UHLAKA

UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU

UMQULU WOKUNIKWA NOKUPHATHWA KWAMALUNGELO ENTENGISO EMSEBENZINI WOKUDOBA OSADINISI NGAMANETHA ADONSWAYO ASOLWANDLE OLUKWAZULU-NATAL: 2005

LOMQULU KUFANELWE UFUNDWE KANYE NOMQULU WABANTU BONKE OMAYELANA NOKUNIKWA KANYE NOKUPHATHWA KWAMALUNGELO ESIKHATHI ESIDE SOKUTHENGISA NGOKUDOBA: 2005 (iyatholakala e www.mcm-deat.gov.za)

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1. Isingeniso

Lolu hlelo olubekiwe kanye namalungelo ongamele ukudoba izinhlanzi zentengiso ezidotshwe ngamanethi adonswayo ogwini lakwa KwaZulu-Natal (KZN) ikhishwa ngabo Mnyango wezeNhlalo Nokuvakasha: Igatsha Lolwandle kanye nabaphathi bogu ("Umnyango") ukuze umphakathi ubeke imibono yawo.Lendawo okuzodotshwa kuyo izobizwa ngokuthi yindawo yakwa KwaZulu-Natal yokubamba izinhlanzi osadinisi nngamanethi adonswayo. Lomthetho kumele ufundwe kanye nomthetho sivivinyo wabantu bonke wokwabiwa kanye nokuphathwa entengiso yokudoba yesikhathi eside: 2005 ("*the General Fisheries Policy*").

Njengoba kushiwo ngumthetho ojwayelekile, uMnyango uzokubamba imihlangano yabantu bonke ngasezindaweni zasogwini ukuze babonisane nomphakathi wonke kanye abathandayo nalabo abathintekayo ikakhulukazi, njengaso lesi siphakamiso sakwa KZN somthetho wokudoba ngamanethi adonswayo ogwini. Kule mihlangano yabantu bonke, kuzocelwa imibono. Imibono ebhaliwe kumele ibe ingenisiwe eMnyangweni ngomhlaka 11 Appril 2005. Imibono eyakufakwa mgemuva kwalolu suku angeke isanakwa. Imibono kumele ifakwe ngalolu hlobo:

NgeFax: Quaphela: (021) 670-1782 Qaphela: The Deputy Director-General Fishery (Please specify which fishery) Policy Comments	**Nge Mail:** Qaphela: Mr Horst Kleinschmidt The Deputy Director-General The Department of Environmental Affairs and Tourism P.O Box 44963 Claremont 7735 Fishery (Please specify which fishery) Policy Comments	**Nge E-mail:** RVU@deloitte.co.za Quaphela: The Deputy Director-General Fishery (please specify which fishery) Policy Comments **Nge Hand** Quaphela: The Deputy Director-General The Rights Verification Unit 11 Landsdown Road Claremont Fishery (please specify which fishery) Policy Comments

Injongo yalo mthetho ukumisa umlinganiselo ozokusetshenziswa ekubekweni kwwamalungelo esikhatthi eside sokuthengiswa kwezinhlanzi ezidotshwe ngamanethi adonswayo ogwini olukwa KZN . Okunye kwalokhu kwabiwa okunje akukkho kusha. Bekuyaye kusetshenziswa nguMnyango uma waba amalungelo ngesikhathi esidlule. Lo mqulu womthetho unaka, kodwa ufaka ezinye izinguquko ubuye wandise.

Amanye amalungelo adlule wokwabiwa kokuphathwa kwemithetho abuye aboniswa kule siphakamiso somthetho sivivinyo.Incwadi yokucacissa yabaphathi bakwa KZN bokudoba

ngeminatha edonswayo ogwini izobuye iqedelwe kanye nabo bonke abanikazi abafanele phakathi kwawo unyaka ka 2006. Le ncwadi ecacisayo izokhomba yonke imininingwane yendlela yokuphatha kanyenendlela yokuqhuba le ndawo yokudoba izinhlanzi.

2. Ibhayoloji nokunotha kwezemvelo

Le ndawo eKwaZulu-Natal yentengiso yezinhlanzi ezidotshwe ngamanetthi adonswayo isebenza ngezzikhathi ezithile zonyaka Ngezinyanga zasebusika uma osadinisi abakhulu (Sardinops sagax)bangena emanzini akwaZulu-Natal ngase ningizimu. Leliqembu eliqhamile lohambo lubizwa ngokuthi Yi KZN "yomjaho wosadinisi".

Umjaho wonyaka wosadinisi uhambisana nokuhamba komsinga iAgulhas kude nogu lolwandle endaweni ewugu lwasendle (Wild Coast) ngesikhathi sasekwindla kuze kufike ubusika nokubanda kwamanzi asolwandle. Lesi sehlakalo sinikeza umhubhe wosadinisi abathanda amanzi abandayo ukuthi bathuthe baye enyakatho ngobubanzi obungamakhilomitha ayishumi nanhlanu ubude, amakhilomitha amathatthu ububanzi futhi amashumi amane amamitha ukujula. Lo mhlambi wezinhlanzi ubiza izinkulungwane yezilwane ezidla ezinye ezifana namaganethi, namahlengethwa kanye noshaka.

Indawo youkudoba osadinisi esogwini lakwa KZN ithembele ngokuphelele esahlakalweni sosadinisi abagijimayo. Nangaphezulu, imboni yezokuvakasha kwa KZN ibhukulele ekusebenziseni njengombukiso umjaho wezinhlanzi, sekuhlangene nesasasa lomsebenzi wokudoba ngenethi izinhlanzi ogwini. Kukhona, kodwa, iminyaka lapho ukuzizela kwamanzi abandayo kungenzeki okanye izinhlanzi zingaveli ngasogwini. Ukubanjwa kwezinhlanzi ngamanethi eendaweni yakwa KwaZulu-Natal bekuyaye kungabibikho nakanye ngeminye iminyaka.

Indawo yokudoba osadinisi endaweni yasogwini eKZN ibibekelwe umthetho ukususela ngonyaka yo 1970. Ngaphambi komthetho I Marine Living Resources Act (11988), izimvumo zazinikezwa ngaabakwa KZN Fisheries Licensing Board. Isibalo esiphelele esinga 35 sezimvumo sasinikezelwa ngonyaka. Izimvumo kanye namalungelo alemihla, ayenikezelwa ngokukhethekile ukuthi kubanjwe osadinisi; zonke ezinye izinhlanzi kwakumele zibuyiselwe emanzini ziphila.

3. Incazelo emfishane ngaloluhlelo

Ukuthengiswa kwesadinisi kubekelwe KwaZulu-Natal kuphela. Ngenxa yokuntuleka kwale nhlanzi, izikhathi ezithile zonyaka, yizo kuphela ezivumelekile ukudoba ngesikhathi sokugijima kwezinhlanzi. Abantu abaningi abasebenzayo baqashwa kweminye imikhakha yokudoba kuze kube sekupheleni konyaka.

Nakuba oosadinisi bephethwe ngendlela ye TAC, iqondwe ikakhulukazi yimboni yokudoba yepelaji , indawo yokudoba nganmanethi ogwini lwaseKZN luphethwe ngabakwa Total applied Effort (i TAE). Lokho kubangelwa ukuthi umthetho obekelwe indawo yokudoba eKZN ingaphantsi kuka 0.1 yephesenti wokubanjwa kwezinhlanzi ezweni lonke. Imizamo ayivimbelekanga ezindaweni ezithize ngakho ke bavumela abadobi ukuthi balandele oosadinisi ogwini futhi babambe nezinye izinhlanzi njengoba behamba nogu. Kukhona imigomo ebekelwe ukuvimbela ukudoba ezindaweni zogu ezilondoloziwe.i TAE (isibalo samanethi okumele asebenze) imiswa nguNgqongqoshe unyaka nonyaka.

Amanethi okudoba osadinisi abekwa kusetshenziswa isikebhe esishwezayo esiphenduliwe. Amaqembu abadobi angathekiselwa ebantwini abanga 20 inethi ngayinye, bayidonsa inethi ngezandla beyiyisa ngasowini. Izinhlanzi ziyathengiswa ngabanini-zimvume kubantu bakuleyo ndawo, okukanye abathengi bathenge okuqukethwe ngesikhathi lisesogwini. Okuningi okubanjiwe kusetshenziselwa ukuphinda kubanjwe ezinye izinhlanzi kodwa elinye inani elibanjiwe loosadinisi lisetshenziswa ngabantu bendawo. Eminyakeni uma umjarho wezinhlanzi wenzeka, isibalo esingu 20 000 ngesilinganiso okukanye u 50 wamathani ziyabanjwa ngenani lemali elilinganiselwa phakathi kwezigidi ezingu R1.5 kanye ne R2 yezigidi

Abanikazi-bamalungelo abakhona manje isikakhulukazi ngabadobi abangabathengisi bezinhlanzi abaphuma phakathi kwabamhlophe nabamnyama. Eminyakeni embalwa edlulileyo, amalungelo amabili kuphela abethathwe ngabadobi abangamambela abanini-malungelo abasuka eMpumalanga yeKoloni. Laba banini-malungelo baqalisa ukusebenzisa imigomo yobuchwepheshe ekudobeni. Ukusebenzisa kwabo indiza yokuhlola kanye nezigiya zokudoba kubenze baphuma phambili kwabanye abadobi. Wonke amaqembu aqasha abasebenzi besikhashana kuleso sikhashana sokusebenza. Ngenxa yalokho babalelwa emakhulwini

ayisikhombisa abasebenzi abangaqashwa ngenyanga ukuya kwezimbili esikhathini sonyaka ngamunye.

4. Iindlela yokunikwa kwamalungelo esikhathi esiphakathi

Indlela yokudoba ngamanethi ogwini ayikaka shintshi kakhulu ukususela ngesikhathi ivivinywa ngabakwa TAE kanye nokwabiwa kwamalungelo kwango 2001. Amalungelo esikhathi esiphakathi aletha isigaba esiqinile sokumisa ukudotshwa kwezinhlanzi, njengokuba eminyakeni eyadlulayo abanini-zimvume bebengena okukanye baphume ekudobeni esikhathini esingunyaka kuphela. Abakwa TAE baqoshwa ngabanini-zimvume abangu 35 ngonyaka ka 2001. Zaba ngama 27 kuphela izicelo ezemukelwa, ezinga 26 zazo yizo ezavunyelwa ukuthi zisebenze.

Lokhu kudoba kubonakala kufuna ngamandla ezezimali ngenxa yobuningi bemali edingwa izikebhe ezishwezayo njengokho amanethi okuloba ogwini kanye nezimoto zohlobo lwe 4X4 kanye futhi nengozi yokulahlekelwa encikene nokuntuleka, kanye nokungabazeka kokubakhona kwesadinisi ngesikhathi sayo sonyaka esifanele. Indawo yokudoba ama 50 yephesenti ayo aphethwe futhi onganyelwe ngabantu abamnyama..

5. Izinjongo zohlelo olwengamile

Izinjongo zokunikezwa kwamalungelo esikhathi eside okudoba ogwini ngamanethi yilezi:

- Ukwandisa izinguquko ohlangothini lokudoba;
- Ukunikwa kwamalungelo okudoba osadinisi ngamanethi ogwini kulabo Bantu bomdabu abebencekelele kosadinisi kanye nezakhamuzi zase KZN:
- Ukuqinisa indlela yezezimali ekudobeni:
- Ukulungiselela ukuqhubeka okuqinile kwezenhlalo nokudoba.

6. Isikhathi samalungelo

Njengo kubhekiselele kulezi izinjongo ezingenhla, uMnyanngo uzokwaba amalungelo entengiso yezinhlanzi kuze kuphele iminyaka elishumi (01 January 2006 – 31 December 2015). Umntu ngamnye ongumnini-lungelo. kumele nokho, ahlolwe ngezikhathi ezithile ngokokulinganisa

kokwenza okucopheleleyo. Lesi simo sokulinganisa kuzoxoxwaa ngaso kanye nabanini-malungelo ngonyaka ka 2006.

7. Abezicelo ezintsha

Intsalela yemizamo iyatholakala ekwabiweni ngezindawo zokudoba. Umnyango uzofuna indlela yokungenisa abezicelo ezinstha. Uzokuphinda futhi ubakhiphe ngabanye abanini-malungeli abahlulekayo kanye abangaguquli isimo.

8. Isimo sokulinganisa ngokuvivinya

Izicelo zizokubhekisiswa ngokohlobo ‘’lokulinganisa olukhethekileyo”,futhi emva kwaloko kulinganiswe ngokohlobo “oluthathanisayo lulungelelanisa”.Konke loko kuzokwenziwa ngendlela ezokwenza kukhetheke izicelo eziphumelele. .

*8.*1 Isimo sokulinganisa ngokukhetha

Ngaphandle kwendlela okuchazwe ngayo Emqulwini Jikelele ngokophathelene nokunikwa kwezicelo kanye namaphepha angalunganga uMnyango anngeke uzinanze izicelo zalabo abazokuthi bahluleke ukuhlangabezana nalezizidingo ezilandelayo:

(a) **Isimo sokuba ngumnikazi ovumelekile:** Nakuba Umqulu Jikelele walela izimboni zawo kanye nalabo bazisebenzela ngabodwana ukuthi benze izicelo Ohlelweni D lwezezinhlanzi, iKZN ihamba yodwa ngokuba nesivumelwano kwezezinhlanzi. Umnyango uzawukuthi ngokwasezinhlanzini (futhi kulolu kuphela Uhlelo D ngokwasezinhlanzini) inikeze abantu abangabodwana kanye nabangamaqembu kodwa (hayi izimboni) ukuthi bafake izicelo ze KZN ukuze bavunyele ukuthengisa izinhlanzi. Kubanini abangabodwana akuvumelekanga ube nemvume engaphezu kweyodwa kulowo mndeni. Ziyokushaywa indiva izicelo zalabo abafaka izicelo ngabodwana bengahambisani nomthetho obhalwe ngenhla..

(b) **Abadobi basogwini abangabendabuko:** Amalungelo ayakunikezwa kuphela labo ebebekade bengabadobi bosadinisi ogwini. Umnyango ukubona njengomdobi wendabuko wesadinisi ngoba lowo mdobi ubevele edoba ogwini esikhathini esingangeminyaka eyishumi edlulileyo.Rights.

(c) **Ukufinyelela emanethini nasezikhepheni:** Abafaka izicelo kuyomele babonakalise ukuthi banako ukufinyelela emanethini adingekayo kanye nezikhephe ezifanele ukusetshenziselwa lokukudoba..

(c) **Ukuthobela:** Abafaka izicelo abake bephula kabi umthetho nezimiso ze MLRA bayokunqatshwa.

(d) **Isilinganiso samaphepha:** Isilinganiso samaphepha (njengoba sichazwe kumgomo jikelele siyokwenqatswa. Amaqembu amakhulu anezicelo ezifanayo ezixhaswe ngababonisi okukanye izimboni ezithengisa izinhlanzi neminye ayisayukwamukelwa njengabami phambili ekutholeni isilinganiso samaphepha, noma nga bebengabakhethekileyo ngokwezicelo zabo. Ubufakazi buzovezwa yibo abafake izicelo ukuthi abasibo abaphambili esilinganisweni samaphepha. .

(e) **Ukungasetshenziswa:** Abanini-malungelo abangazange bawasebenzisa njalo phakathi konyaka ka 2002 kanye no 2004 bayokushaywa indiva.

(f) **Ukungenela imikhakha ngemikha: Abangenisa izicelo** bebe benamalungelo kwezinye izintengiso zezinhlanzi, okanye benamasheya okukanye elilungu elithola isabelo kubanini-malungelo abakwezinye izimboni zokuthengiswa kwezinhlanzi bayokushaywa indiva.

(g) **Ukuhlanganyela ekudotshweni kwezi nhlanzi:** Abafake izicelo kumele kube ngabe bekhona entengisweni yokudoba osadinisi ngesikhathi sonyaka esivumelekileyo, futhi babe bebehlanganyela kuwo lo msebenzi.

(h) **Ukuthembela kulengcebo:** Ngesikhathi uMnyango utholisisa ukuthi kwesikhathi sonyaka, ukungazeki kanye nengozi ephathelene nezokudoba, abafaki zicelo kuzodingeka ukuthi babonise umlando wabo wokuthembela ekudobeni izinhlanzi ezincane ogwini ukuze baphile.

(i) **Izakhamuzi zase KZN:** Amalungelo entengiso kulokhu kudoba azonikezwa kuphela kubantu abahlala, okukanye abanamabhizini abhaliswe KwaZulu-Natal.

8.2 Inqubo yokulinganisa

Abafaka zicelo zokuthola izimvume zokudoba nalabo abangase bangene kwizimbobi zokudoba bayohlungwa ngaphansi kwenqubo yokuhlunga elandelayo ngokubheka isisindo sesicelo ngasinye

(a) **Uguquko:** Ukuthuthukisa izinguquko ekudotshweni kwezinhlanzana ezincane ogwini, abafake izicelo e KZN bayokuzuza noma ngabe akusibo abantu abamnyama (kuhlanganisa abansundu, amakhaladi kanye namaNdiya). Abafake izicelo bengamalungu e-close corporations bayovivinywa banikwe amaphuzu ngakokhu:

- Inani ekhulwini labamnyama nokumeleka kwabesifazane abangabanikazi nabaphethe emazingeni aphezulu (ikakhulukazi maqondana nokaputeni);
- Uma abasebenzi bengamalungu enkampani efake isicelo semvume yokudoba, kuphinde kudalulwe indlela abahlomula ngayo;
- Ukunikwa kwamathuba kulabo abacindezelekile ngokomlando;
- Ukumeleka kwabamnyama kanye nabesifazane emikhakheni eyahlukene ngaphansi kwamandla okuphatha;
- Ukuhambisana nomthetho obizwa nge- Employment Equity Act 55 ka 1998; kanye
- Nokutshalelwa komphakathi izimali yizinkampani ezizimele.

(b) **Imisebenzi:** Abafake izicelo zezimvume ababonise ukuthi baye baveza amathuba emisebenzi – awesikhashana okukanye awesikhathi eside – bayakubuyekezwa. Mayelana nabafaki zicelo abaku close corporation, kuzakubhekwa ukuthi abaqashwa banikwa:

- Ukuqashwa ngokuphelele;
- IMedical aid kanye impesheni;
- Namanye amalungelo omsebenzi; kanye

- Nesimo sokusebenza esiphephile.

(c) **Umlando wokuzibandakanya embonini yokudoba:** Umnyando uzakubheka ukuthi side kangakanani isikhathi unmikazi mvume ezibandakenye ekulotshweni kwezinhlanzi ezincane.

(d) **Ukudoba kahle kwenkampani**: Abafaka izicelo zezimvume bayokalwa izinga lokusebenza kwabo ngokubheka ngesikhathi esimaphakathi..

Abafaka izicelo okokuqala embonini yokudoba bayohlungwa ngokubhekelela ikhono, ulwazi kanye nokukwazi ukudoba kusetshenziswa amanethi.

(e) **Ukuhambisana nomgomo:** Ukuphula umthetho okungatheni ngaphansi kohlelo lwe-MLRA, nemigomo kanye nezimo zezimvume kuyowehlisa amaphuzu. Abafaki zicelo abahlulekayo ukuhambisana nezibopho zomthetho obizwa nge-Skill Development Act 9 ka-1999 kanjalo futhi nomthetho owaziwa nge-Occupational Health and Safety Act ka1993, kanye ne-Compensation for Occupational Injuries and Diseases Act,1993, bayokwehliselwa amaphuzu.

9. Uhide lwesikhashana

Ngaphambi kokuthi uMnyango wenze isinqumo esingujuqu ekutheni ngobani abazonikezwa amalungelo okudoba osadinisi ogwini, uzokhipha uhlu lwesikhashana lwabezicelo eziphumelele.Abantu abakwa KwaZulu-Natal kuzomele bazise uMnyango uma ngabe ukuthengiswa kwezinhlanzi ezincane ezidotshwe ogwini kumele, okukanye akumele bafakwe ohidweni lwesikhashana.

10. Abaphathi nabasizi babo ekuthengisweni kwezinhlanzi ezidotshwe ngamanethi adonswayo ogwini lwase KZN

Intengiso yesadinisi ogwini okudotshwa kulo izophathwa ngokubhekiselene ekulondolozeni imvelo endaweni yokudoba (“EAF”). Indlela okuzokongiwa ngayo ekudobeni izoba ngepheleleyo

futhi ifake nomthetho ozobonisa ukuthi ukudoba kanye nokumelene nemvelo okwenziwayo kunamandla ekuhleleni kukonke kwasolwandle.

Icebo elisha elibizwa ngokuthi yi Operational Management Plan lalendawo yokudoba lizokwenziwa esikhathini esingangeminyaka emibili ukuya kwemithathu.

11. Inkokhelo yezicelo

Inkokhelo yezicelo yaloluhlelo angeke ibe ngaphezu kwe R500. Kumanje nje uMnyango usathelekisa inani alinqunyiweyo lokwabiwa kulesi sigaba. Umnyango uyakubazisa abanini malungelo kanye nalabo abathandayo uma usuqondisisile ngemali yezicelo.

12. Ukusetshenziswa kwentalasipoti ezindaweni zasogwini

Abanini-malungelo abaningi abase KZN endaweni yokudoba ngamanethi isadinisi bafake izicelo zokusebanzisa izinqola endaweni esogwini belandela umthetho wokunqatshelwa kokusetshenziswa kwezinqola ezingavumelekanga ogwini ngo 2002. Ngonyaka ka 2004, uNgqongqoshe wezeMvelo nokuVakasha waguqula umthetho ophathelene nokusetshenziswa kwezinqola endaweni esogwini (bona www.mcm-deat.gov.za femithrtho nokusetshwnziswa okumisiwe).

Abantu abanamalungelo abase KZN endaweni lapho kudotshwa khona ngamanethi adonswayo isadinisi kufuneka bafake izicelo kusekela Mqondisi (Deputy Director-General of Marine and Coastal Management) ukuze bathole imvume yokusebenzisa izinqola endaweni esogwini uma ngabe inqola idingeka ukusetshenziselwa ukudoba.

Amaphepha ezicelo okusebenzisa inqola endaweni esogwini azokwenziwa abe khona, kanye namaphepha ezicelo obunini obukwa KZN ogwini okudotsha kulo isadinisi. La maphepha ezicelo ayatholakala kwa www.mcm-deat.gov.za.

13. Imibandela yemvumo

Imibandela yemvumo yalezi zindawo zokudoba iyakhishwa njalo ngonyaka. Imibandela yemvumo ebhekelene nokudoba esikhathini sonyaka ka 2005 ifakwe yaba u **Annexure A**. Abanini-malungelo kanye nalabo abathandayo bayamenywa ukuthi babeke imibono yabo ngalemibandelaa yemvumo.