IMEMORANDAMU MAQONDANA NEZINJONGO ZOMTHETHOSIVIVINYWA KAZWELONKE WOKUCHITSHIYELWA KOMTHETHO WEZEMILILO YAMADLELO KANYE NAMAHLATHI, WEZI-2021

1. ISENDLALELO KANYE NENHLOSONGQANGI

1.1. UMnyango Wezamahlathi, Ezokudoba kanye Nezemvelo ("uMnyango") unejoka lokubhekelela ukuphathwa komsebenzi woMthetho Kazwelonke Wezemililo Yamadlelo kanye Namahlathi, we-1998 (uMthetho onguNombolo 101 we-1998) (uMthetho). UMthetho ukhuthaza ukuvinjelwa kanye nokunqandwa kwemililo yequbula esha ubuhanguhangu emadlelweni, ezintabeni kanye nasezindaweni ezinamahlathi.

1.2. UMnyango, njengomqaphi/nomgcini walo mthetho, uphinde ube nejoka lokuqhuba nokudidiyela inqubo yesichibiyelo ukuze uqinisekise ukuthi uMthetho uhlala njalo uphendula futhi ufanelekile emkhakheni wokuphathwa kanye nokuvinjelwa kwemililo yequbula okudidiyelwe.

1.3. Nakuba lo mthetho wamenyezelwa futhi waphasiswa ngonyaka we-1998, ezinye izingxenye eziningana zomthetho kazwelonke, ezinjengoKuphathwa Kwemvelo Kuzwelonke: uMthetho Wezindawo Ezivikelwe, wezi-2003 (uMthetho onguNombolo 57 wezi-2003), kanye noKuphathwa Kwemvelo Kuzwelonke: uMthetho Wezinhlobonhlobo Zezinto Eziphilayo, wezi-2004 (uMthetho onguNombolo 10 wezi-2004), zaphasiswa ngemuva koMthetho.

1.4. Ngaphezu kwalokho, ukuthuthuka kwesayensi, ezobuchwepheshe kanye nocwaningo emikhakheni efanelekile sekwenze kwaba nesidingo sokuphatha ngokubambisana ekuphathweni kwezimbiwa zezemvelo.

1.5. Kuwumsebenzi woMnyango ukusungula uhlakakusebenza lokulawula oluphelele ngokusebenzisa izinqubomgomo kanye nomthetho ukwenza ngcono kanye nokugcina ezolimo ezisimeme kanye nemvelo yezamahlathi. Ngakho-ke kusemqoka kakhulu ukuqinisekisa ukuthi, lapho kunesidingo khona, izichibiyelo kumele zenziwe ukuqinisekisa ukuthi azikho izikhala zenqubomgomo yokushaywa kwemithetho ezizovimbela ukuphathwa kwamahlathi okusimeme ziphinde zibeke engcupheni ukuba khona kokudla okwanele ngenxa yemililo yequbula.

1.6. Imililo yamadlelo kanye namahlathi inomthelela ekucekelweni phansi kwezomnotho, ezenhlalo kanye nezemvelo eNingizimu Afrika. Ibeka engcupheni iphinde ibukele phansi uhlelokusebenza lukahulumeni lokufuna ukuthi kube khona ukudla okwanele ezweni bese iholela ekulahlekeni kwemisebenzi, ukususwa kwabantu, ukuphela kwendawo yokuhlala kanye nokushabalala kwezinhlobonhlobo zezinto eziphilayo.

1.7. Izikhulu zezamahlathi zesifunda kanye nababambiqhaza bangaphandle abasebenzisana nalo mthetho sebecele uMnyango ukuba ubhekelele ukuchibiyela izimiselo ezithile ukuwenza uphendule kakhudlwana ezintweni ezingamaqiniso angempela okwenziwa komsebenzi kanye nezingqinamba ezikhona emiphakathini. Izichibiyelo ezihlongoziwe zigxiliswe olwazini olutholakele ekuqalisweni kokusebenza kanye nokuphathwa kokwenziwa komsebenzi woMthetho, yibona bobabili izikhulu zezamahlathi kanjalo nababambiqhaza bangaphandle okuyibona abaqalisa ukusebenza komthetho.

2. IZINJONGO ZOMTHETHOSIVIVINYWA

Injongo enkulu yoMthethosivivinywa ukwenza izichibiyelo kuMthetho ukuze—

- wenze kangcono ukuphathwa kokwenziwa komsebenzi woMthetho;
- ubhekane nenqwaba yezithuthukisi ezibalulekile zezobuchwepheshe;
- uhambelanise umthetho kanye nohlakakusebenza lwezomthethosisekelo lwangemuva kowe-1996; kanye
- nokuqinisekisa ukuthi uMthetho uhlala njalo uphendula futhi ufanelekile emkhakheni wokunqandwa kanye nokuvinjelwa kwemililo yamadlelo kanye namahlathi.

3. UKUHLAZIYWA KWEZIMISELO ZOMTHETHOSIVIVINYO

3.1. Umushwana 1

Umushwana 1 uhlose ukuchibiyela isigaba 1 soMthetho ngokususa inkulumo ethi ''umlilo wamadlelo, amahlathi kanye nezintaba'' bese ufaka esikhundleni sayo igama elithi ''imililo yequbula''. Inhlosongqangi yoMthetho ukuvimbela kanye nokunqanda ngendlela efanele imililo yequbula kwiRiphabhulikhi yonkana.

3.2. Umushwana 2

Umushwana 2 uhlose ukuchibiyela izincazelo ezithile bese ushutheka izincazelo ezintsha ezihambelana nemishwana eyengeziwe.

3.3. Umushwana 3

Umushwana 3 uhlose ukuchibiyela isigaba 3 soMthetho, esibhekelela ukwakhiwa kwezinhlangano zokuvikelwa komlilo. Umushwana 3 ushutheka isigaba 3(3A). Umushwana wenza isimiselo sokuthi omasipala kanye nabaholi bomdabu abasezindaweni zomphakathi badidiyele uhlelo lokwakhiwa kwezinhlangano zokuvikelwa komlilo uma uNgqongqoshe Wezamahlathi, Ezokudoba kanye Nezemvelo (“uNgqongqoshe”) enombono wokuthi inhlangano yokuvikelwa komlilo iyadingeka.

3.4. Umushwana 4

Umushwana 4 uchibiyela isigaba 4 soMthetho, esihlinzekela ukubhaliswa kwezinhlangano zokuvikelwa komlilo. Umushwana 4 uhlinzeka ngokuthi amabhizinisi kahulumeni, izikhungo zikahulumeni, izinhlaka zoMbuso kanye nomasipala kumele bajoyine izinhlangano zokuvikelwa komlilo ezibhalisiwe.

3.5. Umushwana 5

Umushwana 5 uhlose ukuchibiyela isigaba 10 soMthetho, esihlinzekela ukwaziswa komphakathi ngesikali/isilinganiso sobungozi bomlilo. Umushwana 5 unika amandla uNgqongqoshe ukuba abeke imibandela yokukhululwa kwabanikazi bomhlaba lapho kukhishwa isixwayiso ngokwesigaba 10(1)*(b)* soMthetho esifundwa ndawonye nesigaba 10(2) sokuthi akekho umuntu ongokhela, asebenzise noma avuthele umlilo esigangeni esivulekile esifundeni lapho ubungozi bomlilo bulinganiswe/bukalwe njengobuphezulu.

3.6. Umushwana 6

Umushwana 6 uhlose ukuchibiyela isigaba 11 soMthetho, esihlinzekela ukudluliselwa kwamandla nemisebenzi. Umushwana 6 uhlinzeka ngokuthi uNgqongqoshe angadlulisela amandla nemisebenzi esikhungweni Sezinsizakalo Zesimo Sezulu saseNingizimu Afrika.

3.7. Umushwana 7

Umushwana 7 uchibiyela isigaba 26 soMthetho, esibhekelela ukuqaliswa kokusebenza kweSahluko 8 soMthetho. Lo mushwana uhlinzekela ukufakwa kwamaphoyisa okugcina ukuthula kanye nabaholi bomdabu ukuze kuqiniswe uMthetho ngaphansi kwezimo ezithile.

3.8. Umushwana 8

Umushwana 8 uhlose ukushutheka isigaba 32A kuMthetho. Isigaba 32A esihlongozwayo sihlinzekela ukufakwa kwezicelo kuNgqongqoshe zokuphikisana nezinqumo noma izenzo ezithathwe noma ezenziwe ngaphansi kokudluliswa kwamandla yizikhulu ezijutshiwe noma izikhungo ezijutshiwe, kanye nenqubo okumele ilandelwe.

3.9. Imishwana 9 no 10

Umushwana 9 uhlose ukushintsha igama loMthetho libe uMthetho Kazwelonke Wezemililo Yequbula, we-1998. Umushwana 10 ubhekene nesihloko kanye nokuqala koMthetho.

4. UHLU OLUPHELELE LWAZO ZONKE IZIKHUNGO ZIKAHULUMENI (KAZWELONKE, WESIFUNDAZWE NOWEZINDAWO), KANYE NABABAMBIQHAZA BANGAPHANDLE OKUBONISWANE NABO

- Umkhandlu Kazwelonke Wokweluleka Ngezamahlathi (National Forests Advisory Council);
- Umnyango Wezindaba Zezemvelo;
- Umnyango Wokuphatha Ngokubambisana kanye Nezindaba Zomdabu;
- Umnyango Wezamandla;
- Izikhungo Zokongiwa Kwemvelo Zezifundazwe;
- Amapaki Kazwelonke aseNingizimu Afrika kanye neSANBI (SA National Parks and SANBI);
- Eskom;
- Umnyango Wezolimo, Ezamahlathi kanye Nezokudoba;
- Umnyango Wezokuthuthukiswa Kwezindawo Zasemakhaya kanye Nezinguquko Kwezomhlaba;
- Indlu Kazwelonke Yabaholi Bomdabu kanye namaKhoi-San;
- Umnyango Wezokumbiwa Phansi;
- Inhlangano Yabalimi Bezinkuni Namapulangwe yaseNingizimu Afrika (SA Timber Growers Association);
- Izinhlangano Zokuvikelwa Komlilo;
- Izinkampani Zamahlathi (isb., SAFCOL, Mondi, Sappi);
- Abalimi;
- Abantu Bendawo kanye Nomphakathi;
- Abantu abaqashe umhlaba njengoba bechaziwe kuMthetho;
- Umeluleki Wezemvelo;
- Omasipala;
- Iminyango Yesifundazwe;
- Inhlangano Yezezilwane Zasendle Nezemvelo yaseNingizimu Afrika;
- (Ezemvelo) KZN Wildlife;
- Umnyango Wezokuhlela kanye Nohulumeni Bezindawo;
- Isikhungo Sohulumeni Bezindawo saseNingizimu Afrika; kanye
- Nenethiwekhi Yokuqapha Ezemvelo yaseNingizimu Afrika (South African Environmental Observation Network).

5. IMITHELELA EQONDENE NOMNYANGO

Lezi zichibiyelo zizoqinisekisa ukuthi kunokuthotshelwa okuthe xaxa komthetho yibo bonke abanikazi bomhlaba kanti ngaleyo ndlela umnyango uzobe usukwazi ukunciphisa izigameko ezihlobene nemililo yequbula ngokunamandla nokuphawulekayo kuleli lizwe.

Umnyango uzophinde ukwazi ukudlala indima yokuba ngumlawuli kangcono kakhulu uma ezinye izinhlaka zikahulumeni ziwusebenzisa ekuphathweni kwemisebenzi yazo ngokwehlukana kwazo.