

2005-07-22
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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 481

Pretoria, 22 July 2005

No. 27796

PART 3 OF 4



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**DEPARTEMENT VAN OMGEWINGSKE EN TOERISME
TAK MARIENE- EN KUSBESTUUR**

**BELEID AANGAANDE DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE WESKUSKREEF VISSERY (AFLANDIG): 2005**

**HIERDIE BELEID MOET SAAMGELEES WORD MET DIE ALGEMENE BELEID
AANGAANDE DIE TOEKENNING EN BESTUUR VAN LANGTERMYN
KOMMERSIËLE VISVANGREGTE: 2005 (beskikbaar by www.mcm-deat.gov.za)**

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1. Inleiding

Hierdie beleid vir die toekenning en bestuur van kommersiële visvangregte in die weskuskreef ("WKK") vissery (aflandig) word uitgereik deur die Minister van Omgewingsake en Toerisme (die "Minister"). Hierdie vissery is in die verlede na verwys as die "vol kommersiële" weskuskreef vissery. Daar is 'n aparte beleid vir die weskuskreef (kuslyn) vissery waarna in die verlede verwys is as die "beperkte kommersiële" weskuskreef vissery.

Hierdie beleid moet saamgelees word met die Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene beleid").

Die doel van hierdie beleid is om die oorwegings wat van toepassing sal wees op die toekenning van langtermyn kommersiële visvangregte vir die WKK (aflandig) vissery uiteen te sit. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede deur die Minister en gedelegeerde owerhede van die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur (die "Departement") gebruik by die toekenning van regte en tot 'n mate beliggaam hierdie beleid sodanige oorwegings.

Sekere bestuursbeleidsrigtings vir die periode na die toekenning van regte verskyn ook in hierdie beleid. 'n Bestuurshandleiding vir die Weskuskreef (Aflandige) Vissery sal met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handleiding sal in fyn besonderhede die bestuursmetodes en -prosedures vir die vissery uitstippel.

Die Minister is voornemens om die artikel 18-magte in terme waarvan kommersiële visvangregte in die WKK (aflandige) vissery toegeken word ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne 18 van 1998 (die "WLMH") aan 'n senior beampte van die Departement te deleger. Hierdie beleid sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery.

2. Biologie en brondinamika

Weskuskreef (*Jasus lalandii*) is diere wat stadig groei en lank lewe. Vroulike grootte by volwassenheid wissel van 57 millimeter vir die rugdop se lengte (RL) tot 66 millimeter RL. Manlike kreef word groter en groei vinniger as die vroulikes. Vanweë die beperking op grootte van 75 mm RL wat op kommersiële vissers opgelê word maak manlike kreef 90 tot 99 persent van die vangs uit. Weskuskreef kom binne die 200m diepte kontoer voor, vanaf net noord van Walvisbaai in Namibië tot by Oos-London. Kommersiële ontginning vind plaas

vanaf ongeveer 25°S in Namibië tot by Gansbaai aan die Kaapse suidkus. Ontspanningsvisvang strek egter verder ooswaarts tot by Mosselbaai.

3. Sektorale profiel

Die huidige oesbare biomassa word geskat op ongeveer 8 persent van die vlakke voor ontginning en biomassa wat broei word geskat op ongeveer 21 persent. Hierdie afname is grootliks as gevolg van twee invloede: groot nie-volhoubare vangste wat veral gedurende die eerste helfte van die 20ste eeu voorgekom het en 'n aansienlike vermindering in die somatiese groeitempo gedurende die 1990's.

Kommersiële visvang het in die 1880's begin. Die kommersiële vissery het vinnig uitgebrei in die eerste deel van die 20ste eeu. Alhoewel vangerekords voor 1940 skaars is, lyk dit asof vangste in die tydperk 1950 tot 1965 hulle toppunt bereik het toe tussen 13 000 en 16 000 ton jaarliks geland is.

Voor 1946 was die kommersiële vissery ongereguleerd. In daardie jaar is 'n produksiekwota op stert-massa ingestel om uitvoere te beheer. Dit het die basis van die "uitsetbeheerde" bestuursfilosofie gevorm wat vandag nog steeds in die bestuur van weskuskreefbronne gehandhaaf word.

Vanaf 1946 is jaarlikse kwotas toegeken, hoofsaaklik gebaseer op die prestasie van die vissery in die voorafgaande seisoen. Tot die middel 1960s is vangste direk deur hierdie kwotas beheer. In die 1967/68-visvangseisoen het die vangskoerse afgeneem en kwotas kon nie gevul word nie. Verminderings in die Totale Toelaatbare Vangs ("TTV") tot tussen 4 000 en 6 000 ton het 'n mate van balans in die tydperk 1970/71 tot 1989/90 herstel.

Die produksiekwota op stertmassa is vervang deur 'n heel-kreef (gelande massa) kwota, en bestuur deur middel van 'n TTV is in die vroeë 1980s ingebring. Terselfdertyd is gebieds- of sonetoekennings ingebring. Ander bestuursmaatreëls wat van vroeg af afgedwing is, is die beperkings op grootte en geslote seisoene. Die vang van dragtige of sagtedop-kreef is verbied. Die vangste het in die 1990/91-seisoen weer afgeneem en in die daaropvolgende jare is die TTV geleidelik verminder totdat dit 1 500 ton bereik het in die 1995/96-seisoen. Sedertdien het 'n stadige herstel plaasgevind, met die kommersiële TTV vasgestel op 3 527 ton vir die 2004/2005-seisoen.

Voordat kreefvanghokke in die 1960s ingebring is het die kommersiële vissery feitlik uitsluitlik staatgemaak op hoepelnette wat met die hand ingetrek is. Hierdie hoepelnette is lig en kan maklik van klein bote in vlak water ontplooi word. Hoepelnette word selde op dieptes van meer as 30 meter gebruik. Dinghies met hoepelnette

kan onafhanklik van die kus af werk deur middel van 'n buiteboordmotor of roeispane, of dit kan na die viswaters vervoer word deur 'n gemotoriseerde moedervaartuig (dekboot).

Die Weskuskreef vissery bestaan uit twee onderskeie sektore: 'n kommersiële vissery en 'n ontspanningsvissery. Ontspanningsgebruikers mag slegs met hoepelnette vanaf 'n boot of die kus vang, asem-ophou duik beoefen, of langs die kus pale gebruik om kreef te vang ("poling"). Ontspanningsvissers mag nie hulle vangste verkoop nie.

Die WKK vissery (aflandig) word toegelaat om kreef in vanghokke te vang. In die medium-termyn regtetoekenningproses is regtehouers in hierdie vissery toekenning van meer as twee ton elk gegee.

Regtehouers in die WKK (aflandige) vissery gebruik groter meer gesofistikeerde vaartuie as regtehouers in die WKK (kuslyn) vissery wat tot die gebruik van hoepelnette in vlak water beperk word. Die WKK (aflandige) vissery neem ook 'n groot aantal bemanning in diens.

Die WKK (kuslyn) vissery het die bestaansvissery in 2001 vervang, in lyn met die aanbevelings van 'n onafhanklike hersiening van bestaansvisvang in Suid-Afrika. Die hersiening het aanbeveel dat bestaansvissery van hoë waarde soos weskuskreef, tradisionele lynvis en perlmoen gekommersialiseer moet word. Die kommersialisering van hierdie vissery het vissers instaat gestel om hulle produkte te verkoop en te bemark.

Ongeveer 20 persent van die kommersiële weskuskreef TTV word toegeken aan die kuslyn vissery en 80 persent aan die aflandige vissery. Die rede vir hierdie verdeling is dat ongeveer 20 persent van die bron naby aan die kus gevind word, terwyl 80 persent aflandig in dieper water te vinde is.

Die aflandige vissery onderhou in die omtrek van 5 500 werknemers van wie 95 persent swart is. Van hierdie is meer as 2 500 seevarende personeel en die res word in prosesserings- en bemarkingswerk aan land in diens geneem. Weskuskreef word tussen November en Julie gevang en die gemiddelde jaarlikse inkomste gedurende hierdie tyd is R26 500. Jaarliks beloop die waarde van weskuskreefvangste ongeveer R200 miljoen. Die waarde van vaartuie in hierdie vissery is ongeveer R130 miljoen.

Die weskuskreef vissery is goed bestuur en sedert 1997 is die totale toelaatbare vangste geleidelik verhoog. In 2003 het die Minister 'n totale toelaatbare vangs vir die kommersiële ontginning van weskuskreef in die gebied oos van Kaap Hangklip verklaar. Die Departement hou aan om hierdie vissery te bestuur volgens voorsorgbestuursbeginsels.

4. Die proses van medium-termyn regtetoekenning

Gedurende die medium-termyn regtetoekennings proses was 234 volle kommersiële weskuskeef visvangregte toegeken. 'n Bykomende 511 beperkte kommersiële regte is toegeken, baie aan voormalige bestaansgrondslagvisser. Van die regte wat in die volle kommersiële vissery toegeken is 66 persent aan swart persone en entiteite in swart besit toegeken. Verteenwoordiging van swart persone op senior bestuursvlak in die volle kommersiële vissery is egter slegs 34 persent. Van die regte toegeken in die beperkte kommersiële vissery is 91.5 persent aan swart persone toegeken, hoofsaaklik mikro-ondernemings in swart besit.

In 2003 is 'n verdere 230 ton weskuskeef aan 274 beperkte kommersiële regtehouers in die gebied oos van Kaap Hangklip toegeken. Van die regte toegeken is meer as 90 persent aan swart persone toegeken.

In 1992 het 39 hoofsaaklik blanke regtehouers die weskuskeef TTV beheer. In teenstelling, teen die einde van 2003, is 1 019 kommersiële regte toegeken. Van hierdie, is baie aan voormalige bestaansgrondslagvisser toegeken. Om die groter aantal regtehouers te akkommodeer was die gemiddelde toekenning in 2002, 6.8 ton in vergelyking met 'n gemiddelde toekenning van 56 ton in 1992. In 1992 was die hoogste toekenning 199 ton en in 2002 was die hoogste toekenning 95.6 ton.

Na die medium-termyn toekenningsproses, was 66 persent van die regtehouers in hierdie vissery in swart besit. Vier en dertig persent was onder swart bestuur. Hierdie regtehouers het gesamentlik 60 persent van die TTV beheer. Verdermeer, het klein- en mediumgrote ondernemings 90 persent van die regtehouers uitgemaak.

5. Oorkoepelende sektorale doelwitte.

Die oorkoepelende sektorale doelwitte met die toekenning van langtermynvisvangregte in hierdie vissery is om:

- Die transformasieprofiel van hierdie vissery te handhaaf en aangaande sekere aspekte, soos die bestuur van regtehouers, die profiel te verbeter;
- Die belegging in vaartuie (om verouderde vaartuie te moderniseer of te vervang) infrastruktuur en groter werksekeriteit te bevorder;
- Die ekonomiese lewensvatbaarheid van die vissery te ondersteun; en

- Die omgewingsvolhoubaarheid van die vissery te verseker.

6. Tydsduur

Met inagneming van -

- die transformasieprofiel van die vissery;
- die aantal voltydse werksgeleenthede wat verskaf word (en om verder die oorskakeling van deeltydse na voltydse werksgeleenthede te bevorder);
- die behoefte om die ekonomiese stabiliteit wat tans in die vissery heers te handhaaf; en
- die feit dat die weskuskreefbron goed bestuur word in terme van betroubare en huidige data.

sal kommersiële regte vir 'n tydperk van 10 jaar toegeken word (15 November 2005 tot 31 Julie 2015). Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria (*sien paragraaf 13 hieronder*).

7. Nuwe inkomelinge

Hoewel die weskuskreef vissery optimaal ontgin word en daar nie plek is vir addisionele deelnemers nie, mag nuwe inkomeling aansoekers verkies word bo bestaande regtehouers wat, onder andere, versuim het om te transformeer of wat versuim het om te presteer. Verder behoort daar nie weer regte toegeken te word aan regtehouers wat nie hulle regte gebruik het nie of wat die regte nie doeltreffend gebruik het nie en sulke regtehouers mag deur nuwe inkomelinge vervang word.

8. Evaluasiekriteria

Aansoeke sal volgens 'n stel "*uitsluitingskriteria*" gesif word. Nuwe inkomeling aansoekers en bestaande regtehouer aansoekers sal daarna apart evalueer word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan bepaal word om die suksesvolle aansoekers te bepaal. 'n Gedeelte van die TTV sal dan toegeken word aan elke suksesvolle aansoeker in terme van 'n stel "*kwantumkriteria*".

8.1 Uitsluitingskriteria

Behalwe vir die kriteria beskryf in die algemene beleid aangaande die indiening van die aansoeke en wesenlike tekortkominge, sal die gedelegeerde owerheid aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen:

(a) **Vorm van aansoeker:** Slegs aansoeke van entiteite geïnkorporeer ingevolge die Wet op Beslote Korporasies 69 van 1984 en die Maatskappywet 61 van 1973 sal oorweeg word. Regte sal nie toegeken word aan natuurlike persone (d.w.s. individue of eenmansake) nie. Natuurlike persone wat bestaande regtehouers is moet aansoek doen in die vorm van 'n beslote korporasie of maatskappy en sal as medium termyn regtehouers behandel word indien hulle aan die riglyne uiteengesit in die Algemene beleid voldoen.

(b) **Wetsnakoming:** Indien 'n aansoeker of sy lede, direkteure of beherende aandeelhouders skuldig bevind is aan 'n ernstige misdryf ingevolge die WLMH, die regulasies, permitvoorwaardes of ander ernstige visserij verwante misdrywe gedurende die mediumtermyn regteperiode sal daar nie 'n WKK (aflandige) reg aan die aansoeker toegeken word nie. Dit sluit nie die betaling van 'n skulderkenningsboete in nie. Regte sal ook nie toegeken word aan 'n aansoeker indien die aansoeker of sy lede, direkteure of beherende aandeelhouders se visvangregte gekanselleer of ingetrek is ingevolge die WLMH of indien daar op hul bates beslag gelê is in terme van die Wet op die Voorkoming van Georganiseerde Misdad 121 van 1998 of die WLMH nie.

Besluite mag gereserveer word oor die aansoeke indien die aansoeker (of die aansoeker se lede, direkteure of beherende aandeelhouders) ondersoek word vir oortredings van die WLMH.

Daar word van regtehouers vereis om 'n heffing te betaal op die geteikende vis wat geland word. Regte houers wat vangste onder-gerapporteer het ten einde die betaling van heffings te vermy sal uitgesluit word. Regtehouers wat nie heffings betaal het nie sal gepenaliseer word in die vergelykende balanseringsproses soos hieronder uiteengesit. Sou sodanige aansoeker egter nietemin vir 'n reg kwalifiseer, sal 'n visvangpermit nie uitgereik word nie alvorens die uitstaande gelde aan die Departement betaal is nie.

- (c) **Papier-kwotas:** Papier-kwotas, soos gedefinieer in die Algemene beleid, sal uitgesluit word.
- (d) **Toegang tot 'n geskikte vaartuig:** Aansoekers sal moet aantoon dat hulle 'n reg van toegang tot 'n geskikte vaartuig het (*sien paragraaf 9 hieronder*).
- (e) **Nie-gebruik:** Die gedelegeerde owerheid mag weier om 'n reg weer toe te ken as 'n regtehouer aansoeker versuim het om tussen 2002 en 2004 sy medium-termyn kommersiële weskukskreef visvangreg ten volle te benut.

8.2 Balanseringskriteria

Regtehouer aansoekers, asook potensiële nuwe inkomelinge, sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal. Die kriteria hieronder uiteengesit moet saamgelees word met die ooreenstemmende kriteria in die Algemene beleid vir verdere besonderhede. Dit is in besonder van toepassing op die "transformasie" kriterium.

(a) Transformasie

Een van die doelwitte met die toekenning van langtermyn visvangregte in hierdie vissery is om die huidige vlakke van transformasie te handhaaf en om op sekere aspekte te verbeter. Aansoekers sal evalueer word op -

- Die persentasie swart en vroue eienaarskap en swart en vroue verteenwoordiging op top salarislakke, direksie en senior beampte en bestuursvlakke;
- Of werknemers (anders as top salaristrekkers) voordeel trek uit 'n werknemeraandeeskema;
- Regstellende aankope;
- Nakoming van die Wet op Diensbillikheid 55 van 1998 en die verteenwoordigheid van swart persone en vroue op die verskillende diensvlakke. Die gedelegeerde owerheid mag ook die verskil in besoldigingsvlakke tussen die hoogste en laagste betaalde werknemers in ag neem.
- Nakoming van wetgewing oor vaardigheidsontwikkeling en die bedrae spandeer op die opleiding van swart persone en deelname aan leerskapprogramme; en
- Korporatiewe maatskaplike belegging.

(b) Belegging in die vissery

Aansoekers sal evalueer word met verwysing na beleggings gemaak. Met betrekking tot regtehouer aansoekers, sal die gedelegeerde owerheid die volgende oorweeg:

- Beleggings in geskikte vaartuie en ander vaste bates. Met betrekking tot vaartuie sal beleggings in die vorm van aandeelhouding ook beloon word. Aansoekers sal nie beloon word vir die sluit van koopopreënkomste nie.
- Beleggings in prosessering en bemarkingsinfrastruktuur. Die gedelegeerde owerheid mag regtehouer aansoekers beloon wat in weskuskreef prosessering en bemarking belê het.

Wat nuwe inkomeling aansoekers betref, sal die gedelegeerde owerheid beleggings gemaak in ander sektore in die vorm van vaartuie en vaste bates oorweeg, en mag die gedelegeerde owerheid beleggings gemaak in prosessering en bemarking oorweeg.

(c) Visvangprestasie

Regtehouer aansoekers sal evalueer word deur ag te slaan op hulle prestasie in die weskuskreefvissery oor die medium-termyn periode.

Daar sal van alle nuwe inkomeling aansoekers vereis word om aan te toon dat hulle die vermoë, kennis en vaardigheid het om deel te neem aan die weskuskreef vissery.

(d) Plaaslike ekonomiese ontwikkeling

Belegging in Suid Afrika se kleiner kusedorpieë behoort bevorder te word. Die gedelegeerde owerheid mag daardie aansoekers beloon wat belê het in kleiner kusedorpieë buite die groot metropolitaanse gebiede van Port Elizabeth en Kaapstad en in besonder langs die Weskus. Daar nie negatiewe punte toegeken word aan weskuskreef regtehouers wat belê het in fasiliteite in Kaapstad en Port Elizabeth nie.

(e) Waardetoevoeging en ondernemingsontwikkeling

Die gedelegeerde owerheid mag oorweging gee aan ondernemingsontwikkeling en die vermoë van regtehouer aansoekers om waarde toe te voeg tot WKK. Daar sal van nuwe inkomeling aansoekers vereis word om aan te toon hoe hulle van voornemens is om maksimum waarde tot WKK toe te voeg.

(f) Werksgeleenthede

Werkskepping en die vermeerdering van werksgeleenthede as gevolg van die toekenning van mediumtermynregte mag in ag geneem word, en in besonder, aansoekers wat hulle werknemers voorsien het met—

- Voltydse werk;
- Mediese fonds en pensioen; en
- Veilige werksomstandighede.

Werksgeleenthede geskep per ton vis toegeken gedurende die medium-termyn regte toekennings periode sal oorweeg word.

(g) Afhanklikheid van weskuskreef

Die gedelegeerde owerheid sal positiewe punte toeken aan aansoekers wat afhanklik is van weskuskreef vir 'n wesentlike gedeelte van hulle bruto jaarlikse inkomste.

(h) Nie-betaling van heffings

Regtehouer aansoekers sal penaliseer word as hul heffings betaalbaar aan die Departement vir 'n tydperk langer as 60 dae agterstallig is op die datum van aansoek.

(i) Wetsnakoming

Indien die aansoeker, sy lede of direkteure of beherende aandeelhouders skuldig bevind is aan geringe oortredings van die WLMH, sy regulasies, permitvoorwaardes of ander vissery verwante oortredings, gedurende die medium-termyn regteperiode, of indien 'n skulderkenningsboete betaal is vir oortredings van die WLMH, sy regulasies of permitvoorwaardes, sal die aansoeker penaliseer word.

8.3 Kwantumkriteria

In hierdie visserij sal die meganisme vir die toekenning van kwantum die onderwerp wees van verdere konsultasie met aansoekers nadat die aansoeke in die visserij oorweeg is en die suksesvolle aansoekers geïdentifiseer is. Onderhewig aan die uitkoms van die konsultasieproses, sal die volgende drie beginsels toegepas word met betrekking tot die toekenning van kwantum.

Eerstens, die toekenning van kwantum aan suksesvolle medium-termyn regtehouers aansoekers sal vasgestel word met verwysing na kwantum gehou deur regtehouers in 2005.

Tweedens, die gedelegeerde owerheid moet poog om ten minste 10% (tien persent) van die TTV te herverdeel aan klein besighede en regtehouers met klein toekennings, indien hierdie entiteite voldoende getransformeer is en goed presteer het gedurende die medium-termyn periode.

Derdens, en bykomend tot die bogenoemde twee beginsels, sal die gedelegeerde owerheid by magte wees om kwantum toe te ken gebaseer op kriteria wat daarop gemik is om die oogmerke van hierdie beleid te bereik, soos transformasie en prestasie. Hierdie kriteria moet ontwerp word op 'n wyse wat moet verseker dat alle suksesvolle aansoekers, afgesien die grootte van hulle vorige toekennings, daarby kan baat indien hulle aan die kriteria voldoen.

9. Geskikte vaartuie

'n Geskikte vaartuig in die weskuskreef visserij is 'n vaartuig wat -

- 'n SAMVO geregistreerde lengte van ongeveer 30 meter het en 'n minimum lengte van ongeveer 8 meter;
- 'n werkende vaartuigmoniteringstelsel het; en
- toegerus is vir of fuik- of hoepelnetvisvangs; en
- nie werksaam is in 'n ander visserij nie.

10. Multi-sektorale betrokkenheid

Regtehouers in die WKK (aflandige) visserij word nie verhinder om regte in enige ander visserij in Groepe A en B visserye te hou nie. WKK (aflandig) regtehouers, insluitende hulle behorende aandeelhouers of lede (in

geval van beslote korporasies) en lede van hulle uitvoerende bestuurspan sal nie toegelaat word om kommersiële visvangregte in Groep C, insluitend die WKK (kuslyn) vissery en Groep D visserye en die tradisionele lynvis vissery te hou nie.

11. Aansoekgelde en heffings

Die aansoekgelde vir hierdie vissery sal bepaal word met inagneming van:

- Die koste van die hele regtetoekenningsproses, met inbegrip van oorlegpleging, ontvangs, evaluering van aansoeke, verifikasie, appèlle en hersienings; en
- Die waarde van die vis wat toegeken word oor die duur van die reg.

Die jaarlikse heffings wat met ingang 1 Januarie 2006 betaalbaar is, sal vasgestel word na oorlegpleging met regtehouers. Die heffings betaalbaar sal deur die Departement gebruik word vir die mitigasie van jaarlikse kostes van bestuur, wetsnakoming en navorsing.

12. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek word, weerspieël sommige van die Departement se hoofvoornemens vir die bestuur van hierdie vissery nadat regte toegeken is.

12.1 Ekosisteembenadering tot bestuur van vissery

Hierdie vissery sal bestuur word ooreenkomstig die ekosisteembenadering tot die bestuur van visserye ("EBV"). 'n Ekosisteembenadering tot visserybestuur is 'n holistiese en geïntegreerde beleid wat erken dat visvang en verwante aktiwiteite op land die breë mariene omgewing beïnvloed. Hierdie deel van die beleid vir die WKK (aflandige) vissery, poog nie om 'n beleidsverklaring te voorsien oor EBV in die WKK (aflandige) vissery nie. Die EBV vir WKK (aflandige) vissery sal verder uitgestippel word in die Bestuurshandboek vir die Weskuskreef (Aflandige) Vissery. Suid-Afrika bly verbind tot die teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële visserye.

12.2 Konsolidasie van deelnemers

Na die toekenning van kommersiële visvangregte vir 10 jaar in hierdie vissery, sal die Departement die konsolidasie van die aantal regtehouers wat aktief is in die vissery fasiliteer, in besonder waar:

- Regtehouers dieselfde aandeelhouders, kantore of bestuurspan deel, of
- Kleiner regtehouers verkies om hul sakebedrywighede te konsolideer.

Die konsolidasie van regtehouers is egter onderworpe aan die Departement se benadering tot monopolieë (*sien paragraaf 12.4 hieronder*).

12.3 Vaartuie en vangspoging

Aangesien baie regtehouers nie eienaars is van die vaartuie wat hulle benut nie, voorsien die Departement dat baie regtehouers sal poog om addisionele vaartuie in te bring na die toekenning van langtermyn visvangregte. Huidige vangspoging vlakke is optimaal en die Departement sal dus die stapeleffek van die inbring van nuwe en addisionele vaartuie in hierdie vissery versigtig evalueer. Regtehouers sal nie toegelaat word om vaartuie in te bring wat in staat is om vangspoging te ontplooi wat baie groter is as hulle toekennings nie.

12.4 Monopolieë

Terwyl die Departement die konsolidering van regtehouers in hierdie vissery sal aanmoedig, is die Departement gekant teen monopolieë wat tot die nadeel van kleiner regtehouers kan werk. Die Departement sal nie op hierdie stadium 'n maksimum vlak van die TTV wat een enkele reghouer oor mag beskik of beheer, vasstel nie, maar sal monitor of enige groter reghouer optree op 'n manier wat strydig is met billike mededingingspraktyke.

13. Prestasiemeting

Die Departement sal 'n aantal formele prestasiemetingoefeninge instel vir die duur van die kommersiële visvangregte. Daar word beoog om die prestasiemetingoefening na twee jaar uit te voer en dan elke drie jaar daarna.

Alhoewel die Departement die presiese kriteria waaraan die regtehouers gemeet sal word sal finaliseer na oorlegpleging met regtehouers, mag die volgende breë prestasie-verwante kriteria gebruik word:

- transformasie;
- belegging in vaartuie en toerusting;
- visvangprestasie; en

- nakoming van toepaslike wette en regulasies.

Die oogmerke met prestasietestingsoefeninge sal wees om te verseker dat die doelstellings van die vissery bereik word en dat bestuursmetodologie en prosedures geskik is en op datum bly vir die vissery.

14. Waarnemerprogram

Die Departement se huidige waarnemersprogram sal uitgebrei word om waarneming vir wetstoepassingsdoeleindes in te sluit. Die Departement sal verder die dekking van waarneming van hierdie vissery progressief uitbrei. Daar sal van regtehouers verwag word om die koste van die waarnemingsprogram te dra.

15. Permitvoorwaardes

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permitvoorwaardes sal vasgestel word na konsultasie met regtehouers in hierdie vissery en sal onderworpe wees aan hersiening soos en wanneer dit nodig mag wees.



ICANDELO LEMICIMBI YEZANDALO NOKHENKETHO

ISEBE LOLAWULO LOLWANDLE NAMANXWEME

**UMGAQO-NKQUBO WOLAWULO NOLWABIWO LWAMALUNGELO
ORHWEBO LOKULOBA I-WEST COAST ROCK LOBSTER (KUDE
NONXWEME- "OFFSHORE"): 2005**

**LO MGAQO- NKQUBO UMELE UFUNDWE KUNYE NOMGAQO-NKQUBO
JIKELELE WOKWABIWA NOKULAWULWA KWENKQUBO YEXESHA ELIDE
YAMALUNGELO ORHWEBO LOKULOBA: 2005 (iyafumaneka ku-www.mcm-deat.gov.za)**

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1. Intshayelelo

Lo mgaqo-nkqubo wolwabiwo nolawulo lwamalungelo ezorhwebo kushishino lokuloba i-west coast rock lobster (WCRL) (offshore) ukhutshwe nguMpathiswa wezoBume Bendalo nezoKhenketho ("Umphathiswa"). Le fishari ngaphambili ibizwa ukuba yi-west coast rock lobster yorhwebo epheleleyo ("full commercial"). Kukhona umgaqo-nkqubo owahlukileyo we-west coast rock lobster (nearshore), ebizwa ngaphambili ukuba njenge west coast rock lobster efinyeziweyo ("limited commercial").

Lo mgaqo-nkqubo umele ufundwe ndawonye noMgaqo-Nkqubo Jikelele woLwabiwo noLawulo lwenkqubo yeXesha eLide yaMalungelo oRhwebo Okuloba :2005 ("uMgaqo Jikelele").

Injongo yalo mgaqo-nkqubo kukumisela iingcamango eziyakuthi zisetyenziwe kunikezelo lwamalungelo exesha elide orhwebo ngokuloba i-west coast rock lobster (offshore). Uninzi lwezingcamango azintshanga. Bezisetyenziswe nguMphathiswa negunya elithunyiweyo leSebe Lezobume Bendalo Nokhenketho: Isebe Lolawulo Lolwandle namaNxweme ("iSebe") ngethuba bekunikezelwa amalungelo kwixesha elidluleleyo kwaye ukusa kumkhamo othile la maxwebhu omgaqo agunyazisa loo mabakala.

Inkqubo ezithile ezothi zilawule amalungelo anikezelweyo zichaziwe kulenkqubo

Uxwebhu olusikhokhelo loLawulo loShishino ngokuloba i-West Coast Rock Lobster(offshore) luza kugqityezelwa kunye nabo bonke abanini -malungelo phakathi kunyaka ka-2006. Olu xwebhu lusikhokhelo luza kubonisa ngokwenkcukacha ulwazi-nkqubo lolawulo nemigaqo yoshishino yokuloba kulefishari.

UMphathiswa uzimisele ukugunyazisa amandla ecandelo lomthetho 18 ukunikeza amalungelo oshishino lorhwebo ngokuloba i-west coast rock lobster (offshore) njengoko kusekiwe kwicandelo lomthetho ka 79 weMarine Living Resources Act 18 ka 1998 ("the MLRA") kwi gosa eliphezulu leSebe. Eli xwebhu lomgaqo-nkqubo liza kukhokela lowo ugunyazisiweyo ekwenzeni izigqibo kwizicelo zabalobi.

2. Inzululwazi nezakhono

I-west coast rock lobster (*IJasus lalandii*) zizilwanayna ezikhula kade , zaye zinobom obude. Ubukhulu bemazi ebudaleni bayo iba nobude obuphakathi kwe 57(CL) emilimitha ukuya kwi 66 (CL) emilimitha. linkunzi zelobster zibankulu zaye zikhula ngokukhawuleza kunemazi. Kangangokuba kumlinganiselo we milimitha ezingama 75 (CL) olinganiselwe abarhwebi abapheleleyo ngentlanzi inkunzi ibetha phaya kwi 90 ukuya ku 99 le persenti ngokubanjiswa kwayo..

I-west rock coast lobster ifumaneka kubunzulu beemitha ezingama 200 ubunzulu ukusuka kumntla weWalvis Bay eNamibia ukuya eMonti. Urhwebo lukumyinge wama 25°S weNamibia ukuya eGansbaai kunxweme loMzantsi Ntshona. Noko kunjalo ukuloba bokuzonwabisa kunabele eMpuma ukuya eMossel Bay.

3. Ubume balefishari

Isivuno esingafumaneka kungoku nje siqikelelwe kwi 8 pesenti kuneso sasisaya kuxhatshazwax nobunzima obupheleleyo beentlanzi ezibekelayo buqikelelwa kuma-21 pesenti. Ikakhulu oku kuhla kubangelwa zezi ngongoma zilandelayo: Ukuloba okungenasigxina okuthe kwenzeka kwisiqingatha sokuqala senkulungwane yama- 20 nokuncipha okukhulu kwemveliso ngeminyaka ye1990s.

Ushishino ngentlanzi lwaqala nge 1880s . Olu shishino lwanabela kwinkulungwane yama 20 ngokukhawuleza. Nangona amaxwebhu olobo phambi ko1946 lwalunqongophele lwenyuka kwisithuba sika 1950 ukuya ku 1965 apho phakathi kwamawaka ali-13 ukuya kwi16 lamawaka eetoni zazifumaneka ngonyaka.

Phambi komnyaka ka1946 ushishino ngeentlanzi lwalungenamqathango. Ngalo nyaka kwakunyaziswa i"tail-mass production qouta" ukulawula ukuthengisela izizwe zangaphandle . Esi yaba sisiseko sokulawula imveliso ekusasetyenziswa sona nanamhla kwi-rock lobster yakunxweme lwentshona.

Ukususela ngomnyaka ka1946 ukuya phambili umlinganiselo wokuloba ubunikwa kujongwe imveliso yexesha elidlulileyo. Kude kwaphakathi ngo1960 ukuloba kulawulwa yile ngongoma ingentla.Ngomnyaka yowe1967 nowe1968 ubambiso lweentlanzi lwehla kangongokuba imilinganiselo yachaphazeleka nayo. Ukwehliswa komlinganiselo wokubambisa (TAC) kwaba ziitoni eziphakathi kwama4000 nama 6000 lo mlinganiselo waqhuba de kwayiminyaka yo1970/71 ukuya ku1989/90.

I"tail mass production" yasuswa, indawo yayo yathathwa ngumlinganiselo welobster epheleleyo (whole lobster qouta (landed mass)) nolawulo ngeTAC eyaqala ukusebenza ngo1980. Iindawo okanye imimandla yolwabiwo nayo yaqalwa ngexesha elinye. Eminye imilinganiselo yolawulo eyaziswa kwangoko yaba yimiqathango yobukhulu nokuvalwa kwexesha lokuloba . Ukulotywa kwelobsta eqinileyo nethambileyo lwatshitshiswa. Ngeminyaka ye1990 no1991 ukuloba kwaphinda kwehla nakwiminyaka elandelayo iTAC nayo yaye isihla ngokuhla yayokuma kwi15000 leetoni kuma1995/96. Ukususela oko ke imveliso ithathe ixesha elide ukunyuka, ushishino lweTAC lwayilwa ukususela kuma 3527 eetoni kwiminyaka 2004/05.

Phambi kokugcayisela iilobster nge1960, ushishino ngentlanzi lwaluxhomekeke esandleni neminatha eyayilula, kwaye kulula nokuyisebenzisa xa usesikhitshaneni nakumanzi angenzulu kuyaphi. Iminatha ayifane isetyenziswe kubunzulu bamanzi angaphaya kwama 30 eemitha. Izikhitshane ezincinci ezisebenzisa iminatha zingazisebenzela ngokulula elunxwemeni ngokusebenzisa umphandle wenqanawe ne namaphini, kungenjalo zisiwe apho kulotywa khona ngephenyane (deckboat).

Lefishari ye-west coast rock lobster lwahlulwe yangamacancelo amabini: elokuqala lelukulobela ushishino elesibini lelukulobela ukuzonwabisa. Abalobela ukuzonwabisa basebenzisa iminatha ekwiikhitshane zodwa okanye balobe elunxwemeni kungenjalo bangene phantsi kwamanzi bebambe umphefumlo okanye batsalele elunxwemeni. Aba balobela ukuzonwabisa abayithengisi eyabo intlanzi.

I WCRL (kude nonxweme) olu ubambiso luvunyelwa ukubambisa ilobsta ehlala phakathi kwamatye ngezicayiseli. Kwinqubo yolwabiwo lamalungelo ephakathi, abantu bangabanini malungelo kolushishino lwentlanzi banikwa isabelo ezingaphezulu kweetoni ezimbi umntu emnye.

Abanini malungelo kushishino lokuloba kwiWCRL (kude nonxweme) basebenzisa inqanawa ezinkulu ezinobuxhaka-xhaka kunabanimalungelo kwiWCRL (ngaselungxwemeni), ekungelula ukubusebenzisa ihoopnets kwindawo enamanzi engenzulwanga. Ishishinino lokuloba I WCRL(kude nonxweme) nayo iqasha inani elininzi labasenzi.

Indawo yabalobi I WCRL (kufutshane nonxweme) lwabuyisela ulobo oluphilayo ngo 2001 ngenxa yezinto eziphandiweyo neziphakamiso kuhlolo oluzimeleyo zolobo lokuziphilisa eMzantsi Afrika. Uhlolo lwaphakamisa ukuba indawo ekulotywa kuzo zexabiso eliphezulu njengonxweme lwasentshona lwerock lobster, ilinentlanzi zemvelo zinjenge linefish ne abalone kufuneka kurhwetywe ngazo. Urhwebo lwezintlanzi lwavumelwa amashishino okuloba ukuba athengise kwaye bashishine ngemveliso yabo.

Isebe labele malunga nama-20 pesenti lwe-rock lobster kunxweme lwasentshona yeTAC kushishino olunganeno konxweme ne 80 pesenti kwinxweme lokuloba olukude nolwandle. Isizathu sale yantlukwano kukuba i 20 pesenti yezinto zokusebenza yabelwe kummandla, njengoko i 80 pesenti abakude nonxweme.

Ukuloba kude nonxweme kuxhasa ama 5500 yabasebenzi, yaye i 95 pesenti angabamnyama. Ngaphezu kwama 2500 asebenza elwandle ukuze abashiyekileyo ukulungisa bathengise emhlabeni. Ukulotywa kwe west coast rock lobster kuqhubeka phakathi koNovemba noJulayi kwenziwe malunga nama 26500 eerandi ngonyaka. Ixabiso lolobo lwe west coast rock lobster lumalunga nezigidi ezingama 200 ngonyaka. Ixabiso lwezikhitshana kolu lobo zizigidi ezili 130 lee randi. Ulobo lwe west coast rock lobster luya lawuleka kakuhle

kwaye ukususela kumnyaka ka 1997 lwaye lusanda ngokwanda. Ngomnyaka we 2003 umphathiswa wezendalo nokhenketho wavumela urhwebo olupheleleyo lwe rock lobster nakwimpuma koloni Hangklip. Isebe lwaqhubeka ngokulawula ulobo kule ngingqi phantsi kwemiqa thango.

4. Inkqubo Inkqubo yokunikezela amalungelo exeshana

Ebuden i bexesha lokunikezwa kwamalungelo okwexeshana, kwaye kwanikezwa amalungelo angama 234 okuloba i-West Coast rock lobster. Amalungelo angama 511 anemiqathango anikwa abalobi abasakhasayo. Kumalungelo awabiweyo oshishino okuloba, i-66 yepesenti kumalungelo apheleleyo yanikezelwa kubamnyama kumashishini abantu abamnyama. Ukumelwa kwabantu abamnyama kwizinga labalawuli abakhulu kushishino lukuloba yi -34 pesenti kuphela. Kumalungelo anikezelweyo afinyeziweyo kurhwebo lukuloba i 91.5 pesenti yanikelwa ikakhulu kubantu abamnyama abanamashishini amancinci.

Ngomnyaka we 2003, kuphinde kwanikezelwa iitoni ezingama 230 ze-West Coast rock lobster kwi 274 labarhwebi abafinyeziweyo abarhweba kwingingqi ye Cape Hangklip. Ngaphezulu kwe pesenti ezili 90% yanikezelwa kubantu abamnyama.

Ngomnyaka we 1992 ama 39 abanamalungelo abamhlophe babelawula iTAC ye-west coast rock lobster. Hlukanisa, ekupheleni kuka-2003 i kunikezelwe ngamalungelo okurweba apheleleyo ali-1019. Kuloo malungelo amaninzi anikezelwa kubalobi abasakhasayo. Ukubandakanya inani elikhulu labanikwe amalungelo malunga ne 6.8 e toni yabiwa ngo 2002 xa kuthlekiswa nama 56 etoni ka 1992. Ngo 1992 isabelo esikhulu sasi-199 etoni kwaye ngo 2002 isabelo esikhulu sasinga-95.6 etoni.

Emva kwequbo yolwabiwo lamalungelo exeshana, ama-66 pesenti wabo babenamalungelo kushishino okuloba yayingabamnyama. Amashuma amathathu anesine oshishino ayephethwe ngabantu abamnyama. . Xa aba banamalungelo bedibene babelawula i-TAC ezipesenti ezingama-60. Ngapha koko, ama-90 pesenti ayesezandleni zamashishini amancinane nasakhasayo.

5. Iinjongo eziqakayo ngelicandelo

Iinjongo zecandelo eziqakayo ekwabiweni kwamalungelo okuloba exesha elide kolu shishino Iinjongo zokunikezela ngamalungelo exesha elide okuloba kwelicandelo zezi:

- Ukulondoloza iinguqu kolu shishino kwakunye nezinye iinkalo, ezinjengokulawulwa kwabo banamalungelo, ukuphucula le meko kuyiyo ngoku.

- Ukukhuthaza utyalomali kwimikhumbi (ukuphucula okanye ukutshintsha imikhumbi ezigugayo), kwakunye namaziko akhoyo, ukudala imisebenzi ekhuseleke ngakumbi;
- Ukugcina uqoqosho oluphilayo kwindawo kulefishari; kwaye
- Baqinesekise ukugcinakala ngokwendalo kulefishari ..

6. Ixesha lamalungelo

Kwakuba kujongwe-

- Ubume benguqu kulefishari ;
- inani lemisebenzi edaliweyo (nokukhuthaza ukuba kutshintshwe imisebenzi yesingxungxo ibe sisigxina);
- imfuno yokugcineni uzinzo lwezoqoqosho olukhoyo kulefishari ; kunye
- nomba wokulawuleka kakuhle kwe-west coast rock lobster ngokolwazi uluthembekileyo nolusexesheni.

amalungelo orhwebo lokuloba aya kunikezelwa kangangethuba leminyaka eyi-10 ukususela ngo 15 November 2005 ukuya ku-31 July 2015). ISebe liya kubahlola rhoqo abo bafumene amalungelo kusetyenziswa indlela emiselwe ngaphambili yokuhlola. (*Jonga kumhlathi 13 ngezantsi*).

7. Abangeneli abatsha

Nangona lefishari ye- west coast rock lobster ixhatshazwa ngokoneleyo kwaye kungekho ndawo yabanye abathathi nxaxheba, abangeneli abatsha abangeni abatsha banokuthi bachongwe endaweni yabo bebenamalungelo abangakhange bakwazi ukwenza iinguqu, abasileleyo ukusebenza ngendlela. Ukongeza abo bebenamalungelo abangakhange wasebenzise okanye abangakhange bawasebenzise ngokonelisayo baya kungawanikwa amalungelo kwaye kufakwe abangeneli abatsha endaweni yabo.

8. Indlela yokuvavanya

Izicelo zizakujongwa kusetyenziswa indlela yokuthintela ("exclusionary criteria"). Izicelo zabangeneli abatsha nezicelo zabo bebenamalungelo zizakuhlolwa ngokwahlukeneyo kusetyenziswa indlela elinganayo yokuthelekisa ("comparative balancing criteria") Amanqaku okanye udidi luzakumiswa ukuze kukwazi ukukhethwa izicelo eziphumeleleyo . Isiqingatha se TAE sizakwabelwa isicelo ngasinye esiphumeleleyo ngokwendlela ekuthiwa yi-"quantum criteria" (ubungakanani bento efumanekayo).

8.1 Indlela yokuthintela

Ngaphandle kwale ndlela echazwe kuMgaqo Jikelele malunga nokufaka isicelo, nezo zinto zingalunga, igunya elithunyiweyo liya kuzirhoxisa ezo zicelo zithe zasilela kwezimfuno zilandelayo:

(a) Uhlobo lomfaki-sicelo:

Izicelo ezizakuqwalwaselwa zesisuka kumaziko amiselwe ngoMthetho wa-69 weClose Corporations ka 1984 (Close Corporation Act 69 of 1984) noMthetho wa-79 WeeNkampani ka 1973 (Companies Act 79 of 1973). Izicelo ezisuka ebantwini (umzekelo umntu ozimeleyo okanye oshishina yedwa) azisayi kuqwalaselwa. Abantu abazimeleyo abasele benamalungelo bamele bafake izicelo besebenzisa i-close corporation okanye i-company kwaye baya kuthathwa njengabanamalungelo okwexeshana lo gama nje belandela imiyalelo ekuMgaqo Jikelele.

(b) Ukuthobela:

Ukuba umfaki-sicelo, okanye amalungu, abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababambe iintambo bakhe bafunyaniswa benetyala lokwaphula ngokunzulu i-MLRA, imimiselo, imiqathango yamaphepha-mvume okanye olunye olwaphulo-mthetho olunokuthanani nezokuloba ebudeni bokuba nelungelo lokwexeshana, loo mfaki sicelo akayi kulunikwa ilungelo lokuloba i-squid. Oku akuquki ukuhlawula intlawulo yokuvuma ityala. Kwakhona umfaki-sicelo akayi kuwanikwa amalungelo ukuba yena, okanye amalungu, abalawuli (ii-director okanye abafaki-mali (ii-shareholder) ababamb' iintambo bakhe bahluthwa okanye barhoxiselwa amalungelo okuloba ngokwemigaqo ye-MLRA, okanye kwahluthwa impahla yabo phantsi komthetho we-Prevention of Organized Crime Act 121 of 1998 okanye i-MLRA.

Izigqibo zisenokumiswa kwizicelo ezo xa umfaki-sicelo (okanye amalungu, ii-director okanye ii-shareholder ezinegunya) ephandwa mayela nokuphula imithetho ye-MLRA.

Abanikwe amalungelo kufuneka bahlawule irhafu yeentlanzi abazilobileyo. Abanamalungelo abangazichazi zonke iintlanzi abazilobileyo kuba bebaleka ukuhlawula ezi rhafu abazi kunikwa lungelo.

Abanamalungelo abangekazihlawuli iirhafu zabo baya kohlwaywa ngokwamabakala andlalwe apha ngezantsi. Ukuba loo mfaki-sicelo usalifanelekela ilungelo, akayi kuyifumana imvume yokuloba de abe ubhatele ezo mali zingangenanga kwiSebe.

(c) **Abafaki-zicelo abanganyanisekanga:** Abafaki-zicelo abanganyanisekanga isimiselo sesixa samaphepha (njengoko kuchaziwe kumthetho Jikelele) bayakukhutshwa.

(d) **Ukufikelela kumkhumbi esiofanelekileyo:** Abafaki-zicelo kufuneka babonise ilungelo lukufikelela kumkhumbi ofanelekileyo. (*jonga kumhlathi 9 ngezantsi*)

(e) **Ukungasetyenziswa:** Igunya elithunyiweyo linokwala ukuphinda ukumnika ilungelo ukuba lowo ebenelungelo uye akaphumelela ukulisebenzisa ilungelo lwethuba lexeshana lorhwebo nge-tuna pole phakathi konyaka ka 2002 no 2004

8.2 **Inkqubo elinganayo yovavanyo**

Abafaki-sicelo abasele benamalungelo nabazakuba ngabangeneli abatsha baza kuhlolwa ngokwale miqathango ilandelayo, eya kuthi iphononongwe ukuze kubonwe amandla esicelo ngasinye Ezi mfaneleko zichazwe ngezantsi zimele zifundwe kunye neemfaneleko ezihambisana nazo kuMgaqo Jikelele ukuze ufumane iinkcukacha ezithe vetshe. Oku kusebenza ngakumbi kwimfaneleko "yenguqu".

(a) **Inguqu**

Enye yeenjongo zokunikezwa kwala malungelo ethuba elide lokuloba kukulondoloza amazinga akhoyo enguqu nokuphucula kwiinkalo ezithile. Abafaki zicelo baya kunikwa amanqaku koku –

- Umlinganiselo (iipesenti) wabamnyama nabafazi abangabanini banashishini kunye nokumelwa kwabanyama nabafazi kwimivuzo ephezulu, kwibhodi yabalawuli (yee-director) noosomaqhuzu (senior official) nabakuzinga lokuphatha;
- Ingaba abasebenzi (ngaphandle kwabo bafumana imivuzo ephezulu) bayafumana kuhlelo lwezabelo lwabasebenzi .
- Ukuthenga kumashishini abamnyama;
- Ukuthobela umthetho we Employment Equity Act 55 yowe 1998 nokumelwa kwabamnyama namabhinqa kumanqanaba awahlukeneyo engqesho. Igunya

elithunyiweyo lisenokuqwalasela nomahluko kwimivuzo yabasebenzi abakweyona mivuzo iphezulu nephantsi;

- Ukuthobela umthetho wokuphucula ubuchule kunye neemali ezichithwa kuqeqeshwa abantu abamnyama nenxaxheba kwiinkqubo zokufundisa; kwakunye
- Notyalo-mali kwezasekuhlaleni.

(b) Utyalo-mali kulefishari

Izicelo ziya kuhlolwa ngokuthi kujongwe imali etyaliweyo. Ngokuphathelele kwabobafakizicelo banamalungelo, igunya elithunyelweyo liya kujongisisa oku .

- Ukutyala imali kwimikhumbi efanelekileyo nezinyo izinto ezisigxina. Ngokuphathelele kwimikhumbi ukutyala imali ngokuthi ube nezabelo kuyakuqwalaselwa. Abafaki-zicelo abanelungelo abayi kuvuzwa ngokuthi nje baqoshelise izivumelwano zokuthenga umkhumbi.
- Ukutyala imali kumsebenzi nakubuceducedu bokuthengisa. Igunya elithunyelweyo lisenokumvuza ofake isicelo oye watyala imali ekusetyenzweni nasekuthengisweni kwe-west coast rock lobster.

Ngokuphathelele abafaki bezicelo abatsha, igunya elithunyelweyo liza kujonga imali etyalwe kwamanye amacandelo okuloba ngokuphathelele kwimikhumbi nempahla esisigxina, ukuthengiswa nokusetyenzwa kwemicimbi.

(c) Indlela yokusebenza

Izicelo zabanelungelo ziya kuhlolwa ngokuphonononga ukusebenza kwabo ngokuloba kulefishari ye-west coast rock lobster ngethuba lamalungelo xeshana.

Izicelo zabangeneli abatsha ziyakuphononongwa ukuba ingaba banaso na isakhono, ulwazi nobuchule bokuthatha inxaxheba ekulobeni i-tuna.

(d) Uphuhliso loqoqosho lwasekuhlaleni

Ukutyalala imali kwiidolophana eziselunxwemeni zaseMzantsi Afrika kumele kukuthazwe. Igunya elithunyelweyo lisenokubavuzwa abafaki-zicelo abatyale imali kwiidolophana eziselunxweni ngaphandle kwezixeko ezikhulu ezinjengeBhayi neKapa ingakumbi ezigudle uNxweme lwaseNtshona. Abo banamalungelo okuloba kwi- West Coast Rock Lobster abatyale imali yabo kwiindawo eziseKapa naseBhayi abayi kuhluthelwa manqaku.

(e) Ukongeza ixabiso nokuphuhlisa amashishini

Igunya elithunyelweyo lisenokuqwalasela ukuphuhliswa kwamashishini kunye nesakhono sabafaki-zicelo abanamalungelo sokongeza ixabiso kwi-WCRL. Abafaki-zicelo abatsha kuya kufuneka babonise ukuba bazakulongeza njani ixabiso kwi-WCRL.

(f) Imisebenzi

Ukudala amathuba emisebenzi nokwandisa imisebenzi ngenxa yokuba ufumene ilungelo lokwexeshana lokuloba uya kufumana umvuzo, ngokukodwa, ukuba umfaki-sicelo ubonelela abasebenzi bakhe ngoku kulandelayo:

- Umsebenzi osisigxina;
- Isibonelo sikaGqirha (medical aid) kunye nomhlala phantsi
- Nokusebenza aphantsi kweemo ezikhuselekileyo.

Imisebenzi edalwe ngetoni nganye yentlanzi ebudeni bokukunikezwa kwamalungelo okwexeshana iya kuqwalaselwa.

(g) Ukuxhomekeka kwi-WCRL

Igunya elithunyelweyo liya kunikezela amanqaku aphucukileyo kubafaki-zicelo abangeniso yabo yaminyaka le ixhomekeke kanobom ekulobeni i-WCRL.

(h) Ukungahlawulwa kwerhafu yokuloba

Abafaki-zicelo abanamalungelo baya kohlwaywa ukuba iirhafu eziya kwiSebe azihlawulwanga kangangethuba elingaphezu kweentsuku ezingama-60 ngexesha abafaka ngaso isicelo.

(i) Ukuthobela

Ukuba umfaki-sicelo, amalungu okanye abalawuli (ii-director) okanye abafaki-mali (ii-shareholder) ababambe iintambo, bakhe bafunyaniswa benetyala lokwaphula imithetho engephi ye-MLRA, imimiselo, imiqathango yemvume okanye eminye imithetho yokuloba, ngoxa besenelungelo lokwexeshana, okanye bahlawule intlawulo yokuvuma ityala yokwaphula i-MLRA, imimiselo yayo okanye imiqathango yemvume, loo mfaki-sicelo uya kohlwaywa.

8.3 Indlela yomlinganiselo

Apha kulefishari, inkqubo yokwaba izabelo iyokwenzeka emva kokubonisana nabafaki-zicelo, emva kokuba izicelo kulefishari zihloliwe nabafaki-zicelo abaphumeleleyo bechongiwe. . Phantsi kweziphumo zokubonisana, izabelo ziya kukhutshwa kulandelwa le migaqo mithathu.

Okokuqala, abafaki zicelo abanamalungelo okwexeshana baya kunikwa isabelo ngokusekelwe kwizabelo abebenazo ngowe-2005.

Okwesibini, igunya elithunyelweyo limele lizabalazele ukusasaza ngokutsha ubuncinane i-10% (ishumi leepesenti) ye-TAC kumashishini amancinane nakwabanamalungelo abanezabelo ezincinane, kuxhomekeka ke phofu ekubeni la mashishini mancinane aneenguqu ezaneleyo yaye asebenze kakuhle ngeli xesha ebesanikwe amalungelo okwexeshana.

Okwasethathu, ukongezelela kule migaqo ingasentla, iqela labathunywa liya kuba nelungelo lokukupha isabelo ngokusekelwe kwiimfaneleko ezifunekayo eziza kwenza kuzaliseke iinjongo zalo migaqo, njengeenguqu nomsebenzi. Ezi mfaneleko zimele ziqukunge ngendlela eza kuqinisekisa ukuba bonke abafake izicelo, kungakhathaliseki isabelo abebesifumene ngaphambili, baya kuxhamla ukuba bayazifikelela ezi mfaneleko.

9. Imikhumbi efanelekileyo

Umkhumbi ofanelekileyo kulefishari ye-WCRL ngumkhumbi::

- onobude obubhaliswe yi-SAMSA ubude obumalunga nama-30 eemitha buze obona buphantsi ubude bube malunga neemitha ezi-8;
- onobuchule bokujonga umkhumbi obusebenzayo (vessel monitoring system); ;
- olungiselelwe ineti yetrepu okanye ye-hoop yokubambisa intlanzi; kwaye
- Awusebenzi kwenye ifishari..

10. Ukubandakanyeka kumacandelo amaninzi

Abanamalungelo kulefishari ye-WCRL (offshore) abazikuvalelwa ukuba bafumane amalungelo oshishino orhwebo lokuloba lweentlanzi akuLuhlu A (cluster A) nakuLuhlu B loshishino (cluster B). Amalungu efishari ye-WCRL (offshore), kuquka bafaki-mali (ii-shareholders) abambe intambo okanye amalungu (xa iyi-close corporation) namalungu amaqela abaphathi abaphezulu abayi kuvunyelwa ukuba babe namalungelo orhwebo lwentlanzi akuLuhlu C (cluster C) kuquka ne WCRL (neashore), kuLuhlu D (cluster D) , nasekulobeni iintlanzi eziqhelekileyo (Traditional Line Fish)

11. Intlawulo yokufaka isicelo nerhafu

Imali yokwenza isicelo sokukuloba kulefishari iza kuqulunqwa kujongwe oku:

- Ixabiso lenkqubo yonke yolwabiwo lwamalungelo, kuquka ukucetyiswa, ukwamkelwa, uvavanyo lwezicelo, ukuqinisekiswa, izibheni nohlolo; kunye
- Nexabiso lentlanzi enikezelwayo ngethuba lelengelo

Irhafu yonyaka ehlawulwa ukusukela ngomhla woku-01 kuJanuwari 2006 iyakuqulunqwa emva kokubonisana nabo banamalungelo. Iirhafu ezihlawuliweyo ziya kusetyenziswa liSebe ukukhawulelana neendleko zaminyaka le zokulawula, ukuthobela nokwenza uphando.

12. Imilinganiselo yokulawula

Le milinganiselo yokuphatha ichatshazelwe apha ngezantsi ibonisa imigaqo yeSebe yokulawula lefishari emva kokunikezela ngamalungelo okuloba.

12.1 Ukuphathawa ngendlela yonakekelo lwendalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela yonakekelo lwendalo (i "EAF"). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso ekuka konke, eyaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamene nako zinefute kubume nemeko jikelele yezolwandle. I- EAF kushishino lokuloba kwifishari ye-WCRL (offshore) iyakuchazwa ngokuthe xhaxhe kwi-WCRL Fishery Management Manual. UMzantsi Afrika usahleli uzinikele kumhla okujoliswe kuwo ka 2010 wokusetyenziswa kwe EAF kushishino lorhwebo ngokuloba.

12.2 Ukuhlanganiswa kwabathathi nxaxheba

Emva kokunikezela ngamalungelo orhwebo lokuloba iminyaka elishumi elinesihlanu kulefishari, iSebe lizakuncedisa ukuhlanganisa kwabo manamalungelo, basebanzayo kulefishari. Abanamalungelo kungenzeka bahlanganise amashishini abo kunye nabanye.

- Apho abanamalungelo banezabelo ezifanayo neofisi okanye iqumrhu elilawulayo, okanye
- Apho abo banamalungelo amancinci bagqiba ekubeni bahlanganise amashishini abo.

Ukuhlanganiswa kwabanamalungelo kuxhomekeke kwindlela iSebe elijonge ngayo iimonopoli (**jonga kumhlathi 12.4 ngezantsi**).

12.3 Imikhumbi nenzame zokuloba

Njengokuba abaninzi kwabo banamalungelo bengengabo abanini bemikhumbi, iSebe lilindele ukuba aba banamalungelo bazakucela ukungenisa enye imikhumbi emva kokunikezelwa wamalungelo exesha elide. Izinga lenzame (zokuloba) elikhoyo lonele iSebe liyakuqwalasela ngubunono iziqhamo zokungenisa eminye kunye nemitsha imikhumbi kule seyikhona. Abo banamalungelo basayi kuvunyelwa ukuba bangenise imikhumbi enenzame (enokuloba) ezingaphezu kwamalungelo bawa nikiweyo.

12.4 Iimonopoli

Nangona iSebe lizakukhuthaza ukuhlangana kwabo manamalungelo kulefishari, likuchasile ukuhlangana okuza kuba bubungangamsha obusebenzela ukusingela phantsi abo banamalungelo amancinci. ISebe alizo

kuxela ubuninzi be TAC obunokuphathwa okanye bulawule ngumntu omnye, kodwa lizakuqwalasela ukuba ngaba akukho mphathi-lungelo elikhulu oziphethe ngendlela engahambisani nokhuphiswano olonyulu.

13. Imilinganiselo yokusebenza

ISebe lizofaka indlela ezininzi zokuvavanya ukusebenza ngelithuba lamalungelo orhwebo ngentlanzi. Kujongwe ukuba ithuba lokuqala lokuvavanya indlela yokusebenza libe semva konyaka omnye, ze emva koko libe rhoqo emva kweminyaka emithathu..

Nangona iSebe liza kuyiqukumbela indlela yokuvavanya emva kokubonisana nabanini malungelo, lenkqubo imbhanxa ilandelayo isenokusetyenziswa:

- Inguqu;
- Utyalo-mali kwimikhumbi nakwizixhobo zokusebenza ;
- Ubuchule ekulobeni;
- ukuthotyelwa kwemithetho nemimiselo esebenzayo.

Injongo yokuvavanya indlela yokusebenza ngolu hlobo kukuqinisekisa ukuba injongo zalefishari ziyafikelelwa kwaye iindlela zokulawula neenkqubo zihlala zisexesheni yaye zilifanele eli shishini.

14. Inkqubo yabakhi-mkhanyo

Inkqubo yabakhi-mkhanyo beSebe izakwandiswa ukuze lifake abakhi-mkhanyo bokuthotyelwa komthetho. Ukongeza, iSebe lizoqhubekeka lisongeza abakhi-mkhanyo kulefishari. Abanini malungelo kuzakufuneka bazithwale indleko zenkqubo yokwakh' umkhanyo

15. Imiqathango yemvume

Imiqathango yemvume yolu shishino iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokuba kukhe kwafakwan' imilomo nabasele benamalungelo kulefishari, kwaye iza kumana ihloliswa xa kuyimfuneko



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZOKUPHATHWA NOKUGCINWA KOLWANDLE NOGU LWALO**

**UMGOMO WOKUPHATHA NOKWABIWA KWAMALUNGELO
OKUDOBA NGENJONGO YEZENTENGISELWANO KUYI-WEST COAST
ROCK LOBSTER (OFFSHORE) FISHERY: 2005**

**LE NQUBO-MGOMO EHLONGOZWAYO KUMELWE IFUNDWE NE NQUBO-
MGOMO EHLONGOZWAYO YOKUNIKEZWA NOKUPHATHWA
KWAMALUNGELO OKUHWABA NGOKUDOBA OKUNESIKHATHI
ESENGEZIWE: 2005 (itholakala www.mcm-deat.gov.za)**

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1. Isethulo

Lolu hlaka olungaphelele lokukhishwa nokuphathwa kwamalungelo okudoba endaweni yokudoba iwest coast rock lobster (ngaphandle kogu) ekhishwa uNgqongqoshe Wezemvelo Nezokuvakasha: ("uNgqongqoshe"). Le ndawo yokudoba (fishery), kuqala yayibizwa nge "full commercial" west coast rock lobster fishery. Kunomqulu ohlukile owe west coast rock lobster fishery (nearshore), eyayibizwa nge "limited commercial" west coast rock lobster fishery.

Lolu hlaka kumelwe lufundwe kanye ne-General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General Policy").:

Isizathu salo mqulu ukukhombisa ezibukwayo uma kukhishwa amalungelo okudoba kwi tuna pole. Ezinye zazo azizintsha. Bezisetshenziswe uNgqongqoshe nezikhulu eziphathisiwe zoMnyango Wezemvelo Nezokuvakasha: Igatsha Lezasolwandle Nokuphathwa Kogu ("uNgqongqoshe") uma ekhipha amalungelo esikhathini esedlule futhi ngezinga elithile le nqubo iyakubhala lokho kubonelela.

Amanye amalungelo avele akhona. I West Coast Rock Lobster (Offshore) Fishery Management Manual izoqedwa ngo 2006. Lomqulu izochaza ngokwanele management methodology kanye nezindlela ezilandelwayo kwi fishery.

UNgqongqoshe ufuna ukunika abawu 18 abazoba namalungelo WCRL (offshore) ngokuka section 79 ye Marine Living Resources Act 18 of 1998 ("the MLRA") kumuntu omdala emnyangweni. Izincwadi zenqubo ziyiqondisa isikhulu esiphathisiwe ekwenzeni izinqumo mayelana nale ndawo yokudoba

2. I Bhayoloji kanye nokuhluka kwengcebo

I West coast rock lobster (*Jasus lalandii*) aakhula kancane, ahlale isikhathi eside. Azebesifazane ayahlukana asuka kumamilimitha awu 57 carapace ngobude kuya ku 66 amamilimitha . Wona awesilisa makhulu futhi akhula kakhulu kunawesifazane. Ubude kugcina ku 75 mm CL ibhekwe kulabo abasebhizinisini lokudoba, awesilisa enza ukubanjwa okusuka ku 90 kuya ku 99 yamaphesenti.

I West Coast ivela ngaphansi kuka mamitha awu 200m ngobude eningizimu yase Walvis Bay eNamibia kuya e East London. Ukuhlukumezeka kuvela kusukela kwi 25°S eNamibia kuya eGansbaai ngasogwini lwase Kapa. Kodwa ukudoba kuqhubeka kuze kuye e Mossel Bay.

3. Okuphatelene nokudoba

Okwamanje etholakala I biomass ilinganiselwa kumaphesenti awu 8 kanti I spawning biomass lilinganiselwa kumaphesenti awu 21. Lokhu kwehluka kwenziwa izinto ezimbili: Okukhulu ukubanjwa okungadingekile ikakhulu ngezikhathi zohafu we20th century kanti nokuncipha ekukhuleni kwe somatic ngo 1990.

Umsebenzi wokudoba ukudayisa kwaqala ngo 1880. Ikhulile nge 20th century. Yize ukudoba ungakashayi u 1940 ayemancane, kodwa ukubamba kunyukile ngeminyaka yo 1950 kuya ku 1965, ngesikhathi amathani awu 13 000 no 16 000 ayetholakala ngonyaka

Ngaphambi kuka 1946, ukudoba kwakungenamthetho. Kulowo nyaka i tail-mass production quota yashicilelwa ukubheka laba abadayisa ngaphandle. Lena yenza "ukunakekela okuphumayo" esasetshenziswa namanje kwi west coast rock lobster.

Kusukela ngo 1946, amakwata onyaka akhishwa, esukela ekutheni yenze kanjani kusosikhathi sonyaka. Kwaze kwaba ama 1960's, amakwatasi ayenesandla ekubuseni yonke into ebanjiwe.. Ngo 1967/68 ngesikhathi sokudoba, okubanjwe kwancipha kwenja amakwatasi angakwazi ukugcwaliseka Ekwehlikeni kwe Total Allowable Catch ("TAC") phakathi kuka mathani awu 4 000 no 6 000 enza kwaba nebhala ngeminyaka ka 1970/71 kuya ku 1989/90.

I tail-mass production quota yangenelwa I whole lobster (landed mass) quota, ibe igadwa I TAC eyaqala ngo 1980. Ama Area noma ama zonal allocations aqiswa ngesikhathi esisodwa.. Uma ubambe a berried noma ama soft-shelled lobsters avalwa. Ngo 1990/91 okwakubanjwa kwehluka, nageminyaka elandelayo, i the commercial TAC ancipha, yaba namathani awu 1 500 ngesikhathi sika 1995/96. Kusukela lapha iza kancane kancane, lapho commercial TAC ibekwe ku 3 527 yamathani kunyaka ka 2004/2005.

Ngaphambi kokuthi kuqale ukubanjwa kwa lobster ngo 1960, ibhizinisi lokudoba lalithembele kwi hand-hauled, hoopnets, alula asuke kubelula ukuphuma ezikepheni.. Ama Hoopnets ajwayele ukusetshenziswa ezizibeni ezingangamamitha awu 30. Hoopnet dinghies ayakwazi ukuzisebenzela ngosogwini uma usebenzisa I outboard motor noma ama oars, noma usebenzise i motorized mother vessel (deckboat).

I west coast rock lobster fishery yenziwe izinto ezimbili: I commercial fishery kanye ne recreational fishery. Labo abasebenzisa I Recreational basebenzisa kuphela amahoopnets ngasesikepheni noma ngasogwini, noma ekudambeni. Labo abakwi Recreational abawadayisi lokho abakubambile.

I WCRL (offshore) fishery ivumelekile ukubamba amarock lobster . Emalungeni e In the medium-term , labo amalungu anamalungelo babenikezwe amathani angaphezu kuka 2.

Amalungu e WCRL (offshore) fishery basebenzisa amaveseli amakhulu ngaphezu kwalaba ababangasogwini WCRL (eduze), bona okumele benze ngama hoopnets emanzini angashoni water. I WCRL (offshore) fishery iqasha abantu abaningi.

I WCRL (eduze nolwandle) fishery yakhipha I subsistence ngo 2001 ukuhambisana nezimvo ze independent review of subsistence fishing e South Africa. Isibuyekezo sasho ukuthi kumele kubukwe I west coast rock lobster, traditional linefish kanye ne abalone kumele yeziwe ibhizinisi. Lokhu sekwenze abantu babe nemvume yokudayisa lokho abakubambile.

Alinganiselwa kumaphesenti awu 20 okudayiswa kwe west coast rock lobster TAC kwabangasogwini kanye namaphesenti awu 80 kulabo abasolwandlekwi offshore fishery. Isizathu saloluqhekeko ukuthi izinto eziningi zitholakala e inshore, kanti u 80 phesenti utholakala emanzini ajulile.

I offshore fishery inakekela abantu abawu 5 500 yabasebenzi ,abawu 95 phesenti abantu abamnyama. Abangaphezu kuka 2 500 bahamba olwandle, abanye beqashelwe okuthengiseni emhlabeni..I West coast rock lobster fishing ithatha phakathi kuka November kanye no July kanti imali yonyaka ingu R26 500. Imali etholakala kuma west coast rock lobster icatshangelwa ku R200 million. Inani lamaveseli kule fishery angu R130 million.

I west coast rock lobster fishery ibisalokhu iphethwe kahle kusukela ngo 1997, futhi ilokhu inyuka kancane kancane ngenani lokubamba. Ngo 2003, uNgqongqoshe ukhiphe inani lokubamba endaweni yasempumalanga ye Kapa Hanglip. Umnyango usalokhu uqhubeka unakekela ngokucophelela.

4. Amalungelo awesikhashana kanye nendlela elandelwayo

Ngesikhathi kukhishwa amalungelo okudoba esikhathi esijana, kwakhishwa angu 234 ukudoba I west coast rock lobster. Kwaphinde kwangezwa angu 511 awesikhashana amalungelo okudoba kulabo abesebadala ekudobeni. Kulawo amalungu anikezwa ,amaphesenti awu 66 anikezwa abantu abamnyama. Abantu abamnyama abasezikhundleni eziphezulu okudoba bangamaphesenti awu 34 kuphela.

Kumalungelo a limited bangamaphesenti angu 91.5 anikezwa ezinkampanini ezincane eziphethwe abantu abamnyama.

Ngo 2003, kwakhishwa amathani angu 230 e west coast rock lobster kubantu abangu 274 abanamalungelo okudayisa ama lobster e Cape Hanglip. Babengaphezu kuka 90 phesenti anikezwa abantu abamnyama.

Ngo 1992, abangu 39 kwakungabelungu ababenamalungelo kwi west coast rock lobster TAC. Ekugcineni kuka 2003, kwase kukhishwe amalungelo angu 1 019 okudayisa ilobster. Kulawa amaningi anikezwa ababengama former subsistence fishers. Ukunakekela inamba enkulu yabantu abanamalungelo ngo 2002 amalungu athola amathani angu 6.8 uma uqhathanisa namathani angu 56 ngo 1992. Ngo-1992, ukwabiwa okuphakeme kwakungamathani angu-1—kanti ngo-2002, ukwabiwa okuphakeme kwakungamathani angu-95.6.

Ngemva kokunikezwa kwezimvume zesikhathi esijana, amaphesenti angu-66 abanikazi bezimvume kule ndawo yokudoba kwakungabantu abamnyama. Amaphesenti angu-34 ayephethwe abantu abamnyama. Laba banikazi bamalungelo sebebonke babelawula amaphesenti angu-60 e-TAC. Ngaphezu kwalokho, amabhizinisi amancane naphakathi ayakha amaphesenti angu-90 abanikazi bezimvume.

5. Izizathu ze Over-Archiving

Izizathu zokunikezwa amalungelo zokudoba yilawa:

- Ukulondoloza izinguquko kule ndawo yokudoba nasezicini eziithile, njengokuphathwa kwabanikazi bezimvume, ukuthuthukisa le mboni.
- Ukugqugquzela uku investa kuma veseli (ukusebenzisa amasha nokushintsha amadala), inqalasizinda kanye nemisebenzi eminingi;
- Ukufukamalisa ingcebo kanye
- Ukwenza ukudoba kuhambisane nemvelo

6. Ubude bamalungelo

Kumele kubukwe lokhu –

- Ukuvumbulula kwendaba yokudoba kanye
- Abantu abaqashwe ngokwaneleyo (kanti nokuqhubezela ukushintshwa kwemisebenzi emincane kuya kwepheleleyo
- Isidingo sokunyusa amalungelo abantu akhona ekudobeni

- Nokuthi I west coast rock lobster resource iphethwe kahle futhi ithembekile ngezinamba zayo,

Kuzokhishwa amalungelo esikhathini esiyiminyaka ewu 10 (kusukela mhlaka 15 November 2005 kuya ku-31 July 2015). UMnyango uyovivinya njalo abanikazi bamalungelo ngendinganiso ethile ebekiwe. (**buka iparagraph 13 ngaphansi**).

7. Abantu abasebasha

Yize I west coast rock lobster fishery inabantu abaningi asikho isikhala sabantu abangangeniswa, abasha bangathathwa ngaphezu kwalabo asebevele bekhona abangaphumelelanga ukushintsha njenge kwezicelo ze medium-term . Ngaphezu kwalokho labo abangawasebenzisanga amalungelo , noma bengawenzanga abasebenzele ngeka banikezwe wona, ngakho bazongenelwa yilabo abasha.

8. Izindlela zokukhetha

Abafuna ukungenala bazovivinywa kusetshenziswe I "*exclusionary criteria*". Amalungu amasha kanye namadala bazovivinywa ngokuhlukile kusetshenziswe I "*comparative balancing criteria*". Kuyobukwa lezindlela ezimbili bese kukhethwa abaphumeleleyo. Ingxenye ye TAE izonikezwa labo abaphumelele ngokwe "*quantum criteria*".

8.1 I *Exclusionary criteria*

Ngaphandle kwalendlela echazwe kuMqulu Ojwalekile emayelana nokufaka izicelo , isikhulu esiphathisiwe siyowakhipha lawo amalungu angazenzi lezi izinto :

- (a) **Uhlobo lomceli:** licelo eziyobheka ilezo eziphuma ezinkampanini ngokomthetho we Close Corporations Act 69 ka 1984 kanye ne Companies Act 61 of 1973. Abantu (okungukuthi abantu ngabanye noma osomabhezini abazimele) ngeke banikwe amalungelo. Labo abanamalungelo manje kufanele bafake isicelo beyi-*close corporation* noma inkampani futhi bayobhekwa njengabafake izicelo zamalungelo esikhathi esijana uma behambisana neziqondiso eziseMqulwini Ovamile
- (b) **Ukwethembeka:** : Uma inkampani efake isicelo, noma amalungu ayo noma abanamasheya abalawulayo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphantelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi

esijana ngeke banikwe izimvume zokudoba i-WCRL (offshore). Lokhu akuhlanganisi ukukhokhwa kwenhlawulo yokuvuma icala. Lowo ofaka isicelo ngeke ayithole imvume uma leyo nkampani noma amalungu ayo noma abaphathi beye baphucwa amalungelo okudoba ngaphansi komthetho we-MLRA, noma kwathathwa izinto ngaphansi koMthetho Wokuvimbela Ubugebengu Obuhleliwe 121 Ka 1998 noma we-MLRA.

Izinqumo zingase zigodlwe ezicelweni uma inkampani efake isicelo (noma amalungu ayo, abaphathi noma abanamashoya abalawulayo) isaphenywa ngokwephula umthetho we-MLRA.

Abanamalungelo kudingeka bakhokhe imali yezindawo abafuna ukudoba kuzo. Labo abanamalungelo abaye babika izinhlanzi ezincane abazibambile ukuze babalekele ukukhokha ngeke bafakwe. Abanamalungelo abangakakhokhi bayojeziswa ngenqubo yokulinganisa ebekwe ngezansi. Nokho uma labo abafake isicelo bewathola amalungelo, ngeke banikwe incwadi yemvume yokudoba kuze kube yilapho sebkhokhe izimali ezisele eMhyangweni.

- (c) **Paper quotas:** Paper quotas, njengoba lchazwa kuMgomo Ojwayelekile nakho ngeke kuthathwe.
- (d) **Ukubanesandla ekutholeni i veseli efaneleyo:** Abaceli komele bakhombise ukuba nemvume yokuba neveseli efaneleyo (*buka ku paragraph 9 ngaphansi*)
- (e) **Ukungasetshenziswa:** Isikhulu esiphathisiwe singase senqabe ukuphinda sikiphe amalungelo uma laba ababenamalungelo okudoba isikhathi esijana bengakwazanga ukuwasebenzisa amalungelo abo phakathi kuka- 2002 kanye no 2004.

8.2 Ukubhalansisa

Abafake izicelo zamalungelo nabanye abangase bangene bazovivinywa ngale nqubo yokulinganisa, ezosetshenziswa ukuze kubonakale ukuthi isicelo ngasinye sinesisindo kangakanani. Le ndinganiso engezansi kumelwe ifundwe kanye nendinganiso ehambisana nayo eMqulwini Ojwayelekile ukuze kutholakale olunye ulwazi. Lokhu kusebenza kakhulu *kweyezinguquko*.

(a) Ukuvumbulula

Enye yezinhloso zokukhipha lamalungelo esikhathi eside kangaka ukugcina izinga loshintsho lwamanje nokuthuthukisa ezicini ezithile. Ngakho ke bazo asesa laba abafuna ukungena ngalokhu—

- Kuzobukwa amaphesenti abantu abamnyama nabesifazane abaphethe kanye nabahola kakhulu nabayizikhulu ;
- Ukuthi abasebenzi (ngaphandle kwalaba abahola kakhulu) banawo amasheya ;
- I Affirmative procurement;
- Ukulandela umthetho we Employment Equity Act 55 of 1998 nokumeleleka kwabantu abamnyama nabesifazane emazingeni ahlukehlukene emisebenzi. Isikhulu esiphathisiwe singase sibheke nomehluko okhona phakathi kwabahola kakhulu nabahola kancane;
- Ukuhambisana nomthetho wokuthuthukisa amakhono ezisebenzi nemali esetshenziselwa ukuqeqesha abamnyama nokuhlanganyela ekufundeni;
- Uku investa emphakathini.

(b) Uku investa ekudobeni

Abafaka izicelo bayobukwa ngokuthi kunakwe uku investa.

Labo abanamalungelo , isikhulu esiphathisiwe sizobuka lokhu:

- Uku investa kuma veseli afaneleyo neminye imishini. Kumaveseli, uku investa ngokuthi ube namasheya nakho futhi kungase kuklonyeliswe. Amalungu ngeke aze aklomele ngokwenza izivumelwano zokuthenga amaveseli.
- Uku investa ezindleleni zokumaketha iziqala zizinda. Isikhulu esiphathisiwe siyobaklomelisa labo abathathe iqhaza ekumaketheni ama-west coast rock lobster .

Kulabo abasha, isikhulu esiphathisiwe siyocabangela ukutshalwa kwezimali kwezinye izimboni ngezikebhe nemishini nokuthengisa

(c) Ukwenza kokudoba

Amalungu ayobukwa kwe west coast rock lobster fishery esikhathini esifushane.

Bonke abasha kuyodingeka babonise ukuthi bayokwazi yini ukwenza , ulwazi, kanye nobuchule kwi west coast rock lobster.

(d) Ukuthuthukisa umnotho

Kufanele kuthuthukiswe ukutshalwa kwezimali emadolobhaneni amancane angasogwini amaningana. Isikhulu esiphathisiwe singase siklomelise labo abafake izicelo abaye batshala izimali emadolobheni amancane angasogwini angaphandle kwamadolobha amakhulu asePort Elizabeth naseKapa, ikakhulu oGwini OluseNtshonalanga. Abanikazi bamalungelo okudoba i-*west coast rock lobster* abatshale izimali emadolobheni amakhulu eKapa nasePort Elizabeth ngeke basolwe.

(e) Ukwenezela Isisindo Nokuthuthukisa Le Mboni

Isikhulu esiphathisiwe singase sibheke ukuthuthukiswa kwemboni nekhono labanikazi bamalungelo lokwenezela isisindo kwi-WCRL. Abaqalayo ukufaka izicelo kuyodingeka bakhombise ukuthi bazimisele ukusenezela kanjani isisindo kwi-WCRL.

(e) Imisebenzi

Ukuvula amathuba emisebenzi nokwandisa imisebenzi ngenxa yokukhishwa kwezimvume zokudoba zesikhathi esijana kungase kubhekwe, futhi ikakhulu, labo abafake izicelo abaye banikeza izisebenzi zabo lokhu—

-Ukuqashwa ngokuphelele

- I Medical aid kanye nempesheni;
- Ukusebenza ngokuphepha

Kuyohlolwa imisebenzi eyakhiwe ngethani ngalinye lenhlanzi elivezwe ukukhishwa kwamalungelo okudoba isikhathi esijana

(f) Ukuthembela kwi west coast rock lobster

Isikhulu esiphathisiwe siyothatha labo Bantu abathembela kwi west coast rock lobster ukuze bathole ingxenye enkulu yenzuzo yabo yaminyaka yonke.

(g) Ukungakhokha kwenhlawulo

Abafake izicelo zamalungelo bayohlawuliswa uma izimali abazikhokha eMnyangweni zisalele emuva ngaphezu kwezinsuku ezingu-60 kusukela bafaka isicelo

(h) Ukwethembeka

Uma inkampani efake izicelo, amalungu ayo noma abaphathi bayo noma abanamasheya abalawulayo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphaathelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana, noma bakhokha inhlawulo yokuvuma icala ngokwephula umthetho we-MLRA, imibandela yezimvume, bayohlawuliswa.

8.3 I Quantum Criteria

Kule ndawo yokudoba, indlela yokunikeza i-quantum yiyo ezoba isihloko okuzoxoxwa ngaso nabafake izicelo uma sezenziwe izicelo kule mboni futhi sebetholakele nabaphumelele. Kuye ngokuthi inqubo yokuxoxisana ihambe kanjani, kuzosetshenziswa lezi zimiso ezintathu ekukhetheni i-quantum.

Okokuqala, ukunikezwa kwe-quantum kubafaki bezicelo zesikhathi esijana abaphumelele kuyobonwa ngokubheka i-quantum ephethwe abanikazi bamalungelo ngo-2005.

Okwesibili, isikhulu esiphathisiwe kumelwe sizame ukuphinde sisakaze okungenani amaphesenti angu-10 e-TAC emabhizinisini amancane kanye nabanikazi bamalungelo abanezindawo ezincane, uma la mabhizinisi eguqulwa ngokwanele futhi ephathwa kahle phakathi nelungelo lokudoba isikhathi esijana.

Okwesithathu, ngaphezu kwalezi zimiso ezingenhla ezimbili, isikhulu esiphathisiwe kuyofanele sinikeze i-quantum ngokusekelwe endinganisweni ehloselwe ukufinyelela imigomo yale nqubo, njengenguquko nokusebenza. Lezi zindinganiso kumelwe zihlelwe ngendlela ezoqinisekisa ukuthi bonke abazicelo zabo ziphumelele bayakwazi ukuphumelela uma behlangabezana nale ndingeko, kungakhathaliseki ukuthi bebabelwe okungakanani ekuqaleni.

9. Amaveseli afanele

Iveseli efanele kwi west coast rock lobster fishery iyiveseli enalokhu:

- Enobude obubhaliswe kwi-SAMSA obulinganiselwa kumamitha angu 30 kanti okungenani ubude obungamamitha alinganiselwa kwangu-8;
- eneveseli ene monitoring system;
- yenziwe ukuthi ikwazi ukucupha noma ibe ihoop net fishing; kanye
- ingasebenzi kwezinye izindawo zokudoba.

10. Ukuzibandakanya kokunye

Amalungu e WCRL (offshore) abanegeke babe namalungelo ku Cluster A kanye no Cluster B fisheries. Lawo malungu abakwi WCRL (offshore) fishery, abahlanganisa labo abanasheya ezikhundleni eziphezulu (noma amalungu uma kuyi-close corporation) ngeke bavunyelwe ukuba namalungelo ku Cluster C, okuhlanganisa nalabo abakwi WCRL (nearshore) fishery, kanye no Cluster D fisheries nezindawo zokudoba izinhlanzi ezivamile.

11. Izimali zokungena

Imali yokungenela kwi WCRL (offshore) fishery izobika lokhu:

- Ukubiza kwamalungelo kuhlangene ne consultation, ukuthola, ukucunungula, ama appeals kanye nokubukezwa;
- Nokubaluleka kwafishi onikezelwe ngesikhathi uthola ilungelo.

Lezizimali kumele zikhokhwe ngo 1 January 2006 zophinde zibukezwe ngemva kokuxoxisana nabanikazi bamalungelo. Izimali ezikhokhwayo ziyosetshenziswa uMnyango ukuze unciphise izindleko zaminyaka yonke zokuphatha, ukuhambisana nohlelo nocwaningo.

12. Ukukalwa kokuphatha

Ukukalwa kokuphatha kucaciswa lapha ngaphansi umnyango

12.1 Indlela ye ecosystem ekuphatheni

Le fishery izophathwa ngokulandela i ecosystem approach to fisheries ("EAF"). I

ecosystem approach ku fisheries ibuka yonke into kanye nomgomo olandela ukuthi kwi marine. Lomgomo we WCRL (offshore) fishing policy awuzami umgomo we EAF. I EAF kwi WCRL izochazwa kakhulu kwi WCRL (Offshore) Fishery Management Manual. I South Africa ihleli izimisele ukusebenzisa I EAF nomnyaka ka 2010.

12.2 Ukuhlanganiswa kwamalungu

Ngemva kweminyaka ewu 10 yamalungelo okudoba kwi tuna pole fishery umnyango uzosiza ngokuthi uhlanganise wonke amalungu asebenzayo, ikakhulu lapho

- Amalungu asehhovisini elilodwa noma anamasheya noma
- Izinkampani ezincane behlanganisa amabhizinisi abo.

Ukuhlanganiswa kwamalungu kudinga imvume emnyangweni kuma monopolies (buka I paragraph 12.4 ngaphansi)

12.3 Amaveseli kanye nokuzama ukudoba

Njengo amalungu amaningi engenawo amaveseli, umnyango afuna ukuthi abenamaveseli emva kokwabela amalungelo. Umnyango ubuka ukungenisa amanye amaveseli. Amalungu ngeke avunyelwe ukukhipha amaveseli angaphezu kwalokho lukhishiwe.

12.4 I Monopolisation

Lapho umnyango uzama ukuhlanganisa amalungu, futhi ayifuni monopolies izokwenza kube nalungelo amancane.

Umnyango ngeke unyuse I TAC, kodwa izobukisisa ukuthi kuhambisana neminqumo.

13 Ukukalwa kokusebenza

Umnyango uzokwenza izinto eziningi eziyosetshenziswa ukukala umsenbenzi ngesikhathi usanamalungelo. Isikalo sokuqala siyokwenzeka kokuphela konyaka wokuqala emva kwalokho emva kweminyaka emithathu.

Yise umnyango uyokhipha isinqumo sokugcina ukuthi imaphi amalungu ayofunwa nazi izinto eziyolandelwa:

- I transformation;
- Uku investa kuma veseli kanye nezingubo
- Ubuchule ekudobeni;

- Ukuthobela imithetho ebhaliweyo

Inhloso yokukala izinga eliyilo iyoba ukuqinisekisa ukuthi imigomo yendawo yokudoba iyafinyelelwa nokuthi izindlela nezinqubo zokuphatha zihlala ziyilungele indawo yokudoba

14. Uhlelo lokubuka

Umnyango uphinde futhi ubuke ukuthi uyawuthobela yini umthetho. Ngaphezu kwalokho umnyango uzobe uqhubeka unyusa uhlelo lwe fishery. Amalungu ayoziwonela ezindlekweni zohlelo lokubuka.

15. Ukuvunyelwa ukudoba

Izimvume zikhishwa njalo ngonyaka. Izimo zezimvume ziyonqunywa ngemva kokubonisana nabanikazi bezimvume futhi ziyobukezwa uma kudingeka.

SCHEDULE C

SPECIMEN MEDIUM TERM RIGHT HOLDER APPLICATION FORMS

APPLICATION NUMBER: SCDM

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Demersal Shark

Long Term Rights Allocation Process: 2005

Cluster B

Application Form For: Medium Term Right Holders

Registered Name of Applicant

Company Registration Number

or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

IMPORTANT INFORMATION

INSTRUCTIONS

GENERAL

- 1) This application form must be read together with these **Instructions**, the **Explanatory Notes**, and the **Schedules** to the application form.
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) If the applicant has any queries regarding the completion of the application form, it must submit the query by e-mail to clusterb@deat.gov.za. All queries and responses will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za.

During the application period, applicants or their representatives may not communicate with the Minister, the delegated authority, or officials in the Department regarding their applications in any other manner. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) Applicants must pay attention to the icons in the application form in order to determine whether:
 - the information provided will be treated as confidential;
 - there is any documentation or information required in response to a question in the form of an annexure; or
 - there are consequences in not answering a question.

- 5) The application form makes use of the following icons:



The books icon means that the information provided will be treated as confidential.



The clipboard icon means that the applicant must consult the corresponding schedule to the application form. Applicants are instructed in the schedules regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be adversely affected. Failure to submit certain requested documents or information may result in the application being refused.



The warning icon means that if the applicant fails to answer the question, the answer will be deemed to be adverse to the applicant.

COMPLETION OF APPLICATION FORM

- 6) The applicant must complete all sections of the application form. If any particular section does not apply to the applicant, the section may be marked "N/A." If an applicant cannot answer a section, it may be marked "Unknown." The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically required to do so.
- 7) This application form must be completed by hand and submitted together with the required annexures. If the application is submitted in any other form, the application will be refused. Do not use a pencil. Preferably use a blue pen.
- 8) The declaration must be signed and attested before a Commissioner of Oaths by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.
- 9) The application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under sections marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed after the annexures.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) One true copy of the application must be made. This copy must be punched, divided and filed in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 11) The application, and the copy of the application must be hand delivered **Thursday 18 August 2005** between **08h00** and **20h00**, or **Friday 19 August 2005** between **08h00** and **17h00** at one of the places and venues listed below.

Place	Venue
Port Nolloth	City Hall, Main Road, Port Nolloth
Lamberts Bay	Community Hall, Burrel Street, Lamberts Bay
Saldanha Bay	Tabakbaai Holiday Resort Hall, Saldanha Bay Municipality
Cape Town	Woodstock Town Hall, between Aberdeen and Plein Streets, Woodstock
Hermanus	Zwelihle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Mayixhale Street, Kwa-Nonqaba Location, Mossel Bay
Port Elizabeth	Helenvale Resource Centre, Baatjies Street, Helenvale
East London	Cosmics View Hall, Buffalo Park Drive, East London
Port St Johns	Community Hall, 257 Main Street, Port St Johns
Durban	KZN Wildlife Offices, 3 Elton Place, Congella, Durban

- 12) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates, at one of the above places and venues will be refused.

IMPROPER LODGEMENT

- 13) Improperly lodged applications will be refused. An application is improperly lodged if:

- it is received late;
- the applicant makes no payment, or short payment, or late payment of the application fee; or
- the application is lodged in a manner contrary to the instructions.

MATERIAL DEFECTS

- 14) Applications that are materially defective will be refused. An application is materially defective if:

- the declaration is not signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s);
- more than one application is received for a right in the same sector; or
- the applicant or, if applicable, one or more of the, the holding entity, sister company(ies) and the joint venture partner(s) provide false information or documents, fail to disclose material information or attempt to influence the Minister or the delegated authority other than in the manner provided for in the General policy and in this application form.

Section 1**Applicant Details**

1. The applicant must supply a profile of its organisation in the manner set out in Schedule 1A. ☒

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered?

☐ Yes ☐ No

1.8 If "Yes", complete only those details that have changed:

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant currently hold a medium term fishing right in this sector?

☐ Yes ☐ No



2.2 If "Yes", to which entity or person was the medium term fishing right allocated in 2001/2002?

☒ Company	☐	Name	
☐ Close Corporation	☐	Name	
☐ Trust	☐	Name	
☐ Individual	☐	Name	

2.3 In what form of entity is the medium term fishing right currently held?

☐ Company	☐	Name	
☐ Close Corporation	☐	Name	
☐ Trust	☐	Name	
☐ Individual	☐	Name	

2.4 Is the applicant more than 50% South African owned?

☐ Yes ☐ No



2.5 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



2.6 Complete the following table in relation to total asset value and turnover:

Year	Turnover	Gross Asset Value (excluding fixed property)
2004 (Financial Year End)		

2.7 Does the applicant hold any share(s) in any other company that is applying as a medium term right holder in this sector?

☐ Yes ☐ No



2.8 Does the applicant hold any share(s) in any company that is applying as a new entrant in this sector?

☐ Yes ☐ No

**Section 3****Compliance**

3.1 Has the applicant, or any of its members, shareholders or directors:

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions or other fishing related offences during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions or other fishery related offences during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



Section 3

Compliance

3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has a fishing vessel, motor vehicle, or any other assets of the applicant, or any of its shareholders, members or directors been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was the applicant's right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



Section 4

Vessel Details

4.1 How many vessels has the applicant nominated for use in this fishery?

4.2 Fill in the relevant details in the tables below regarding each vessel nominated:



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 5

Catch Utilisation

5.1 Complete the following in relation to the applicant's catch records.

Year	Number of Vessels Allocated	Total Actual Catch (in metric tons)	Number of Fishing Days
2002			
2003			
2004			
2005			

Section 6

Transformation

Management and Employment Equity

6.1 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 at the date of application?

☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act, 55 of 1998?

☐ Yes ☐ No

6.2.2 If "No" to section 6.1, has the applicant voluntarily complied with the Employment Equity Act, 55 of 1998?

☐ Yes ☐ No

Section 6

Transformation

Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at date of application.



	Director / Member Name (Initial & Surname)	Years of Service	Black (Y/N)	Gender (M/F)	ID Number
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Section 6**Transformation****Management and Employment Equity**

6.3.2 Complete the table below in respect of employees at date of application.



Between 1 - 5 Employees	The Top Salary Earner (Total Cost to Company)
Between 6 - 30 Employees	The Top Two Salary Earners (Total Cost To Company)
Between 31 - 60 Employees	The Top 3 Salary Earners (Total Cost to Company)
Between 61 - 165 Employees	The Top 4 Salary (Total Cost to Company) Earners
More than 165 Employees	The Top 3% of Salary Earners (Total Cost to Company) up to 90 Employees

	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
70							
71							
72							
73							
74							
75							
76							
77							
78							
79							
80							
81							
82							
83							
84							
85							
86							
87							
88							
89							
90							

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at date of application:

	Gross Salary/ Wages (Total Cost to Company)	Number of Employees	Percentage of Total Employees	Number of Black Employees	Percentage of Total Black Employees	Number of Female Employees
1	<R2 500					
2	Between R2 500 and R5 500					
3	Between R5 501 and R10 500					
4	Between R10 501 and R16 000					
5	Between R16 001 and R20 000					
6	Between R20 001 and R25 000					
7	Between R25 001 and R30 000					
8	Between R30 001 and R40 000					
9	Between R40 001 and R60 000					
10	>R60 000					
	Total		100%		100%	

6.4.2 Does the applicant contribute towards medical aid and pension for its employees?

☐ Yes ☐ No

6.4.3 Does the applicant provide any other type of benefits for its employees?

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's most recent employment equity profile provided to the Department of Labour. If the applicant is not designated or did not voluntarily comply then the table must be completed as at date of application.

Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management / Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making and unskilled and undefined decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers, Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African, Coloured and Indian

Section 6**Transformation****Management and Employment Equity**

6.6. Complete the tables below in relation to employment equity figures for **Senior Officials and Managers and Professionals** submitted in the 2001 application form. ☒

Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top and Senior Management / Senior Officials and Managers (as per 2001 application form)	Male										
	Female										
Professionally qualified and experienced specialists and mid-management / Professionals 2001 (as per 2001 application form)	Male										
	Female										

Section 6**Transformation****Ownership - Companies Only**

6.7 Is the applicant a company? ☐ Yes ☐ No

6.7.1 If "Yes", complete the table below in respect of shareholding held by black persons: ☒

Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2001 (as stated in 2001 application form)			
2005 (at date of application)			

6.7.2 Complete the following table in relation to shareholding held by women:

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2005 (at date of application)			

6.7.3 Did any of the applicant's employees not listed in Section 6.3.2 hold shares in the applicant in 2004? ☐ Yes ☐ No ☒

6.7.4 If "Yes", what is the percentage shareholding held by or for these employees?

6.7.5 Complete the following table in relation to monies paid to shareholders: ☒

Year	Salaries Paid to Shareholders holding more than 10%	Loans Made to Shareholders holding more than 10%	Dividends Paid to Shareholders holding more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Companies Only**

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of the 2004 allocation in this fishery performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable. ☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2004 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.7.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005? ☐ Yes ☐ No

6.7.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation? ☐ Yes ☐ No

6.8.1 If "Yes", complete the table below in respect of members interest held by black persons:

Year	Percentage Interest Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage Profit Distribution Black Persons are Entitled To
2001 (as stated in 2001 application form)			
2005 (as at date of application)			

6.8.2 Complete the table below in relation to members interest held by women:

Year	Percentage Interest Held by Women	Percentage Voting Rights Held by Women	Percentage Profit Distribution Women are Entitled To
2005 (as at date of application)			

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004? ☐ Yes ☐ No

6.8.4 If "Yes", what percentage of profit were employees not listed under question 6.3.2 entitled to?

6.8.5 Complete the following table in relation to monies paid to members:

Year	Salaries Paid to Members that hold more than 10%	Loans Made to Members that hold more than 10%	Profit Distributed to Members that hold more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Close Corporations Only**

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable.

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity	Rand Amount as a Percentage of the Applicant's Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.8.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005 ?

☐ Yes ☐ No

6.8.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001?

☐ Fully ☐ Somewhat/Partially ☐ Not at all

6.10 Complete the following table in relation to the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period?

☐ Yes ☐ No

6.12 If "Yes," indicate the number of learnerships as a percentage of the applicant's permanent employees as at date of application.

6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SMME Support Strategy?

☐ Yes ☐ No

6.14.1 How many skippers are used by the applicant?

6.14.2 What percentage of these skippers are black?

Section 6**Transformation
Corporate Social Investment**

6.15 Does the applicant make donations of its annual taxable income which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962 ?

☐ Yes ☐ No



6.16 If "Yes", indicate what percentage of net profit (earnings before tax) earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.17 Indicate the five largest tax deductible donations made per in 2004 in the table below.

Benefitting Organisation	Rand Value of Amount Donated

6.18 Does the applicant make any other donations (in addition to those which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962, but not including school fees)?

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.20 If other donations were made, indicate the five largest such donations made in 2004 in the table below:

Benefitting Organisation	Rand Value of Amount Donated

Section 6**Transformation
Affirmative Procurement**

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



Section 6**Transformation****Affirmative Procurement**

6.22 Provide the following information in relation to the applicant's top nine South African suppliers (operational expenditure) in 2004:



Name of Supplier	Percentage of Black Ownership of Supplier	Amount Paid to Supplier in Rands in 2004	Percentage of Total Expenses

6.23 Has the applicant determined its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No

**Section 7****Vessel, Crew and Environmental Safety****Contraventions**

7.1 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty under section 324 of the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.2 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty for contravening the Maritime Occupational Safety Regulations of 1994?

☐ Yes ☐ No



7.3 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of a penalty for contravening the Crew Accommodation Regulations, 1961?

☐ Yes ☐ No

**Crew Safety and Working Conditions**

7.4 Has the applicant, during the medium term right period, reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



Section 7**Vessel, Crew and Environmental Safety
Crew Safety and Working Conditions**

- 7.5 Has a qualified safety officer been appointed for each nominated vessel of more than 25 gross tons with a crew of 6 or more in terms of section 36 of the Maritime Occupational Safety Regulations? ☐ Yes ☐ No ☒
- 7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act 57 of 1951? ☐ Yes ☐ No ☒
- 7.7 Does the applicant or vessel owner provide insurance or other financial security in respect of loss of life and personal injury suffered by crew? ☐ Yes ☐ No ☒
- 7.8 Has a formal safety assessment been conducted in respect of each nominated vessel in terms of Marine Notice No 26 of 2004? ☐ Yes ☐ No ☒
- 7.9 Has the applicant or the vessel owner registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993? ☐ Yes ☐ No ☒
- 7.10 Does the applicant have an HIV/AIDS policy? ☐ Yes ☐ No ☒
- 7.11 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981? ☐ Yes ☐ No ☒
- 7.12 Does the applicant or vessel owner have an alcohol and substance abuse policy in place? ☐ Yes ☐ No ☒
- 7.13 Does the applicant or vessel owner have a plan dealing with garbage for each nominated vessel? ☐ Yes ☐ No ☒

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation. ☒

Year	Permanent Employees (Land-Based)	Permanent Employees (Sea Based)	Seasonal Employees (Land Based)	Seasonal Employees (Sea Based)	Total Number of Employees (Columns 1- 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2005 (date of application)							

Section 8**Job Creation****8.1.2 Table 2**

Number of vessels allocated to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on salaries/wages per vessel allocated?

8.1.3 Table 3

Number of vessels allocated in this fishery in 2004	Total Employees (in relation to this fishery) (at date of application)	How many people does the applicant employ per vessel allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (at date of application)	How many people (less seasonal employees) does the applicant employ per vessel allocated?

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid at date of application	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at date of application
Applicant's five lowest annual salaries (total cost to company) paid at date of application	Average of lowest five salaries	

Section 9**Investment**

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets (in relation to this fishery)	Total Book Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Book Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets (in relation to this fishery)	Total Insured Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Insured Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2005 (at date of application)			

Section 9**Investment****9.1.3 Table 3**

Number of vessels allocated to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per vessel allocated to applicant	Book Value of Land-Based Assets per vessel allocated to applicant

9.1.4 Table 4

Number of vessels allocated to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per vessel allocated to applicant	Insured Value of Land-Based Assets per vessel allocated to applicant

9.1.5 A detailed explanation of all investment made in marketing activities must be included as an annexure. 

9.1.6 A detailed explanation of all investment made in processing activities must be included as an annexure. 

9.1.7 Has the applicant invested in on-board or land based processing facilities?

☐ Yes ☐ No

9.1.8 If yes, please complete the following table:

Number of vessels allocated to the applicant in 2004	Nominal Tons of Applicant's Allocation Processed On Board Vessel	Nominal Tons of Applicant's Allocation Processed on Land	Nominal Tons Processed on Behalf of other Right Holders On Board Vessel	Nominal Tons Processed on Behalf of other Right Holders on Land

Section 10**Local Economic Development**

10.1 Complete the following table in relation to harbours and landing sites used:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004 calendar year	Percentage of Total Catch Landed in 2004 calendar year
TOTAL		

Section 10**Local Economic Development**

10.2 At which harbours and landing sites will the applicant land its catches?

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours, landing sites or coastal towns?

☐ Yes ☐ No

**Section 11****Value Add and Enterprise Development**

11.1 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

**Section 12****Performance****Financial**

12.1 What is the applicant's total 2004 audited, verified or certified Annual Turnover?



12.2 Provide the following information in relation to the applicant's income statements:

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2004				

12.3 Provide the following information in relation to the applicant's balance sheet:

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2004				

12.4 Provide the following information in relation to the applicant's cash flow:

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2004			

Section 12**Performance****Financial**

12.5 Indicate the rand value and percentage of total turnover derived from this fishery:



Annual Catch Allocation (tons) to the Applicant in 2004	Turnover Generated in 2004 financial year by Annual Catch Allocation	Percentage of Total Turnover

12.6 Complete the following table for natural person shareholders or members (if close corporation) that hold 10% or more of the applicant's shareholding / membership interest:

Shareholder / Member Name	Percentage Shareholding / Interest	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

12.7 Complete the following table for the top three employees listed in Section 6.3.2:

Director / Manager Name	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

Section 13**Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No**Section 14****By-Catch and Environmentally Sustainable Practices****By-Catch**

14.1 Indicate the proportion of the applicant's annual catch that is made up of by-catch species:



Year	Annual By-Catch (in tons)	Annual Utilised By-Catch as a Percentage of Total Catch	Annual Unutilised By-Catch, Juvenile Species and Endangered Species as a Percentage of Total Catch
2004			

Environmentally Sustainable Practices

14.2 Has the applicant put in place any measures to reduce energy and fuel consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.3 Does the applicant intend to put in place any measures to reduce energy and fuel reduction consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.4 Has the applicant undertaken or sponsored any research in relation to environmentally sustainable practices?

☐ Yes ☐ No

Section 15

Fishing Levies

15.1 Please provide the following information in relation to levies in this fishery, paid since 2001:

Year	Species	Total Catch in Tons	Levies Paid
2001			
2001			
2001			
2001			
2001			
2002			
2002			
2002			
2002			
2002			
2003			
2003			
2003			
2003			
2003			
2004			
2004			
2004			
2004			
2004			

15.2 What was the date and amount of the applicant's most recent levy payment?

Date
yyyy/mm/dd

Amount

Section 16**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) The applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) The applicant accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Commissioner of Oaths	
Full Name	
Designation	
Physical Address	

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;

- (b) the information submitted with and in this Application concerning the holding entity is true and correct and complete.

- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;

- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;

- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;

- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Holding Entity Declaration

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Commissioner of Oaths	
Full Name	
Designation	
Physical Address	

Section 16

I, the undersigned, do hereby make oath and declare that:

Sister Company Declaration

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
 (b) the information submitted with and in this Application concerning the sister company is true and correct and complete.
 (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
 (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
 (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
 (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

I, the undersigned, do hereby make oath and declare that:

JV Partner Declaration

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
 (b) the information submitted with and in this Application concerning the JV partner is true and correct and complete.
 (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
 (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
 (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
 (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**Receipting Venue:** _____**Application Number:** _____**Departmental Stamp:**

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

RECEIPT**Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**Receipting Venue:** _____**Application Number:** _____**Departmental Stamp:**

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

APPLICATION NUMBER: HLLM

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Hake Longline

Long Term Rights Allocation Process: 2005

Cluster B

Application Form For: Medium Term Right Holders

Registered Name of Applicant

Company Registration Number
or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

IMPORTANT INFORMATION**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these **Instructions**, the **Explanatory Notes**, and the **Schedules** to the application form.
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) If the applicant has any queries regarding the completion of the application form, it must submit the query by e-mail to clusterb@deat.gov.za. All queries and responses will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za.

During the application period, applicants or their representatives may not communicate with the Minister, the delegated authority, or officials in the Department regarding their applications in any other manner. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) Applicants must pay attention to the icons in the application form in order to determine whether:
 - the information provided will be treated as confidential;
 - there is any documentation or information required in response to a question in the form of an annexure; or
 - there are consequences in not answering a question.

- 5) The application form makes use of the following icons:



The books icon means that the information provided will be treated as confidential.



The clipboard icon means that the applicant must consult the corresponding schedule to the application form. Applicants are instructed in the schedules regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be adversely affected. Failure to submit certain requested documents or information may result in the application being refused.



The warning icon means that if the applicant fails to answer the question, the answer will be deemed to be adverse to the applicant.

COMPLETION OF APPLICATION FORM

- 6) The applicant must complete all sections of the application form. If any particular section does not apply to the applicant, the section may be marked "N/A." If an applicant cannot answer a section, it may be marked "Unknown." The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically required to do so.
- 7) This application form must be completed by hand and submitted together with the required annexures. If the application is submitted in any other form, the application will be refused. Do not use a pencil. Preferably use a blue pen.
- 8) The declaration must be signed and attested before a Commissioner of Oaths by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.
- 9) The application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under sections marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed after the annexures.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) One true copy of the application must be made. This copy must be punched, divided and filed in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 11) The application, and the copy of the application must be hand delivered **Thursday 18 August 2005** between 08h00 and 20h00, or **Friday 19 August 2005** between 08h00 and 17h00 at one of the places and venues listed below.

Place	Venue
Port Nolloth	City Hall, Main Road, Port Nolloth
Lamberts Bay	Community Hall, Burrel Street, Lamberts Bay
Saldanha Bay	Tabakbaai Holiday Resort Hall, Saldanha Bay Municipality
Cape Town	Woodstock Town Hall, between Aberdeen and Plein Streets, Woodstock
Hermanus	Zwelihle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Mayixhale Street, Kwa-Nonqaba Location, Mossel Bay
Port Elizabeth	Helenvale Resource Centre, Baatjies Street, Helenvale
East London	Cosmics View Hall, Buffalo Park Drive, East London
Port St Johns	Community Hall, 257 Main Street, Port St Johns
Durban	KZN Wildlife Offices, 3 Elton Place, Congella, Durban

- 12) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates, at one of the above places and venues will be refused.

IMPROPER LODGEMENT

- 13) Improperly lodged applications will be refused. An application is improperly lodged if:

- it is received late;
- the applicant makes no payment, or short payment, or late payment of the application fee; or
- the application is lodged in a manner contrary to the instructions.

MATERIAL DEFECTS

- 14) Applications that are materially defective will be refused. An application is materially defective if:

- the declaration is not signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s);
- more than one application is received for a right in the same sector; or
- the applicant or, if applicable, one or more of the, the holding entity, sister company(ies) and the joint venture partner(s) provide false information or documents, fail to disclose material information or attempt to influence the Minister or the delegated authority other than in the manner provided for in the General policy and in this application form.

Section 1**Applicant Details**

1. The applicant must supply a profile of its organisation in the manner set out in Schedule 1A. ☒

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered?

☐ Yes ☐ No

1.8 If "Yes", complete only those details that have changed:

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant currently hold a medium term fishing right in this sector?

☐ Yes ☐ No



2.2 If "Yes", to which entity or person was the medium term fishing right allocated in 2001/2002?



Company ☐ Name
Close Corporation ☐ Name
Trust ☐ Name
Individual ☐ Name

2.3 In what form of entity is the medium term fishing right currently held?



Company ☐ Name
Close Corporation ☐ Name
Trust ☐ Name
Individual ☐ Name

2.4 Is the applicant more than 50% South African owned?

☐ Yes ☐ No



2.5 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



2.6 Complete the following table in relation to total asset value and turnover:



Year	Turnover	Gross Asset Value (excluding fixed property)
2004 (Financial Year End)		

2.7 Does the applicant hold any share(s) in any other company that is applying as a medium term right holder in this sector?

☐ Yes ☐ No



2.8 Does the applicant hold any share(s) in any company that is applying as a new entrant in this sector?

☐ Yes ☐ No

**Section 3****Compliance**

3.1 Has the applicant, or any of its members, shareholders or directors:

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions or other fishing related offences during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions or other fishery related offences during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



Section 3**Compliance**

3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has a fishing vessel, motor vehicle, or any other assets of the applicant, or any of its shareholders, members or directors been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was the applicant's right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No

**Section 4****Vessel Details**

4.1 How many vessels has the applicant nominated for use in this fishery?

4.2 Fill in the relevant details in the tables below regarding each vessel nominated:



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 5**Catch Utilisation**

5.1 Did the applicant over-catch or under-catch by more than 10% during the medium term rights period?

☐ Yes ☐ No



5.2 Complete the following in relation to the applicant's catch records in this sector.



Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (Nominal tons)	Percentage under-caught		Percentage over-caught
2002 Season					
2003 Season					
2004 Season					
2005 Season					

Section 6**Transformation****Management and Employment Equity**

6.1 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act 55 of 1998 at the date of application?

☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



6.2.2 If "No" to section 6.1, has the applicant voluntarily complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



Section 6**Transformation****Management and Employment Equity**

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at date of application.



	Director / Member Name (Initial & Surname)	Years of Service	Black (Y/N)	Gender (M/F)	ID Number
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at date of application.



Between 1 - 5 Employees	The Top Salary Earner(Total Cost to Company)
Between 6 - 30 Employees	The Top Two Salary Earners(Total Cost To Company)
Between 31 - 60 Employees	The Top 3 Salary Earners(Total Cost to Company)
Between 61 - 165 Employees	The Top 4 Salary (Total Cost to Company) Earners
More than 165 Employees	The Top 3% of Salary Earners (Total Cost to Company) up to 90 Employees

	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
70							
71							
72							
73							
74							
75							
76							
77							
78							
79							
80							
81							
82							
83							
84							
85							
86							
87							
88							
89							
90							

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at date of application:

	Gross Salary/ Wages (Total Cost to Company)	Number of Employees	Percentage of Total Employees	Number of Black Employees	Percentage of Total Black Employees	Number of Female Employees
1	<R2 500					
2	Between R2 500 and R5 500					
3	Between R5 501 and R10 500					
4	Between R10 501 and R16 000					
5	Between R16 001 and R20 000					
6	Between R20 001 and R25 000					
7	Between R25 001 and R30 000					
8	Between R30 001 and R40 000					
9	Between R40 001 and R60 000					
10	>R60 000					
	Total		100%		100%	

6.4.2 Does the applicant contribute towards medical aid and pension for its employees?

☐ Yes ☐ No

6.4.3 Does the applicant provide any other type of benefits for its employees?

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's most recent employment equity profile provided to the Department of Labour. If the applicant is not designated or did not voluntarily comply then the table must be completed as at date of application.

Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management / Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making / unskilled and undefined decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers, Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African, Coloured and Indian

Section 6**Transformation****Management and Employment Equity**

6.6 Complete the table below in relation to employment equity figures for **Senior Officials and Managers and Professionals** submitted in the 2001 application form.



Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	AGI %	F %
Top and Senior Management / Senior Officials and Managers (as per 2001 application form)	Male										
	Female										
Professionally qualified and experienced specialists and mid-management / Professionals 2001 (as per 2001 application form)	Male										
	Female										

Section 6**Transformation****Ownership - Companies Only**

6.7 Is the applicant a company?

☐ Yes ☐ No

6.7.1 If "Yes", complete the table below in respect of shareholding held by black persons:



Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2001 (as stated in 2001 application form)			
2005 (at date of application)			

6.7.2 Complete the following table in relation to shareholding held by women:

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2005 (at date of application)			

6.7.3 Did any of the applicant's employees not listed in Section 6.3.2 hold shares in the applicant in 2004?

☐ Yes ☐ No



6.7.4 If "Yes", what is the percentage shareholding held by or for employees not listed under question 6.3.2, through the scheme?



6.7.5 Complete the following table in relation to monies paid to shareholders:

Year	Salaries Paid to Shareholders holding more than 10%	Loans Made to Shareholders holding more than 10%	Dividends Paid to Shareholders holding more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Companies Only**

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of the 2004 allocation in this fishery performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable. ☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2004 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.7.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005? ☐ Yes ☐ No

6.7.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation? ☐ Yes ☐ No

6.8.1 If "Yes", complete the table below in respect of members interest held by black persons:

Year	Percentage Interest Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage Profit Distribution Black Persons are Entitled To
2001 (as stated in 2001 application form)			
2005 (as at date of application)			

6.8.2 Complete the table below in relation to members interest held by women:

Year	Percentage Interest Held by Women	Percentage Voting Rights Held by Women	Percentage Profit Distribution Women are Entitled To
2005 (as at date of application)			

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004? ☐ Yes ☐ No

6.8.4 If "Yes", what percentage of profit were employees not listed under question 6.3.2 entitled to?

6.8.5 Complete the following table in relation to monies paid to members:

Year	Salaries Paid to Members that hold more than 10%	Loans Made to Members that hold more than 10%	Profit Distributed to Members that hold more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6

Transformation

Ownership - Close Corporations Only

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable.

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity	Rand Amount as a Percentage of the Applicant's Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.8.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005 ? ☐ Yes ☐ No

6.8.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001?

☐ Fully ☐ Somewhat/Partially ☐ Not at all

6.10 Complete the following table in relation to the Skills Development Levies Act 9 of 1999 and the Skills Development Act of 1999:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period?

☐ Yes ☐ No

6.12 If "Yes," indicate the number of learnerships as a percentage of the applicant's permanent employees as at date of application.

6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SMME Support Strategy?

☐ Yes ☐ No

6.14.1 How many skippers are used by the applicant?

6.14.2 What percentage of these skippers are black?

Section 6**Transformation****Corporate Social Investment**

6.15 Does the applicant make donations of its annual taxable income which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962 ?

☐ Yes ☐ No



6.16 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.17 Indicate the five largest tax deductible donations made per in 2004 in the table below.

Benefitting Organisation	Rand Value of Amount Donated

6.18 Does the applicant make any other donations (in addition to those which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962, but not including school fees)?

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.20 If other donations were made, indicate the five largest such donations made in 2004 in the table below:

Benefitting Organisation	Rand Value of Amount Donated

Section 6**Transformation****Affirmative Procurement**

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



Section 6

Transformation

Affirmative Procurement

6.22 Provide the following information in relation to the applicant's top nine South African suppliers (operational expenditure) in 2004:



Name of Supplier	Percentage of Black Ownership of Supplier	Amount Paid to Supplier in Rands in 2004	Percentage of Total Expenses

6.23 Has the applicant determined its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No



Section 7

Vessel, Crew and Environmental Safety

Contraventions

7.1 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty under section 324 of the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.2 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty for contravening the Maritime Occupational Safety Regulations of 1994?

☐ Yes ☐ No



7.3 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of a penalty for contravening the Crew Accommodation Regulations, 1961?

☐ Yes ☐ No



Crew Safety and Working Conditions

7.4 Has the applicant, during the medium term right period, reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



Section 7**Vessel, Crew and Environmental Safety
Crew Safety and Working Conditions**

- 7.5 Has a qualified safety officer been appointed for each nominated vessel of more than 25 gross tons with a crew of 6 or more in terms of section 36 of the Maritime Occupational Safety Regulations? ☐ Yes ☐ No ☒
- 7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act 57 of 1951? ☐ Yes ☐ No ☒
- 7.7 Does the applicant or vessel owner provide insurance or other financial security in respect of loss of life and personal injury suffered by crew? ☐ Yes ☐ No ☒
- 7.8 Has a formal safety assessment been conducted in respect of each nominated vessel in terms of Marine Notice No 26 of 2004? ☐ Yes ☐ No ☒
- 7.9 Has the applicant or the vessel owner registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993? ☐ Yes ☐ No ☒
- 7.10 Does the applicant have an HIV/AIDS policy? ☐ Yes ☐ No ☒
- 7.11 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981? ☐ Yes ☐ No ☒
- 7.12 Does the applicant or vessel owner have an alcohol and substance abuse policy in place? ☐ Yes ☐ No ☒
- 7.13 Does the applicant or vessel owner have a plan dealing with garbage for each nominated vessel? ☐ Yes ☐ No ☒

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation. ☒

Year	Permanent Employees (Land-Based)	Permanent Employees (Sea Based)	Seasonal Employees (Land Based)	Seasonal Employees (Sea Based)	Total Number of Employees (Columns 1 - 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2005 (date of application)							

Section 8**Job Creation****8.1.2 Table 2**

Applicant's Annual Catch Allocation (in tons) to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on salaries/wages per ton allocated?

8.1.3 Table 3

Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (at date of application)	How many people does the applicant employ per ton allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (at date of application)	How many people (less seasonal employees) does the applicant employ per ton allocated?

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid at date of application	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at date of application
Applicant's five lowest annual salaries (total cost to company) paid at date of application	Average of lowest five salaries	

Section 9**Investment**

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets (in relation to this fishery)	Total Book Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Book Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets (in relation to this fishery)	Total Insured Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Insured Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2005 (at date of application)			

Section 9

Investment

9.1.3 Table 3

Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant

9.1.4 Table 4

Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

9.1.5 A detailed explanation of all investment made in marketing activities must be included as an annexure.

9.1.6 A detailed explanation of all investment made in processing activities must be included as an annexure.

9.1.7 Has the applicant invested in on-board or land based processing facilities?

☐ Yes ☐ No

9.1.8 If yes, please complete the following table:

Annual Catch Allocation (in metric tons) to the applicant in 2004	Nominal Tons of Applicant's Allocation Processed On Board Vessel	Nominal Tons of Applicant's Allocation Processed on Land	Nominal Tons Processed on Behalf of other Right Holders On Board Vessel	Nominal Tons Processed on Behalf of other Right Holders on Land

Section 10

Local Economic Development

10.1 Complete the following table in relation to harbours and landing sites used:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004 calendar year	Percentage of Total Catch Landed in 2004 calendar year
TOTAL		

Section 10**Local Economic Development**

10.2 At which harbours and landing sites will the applicant land its catches?

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours, landing sites or coastal towns?

☐ Yes ☐ No

**Section 11****Value Add and Enterprise Development**

11.1 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

**Section 12****Performance****Financial**

12.1 What is the applicant's total 2004 audited, verified or certified Annual Turnover?



12.2 Provide the following information in relation to the applicant's income statements:

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2004				

12.3 Provide the following information in relation to the applicant's balance sheet:

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2004				

12.4 Provide the following information in relation to the applicant's cash flow:

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2004			

Section 12**Performance****Financial**

12.5 Indicate the rand value and percentage of total turnover derived from this fishery:



Annual Catch Allocation (tons) to the Applicant in 2004	Turnover Generated in 2004 financial year by Annual Catch Allocation	Percentage of Total Turnover

12.6 Complete the following table for natural person shareholders or members (if close corporation) that hold 10% or more of the applicant's shareholding / membership interest:

Shareholder / Member Name	Percentage Shareholding / Interest	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

12.7 Complete the following table for the top three employees listed in Section 6.3.2:

Director / Manager Name	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

Section 13**Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No**Section 14****By-Catch and Environmentally Sustainable Practices****By-Catch**

14.1 Indicate the proportion of the applicant's annual catch that is made up of by-catch species:



Year	Annual By-Catch (in tons)	Annual Utilised By-Catch as a Percentage of Total Catch	Annual Unutilised By-Catch, Juvenile Species and Endangered Species as a Percentage of Total Catch
2004			

Environmentally Sustainable Practices

14.2 Has the applicant put in place any measures to reduce energy and fuel consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.3 Does the applicant intend to put in place any measures to reduce energy and fuel reduction consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.4 Has the applicant undertaken or sponsored any research in relation to environmentally sustainable practices?

☐ Yes ☐ No

Section 15**Fishing Levies**

15.1 Please provide the following information in relation to levies in this fishery, paid since 2001:

Year	Species	Total Catch in Tons	Levies Paid
2001			
2001			
2001			
2001			
2001			
2002			
2002			
2002			
2002			
2002			
2003			
2003			
2003			
2003			
2003			
2004			
2004			
2004			
2004			
2004			

15.2 What was the date and amount of the applicant's most recent levy payment?

Date
yyyy/mm/dd

Amount

Section 16**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) The applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) The applicant accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;

Holding Entity Declaration

- (b) the information submitted with and in this Application concerning the holding entity is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
 (b) the information submitted with and in this Application concerning the sister company is true and correct and complete.
 (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
 (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
 (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
 (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Sister Company Declaration**Signature of Authorised Representative of Sister Company (if applicable)**

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
 (b) the information submitted with and in this Application concerning the JV partner is true and correct and complete.
 (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
 (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
 (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
 (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

JV Partner Declaration**Signature of Authorised Representative of JV Partner (if applicable)**

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT**

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Receipting Venue: _____

Application Number: _____

Departmental Stamp:

--

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

RECEIPT

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Receipting Venue: _____

Application Number: _____

Departmental Stamp:

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

APPLICATION NUMBER: SWDM

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Seaweed

Long Term Rights Allocation Process: 2005

Cluster B

Application Form For: Medium Term Right Holders

Registered Name of Applicant

Company Registration Number
or

Close Corporation Registration
Number

Principal Place of Business

Genus for which Applicant is Applying	Concession Area for which Applicant is Applying

IMPORTANT INFORMATION**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these **Instructions**, the **Explanatory Notes**, and the **Schedules** to the application form.
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) If the applicant has any queries regarding the completion of the application form, it must submit the query by e-mail to clusterb@deat.gov.za. All queries and responses will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za.

During the application period, applicants or their representatives may not communicate with the Minister, the delegated authority, or officials in the Department regarding their applications in any other manner. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) Applicants must pay attention to the icons in the application form in order to determine whether:

- the information provided will be treated as confidential;
- there is any documentation or information required in response to a question in the form of an annexure; or
- there are consequences in not answering a question.

- 5) The application form makes use of the following icons:



The **books** icon means that the information provided will be treated as confidential.



The **clipboard** icon means that the applicant must consult the corresponding schedule to the application form. Applicants are instructed in the schedules regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be adversely affected. Failure to submit certain requested documents or information may result in the application being refused.



The **warning** icon means that if the applicant fails to answer the question, the answer will be deemed to be adverse to the applicant.

COMPLETION OF APPLICATION FORM

- 6) The applicant must complete all sections of the application form. If any particular section does not apply to the applicant, the section may be marked "N/A." If an applicant cannot answer a section, it may be marked "Unknown." The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically required to do so.
- 7) This application form must be completed by hand and submitted together with the required annexures. If the application is submitted in any other form, the application will be refused. Do not use a pencil. Preferably use a blue pen.
- 8) The declaration must be signed and attested before a Commissioner of Oaths by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.
- 9) The application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under sections marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed after the annexures.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) One true copy of the application must be made. This copy must be punched, divided and filed in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 11) The application, and the copy of the application must be hand delivered **Thursday 18 August 2005** between **08h00** and **20h00**, or **Friday 19 August 2005** between **08h00** and **17h00** at one of the places and venues listed below.

Place	Venue
Port Nolloth	City Hall, Main Road, Port Nolloth
Lamberts Bay	Community Hall, Burrel Street, Lamberts Bay
Saldanha Bay	Tabakbaai Holiday Resort Hall, Saldanha Bay Municipality
Cape Town	Woodstock Town Hall, between Aberdeen and Plein Streets, Woodstock
Hermanus	Zwelihle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Mayixhale Street, Kwa-Nonqaba Location, Mossel Bay
Port Elizabeth	Helenvale Resource Centre, Baatjies Street, Helenvale
East London	Cosmics View Hall, Buffalo Park Drive, East London
Port St Johns	Community Hall, 257 Main Street, Port St Johns
Durban	KZN Wildlife Offices, 3 Elton Place, Congella, Durban

- 12) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates, at one of the above places and venues will be refused.

IMPROPER LODGEMENT

- 13) Improperly lodged applications will be refused. An application is improperly lodged if:

- it is received late;
- the applicant makes no payment, or short payment, or late payment of the application fee; or
- the application is lodged in a manner contrary to the instructions.

MATERIAL DEFECTS

- 14) Applications that are materially defective will be refused. An application is materially defective if:

- the declaration is not signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s);
- more than one application is received for a right in the same sector; or
- the applicant or, if applicable, one or more of the, the holding entity, sister company(ies) and the joint venture partner(s) provide false information or documents, fail to disclose material information or attempt to influence the Minister or the delegated authority other than in the manner provided for in the General policy and in this application form.

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation in the manner set out in Schedule 1A. ☒

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered?

☐ Yes ☐ No

1.8 If "Yes", complete only those details that have changed:

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2

Form of Applicant

2.1 Does the applicant currently hold a medium term fishing right in this sector?

☐ Yes ☐ No



2.2 If "Yes", to which entity or person was the medium term fishing right allocated in 2001/2002?



Company ☐ Name
Close Corporation ☐ Name
Trust ☐ Name
Individual ☐ Name

2.3 In what form of entity is the medium term fishing right currently held?



Company ☐ Name
Close Corporation ☐ Name
Trust ☐ Name
Individual ☐ Name

2.4 Is the applicant more than 50% South African owned?

☐ Yes ☐ No



2.5 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



2.6 Complete the following table in relation to total asset value and turnover:

Year	Turnover	Gross Asset Value (excluding fixed property)
2004 (Financial Year End)		

2.7 Does the applicant hold any share(s) in any other company that is applying as a medium term right holder in this sector?

☐ Yes ☐ No



2.8 Does the applicant hold any share(s) in any company that is applying as a new entrant in this sector?

☐ Yes ☐ No



Section 3

Compliance

3.1 Has the applicant, or any of its members, shareholders or directors:

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions or other fishing related offences during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions or other fishery related offences during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



Section 3

Compliance

- 3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?
- 3.2 Has a fishing vessel, motor vehicle, or any other assets of the applicant, or any of its shareholders, members or directors been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?
- 3.3 Was the applicant's right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



☐ Yes ☐ No



☐ Yes ☐ No



Section 4

Vehicle Details

- 4.1 Does the applicant intend to use a vehicle in the coastal zone in order to harvest it's allocation?

☐ Yes ☐ No

If you do intend to use a vehicle in the coastal zone then you must complete the application form titled, "Permit Application: Vehicle use in the Coastal Zone to undertake non-recreational activity approved in terms of the MLRA

Section 5

Catch Utilisation

- 5.1 Complete the following in relation to the applicant's catch records.



Year	Number of Concession Areas Allocated	Number of Genera per Concession Area Allocated	Actual Tons Harvested (Dry Weight) of each genera	Number of Harvesters per Concession Area
2002				
2003				
2004				
2005				

Section 6**Transformation****Management and Employment Equity**

6.1 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act 55 of 1998 at the date of application?

☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



6.2.2 If "No" to section 6.1, has the applicant voluntarily complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at date of application.



	Director / Member Name (Initial & Surname)	Years of Service	Black (Y/N)	Gender (M/F)	ID Number
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at date of application.



Between 1 - 5 Employees	The Top Salary Earner (Total Cost to Company)
Between 6 - 30 Employees	The Top Two Salary Earners (Total Cost To Company)
Between 31 - 60 Employees	The Top 3 Salary Earners (Total Cost to Company)
Between 61 - 165 Employees	The Top 4 Salary (Total Cost to Company) Earners
More than 165 Employees	The Top 3% of Salary Earners (Total Cost to Company) up to 90 Employees

	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
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38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
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80							
81							
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84							
85							
86							
87							
88							
89							
90							

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at date of application: 

	Gross Salary/ Wages (Total Cost to Company)	Number of Employees	Percentage of Total Employees	Number of Black Employees	Percentage of Total Black Employees	Number of Female Employees
1	<R2 500					
2	Between R2 500 and R5 500					
3	Between R5 501 and R10 500					
4	Between R10 501 and R16 000					
5	Between R16 001 and R20 000					
6	Between R20 001 and R25 000					
7	Between R25 001 and R30 000					
8	Between R30 001 and R40 000					
9	Between R40 001 and R60 000					
10	>R60 000					
	Total		100%		100%	

6.4.2 Does the applicant contribute towards medical aid and pension for its employees? 

☐ Yes ☐ No

6.4.3 Does the applicant provide any other type of benefits for its employees? 

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's most recent employment equity profile provided to the Department of Labour. If the applicant is not designated or did not voluntarily comply then the table must be completed as at date of application. 

										Total	
Occupational Categories	Gender	A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F%
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management / Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making and unskilled and untrained decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers, Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African, Coloured and Indian

Section 6**Transformation****Management and Employment Equity**

6.6. Complete the table below in relation to employment equity figures for **Senior Officials and Managers and Professionals** submitted in the 2001 application form. 

Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top and Senior Management / Senior Officials and Managers (as per 2001 application form)	Male										
	Female										
Professionally qualified and experienced specialists and mid-management / Professionals 2001 (as per 2001 application form)	Male										
	Female										

Section 6**Transformation****Ownership - Companies Only**

6.7 Is the applicant a company?

☐ Yes ☐ No

6.7.1 If "Yes", complete the table below in respect of shareholding held by black persons: 

Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2001 (as stated in 2001 application form)			
2005 (at date of application)			

6.7.2 Complete the following table in relation to shareholding held by women:

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2005 (at date of application)			

6.7.3 Did any of the applicant's employees not listed in Section 6.3.2 hold shares in the applicant in 2004?

☐ Yes ☐ No 

6.7.4 If "Yes", what is the percentage shareholding held by or for these employees?

6.7.5 Complete the following table in relation to monies paid to shareholders: 

Year	Salaries Paid to Shareholders holding more than 10%	Loans Made to Shareholders holding more than 10%	Dividends Paid to Shareholders holding more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Companies Only**

6.7.6 Was the applicant managed by another entity, or was the harvesting, processing or marketing of the 2004 allocation in this fishery performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable. ☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2004 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2004
Management		
Harvesting		
Processing		
Marketing		

6.7.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005? ☐ Yes ☐ No

6.7.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation? ☐ Yes ☐ No

6.8.1 If "Yes", complete the table below in respect of members interest held by black persons:

Year	Percentage Interest Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage Profit Distribution Black Persons are Entitled To
2001 (as stated in 2001 application form)			
2005 (as at date of application)			

6.8.2 Complete the table below in relation to members interest held by women:

Year	Percentage Interest Held by Women	Percentage Voting Rights Held by Women	Percentage Profit Distribution Women are Entitled To
2005 (as at date of application)			

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004? ☐ Yes ☐ No

6.8.4 If "Yes", what percentage of profit were employees not listed under question 6.3.2 entitled to?

6.8.5 Complete the following table in relation to monies paid to members:

Year	Salaries Paid to Members that hold more than 10%	Loans Made to Members that hold more than 10%	Profit Distributed to Members that hold more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Close Corporations Only**

6.8.6 Was the applicant managed by another entity, or was the harvesting processing or marketing performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable.

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity	Rand Amount as a Percentage of the Applicant's Turnover in 2004
Management		
Harvesting		
Processing		
Marketing		

6.8.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005 ?

☐ Yes ☐ No

6.8.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001?

☐ Fully ☐ Somewhat/Partially ☐ Not at all

6.10 Complete the following table in relation to the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period?

☐ Yes ☐ No

6.12 If "Yes," indicate the number of learnerships as a percentage of the applicant's permanent employees as at date of application.

6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SMME Support Strategy?

☐ Yes ☐ No

Section 6**Transformation****Corporate Social Investment**

6.15 Does the applicant make donations of its annual taxable income which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962 ?

☐ Yes ☐ No



6.16 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.17 Indicate the five largest tax deductible donations made per in 2004 in the table below.

Benefitting Organisation	Rand Value of Amount Donated

6.18 Does the applicant make any other donations (in addition to those which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962, but not including school fees)?

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.20 If other donations were made, indicate the five largest such donations made in 2004 in the table below:

Benefitting Organisation	Rand Value of Amount Donated

Section 6**Transformation****Affirmative Procurement**

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



Section 6**Transformation****Affirmative Procurement**

6.22 Provide the following information in relation to the applicant's top nine South African suppliers (operational expenditure) in 2004:



Name of Supplier	Percentage of Black Ownership of Supplier	Amount Paid to Supplier in Rands in 2004	Percentage of Total Expenses

6.23 Has the applicant determined its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No

**Section 7****Safety**

7.1 Has the applicant registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993?

☐ Yes ☐ No



7.2 Does the applicant have an HIV/AIDS policy?

☐ Yes ☐ No

**Section 8****Job Creation**

8.1 Complete the following tables in relation to job creation.



Year	Permanent Employees (Land-Based)	Seasonal Employees (Land Based)	Total Number of Employees (Columns 1-2)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)					
2005 (date of application)					

Section 8**Job Creation****8.1.2 Table 2**

Number of concession areas allocated to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on salaries/wages per concession area allocated?

8.1.3 Table 3

Number of concession areas allocated in this fishery in 2004	Total Employees (in relation to this fishery) (at date of application)	How many people does the applicant employ per concession area allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (at date of application)	How many people (less seasonal employees) does the applicant employ per concession area allocated?

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid at date of application	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at date of application
Applicant's five lowest annual salaries (total cost to company) paid at date of application	Average of lowest five salaries	

Section 9**Investment**

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets (in relation to this fishery)	Total Book Value of Total Land Based Fixed Assets (in relation to this fishery)
2004 (financial year end)		

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets (in relation to this fishery)	Total Insured Value of Total Land Based Fixed Assets (in relation to this fishery)
2005 (at date of application)		

Section 9**Investment****9.1.3 Table 3**

Number of concession areas allocated to the applicant in 2004	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Land-Based Assets per concession area allocated to applicant

9.1.4 Table 4

Number of concession areas allocated to the applicant in 2004	Insured Value (in rands) of land-based assets at date of application	Insured Value of Land-Based Assets per concession area allocated to applicant

9.1.5 A detailed explanation of all investment made in marketing activities must be included as an annexure. ☒

9.1.6 A detailed explanation of all investment made in processing activities must be included as an annexure. ☒

9.1.6 If yes, please complete the following table:

Number of concession areas allocated to the applicant in 2004	Dry Weight Tons of Applicant's Harvest Processed	Dry Weight Tons of Other Right Holder's Harvest Processed

9.1.7 Has the applicant invested in research into the development of seaweed into marketable products?

Section 10**Local Economic Development**

10.1 Has the applicant made any investment in physical infrastructure in the concession areas in which the applicant operates?

☐ Yes ☐ No



10.2 Has the applicant involved the communities in the concession area in which it operates in its activities?

☐ Yes ☐ No

**Section 11****Value Add & Enterprise Development**

11.1 For what purpose has the applicant traditionally utilised its harvest?

--	--

11.2 Is the applicant directly involved in any value adding process, including the development of seaweed into products for purposes other than for abalone feed?

☐ Yes ☐ No



11.3 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No



Section 12**Performance****Financial**

12.1 What is the applicant's total 2004 audited, verified or certified Annual Turnover?



12.2 Provide the following information in relation to the applicant's income statements:

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2004				



12.3 Provide the following information in relation to the applicant's balance sheet:

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2004				



12.4 Provide the following information in relation to the applicant's cash flow:

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2004			



12.5 Indicate the rand value and percentage of total turnover derived from this fishery:

Annual Catch Allocation (tons) to the Applicant in 2004	Turnover Generated in 2004 financial year by Annual Catch Allocation	Percentage of Total Turnover

Section 12

Performance Financial

12.6 Complete the following table for natural person shareholders or members (if close corporation) that hold 10% or more of the applicant's shareholding / membership interest:

Shareholder / Member Name	Percentage Shareholding / Interest	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

12.7 Complete the following table for the top three employees listed in Section 6.3.2:

Director / Manager Name	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

Section 13

Harvesting Plan

13.1 Does the applicant have a harvesting plan?

☐ Yes ☐ No



Section 14

By-Catch and Environmentally Sustainable Practices

14.1 Has the applicant put in place any measures to ensure that the surrounding environment is not damaged during harvesting?

☐ Yes ☐ No



14.2 Does the applicant intend to put in place any steps to ensure that the surrounding environment is not damaged during harvesting?

☐ Yes ☐ No



14.3 Has the applicant put in place any measures to ensure that limpets are not destructed during harvesting?

☐ Yes ☐ No



Section 15

Fishing Levies

15.1 Please provide the following information in relation to levies in this fishery, paid since 2001:

Year	Genus	Total Catch in Tons	Levies Paid
2001			
2001			
2001			
2001			
2001			
2002			
2002			
2002			
2002			
2002			
2003			
2003			
2003			
2003			
2003			
2004			
2004			
2004			
2004			
2004			

15.2 What was the date and amount of the applicant's most recent levy payment?

Date
yyyy/mm/dd

Amount

Section 16**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material Information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) The applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) The applicant accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;

- (b) the information submitted with and in this Application concerning the holding entity is true and correct and complete.

- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material Information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;

- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;

- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;

- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Holding Entity Declaration

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the sister company is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material Information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Sister Company Declaration**Signature of Authorised Representative of Sister Company (if applicable)**

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the JV partner is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material Information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

JV Partner Declaration**Signature of Authorised Representative of JV Partner (if applicable)**

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**Receipting Venue:** _____**Application Number:** _____**Departmental Stamp:**

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

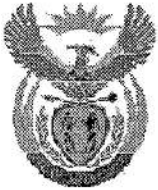
RECEIPT**Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**Receipting Venue:** _____**Application Number:** _____**Departmental Stamp:**

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

APPLICATION NUMBER: SQUM

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



BRANCH: MARINE AND COASTAL MANAGEMENT

Squid

Long Term Rights Allocation Process: 2005

Cluster B

Application Form For: Medium Term Right Holders

Registered Name of Applicant

Company Registration Number
or
Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

IMPORTANT INFORMATION

INSTRUCTIONS

GENERAL

- 1) This application form must be read together with these **Instructions**, the **Explanatory Notes**, and the **Schedules** to the application form.
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) If the applicant has any queries regarding the completion of the application form, it must submit the query by e-mail to clusterb@deat.gov.za. All queries and responses will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za.

During the application period, applicants or their representatives may not communicate with the Minister, the delegated authority, or officials in the Department regarding their applications in any other manner. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) Applicants must pay attention to the icons in the application form in order to determine whether:
 - the information provided will be treated as confidential;
 - there is any documentation or information required in response to a question in the form of an annexure; or
 - there are consequences in not answering a question.
- 5) The application form makes use of the following icons:



The books icon means that the information provided will be treated as confidential.



The clipboard icon means that the applicant must consult the corresponding schedule to the application form. Applicants are instructed in the schedules regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be adversely affected. Failure to submit certain requested documents or information may result in the application being refused.



The warning icon means that if the applicant fails to answer the question, the answer will be deemed to be adverse to the applicant.

COMPLETION OF APPLICATION FORM

- 6) The applicant must complete all sections of the application form. If any particular section does not apply to the applicant, the section may be marked "N/A." If an applicant cannot answer a section, it may be marked "Unknown." The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically required to do so.
- 7) This application form must be completed by hand and submitted together with the required annexures. If the application is submitted in any other form, the application will be refused. Do not use a pencil. Preferably use a blue pen.
- 8) The declaration must be signed and attested before a Commissioner of Oaths by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.
- 9) The application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under sections marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed after the annexures.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) One true copy of the application must be made. This copy must be punched, divided and filed in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 11) The application, and the copy of the application must be hand delivered **Thursday 18 August 2005 between 08h00 and 20h00**, or **Friday 19 August 2005 between 08h00 and 17h00** at one of the places and venues listed below.

Place	Venue
Port Nolloth	City Hall, Main Road, Port Nolloth
Lamberts Bay	Community Hall, Burrel Street, Lamberts Bay
Saldanha Bay	Tabakbaai Holiday Resort Hall, Saldanha Bay Municipality
Cape Town	Woodstock Town Hall, between Aberdeen and Plein Streets, Woodstock
Hermanus	Zwelihle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Mayixhale Street, Kwa-Nonqaba Location, Mossel Bay
Port Elizabeth	Helenvale Resource Centre, Baatjies Street, Helenvale
East London	Cosmics View Hall, Buffalo Park Drive, East London
Port St Johns	Community Hall, 257 Main Street, Port St Johns
Durban	KZN Wildlife Offices, 3 Elton Place, Congella, Durban

- 12) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates, at one of the above places and venues will be refused.

IMPROPER LODGEMENT

- 13) Improperly lodged applications will be refused. An application is improperly lodged if:

- it is received late;
- the applicant makes no payment, or short payment, or late payment of the application fee; or
- the application is lodged in a manner contrary to the instructions.

MATERIAL DEFECTS

- 14) Applications that are materially defective will be refused. An application is materially defective if:

- the declaration is not signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s);
- more than one application is received for a right in the same sector; or
- the applicant or, if applicable, one or more of the, the holding entity, sister company(ies) and the joint venture partner(s) provide false information or documents, fail to disclose material information or attempt to influence the Minister or the delegated authority other than in the manner provided for in the General policy and in this application form.

Section 1**Applicant Details**

1. The applicant must supply a profile of its organisation in the manner set out in Schedule 1A. 

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered?

☐ Yes ☐ No

1.8 If "Yes", complete only those details that have changed:

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant currently hold a medium term fishing right in this sector?

☐ Yes ☐ No



2.2 If "Yes", to which entity or person was the medium term fishing right allocated in 2001/2002?

☒ Company	☐	Name	
☐ Close Corporation	☐	Name	
☐ Trust	☐	Name	
☐ Individual	☐	Name	

2.3 In what form of entity is the medium term fishing right currently held?



☐ Company	☐	Name	
☐ Close Corporation	☐	Name	
☐ Trust	☐	Name	
☐ Individual	☐	Name	

2.4 Is the applicant more than 50% South African owned?

☐ Yes ☐ No



2.5 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



2.6 Complete the following table in relation to total asset value and turnover:



Year	Turnover	Gross Asset Value (excluding fixed property)
2004 (Financial Year End)		

2.7 Does the applicant hold any share(s) in any other company that is applying as a medium term right holder in this sector?

☐ Yes ☐ No



2.8 Does the applicant hold any share(s) in any company that is applying as a new entrant in this sector?

☐ Yes ☐ No

**Section 3****Compliance**

3.1 Has the applicant, or any of its members, shareholders or directors:

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions or other fishing related offences during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions or other fishery related offences during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



Section 3**Compliance**

3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has a fishing vessel, motor vehicle, or any other assets of the applicant, or any of its shareholders, members or directors been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was the applicant's right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No

**Section 4****Vessel Details**

4.1 How many vessels has the applicant nominated for use in this fishery?

4.2 Fill in the relevant details in the tables below regarding each vessel nominated:



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

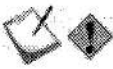


Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 5
Catch Utilisation



5.1 Complete the following in relation to the applicant's catch records.

Year	Number of Crew Members Allocated	Total Actual Catch (in metric tons)	Number of Fishing Days
2002			
2003			
2004			
2005			

Section 6
Transformation
Management and Employment Equity

6.1 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act 55 of 1998 at the date of application?

☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



6.2.2 If "No" to section 6.1, has the applicant voluntarily complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



Section 6

Transformation

Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at date of application.



	Director / Member Name (Initial & Surname)	Years of Service	Black (Y/N)	Gender (M/F)	ID Number
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at date of application.



Between 1 - 5 Employees	The Top Salary Earner (Total Cost to Company)
Between 6 - 30 Employees	The Top Two Salary Earners (Total Cost To Company)
Between 31 - 60 Employees	The Top 3 Salary Earners (Total Cost to Company)
Between 61 - 165 Employees	The Top 4 Salary (Total Cost to Company) Earners
More than 165 Employees	The Top 3% of Salary Earners (Total Cost to Company) up to 90 Employees

	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
70							
71							
72							
73							
74							
75							
76							
77							
78							
79							
80							
81							
82							
83							
84							
85							
86							
87							
88							
89							
90							

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at date of application:



	Gross Salary/ Wages (Total Cost to Company)	Number of Employees	Percentage of Total Employees	Number of Black Employees	Percentage of Total Black Employees	Number of Female Employees
1	<R2 500					
2	Between R2 500 and R5 500					
3	Between R5 501 and R10 500					
4	Between R10 501 and R16 000					
5	Between R16 001 and R20 000					
6	Between R20 001 and R25 000					
7	Between R25 001 and R30 000					
8	Between R30 001 and R40 000					
9	Between R40 001 and R60 000					
10	>R60 000					
	Total		100%		100%	

6.4.2 Does the applicant contribute towards medical aid and pension for its employees?

☐ Yes ☐ No



6.4.3 Does the applicant provide any other type of benefits for its employees?

☐ Yes ☐ No



6.5 Complete the following table in relation to the applicant's most recent employment equity profile provided to the Department of Labour. If the applicant is not designated or did not voluntarily comply then the table must be completed as at date of application.



										Total	
Occupational Categories	Gender	A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management / Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers, Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African, Coloured and Indian

Section 6**Transformation****Management and Employment Equity**

6.6. Complete the table below in relation to employment equity figures for **Senior Officials and Managers and Professionals** submitted in the 2001 application form.



Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top and Senior Management / Senior Officials and Managers (as per 2001 application form)	Male										
	Female										
Professionally qualified and experienced specialists and mid-management / Professionals 2001 (as per 2001 application form)	Male										
	Female										

Section 6**Transformation****Ownership - Companies Only**

6.7 Is the applicant a company?

☐ Yes ☐ No

6.7.1 If "Yes", complete the table below in respect of shareholding held by black persons:



Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2001 (as stated in 2001 application form)			
2005 (at date of application)			

6.7.2 Complete the following table in relation to shareholding held by women :

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2005 (at date of application)			

6.7.3 Did any of the applicant's employees not listed under Section 6.3.2 hold shares in the applicant in 2004?

☐ Yes ☐ No



6.7.4 If "Yes", what is the percentage shareholding held by or for these employees ?

6.7.5 Complete the following table in relation to monies paid to shareholders:



Year	Salaries Paid to Shareholders holding more than 10%	Loans Made to Shareholders holding more than 10%	Dividends Paid to Shareholders holding more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Companies Only**

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of the 2004 allocation in this fishery performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable. ☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2004 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.7.8 Did the applicant any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005? ☐ Yes ☐ No

6.7.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation? ☐ Yes ☐ No

6.8.1 If "Yes", complete the table below in respect of members interest held by black persons:

Year	Percentage Interest Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage Profit Distribution Black Persons are Entitled To
2001 (as stated in 2001 application form)			
2005 (as at date of application)			

6.8.2 Complete the table below in relation to members interest held by women:

Year	Percentage Interest Held by Women	Percentage Voting Rights Held by Women	Percentage Profit Distribution Women are Entitled To
2005 (as at date of application)			

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004? ☐ Yes ☐ No

6.8.4 If "Yes", what percentage of profit were employees not listed under question 6.3.2 entitled to?

6.8.5 Complete the following table in relation to monies paid to members:

Year	Salaries Paid to Members that hold more than 10%	Loans Made to Members that hold more than 10%	Profit Distributed to Members that hold more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Close Corporations Only**

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable.

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:



Function	Rand Amount Paid to Other Entity	Rand Amount as a Percentage of the Applicant's Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.8.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005 ?

☐ Yes ☐ No



6.8.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

**Skills Development**

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001?

☐ Fully ☐ Somewhat/Partially ☐ Not at all



6.10 Complete the following table in relation to the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998:



Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period?

☐ Yes ☐ No



6.12 If "Yes," indicate the number of learnerships as a percentage of the applicant's permanent employees as at date of application.

6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SMME Support Strategy?

☐ Yes ☐ No



6.14.1 How many skippers are used by the applicant?



6.14.2 What percentage of these skippers are black?

Section 6**Transformation****Corporate Social Investment**

6.15 Does the applicant make donations of its annual taxable income which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962 ?

☐ Yes ☐ No



6.16 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.17 Indicate the five largest tax deductible donations made per in 2004 in the table below.

Benefiting Organisation	Rand Value of Amount Donated

6.18 Does the applicant make any other donations (in addition to those which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962, but not including school fees)?

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.20 If other donations were made, indicate the five largest such donations made in 2004 in the table below:

Benefiting Organisation	Rand Value of Amount Donated

Section 6**Transformation****Affirmative Procurement**

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



Section 6**Transformation****Affirmative Procurement**

6.22 Provide the following information in relation to the applicant's top nine South African suppliers (operational expenditure) in 2004:



Name of Supplier	Percentage of Black Ownership of Supplier	Amount Paid to Supplier in Rands in 2004	Percentage of Total Expenses

6.23 Has the applicant determined its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No

**Section 7****Vessel, Crew and Environmental Safety****Contraventions**

7.1 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty under section 324 of the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.2 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty for contravening the Maritime Occupational Safety Regulations of 1994?

☐ Yes ☐ No



7.3 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of a penalty for contravening the Crew Accommodation Regulations, 1961?

☐ Yes ☐ No

**Crew Safety and Working Conditions**

7.4 Has the applicant, during the medium term right period, reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



Section 7**Vessel, Crew and Environmental Safety
Crew Safety and Working Conditions**

- 7.5 Has a qualified safety officer been appointed for each nominated vessel of more than 25 gross tons with a crew of 6 or more in terms of section 36 of the Maritime Occupational Safety Regulations? ☐ Yes ☐ No ☒
- 7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act 57 of 1951? ☐ Yes ☐ No ☒
- 7.7 Does the applicant or vessel owner provide insurance or other financial security in respect of loss of life and personal injury suffered by crew? ☐ Yes ☐ No ☒
- 7.8 Has a formal safety assessment been conducted in respect of each nominated vessel in terms of Marine Notice No 26 of 2004? ☐ Yes ☐ No ☒
- 7.9 Has the applicant or the vessel owner registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993? ☐ Yes ☐ No ☒
- 7.10 Does the applicant have an HIV/AIDS policy? ☐ Yes ☐ No ☒
- 7.11 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981? ☐ Yes ☐ No ☒
- 7.12 Does the applicant or vessel owner have an alcohol and substance abuse policy in place? ☐ Yes ☐ No ☒
- 7.13 Does the applicant or vessel owner have a plan dealing with garbage for each nominated vessel? ☐ Yes ☐ No ☒

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation. ☒

Year	Permanent Employees (Land-Based)	Permanent Employees (Sea Based)	Seasonal Employees (Land Based)	Seasonal Employees (Sea Based)	Total Number of Employees (Columns 1- 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2005 (date of application)							

Section 8**Job Creation****8.1.2 Table 2**

Number of crew members allocated to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on salaries/wages per crew member allocated?

8.1.3 Table 3

Number of crew members allocated in this fishery in 2004	Total Employees (in relation to this fishery) (at date of application)	How many people does the applicant employ per crew member allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (at date of application)	How many people (less seasonal employees) does the applicant employ per crew member allocated?

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid at date of application	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at date of application
Applicant's five lowest annual salaries (total cost to company) paid at date of application	Average of lowest five salaries	

Section 9**Investment**

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets (in relation to this fishery)	Total Book Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Book Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets (in relation to this fishery)	Total Insured Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Insured Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2005 (at date of application)			

Section 9**Investment****9.1.3 Table 3**

Number of crew members allocated to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per crew member allocated to applicant	Book Value of Land-Based Assets per crew member allocated to applicant

9.1.4 Table 4

Number of crew members allocated to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per crew member allocated to applicant	Insured Value of Land-Based Assets per crew member allocated to applicant

9.1.5 A detailed explanation of all investment made in marketing activities must be included as an annexure. 

9.1.6 A detailed explanation of all investment made in processing activities must be included as an annexure. 

9.1.7 Has the applicant invested in on-board or land based processing facilities? ☐ Yes ☐ No

9.1.8 If yes, please complete the following table:

Number of crew members allocated to the applicant in 2004	Nominal Tons of Applicant's Allocation Processed On Board Vessel	Nominal Tons of Applicant's Allocation Processed on Land	Nominal Tons Processed on Behalf of other Right Holders On Board Vessel	Nominal Tons Processed on Behalf of other Right Holders on Land

Section 10**Local Economic Development**

10.1 Complete the following table in relation to harbours and landing sites used:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004 calendar year	Percentage of Total Catch Landed in 2004 calendar year
TOTAL		

Section 10**Local Economic Development**

10.2 At which harbours and landing sites will the applicant land its catches?

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours, landing sites or coastal towns?

☐ Yes ☐ No

**Section 11****Value Add and Enterprise Development**

11.1 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

**Section 12****Performance****Financial**

12.1 What is the applicant's total 2004 audited, verified or certified Annual Turnover?



12.2 Provide the following information in relation to the applicant's income statements:



Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2004				

12.3 Provide the following information in relation to the applicant's balance sheet:



Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2004				

12.4 Provide the following information in relation to the applicant's cash flow:



Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2004			

Section 12**Performance****Financial**

12.5 Indicate the rand value and percentage of total turnover derived from this fishery:



Annual Catch Allocation (tons) to the Applicant in 2004	Turnover Generated in 2004 financial year by Annual Catch Allocation	Percentage of Total Turnover

12.6 Complete the following table for natural person shareholders or members (if close corporation) that hold 10% or more of the applicant's shareholding / membership interest:

Shareholder / Member Name	Percentage Shareholding / Interest	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

12.7 Complete the following table for the top three employees listed in Section 6.3.2:

Director / Manager Name	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

Section 13**Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No**Section 14****By-Catch and Environmentally Sustainable Practices**

14.1 Has the applicant put in place any measures to reduce energy and fuel consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.2 Does the applicant intend to put in place any measures to reduce energy and fuel reduction consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.3 Has the applicant undertaken or sponsored any research in relation to environmentally sustainable practices?

☐ Yes ☐ No**Section 15****Fishing Levies**

15.1 Please provide the following information in relation to levies in this fishery, paid since 2001:

Year	Species	Total Catch in Tons	Levies Paid
2001			
2001			
2001			
2001			
2001			
2002			
2002			
2002			
2002			
2002			
2003			
2003			
2003			
2003			
2003			
2004			
2004			
2004			
2004			
2004			

15.2 What was the date and amount of the applicant's most recent levy payment?

Date
yyyy/mm/dd

Amount

Section 16**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) The applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) The applicant accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Holding Entity Declaration

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the holding entity is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the sister company is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Sister Company Declaration**Signature of Authorised Representative of Sister Company (if applicable)**

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the JV partner is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

JV Partner Declaration**Signature of Authorised Representative of JV Partner (if applicable)**

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT**

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Receipting Venue: _____

Application Number: _____

Departmental Stamp:

--

Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

RECEIPT

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Receipting Venue: _____

Application Number: _____

Departmental Stamp:

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

APPLICATION NUMBER: TNPM

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Tuna Pole

Long Term Rights Allocation Process: 2005

Cluster B

Application Form For: Medium Term Right Holders

Registered Name of Applicant

Company Registration Number
or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

IMPORTANT INFORMATION

INSTRUCTIONS

GENERAL

- 1) This application form must be read together with these **Instructions**, the **Explanatory Notes**, and the **Schedules** to the application form.
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) If the applicant has any queries regarding the completion of the application form, it must submit the query by e-mail to clusterb@deat.gov.za. All queries and responses will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za.

During the application period, applicants or their representatives may not communicate with the Minister, the delegated authority, or officials in the Department regarding their applications in any other manner. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) Applicants must pay attention to the icons in the application form in order to determine whether:
 - the information provided will be treated as confidential;
 - there is any documentation or information required in response to a question in the form of an annexure; or
 - there are consequences in not answering a question.
- 5) The application form makes use of the following icons:



The books icon means that the information provided will be treated as confidential.



The clipboard icon means that the applicant must consult the corresponding schedule to the application form. Applicants are instructed in the schedules regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be adversely affected. Failure to submit certain requested documents or information may result in the application being refused.



The warning icon means that if the applicant fails to answer the question, the answer will be deemed to be adverse to the applicant.

COMPLETION OF APPLICATION FORM

- 6) The applicant must complete all sections of the application form. If any particular section does not apply to the applicant, the section may be marked "N/A." If an applicant cannot answer a section, it may be marked "Unknown." The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically required to do so.
- 7) This application form must be completed by hand and submitted together with the required annexures. If the application is submitted in any other form, the application will be refused. Do not use a pencil. Preferably use a blue pen.
- 8) The declaration must be signed and attested before a Commissioner of Oaths by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.
- 9) The application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under sections marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed after the annexures.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) One true copy of the application must be made. This copy must be punched, divided and filed in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 11) The application, and the copy of the application must be hand delivered **Thursday 18 August 2005** between **08h00** and **20h00**, or **Friday 19 August 2005** between **08h00** and **17h00** at one of the places and venues listed below.

Place	Venue
Port Nolloth	City Hall, Main Road, Port Nolloth
Lamberts Bay	Community Hall, Burrel Street, Lamberts Bay
Saldanha Bay	Tabakbaai Holiday Resort Hall, Saldanha Bay Municipality
Cape Town	Woodstock Town Hall, between Aberdeen and Plein Streets, Woodstock
Hermanus	Zwelihle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Mayixhale Street, Kwa-Nonqaba Location, Mossel Bay
Port Elizabeth	Helenvale Resource Centre, Baatjies Street, Helenvale
East London	Cosmics View Hall, Buffalo Park Drive, East London
Port St Johns	Community Hall, 257 Main Street, Port St Johns
Durban	KZN Wildlife Offices, 3 Elton Place, Congella, Durban

- 12) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates, at one of the above places and venues will be refused.

IMPROPER LODGEMENT

- 13) Improperly lodged applications will be refused. An application is improperly lodged if:

- it is received late;
- the applicant makes no payment, or short payment, or late payment of the application fee; or
- the application is lodged in a manner contrary to the instructions.

MATERIAL DEFECTS

- 14) Applications that are materially defective will be refused. An application is materially defective if:

- the declaration is not signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s);
- more than one application is received for a right in the same sector; or
- the applicant or, if applicable, one or more of the, the holding entity, sister company(ies) and the joint venture partner(s) provide false information or documents, fail to disclose material information or attempt to influence the Minister or the delegated authority other than in the manner provided for in the General policy and in this application form.

Section 1**Applicant Details**

1. The applicant must supply a profile of its organisation in the manner set out in Schedule 1A. 

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered?

☐ Yes ☐ No

1.8 If "Yes", complete only those details that have changed:

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2

Form of Applicant

2.1 Does the applicant currently hold a medium term fishing right in this sector?

☐ Yes ☐ No



2.2 If "Yes", to which entity or person was the medium term fishing right allocated in 2001/2002?

☒ Company	☐	Name	
☐ Close Corporation	☐	Name	
☐ Trust	☐	Name	
☐ Individual	☐	Name	

2.3 In what form of entity is the medium term fishing right currently held?

☐ Company	☐	Name	
☐ Close Corporation	☐	Name	
☐ Trust	☐	Name	
☐ Individual	☐	Name	

2.4 Is the applicant more than 50% South African owned?

☐ Yes ☐ No



2.5 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



2.6 Complete the following table in relation to total asset value and turnover:



Year	Turnover	Gross Asset Value (excluding fixed property)
2004 (Financial Year End)		

2.7 Does the applicant hold any share(s) in any other company that is applying as a medium term right holder in this sector?

☐ Yes ☐ No



2.8 Does the applicant hold any share(s) in any company that is applying as a new entrant in this sector?

☐ Yes ☐ No



Section 3

Compliance

3.1 Has the applicant, or any of its members, shareholders or directors:

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions or other fishing related offences during the medium term right period?

☐ Yes ☐ No



3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions or other fishery related offences during the medium term right period?

☐ Yes ☐ No



3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?

☐ Yes ☐ No



Section 3**Compliance**

3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has a fishing vessel, motor vehicle, or any other assets of the applicant, or any of its shareholders, members or directors been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was the applicant's right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No

**Section 4****Vessel Details**

4.1 How many vessels has the applicant nominated for use in this fishery?

4.2 Fill in the relevant details in the tables below regarding each vessel nominated:



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	

Section 5**Catch Utilisation**

5.1 Complete the following in relation to the applicant's catch records.

Year	Number of Vessels Allocated	Total Actual Catch (in metric tons)	Number of Fishing Days
2002			
2003			
2004			
2005			

Section 6**Transformation****Management and Employment Equity**

6.1 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act 55 of 1998 at the date of application?

☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



6.2.2 If "No" to section 6.1, has the applicant voluntarily complied with the Employment Equity Act 55 of 1998?

☐ Yes ☐ No



Section 6

Transformation

Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at date of application.



	Director / Member Name (Initial & Surname)	Years of Service	Black (Y/N)	Gender (M/F)	ID Number
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at date of application.



Between 1 - 5 Employees	The Top Salary Earner(Total Cost to Company)
Between 6 - 30 Employees	The Top Two Salary Earners(Total Cost To Company)
Between 31 - 60 Employees	The Top 3 Salary Earners(Total Cost to Company)
Between 61 - 165 Employees	The Top 4 Salary (Total Cost to Company) Earners
More than 165 Employees	The Top 3% of Salary Earners (Total Cost to Company) up to 90 Employees

	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
70							
71							
72							
73							
74							
75							
76							
77							
78							
79							
80							
81							
82							
83							
84							
85							
86							
87							
88							
89							
90							

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at date of application: 

	Gross Salary/ Wages (Total Cost to Company)	Number of Employees	Percentage of Total Employees	Number of Black Employees	Percentage of Total Black Employees	Number of Female Employees
1	<R2 500					
2	Between R2 500 and R5 500					
3	Between R5 501 and R10 500					
4	Between R10 501 and R16 000					
5	Between R16 001 and R20 000					
6	Between R20 001 and R25 000					
7	Between R25 001 and R30 000					
8	Between R30 001 and R40 000					
9	Between R40 001 and R60 000					
10	>R60 000					
	Total		100%		100%	

6.4.2 Does the applicant contribute towards medical aid and pension for its employees? 

☐ Yes ☐ No

6.4.3 Does the applicant provide any other type of benefits for its employees? 

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's most recent employment equity profile provided to the Department of Labour. If the applicant is not designated or did not voluntarily comply then the table must be completed as at date of application. 

										Total	
Occupational Categories	Gender	A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management / Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making and unskilled and undefined decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers, Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African, Coloured and Indian

Section 6

Transformation

Management and Employment Equity

6.6. Complete the table below in relation to employment equity figures for **Senior Officials and Managers and Professionals** submitted in the 2001 application form. 

Occupational Categories	Gender	A No	A %	C No	C %	I No	I %	W No	W %	Total	
										ACL %	F %
Top and Senior Management / Senior Officials and Managers (as per 2001 application form)	Male										
	Female										
Professionally qualified and experienced specialists and mid-management / Professionals 2001 (as per 2001 application form)	Male										
	Female										

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?

☐ Yes ☐ No

6.7.1 If "Yes", complete the table below in respect of shareholding held by black persons: 

Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2001 (as stated in 2001 application form)			
2005 (at date of application)			

6.7.2 Complete the following table in relation to shareholding held by women:

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2005 (at date of application)			

6.7.3 Did any of the applicant's employees not listed in Section 6.3.2 hold shares in the applicant in 2004?

☐ Yes ☐ No 

6.7.4 If "Yes", what is the percentage shareholding held by or for these employees?

6.7.5 Complete the following table in relation to monies paid to shareholders: 

Year	Salaries Paid to Shareholders holding more than 10%	Loans Made to Shareholders holding more than 10%	Dividends Paid to Shareholders holding more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Companies Only**

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of the 2004 allocation in this fishery performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable. ☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2004 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.7.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005? ☐ Yes ☐ No

6.7.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation? ☐ Yes ☐ No

6.8.1 If "Yes", complete the table below in respect of members interest held by black persons:

Year	Percentage Interest Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage Profit Distribution Black Persons are Entitled To
2001 (as stated in 2001 application form)			
2005 (as at date of application)			

6.8.2 Complete the table below in relation to members interest held by women:

Year	Percentage Interest Held by Women	Percentage Voting Rights Held by Women	Percentage Profit Distribution Women are Entitled To
2005 (as at date of application)			

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004? ☐ Yes ☐ No

6.8.4 If "Yes", what percentage of profit were employees not listed under question 6.3.2 entitled to?

6.8.5 Complete the following table in relation to monies paid to members:

Year	Salaries Paid to Members that hold more than 10%	Loans Made to Members that hold more than 10%	Profit Distributed to Members that hold more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Close Corporations Only**

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable.

☐ Yes ☐ No



6.8.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity	Rand Amount as a Percentage of the Applicant's Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.8.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005 ?

☐ Yes ☐ No



6.8.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001?

☐ Fully ☐ Somewhat/Partially ☐ Not at all



6.10 Complete the following table in relation to the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year end)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period?

☐ Yes ☐ No



6.12 If "Yes," indicate the number of learnerships as a percentage of the applicant's permanent employees as at date of application.

6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SMME Support Strategy?

☐ Yes ☐ No



6.14.1 How many skippers are used by the applicant?



6.14.2 What percentage of these skippers are black?

Section 6

Transformation

Corporate Social Investment

6.15 Does the applicant make donations of its annual taxable income which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962 ?

☐ Yes ☐ No



6.16 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.17 Indicate the five largest tax deductible donations made per in 2004 in the table below.

Benefitting Organisation	Rand Value of Amount Donated

6.18 Does the applicant make any other donations (in addition to those which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962, but not including school fees)?

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.20 If other donations were made, indicate the five largest such donations made in 2004 in the table below:

Benefitting Organisation	Rand Value of Amount Donated

Section 6

Transformation

Affirmative Procurement

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



Section 6**Transformation****Affirmative Procurement**

6.22 Provide the following information in relation to the applicant's top nine South African suppliers (operational expenditure) in 2004:



Name of Supplier	Percentage of Black Ownership of Supplier	Amount Paid to Supplier in Rands in 2004	Percentage of Total Expenses

6.23 Has the applicant determined its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No

**Section 7****Vessel, Crew and Environmental Safety Contraventions**

7.1 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty under section 324 of the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.2 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty for contravening the Maritime Occupational Safety Regulations of 1994?

☐ Yes ☐ No



7.3 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of a penalty for contravening the Crew Accommodation Regulations, 1961?

☐ Yes ☐ No

**Crew Safety and Working Conditions**

7.4 Has the applicant, during the medium term right period, reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



Section 7**Vessel, Crew and Environmental Safety
Crew Safety and Working Conditions**

- 7.5 Has a qualified safety officer been appointed for each nominated vessel of more than 25 gross tons with a crew of 6 or more in terms of section 36 of the Maritime Occupational Safety Regulations? ☐ Yes ☐ No ☒
- 7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act 57 of 1951? ☐ Yes ☐ No ☒
- 7.7 Does the applicant or vessel owner provide insurance or other financial security in respect of loss of life and personal injury suffered by crew? ☐ Yes ☐ No ☒
- 7.8 Has a formal safety assessment been conducted in respect of each nominated vessel in terms of Marine Notice No 26 of 2004? ☐ Yes ☐ No ☒
- 7.9 Has the applicant or the vessel owner registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993? ☐ Yes ☐ No ☒
- 7.10 Does the applicant have an HIV/AIDS policy? ☐ Yes ☐ No ☒
- 7.11 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981? ☐ Yes ☐ No ☒
- 7.12 Does the applicant or vessel owner have an alcohol and substance abuse policy in place? ☐ Yes ☐ No ☒
- 7.13 Does the applicant or vessel owner have a plan dealing with garbage for each nominated vessel? ☐ Yes ☐ No ☒

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation. ☒

Year	Permanent Employees (Land-Based)	Permanent Employees (Sea Based)	Seasonal Employees (Land Based)	Seasonal Employees (Sea Based)	Total Number of Employees (Columns 1- 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2005 (date of application)							

Section 8**Job Creation****8.1.2 Table 2**

Number of vessels allocated to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on salaries/wages per vessel allocated?

8.1.3 Table 3

Number of vessels allocated in this fishery in 2004	Total Employees (in relation to this fishery) (at date of application)	How many people does the applicant employ per vessel allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (at date of application)	How many people (less seasonal employees) does the applicant employ per vessel allocated?

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid at date of application	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at date of application
Applicant's five lowest annual salaries (total cost to company) paid at date of application	Average of lowest five salaries	

Section 9**Investment**

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets (in relation to this fishery)	Total Book Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Book Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets (in relation to this fishery)	Total Insured Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Insured Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2005 (at date of application)			

Section 9**Investment**

9.1.3 Table 3

Number of vessels allocated to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per vessel allocated to applicant	Book Value of Land-Based Assets per vessel allocated to applicant

9.1.4 Table 4

Number of vessels allocated to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per vessel allocated to applicant	Insured Value of Land-Based Assets per vessel allocated to applicant

9.1.5 A detailed explanation of all investment made in marketing activities must be included as an annexure. 

9.1.6 A detailed explanation of all investment made in processing activities must be included as an annexure. 

9.1.7 Has the applicant invested in on-board or land based processing facilities?

☐ Yes ☐ No

9.1.8 If yes, please complete the following table:

Number of vessels allocated to the applicant in 2004	Nominal Tons of Applicant's Allocation Processed On Board Vessel	Nominal Tons of Applicant's Allocation Processed on Land	Nominal Tons Processed on Behalf of other Right Holders On Board Vessel	Nominal Tons Processed on Behalf of other Right Holders on Land

Section 10**Local Economic Development**

10.1 Complete the following table in relation to harbours and landing sites used:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004 calendar year	Percentage of Total Catch Landed in 2004 calendar year
TOTAL		

Section 10**Local Economic Development**

10.2 At which harbours and landing sites will the applicant land its catches?

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours, landing sites or coastal towns?

☐ Yes ☐ No

**Section 11****Value Add and Enterprise Development**

11.1 Is the applicant directly involved in any value adding process in this fishery?

☐ Yes ☐ No



11.2 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

**Section 12****Performance****Financial**

12.1 What is the applicant's total 2004 audited, verified or certified Annual Turnover?



12.2 Provide the following information in relation to the applicant's income statements:

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2004				



12.3 Provide the following information in relation to the applicant's balance sheet:

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2004				



12.4 Provide the following information in relation to the applicant's cash flow:

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2004			

Section 12**Performance****Financial**

12.5 Indicate the rand value and percentage of total turnover derived from this fishery:



Annual Catch Allocation (tons) to the Applicant in 2004	Turnover Generated in 2004 financial year by Annual Catch Allocation	Percentage of Total Turnover

12.6 Complete the following table for natural person shareholders or members (if close corporation) that hold 10% or more of the applicant's shareholding / membership interest:

Shareholder / Member Name	Percentage Shareholding / Interest	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

12.7 Complete the following table for the top three employees listed in Section 6.3.2:

Director / Manager Name	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

Section 13**Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No**Section 14****By-Catch and Environmentally Sustainable Practices**

14.1 Has the applicant put in place any measures to reduce energy and fuel consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.2 Does the applicant intend to put in place any measures to reduce energy and fuel reduction consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.3 Has the applicant undertaken or sponsored any research in relation to environmentally sustainable practices?

☐ Yes ☐ No**Section 15****Fishing Levies**

15.1 Please provide the following information in relation to levies in this fishery, paid since 2001:

Year	Species	Total Catch in Tons	Levies Paid
2001			
2001			
2001			
2001			
2001			
2002			
2002			
2002			
2002			
2002			
2003			
2003			
2003			
2003			
2003			
2004			
2004			
2004			
2004			
2004			

15.2 What was the date and amount of the applicant's most recent levy payment?

Date
yyyy/mm/dd

Amount

Section 16

Applicant Declaration

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) The applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) The applicant accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the holding entity is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Holding Entity Declaration

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the sister company is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Sister Company Declaration

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the JV partner is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

JV Partner Declaration

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** _____ **2005** or _____ **2005****Time of Receipt:** _____ **h** _____**Receipting Venue:** _____**Application Number:** _____**Departmental Stamp:**

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

RECEIPT**Received by:** _____**Date of Receipt:** _____ **2005** or _____ **2005****Time of Receipt:** _____ **h** _____**Receipting Venue:** _____**Application Number:** _____**Departmental Stamp:**

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

APPLICATION NUMBER: WCOM

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



West Coast Rock Lobster (Offshore)

Long Term Rights Allocation Process: 2005

Cluster B

Application Form For: Medium Term Right Holders

Registered Name of Applicant

Company Registration Number

or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

IMPORTANT INFORMATION**INSTRUCTIONS****GENERAL**

- 1) This application form must be read together with these **Instructions**, the **Explanatory Notes**, and the **Schedules** to the application form.
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) If the applicant has any queries regarding the completion of the application form, it must submit the query by e-mail to clusterb@deat.gov.za. All queries and responses will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za.

During the application period, applicants or their representatives may not communicate with the Minister, the delegated authority, or officials in the Department regarding their applications in any other manner. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) Applicants must pay attention to the icons in the application form in order to determine whether:
 - the information provided will be treated as confidential;
 - there is any documentation or information required in response to a question in the form of an annexure; or
 - there are consequences in not answering a question.

- 5) The application form makes use of the following icons:



The **books** icon means that the information provided will be treated as confidential.



The **clipboard** icon means that the applicant must consult the corresponding schedule to the application form. Applicants are instructed in the schedules regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be adversely affected. Failure to submit certain requested documents or information may result in the application being refused.



The **warning** icon means that if the applicant fails to answer the question, the answer will be deemed to be adverse to the applicant.

COMPLETION OF APPLICATION FORM

- 6) The applicant must complete all sections of the application form. If any particular section does not apply to the applicant, the section may be marked "N/A." If an applicant cannot answer a section, it may be marked "Unknown." The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically required to do so.
- 7) This application form must be completed by hand and submitted together with the required annexures. If the application is submitted in any other form, the application will be refused. Do not use a pencil. Preferably use a blue pen.
- 8) The declaration must be signed and attested before a Commissioner of Oaths by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.
- 9) The application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under sections marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed after the annexures.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) One true copy of the application must be made. This copy must be punched, divided and filed in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 11) The application, and the copy of the application must be hand delivered **Thursday 18 August 2005** between **08h00** and **20h00**, or **Friday 19 August 2005** between **08h00** and **17h00** at one of the places and venues listed below.

Place	Venue
Port Nolloth	City Hall, Main Road, Port Nolloth
Lamberts Bay	Community Hall, Burrel Street, Lamberts Bay
Saldanha Bay	Tabakbaai Holiday Resort Hall, Saldanha Bay Municipality
Cape Town	Woodstock Town Hall, between Aberdeen and Plein Streets, Woodstock
Hermanus	Zwelihle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Mayixhale Street, Kwa-Nonqaba Location, Mossel Bay
Port Elizabeth	Helenvale Resource Centre, Baatjies Street, Helenvale
East London	Cosmics View Hall, Buffalo Park Drive, East London
Port St Johns	Community Hall, 257 Main Street, Port St Johns
Durban	KZN Wildlife Offices, 3 Elton Place, Congella, Durban

- 12) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates, at one of the above places and venues will be refused.

IMPROPER LODGEMENT

- 13) Improperly lodged applications will be refused. An application is improperly lodged if:

- it is received late;
- the applicant makes no payment, or short payment, or late payment of the application fee; or
- the application is lodged in a manner contrary to the instructions.

MATERIAL DEFECTS

- 14) Applications that are materially defective will be refused. An application is materially defective if:

- the declaration is not signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative of the holding entity, sister company(ies) and the joint venture partner(s);
- more than one application is received for a right in the same sector; or
- the applicant or, if applicable, one or more of the, the holding entity, sister company(ies) and the joint venture partner(s) provide false information or documents, fail to disclose material information or attempt to influence the Minister or the delegated authority other than in the manner provided for in the General policy and in this application form.

Section 1**Applicant Details**

1. The applicant must supply a profile of its organisation in the manner set out in Schedule 1A. 

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered?

☐ Yes ☐ No

1.8 If "Yes", complete only those details that have changed:

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant currently hold a medium term fishing right in this sector? ☐ Yes ☐ No ☒

2.1.1 If "Yes", what is the medium term right holder's WCRL Quota Number?

2.2 If "Yes", to Section 2.1, to which entity or person was the medium term fishing right allocated in 2001/2002?

☒ Company ☐ Name
☐ Close Corporation ☐ Name
☐ Trust ☐ Name
☐ Individual ☐ Name

2.3 In what form of entity is the medium term fishing right currently held? ☒

☐ Company ☐ Name
☐ Close Corporation ☐ Name
☐ Trust ☐ Name
☐ Individual ☐ Name

2.4 Is the applicant more than 50% South African owned? ☐ Yes ☐ No ☒

2.5 Does the applicant have a valid tax clearance certificate? ☐ Yes ☐ No ☒

2.6 Complete the following table in relation to total asset value and turnover: ☒

Year	Turnover	Gross Asset Value (excluding fixed property)
2004 (Financial Year End)		

2.7 Does the applicant hold any share(s) in any other company that is applying as a medium term right holder in this sector? ☐ Yes ☐ No ☒

2.8 Does the applicant hold any share(s) in any company that is applying as a new entrant in this sector? ☐ Yes ☐ No ☒

Section 3**Compliance**

3.1 Has the applicant, or any of its members, shareholders or directors:

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions or other fishing related offences during the medium term right period? ☐ Yes ☐ No ☒

3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions or other fishery related offences during the medium term right period? ☐ Yes ☐ No ☒

3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period? ☐ Yes ☐ No ☒

Section 3**Compliance**

3.1.4 been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?

☐ Yes ☐ No



3.2 Has a fishing vessel, motor vehicle, or any other assets of the applicant, or any of its shareholders, members or directors been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?

☐ Yes ☐ No



3.3 Was the applicant's right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No

**Section 4****Vessel Details**

4.1 How many vessels has the applicant nominated for use in this fishery should the applicant be granted a long-term right?



4.2 Fill in the relevant details in the tables below regarding each vessel nominated:

Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or 'roei bakkie'?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership, or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or 'roei bakkie'?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership, or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 4

Vessel Details

Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke?"	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership, or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke?"	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke?"	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 4

Vessel Details

Vessel 6	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 7	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 8	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 4

Vessel Details

Vessel 9	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 10	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 11	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 4**Vessel Details**

4.3 The applicant must provide details of all vessels used by the applicant in the WCRL fishery during the medium term right period as set out in Annexure 4F

Section 5**Catch Utilisation**

5.1 Did the applicant over-catch or under-catch by more than 10% during the medium term rights period?

☐ Yes☐ No

5.2 Complete the following in relation to the applicant's catch records in this sector.



Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (Nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				
2005 Season				

Section 6**Transformation****Management and Employment Equity**

6.1 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act 55 of 1998 at the date of application?

☐ Yes☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998?

☐ Yes☐ No

6.2.2 If "No" to section 6.1, has the applicant voluntarily complied with the Employment Equity Act 55 of 1998?

☐ Yes☐ No

Section 6
Transformation
Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at date of application.



	Director / Member Name (Initial & Surname)	Years of Service	Black (Y/N)	Gender (M/F)	ID Number
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at date of application.



Between 1 - 5 Employees	The Top Salary Earner (Total Cost to Company)
Between 6 - 30 Employees	The Top Two Salary Earners (Total Cost To Company)
Between 31 - 60 Employees	The Top 3 Salary Earners (Total Cost to Company)
Between 61 - 165 Employees	The Top 4 Salary (Total Cost to Company) Earners
More than 165 Employees	The Top 3% of Salary Earners (Total Cost to Company) up to 90 Employees

	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							

Section 6

Transformation

Management and Employment Equity



	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
70							
71							
72							
73							
74							
75							
76							
77							
78							
79							
80							
81							
82							
83							
84							
85							
86							
87							
88							
89							
90							

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at date of application:

	Gross Salary/ Wages (Total Cost to Company)	Number of Employees	Percentage of Total Employees	Number of Black Employees	Percentage of Total Black Employees	Number of Female Employees
1	<R2 500					
2	Between R2 500 and R5 500					
3	Between R5 501 and R10 500					
4	Between R10 501 and R18 000					
5	Between R18 001 and R20 000					
6	Between R20 001 and R25 000					
7	Between R25 001 and R30 000					
8	Between R30 001 and R40 000					
9	Between R40 001 and R60 000					
10	>R60 000					
	Total		100%		100%	

6.4.2 Does the applicant contribute towards medical aid and pension for its employees?

☐ Yes ☐ No

6.4.3 Does the applicant provide any other type of benefits for its employees?

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's most recent employment equity profile provided to the Department of Labour. If the applicant is not designated or did not voluntarily comply then the table must be completed as at date of application.

Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top & Senior Management / Senior Officials and Managers	Male										
	Female										
Professionally Qualified and experienced specialists and mid-management / Professionals	Male										
	Female										
Skilled Technical and academically qualified workers, supervisors, foremen, and superintendents / Technicians and Associate Professionals	Male										
	Female										
Semi-skilled and discretionary decision-making / Clerks, Service & Sales Workers, Fishery Workers, Artisans & Related Trade Workers, Plant & Machine Operators & Assemblers, Elementary Occupations	Male										
	Female										
TOTAL	Male										
	Female										

A = African, C = Coloured, I = Indian, W = White, M = Male, F = Female, ACI = African, Coloured and Indian

Section 6**Transformation****Management and Employment Equity**

6.6. Complete the table below in relation to employment equity figures for **Senior Officials and Managers and Professionals** submitted in the 2001 application form. 

Occupational Categories	Gender									Total	
		A No	A %	C No	C %	I No	I %	W No	W %	ACI %	F %
Top and Senior Management / Senior Officials and Managers (as per 2001 application form)	Male										
	Female										
Professionally qualified and experienced specialists and mid-management / Professionals 2001 (as per 2001 application form)	Male										
	Female										

Section 6**Transformation****Ownership - Companies Only**

6.7 Is the applicant a company?

☐ Yes ☐ No

6.7.1 If "Yes", complete the table below in respect of shareholding held by black persons: 

Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2001 (as stated in 2001 application form)			
2005 (at date of application)			

6.7.2 Complete the following table in relation to shareholding held by women:

Year	Percentage Shareholding Held by Women	Percentage Voting Rights Held by Women	Percentage of Dividends Women are Entitled To
2005 (at date of application)			

6.7.3 Did any of the applicant's employees not listed in Section 6.3.2 hold shares in the applicant in 2004?

☐ Yes ☐ No 

6.7.4 If "Yes", what is the percentage shareholding held by or for these employees?

6.7.5 Complete the following table in relation to monies paid to shareholders: 

Year	Salaries Paid to Shareholders holding more than 10%	Loans Made to Shareholders holding more than 10%	Dividends Paid to Shareholders holding more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Companies Only**

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of the 2004 allocation in this fishery performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable. ☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity during the 2004 Financial Year	Rand Amount as a Percentage of the Applicant's Total Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.7.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005? ☐ Yes ☐ No

6.7.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation? ☐ Yes ☐ No

6.8.1 If "Yes", complete the table below in respect of members interest held by black persons:

Year	Percentage Interest Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage Profit Distribution Black Persons are Entitled To
2001 (as stated in 2001 application form)			
2005 (as at date of application)			

6.8.2 Complete the table below in relation to members interest held by women:

Year	Percentage Interest Held by Women	Percentage Voting Rights Held by Women	Percentage Profit Distribution Women are Entitled To
2005 (as at date of application)			

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004? ☐ Yes ☐ No

6.8.4 If "Yes", what percentage of profit were employees not listed under question 6.3.2 entitled to?

6.8.5 Complete the following table in relation to monies paid to members:

Year	Salaries Paid to Members that hold more than 10%	Loans Made to Members that hold more than 10%	Profit Distributed to Members that hold more than 10%
2004 (financial year) or 2004 tax year (ending 28 February 2005)			

Section 6**Transformation****Ownership - Close Corporations Only**

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing performed by another entity during the 2004 financial year? Answer "Yes" if any of the above are applicable.

☐ Yes ☐ No



6.8.7 If "Yes", complete the table below:

Function	Rand Amount Paid to Other Entity	Rand Amount as a Percentage of the Applicant's Turnover in 2004
Management		
Catching		
Processing		
Marketing		

6.8.8 Did the applicant sell any of its allocated quantum or effort in this sector, prior to harvesting, to any other entity in 2002, 2003, 2004 or 2005 ?

☐ Yes ☐ No



6.8.9 If "Yes", complete the table below:

Name of entity to which allocation was sold	Total Rand amount paid by other entity for the allocation during the medium term period

Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001?

☐ Fully ☐ Somewhat/Partially ☐ Not at all



6.10 Complete the following table in relation to the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2004 (financial year)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period?

☐ Yes ☐ No



6.12 If "Yes," indicate the number of learnerships as a percentage of the applicant's permanent as at date of application.

6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SMME Support Strategy?

☐ Yes ☐ No



6.14.1 How many skippers are used by the applicant?



6.14.2 What percentage of these skippers are black?

Section 6**Transformation****Corporate Social Investment**

6.15 Does the applicant make donations of its annual taxable income which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962 ?

☐ Yes ☐ No



6.16 If "Yes", indicate what percentage of net profit (earnings before income tax) earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.17 Indicate the five largest tax deductible donations made per in 2004 in the table below.

Benefiting Organisation	Rand Value of Amount Donated

6.18 Does the applicant make any other donations (in addition to those which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962, but not including school fees)?

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit (earnings before interest tax) earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



6.20 If other donations were made, indicate the five largest such donations made in 2004 in the table below:

Benefiting Organisation	Rand Value of Amount Donated

Section 6**Transformation****Affirmative Procurement**

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



Section 6**Transformation****Affirmative Procurement**

6.22 Provide the following information in relation to the applicant's top nine South African suppliers (operational expenditure) in 2004:

Name of Supplier	Percentage of Black Ownership of Supplier	Amount Paid to Supplier in Rands in 2004	Percentage of Total Expenses

6.23 Has the applicant determined its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No

Section 7**Vessel, Crew and Environmental Safety Contraventions**

7.1 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty under section 324 of the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No

7.2 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty for contravening the Maritime Occupational Safety Regulations of 1994?

☐ Yes ☐ No

7.3 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of a penalty for contravening the Crew Accommodation Regulations, 1961?

☐ Yes ☐ No

Crew Safety and Working Conditions

7.4 Has the applicant, during the medium term right period, reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No

Section 7**Vessel, Crew and Environmental Safety
Crew Safety and Working Conditions**

- 7.5 Has a qualified safety officer been appointed for each nominated vessel of more than 25 gross tons with a crew of 6 or more in terms of section 36 of the Maritime Occupational Safety Regulations? ☐ Yes ☐ No ☒
- 7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act 57 of 1951? ☐ Yes ☐ No ☒
- 7.7 Does the applicant or vessel owner provide insurance or other financial security in respect of loss of life and personal injury suffered by crew? ☐ Yes ☐ No ☒
- 7.8 Has a formal safety assessment been conducted in respect of each nominated vessel in terms of Marine Notice No 26 of 2004? ☐ Yes ☐ No ☒
- 7.9 Has the applicant or the vessel owner registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993? ☐ Yes ☐ No ☒
- 7.10 Does the applicant have an HIV/AIDS policy? ☐ Yes ☐ No ☒
- 7.11 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981? ☐ Yes ☐ No ☒
- 7.12 Does the applicant or vessel owner have an alcohol and substance abuse policy in place? ☐ Yes ☐ No ☒
- 7.13 Does the applicant or vessel owner have a plan dealing with garbage for each nominated vessel? ☐ Yes ☐ No ☒

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation. ☒

Year	Permanent Employees (Land-Based)	Permanent Employees (Sea-Based)	Seasonal Employees (Land-Based)	Seasonal Employees (Sea-Based)	Total Number of Employees (Columns 1-4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2005 (date of application)							

Section 8**Job Creation****8.1.2 Table 2**

Applicant's Annual Catch Allocation (in tons) to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on salaries/wages per ton allocated?

8.1.3 Table 3

Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (at date of application)	How many people does the applicant employ per ton allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (at date of application)	How many people (less seasonal employees) does the applicant employ per ton allocated?

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid at date of application	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at date of application
Applicant's five lowest annual salaries (total cost to company) paid at date of application	Average of lowest five salaries	

Section 9**Investment**

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets (in relation to this fishery)	Total Book Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Book Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets (in relation to this fishery)	Total Insured Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Insured Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2005 (at date of application)			

Section 9**Investment**

9.1.3 Table 3

Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant

9.1.4 Table 4

Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

9.1.5 A detailed explanation of all investment made in marketing activities must be included as an annexure. 

9.1.6 A detailed explanation of all investment made in processing activities must be included as an annexure. 

9.1.7 Has the applicant invested in on-board or land based processing facilities?

☐ Yes ☐ No

9.1.8 If yes, please complete the following table:

Annual Catch Allocation (in metric tons) to the applicant in 2004	Nominal Tons of Applicant's Allocation Processed On Board Vessel	Nominal Tons of Applicant's Allocation Processed on Land	Nominal Tons Processed on Behalf of other Right Holders On Board Vessel	Nominal Tons Processed on Behalf of other Right Holders on Land

Section 10**Local Economic Development**

10.1 Complete the following table in relation to harbours and landing sites used:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004 calendar year	Percentage of Total Catch Landed in 2004 calendar year
TOTAL		

Section 10**Local Economic Development**

10.2 At which harbours and landing sites will the applicant land its catches?

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours, landing sites or coastal towns?

☐ Yes☐ No**Section 11****Value Add and Enterprise Development**

11.1 Is the applicant directly involved in any value adding process in this fishery?

☐ Yes☐ No

11.2 Has the applicant been responsible for any enterprise development?

☐ Yes☐ No**Section 12****Performance****Financial**

12.1 What is the applicant's total 2004 audited, verified or certified Annual Turnover?



12.2 Provide the following information in relation to the applicant's income statements:

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2004				

12.3 Provide the following information in relation to the applicant's balance sheet:

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2004				

12.4 Provide the following information in relation to the applicant's cash flow:

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2004			

Section 12

Performance
Financial



12.5 Indicate the rand value and percentage of total turnover derived from this fishery:



Annual Catch Allocation (tons) to the Applicant in 2004	Turnover Generated in 2004 financial year by Annual Catch Allocation	Percentage of Total Turnover

12.6 Complete the following table for natural person shareholders or members (if close corporation) that hold 10% or more of the applicant's shareholding / membership interest:

Shareholder / Member Name	Percentage Shareholding / Interest	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

12.7 Complete the following table for the top three employees listed in Section 6.3.2:

Director / Manager Name	Gross Annual Income (2004 fiscal year)	Total Income Derived from applicant, including dividends	Percentage of gross annual income

Section 13**Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No**Section 14****By-Catch and Environmentally Sustainable Practices****By-Catch**

14.1 Indicate the proportion of the applicant's annual catch that is made up of by-catch species:



Year	Annual By-Catch (in tons)	Annual Utilised By-Catch as a Percentage of Total Catch	Annual Unutilised By-Catch, Juvenile Species and Endangered Species as a Percentage of Total Catch
2004			

Environmentally Sustainable Practices

14.2 Has the applicant put in place any measures to reduce energy and fuel consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.3 Does the applicant intend to put in place any measures to reduce energy and fuel reduction consumption on vessels, and in processing facilities?

☐ Yes ☐ No

14.4 Has the applicant undertaken or sponsored any research in relation to environmentally sustainable practices?

☐ Yes ☐ No

Section 15

Fishing Levies

15.1 Please provide the following information in relation to levies in this fishery, paid since 2001:

Year	Species	Total Catch in Tons	Levies Paid
2001			
2001			
2001			
2001			
2001			
2002			
2002			
2002			
2002			
2002			
2003			
2003			
2003			
2003			
2003			
2004			
2004			
2004			
2004			
2004			

15.2 What was the date and amount of the applicant's most recent levy payment?

Date
yyyy/mm/dd

Amount

Section 16**Applicant Declaration**

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) The applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) The applicant accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the holding entity is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Holding Entity Declaration

Signed at: _____

This _____ **day of** _____ **2005**

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the sister company is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

Sister Company Declaration

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out on pages 2 and 3 of this application form;
- (b) the information submitted with and in this Application concerning the JV partner is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998;
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit;
- (e) _____ (3rd party name) undertakes to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application;
- (f) _____ (3rd party name) accepts that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the General Policy or in this application form, will result in the application being refused.

JV Partner Declaration

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

The authorised representative declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full Name

Designation

Physical Address

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT**

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Receipting Venue: _____

Application Number: _____

Departmental Stamp:

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

RECEIPT

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Receipting Venue: _____

Application Number: _____

Departmental Stamp:

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Disclaimer: The receipting of this application does not imply an acknowledgement of the completeness of the application or the correctness of its content.

**SCHEDULES TO THE CLUSTER B MEDIUM TERM RIGHT HOLDER
APPLICATION FORMS: DEMERSAL SHARK, HAKE LONGLINE,
SEAWEED, SQUID, TUNA POLE AND WEST COAST ROCK LOBSTER
(OFFSHORE)**

IF THE APPLICANT CANNOT PROVIDE THE DOCUMENTS OR INFORMATION REQUESTED IN ANY OF THE SCHEDULES BELOW, THE APPLICANT MAY SUBMIT AN EXPLANATION FOR THIS IN PLACE OF THAT ANNEXURE

SCHEDULE 1 – Applicant Details

- a) Provide, as Annexure 1A, in order for the delegated authority to better understand the answers and information submitted, a brief profile of the applicant organisation. Include a brief description of historical involvement in the fishing industry (if any) and expertise. Also provide an organisational structure which indicates the applicant's business model including, if any, details regarding the holding company, sister companies and joint venture relationships. The applicant should pertinently indicate if it intends to apply in more than one sector, whether it is involved in industries other than the fishing industry and if the applicant does rely on information of holding companies, sister companies and joint venture partners in this application. The profile may not exceed 5 pages.
- b) Section 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure 1B.
- c) Section 1.8.6: Provide a copy of a resolution duly authorising the person named in Section 1.8.6 to be the authorised contact person, as Annexure 1C.

SCHEDULE 2 – Form of Applicant

- a) Section 2.1: Provide a copy of the 2005 permit as Annexure 2A.
- b) Section 2.2: Provide a copy of the letter granting a medium term right as Annexure 2B.
- c) Section 2.3: If the applicant is not the same entity as the one specified in Section 2.2 or 2.3, provide a detailed explanation as Annexure 2C.
- d) Section 2.4: If the applicant is a close corporation or a company with less than 10 shareholders who are natural persons, provide as Annexure 2D, a list of the names of members/shareholders and their nationality and the calculation of the ratio of South African members/shareholders to non-South African members/shareholders. If the schedule indicates that the member/shareholder is South African, include a copy of the relevant page of the identity document, passport or appropriate proof of citizenship indicating that the member/shareholder is South African.

If the applicant is a company whose shares are held by more than 10 shareholders and/or the shareholders are not all natural persons, provide as Annexure 2D, a list of the names of shareholders and their nationality and the calculation of the ratio of South African shareholders to non-South African shareholders. Include a sworn affidavit by the chairman of the applicant's board of directors stating that more than 50% of the shareholders of the applicant are South African.

(Note: In terms of the Marine Living Resources Act 18 of 1998, more than 50% of the shareholders (in the case of a company) or more than 50% of the members (in the case of a close corporation) must be South African.

- e) Section 2.5: Provide a copy of a valid SARS tax clearance certificate as Annexure 2E.
- f) Section 2.6: Provide as Annexure 2F the relevant page(s) of the financial statements for the financial year ending 2004 and mark with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of calculating the turnover and gross asset value (*excluding* fixed property, ie excluding land and buildings). Only information relating to the financial records of the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.
- g) Section 2.7: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2G.
- h) Section 2.8: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2H.

SCHEDULE - Compliance

- a) Section 3.1.1: If "Yes", provide details and documentation regarding the conduct of the applicant, the identity and conduct of the members (in the case of a close corporation), shareholders (specify percentage shareholding) or directors resulting in the conviction, the dates of conviction, and the penalties imposed as Annexure 3A.
- b) Section 3.1.2: If "Yes", provide details and any documentation of the plea bargain arrangement entered into, and details regarding the conduct and identity of the individuals (including percentage shareholding if applicable) giving rise to the plea bargain, the dates and terms of the plea bargain, as Annexure 3B.
- c) Section 3.1.3: If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct and identity of the individuals (including percentage shareholding if applicable) giving rise to the fine, the date of the contravention and rand amount paid as Annexure 3C.
- d) Section 3.1.4: If "Yes", provide details and any documentation regarding the charge including information regarding the conduct and identity of the individuals (including percentage shareholding if applicable) giving rise to the charge and the outcome as Annexure 3D.
- e) Section 3.2: If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct and identity of individuals (including percentage shareholding if applicable) involved as Annexure 3E. Also provide details if a confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act or the MLRA.
- f) Section 3.3: If "Yes", provide details and any documentation including the identity and conduct of individuals (including percentage shareholding if applicable) giving rise to the Section 28 procedure as Annexure 3F.

SCHEDULE 4 –Vessel Details**This section does not apply to Seaweed**

- a) Section 4.2: For each vessel nominated, provide copies of the following documents:
 - i) SAMSA Safety Certificate as Annexure 4A;
 - ii) South African Certificate of Registry as Annexure 4B;
 - iii) Percentage ownership of each nominated vessel as Annexure 4C; and
 - iv) Agreement providing access to the vessel if the applicant is not the majority or sole owner of the vessel as Annexure 4D.
- b) If the applicant is unable to furnish any of the above documents for any of the nominated vessels, the applicant must provide an explanation for this as Annexure 4E.
- c) Section 4.3: Provide a description of each vessel that the applicant used to harvest its medium term West Coast Rock Lobster allocation as Annexure 4F. **This Section only applies to West Coast Rock Lobster Offshore**

SCHEDULE 5 – Catch Utilisation**Hake Longline and West Coast Rock Lobster (Offshore)**

- a) Section 5.1: If the applicant over- or under-caught by more than 10% in any year, a detailed explanation must be attached as Annexure 5B.
- b) Section 5.2: Provide as Annexure 5A, a schedule which details, per month, the total actual catch (in metric tons, nominal weight (complete fish) for 2002, 2003, 2004 and 2005 and copies of the permits issued by the Department for the seasons 2002, 2003, 2004 and 2005.
Only information relating to the catch records of the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.

Demersal Shark, Seaweed, Squid, or Tuna Pole

- c) Section 5.1: Provide as Annexure 5A, a schedule which details, per month, the total actual catch or seaweed harvested (in metric tons, nominal weight (complete fish) / dry weight of seaweed for 2002, 2003, 2004 and 2005 and copies of the permits issued by the Department for the seasons 2002, 2003, 2004 and 2005.
Only information relating to the catch records of the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.

SCHEDULE 6 - Transformation

- a) Sections 6.2.1 and 6.2.2: If the applicant answered "Yes" to either section 6.2.1 or 6.2.2 then provide as Annexure 6A the employment equity plan submitted and approved by the Director-General as required by Employment Equity Act 55 of 1998 and the most recent EEA2/2A report submitted to the Director-General.
- b) Section 6.3.1: If the applicant completed Section 6.3.1 in respect of the board of directors of the applicant and of any other entities as per the Explanatory Notes, the applicant must replicate and complete the tables in Section 6.3.1 for the applicant and the other entities separately, and submit these as Annexure 6B.
- c) Section 6.3.2: Provide as Annexure 6C a schedule which contains the names, organisational title, total annual cost to company, gender, race (distinguishing between African, Coloured, Indian and White), identification number and occupational category of all permanent and seasonal employees of the applicant, sorted in descending order of total cost to company. The schedule should also indicate whether the employee is land based or sea based (to be used later in section 8.1.1). If the applicant completed Section 6.3.2 in respect of the employees of the applicant and of any other entities, the applicant must provide separate schedules for each entity and replicate and complete the tables in Section 6.3.2 for the applicant and the other entities separately, and submit these as Annexure 6C. For purposes of completing the application form, the schedules must be merged as per the Explanatory Notes.
- d) Section 6.4.1: If the applicant completed Section 6.4.1 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must replicate and complete the tables in Section 6.4.1 for the applicant and the other entities separately, and submit these as Annexure 6D.
- e) Section 6.4.2: If "Yes," the applicant must provide details of contributions made to medical aid and pension, including details of the classes of beneficiaries, the employer's contributions and the nature of the benefits as Annexure 6E.
- f) Section 6.4.3: If "Yes," the applicant must provide details of the nature of the benefits provided, classes of beneficiaries and the employer's contribution as Annexure 6F.
- g) Section 6.5, and 6.6: If the applicant completed Sections 6.5 and 6.6 with reference to the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must replicate and complete the tables in Section 6.5, and 6.6 for the applicant and the other entities separately and submit these as Annexure 6G.
- h) Section 6.7.1 and 6.7.2: Provide a complete list of all shareholders, following the flow through principle as Annexure 6H. This list should indicate the name, identification / registration number, whether the shareholder is black (if natural person), or what percentage of the shareholder is black (if company or close corporation), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if company or close corporation). In addition, explain how the black shareholding, black voting rights and black dividend rights were calculated. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded.
- i) Section 6.7.3: If "Yes," provide details regarding the applicant's employee share scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6I.
- j) Section 6.7.5: Provide a breakdown of all salaries, loans and dividends paid to shareholders for the 2004 financial year including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or membership interest if juristic person), as Annexure 6J.
- k) Section 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, as Annexure 6K.
- l) Section 6.7.8: Provide in schedule form, a breakdown of amounts received each year for the allocation / units of effort as Annexure 6L.

- m) Section 6.7.9: Provide an explanation as Annexure 6M.
- n) Section 6.8.1 and 6.8.2: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure 6N. Provide also as Annexure 6N a schedule which provides the names, gender, race, percentage membership interest, voting rights and rights to profit distribution as at date of application.
- o) Section 6.8.3: If "Yes," provide details of the applicant's employee profit sharing scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6O.
- p) Section 6.8.5: Provide a breakdown of all salaries, loans and profit distribution paid to members for in 2004, including the name and identification number of the member, as well as whether the member is Black, as Annexure 6P.
- q) Section 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, as Annexure 6Q.
- r) Section 6.8.8: Provide in schedule form, a breakdown of amounts received each year for the allocation / units of effort as Annexure 6R.
- s) Section 6.8.9: Provide an explanation as Annexure 6S.
- t) Section 6.9: Provide a summary of the targets set in the Transformation Plan, the extent to which these were met and the measures taken to reach the targets as Annexure 6T.
- u) Section 6.10:
- Work place skills plan*
- If the applicant answered "Yes" to submitting a work place skills plan then provide as Annexure 6U1 all relevant receipts/confirmations from the SETA for evidence of such submission and approval.
- Annual Training Report*
- If the applicant answered "Yes" to submitting an annual training report then provide as Annexure 6U2 all relevant receipts/confirmation from the SETA for evidence of such submission and approval.
- Rand amount paid to SARS*
- Provide as Annexure 6U3 a schedule of amounts of skills development levies paid to the SARS during 2004 and provide the receipts which evidence the payment of the levies.
- Percentage of salaries bill spent on training*
- Provide as Annexure 6U4 a schedule used by the applicant to calculate the information required by section 6.10 regarding the percentage of salaries bill spent on training.
- Percentage of training spent on black employees*
- Provide as Annexure 6U5 a schedule used by the applicant to calculate the information required by section 6.10 regarding the percentage of training budget spent on black employees.
- v) Section 6.11: If the applicant answered "Yes" to sections 6.11 or 6.13, provide as Annexure 6V the learnership agreement/s or other skills development programme and any returns/receipts received from the SETA or evidence that the learnership agreements were registered with a SETA. If the applicant completed section 6.11 and 6.13 with reference to the learnerships/programmes of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide the numbers of the applicant and other entities separately as Annexure 6V.
- w) Section 6.13: If "Yes" provide a detailed description of the applicant's participation in such skills development programmes, as well as any supporting documentation from the SETA, as Annexure 6W.
- x) Section 6.14.1 and 6.14.2: If the applicant completed Sections 6.14.1 and 6.14.2 with reference to the skippers of both the applicant and of any other entities as per the Explanatory Notes, the applicant must

provide the number of skippers used by the applicant and other entities, and whether the skippers are black as Annexure 6X.

- y) Section 6.15, 6.16 and 6.17: If the applicant completed Sections 6.15, 6.16 and 6.17 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.17 for both the applicant and the other entities separately and submit these as Annexure 6Y. Also provide as Annexure 6Y a schedule of tax deductible donations made during 2004, sorted by descending order of amount donated per organisation. The schedule should also reflect the calculation of what percentage of net profit consists of donations for the 2004 financial year-end.
- z) Section 6.18, 6.19 and 6.20: If the applicant completed Sections 6.18 and 6.19 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.20 for both the applicant and the other entities separately and submit these as Annexure 6Z. Also provide as Annexure 6Z a schedule of other donations (not tax deductible) made during 2004, sorted by descending order of amount donated per organisation. The schedule should also reflect the calculation of what percentage of net profit consists of donations for the 2004 financial year-end.
- aa) Section 6.21: If "Yes" provide a copy of the Affirmative Procurement Policy as Annexure 6AA.
- bb) Section 6.22: Provide as Annexure 6BB a statement, signed by the chief executive officer (CEO) or equivalent and appearing either on the supplier's letterhead or bearing the supplier's company stamp, from each supplier listed by the applicant in section 6.22 which confirms the percentage of black ownership of the supplier and which confirms that more than 50% of the shareholders are South African.
- cc) Section 6.23: If "Yes," explain how the Applicant determined its affirmative procurement spend as Annexure 6CC.

SCHEDULE 7 - Safety

Demersal Shark, Hake Longline, Squid, Tuna Pole, West Coast Rock Lobster (Offshore)

- a) Section 7.1: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7A.
- b) Section 7.2: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7B.
- c) Section 7.3: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7C.
- d) Section 7.4: If "Yes," provide a detailed description of the accident as Annexure 7D.
- e) Section 7.5: If "Yes," provide the name, identity number and qualification of each safety officer for each vessel and provide the names of the safety committee. If "No," please provide a detailed explanation of why the applicant has not appointed a qualified safety officer for each vessel. The information provided under this section must be contained in Annexure 7E.
- f) Section 7.6: If "No," provide a detailed explanation as Annexure 7F.
- g) Section 7.7: If "Yes," provide a description of the insurance or financial security as Annexure 7G.
- h) Section 7.8: If "Yes," provide a synopsis of the safety assessment report as Annexure 7H.
- i) Section 7.9: If "Yes," provide proof of registration with the Commissioner as Annexure 7I.
- j) Section 7.10: If "Yes," provide a copy of the policy as Annexure 7J. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7J.
- k) Section 7.11: If "Yes," provide details and documentation regarding the conduct of the applicant, its members, shareholders or directors resulting in the convictions and penalties imposed as Annexure 7K.
- l) Section 7.12: If "Yes," provide a copy of the policy as Annexure 7L.

- m) Section 7.13: If "Yes," provide a copy of the plan as Annexure 7M.

Seaweed

- a) Section 7.1: If "Yes," provide proof of registration with the Commissioner as Annexure 7A.
- b) Section 7.2: If "Yes," provide a copy of the policy as Annexure 7B. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7B.
- c) Section 7.3: If "Yes," provide a copy of the policy as Annexure 7C.

SCHEDULE 8 – Job Creation

- a) Section 8.1: The applicant must provide breakdowns as described in the Explanatory Notes as Annexure 8A.
- b) Section 8.1.4: If the applicant completed Questions 8.1.4 with reference to the payrolls of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Question 8.1.4 for both the applicant and the other entities separately, and submit these as Annexure 8B.

SCHEDULE 9 – Investment

- a) Section 9.1: Provide breakdowns as described in the Explanatory Notes as Annexure 9A. Also provide as Annexure 9A the relevant pages of the financial statements and mark with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of calculating information of the book value of property, plant and equipment provided by the applicant in response to section 9.1.1.
- b) Section 9.1.5: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market research as Annexure 9B.
- c) Section 9.1.6: Provide a detailed explanation of all investments in processing activities as Annexure 9C.
- d) Section 9.1.7: If "Yes," provide a detailed description of what research has been undertaken, and what the applicant spent on this research as Annexure 9D. **(This question only applies to Seaweed)**

SCHEDULE 10 – Local Economic Development

Demersal Shark, Hake Longline, Squid, Tuna Pole and West Coast Rock Lobster (Offshore)

- a) Section 10.3: If "Yes," provide a detailed explanation of all investments made as Annexure 10A.

Seaweed

- a) Section 10.1: If "Yes," please provide a detailed explanation of all investments made as Annexure 10A.
- b) Section 10.2: If "Yes," please provide a detailed explanation of how the applicant includes communities in its activities as Annexure 10B.

SCHEDULE 11 – Value Add and Enterprise Development

- a) Section 11.1: If "Yes," provide a detailed explanation of how the applicant is involved in value adding processes, and what the processes are, as Annexure 11A. **This section does not apply to the Demersal Shark, Hake Longline, or Squid application forms.**
- b) Section 11.1 or Section 11.2: If "Yes," provide a detailed explanation of how the applicant is responsible for enterprise development as Annexure 11B.

SCHEDULE 12 – Performance (Financial)

- a) Section 12.1: Provide as Annexure 12A the relevant pages of the 2004 financial statements and mark with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of calculating the turnover.
- b) Section 12.2: Provide as Annexure 12B, the relevant pages of the financial statements marked with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of completing Section 12.2.
- c) Section 12.3: Provide as Annexure 12C, the relevant pages of the financial statements marked with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of completing Section 12.3.
- d) Section 12.4: Provide as Annexure 12D, the relevant pages of the financial statements marked with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of completing Section 12.4.

- e) Section 12.5: If the applicant indicated that it generates less than 100% of its turnover from harvesting the resource, provide a detailed description of the other activities that the applicant engages in to generate the rest of its income as Annexure 12E.

SCHEDULE 13 – Fishing / Harvesting Plan

Hake Longline:

- b) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:

- i) days to be spent fishing per vessel nominated;
- ii) areas to be targeted;
- iii) species to be targeted and mix of species;
- iv) expected size of species to be targeted;
- v) detailed information regarding:
 - ☐ Age
 - ☐ Size
 - ☐ Gear (streamer line [tori line])
 - ☐ Modifications for the dumping of offal
 - ☐ Fishing capacity and
 - ☐ Processing capacity of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

Seaweed

- a) Section 13: If "Yes," provide a synopsis of the applicant's harvesting plan as Annexure 13A, paying particular attention to the manner in which the seaweed is to be cut and collected, as well as details regarding the collection of both fresh and beach-cast seaweed.

Shark Demersal

- b) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:

- i) days to be spent fishing per vessel nominated;
- ii) areas to be targeted;
- iii) species to be targeted and mix of species;
- iv) expected size of species to be targeted;
- v) detailed information regarding:
 - ☐ Age
 - ☐ Size
 - ☐ Gear
 - ☐ Fishing capacity and
 - ☐ Processing capacity of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

Squid

- c) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:

- i) days to be spent fishing per vessel nominated;
- ii) areas to be targeted;
- iii) species to be targeted and mix of species;
- iv) expected size of species to be targeted;
- v) detailed information regarding:
 - ☐ Age
 - ☐ Size
 - ☐ Gear (jigging)
 - ☐ HACCP compliance
 - ☐ Fishing capacity and
 - ☐ Processing capacity of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

Tuna Pole

- b) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:

- i) days to be spent fishing per vessel nominated;
- ii) areas to be targeted;

- iii) species to be targeted and mix of species;
- iv) expected size of species to be targeted;
- v) detailed information regarding:

- ☐ Age
- ☐ Size
- ☐ Gear (freezer or ice facilities)
- ☐ Fishing capacity and
- ☐ Processing capacity of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

West Coast Rock Lobster (Offshore)

- a) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:

- i) Detailed information regarding:

- ☐ Vessel Age
- ☐ Vessel Size
- ☐ Gear (freezer or ice facilities, maximum number of traps or hoopnets that the vessel can carry) and
- ☐ Fishing capacity and of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

SCHEDULE 14 – By-Catch and Environmentally Sustainable Practices

- a) Section 14.1: Provide a detailed explanation of how the applicant manages by-catch, as Annexure 14A. **(This question does not apply to the Squid, Seaweed and Tuna Pole application forms)**
- b) Section 14.2: Provide a detailed explanation of measures put in place to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14B.
- c) Section 14.3: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14C.
- d) Section 14.4: Provide a detailed explanation of any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure 14D.

SCHEDULE D

EXPLANATORY NOTES TO THE MEDIUM TERM RIGHT HOLDER APPLICATION FORMS

EXPLANATORY NOTES – MEDIUM TERM RIGHTS HOLDERS WEST COAST ROCK LOBSTER (OFF SHORE), HAKE LONGLINE, SQUID, TUNA POLE, DEMERSAL SHARK AND SEAWEED

THE PURPOSE OF THE EXPLANATORY NOTES IS TO ASSIST APPLICANTS IN COMPLETING A NUMBER OF SECTIONS IN THE APPLICATION FORM. SOME SECTIONS ARE CONSIDERED TO BE SELF-EXPLANATORY AND ARE NOT COVERED IN THESE EXPLANATORY NOTES.

The MLRA is the Marine Living Resources Act 18 of 1998. A copy is available on the Department's website www.mcm-deat.gov.za.

SECTION 1: APPLICANT DETAILS

Sections 1.1 to 1.7 must be completed by all applicants. The applicant was required to provide the details required by sections 1.8.1 to 1.8.7d when it collected an application form. These sections need only be completed if the applicant's details have changed since registration.

The applicant is requested, in Annexure 1A to provide a brief profile of the applicant organization, focusing on whether the applicant's business model includes other entities in the fishing industry namely a holding entity (defined as the owner of more than 50% of the applicant) and sister companies (also owned more than 50% by the holding entity) or joint venture partners.

The reason for this is that some sections allow the applicant to present information about the applicant and the holding entity and sister companies involved in the fishing industry (the "group of companies") or all the "joint venture partners" in the fishing industry. The purpose of requesting information about entities other than the applicant is to permit economic units to present themselves via individual applications, and in this way to enable the delegated authority to better compare applicants with one another. It is for the applicants to determine whether they operate in such an "economic unit" and whether they wish to present themselves as such. All the parties to the joint venture or group must agree to apply in this form where allowed to do so and consolidated information must then be presented consistently in all the relevant sections of this application and in applications for other sectors.

SECTION 2: FORM OF APPLICANT

2.1, 2.2 and 2.3

The aim is to determine whether the applicant should be treated as a potential new entrant or as a medium term right holder. The delegated authority will recognise as medium term right holders only those entities that were recipients of medium term rights in 2001/2002 in the fishery now applied for or the sole successors of those entities.

If the applicant is the same entity as the one specified in 2.2 (the recipient of the medium term right in 2001/2002) and in 2.3 (the current medium term right holder), the applicant obviously qualifies to be treated as a medium term right holder. In some instances, however, the right allocated in 2001/2002 may have been transferred, or the right may have been allocated to a trust or a natural person with the result that application must now be made in the form of a close corporation or a company. In these and all other instances where the applicant and the entity in 2.2 and 2.3 is not the same entity, the applicant must demonstrate that it is the sole successor of the entity that received the right in 2001/2002, in order to qualify as a medium term right holder. The delegated authority will not recognise more than one entity as the successor to the entity that received the right in 2001/2002.

2.4

In terms of section 18 of the MLRA, commercial fishing rights may only be granted to a South African person, which is a term defined in section 1 of the Act. The aim of this section is to determine whether the applicant meets the requirements of this definition. In the case of a company or a close corporation, the majority of the shareholders or members must be South African persons.

2.6

Only information relating to the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.

2.7, 2.8

In terms of paragraph 7.5 of the General Policy, a medium term right holder applicant may not hold shares in a potential new entrant applicant in the same sector (this does not apply to seaweed). The aim of this section is to determine whether this requirement is adhered to and to establish shareholder linkages between various medium term right holder applicants.

SECTION 3: COMPLIANCE**3.1.1, 3.1.2 3.1.3 and 3.1.4 Note: a "yes" answer will be presumed if the applicant fails to answer the question**

In terms of the General policy and the applicable Fishery specific policies, various consequences may be attached to contraventions of the MLRA, the regulations or permit conditions, including the exclusion of the applicant and negative scoring. The aim of this section is to determine whether the applicant has been convicted of any such contravention in the sector concerned and to assess the seriousness of the contravention.

3.2 Note: a "yes" answer will be presumed if the applicant fails to answer the question

Applicants must answer "yes" to the question, even if the asset detained, arrested or seized in terms of the MLRA or restrained or preserved in terms of the Prevention of Organised Crime Act, was later released. The circumstances surrounding the detention, arrest, seizure or restraint or preservation order and the outcome of the process, i.e. whether the asset was confiscated or forfeited to the State, must be dealt with in the annexure. Deal only with incidents concerning the sector applied for.

3.3 Note: a "yes" answer will be presumed if the applicant fails to answer the question

Applicants must answer "yes" to the question only if the applicant's right or permit in this fishery has been revoked, cancelled, reduced or altered under section 28(3) of the MLRA. The circumstances must be explained in the annexure. Deal only with incidents concerning the sector applied for.

SECTION 4: VESSEL DETAILS

This section requires the applicant to furnish the details of each vessel nominated by the applicant. If the requested details are not available, the reasons for this must be explained in the annexure.

SECTION 5: CATCH UTILISATION**5.1 Note: a "yes" answer will be presumed if the applicant fails to answer the question**

An applicant that has over- or under-caught its own allocation in the hake longline or West Coast Rock Lobster (Offshore) fisheries by more than 10% in any given year over the medium term right period must answer "yes" to this question. The reasons must be provided in the annexure.

5.2 (5.1 for Squid, Tuna Pole, Shark Demersal and Seaweed)

This section requests details regarding the applicant's catch records during the medium term rights (2001 – 2005) period. Applicants must not answer the question with reference to the Department's catch records. As far as actual catches or seaweed harvested is concerned (nominal weight must be specified, and not landed weight or weight after the fish was headed and gutted etc). If a permit was not issued to the applicant for any year, the applicant must indicate 100% under-caught. Only information relating to the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.

Example of TAC controlled fishery

Year	Annual Catch Allocation (in tons)	Total Caught of Applicant's allocation (tons)	Percentage under-caught	Percentage over-caught
2003 season	1 000	1 100	0%	10%

Actual tonnage caught (1 100 tons) minus total allowable catch allocated (1 000 tons) = 100. To establish the percentage, divide the difference by the TAC allocated and multiply it by 100. i.e. $(100/1000) \times 100 = 10\%$.

SECTION 6: TRANSFORMATION**6.1 and 6.2.1**

The aim of these sections is to determine whether the applicant is required to comply with the Employment Equity Act. If required to comply, the next question is whether the applicant has fulfilled its duties under the Act. For purposes of answering these sections, only the applicant's data (and not the data of its holding company, sister companies or JV partners) must be provided and will be taken into consideration.

"Designated" employers are required to comply with the Act. A designated employer, in terms of section 1 of the Employment Equity Act is:

- a) an employer who employs 50 or more employees;
- b) an employer who employs fewer than 50 employees, but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of Schedule 4 of this Act. [which is R2 million per annum]; or
- c) ...
- d) ...
- e) an employer bound by a collective agreement in terms of section 23 or 31 of the Labour Relations Act, which appoints it as a designated employer in terms of this Act, to the extent provided for in the agreement;

In terms of section 13 of the Employment Equity Act, the duties of designated employers are as follows:

- 1) Every designated employer must, in order to achieve employment equity, implement affirmative action measures for people from designated groups in terms of this Act.
- 2) A designated employer must-
 - a) consult with its employees as required by section 16;
 - b) conduct an analysis as required by section 19;
 - c) prepare an employment equity plan as required by section 20; and
 - d) report to the Director-General on progress made in implementing its employment equity plan, as required by section 21.

6.3.1 Note: If the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

The aim of this section is to determine the composition of the management of the applicant. If the applicant is more than 50% owned by another company or close corporation in the fishing industry (determined as specified in section 6.7.1 below) then the details of the board of directors/members of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of both entities. If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, and the parties are in agreement to present themselves in this form, then details of the boards of directors or members of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of all the JV partners.

6.3.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details regarding employees that earn the highest salaries (calculated on a total cost to company basis). This information will be treated as confidential and may be submitted separately in the sealed envelope.

As in section 6.3.1 above, if the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then details of the highest salary earners of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the highest salary earners of both entities. If the Applicant is involved in a Joint Venture ("JV") together with another company or close corporation, and the parties are in agreement to present themselves in this form, then details of the highest salary earners of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners.

Total cost to company includes benefits and bonuses, but excludes dividends. Applicants that employ 165 or fewer employees must provide the details of their top salary earners as indicated in the table in the application form. Applicants that employ more than 165 people must first determine the top 3% and then provide details of those employees (up to a maximum of 90). Designation or actual title held by the employee, as indicated on the organogram or organizational structure, must be provided.

Example: If the applicant employs 2500 people, the applicant determines the top 3% by multiplying this number by 0.03 (2500 x 0.03 = 75). The applicant must then provide the details of those 75 employees. The applicant must not provide the details of more than 90 employees, regardless of the number of employees the applicant has in the top 3%.

If applicable, the number of employees of holding entities or JV partners must be added to the number of employees of the applicant, as set out in the example below.

Example: If the applicant employs 75 people, and the holding entity employs 125 people, the two entities combined employ 200 people. The applicant must determine the top 3%: 200 x 0.03 = 6. The details of the two entities should be merged, and the details of the top six salary earners of the merged list should be entered in the table at 6.3.2.

6.4.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details of income levels within the organization at 28 February 2005.

As in sections 6.3.1 and 6.3.2 above, if the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then the salary levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the salary levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity and involved in the fishing industry must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holding entity and sister company) of companies.

Example

1	Monthly Income	Number of employees in this level (total of Group or JV, if applicable)	Percentage of Total Employees	Number of Black Employees in this level (total of Group or JV, if applicable)	Percentage of Total Black Employees	Number of Female Employees in this level (total of Group or JV, if applicable)
	< R 2 500	100	80%	80	90 %	70

Divide the employees in this income level by the total number of employees, and multiply by 100

Divide the number of black employees in this income level by the total number of black employees, and multiply by 100

6.5 Note: if the Applicant relies on information of other entities the authorised representative of the entity must attest to the declaration in section 16

This question requires the applicant to complete the employment equity profile of the applicant in respect of occupational levels. Designated employers and employers that comply voluntarily with the Employment Equity Act should complete the table with the most recent figures submitted to the Department of Labour. Applicants that are not designated should complete the tables with reference to its employees at date of application and having regard to the definitions of the occupational levels set out in annexure 2 of the Regulations to the Employment Equity Act. Annexure 2 provides as follows:

Employment Equity Act 55, 1998

WHAT IS THE PURPOSE OF THIS ANNEXURE?

Job evaluation or grading systems are used by many organisations to measure jobs according to their content and establish comparative worth between jobs.

This annexure provides a table of equivalent occupational levels which may be used by employers when completing forms EEA 2 and EEA 4.

INSTRUCTIONS

The table [below] indicates the occupational levels within organisations as determined through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.

Organisations that make use of neither one of the job evaluation systems [in the table below], nor a customised system linked to one of these, should use the Semantic Scale for guidance in determining occupational levels within that organisation.

Equivalent occupational levels

Semantic Scale	Paterson		Peromnes	Hay	Castellion
Top Management	F	F	[++] +]		14
Senior Management	E	E UPPER	1	1	13
		E LOWER	2	2	
Professionally qualified, experienced specialists and mid-	D	D UPPER	4	3	12
			5		11
		D LOWER	6	4	13

management					
Skilled technical and academically qualified workers, junior management, supervisors, foremen, superintendents	C	C UPPER	7	5	
			8	6	9
			9	6A	
			10	7	8
			11	8	
		C LOWER	12		
Semi-skilled and discretionary decision making	B	B UPPER	13	9	7
			14	10	6
			15	11	5
			16		4
		B LOWER			
Unskilled and defined decisionmaking	A	A	17	12	3
			18	13	2
			19		1

As in section 6.4.1 above, if the applicant operates in a Joint Venture ("JV") together with another company or close corporation, and the parties agreed to present themselves in this form, then the occupational levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the occupational levels of the holding entity, the Applicant and any also more than 50% owned by the holding entity and involved in the fishing industry must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holder entity and sister company) of companies.

Example

If Company A is a designated employer, the information from the most recent EEA 2A form should be completed in the table. If Company A is not a designated employer, the occupational levels of employees should be determined in the manner set out above as at date of application and the table completed with this data.

Once the number of employees per level is determined, the percentages are to be worked out. For example, Company A employs seven senior officials and managers. Of the seven employees in the occupational category, 1 is an african male, 2 are coloured males, 2 are white males, 1 is an indian female and 1 is a white female. In order to determine the percentages take the number of employees from each designated group in the occupation level and divide it by the total number of employees in the occupational level and multiply by 100.

A = African, C = Coloured, I = Indian, W = White, F = Female and ACI = African, Coloured and Indian

										Totals	
Occupational Categories		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Senior Officials and Managers (Total of JV or Group, if applicable)	Male	1	14%	2	28%	0	0%	2	28%	42%	
	Female	0	0%	0	0%	1	14%	1	15%		29%

6.6

All applicants must provide the figures relating to top and senior management / senior officials provided in their 2001 application forms. All applicants must provide the figures relating to professionally qualified and experienced specialists and mid-management provided in their 2001 application forms.

6.7.1 Note: do not complete the shaded areas of the table

This section requires applicants to provide details regarding the shareholding held by black persons and the unrestricted voting rights and economic interest (in the form of entitlement to dividends) attached to black shareholding in the Applicant (not the holding entity, group or JV partners unless this information is relevant for purposes of applying the flow-through principle). The chairperson of the board of directors of the applicant must submit an affidavit regarding the shareholding, the voting rights and the economic interest held by blacks in the applicant in the relevant annexure. In determining the percentage black shareholding, voting rights and economic interest, the flow through principle must be used, provided that:

- pension funds and organs of state are to be regarded as neutral and the percentage black shareholding should be calculated without reference to shares held by such entities;
- if the percentage black shareholding, voting rights or economic interest of a particular shareholder cannot be determined, detailed reasons must be provided;

- for purposes of determining voting rights, a shareholder is to be regarded as 100% black if that shareholder is owned more than 50% by a natural person who is black; and
- the percentage "shareholding", "economic interest" and "voting rights" of black persons in a trust must be determined with reference to the rights of beneficiaries in terms of the trust deed.

The flow through principle is defined as: **"Flow-through principle"** refers to the tracking of economic benefits when determining a score for BEE ownership. Entities are scored on the entitlement of black people to exercise voting rights and to participate in the economic interest of the enterprise. The purpose of the flow-through principle is to ensure that all companies, regardless of their structure, are scored uniformly with respect to their BEE ownership. The flow-through principle states that only voting rights and economic interest to which black people who are natural persons are entitled, are taken into account. Should entitlement to voting rights and/or economic interest be held juristic persons, only voting rights and economic interest to which black natural persons are entitled in that juristic person will be taken into account. The same principle is applied consistently throughout the chain of ownership with respect to juristic persons until such time as that chain terminates in the entitlement of the natural person, who is a black person, to such voting rights and/or economic interest."

"Indirect ownership" means ownership of an equity interest in an enterprise where such equity interest entitles the holders to participate in the economic interest (such as dividends) flowing to the shareholders of that enterprise, but not directly in the voting rights of that enterprise. Voting rights can be exercised indirectly through a conduit such as a trust or a superannuation scheme.

Indirect ownership must be taken into account for purposes of measuring the percentage black shareholding and, if applicable, the percentage economic interest and voting rights held a black person in the applicant. If no voting rights are attached to indirectly owned equity, then black ownership of such equity may not be taken into account when determining black voting rights. However, where the voting rights are merely exercised indirectly (through a conduit), black ownership of the equity must be taken into account when determining black voting rights.

Example: The applicant has four shareholders. One of these shareholders is a natural person named AA, who is black and owns 10% of the economic interest and voting rights. Two of the other shareholders are companies and the third is a pension fund. Company A holds 30% of the shares and is 51% owned by a black person and 49% by a white person. Company B holds 40% of the shares and is 40% owned by a natural person who is white and 60% owned by company Z, that is in turn 80% owned by a white person and 20% by a black person. The Pension Fund holds the remaining 20% of the issued shares. The percentage black shareholding, voting rights and economic interest is as follows:

Year 2005 (at date of application)	Percentage Shareholding held by black persons	Percentage voting rights held by black shareholders	Percentage economic interest held by black shareholders (entitlement to dividends)
	37.625	56	37.625

AA contributes 12.5% (10/80) to all three categories, Company A contributes 19.125% (30/80 X 51/100) to shareholding and economic interest and 37.5% (30/80 X 100) to voting rights, Company B contributes 6% (40/80 X 60/100 X 20/100) to all three categories and the pension fund is disregarded.

6.7.2

The shareholding, voting rights and economic interest of women are calculated in the same manner as described under section 6.7.1 above. Again, the section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies involved in the fishing industry and JV partners may not be taken into account unless these entities hold equity in the applicant and this information must be taken into account when applying the flow-through principle.

6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7, 6.7.8 and 6.7.9

These sections must be answered with reference to the data of the applicant alone. Information relating to holding entities, sister companies and JV partners may not be taken into account, but details of group share schemes may be provided in the relevant annexure.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Note: do not complete shaded areas of the form

These sections must be answered with reference to the data of the applicant alone. Information relating to JV partners may not be taken into account. The flow-through principle obviously has no application to close corporations. The percentage voting rights and profit distribution must be determined with reference to the membership agreement of the close corporation. If no such agreement exist or the agreement is silent on the issue, then voting rights and economic interest must be taken to be the same as the percentage membership interest.

6.9

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B) 6

This question requires the applicant to provide information on the extent to which it has achieved the targets set in the Transformation Plan submitted as part of the 2001 application process. The section must be answered with reference to the data of the applicant alone (unless a group transformation plan was submitted in 2001).

6.10 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This section requires the applicant to provide information relating to compliance with section 3 of the Skills Development Levies Act 9 of 1999. The questions in the first two columns (the submission/approval of a Workplace Skills Plan and an Annual Training Report) must be answered with reference to the data of the applicant alone. In respect of the last three columns (rand amount paid to SARS, percentage salaries bill spent on training and percentage of training budget spent on black employees), if the applicant operates in a Joint Venture ("JV") together with another company or close corporation, and the parties agreed to present themselves as such, then the salary bills of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above) then the salary bills of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity (and involved in the fishing industry) must be provided in the annexure and the table must be completed by submitting the merged details of the group (holding entity, applicant and sister companies involved in the fishing industry) of companies.

To determine the "percentage of payroll spent on training" divide the actual annual amount spent on training by the total annual payroll cost and multiply the result by 100 to determine the percentage value.

Example

Company X has an annual salary bill cost of R 1 000 000,00. The company has spent R 10 000,00 on training for all employees. $(R10\,000,00/R1\,000\,000) = 0,001 \times 100 = 1\%$.

6.11 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This question requires the applicant to indicate whether it participated in a learnership programme in 2004. Participation in a learnership programme means that the applicant has registered a learnership agreement with the SETA as per the Regulations Concerning the Registration of Intended Learnerships and Learnership Agreements published under the Skills Development Act 97 of 1998 in Government Notice No. R. 330 of 3 April 2001. If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV. The percentage black ownership, referred to in section 6.22, must be calculated as described above in section 6.7.1.

SECTION 7: SAFETY

This section requires the applicant to provide information that relates to safety, including the requirements of the South African Maritime Safety Authority.

7.1

Sections 312 and 313 of the Merchant Shipping Act, 57 of 1951 creates certain offences including the failure to comply with a duty under the Act such as the duty to ensure that an unseaworthy vessel does not leave port and the failure to properly man a vessel.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

The Maritime Occupational Safety Regulations, 1994, the Crew Accommodation Regulations, 1961 and the Merchant Shipping (Safe Manning Regulations) were passed in terms of the Merchant Shipping Act, 57 of 1951. These are available at www.mcm-deat.gov.za. Marine Notice No 26 of 2004 is also available at the website.

7.9

Compliance with the Compensation for Occupational Injuries and Diseases Act 130 of 1993 means compliance with Sections 80 to 88 of the Act which provides as follows:

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B)

"Obligations of employers to register with commissioner and to furnish him with particulars"

- 1) An employer carrying on business in the Republic shall within the prescribed period and in the prescribed manner register with the commissioner, and shall furnish the commissioner with the prescribed particulars of his business, and shall within a period determined by the commissioner furnish such additional particulars as the commissioner may require.
- 2) The particulars referred to in subsection (1) shall be furnished separately in respect of each business carried on by the employer.
- 3) An employer shall within seven days of any change in the particulars so furnished notify the commissioner of such change.

Obligations of employers to keep record

An employer shall keep a register or other record of the earnings and other prescribed particulars of all the employees, and shall at all reasonable times produce such register or record or a microfilm or other microform reproduction thereof on demand to an authorized person referred to in section 7 for inspection.

Contributions by employers individually liable and mutual associations

Notwithstanding any provision to the contrary contained in this Act, the employers individually liable and the mutual associations shall pay annually to the Director-General in such manner and at such times as he may determine, such portion of the expenditure incurred by him in the administration of the provisions of this Act as he may deem equitable."

7.13

The Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 and the Marine Pollution (Control and Civil Liability) Act 6 of 1981 are available at www.mcm-deat.gov.za.

SECTION 8: JOB CREATION**8.1.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16**

The aim of this section is to establish the number of jobs provided by the applicant, and the total amount spent on salaries over the medium term right period, in the sector applied for. The information must be used to determine the number of jobs provided per ton of fish allocated or per unit of effort allocated in the sector concerned (in section 8.1.3) and the amount spent on salaries per ton allocated or per unit of effort allocated in the sector concerned (in section 8.1.2). In order to determine the number of jobs and amounts spent on salaries per ton/effort unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take jobs provided or salaries spent in such industries into account, and applicants involved in other sectors of the fishing industry may not take jobs provided or salaries spent in those sectors into account.

Applicants involved in industries other than the fishing industry must submit (in the annexure) a breakdown of jobs provided and salary amounts spent in the fishing industry and in other industries. Only jobs provided or the amounts spent on salaries in the fishing industry may be taken into account when completing section 8.1.1. Applicants involved in other fishing sectors must submit (in the annexure) a breakdown of jobs provided and amounts spent on salaries on a per sector basis. Only jobs provided and amounts spent on salaries in this sector may be taken into account when completing section 8.1.1. As it is difficult to accurately determine the exact number of employees and salaries spent on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant.

If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation (and the parties agreed to present themselves in this form), or if the Applicant is more than 50% owned by another company or close corporation (determined in the manner specified in section 6.7.1), then all the jobs provided or amounts spent on salaries by the JV partners or the group (i.e. the applicant, the holding entity and sister companies involved in the fishing industry) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account jobs provided or amounts spent on salaries in other industries or sectors. Only jobs provided or amounts spent on salaries in the sector concerned by the JV or group may be taken into account when completing section 8.1.1. If applicable, a breakdown of jobs provided and amounts spent on salaries in the fishing industry and other industries or a breakdown of jobs provided and amounts spent on salaries in the sector concerned or other sectors must be provided in the annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a fishing right made by the applicant or any member of the JV or the group. There may be no double claiming of jobs. In other words, the number of jobs claimed in all applications made by members of the JV or group may not amount to more than the total number of jobs provided by the JV or group.

8.1.2 and 8.1.3:

These sections requires applicants to furnish details regarding jobs provided and salaries per ton allocated on the basis of the information provided in section 8.1.1 above.

Example

Annual Catch Allocation (in tons) to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on wages/salaries per ton allocated?
5 000	R1 000 000	R200

Divide the Total Annual Wage/Salaries Bill (1 000 000) by the TAC Allocated (5000) = R200 per ton.

Example

TAC Allocated (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (at date of application)	How many people does the applicant employ per ton allocated?
5 000	1 000	0.2

Divide the total number of employees provided in this fishery (1000), by the TAC allocated to the applicant (5000) [1000/5000=0.2]

8.1.4 Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, this section must be answered with reference to the merged data of all the entities in a group or a Joint Venture.

SECTION 9: INVESTMENT

9.1.1 and 9.1.2

Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

The aim of this section is to establish the rand value of harbour and sea-based assets of the applicant in the sector applied for. This will be used to determine the value of harbour and sea-based assets per ton of fish or per unit of effort allocated in the sector concerned (in sections 9.1.3 and 9.1.4). In order to determine the value of assets per ton/unit of effort allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take assets used in other industries into account.

Applicants involved in industries other than the fishing industry must provide a breakdown of assets used in the fishing industry and in other industries in the relevant annexure (separately for book and insured values). Only assets used in the fishing industry may be taken into account when completing sections 9.1.1 and 9.1.2. Applicants involved in other fishing sectors must provide a breakdown of assets used on a per sector basis in the relevant annexure (separately for book and insured values). Only assets used in the sector applied for may be taken into account when completing sections 9.1.1 and 9.1.2. As it is difficult to accurately apportion assets on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application for a commercial fishing right made by the applicant during the long term rights allocation process.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then all the assets used by the JV partners or group (ie the applicant, the holding company and sister companies involved in the fishing industry) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account assets used in other industries or sectors. Only assets used in the sector concerned by the JV or group may be taken into account when completing sections 9.1.1 and 9.1.2. If applicable, a breakdown of assets used in the fishing industry or other industries or a breakdown of assets used in the sector concerned and other sectors must be provided in the relevant annexure (separately for book and insured values). A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of assets. In other words, the value of assets claimed in all applications made by members of the JV or group may not amount to more than the total value of the assets used by members of the JV or group in the fishing industry.

9.1.3:

This question requires the applicant to provide information regarding the value of investment per ton/unit of effort allocated. The information provided in section 9.1.1. must be used.

Example

Company X was allocated a TAC of 5000 tons. The value of its harbour and sea-based assets at financial year end 2004 in the applicable sector was R5 000 000. The value of land based assets were R 4000 000. The value of harbour and sea-based assets per ton allocated to it is calculated as follows:

Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land based assets at 2004 financial year end	Book Value of Harbour and Sea-based Assets per ton allocated to the applicant	Book Value of Land-Based Assets per ton allocated to the applicant
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00
<i>Divide the value of harbour and sea based assets (5 000 000) by the TAC allocated to the applicant in 2004 (5000) (5 000 000/5 000=R1 000)</i>			<i>Divide the total value of land based assets (4 000 000) by the TAC allocated to the applicant in 2004 (5000) (4 000 000/5 000=R800)</i>	

SECTION 10: LOCAL ECONOMIC DEVELOPMENT

This section requires the applicant to provide information regarding the landing of catches at harbours/landing sites (in relation to this fishery) in 2004, and intentions regarding the landing of catches. Use nominal tons (not weight after the fish has been headed and gutted etc).

10.1:

This question requires the applicant to provide detailed information regarding harbours where it landed catches in 2004.

Example

Company X lands fish at various different harbours. Of its allocation of 20 tons it lands 5 tons in Mossel Bay, 10 tons in Port Elizabeth and 5 tons in Cape Town.

The calculation should be done as follows:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004	Percentage of Total Catch landed in 2004
Mossel Bay	5	25 %
Port Elizabeth	10	50 %
Cape Town	5	25 %

Divide the catch (in this fishery) landed at each harbour by the total catch landed by the applicant and multiply by 100 to calculate this percentage (5/20 x100=30%)

SECTION 11: VALUE ADDING & ENTERPRISE DEVELOPMENT

This section requires applicants to provide information regarding value adding (only applicable to West Coast Rock Lobster (Off shore; Tuna Pole and Seaweed) and enterprise development activities that the applicant has undertaken. Value adding includes on-board processing.

Enterprise development may take a variety of forms including the direct investment in Black Owned and Black Empowered SMMEs enterprises (a small, medium or micro enterprise); joint ventures with Black Owned and Black Empowered SMMEs that result in "substantive" skills transfer; the provision of mentorship, business relationships and linkages which, in turn, provide business opportunities to these enterprises; twinning initiatives with Black Owned and Black Empowered SMME's which result in cost saving or revenue generation for those SMME's.

"Black Owned SMME" means a small, medium or micro enterprise (less than 100 full-time employees and less than R 4 million rand turnover and less than R 4 million rand gross asset value, fixed property excluded) which has more than 50% black ownership (if a company calculated as set out in section 6.7.1 above and if a close corporation, calculated with reference to membership interest) and more than 50% black management (top and senior management / senior officials, determined with reference to the approach to occupation categories set out in section 6.5 above).

"Black Empowered SMME" means a small, medium or micro enterprise (less than 100 full-time employees and less than R 4 million rand turnover and less than R 4 million rand gross asset value, fixed property excluded) which has more 25% black ownership (if a company calculated as set out in section 6.7.1 above and if a close corporation, calculated with reference to membership interest) and more than 50% black management (top and senior management / senior officials, determined with reference to the approach to occupation categories set out in section 6.5 above).

SECTION 12: FINANCIAL PERFORMANCE**12.1**

Complete the annual turnover as per the applicant's 2004 financial statements. Turnover of other members of the group or joint venture must not be included.

12.2 to 12.5

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B) 10

These questions require the applicant to provide information from its audited or verified financial statements

12.6 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

Second column:

The same principle as explained in sections 8.1.1 and 9.1.1 must be used for completing the second column. The aim of this section is to establish turnover of the applicant for the sector applied for. Applicants involved in industries other than the fishing industry may not take turnover generated in such other industries into account in the second column. More specifically, applicants involved in industries other than the fishing industry must provide a breakdown of turnover in the fishing industry and in other industries in the annexure. Only turnover in the sector of fishing industry concerned may be taken into account when completing the second column of section 12.2. Applicants involved in other fishing sectors must provide a breakdown of turnover on a per sector basis in the annexure. Only turnover generated in the sector concerned may be taken into account when completing the second column of section 12.2. As it is difficult to accurately apportion turnover on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant. In other words, the same breakdown must be provided by the applicant in applications for commercial rights in other sectors.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then the total turnover generated by the JV partners or group (ie the applicant, the holding company and sister companies involved in the fishing industry) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account turnover generated in other industries or sectors. Only turnover generated in the sector concerned by the JV or group may be taken into account. If applicable, a breakdown of turnover generated in the fishing industry and other industries or a breakdown of turnover generated in the sector concerned and other sectors must be provided in the relevant annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of turnover. In other words, the turnover claimed in all applications made by members of the JV or group may not amount to more than the total turnover by members of the JV or group in the fishing industry. **The financial statements of all members of the JV or group must be provided in the relevant annexure.**

Third column:

In the third column, the applicant must use the total turnover of the applicant (or, if applicable, the group or JV), including turnover generated outside the fishing industry, in order to determine the percentage.

Example

Company X was allocated medium term fishing rights for West Coast Rock Lobster (Off Shore) and Hake Long line. It was allocated a TAC of 65 tons for Hake long line and 5 tons of WCRL (Off shore) in 2004. Company X's total turnover (for both fisheries) for the 2004 financial year was R1 000 000. The total turnover generated in Hake Long line for the financial year 2004 was R 65 000. The total turnover for WCRL (Off Shore) was R 35 000. In its application for a Hake Long line right, the applicant's table would appear as follows:

TAC Allocated (in tons) to the Applicant in 2004	Turnover Generated by TAC allocated (financial year 2004)	Percentage of Total turnover
65	R65 000	65%

Divide turnover of this fishery by total turnover of the applicant and multiply by 100 to determine the percentage value. $65\,000 / 1\,000\,000 \times 100 = 65\%$

SECTION 13: FISHING PLAN

This section requires the applicant to provide information regarding its fishing plan.

SECTION 14: BY-CATCH AND ENVIRONMENTALLY SUSTAINABLE PRACTICES

This section requires the applicant to provide information regarding by-catches and environmentally sustainable practices.

SECTION 15: LEVIES

This section requires the applicant to provide information regarding levies paid during the medium term right period.

VERDUIDELIKENDE NOTAS – MEDIUM TERMYN REGTEHOERS WESKUSKREEF (DIEPWATER), STOKVIS LANGLYN, INKVIS, TUNA-PAAL, BODEMHAAI EN SEEWIER

DIE DOEL VAN DIE VERDUIDELIKENDE NOTAS IS OM AANSOEKERS TE HELP MET VOLTOOING VAN 'N AANTAL AFDELINGS IN DIE AANSOEKVORM. SEKERE AFDELINGS WORD GEAG SELFVERDUIDELIKEND TE WEES EN WORD NIE IN HIERDIE VERDUIDELIKENDE NOTAS GEDEK NIE.

Die WLMH is die Wet op Lewende Mariene Hulpbronne 18 van 1998. 'n Afskrif is beskikbaar op die Departement se webruimte by www.mcm-deat.gov.za.

AFDELING 1: AANSOEKER SE BESONDERHEDE

Afdelings 1.1 tot 1.7 moet voltooi word deur alle aansoekers. Daar was van aansoekers vereis om die besonderhede te verskaf vereis deur afdelings 1.8.1 tot 1.8.7d toe die aansoeker 'n aansoekvorm afgehaal het. Hierdie afdelings hoef slegs voltooi te word indien die aansoeker se besonderhede verander het sedert registrasie.

Die aansoeker word versoek, om in Aanhangel 1A 'n bondige profiel van die aansoeker se organisasie te verskaf, wat fokus op of die aansoeker se besigheidsmodel ander entiteite in die visvangindustrie insluit, naamlik 'n houer-entiteit (gedefinieer as die eienaar van meer as 50% van die aandele van die aansoeker) en sustermaatskappye (ook meer as 50% besit deur die houer-entiteit) of gesamentlike onderneming vennote.

Die rede hiervoor is omdat sekere afdelings die aansoeker om inligting te voorsien aangaande die aansoeker en die houer-entiteit en suster maatskappye betrokke in die visvangindustrie (die "groep maatskappye") of al die gesamentlike onderneming vennote in die visvangindustrie. The doel van die versoek vir inligting oor entiteite anders as die aansoeker is om ekonomiese eenhede toe te laat om hulleself voor te stel by wyse van individuele aansoeke, en om op hierdie manier die gedelegeerde owerheid in staat te stel om aansoekers beter met mekaar te vergelyk. Dit is vir die aansoekers om vas te stel of hulle werkzaam is in so 'n "ekonomiese eenheid" en of hulle hulself so wil voorstel. Al die partye tot die gesamentlike onderneming of groep moet ooreenstem om aansoek te doen in hierdie vorm waar toegelaat om dit te doen en gekonsolideerde inligting moet dan konsekwent voorsien word in al die relevante afdelings van hierdie aansoek en in aansoeke in ander sektore.

AFDELING 2: VORM VAN DIE AANSOEKER

2.1, 2.2 en 2.3

Die oogmerk is om vas te stel of die aansoeker behandel moet word as 'n potensiële nuwe inkomeling of as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal slegs daardie entiteite wat ontvangers was van medium termyn regte in die vissery in 2001/2002 waarvoor nou aansoek gedoen word of die uitsluitlike opvolgers van daardie entiteite.

As die aansoeker dieselfde entiteit is as die een gespesifiseer in 2.2 (die ontvanger van die medium termyn reg in 2001/2002) en in 2.3 (die huidige medium termyn regtehouer), kwalifiseer die aansoeker uit die aard van die saak om as 'n medium termyn regtehouer behandel te word. In sekere gevalle kon die reg toegeken in 2001/2002 egter oorgedra gewees het, of die reg kon toegeken gewees het aan 'n trust of 'n natuurlike persoon met die resultaat dat aansoek nou gedoen moet word in die vorm van 'n beslote korporasie of maatskappy. In hierdie en alle andere gevalle waar die aansoeker en die entiteit in 2.2 en 2.3 nie dieselfde entiteit is nie, moet die aansoeker aantoon dat dit die uitsluitlike opvolger is van die entiteit wat die reg ontvang het in 2001/2002, ten einde te kwalifiseer as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal nie meer as een entiteit erken as die opvolger van die entiteit wat die reg in 2001/2002 ontvang het nie.

2.4

In terme van artikel 18 van die WLMH, mag kommersiële visvangregte slegs aan Suid Afrikaanse persone toegeken word, wat 'n term is wat gedefinieer word in artikel 1 van die Wet. Die oogmerk van hierdie afdeling is om te bepaal of die aansoeker voldoen aan die vereistes van hierdie definisie. In die geval van 'n maatskappy of beslote korporasie moet die meerderheid van die aandeelhouders of lede Suid Afrikaanse persone wees.

2.6

Slegs inligting met betrekking tot die aansoeker maatskappy / beslote korporasie moet verskaf word en nie ook inligting met betrekking tot ander lede van 'n groep maatskappye of gesamentlike onderneming nie.

2.7, 2.8

In terme van paragraaf 7.5 van die Algemene Beleid mag 'n medium termyn regthouer aansoeker nie aandeel in 'n potensiële nuwe inkomeling aansoeker in dieselfde sektor hou nie (dit is nie van toepassing op seewier nie). Die oogmerk van hierdie afdeling is om vas te stel of aan hierdie vereiste gehoor gegee is en om aandeelhouding verbintenis tussen verskillende medium termyn regthouer aansoekers vas te stel.

AFDELING 3: WETSKAKOMING**3.1.1, 3.1.2, 3.1.3 en 3.1.4 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

In terme van die Algemene beleid en die toepaslike Vissery-spesifieke beleide mag verskeie gevolge geheg word aan oortredings van die WLMH, die regulasies of permitvoorwaardes, insluitend die uitsluiting van die aansoeker en negatiewe punte toekenning. Die oogmerk van hierdie afdeling is om vas te stel of die aansoeker skuldig bevind is van enige sodanige oortreding in die betrokke sektor en om die erns van die oortreding te bepaal.

3.2 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

Aansoekers moet "ja" op die vraag antwoord, selfs al is die bate aangehou, gearresteer of op beslag gelê in terme van die WLMH of ingekort of gepreserveer in terme van die Wet op die Voorkoming van Georganiseerde Misdaad, later losgelaat. Die omstandighede aangaande die aanhouding, arrestasie, beslaglegging, of inkorting of preservingerbevel en die uitkoms van die proses, m.a.w. of die bate gekonfiskeer of verbeurdverklaar is aan die staat, moet behandel word in die aanhangsel. Behandel slegs met insidente aangaande die sektor waarvoor aansoek gedoen word.

3.3 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

Aansoekers moet "ja" op die vraag antwoord, slegs indien die aansoeker se reg of permit in hierdie vissery teruggetrek, gekanselleer, verminder of gewysig is in terme van artikel 28(3) van die WLMH. Die omstandighede moet verduidelik word in die aanhangsel. Handel slegs met insidente aangaande die sektor waarvoor aansoek gedoen word.

AFDELING 4: VAARTUIGBESONDERHEDE

Hierdie afdeling vereis van die aansoeker om die besonderhede te verskaf van elke vaartuig genomineer deur die aansoeker. Indien die aangevraagde besonderhede nie beskikbaar is nie moet die rede hiervoor verduidelik word in die aanhangsel.

AFDELING 5: VANGSBENUTTING**5.1 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

'n Aansoeker wat 10% meer of 10% minder as sy eie toekenning gevang het in die stokvis langlyn of weskuskeef (aflandige) visserye in enige gegewe jaar oor die duur van die medium-termyn regte periode moet "ja" antwoord op hierdie vraag. Die redes moet verskaf word in die aanhangsel.

5.2 (5.1 vir Inkvis, Tuna-Paal, Bodemhaai en Seewier)

Hierdie afdeling vereis besonderhede aangaande die aansoeker se vangrekords gedurende die medium-termyn (2001 – 2005) regte periode. Aansoekers moet nie die vraag beantwoord met verwysing na die Departement se vangrekords nie. Aangaande werklike vangste of seewier geoes moet nominale gewig gespesifiseer word en nie gelande gewig of gewig nadat die koppe afgesny en die vis geveek is nie, ens. Indien 'n permit nie uitgereik is aan die aansoeker vir enige jaar nie, moet die aansoeker 100% ondervangs aantoon.

Voorbeeld van TTV beheerde vissery

Jaar	Jaarlikse Vangs Toekenning (in ton)	Totaal gevang van Aansoeker se toekenning (ton)	Persentasie ondervangs	Persentasie oorvangs
2003 seisoen	1 000	1 100	0%	10%

Werklike tonnemaat gevang (1100 ton) minus totale toelaatbare vangste toegeken (1 000 ton) = 100 ton. Om die persentasie vas te stel, deel die verskil deur die TTV toegeken en vermenigvuldig dit met 100. I.e. $(1000/10\ 000) \times 100 = 10\ %$.

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B)

AFDELING 6: TRANSFORMASIE**6.1 en 6.2.1**

Die oogmerk van hierdie afdelings is om vas te stel of daar van die aansoeker vereis word om te voldoen aan die Wet op Diensbillikheid. Indien daar van die aansoeker vereis word om te voldoen is die volgende vraag of die aansoeker sy verpligtinge onder die Wet nagkom het. Vir doeleindes van die beantwoording van hierdie afdelings moet slegs data van die aansoeker (en nie die data van sy hourentiteit, sustermaatskappye of Gesamentlike-Ondernemings ("GO") vennote nie) verskaf word en sal in aanmerking geneem word.

Daar word van "Aangewese" werkgewers vereis om te voldoen aan die Wet. 'n Aangewese werkgewer in terme van artikel 1 van die Wet op Diensbillikheid is:

- a) 'n werkgewer wat 50 of meer werknemers in diens het;
- e) 'n werkgewer wat minder as 50 werknemers in diens het, maar wat 'n totale jaarlikse omset het wat gelyk is aan of bo die toepaslike jaarlikse omset van 'n klein besigheid in terme van Skedule 4 van hierdie wet [wat R2 miljoen per jaar is]; of
- f) ...
- g) ...
- e) 'n werkgewer gebind aan 'n kollektiewe ooreenkoms in terme van artikel 23 of 31 van die Wet op Arbeidsverhoudinge wat die werkgewer aanstel as 'n aangewese werkgewer in terme van hierdie Wet, tot die mate waarin voorsiening gemaak in die ooreenkoms.

In terme van artikel 13 van die Wet op Diensbillikheid is die verpligtinge van aangewese werkgewers as volg:

- 1) Elke aangewese werkgewer moet, ten einde diensbillikheid te bewerkstellig, regstellende aksie maatreëls implementeer vir mense van aangewese groepe in terme van hierdie Wet.
- 2) 'n Aangewese werkgewer moet-
 - a) oorleg pleeg met sy werknemers soos vereis deur artikel 16;
 - b) 'n analise doen soos vereis deur artikel 19;
 - c) 'n diensbillikheidsplan voorberei soos vereis deur artikel 20; en
 - d) rapporteer aan die Direkteur-Generaal oor vordering gemaak in die implementering van die diensbillikheidsplan, soos vereis deur artikel 21.

6.3.2 Neem kennis: indien die aansoeker inligting van ander entiteite mag voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die samestelling van die bestuur van die aansoeker vas te stel. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie in die visvangindustrie (vasgestel soos gespesifiseer in afdeling 6.7.1 hieronder) dan moet die besonderhede van die direksie/lede van beide die aansoeker en houer-entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur indiening van die saamgesmelte besonderhede van die direksies/ lede van beide entiteite. Indien die aansoeker betrokke is in 'n gesamentlike onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie, en die partye is in ooreenstemming om hulleself in hierdie vorm aan te bied, dan moet die besonderhede van die direksie of lede van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die direksies/ lede van al die GO vennote.

6.3.3 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede te voorsien aangaande werknemers wat die hoogste salarisse verdien (bereken op 'n totale koste vir die maatskappy basis). Hierdie inligting sal as konfidensieël behandel word en mag apart ingedien word in die geseëde koevert.

Soos in afdeling 6.3.1 hierbo, indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos bepaal in afdeling 6.7.1 hieronder) dan moet besonderhede van die hoogste salaris verdieners van beide die aansoeker en die houer-entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die hoogste salaris verdieners van beide entiteite. Indien die aansoeker in 'n Gesamentlike Onderneming ("GO") betrokke is met 'n ander maatskappy of beslote korporasie, en die partye in ooreenstemming is om hulleself in hierdie vorm aan te bied, dan moet die besonderhede van die hoogste salaris verdieners van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote.

Totale koste vir die maatskappy sluit voordele en bonusse in maar sluit dividende uit. Aansoekers wat 165 werknemers of minder in diens het moet die besonderhede van hul top salaris verdieners verskaf soos aangedui in die tabel in die aansoekvorm. Aansoekers wat meer as 165 werknemers in diens het moet eers die top 3% vasstel en dan besonderhede van daardie werknemers (tot 'n maksimum van 90) voorsien. Aanwysing of werklike titel gehou deur die werknemer, soos aangedui in die organogram of organisatoriese struktuur, moet voorsien word.

Voorbeeld: Indien die aansoeker 2500 persone in diens het, stel die aansoeker die top 3% vas deur hierdie getal te vermenigvuldig met 0.03 ($2500 \times 0.03 = 75$). Die aansoeker moet dan die besonderhede van daardie 75 werknemers verskaf. Die aansoeker moet nie die besonderhede van meer as 90 werknemers voorsien nie, ongeag die aantal werknemers wat die aansoeker in die top 3% het.

Indien van toepassing, moet die aantal werknemers van houer-entiteite of GO vennote bygevoeg word by die aantal werknemers van die aansoeker, soos uiteengesit in die voorbeeld hieronder.

Voorbeeld: Indien die aansoeker 75 persone in diens het en die houer-entiteit 125 persone in diens het, het die twee entiteite gekombineerd 200 persone in diens. Die aansoeker moet die top 3% vas stel: $200 \times 0.03 = 6$. Die besonderhede van die twee entiteite moet saamgesmelte word en die besonderhede van die top ses salaris verdieners van die saamgesmelte lys moet in die tabel ingevul word by 6.3.2.

6.4.1 **Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.**

Hierdie afdeling vereis van die aansoeker om besonderhede van inkomstevlakke binne die organisasie te voorsien soos op 28 Februarie 2005.

Soos in afdelings 6.3.1 en 6.3.2 hierbo, as die aansoeker betrokke is in 'n Gesamentlike Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die salarislakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die salarislakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskap) maatskappy.

Voorbeeld

1	Maandelikse Inkomste	Aantal Werknemers op hierdie vlak (totaal van Groep of GO, indien van toepassing)	Persentasie van totale Werknemers	Aantal Swart Werknemers op hierdie vlak (totaal van groep of GO, indien van toepassing)	Persentasie van Totale Aantal Swart Werknemers	Aantal Vroulike Werknemers op hierdie vlak (total van Groep of GO, indien van toepassing)
	< R 2 500	100	80%	80	90 %	70

Deel dan die aantal werknemers in hierdie inkomstevlak deur die totale aantal werknemers en vermenigvuldig met 100

Deel dan die aantal swart werknemers in hierdie inkomstevlak deur die totale aantal swart werknemers en vermenigvuldig

6.5 **Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.**

Hierdie vraag vereis van die aansoeker om die diensbillikheidsprofiel van die aansoeker met betrekking tot beroepsvlakke te voltooi. Aangewese werkgewers en werkgewers wat vrywillig voldoen aan die Wet op Diensbillikheid moet die tabel voltooi met die mees onlangse syfers wat voorsien is aan die Departement van Arbeid. Aansoekers wat nie aangewese is nie moet die tabel voltooi met verwysing na sy werknemers op datum van aansoek en met verwysing na die definisie van die beroepsvlakke uiteengesit in aanhangsel 2 van die Regulasies tot die Wet op Diensbillikheid. Aanhangsel 2 bepaal as volg:

Wet op Diensbillikheid 55 van 1998

WAT IS DIE DOEL VAN HIERDIE AANHANGSEL?

Werksevaluasie of graderingstelsels word deur baie organisasies benut om werksposisies te meet volgens hul inhoud en om vergelykende waarde tussen werksposisies vas te stel.

Hierdie aanhangsel voorsien 'n tabel van gelykstaande beroepsvlakke wat gebruik mag word deur werkgewers wanneer vorms EEA 2 and EEA 4 voltooi word.

INSTRUKSIES

Die tabel [hieronder] dui die die beroepsvlakke binne organisasies aan soos vasgestel deur die gebruik van verskillende werksevaluasie of graderingsstelsels. Die tabel voorsien gelykstaande vlakke van elkeen van hierdie werksevalueringstelsels.

Organisasies wat gebruik maak van geeneen van die werksevalueringstelsels [in die tabel hieronder] nie, of wat nie 'n aangepaste stelsel het wat gekoppel is aan een van hierdies nie, moet die Semantiese Skaal gebruik vir leiding by die vasstelling van beroepsvlakke binne daardie organisasie.

Gelykstaande Beroepsvlakke

Semantiese Skaal	Paterson		Peromnes	Hay	Castellion
Top Bestuur	F	F	[++ 1+		14
Senior Bestuur	E	E HOËR E LAER	1 2 3	1 2	13
Professioneel gekwalifiseerd, ervare spesialiste en middelbestuur	D	D HOËR D LAER	4 5 6	3 4	12 11 13
Vaardige tegniese en akademies gekwalifiseerde werkers, junior bestuur, toesighouers, voormanne, superintendente	C	C HOËR C LAER	7 8 9 10 11 12	5 6 6A 7 8	9 8
Semi-vaardige en diskresionêre besluitneming	B	B HOËR B LAER	13 14 15 16	9 10 11	7 6 5 4
Ongeskoolde en gedefinieerde besluitneming	A	A	17 18 19	12 13	3 2 1

Soos in afdeling 6.4.1 hierbo, indien die aansoeker in 'n Gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie betrokke is, en die partye in ooreenstemming is om hulleself in hierdie vorm aan te bied, moet die beroepsvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te voorsien. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die beroepsvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskappy) maatskappye.

Voorbeeld

As Maatskappy A 'n aangewese werkgewer is moet die inligting van die mees onlangse EEA 2A gebruik word om die tabel te voltooi. As maatskappy A nie 'n aangewese werkgewer is nie moet die beroepsvlakke van werknemers op datum van aansoek vasgestel word op die wyse hierbo uiteengesit en die tabel met hierdie data voltooi word.

Nadat die aantal werknemers per vlak vasgestel is, moet die persentasies bereken word. Byvoorbeeld, Maatskappy A het 7 senior amptenare en bestuurders in diens. Uit die sewe werknemers in die beroepskategorie, is 1 'n manlike Afrikaan, 2 is manlike Kleurlinge, 2 is Wit mans, 1 is 'n Indiese vrou en 1 is 'n Wit vrou. Ten einde die persentasie vas te stel, neem die aantal werknemers van elke aangewese groep in die beroepsvlak en deel dit deur die totale aantal werknemers in die beroepsvlak en vermenigvuldig met 100.

A = Afrikaan, K = Kleurling, I = Indiër, W = Wit, V = Vroulik en AKI = Afrikaan, Kleurling en Indiër

										Totals	
Beroepskategorieë		A No.	A %	K No.	C %	I No.	I %	W No.	W %	AKI%	V%

Senior Amptenare en Bestuurders (Totaal van GO of Groep, indien van toepassing)	Manlik	1	14%	2	28%	0	0%	2	28%	42%	
	Vroulik	0	0%	0	0%	1	14%	1	15%		29%

6.6

Alle aansoekers moet die syfers verskaf rakende die top en senior bestuur / senior beamptes wat voorsien was in hulle 2001 aansoek vorms. Alle aansoekers moet die syfers verskaf rakende die professioneel gekwalifiseerde en ervare spesialiste en middelbestuur wat voorsien was in hulle 2001 aansoekvorms.

6.7.2

Hierdie afdeling vereis van aansoekers om besonderhede te verskaf rakende die aandeelhouding gehou deur swart persone en die onbepaalde stemregte en ekonomiese belang (in die vorm van geregtigheid op dividende) gekoppel aan swart aandeelhouding in die aansoeker (nie die houer-entiteit, groep of GO vennoot nie tensy hierdie inligting relevant is vir doeleindes van toepassing van die deur-vloei beginsel). Die voorsitter van die direksie van die aansoeker moet 'n eedsverklaring indien aangaande die aandeelhouding, stemregte en ekonomiese belang gehou deur swart persone in die aansoeker in die relevante aanhangsel. By die vasstelling van die persentasie swart aandeelhouding, stemregte en ekonomiese belang, moet die deur-vloei beginsel gebruik word, dien verstande dat:

- Pensioen fondse en staatsorgane word as neutraal beskou en die persentasie swart aandeelhouding moet bereken word sonder verwysing na aandele gehou deur sulke entiteite;
- Indien die persentasie swart aandeelhouding, stemregte of ekonomiese belang van 'n besondere aandeelhouer nie vasgestel kan word nie, moet gedetailleerde redes voorsien word;
- Vir doeleindes van vasstelling van stemregte, word 'n aandeelhouer geag 100% swart te wees as meer as 50% van daardie aandeelhouer besit word deur 'n natuurlike persoon wat swart is; en
- Die persentasie "aandeelhouding", "ekonomiese belang" en "stemregte" van swart persone in 'n trust moet vasgestel word met verwysing na die regte van begunstigdes in terme van die trustakte.

Die deur-vloei beginsel word as volg gedefinieer: "**Deur-vloei beginsel**" verwys na die navolging van ekonomiese voordele by die vasstelling van 'n telling vir SEB eienaarskap. Daar word 'n telling aan entiteite toegeken op grond van die geregtigheid van swart persone om stemregte uit te oefen en om deel te neem aan die ekonomiese belang van die besigheid. Die doel van die deur-vloei beginsel is om te verseker dat punte op 'n uniforme wyse toegeken word aan alle maatskappye, ongeag hulle struktuur, met betrekking tot hulle SEB eienaarskap. Die deur-vloei beginsel bepaal dat slegs stemregte en ekonomiese belange waarop swart mense wat natuurlike persone is geregtig is, in ag geneem word. Sou geregtigheid tot stemregte en/of ekonomiese belang deur 'n regs persoon gehou word, sal slegs stemregte en ekonomiese belang waarop swart mense geregtig is in daardie regs persoon in ag geneem word. Dieselfde beginsel word konsekwent toegepas regdeur die eienaarskapsketting met betrekking tot regspersone totdat die ketting doodloop in die geregtigheid van die natuurlike persoon, wat 'n swart persoon is, op sulke stemregte en/of ekonomiese belange.

"**Indirekte Eienaarskap**" beteken eienaarskap van 'n ekwiteitsbelang in 'n onderneming waar so 'n ekwiteitsbelang die houer geregtig maak om deel te neem in die ekonomiese belang (soos dividende) wat vloei na die aandeelhouders van daardie onderneming, maar nie direk in die stemregte van daardie onderneming nie. Stemregte kan indirek uitgeoefen word deur 'n gelybuis soos 'n trust of 'n pensionerings-skema.

Indirekte eienaarskap moet in ag geneem word vir doeleindes van die bepaling van die persentasie swart aandeelhouding, en indien van toepassing, die persentasie ekonomiese belang en stemregte gehou deur 'n swart persoon in die aansoeker. As geen stemregte gekoppel is aan indirekte eienaarskap van ekwiteit nie, dan mag swart eienaarskap van sodanige ekwiteit nie in ag geneem word wanner swart stemregte vasgestel word nie. Waar die stemregte egter bloot indirek uitgeoefen word (deur 'n gelybuis), moet swart eienaarskap van ekwiteit in ag geneem word wanneer swart stemregte vasgestel word.

Voorbeeld: Die aansoeker het vier aandeelhouders. Een van hierdie aandeelhouders is 'n natuurlike persoon genaamd AA, wat 'n swart persoon is en 10% van die ekonomiese belang en stemregte besit. Twee van die ander aandeelhouders is maatskappye en die derde is 'n pensioenfonds. Maatskappy A hou 30% van die aandele en is 51% besit deur 'n swart persoon en 49% deur 'n wit persoon. Maatskappy B hou 40% van die aandele en is 40% besit deur 'n natuurlike persoon wat wit is en 60% besit deur Maatskappy Z, wat op sy beurt 80% besit word deur 'n wit persoon en 20% deur 'n swart persoon. Die Pensioenfonds hou die oorblywende 20% van die uitgereikte aandele. Die persentasie swart aandeelhouding, stemregte en ekonomiese belang is as volg:

Jaar 2005 (op datum van aansoek)	Persentasie aandeelhouding gehou deur Swart persone	Persentasie stemregte gehou deur swart persone	Persentasie ekonomiese belang gehou deur swart aandeelhouders (geregtigheid op dividende)
	37.625	56	37.625

AA dra 12.5% (10/80) by tot al drie kategorieë, Maatskappy A dra 19.125% (30/80 X 51/100) by tot aandeelhouding en ekonomiese belang en 37.5% (30/80 X 100) tot stemregte. Maatskappy B dra 6% (40/80 X 60/100 X 20 /100) by tot al drie kategorieë en die pensionfonds word buite rekening gelaat.

6.7.2

Die aandeelhouding, stemregte en ekonomiese belang van vrouens word bereken op dieselfde wyse soos verduidelik onder afdeling 6.7.1 hierbo. Weereens moet die afdeling beantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting aangaande houer entiteite, suster maatskappye betrokke in die visvang industrie en GO vennote mag nie in ag geneem word nie tensy hierdie entiteite ekwiteit hou in die aansoeker en hierdie die inligting in ag geneem moet word wanneer die deur-vloei beginsel toegepas word.

6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7, 6.7.8 en 6.7.9

Hierdie afdelings moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting aangaande houer entiteit, suster maatskappye en GO vennote mag nie in ag geneem word nie, maar besonderhede van groep-aandeeskemas mag voorsien word in die aanhangsel tot 6.7.3.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 en 6.8.7 Neem kennis: moenie die skadu areas van die vorm voltooi nie

Hierdie afdelings moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting rakende GO vennote mag nie in ag geneem word nie. Die deur-vloei beginsel het natuurlik geen toepassing op beslote korporasies nie. Die persentasie stemregte en winsdistribusie moet vasgestel word met verwysing na die samewerkingsooreenkoms van die beslote korporasie. Indien geen so 'n ooreenkoms bestaan nie of indien die ooreenkoms swyg oor die kwessie dan moet daar aanvaar word dat stemregte en ekonomiese belang dieselfde is as die persentasie ledebelang.

6.9

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die mate waartoe die teikens gestel in die Transformasie Plan ingedien as deel van die 2001 aansoekproses bereik is. Die afdeling moet geantwoord word met verwysing na die inligting van die aansoeker alleen (tensy 'n groep transformasie plan ingedien was in 2001).

6.10 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende nakoming van artikel 3 van die Wet op Heffings op Vaardighedsontwikkeling 9 van 1999. Die vrae in die eerste twee kolomme (die indiening / goedkeuring van 'n Werkplekvaardighedsplan en 'n Jaarlikse Opleidingsverslag) moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Met betrekking tot die laaste drie kolomme (randhoeveelheid betaal aan SAID, persentasie van betaalrol spandeer op opleiding en persentasie van opleidingsbegroting spandeer op swart werknemers), indien die aansoeker betrokke is in 'n Gesamentlike Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, en die partye is in ooreenstemming om hulleself in hierdie vorm aan te bied, dan moet die betaalrolle van al die GO vennote in die aanhangsel verskaf word en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te verskaf. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo) moet die betaalrolle van die houer-entiteit, die aansoeker en enige suster maatskappye ook meer as 50% besit deur die houer-entiteit, verskaf word in die aanhangsel en moet die tabel voltooi word deur die verskaffing van die saamgesmelte besonderhede van die groep (houer-entiteit, aansoeker en sustermaatskappye) maatskappye.

Ten einde die "persentasie van betaalrol spandeer op opleiding" te bereken deel die werklike jaarlikse hoeveelheid spandeer op opleiding deur die totale jaarlikse betaalrolkoste en vermenigvuldig die resultaat met 100 om die persentasie vas te stel.

Voorbeeld

Maatskappy X het 'n jaarlikse betaalrol van R 1 000 000.00. Die maatskappy het R 10 000.00 op opleiding spandeer op alle werknemers. $(R10\,000.00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om aan te toon of dit deelgeneem het aan 'n leerskapprogram in 2004. Deelname aan 'n leerskap program beteken dat die aansoeker 'n leerskapooreenkoms geregistreer het met die SEOO ("SETA") ooreenkomstig die Regulasies Aangaande die Registrasie van Voorgenome Leerskappe en Leerskapooreenkomste gepubliseer onder die Wet op Vaardighedsontwikkeling 97 van 1998 in Staatskennisgewing No. R. 330 van 3 April 2001. Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO. Die persentasie swart elenaarskap, verwys na in afdeling 6.22, moet bereken word soos hierbo beskryf in afdeling 6.7.1.

AFDELING 7: VEILIGHEID

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende veiligheid, insluitend die vereistes van die Suid Afrikaanse Maritieme Veiligheidsowerheid.

7.1

Artikels 312 en 313 van die Handelskeepvaartwet, 57 van 1951 skep sekere oortredings insluitende die versuim om te voldoen aan 'n verpligting onder die Wet soos die verpligting om te verseker dat onseewaardige vaartuig nie die hawe verlaat nie en die versuim om 'n vaartuig behoorlik te beman.

7.2, 7.3, 7.4, 7.5, 7.7 en 7.8

Die Maritieme Beroepsveiligheidsregulasies, 1994, die Bemannings Akkomodasie Regulasies, 1961 en die Handelskeepvaart (Veilige Bemanningregulasies) is uitgevaardig in terme van die Handelskeepvaartwet 57 van 1951. Hulle is beskikbaar by www.mcm-deat.gov.za. Mariene Kennisgewing No 26 van 2004 is ook op die webwerf beskikbaar.

7.9

Nakoming van die Wet op Vergoeding vir Beroepsbeserings en Siektes 130 van 1993 beteken nakoming van Artikels 80 tot 88 van die Wet wat as volg voorsien:

"Werkgewer moet by kommissaris registreer en aan hom besonderhede verstrek."

(1) 'n Werkgewer wat 'n besigheid in die Republiek dryf, moet by die kommissaris binne die voorgeskrewe tydperk en op die voorgeskrewe wyse registreer, en moet aan die kommissaris die voorgeskrewe besonderhede van sy besigheid verstrek, en moet binne 'n tydperk deur die kommissaris bepaal die bykomende besonderhede verstrek wat die kommissaris verlang.

(2) Die besonderhede bedoel in subartikel (1) moet afsonderlik verstrek word ten opsigte van elke besigheid wat deur die werkgewer gedryf word.

(3) 'n Werkgewer moet die kommissaris van enige verandering van die aldus verstrekte besonderhede binne sewe dae na sodanige verandering in kennis stel.

Werkgewer moet rekord hou.

(1) 'n Werkgewer moet 'n register of ander rekord hou van die verdienste en ander voorgeskrewe besonderhede van al die werknemers, en moet daardie register of rekord of 'n mikrofilm- of ander mikroformreproduksie daarvan te alle redelike tye op versoek aan 'n gemagtigde persoon bedoel in artikel 7 ter insae voorlê.

Bydraes deur werkgewers individueel aanspreeklik en onderlinge verenigings.

(1) Ondanks enige andersluidende bepaling van hierdie Wet moet die werkgewers individueel aanspreeklik en die onderlinge verenigings aan die Direkteur-generaal op die wyse en tye wat hy bepaal, jaarliks sodanige deel as wat hy billik ag, betaal van die uitgawe wat hy by die uitvoering van die bepalings van hierdie Wet aangegaan het.

7.13

Die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe) Wet 2 van 1986 en die Wet op Mariene Besoedeling (Beheer en Siviele Aanspreeklikheid) Wet 6 van 1981 is beskikbaar by www.mcm-deat.gov.za.

AFDELING 8: WERKSKEPPING

8.1.1 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die aantal werkseleenthede verskaf deur die aansoeker, en die totale hoeveelheid spandeer op salarisse gedurende die medium termyn regteperiode in die sektor waarvoor aansoek gedoen word vas te stel. Die inligting moet gebruik word om die aantal werkseleenthede verskaf per ton vis of per eenheid vangspoging toegeken in die betrokke sektor vas te stel (in afdeling 8.1.3) en die hoeveelheid spandeer op salarisse per ton / eenheid vangspoging toegeken in die betrokke sektor (in afdeling 8.1.2). Ten einde die aantal werkseleenthede en hoeveelhede spandeer op salarisse per eenheid toegeken in die betrokke sektor vas te stel, mag aansoekers (of hulle houer-entiteite of sustermaatskappye en GO vennote) wat betrokke is in

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B) 19

industriële buiten die visvangbedryf nie werksgeleenthede verskaf of salarisse spandeer in sulke industriële in ag neem nie en aansoekers betrokke in ander sektore van die visvangbedryf mag nie werksgeleenthede verskaf of salarisse spandeer in daardie sektore in ag neem nie.

Aansoekers betrokke in ander industriële buiten die visvangbedryf moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede aan salarisse spandeer in die visvangbedryf en ander industriële voorsien. Slegs werksgeleenthede verskaf of hoeveelhede spandeer aan salarisse in die visvangbedryf mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aansoekers betrokke in ander visvangsektore moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede aan salarisse spandeer in die sektor voorsien. Slegs werksgeleenthede verskaf of hoeveelhede spandeer aan salarisse in die sektor waarvoor aansoek gedoen word mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aangesien dit moeilik is om akkuraat die presiese aantal werknemers en hoeveelhede aan salarisse spandeer op 'n sektorale basis vas te stel, sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling gebruik word in enige ander aansoek gebring deur die aansoeker.

As die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslote korporasie (en die partye in ooreenstemming om hulleself in hierdie vorm aan te bied), of as meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel op die wyse uiteengesit in afdeling 6.7.1), dan mag al die werksgeleenthede voorsien of hoeveelhede spandeer aan salarisse deur die GO vennote of die groep (m.a.w. die aansoeker, die houer entiteit en suster maatskappye) in ag geneem word, met dien verstande dat dieselfde beginsels hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industriële of visvang sektore mag nie werksgeleenthede verskaf of hoeveelhede spandeer aan salarisse in ander industriële of sektore in ag neem nie. Slegs werksgeleenthede verskaf of hoeveelhede spandeer op salarisse in die betrokke sektor deur die GO of groep mag in ag geneem word wanneer afdeling 8.1.1 voltooi word. Indien van toepassing, moet 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede spandeer op salarisse in die visvangbedryf en ander industriële of 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede spandeer aan salarisse in die betrokke sektor en ander sektore verskaf word in die aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n visvangreg deur die aansoeker of enige lid van die GO of groep. Daar mag geen dubbele aanspraak op werksgeleenthede gemaak word nie. Met ander woorde, die aantal werksgeleenthede waarop aanspraak gemaak word in al die aansoeke van die lede van die GO of groep mag nie meer wees as die totale aantal werksgeleenthede verskaf deur die GO of groep nie.

8.1.2 en 8.1.3:

Hierdie afdelings vereis van aansoekers om besonderhede te voorsien rakende werksgeleenthede en salarisse voorsien per ton toegeken op die basis van die inligting voorsien in afdeling 8.1.1 hierbo.

Voorbeeld

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in hierdie vissery 2004	Totale Jaarlikse Besoldigingsrekening (met betrekking tot hierdie vissery) 2004 Finansiële Jaareinde soos per Tabel 8.1.1	Hoeveel spandeer die aansoeker op tone/salarisse per ton gestlokeer?
5 000	R1 000 000	R200
$\text{Deel die Totale Jaarlikse Besoldigingsrekening (1 000 000) deur die TTV toegeken (5000) = R200 per ton.}$		
TTV Toegeken (in ton) in hierdie vissery in 2004	Totale Aantal Werknemers (met betrekking tot hierdie Vissery) (op datum van aansoek)	Hoe baie persone neem die aansoeker in diens per ton toegeken?
5 000	1 000	0.2
$\text{Deel die totale aantal werknemers voorsien in hierdie vissery (1000) deur die TTV toegeken aan die aansoeker (5000) [1000/5000=0.2]} $		

8.1.4 Neem kennis: moenie die skadu areas voltooi nie en as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of Gesamentlike-Onderneming.

AFDELING 9: BELEGGING

9.1.1 en 9.1.2

Neem kennis: moenie die skadu areas voltooi nie en as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die randwaarde van die hawe en see-gebaseerde bates van die aansoeker in die sektor waarvoor aansoek gedoen word te bepaal. Dit sal gebruik word om die waarde van die hawe en see-gebaseerde bates per ton vis toegeken in die betrokke sektor vas te stel (in afdelings 9.1.3 en 9.1.4). Ten einde die waarde van bates per ton/eenheid vangspoging toegeken in die betrokke sektor vas te stel, mag aansoekers (of die houer-entiteit of suster maatskappye en GO vennote) betrokke in ander industriële as die visvangbedryf nie bates gebruik in ander industriële in ag neem nie.

Aanzoekers betrokke in industrieë buiten die visvangbedryf moet 'n uiteensetting verskaf van bates gebruik in die visvangbedryf en in ander industrieë in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die visvangbedryf mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aanzoekers betrokke in ander visvangsektore moet 'n uiteensetting van bates gebruik op 'n per sektor basis verskaf in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die sektor waarvoor aansoek gedoen word mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aangesien dit moeilik is om akkuraat bates toe te deel op 'n per sektor basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek vir 'n kommersiële visvangreg deur die aansoeker gedurende die langtermyn regtetoekenningsproses.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag al die bates gebruik deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie bates in ag neem wat in ander industrieë of sektore gebruik word nie. Slegs bates gebruik in die betrokke sektor deur die GO of groep mag in ag geneem word met die voltooiing van afdelings 9.1.1 en 9.1.2. Indien van toepassing, moet 'n uiteensetting van bates gebruik in die visvangbedryf en ander industrieë of bates gebruik in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel (apart vir boek en versekerde waardes). 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op bates gemaak word nie. Met ander woorde, die waarde van die bates waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale waarde van die bates gebruik deur die lede van die GO of groep in die visvangbedryf nie.

9.1.3:

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die waarde van beleggings gemaak per ton / eenheid vangspoging toegeken. Die inligting verskaf in afdeling 9.1.1. moet gebruik word.

Voorbeeld

Maatskappy X is 'n TTV van 5000 ton toegeken. Die waarde van sy hawe en see-gebaseerde bates gebruik in die toepaslike sektor by die finansiële jaareinde 2004 was R5 000 000. Die waarde van die land gebaseerde bates was R 4000 000. Die waarde van hawe en see-gebaseerde bates per ton toegeken word as volg bereken:

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in 2004	Boekwaarde (in rand) van hawe en see-gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde (in rand) van land gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde van Hawe en See-gebaseerde bates per ton toegeken aan die aansoeker	Boekwaarde van Land-gebaseerde bates per ton toegeken aan die aansoeker
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00

Deel die waarde van die hawe en see-gebaseerde bates (5 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) (5 000 000/5 000=R1 000)

Deel die totale waarde van die land-gebaseerde bates (4 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) (4 000 000/5 000=R800)

AFDELING 10: PLAASLIKE EKONOMIESE ONTWIKKELING

Hierdie afdeling vereis van die aansoeker om inligting te verskaf aangaande die landing van vangste by hawens/landingsgebiede (met betrekking tot hierdie vissery) in 2004, en voornemens rakende die landing van vangste. Gebruik nominale tonnemaat (nie die gewig nadat die koppe verwyder en die vis gevele is etc nie).

10.1:

Hierdie vraag vereis van die aansoeker om gedetailleerde inligting aangaande die hawens waar vangste geland is in 2004 te verskaf.

Voorbeeld

Maatskappy X land vis by verskeie verskillende hawens. Van sy toekenning van 20 ton land hy 5 ton in Mosselbaai, 10 ton in Vishoek en 5 ton in Kaapstad.

Die berekening moet as volg gedoen word:

Hawe / Landingsgebied	Ton Geland by Hawe in 2004	Prosentasie van Total Vangs geland in 2004
Mosselbaai	5	25 %
Port Nolloth	10	50 %
Kaapstad	5	25 %

Deel die vangs (in hierdie vissery) geland by elke hawe deur die totale vangs geland deur die aansoeker en vermenigvuldig met 100 om hierdie persentasie te bereken (1 500/5 000x100=30%)

Pole, Shark Demersal and Seaweed (CLUSTER B)

AFDELING 11: WAARDETOEVOEGING & ONDERNEMINGSONTWIKKELING

Hierdie afdeling vereis van aansoekers om inligting te verskaf aangaande waardetoevoeging (slegs van toepassing op wesenskreef (aflandig); Tuna-Paal en Seewier) en ondernemingsontwikkeling aktiwiteite wat die aansoeker onderneem het. Waarde toevoeging sluit aanboord prosessering in.

Ondernemingsontwikkeling kan verskeie vorme aanneem insluitend direkte belegging in KMMOs (klein, medium of mikro ondernemings) wat in Swart Besit is of Swart Bemagtig is; Gesamentlike-Ondernemings met KMMOs wat in Swart Besit is en Swart Bemagtig is en wat "substantiewe" vaardigheidsoordrag as gevolg het; die voorsiening van mentorskap, besigheidsverhoudings en verbindings wat op hulle beurt besigheidsgeleenthede aan hierdie ondernemings verskaf; tweeling-inisiatiewe met KMMOs wat in swart besit is en swart bemagtig is wat kostebesparing tot gevolg het of die generering van omset vir daardie KMMO's tot gevolg het.

"KMMO in Swart Besit" beteken 'n klein, medium of mikro onderneming (minder as 100 voltydse werknemers en minder as R5 miljoen omset en minder as R4 miljoen se bruto bate waarde, vaste eiendom uitgesluit) wat meer as 50% swart eienaarskap het (indien 'n maatskappy bereken soos uiteengesit in afdeling 6.7.1 hierbo en indien 'n beslote korporasie, bereken met verwysing na ledebelang) en meer as 50% swart bestuur het (top en senior bestuur / senior beamptes, vasgestel met verwysing na die benadering tot beroepskategorieë soos uiteengesit in afdeling 6.5 hierbo).

"Swart Bemagtigde KMMO" beteken 'n klein, medium of mikro onderneming (minder as 100 voltydse werknemers en minder as R4 miljoen in omset en minder as R4 miljoen se bruto bate waarde, vaste eiendom uitgesluit) wat meer as 25% swart eienaarskap het (indien 'n maatskappy bereken soos uiteengesit in afdeling 6.7.1 hierbo en indien 'n beslote korporasie, bereken met verwysing na ledebelang) en meer as 50% swart bestuur het (top en senior bestuur / senior beamptes, vasgestel met verwysing na die benadering tot beroepskategorieë soos uiteengesit in afdeling 6.5 hierbo).

AFDELING 12: FINANSIËLE PRESTASIE

12.1 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Voltooi die jaarlikse omset soos per die aansoeker se 2004 finansiële state. Omset van ander lede van die groep of gesamentlike onderneming moet nie ingesluit word nie.

12.2 tot 12.5

Hierdie afdelings vereis van die aansoeker om inligting te verskaf van sy geouditeurde of verifieerde finansiële state.

12.6 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Tweede Kolom:

Dieselfde beginsel soos verduidelik in afdelings 8.1.1 en 9.1.1 moet gebruik word vir die voltooiing van die tweede kolom. Die oogmerk van hierdie afdeling is om die omset van die aansoeker vas te stel vir die sektor waarvoor aansoek gedoen word. Aansoekers betrokke in ander industrieë as die visvangbedryf mag nie omset genereer in sulke ander industrieë in die tweede kolom in ag neem nie. Meer spesifiek, aansoekers betrokke in industrieë anders as die visvangbedryf moet 'n uiteensetting verskaf in die aanhangsel van omset in die visvangbedryf en in ander industrieë. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 12.2 voltooi word. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van omset verskaf in die aanhangsel op 'n per sektor basis. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 12.2 voltooi word. Aangesien dit moeilik is om akkuraat omset te verdeel op 'n sektorale basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek gebring deur die aansoeker. Met ander woorde, dieselfde uiteensetting moet deur die aansoeker verskaf word in aansoeke vir kommersiële regte in ander sektore.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag die totale omset gegeneer deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie omset in ag neem wat in ander industrieë of sektore genereer word nie. Slegs omset genereer in die betrokke sektor deur die GO of groep mag in ag geneem word. Indien van toepassing, moet 'n uiteensetting van omset genereer in die visvangbedryf en ander industrieë of omset genereer in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op omset gemaak word nie. Met ander woorde, die omset waarop aanspraak gemaak word in al die aansoeke

deur die lede van die GO of groep mag nie meer wees as die totale omset genereer deur die lede van die GO of groep in die visvangbedryf nie. **Die finansiële state van al die lede van die groep of GO moet voorsien word in die relevante aanhangsel.**

Derde Kolom:

In die derde kolom, moet die aansoeker die total omset van die aansoeker (of, indien toepaslik, die groep of GO) gebruik, insluitende omset gegenereer buite die visbedryf, ten einde die persentasie te bereken.

Voorbeeld

Maatskappy X het medium termyn regte ontvang in Diepsee Stokvistreilvangs en Suidkuskreef. 'n TTV van 5000 ton vir Diepsee Stokvistreilvangs en 7 ton vir Suidkuskreef was in 2004 toegeken. Maatskappy X se totale omset (vir beide visserye) vir die 2004 finansiële jaar was R180 000 000. Die totale omset gegenereer in Stokvis Diepseetreil vir die finansiële jaar 2004 was R100 000 000. Die totale omset vir Suidkuskreef was R 80 000 000. In sy aansoek vir Suidkuskreef sal die aansoeker se tabel as volgende daarna uitsien:

TTV Toegeken aan die Aansoeker in 2004 (in tonne)	Omset genereer deur TTV toegeken (finansiële jaar 2004)	Persentasie van totale omset
7	R80 000 000	↓ 44,4%

Deel die omset van hierdie vissery deur die totale omset van die aansoeker en vermenigvuldig met 100 om die persentasie waarde vas te stel. $80\,000\,000/180\,000\,000 \times 100 = 44,4\%$

AFDELING 13: VISVANGPLAN

Hierdie afdeling vereis die aansoeker om inligting te verskaf aangaande sy visvangplan.

AFDELING 14: BYVANGSTE EN OMGEWINGSVOLHOUBARE PRAKTYKE

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende byvangste en omgewingsvolhoubare praktyke.

AFDELING 15: HEFFINGS

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende heffings betaal gedurende die mediumtermyn regteperiode.

INGCACISO – ABANINI-MALUNGELO EXESHA ELIPHAKATHI I-ROCK LOBSTER YONXWEME OLUSENTSHONA (NGAPHANDLE KONXWEME), I-HAKE LONGLINE, I-SQUID, I-TUNA POLE, I-DEMERSAL SHARK NE-SEAWEED

INJONGO YENCACISO KUKUNCEDA ABFAKI-ZICELO UKUZALISA AMACANDELO ALIQELA KWIFOMU YESICELO. WAMBI AMACANDELO AGQALWA NJENGACACILEYO YAYE AKAFAKWANGA KULE NGCACISO.

I-MLRA ngumthetho i-Marine Living Resources Act 18 ka-1998. Ikopi iyafumane kwi-website yeSebe www.mcm-deaf.gov.za.

ICANDELO 1: IINKCUKACHA ZOMFAKI-SICELO

Icandelo 1.1 ukusa ku-1.7 limele lizaliswe ngabo bonke abafaki-zicelo. Iinkcukacha ezifunekayo kwicandelo 1.8.1 to 1.8.7d kwakufuneka umfaki-sicelo azidlulisele xa wayethabatha ifomu yesicelo. La macandelo kufuneka azaliswe kuphela ukuba iinkcukacha zomfaki-sicelo zitshintshile emva kokuba ebhalisile.

Umfaki sicelo uyacelwa ukuba kwiSihlomelo 1A ukuba anike inkcazelo emfitshane ngobume bombutho womfaki sicelo, abonise ukuba ishishini lakhe liquka amaziko alapha kwishishini lokuloba abizwa njenge "holding entity (ecaciswa njengomnini wepesenti ezingaphezu kwamashumi amahlanu kumfaki sicelo) kunye ne-"sister companies (nakuzo i-holding company ingumnini wepesenti ezingaphezu kwamashumi amahlanu kuzo) okanye amalungu omdibaniselwano ("joint venture")

Isizathu soku sesokuba amanye amacandelo kulefomu uvumela umfaki sicelo afake inkcazelo ngomfaki sicelo kunye ne-holding company ne sister company ezithatha inxaxheba kushishino lokuloba (the "group of companies") okanye onke amalungu omdibaniselwano ("joint venture partners") kushishino lokuloba. Unobangela wokufuna lenkcazelo ngamanye amaziko, angaphandle komfaki sicelo kukuvumela ubambano loqoqosho ("economic unit") ukuba luzazise ngesicelo esinye, ngoluhlobo, ukuze igunya elithinyunyweyo likwazi bhetele ukuthelekisa abafaki-zicelo. Onke amalungu omdibaniselwano okanye eqela kufuneka avume ukwenza isicelo ngoluhlobo, kwaye apho kufunwa khona inkcazelo yomdibaniso ze inikwe rhoqo kulo macandelo esicelo nakwezinye izicelo kwamanye amacandelo

ICANDELO 2: UBUME BOMFAKI-SICELO

2.1, 2.2 no-2.3

Injongo kukubona ukuba umfaki-sicelo ufanele aphaathwe njengalowo usenokuba ngumngeni omtsha okanye njengomnini-lungelo wexesha eliphakathi. Lowo uphathiswe igunya uya kugqala njengabanini-malungelo bexesha eliphakathi loo maqela kuphela awafumana amalungelo exesha eliphakathi ngowe-2001/2002 kulefishari kufakwa kuyo isicelo okanye abo bangena endaweni yalomaziko.

Ukuba umfaki-sicelo liqela elifanayo nelichazwe ku-2.2 (elafumana ilungelo lexesha eliphakathi ngowe-2001/2002) neliku-2.3 (elo linelungelo lexesha eliphakathi ngoku), loo mfaki-sicelo ngokucacileyo uyafaneleka ukuphathwa njengomnini-lungelo wexesha eliphakathi. Noko ke, kwezinye iimeko ilungelo elalinikezelwe ngowe-2001/2002 lisenokuba lidluliswe, okanye elo lungelo lisenokuba lalinikezelwe kumbambeli okanye umntu othile nto leyo ifunisa ukuba ngoku isicelo simele senziwe kwimo kakopoletyeni okanye inkampani. Kwezi meko nakuzo zonke ezinye apho umfaki-sicelo kwiqela 2.2 naku-2.3 ingengomntu mnye, umfaki-sicelo umele abonise ukuba nguye kuphela onelungelo lokufumana elo shishini lafumana ilungelo ngowe-2001/2002, ukuze afaneleke ukuba ngumnini-lungelo wexesha eliphakathi. Lowo uphathiswe igunya akayi kuqwalasela amaqela angaphezu kwelinye njenganelungelo kwishishini elafumana ilungelo ngowe-2001/2002.

2.4

Ngokutsho kwecandelo 18 le-MLRA, amalungelo okurhweba ngokuloba anokunikwa kuphela umntu waseMzantsi Afrika, binzana elo lichaziweyo kwicandelo 1 laloo Mthetho. Injongo yeli candela kukubona enoba umfaki-sicelo uyahlangabezana nale ngcaciso. Ukuba yinkampani okanye ukopoletyeni, inkoliso yabanini-zabelo okanye amalungu imele ibe ngabantu baseMzantsi Afrika.

2.6

Yinkcazelo yenkampani / ukopoletyeni ofaka isicelo kuphela efanele ibhalwe kungekhona inkcazelo yamanye amalungu eqela leenkampani okanye lomdibaniselwano.

2.7, 2.8

Ngokwesiqendu 7.5 soMgaqo-nkqubo jikelele, umfaki-sicelo welungelo lexesha eliphakathi akanakuba nezabelo kulowo kusenokwenzeka abe ngumngeni omtsha kwicandelo elinye (ngaphandle kweseaweed). Injongo yeli candela kukubona enoba le

mfuneko kunanyathelwe kuyo nokubona unxibelelwano lwabanini-zabelo kubafaki-zicelo babamlungelo exesha eliphakathi abahlukahlukeneyo.

ICANDELO 3: UKUTHOBELA UMTHETHO

3.1.1, 3.1.2 3.1.3 no-3.1.4 Phawula: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuthathwa impendulo engu-"ewe"

Ngokutsho koMgaqo-nkqubo jikelele nemigaqo-nkqubo yefishari yokuloba, kusenokubakho izohlwayo ezahlukahlukeneyo ngenxa yokwaphulwa kwe-MLRA, imimiselo okanye imiqathango yemvume, kuquka ukungamkelwa kwesicelo nokuthathelwa amanqaku. Injongo yeli candelo kukubona ukuba umfaki-sicelo uye wafunyanwa enetyala kwelicandelo nokuvavanya ubunzulu betyala elo.

3.2 Phawula: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuthathwa impendulo engu-"ewe"

Abafaki-zicelo bamele baphendule ngokuthi "ewe" kulo mbuzo, nkqu nokuba impahla eyathinjwayo, eyabanjwayo okanye eyohluthwayo ngokutsho kwe-MLRA okanye ukuthintelwa okanye yagcinwa ngokoMthetho wokuThintela Ulwaphulo-mthetho Olucwangcisiweyo (POCA), yathi kamva yakhululwa. Iimeko ezijikeleze umyalelo wokuthinjwa, wokubanjwa, wokohluthwa okanye wokuthintelwa okanye wokugcinwa neziphumo zenkqubo, oko kukuthi, ukuba impahla yadliwa okanye yatshona kuRhulumente, oko kumele kuchazwe kwisihlomelo. Umfaki sicelo makakuchaze oku ngokungqamelene kwicandelo afaka kulo isicelo.

3.3 Phawula: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuthathwa impendulo engu-"ewe"

Abafaki-zicelo bamele baphendule ngokuthi "ewe" kulo mbuzo kuphela ukuba ilungelo okanye imvume yomfaki-sicelo kule ndawo yokuloba itshitshiwe, irhoxisiwe, incitshisiwe okanye iguquliwe phantsi kwecandelo 28(3) le-MLRA. Iimeko zimele zicaciswe kwisihlomelo. Umfaki sicelo makakuchaze oku ngokungqamelene kwicandelo afaka kulo isicelo.

ICANDELO 4: IINKCUKACHA ZENQANAWA

Kweli candela kufuneka umfaki-sicelo anikele iinkcukacha zomkhumbi nganye ekhethwe ngumfaki-sicelo. Ukuba iinkcukacha eziceliweyo azifumaneki, izizathu zoku zimele zicaciswe kwisihlomelo.

ICANDELO 5: UKUSETYENZISWA KOKUBANJISIWEYO

5.1 Phawula: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuthathwa impendulo engu-"ewe"

Umfaki-sicelo odlule okanye obe ngaphantsi ngaphezu kwe-10% kwisabelo sakhe sokuloba kwi hake longline okanye I-West Coast Rock Lobster (offshore) nangawuphi na unyaka kwixesha lelungelo lexesha eliphakathi umele aphenndule ngokuthi "ewe" kulo mbuzo. Izizathu zimele zichazwe kwisihlomelo.

5.2

Kweli candelo kucelwa iinkcukacha ezimalunga neengxelo zokubambisa zomfaki-sicelo ebudeni bamalungelo exesha eliphakathi (2001 – 2005). Abafaki-zicelo bamele bangawuphenduli lombuzo ngokubhekisele kwiingxelo zeSebe zoku kubanjisiweyo. Ngokubhekisele koko kubanjisiweyo okanye i-seaweed eqokelelweyo (kumelwe kubhalwe ubunzima obuthelekelayo, kungekhona ubunzima bokuziswa kwazo elunxwemeni okanye ubunzima emva kokuba intlanzi isuswe intlolo yaza yatyakatywa njl). Ukuba umfaki-sicelo akazange anikwe imvume yawo nawuphi na unyaka, umfaki-sicelo umele abonise ukuba ubambise ngaphantsi ngomlinganiselo we100%. Yinkcazelo yenkampani / ukopolotyeni ofaka isicelo kuphela efanele iquke kungekhona (ingafakwa) inkcazelo ngamanye amalungu eqela leenkampani okanye umdibaniselwano.

Umzekelo wokulawulwa kokuloba nge-TAC

Unyaka	Isabelo sokubanjisiweyo ngonyaka (ilioni)	Isimbuku sokubanjisiweyo kwisabelo somfaki-sicelo (ilioni)	Iipesenti zokuwa phantsi ukubambisa	Iipesenti ekudlule ngazo
Ixesha 2003	1 000	1 100	0%	10%

Ilioni zoku kubanjisiweyo (1 100 leetoni) kususwe inani lesabelo esivumelekileyo (1 000 leetoni) = 100. Ukuze ufumane iipesenti, yahlula umahluko nge-TAC esivumelekileyo uze uphindaphinde ngo-100. oko kukuthi $(100/1000) \times 100 = 10\%$.

SECTION 6: TRANSFORMATION

6.1 no-6.2.1

Injongo yala macandelo kukubona ukuba umfaki-sicelo kufuneka athobele uMthetho Wokulingana Emsebenzini (Employment Equity Act). Ukuba kufuneka ayithobele, umbuzo olandelayo kukuba umfaki-sicelo uzizalisekile na iimbopheleleko zakhe phantsi kwalo

Mthetho. Ngeenjongo zokuphendula la macandelo, yinkcazelo yomfaki-sicelo kuphela (kungekhona (kungafakwa) inkcazelo ye-holding company, ii-sister companies okanye amalungu omdibaniselwano (joint venture)) emele ibhalwe yaye yiyo eya kuqwalaselwa.

Abaqashi "abamiselweyo" kufuneka bawuthobele lo Mthetho. Ngokutsho kwecandelo 1 loMthetho Wokulingana Emsebenzini, umqashi omiselweyo ngulo:

- a) umqashi oqashe abasebenzi abangama-50 okanye ngaphezulu;
- h) Umqashi oqashe abasebenzi abangaphantsi kwama-50, kodwa owenza ngonyaka imali elingana okanye engaphezulu kwemali eyenziwa lishishini elincinane ngokweGatya 4 lalo Mthetho, [mali leyo isisi-R2 sezigidi ngonyaka]; okanye
- i) ...
- j) ...
- e) umqashi obophelekileyo phantsi kwesivumelwano esihlanganyelweyo ngokwecandelo 23 okanye 31 loMthetho Wezemisebenzi, ommisa njengomqashi omiselweyo ngokutsho kwalo Mthetho, ngokwesibonelelo sesi sivumelwano;

Ngokutsho kwecandelo 13 loMthetho Wokulingana Emsebenzini, nazi iimbopheleleko zomqashi:

- 1) Wonke umqashi omiselweyo umele, ukuze kubekho ukulingana emsebenzini, athabathe amanyathelo okunyusela abantu kumaqela amiselweyo ngokutsho kwalo Mthetho.
- 2) Umqashi omiselweyo umele-
 - a) abonisane nabasebenzi bakhe ngokwemfuneko yecandelo 16;
 - b) enze uhlalelo ngokwemfuneko yecandelo 19;
 - c) enze isicwangciso sokulingana emsebenzini ngokwemfuneko yecandelo 20; yaye
 - d) abikele uMalathisi-Jikelele inkqubela eyenziweyo ekulandeleni eso sicwangciso sokulingana emsebenzini, njengokufunwa ngolo hlobo kwicandelo 21.

6.3.3 Phawula: ukuba umfaki-sicelo kufuneka anikele inkcazelo ngamanye amaqumrhu ummeli ogunyazisiweyo umele abe lingqina kwisibhengezo esikwicandelo 16

Injongo yeli candela kukubona indlela emi ngayo inkqubo yolawulo lomfaki-sicelo. Ukuba ubunini bomfaki-sicelo obungaphezu kwama-50% bobenye inkampani okanye ukopoletyeni kushishino lokuloba (obubonakala ngokwenkcazelo eku-6.7.1 ngezantsi) ngoko iinkcukacha zequmrhu labalathisi/amalungu abo bobabini umfaki-sicelo nequmrhu elinobunini zimele zibhalwe kwisihlomelo kuze kuzaliswe elungiselelweyo ngokufaka iinkcukacha ezidibeneyo zeebhodi zabalathisi / amalungu azo zombini iinkampani. Ukuba umfaki-sicelo ukwinkampani yomdibaniselwano kunye nenye inkampani okanye ukopoletyeni, yaye amaqela ayavumelana ukufaka isicelo ngale ndlela, ngoko iinkcukacha zeebhodi zabalathisi okanye amalungu awo onke amaqela omdibaniselwano zimele zibhalwe kwisihlomelo kuze kuzaliswe nendawo ebonisa iinkcukacha ezidibeneyo zeebhodi zabalathisi / amalungu awo onke amalungu omdibaniselwano.

6.3.4 Phawula: ukuba umfaki-sicelo kufuneka anikele inkcazelo ngamanye amaqumrhu ummeli ogunyazisiweyo umele abe lingqina kwisibhengezo esikwicandelo 16

Kweli candela kufuneka umfaki-sicelo anikele iinkcukacha ngokubhekisele kubasebenzi abamkela eyona mivuzo iphakamileyo (ibalwa ngokwesimbuku seendleko senkampani). Le nkcazelo iya kujongwa njengeyimfihlo yaye isenokufakwa yodwa kwimvulophu evaliweyo.

Njengakwicandelo 6.3.1 ngasentla, ukuba ubunini bomfaki-sicelo obungaphezu kwama-50% bobenye inkampani okanye ukopoletyeni (obubonakala ngokwenkcazelo eku-6.7.1 ngezantsi) ngoko iinkcukacha zabona bamkela imivuzo ephezulu kokubini kumfaki-sicelo nequmrhu elinobunini zimele zifakwe kwisihlomelo nendawo elungiselelwe oko izaliswe ngokubhala iinkcukacha ezidibeneyo zabona bamkela imivuzo ephezulu kwiinkampani zombini. Ukuba uMfaki-sicelo ubandakanyeke kwinkampani yomdibaniselwano kunye nenye inkampani okanye ukopoletyeni, yaye amaqela ayavumelana ukufaka isicelo ngale ndlela, ngoko iinkcukacha zabona bamkela imivuzo ephezulu kuwo onke amaqela omdibaniselwano zimele zibhalwe kwisihlomelo kuze kuzaliswe nendawo ebonisa iinkcukacha ezidibeneyo zeebhodi zabalathisi / amalungu awo onke amalungu omdibaniselwano.

Isimbuku seendleko zenkampani siquka amaqithi-qithi neebhonasi, kodwa akubalwa izahlulelo (dividends). Abafaki-sicelo abaqashe abasebenzi abali-165 okanye ngaphantsi bamele banikele iinkcukacha zabo bamkela kakhulu njengoko kuboniswe kuludwe olukwifomu yesicelo. Abafaki-sicelo abanabasebenzi abangaphezu kwe-165 bamele kuqala babonise i-3% eyeyona iphezulu baze ke banikele iinkcukacha zabo basebenzi (ukusa kuma-90). Isikhundla somqashwa, njengoko kuboniswe kwi-organogram okanye indlela ehlelwe ngayo inkampani, simele sibhalwe.

Umzekelo: Ukuba umfaki-sicelo unabasebenzi abangama-2500, uza kuyifumana i-3% eyeyona iphezulu ngokuphindaphinda eli nani ngo-0.03 ($2500 \times 0.03 = 75$). Umfaki-sicelo ke ngoko umele anikele iinkcukacha zabo basebenzi bangama-75. Umfaki-sicelo

umele angafaki iinkcukacha zabasebenzi abangaphezu kwama-90, enoba lithini na inani labasebenzi bakhe abaku-3% sabona bamkela kakhulu.

Ukuba oku kuyasebenza, inani labasebenzi beenkampani ezinobunini kwezinye okanye amalungu omdibaniselwano limele longezwe kwinani labasebenzi bomfaki-sicelo.

Umzekelo: Ukuba umfaki-sicelo uqashe abantu abangama-75, yona inkampani enobunini iqashe abantu abali-125, xa zidibene ezi nkampani ziqashe abantu abangama-200. Umfaki-sicelo umele aqonde isi-3% esisesona siphezulu: $200 \times 0.03 = 6$. Iinkcukacha zezi nkampani zimbini zimele zidityaniswa, yaye iinkcukacha zabasebenzi abathandathu abangabona bafumana umvuzo ophezulu kolu luhlu ludibeneyo zifanele zifakwe kuluhlu oluku-6.3.2.

6.5.1 Phawula: ukuba umfaki-sicelo kufuneka anikele inkcazelo ngamanye amaqumrhu ummeli ogunyazisiweyo umele abe lingqina kwisibhengezo esikwicandelo 16

Kweli candela kufuneka umfaki-sicelo anikele iinkcukacha zamaqondo emivuzo enkampanini ngo-28 February 2005.

Njengakumacandelo 6.3.1 no-6.3.2 ngasentla, ukuba umfaki-sicelo ukumdibaniselwano kunye nenye inkampani okanye ukopoletyeni, ngoko amaqondo emivuzo yawo onke amalungu omdibaniselwano amele abhalwe kwisihlomelo yaye kumele kubhalwe kwindawo elungiselelweyo zonke iinkcukacha ezidibeneyo zawo onke amalungu omdibaniselwano. Ukuba ngaphezu kwama-50% obunini bomfaki-sicelo bobenye inkampani okanye ukopoletyeni (ngokubonakala kwengcaciso ekwicandelo 6.7.1 ngezantsi) ngoko amaqondo emivuzo enkampani enobunini, uMfaki-sicelo nazo naziphi na ii-sister companies ezibunini bazo obungaphezu kwama-50% ibobenkampani enobunini yaye zibandakanyeke kwishishini lokuloba amele abhalwe kwisihlomelo yaye kumele kubhalwe kwindawo elungiselelweyo iinkcukacha ezidibeneyo zelo qela leenkampani (umfaki-sicelo, inkampani enobunini kunye ne-sister company).

Umzekelo

1	Umvuzo ngenyanga	Inani labasebenzi kweli qondo (isimbuku segela okanye umdibaniselwano)	Ipesenti yeSimbuku Sabasebenzi	Inani labasebenzi abamnyama kweli qondo (isimbuku segela okanye umdibaniselwano)	Ipesenti yeSimbuku Sabasebenzi abamnyama	Inani labasebenzi abangamaBhinqa kweli qondo (isimbuku segela okanye umdibaniselwano)
	< R 2 500	100	80%	80	90 %	70

Yahlulahlula inani labasebenzi kweli qondo lomvuzo ngesimbuku senani labasebenzi bebonke, uze uliphindaphinde ngo-100

Yahlulahlula inani labasebenzi abamnyama kweli qondo ngesimbuku sabo bonke abasebenzi abamnyama uze uliphindaphinde ngo-100

6.6 Phawula: ukuba umfaki-sicelo uxhomekeke kwinkcazelo yamanye amaqumrhu ummeli ogunyazisiweyo umele abe lingqina kwisibhengezo esikwicandelo 16

Kulo mbuzo kufuneka umfaki-sicelo azalise inkcazelo yokulingana emsebenzini kwinkampani yomfaki-sicelo ngokubhekisele kwizikhundla. Abaqeshi abamiselweyo nabaqeshi abathobela ngokuzithandela uMthetho Wokulingana Emsebenzini (Employment Equity Act) bafanele babhale amanani asanda ukudlula (awona matsha) awangeniswa kwiSebe Lezemisebenzi. Abafaki cicelo abangamiselwanga abamele babhale inani lelimesha bafaka isiceloenza labasebenzi abebenabo ngomhla we-28 February 2005 yaye benikela ingqalelo kwingcaciso yezikhundla eboniswe kwisihlomelo 2 seMmiselo yoMthetho Wokulingana Emsebenzini. Isihlomelo 2 sinesi sibonelelo silandelayo:

UMthetho 55 Wokulingana Emsebenzini, 1998

YINTONI INJONGO YESI SIHLOMLO?

Ukulinganiswa komsebenzi okanye inkqubo yamabakala isetyenziswa ziinkampani ezininzi ukukala imisebenzi ngokoko ikuqulethweyo kuze kumiselwe indlela ethekiseka ngayo.

Kwesi sihlomelo kukho uludwe lwamaqondo ezikhundla alinganayo anokusetyenziswa ngabaqeshi xa bezalisa iifomu i-EEA 2 ne-EEA 4.

IMIYALELO

Isicangca [esingezantsi] sibonisa izikhundla ezinkampanini ezifumaneka ngokusebenzisa iindlela zokulinganisa okanye ukubeka ngokwamabakala imisebenzi. Kwesi sicangca kukho amaqondo afanayo athatyathwe kuyo nganye yezi ndlela zokulinganisa umsebenzi.

Inkampani ezingasebenzisi nanye kwezi ndlela zokulinganisa umsebenzi [kwisicangca esingezantsi], okanye inkqubo elungiselelwe inkampani leyo sibe sinxibelelene nesinye sazo, zifanele zisebenzise i-Semantic Scale njengesikhokelo sokumisela izikhundla kuloo nkampani.

Izikhundla ezilinganayo

Semantic Scale	Paterson		Peromnes	Hay	Castellion
AbaLawuli Abaphezulu	F	F	[++]+		14
Abo baphetheyo abangasentla	E	E UPPER E LOWER	1 2 3	1 2	13
Iincutshe ngokuwufundela, iingcali ezinamava nabaphathi abakudidi oluphakathi	D	D UPPER D LOWER	4 5 6	3 4	12 11 13
Abanobuchule kubugcisa nabasebenzi abafundileyo, abaphathi abngezantsi, ii-supervisor, iifolmani, iintsumpa	C	C UPPER C LOWER	7 8 9 10 11 12	5 6 6A 7 8	9 8
Abangenabuchule kangako nokwenza izigqibo ngengqiqo	B	B UPPER B LOWER	13 14 15 16	9 10 11	7 6 5 4
Abangenabuchule nokuxelelwa izigqibo ezenziweyo	A	A	17 18 19	12 13	3 2 1

Njengakwicandelo 6.4.1 ngasentla, ukuba umfaki-sicelo ukumdibaniselwano kunye nenye inkampani okanye ukopoletyeni, yaye la maqela ayavumelana ukuzibonisa ngolu hlobo, ngoko izikhundla kuwo onke amalungu zimele ziboniswe kwisihlomelo kuze kubhalwe kwisicangca iinkcukacha ezidibeneyo zawo onke amalungu. Ukuba ngaphezu kwama-50% obunini bomfaki-sicelo bobenye inkampani okanye ukopoletyeni (ngokubonakala kwengcaciso ekwicandelo 6.7.1 ngezantsi) ngoko izikhundla kwinkampani enobunini, uMfaki-sicelo nazo naziphi na ii-sister companies ezibunini bazo obungaphezu kwama-50% ibobenkampani enobunini yaye zibandakanyeke kwishishini lokuloba zimele zibhalwe kwisihlomelo yaye kumele kubhalwe kwisicangca iinkcukacha ezidibeneyo zelo qela leenkampani (umfaki-sicelo, inkampani enobunini kunye ne-sister company).

Umzekelo

Ukuba inkampani A ngumqeshi omiselweyo, eyona nkcazelo intsha ebibhalwe kwifomu I-EEA 2A ifanelwe ifakwe kwisicangca. Ukuba inkampani A ayinqomqeshi omiselweyo, izikhundla zabasebenzi zifanele zimiselwe ngendlela echazwe ngasentla ngexesha lokufaka isicelo yaye kufakelwe le nkcazelo kwisicangca.

Lakuba inani labasebenzi kwiqondo elo liqinisekisiwe, kumele kubalwe iipesenti. Ngokomzekelo, inkampani A iqeshe amagosa asixhenxe aphezulu nabaphathi. Kwabo basebenzi basixhenxe kolo hlobo lomsebenzi, omnye yindoda eNtundu, ababini ngadoda ebala, ababini ngamadoda amhlophe, omnye libhinqa lomIndiya ibe omnye libhinqa elimhlophe. Ukuze kubalwe iipesenti, thabatha inani labasebenzi kwiqela ngalinye emsebenzini uze ulahlulahlule ngesimbuku senani labasebenzi kuloo msebenzi wandule uluphindaphinde ngo-100.

A = African, C = Coloured, I = Indian, W = White, F = Female and ACI = African, Coloured and Indian

										Totals	
Uhlobo lomsebenzi		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Amagosa aphezulu nabaPhathi	Male	1	14%	2	28%	0	0%	2	28%	42%	

(Isimbuku somdibaniselwano okanye iQela, ukuba kuyasebenza)	Female	0	0%	0	0%	1	14%	1	15%		29%
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6.6

Bonke abafaki-sicelo bamele banikele amanani aphaathelele abalawuli nabaphathi abangasentla / amagosa angasentla awayebhalwe kwiifomu zawo zezicelo zika-2001 ukuba babefake izicelo ngo 2001. Bonke abafaki-sicelo bamele banikele amanani aphaathelele abasebenzi abaneleke ngokwemfundo neengcali ezinamava nabaphathi abaphakathi awayebhalwe kwiifomu zezicelo zika-2001, ukuba babefake izicelo ngo 2001.

6.7.3 Phawula: musa ukubhala kwiindawo ezimdaka zesicangca

Kweli candela kufuneka abafaki-sicelo banikele iinkcukacha ngokubhekisele kubanini-zabelo abamnyama namalungelo okuvutha angenamiqathango nenzuzo yoqoqosho (ukufumana izahlulelo) yokuba nezabelo kwabamnyama kuMfaki-sicelo (kungekhona inkampnai enobunini, iqela okanye amalungu omdibaniselwano ngaphandle kokuba le nkcazelo iyimfuneko ngenjongo zokusebenza komgaqo wokulandela). Usihlalo webhodi yabalathisi yomfaki-sicelo amele afaki i-affidavit mayela nokuba nezabelo, amalungelo okuvutha angenamiqathango nenzuzo yoqoqosho yabamnyama abakumfaki-sicelo kwisihlomelo esifanelekileyo. Ukumisela ipesenti yezabelo zabamnyama, amalungelo okuvutha nenzuzo yoqoqosho, kumele kusetyenziswe umgaqo wokulandela, ukuba nje:

- iimali zomhlala-phantsi namaziko karhulumente aza kugqalwa njengangathabathi cala yaye ipesenti yezabelo zabamnyama ifanele ibalwe kungakhange kubhekiselwe kwizabelo zamaqela anjalo;
- ukuba izabelo zabamnyama, amalungelo okuvutha okanye inzuzo yoqoqosho yomnini-zabelo othile ayinakuboniswa, kumele kunikelwe iinkcukacha zezizathu zoko;
- ngeenjongo zokumisela amalungelo okuvutha, umnini-zabelo ugqalwa neingomnyama ngeqondo le-100% ukuba ubunini baloo mnini-zabelo omnyama bungaphezu kwama-50%; yaye
- ipesenti "yezabelo", "inzuzo yoqoqosho" kunye "namalungelo okuvutha" abamnyama kwiqumrhu lababambeli limele ligqitywe ngokubhekisele kumalungelo abo bazuzayo ngokwesivumelwano sobambelo olo.

Umgqo wokudlulela kwabanye uchazwa ngale ndlela: **"uMgaqo wokudlulela" ("flow-through principle")** ubhekisele ekulandeleni iingenelo zoqoqosho xa kubalwa amanqaku obunini be-BEE. Amaqumrhu anikwa amanqaku ngobunini babamnyama abasebenzisa amalungelo okuvutha nabaxhamlayo kuqoqosho lweshishini. Injongo yalo mgqo kukuqinisekisa ukuba zonke iinkampani, enoma zimiswe njali na, zinikwa amanqaku ngokufanayo ngobunini be-BEE. Umgqo wokudlulela uthi ngamalungelo okuvutha nenzuzo yoqoqosho yabantu abamnyama bemveli kuphela ezithatyathelwa engqalelweni. Ukuba ubunini bamalungelo okuvutha kunye/okanye inzuzo yoqoqosho isezandleni zabantu bomthetho, kuphela ngamalungelo okuvutha nenzuzo yoqoqosho yabantu abamnyama bemveli eza kunikelwa ingqalelo. Umgqo ofanayo uyasebenza rhoqo kulo lonke ungccelele lobunini ngokubhekisele kubantu bomthetho de kufike ixesha llokuba olu ngccelele luwele kumntu wemveli, mntu lowo ingomnyama, kunikezelwe loo malungelo okuvutha nenzuzo yoqoqosho."

"Ubunini obungangqalanga" kuthetha ubunini ngesibonelelo sikamakulingwane eshishinini ekuthi ngenxa yeso sibonelelo kwelo shishini abo banobunini bazuze inzuzo yoqoqosho (njengezahlulelo) eziya kubanini-zabelo belo shishini, kodwa kungekhona ngokungqalileyo ngamalungelo okuvutha kwelo shishini. Amalungelo okuvutha anokusetyenziswa ngokungangqalanga ngomjelo onjenge-trust okanye i-superannuation scheme.

Ubunini obungangqalanga bumele buqwalaselwe ngeenjongo zokulinganisa ubungakaknani bepesenti yezabeki zabamnyama yaye, ukuba kuyasebenza oko, ipesenti yenzuzo yoqoqosho namalungelo okuvutha omntu omnyama kwinkampani yomfaki-sicelo. Ukuba akukho malungelo okuvutha kubunini obungangqalanga, ngoko ubunini babamnyama kwelo shishini busenokungahoywa ekujongeni amalungelo okuvutha abamnyama. Noko ke, ukuba amalungelo okuvutha asetyenziswa nje ngokungangqalanga (ngomjelo othile), ubunini babamnyama bumele bunikelwe ingqalelo ekumiseleni amalungelo okuvutha abamnyama.

Umzekelo: umfaki-sicelo unabunini zabelo abane. Omnye waba banini-zabelo ngumntu wemveli ogama lingu- AA, umnyama yaye une-10% lenzuzo yoqoqosho namalungelo okuvutha. Ababini kwabanye abanini-zabelo ziinkampani yaye owesithathu yingxowa-mali yomhlala-phantsi. Inkampani A inama-30% ezabelo yaye ama-51% ayo ngawontu omnyama yaye ama-49% ayo ngawontu omhlophe. Inkampani B inama-40% ezabelo yaye ama-40% ayo ngawontu wemveli omhlophe yaye ama-60% ayo ngawontu omnyama. Z. okwenza ukuba ama-80% ayo abe ngawomntu omhlophe nama-20% abo ngawomntu omnyama. Inxowa-mali Yomhlala-phantsi inama-20% ezabelo eziseleyo ezikhutshiweyo. Ubume bepesenti bezabelo zabamnyama, amalungelo okuvutha nenzuzo yoqoqosho nabu:

Utyaka 2005 (umhla wesicelo)	Ipesenti yezabelo zabamnyama	Ipesenti yamalungelo okuvutha abanini-zabelo abamnyama	Ipesenti yenzuzo yoqoqosho yabanini-zabelo abamnyama (bayifumana ngezahlulelo)
	37.625	56	37.625

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B) 29

Igalelo lika-AA li-12.5% (10/80) kuzo zontathu ezi zintlu, igalelo leNkampani A li-19.125% (30/80 X 51/100) kwizabelo nakwinzuzo yoqoqosho yaye ngama-37.5% (30/80 X 100) kumalungelo okuvota, igalelo leNkampani B sisi-6% (40/80 X 60/100 X 20/100) kuzo zontathu izintlu yaye ingxowa-mali yomhlala-phantsi ibekelwa bucala.

6.7.2

Ukuba nezabelo, amalungelo okuvota nenzuzo yoqoqosho yamabhinqa kubalwa ngendlela efanayo nechazwe kwicandelo 6.7.1 ngasentla. Kwakhona, eli candelo limele liphendulwe ngokwenkcazelo yomfaki-sicelo kuphela. Inkcazelo ephathelele ii-holdings entities, ii-sister companies ezibandakanyeke kwishishini lokuloba namalungu omdibaniselwano isenokungahoywa ngaphandle kokuba ezi zinesabelo sikamakulingwane kumfaki-sicelo yaye le nkcazelo imele iqwalaselwe xa kusetyenziswa umgaqo wokulandelela.

6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7, 6.7.8 no 6.7.9

La macandelo amele aphendulwe ngenkcazelo yomfaki-sicelo kuphela. Inkcazelo ephathelele ii-holdings entities, ii-sister companies ezibandakanyeke kwishishini lokuloba namalungu omdibaniselwano isenokungahoywa, kodwa inkcazelo nge group share schemes zinokuchazwa kwisihlomelo.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 no-6.8.7 Phawula: musa ukubhala nto kwiindawo ezimdaka zefomu

La macandelo amele aphendulwe ngenkcazelo yomfaki-sicelo kuphela. Inkcazelo yamalungu omdibaniselwano isenokungahoywa. Ngokucacileyo umgaqo wokudlulela awusebenzi kookopoletyeni. Ipesenti yamalungelo okuvota nokwabiwa kwengeniso imele imiselwe ngokubhekisele kwisivumelwano samalungu kakopoletyeni. Ukuba akukho sivumelwano sinjalo okanye isivumelwano asithethi nto ngalo mba, ngoko amalungelo okuvota nenzuzo yoqoqosho zimele zithathwe ngokuba ziyalingana neepesenti zokuba lilungu.

6.9

Kulo mbuzo umfaki-sicelo kufuneka achaze inqanaba afikelele ngalo kwiinjongo ezandalwe kwiSicwangciso Senguqu esangeniswa ngowe-2001 njengexalenye yenkqubo yokufaka isicelo. Eli candela limele liphendulwe ngenkcazelo yomfaki-sicelo kuphela, ngaphandle kokuba ngo 2001 babefake isicwangciso senguqu beliqela.

6.11 Phawula: ukuba umfaki-sicelo kufuneka anikele inkcazelo ngamanye amaqumrhu ummeli ogunyazisiweyo welo qumrhu umele abe lingqina kwisibhengezo esikwicandelo 16

Kweli candelo kufuneka umfaki-sicelo anikele inkcazelo yokuthobela kwakhe icandelo 3 loMthetho 9 Werhafu Yokuphuhlisa Izakhono ka-1999. Imibuzo kwimihlathi yokuqala emibini (ukufakwa/ukuvunywa kweSicwangciso Sezakhono eMsebenzini neNgxelo Yoqeqesho Yonyaka) imele iphendulwe ngenkcazelo yomfaki-sicelo kuphela. Ngokubhekisele kwimihlathi yokugqibela emithathu (imali ehlawulwe ku-SARS, ipesenti yemivuzo echithwe kuqeqesho nepesenti yohlahlo-lwabiwo mali lokuqeqesho esetyenziswe kubasebenzi abamnyama), ukuba umfaki-sicelo ukumibaniselwano kunye nenye inkampani okanye ukopoletyeni, yaye amaqela ayavumelana ukuzibonisa ngolo hlobo, ngoko ke ingxelo yemivuzo yawo onke amalungu omdibaniselwano imele ibhalwe kwisihlomelo kuze kuzaliswe isicangca ngokufaka iinkcukacha ezidibeneyo zawo onke amalungu omdibaniselwano. Ukuba ngaphezu kwama-50% obunini bomfaki-sicelo bobenye inkampani okanye ukopoletyeni (ngokubonakala kwengcaciso ekwicandelo 6.7.1 ngasentla) ngoko imivuzo kwinkampani enobunini, uMfaki-sicelo nazo naziphi na ii-sister companies ezibunini bazo obungaphezu kwama-50% ibobenkampani enobunini yaye zibandakanyeke kwishishini lokuloba_ imele zibhalwe kwisihlomelo yaye kumele kubhalwe kwisicangca iinkcukacha ezidibeneyo zelo qela leenkampani (umfaki-sicelo, inkampani enobunini kunye ne-sister company).

Ukugqiba nge-"pesenti yemivuzo echithwe kuqeqesho" yahlulahlula imali yonke echithwe kuqeqesho ngonyaka ngemali yeendleko zemivuzo yonyaka uze oko ukufumeneyo ukuphindaphinde ngo-100 ukubona ixabiso ngokweepesenti.

Umzekelo

Inkampani X isebenzisa isi-R 1 000 000,00 ngonyaka kwimivuzo. Le nkampani isebenzise i-R 10 000,00 ukuqeqesha bonke abasebenzi. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Phawula: ukuba umfaki-sicelo kufuneka anikele inkcazelo ngamanye amaqumrhu ummeli ogunyazisiweyo welo qumrhu umele abe lingqina kwisibhengezo esikwicandelo 16

Kulo mbuzo umfaki-sicelo kufuneka abonise enoba ube nenxaxheba kwinkqubo yokufundisa abafundi amava okusebenza ngowe-2004. Ukuba nenxaxheba kwinkqubo yokufundisa abafundi amava okusebenza kuthetha ukuba umfaki-sicelo utyikitye isivumelwano sokuxhobisa abafundi ngamava okusebenza kunye ne-SETA ngokuvumelana nee-Regulations Concerning the Registration of

Intended Learnerships and Learnership Agreements ezipapashwe phantsi koMthetho 97 Wokuphuhliswa Kwezakhono ka-1998 kwiSaziso sikaRhulumente esingu-No. R. 330 ka-3 April 2001. Ukuba kuyasebenza oko, imibuzo kweli candela imele iphendulwe ngenkcazelo edibeneyo yawo onke amaqela kwiqumrhu okanye umdibaniselwano.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 no-6.24

Phawula: ukuba umfaki-sicelo kufuneka anikele inkcazelo ngamanye amaqumrhu ummeli ogunyazisiweyo welo qumrhu umele abe lingqina kwisibhengezo esikwicandelo 16

Ukuba kuyasebenza oko, imibuzo kweli candela imele iphendulwe ngenkcazelo edibeneyo yawo onke amaqela kwiqumrhu okanye umdibaniselwano. Ipesenti yobunini babamnyama, ekuthethwe ngayo kwicandelo 6.22, imele ibalwe ngendlela ekuchazwe ngayo ngasentla kwicandelo 6.7.1.

ICANDELO 7: UKHUSELEKO

Kweli candelo kufuneka umfaki-sicelo anikele inkcazelo ephathelele ukhuseleko, kuquka iimfuneko ze-South African Maritime Safety Authority.

7.1

Amacandelo 312 no-313 e-Merchant Shipping Act, 57 ka-1951 adala amatyala athile kuquka ukufeda ukuthobela imfanelo phantsi koMthetho njengemfanelo yokuqinisekisa ukuba inqanawa engakufanelekela ukuba selwandle ayilishi izibuko nokufeda ukuba nabasebenzi abafanelekileyo enqanaweni.

7.2, 7.3, 7.4, 7.5, 7.7 no-7.8

Ii-Maritime Occupational Safety Regulations, 1994, ii-Crew Accommodation Regulations, 1961 ne-Merchant Shipping (Safe Manning Regulations) zapasiswa ngokwe-Merchant Shipping Act, 57 ka-1951. Le ifumaneka kwi-www.mcm-deat.gov.za. Ne-Marine Notice No 26 of 2004 iyafumaneka kwi-website.

7.9

Ukuvumelana neMbuyekezo Yokwenzakala Emsebenzini kunye noMthetho Wezifo 130 ka-1993 kuthetha ukuvumelana neCandelo 80 ukusa ku-88 woMthetho obonelela ngokulandelayo:

"Iimbopheleleko zomqeshi zokubhalisa kumkomishinala nokumnika iinkcukacha

- 1) Umqeshi oshishina kwiRiphabliki uya kubhalisa kumkomishinala kwisithuba esichaziweyo nangendlela echaziweyo, yaye uya kunika umkomishinala iinkcukacha ezichaziweyo zeshishini lakhe, yaye kwisithuba esigqitywe ngumkomishinala uya kunikela iinkcukacha ezongezelelekileyo ezisenokufunwa ngumkomishinala.
- 2) Iinkcukacha ekubhekiselwe kulo kwicandelwana (1) ziya kunikelwa ngokwahlukileyo ngokubhekisele kwishishini ngalinye lomqeshi.
- 3) Umqeshi uya kwazisa umkomishinala ngazo naziphi na iinkcukacha ezitshintshileyo kwezo abezidlulisile zingaphelanga iintsuku ezisixhenxe.

Iimbopheleleko zabaqeshi zokugcina iingxelo

Umqeshi uya kugcina irejista okanye enye ingxelo yemivuzo nezinye iinkcukacha ezichaziweyo zabo bonke abasebenzi, yaye ngamaxesha asengqiqweni uya kuvelisa loo rejista okanye ingxelo okanye i-microfilm okanye olunye uhlobo lwemveliso xa ifunwa ngumntu ogunyazisiweyo ekubhekiselwe kuye kwicandelo 7 ukuze ayihlole.

Imirhumo yabaqeshi abanemfanelo nemibutho yobambiswano

Phezu kwaso nje nasiphi na isibonelelo ngaphandle kwesikulo Mthetho, abaqeshi abanemfanelo nemibutho yobambiswano baya kurhuma nyaka ngamnye kuMalathisi-Jikelele ngendlela nangamaxesha asenokuwamisela, njengenxalenye yenkcitho yakhe ekulawuleni ukusebenza kwezibonelelo zalo Mthetho njengoko eyibona ilingana."

7.13

Umtetho i-Marine Pollution (Prevention of Pollution from Ships) Act 2 ka-1986 ne-Marine Pollution (Control and Civil Liability) Act 6 ka-1981 iyafumaneka e-www.mcm-deat.gov.za.

ICANDELO 8: UKUDALA IMISEBENZI

8.1.2 Phawula: ukuba umfaki-sicelo uxhomekeke kwinkcazelo yamanye amaqumrhu, ummeli ogunyazisiweyo welo qumrhu umele abe lingqina kwisibhengezo esikwicandelo 16

Injongo yeli candela kukugqiba ngenani lemisebenzi edalwe ngumfaki-sicelo, nesimbuku semali ayichithe emivuzweni ebudeni bexesha lamalungelo exesha eliphakathi, kweli candela afake isicelo kulo. Le nkcazelo imele isetyenziselwe ukuba inani lemisebenzi edaliweyo ngetoni yentlanzi eyabelweyo okanye ngenzame eyabelweyo kwicandelo elo (kwicandelo 8.1.3) nemali ayisebenzisele

imivuzo ngokwetonini eyabelweyo okanye inzame eyabelweyo kwicandelo elo (kwicandelo 8.1.2). Ukuze kubonwe inani lemisebenzi nemali echithwe kwimivuzo ngetoni/ngenzame eyabelweyo kwicandelo elo, abafaki-zicelo (okanye i-holding okanye i-sister companies namalungu omdibaniselwano) ababandakanyeke kwamanye amashishini ngaphandle kweshishini lokuloba abanakubala imisebenze eveliswe okanye imivuzo esetyenziswa kuloo mashishini, yaye abafaki-zicelo abakhoyo nakwamanye amacandelo abanakubala imisebenzi okanye imivuzo esetyenziswa kuloo macandelo.

Abafaki-zicelo abakwamanye amashishini ngaphandle kweshishini lokuloba bamele babhale (kwishlomelo) iinkcukacha zemisebenzi abayidalileyo neemali zemivuzo echithweyo kwishishini lokuloba nakwamanye amashishini. Yimisebenzi okanye imali yemivuzo echithwe kwishishini lokuloba kuphela eya kunikelwa ingqalelo xa kuzaliswa icandelo 8.1.1. Abafaki-zicelo abakwamanye amacandelo okuloba bamele babhale (kwishlomelo) iinkcukacha zemisebenzi abayidalileyo nemali yemivuzo abayichithe kwicandelo ngalinye. Yimisebenzi okanye imali yemivuzo echithwe kwishishini lokuloba kuphela eya kunikelwa ingqalelo xa kuzaliswa icandelo 8.1.1. Ekubeni kunzima ukugqiba ngokuchanileyo ngelona nani kanye labasebenzi nemivuzo ehlawuliweyo kwicandelo ngalinye, uqikelelo nje luya kwanela, ukuba nje olo lwahlulo luyasetyenziswa kuso nasiphi na esinye isicelo esenziwe ngumfaki-sicelo.

Ukuba umfaki-sicelo ubandakanyeke kwishishini lomdibaniselwano kunye nenye inkampani okanye i-close corporation (yaye amaqela evumelana ukuba azibonise ngolu hlobo), okanye ukuba ubunini boMfaki-sicelo obungaphezu kwama-50% bobenye inkampani okanye i-close corporation (okumiselwa ngokwendlela echazwe kwicandelo 6.7.1), ngoko yonke imisebenzi okanye imali echithwe kwimivuzo ngamalungu omdibaniselwano okanye iqela (oko kukuthi, umfaki-sicelo, i-holding entity nee-sister companies ezikwishishini lokuloba) kusenokuqwalaselwa, ukuba nje imigaqo efanayo echazwe ngasentla iyasetyenziswa. Ngamanye amazwi, amaqela omdibaniselwano neenkampani ezikwamanye amashishini okanye amacandelo okuloba asenokungayibhali imisebenzi okanye imivuzo ehlawulwa kwamanye amashishini okanye amacandelo. Yimisebenzi okanye imivuzo ehlawuliweyo kwicandelo elo ngumdibaniselwano okanye iqela esenokujongwa xa kuzaliswa icandelo 8.1.1. Ukuba kuyasebenza, iinkcukacha zemisebenzi neemali zemivuzo kwishishini lokuloba namanye amashishini okanye iinkcukacha zemisebenzi nemali yemivuzo yecandelo elo okanye amanye amacandelo imele ibhalwe kwishlomelo. Uqikelelo nje okanye isahlulo siya kwanela, ukuba nje umdibaniselwano okanye iqela lisebenzisa isahlulo esifanayo kuso nasiphi na esinye isicelo selungelo lokuloba esenziwe ngumfaki-sicelo okanye inaliphi na ilingu lomdibaniselwano okanye iqela. Akunakubakho kubalwa kabini kwemisebenzi. Ngamanye amazwi, inani lemisebenzi kuzo zonke izicelo ezenziwe ngamalungu omdibaniselwano okanye iqela lisenokungabikho ngaphezu kwenani lemisebenzi edalwe ngumdibaniselwano okanye iqela.

8.1.2 no-8.1.3:

Kula macandelo kufuneka abafaki-zicelo banikele inkcazele yemisebenzi abayidalileyo nemivuzo ngokwetonini eyabelweyo ngokusekelwe kwinkcazele eboniswe kwicandelo 8.1.1 ngasentla.

Umzekelo

Isabelo Sokubambisa ngoNyaka (ilioni) kulefishari ngowe-2004	Isimbuku Somvuzo Wonyaka (kulefishari) ngexesha lokufaka isicelo	Ingakanani imali umfaki-sicelo ayisebenzisele imivuzo ngetoni ayabelweyo?
5 000	R1 000 000	R200

Yahlulahlula isimbuku Sonyaka Semivuzo (1 000 000) nge-TAC oyabelweyo (5000) = R200 ngetoni.

Umzekelo

I-TAC oyabelweyo ngowe-2005 (ilioni)	Isimbuku sabasebenzi (kweli candelo lokuloba) (28 February 2005)	Bangaphi aantu umfaki-sicelo abaqashileyo ngokwetonini ayabelweyo?
5 000	1 000	0.2

Yahlulahlula inani labasebenzi ababonelelwa kweli shishini lokuloba (1000), nge-TAC eyabelweyo umfaki-sicelo (5000) [1000/5000=0.2]

8.1.5 Phawula: musa ukubhala kwiindawo eziphawuliweyo yaye ukuba umfaki-sicelo uxhomekeke kwinkcazele yamanye amaqumrhu ummelo ogunyazisiweyo welo qumrhu umele angqine isibhengezo esikwicandelo 16

Ukuba kuyasebenza, eli candela limele liphendulwe ngenkcazele edibeneyo yawo onke amaqela okanye umdibaniselwano.

ICANDELO 9: UTYALO-MALI

9.1.1 no-9.1.2

Phawula: musa ukubhala kwiindawo eziphawuliweyo yaye ukuba umfaki-sicelo uxhomekeke kwinkcazele yamanye amaqumrhu ummeli ogunyazisiweyo welo qumrhu umele angqine isibhengezo esikwicandelo 16

Injongo yeli candelo kukubona ixabiso lechweba ngokwemali nempahla yaselwandle yomfaki-sicelo kwicandelo afake isicelo kulo. Le iya kusetyenziswa ukumisa ixabiso lechweba nempahla yaselwandle ngokwetonini yentlanzi okanye icandelo lenzame eyabelweyo kwicandelo elo (kwicandelo 9.1.3 no-9.1.4). Ukuze kubonwe ixabiso lempahla ngokwetonini/umyinge kwicandelo, abafaki-zicelo

(okanye i-holding okanye i-sister companies namalungu omdibaniselwano) ababandakanyeke eshishinini elingelinye ngaphandle kwelokuloba basenokungayibali impahla esetyenziswa kwamanye amashishini.

Abafaki-zicelo abakumashishini angamanye ngaphandle kwelokuloba bamele banikele inkcukacha zempahla esetyenziswa kwishishini lokuloba nakwamanye amashishini kwishlomelo esifanelekileyo (lahluke ixabiso elisencwadini nelifakwe kwi-inshorensi). Yimpahla esetyenziswa kwishishini lokuloba kuphela esenokuhoywa xa kuzaliswa icandelo 9.1.1 no-9.1.2. Abafaki-zicelo abakwamanye amacandelo eshishini lokuloba bamele banikele iinkcukacha zempahla esetyenziswayo ngokwecandelo ngalinye pplicants involved in other fishing sectors must provide a breakdown of assets used on a per sector basis in the relevant annexure (lahluke ixabiso elisencwadini nelifakwe kwi-inshorensi). Yimpahla esetyenziswa kwelo candelo kuphela esenokuhoywa xa kuzaliswa icandelo 9.1.1 no-9.1.2. Ekubeni kunzima ukucalula impahla ngokuchanekileyo ngokwamacandelo, uqikelelo nje okanye ukwahlulahlula kuya kwanela, ukuba nje inkqubo efanayo iyasetyenziswa nakwesinye isicelo selungelo lokurhweba ngokuloba esenziwa ngumfaki-sicelo ebudeni benkqubo yokwabiwa kwamalungelo kwexesha elide.

Ukuba umfaki-sicelo ukunye namanye amaqela kuhlobo lomdibaniselwano, okanye ukuba umfaki-sicelo uphethwe yenye inkampani ngomyinge ongaphezu kwama-50% okanye i-close corporation (okumiselwe njengoko kuchazwe kwicandelo 6.7.1 ngasentla), ngoko yonke impahla esetyenziswa ngamalungu omdibaniselwano okanye iqela (oko kukuthi, umfaki-sicelo, i-holding company ne-sister companies ezikwishishini lokuloba) kusenokuqwalaselwa, ukuba nje imigaqo efanayo echazwe ngasentla iyasebenza. Ngamanye amazwi, amaqela omdibaniselwano neenkampani ezikwamanye amashishini okanye amacandelo okuloba asenokungayibhali impahla yamanye amashishini okanye amacandelo. Yimpahla esetyenziswa kwicandelo elo ngumdibaniselwano okanye iqela esenokujongwa xa kuzaliswa icandelo 9.1.1 no-9.1.2. Ukuba kuyasebenza, iinkcukacha zempahla ezosetyenziswa kwishishini lokuloba namanye amashishini okanye iinkcukacha zempahla yecandelo elo namanye amacandelo imele ibhalwe kwishlomelo esifanelekileyo (lahluke ixabiso elisencwadini nelifakwe kwi-inshorensi). Uqikelelo nje okanye isahlulo siya kwanela, ukuba nje umdibaniselwano okanye iqela lisebenzisa isahlulo esifanayo kuso nasiphi na esinye isicelo selungelo lokuloba esenziwe ngumfaki-sicelo okanye inaliphi na ilingu lomdibaniselwano okanye iqela. Akunakubakho kubalwa kabini kwempahla. Ngamanye amazwi, ixabiso lempahla kuzo zonke izicelo ezenziwe ngamalungu omdibaniselwano okanye iqela lisenokungabikho ngaphezu kwexabiso lempahla esetyenziswa ngamalungu omdibaniselwano okanye iqela elikwishishini lokuloba.

9.1.3:

Kulo mbuzo kufuneka umfaki-sicelo afake inkcazelo yexabiso lotyalo-mali ngokwetoni/umyinge owabelweyo. Kumele kusetyenziswe inkcazelo ekwicandelo 9.1.1.

Umzekelo

Inkampani X yayabelwe i-TAC yeetoni ezingama-5000. Ixabiso lechweba layo nempahla yaselwandle ekupheleni konyaka-mali ka-2004 kwelo candela yayiyi-R5 000 000. Ixabiso lempahla esemhlabeni yayiyi-R 4000 000. Ixabiso lechweba nempahla yaselwandle ngokwetoni eyabelweyo libalwa ngale ndlela ilandelayo:

Isabelo sokuloba ngonyaka (iitoni) somfaki-sicelo ngowe-2004	Ixabiso elisencwadini (iirandi) lechweba nempahla eselwandle ekupheleni konyaka-mali u-2004	Ixabiso elisencwadini (iirandi) lempahla esemhlabeni ekupheleni konyaka-mali u-2004	Ixabiso elisencwadini leChweba neMphahla eselwandle ngokwetoni ezabelwe umfaki-sicelo	Ixabiso elisencwadini leMphahla esemhlabeni ngokwetoni ezabelwe umfaki-sicelo
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800.00
<i>Yahlula ixabiso lechweba nempahla eselwandle (5 000 000) nge-TAC eyabelwe umfaki-sicelo ngowe-2004 (5000) (5 000 000/5 000=R1 000)</i> <i>Yahlula isimbuku sexabiso lempahla esemhlabeni (4 000 000) nge-TAC eyabelwe umfaki-sicelo ngowe-2004 (5000) (4 000 000/5 000=R800)</i>				

ICANDELO 10: UPHUHLISO LOQQQOSHO EKHULALENI

Kweli candela kufuneka umfaki-sicelo anikele inkcazelo ngokubanjisiweyo echwebeni/kwiindawo ezisemhlabeni (ngokweshishini lokuloba) ngowe-2004, neenjongo zakhe ngokuzisa emhlabeni oko akubambisileyo. Sebenzisa iitoni eziqikelelwayo (kungekhona ubunzima emva kokususwa kwentloko nokuqangqululwa kwentlanzi njl).

10.1:

Kulo mbuzo kufuneka umfaki-sicelo anikele inkcazelo eneenkcukacha ngamachweba azisa kuwo iintlanzi ngowe-2004.

umzekelo

Inkampani X izisa iintlanzi kumachweba ahlukahlukeneyo. Kwisabelo sayo seetoni ezingama-20 izisa iitoni ezintlanu kwichweba laseMossel Bay, iitoni ezili-10 kwichweba laseBhayi neetoni ezintlanu eKapa.

Kumele kubalwe ngale ndlela:

Ichweba /Indawo ekuziswa kuyo Igama	Iitoni eziziswe eChwebeni ngowe-2004	Ixabiso lokubanjisiweyo ngeerandi eChwebeni ngowe-2004	Ipesenti yeSimbuku Sokubanjisiweyo ngowe-2004
Mossel Bay	5	R100 000	25 %
Port Elizabeth	10	R100 000	50 %
Cape Town	5	R150 000	25 %

Yahlula okubanjisiweyo (kule ndawo yokuloba) okuziswe emhlabeni kwichweba gnalinye ngesimbuku sokubanjisiwe ngumfaki-sicelo uze uliphandaphinde ngo-100 ukubala le pesenti (5/20 x100=30%)

ICANDELO 11: UKWANDISA IXABISO NOKUPHUHLISA ISHISHINI

Kweli candelo abafaki-zicelo kufuneka banikele inkcazelo ngokwandisa ixabiso (oku kusebenza kwifishari ye-West Coast Rock Lobster(offshore);Tuna Pole ne Seaweed qha) nokuphuhlisa ishishini okwenziwa ngumfaki-sicelo. Ukwandisa ixabiso kuquka ukuvelisa enqanaweni.

Ukuphuhlisa ishishini kusenokuba ziindlela ezahlukahlukeneyo kuquka ukufaka imali kumashishini awaziwa ngokuba zii-Black Owned nee-Black Empowered SMMEs (small, medium or micro enterprise); umdibaniselwano kunye ne-Black Owned and Black Empowered SMMEs okuphumela ekudluliselweni kwezakhono okuphumelelayo; ukunikela uqeqesho, iintlobano zoshishino nonxibelelwano okuthi, ngokulandelayo, kunikele amathuba kula mashishini; kudityaniswa amanyathelo okuqala namashishini amancinane azii-Black Owned nee-Black Empowered SMME's okuthi kuphumele ekongeni iindleko okanye ukuzisela loo mashishini ingeniso.

I-"Black Owned SMME" lithetha ishishini elincinane, eliphakathi okanye elincinane kakhulu (abaqeshwa bexesha elizeleyo abangaphantsi kwe-100 nemali eyenziwayo ngonyaka engaphantsi kwezi-R 4 sezigidi zeerandi nexabiso lempahla lilonke lingaphantsi kwe-R 4 sezigidi zeerandi, ingabalwa impahla engenakususwa) elinobunini babamnyama obungaphezu kwama-50% (ukuba inkampani ibalwa ngendlela echazwe kwicandelo 6.7.1 ngasentla yaye ukuba ngukopoletyeni, kubalwe ngokwezilangazelelo zamalungu) nokuba abaphathi abamnyama bangaphezu kwama-50% (abona baphathi baphezulu nabangasentla / amagosa angasentla, okumiselwa ngendlela yezikhundla eyandlalwe kwicandelo 6.5 ngasentla).

I-"Black Empowered SMME" kuthetha ishishini elincinane, eliphakathi okanye elincinane kakhulu (abaqeshwa bexesha elizeleyo abangaphantsi kwe-100 nemali eyenziwayo ngonyaka engaphantsi kwezi-R 4 sezigidi zeerandi nexabiso lempahla lilonke lingaphantsi kwe-R 4 sezigidi zeerandi, ingabalwa impahla engenakususwa) elinobunini babamnyama obungaphezu kwama-25% (ukuba inkampani ibalwa ngendlela echazwe kwicandelo 6.7.1 ngasentla yaye ukuba ngukopoletyeni, kubalwe ngokwezilangazelelo zamalungu) nokuba abaphathi abamnyama bangaphezu kwama-50% (abona baphathi baphezulu nabangasentla / amagosa angasentla, okumiselwa ngendlela yezikhundla eyandlalwe kwicandelo 6.5 ngasentla).

ICANDELO 12: UKUQHUBA NGOKWEZIMALI

12.1

Ingeniso yonyaka mayinikezelwe kusetyenziswa ingxelo zemali zomfaki sicelo zika 2004. Ingeniso yamanye amalungu eqela okanye amalungu omdibaniso bayinganikezelwa.

12.2 ukuya ku 12.5

Lemibuzo ifuna ukuba umfaki sicelo anikezele inkcazelo engqinisiswe ngabahloli bencwadi.

12.6 Phawula: ukuba umfaki-sicelo uxhomekeke kwinkcazelo yamanye amaqumrhu, ummeli ogunyazisiweyo welo qumrhu umele angqine isibhengezo esikwicandelo 16

Umhlathi wesibini

Kumele kusetyenziswe umgaqo ofanayo ocaciswe kwicandelo 8.1.1 no-9.1.1 mayisetyenziswe ukubhala umhlathi wesibini. Injongo yeli candela kukubona imali eyenziwa ngumfaki-sicelo kwicandelo afake isicelo kulo. Abafaki-zicelo abakwamanye amashishini ngaphandle kwelokuloba abanako ukubala ingeniso eyenziwe kuloo mashishini angamanye. Ngokungqale ngakumbi, abafaki-zicelo abakumashishini angamanye ngaphandle kwelokuloba bamele banikele iinkcukacha zengeniso yeshishini lokuloba neyamanye amashishini kwisihlomelo. Yingeniso yecandelo lokuloba elibandakanyekileyo kuphela enokuqwalaselwa xa kuzaliswa umhlathi wesibini wecandelo 12.2. Abafaki-zicelo abakwamanye amacandelo okuloba bamele banikele iinkcukacha zengeniso yecandelo ngalinye kwisihlomelo. Yingeniso yecandelo lokuloba elibandakanyekileyo kuphela enokuqwalaselwa xa kuzaliswa umhlathi wesibini wecandelo 12.2. Ekubeni kunzima ukwahlulahlula ingeniso ngokwecandelo ngokuchanileyo, uqikelelo nje okanye ukwahlulahlula kuya kwanela, ukuba nje ukwahlulahlula okufanayo kuysetyenziswa nakwisiphi na esinye isicelo esenziwa ngumfaki-sicelo. Ngamanye amazwi, umfaki-sicelo umele afake iinkcukacha ezifanayo kwizicelo zamalungelo okurhweba kwamanye amacandelo.

Ukuba umfaki-sicelo udibene namanye amaqela kuhlobo oluthile lomdibaniselwano, okanye ukuba ubunini bomfaki-sicelo obungaphezu kwama-50% bobenye inkampani okanye ukopoletyeni (okumiselwe ngokwenkcaza ekwicandelo 6.7.1 ngasentla),

ngoko ke ingeniso iyonke eyenziwa ngamalungu omdibaniselwano okanye iqela (oko kukuthi, umfaki-sicelo, i-holding company kunye nee-sister companies ezikwishishini lokuloba) isenokubalwa, ukuba nje imigaqo efanayo echazwe ngasentla iyasetyenziswa. Ngamanye amazwi, iinkampani zomdibaniselwano namaqela akwamanye amashishini okanye amacandelo okuloba asenokungayibali ingeniso eyenziwe kwamanye amashishini okanye amacandelo. Yingeniso eyenziwe ngumdibaniselwano okanye iqela kwicandelo elo kuphela enokubalwa. Ukuba kuyasebenza oko, iinkcukacha zengeniso eyenziwe kwishishini lokuloba nakwamanye amashishini okanye iinkcukacha zengeniso eyenziwe kwicandelo elo nakwamanye amacandelo enokubhalwa kwisihlomelo esifanelekileyo. Uqikelelo nje okanye ukwahlulahlula kuya kwanela, ukuba nje umdibaniselwano okanye iqela lisebenzisa ukwahlulahlula okufanayo nakwisiphi na esinye isicelo selungelo lokurhweba ngokuloba esifakwa ngumfaki-sicelo, ilungu leqela okanye lomdibaniselwano. Ayinakubalwa kabini ingeniso eyenziweyo. Ngamanye amazwi, ingeniso ebhalwe kuzo zonke izicelo nekuthiwa yenziwe ngamalungu omdibaniselwano okanye iqela ayinakuba ngaphezu kwesimbuku sengeniso eyenziwe ngamalungu omdibaniselwano okanye iqela kwishishini lokuloba. **Iinkcukacha zezimali zawo onke amalungu omdibaniselwano okanye iqela zimele zibhalwe kwisihlomelo esifanelekileyo.**

Umhlathi wesithathu

Kumhlathi wesithathu, umfaki zicelo kufuneka asebenzise I-total turnover yomfaki sicelo (okanye beqela okanye iJV) kuqukwa I-turnover efunyanwa engaphandle kushishino lokuloba, ukuqingqa iipresenti

Umzekelo

INkampani X yayabelwe amalungelo okuloba exesha eliphakathi i-West Coast Rock Lobster (ngaselunxwemeni) ne-Hake Long line. Yabelwa i-TAC eziitoni ezingama-65 ze-Hake long line neetoni ezintlanu ze-WCRL (ngaselunxwemeni) ngowe-2004. Isimbuku sengeniso yeNkampani X (kuwo omabini la mashishini okuloba) ngonyaka-mali ka-2004 sasiyi-R1 000 000. Isimbuku sengeniso eyenziwe nge-Hake Long line kunyaka-mali ka-2004 sasingama-R 65 000. Isimbuku sengeniso nge-WCRL (ngaselunxwemeni) sasingama-R 35 000. Kwisicelo sayo selungelo lokuloba i-Hake Long line, isicangca somfaki-sicelo siya kubonakala ngale ndlela:

I-TAC Eyabelwe (ngokweentoni) uMfaki-sicelo ngowe-2004	Ingeniso Eyenziweyo ngaloo TAC yabelweyo (unyaka-mali ka-2004)	Iipresenti yeSimbuk sengeniso
65	R65 000	65%

Yahlula-hlula ingeniso yeli shishini lokuloba ngesimbuku sengeniso yomfaki-sicelo uze uphindapinde ngo-100 ukubona ixabiso leepresenti: $65\,000 / 100\,000 \times 100 + 65\%$

ICANDELO 13 ISICWANGCISO SOKULOBA

Kweli candela kufuneka umfaki-sicelo anikele inkcazelo ephathelele isicwangciso sakhe sokuloba.

ICANDELO 14: UBANJISO OLUSECALENI NOLONDOLOZO LWEMEKO-BUME OKUQHUBEKAYO

Kweli candela kufuneka umfaki-sicelo anikele inkcazelo ephathelele ubanjiso olusecaleni nolondolozo lwemeko-bume okuqhubekayo.

ICANDELO 15: IIRHAFU

Kweli candela kufuneka umfaki-sicelo anikele inkcazelo ephathelele iirhafu azihlawuleyo ebudeni bexesha lamangelo exesha eliphakathi.

IZINCAZELO – ABANIKAZI BAMALUNGELO ATHATHA ISIKHATHI ESIJANA I-ROCK LOBSTER YASE-WEST COAST (NGAPHANDLE KOGU), I-HAKE LONGLINE, I-SQUID, I-TUNA POLE, I-DEMERSAL SHARK NE-SEAWEED

INJONGO YEZINCAZELO UKUSIZA ABENZI BEZICELO EKUGCWALISENI E IZINGXENYE EZININGI EFOMINI LOKWENZA ISICELO. EZINYE IZINGXENYE ZIBHEKWA NJENGEZICACILE FUTHI AZIHLANGANISIWE KULEZI ZINCAZELO.

I-MLRA iwuMthetho 18 ka-1998 Wemvelo Yasolwandle. Ikhophi iyatholakala engosini ye-Inthanethi yalo Mnyango www.mcm-deat.gov.za.

INGXENYE 1: IMINININGWANE YOMENZI WESICELO

Izingxenye 1:1 ukuya ku-1.17 kumelwe zigcwaliswe yibo bonke abenzi bezicelo. Umenzi wesicelo kuye kwadingeka ukuba ahlinzeke iminininingwane edingwa yizingxenye 1.8.1 ukuya ku-1.8.7d lapho egcwalisa ifomu lokwenza isicelo. Lezi zingxenye zidinga ukugcwaliswa kuphela uma umenzi wesicelo eye washintsha iminininingwane yakhe kusukela abhalisa.

Umenzi wesicelo uyacelwa, esiJobelelweni 1A ukuba ahlinzeke ngohlaka olufingqiwe lwenhlangano yomenzi wesicelo, olubonisa ukuthi inkampani yomenzi wesicelo iyi-holding company, i-sister company noma yinkampani ehlanganyelwayo (joint venture) yini. Ezinye izingxenye zaleli fomu zidinga ukuba kuhlinzekwe ngokwaziwa "kokuhlalanga" kukamenzi wesicelo/i-holding company abanomnotho ongaphezu kuka-50% ongowenye inkampani (holding company). Ezinye izingxenye zidinga ukuba kuhlanganiswe ukwaziwa okuphathelele nomenzi wesicelo, i-holding company noma ama-sister company ahilelekile embonini yezokudoba ("iqembu lezinkampani") noma zonke "izinkampani ezibambisene (joint venture partners)". Lapho kudingeka khona, ukwaziwa nge-"qembu lezinkampani (group of companies)" (umenzi wesicelo, ama-holding company kaney nama-sister company ahilelekile embonini yezokudoba) kumelwe kuhlinzekwe. Isimiso esifanayo asisebenzi kuma-joint ventures. Maqondana nama-joint ventures, injongo yokufunwa kokwaziwa ngezinkampani kunokuba kufunwe ukwaziwa ngomenzi wesicelo wukuvumela izigaba zophiko lwezomnotho ukuba ziziveze ngabenzi bezicelo abangabantu, futhi ngale ndlela ukwenza ukuba izikhulu eziphathisiwe zikwazi ukuqhathanisa abenzi bezicelo nabanye. Kufanele kunqume abenzi bezicelo ukuthi basebenza ngalolo "phiko lwezomnotho" lwe-joint venture emkhakheni othile nokuthi bayafuna yini ukuzethula ngaleyo ndlela. Bonke abangamalungu e-joint venture kumelwe bavume ukwenza isicelo ngale ndlela lapho kuvunyelwe khona / kudingeka khona ukuba benze kanjalo, khona-ke ukwaziwa okuhlanganisiwe kumelwe kwethulwe ngendlela evumelanayo kuzo zonke izingxenye ezihlelekile.

INGXENYE 2: ISTIMO SOMENZI WESICELO

2.1, 2.2 no-12.3

Injongo ukuthola ukuthi umenzi wesicelo kufanele aphathwe njengosanda kufakwa isicelo noma umnini lungelo onesikhathi esijana yini. Yilezo zinhlangano kuphela ezazithole amalungelo esikhathi esijana ngo-2001/2002 endaweni yokudoba manje efakelwe isicelo noma okuyibona banduleli balezo zinkampani, eziyobhekwa isikhulu esiphathisiwe njengabanini malungelo besikhathi esijana (medium term right holders).

Uma umenzi wesicelo eyileyo nhlangano efanayo njengechazwe ku-2.2 (owathola ilungelo lesikhathi esijana ngo-2001/2002) naku-2.3 (umnini lungelo wamanje wesikhathi esijana), umenzi wesicelo ngokusobala uyakufanelekela ukuphathwa njengomnini lungelo wesikhathi esijana. Nokho, kwezinye izimo kungenzeka ukuthi ilungelo elabiwa ngo-2001/2002 ladihliswa, noma kungenzeka ukuthi ilungelo labelwa i-trust noma umuntu wendabuko okuye kwaholela ekutheni manje isicelo senziwe nge-close corporation noma inkampani. Kulezi nakuzo zonke ezinye izimo lapho umenzi wesicelo nenkampani ku-2.2 naku-2.3 engeyona inkampani efanayo, umenzi wesicelo kumelwe abonise ukuthi ngumanduleli ozimele wenkampani owathola ilungelo ngo-2001/2002, ukuze afaneleke njengomnini lungelo lesikhathi esijana. Isikhulu esiphathisiwe ngeke siqaphele inkampani engaphezu kweyodwa njengomanduleli wenkampani eyamukela ilungelo ngo-2001/2002.

2.4

Ngokwemibandela yengxenye 18 ye-MLRA, amalungelo ezokudoba ngenjongo yezentengiselwano anganikezwa kuphela umuntu waseNingizimu Afrika, okuyigama elichazwe engxenye 1 yoMthetho. Injongo yale ngxenye ukubona ukuthi umenzi wesicelo uyahlangabezana yini nezimfuneko zale ncazelo. Endabeni yenkampani noma i-close corporation, iningi labanikazi bamasheya noma amalungu kumelwe kube ngabantu baseNingizimu Afrika.

2.6

Ukwaziwa okuphathelele nenkampani engumenzi wesicelo / i-close corporation kuphela okufanele kufakwe, hhayi ukwaziwa okuphathelele namanye amalungu eqembu lezinkampani noma i-joint venture.

2.7, 2.8

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B) 36

Ngokwemibandela yesigaba 7.5 seNqubomgomo Ehlenganisa Konke, umenzi wesicelo ongumnini lungelo wesikhathi esijana akanakuba namasheya kumenzi wesicelo omusha ongaba sethubeni lokwamukelwa emkhakheni ofanayo. Injongo yale ngxenye ukubona ukuthi le mfundo kuyananyathelwa yini kuyo kanye nokwakha ukuxhumana nabanini bamasheya phakathi kwabenzi besicelo abangabanikazi bamalungelo besikhathi esijana (medium term)

INGXENYE 3: UKUHLONIPHA UMTHETHO

3.1.1, 3.1.2, 3.1.3 no-3.1.4 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Ngokwemibandela yeNqubo-mgomo ehlenganisa konke kanye nezinye izinqubo-mgomo eziphathelele nezindawo zokudoba, imiphumela ehlulukene ingase idalwe ukwephulwa kwemithetho ye-MLRA, imibandela yemithetho noma izimvume, kuhlenganise nokungakhethwa kumenzi wesicelo noma ukungaphumeleli. Injongo yale ngxenye ukuthola ukuthi umenzi wesicelo uye wawathweswa yini amacala okwephula umthetho okunjalo nokuthola futhi ukuthi ayemabi kangakanani.

3.2 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Abenzi besicelo kumelwe baphendule ngokuthi "yebo" embuzweni, ngisho noma impahla eyathathwa, yaboshwa, noma wayephucwa ngokwemibandela ye-MLRA noma eyabanjwa noma yalondolozwa ngokwemibandela yoMthetho Wokuvinjelwa Kobugebengu Obuhleliwe, kamuva yadadelwa. Izimo ezihlangene nomthetho wokubanjwa, ukuboshwa, ukuthathwa noma ukulondolozwa kwempahla kanye nomphumela waleyo nqubo, okungukuthi, kungakhathaliseki ukuthi leyo mpahla yadliwa noma yaphangwa nguMbuso, kumelwe kubhekwe nazo kulesi sibobelelo.

3.3 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Abenzi bezicelo kumelwe baphendule ngokuthi "yebo" embuzweni uma noma yiliphi ilungelo lokudoba noma imvume kunoma yimuphi omunye umkhakha liye lenqatshwa noma lasulwa, lancishiswa noma laguqulwa ngaphansi kwengxenye 28(3) ye-MLRA. Lezi zimo kumelwe zichazwe esijobelelweni.

INGXENYE 4: IMINININGWANE YOMKHUMBI/ISIKEBHE

Le ngxenye idinga ukuba umenzi wesicelo afake imininingwane yesikebhe/umkhumbi ngasinye esikhethwe ngumenzi wesicelo. Uma imininingwane eceliwe ingatholakali, izizathu zalokhu kumelwe sichazwe esijobelelweni.

INGXENYE 5: UKUSETSHENZISWA KWEZIDOTSHIWE

5.1 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Umenzi wesicelo oye wadoba ngokweqile noma wadoba ezingaphansi kwesibalo asabelwe kule ndawo yokudoba ngaphezu kuka-10% kunoma imuphi unyaka abelwe ngawo ngenkathi yelungelo lesikhathi esijana kumelwe aphenndule ngokuthi "yebo" kulo mbuzo. Izizathu kumelwe zichazwe esijobelelweni esihlinzekiwe.

5.2

Le ngxenye icela imininingwane maqondana nemibhalo egciniwe yezinhlanzi ezidotshwe ngumenzi wesicelo phakathi nenkathi yamalungelo esikhathi esijana (2001 – 2005). Abenzi bezicelo akumelwe baphendule lo mbuzo ngokwemibhalo egciniwe yokudoba yoMnyango. Maqondana nezinhlanzi ezidotshiwe noma izimila zasolwandle ezitshaliwe (kumelwe kuchazwe isisindo esicatshangelwayo, hhayi isisindo esithululwe esikebheni noma isisindo sangemva kokuba izinhlanzi sezijumpulwe ikhandla noma sezikhishwe izibilini. Uma umenzi wesicelo engazange anikwe imvume yanoma imuphi unyaka, umenzi wesicelo kumelwe abonise ukuthi akababambanga 100%. Ukwaziswa okuphathelele nenkampani engumenzi wesicelo / i-close corporation kuphela okufanele kufakwe, hhayi ukwaziswa okuphathelele namanye amalungu eqembu lezinkampani noma i-joint venture.

Isibonelo sendawo yokudoba elawulwa nge-TAC (TAC controlled fishery)

Unyaka	Isabelo Sezibanjwe Ngonyaka (ngamathani)	Inqokothi Yezidotshiwe Zesabelo Somenzi Wesicelo (ngamathani)	Amaphesenti Okuhluleka Ukudoba	Amaphesenti okudoba ngokweqile
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Actual tonnage caught (1 100 tons) minus total allowable catch allocated (1 000 tons) = 100. To establish the percentage, divide the difference by the TAC allocated and multiply it by 100. i.e. (100/1000) x 100 = 10 %

Inkathi ka- 2003	1 000	1 100	0%	10%
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INGXENYE 6: IZINGUQUKO**6.1 no-6.2.1**

Injongo yalezi zingxenywe ukuthola ukuthi umenzi wesicelo kuyadingeka yini ukuba enze ngokuvumelana noMthetho Wokulingana Emsebenzini. Uma kudingeka ukuba enze ngokuvumelana nawo, umbuzo olandelayo uwukuthi umenzi wesicelo uzifezile yini izibopho zakhe ngaphansi kwalo Mthetho. Ngezinjongo zokuphendula lezi zingxenywe, ukwaziswa komenzi wesicelo kuphela (futhi hhayi ukwaziswa kwe-holding company yako noma ama-sister company) okumelwe kuhlinzekwe futhi kuyocatshangelwa.

Abaqashi "Abasesigabeni Esivelele" kudingeka benze ngokuvumelana nalo Mthetho. Umqashi osesigabeni esivelele, ngokwemibandela yengxenywe 1 yoMthetho Wokulingana Emsebenzini:

- a) Ngumqashi oqasha izisebenzi ezingu-50 noma ngaphezulu;
- k) Ngumqashi oqasha abantu abangaphansi kuka-50, kodwa owenza ingqikithi yenzalo yonyaka elingana noma engaphezu kwenzalo yonyaka elindelekile ngamabhezini amancane ngokwemibandela ka-Schedule 4 walo Mthetho. [Owenza u-R2 million ngonyaka]; noma
- l) ...
- m) ...
- e) umqashi oboshwa yisivumelwano esiyimbumba ngokwemibandela yengxenywe 23 noma 31 yoMthetho Wezisebenzi, omkhetha njengomqashi oqaphelekayo ngokwemibandela yalo Mthetho, ngokwezinga okuhlinzekwe ngalo esivumelwaneni;

Ngokwemibandela yengxenywe 13 yoMthetho Wokulingana Emsebenzini, imisebenzi yabaqashi abaqashelwayo ihlelwe ngale ndlela:

- 1) Yilowo nalowo mqashi okulesi simo (designated) kumelwe athathe izinyathelo zokubhekelela umnotho wabampisholo wabantu abavela emaqenjini akhethiwe ngokwemibandela yalo Mthetho ukuze kube khona ukulingana emsebenzini.
- 2) Umqashi oyinkampani (designated) kumelwe-
 - a) athintane nezisebenzi njengoba kudingwa yingxenywe 16;
 - b) enze uhlaziyo njengoba kudingwa yingxenywe 19;
 - c) alungiselele uhlaka lomsebenzi njengoba kudingwa yingxenywe 20; futhi
 - d) abike kuMqondisi-Jikelele ngentuthuko esiyenziwe ekusebenziseni uhlaka lwayo lokulingana emsebenzini, njengoba kudingwa yingxenywe 21.

6.3.4 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziswa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifundo engxenyeni 16

Injongo yale ngxenywe ukuthola ukuthi buhlelwe kanjani ubuphathi basebhizinisini bomenzi wesicelo. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kumenzi wesicelo (inqunywa njengoba kuboniswe engxenyeni 6.7.1 ngezansi) khona-ke imininingwane yebhodi labaqondisi/amalungu akho kokubili umenzi wesicelo ne-holding entity kumelwe kuhlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yamabhodi abaqondisi / amalungu azo zombili izinkampani. Uma umenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nanye inkampani noma i-close corporation (futhi abathintekayo bevuma ukuzethula ngale ndlela) khona-ke imininingwane yamabhodi abaqondisi noma amalungu abo bonke abangabanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yamabhodi abaqondisi / amalungu abo bonke abangamalungu e-JV.

6.3.5 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziswa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifundo engxenyeni 16

Le ngxenywe idinga ukuba umenzi wesicelo ahlinzeke ngemininingwane ephathelene nezisebenzi ezihola imihlo ephakeme ukwedlula yonke (ebalwa ngengqikithi yemali ekhokhwa yinkampani). Lokhu kwaziswa kuzogcinwa kuyimfihlo futhi kungase kuthunyelwe kodwa eceleni kufakwe kwenye imvilophu evaliwe.

Njengasengxenyeni 6.3.1 ngenhla, uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (etholwa njengoba kuchazwe engxenyeni 6.7.1 ngezansi) khona-ke imininingwane yabantu abahola imali enkulu ukubedlula bonke bakho kokubili umenzi wesicelo kanye ne-holding entity kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabantu abahola imali enkulu yazo zombili izinkampani. Uma uMenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nanye inkampani noma i-close corporation (futhi abathintekayo bevuma ukuzethula ngale ndlela) khona-ke imininingwane yabahola imali enkulu ukubedlula bonke yabo bonke abangabanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke abangamalungu e-JV.

Izindleko eziphelele zenkampani zihlanganisa izinzuzo namabhonasi, kodwa akuwahlanganisi ama-dividend. Abenzi bezicelo abaqasha izisebenzi ezingu-165 noma ngaphansi kumelwe bahlinzeke ngemininingwane yabantu babo abahola imali enkulu ukwedlula bonke njengoba kuboniswe ethebuleni efomini lokwenza isicelo. Abenzi bezicelo abaqashe abantu abangaphezu kuka-165 kumelwe baqale bathole u-3% ohola kakhulu bese behlinzeka ngemininingwane yalezo zisebenzi (zingeqi kwezingu-90) Ubuphathi noma isikhundla somqashwa, njengoba kuboniswe kwi-organogram noma uhlelo lwenhlangano, kumelwe buhlinzekwe.

Isibonelo: Uma umenzi wesicelo eqasha abantu abangu-2500, umenzi wesicelo uyokhetha u-3% ohola kakhulu, ngokuphindaphinda le nombolo ngo-0.03 ($2500 \times 0.03 = 75$). Umenzi wesicelo kumelwe abe esehlinzeka ngemininingwane yalezo zisebenzi ezingu-75. Umenzi wesicelo akumelwe ahlinzeke ngemininingwane yezisebenzi ezingaphezu kuka-90, kungakhathaliseki ukuthi zingaki izisebenzi umenzi wesicelo anazo kwabe-3% ohola kakhulu.

Uma kufaneleka, isibalo sezisebenzi zezinkampani ezinamalungelo (holding entities) noma ababambisene kuyi-JV kumelwe senezelwe esibulweni sezisebenzi zomenzi wesicelo, njengoba kuboniswe esibonelweni esingezansi.

Isibonelo: Uma umenzi wesicelo eqashe abantu abangu-75 futhi inkampani i-holding entity iqashe abantu abangu-125, zombili lezi zinkampani zihlangene ziqashe abantu abangu-200. Umenzi wesicelo kumelwe anqume ukuthi yibaphi abahola kakhulu abangu-3% $200 \times 0.03 = 6$. Imininingwane yezinkampani zombili kufanele ihlanganise, futhi imininingwane yabantu abayisithupha abahola kakhulu abasohlwint oluhlanganisiwe kufanele ifakwe ethebuleni 6.3.2.

6.6.1 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziswa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngemininingwane yamazanga omholo ngaphakathi enhlanganweni ngomhlaka-Febhuwari 28 2005.

Njengasengxenyeni 6.3.1 no-6.3.2 ngenhla, uma umenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nanye inkampani noma i-close corporation, khona-ke imininingwane yemihlo yabo bonke abangabanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke abangamalungu e-JV. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (enqunywa njengoba kuchazwe engxenyeni 6.7.1 ngezansi) khona-ke amazanga omholo e-holding entity, uMenzi Wesicelo nanoma vizihi izinkampani ezibambisene nayo (sister companies) nazo zivingxenywe engaphezu kuka-50% ye-holding entity futhi zisebhizinisini lokudoba izinhlanzi, kumelwe ahlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yeqembu (umenzi wesicelo, i-holding entity, kanye nama-sister company) yezinkampani.

Isibonelo

1	Umholo Wanyanga Zonke	Isibalo sezisebenzi kuleli zinga (ingqikithi yeQembu noma i-JV, uma kufaneleka)	Amaphesenti Engqikithi Yezisebenzi	Isibalo Sezisebenzi Ezimpisholo Kuleli zinga (ingqikithi yeQembu noma i-JV, uma kufaneleka)	Amaphesenti Engqikithi Yezisebenzi Ezimpisholo	Isibalo Sezisebenzi Zesifazane kuleli zinga (ingqikithi yeQembu noma i-JV, uma kufaneleka)
	< R 2 500	100	80%	80	90 %	70

Divide the employees in this income level by the total number of employees, and multiply by 100

Divide the number of black employees in this income level by the total number of black employees, and multiply by 100

6.7 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe wenkampani kumelwe afakazele isifungo engxenyeni 16

Lo mbuzo udinga ukuba umenzi wesicelo agcwalise iphrofayili yokulingana emsebenzini yomenzi wesicelo maqondana namazinga okusebenza. Abaqashi (designated employers) kanye nabaqashi abahambisana ngokuzithandela noMthetho Wokulingana Emsebenzini kufanele bagcwalise ithebula ngamanani afakwa ngo-Okthoba 2004 eMnyangweni Wezisebenzi. Abaqashi abaqashe abantu abangaphansi kwamashumi amahlanu (non-designated) kufanele bagcwalise amathembula aqondene nezisebenzi zabo ngomhla ka-28 Febhuwari 2005 futhi bebe bekuqaphela lokho okushiwa ngamazanga okusebenza ahlelwe esijobelelweni 2 seZiqondiso eziphathelele noMthetho Wokulingana Emsebenzini. Isijobelelo 2 sihlizeka ngalokhu okulandelayo:

UMthetho 55 ka-1988 Wokulingana Emsebenzini

IYINI INJONGO YALESI SIJOBELELO?

Ukuhlolwa komsebenzi noma izinhlelo zokulinganisa kuyasetshenziswa yizinhlangano eziningi ukulinganisa imisebenzi ngokuvumelana nohla lwayo bese kusungulwa izindlela ezifanelekile zokuqhathanisa phakathi kwemisebenzi.

Lesi sijobelelo sihlizeka ngethebula lamazinga omsebenzi afanayo angase asetshenziswe ngabaqashi lapho begcwalisa amafomu i-EEA 2 kanye ne-EEA 4.

IZIQONDISO

Leli thebula [elingezansi] libonisa amazinga okuqashwa ngaphakathi ezinhlanganweni njengoba enqunywa ngokusebenzisa izinhlelo ezihlukahlukene zokuhlola imisebenzi noma zokulinganisa. Leli thebula lihlizeka ngamazinga afanayo kolunye nolunye lwalezi zinhlelo zokuhlola umsebenzi.

Izinhlangano ezingazisebenzisi lezi zinhlelo zokuhlola umsebenzi [ethebuleni elingezansi], noma uhlelo olusetshenziswayo oluhlanganiswe nolunye lwalezi, kufanele zisebenzise i-Semantic Scale ukuze zithole isiqondiso ekunqumeni amazinga okuqashwa kwabantu ngaphakathi enhlanganweni.

Amazinga afanayo okuqasha

I-Semantic Scale	Paterson		Peromnes	Hay	Castellion
Abaphathi Abakhulu	F	F	[++]+		14
Abaphathi Abakhulu	E	E UPPER E LOWER	1 2 3	1 2	13
Abawufundele umsebenzi, ochwepheshe abanolwazi nabaphathi abaphakathi nendawo	D	D UPPER D LOWER	4 5 6	3 4	12 11 13
Ochwepheshe abanekhono nezisebenzi eziqeqeshelwe umsebenzi, abaphathi abancane, o-supervisor, izimfolomane, nonsumpa	C	C UPPER C LOWER	7 8 9 10 11 12	5 6 6A 7 8	9 8
Abanekhono elisesilinganisweni nokwenza izinqumo okudinga ikhono lokucabanga	B	B UPPER B LOWER	13 14 15 16	9 10 11	7 6 5 4
Ukwenza izinqumo kwabangakuqeqeshelwe	A	A	17 18 19	12 13	3 2 1

Njengasengxenyeni 6.4.1 ngenhla, uma umenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nenye inkampani noma i-close corporation futhi abathintekayo bevuma ukuzethula ngale ndlela) khona-ke imininingwane yokuqasha yabo bonke abanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke abangamalungu e-JV. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (enqunywa njengoba kuchazwe engxenyeni 6.7.1 ngezansi) khona-ke amazinga omholo enkampani (holding entity), uMenzi Wesicelo futhi nanoma yiziphi izinkampani ezinengxenywe engu-50% ye-holding entity futhi ebambe iqhaza embonini yokudoba izinhlanzi, kumelwe ahlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yeqembu (umenzi wesicelo, i-holding entity, kanye ne-sister company) yezinkampani.

Isibonelo

Uma inkampani A ingumqashi (designated employer) oqasha abangaphezu kwamashumi amahlanu, ukwaziswa okuhlizekiwe efomini le-EEA 2A lika-Oktobha 2004 kufanele kugcwaliswe kuleli thebula. Uma inkampani A ingeyena umqashi ochazwe ngokuthi designated, amazinga okuqasha ezisebenzi kufanele anqunywe ngendlela ehlelwe ngenhla njengakumhla ka-28 Febhuwari 2005 futhi ithebula ligcwaliswe nalokhu kwaziswa.

Uma nje inani lezisebenzi ngesibalo ngasinye linqunyele, kufanele kuhlaziye amaphesenti. Ngokwesibonelo, inkampani A iqasha izikhulu eziyisikhombisa eziphezulu kanye nabaphathi. Kwabayisikhombisa abasesigabeni sabaqashiwe, oyedwa ungowesilisa

ompisholo, abangu-2 bangabesilisa bamakhaladi, abangu-2 bangabesilisa abangabelungu, oyedwa ungowesifazane ongumndinya futhi oyedwa ungowesifazane omhlophe. Ukuze uthole amaphesenti, thatha lesi sibalo sabaqashwa eqenjini ngalinye elisesikhundleni ezingeni lalezi zisebenzi bese uluhlukanisa ngengqikithi yesibalo sezisebenzi ezisezingeni lalaba baqashwa bese uliphindaphinda ngo-100.

A = Ompisholo, C = Ikhaladi, I = UmNdiya, W = Umlungu, F = Owesifazane kanti i-ACI = Ompisholo, Ikhaladi nomNdiya

Amazinga Alaba baqashwa		A No.	A %	C No.	C %	I No.	I %	W No.	W %	Izingqikithi	
										ACI%	F%
Izikhulu Eziphezulu Nabaphathi (ingqikithi ye-JV noma yeQembu, uma kufaneleka)	Abesilis a	1	14%	2	28%	0	0%	2	28%	42%	
	Abesifazane	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziwa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Bonke abenzi bezicelo kumelwe bahlinzeke ngezinombolo eziphathelele nabaphathi abaqondisayo nabakhulu / izikhulu eziphethe ezifakwe emafomini abo ezicelo ka-2001. Abaqashi aba-designated noma abaqashi abahambisana nalo mthetho ngokuzithandela, kumelwe babe sebegcwalisa lonke ithebula ngezinombolo ezafakwa embikweni we-EEA 2A ka-2002 no-2004. Abaqashi abangekho designated futhi abangahambisani nalolu hlelo kumelwe bagcwalise leli thebula maqondana neminingwane yokuqashwa ekupheleni konyaka wezimali ka-2002 no-2004. Maqondana namaqembu nama-JV, iziqondiso ezihlelwe engxenyeni 6.5 nazo ziyasebenzi lapho kugcwaliswa le ngxenye.

6.6.2 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziwa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Bonke abenzi bezicelo kumelwe bahlinzeke ngezinombolo eziphathelele nochwepheshe abawufundele umsebenzi nabanolwazi kanye nabaphathi abaphakathi nendawo ezifakwe emafomini abo ezicelo ka-2001. Abaqashi aba-designated noma abaqashi abahambisana nalo mthetho ngokuzithandela, kumelwe babe sebegcwalisa lonke ithebula ngezinombolo ezafakwa embikweni we-EEA 2A ka-2002 no-2004. Abaqashi abangekho designated futhi abangahambisani nalolu hlelo kumelwe bagcwalise leli thebula maqondana neminingwane yokuqashwa ekupheleni konyaka wezimali ka-2002 no-2004. Maqondana namaqembu nama-JV, iziqondiso ezihlelwe engxenyeni 6.5 nazo ziyasebenzi lapho kugcwaliswa le ngxenye.

6.7.4 Phawula: Ungazigcwalisi izindawo ezifakwe umbala ogqamile (shaded area)

Le ngxenye idinga ukuba abenzi bezicelo bahlinzeke ngemininingwane maqondana nobunikazi bamasheya babantu abampisholo kanye namalungelo okuvota angabekelwe mingcele kanye nezithakazelo ezingokomnotho (ngohlobo lwamasheya ayohlukaniselwa bona) angamasheya abampisholo kuMenzi Wesicelo (hhayi i-holding entity, iqembu noma ababambisene be-JV ngale kokuba lokhu kwaziwa kufaneleka ngezinjongo zokusebenzisa isimiso se-flow through. Usihlalo webhodi labaqondisi likamenzi wesicelo kumelwe ethule incwadi efakazelwe mayelana nokuba namasheya, amalungelo okuvota kanye nezithakazelo ezingokomnotho zabansundu kumenzi wesicelo esijobelelweni esifanele. Ekunqumeni ukuthi yiphesenti elingakanani elingelabampisholo, amalungelo okuvota nezithakazelo ezingokomnotho, isimiso se-flow through kumelwe sisetshenziswe, kuye ngokuthi:

- izikhwama zempesheni kanye namalungu ombuso kuzohlala kungathathi hlangothi, futhi amaphesenti okuba namasheya abampisholo kufanele abalwe ngaphandle kokuwahlukanisa namasheya angawalezo zinhlangano.
- Uma amaphesenti amasheya abansundu, amalungelo okuvota noma izithakazelo ezingokomnotho zomnikazi wamasheya othile zingenakunqunywa, kumelwe kunikezwe izizathu eziningiliziwe zalokho.
- ngezinjongo zokuthola amalungelo okuvota, umnikazi wamasheya kufanele abhekwe njengompisholo ngokuphelele (100%) uma lowo lowo muntu ongowomdabu enengxenye engaphezu kuka-50% kulowo mnikazi wamasheya; futhi
- amaphesenti "obunikazi bamasheya", "izithakazelo ezingokomnotho" kanye "namalungelo okuvota" abantu abampisholo kuyi-trust eyonqunywa ngokuhambisana namalungelo abayizindlalifa ngokwemibandela yesivumelwano se-trust.

Isimiso se-flow through sichazwa ngokuthi: **"Isimiso se-flow through"** sibhekisa ekulandelelweni kwezinzuzo ezingokomnotho lapho kunqunywa ukuthi abampisholo banabo yini ubunikazi ebhizinisini (BEE ownership). Izinkampani zizoklonyeliswa ngamaphuzu kuye ngokuthi likhona yini iqhaza elibhekile elibanjwe ngabampisholo ekusebenziseni amalungelo abo okuvota nokubamba iqhaza kwezomnotho zebhizinisi. Injongo yesimiso se-flow through ukuqinisekisa ukuthi zonke izinkampani, kungakhathaliseki ukuthi zihlelwe kanjani, zithola amaphuzu ngokufanayo ngokweqhaza elibanjwe ngabampisholo ekufukulweni ebhizinisini (BEE ownership). Isimiso se-flow through siphawula ukuthi amalungelo okuvota kuphela nezithakazelo ezingokomnotho abantu abampisholo bendabuko okufanele bakuthole okuyocatshangelwa. Uma amalungelo okuvota kanye/noma izithakazelo ezingokomnotho zisezandleni zabantu bomthetho, ngamalungelo okuvota kanye nezithakazelo ezingokomnotho kuphela abantu abampisholo

bendabuko abanazo kulowo muntu womthetho eziyocatshangelwa. Kuyosetshenziswa isimiso esifanayo ngendlela engaguquki kulo lonke uchungechunge lobunikazi maqondana nabantu bomthetho kuze kufike leso sikhathi lapho lolo chungechunge lunqamuka ekunikweni kwalowo muntu wendabuko amalungelo/izithakazelo ezingokomnotho, okungumuntu ompisholo.

"Ubunikazi obungaqondile" busho ubunikazi bomnotho ebhizinisini lapho lowo mnotho unika khona abanini mafa ebhizinisini ilungelo lokuba babambe iqhaza enzuzweni engokomnotho (njengama-dividend) atholwa ngabanikazi masheya balelo bhizinisi, kodwa hhayi elungelweni lokuvota lalelo bhizinisi ngokuqondile. Amalungelo okuvota angasetshenziswa ngokungaqondile ngqo (indirectly) ngomdlulisi wokwaziswa njenge-trust noma i-superannuation scheme.

Ubunikazi obungaqondile ngqo kumelwe bucatshangelwe ngezinjongo zokulinganisa amaphesenti abanikazi bamasheya abampisholo, futhi uma ezimweni ezifanelekile, kucatshangelwe namaphesenti omnotho kanye namalungelo okuvota komuntu ompisholo kumenzi wesicelo. Uma engekho amalungelo okuvota emnothweni wobunikazi obungaqondile ngqo (indirectly owned equity), khona-ke ubunikazi babampisholo balowo mnotho akufanele bucatshangelwe lapho kutholwa ukuthi abampisholo banawo yini amalungelo okuvota. Nokho, lapho amalungelo okuvota esetshenziswa khona ngokungaqondile ngqo (ngomdlulisi wokwaziswa), ubunikazi babampisholo bomnotho kumelwe bucatshangelwe lapho kunqunywa amalungelo okuvota.

Isibonelo: Umenzi wesicelo unabani masheya abane. Omunye walaba banini masheya ungumuntu womdabu obizwa ngokuthi u-AA, ompisholo futhi une-10% yomnotho namalungelo okuvota. Abanye abanini masheya ababili yizinkampani futhi owesithathu yisikhwama sempesheni. Inkampani A ino-30% wamasheya futhi u-51% wayo ungowomuntu ompisholo kanti u-49% ungowomuntu omhlophe (umlungu). Inkampani B ino-40% wamasheya futhi u-40% wayo ungowomuntu wendabuko futhi u-60% ungowomuntu omhlophe (umlungu). Inkampani Z, eqinisweni u-80% wayo ungowomuntu futhi u-20% wayo ungowomuntu ompisholo. Isikhwama Sempesheni sino-20% wamasheya akhishiwe. Amaphesenti angawomuntu ompisholo, amalungelo okuvota kanye nomnotho kumi ngale ndlela:

Utyaka 2005 (ngosuku lokwenza isicelo)	Amaphesenti Obunini masheya angawabantu abampisholo	Amaphesenti amalungelo okuvota angawabanikazi bamasheya abampisholo	Amaphesenti omnotho ongawabanikazi bamasheya abampisholo (ama-divident angawabo)
	37.625	56	37.625

U-AA unikela ngo-12.5% (10/80) kuzo zonke lezi zigaba ezintathu, iNkampani A inikela ngo-19.125% (30/80 X 51/100) kubanikazi bamasheya nasemnothweni (economic interest) nango-37.5% (30/80 X 100) kumalungelo okuvota, iNkampani B inikela ngo-6% (40/80 X 60/100 X 20/100) kuzo zonke lezi zigaba zontathu futhi isikhwama sempesheni asifakelwa lutho.

6.7.2

Ukuba namasheya, amalungelo okuvota kanye nezithakazelo zomnotho (economic interest) zabesifazane kubalwa ngendlela efanayo njengoba kuchazwe ngaphansi kwengxenywe 6.7.1 ngenhla. Nalapha, le ngxenywe kumelwe iphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelele nama-holding entities, izinkampani ezibambisene (sister companies) nababambisene kuma-JV zingase zingacatshangelwe ngale kokuba lezi zinkampani zine-equity nomenzi wesicelo futhi lokhu kwaziswa kumelwe kucatshangelwe lapho kusetshenziswa isimiso se-flow through.

6.7.3, 6.7.4, 6.7.5, 6.7.6 no-6.7.7

Lezi zingxenywe kumelwe ziphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelele nama-holding entities, izinkampani ezibambisene nababambisene kuma-JV kungase kungacatshangelwa.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 no-6.8.7 Phawula: ungazigcwalisi izindawo ezifakwe umbala ogqamile zefomu(shaded areas)

Lezi zingxenywe kumelwe ziphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelele nababambisene kuyi-JV kungase kungacatshangelwe. Isimiso se-flow through kusobala ukuthi asisebenzi kuma-close corporations. Amaphesenti amalungelo okuvota kanye nokwabiwa kwenzuzo kumelwe kunqunywe kubhekiselwa esivumelwaneni sobunikazi se-close corporation. Uma singekho isivumelwano esinjalo esikhona noma isivumelwano singathintwa kule ndaba, khona-ke amalungelo okuvota kanye nomnotho (economic interest) kumelwe kubhekwe ngokuthi kuyafana ngokwamaphesenti omnotho wobulungu.

6.9

Lo mbuzo udinga ukuba umenzi wesicelo anikeze ukwaziswa ngokwezinga asefinyelele ngazo imigomo ehlelwe kuyi-Transformation Plan eyethulwe njengengxenywe yenqubo yesicelo sika-2001 Le ngxenywe kumelwe iphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelele nama-holding entities, izinkampani ezibambisene (sister companies) nababambisene kuma-JV kungase kungacatshangelwa.

6.12 Phawula: Uma uMenzi Wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuphathelele nokwenza ngokuvumelana nengxenywe 3 yoMthetho 9 ka-1999 we-Skills Development Levies. Imibuzo ezinhleni ezimbili zokuqala (ukwethula/ukugunyazwa kwe-Workplace Skills Plan kanye ne-Annual Training Report) kumelwe iphendulwe kubhekiselwa ekwazisweni komenzi wesicelo kuphela. Maqondana nezinhla ezintathu zokugcina (inani lamarandi akhokhelwa i-SARS, amaphesenti omholo akhokhwayo asetshenziselwa ukuqeqesha kanye namaphesenti ebhajethi yokuqeqesha achithwa ezisebenzini ezimpisholo), uma kuwukuthi umenzi wesicelo uyi-Joint Venture ("JV") kanye nenye inkampani noma i-close corporation, futhi abahilelekile bevuma ukuzethula ngaleyo ndlela, khona-ke izimali zomholo ezikhokhwayo zabo bonke ababambisene ebhizinisini (JV partners) kumelwe zihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke ababambisene be-JV. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (enqunywa njengoba kuchazwe engxenyeni 6.7.1 ngenhla) khona-ke amazanga omholo e-holding entity, uMenzi Wesicelo nanoma yiziphi izinkampani ezibambisene nayo (sister companies) nazo ziyingxenywe engaphezu kuka-50% ye-holding entity (futhi zisebhizinisini lokudoba izinhlanzi), kumelwe ahlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yeqembu (i-holding entity, umenzi wesicelo, kanye nama-sister company ahilelekile embonini yokudoba izinhlanzi) yezinkampani.

Ukuze kutholwe "amaphesenti e-payroll esetshenziswe ekuqeqesheni" hlukanisa inani lonyaka eliqondile eliyelachithwa ekuqeqesheni ngengqikithi yemali ye-payroll yonyaka bese uphindaphinda isibalo esitholakele ngo-100 ukuze uthole isilinganiso samaphesenti.

Isibonelo

Inkampani X inemali yomholo wonyaka engu R1 000 000,00. Inkampani isebenzise u-R 10 000,00 ukuze iqeqeshe izisebenzi zayo. $(R10\,000,00/R1\,000\,000) = 0,001 \times 100 = 1\%$.

6.11 Phawula: Uma uMenzi Wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Lo mbuzo udinga ukuba umenzi wesicelo abonise ukuthi yalibamba yini iqhaza ohlelweni lokuqeqesha (learnership) ngo-2004. Ukubamba iqhaza ohlelweni lokuqeqesha kusho ukuthi umenzi wesicelo uye wabhalisa isivumelwano sokuqeqesha ne-SETA ngokwe-Regulations Concerning the Registration of Intended Learnerships and Learnerships Agreements eyashicilelwa ngaphansi koMthetho 97 ka-1998 Wokuthuthukiswa Kwamakhono kuyi-Government Notice No. R. 330 ka-3 April 2001. Uma kufaneleka, imibuzo kulezi zingxenywe kumelwe iphendulwe kubhekiselwa ekwazisweni okuhlanganisiwe kwazo zonke izinkampani eqenjini noma i-JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 no-6.24

Phawula: Uma uMenzi Wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Uma kufaneleka, imibuzo kulezi zingxenywe kumelwe iphendulwe ngokubhekisela ekwazisweni okuhlanganisiwe kwazo zonke izinkampani eqenjini noma i-JV. Amaphesenti angawabantu abampisholo, okubhekiselwe kuwo engxenyeni 6.22, kumelwe abalwe njengoba kuchazwe ngenhla engxenyeni 6.7.1.

INGXENYE 7: UKUPHEPHA

Le ngxenye iding ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuphathelele nezokuphepha, kuhlanganise nezimfuno ze-South African Maritime Safety Authority.

7.1

Izingxenywe 312 no-313 zoMthetho 57 we-Merchant Shipping ka-1951 uveza amanye amacala kuhlanganise nokwehluleka ukwenza ngokuvumelana nesibopho ngaphansi kwalo Mthetho njengesibopho sokuqinisekisa ukuthi isikebhe/umkhumbi ongafaneleki awusuki esikhumulweni nokwehluleka ukufaka izisebenzi ezanele emkhunjini nokuwuqondisa kahle.

7.2, 7.3, 7.4, 7.5, 7.7 no-7.8

I-Maritime Occupational Safety Regulations, ka-1994, i-Crew Accommodation Regulations, ka-1961 kan-ye ne-Merchant Shipping (Safe Manning Regulations) yagunyazwa ngokuvumelana noMthetho 57 ka-1951 we-Merchant Shipping. Lena iyatholakala engosini ye-inthanethi ethi www.mcm-deat.gov.za. IMarine Notice No 26 ka-2004 nayo iyatholakala kule ngosi.

7.9

Ukuvumelana noMthetho 130 ka-1993 we- Compensation for Occupational Injuries and Diseases kusho ukuvumelana neziNgxenywe 80 kuya ku-88 zalo Mthetho ezihlizeka ngalokhu okulandelayo:

Explanatory Notes to the application forms for Medium Term Right Holders: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B) 43

"Izibopho zabaqashi zokubhalisa nokhomishana nokumhlinzeka ngemininingwane"

- 1) Umqashi oqhuba ibhizinisi kuyiRiphabhuliki kuyodingeka ukuba phakathi nenkathi enqunywe ngendlela enqunye abhalise nokhomishana, futhi kufanele ahlinzeke ukhomishana ngemininingwane ehleliwe yebhizinisi lakhe, futhi phakathi nenkathi enqunye ngukhomishana kuyodingeka anikeze eminye imininingwane engase idingwe ngukhomishana.
- 2) Imininingwane okubhekiselwa kuyo engxenyeni (1) iyohlinzekwa eceleni (ingahlanganiswa ndawonye) ngebhizinisi ngalinye eliqhutshwa ngumqashi.
- 3) Umqashi phakathi nezinsuku eziyisikhombisa zanoma yiluphi ushintsho emininigwaneni enikeziwe uzokwazisa ukhomishana ngalolo shintsho.

Izibopho zabaqashi zokugcina amarekhodi.

Umqashi uyogcina irejista noma elinye irekhodi lemiholo neminye imininingwane yazo zonke izisebenzi, futhi ngazo zonke izikhathi ezifanele uyoveza leyo rejista noma imibhalo egciniwe noma i-microfilm noma enye i-microform lapho ifunwa ngumuntu ogunyaziwe okubhekiselwa kuye engxenyeni 7 ngenjongo yokuyihlola.

Iminikelo eyenziwa ngabaqashi ngabanye abanezibopho nezinhlangano ezibambisene

Naphezu kwanoma yiziphi ezinye izinhlinzeko eziphambene eziquthethe kulo Mthetho, abaqashi ngabanye abanezibopho kanye nezinhlangano ezibambisene bayokhokha minyaka yonke kuMqondisi-Jikelele ngaleyo ndlela nangalezo zikhathi eziyonyunywa nguye, leyo ngxenye eyonyunywa nguye lapho esebenzisa izinhlinzeko zalo Mthetho njengoba engase ekubona kufaneleka."

7.13

UMthetho 2 ka-1986 Wokungcoliswa Kolwandle (Ukuvinjelwa Kokungcola Okuvela Emikhunjini) Kanye noMthetho 6 ka-1981 Wokungcoliswa Kwemikhumbi (Control and Civil Liability) iyatholakala engosini ye-inthanethi ethi www.mcm-deat.gov.za.

INGXENYE 8: UKWAKHA AMATHUBA EMISEBENZI**8.1.3 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16**

Injongo yale ngxenye ukwakha amathuba amaningi emisebenzi ehlinzekwa ngumenzi wesicelo, kanye nengqikithi yemali yemiholo esetshenziwe phakathi nenkathi yelungelo lesikhathi esijana, emkhakheni okwenziwe isicelo sokudoba kuwo. Lokhu kwaziswa kumelwe kusetshenziswe ukuze kunqunywe isibalo semisebenzi ehlinzekwe ngethani ngalinye lezinhlangothi noma ngomzamo weyunithi ngalinye elabiwe emkhakheni othintekayo (engxenyeni 8.1.3), kanye nenani elisetshenzisiwe emiholweni ngethani ngalinye noma ngeyunithi ngalinye lomzamo owenziwe owabelwe umkhakha ohilelekile (engxenyeni 8.1.2). Ukuze kutholakale isibalo semisebenzi kanye nezimali zemiholo ezisetshenzisiwe ngeyunithi lethani/lomzamo ngamunye owabelwe umkhakha ohilelekile, abenzi bezicelo (noma ama-holding noma ama-sister company abo nababambisene kuyi-JV) abahileleke ezimbonini ezingezona izimboni zokudoba abavunyelwe ukufaka leyo misebenzi ehlinzekiwe noma imiholo esetshenziwe kulolu hlu, futhi abenzi bezicelo abahileleke kweminye imikhakha yemboni yokudoba abavunyelwe ukufaka imisebenzi ehlinzekiwe noma imiholo esetshenziwe kuleyo mikhakha.

Abenzi bezicelo abahileleke ezimbonini ngaphandle kwemboni yokudoba kumelwe bafake (esijobelelweni) uhla (breakdown) lwemisebenzi ehlinzekiwe kanye nezimali zomholo ezisetshenziwe embonini yokudoba nakwezinye izimboni. Yimisebenzi ehlinzekiwe kuphela noma amanani asetshenzisiwe emiholweni embonini yokudoba angase acatshangelwe lapho kugcwaliswa ingxenye 8.1.1. Abenzi bezicelo abahileleke kweminye imikhakha yokudoba kumelwe bafake (esijobelelweni) uhla (breakdown) lwemisebenzi ehlinzekiwe kanye nezimali ezisetshenzisiwe emiholweni ngokwesisekelo somkhakha ngamunye. Yimisebenzi ehlinzekiwe kanye namanani emiholo esetshenziwe kulo mkhakha engase icatshangelwe lapho kugcwaliswa ingxenye 8.1.1. Njengoba kunzima ukunquma ngokuqondile isibalo esiqondile sezisebenzi kanye nemiholo esetshenziwe ngokwesisekelo somkhakha ngamunye, ukulinganisela kokuqagela noma ukuhlukanisa kuyoba okwanele, kuye ngokuthi isabelo esifanayo siyasetshenziswa kunoma yisiphi esinye isicelo esenziwa ngumenzi wesicelo.

Uma umenzi wesicelo ekuyi-Joint Venture ("JV") kanye nanye inkampani noma i-close corporation, (futhi abahilelekile bevuma ukuzethula ngale ndlela) noma uma uMenzi Wesicelo enengxenye engaphezu kuka-50% engeyinye inkampani noma i-close corporation (enqunywa ngendlela echazwe engxenyeni 6.7.1), khona-ke yonke eminye imisebenzi ehlinzekiwe noma izimali ezisetshenzisiwe emiholweni ngababambisene be-JV noma iqembu (okungukuthi, umenzi wesicelo, i-holding entity kanye nezinkampani ezibambisene (sister companies) ezihilelekile embonini yokudoba) ingase icatshangelwe, kuye ngokuthi izimiso ezifanayo ezivezwe ngenhla ziyasetshenziswa. Ngamanye amazwi, ama-JV namaqembu ahileleke kwezinye izimboni noma imikhakha yokudoba azikwazi ukufaka kulolu hlu imisebenzi ehlinzekiwe noma amanani ezimali asetshenzisiwe kwezinye izimboni. Yimisebenzi ehlinzekiwe kuphela noma amanani achithwe emiholweni emikhakheni ethintekayo yokudoba ye-JV noma iqembu engase icatshangelwe lapho kugcwaliswa ingxenye 8.1.1. Uma kufaneleka, uhlu (breakdown) lwemisebenzi ehlinzekiwe kanye nemiholo esetshenziwe embonini yokudoba izimboni noma uhlu (breakdown) lwemisebenzi ehlinzekiwe kanye nemiholo esetshenziwe emikhakheni ethintekayo noma eminye imikhakha kumelwe ihlinzekwe esijobelelweni. Ukulinganisela kokuqagela noma ukuhlukanisa kuyoba okwanele, kuye ngokuthi i-JV noma iqembu lisebenzisa isabelo esifanayo kunoma yisiphi isicelo sokunikwa amalungelo okudoba esifakwa ngumenzi wesicelo nanoma yiliphi elinye ilungu le-JV noma iqembu. Angeke umuntu

ashaye mpukumbili (double claiming of jobs) Ngamanye amazwi, isibalo semisebenzi esivezwe kuzo zonke izicelo ezenziwe ngamalungu e-JV noma iqembu ngeke sibe ngaphezu kwengqikithi yemisebenzi eyenziwe yi-JV noma iqembu.

8.1.2 no-8.1.3:

Lezi zingxenyane zidinga ukuba abenzi bezicelo bafake imininingwane ephathelene nemisebenzi ehlinzekiwe nemihlo ngethani ngalinye elabiwe ngokwesisekelo sokwaziswa okuhlinzekwe engxenyeni 8.1.1 ngenhla.

Isibonelo

Isabelo Sezizodotshwa Ngonyaka (ngamathani) kumenzi wesicelo kule ndawo yokudoba ngo-2004	I-Total Annual Salary Bill (magondana nale ndawo yokudoba) Ukuphela Konyaka Wezimali ka-2004 ngokwe-Table 8.1.1	Yimalini echithwa ngumenzi wesicelo emihloveni ngethani ngalinye elisetshenziwe?
5 000	R1 000 000	R200

Hlukanisa i-Total Annual Wage/Salaries Bill (1 000 000) nge-TAC Eyabiwe (5000) = R200 ngethani.

Isibonelo

I-TAC Eyabiwe ngo-2005 (ngamathani)	Inggikithi Yezisebenzi (magondana nale ndawo yokudoba) 28 Febhuwari 2005)	Bangaki abantu abaqashwe ngumenzi wesicelo ngethani ngalinye elabiwe?
5 000	1 000	0.2

Divide the total number of employees provided in this fishery (1000), by the TAC allocated to the applicant (5000) (1000/5000=0.2)

8.1.6 Phawula: Ungazigcwalisi izindawo ezigqanyisiwe futhi uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Uma kufaneleka, le ngxenye kumelwe iphendulwe ngokubhekisela ekwazisweni okuhlanganisiwe kwazo zonke izinkampani eqenjini noma i-Joint Venture.

INGXENYE 9: UTSHALO-MALI

9.1.1 no-9.1.2

Phawula: Ungazigcwalisi izindawo ezigqanyisiwe futhi uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Injongo yale ngxenye ukuthola ivalue yerandi yempahla esethekwini kanye nesolwandle yomenzi wesicelo emkhakheni okwenziwe isicelo sokudoba kuwo. Lokhu kuzosetshenziswa ukunquma inani lempahla esethekwini nasolwandle ngethani ngalinye lezinhlazi noma ngeyuniti ngalinye lomzamo owenziwe elabiwe emkhakheni ngamunye othintekayo (ezingxenyeni 9.1.3 no-9.1.4). Ukuze kunqunywe inani (value) lezipahla ngethani/ngeyuniti ngalinye lomzamo elabiwe emkhakheni othintekayo, abenzi bezicelo (noma izinkampani zabo ezingama-holding noma ezibambisene (sister companies) kanye nezingama-JV) abahilelekile ezimbonini ezingezona izimboni zokudoba izinhlanzi abanakuvunyelwa ukufaka ohlwini izimpahla ezisetshenziswe kwezinye izimboni.

Abenzi bezicelo abahileleke kwezinye izimboni ngaphandle kwemboni yokudoba kumelwe banikeze uhlu (breakdown) lwezimpahla ezisetshenziswe embonini yokudoba nakwezinye izimboni esijobelelweni esifanele (bakulethe kukodwa ngenjongo yamanani abhaliwe amukelekayo nawomshuwalensi). Yizimpahla ezisetshenziswe embonini yokudoba kuphela ezingase zicatshangelwe lapho kugcwaliswa izingxenyeni 9.1.1 no-9.1.2. Abenzi bezicelo abahilelekile kweminye imikhakha yokudoba kumelwe banikeze uhlu (breakdown) lwezimpahla ezisetshenziswe emkhakheni ngamunye esijobelelweni esifanele (bakulethe kukodwa ukuze kutholwe amanani abhaliwe nangenjongo yomshuwalensi). Yizimpahla ezisetshenziswe kulo mkhakha owenzelwe isicelo kuphela ezingase zicatshangelwe lapho kugcwaliswa izingxenyeni 9.1.1 no-9.1.2. Njengoba kunzima ukwaba izimpahla ngokunembile ngokuvumelana nomkhakha ngamunye, ukulinganisa kokuqagela noma ukuhlukanisa kokuqagela kuyoba okwanele, kuye ngokuthi isabelo esifanayo siyasetshenziswa kunoma yisiphi esinye isicelo selungelo lokudoba ngenjongo yezentengiselwano esenziwa ngumenzi wesicelo phakathi nenqubo yokwabiwa kwamalungelo esikhathi eside.

Uma umenzi wesicelo ehileleke kwezinye izinkampani ngohlobo lwe-Joint Venture ("JV"), noma uma umenzi wesicelo eno-50% ongowenye inkampani noma i-close corporation (kunqunywa njengoba kuboniswe engxenyeni 6.7.1 ngenhla), khona-ke zonke ezinye izimpahla ezisetshenziswa ababambisene kuyi-JV noma iqembu (okungukuthi umenzi wesicelo, i-holding company noma ama-sister company ahileleke embonini yokudoba) zingase zicatshangelwe, kuye ngokuthi izimiso ezifanayo ezihlelwe ngenhla ziyasetshenziswa. Ngamanye amazwi, ama-JV namaqembu ahilelekile kwezinye izimboni noma imikhakha yokudoba angase angazifaki ohlwini izimpahla eziye zasetshenziswa kwezinye izimboni. Yizimpahla ezisetshenziswe kulo mkhakha othintekayo we-JV noma iqembu elithintekayo kuphela ongase ucatshangelwe lapho kugcwaliswa izingxenyeni 9.1.1 no-9.1.2. Uma kungenzeka, uhlu olucatshangelwayo (breakdown) lwezimpahla eziye zasetshenziswa embonini yokudoba noma kwezinye izimboni noma uhlu lwezimpahla eziye zasetshenziswa emkhakheni othintekayo noma kweminye imikhakha kumelwe luhlinzekwe esijobelelweni esifanele (lulethwe lulodwa ukuze kutholwe amanani abhaliwe nangenjongo yomshuwalensi). Ukulinganisa kokuqagela noma

ukuhlukanisa okuthile kuyoba okwanele, kuye ngokuthi i-JV noma iqembu lisebenzisa isabelo esifanayo yini kunoma yisiphi esinye isicelo sokunikwa amalungelo okudoba ngenjongo yezentengiselwano esifakwa ngumenzi wesicelo, ilungu leqembu noma i-JV. Angeke umuntu ashaye-mpukumbili (double claiming of jobs) Ngamanye amazwi, isibalo semisebenzi esivezwe kuzo zonke izicelo ezenziwe ngamalungu e-JV noma iqembu ngeke sibe ngaphezu kwengqikithi yezimpahla ezisetshenziswe ngamalungu e-JV noma iqembu embonini yokudoba.

9.1.3:

Lo mbuzo udinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa mayelana nenani lotshalo-mali ngethani/ngeyunithi ngalinye lomzamo elabiwe. Kumelwe kusetshenziswe ukwaziswa okuhlinzekwe engxenyeni 9.1.1.

Isibonelo

Inkampani X yabelwa amathani angu-5000 e-TAC. Inani lezipahla zayo ezisethekwini nasolwandle ngasekupheleni konyaka wezimali ka-2004 emkhakheni ohilelekile kwakungu-R5 000 000. Inani lezipahla ezisemhlabeni kwakungu-R 4000 000. Inani lezipahla ezisethekwini nasolwandle ngethani ngalinye elabelwe libalwa ngale ndlela elandelayo:

Isabelo Sezizodotshwa Ngonyaka (ngamathani) kumenzi wesicelo ngo-2004	Isilinganiso Sokubhaliwe [book value] (ngamarandi) sezimpahla ezisethekwini nasolwandle ngasekupheleni konyaka wezimali ka-2004	Isilinganiso Sokubhaliwe [book value] (ngamarandi) sezimpahla ezisemhlabeni ngasekupheleni konyaka ka-2004	Isilinganiso Sokubhaliwe Kwezimpahla Ezisethekwini nasolwandle ngethani ngalinye elabelwe umenzi wesicelo	Isilinganiso Sokubhaliwe Kwezimpahla Ezisemhlabeni ngethani ngalinye elabelwe umenzi wesicelo
5 000	R5,000,000.00	R4,000,000	R1,000.00	R800.00
Divide the value of harbour and sea based assets (5 000 000) by the TAC allocated to the applicant in 2004 (5000) $5\,000\,000/5\,000=R1\,000$		Divide the total value of land based assets (4 000 000) by the TAC allocated to the applicant in 2004 (5000) $4\,000\,000/5\,000=R800$		

INGXENYE 10: UKUTHUTHUKISWA KOMNOTHO WENDAWO

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuphathelene nokwehliswa ezweni kwezinhlanzi ezidotshiwe emathekwini/ezindaweni zokuthulula izinhlanzi (ngokuqondene nale ndawo yokudoba) ngo-2004, kanye nezinhloso mayelana nokwehliswa kwezinhlanzi ezidotshiwe. Sebenzisa amathani ezinombolo (hhayi isisindo ngemva kokuba izinhlanzi sezijumpulwe amakhanda futhi zakhishwa izibilini nokunye).

10.1:

Lo mbuzo udinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuningiliziwe mayelana namatheku lapho ehlise khona izinhlanzi azidobile ngo-2004.

Isibonelo

Inkampani X yehlisa izinhlanzi emathekwini ahlukahlukene. Kumathani angu-20 ewabelwe, yehlisa amathani angu-5 eMossel Bay, angu-10 ePort Elizabeth nangu-5 eKapa.

Ukubala kumelwe kwenziwe ngale ndlela elandelayo:

Itheku / Igama lendawo Yokwehlisa	Amathani Ehliswe Ethekwini ngo-2004	Isilinganiso seRandi Ngezinhlanzi Ezidotshiwe Ezehliswe Ethekwini ngo-2004	Iphesenti lengqikithi Yezidotshiwe Ezehliswe ngo-2004
I-Mossel Bay	5	R100,000	25 %
I-Port Elizabeth	10	R100,000	50 %
IKapa	5	R150,000	25 %

Divide the catch (in this fishery) landed at each harbour by the total catch landed by the applicant and multiply by 100 to calculate this percentage $(5/20 \times 100=25\%)$

INGXENYE 11: UKWENEZELA I-VALUE KANYE NOKUTHUTHUKISWA KWAMABHIZINISI

Le ngxenye idinga ukuba abenzi bezicelo bahlinzeke ngokwaziswa mayelana nemisebenzi yokwenezelwa kwenani (value adding) kanye nokuthuthukiswa kwamabhizinisi esiyenziwe ngumenzi wesicelo. Ukwenezela inani (value adding) kuhlukanisa nokusebenza izinhlanzi esikebheni

Ukuthuthukiswa kwamabhizinisi kungase kuhlukahluke kuhlukanisa nokutshala izimali ngokuqondile kuma-SMME Abanikazi Abampisholo kanye Nafukulwayo (ibhizinisi elincane, eliphakathini nendawo nomai-micro enterprise); ama-joint venture anama-SMME Angawabampisholo Nafukulwayo okuphumela ekudlulisweni kwamakhono "okukhulu"; ukuhlinzekwa kokuqeqesha eduze, ubuhlobo bezamabhizinisi nokuxhumana kamuva okuvula amathuba ebhizinisi kule zinkampani; ukubamba amathuba

okusebenzelana neziNkampani Zabomdabu nama-SMEE Afukula Abomdabu okuphumela ezinzuzweni ezingokwezimali zalawo ma-SMME.

"Ama-SMME Ayizinkampani Zabampisholo" asho amabhizinisi amancane, aphakathi nendawo noma angama-micro (anezisebenzi ezingaphansi kuka-100 eziqashwe ngokuphelele futhi akha inzuzo engaphansi kuka-R 4 million futhi anenani lezimpahla elingaphansi kuka-R 4 million zizonke, ingahlanganisiwe impahla engaguquki) enobunikazi babomdabu obungaphezu kuka-50% (uma inkampani ibale njengoba kuhlelwe engxenyeni 6.7.1 ngenhla futhi uma kuyi-close corporation, ibalwa kubhekiselwa enzuzweni yemali yamalungu) futhi ubuphathi babampisholo bungaphezu kuka-50% (abaqondisi nabaphathi abakhulu / izikhulu eziphethe, okunqunywa ngokubheka izigaba zokuqashwa ezihlelwe engxenyeni 6.5 ngenhla).

"Ama-SMME Ayizinkampani Zabampisholo" asho amabhizinisi amancane, aphakathi nendawo, angama-micro (anezisebenzi ezingaphansi kuka-100 eziqashwe ngokuphelele futhi akha inzuzo engaphansi kuka-R 4 million futhi anenani lezimpahla elingaphansi kuka-R 4 million zizonke, ingahlanganisiwe impahla engaguquki) enobunikazi babomdabu obungaphezu kuka-25% (uma inkampani ibale njengoba kuhlelwe engxenyeni 6.7.1 ngenhla futhi uma kuyi-close corporation, ibalwa kubhekiselwa enzuzweni yemali yamalungu) futhi ubuphathi babampisholo bungaphezu kuka-50% (abaqondisi nabaphathi abakhulu / izikhulu eziphethe, okunqunywa ngokubheka izigaba zokuqashwa ezihlelwe engxenyeni 6.5 ngenhla).

INGXENYE 12: UKUSEBENZA NGOKWEZIMALI

12.1 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Kumelwe kusetshenziswe isimiso esifanayo esichazwe ezingxenyeni 8.1.1 no-9.1.1. Injongo yale ngxenye ukuthola ukuthi umenzi wesicelo uyokwenza malini emkhakheni awenzele isicelo. Abenzi bezicelo abahileleke kwezinye izimboni ngaphandle kwemboni yokudoba bangase bayicabangele inzuzo yemali abayenze ezimbonini ezinjalo. Ikakhulu labo benzi bezicelo abahileleke kwezinye izimboni ngaphandle kwezokudoba kumelwe bahlinzeke ngezinzuzo zezimali abazenze ezimbonini zokudoba nakwezinye izimboni esijobelelweni. Yizinzuzo ezenziwe emkhakheni wemboni yokudoba ethintekayo kuphela ezingase zicatshangelwe lapho kugcwaliswa uhla lwesibili lwengxenyeni 12.2. Abenzi bezicelo abahileleke kweminye imikhakha yokudoba kumelwe bahlinzeke ngohlu oluyela ngakhona lwezinzuzo ngomkhakha ngamunye esijobelelweni. Yizinzuzo ezenziwe emkhakheni wemboni yokudoba ethintekayo kuphela ezingase zicatshangelwe lapho kugcwaliswa uhla lwesibili lwengxenyeni 12.2. Njengoba kunzima ukuhlukanisa ngokunembile inzuzo yemali emkhakheni wemboni ngayinye, ukulinganisela kokuqagela okuqotho noma ukuhlukanisa kuyoba okwanele, kuye ngokuthi isabelo esifanayo siyasetshenziswa kunoma isiphi esinye isicelo esenziwa ngumenzi wesicelo. Ngamanye amazwi, lolu uhla lwezibalo ezifanayo kumelwe luhlinzekwe ngumenzi wesicelo ezicelweni zamalungelo okudoba ngenjongo yezentengiselwano nakweminye imikhakha.

Uma umenzi wesicelo ehileleke kwezinye izinkampani ngohlobo lwe-Joint Venture ("JV"), noma uma umenzi wesicelo eno-50% ongowenye inkampani noma i-close corporation (kunqunywa njengoba kuboniswe engxenyeni 6.7.1 ngenhla), khona-ke yonke inzuzo eyenziwe yi-JV noma iqembu (okungukuthi umenzi wesicelo, i-holding company noma ama-sister company ahileleke embonini yokudoba) zingase zicatshangelwe, kuye ngokuthi izimiso ezifanayo ezihlelwe ngenhla ziyasetshenziswa. Ngamanye amazwi, ama-JV namaqembu ahilelekile kwezinye izimboni noma imikhakha yokudoba angase angayifaki ohlwini inzuzo eye yasetshenziswa kweminye imikhakha. Yinzuzo kuphela eyenziwe yi-JV noma iqembu emkhakheni othintekayo engase icatshangelwe. Uma kufaneleka, uhla (breakdown) lwenzuzo efanayo eyenziwe embonini yokudoba nakwezinye izimboni noma uhla lwenzuzo eyenziwe komunye umkhakha ohilelekile nakweminye imikhakha kumelwe luhlinzekwe esijobelelweni esifanelekile. Ukulinganisela kokuqagela noma ukuhlukanisa okuthile kuyoba okwanele, kuye ngokuthi i-JV noma iqembu libenzisa isabelo esifanayo yini kunoma yisiphi esinye isicelo sokunikwa amalungelo okudoba ngenjongo yezentengiselwano esifakwa ngumenzi wesicelo, ilungu leqembu noma i-JV. Angeke umuntu ashaye mpukumbili (double claiming of jobs) Ngamanye amazwi, inzuzo efakwe kuzo zonke izicelo ezenziwe ngamalungu e-JV noma eqembu ngeke sibe ngaphezu kwengqikithi iyonke yenzuzo eyenziwe ngamalungu e-JV noma iqembu embonini yokudoba. **Izitatimende zezezimali zawo wonke amalungu e-JV noma iqembu kumelwe zihlinzekwe esijobelelweni esihlinzekelwe lokho.**

12.2 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Umenzi wesicelo kulindeleke ukuba acacise amaphesenti enzuzo yayo ephelele ethathwe endaweni yokudoba ayifakele isicelo. Ohleni lwesibili umenzi wesicelo kumelwe afake inani elitholakale engxenyeni 12.1 ngenhla. Ohleni lwesithathu, umenzi wesicelo kumelwe asebenzise inzuzo ephelele yomenzi wesicelo (noma, uma kufaneleka, iqembu noma i-JV) kuhlangukise nenzuzo eyenziwe kwenye imboni engeyona eyokudoba, ukuze kutholakale amaphesenti.

Isibonelo

Inkampani X yabelwa amalungelo okudoba esikhathi esijana ukuze idobe iRock Lobster Esogwini Olusentshonalanga (Ngaphandle Kogu) kanye ne-Long Line. Yabelwa i-TAC yamathani angu-65 ye-Hake long line kanye namathani angu-5 e-WCRL (Ngaphandle Kogu) ngo-2004. Inzuzo isiyonke yenkampani X (yazo zombili izindawo zokudoba) ngonyaka wezimali ka-2004 yayingu-R 1 000 000.

Inzuzo isiyonke eyenziwe nge-Hake Long line ngonyaka wezimali ka-2004 yayingu-R65 000. Inzuzo isiyonke ye-WCRL (Ngaphandle Kogu) yayingu-R35 000. Lapho enza isicelo se-Hake Long line right, ithebula lomenzi wesicelo lizoveza lokhu okulandelayo:

I-TAC eyabiwe (ngamathani) kuMenzi Wesicelo ngo-2004	Inzuzo Eyenziwe nge-TAC eyabiwe (unyaka wezimali ka-2004)	Amaphesenti Engqikithi Yenzuzo
65	R65,000	65%

Divide turnover of this fishery by total turnover of the applicant and multiply by 100 to determine the percentage value: $65\,000 / 100\,000 \times 100 = 65\%$

12.4, 12.5 no-12.6

Le mibuzo idinga ukuba umenzi wesicelo anikeze ukwaziswa ezitatimendeni zayo ezibaliwe nezifakazelwe ukuthi ziyiqiniso. Uma kufaneleka, ukwaziswa okuhlanganisiwe kweqembu (umenzi wesicelo ama-holding company nama-sister company ahilelekile embonini yokudoba) noma ababambisene kuyi-JV (abahilelekile) kumelwe kuhlinzekwe.

INGXENYE 13 UHLELO LOKUDOBA

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa okumayelana nohlelo lwakhe lokudoba.

INGXENYE 14: EZIDOTSHWE NGEPUHUTHA (BY-CATCHES) KANYE ENEMIKHUBA EMIHLE YOKUSIMAMISA IMVELO

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngokwaziwa mayelana nezinhlanzi nezinyoni zasolwandle nokunye okudobeka ngephutha nokungamelwe kudotshwe kanye nemikhuba emihle yokusimamisa imvelo.

INGXENYE 15: AMA-LEVY

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa ngezintela nezinye izimali ezidinga ukukhokhwa (levies) phakathi nenkathi yokudoba ethatha isikhathi esijana (medium term).

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