

Short Learning Programme (SLP) Outline: Law for Fisheries Control Officials, Inspectors & Other Enforcement Officials 40 contact hours (5 days)

Purpose of Short Learning Programme (SLP)

The purpose of this credit bearing SLP is to empower officers/inspectors and enforcement officials in the field of fishery control to acquire the necessary knowledge, understanding and practical skills relating to the legislation dealing with fish and other related legislation to take appropriate enforcement action.

Range Statement

- Learners with previous practical experience in the field can operate independently;
- Learners with no prior experience should exercise their duties under the guidance of an experienced Fishery Control Officer until such officer is satisfied that he/she is competent to act independently;
- Where appointed as a Fishery Control Officer, their powers can be exercised within South African borders, as well as in the Exclusive Economic Zone;
- As far as fishing vessels registered in South Africa is concerned, they can also exercise their powers beyond South African waters.

Admission requirements/Learning assumed to be in place

Access to this short learning programme is granted to applicants who meet the following minimum admission requirements:

- A National Senior Certificate (NSC) granting access to a Diploma
- National Certificate (Vocational) Level 4 or
- An appropriate Further Education and Training Certificate or equivalent

Learning assumed to be in place

- It is assumed that the student would be competent in the language of instruction (English at NQF Level 4), Mathematical Literacy (NQF Level 4) and the theoretical knowledge and understanding accomplished at that level;
- Ability to manage own time in a disciplined manner;
- Be an independent learner who is able to keep to set deadlines.

Course Outline

- Compliance and Enforcement in the Fisheries Sector
 - Introduction (including terminology such as MCS, PSM, FSM etc.)
 - Criminal Enforcement
 - Administrative Enforcement
 - Civil Enforcement
 - Links with commercial and organized crime (and the implications of such links)
- The International and Regional Dimension
 - Introduction
 - UNCLOS
 - Other relevant international organizations and agreements
 - Regional fisheries agreements and protocols
 - Other relevant organizations and agreements (e.g. INTERPOL, CITES, Mutual legal assistance)
- The Constitution
 - Legislative and executive competence over marine living resources
 - The right to have the environment protected
 - Human rights and its consequences for enforcement
- The Marine Living Resources Act
 - Overview
 - Rights and permits (local fishing vessels)
 - Fishing licenses (foreign vessels)
 - Marine Protected Areas
 - Powers of MCI's
 - Handling of seized vehicles, vessels and aircraft
 - Handling of seized fish and fish products
 - Administrative enforcement of the MLRA
 - Criminal enforcement of the MLRA: Offences and Penalties under the MLRA
- Regulations under the MLRA
 - Regulations R 1111, GG 19205 of 2 September 1998 (in detail)
 - Closed Areas
 - Restrictions on gear
 - Species Restrictions
 - Mariculture
 - Commercial activities
 - Compliance control
 - Other provisions

- Short discussion of other regulations issued in terms of the MLRA
- Administrative Law: The principles of administrative justice as applicable to administrative enforcement action

Assessment Practice

This SLP will be assessed formatively as well as summatively. The formative assessment will consist of various assessment opportunities created for the students, where it will be expected of them to do case studies, group work, individual assignments and class tests. During the contact sessions students will also have the opportunity to partake and share their experiences with the facilitator as part of the formative feedback.

The formative assessment is used to give regular feedback to monitor student's progress and also to ensure they are mastering the work. This will also assist the facilitator to determine when and where some additional support is needed:

- Completion of the formative assessment opportunities will count 40% towards the overall mark.
- At the end of the SLP students will have a summative assessment opportunity in the form of a practical exercise including for example a "mock-trial" which will count 60% towards the overall mark. Much emphasis is placed on the practical nature of the SLP by means of relevant case studies and practice in "moot court" exercises.
- To complete this SLP successfully a student needs to obtain a 50% pass mark overall.

Moderation of the Assessment

A total of 10% or 20 papers of the final assessment (whichever is the most) will be moderated externally. The moderator provides feedback in the form of a post-assessment moderation report indicating changes in the assessments or the adjustment of marks and requesting clarification as required. The assessor acts on the moderator's report and brings about the necessary changes. The amended assessment evidences and the moderator's report are presented to the HOD for verification and sign-off before the final results are recorded and published.

Recognition of Prior Learning (RPL) statement pertaining to this short learning programme

Potential candidates may apply for RPL to the Director of the Centre or to the department based on substantial previous experience in the field of Criminal Justice. On application the department may request a portfolio of evidence which will be assessed in terms of the Nelson Mandela University RPL Policy.

The Faculty policy, derived from the institutional policy, requires that each RPL applicant be assessed on an individual basis.

The applicant will approach either the Director CLA or relevant academic department regarding the Nelson Mandela University and Faculty RPL policy and process, and the academic department will screen and advise the candidate whether or not the RPL process is an option. The applicant will complete the standard application form and pay the application fee upon which the department will nominate an assessor to be approved by the FMC.

The appointed assessor will meet with the applicant to explain the RPL assessment process, the specific assessment criteria and the type of evidence(s) required. The HOD will verify that quality assurance requirements have been met.

The outcome of the RPL process, including written reports by the assessor and a recommendation regarding status recognition and admission to the short learning programme will be presented to the FMC. The FMC secretary will communicate the FMC decision to the Faculty Officer, who in turn will communicate per official letter the outcome to the applicant and copy the HOD in all correspondence.

Unsuccessful applicants will be referred to the CAAR assessment consultant to be advised on alternative options available to them. Appeals concerning the outcome of the RPL process will be lodged with the Faculty Officer who will inform the HOD for placement on the FMC agenda.

Attendance Requirements

Kindly note delegates are required to attend all training days for the duration of the course.

Credits

- The **Law for Fisheries Control Officials, Inspectors & Other Enforcement Officials** SLP is registered at the Nelson Mandela University and carries **15 credits on NQF level 6** towards the **Diploma in Law Enforcement**, a formal qualification offered at the university.
- Candidates who have successfully completed the SLP and who wish to enrol for the specified formal qualification to which the credits are registered may apply to the University for the exemption of the credits achieved, provided that the candidate meets all entrance requirements as set for the formal qualification

Training delivery

Training can take place at the Nelson Mandela University in Port Elizabeth or on-site.

Rider

Students will not be allowed to complete more than 50% of the 120 credits of a formal qualification through SLPs. Completion of this SLP will not lead to a formal qualification.

Contact details

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