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GENERAL NOTICES

NOTICE 750 OF 2013

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

The Minister of the Department of Agriculture, Forestry and Fisheries hereby publishes the final:

(i) General Policy on the Allocation and Management of Fishing Rights: 2013 (Schedule A); and

(ii) 2013 Fishery Specific Policies for Demersal Shark, Hake Handline, Kwazulu-Natal Prawn Trawl, Oyster, Squid, Traditional Linefish, Tuna Pole-Line and White Mussel (Schedule B),

for general information.

SCHEDULE A

GENERAL POLICY ON THE ALLOCATION AND MANAGEMENT OF FISHING RIGHTS: 2013

UMNYANGO WEZOLIMO, WEZAMAHLATHI NEZOKUDOBA

UHLAKA OLUBUKEZIWE LWENQUBOMGOMO JIKELELE MAYELANA NOKWABIWA NOKUPHATHWA KWAMALUNGELO OKUDOBA: 2013

LE NQUBOMGOMO KUMELE IFUNDWE NGOKUHLANGANYELA NENQUBOMGOMO EQONDENE NEZOKUDOBA EFANELE (iyatholakala ku: www.daff.gov.za)

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Lencwadi iyafumeneka nangolwimi lwesiBhulu, lwesiXhosa nolwesiZulu

Lencwadi iyatholakala nangolwimi lwesiBhulu, lwesiXhosa nolwesiZulu

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INGXENYE A: ISINGENISO NESENDLALELO

1. Isingeniso

1.1 Le ***Nqubomgomo Jikelele mayelana Nokwabiwa Nokuphathwa Kwamalungelo Okudoba*** ikhishwa nguNgqongqoshe Wezolimo, Ezamahlathi Nezokudoba izobizwa ***"ngeNqubomgomo Jikelele"***. Le nqubomgomo Jikelele kumele ifundwe nezinqubomgomo okubhekiswe kuzo "***Ezinjengezinqubomgomo Eziqondene Nezokudoba***" *noma "****Nezinqubomgomo Eziqondene Nomkhakha***" esezamukelwe kulowo nakulowo mkhakha wokudoba. Kuyinqubomgomo jikelele kunezinto eziningi ezibekiwe eziqondene nayo yonke imikhakha yokudoba esohlwini kusigaba sesi-2. Ukubhekelelwa kwenqubomgomo kuyo yonke imikhakha kusungulwa ngakho izinqubomgomo eziqondene Nezokudoba, lapho kubekwa khona izinhloso ezithile zikaNgqongqoshe mayelana nokwabiwa kwamalungelo kumkhakha ngamunye. Labo bantu okungenzeka bafake izicelo kanye nalabo abanentshisekelo kumele bafunde le nqubomgomo Jikelele ngokuhlanganyela nenqubomgomo efanele Yezokudoba.

2. Ukusebenza Kwenqubomgomo Jikelele

2.1 Inqubomgomo Jikelele isebenza kulokhu okulandelayo:

(a) Ukwabiwa kwamalungelo kule mikhakha yezokudoba: Hake Deep Sea Trawl, Hake Inshore Trawl, Horse Mackerel, Small Pelagics, Patagonian Toothfish, South Coast Rock Lobster, KwaZulu-Natal Prawn Trawl, Hake Long Line, West Coast Rock Lobster (Kude nogu), Squid, Tuna Handline, Seaweed, Shark Demersal, Handline Hake, West Coast Rock Lobster (Ngasogwini), Traditional Linefish Oysters, White Mussels, Netfishing (Trek- and Gillnets and Beach Seine), Kwazulu-Natal Beach Seine kanye nomkhakha Wezokudoba Osebenzisa Izindlela Zakudala Zokudoba.

(b) Ukwabiwa kwamalungelo ekuhanjisweni kwezindawo zokulungisa ufishi.

(c) Ukuphathwa kwezimvume zokudoba kanye nokunye okwenziwa emanzini ngaphandle kokubanjwa kokuthile njengokuthwetshulwa kwezithombe ngaphansi kwamanzi.

3. Inhloso Nezinjongo

3.1 Inhloso Nezinjongo zenqubomgomo Jikelele, kanye nezenqubomgomo eziqondene Nezokudoba yilezi:

(a) ukuthuthukiswa kokuvikeleka kokudla kanye nokuthuthukiswa komnotho womphakathi ngokusebenziswa kwezinsiza zezokudoba;

(b) ukuthuthukiswa koshintsho, ukwandiswa kokubanjwa kweqhaza ngokuphusile (ukwenyuswa ukubanjwa kweqhaza, ukusungulwa kokubaluleka kanye noxhumano) kanye nokukhula kumkhakha wezokudoba;

(c) ukweseka kanye nokusungulwa kwezindlela zolawulo nokuphatha okuhloswe ngakho ukuthuthukisa ukusetshenziswa/ukuphathwa kwezinsiza zezokudoba;

(d) ukwaziwa, nokuvikelwa kanye nokwesekwa kwabadobi abasebenzisa izindlela zakudala zokudoba;

(e) ukuthuthukiswa koxhumano lwezinhlangothi zomphakathi, zamasiko, zomnotho kanye nezezindawo zohlelo lokudoba olusebenzisa izindlela zokudoba zakudala;

(f) impumelelo yendlela yokudidiyelwa kwamalungelo omphakathi ekwabiweni kwezinsiza eziphila emanzini;

(h) ukuthuthukiswa kokwabiwa kwezinsiza ngendlela yokusebenziswa kwemikhakha eminingi;

(i) ukuqinisekiswa ukuthuthuka okusimeme kwezokudoba okuhlonzwa njengomkhakha osebenzisa izindlela zakudala zokudoba, ekuqinisekiseni ukuthi imiphakathi esebenzisa izindlela zakudala zokudoba isizakala ngokuphelele mayelana nezinsiza futhi kube yiyo esizakala kakhulu;

(j) ukusungulwa kwamazinga kanye nezindlela ezibeka umkhakha wezokudoba osebenzisa izindlela zakudala zokudoba ezingeni elibalulekile embonini yokudoba; futhi

(k) kusungulwe nezindlela kanye nezinhlaka zokuthuthukiswa kokufundiswa komphakathi, ukuphatha ngokubambisana kanye nendlela eyesekwe kumphakathi ekudobeni kanye nasekuphatheni izinsiza eziphila emanzini kumkhakha wezokudoba osebenzisa izindlela zakudala zokudoba.

4. Izinqubomgomo Ezisemqoka ZikaHulumeni

4.1 Inqubomgomo Jikelele kanye nezinqubomgomo Eziqondene Nezokudoba zisuselwe kuzinqubomgomo ezisemqoka zikahulumeni, ezibizwa ngoHlelo Lwentuthuko Kuzwelonke, Uhlelo Oludidiyelwe Lokukhula Nokuthuthuka (i-IGDP) mayelana nezolimo, ezamahlathi kanye nezokudoba, Uhlelo Olusha Lokusungulwa Kwamathuba Emisebenzi (i-NGP), Uhlelo Lwenqubomgomo Yezimboni Lokuzokwenziwa (i-IPAP), Uhlelo lokuthuthukiswa Jikelele Kwezindawo Ezisemakhaya (i-CRDP).

4.1.1 Uhlelo Lwezentuthuko Kuzwelonke

4.1.1.1 Uhlelo Lwezentuthuko Kuzwelonke (i-NDP) ngolwesikhathi eside. Luchaza lokho okufiswa ukufinyelelwa kukho futhi luhlonza indima okumele idlalwe yimikhakha ehlukehlukene yomphakathi ukuze kufinyelelwe kuleyo njongo. I-NDP kuhloswe ngayo ukuqeda ububha kanye nokwehlisa izinga lokungalingani ngonyaka we-2030. Ngokuya ngalolu hlelo, iNingizumu Afrika ingafinyelela kulezi zinjongo ngokubamdakanya abantu bayo, ngokukhulisa umnotho odidiyelayo, ngokuthuthukiswa kwamakhono, ngokwenza ngcono ukusebenza kukahulumeni, kanye nangokuthuthukisa ubuholi kanye nokubambisana kulo lonke leli lizwe.

4.1.2 Uhlelo Oludidiyelwe Lokukhula Nezentuthuko (i-IGDP) mayelana Nezolimo, Ezamahlathi Nezokudoba

4.1.2.1 I-IGDP ihlinzeka ngohlaka lwezimo kanye nezinkinga imikhakha yezokudoba ebhekene nazo njengamanje. Ibuye ichaze nezinjongo kanye nokudingeka ukuba kwenziwe ukuze iNingizimu Afrika ikwazi ukufinyelela kuyinhlosombono yayo mayelana nokuphathwa kwezokudoba kanti ngokwenze njalo izobe iqinisekisa umkhakha okhiqizayo kanye nosimeme.

4.1.3 Uhlelo Olusha Lokusungulwa Kwamathuba Emisebenzi (i-NGP)

4.1.3.1 Uhlelo Olusha Lokusungulwa Kwamathuba Emisebeni luhlinzeka ngamasu akhuthazayo, anobuchule kanye nasebenzayo ekusungulweni kwamathuba ayizigidigidi amasha emisebenzi adingwa yiNingizimu Afrika. Futhi lwendlala inhlosombono mayelana nempumelelo ehlanganyelwe mayelana nomnotho kanye nomphakathi othuthuke kangcono, oweseka ukubuswa ngokwentando yabantu, ohlangene kanye nolinganayo ngokwesikhathi esiphakathi, mayelana nengqikithi yokukhula okusimeme. Leli lisu libeka izinto ezibalulekile zokukhombisa ukusungulwa kwamathuba emisebenzi kanye nokukhula, libuye lihlonze lezo zinguquko ezingenziwa ohlakeni nasekwenziweni kwesimo okungasungula umnotho odidiyela inhlalakahle yabantu engcono kanye nokulingana emphakathini ube wehlisa izinga lokulimaza imvelo nokwesweleka komhlaba odingekayo esikhathini esiphakathi kuya kweside.

4.1.4 Uhlelo Lwenqubomgomo Yezimboni Lokuzokwenziwa (i-IPAP) luka-2012

4.1.4.1 Ukungenelela kukaHulumeni okubekwe Kuyinhlosombono Yohlelo Lwezentuthuko Kuzwelonke ye-2030, i-NGP kanye namanye amabhukwana ezinqubomgomo kuhloswe ngawo ukuqinisekisa ukuthi lezo zinyathelo ezisemqoka ekwesekweni kokuhlelwa kabusha kwezomnotho ziyathathwa ukuze kube nohlelo lokukhula olubalulekile noludinga abasebenzi abaningi kanye nomsebenzi

omningi. I-IPAP iyinsika ebalulekile yalokhu kungenelela.

4.1.5 Uhlelo Lokuthuthukiswa Jikelele Kwezindawo Ezisemakhaya

4.1.5.1 I-CRDP yisu elibalulekile Ohlakeni Lwezamasu Lwesikhathi Esiphakathi kuHulumeni (i-MTSF). Isimo salolu hlelo sesekwe yilokho okutholiwe kulezo zindawo ebezikhethiwe lapho bekuvivinywa khona lolu hlelo ngokuhlolwa kwenhlalakahle nomnotho, ngokuhlolwa kwezinqubo zokubanjwa kweqhaza ngumphakathi kanye nokusebenzisana phakathi kohulumeni.

4.1.5.2 I-CRDP yehlukile kulawo masu kahulumeni adlulile ezindaweni zasemakhaya njengoba yesekwe kuyindlela yangaphambili yokuhlelwa kokubanjwa kweqhaza okugxile kumphakathi okungeyona indlela yokungenelela ekuthuthukisweni kwezindawo zasemakhaya. Kuhloswe ngayo ekubhekaneni nokuhlupheka kanye nasekuvikelekeni kokudla ekusebenziseni kanye nasekulawulweni ngokuphelele kwezinsiza zemvelo ukuze kusungulwe imiphakathi yasemakhaya enogqozi, elinganayo kanye nesimeme.

4.1.5.3 I-CRDP kumele yenze ngcono amazinga empilo kanye nenhlalakahle futhi ilungise nalezi zinto ebezenzeka esikhathini esidlulile ebezingalungile ngokusebenzisa ukungenelela okugxile kumalungelo kanye nokulungisa izindlela ezingaqondile zokusatshalaliswa kanye nezobunikazi bomcebo nempahla.

4.1.5.4 Ngakho-ke inhloso yesu le-CRDP wukugqugquzela intuthuko edidiyelwe kanye nokubumbana komphakathi ngezundlela zokubanjwa kweqhaza ekubanjiswaneni kuyo yonke imikhakha yomphakathi.

INGXENYE B: INQUBO KANYE NENDLELA YOKWABA

5. Ukwabiwa Kwamalungelo Okudoba

5.1 Umthetho i-Marine Living Resources Act 18 ka-1998

5.1.1 ukuguqulwa kwemboni yokudoba kuphoqelekile ngokuya ngomthethosisekelo kanye nangokushaywa kwemithetho. Indlela yokwenza ushintsho kuyimboni yokudoba eNingizimu Afrika ngukusetshenziswa komthetho i-Marine Living Resources Act 18 ka-1998 ("i-MLRA").

5.1.2 Enye inhloso ebalulekile ye-MLRA wukuhlinzekwa ngendlela ehlelekile yokusetshenziswa kahle kwezinsiza zokuphila emanzini, kanye nokuhlinzeka ngendlela yokulawula izinsiza zokuphila emnazini ngendlela ekahle nelinganayo ukuze kusizakale zonke izakhamizi zaseNingizimu Afrika.

5.2 Isimo sezomthetho mayelana Nelungelo Lokudoba

5.2.1 "*Amalungelo okudoba*" abiwa ngaphansi kwe-MLRA akusiwo amalungelo empahla kodwa kumele athathwe njengemvume yomthetho yokuvuna lezo zinsiza eziphila emanzini ngaleso sikhathi esithile esibekiwe. Ngokunjalo, ukukhanselwa noma ukuhoxiswa kwawo akusho ukuthathwa kwelungelo lempahla okusencazelweni yesigaba sama-25 kuMthethosisekelo noma kumthetho owaziwa nge-Expropriation Act 63 ka-1975. Lokhu kucacile kusigaba 18(6) se-MLRA, esihlinzeka ngelungelo lokudoba elibekelwe isikhathi nguNgqongqoshe (noma inxusa lakhe) lapho leli lungelo libuyiselwa kuHulumeni uma sekuphele leso sikhathi.

5.2.2 Ilungelo lokudoba linikezwa umuntu othile noma uhlaka oluthile ngokuya ngesigaba sama-21 se-MLRA, leli lungelo ngeke linikezwe ngaphandle kwemvume kaNgqongqoshe noma yenxusa lakhe. Uma kwenzeka umnikazi welungelo eshona, noma edliwa impahla ngokusemthethweni noma inkampani yakhe ichithwa, ilungelo selizobe selinikezwa lowo muntu oqokelwe ukudlulisa ukucazwa kwamafa, noma lowo muntu oqokelwe ukuphatha impahla ekuthrasti ngokuya ngaleso sizathu anikezwe sona noma lowo muntu oqokelwe ukuchitha leyo nkampani kanti lelo lungelo lingaqhubeka nokusetshenziswa ngaleso sikhathi esivunywe yimibandela efanele yezomthetho.

5.2.3 Noma yikuphi ukudluliselwa kwelungelo lokudoba komunye umuntu noma ukuthengiswa kwamasheya/isabelo samalungu okwenziwa ngenxa yokuguqulwa kolawulo lwenkampani/i-close corporate noma okwenza ukuthi leyo nkampani ingabi naleyo nguquko eyayikhona ngesikhathi

inikezwa ilungelo lokudoba, ukufakwa kwesicelo kudinga imvume yangaphambili ebhalwe phansi evela kuNgqongqoshe.

5.3 Ukubhekelelwa kwengqikithi Yokwaba Nokuphatha

Le nqubomgomo Jikelele kanye nezinqubomgomo eziqondene Nokudoba zesekelwe kule mibandela elandelayo emayelana nokuhlahla indlela yokwaba nokuphathwa kwamalungelo okudoba. Le mihlahlandlela yile:

5.3.1 Inguquko

(a) I-MLRA idinga ukuba abathathi bezinqumo babhekelele isidingo sokuhlelwa kabusha kwale mboni yokudoba ukuze kulungiswe ukungalingani obekwenzeka esikhathi esedlule futhi kuzuzwe nokulingana ngaphakathi kwayo yonke imikhakha kule mboni yokudoba. Inguquko iphoqelekile ngokuya ngomthethosisekelo eNingizimu Afrika.

(b) Umthetho owaziwa ngokuthi yi-Broad-Based Black Economic Empowerment Act 53 ka-2003 ungenye yamathuluzi amaningi akhona ezomthetho enguquko ephoqwa ngumthethosisekelo. Lo mthetho uthi uNgqongqoshe Wezohwebo Nezimboni angazikhipha izimiselo zokusebenza ngendlela ekahle kuyiGazethi mayelana nokuthuthukiswa komnotho kubantu abamnyama. Lezi zimiselo "zine-*balanced scorecard (okuwuhlelo lokutholwa kwamaphuzu)*" ngenhloso yokukala inqubekelaphambili kanye nesimo ezinkampanini futhi lezi zimiselo zinezitatimende zokwemukelwa kokuguqulwa kwamalungelo okuqondene nemikhakha yomnotho okwenziwa ngabanentshisekelo abakhulu kuleyo mikhakha.

(c) Kwabhekwa uMthetho kanye nalezi zimiselo lapho kwenziwa le nqubomgomo kanye nezinqubomgomo eziqondene nokudoba. Noma kunjalo, mayelana nesimo senqubo yokunikezwa kwamalungelo okudoba, uNgqongqoshe Wezolimo, Wezamahlathi Nokudoba akakazemukeli izikali kanye namazinga okuhlola abekwe kulezi zimiselo eziqondene nobunikazi kanye nokuphatha. Ngesikhathi kunikezelwa ngamalungelo okudoba, kubizwa abasemagunyeni abanikezwe lo msebenzi ukuze baqhathanise abafakizicelo kunokuba kuhlolwe labo abafake izicelo ngokusetshenziswa kwamazinga okuhlola angaphandle.

(d) Inguquko ibaluleke kakhulu mayelana nale nqubo yokuqhathanisa kokulingana. Le nqubo ngeyokuncintisana futhi akukho "*mazinga okuhlola*" okumele abekwe ngaphambili. Kulowo mkhakha ongaguqukile ngokwanele, labo bafakizicelo abanamaphuzu aphezulu enguquko kunabanye bazoba sethubeni elihle lokunikezwa ilungelo noma ingxenye enkulu ye-TAC noma ye-TAE ekhona. Le nqubomgomo ithi kule nqubo yokuncintisana ngokuqhathanisa, ukwemukelwa kwezitatimende ezibhalwe phansi zamalungelo noma amazinga okuhlola akuyona indlela okumele isetshenziswe njalo ekwenzeni inguquko.

(e) Le nqubomgomo ngeyokuqhubekisela phambili inguquko kanye nokwenza ngcono amazinga ezinguquko embonini yokudoba. Kuzobhekwa inguquko ezinganhle kuphela, okusho ukuthi kuzobhekwa leyo nguquko eletha inzuzo yangempela kubantu ababencishwe amathuba ngaphambilini. Abantu babencishwe amathuba ngaphambilini embonini yokudoba ngenxa yobuhlanga nobulili babo mayelana nokuthola amalungelo. Ngenxa yalokhu kuyadingeka impela ukuba kuthuthukiswe ukubanjwa kweqhaza kwalabo bantu ababencishwe amathuba ngaphambilini kuwo wonke amagatsha embonini yokudoba. Futhi kuyadingeka ukuba kulungiswe ukungalingani obekwenzeka esikhathini esedlule ukuze kuzuzwe ukulingana embonini yokudoba.

(f) Ngesikhathi kwenziwa inqubo yokunikezwa kwamalungelo kuzobhekwa ubuhlanga kanye nobulili babafakizicelo, kanti mayelana nenkampani/inhlangano esemthethweni, kuzobhekwa ubuhlanga nobulili babafakizicelo babaninimasheya noma bamalungu, babaphathi, babangabahlinzekimisebenzi kanye nobabasebenzi. Phezu kwalokho kuzobhekwa ukutshalwa kwemali emphakathini mayelana nenkampani.

(g) Kuzobhekwa ubunikazi bokuzuzwa ngabantu abansundu bomfakisicelo obungabekelwe mikhawulo yamalungelo okuvota kanye nentshisekelo kwezomnotho ehambisana nokulingana bobunikazi. Ukuze kutholakale ukuthi ingabe amalungelo okuvota “awabekelwe mkhawulo” amanxusa abasemagunyeni angacubungula iSimiselo sama-100 somthetho owaziwa ngokuthi yi-Broad-based Black Economic Empowerment Act. Isilinganiso esibekwe kulesi Simiselo ngeke sisetshenziswe.

(h) Amanye amaphuzu azonikezwa labo bafakizicelo abaphumelele ekusizeni abasebenzi ukuba bakwazi ukuzithuthukisa ngama-*trust* abasebenzi, inqobo nje uma lowo mfakisicelo ekwazi ukukhombisa ukuthi abasebenzi bazuze ngokwangempela (njengokwamadividendi, njengokunikezwa amandla okulawula impahla eku-*trust* noma njengokubambisana ekuphatheni) kuleyo *trust*. Amanxusa asemagunyeni angabeka izinga inguquko okumele lenzeke ngalo ukuze uthole inani eliphezulu lamaphuzu obunikazi babantu abansundu.Inani eliphezulu lamaphuzu obunikazi babantu abansundu lizobe selinikezwa labo bafakizicelo abafinyelele kulelo zinga.

(i) Kuzobhekwa isigungu esiphezulu sokuphatha inkampani yalowo mfakisicelo esiphethwe ngabantu abansundu. Isigungu esiphezulu sichaza labo bantu abahlahla indlela mayelana nezamasu kuleyo nkampani futhi abaphethwe umqondisi wezokuphatha noma yiBhodi. Mayelana nenqubo yokunikezela ngamalungelo, abaphathi benkampani yomfakisicelo bazohlolwa ngezindlela ezintathu. Okokuqala, kuzobhekwa imininingwane ethunyelwe emibikweni yohlelo lokuqasha ngokulingana, uma ikhona. Uma ingekho, abafakizicelo bazocelwa ukuba bathumele leyo

minininingwane. Okwesibili, kuzobhekwa amalunga ebhodi labaqondisi. Okwesithathu, kuzodingeka ukuthi abafakizicelo bathumele imininingwane mayelana nabantu abahola imiholo ephezulu.

5.3.2 Ukubhekwa komnotho womphakathi kanye nomnotho

Kubhekwa umthelela womnotho womphakathi mayelana nokwabiwa kumiphakathi edobayo, kubasebenzi kanye nakubathengi, ikakhulukazi leyo miphakathi nalabo bantu abathembele kuzinsiza zokuphila emanzini ngenhloso yokuzondla.

Kubhekwa nezohwebo okubandakanya isimo kanye nokubaluleka kokutshalwa kwezimali ezimpahleni ezingasuki phansi, kwezokumaketha kanye nasekulungisweni kanye nakumakhono okudoba.

Ukwenziwa ngcono kokuncintisana emazingeni omhlaba embonini yokudoba eNingizimu Afrika kubalulekile kakhulu.

Ukubhekwa kokuvinjelwa kokulwa nokuncintisana embonini yokudoba kubalulekile kakhulu.

5.3.4 Ukubhekelelwa kokuphilayo

Kumele umthelela kokuphilayo ubhekelelwe. Lokhu kwenziwa ngokuhlelwa kwe-*Total Allowable Catch* (okuyisamba sokubamba esivumelekile) ("i-*TAC*") noma i-*Total Allowable Effort* (Okungumzamo sewuwonke ovumelekile) ("i-*TAE*"), noma kokubili.

5.3.5 Indlela Ye-ekhosistimu Ekuphathweni Kwezokudoba (i-EAF)

Ukuphathwa kwe-EAF kwesekelwe kumibandela emikhulu emibili, okuwukugcinwa kanye nokwenziwa ngcono uhlelo lwempilo yokuphilisana kokuphilayo kanye nokubhalansa izidingo nalokho okubalulekile ngokwenhlukano yomphakathi.

5.3.6 Ukusebenza noma ikhono lokusebenza

Kubhekwa ukuthuthuka nokukhula komnotho, ukudalwa kwamathuba omsebenzi, ukuthuthukiswa kwezindawo ezisemakhaya, ukusetshenziswa ngokusimama kwezinsiza zemvelo, ukuvikeleka kokudla, ukubaluleka, ukuthuthukiswa kwezinkampani kanye nokuhambisana ne-MLRA, Nemithetho, izimo zemvume kanye nezinye izidingo zezomthetho.

5.4. Inqubo Yokwaba ebekwe Yizixuku

Mayelana nenqubo yokwabiwa kwamalungelo, imikhakha yezokudoba ididiyelwa ndawonye ngezixuku ezine ngenhloso yokuhlola izicelo zamalungelo okudoba. Inhloso yokudidiyelwa

ndawonye kwezixuku kwezokudoba wukuphatha, wukuhambisa ngenqubo kanye nokusimama, kodwa okuyizinga elingekho likhulu kangako. Noma kunjalo, izimiselo zokuhlola nezokulinganisa ezihlukahlukene zingasetshenziswa kuleyo mikhakha engaphansi kwesixuku esisodwa.

Le mikhakha yile: **Izixuku A, B, C kanye no-D.**

(a) Isixuku A

Hake Deep Sea Trawl

Hake Inshore Trawl

Horse Mackerel

Small Pelagics

Patagonian Toothfish

South Coast Rock Lobster

KwaZulu-Natal Prawn Trawl

(b) Isixuku B

Hake Long Line

West Coast Rock Lobster (kude nogu)

Squid

Seaweed

Tuna Pole

Demersal Shark

(c) Isixuku C

Handline Hake

West Coast Rock Lobster (ngasogwini)

Traditional Linefish

(d) Isixuku D

Net Fish (trek- and gillnets; beach seine)

KZN Beach Seine

Yizimbada

Yizimbaza Ezimhlophe

5.4.1 Isixuku A nesixuku B

(a) Ukwabiwa kwenani kumikhakha Yesixuku A Nesixuku B kukhulunywa ngakho kuzinqubomgomo eziqondene nemikhakha. Le migomo elandelayo izosetshenziswa ekwabiweni kwenani:

(i) Amanxusa abasemagunyeni kumele kube yiwo abeka inani eliphansi okumele linikezwe abafakizicelo.

(ii) Kuyinqubomgomo kahulumeni ukweseka izinkampani ezincane, kanye nama-SMME kanye nokuthuthukiswa komnotho wabansundu ngokubanzi. Amanxusa abasemagunyeni kumele anikezele ngenani eliphusile le-TAC/TAE kuma-SMME. Mayelana nokwabelwa ama-SMME, amanxusa abasemagunyeni kumele abheke isimo sendawo yokudoba kanye nezinga lenguquko. Kwezokudoba eziguquke ngokwanele nezimelwe ngama- SMME, ukusatshalaliswa akudingeki.

(iii) Kwezokudoba ezinesimo semali eningi futhi ezingakulungele ukuthuthukiswa mayelana nama-SMME, amanxusa abasemagunyeni kumele anikezele okungenani ngama-10% e-TAC/e-TAE kubafakizicelo abenze inguquko ekahle nabasebenze kahle kulowo mkhakha.

(b) Phezu kwale migomo elapha ngenhla, amanxusa abasemagunyeni anganikezela ngenani ngokuncike kuzimpawu zokuhlola ezisetshenziselwa ukuzuza izinjongo ezibekwe kuzinqubomgomo zemikhakha, njengenqubomgomo yenguquko nokusebenza. Lezi zimpawu zokuhlola kumele zenziwe ngendlela ezoqinisekisa ukuthi bonke abafakizicelo abaphumelele, ngaphandle kokubheka ubungako, bazozuza uma nje behlangabezana nalezi zimpawu zokuhlola.

5.4.2 Isixuku C nesixuku D

(a) Abafakizicelo abaphumelele kumikhakha Yesixuku C Neyesixuku D bazinikezwa inani eligcwele elingaguquki elikhona le-TAC noma le-TAE.

5.5 Izinhla zesikhashana

5.5.1 Inxusa losegunyeni kungenzeka likhiphe izinhla zesikhashana ngenhloso yokuba kuphawulwe nganoma yini kunoma yimuphi umkhakha.

5.5.2 Inxusa losegunyeni kungenzeka licele lowo mfakisicelo okungenzeka isicelo sakhe siphumelele ukuba aphawule mayelana nokuthi ingabe uthembele kuyinsiza yini ukuze aziphilise kanti ukuphawula kwakhe kuzoba nomthelela ekuthathweni isinqumo sokugcina.

5.5.3 Amanxusa abasemagunyeni kungenzeka ameme izethulo mayelana nokuhlolwa kwezicelo ngaphambi kokuthatha izinqumo zokugcina.

5.5.4 Amanxusa abasemagunyeni kungenzeka axhumane nalabo bantu abanentshisekelo kanye nabathintekayo mayelana nendlela yokwaba inani noma umzamo ngaphambi kokuthatha lezi zinqumo.

5.6 Ukubandakanyeka kwemikhakha eminingi

Ngokuvamile, akuyona inhloso yenqubomgomo ukuvimbela noma ukunqunda amandla mayelana nokutholwa amalungelo endaweni yokudoba engaphezulu kweyodwa.

5.7 Ukubanjwa kweqhaza ngabafakizicelo

5.7.1 Kuzoba nesidingo sokuthi abafakizicelo bazibandakanye kuxhaxhaxha lwazo zonke izinto ezibalulekile kumkhakha wezokudoba.

5.8 Ukwenziwa kwezimiselo zokuhlola nezokulinganisa

5.8.1 Imininingwane ethunyelwa ngababambiqhaza izofakwa kuhla olusohlelweni lwekhompuyutha. Izinqubomgomo, uhla olusohlelweni lwekhompuyutha kanye nolwazi oluthunyelwe ngendlela yezithasiselo, kuzosetshenziswa ekwenziweni kwezimiselo zokuhlola kanye nezezilinganiso ngokugcwele mayelana nomkhakha ngamunye ngenhloso yokuhlola izicelo kanye nokwabiwa kwenani noma isisindo emva kwalokho.

5.9 Ulwazi oluzobhekwa

5.9.1 Le ndlela ebekwe lapha ngezansi yiyo ezokwamukelwa yinxusa losegunyeni kanye nosegunyeni lokubhekana nezikhalazo mayelana nolwazi okumele lubhekwe ngesikhathi kuhlolwa izicelo.

(a) Izingxenye ezingagcwaliswanga efomini lesicelo

Ngaphandle uma kushiwo okunye, uma kukhona ingxenye yefomu yesicelo engagcwalisiwe, kuzothathwa ngokuthi leyo ngxenye ayiqondene nalowo mfakisicelo. Uma leyo ngxenye inamaphuzu afanele amayelana nempendulo, awekho amaphuzu azotholwa. Kuzosetshenziswa

uphawu oluthile ngenhloso yokukhombisa impendulo umfakisicelo azivimbele yena ukuphumelela uma leyo ngxenye ingagcwalisiwe.

(b) Ulwazi olufika emva kwesikhathi

Ulwazi oluthunyelwe emva kosuku olungumnqamula juqu ngeke lubhekwe, ngaphandle uma lolo lwazi lucelwe Yiqembu Lokuqinisekisa Amalungelo Okudoba, yinxusa losegunyeni noma nguNgqongqoshe njengengxenye yokwabiwa kwamalungelo noma njengengxenye yenqubo yezikhalazo. Indlela yokuthumela olunye ulwazi mayelana nokukhalaza ichaziwe lapha ngezansi.

(c) Ulwazi oluvela kumithombo yangaphandle

Ulwazi olulimazayo mayelana nesicelo esifakwe yimithombo yangaphandle uNgqongqoshe noma inxusa losegunyeni ngeke balubheke ngaphandle uma umfakisicelo enikezwa ithuba lokwenza izethulo mayelana nalolo lwazi.

(**d) Ukusetshenziswa kwezinhla ezisohlelweni lwekhompuyutha zoMnyango**

UNgqongqoshe noma inxusa losegunyeni kungenzeka balusebenzise lolu lwazi oluqukethwe kuzinhla ezisohlelweni lwekhompuyutha zoMnyango ngesokhathi kwenziwa inqubo yesikhathi eside yokwabiwa kwamalungelo, kodwa lokhu kuzokwenziwa kuphela lapho abafakizicelo baye banikezwa ithuba lokwenza izethulo mayelana nokufaneleka kwemininingwane.

(e) Ukuthunyelwa kolwazi okungelona iqiniso noma ukuthunyelwa kwamadokhumenti angelona iqiniso nokungadalulwa kolwazi

Abafakizicelo noma labo ababamele abagunyazwe yibo kudingeka benze isifungo ngaphambi komfungisi basho, phakathi kwezinye izinto, ukuthi abazange bathumele ulwazi olungelona iqiniso noma amadokhumenti angelona iqiniso futhi alukho ulwazi abangazange balugodle. Ukuthunyelwa kolwazi olungelona iqiniso noma kwamadokhumenti angelona iqiniso noma ukugodla ulwazi kuzokwenza isicelo senqatshwe. Kuzothathwa ngokuthi umfakisicelo unikezele ngolwazi olungelona iqiniso uma kukhona okungahambisani phakathi kolwazi olunikezwe ngumfakisicelo kanye nolwazi oluqukethwe kuhla olusohlelweni olukukhompuyutha olukuMnyango lapho kokubili lokhu kungelona iqiniso. Kuzobuye kuthathwe ngokuthi umfakisicelo unikezele ngolwazi olungelona iqiniso uma kukhona ukungahambisani phakathi kolwazi olunikezwe ngumfakisicelo esicelweni saphambilini kanye nolwazi olunikezwe ngumfakisicelo ngesikhathi ekhalaza, nalapho

kokubili lona kungelona iqiniso. Ngaphezu kwalokhu, ukwenziwa kwesitatimende esingelona iqiniso kusifungo, ube wazi ukuthi akusilo iqiniso, kuyicala lobugebengu.

5.10 Ukucela olunye ulwazi, uphenyo kanye nokuxhumana

5.10.1 UNgqongqoshe noma inxusa losegunyeni kungenzeka acele abafakizicelo ukuba bazokwethula izethulo ngomlomo noma bethule olunye ulwazi ngokubhalwe phansi uma kukhona ungabazane kudaba kuzicelo eziningi. Uma kubanjwa izethulo ngomlomo, abameli bezimthetho bazovunyelwa ukuba benze izethulo kuNgqongqoshe noma kuyinxuso losegunyeni.

1.1.2 UNgqongqoshe noma inxusa losegunyeni kungenzeka acele Ithimba Lokuqinisekisa Amalungelo Okudoba ukuba liphenye nanganoma yiluphi udaba, okubandakanya ubuqiniso bolwazi oluhlinzekiwe. Abafakizicelo kumele basebenzisane nabaphenyi ngokuthumela izimpendulo ngesikhathi uma kuba nezicelo ezibhalwe phansi zokuthi banikezele ngolwazi noma ngencazelo, ngokwethamela imihlangano nabaphenyi, ngokuphendula imibuzo ngokwenelisayo kule mihlangano kanye nokuvumela abaphenyi ukuba bafinyelele emagcekeni, nasemikhunjini noma ezikebheni kanye nakumadokhumenti uma kudingeka ukuba benze njalo. Uma wehluleka ukusebenzisana nabo lokho kuzokwenza ukuba isicelo sakho senqatshwe.

5.11 Ukwesekwa kwamanxusa abasemagunyeni

5.11.1 Inxusa losegunyeni elithatha izinqumo mayelana nezicelo kumkhakha othile kungenzeka lesekwe “Yiphaneli Elihlola Amalungelo Okudoba”, futhi lingesekwa nangamamenenja ayizingcweti zamaphrojekthi, ngabeluleki kanye nabezomthetho.

5.11.2 Indima edlalwa Yiphaneli Yokuhlola Amalungelo Okudoba izonqunywa yinxusa losegunyeni. Iphaneli Lokuhlola Amalungelo Okudoba lingabizwa ukuba lizosiza ekuhlolweni kwezicelo ngaphansi kweso lenxusa losegunyeni nangokuhambisana nezimiselo zokuhlola kanye namazinga okulinganisa ezinqunywe yilo belu inxusa losegunyeni.

5.12 Ukwaziswa mayelana nezinqumo kanye nezizathu

5.12.1 Emva kokuba inxusa losegunyeni selenze izinqumo mayelana nokunikezwa kwamalungelo kanye nokunikezwa kwenani noma kwesisindo, uMnyango uzokwazisa umfakisicelo ngokubhalwe phansi mayelana ngesinqumo esithathwe ngaleso sicelo.

5.12.2 Ngaphezu kwalokhu, uMnyango uzokhipha imiphumela ngekhompuyutha bese wazisa izinhlangano zezimboni kanye namaqembu anentshisekelo ngemiphumela.

5.13 Izikhalazo

5.13.1 Wonke umfakisicelo uzoba nelungelo lokukhalaza ngesinqumo senxusa losegunyeni. Isikhalazo singenziwa mayelana nokwenqatshwa kokunikezwa ilungelo noma mayelana nesinqumo senani noma sesisindo. Imininingwane mayelana nokuthunyelwa kwezikhalazo izobe iqukethwe encwadini yesaziso.

5.13.2 Lowo osegunyeni lokubhekana nezikhalazo uzobheka amaphuzu njengoba ebenjalo ngosuku lokuvalwa kokuthunyelwa kwezicelo futhi angeke awabheke lawo maphuzu athunyelwe ngemuva kwalolo suku. Njengokuthi uma umfakisicelo ethenge umkhumbi noma isikebhe ngemva kosuku lokuvalwa kokuthunyelwa kwezicelo, lelo phuzu ngeke libhekwe ngesikhathi kubhekwa isikhalazo.

5.13.3 Emva kokthathwa kwesinqumo, umkhalazi uzokwaziswa ngesinqumo salowo osegunyeni lokubhekana nezikhalazo ngokubhalwe phansi.

5.14 Ukufinyeleleka kolwazi

5.14.1 Lawa marekhodi azotholakala ukuze ahlolwe noma angathengwa ngemali ebekiwe emva kokukhishwa kwemiphumela:

(a) Noma yiliphi ikhasi lokufaka amaphuzu, i-*spreadsheet* noma enye idokhumenti esetshenziswe yinxusa losegunyeni, nguNgqongqoshe noma abasizi babo, okusetshenzisiwe ekurekhodweni kokuhlolwa kwezicelo kuzotholakala; futhi

(b) Isicelo ebesifakwe ngumfakisicelo ngokwakhe noma idokhumenti yesikhalazo izotholakala, uma kuba nesicelo esivela kumfakisicelo noma kulowo ogunyaziwe omele umfakisicelo.

5.14.2 Izicelo zokuthola lawa marekhodi alandelayo zizokwenziwa ngaphansi komthetho owaziwa ngokuthi yi-Promotion of Access to Information Act 2 ka-2000:

(a) Ifomu lesicelo lomunye umfakisicelo;

(b) Izithasiselo ezithunyelwe nesicelo somunye umfakisicelo;

(c) Idokhumenti lesikhalazo esithunyelwe ngomunye umfakisicelo;

(d) Mayelana nokuthola lawa marekhodi, isikhulu solwazi soMnyango sizosebenzisa izinqubo kanye nemigomo ye-PAIA.

(e) Ukuze usize ngokuphathwa kokutholakala kolwazi lwezicelo, abafakizicelo kumele bathumele, amadokhumenti athile mayelana nolwazi isikhulu esinganqaba ukuba lutholakale, njengalolo lwazi oluhlobene nezinhlelo zokudoba zomfakisicelo, izinhlelo zokumaketha zomfakisicelo kanye nezitatimende zezimali okusefayilini eliseceleni.

6. Izimpawu ezitshenziselwa ukuhlola mayelana nokuthathwa kwezinqumo ezimayelana nokwabiwa kwamalungelo

6.1 Izinqubomgomo kanye noluhla olusohlelweni lwekhompuyutha sekwenziwe emva kokutholwa kwezicelo, kuzosetshenziswa ukusungulwa izimpawu zokuhlola kanye nezilinganiso zokuhlola okwenziwe ngcono mayelana nokuhlolwa kwezicelo. Lezi zimpawu zokuhlola zenziwa ngemininingwane etholwe emva kosuku lokuvalwa kokuthunyelwa kwezicelo futhi azikhishwa ngaphambi kwenqubo yokwabiwa kwamalungelo.

6.2 UMnyango ulindele inani elikhulu lezicelo mayelana namalungelo okudoba futhi ukulindele ukuthi akusibona bonke abafakizicelo abazonikezwa amalungelo ngenxa yemikhawulo ekhona njengamanje mayelana nokubamba noma nesisindo kuzo zonke izindawo zokudoba. Abanye abafakizicelo ngeke bawathole amalungelo ngenxa yokungahlangabezani nezidingo eziyisisekelo. Okunye kubekwa emazingeni ngokuhambisana nezimpawu zokuhlolwa kwezinjongo ezibekiwe ukuze kuhlonzwe abafakizicelo abahamba phambili ngokuya ngezinqubomgomo kanye nezimpawu zokuhlola ukulinganisa. Le nqubo yeyame ekuncintisaneni njengoba kuhloswe ngayo ukuhlonza abafakizicelo abahamba phambili. Umkhakha Wezokudoba Osebenzisa Izindlela Zokudoba Zakudala, nakuba kunjalo kungenzeka uhlolwe ngendlela eyahlukile.

6.3 Kuzosetshenziswa izinhlobo ezine zezimpawu zokuhlola ngenhloso yokuhlolwa kwezicelo. Izicelo zizohlungwa ngokuhambisana nohlelo "*Izimiselo zokubekelwa eceleni*", bese kuthi emva kwalokho zibekwe emazingeni ngokuhambisana nalokho okubekwe "*izimiselo zokulinganisa zokubhalansa*". Phezu kwalokho, nakweminye imikhakha ethile, inxusa losegunyeni lingasebenzisa indlela eyodwa noma ngaphezulu "*yokunquma mayelana nophume phambili*" ukuze lithathe isinqumo uma kukhona abafakizicela abaningi abalinganayo ngamaphuzu. Ingxenye ye-TAC noma ye-TAE izobe isiyabelwa umfakisicelo ngamunye ophumelele ngokuhambisana "*nezimiselo zokuhlola inani noma isisindo*".

6.4 Izimiselo zokubekekelwa eceleni

6.4.1 Lezi zinhlobo zezimiselo zokubekelwa eceleni ezilandelayo zizosetshenziswa.

(a) isicelo sizohlungwa ukuze kutholakale ukuthi ingabe safakwa ngendlela eyiyo yini. Isicelo sisuke singafakwanga ngendlela eyiyo uma sitholakale emva kwesikhathi; uma umfakisicelo engakhokhanga imali yokufaka isicelo noma ekhokhe imali engaphelele noma ekhokhe sekudlule isikhathi; noma uma isicelo sifakwe ngendlela engahambisani nemiyalelo, njengokuthunyelwa ngefekisi, noma esithunyelwe ngenye ifomu okungesiyona leyo ebekwe ngokusemthethweni. Inxusa losegunyeni kanye noNgqongqoshe akukho abangakwenzela khona mayelana nokungahambisani nezidingo zokufakwa kwezicelo.

(b) isicelo sizohlungwa ukuze kutholakale ukuthi ingabe akukho yini okungahambi kahle kuso. Uma kukhona okungahambi kahle kusicelo kusuke mhlawumbe singasayinwanga, noma singafungelwe ngumfakisicelo kumfungisi, noma mhlawumbe umfakisicelo ethumele izicelo ezingaphezu kwesisodwa kumkhakha owodwa mayelana namalungelo okudoba, noma uma umfakisicelo ethumele ulwazi olungelona iqiniso noma ethumele amadokhumenti akungewona aweqiniso, noma ehlulekile ukudalula ulwazi, noma uma ezame ukuthonya uNgqongqoshe noma inxusa ngaphandle kokusebenzisa indlela ebekiwe kule nqubomgomo Jikelele ngesikhathi sokufakwa kwezicelo.

(c) isicelo sizohlungwa ukuze kutholakale ukuthi ingabe umfakisicelo akakaze yini afakwe kuyinqubo Yesigaba sama-28 ngokuhambisana nohlelo lwe-MLRA okwaba nomphumela wokuhoxiswa noma wokukhanselwa noma wokulengisa noma wokushintsha izimo zelungelo analo lo mfakisicelo.

(d) Kusixuku A, abacwaningimabhuku abazimele kuzodingeka baqinisekise ezinye zezimpendulo zomfakisicelo bese benza umbiko futhi bawusayine mayelana nalokhu. Uma umfakisicelo ethembela olwazini oluhlinzekwa yilezo zinkampani ezisungulelwe ukuthenga amasheya kwezinye izinkampani noma oluhlinzekwa ngamanye amalungu eqembu lezinkampani noma oluhlinzekwa yilabo okubanjiswene nabo ekuqhubeni msebenzi, abamele lezi zinkampani ngokugunyaziwe kumele nabo basayine futhi benze nezifungo. Futhi isicelo singaba yileso esingalungile nesonakele uma umbiko womcwaningimabhuku ozimele ungekho futhi singasayiniwe (uma kudingeka) noma uma isifungo salowo ogunyaziwe omele inkampani esungulwe ngenhloso yokuthenga amasheya kwezinye izinkampani, ilungu leqembu lezinkampani noma leyo nkampani okubanjiswene nayo ingasayinile futhi ingafungile. Inxusa losegunyeni kanye noNgqongqoshe akukho abangakwenza uma kungazange kuhlangatshezwane nezidingo ezihambisana zokonakala kwezicelo.

(e) isicelo sizohlungwa ukuze kutholakale ukuthi ingabe umfakisicelo uyahlangabezana yini nezidingo ezisemqoka mayelana nokubamba iqhaza kulo mkhakha. Inxusa losegunyeni kanye noNgqongqoshe akukho abangakwenza uma kungazange kuhlangatshezwane nezidingo ezihambisana zokubamba iqhaza kulo mkhakha. Izidingo ezibalulekile ziyehlukana kumkhakha nomkhakha.

6.5 Izimiselo zokuhlola ukubhalansa

6.5.1 Izicelo ezifakwe ngendlela okuyiyo, ezingonakalisiwe futhi ezihlangabezana nezidingo ezibalulekile zizothola amaphuzu ngokuya ngohla ("*lwezimiselo zokuhlola zokubhalansa*").

6.5.2 Izimiselo zokuhlola ukubhalansa zizolinganiswa ngenhloso yokubeka abafakizicelo emazingeni. Ezinye izimiselo zokuhlola, ezinjengenguquko zizosetshenziswa kuyo yonke imikhakha,

ngesikhathi ezinye zizoqondana nemikhakha ethile. Izicelo zalabo abanawo amalungelo njengamanje zizonikezwa amaphuzu ngokuhambisana nezimiselo zokuhlola nokulinganisa okufanayo nalabo abasha abazongena futhi bazobekwa emazingeni ahlukene.

6.5.3 Umkhawulo uzobekwa ngokwehlukana mayelana nalabo abanamalungelo njengamanje kanye nabasha abazongena. Bonke abafakizicelo abanamaphuzu alingana noma angaphezulu komkhawulo bazonikezwa amalungelo.

6.6 Indlela yokunquma mayelana nophume phambili

6.6.1 Uma kunezicelo eziningi kakhulu ezinamaphuzu alinganayo, inxusa losegunyeni lingasebenzisa indlela yokunquma mayelana nophume phambili, ukuze akwazi ukukhetha phakathi kwabafakizicelo abanamaphuzu alinganayo.

6.6.2 Indlela yokunquma mayelana nophume phambili ingabandakanya izimpawu zokuhlola okungazange zisetshenziswe noma ezisetshenziswe kodwa ezilinganiswe ngokwehlukile.

6.7 Izimiselo zokuhlola ezisetshenziselwa ukunikezwa kwenani noma isisindo

6.7.1 Kunezinqumo ezihlukene ezimbili.

6.7.2 Emva kokuthathwa kwalezo zinqumo zokuhlonza abafakizicelo abaphumelele, inxusa losegunyeni lizobe esethatha isinqumo mayelana nokunikezela ngenani noma ngesisindo kulowo nakulowo mfakisicelo ophumelele ngokuhambisana nenqubomgomo.

INGXENYE C: UKUBHEKELELWA KWENQUBOMGOMO KUYO YONKE IMIKHAKHA MAYELANA NOKWABIWA KWAMALUNGELO

7.1 Isikhathi selungelo

7.1.1 Amalungelo okudoba azonikezwa yonke imikhakha yokudoba isikhathi esifika kuminyaka eyi-15.

7.1.2 Isikhathi samalungelo sizoncika, phakathi kwezinye izinto, kuzinga lenguquko kwezokudoba, kulwazi olukhona njengamanje mayelana nesimo salokho okuphilayo okuqondiwe kwalolo nalolo hlobo; isidingo sokutshalwa kwezimali ezinkulu kwezokudoba kanye nesidingo sokukhuthazwa kokutshalwa kwezimali kanye nokukhula komnotho, kanye nendlela ababambe iqhaza kwezokudoba abasebenza ngayo.

7.2 Isimo somnikazi welungelo

7.2.1 Isigaba se-18 sohlelo lwe-MLRA sikubeka ngokusobala ukuthi yizakhamizi zaseNingizimu Afrika kuphela ezivunyelwe ukuba namalungelo okudoba.

7.2.2 Yilaba bantu abalandelayo baseNingizimu Afrika abazobhekelelwa:

(a) yinkampani;

(b) yi-close *corporation*;

(c) yi-*trust*;

(d) yikhopharethivi esungulwe ngokuhambisana nenqubomgomo yezokudoba lapho kusetshenziswa izindlela ezindala zokudoba; kanye

(e) nenhlangano yempahla esetshenziswa ngumphakathi ngokuhlanganyela esungulwe ngokuhambisana nenqubomgomo yezokudoba lapho kusetshenziswa izindlela ezindala zokudoba.

7.3 Uhlelo Lokuqasha Ngokulingana

7.3.1 Abafakizicelo umthetho odinga ukuba bahambisane nomthetho obizwa nge-Employment Equity Act 55 ka-1998 kumele bakhombise ukuthi bayahambisana nawo.

7.3.2 Inani labantu abansundu kanye nabesifazane abaqashwe ngumfakisicelo kumele kube yindlela yokuhlola ukulingana. Kuzotholwa amaphuzu amaningi ngenxa yokuqashwa kwabantu abansundu kanye nabesifazane futhi babe sezingeni lalabo abahola kakhulu enkampanini yomfakisicelo noma babe kuzikhundla zezingcweti noma babe sezikhundleni zabafundele amakhono, kunokuba babe sezikhundleni ezile ngezansi futhi nezalabo abangenamakhono. Isibonelo, abafakizicelo kuzodingeka ukuba bacacise inani labantu abansundu nabesifazane ngamaphesenti abakumaphesenti ayi-10% kulabo abahola amaholo aphezulu, phakathi kwamaphesenti aphezulu ayi-10% kanye namaphesenti aphezulu angama-30%, phakathi kwamaphesenti angama-30%

kanye nangama-50%, kanye namaphansi kwamaphesenti angama-50% aphezulu, noma-ke bacacise inani labantu abamnyama kanye nabesifazane abaqashwe kuzikhundla zabantu abawufundele umsebenzi kanye nasezikhundleni zabantu abanamakhono.

7.3.3 Kuzonikezwa amanye amaphuzu mayelana nabantu abansundu nabesifazane abasezingeni lalabo abahola kakhulu kunalabo abasezingeni lalabo abahola kancane futhi kuzonikezwa amanye amaphuzu mayelana nabantu abansundu nabesifazane abaqashelwe ezikhundleni zalabo abanamakhono kunalabo abaqashelwe ezikhundleni zalabo abangenamakhono. Ngenxa yokuhlela kabusha mayelana nokuqasha ngokobuhlanga emisebenzini eNingizimu Afrika, ukwehluka kwemiholo kuzobhekwa.

7.4 Ukuthuthukiswa Kwamakhono

7.4.1 Abafakizicelo kuzodingeka ukuba bakhombise ukuthi bayahambisana nomthetho obizwa nge-Skills Development Act 97 ka-1998 kanye nomthetho obizwa nge-Skills Development Levies Act 9 ka-1999.

7.4.2 Uma umfakisicelo ebambe iqhaza ezinhlelweni zokufundiswa umsebenzi noma echitha isikhathi esikhulu ngokuqeqesha abantu abansundu, lokhu nakho kuzobhekwa.

7.5 Ukuthengwa Kwempahla Ngohlelo Lukasenzangakhona

7.5.1 Uhlelo Lokuthola Impahla Ngohlelo Lukasenzangakhona (ukuthenga kuzinkampani zabantu abansundu) kuzobhekwa njengephuzu.

7.6 Inkampani Efaka Imali Kumphakathi

7.6.1 Iphesenti lenzuzo yenkampani elichithwa ekusizakaleni komphakathi, liyabhekwa.

7.6.2 Iminikelo eyehlisa intela izothathwa njengesenzo senkampani sokufaka imali kumphakathi, kodwa neminye iminikelo izobhekwa nayo.

7.7 Abasha abangenayo

7.7.1 Ngokuvamile, kunesikhala esincane kabi zokufaka abanye abasha abangenayo njengoba iningi lezindawo zokudoba seligcwele kakhulu. Nomakunjalo, abasha abangenayo bangangena ezikhundleni zabafakizicelo abangabanikazi bamalungelo abangaphumelelanga. Lokhu kungenziwa uma laba banikazi bamalungelo behlulekile ukwenza inguquko ephusile noma uma laba banikazi bamalungelo okwamanje behluleka ukusebenza noma ukutshala izimali ngokwenele, noma isisindo samanje esiqondene nendawo yokudoba sithathwa njengesingaphansi kwesifanele.

7.7.2 Njengomthetho ovamile, uMnyango ngeke uvumele abanikazi bamalungelo abathengisa noma badslulisela komunye ilungelo lokudoba ukuze bangene kabusha kuleyo ndawo yokudoba

njengabantu abasha. Kanjalo nakubaninimasheya noma amalungu ezinkampani zohlobo lwe-close corporations abathengisa ngesheya elikhulu lobunikazi belungelo.

7.8 Ama-*paper quota*

7.8.1 Kuyinqubo yokwabiwa kwamalungelo, inxusa losegunyeni lizobekela ngaphandle abafakizicelo okucatshangwa ukuthi banobungozi mayelana ne-*paper quota*. Mayelana nalokhu, inxusa losegunyeni lizothatha umfakisicelo njengonobungozi "mayelana ne-*paper quota*" uma lowo mfakisicelo engenazo izinhloso ezingaqinisekiwe kahle zokuba sengozini yokubamba iqhaza ngokuphelele emkhakheni, ikakhulukazi uma kunengozi yokuthi lowo mfakisicelo engazange asifake isicelo sokungena embonini kodwa akwazi ukuthola inzuzo ethile yemali ngaphandle kokuzibandakanya emisebenzini emikhulu ehlobene nokusetshenziswa kwanoma yiliphi ilungelo elinikezwayo. Ukuze kutholakale ukuthi ingabe lomfakisicelo omusha ongenayo uza nobungozi obufana nobe-*paper quota*, kumele kubhekwe impahla yomfakisicelo kanye nokufinyelela kwakhe kuzimali kanye nokuhlelwa kwezimali zakhe nebhizinisi lakhe.

7.8.2 Inxusa losegunyeni kumele lizame ukuvimbela umfakisicelo we-*paper quota* ukuba angene embonini yokudoba futhi akhiphe ama-*paper quotas* okunjengamanje abanobunikazi bamalungelo. Ama-*paper quota* athathela phansi izinhloso zenqubo yokwabiwa kwamalungelo noma athole indlela yokuqola izinhloso zenqubo yokwabiwa kwamalungelo.

7.8.3 Inxusa losegunyeni lingababekela eceleni abanikazi bamalungelo abangama-*paper quota*. Mayelana nalokhu, amanxusa abasemagunyeni bazothatha njengama-paper quotas, labo abangabanikazi bamalungelo njangamanje abanamarekhodi okusebenza angemahle noma angekho okuhlanganiswe nokungatshalwa kwezimali noma nokungazibandakanyi.

7.8.4 Amanxusa abasemagunyeni ngeke bababandakanye abafakizicelo abanobungozi "be-*paper quota*" okucatshangwa ukuthi "babekwe phambili" nje kuphela ukuze kuzuze abanye. Ukubeka phambili kwenziwa ngenhloso yokuqola izinjongo zenqubomgomo, isicelo senziwa egameni lokunye. Isibonelo yisicelo esenziwe yinhlangano ebukeka yenze izinguquko zangempela kodwa kube kungezona ezangempela ngenhloso yokuthi kusizakale kakhulu inkampani engenazinguquko noma kusizakale abantu abangebona abansundu.

7.8.5 UMnyango uzowahoxisa amalungelo abanikazi abatholakala ukuthi bangabanikazi be-*paper quota*.

7.8.6 Njengomthetho, uMnyango uzohoxisa amalungelo okudoba abanikazi bawo abahlulekayo ukusebenzisa lawa malungelo ngendlela esebenzayo.

7.9 Ukusebenza kwezezimali

7.9.1 Ukusebenza kwezezimali kwabafakizicelo kuzohlolwa ngokuhambisana nemigomo ebekiwe mayelana namareshiyo ezezimali abazithola sebehlolwa ngezitatimende zezezimali ezicwaningwe ngabacwaningimabhuku.

7.9.2 Izitatimende zezezimali zingabuye zisetshenziselwe ukuthola ukuthi ngobani labo abazuza ngempela ngokwabiwa (umgomo 'wokulandela inyamazane") kanye nokuthola ukuthi lowo mnikazi wangempela welungelo uzitshalile yini izimali embonini.

7.10 Ukukhokhelwa kwamalevi

7.10.1 Abafakizicelo kuzodingeka ukuba bakhiphe ubufakazi bokuthi abakweledi yini amalevi abo kuleyo mihlaba yofishi.

7.11 Ukuthobela

7.11.1 Abafakizicelo abake baboshelwa amacala amabi kakhulu mayelana ne-MLRA, Nezimiselo, izimo zemvume kanye namanye amacala ahlobene nokudoba, kungenzeka bangabandakanywa.

7.11.2 Amacala amancane, okubandakanya nokuvuma ukukhokhela izinhlawulo zokubekwa kwamacala, kungenzeka kubhekwe njengophawu lokuhlola ukubhalansa.

7.11.3 Leyo mikhumbi/zikebhe okusohlwini olunegethivi lwanoma ngolwanoma yiyiphi inhlangano ye-Regional Fisheries Management Organisation ("i-*RFMO*") ngeke ivunyelwe ukudoba. Abafakizicelo abanemikhumbi (ngokuphelele noma ingxenye) noma abaqoka imikhumbi esohlwini olunegethivi izicelo zabo zizonqatshwa.

7.12 Indlela okusetshenzwa ngayo kwezokudoba

7.12.1 Indlela abanikazi bamalungelo njengamanje abasebenza ngayo ingahlolwa ukuze kutholakale ukuthi ingabe lowo mnikazi welungelo ongumfakisicelo usebenze kahle yini mayelana nalokho abelwe.

7.12.2 Umfakisicelo ongazange abambe ofishi ngesikhathi sokudoba ofishi noma lowo ongazange alande imvume kwaze kwaphela isikhathi sokudoba uzobekelwa eceleni.

7.12.3 Ukudoba inani eliphansi noma inani eliphezulu kungasetshenziswa njengezimpawu zokuhlola ukubhalansa.

7.13 Ukutshalwa kwemali

7.13.1 Ukutshalwa kwemali kumkhumbi oqokiwe ukuze usetshenziselwe ukudoba izinsiza noma ukutshala izimali kwezinye izimpahla ezingasuki phansi kuzobhekwa uma nje lokho kutshalwa kwezimali kukhombisa inhloso ehlakaniphile yokwabelana kobungozi ekubanjwene kweqhaza kulowo mkhakha.

7.13.2 Ukuba namasheya atholakale ngemali encane noma ngaphandle kokukhokhelwa ngumfakisicelo, angeke kuthathwe njengokutshala imali.

7.13.3 Izinga lokutshalwa kwemali lizohlolwa ngokubheka inani umfakisicelo analo ngenxa enelungelo lokudoba.

7.14 Ukwengezwa kokubaluleka

7.14.1 *Ukwengezwa kokubaluleka* kusho lezo zinto ezibalulekile ezifakwa kwezohwebo kwezokudoba, ngaphandle kokubheka ukuthi ingabe lokho kubaluleka kuyimpumelelo kuzimakethe zaseNingizimu Afrika noma emazweni angaphandle.

7.14.2 Lokhu kwengezwa kokubaluleka kungaklonyeliswa njengoba, phakathi kwezinye izinto, kukhuthaza ukwakhiwa kwamathuba emisebenzi kanye nomnotho.

7.15 Ukuthuthukiswa kwamabhizinisi

7.15.1 Ukuthuthukiswa kwamabhizinisi kuyindlela yokwenyusa ubunikazi kubantu abansundu, ukuphatha, kanye nokuthuthukiswa kwamakhono kumabhizinisi akhona kanye namasha, okubandakanya izinhlelo zokutshalwa kwemali kanye nokuthola ukuxhaswa ngemali.

7.15.2 Lokhu kwenza kungaklonyeliswa uma nje kungesiyona umzamo wokukhohlisa umthetho ovikela abasebenzi oqukethwe kumithetho yezemisebenzi, yezempilo kanye neyezokuphepha.

7.16 Ukwakhiwa kwamathuba emisebenzi

7.16.1 Inhloso ebalulekile yokwabiwa kwamalungelo okudoba wukusungula ithuba elihle lokwakha amathuba emisebenzi, ikakhulukazi, ukwakhiwa kwamathuba emisebenzi engapheli kanye nesezingeni elihle embonini yokudoba.

7.16.2 Imisebenzi esungulwe ngabanikazi bamalungelo ngethani ngalinye ababelwe lona kanye nokwenyuka kwenani lemisebenzi ngenxa yokwabiwa kwamalungelo okudoba kuzobhekwa ngeso elihle.

7.16.3 Ukusungula amathuba emisebenzi yonomphelo yiko okufunwayo kunokuqasha abantu ngezikhathi ezithile, kanti ukuqashwa kwabantu ngezikhathi ezithile yikho okungcono kunokuqashelwa umsebenzi wenkontileka.

7.17 Ukubhekelwa kokuthuthukiswa komnotho wendawo kanye nezindawo

7.17.1 Amanxusa abasemagunyeni angaklonyelisa mayelana nendawo lapho ofishi ababanjiwe befikela khona ogwini lolwandle ngaphandle kwezindawo zomasipala ngenhloso yokuthuthukisa umnotho wendawo.

7.17.2 Ukuze yonke imiphakathi ihlomule ngezinsiza zokuphila emanzini, amanxusa abasemagunyeni angafaka amaphuzu mayelana nezindawo lapho kufikela khona ofishi noma asebenzise indlela yokuxazululwa kokulingana ngamaphuzu.

7.17.3 Abafakizicelo bayakhuthazwa ukuba bafikise ofishi babo ogwini lolwandle noma babalungise khona kanye nakumiphakathi edobayo ecindezelekile ngokomnotho.

7.18 Imikhumbi kanye nesisindo sokudoba

7.18.1 Kungadingeka ukuba umfakisicelo akhombise ilungelo lokuthola umkhumbi ofanele wokudoba lolo hlobo lukafishi. Yonke imikhumbi kumele ibhaliswe kuMnyango ukuze iqokwe njengemikhumbi yokudoba.

7.18.2 Umkhumbi ofanele uzochazwa kuyinqubomgomo eqondene nezokudoba, kodwa kudingeka ukuba ube naloku:

(a) Ifulegi laseNingizimu (ngaphandle uma kukhona okushiwoyo ngalokhu kuyinqubomgomo

Yezokudoba);

(b) Kumele ufakelwe uhlelo lokuqapha umkhumbi olusebenzayo nolwamukelekile, ngaphandle uma uvunyelwe ukuba ungafakelwa loluhlelo ("i-*VMS*");

(c) Kumele ubhaliswe ne-South African Maritime Safety Association njengomkhumbi okufanele ukuba kungadotshwa ngawo; nokuthi

(d) Akumele ube kunoma yiluphi uhlu olunegethivi lwe-RFMO .

7.18.3 UMnyango uzodinga ukuba bonke abafakizicelo mayelana nokunikezwa amalungelo okudoba bawusebenzise lowo mkhumbi oqokiwe ekudobeni izinsiza. Izinguquko kumkhumbi zizovunyelwa kuphela ezimweni ezifanele.

7.18.4 Okubalulekile ekuphathweni kanye nasekulondweni kwezinsiza eziphila emanzini wukubeka umkhawulo kusisindo sokudoba esisetshenziswayo ukuze kuqinisekiswe ukusetshenziswa kahle kwalezi zinsiza.

7.18.5 UMnyango uyaphikisana nanoma yikuphi ukwenyuswa kwesisindo somkhumbi. Ukusinda ngokweqile komkhumbi kuthathwa njengobungozi kofishi eNingizimu Afrika. Futhi lokhu kwethwesa uMnyango umthwalo, mayelana nokuqapha kanye nokuphoqa ukuthotshelwa komthetho kanye nokulawula ukusetshenziswa kwalezi zinsiza.

7.18.6 Ngokuya ngezinqubomgomo eziqondene nokudoba, ukusetshenziswa kwemikhumbi yokudoba ngokuhlanganyela nayiyo yonke imikhakha kuyakhuthazwa, kanti lokhi kuzokwenza ukuba imikhumbi isetshenziswe kahle nangokwanele ngaso sonke leso sikhathi sonyaka. Ngakolunye uhlangothi, kuyaye kubonakale ukuba sekumele kuthengwe imikhumbi emisha esikhundleni saleyo esigugile ukuze kube nokuphepha. Imikhumbi yesimanje yandisa amakhono okubamba ofishi. Lapho kudingeka, imikhawulo kusisindo izongeniswa ukuze isisindo sibekelwe imikhawulo.

7.19 Ukuphepha kwabasebenzi

7.19.1 Abafakizicelo kuzodingeka ukuba bakhombise ukuthi bazithobele izidingo zezimiselo kumthetho obizwa nge-South African Maritime Safety Authority Act 5 ka-1998 kanye nezimiselo ezamenyezelwa kumthetho obizwa nge-Merchant Shipping Act, 57 ka-1951.

7.19.2 Abafakizicelo kuzodingeka ukuba bakhombise ukuthi bayawuthobela umthetho obizwa nge-Compensation for Occupational Injuries and Diseases Act, Act 130 ka-1993. Abafakizicelo

bayakhunjuzwa futhi mayelana nomyalelo woMqondisi wokuthi zonke izinkampani kumele zisebenzise izinqubomgomo ezimayelana ne-HIV/AIDS futhi kudingeka ukuba bazinamathisele kuzicelo zabo.

INGXENYE D: UKUBHEKELWA KWENQUBOMGOMO KUYO YONKE IMIKHAKHA MAYELANA NOKWABIWA KWENANI NOMA KWESISISNDO

8. Ukubhekelwa Kwezinqubomgomo

8.1 Ngokuvamile, isinqumo sokwabelwa inani noma isisindo asithathwa kanye nesinqumo sokuhlonza abafakizicelo abaphumelele, nakuba lezi zinqumo zixhumana ngandlela thize.

INGXENYE E: UKUBUKEZWA KWENQUBOMGOMO

9. Ukubukezwa kwenqubomgomo

9.1 UMnyango uzibophezele ukuqhubeka nokubukeza ukusebenza kahle kweNqubomgomo Jikelele kanye nezinqubomgomo Eziqondene Nokudoba ukuze ulungise izidingo zomnotho womphakathi nezomnotho kanye nezidingo zemboni yokudoba nemiphakathi ethintekayo kanye nokusimama kwezinsiza ezindaweni zazo.

9.2 Ucwaningo kanye nokuqapha okuqhubekayo okwenziwa nguMnyango kanye nalabo abanentshisekelo kubaluleke kakhulu ekuhlonzweni kobuthakathaka kanye namaphutha kuzinqubomgomo kanye nasekusebenzeni kwazo.

9.3 UMnyango uzosebenzisa uhlelo lokuqapha nelokuhlola ukuze uqinisekise ukuthi ukuphawula okubalulekile, okwethembekile futhi okufika ngesikhathi mayelana nokusebenza kahle kwezinqubomgomo kuthunyelwa kuMnyango nakwabanye abafanele abanentshisekelo.

10. AMATEMU EGLOSARI

10.1 “Isikhathi sokufakwa kwezicelo” kusho ukuqala kwesikhathi sokushicilelwa kwezimemo zezicelo zamalungelo okuhweba kumkhakha kufikela kulolo suku lapho osegunyeni lokubhekela izikhalazo enquma ngezikhalazo kulowo mkhakha.

10.2 "Abantu Abansundu / Umuntu" [yigama elididiyelayo] elisho izakhamizi zaseNingizimu Afrika, Amakhaladi, kanye Namandiya okuyizakhamizi zaseNingizimu Afrika ngokuzalwa noma ngokufika ababe yizakhamizi zaseNingizimu Afrika ngalezi zizathu-

(a) abafike ngaphambi komhla wama-27 Ephreli 1994 noma

(b) ngomhla noma emva komhla wama-27 Ephreli 1994 futhi abanikezwe ilungelo lokuthola ubusakhamuzi ngokwemvelo ngaphambili kwalolo suku kodwa babevinjelwe ukubuthola ngenxa yezinqubomgomo zobandlululo.

10.3 “I-*Codes of Good Practice*” kusho i-*BEE Codes of Good Practice* eshicilelwe nguNgqongqoshe Wezohwebo Nezimboni kunyaka we-2004 ngokuhambisana nomthetho owaziwa ngokuthiwa yi-Broad-Based Black Economic Empowerment Act 53 ka-2003.

10.4 “UMnyango” kusho uMnyango Wezolimo, Wezamahlathi Nezokudoba

10.5 “Umnikazi Welungelo” kusho umnikazi welungelo owanikezwa ilungelo lokudoba kusukela ku-2005 kuya ku-2006 kumkhakha othile, noma obe ngumnikazi welungelo kulowo mkhakha ngendlela eyamukelekile yokudluliselwa kwelungelo lokudoba.

10.6 “UNgqongqoshe” kusho uNgqongqoshe Wezolimo, Wezamahlathi Nezokudoba.

10.7 “Omusha ongenayo” kusho umfakisicelo okungeyena umnikazi welungelo kulowo mkhakha afake kuwo isicelo.