa, izinkampani zikahulumeni seziyothathwa njenganoma iyiphi inkampani efakela izingcingo, kodwa lokhu kuyoncika kumgomo kahulumeni njengaye nawuphi umnikezi wamasevisi ezethelekhomyunikheshini.
- 2.17 Inqubo yokwelekelelana, incike kumphumela wezingxoxo eziqhubeka kuHulumeni wobumbano mayelana nokuhlelwa kabusha kwamafa ombuso. Inkampani yakwa-Transnet kanye ne-Eskom, kungenzeka bahlelwe kabusha ngokuba kwakhiwe ezinye izinkampani ezizimele ezingaphansi kwalezi. Ngaphansi kwalemigomo, i-Eskom ne-Transnet bangenza ibhizinisi elihle ngokuthi amagatsha abo ezethelekhomyunikheshini bawasebenzise ukwenza ibhizinisi. Ngakolunye uhlangothi, olayini nemishini yezethelekhomyunikheshini yabakwa-Eskom ne-Transnet kungancishiswa kusale lokho abakudinga ukukusebenzisa ngaphakathi. Noma ngabe umphumela wokubonisana kuhulumeni unjani, kuyoba khona okuyothinta udaba lokusebenzelana kanti uNgqongqoshe wezamaPosi, ezeThelekhomyunikheshini nezokuSakaza kuyodingeka alungise inqubo ihambisane nezinjongo eziyisisekelo ezibekelwe ingxenye yezethelekhomyunikheshini, lokhu ekwenza ngokubonisana neDiphatimenti, ne-Regulator, kanye namanye amaministri athintekayo.

EMVA KWESIKHATHI SOKUSEBENZA KWE-TELKOM NGOKUNGABANGISWA

- 2.18 Inkinga enkulu ngokufakela izingcingo kuyo yonke imiphakathi yaseNingizimu Afrika, ngokungabikhona kanye nokwesweleka kwezizinda zokuxhumana, kanti i-local loop inendawo enkulu kulokhu. Kodwa i-local loop inomlando

wokungabi libhizinisi elihle engxenyeni yezethelekhomyunikheshini. Lokhu-ke, kuyisizathu esenza kube ngumqondo omuhle ukunika abakwa-Telkom isikhathi sokusebenza ngokungabangiswa. Kufanele sithathe ngokuthi abakwa-Telkom (kanye nezinye izinkampani zamaselula ezinezibopho ze-JEDP) zizophumelela ikakhulukazi ekwakheni i-local loop ezindaweni eziningi kuleli. Kodwa kuyinto efanele ukuba kuthathwe ngokuthi kukhona izindawo abakwa-Telkom kanye nezinkampani zamaselula okuyophela isikhathi sokusebenza yodwa kwe-Telkom zingakafakelwa izingcingo zikawonkuwonke.

- 2.19 Ngakho-ke ukuvele kuvunyelwe noma ngubani ukuqala ibhizinisi engxenyeni ye-loop yakuleli ekupheleni kwesikhathi sokusebenza kwe-Telkom ngokungabangiswa angeke kwenze umahluko ongakanani. Ezindaweni zasemaphandleni ezingaxhunyiwe, izimali ezinkulu zokuqala umsebenzi, kuhambisana nokuse-tshenziswa kancane kwezingcingo okulindelekile, kungase kuvimbe labo abafuna ukuqala amabhizinisi amasha. Ezindaweni esezixhunyiwe, lowo oqala ibhizinisi lezingcingo uyobe esephinda into eseyenziwe, ngaphandle uma eqhamuka nezindlela ezintsha zokusebenza kwezingcingo ezizoheha amakhasitoma. Yingakho nje amabhizinisi athuthukayo kule ngxenye kuyilawo eziteshi zethelevishini zekhebuli. Into okwavunyelwana ngayo ngokuthi, ukwenza imisebenzi eseyenziwe kwezethelekhomyunikheshini, okwamanje, kuphindisela lemboni emuva eNingizimu Afrika. Kodwa ke, kungenzeka ukuthi i-SMME kanye nezinye izinkampani zikwazi ukwakha ama-loop asebenza kuleli, kumbe ukusebenzisa ithekhinoloji entsha nebingalindelekile, nge-mobile kanye ne-Internet, okuyosho ukuthi kufanele bavunyelwe ukusebenza emva kwesikhathi sokusebenza kwe-Telkom ngokungabangiswa.
- 2.20 Njengoba sekuchaziwe, ngokwe-Telkom izinhloso ezimbili ezisemqoka zesikhathi sokusebenza ngokungabangiswa, ngokuba lenkampani inikwe isikhathi sokukhululeka ukuba yenabise ukufakelwa kwezingcingo kanye nokuba izilungiselele ukubangisana nezinye izinkampani ngokuba ibhalanse kabusha izimali ezibizayo ngemisebenzi yezingcingo. Ikakhulukazi lesi sigaba esikhuluma ngokuhlelwa kabusha kwezimakethe sikhuluma ngemizamo yokuba kuvikelwe i-Telkom ukuze yenze imisebenzi yayo esemqoka. Angeke esikhathini samanje kwazeke ukuthi angakanani amandla ezinkampani, ezizoqhamuka ekupheleni kwesikhathi sokusebenza kwe-Telkom ngokungabangiswa. Uma izinkampani ezizongena kuzoba yizinkampani ezingosozimali ezisebenza amazwe ngamazwe njengo-AT&T kanye no-BT, i-Telkom iyosibonga lesi sikhathi enikwe sona sokuzilungiselela ukuqophisana ngebhizinisi lezingcingo. Kodwa-ke kufanele sibheke enye inkinga engavela kolunye uhlangothi. Kunengozi ehlekisayo yokuthi leplani uma iphumelela ishaya emhloeni, kungenzeka ukuba i-Telkom ngesikhathi isebenza yodwa iphumelele ikhule ibe yigongo eliyobe selivalela ezinye izinkampani amathuba okusebenza kwezethelekhomyunikheshini. Lokhu kuyinto eyenzekile kwamanye amazwe, lapho inkampani ekuyiyo eqale umsebenzi wokufakela izingcingo kube yiyo ephethe imboni yezethelekhomyunikheshini kangangoba ezinye izinkampani zingakwazi ukusebenza kahle. Ngakho-ke u-Regulator unomsebenzi onzima wokuqaphela ukusebenza kwe-Telkom ukuze kwahlukaniswe phakathi kwezenzo zokuthuthukisa izinjongo ezisemqoka ezihambisana nokwakha kabusha nentuthuko, kwahlukaniswa nezenzo i-Telkom ehlose ngazo ukuba ngu-ngqo

shishilizi kulemakethe iwise izinkampani eziyiphikisayo. Lokhu kakulula kodwa kungenzeka. Inhloso kakukhona ukuba kukhuthazwe ukuncintisana nje kuphela, kodwa ngukukhuthaza ukunakekelwa kwezidingo zamakhasitoma. Lapho ukuncintisana kwandisa ukunakekelwa kwamakhasitoma, u-Regulator kufanele enze lokho okudingekayo ukuze kube nokusebenza ngokulingana.

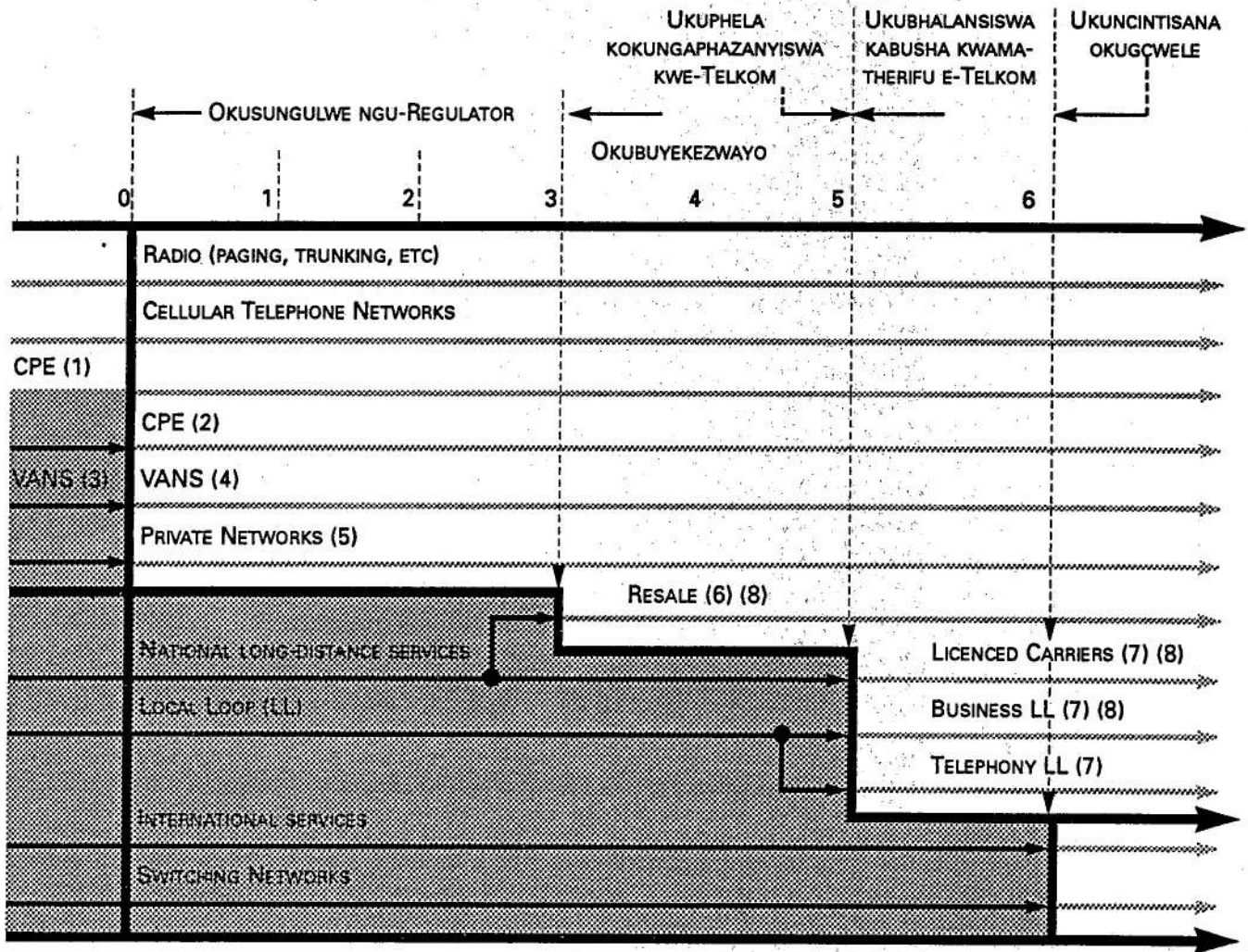
2.21 Ekuqaleni konyaka ka-6, kuyobe sekusebenza isigaba esilandelayo:

- 2.21.1 Lapho engakabi khona ama-loop asebenza ngaphakathi kodwa lapho imishini eswishayo yakwa-Telkom isikhona, ama-SMME kanye nezinkampani zemiphakathi zivunyelwe futhi ziyakhuthazwa ukuzifakela ama-loop endawo ngokubambisana ne-Telkom, ngaphansi kweso lika-Regulator.
- 2.21.2 I-Telkom ingaqasha ezinye izinkampani ukuba zifake izingcingo zomphakathi ngemali eyejwayelekile ezindaweni ezibekiwe ezithile. Izivumelwano kanye namatherifu kuyokwenziwa ngaphansi kweso lika-Regulator.
- 2.21.3 Olayini bezingcingo zakude ezweni bangasetshenzwa yizinkampani eziqophisanayo, kodwa ezinye izinkampani kufanele zixhume kolayini bakwa-Telkom be-PSTN. I-Telkom kufanele manje izame ukugada izizinda zayo ezisemqoka eziphakela izingcingo zikazwelonke ukuze kuqinisekise ukuthi i-Telkom ayisebenzi ngendlela ebulala ezinye izinkampani eziphikisana nayo. Izimali zokuxhumanisa ezinye izinkampani emoyeni kufanele zibe sezingeni elamukelekayo kanti angeke zibe sezingeni elivuna abakwa-Telkom emsebenzini wakhe wezingcingo zakude ezweni. Ngokulandela inqubo kahulumeni, izinkampani eziqala imisebenzi yokufakela izingcingo zakude zingabandakanya abakwa-Transtel ne-Eskom, inqobo nje uma lemisebenzi yenziwa yizingxenye zalezi zinkampani ezintsha ezizimele ngokuphelele.
- 2.21.4 Ama-metropolitan area networks avunyelwe (MAs). Ama-MAN yizingcingo zezinkampani ezizimele, ngakho yizingcingo ezingamabhizinisi ezejwayelekile.
- 2.21.5 Izinkampani eziphakela izingcingo zakude kuzwelonke kanye nama-MAN ziyohlolwa ukuthi kufanele yini zifake imali esikhwameni sezingcingo zikawonkuwonke.

IMIZAMO YOKUBA IMBONI YEZINGCINGO IVULELEKE BONKE OSOMABHIZINISI NGOKUPHELELE

- 2.22 Amabhizinisi ezingcingo zakude kumhlaba wonke ivulelwe ezinye izinkampani kanti kuzoba nenkampani yesibili enelayisensi yokusebenza ngokugcwele ekuqaleni konyaka ka-7. Uma kusetshenzwa ngokulandela imithetho yolawulo nangamalayisensi, kufanele kuvumeleke ukuba khona kokuqophisana phakathi kwezinkampani eziphakela izingcingo ngokugcwele. Bonke abantu abasebenzisa izingcingo bangakwazi ukukhetha kumbe noma ziphi izingcingo noma yiphi inkampani abayithandayo.

- 2.23 Izivumelwano zokuxhumana emoyeni ziya ngokubaluleka njengoba isimo siya ngasekufunekeni kwenkampani eyelekelela izinkampani ezifakela izingcingo, kanti kakukho nkampani okufanele ivunyelwe ukwakha izithiyo. Ngokunjalo u-Regulator unelungelo lokuqaphela futhi aphoqe ukwenziwa kwezivumelwano zokuxhumana emoyeni futhi abeke amafomula okwenza lokhu. Ngempela, njengoba isimo kwezethelekhomyunikheshini siya ngokuphucuzeka, kungenzeka kube nesidingo sama-system integrator. Ama-system integrator yizinkampani ezihlanganisa imisebenzi emisha, engatholakala ngokusebenza kwezingcingo futhi ziqambe nezindlela ezintsha zokusebenzisa izingcingo ezihambelana nezidingo zabathengi. Yize noma kwesinye isikhathi bengeke babe ngabanini bolayini bezingcingo, ama-system integrator kufanele, ngokweqiniso nawo asebenze ngokulawulwa.
- 2.24 Izimali ezisesikhwameni sezingcingo zikawonkuwonke, ziyofakwa yizo zonke izinkampani ezinamabhizinisi aqophisanayo, lokhu zikwenza ngokulandela ifomula efanele nesobala esungulwe ngu-Regulator. Esimweni manje esekusebenza kuso izinkampani ezahlukenengokuphisa, zonke izimali ze-USF ziya emiphakathini ethize eqokiwe esebenzisa izingcingo ukuze lemiphakathi ikwazi ukukhokhela izindleko zezingcingo futhi ngezinye izindlela kukhuthazwe ukwandiswa kokufakelwa kwemiphakathi izingcingo.

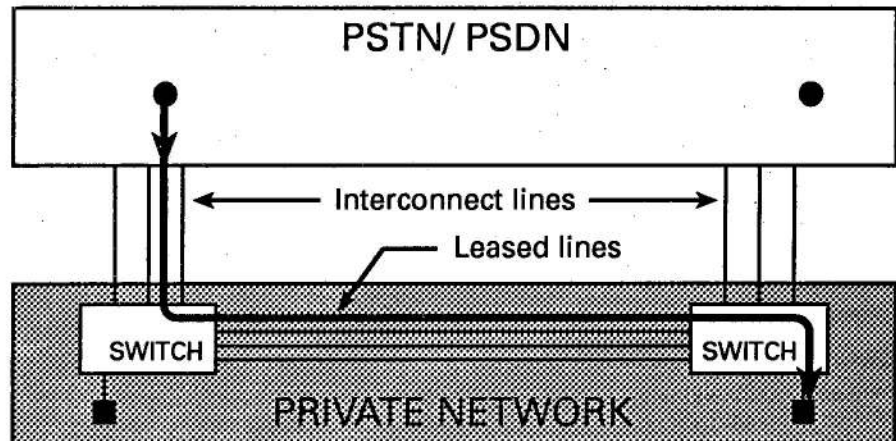
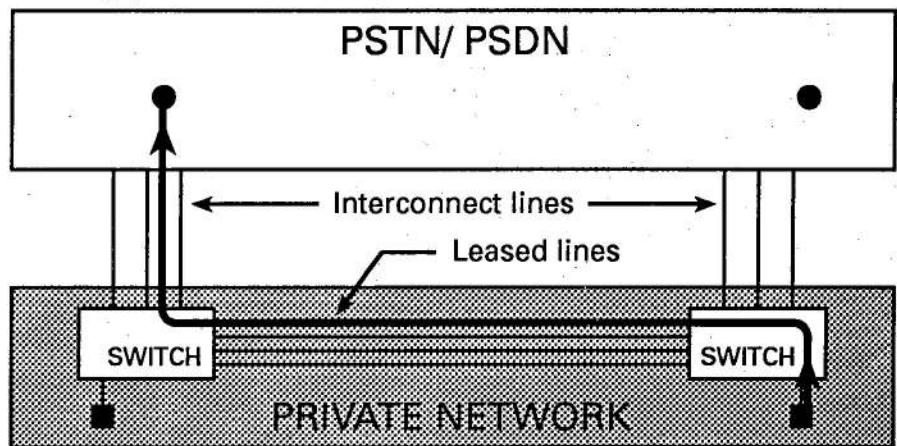
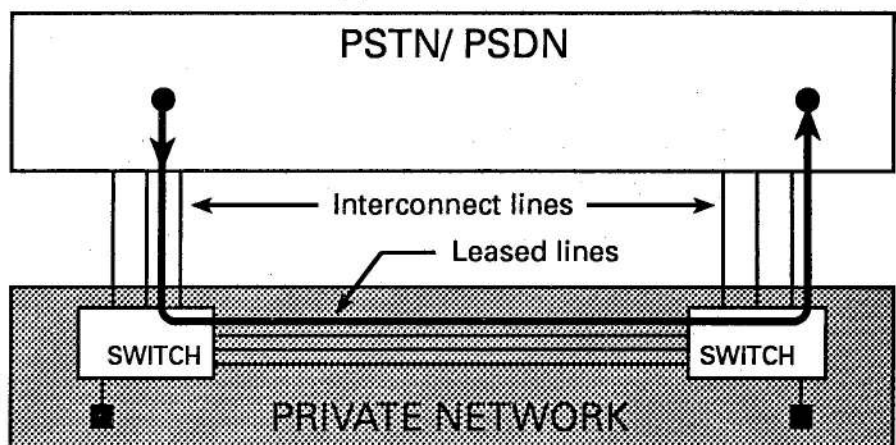


KUNIKEZWA YI-TELKOM
KUPHELA

AMALUNGISELELO
OKUNCINTISANA
NANELAYSENSI

- (1) Ngaphandle komshini obalulekile wocingo
- (2) Kubandakaya umshini obalulekile wocingo
- (3) Amalaysensi akhishwe yi-Telkom
- (4) Amalaysensi akhishwe ngu-Regulator
- (5) Ilizwi kanye noLwazi ezintweni eziqashwe kwa-Telkom, ayikho i-break-out noma ukudayiswa kabusha kuze kube ngunyaka wesi 4
- (6) Ukudayiswa kabusha okunelaysensi kwezinto eziqashwe kwa-Telkom
- (7) Kuxhumana kuphela ne-network yakwa-Telkoma yokuswisha
- (8) Umnikelo eSikhwameni samaSevisi kawonkuwonke

UMDWEBO 1 - Ukungaphazanyiswa kwe-Telkom kanye nokungenisa kancane ukuncintisana

A) Break-in and bypass**B) Break-out and bypass****A) Break-in / break-out and bypass**

UMDWEBO 2 - Ukuxhumana phakathi kwama-networks kahulumeni
nalawo angekho ngaphansi kukahulumeni

INCAZELO YAMAGAMA

CPE

Imishini yezethelekhomyunikheshini efakwe endlini yekhasitoma. Kubandakanya imishini yolayini owodwa kuya ocingweni olunolayini abaningi njengama-PABX.

OLAYINI ABAKUDE (LONG-DISTANCE)

Amasekhethi asebenza ukuxhumana ngaphakathi ezweni nabanye olayini, kumbe nabanye olayini kwamanye amazwe. Kubandakanya amasekhethi ezingcingo eziswishwayo kanye nalezo ezisuka ephoyintini ziye ephoyintini (eziqashiwe).

I-LOCAL LOOP

- ishaneli yokuxhumana ehlanganisa ikhasitoma nabaxhumanisi abaseduze, kumbe nolayini bakude. Ijwayele ukusetshenziselwa ukushaya izingcingo ezejwayelekile kanye nokuthumela imibhalo.
- amashaneli okuxhuma ahlanganisa amatheminali ezethelekhomyunikheshini nendawo ethile eseceleni, okuvamise ukuba kudingeke kuyo izingcingo ezihamba ngesivini (ngenge-MAN).

IZIZINDA ZOCINGO EZIZIMELE (PRIVATE NETWORK)

Noma muphi umsebenzi wezingcingo osungulelwe futhi osebenzela leyo nkampani kuphela kumbe abantu bayo. Ingaba nolayini abaqashiwe kumbe imishini yokuxhuma izingcingo (PABX), futhi ingaxhumana kumbe ingaxhumani ne-PSTN.

I-PSDN

Public Switched Data Network. Imishini yokuxhumana esetshenziswa ngabakwa-Telkom.

I-PSTN

Public Switched Telephone Network. Imishini yokuxhumana esetshenziswa ngabakwa-Telkom.

I-RESALE CARRIER

Izinkampani eziqasha olayini kwezinye izinkampani ezinemishini yokuxhumana bese zithengisa ukusetshenziswa kolayini bezingcingo ngemali ethe xaxa.

I-TARIFFS REBALANCING

Ukubeka imali ekhokhelwa izingcingo ezingeni elihambisana nezindleko zokwenza lomsebenzi, ukuze kuyekwe ukuba kuthathwe izimali ezitholakala kwezinye izingxenye zale nkampani zixhase umsebenzi wezingcingo zangaphakathi.

I-VANS

Value Added Networks: olayini bezethelekhomyunikheshini lapho kwenziwa imisebenzi yokuxhumana eyisipesheli, ngengokuguqula imibiko ethile kumbe ukutholakala kwemininingwane ethile edingwa yikhasitoma.

3

UBUNINI, UTSHALOMNOTHO, KANYE NOKUFAKWA KWEZIMALI

- 3.1 EMhlanganweni kazwelonke woMgomo wezeThelekhomyunikheshini, (National Colloquium Telecommunications Policy) akuvunyelwananga ngephuzu lobunini. Amayunyonni abona ukuthi umbuso kufanele uhlale njalo ungumnikazi we-Telkom, kanti abanye ababesemhlanganweni bakhetha ukuthi kube nokuhlanganyela okulinganayo nokunenhloso, nophathina osezweni langaphandle kanye/noma kube nokubamba iqhaza kosozimali.
- 3.2 Okwamanje loludaba lwencike kumphumela wohlelo lokwakha kabusha ama-assets kaHulumeni wobumbano.

4

UKUNIKA LABO BANTU BASE- NINGIZIMU AFRIKA ABEBENGANAKIWE, AMATHUBA OKUTHI BAKWAZI UKUBAMBA IQHAZA KWEZOMNOTHO

- 4.1 Ukunikeza amandla ezepolitiki eningini labantu, ngokusebenzisa izinhlelo ezihambisana nedemokhrasi okwenzekayo ezweni, kufanele kuhambisane nokunikeza amandla ezomnotho, ukuze kufezwe inhloso kazwelonke yokuthuthukisa umphakathi kanye nezomnotho. Ukwakhiwa kwamathuba emisebenzi, umnotho, kanye nezinga lempilo elifanelekile labantu, kuzobenza baqonde ngelungelo labo lokuvota. Ngakho-ke, amandla ezepolitiki angeze aletha ukuthula nobungcono, lungabhekwa udaba lokungalingani obekwenzeka esikhathini esedlule ngaphakathi kumandla ezomnotho. Ngaphandle kokuthi amazwi athi 'abebenganakiwe' libhekise kulabo bantu abebenganakiwe ngesikhathi sobandlululo, lamazwi abuye abhekise kulabo bantu baseNingizimu Afrika abebenganakiwe ngokuthi babandlululwe ngokobulili kanye/noma ngokukhubazeka. Esimweni sezethelekhomyunikheshini, lokho kunganakwa okubi kakhulu, okwenziwa kumalungu emiphakathi esemakhaya ngesikhathi sobandlululo, kufanele kubhekwe ngokuyisipesheli.
- 4.2 Ukunikeza amandla ezomnotho kumiphakathi ebinganakiwe kudala, kunguhlelo olucatshangisiswe kahle, lokuthi wonke amalungu alemiphakathi abambe iqhaza, kuzo zonke izindawo zemisebenzi yezomnotho enemiphumela eNingizimu Afrika, njengama-consumer, abasebenzi, izimenenja kanye nabanini. Ukuze kuphumelele ukuthi imiphakathi ebinganakiwe inikezwe amandla ezomnotho azohlala isikhathi eside, kuzodingeka ukuthi kube nohlelo lwesikhathi eside oluzosebenzisa izindlela ezahlukeni. Lokhu kuzobandakanya ukwandiswa kwamasevisi ezethelekhomyunikheshini afinyelele kubo bonke abantu, ukwandisa ubunini obulinganayo bemisebenzi (kanti lokhu kwencike kwinkulumbo-mpikiswano emayelana nama-asset ombuso); ukwakha amathuba omsebenzi nokuphatha, kanye nokukhuthazwa kwe-entrepreneurship okunomphumela omuhle. Ukusebenza kwalezi zinto kanye nokuphumelela kohlelo lonke lokunikezwa kwamandla, kuyoncika kumgomo wokuthi yonke imiphakathi ibamba iqhaza ngendlela ebanzi futhi engabandlululi, ekuthuthukiseni umnotho waseNingizimu Afrika. Ukuthuthukiswa kwamakhono abantu kumkhakha wezokuxhumanisa, kuyadinga futhi ukuthi kubonwe njengendlela yokunikeza amandla omnotho, ukwenza ukuthi abantu baseNingizimu Afrika abebencishwe amathuba, babambe iqhaza embonini ngendlela enomphumela omuhle.

UKUNIKEZA AMASEVISI EZINDAWENI ZONKE

- 4.3 Ukwandiswa kwamasevisi angakwazi ukutholakala kuyo yonke imiphakathi, njengoba kucatshangwa kwinhloso yokuletha amasevisi ezindaweni zonke, kuzokwenza ngcono umphakathi kanye nomnotho emiphakathini ebinganakiwe esikhathini esedlule, ngokuthi kulethe izizinda zempilo ezidingekayo kanye nangokuthi kudale imisebenzi kulo mkhakha. Ukuletha amasevisi ezethelekhomyunikheshini ezikoleni, ezibhedlela, nasemphakathini wonke, kuzokwandisa ukubamba iqhaza kwawo wonke umphakathi kumnotho wezwe. Kuyogcizelelwa kakhulu ekuletheni amasevisi kubantu abakhubazekile.

UKWANDISA UBUNINI OBULINGANAYO

- 4.4 Mayelana nomkhakha kahulumeni, loludaba luncike kumphumela wohlelo lokuhlela kabusha ama-assets kahulumeni.
- 4.5 Mayelana nomkhakha wezabamabhizinisi, iMinistri yezamaPosi, ezeThelekhomyunikheshini kanye nezokuSakaza, ithanda ukukhuthaza ukwandiswa kobunini obulinganayo kuma-enterprise angewona akahulumeni.

IZINHLELO ZOKWABELANA KWABASEBENZI NGOBUNINI (ESOPS)

- 4.6 Mayelana nomkhakha kahulumeni, loludaba luncike kumphumela wohlelo lokuhlela kabusha ama-assets kahulumeni okwenzeka kuHulumeni.
- 4.7 Mayelana nomkhakha ongewona okahulumeni, iMinistri yezamaPosi, ezeThelekhomyunikheshini kanye nezokuSakaza, ithanda ukukhuthaza ukusungulwa kwezinhlelo zokwabelana kwabasebenzi ngobunini kuma-enterprise osomabhizinisi.

UKUPHATHA KANYE NOMSEBENZI

- 4.8 Umkhakha wezethelekhomyunikheshini ushodelwa kakhulu yizimenenja kanye nabasebenzi bezinto ezitheknikhali, abaqhamuka emiphakathini yaseNingizimu Afrika ebinganakiwe esikhathini esedlule.

Ukusetshenziswa kwezinhlelo ze-affirmative action kulo mkhakha kuzodingeka njengoba kushiwo kuDaba 8: Abantu abasebenza kulengxenywe.

- 4.9 Izinhlelo zizolandelwa ukubeka abantu abafunde imisebenzi, kuzikhundla zangempela zokuthatha izinqumo kanye nezikhundla zokuphatha nezobumenenja ezinkampanini ezisembonini. Lezi zinkampani ziyodingeka ukuthi zithathe izinyathelo mayelana nalokhu, kubandakanya:

- Ukubeka izinhloso zokuguqula ukuphatha kwezinkampani, ukukhombisa ukubamba iqhaza kweningi labantu, lezi zinhloso ziyobekwa ngokubonisana phakathi kukaHulumeni kanye nembali yezethelekhomyunikheshini;
- Ukusungulwa kwezinhlelo zokuthuthukisa amakhono, ukwenza ngcono nokwandisa umgogodla wamakhono abasebenzi, u-Regulator uyosungula idayrekthoreythi eyisipesheli ebhekene nokuthuthukisa amakhono abantu, ezokweseka lezi zinhlelo embonini ngokubanzi, kanti iyobandakanya ama-operators, abaletha ama-equipment, kanye no-Regulator;

- Ukweseka kwama-entrepreneurs beseka abasebenzi abazothinteka yizinguquko embonini.

4.10 I-South African Qualifications Authority (SAQA) kanye ne-National Qualifications Framework (NQF) izokwamukela isipiliyoni, inikeze izitifiketi ngamakhono, futhi ikhuthaze ukudluliswa kwamakhono embonini ngokubanzi. Ukulandela lenqubo-migomo kuzoqaphwa yiMinistri yezamaPosi, ezeThelekhomyunikheshini kanye nezokuSakaza.

UKUKHUTHAZA I-ENTREPRENEURSHIP

4.11 Imboni yezethelekhomyunikheshini ingadlala indima yokunika amandla, ngokuthi inikeze amathuba okuthi abantu baseNingizimu Afrika abaqhamuka emiphakathini ebinganakiwe esikhathini esedlule, babe ngama-entrepreneur embonini yayo kanye nakweminye imikhakha. Ukuze lenhloso esishiwo ifezeke, yokweseka nokunika amandla kumakhono emboni yangaphakathi ezweni, kanye nakwisisekelo sokuthuthukisa ezethelekhomyunikheshini eNingizimu Afrika, kubalulekile ukweseka uhlelo lokunika amandla ezomnotho kumiphakathi ebinganakiwe esikhathini esedlule esimweni esifanayo. Umgomo kaHulumeni wokunikeza ngamakotraki, ungakuletha lokhu kweseka -isibonelo, ngezinhlelo zokubeka eceleni iphesenti elithile lamakotraki, ama-tender, ukunikezela imisebenzi ngaphandle, amakotraki kumakotraktha akufundele lokho, aqhamuka emiphakathini ebinganakiwe, ngokubonisana nabantu abathintekayo. Amaphesenti athile ayohlukana ngesikhathi kanye nezinto ezithile zemboni, futhi kuyoxoxiswa njalo ngawo embonini, kumkhakha wamabhizinisi amancane kanye noHulumeni.

4.12 Ama-Small, Medium and Micro Enterprises (SMME) (amabhizinisi amancane, aphakathi nendawo, kanye namancane kakhulu), abonakala eyingxenye ebalulekile ekuthuthukiseni izwe, ikakhulukazi ngokuthi akwazi ukudala amathuba emisebenzi anezelelayo, futhi akhuthaza ukudala izinto ezintsha ezitheknikhali. Lamabhizinisi ajwayele ukuthi izindleko zawo ezinkulu kube ngezokukhokhela amaholo, futhi aba semiphakathini ayisebenzelayo. Ngokubona ukubaluleka kwalo mkhakha ekudaleni imisebenzi, uHulumeni uvumelana nokugcizelela okuyisipesheli kokusebenzisa lamabhizinisi njengendlela yokunikeza amandla imiphakathi ebinganakiwe, futhi uyokhuthaza ukuthuthuka kwawo.

UHulumeni kanye nezinkampani zombuso, zingadlala indima enkulu ekuthuthukiseni i-SMME ngokuthi zenze lokhu okulandelayo:

- ukubuyekeza imigomo yokuzuza ukuze kubekwe amaphesenti athile okuzuza izimpahla kanye namasevisi aqhamuka kwi-SMME, ngokubonisana nabasebenzi abathintekayo;
- ukubunjwa kwalokho okuhlongozwayo ngokuhlanganyela ne-SMME, okungasiza ekuthuthukiseni amandla abo, futhi,
- ukwelekelela ekuqeqesheni ama-entrepreneur amasha;
- ukukhuthaza imboni eletha i-equipment ukuthi yeseke ukuthuthukisa i-SMME, ngokuthi kuhlanganyelwe okuhlongozwayo kanye nokubamba iqhaza okulinganayo kwama-SMME amasha.

UKUTHOLAKALA KWAMAKONTRAKI

- 4.13 Ukutholakala kwamakontraki ngenye yezindlela ezingasetshenziswa ukukhulisa ngendlela enomphumela omuhle, ukubamba iqhaza kwemiphakathi ebinganakiwe, ekuthuthukiseni ezethelekhomyunikheshini. Kungasetshenziswa njengenkuthazo kumabhizinisi athatha izinyathelo ezinhle, ngokuvumela ukuthi amabhizinisi abantu abamnyama anikezwe usizo lwemali olulinganayo nolwezinye izinhlanga, ngokuphatha ngokufanayo abantu bobulili obungafani, ngokwenza uqeqesho lwabasebenzi bawo kanye nangokwenza zonke izinhlelo ezibheke ukufeza izinhloso ze-affirmative action. Izinkuthazo zokutholakala kwamakontraki, zingabekwa njengamaphuzu avumelana noma aphikisana nezethembiso ezincintisanayo futhi, kuyokhethwa amabhizinisi anamaphuzu amaningi amayelana nezinto okukhulunywe ngazo ngenhla. Kanti-ke lokhu kukhetha kuyokwenziwa ngokulandela imikhawulo evumelekile ngaphansi kohlaka lwe-GATT.

OKUBEKWE ECELENI (SET ASIDE)

- 4.14 Ipheleli elinqunyiwe lamakontraki eliqhamuka kuma-enterprise kahulumeni, liyobekwa eceleni libekelwe amakontraktha awufundele umsebenzi aqhamuka emiphakathini ebinganakiwe. Ngaphezu kwalokho, ulwazi mayelana nawo wonke ama-tender luyotholakala kuwo wonke amakontraktha aqhamuka emiphakathini ebinganakiwe, futhi kuyosungulwa indlela yokukhetha amanani ama-tender, amakontraktha athembisa ngawo. Kanjalo futhi, kuyosungulwa ukugcinwa kolwazi (data base) olumayelana nama-SMME akhona emiphakathini ebinganakiwe, ukuze ulwazi olufanele lukwazi ukusakazwa kuma-operators ezethelekhomyunikheshini kanye nabaletshi be-equipment, ukuze balusebenzise ezinhlelweni zabo zokwandisa imithombo. Lokhu kugcinwa kolwazi kungasebenza futhi njengomthombo wolwazi ukufakazela iqiniso lobunini balezi zinkampani kanye namandla abo okukwazi ukufaka isandla esibonakalayo kumnotho wezwe (isibonelo, izinga lokuthi izimpahla zabo kube ngezangaphakathi). Ukugcinwa kolwazi kufanele kuphathwe yi-Small Business Council kanye ne-State Tender Board, kubandakanya amabhodi ama-tender akumaprovinci.
- 4.15 Ukusetshenziswa kohlelo olubekwe eceleni, kusetshenziswa ngababambi-qhaza ababalulekile kulo mkhakha, kuyiqaphwa nguNgqongqoshe.

UKUNIKEZWA KWAMALAYSENSI

- 4.16 Kuyofakwa imibandela ethile lapho kukhuthazwa izinhlelo zokunikeza amandla ezomnotho, kumibandela yokunikezwa kanye/noma ukuvuselela amalaysensi ama-operator kulo mkhakha (njengoba kunjalo kuMthetho we-Independent Broadcasting Authority). Ikakhulukazi, i-frequency spectrum iyonikezwa lawo ma-operators anamazinga amukelekayo ezimali ezelekelelayo ezilinganayo, ezikumalungu kuphela omphakathi obunganakiwe.

5

UKULAWULWA KWEZETHELEKHOMYUNIKHESHINI KANYE NESPEKTHRAMU YAMAFRIKHWENSI EMISAKAZO

UKUSUNGULWA KWESAKHIWO SOBUPHATHI-MANDLA ESIZIMELE ESIPHETHE EZETHELEKHOMYUNIKHESHINI

- 5.1 Amalungiselelo okuphatha ezethelekhomyunikheshini asesesimweni sokuguquka, kanti kukhulunyiwe ngawo kumthetho ka 1991 owedlulise ukusebenza kwesevisi yezethelekhomyunikheshini kusuka kwiDiphathimenti yezamaPosi kanye nezeThelekhomyunikheshini kuya kwinkampani kahulumeni i-Telkom SA Ltd.
- 5.2 Ngaphansi kwalamalungiselelo, isevisi yezethelekhomyunikheshini enawo wonke amandla, eyayikade iphethwe yiDiphathimenti, isiphethwe yi-Telkom ngaphandle kwamasevisi amaselula (cellular) kanye nakwezinye izindawo. Kulezo zindawo, abanye abaletha amasevisi bavunyelwa ukuthi basebenze kulo mkhakha wezethelekhomyunikheshini, bevunyelwa nguNgqongqoshe esebenzisa amandla awanikwe ngabaphathi bakhe.
- 5.3 Ukuphatha kwemboni ekhiqiza i-equipment yezethelekhomyunikheshini, kusasebenza ngesivumelwano sesikhashana sekontraki, esenziwa phakathi kweDiphathimenti kanye ne-Telkom.
- 5.4 Inqubekela-phambili iveze isidingo esiphuthumayo samalungiselelo amasha afanelekile, ngokulandela uhlaka olufanele lokuphatha olusemthethweni. Iphuzu elibalulekile kumalungiselelo amasha aphakanyiswe nguHulumeni, ngokusungula isakhiwo sobu-phathimandla esizimele esisemthethweni esiphethe ezethelekhomyunikheshini.
- 5.5 Ispekthramu yamafrikhwensi emisakazo yi-asset yezwe lonke futhi ingumthombo ongajwayelekile, okufanele ukuthi usetshenziswe ukusiza bonke abantu baseNingizimu Afrika, ngokuhambisana nesivumelwano somhlaba kanye nemibuthano iNingizimu Afrika eyilungu kuyo. Ukuphatha konke kwe-frequency, kubandakanya imisebenzi efana nokwabela abasebenzisi, ukuhlela kwesikhathi eside, ukulunganisa kukazwelonke nokomhlaba wonke, kanye

nokuvimbela ukugxambukela. Kufanele kubhekwe udaba oluyiqiniso lokuthi, izinkambiso zethekhnoloji zikhomba ukuthi ithekhnoloji yerediyo izoqhubeka nokuvumela ukuthi amasevisi ezethelekhomyunikheshini akwazi ukunikezeka. Ngaleyo ndlela kuyabaluleka ukuthi kube nokuxhumana okukhulu phakathi kokunikezwa kwamalaysensi okuletha amasevisi ezethelekhomyunikheshini kanye nokunikezwa kwamalaysensi e-spectrum okuzosetshenziswa yilawa masevisi.

- 5.6 IDiphathimenti yezokuVikela ingumsebenzisi omkhulu wama-frequency bands (ame ndawonye kanye nahambayo, angaphansi komhlaba, ukuxhumana kwase-moyeni nokwe-satellite, i-radar, i-Electronic Support Measures and Electronic Counter Measures (ESM/ECM), i-ionosphere sounding, ama-weapon guidance systems, njalo njalo). Ukungabi khona kokusebenzisana phakathi kwezingxenye zezakhamuzi kanye nezombutho, kungadala ukuthi kube khona ukuphazamisana okungadala izindleko. Ngakho-ke, enye yemisebenzi ka-Regulator yokuqala, ngokuqalisa ngokubuyekeza ukwabiwa okukhona kwe-frequency spectrum, ikakhulukazi ukwabiwa okuphakathi kwezingxenye zombutho kanye nezezakhamuzi.

UBUDLELWANE PHAKATHI KWEMINISTRI YEZAMAPOSI, EZETHELEKHOMYUNIKHESHINI KANYE NEZOKUSAKAZA KANYE NO-REGULATOR

5.7 Kuphakanyiswe ukuthi:

- UNgqongqoshe wezamaPosi, ezeThelekhomyunikheshini kanye nezokuSakaza, kanye neDiphathimenti yezamaPosi nezeThelekhomyunikheshini, bazohlala benomsebenzi osemahlombe abo, wokubeka imigomo mayelana nezokusakaza, amasevisi ezamaposi, ezethelekhomyunikheshini, kanye nespekthramu yamafrikhwensi emisakazo, kanye nokuphatha umthetho ofanelekile;
- Noma yimuphi umgomo omayelana nomkhakha wezethelekhomyunikheshini owenzeke kuhlelo lwe-White Paper, uyobuyekizwa nguNgqongqoshe;
- Isiphathimandla esiphethe ezethelekhomyunikheshini kanye ne- ejensi eletha amasevisi omhlaba wonke, bazobika ePhalamende ngokuthi umbiko wedlule kuNgqongqoshe, njengoba kwenzeka kwiDiphathimenti kanye ne-IBA;
- Ezethelekhomyunikheshini kanye nezokusakaza ziyophathwa isikhathi esifishane, yisiphathimandla esisodwa;
- Ngesikhathi kungakahlanganiswa iziphathimandla eziphethwe ezokusakaza kanye nezethelekhomyunikheshini zibe yinto eyodwa, izakhiwo ezimbili eziphethwe ezokusakaza kanye ne-telecommunications frequency bands, kufanele zibambisane ngokuphatha i-frequency spectrum;
- Isiphathimandla esiphethe ezethelekhomyunikheshini esizimele futhi esingakhethi, siyosungulwa nezinhloso, imisebenzi, kanye nesakhiwo okushiwo ngezansi;
- Ukuzimela kuka-Regulator kudingekile, ukuqinisekisa ukuthi ngeke akhethe. Ukuzimela kunezinto ezintathu: ukunganciki ezinhlanganweni ezibhekene nokwakha kanye nokusebenzisa amaziko kahulumeni ezethelekhomyunikheshini, kanye nokunikeza amasevisi

ezethelekhomyunikheshini (isibonelo, i-Telkom); ukunganciki kwezinye izinhlangano ezithintekayo ezinohando, ezifana nezimboni ezifisa ukungena kumkhakha wezethelekhomyunikheshini; ukunganciki kuHulumeni lapho u-Regulator ebhekene nemisebenzi anikezwe igunya lokuthi ayenze, emva kokuthi uhlaka lomgomo wezethelekhomyunikheshini selubekiwe.

IZINHLOSO ZIKA-REGULATOR

5.8 Isiphathimandla esiphethe ezethelekhomyunikheshini, sizoba nezinhloso ezilandelayo:

- ukuphatha ezethelekhomyunikheshini eRiphabhlikhi yaseNingizimu Afrika ngenhloso yokusiza umphakathi;
- ukuzuza impumelelo kwizinhloso zomgomo wezethelekhomyunikheshini - ukunikeza amasevisi ezindaweni zonke;
- ukuqinisekisa ukuthi kulethwa amasevisi ahluka hlukene ezethelekhomyunikheshini, ukwenza ngcono kanye nokweseka ukukhula kwezomnotho;
- ukuphatha imisebenzi yakwa-Telkom kubanjiswene noNgqongqoshe wezamaPosi, ezeThelekhomyunikheshini kanye nezokuSakaza;
- ukwenza ngcono ukutshalwa kwezimali kwi-network yezethelekhomyunikheshini kahulumeni;
- ukuqinisekisa ukuthi kuba namathuba alinganayo lapho kuvunyelwe ukuthi kungenwe ngokuncintisana ngokomgomo wezethelekhomyunikheshini;
- ukuvikela izifiso zabasebenzisi kanye nama-consumers ezethelekhomyunikheshini;
- ukwenza ngcono ukuqamba okusha kumkhakha wezethelekhomyunikheshini, ngenhloso yokwakha i-superhighway yolwazi eNingizimu Afrika;
- ukukhuthaza ukuthuthukisa amakhono abantu abakumkhakha wezethelekhomyunikheshini;
- ukukhuthaza imboni yokukhiqiza kanye nokuhambisa amasevisi, enamakhono futhi enomphumela omuhle;
- ukuqinisekisa imibandela etheknikhali yokusebenzisa ezethelekhomyunikheshini ngendlela enomphumela omuhle;
- ukuphatha ngendlela enomphumela omuhle, imithombo kazwelonke efana nespekthramu yamafrikhwensi emisakazo.

IMISEBENZI KA-REGULATOR

5.9 Kuphakanyiswe ukuthi imisebenzi yokuphatha yesiphathimandla esizimele kufanele kube yilena elandelayo, nangaphezu kweminye:

5.9.1 Ukunikeza amasevisi ezindaweni zonke

- ukubeka izinhloso zokuletha amasevisi ezindaweni zonke;
- ukuhlalana ne-Telkom mayelana nokuletha amasevisi ezindaweni zonke ngesikhathi sokusebenza ngokungaqophisani;
- ukubeka izibophezelo zokuletha amasevisi ezindaweni zonke;
- ukuphatha isikhwama sokuletha amasevisi ezindaweni zonke, esizophathwa

yi- ejensi yokuletha amasevisi ezindaweni zonke;

- ukuqinisekisa ukuthi izidingo zabantu abakhubazekile ziyabhekwa, lapho kwandiswa ukulethwa kwamasevisi ezindaweni zonke.

5.9.2 Ukulethwa kwamasevisi kanye nezidingo zabasebenzisi bamasevisi

- ukukhuthaza ukulethwa kwamasevisi ezethelekhomyunikheshini anekhono, asebenzayo, futhi angenzeka, ayo yonke imikhakha yabantu, kanye nokuthuthukisa amasevisi kahulumeni nalawo azimele, abhekela izidingo zabasebenzisi;
- ukuqinisekisa ukuthi lapho kulethwa amasevisi kahulumeni, ziyabhekwa izidingo zezifunda zaseNingizimu Afrika kanye nemiphakathi esezindaweni ezehlukene;
- ukuqinisekisa ukuthi amasevisi ezethelekhomyunikheshini, lapho ebukwa ngokuqoqene, athuthukisa futhi akhuthaze isimo sebhizinisi esimsulwa, ukuze kube nokuncintisana okuphilile, amasevisi anamakhono kanye nezikhungo zesimanje;
- ukuvikela ubumsulwa kanye nokukwazi ukuzimela kwamasevisi kahulumeni ezethelekhomyunikheshini;
- ukubeka imithetho eyeseka ukufezwa kwezinhloso zemigomo.

5.9.3 Ubunikazi kanye nokutshalwa kwezimali

- ukukhuthaza ukutshalwa kwezimali embonini kanye nokwenza ngcono ukuthula embonini;
- ukukhuthaza ubunikazi kanye nokuphathwa kwamasevisi ezethelekhomyunikheshini, ngabantu abaqhamuka ezindaweni lapho bebenganakiwe khona esikhathini esedlule;
- ukubeka imikhawulo ekutheni umuntu abe ngumnikazi wamasevisi amaningi ezethelekhomyunikheshini endaweni eyodwa, ngokulandela izidingo zomthetho ovimbela lokhu;
- ukubheka isakhiwo semboni yamaselula, ngokubambisana ne-Competitions Board, kanye nokuthi ama-operators amaselula kufanele yini ukuthi abe ngabanikazi bezinkampani zezokusakaza, noma ukuthi lobu bunikazi buphazamisa uhwebo.

5.9.4 Ukuncintisana

- ukukhuthaza ukuncintisana okuqotho phakathi kwabalethi bamasevisi lapho ukuncintisana kuvunyelwe khona, kuhlunganisa nomgomo wombuso mayelana nokuncintisana;
- ukuvumela ukuthi abalethi bamasevisi bakhululeke lapho befeza izinhloso zabo zezohwebo, ngesikhathi bebheka izidingo zezethelekhomyunikheshini zomphakathi kanye nezinhloso zemigomo zikaHulumeni.

5.9.5 Ukunikezwa kwamalaysensi

- ukubhekana nokunikeza amalaysensi kubalethi bamasevisi ezethelekhomyunikheshini, ngokulandela inqubo-migomo ebekwe nguNgqongqoshe;
- ukunikeza amalaysensi kubasebenzisi be-radio spectrum, ngaphandle kwalabo

abasebenza ngokwamalaysensi akhishwe yi-Independent Broadcasting Authority;

- ukubhekana nokubuyekeza amalaysensi akhona, lapho kufanele khona;
- ukuqapha kanye nokuqinisekisa ukulandelwa kwemithetho nemigomo;
- ukuhlaziya kanye nokubeka ukubaluleka kwama-tenders amalaysensi amasha;
- ukunquma ngezigaba ezifanele zamalaysensi;
- ukulalela izikhalo eziqhamuka kubasebenzisi kanye nabaletshi bamasevisi.

5.9.6 Ukuphathwa kwespekthramu yamafrikhwensi emisakazo

- ukuphatha ispekthramu yamafrikhwensi emisakazo, ukufeza izifiso zomphakathi;
- ukubuyekeza ngokwabiwa okwenziwe kwespekthramu yamafrikhwensi emisakazo, ikakhulukazi ukwabiwa okuphakathi kwemikhakha yombutho wezempi kanye nezakhamuzi;
- ukuqinisekisa ukuthi ispekthramu yamafrikhwensi emisakazo isetshenziswa ngokwamakhono, kanye nokubeka izindlela ezidingekayo ezingasetshenziswa ukuze lokhu kwenzeke;
- ukuphatha kanye nokuthi ukwabiwa nokusetshenziswa kwespekthramu yamafrikhwensi emisakazo kube ngokunezindleko ezincane, kanti lokhu kungenziwa ngokuthi kuthathwe izinyathelo ezifanele;
- ukusungula kanye nokulandela isu lespekthramu yamafrikhwensi emisakazo likazwelonke.

5.9.7 Amastandathi kanye nekhwalithi

- ukubeka amastandathi kazwelonke okukhomba indlela yokulethwa kwamasevisi ezethelekhomyunikheshini kanye nokuqinisekisa ukuthi lamastandathi ayalandelwa;
- ukuqinisekisa ukuthi izidingo zabantu abakhubazekile ziyabhekwa, ikakhulukazi mayelana nemvume yohlobo lwe-customer premises equipment (CPE);
- ukubeka amastandathi angasebenza, athekhnikhali kanye nawekhwalithi, ngokubonisana nemboni yezethelekhomyunikheshini kanye namaqembu ama-consumers;
- ukwenza imvume yohlobo lwe-customer premise equipment (CPE) kanye nokubeka imigomo emayelana nokuxhumana kwamakhastoma ne-network.

5.9.8 Ukuthuthukiswa kwamakhono abantu

- ukusungula idayrekthoreyithi yokuthuthukisa amakhono abantu, ezonikeza izimali zokuthuthukisa amakhono abantu kumkhakha wezethelekhomyunikheshini (bheka udaba 8);

5.9.9 Ucwaningo (iriseshi)

- ukukhuthaza kanye nokwenza ucwaningo mayelana nenqubekela phambili kumgomo wokuphatha ezethelekhomyunikheshini kanye nakwitheknoloji.

5.9.10 Ukuhlangana

- Ukubeka inqubo migomo yokuhlangana, ukwelekelela izingxoxo ezimayelana

nokuhlangana kanye nokwamukela izivumelwano zokuhlangana (nezinguquko lapho kudingekile) ukusiza umphakathi.

5.9.11 Intela yempahla

- Ukuphatha intela yempahla lapho kunesidingo ukusiza umphakathi.

5.9.12 Ukuvikela ama-consumer kanye nabasebenzisi

- ukuzibekela isibopho sokuvikela ama-consumer mayelana nezethelekhomyunikheshini.
- ukusiza ukuletha izixazululo kuzikhalo nezingxabano ezenzeka kuma-consumer kanye nabasebenzisi mayelana namasevisi ezethelekhomyunikheshini.

5.9.13 Ukubala

- ukuphatha uhlelo lokubala laseNingizimu Afrika.

5.9.14 Ukukwazi ukusebenzisa i-Intelsat

- ukuphatha udaba lokuthi abanye abantu bakwazi ukusebenzisa amasevisi e-Intelsat.

5.9.15 Ukuxhumana noNgqongqoshe

- Ukweluleka uNgqongqoshe mayelana nanoma yiziphi izinto ezithinta ezethelekhomyunikheshini.

5.9.16 Iphalamende

- ukubika ePhalamende mayelana nokwenza imisebenzi yayo;
- ukuyisa ibhajethi minyaka yonke ePhalamende ukuze yamukelwe.

5.9.17 Ukubonisana kanye nokubamba iqhaza komhlaba wonke

- ukubamba iqhaza kumaqembu omhlaba wonke, ngokubonisana neMinistri, ngezindaba ezimayelana nezethelekhomyunikheshini;
- Ukusungula iforamu yokubonisana nabo bonke abantu abafisayo.

ISAKHIWO SE-REGULATOR

UKWAKHEKA KWESAKHIWO SOBUPHATHI-MANDLA ESIPHETHE EZETHELEKHOMYUNIKHESHINI

5.10 Kuphakanyiswe ukuthi u-Regulator kufanele abe neKhanseli.

5.10.1 Ukwakheka kweKhanseli

- UNgqongqoshe uyokhetha iKhanseli, elinamalungu angengaphansi kwamahlanu nangengaphezulu kwayisikhombisa, elinye ilungu liyobekwa njengosihlalo;
- Amakhansela azomela bonke abantu baseNingizimu Afrika futhi, lapho ibhekwa yonke ngokuphelele, izoba nolwazi mayelana nomkhakha wezethelekhomyunikheshini;
- UNgqongqoshe uzobeka amazinga omholo kasihlalo kanye namakhansela,

ngokubonisana noNgqongqoshe weziNdleko zoMbuso;

- Ikhansela lesiphathimandla esiphethe ezethelekhomyunikheshini ngeke, ngaphandle kwemvume kaNgqongqoshe, lenze noma lizibandakanye ekwenzeni umsebenzi oholelayo ongewona umsebenzi wehhovisi lakhe;
- Usihlalo uzoba sesikhundleni iminyaka emihlanu. Amakhansela azoba sezikhundleni iminyaka emine, kanti kuyoncika kundlela yokuqinisekisa ukuthi bayashintshana njalo emva kweminyaka emibili. Ukubekwa ezikhundleni kungavuselelwa.

INDLELA YOKUKHETHA

5.10.2 Kuphakanyiswe ukuthi abantu abalandelayo akufanele babonwe njengabafanele ukuthi babe ngamalungu eKhanseli:

- umuntu ongesona isakhamuzi futhi ongeyena umhlali waphakade waseNingizimu Afrika;
- umuntu obonwe wumthetho ukuthi akakwazi ukukhokha izikweletu zakhe;
- umuntu osewake wabekwa icala noma nini (eRiphabhlikhi noma kwenye indawo) lokuntshontsha, lokukhwabanisa, lokufoja noma ukusebenzisa idokumenti efojiwe, ukwephula isifungo sokukhuluma iqiniso, icala elingaphansi kwe-Corruption Act, (Act No. 94 of 1992), kanye noma yiliphi icala elifaka ukungathembeki, noma umuntu owaboshwa engenakho ukukhetha ukuthi akhokhe inhlawulo, ngaphandle kweziboshwa zezepolitiki.

Ukuze umuntu athathe isikhundla sokuba yikhansela, angeze aba yilokhu okulandelayo:

- ngumuntu osebenza kunoma iyiphi idiphathimenti yombuso;
- yilungu lePhalamende noma yimuphi umphathi ongaphansi kuhulumeni;
- ngumuntu onesikhundla kunoma iyiphi inhlango yezezipolitiki;
- ngumuntu othintekayo ngezezimali, ngokuqondile noma ngokungaqondile, embonini yezethelekhomyunikheshini;
- ngumuntu onesikhundla enkampanini noma kwesinye isikhungo, obhekene noma othintekayo ngezezimali embonini yezethelekhomyunikheshini;
- ngumuntu oqashwe embonini yezethelekhomyunikheshini;

5.10.3 UNgqongqoshe kufanele ukuthi, lapho ebeka ilungu esikhundleni sokuphatha, azenelise ukuthi lelo lungu lingumuntu onomqondo ophezulu, oqotho, noyingcweti, futhi okwaziyo ukuthi, ekanye namanye amalungu, enze imisebenzi yokuphatha.

UHLELO LOKUKHETHA

5.10.4 Kufanele kulandelwe uhlelo oluvulekile futhi olungafihli lutho. Kufanele kucelwe iziphakamiso zabantu abangakhethwa, futhi kufanele ukuthi kube khona ukulalelwa kwemibono yomphakathi, okwenziwa ngabantu abakhethwe nguPhresidenti.

IZINDLELA ZOKUBIKA

- 5.11 U-Regulator kufanele abike ePhalamende, ngokuthi abikele uNgqongqoshe.

I-ADMINISTREYSHINI

- 5.12 IKhanseli izosungula i-administreyshini yayo ngokubonisana kanye nokuxoxisana neMinistri kanye neDiphathimenti, mayelana nesitafu kanye nemithombo. Ukwakheka kwesitafu sika-Regulator, kufanele kuveze izinhlobo ezahlukene zabantu ezweni.

UKUBA SOBALA

- 5.13 Ngokomgomo, u-Regulator uzokwenza udaba lokuphatha ngendlela evulekile futhi esobala. Amadokumenti ayohlala njalo evulekile ukuthi angabhekwa ngumphakathi, futhi kufanele kulungiswe ukuthi umphakathi ukwazi ukufinyelela kuwo. Ulwazi olulethwe ngama-operators anamalaysensi noma abalethi bamasevisi oluthathwa njengolu-proprietary (okusho ukuthi ulwazi olumayelana namasu ezinkampani, ukutshalwa kwezimali, nokunye, ukudalulwa kwalo emphakathini okungaphazamisa lezo zinhlelo noma okunganikeza umuntu okuncintiswana naye ulwazi olungaphakathi) kufanele lugcinwe luyim-fihlo ngu-Regulator.

UKUQHUTSHWA KOMTHETHO

- 5.14.1 IKhanseli kufanele isebenze ngokwamandla enikezwe wona kanye nemisebenzi enikezwe yona nguMthetho;
- 5.14.2 Kuphakanyiswe ukuthi, lapho umlethi wamasevisi ezethelekhomyunikheshini noma umsebenzisi wespekthramu yamafrikhwensi emisakazo enza okuphambene nelaysensi yakhe, u-Regulator kufanele abe namandla okwenza lokhu okulandelayo:
- athathele izinyathelo kumnikazi welaysensi ongahambisani nemibandela yelaysensi, futhi
 - ahlawulise ngemali efanele, (kanti kunenani elinqunyiwe okungeze kwakhokhwa ngaphezu kwalo, elivunywe ngu-Attorney General noma elibekwe nguMthetho);
 - u-Regulator angamisa ukusetshenziswa kwelaysensi noma ayichithe;
 - angathatha esinye isinyathelo esifanele sokuqinisekisa ukuthi umthetho uyalandelwa.
- 5.14.3 Lapho ilungu lomphakathi lephula uMthetho, lowo muntu unecala futhi angahlawuliswa ngemali; noma kungasetshenziswa ezinye izindlela zokwenza ukuthi kugcinwe umthetho.

EZEZIMALI

- 5.15 Kuphakanyiswe ukuthi

- 5.15.1 izindleko zokuphatha akufanele zingene ngaphansi kwezindleko zombuso, kodwa kufanele zibhekwe ngabazuzi bokuphatha;

- 5.15.2 zonke izimali ezitholwe lapho kuphethwe, kufanele zibuyiselwe kumkhakha wezeThelekhomyunikheshini;
- 5.15.3 kufanele kusungulwe isikhwama sezethelekhomyunikheshini, okufanele siphathwe yiDiphathimenti yezamaPosi nezeThelekhomyunikheshini, futhi imali iyoqhamuka ezindaweni ezilandelayo:
- izimali ezikhokhelwa amalaysensi. Izimali zamalaysensi kufanele zamukelwe nguNgqongqoshe, futhi zisuselwe ekutheni kufanele kukhokhwe izindleko, noma zisuselwe kwi-value njengoba kudinga isimo;
 - imali etholakala ekutshaleni izimali kanye nasekudiphozitheni izimali ezisele;
 - izimali ezibolekiswa eziqoqelwa ukukhokhela impahla (capital expenditure);
 - inhlawulo ekhokhwa ngokomthetho wezeThelekhomyunikheshini ngenxa yokwaphula lowo mthetho noma ngenxa yokwephula imigomo, imibandela, nezimiso zelayensi; futhi
 - izimali ezitholakale ngokudayisa noma yini okuthiwa igodliwe ngokomthetho wezeThelekhomyunikheshini;
 - iminikelo etholakala ngokwezibopho zamasevisi ezindawo zonke (neminikelo etholakala kweminye imithombo, kubandakanya i-RDP);
- 5.15.4 Izimali kufanele zisetshenziswe ukukhokhela zonke izindleko ezidalwe yiDiphathimenti, ngu-Regulator, kanye ne-ejensi yokuletha amasevisi ezindaweni zonke;
- 5.15.5 Uminikelo oqhamuka esikhwameni sezethelekhomyunikheshini, uyokwenziwa kumaforamu okubonisana/okweluleka kumkhakha wezethelekhomyunikheshini;
- 5.15.6 Kufanele kwabiwe izimali njalo ngonyaka, ukukhuthaza ukulethwa kwamasevisi ezindaweni zonke, kanti izimali ziyoqhamuka esikhwameni sezethelekhomyunikheshini. Lesi sabelo kufanele sifakwe esikhwameni sokuletha amasevisi kuzo zonke izindawo, futhi sisetshenziswe ukwenza ngcono amasevisi ezindaweni zonke. Isikhwama samasevisi ezindawo zonke kufanele siphathwe yi-ejensi yamasevisi ezindawo zonke, okufanele iziphendulele kwi-Ministri;
- 5.15.7 IDiphathimenti kufanele ukuthi njalo ngonyaka, ngokubonisana no-Regulator kanye ne-Ejensi yamaSevisi eziNdawo Zonke, yenze ibhajethi egxilile okufanele yamukelwe yiPhalamende. Lebhajethi kufanele iveze into ngayinye, lapho izindleko zidalwe khona, zokusebenza nezempahla, ezenziwe yiDiphathimenti, ngu-Regulator, kanye ne-ejensi yamasevisi ezindawo zonke;
- 5.15.8 Kufanele kusungulwe indawo lapho kuzogcinwa khona izimali kwiDiphathimenti, ezophatha isikhwama.

IGAMA LIKA-REGULATOR

- 5.16 Igama lika-Regulator liyoba yi-South African Telecommunications Regulatory Authority (SATRA).

Iminikelo, namagranti,
amaSevisi ezindawo
zonke

Izimali zelayensi,
Izinhlawulo, nokunye.

Izindleko zempahla
nezokusebenza



Lungiselwe

Insalela

**ISIKHWAMA
SAMASEVISI
EZINDAWO
ZONKE**

**SATRA
HRDD**

DPT

USA

**ABASEBENZISI/AMASEVISI
ASIZWE NGEZIMALI**

Amabhajethi

UNGQONGQOSHE

IPHALAMENDE

*Uhlelo lwebhajethi:
luhanjiswa yi-DPT,
lubekwa ukuthi kuxoxwe
ngalo nguNgqongqoshe,
lwamukelwa
yiPhalamende*

Amanothi:

1. I-DPT iphethe isiKhwama sezeThelekhomyunikheshini
2. i-SATRA iphethe isiKhwama samaSevisi eziNdawo Zonke
3. I-USA imeneja isiKhwama samaSevisi eziNdawo Zonke



UKUNGENA KWEZIMALI

DPT - Department of Posts and
Telecommunications
HRDD - Human Resources
Development Directorate

SATRA - South African
Telecommunications
Regulatory Authority
USA - Universal Service Agency

FIGURE 3 - Inqubo yezimali zethelekhomyunikheshini

6

UKUNQUNYWA KWENTELA ABANTU ABANGAKWAZI UKUYIKHOKHA

- 6.1 Ukufinyelela ngokwenele ezindaweni zonke nasezinhlosweni zamasevisi kuncike kakhulu ekuhlangabezeni izidingo zokukhonakala. Indlela okulawulwa noma okunqunywa ngayo izindleko zamasevisi ibalulekile ekusebenziseni ngendlela eyiyo umgomo kaHulumeni. Okuyiyonanto ewukhiye kulokhu wukulunganisa ukukhona nezidingo ze-ophareytha zokwandisa nokuthuthukisa i-network. Inhloso yalesi sahluko ukwakha lokho kulingana.

UKUNQUNYWA KWAMANANI ENTENGO (TARIFF)

- 6.2 Mayelana nokulawulwa kwamatherifu, iMinistri ihambisana nokusetshenziswa kwemigomo elandelayo:
- 6.2.1 Amanani entengo kumele anqunywe ngendlela ethile. Kodwa, ubunjalo kanye nobungako bomkhawulo walokho kunquma buyokwehluka kuye nezimo ezibonakalayo ezindaweni ezechukene zomkhakha wokuxhumana. Iphuzu okuyilona elinesandla emphumeleni, ukuba khona kumbe ukungabibikho kokuncintisana.
- 6.2.2 Ukunqunywa kwamanani amatherifu akunasidingo ezimeni lapho kunokuncintisana okwenele nokuzokwenza izimakethe zizinqumele amazinga entengo. Kodwa ukunquma kwamanani kuyodingeka kulezo zimo lapho kunokungqubuzana khona noma uma kudingeka ukuthi kuqedwe izinsongo noma izenzo zokwenyusa kakhulu amanani.
- 6.2.3 Amanani amatherifu kumele alawulwe kulezo zindawo zomkhakha wezeThelekhomyunikheshini ezingaphansi kwenkampani eyodwa, noma ezingenakho ukuncintisana okwenele nokwenza ukuthi kuqhubeka umsebenzi ngendlela. Indlela okuyiyona engcono ngukuthi uhulumeni enze ukuthi intengo ingakhuphuki kakhulu, avumele ukuthi kube khona ukunqunywa kwezinga lamanani entengo libekwe noma yikuphi kodwa libe ngaphansi kwezinga elithile, kuthi ukwenyuswa kwentengo kubathengi kweyamaniswe ne-consumer price index futhi kwenziwe kanye ngonyaka.
- 6.2.4 Amanani akhokhelwa amasevisi kathelefoni ama-franchise, kumele alawulwe ngendlela yokunquma intengo, kuze kufike isikhathi lapho kuzoba khona ukuncintisana okwenele ukwenza ukuthi izimakethe zinqume amatherifu.

- 6.2.5 Isiphathimandla esizimele kumele kube yisona esibhekana nomsebenzi wokulawula amanani amatherifu.

AMA-CROSS SUBSIDY (CROSS-SUBSIDIES)

- 6.3 Mayelana nodaba lwama-cross subsidy, iMinistri ithanda ukulandela imigomo elandelayo:

- 6.3.1 Akukho lapho kuyovunyelwa khona ukusizana ngezimali phakathi kwamasevisi ehlulekayo nalawo asebenza ngempumelelo.
- 6.3.2 Ukusizana ngezimali kwamasevisi ehlukene kunomphumela wokuxova izimakethe, ngakho njengomthetho obanzi akumele kuvunyelwe. Kodwa kukhona izimo ezimbili lapho ungeqiwa khona lomthetho:
- I-Cross subsidy phakathi kwemikhakha emibili encintisanayo akuyona into egcineka isikhathi eside, futhi ivumelekile.
 - Imithetho ye-Cross subsidy esetshenziswa ukufeza izinhloso ezithile zokuhlalisana, futhi evunyiwe yaphasiswa yisiphathimandla esizimele, ngaphambi kokuba iqale ukusetshenziswa.
- 6.3.3 Yonke imithetho ye-Cross subsidy esetshenziswa ukufeza izinhloso ezithile zokuhlalisana kumele ibe sobala kuRegulator, kusetshenziswe ishadi lama-akhawunti kanye nemanuwali yokwehlukanisa izindleko.
- 6.3.4 Imithetho ye-Cross subsidy ezindaweni ezingenakuncintisana kumele isheshe iqedwe.
- 6.3.5 Amanani amatherifu engeziwe ngenhloso yokwenza ukuthi imithetho evunyiwe ye-cross subsidy isebenze, kumele avikelwe ekuncintisaneni okungavela kwabanye o-ophareytha, lokhu kwenziwe ngokuhlala ngokuhlolwa yisiphathimandla esizimele ohlangothini lwezethelekhomyunikheshini.
- 6.3.6 Amanani akwaTelkom kumele abhalansiswe, kancane kancane, ngokushesha okungahle kwenzeke, kodwa futhi nangokubhekela izidingo zezinguquko.
- 6.3.7 I-Regulator ngokubonisana neTelkom, kumele banqume i-time table yezinguquko, babhekele ukuzuzwa kwezinhloso zokuhlalisana, ukukwazi ukwenza izinguquko zamanani amatherifu kanye nobunjalo besimo kwezezimakethe.

AMANDLA OKUKHOKHA

- 6.4 I-Universal Service Agency iyonikwa umsebenzi wokuthola izindlela ezingasetshenziswa nezikhonakalayo. Kuyogcizelelwa kakhulu ekuphenyeni ngezinhlelo ze-subsidy eziqondiswe kumuntu ngamunye kanjalo nasekwehlukaneni kwezinhloso zokunquma amanani, okuhlanganisa ukwelulwa kwesikhathi sokukhokhela imali yokufakelwa ucingo.
- 6.5 Izidingo zomkhakha wezethelekhomyunikheshini azihlanganisi i-subsidy yezindleko zokuxhumana zeminye imikhakha yamasu okuhlalisana.

7

IMBONI ESIZA NGAMA-EQUIPMENT

INHLOSO YOMBUSO

- 7.1 INingizimu Afrika inemboni esinesikhathi eside ikhona yokunikezela ngezidingo zethelekhomyunikheshini, nenenzuzo ka R3 Billion, kanti iqashe abasebenzi abangaphezulu kuka 7 000.
- 7.2 Kuwumbono weMinistri ukuthi iNingizimu Afrika idinga imboni enamandla yokunikezela ngezidingo zethelekhomyunikheshini, ukuze ikwazi ukubhekana nezidingo zentuthuko yezwe futhi ibeke iNingizimu Afrika esimeni esingcono sokubhekana nekhulunyaka lamashumi amabili nanye (21st century). Imboni yezethelekhomyunikheshini enomfutho nekwazi ukuncintisana nomhlaba wonke izokwenza ukuthi izinga lokutshalwa kwemali likhuphuke, nokuzovula amathuba emisebenzi kulethe nokusimama kwezomnotho.
- 7.3 Lombono uyahambisana nemigomo ehlongozwa nguHulumeni, ethi inhloso yababhali migomo baseNingizimu Afrika wukuhola nokuqinisekisa ukwenzeka ngokushesha kohlelo lwezentuthuko kwezezimboni kwi-value added chain, kanti ngokwenzenjalo kuzofezeka inhloso yokudala amathuba emisebenzi nazohlala ekhona isikhathi eside.
- 7.4 Ukufeza lezinhloso, imboni yakuleli yezethelekhomyunikheshini kumele yenze izinguquko

UKWESEKWA KWEMBONI YAKULELI

- 7.5 Ngokuthi imboni yezokuxhuma eNingizimu Afrika, iyona eseqophelweni eliphezulu e-Afrika, lemboni ayidingi kuvikelwa okwehlukile kwiMinistri kunalokho okunikwa izimboni zokuxhama zamanye amazwe ezisezingeni elifanayo lentuthuko. IMinistri ikholwa wukuthi usizo engalunika imboni yakuleli wukwakha isimo esiphelele sezomnotho esinzile nesinemigomo eyeseka ukuthokala kwezimali (capital), ithekhnoloji namakhono.
- 7.6 Ngakho-ke kuyisifiso seMinistri ukususa kancane kancane nanoma yisiphi isinyathelo sokuvikela esingahambisani nesibopho senhlangano yohulumeni bamazwe omhlaba i-Government's World Trade Organisation. Kuyisifiso seMinistri futhi ukusebenzisa izinyathelo okuhloswe ngazo ukweseka nasekugqugquzeleni imboni yezethelekhomyunikheshini ekufezeni izinhloso zokuhlelwa kabusha ezidingekayo. Lezo zinyathelo ziyobhekela isidingo

sokwedlulela esikhathini esisha kwenkampani yakwaTelkom, imboni yakuleli yokunikezela nokukhiqiza, ibhekele istafu nabasebenzi ukuthi bakwazi ukumelana nezinguquko zezikhungo zakuleli kanye nokuncintisana ezingeni lamazwe omhlaba.

- 7.7 Uhulumeni uyonika usizo oluyisipesheli kulezongxenye zembali yokunikezela esicindezelwe kakhulu ngamanani entengo yempahla evela emazweni angaphandle, yilabo abadinga izinguquko zesikhathi samanje kanye nalabo abangakwazi ukuziqhubekela ngaphandle kokwesekwa. IMinistri inombono wokuthi imboni yezethelekhomyunikheshini yakuleli inethuba elikhulu lokuzibeka endaweni ebalulekile ezimakethe zenzuzo kwizwekazi lase-Afrika. Uhulumeni uyonika usizo oluyisipesheli kulezo zingxenye zembali ezikhombisa ukuncintisana (competition) nezinamathuba okwandisa izimakethe zawo kuleli nasemazweni angaphandle.
- 7.8 Uhulumeni uzozabalazela ukuqiniseka ukuthi, izivumelwano zohwebo zangaphakathi kuhulumeni emkhakheni wezethelekhomyunikheshini zizobhekela ngokufanele izinyathelo ezivimbela ukulahlwa, izidingo zokudlulisela ithekhnoloji, amakhono ethekhnoloji nawobumeneja kubantu baseNingizimu Afrika, aqiniseke futhi ngokuthi izivumelwano eziphikisa ukuhwebelana (counter trade agreements) azizubandakanya izihibe (restrictions) zokuhwebelana namazwe angaphandle kwembali yakuleli ngezimpahla zalo. Ngelokho kuzosiza ekuthuthukiseni ukulingana kwezohwebo.
- 7.9 Ngo 1994 iNingizimu Afrika yasayina isivumelwano i-Uruguay round of the General Agreement on Tariffs and Trade (i-GATT) and the associated Trade Related Investment Measures (i-TRIM) kanye ne-Technical Barriers to Trade. Inhlango i-World Trade Organisation (i-WTO) manje izoqapha lezivumelwano okuhloswe ngazo ukunciphisa izithiyo (barriers) ezikhona ekuhwebelaneni kwamazwe omhlaba. Umphumela okhona kwiNingizimu Afrika ngokuthi, uhlelo lwangesikhathi esedlule lwezivumelwano zesikhathi eside seluphelelwe yisikhathi, kanti imakethe isivulekele izinkampani ezintsha nezingancintisana ezimeni ezingcono kunezinkampani zaseNingizimu Afrika nokuyinto ephoqa izinkampani zakuleli ukuthi zenyuse izinga lokusebenza kwazo, lifinyelele kulelo lezinkampani zomhlaba. Imboni yakuleli yokunikezela ngezidingo zokuxhumana idinga isikhathi nosizo ukuze ikwazi ukumelana nalezizimo ezintsha zezimakethe.
- 7.10 Ukuvikelwa kwamanani amatherifu kulawo mazinga okuvunyelwene ngawo, kuphela kwesinyathelo sokuvikela uhulumeni asele naso, kanti uhulumeni uhlongoza ukuvikela amatherifu kulawo mazinga anqunyiwe, njengalokhu evezwe kwi-GATT. Lokho kuvikelwa kwamatherifu yinto ezosebenza okwesikhashana, uma kusenziwa izinguquko kanti izokwenza ukuthi imboni yakuleli ikwazi ukuzilungiselela ukuncintisana namazwe omhlaba. IMinistri yezamaposi, ezethelekhomyunikheshini nokuSakaza, izokwenza isicelo mayelana nalokhu isiqondise kwiMinistri yezimbono nohwebo, kuye ngezidingo zokwandiswa kwesevisi emhlabeni wonke kanye nasembandeleni othi i-ikhwiphimenti engenziwanga kuleli ayiyukuthinteka ekuvikelweni kwamatherifu.

UKUKHUTHAZWA KWEMBONI YAKULELI

- 7.11 Ukuvikelwa kwamatherifu akusona isikhali esisemqoka esingesetshenziselwa ukuletha izinguquko ezilindelekile embonini.

Kunalokho uhulumeni angakhuthaza intuthuko embonini ngokuthi:

- izindlela ezehlukene zokunikezela ezifana nezibonelelo zentela ekuqeqeshweni nasekutshalweni kwezimali kanye neprojekthi yokweseka i-Support Project for Industrial Innovation yeDiphathimenti yezoHwebo neziMboni, kanye
- nangokusungula ubudlelwano bamasu phakathi kwabakhi be-ikhwiphimenti kanye nama-ophareyitha e-network ngokusebenzisa izimo zokunika amalayisensi ezifana ne-JEDP. Isinyathelo saluhlobo siyisize kakhulu imboni yezethelekhomyunikheshini yase-Australia ekutheni ikwazi ukuguqula imboni yayo yokunikezela nge-ikhwiphimenti ekutheni ibe ngekhulayo, ekwazi ukuncintisana, negxile ekuthengiseleni amazwe angaphandle umkhqizo wayo. Ngakho iMinistri izibophezele ekucubunguleni kabanzi uhlelo lwase-Australia kanye nezinye izinhlelo ngokuphathelele nezindlela zokukhuthaza imboni yokunikezela nge-ikhwiphimenti kanye nokubheka izinguquko okumele zenziwe kuyona ngenhloso yokuyenza ihambelane nesimo sakuleli kanye nokusetshenziswa kwayo eNingizimu Afrika.

- 7.12 I-Regulator izogququzela imisebenzi yemboni yakuleli ukuze ikhiqize i-ikhwiphimenti kanye nokwengeza ukubaluleka. Kumele kubhekwe ukuthi izimo zelayisensi zingakukhuthaza kanjani ukwesekwa kwemboni yakuleli ibe iqiniseke ngokuphatha ngendlela efanayo kwama-ophareyitha e-network kanye nabantu abanika isevisi.

- 7.13 ITelkom isivele iguqukele ohlelweni oluvulekile lwama-tender. IMinistri ihlose ukuqhubeka naloluhlelo futhi iqinisekise ukuthi ukuthengiselana nge-ikhwiphimenti kwenziwa ngendlela ye-tender evulekile futhi nangokubheka ukuthi yiyiphi inkampani engcono. Esimeni lapho kunokulingana khona, ithuba lokuqala liyonikwa lawo masaplaya anekhono lokwenza umkhqizo wakuleli, ikhono lentuthuko, iriseshi kanye nelokwesekela, konke okuyinto eyoqinisekisa ukwehla kwezindleko.

- 7.14 Wonke ama-ophareyitha e-network, akhona njengamanje namasha kumele aphoqwe ukuthi athenge i-ikhwiphimenti yezethelekhomyunikheshini nesevisi ngendlela ezokwenza ukuthi:

- amabhizinisi amancane, aphakathi namakhulu (noma ama-SMME) akhona ukufinyelela;
- nangendlela ezoletsa intuthuko yezomnotho kubantu abamnyama, kuye ngendlela ezohlala ngokubekwa yi-Regulator.

Ukuqinisekisa ukulingana phakathi kwabantu abanika isevisi, lezizinhloso kumele zihlelwe ngendlela ethile kwizimo zelayisensi.

- 7.15 Kuwumbono kahulumeni ukuthi ama-ophareyitha e-network, angavunyelwa ukukhiqiza i-ikhwiphimenti yezethelekhomyunikheshini ukuze kugcinwe isimo sokuncintisana nesivumela ukugcinwa kwezindleko ziphansi.

IMIPHUMELA YEZOXHUMANA EKUHLALISANENI

- 7.16 Ngenhloso yokwenza ukuthi umphakathi uzuze kwimboni yezethelekomyunikheshini, kubalulekile ukuthi imboni ngokwayo njengendawo eqashe abantu kube nomnikelo ewenzayo kuleyo miphakathi eyayincishwe amathuba. Njengoba ama-SMME enika amathuba amasha emisebenzi emikhakheni eminingi yomnotho, kubalulekile ukukhuthaza ukuhlenganiswa kwawo nale-yomisebenzi emikhulu kanye nokwakha isimo esivumela ukuthuthuka kwemibono emisha nokukhula kwawo. Ukufeza lezizinhloso uhulumeni uzothatha izinyathelo zokuthuthukisa ngendlela ebonakalayo, nokuqinisekisa ukuba khona izinhloso zobunikazi zabantu abamnyama kanye nezamanye amaqembu ayencishwe amathuba, kanti lokhu kuzoqinisekisa ukuthi lezo zinhloso zinenqubekela phamabili emkhakheni wakuleli onikezela nge-ikhwiphimenti. Lezo zinyathelo zichazwe kabanzi odabeni 4 no 8 kwi-White Paper.
- 7.17 Ukwengeza, abesifazane nemiphakathi ekhubazekile kumele idlale indima esemqoka embonini yakuleli ye-ikhwiphimenti. Kumele kuvele ukuthi ithekhnoloji efanele, ingenza ukuthi abantu abakhubazekile bakwazi ukusebenza embonini. Ithekhnoloji eyenziwa yimboni ye-ikhwiphimenti kumele ivumele ukuthi abantu abakhubazekile bafinyelele ngokufanayo nabantu abangakakhubazekile kwi-ikhwiphimenti yezethelekomyunikheshini. Ithekhnoloji akumele kuphela ivumele abantu abakhubazekile ukuthi basebenze embonini, kodwa i-ikhwiphimenti eyenziwayo kumele ibavumele ukuthi bayisebenzise noma yikuphi lapho kusetshenzwa khona. Ngakho-ke ngokubhekiswe kubantu abakhubazekile, i-ikhwiphimenti kumele yenziwe ngendlela ezonika abantu abangaboni emehlweni ulwazi olwenele loku-ophareytha iswishibhodi. Kubantu abangezwa ezindlebeni ithekhnoloji kumele ivumele ukuthi bakwazi ukufika kwi-ikhwiphimenti.
- 7.18 IMinistri izophinde ibhale umgomo wabatshalizimali wokuziphatha emkhakheni wakuleli okhiqizayo. Inhloso yalomgomo kuzoba wukuqinisekisa ukuthi izimali ezitshaliwe (investments) zabiwa ngendlela eyiyo empahleni nakubantu abasembonini yakuleli ekhiqizayo. Lomgomo uzophinde ubhekele ukuthi amazinga okusebenza kanye nezivumelwano zemboni kuyalandelwa.

8

ABANTU ABASEBENZA KULOMKHAKHA

- 8.1 Abantu besizwe abanolwazi nabanamakhono, bayingcebo yesizwe. Uma bengekho abantu abaqeqeshwe ngokwanele kuwo wonke amazinga, isizwe ngeke sikwazi ukukhulisa umnotho waso, ukwakha ingcebo edingekayo, ukukhuphula izinga lempilo yabo bonke abantu baso. Lokhu kuyiqiniso, ikakhulukazi kumkhakha wezeThelekhomyunikheshini. Ngokukholelwa yilokhu, iMinistri iphakamisa ukuthi kube nezimali ezizokwenza ngcono abantu abasebenza kulo mkhakha. Ukuphathwa kwalezi zimali kuzoba yisibopho sika-Regulator. Amalungiselelo abalulekile yilawa alandelayo:
- 8.2 U-Regulator uzokweseka ezeThelekhomyunikheshini lapho zibhekene nezicelo ezikumikhakha elandelayo emihlanu:
- 8.2.1 Ukuqeqeshwa nokuqeqesha kabusha abasebenzi abavele besebenza kulo mkhakha.
 - 8.2.2 Ukuthuthuka kanye nokukhula kokuqeqesha ama-artisan kanye namathekhnishiyeni.
 - 8.2.3 Ukuthuthuka kanye nokukhula kwemfundo ephakeme yokufundela ukuthola iziqu (undergraduate).
 - 8.2.4 Ukuthuthuka kanye nokukhula kokuqeqesha labo asebethole iziqu kanye nocwaningo.
 - 8.2.5 Ukukhuthaza uthando lwethekhnoloji kubantwana besikole.
- 8.3 Lemisebenzi ka-Regulator kufanele ibonakale njengalokho okwenezelelayo kunoma yiluphi usizo lwezimali uHulumeni alulethayo ukusiza ukuqeqesha ngokwejwayelekile. Lapho kungenzeka khona, u-Regulator uzokhuthaza izicelo ezisezingeni eliphezulu. U-Regulator akasoze aqeqeshe abantu. Ukuthuthukiswa kwamakhono abantu okwesekwe ngu-Regulator, kufanele kuhambisane nomgomo obanzi wezemfundo wezwe;
- 8.4 Kuphakanyiswe izindlela ezilandelayo zokusiza ngezimali:
- Kuyonikezwa inkuthazo yentela (tax) kuzinkampani eziqeqesha nezithuthukisa abasebenzi kulo mkhakha.
 - Kuzogodlwa ingxenywe yemali yelaysensi ekhokhwa yizinkampani ezinamalaysensi kulo mkhakha.

USIZO LWEZIMALI

- 8.5 IMinistri ikholelwa ngukuthi, ukwenziwa ngcono kwamakhono abasebenzi balo mkhakha, kufanele kukhokhelwe yilo mkhakha qobo lwawo. Lezi zimali akufanele zithathe indawo yosizo lwezimali olujwayele ukunikezwa nguHulumeni kwimfundo ephakeme. IMinistri iphakamisa izindlela ezilandelayo ezingathathwa ukwenza ukuthi izimali zibe khona. IMinistri iqaphela ukuthi kunezingxenye ezimbili ezinkulu zabadlali-ndima kulo mkhakha. Kolunye uhlangothi, kukhona izinkampani ezibhekene nokuncintisana okungenamkhawulo kwingxenye yazo yalo mkhakha. Ngakolunye uhlangothi, kukhona izinkampani ezifana nama-network operators, ezinamalaysensi okusebenza. Azinabo ezincintisana nabo, noma zinokuncintisana okukhawulisiwe nokubekelwe imithetho engxenyeni yazo yalo mkhakha.

IMinistri izolungisela ukuthi kuqoqwe izimali ngendlela elandelayo:

- IDiphathimenti yezeziMali kanye neDiphathimenti yezoHwebo kanye nezeziMboni, azocelwa ukuthi akhe uhlelo lwenkuthazo yentela kuzo zonke izinkampani ezikulo mkhakha ezifisa ukufaka isandla, ekuthuthukiseni amakhono abantu. Lokhu kufaka isandla kufanele kwenziwe ngokulandela inqubo migomo ebekwe ngu-Regulator;
- U-Regulator uzogcina ingxenye yemali yelaysensi ekhokhwe yizinkampani ezinelaysensi yokusebenza kulo mkhakha.

- 8.6 U-Regulator uzobumba isigungu samadayrekthoreyithi esizokwenza imisebenzi elandelayo:

- 8.6.1 Sizobeka inqubo migomo yezinkampani ezifisa ukucela inkuthazo yentela.
- 8.6.2 Sizobeka ibhajethi yengxenye yemali ekhokhelwa ilaysensi, egcinelwe ukuthuthukisa amakhono abantu. Isigungu sizokwenza lokhu sikususela kwizicelo ezifanele esizitholayo ziphuma ezinkampanini, ama-NGO kanye nezikhungo zemfundo. I-affirmative action kuzoba ngenye yezindlela zokukhetha, abantu abafake izicelo okuzodingeka babhekane nazo lapho befaka izicelo zabo.
- 8.6.3 Isigungu singanikeza ama-contract ngokuphathwa kwezimali kuzinhlangano ezifana ne-Foundation for Research Development (FRD), ezingaba nobungcweti obukhulu kanye namakhono ezindaweni ezithile. Kodwa-ke, isibopho sokugcina sokusebenzisa izimali ngendlela efanele siku-Regulator.
- 8.6.4 Lapho kungenzeka khona, u-Regulator uzobeka izinhloso ezingafezeka, zayo yonke inhlobo yomsebenzi. U-Regulator uyomisa izindlela zokuqapha kanye nokulinganisa, ukuqinisekisa ukuthi lezi zinhloso ziyafezeka.

IZINHLOBO ZEMISEBENZI EZIDINGA UKWESEKWA

Uhlobo 1 lomsebenzi - Ukuqeqesha kanye nokuqeqesha kabusha abasebenzi kulo mkhakha

8.7 Lomsebenzi uqondiswe kakhulu kubantu abazimisele kulo mkhakha, abangenawo amakhwalifikheshini atholakala ezikoleni. IMinistri yeseka i-affirmative action njengendlela enesazelo yokulungisa ukungalingani kwabantu kanye nobulili emphakathini wethu. IMinistri ikholwa ngokuthi isu lamakhono abantu kufanele lisuselwe kumigomo yedemokhrasi, ukungabandluli ngokwebala, ukungabandlululi ngokobulili kanye nokulingana. IMinistri kufanele iqede ukungalingani kwesikhathi esedlule. Ngakho-ke ukuthuthukiswa kwabantu kulo mkhakha, kufanele kwenzeke ngokuthi kulungiswe ukungalingani emsebenzini kuwo wonke amazinga. Lokhu kuzodinga ukuthi, kugqugquzelwe futhi kuqeqeshwe abantu abaphuma kulabo bantu abebekwe eceleni esikhathini esedlule, ikakhulukazi ezindaweni lapho i-network ilungiswa khona. Ukuqeqesha okufanele kwezinga eliphezulu, okugxile kubantu abebenganakiwe esikhathini esedlule, kuzohlomisa abasebenzi abanengi ngamakhwalifikheshini afanele, ulwazi, kanye namakhono, ukulungisela ukuthi ukubekwa kwabo emakethe yomsebenzi kube nomphumela omuhle. Eminye imibandela izodala ukuthi kube nesidingo esikhulu sokuqeqesha kanye nokuqeqesha kabusha abantu abakulomkhakha. Eminye yale mibandela yilena elandelayo:

- Ukuguqula isakhiwo semakethe, kungadala ukuthi kusabalaliswe kabusha isitafu, njengoba izinkampani zizobe zidlala izindima ezehlukile kulo mkhakha;
- Ama-operators amasha angaphakathi kulo mkhakha, azodala ukuthi kwenyuke ukuhamba komsebenzi;
- Ukusebenzisa amathekhnoloji amasha, amasu amasha, kanye nezindlela zokuphatha ezintsha.

8.7.1 U-Regulator uzokweseka izinhlelo ezibekwe yizinkampani, kanye nezikhungo zezemfundo, ezixazulula lezi zinkinga. Kuyokwesekwa izinhlobo ezilandelayo zamaphrojekthi:

Ukuthuthukisa okusheshayo, Izenzo ze-SAQA zokwamukela amakhwalifikheshini angatholakali ezikoleni (informal), abekade engamukelwa esikhathini esedlule, Ukuthuthukisa abantu abadala, Ukunikeza amakhono amaningi, Ukufundisa amakhono okuphatha kanye nawokuba yi-entrepreneur, Izinhlelo zokuqeqesha ngokulandela imigomo, ngaphakathi noma ngaphandle kwezinkampani.

8.7.2 Kungumgomo owamukeliwe ukuthi noma iyiphi inhloso kufanele ibhekwe.

Uhlobo 2 lomsebenzi - Ukuthuthuka kanye nokukhula kokuqeqesha ama-artisan kanye namathekhnishiyeni

8.8 IMinistri iyakuqonda ukubaluleka kokuqeqesha ama-artisan kanye namathekhnishiyeni. Lokhu kuqeqesha kujwayele ukuthi kwenziwe kwizinhlobo ezahlukene zama-technical colleges. Kanti imboni inendima ebaluleke kakhulu yokunikeza isipiliyoni esidingekayo kulolu hlobo lokuqeqesha.

- 8.8.1 U-Regulator uzobheka izicelo eziqhamuka emakholeji, ukwenza ngcono ukuqeqeshwa kwabafundi kumkhakha wezethelekhomyunikheshini. Lolu sizo lwezimali akufanele lubonakale sengathi luthatha indawo yosizo lwezimali olukhona olulethwa nguHulumeni, lwemfundo yezinga lasemasekhondari. Izicelo kungaba ngezalokhu okulandelayo:
Ukwenezelela isitafu; Ukuqeqesha kanye nokuqeqesha kabusha isitafu; I-equipment; Ukuhamba kwezinto phakathi kwamakholeji kanye nemboni.

Uhlobo 3 lomsebenzi - Ukuthuthuka kanye nokukhula kwemfundo ephakeme yokufundela ukuthola iziqu (undergraduate).

- 8.9 IMinistri iyaqonda ukuthi, lokho okushiye yi-Bantu Education ngukuthi, lincane inani labafundi abenze ezobunjiniyela kumaYunivesithi kanye nakumaThekhnikhoni aseNingizimu Afrika. IMinistri ikholwa ngukuthi esikhathini esifishane, umkhqizo wonjiniyela udinga ukuthi uphindwe kabili, kanti lowo wama-technologist kufanele uphindwe kane. IMinistri iphakamisa ukwelekelela ukwandisa izifundo zezethelekhomyunikheshini emayunivesithi kanye nakumathekhnikhoni, ngokuthi inikele ngezimali zokwandisa isitafu, i-equipment noma izindleko zokwenza lokhu. Izinto ezingenziwa yilezi ezilandelayo:
- Amayunivesithi kanye namathekhnikhoni angafisa ukwandisa ukufundisa kwawo emkhakheni we-Telecommunications Engineering ne-Management. Ubukhulu bomphakathi, bemigomo, bomthetho, kanye nobokuphatha, bokuthuthukisa ezethelekhomyunikheshini, kungaba yisihloko sezifundo.
 - Amayunivesithi kanye namathekhnikhoni angafundisi njengamanje izifundo zezethelekhomyunikheshini, futhi okungenzeka ukuthi azinawo ama-faculty ezobunjiniyela, kufanele akhuthazwe ukuthi asungule amadiphathimenti e-Physics kanye ne-Electronics kuma-faculty awo esayensi. Lama diphathimenti angachazwa ngokuthi ama-"pre-engineering", futhi ekugcineni angaba ngamadiphathimenti ezobunjiniyela ngokugcwele.
 - Amayunivesithi kanye namathekhnikhoni kufanele akhuthazwe ukuthi asebenzisane nezinye izikhungo kwindima yokweluleka.
 - Uma kunesidingo esiyisipesheli, u-Regulator angenza ukuthi kube khona amabhasari abafundi, ukwenezelela (hhayi ukuthatha indawo) kulawo anikezwa yizinkampani kulo mkhakha.
 - U-Regulator uzokwenza ukuthi kube nosizo lwezimali, ukwelekelela ukuhamba kwesitafu phakathi kwemboni kanye nezikhungo zezemfundo.
 - U-Regulator uzokwenza ukuthi kube nosizo lwezimali ukwelekelela abafundi kuhlelo lokunikeza ulwazi lwalokho abafunde ngakho embonini.
- 8.9.1 Kuphakanyiswe ukuthi izimali zoHlobo 3 lomsebenzi zihambe ngokuthi zidlule kwi-FRD, ezosungula uhlelo oluyisipesheli lokufundisa ngezethelekhomyunikheshini kanye nocwaningo. I-FRD inesipiliyoni esikhulu ekusizeni amayunivesithi kanye namathekhnikhoni ngezimali. I-FRD izobuyekeza iziphakamiso futhi ilungisele u-Regulator amabhajethi.

Uhlobo 4 lomsebenzi - Ukuqeqesha labo asebethole iziqu kanye nocwaningo

8.10 IMinistri inombono wokuthi, ukusimama isikhathi eside kwalo mkhakha kwencike ekungeneni okunempumelelo, kwabantu abaphuma abaneziqu. IMinistri iphakamisa ukuthuthukisa kanye nokukhuthaza ukufunda okufanele kwangaphezu kweziqu kanye nocwaningo kulo mkhakha.

- IMinistri ifisa kakhulu ukwelekelela ekwakhiweni koxhaxha "lwezindawo zobuhle", emayunivesithi nakumathekhnikhoni. Lezi zindawo ziyobe sezikwazi ukwenza ucwaningo ngekontraki, zenzela izinkampani ezikulomkhakha. IMinistri iyavuma ukuthi ukusungulwa kwalezi zindawo kwencike ekutheni izikhungo zikwazi ukwakha "inani elikhulu" lamakhono omqondo kanye ne-equipment yocwaningo. Ngakho-ke iMinistri ifisa ukukhuthaza iziphakamiso ukuthuthukisa ukwakhiwa kwamakhono kwesikhathi eside kanye nokusebenzisana nomhlaba wonke. Lokhu kungadlulela ekwakhiweni kwezikhungo zocwaningo ze-"bricks and mortar" lapho kufanelekile.
- U-Regulator uzokweseka futhi ukwakhiwa kweziqu zangaphezulu zobuphrofeshinali, kwizikhungo ezinamakhono afanelekile.

8.10.1 Kuphakanyiswe ukuthi izimali zoHlobo 4 lomsebenzi zihambe ngokuthi zedlule kuhlelo oluyisipesheli lwe-FRD lokufundisa ngezethelekhomyunikheshini kanye nocwaningo. I-FRD izophatha lolu hlelo njengokusebenza kwayo isikhathi eside.

Uhlobo 5 lomsebenzi - Ukweseka isayensi kanye nethekhnoloji ezikoleni

8.11 IMinistri iyazi ukuthi inani elinomkhawulo elikhishwa nguhlelo lwezemfundo, labafundi abanekhono ku-mathematics, i-physical science kanye nolimi, linciphisa abantu abangangena kulo mkhakha. IMinistri iyavuma ukuthi isibopho esikhulu sokuthola izixazululo kule nkinga, silele neDiphathimenti yeze-Athi, amaSiko, iSayensi kanye neThekhnoloji kanye neDiphathimenti yezemFundo Kazwelonke. Kodwa-ke iMinistri ikholwa ngokuthi, lomkhakha ungafaka isandla ngokunomkhawulo. U-Regulator uzobheka iziphakamiso ezenza ukuthi izifundo ezinobuthekhnoloji phakathi zithandwe. Isibonelo kungaba yiphrojekthi esiza izikole ukuthi zikwazi ukuthola i-internet.

IZINYATHELO ZOKWENGEZA EZINGATHATHWA NGABAPHATHI

8.12 IMinistri yeseka ukusungulwa kwe-South African Qualifications Authority (SAQA) kanye ne-National Qualifications Framework (NQF). IMinistri iphakamisa ukuthi kwenziwe amastandathi ekhwalifikheshini ukuze kube nokuqhubekela phambili kuwo wonke amazinga emboni. Amastandathi akufanele abheke indawo encane, kodwa kufanele amukele imfundo ejwayelekile kanye namakhono abalulekile emboni. U-Regulator uzokwenza ukuthi kube khona izimali zokweseka lemisebenzi.

8.12.1 IMinistri ingathanda ukuthi i-Continued Engineering Education (CEE) izifundo zayo zamukelwe yi-NQF ngenxa yezizathu ezibalwe ngenhla.

8.12.2 IMinistri izocela iDiphathimenti yezemFundo Kazwelonke ukuthi yekelele ekwakhiweni kwebhodi yemboni yokuqeqesha yalo mkhakha.

9

UBAMBISWANO NAMAZWE ESAKHELENE NAWO KANYE NAMAZWE OMHLABA

- 9.1 Ekupheleni kwesikhathi sobandlululo, iNingizimu Afrika ibuye yajoyina umphakathi womhlaba wonke. UHulumeni ukholelwa wukuthi, ukusebenzisa leli thuba ukuze kuzuze bonke abantu baseNingizimu Afrika, kuzoncika eku-phumeleleni kwe-RDP yaseNingizimu Afrika nasekuphumeleleni kwemizamo yokuthuthukisa i-Afrika yonkana ikakhulukazi i-Afrika eseNingizimu. Kusobala ukuthi umkhakha wezeThelekhomyunikheshini kufanele uzame ukuthuthukisa, ngaphansi kwemikhawulo yezinhloso zeNingizimu Afrika, zomgomo wamazwe angaphandle.
- 9.2 Ukuhlangana kweNingizimu Afrika nezinhlelo zeThelekhomyunikheshini zamazwe akhelene nayo kanye namazwe omhlaba, kuzodala ukuthi kube nemiphumela emihle, kube nokubamba iqhaza okukhulu kwezomnotho zomhlaba wonke, ezethelekhomyunikheshini ezithuthukisiwe zabantu kanye namabhizinisi, ezohwebo ezandisiwe kanye nokwenyuka kwezomnotho okunikezwe amandla. INingizimu Afrika, ngenxa yendawo ekuyo, ama-assets ayo ase-Afrika ahlukile, kanye nokukwazi kwayo ukuthi ilethe izixazululo zase-Afrika kwizinkinga zase-Afrika, isesimweni esikahle sokufaka isandla futhi izuze kubambiswano namazwe eyakhelene nawo kanye namazwe omhlaba.
- 9.3 Ezingeni lamazwe omhlaba, kuyinhloso kaHulumeni ukubamba iqhaza ngokugcwele ngeMinistri yezamaPosi, ezeThelekhomyunikheshini nezokuSakaza, ezinhlanganweni zomhlaba wonke zezethelekhomyunikheshini ngokubonisana (ezifana ne-ITU, PATU, kanye ne-SATCC) kanye nakwizigungu eziphakathi kohulumeni kanye namaqembu abhekene nezindaba ezimayelana nezizinda zolwazi emhlabeni wonke. Ukumelwa ezinhlanganweni zomhlaba wonke, lapho iNingizimu Afrika iyingxenye khona, kuzoqhubeka ukuthi kwenziwe ngabantu abasayinile. Ukuthi abanye abantu bakwazi ukusebenzisa amasevisi e-Intelsat, kuyobekwa emthethweni ngu-Regulator.

- 9.4 Ukuhlangana kweminotho yamazwe amaningi amancane e-Afrika, kwamukelwa kudala njengendlela eyiyo yokuthola intuthuko ezohlala isikhathi eside e-Afrika, futhi ukuhlangana kwadala ukuthi kubunjwe i-Organisation of African Unity (OAU) ekuqaleni ko 1960. Eminye imizamo yokukhuthaza ukuhlangana e-Afrika yaholela ekutheni kubunjwe imiphakathi yezomnotho yamazwe angomakhelwane, kubandakanya i-Southern African Development Community (SADC) ekuqaleni ko 1980, kanye ne-Abuja Treaty esanda kubunjwa (1991) esungula Umphakathi wezomnotho Wase-Afrika.
- 9.5 Ezethelekhomyunikheshini ziyingxenye ebalulekile yesizinda kanye namasevisi adingekayo ukuze amazwe ase-Afrika ahlangeane. Lokhu kuxhumana okubalulekile kokuhamba kolwazi lokuhweba kanye nokuhlangana kwabantu, kungenzeka kuphela ngokuthi kusetshenzwe futhi kuhambe kahle phakathi kwezixhumi ezahlukeni ezifake isandla ekuthuthukiseni ukuxhumana, njengabasebenzisi, ama-operators, abakhiqizi kanye nabenzi bemigomo.
- 9.6 UHulumeni ubeka ukubaluleka okukhulu ekuhlanganeni okunomphumela omuhle kwamazwe angomakhelwane, futhi uzokweseka izenzo zabadlali-ndima baseNingizimu Afrika kule mikhakha, ngokuthi kube nemigomo ekhuthaza lokhu kubambisana kwamazwe akhelene mayelana nokuxhumana okweqa imingcele, ukuvulwa kwezimakethe zama-equipment namasevisi, ukusebenzisa imigomo ehamba kahle futhi nezincwadi zetheknikhali, ukusebenzisa ngekhono i-spectrum yerediyo, kanye nokubunjwa kwemibono efanayo e-Afrika, ukuze isetshenziswe lapho kuxoxiswa namazwe omhlaba kwizigungu ezahlukeni zezethelekhomyunikheshini kanye nokuthuthukisa ulwazi.

AMAPHROJEKTHI AMAZWE ANGOMAKHELWANE NENINGIZIMU AFRIKA

- 9.7 UHulumeni uzokhuthaza ukuthi iNingizimu Africa ibambe iqhaza kumaphrojekthi okuhlanganyela, ahlose ukwenza ngcono ukuhlangana kwamazwe angomakhelwane, afana ne-RASCOM, kanti lamaphrojekthi ahlose ukufeza izifiso zesizwe. Kepha-ke, isinqumo mayelana nokwethembela kulamaphrojekthi, siyothathwa yizinhlangano ezithintekayo, okungaba ngezikhulumeni noma ezangasese, kanti isinqumo ziyobe zisuselwe ekubuyekizeni okumayelana nokuthi ngabe iphrojekthi ngayinye ingenzeka yini, lapho kubhekwa ubutheknikhali kanye nobukhameshiyali.

10

UKUSHINTSHWA KWEMITHETHO

AMALAYSENSI AKHONA KANYE NAMAKONTRAKI OKWENEZELELA

10.1 Mayelana nalokhu, iMinistri ivumelana nokulandelwa kwemigomo elandelayo:

- Ngokomgomo ojwayelekile, amalaysensi akhishwe ngaphambi kokuqaliswa kwemithetho yezethelekhomyunikheshini, akufanele akhishwe inyumbazane yileyo mithetho. Noma yikuphi ukuchibiyelwa kwamalaysensi okudingekayo ngenxa yokungahambisani ngaphakathi kohlaka olusha lomgomo wezethelekhomyunikheshini, kufanele ukuthi u-Regulator kanye nomnikazi welaysensi baxoxisane ngakho.
- Izivumelwano zokwenezelela zikhomba izindawo zokungalingani kohlaka olukhona olumayelana nomthetho nokulandelwa komthetho kumkhakha wezethelekhomyunikheshini. Uhlaka olusha lwemigomo kufanele lulekelele ekuchibiyelweni kanye/noma ekuqedweni kwalamakotraki kanti bonke abathintekayo kufanele bavume ukuthi lokhu kwenziwe. Lapho lowo othintekayo wathola ilungelo lokuletha amasevisi ngokwenza isivumelwano sekontraki ne-Telkom, isibonelo labo abaletha i-network enenzuzo, lawo malungiselelo ekontraki kufanele aqedwe kuthi lowo othintekayo anikwe ilaysensi yokuletha isevisi ngaphandle kokuthi akhishwe inyumbazane lapho enza lokho.

UKUNIKEZA AMALAYSENSI KUMA-OPERATORS

10.2 Mayelana nalokhu, uHulumeni uvumelana nokulandelwa kwemigomo elandelayo:

- Kufanele ukuthi wonke ama-operators anikwe amalaysensi ukuze alekelele ekutheni umthetho usebenze kahle, futhi kuqinisekise ukuthi izibopho zicaciswe kahle, ikakhulukazi lapho kulungiselwa ukuthi umhlaba wonke ukwazi ukusebenza futhi amasevisi afinyelele emhlabeni wonke.
- Ngokunjalo, izinkampani ezingaphansi kukahulumeni, ngokufanayo namanye ama-operators, kufanele zinikwe amandla okusebenza ngelaysensi, kunelungelo lomthetho.

IZINDAWO ZAMA-TBVC

10.3 Ukupheliswa kwemithetho evimbela ukuhlanganisa kabusha imibuso yama-TBVC, akufanele kuncikane nomthetho wezethelekhomyunikheshini. Impela, kulindelwe ukuthi umthetho othile ohlose ukuhlanganisa kabusha uzosebenza ngaphambi kokuthi kusebenze umthetho wezethelekhomyunikheshini.

UKUVIMBELA UKUTHI KUSETSHENZISWE EZETHELEKHOMYUNIKHESHINI NGOKUNGEKHO EMTHETHWENI

10.4 Mayelana nalokhu, iMinistri ivumelana nokulandelwa kwemigomo elandelayo:

- Ilungelo likaHulumeni lokuvimbela ukuthi kusetshenziswe ezethelekhomyunikheshini ngokungekho emthethweni, kufanele kuphathwe ngokuqinile.
- I-Interception and Monitoring Prohibition Act kufanele ibuyekwezwe, ukuqinisekisa ukuthi konke okokuvimbela kulungile. Lokhu kubuyekenza kufanele kubandakanye inkulumbo-mpikiswano yomphakathi kanye nokubamba iqhaza kwamanye amaMinistri, afana nowokuPhepha kanye nokuVikeleka.
- Udaba lokuvimbela ukusetshenziswa kwezethelekhomyunikheshini ngokungekho emthethweni, kufanele lubhekwe kumthetho othile, njengoba kwenzeka njengamanje.

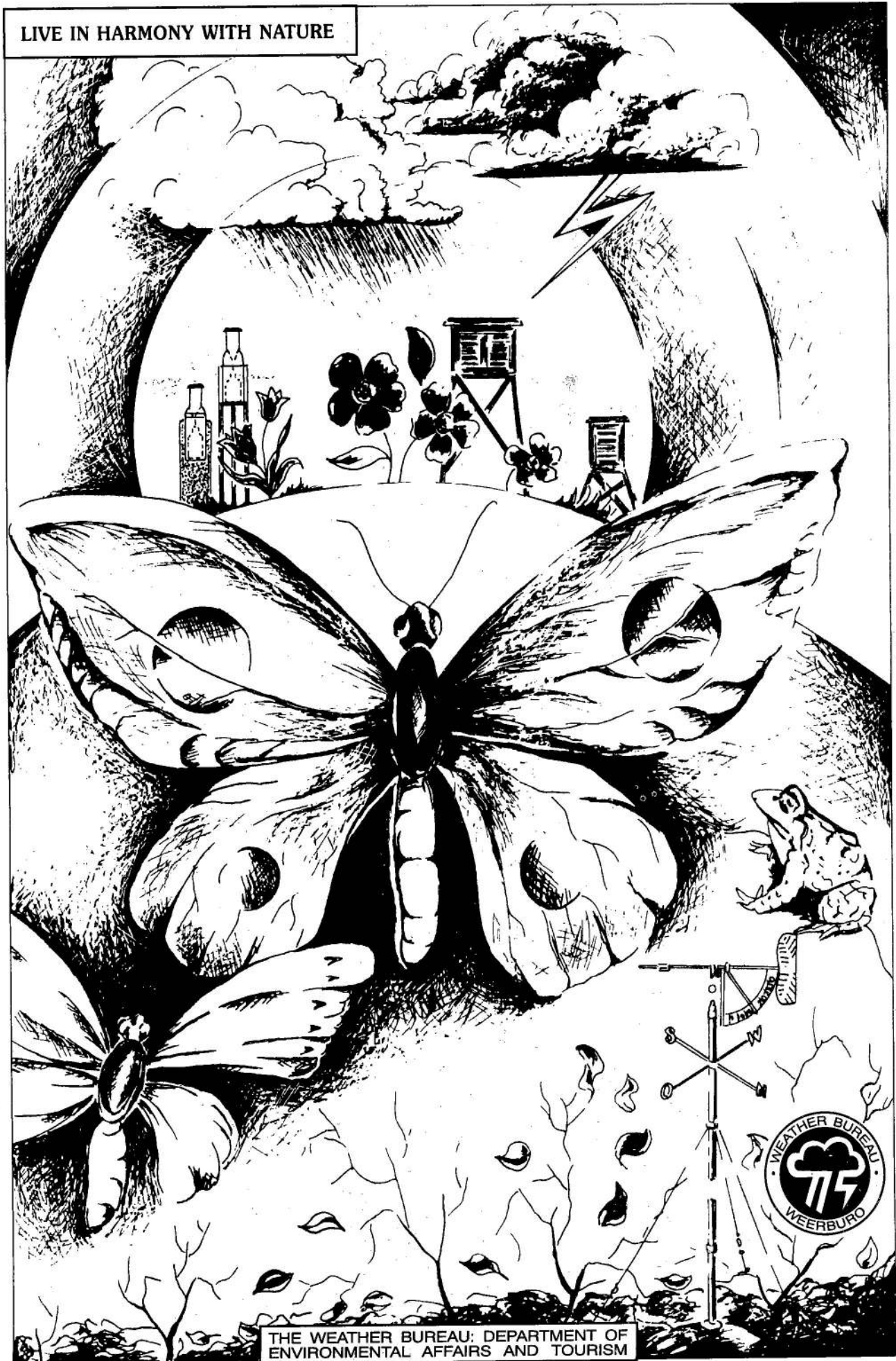
UKUBEKWA KANYE NOKUPHELI SWA KOMTHETHO

10.5 Uma kubhekwa izingxoxo ezikhona phakathi kukaHulumeni kanye nezinhlangano zabasebenzi, ezimayelana nokwakhiwa kabusha kwama-assets ombuso ("the discussions"), iMinistri ivumelana nokulandelwa kwemigomo elandelayo:

- Ngokokucabanga, kufanele ukuthi umgomo kanye nokulungisa umthetho kusebenze ngomthetho wezeThelekhomyunikheshini, oqinisa uhlaka lomthetho lwalo mkhakha.
- Kepha, uma ukuxoxisana kwesabisa ngokuthi kungenza ukuthi ukuqalisa izinguquko zomgomo mayelana nezinye izinto kwenzeke kude, iMinistri ivumelana nokubekwa komthetho ongaphezu kowodwa.
- Uma lokho kwenzeka, i-Regulatory Authorities Act kufanele ibekwe ngokufanelekile, ukwenzela izinto ezingancikile ezingxoxweni.
- Lezi zindaba zingabandakanya ukubumba kanye nokunika amandla isiphathi-mandla esibusayo esizimele sezethelekhomyunikheshini saseNingizimu Afrika, ukubumba kanye nokunika amandla i-ejensi eletha amasevisi omhlaba wonke, kanye nokuphelisa noma ukuchibiyela imithetho evimbela lokhu kubunjwa noma ukunikwa amandla. (Isibonelo, lawo maphuzu avimbela ukuthi i-Telkom ibe ngaphansi kwegunya le-Regulatory Authority, ayopheliswa futhi/noma achibiyelwe.)
- Okulandela lokhu futhi isiphetho sezingxoxo, ngokuthi noma kuphi ukuguquka kwesakhiwo sokuphatha se-Telkom, kungasizwa ngokuthi kubekwe umthetho wokuchibiyela wezamaPosi, noma ngokuthi kubekwe umthetho wezeThelekhomyunikheshini. Ngaphezu kwalokho, ukucaca kanye nohla okudingekayo, kungafunwa futhi kutholakale ngokuthi kubekwe ngasikhathi sinye umthetho wamasevisi Ezamaposi.

10.6 Ngokufingqiwe, iMinistri incama ukuthi kubekwe umthetho owodwa. Kodwa, uma izingxoxo ezenzekayo njengamanje ezimayelana nokwakhiwa kabusha kwama-assets ombuso zivimbela ukuthi lokhu kwenzeke, iMinistri ivumela ukuthi kubekwe i-Regulatory Authorities Act, kulandele i-Telecommunications Act kanye nomthetho wamasevisi ezamaposi (lomthetho wokugcina ngowokwakhiwa kabusha lokho okusele koMthetho wezamaPosi).

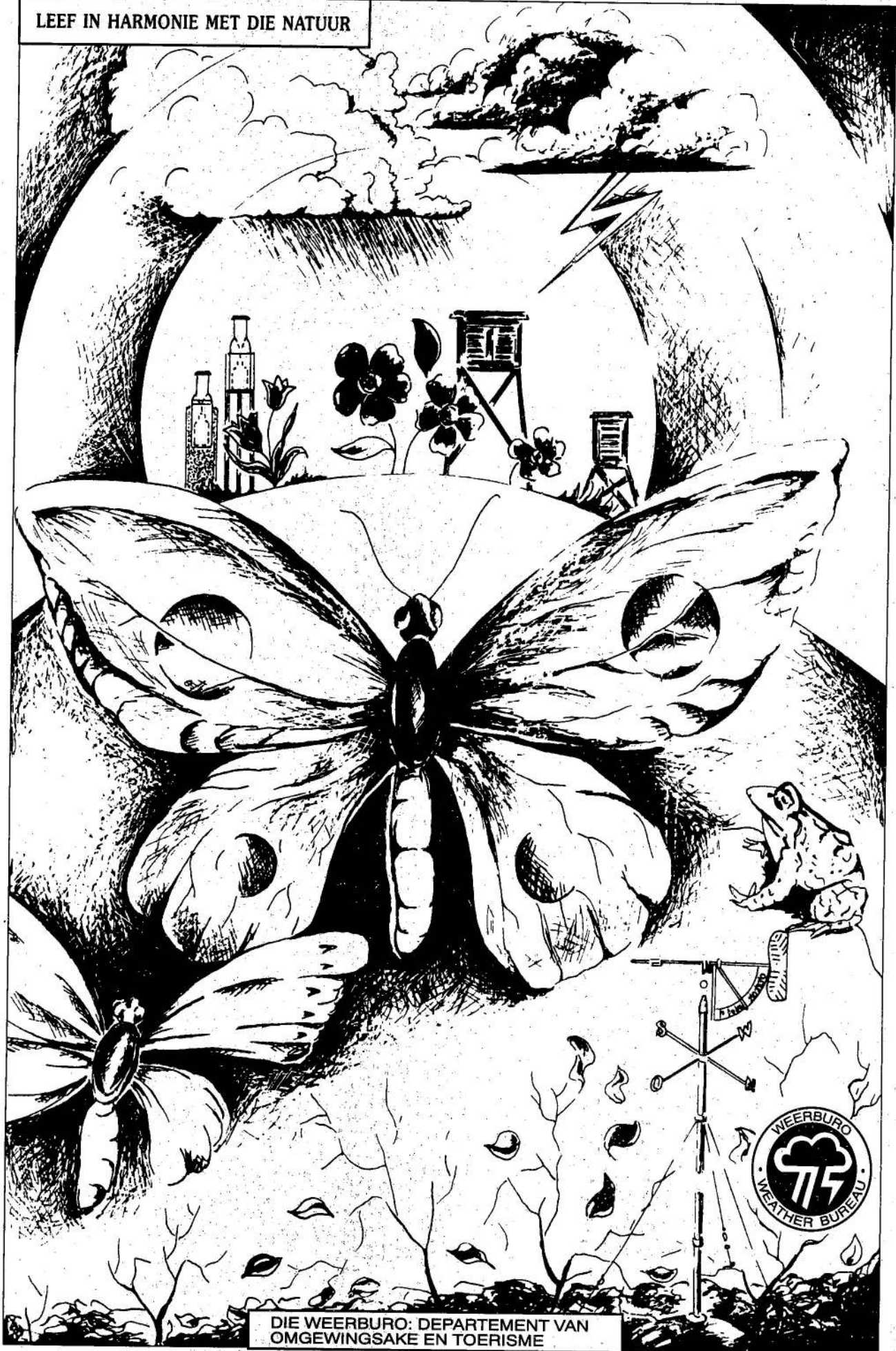
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