ISIYILO

ISEBE LEZOBUME BENDALO NOKHENKETHO

ULAWULO LWESEBE LEZOLWANDLE NONXWEME

UMGAQO-NKQUBO WOKUNIKEZWA NOKULAWULWA KWAMALUNGELO EXESHA ELIDE OKURHWEBA NGOKULOBA IINTLANZANA NGEMINATHA YASELWANDLE EKWAZULU-NATAL: 2005

ESI SIYILO SOMGAQO-NKQUBO MASIFUNDWE KUNYE NE SIYILO SOMGAQO-NKQUBO JIKELELE NGOKUNIKEZWA NOKULAWULWA KWAMALUNGELO EXESHA ELIDE OKURHWEBA NGOKULOBA: 2005

(iyafumaneka ku- www.mcm-deat.gov.za)

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1. Intshayelelo

Lo mgaqo- nkqubo omalunga nokunikezwa nokulawulwa kwamalungelo okurhweba kushishino lokuloba kwabeminatha yaselwandle yaseKwaZulu-Natal (KZN) ikhutshwe liSebe lezoBume beNdawo noKhenketho: UkuLawulwa kweSebe lezoLwandle noNxweme ("iSebe") esenzelwe izimvo zoluntu. Olu shishino lokuloba kuza kubhekiselelwa kulo njengoshishino lokuloba ngeminatha yaselwandle lakwa KwaZulu-Natal. Le nkqubo mayifundwe ndawonye ne Siyilo-Nkqubo Jikelele amalunga noLwabiwo nokuLawulwa kwaMalungelo exesha elide orhwebo ngokuloba. : 2005("*iNkqubo Jikelele yamaShishini okuLoba*").

Njengoko kuchaziwe kuMgaqo-Nkqubo Jikelele, iSebe lizakubamba iintlanganiso zikawonke-wonke kwiindawo eziselunxwemeni ukucebisana noluntu jikelele kwakunye namaqela anomdla nachaphazelekayo ingakumbi, ngokumalunga nesi siyilo somgaqo-nkqubo sezoshishino lokuloba ngeminatha yaselwandle yaseKZN. Kwezi ntlanganiso zoluntu, izimvo malunga nalomgaqo nkqubo ziyamenywa. Izimvo ezibhaliweyo zingangeniswa kwiSebe ungagqithanga umhla we11 ku April 2005. Izimvo ezingeniswe emva kwalo mhla azizukuqwalaselwa Izimvo ziyakungeniswa ngolu hlobo lulandelayo.

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Injongo yalo mgaqo-nkqubo kukubhengeza iingcamango eziyakuthi zisetyenziswe kunikezelo lwamalungelo exesha elide orhwebo ngokuloba ngeminatha yaselwandle eKZN. Uninzi lwezingcamango azintshanga. Sele zikhe zasetyenziswa liSebe kunikezelo lwamalungelo kwixesha eligqithileyo. Lo mgaqo-nkqubo uziqulathile ezi ngcamango, kodwa ibandakanya iinguqu ezimbalwa kunye nezongezelelo.

Imigaqo-nkqubo ethile yokunikezwa kwamalungelo yexesha elidlulileyo ichaziwe kwesi siyilo somgaqo-nkqubo. IManyuwali yoLawulo loShishino ngokuloba ngeminatha yaselwandle yeKZN izakugqityezelwa kunye nabo bonke abanini-malungelo ngonyaka ka 2006. Le manyuwali izakubonisa ngokwenkcukacha ulwazi-nkqubo yolawulo nemigaqo yolushishino lokuloba.

2. Ibhayoloji nentshukumo zobubutyebi bendalo:

Ushishino lokuloba ngeminatha yaselwandle eKwaZulu-Natal liqhubeka ngamaxesha athile onyaka. Ngexesha leenyanga zobusika xa intlaninge enkulu yeentlanzana (i*Sardinops sagax*) ingena kumanzi aKwaZulu-Natal ivela emazantsi. Le mfuduko yesithethe sokuzalelwa kwamaqanda ibizwa ngokuba yi"sardine run" yaseKZN.

Olu gxalathelwano lweentlanzana lonyaka ngamnye lungqamelana nentshukumo yakude nonxweme yeAgulhas Current efudumeleyo kummandla weWild Coast ngexesha lasekwindla ukuya kutsho ebusika kunye nokusunduzwa kwayo ngumcwana womsinga opholileyo wamanzi elunxwemeni.

Esi siganeko sibonelela ngendlela kwiintlanzana ezithanda amanzi abandayo yokuba zifudukele ngasentla ziyintlaninge esenokuba ngangekhilomitha ezilishumi elinesihlanu (15) ubude, iikhilomitha ezintathu (3) ububanzi nobunzulu ubungangeemitha ezingamashumi amane (40). Ezi ntlaninge zibiza amawaka abaqwengi abanjengemikholonjane, amahlengesi nookrebe.

Ushishino lokuloba iintlanzana ngeminatha yaselwandle luxhomekeke ngokupheleleyo kolugxalathelwano. Ngaphezu koko, ishishini lokhenketho lubhekiselelwe ekumiseni ngalo mbonisso wogxalathhelwano lweentlanzana, kunye nochulumanco lwenkqubo yokuloba ngeminatha erhuqwayo yaselwandle. Nangona kunjalo, ikhona iminyaka apho ungenelelo lwamanzi abandayo lungenzekiyo okanye iintlanzana zingabonakali elunxwemeni. Ukubanjiswa kweentlanzana kolushishino lokuloba ngeminatha erhuqwayo KwaZulu-Natal ikhe isondele kunothi (zero) kweminye iminyaka.

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle yaseKZN isalawulwa ukususela kwiminyaka yoo 1970. Phambi koMthetho we Marine Living Resources (ka1998), iimvume zazikhutshwa yi KZN Fisheries Licensing Board. Ubuninzi obungamashumi amathathu anesihlanu (35) eemvume zazinikezwa ngonyaka ngamnye. Iimvume, kungokunje ekuthiwa

ngamalungelo, zazikhutshelwa kuphela ukubambisa iintlanzana: zonke ezinye iintobo zeentlanzi kwakufuneka zibuyiselwe emanzini ziphila.

3. Inkcazo emfutshane ngeli candelo

Urhwebo ngoshishino lokuloba iintlanzana ngeminatha erhuqwayo lulungiselelwe ukuba lwenziwe KwaZulu-Natal kuphela. Ngenxa yokuba ilushishino lokuloba oluthatha ixesha elincinci, ngexesha elithile lonyaka elithi lenzeke kuphela ngexesha logxalathelwano lweentlanzana, uninzi lwabathathi nxaxheba baqeshwe kumanye emacandelo okuloba kwintsalela yonyaka.

Nangona iintlanzana ziludidi olulawulwa yiTAC, oluchongwa ngamandla ngamashishini okuloba e"pelagic", ushishino lokuloba ngeminatha erhuqwayo yaseKZN lulawulwa ngokwe Total Applied Effort (iTAE). Oku kungenxa yokuba umthamo wobunzima oziswa emhlabeni ngeminatha eKZN ungaphantsi kune 0.1 yepesenti xa kuthelekiswa nobambiso kuzwelonke Imigudu ayithintelwanga kumalwandle okanye iingingqi ezithile kuphela, ngako oko kuvunyelwa abalobi ukubabazilandele ezi ntlanzana nangaselunxwemeni ze bazibambise xa zisondela ngaphakathi elunxwemeni. Uthintelo lwezixhobo luyanyanzeliswa kwaye nokuloba kwiindawo ezithile zolwandle ezikhuselweyo akuvumelekanga. I TAE (inani leenethi ezinokusetyenziswa) imiselwa nguMphathiswa ngonyaka ngamnye.

Iinethi zeminatha erhuqwayo yaselwandle yokuloba iintlanzana zondlalwa kusetyenziswa amaphenyane aguquliweyo. Amaqela abalobi – malunga nama 20 ngenethi nganye – bathi bayitsalele ngaselunxwemeni iminatha ngezandla. Intlanzana zithengiswa kwakuloo ngingqi ngumnini-lungelo, okanye abathengi bathenga konke okuqulethwe enethini kwangeli xesha iinethi ziseselwandle. Ubuninzi bokubanjisiweyo kusetyenziswa njengesithiyelo kodwa inani elincinci leentlanzana lityiwa ngabahlali. Kwiminyaka apho ugxalathelwano lweeentlanzana lwenzekayo yi –avareji yeebhokisi zamaplanga ezingama 200 000 okanye iitoni ezingama 500 eziziswa emhlabeni, ezinokuxabisa phakathi kwe R1.5 ne R2 million.

Ababanini-malungelo abakhoyo ngoku ikakhulu ngabalobi abangabarhwebi, bohlulelene ngokulinganayo phakathi kwabaMnyama nabaMhlophe. Kule minyaka imbalwa idlulileyo, amalungelo amabini athathwa ngabanini-malungelo eskwidi abavela eMpuma Koloni. Ababanini malungelo bazise iindlela zokusebenza ezinobuchwepheshe obongeziweyo. Ukusebenzisa kwabo iinqwelomoya zokuqwalasela nezixhobo zokuloba ezikumgangatho ophezulu kukhokelele

ekubeni babogqithe abanye abalobi. Onke amaqela aqasha abasebenzi bethutyana ngexesha lokuloba. Ngenxa yoko, malunga nama 700 abasebenzi angaqashwa ithuba lenyanga okanye ezimbini ngonyaka ngamnye.

4. Inkqubo yokunikezwa kwamalungelo exesha eliphakathi

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle alikatshintshi kangako ukusukela phambi kokuhlaziywa kwe TAE nokunikezwa kwamalungelo ngo 2001. Amalungelo okuloba exesha eliphakathi azisa iqondo elithile lozinzo kolu shishino lokuloba, noxa kwiminyaka edlulileyo abanini-malungelo bebengena okanye beziphumela kolu shishino ngonyaka ngamnye. I-TAE yamiselwa kuma 35 abanini-malungelo ngo 2001. Kwafunyanwa kuphela ama 27 ezicelo, ezingama 26 kuzo zavunyelwa.

Olu shishino lugxininise kakhulu ekubeni ubenenkunzi yemali ngenxa yenkunzi yemali edingekayo ukuthenga iphenyane elinamandla, iminatha erhuqwayo yaselwandle kunye nenqwelomafutha eyi 4X4, kunye nobungozi obunxulunyaniswa nelixesha lonyaka leentlanzana lifutshane nelinemeko esenokutshintsha nanini. Olu shishino ukuza kuthi ga ngoku lunabanini nabalawuli abamnyama abakuma 50 epesenti.

5. Iinjongo zecandelo eziqukayo

Iinjongo zokunikezwa kwamalungelo exesha elide kushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle koku;

- Ukunyusa inkcazo ngotshintsho kolushishino lokuloba;
- Ukunikezwa kwamalungelo kubalobi beentlanzana abasebenzisa iminatha erhuqwayo abaxhomekeke kwiintlanzana behlala e KZN;
- Ukuxhasa ukuqhubekeka ngezemali koshishino lokuloba; kunye
- nokugcinwa kobume nemeko yoshishino.

6. Ubude bexesha lamalungelo

Kunikwa ingqwalaselo ezi njongo zingasentla, ISebe liyakunikezela amalungelo okurhweba exesha elingagqithanga kwiminyaka eli 10 (ukusuka 01 Januwari 2006 ukuya ku 31 December 2015). Noxa kunjalo, wonke umnini lungelo uya kuvavanywa umsebenzi wakhe rhoqo ngamaxesha athile ngeenqobo ezithile esele zibekiwe. Ezi nqobo zokulinganisa ziyakuxoxwa nabanini-malungelo ngo 2006.

7. Abangeneli abatsha

Intsalela yemigudu iyafumaneka ukuze inikezelwa kolu shishino. Isebe lizakukhangela ukufaka abangeneli abatsha. Kwakhona lizakususa abanini-malungelo abangasebenzi kakuhle kunye namashishini angaguqukiyo.

8. Inqobo yokulinganisa yokuvavanya

Izicelo ziyakuvavanywa ngeenqobo zokulinganisa eziliqela zokukhetha zize emva koko ziweyishwe ngokweeenqobo zokulinganisa nokungqamanisa. Emva koko kuchazwe umda wamanqaku okanye izinga ukuze kukhethwe abaceli abaphumeleleyo.

8.1 Inqobo yokulinganisa yokukhetha

Ngaphandle kwenqobo yokulinganisa echazwe kwinkqubo jikelele engqamene nokungeniswa kwezicelo neziphene ekwenziweni kwazo, iSebe liyakubakhuphela ngaphandle abafaki zicelo abathe abaziphumelela ezi mfuneko zilandelayo:

(a) **Uhlobo loMfaki-sicelo**: Nangona uMgaqo-Nkqubo ungazivumeli iinkampani nee"close corporations" ekufakeni izicelo kumashishini okuloba akuClusterD, ushishino ngokuloba ngeminatha erhuqwayo yaselwandle lwaseKZN inxaxhile kuwo. Kolu shishino lokuloba, iSebe liyakubavumela (kolu shishino lukuCluster D kuphela) abantu abazimeleyo nee"close corporations" (hayi iinkampani) ukuba bafake izicelo zokufumana ilungelo lokurhweba ngokuloba ngeminatha erhuqwayo.

Ngokunokwabo abantu abazimeleyo, akunakukhutshwa ngaphezu kwelungelo elinye kusapho. Ukongeza apho, ilungelo aliyi kunikezwa kwi"close corporation" namalungu okanye abasebenzi ngokwahlukeneyo.

(b) **Iminatha erhuqwayo yokuloba yaselwandle eqhelekileyo:** Amalungelo aya kunikezwa kubalobi beminatha erhuqwayo yokuloba yaselwandle abaqhelekileyo. ISebe libona umlobi weminatha erhuqwayo yokuloba yaselwandle oqhelekileyo njengomntu osebenze kolu shishino kule minyaka ilishumi igqithileyo.

(c) **Ilungelo lokusebenzisa iinethi namaphenyane**: Abafaki zicelo bayakunyanzeleka babonise ukuba banazo iinethi ezifanelekileyo nephenyane elikulungeleyo ukusebenza kolushishino.

(d) **Ukuthobela:** abafaki zicelo abakhe baphula umthetho weMLRA ngendlela eqatha okanye imiqathango abayi kukhethwa.

(e) **Isimiselo sobungakanani bamaphepha:** Izimiselo zobungakanani bamaphepha (njengoko kucacisiwe kuMgaqo-Nkqubo Jikelele) aziyi kubandakanywa. Amaqela amakhulu ezicelo ezifana nqwa okanye eziyeleleneyo ezimelwe ngabacebisi okanye iinkampani zorhwebo ngokuloba nezinye iimbumba aziyi kubandakanywa njengabameli kwizimiselo zobungakanani bamaphepha.

(f) **Ukungasetyenziswa:** Abanini malungelo abangawasebenzisanga rhoqo amalungelo abo ngexesha eliphakathi kuka 2002 ukuya ku 2004 abayi kukhethwa.

(g) **Ukubandakanyeka kumacandelo amaninzi:** Abafaki-zicelo ababambe amalungelo kwamanye amashishini orhwebo ngokuloba, okanye abanomdla – kuquka izabelo nemidla yobulungu – kubanini-malungelo abakwamanye amashishini orhwebo ngokuloba abayikubandakanywa. Abaxhamlayo kubafaki-zicelo ze trasti nabo abayi kukhethwa.

(h) **Ukuthatha inxaxheba ngokunokwakho ekuvuneni obu butyebi bendalo :** Abafaki-zicelo bayakunyanzeleka ukuba babe bakhe bathatha inxaxheba kushishino

lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle ngexesha lonyaka lokuloba baze bazibandakanye ekuqhubeni olu shishino

(i) **Ukuxhomekeka kobu butyebi bendalo:** Noxa iSebe libuqonda ubufutshane beli xesha lonyaka, ukutshintsha kweemeko kunye nobungozi obunxulunyaniswa nolu shishino lokuloba, abafaki-zicelo bazakufuneka babonise imbali yokuxhomekeka ekuphileni kwabo kolu shishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle.

(j) **Abemi baseKZN :** Amalungelo okurhweba kolu shishino lokuloba ayakunikwa kuphela abantu abahlala, okanye abanamashishini abo abhaliswe KwaZulu-Natal.

8.2 Inqobo yokulinganisa yolungelelaniso nothelekiso

Abafaki-zicelo abangabanini-malungelo nabasenokuba ngabangeneli abatsha baya kuvavanywa ngokwezinqobo zokulinganisa zolungelelaniso nothelekiso eziya kuthi ziweyishwe ukuvavanya amandla esicelo ngasinye:

(a) Inguqu: Ukuphucula inguqu kwimbali ngoshishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle eKZN, abafaki-zicelo baya kunikwa amanqaku, ngokuba bamnyama (kuquka abaMnyama, amaLawu namaNdiya). Abafaki-zicelo abazi “close corporations” bayakuvavanywa banikwe amanqaku ngezi zinto:

- Ngepesenti yabamnyama nabafazi abamele ubunini okanye abakwiqondo lesebe labalawuli;
- Ngokuba ingaba abaqeshwa bangabanini zabelo kumfaki sicelo kunye nobungakanani kwamalungelo abo okuxhamla;
- I- Affirmative procurement;
- Ukumelwa kwabamnyama nabafazi kumaqondo ngamaqondo angezantsi kwesebe lolawulo;
- Ukuthobela uMthetho weEmployment Equity, kwakunye nomthetho omalunga nokuphuhliswa kwezakhono neerhafu zokuloba. Abafaki zicelo abangayithobeliyo le mithetho basenokwalelwa ilungelo lokurhweba; kunye
- Notyalo zimali lwamashishini ekuhlaleni.

(b) **Imisebenzi:** Abafaki-zicelo zobunini-malungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi – okwethutyana okanye isigxina – baya kuvuzwa. Ngokubhekiselele kubafaki-zicelo abazi"close corporations", kuya kuthathelwa ingqalelo ukuba ingaba babonelela abasebenzi babo *ngoku* –

- Umsebenzi osisigxina;
- iMedical aid kunye nomhlalaphantsi;
- Nazo naziphina ezinye izibonelelo zomsebenzi; kunye
- Neemeko zomsebenzi ezikhuselekileyo.

(c) **Imbali ngokubandakanyeka:** iSebe liyakuthathela ingqalelo ukuba umfki-sicelo unexesha elingakanani na ezibandakanye kolu shishino lokulobaiintlanzana ngeminatha erhuqwayo yaselwandle

(d) **Intsebenzo ekulobeni: Abafaki- zicelo** zobunini-malungelo baya kuvavanywa ngokubhekiselele kwintsebenzo yabo kwisithuba sexesha eliphakathi. Abafaki-zicelo abangabangeneli abatsha bayakuvavanywa ngokubhekiselele ekubeni banganakho na, banalo ulwazi kunye nobuchule bokuloba besebenzisa iinethi.

(e) **Ukuthobela:** Ukungathobeli umthetho we MLRA okungabheke ndawo, imiyalelo yawo, kunye nemiqathango yemvume kuyakubangela ukohluthwa kwamanqaku. Abanini-malungelo abangenakho ukubonisa ukuba bathobela uMthetho 97 wokuPhuhliswa kweZakhono ka 1998, noMthetho 9 weeRhafu wokuPhuhliswa kweZakhono ka 1999 noMthetho we Occupational Health and Safety ka 1993 kunye noMthetho we Compensation for Occupational Injuries and Diseases , ka 1993 kungakhokelela ekubeni umfaki sicelo ohluthwe amanqaku apho ingena khona le mithetho.

9. Uluhlu lwethutyana

Phambi kokuba iSebe lithathe isigqibo malunga nokuba ngubani oyakunikwa amalungelo okurhweba nokuloba iintlanzana ngeminatha urhuqwayo yaselwandle, liya kukhupha uluhlu lwethutyana labafaki zicelo abaphumeleleyo. Abantu baKwaZulu-Natal banakho ke ngoko ukuchazela iSebe malunga nabalobi beentlanzana ngeminatha erhuqwayo abangafakwanga okanye abangafanelanga kufakwa kuluhlu lwethutyana.

10. Abaphathi nabancedisi babo kushishino lokuloba isardine ngebeach-seine eKZN

Ushishino lokuloba iintlanzana ngeminatha erhuqwayo yaselwandle eKZN luyakulawulwa ngokungqamene nendlela yokuphathwa koshishino lokuloba yonakekelo lwendalo (i "EAF"). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke ekwaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zinefuthe kubume nemeko jikelele yezolwandle. i Operational Management Plan entsha yolu shishino lokuloba izakuqalisa ukusetyenziswa kule minyaka mibini okanye mithathu izayo.

11. Imirhumo yokufaka izicelo

Imirhumo yokufaka izicelo kweli candelo ayisayi kuba ngaphezulu kwama R500. iSebe okwangoku lisavavanya ixabiso lenkqubo yokunikezelwa yelicandelo. ISebe liyakubachazela abanini-malungelo namaqela anomdla xa ithe yalimisa ixabiso lomrhumo.

12. Ukusetyenziswa kwezithuthi kwingingqi yonxweme

Abanini –zimvume abaninzi kushishino lokuloba iintlanzana ngeminatha erhuqwayo eKZN bacela imvume yokusebenzisa izithuthi kwingingqi yonxweme kulandela ukungavunyelwa kokusetyenziswa kwezithuthi elwandle okungalawulwayo ngo 2002. Ngo 2004, uMphathiswa wezoBume beNdawo noKhenketho wayitshintshela imigaqo elawula ukusetyenziswa kwezithuthi kwingingqi yonxweme i Regulations and Implementation Guideline (bona i www.mcm-deat.gov.za). Abanini-malungelo kushishino lokuloba iintlanzana ngeminatha erhuqwayo kufuneka bafake izicelo zokusebenzisa isithuthi kwingingqi yonxweme kuSekela Mlawuli Jikelele we Marine and Coastal Management ukuba isithuthi sifunelwa ukuloba

Iifomu zokucela imvume yokusebenzisa isithuthi kwingingqi yonxweme, kwakunye neefomu zokucela zokunikwa amalungelo kushishino lokuloba iintlanzana ngeminatha erhuqwayo eKZN. Ezifomu zokucela zikwafumaneka e www.mcm-deat.gov.za.

13. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume esebenzayo kolushishino lokuloba yonyaka ka 2005 incanyathiselwe njenge **Annexure A**.

Abanini-malungelo namaqela anomdla ayamenywa ukuba aveze ezawo izimvo kule miqathango yemvume.