

WEB. J. WENTZEL
10 F... R ROAD
IL OVO... LEVARD
JOHANNESBURG 2156



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REPUBLIC OF SOUTH AFRICA
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PART 1 OF 2



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GENERAL NOTICE

Environmental Affairs and Tourism, Department of

General Notice

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GENERAL NOTICE

NOTICE 1147 OF 2005

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

INVITATION TO APPLY FOR RIGHTS TO UNDERTAKE COMMERCIAL FISHING OF HAKE HANDLINE AND WEST COAST ROCK LOBSTER (NEARSHORE), IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT 18 OF 1998

Applications are invited for rights to undertake commercial fishing in the following (Cluster C) sectors:

1. Hake Handline
2. West Coast Rock Lobster (Nearshore)

Commercial fishing rights in the Cluster C sectors will be allocated by delegated authorities in terms of section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998). The following schedules are also published herewith:

1. Schedule A: the Fishery Specific Policies for Hake Handline and West Coast Rock Lobster (Nearshore) in English, Afrikaans, isiXhosa and isiZulu.
2. Schedule B: the final specimen Application Forms for each of the Cluster C fisheries listed above.
3. Schedule C: the Explanatory notes to the Application Forms in English, Afrikaans, isiXhosa and isiZulu.
5. Schedule D the final schedule of fees determined by the Minister in consultation with the Minister of Finance in terms of section 25(2) and section 25(1) of the Marine Living Resources Act. The schedule of fees published in Schedule E hereby repeal the provisions of clause 1(a) (i), (iv), (v), (vi), (viii) and (ix) of GN 26750 of 31 August 2004.

The application form distribution process for Cluster C will commence on Monday 25 July 2005. Application forms will be distributed at the following distribution venues, which will be open between 08h30 and 16h30 from Monday 25 July 2005 to Friday 29 July 2005.

Port Nolloth Venue: Port Nolloth Library Hall Address: Cnr Robson and Roland Street	Hondeklipbaai Venue: Hondeklipbaai Community Hall Address: Dolphin Street	Doring Bay Venue: Doring Bay Community Hall (Hawe) Address: Kerk Street	Lamberts Bay Venue: Community Hall Address: Burell Street
Elands Bay Venue: Negelbrecht School Hall Address: Elands Bay Street	Saldanha Bay Venue: Tabakbaai Holiday Resort Hall Address: Saldanha Bay Municipality	Cape Town Venue: Woodstock Town Hall Address: Between Aberdeen and Plein Street	Hermanus Venue: Zwelihle Recreational Centre Address: Plot 88, Lusiba Street
Arniston Venue: Community Hall Address: Off Kemp Street (to gravel road)	Mossel Bay Venue: JS Langenhoven Library Address: Myixhale Street Kwa-Nongqaba Location	Plettenberg Bay Venue: New Horizons Hall Address: Geelhout Street	Jeffrey's Bay Venue: Caravan Park Hall Address: Cnr Hoekervantone & Harde Streets
Port Elizabeth Venue: Helenvale Resource Centre Address: Baatjies Street, Helenvale	East London Venue: Cosmics View Hall Address: Buffalo Park Drive	Port St Johns Venue: Port St Johns Town Hall Address: 257 Main Street	Durban Venue: KZN Wildlife Offices Address: 3 Elton Place, Congella

Applicants may obtain further information regarding the process in the manner set out in the policies and the application forms and at www.mcm-deat.gov.za. Applications for Cluster C must be submitted on 18 August 2005 (between 08h00-19h00) or 19 August 2005 (between 08h00-17h00) at the places and venues specified in the application forms.

SCHEDULE A

FISHERY SPECIFIC POLICIES



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF
COMMERCIAL FISHING RIGHTS IN THE
HAKE HANDLINE FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE
ALLOCATION AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING
RIGHTS: 2005 (available at www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of commercial fishing rights in the hake handline fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This policy must be read with the General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial hake handline fishing rights. Many of these considerations are not new. They have been applied by the Minister and delegated authorities of the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to some extent this policy documents these considerations.

Certain post-rights allocation management policies are also presented in this policy. A Hake Handline Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery. In particular, the Department intends to manage this fishery on a regional basis subsequent to the allocation of long-term commercial fishing rights.

The Minister intends to delegate the section 18 power to allocate hake handline commercial fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department. The policy documents will guide the delegated authority in taking decisions on applications in this fishery.

2. Sector profile

The hake handline fishery developed along the southern Cape coast where, in the late 1980's, traditional linefishers began targeting hake as demand for prime quality ("PQ") hake increased on the international market.

Originally, hake handline fishers used deck boats that were capable of fishing overnight. As the fishery grew, some fishers started using skiboats, which can stay out at sea overnight, and can be winched up onto a trailer and be driven to areas closest to where the hakes are located. The deck boats were harbour bound. The introduction of skiboats significantly increased effort in the hake handline fishery, particularly as use of these vessels allows hake handliners to follow the hake along the South African coastline.

During the 1980s and 1990s the fishery was not properly regulated or managed. The lack of a regulatory framework, coupled with increased demand for PQ hake in the late 1990's, resulted in a number of persons,

including recreational and commercial fishers operating in other fisheries, entering this fishery to take advantage of the high prices and catches rapidly escalated. During the late 1980s hake handline catches were estimated to be approximately 150 tons. By the 1990's this had increased to between 1 100 tons and 1 400 tons annually. By the year 2000, approximately 5000 tons were landed with catches peaking at an estimated 7300 tons in 2001.

In December 2000, the Minister announced a biological emergency in the traditional linefish fishery. The Minister also decided to split the management of the handline fisheries into three separate fisheries – the tuna pole, the hake handline and the traditional linefish fisheries. In that year, the Minister set a total applied effort ("TAE") for the fishery for the first time in the hake handline fishery. The TAE limited the number of crew and vessels that could target hake using a handline to 130 vessels and 785 crew. In addition, a precautionary maximum catch limit ("PMCL") of 5500 tons is set aside under the global hake total allowable catch.

The Department manages the hake longline fishery as part of a "hake" collective. In terms of the MLRA, a "global" total allowable catch ("TAC") for hake is set annually by the Minister. The hake handline and longline fisheries share 10 percent of the global TAC. The hake deep sea trawl fishery is allocated 83 percent of the TAC and the balance is allocated to the hake inshore trawl fishery. Until 2004, 1 000 tons was set aside for foreign fishing. This allocation will be discontinued.

The hake handline fishery operates out of small fishing harbours and slipways along the southern Cape and Eastern Cape coasts, as far north as Port Alfred. The handline fishery, like the hake long line fishery, lands PQ hake for export to Europe. The fishery operates in inshore waters targeting shallow water hake, *Merluccius capensis*.

Hake stocks are currently managed in terms of a recovery strategy and the TAC for hake has been reduced each year since 2003. Current catch rates of shallow water hake are unsustainable.

3. The medium-term rights allocation process

In 2003, 86 commercial hake handline fishing rights were allocated. The rights authorised 86 vessels and more than 700 crew to target hake using the handline method. This was the first time that commercial fishing rights were allocated in this fishery and the first time that the hake handline fishery was subjected to comprehensive regulation.

The objective of the medium-term allocation process was to allocate commercial hake handline fishing rights to fishers who are reliant on the fishery for their livelihoods. Every effort was made to exclude recreational or part-time fishers and those who derived income from other fisheries, or who were employed in other sectors of the economy.

Of the rights allocated, 26 percent were allocated to black persons. Approximately 25 percent of the skippers in this fishery are black, while 76 percent of crew are black.

Most of the right-holders are individuals. Legal entities, such as close corporations and companies, make up a small percentage of the right-holders. All the right-holders in the fishery could be described as small- and medium-sized enterprises ("SMEs").

4. Over-arching sectoral objectives

The over-arching objectives of allocating long-term fishing rights in this fishery are to:

- Notably improve the transformation profile of the hake handline fishery;
- Allocate commercial fishing rights to fishers who are dependant on the hake handline resource for their main source of income;
- Endeavour to allocate a fair proportion of rights to applicants based at fishing harbours that are historically associated with hake handline catches;
- Support the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

5. Duration of rights

Having regard to the transformation profile of the fishery, commercial rights will be allocated for a period of eight years (1 January 2006 to 31 December 2013). The Department will regularly evaluate right holders against predetermined performance criteria (see paragraph 12 below).

6. New entrants

The hake handline fishery is currently over-subscribed. There are many more handline fishers than the resource is able to sustain. However, the poor transformation profile of this fishery, coupled with the fact that many hake

handline fishers, particularly black skippers, did not apply for commercial rights in 2001, means that rights may be allocated to new entrant applicants rather than to medium term right holders.

7. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*". Right-holder applicants and new entrant applicants will then be separately assessed in terms of a set of weighted "*comparative balancing criteria*". A cut-off score or rank will then be determined to select the successful applicants.

7.1 Exclusionary criteria

Apart from the criteria described in the General policy pertaining to the lodgement of applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Commercial fishing rights in the hake handline sector will only be granted to entities incorporated in terms of the Close Corporations Act of 1984 and natural persons (i.e. sole proprietors or individuals). Trusts and companies will not be granted rights. Right holders that are currently holding rights in the form of companies or trusts must apply in the form of a natural person or close corporation and will be treated as medium term right holder applicants provided that they comply with the guidelines set out in the General Policy
- (b) **Compliance:** If an applicant or its members has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, the applicant will not be allocated a hake handline fishing right. This does not include the payment of an admission of guilt fine. Rights will also not be allocated to an applicant if the applicant or its members has had any fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA. If a medium term right was held by a company, a right will also not be allocated to the successor if a director or controlling shareholder has been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, or had any fishing right cancelled or revoked in terms of the MLRA, or

assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA.

Decisions may be reserved on applications if there is a pending criminal investigation, or section 28 proceedings, which may affect the outcome the application.

- (c) **Paper quotas:** Paper quotas as defined in the General policy will be excluded. Large groups of identical or very similar applications that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts (paper quotas), regardless of the merits of individual applications.

A household (comprising parents and children) may not be granted more than one right so as to avoid fronting and to broaden access to the hake handline resource.

- (d) **Non-utilisation:** The delegated authority may refuse to re-allocate a right if a right holder applicant failed to fully utilise a medium-term right. The delegated authority may also refuse to allocate a right to an applicant who was a member of a close corporation or a director or shareholder of a company that held a medium term right and that failed to fully utilise the right.
- (e) **Personal involvement in harvesting of the resource:** Applicants will have to demonstrate that they (or a member of the close corporation) are involved on a full-time basis in the hake handline fishery in the sense that they are active fishers and participate in the operation of the hake handline business. Only applicants incapable of participating due to a permanent physical disability will be exempt from this requirement. Women applicants will not be exempt from having to participate on board.
- (f) **Vessel access:** Applicants will be required to demonstrate a right of access to a suitable vessel (*see paragraph 8 below*).
- (g) **SAMSA Health Certificate:** Applicants must provide proof that the South African Maritime Safety Authority ("SAMSA") considers them (or a member of the close corporation) to be medically fit to go out to sea.

7.2 Balancing criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria, which will be weighted in order to assess the strength of each application:

(a) Transformation

The medium term rights allocation records suggest that this fishery is comparatively less transformed than other fisheries. Black applicants will be positively scored. In the case of close corporations, the percentage black ownership will be assessed. In addition, applicants will also be assessed on:

- The percentage black and women representation at management levels (particularly with regard to skippers) and the percentage black and women employees;
- Whether the applicant complies with skills development laws and whether the applicant has invested in the training and development of crew and black crew, in particular;
- Whether the applicant regularly shared profits with crew and black crew, in particular;
- Affirmative procurement;
- Compliance with the Employment Equity Act 55 of 1998; and
- Corporate social investment.

(b) Investment in the fishery

Applicants will be evaluated having regard to investments made.

Right-holder applicants will be assessed as follows:

- Investment in vessels will be recognised, as long as the investment demonstrates a real commitment to participate in the sector. Shareholding in vessels obtained at minimum or no cost to the applicant will not be recognised as investment. Right-

holder applicants will not be rewarded for having concluded charter agreements or catching or purchasing agreements.

- Investment in marketing initiatives will be considered. The delegated authority will have regard to whether the applicant is capable of marketing hake.

As far as new entrant applicants are concerned, the delegated authority will consider investments made in other sectors in the form of vessels and fixed assets. In addition, new entrant applicants will have to show whether they have access to hake handline markets.

(c) Fishing performance

Right-holder applicants will be assessed by having regard to their performance in the hake handline fishery during the medium-term rights allocation process. In particular, right-holder applicants that targeted traditional linefish stocks in preference to hake will be penalised.

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skills to participate in the hake handline fishery.

(d) Jobs

Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the medium-term period, will be rewarded.

(e) Local economic development

Investment in a number of South Africa's smaller coastal towns is required for economic growth. The delegated authority will positively score those applicants that elect to land their catches in the harbours along the Cape south coast and the Eastern Cape coast which have historically been associated with hake handline fishing.

(f) Historical involvement

Right-holder applicants and potential new entrants will be rewarded for historical involvement in the fishing industry. An example of historical involvement would be a skipper or a crewmember

who has worked in the handline fishery in the past.

(g) Reliance on the resource

The delegated authority should positively score applicants who rely on hake handline fishing for a significant proportion of their gross annual income. Applicants or their members who derive income from sources outside of the fishing industry may be negatively scored. Potential new entrants will be required to demonstrate their historical dependency on the hake handline fishery for their livelihood.

(h) Compliance

Minor infringements of the MLRA, the Regulations and permit conditions will be negatively scored.

7.3 Empowerment of hake handline fishers

The Department will require all fishing crew who are intending to work on hake handline boats to register with the Department on the Crew Register. Hake handline right holders will be required to select their crew members from amongst those who are listed on the Crew Register. The Department will only register persons on the Crew Register if they have successfully undertaken a SAMSA safety training course, demonstrate a reliance on hake handline fishing and are able to demonstrate some form of historical involvement in hake handline fishing.

Crew will be registered free of charge and the registration process will commence in the last quarter of 2005. Registered crew may only fish from vessels authorised to catch hake handline. This does not mean that persons registered on the Crew List may not crew on vessels in other fisheries.

7.4 Effort allocations

The Department will allocate one vessel to each successful applicant and the number of crew as determined by the South African Maritime Authority ("SAMSA") to be safe for that vessel.

Further, although this fishery is managed in terms of a TAE (130 vessels and 785 crew), a precautionary maximum TAC of 5 500 tons is also used to manage this fishery. Records reveal that over the duration of the medium-term period, this precautionary maximum catch limit was never reached. Accordingly in the future more fishing rights may be allocated, provided that once the fishery lands 5 500 tons, all hake handline fishing will be halted for that season.

8. Suitable vessels

A suitable vessel in the hake handline fishery is a vessel that:

- has a minimum SAMSA registered length of approximately 5 metres and a maximum SAMSA registered length of approximately 12 metres. Essentially, the delegated authority will allocate rights to skiboats and deck boats;
- has a functioning vessel monitoring system; and
- is certified as being HACCP ("Hazard Analysis and Critical Control Point") compliant.

9. Multi-sector involvement

If the applicant is a close corporation, the applicant will not be allocated a hake handline right if the applicant was allocated a commercial fishing right in any Cluster A or B fishery. If the applicant is a natural person, the applicant will not be allocated a hake handline right if the applicant is a member of a close corporation, or a director or the controlling shareholder of a company that was allocated a commercial fishing right in any Cluster A or B fishery. Further, right holders (including their members, where applicable) in the hake handline fishery may not hold a right in any Cluster C or Cluster D fishery, other than traditional line fish. In instances where the holding of multiple rights is not allowed applicants should indicate their preference.

10. Application fees and levies

The application fee for this fishery will be determined having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 1 January 2006 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

11. Management measures

The management measures discussed below reflect a number of the Department's principal post-right allocation management intentions for this fishery.

11.1 Ecosystem approach to fisheries management

This fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is a holistic and integrated policy which recognises that fishing and associated land-based activities impact on the broader marine environment. The EAF will be detailed further in the Hake Handline Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

11.2 Management on a regional basis

The Department intends changing the management strategy of this fishery subsequent to the allocation of long-term fishing rights. It is the Department's intention to manage this fishery on a regional basis, restricting the movement of vessels within specific regions.

11.3 Access to traditional linefish stocks

Hake handline fishers will not be permitted to fish for traditional linefish stocks such as kob (*Argyrosomus* spp.) and other over-exploited or collapsed line fish stocks. Hake handline fishers will, however, be allowed to target snoek should it become available.

12. Performance measuring

The Department will institute a number of formal performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the first performance measuring exercise will take place after a year, and thereafter every three years.

Although the Department will finalise the precise criteria against which right-holders will be measured after the allocation of commercial fishing rights, and after consulting with right-holders, the following broad performance-related criteria may be used:

- transformation;
- investment in vessels, marketing and gear;
- compliance with applicable laws and regulations.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

13. Observer and monitoring programme

The Department's current monitoring programme will be expanded to this fishery. Right-holders will be required to bear the costs of the observer and monitoring programmes.

14. Provisional lists

Before the delegated authority makes final decisions on the successful applicants, he or she should issue a provisional list of successful applicants. The provisional list will be circulated to each fishing area. Interested and affected parties in these areas may then be invited to comment on the list and, in particular, inform the delegated authority if any persons who historically fished for hake handline have been excluded from the provisional list or whether any person included on the provisional list is not reliant on the hake handline resource.

15. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



**DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME
TAK MARIENE EN KUSBESTUUR**

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE
VISVANGREGTE IN DIE STOKVISHANDLYN VISSERY : 2005**

**HIERDIE BELEID MOET SAAM GELEES WORD MET DIE VAN DIE ALGEMENE
BELEID OOR 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 stokvis handlyn vissery en word uitgereik deur die Minister van Omgewingsake en Toerisme (die "Minister"). Hierdie beleid moet saam gelees 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 stokvis handlyn 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") toegepas 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 Stokvis handlyn vissery sal na oorleg 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. In besonder, is die Departement van voorneme om hierdie vissery op 'n streeksbasis te bestuur na die toekenning van langtermyn kommersiële visvangregte.

Die Minister is voornemens om die artikel 18-magte om kommersiële visvangregte in die stokvis handlyn vissery toe te ken, 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. Sektorale profiel

Die stokvis handlyn vissery het langs die Kaap se suidelike kus ontwikkel, waar gedurende die laat 1980s tradisionele lynvissers stokvis begin teiken het namate aanvraag vir prima gehalte ("PG") stokvis op die internasionale mark toegeneem het.

Oorspronklik het handlynvissers dekbote gebruik wat in staat was om oornag te vis te vang. Namate die vissery gegroei het, het sommige vissers skibote begin gebruik, wat oornag op die see kan bly, en wat op 'n sleepwa gehys kan word en na gebiede gesleep kan word naaste aan die ligging van die stokvis. Die dekbote was hawe-

gebonde. Die inbring van skibote het vangspogingsin die stokvis handlyn vissery aansienlik vermeerder, veral omdat gebruik van hierdie vaartuie stokvishandlynvisserers in staat stel om die stokvis langs die Suid-Afrikaanse kuslyn te volg.

Gedurende die 1980s en 1990s was die vissery nie behoorlik gereguleer of bestuur nie. Die gebrek aan 'n regulatoriese raamwerk, gekoppel aan 'n verhoogde vraag na PG stokvis in die laat 1990s, het daartoe gelei dat 'n aantal persone, insluitende ontspannings- en kommersiële vissers wat in ander visserye werksaam was, hierdie vissery betree het om voordeel te trek uit die hoë pryse en vangste het vinnig toegeneem. Gedurende die laat 1980s is stokvis handlyn vangste geskat om ongeveer 150 ton te wees. Teen die 1990s het dit verhoog tot tussen 1 100 ton en 1 400 ton per jaar. Teen die jaar 2000 is ongeveer 5000 ton geland met vangste wat 'n toppunt bereik het van 'n geskatte 7 300 ton in 2001.

In Desember 2000 het die Minister 'n biologiese noodtoestand in die tradisionele lynvis vissery aangekondig. Die Minister het ook besluit om die bestuur van die handlynvissery in drie aparte visserye te verdeel – tuna-paal, die stokvis handlyn en die tradisionele lynvis vissery. In daardie jaar het die Minister ook 'n Totale Ontplooid Vangspoging ("TOV") vir die eerste keer in die stokvis handlyn vissery gestel. Die TOV het die aantal bemanning en vaartuie wat stokvis kon teiken deur middel van 'n handlyn, tot 130 vaartuie en 785 bemanning beperk. Verder is 'n voorkomende maksimum vangspoging ("VMVP") van 5500 ton opgesit onder die globale totale toelaatbare vangs van stokvis.

Die Departement bestuur die stokvis langlyn vissery as deel van 'n "stokvis-kollektief". In terme van die WLMH word 'n globale totale toelaatbare vangs (TTV) vir stokvis jaarliks deur die Minister. Die stokvis handlyn en langlyn visserye deel 10 persent van die globale TTV. Daar word 83 persent van die TTV toegeken aan die diepsee stokvisreilvangs vissery word en die balans word toegeken aan die stokvis kustreilvangs vissery. Tot 2004 is 1 000 ton opgesit vir buitelandse vissers. Hierdie toekenning sal gestaak word.

Die stokvis handlyn vissery is werksaam vanaf klein visserhawens en sleephellings langs die Suid-Kaapse en Oos-Kaapse kus, so ver noord as Port Alfred. Die handlyn vissery, soos die stokvis langlyn vissery, land PG stokvis vir uitvoer na Europa. Die vissery is werksaam in aanlandige waters waar vlakwater-stokvis, *Merluccius capensis*, geteiken word.

Stokvisvoorraad word tans ingevolge 'n herwinningstrategie bestuur en die TTV vir stokvis is elke jaar verminder sedert 2003. Huidige vangkoerse van vlakwater-stokvis is nie volhoubaar nie.

3. Die proses van medium-termyn regte-toekenning

In 2003 is 86 kommersiële stokvis handlyn visvangregte toegeken. Die regte het 86 vaartuie en meer as 700 bemanning gemagtig om stokvis te teiken met die gebruik van die handlynmetode. Dit was die eerste keer dat kommersiële visvangregte in hierdie vissery toegeken is en die eerste keer dat die stokvis handlyn vissery onderhewig was aan omvattende regulering.

Die doel van die medium-termyn toekennings proses was om kommersiële stokvishandlyn visvangregte aan vissers toe te ken wat van die vissery afhanklik is vir hulle bestaan. Elke moontlike poging is aangewend om ontspannings- of deeltydse vissers en diegene wat inkomste uit ander visserye verkry of wat in ander sektore van die ekonomie werksaam is, uit te sluit.

Uit die regte toegeken is 26 persent aan swart persone toegeken. Ongeveer 25 persent van die kapteins in hierdie vissery is swart terwyl 76 persent van die bemanning swart is.

Die meeste regtehouers is individue. Juridiese entiteite soos beslote korporasies en maatskappye vorm 'n klein persentasie van die regtehouers. Al die regtehouers in die vissery kan as ondernemings van klein- of mediumgrootte (KMO's) beskryf word.

4. Oorkoepelende sektorale doelwitte

Die oorkoepelende doelwitte met die toekenning van langtermyn visvangregte in hierdie vissery is om:

- Die transformasieprofiel van die stokvis handlyn vissery merkbaar te verbeter;
- Kommersiële visvangregte toe te ken aan vissers wat afhanklik is van die stokvis handlyn bron as hul hoofbron van inkomste;
- Streef om 'n billike proporsie van regte toe te ken aan aansoekers gebaseer by vissershawens wat histories met stokvis handlynvangste geassosieer word;
- Die ekonomiese lewensvatbaarheid van die vissery te ondersteun; en
- Die omgewingsvolhoubaarheid van die vissery te verseker.

5. Tydsduur van regte

Met inagneming van die transformasieprofiel van die vissery sal kommersiële regte vir 'n tydperk van agt jaar (1 Januarie 2006 tot en met 31 Desember 2013) toegeken word. Die Departement sal gereeld regtehouers evalueer teen voorafbepaalde prestasiekriteria (**sien paragraaf 12 hieronder**).

6. Nuwe inkomelinge

Die stokvis handlyn vissery is tans oorskryf. Daar is veel meer handlynvissers as wat die hulpbron kan ondersteun. Die swak transformasieprofiel van hierdie vissery gekoppel met die feit dat baie stokvis handlynvissers, veral swart kapteins, nie in 2001 aansoek gedoen het vir kommersiële regte nie, beteken egter dat regte toegeken mag word aan nuwe inkomeling-aansoekers eerder as aan medium-termyn regtehouers.

7. Evalueringskriteria

Aansoeke volgens 'n stel "*uitsluitingskriteria*" gesif word. Regtehouer aansoekers en nuwe inkomeling aansoekers sal dan apart evalueer word volgens 'n stel gelaai "vergelykende *balanseringskriteria*". 'n Afsnypunt of rangorde sal dan bepaal word om die suksesvolle aansoekers te bepaal.

7.1 Uitsluitingskriteria

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

- (a) **Vorm van die aansoeker:** Kommerciële visvangregte in die stokvis handlyn sektor sal slegs toegeken word aan entiteite wat geïnkorporeer is ingevolge die Wet op Beslote Korporasies 69 van 1984 en aan natuurlike persone (m.a.w. eenmansake of natuurlike individue). Regte sal nie aan trusts en maatskappye toegeken word nie. Regtehouers wat tans regte hou in die vorm van maatskappye of trusts moet aansoek doen in die vorm van 'n natuurlike persoon of beslote korporasie en sal beskou word as 'n medium-termyn regtehouer aansoekers indien hulle aan die riglyne uiteengesit in die Algemene beleid voldoen.

- (b) **Wetsnakoming:** Indien 'n aansoeker of sy lede, skuldig bevind is aan 'n ernstige misdryf ingevolge die WLMH, die regulasies, permitvoorwaardes of ander ernstige vissery verwante misdrywe gedurende die medium-termyn regteperiode, sal daar nie 'n stokvis handlyn visvangreg 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 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 Misdaad 121 van 1998 of die WLMH nie. Indien 'n medium-termyn reg gehou is deur 'n maatskappy, sal 'n reg nie toegeken word aan 'n opvolger nie, indien 'n direkteur of beherende aandeelhouer skuldig bevind is aan 'n ernstige oortreding ingevolge die WLMH, die regulasies, permitvoorwaardes of ander ernstige vissery verwante misdrywe gedurende die medium-termyn periode of as enige visvangregte gekanselleer of ingetrek is ingevolge die WLMH of daar op hul bates beslag gelê is in terme van die Wet op die Voorkoming van Georganiseerde Misdaad 121 van 1998 of the WLMH nie.

Besluite mag gereserveer word oor aansoeke indien daar 'n hangende kriminele ondersoek is, of artikel 28 stappe, wat die uitslag van die aansoek mag affekteer.

- (c) **Papierkwotas:** Papierkwotas soos omskryf in die Algemene beleid sal uitgesluit word. Groot groepe identiese of baie soortgelyke aansoeke wat deur konsultante of kommersiële visvangmaatskappye en ander entiteite geborg word, sal uitgesluit word as fronte (papierkwotas), ongeag die meriete van die individuele aansoeke.

Daar mag nie meer as een reg aan 'n huishouding (bestaande uit ouers en kinders) toegeken word nie ten einde fronte te voorkom en om toegang tot die stokvis handlyn bron te verbreed.

- (d) **Nie-gebruik:** Die gedelegeerde owerheid mag weier om 'n reg weer toe te ken as 'n regtehouer aansoeker versuim het om sy medium-termyn reg ten volle te benut. Die gedelegeerde owerheid mag ook weier om 'n reg toe te ken aan 'n aansoeker wat 'n lid was van 'n beslote korporasie of 'n direkteur of aandeelhouer van 'n maatskappy wat 'n medium-termyn reg gehou het en versuim het om die reg ten volle te benut.

- (e) **Persoonlike betrokkenheid by die oes van die hulpbron:** Aansoekers sal moet aantoon dat hulle (of 'n lid van die beslote korporasie) op 'n voltydse basis in die stokvis handlyn vissery

betrokke is in die sin dat hulle aktiewe vissers is en deelneem aan die bedryf van die stokvis handlyn besigheid. Slegs aansoekers wat weens permanente fisiese ongeskiktheid nie in staat is om deel te neem nie, sal vrygestel word van hierdie vereiste. Vroue aansoekers sal nie vrygestel word van die vereiste van deelname aan boord nie.

- (f) **Toegang tot vaartuig:** Aansoekers sal 'n reg van toegang tot 'n geskikte vaartuig moet aantoon (*sien paragraaf 8 hier onder*).
- (g) **SAMVO Gesondheidsertifikaat:** Aansoekers moet bewys verskaf dat die Suid Afrikaanse Maritieme Veiligheidsowerheid (SAMVO) hulle (of 'n lid van die beslote korporasie) as medies geskik beskou om op die see uit te gaan.

7.2 Balanseringskriteria

Regtehouer aansoekers en potensiële nuwe inkomelinge sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal:

(a) Transformasie

Die medium-termyn regte toekenning rekords dui daarop dat hierdie vissery vergelykend minder getransformeer is as ander visserye. Daar sal positiewe punte aan swart aansoekers toegeken word. In die geval van beslote korporasies, sal die persentasie swart eienaarskap evalueer word. Bykomend, sal aansoekers ook oorweeg word op:

- Die persentasie swart en vroue verteenwoordiging op bestuursvlakke (veral ten opsigte van kapteins) en die persentasie swart en vroue werknemers;
- Of die aansoeker wetgewing oor vaardigheidsontwikkeling nakom en of die aansoeker belê het in opleiding en ontwikkeling van bemanning en swart bemanning in besonder;
- Of die aansoeker gereeld winste met bemanning, en in besonder met swart bemanning, gedeel het;
- Regstellende aankope;
- Nakoming van die Wet op Diensbillikheid 55 van 1998; en

- Korporatiewe maatskaplike belegging.

(b) Belegging in die vissery

Aansoekers sal evalueer word met verwysing na beleggings gemaak.

Regtehouer aansoekers sal beoordeel word as volg:

- Beleggings in vaartuie sal erken word, solank die belegging 'n werklike bedoeling om in die sektor deel te neem aantoon. Aandeelhouding in vaartuie verkry teen minimum of geen koste vir die aansoeker sal nie erken word as 'n belegging nie. Regtehouer aansoekers sal nie beloon word omdat hulle skeepshuurooreenkomste of vangs- of koop-ooreenkomste aangegaan het nie;
- Belegging in bemarkingsinisiatiewe sal oorweeg word. Die gedelegeerde owerheid sal in ag neem of die aansoeker in staat is om stokvis te bemark.

Wat nuwe inkomeling aansoekers betref, sal die gedelegeerde owerheid oorweging gee aan beleggings gemaak in ander sektore in die vorm van vaartuie en vaste bates. Verder, sal nuwe inkomeling aansoekers moet aantoon of hulle toegang tot stokvis handlyn markte het.

(c) Visvangprestasie

Regtehouer aansoekers sal evalueer word met inagneming van hulle prestasie in die stokvis handlyn vissery gedurende die medium-termyn regtetoekennings proses. In besonder, sal regtehouer aansoekers penaliseer word wat verkies het om tradisionele lynvis te teiken bo stokvis.

Nuwe inkomeling aansoekers sal evalueer word met inagneming of hulle die vermoë, kennis en vaardigheid het om deel te neem aan die stokvis handlyn vissery.

(d) Werksgeleenthede

Regtehouer aansoekers wat kan aantoon dat hulle tydelike of permanente werksgeleenthede

verskaf het gedurende die medium-termyn tydperk, sal beloon word.

(e) Plaaslike ekonomiese ontwikkeling

Belegging in 'n aantal van Suid-Afrika se kleiner kusedorpieë is nodig vir ekonomiese groei. Die gedelegeerde owerheid sal positief punte toeken aan daardie aansoekers wat kies om hulle vangste te land in die hawens langs die Kaapse suidkus en die Oos-Kaapse kus wat histories met stokvis handlynvisvangs geassosieer is.

(f) Historiese betrokkenheid

Regtehouer aansoekers en potensiële nuwe inkomelinge sal beloon word vir historiese betrokkenheid in die visvangindustrie. 'n Voorbeeld van historiese betrokkenheid is 'n kaptein of bemanningslid wat tevore in die handlynvisserij gewerk het.

(g) Afhanklikheid van die bron:

Die gedelegeerde owerheid behoort positief punte toeken aan aansoekers wat afhanklik is van die stokvis handlyn visserij vir 'n wesentlike gedeelte van hul jaarlikse bruto inkomste. Daar mag negatiewe punte toegeken word aan aansoekers of hul lede wat inkomste uit bronne buite die visvangindustrie verkry. Daar sal van potensiële nuwe inkomelinge vereis word om hulle historiese afhanklikheid van die stokvis handlyn visserij vir hulle bestaan aan te toon.

(h) Wetsnakoming

Geringe oortredings van die WLMH, sy Regulasies en permitvoorwaardes sal negatiewe punte ontvang.

7.3 Bemagtiging van stokvis-handlynvisserers

Die Departement sal vereis dat visserbemannings wat van voorneme is om op stokvishandlynbote te werk hulle registreer met die Departement op 'n Bemanningsregister. Daar sal van stokvis handlyn

regtehouers vereis word om hulle bemanning te kies uit diegene wat op die Bemanningsregister gelys is. Die Departement sal slegs persone registreer op die Bemanningsregister indien hulle 'n suksesvol 'n SAMVO veiligheidskursus voltooi het, 'n afhanklikheid van stokvis handlyn visvangs kan aantoon en 'n mate van historiese betrokkenheid in stokvis handlyn visvangs kan aantoon.

Bemanning sal kosteloos geregistreer word en die registrasieproses sal aanvang neem in die laaste kwartaal van 2005. Geregistreeerde bemanning mag slegs visvang vanaf vaartuie wat gemagtig is om stokvis deur middel van handlyn te vang. Dit beteken nie dat persone geregistreer op die bemanningslys nie vaartuie in ander visserye mag beman nie.

7.4 Vangspoging toekennings

Die Departement sal een vaartuig aan elke suksesvolle aansoeker toeken asook die getal bemanning wat bepaal is deur die Suid Afrikaanse Maritieme Veiligheidsowerheid ("SAMVO") om veilig te wees vir daardie vaartuig.

Verder, alhoewel hierdie vissery bestuur word ingevolge 'n TOV (130 vaartuie en 785 bemanningslede) word 'n voorsorg maksimum TTV van 5 500 ton ook gebruik om die vissery te bestuur. Rekords onthul dat oor die duur van die medium-termyn tydperk, was hierdie voorsorg maksimum vangspersk nooit bereik nie. Gevolglik mag daar in die toekoms meer visvangregte toegeken word, met dien verstande dat sodra die vissery 5 500 ton geland het, alle stokvis handlynvisvangs gestaak sal word vir daardie seisoen.

8. Geskikte vaartuie

'n Geskikte vaartuig vir die stokvis handlyn vissery is 'n vaartuig wat:

- 'n minimum SAMVO geregistreeerde lengte van ongeveer vyf meter en 'n maksimum SAMVO geregistreeerde lengte van ongeveer 12 meter het. In wese sal die gedelegeerde owerheid regte toeken aan skibote en dekbote;
- 'n werkende vaartuigmoniteringstelsel het; en
- gesertifiseer is as synde te voldoen aan HACCP ("Hazard Analysis and Critical Control Point").

13. Waarnemer- en moniteringsprogram

Die Departement se huidige moniteringsprogram sal na hierdie vissery uitgebrei word. Daar sal van regtehouers vereis word om die koste van die waarnemer- en moniteringsprogramme te dra.

14. Voorlopige lys

Voordat die gedelegeerde owerheid finaal besluite neem oor die suksesvolle aansoekers, behoort hy of sy 'n voorlopige lys van suksesvolle aansoekers uit te reik. Die voorlopige lys sal na elke visvanggebiede gesirkuleer word. Belanghebbende en geaffekteerde partye in hierdie gebiede mag dan uitgenooi word om kommentaar te lewer oor die lys, en in besonder, om die gedelegeerde owerheid in te lig as enige persone wat histories stokvis handlyn gevang het weggelaat is uit die voorlopige lys of enige persoon wat ingesluit is in die voorlopige lys nie afhanklik is van die stokvis handlyn bron nie.

15. Permitvoorwaardes

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

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1. Intshayelelo

Lo mgaqo-nkqubo wolwabiwo nolawulo lwamalungelo ezorhwebo kushishino lokuloba i-handline ukhutshwe nguMpathiswa wezoBume Bendalo nezoKhenketho ("Umphathiswa"). 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-hake longline . Uninzi lwezingcamango azintshanga. Bezisetyenziswe nguMphathiswa negunya elithunyiweyo leSebe Lezobume Bendalo Nokhenketho: Isebe Lolawulo Lolwandle namaNxweme ("ISebe") ngethuba bekunikezelwa amalungelo kwixesha elidlulileyo kwaye ukusa kumkhamo othile la maxwebhu omgaqo agunyazisa loo mabakala.

Inkqubo ezithile ezothi zilawule amalungelo anikezelweyo zichaziwe kulenkqubo

Uxwebhu olusikhokhelo loLawulo loShishino ngokuloba i-hake longline 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-hake handline 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. Ubume balefishari

Ushishino lwe hake lwanda ukugudla unxweme lwe ncam yamazantsi ntshona, ekupheleni kweminyaka ye 1980's, isithethe kubalobi yaba kukukhetha ihake njengeyona ikudidi oluphezulu ("PQ") ihake yanda kurhwebo lwamazwe.

Kuqala ,abalobi be hake babesebenzisa amaphenyane abelungele ukuloba ebesuku. Njengoko ukuloba babuye bukhula, abanye abalobi babesebenzisa amaphenyane amaplanga, ebezikwazi ukuhlala elwandle ubusuku bonke, kwaye nebezikwazi ukuthathwa zisiwe kwindawo ekufutshane nehake. Amaphenyane ebehlala elwendle ubusuku nemini. Le nkqubo yamaphenyane amaplanga yandisa imizamo yokuloba ihake ngezandla , ngakumbi ukusetyenziswa kwezinganawa inika ithuba kubabambisi be hake ukuba bazilandele ukugudla unxweme

IwaMazantsi e Afrika.

Ngeminyaka ka 1980 no 1990 ishishini lokuloba belingaqhutywa ngendlela efanelekileyo. Ukunqongophala kwemimiselo, edibene nokwanda kwemfuno ze PQ ihake ekupheleni kwe 1990's, yakhokelela kubantu abaninzi, kuquka ukuzonwabisa nabarhwebi ngentlanzi bengenela kwezinye indawo, bengenela olushishino lwentlanzi ngenjongo yamaxabiso aphezulu yaye ukubanjiswa kwaxhuma ngokumandla. Ekupheleni kweminyaka ka 1980 ulobo lwehake handline beluqikelelwa kwi toni eziyi 150. Ngo 1990 elinani linyuke phakathi kwe toni eziyi 1 100 ne toni eziyi 1 400 minyaka le. Ngonyaka ka 2000, kwabanjiswa malunga ne 5000 ye toni kwatsho ukubambisa kwaxhuma kuqikelelwa kwiitoni ezi-7300 ngo-2001.

Ngo December 2000, uMphathiswa wabhengeza ngemvelaphi yolobo lwentlanzi. Kananjalo uMphathiswa wagqiba ekwahluleni ulawulo lolobo lwentlanzi yangacandelo ohlukileyo amathathu – i tuna pole, i hake handline kunye nentlanzi eziqhelekileyo. Kuloo nyaka, uMphathiswa wemza imizamo ephela ("TAE") yokuqwalasela banzi indawo zokuloba intlanzi ihake. I TAE iye yanciphisa amanani enqanawa nabantu abasebenza apho ukuze kubekho inqanawa eziyi 130 nabantu abayi 785 . Ukongeza, kwabekwa ecaleni umlinganiselo ("PMCL") we 5500 yetoni phantsi komthetho jikelele wokubambisa intlanzi.

ISebe likwazile ukuthatha ushishino lwe hake njengenxalenye ye "hake" jikelele . Ngokwe MLRA, imvume "jikelele" ephela yokuloba ("TAC") yehake iqingqwa minyaka le nguMphathiswa wemiCimbi yezeNdalo noKhenketho. Ihake nezinye intlanzi zahlulelana nge pesenti eziyi 10 kwi TAC jikelele. Ukulotywa kwehake ngomnatha libekelwe i 83 yepesenti yi TAC intsalela inikkwe ifishari ye-hake inshore trawl. . Kude kube ngu 2004,i 1 000 yetoni yabekelwa bucala ukuze isenzelwa abalobi bamanye amazwe. Lenkqubo izakupheliswa.

Olu shishino lwe handline yehake lusebenza kwizikhululo ezincinci nakumathambeka anxuse amazantsi eKapa nakumanxweme leMpuma Koloni, ukuya kutsho ePort Alfred. Ulobo lwezandla njengolobo lwe hake long line , zifakwa kwi PQ hake ukuze zithunyelwe e Europe. Ushishino luqhubeka emanzini ze kuqwalaselwe ihake ezidada kumanzi anganzulwanga, *Merluccius capensis*.

Izitokhwe zeHake zilawulwa ngokwe nkqubo yobuyiselo ne TAC ye hake ihlisiwe kunyaka ngamnye ukusukela ngo 2003. Okwangoku uthethelelelo lweminenga esemanzini aluzinzanga.

3. Inkqubo ephakathi yolwabiwo

Ngo 2003, amalungelo okuloba ihake ayi 86 anikezelwa. Amalungelo avumele inqanawe eziyi 86 nabantu abangaphezulu kwe 700 ukuze bajonge indlela yokulotywa kwe hake kusetyenziswa inkqubo ye handline. Ibe kokokuqala ukuba kunikezelwe amalungelo oshishino lokuloba kolushishino lwentlanzi yaye kokokuqala ukuba inkqubo ye ihake handline inikwe lamagunya.

Injongo yokufaka lenkqubo ibikukwaba amalungelo orhwebo lwe hake handline kubalobi abaxhomekeke ekulobeni intlanzi ukuze baphile. Onke amalinge enziwe ukukhupha abaloba ngokuzonwabisa nabalobi bethutyana abathintela ingeniso kwabanye abalobi, okanye ababeqeshwe kwezinye intlelo zoqoqosho.

Kumalungelo abiweyo ipesenti eziyi 26 yabelwa kubantu abamnyama. Malunga namapesenti ayi 25 yabaphathi besikhephe imnyama, ngeloxesha i 76 pesenti yabasebenzi imnyama.

Abantu abaninzi abangamalungu bazimele nje. Izinto ezikhoyo ezisemthethweni, ezifana nokopolotyeni neenkampani, zenza ipesenti encinci yabantu abanamalungelo. Bonke abagcini malungelo bangachazwa njengeqaqobana losomashishini ("SMEs").

4. Iinjongo eziqakayo kwelicandelo

Iinjongo zecandelo eziqakayo ekwabiweni kwamalungelo okuloba exesha elide kule fishari zezi:

- Ukuphucula ngokubonakalayo ubume benguqu kulefishari ye-hake handline.
- Ukunikezela amalungelo orhwebo lokuloba kwabo baxhomekenge ngokwengeniso kubutyebu be-hake handlinei;
- Ukuzama ukunika umlinganiselo obonakalayo kubafaki zicelo abafumaneka kumanxweme anembali enxulumene nokuloba i-hake handline
- Ukugcina uqoqosho oluphilayo kulefishari; kwaye
- Baqinesekise ukugcinakala ngokwendalo kwalefishari ..

5. Ixesha lamalungelo

Njengoko kunanzwe inkqubo yenguqu kulefishari, amalungelo orhwebo azakunikezelwa kangangeminyaka esibhozo (ku 01 January 2006 ukuya kwi 31 December 2013), ISebe liya kubahlola rhoqo abo bafumene amalungelo kusetyenziswa indlela emiselwe ngaphambili yokuhlola (jonga kumhlathi 12 ngezantsi).

6. Abangeneli abatsha

Le fishari ye-hake handline igcwele kakhulu. Kukho abalobi be-hake handline abaninzi kangaphaya kobutyebi bokuba thwala.. Kodwa ke, ngenxa yemio yenguqu esezantsi, nento yokuba abalobi abaninzi be-hake handline , ingakumbi oskiba abamnyama zange bengce izicelo zamalungelo orhwebo nganyaka ka 2001, amalungelo aya kwabelwa abangeni abatsha kunabo banamalungelo exeshana.

7. 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" (indlela yomlinganiselo).

7.1 Uhlobo yolwandulo

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

- (a) **Uhlobo lomafaki -sicelo:** Amalungelo okurhweba ngokuloba kwi-hake handline ayakunikwa kuphela ii Close Corporations (amaziko amiselwe ngokomthetho: Close Corporations Act 69 of 1984) nabantu (umzekelo umntu ozimeleyo okanye oshishina yedwa). Izicelo ezivela kubagcini zimali (trusts) neenkampani aziyikusiwaso. Abantu abazimeleyo abasele benamalungelo bamele abazikampani okanye iitrusts banoku faka izicelo besebenzisa i-close corporation okanye abantu,

kwaye baya kuthathwa njengabanamalungelo okwexeshana lo gama nje belandela imiyalelo ekuMgaqo Jikelele.

(b) Ukuthobela: Ukuba umfaki-sicelo, okanye amalungu, ukhe wafunyaniswa enetyala lokwaphula ngokunzulu umthetho we-MLRA, imimiselo, imiqathango yamaphepha-mvume okanye olunye olwaphulo-mthetho olunzulu lezokuloba ebudeni bokuba bamalungelo exeshana, loo mfaki sicelo akayi kulinikwa ilungelo lokuloba i-hake handline. Oku akuquki ukuhlawula intlawulo yokuvuma ityala. Kwakhona umfaki-sicelo akayi kuwanikwa amalungelo ukuba yena, okanye amalungu, bakhe bahluthwa okanye basuswa amalungelo okuloba ngokomthetho i-MLRA, okanye kwahluthwa impahla yabo phantsi komthetho we-Prevention of Organized Crime Act 121 of 1998 okanye i-MLRA. Ukuba ngethuba lamalungelo exeshana ilungelo belibanjwe yinkampani, ilungelo alizu kunikwa lowo ulandelayo ukuba umlawuli ("director") umphathi zabelo obambe intambo ("controlling share holder") ufunyaniswe enetyala lokwaphula ngokunzulu umthetho we-MLRA, imimiselo, imiqathango yamaphepha-mvume okanye olunye olwaphulo-mthetho olunzulu lezokuloba ebudeni bokuba bamalungelo exeshana, okanye bahluthwa okanye basuswa amalungelo okuloba ngokomthetho i-MLRA, okanye kwahluthwa impahla yabo phantsi komthetho we-Prevention of Organized Crime Act 121 of 1998 okanye i-MLRA.

Izizigqibo zisenokumiswa kwizicelo ezo ukuba kusekho uphando ngokuphula umthetho olusaqhubekayo okanye kusekho inkqubo phantsi komthetho wecandelo la-28 we MLRA ezinokuthi zibene mpembelelo kwiziphumo zesicelo

(c) Abafaki zicelo abanganyanisekanga: Abafaki zicelo abanganyanisekanga njengoko kuchazwe kumgaqo Jikelele bayakukhutshelwa ecaleni. Amaqela amakhulu ezicelo ezifanayo okanye eziyeleleneyo ezikhutshwa ngabacebisi okanye iinkampani zorhwebo okuloba neminye imibutho, yayakuthathwa njengamasithelo ("fronts") abafaki-zicelo abanganyanisekanga, kungakhathaliseki ukuba ezo zicelo ziyafaneleka na. ukufaneleka kweso sicelo eso.

Intsapho (enabazali nabantwana) isenoku nganikwa ngaphezu kwelungelo elinye ukuze kuphetshwe okanye kunqandwe ukusithela ("fronting") kwaye kuze kwandiswe ukufikelela kubutyebi be-hake handline.

- (d) **Ukungasetyenziswa:** I. Iganye elithunyelweyo lisenokwala ukunika ilungelo kumfaki-sicelo obelilungu le-close corporation okanye i-director okanye i-shareholder yenkampani ebinelungelo lokwexeshana kodwa ayalisebenzisa ngokupheleleyo.
- (e) **Ukubandakanyeka kwizivuno zomsebenzi:** Abafaki zicelo (okanye ilungu le-close corporation) kufuneka babonise ukuba bazibandakanya ngokupheleleyo kwifishari ye-hake handline, ukutsho oko kufuneka babonise ukuba banga balobi abathatha inxaxheba ekuqhubeni ishishini le-hake handline. Kuphela ngabafaki-zicelo abakhubazekileyo abaya kukutshwa okanye baxolelwe kumqobo wokubandakanyeka buqu ekuvuneni ubutyebi.. Abafazi bona abakhutshwa okanye abaxolelwe kumqobo wokubandakanyeka buqu ekuvuneni ubutyebi. okanye ukuba ngaphezulu emikhumbini.
- (f) **Ukufikelela emkhumbini:** Abafaki zicelo kuyakufuneka babonise ilungelo lokufikelela emkhumbini ofnelekileyo (*bona umhlathi 8 ngezantsi*).
- (g) **Isiqinisekisi (isatifikethi) SeMpilo Se-SAMSA:** Abafaki zicelo bamele banike ubungqina bokuba i-South African Maritime Safety Authority ("SAMSA") ibajonga njengabakufaneleyo ngokwempilo ukungena elwandle.

7.2 Inkqubo elinganayo

Abafaki zicelo abanamalungelo nabaceli abatsha bayakuvavanywa ngohlobo olulinganayo, ozakujongwa ukuze kuhlolwe ubunzima besicelo ngasinye:

(a) Inguqu

lingxelo zokunikezela ngamalungelo exeshana zidiza ukuba lefishari ayika guquki xa luthlekiswa nezinye ifishari. Abantu abamanyama abafaka izicelo baya kunikwa amanqaku amahle. Ukuba yi-close corporation efaka isicelo, kuya kujongwa inani labamnyama elingabanini kuyo. Ukongezelela, abafaki-zicelo, baya kujongwa koku kulandelayo:

- Umlinganiselo (iipesenti) wabamnyama nabafazi kumanqanaba olawulo (ingakumbi ngokubhekiselele kubaphathi bezikhephe - okapteni) kwakunye nenani labaqeshwa abamnyama nabafazi;
- Nokuba umfaki sicelo uyasebenzisana nemithetho yophuhliso lobuchule kwaye umfaki sicelo lowo uye watyala imali ekuqeqesheni nasekuphuhliseni amaqela abalobi, abalobi abamnyama ngakumbi;
- Ukuba lowo ufaka isicelo uyabahlulela rhoqo abalobi, ngakumbi abalobi abanyama kwingeniso yeshishini;
- Ukuthenga kumashishini abamnyama;
- Ukuthobela i-Employment Equity Act 55 ka-1998; kunye
- Notyalomali ekuhlaleni.

(b) Utyalo-mali kulefishari

Abafaki zicelo bayakuthi bavavanywe ngotyalo-mali olwenziweyo ekuzilobeleni intlanzi ihake.

Abafaki zicelo abanelungelo bayakuthi bahlolwe ngoku kulandelayo:

- Utyalo-mali kwimikhumbi luyakuqwalaselwa, ukuba utyalomali lubonisa ukuzimisela okukuko ekuthabatheni inxaxheba kwelicandelo. Amabango kwimikhumbi afunyenwe ngemali ephantsi okanye angawa hlawulelanga umfaki sicelo, akayi kujongwa njengotyalo-mali. Ukuba unebango kwinqanawa ethile ngemadlana nje encinci okanye uliphiwe elo bango oko akuyi kujongwa njengokutyala imali. Abafaki zicelo abanamalungelo abayikwongwa ukuba benze izigqibo zezivumelwano zokubamba nezokuthengisa.
- Utyalomali kwezentengiso liyakuthi linikwe ingqalelo.. Igunya elithunyelweyo liyakuthi lijonge ukuba umfaki sicelo unakho na ukuthengisa ihake.

Xa kufikelelwa kumba wabafaki-zicelo abatsha, igunya elithunyelweyo liya kuqwalasela imali etyalwe kwamanye amacandelo kwizinto ezinjenge ngemikhumbi nempahla esisigxina. Ukongeza, abafaki zicelo abatsha kuyakufuneka babonise ukuba bayakwazi ukufikelela kwiimarike ze-hake handline.

(c) Indlela yokusebenza

Abafaki zicelo abanamalungelo bayakuvavanywa ngokusebenza kwabo kulefishari ye-hake handline ngexesha lamalungelo exeshana. Abafaki zicelo abaye bajolisa kwizotokwe zentlanzi yemveli (traditional linefish), bekhetha zona kune hake bayakuthi bohlwaywe.

Afakizicelo abatsha bayakuthi bahlolwe ngokuthi kujongwe ukuba banalo, ulwazi nobuchule bokuthatha inxaxheba ekulotyweni kwe-hake handline.

(d) Imisebenzi

Abafaki zicelo abanamalungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi yethutyana okanye esisigxina ngexesha lamalungelo exeshana, bayakuvuzwa.

(e) Ukuphuhlisa uqoqosho lwasekuhlaleni

Ukutyala imali kwidolophana zamanxweme ezincinci zoMzantsi Afrika kuyafuneka ukukhulisa ezoqoqosho.. Igunya elithunyelweyo lizakupha amanqaku amahle abo bafaki zicelo bakhetha ukumisa intlanzi abayilobiley kumanxweme entshona ye Kapa ne Mpuma koloni anembali enxulumene nokulotywa kwe-hake handline..

(f) Imbali yokubandakanyeka

Abafaki zicelo zamalungelo nabafaki zicelo abatsha basenokuvuzwa ngenxa ngembali yokubandakanyeka kushishino lokuloba. Imizekelo yoku kubandakanyeka isenokuba ngukapteni okanye ilingu labalobi elakhe lasebenza kwifishari ye-hake handline kwixesha elidlulileyo.

(g) Ukuxhomekeka kobutyebi

Igunya elithunyelweyo lifanele libaphe amanqaku amahle abafaki zicelo abaxhomekeke kwi-hake handline fishing ukuze babe nengeniso ebonakalayo yonyaka. Abafaki-zicelo okanye amalungu afumana ingeniso yawo ngezinye iindlela ezingaphandle koshishino lokuloba bayakunikwa

amanqaku amabi.. Abangeneli abatsha kufuneka babonise imbali yokuxhomekeka kwi-hake landline ukuze baphile.

(h) Ukuthobela umthetho

Ukwaphula okungephi komthetho i-MLRA, imimiselo nemiqathango yemvume, kuya kunikwa amanqaku amabi

7.3 Ukuxhotyiswa kwabalobi be-hake handline

ISEbe liza kufuna ukuba bonke abaloi abafuna ukusebenza kwizikhephe ze-hake handline babhaliswe neSebe kwi-Crew Register. Abo bafaki zicelo bawafumeneyo amalungelo okuloba i-hake kuya kufuneka bakhethe abalobi babo kumalungu abhaliswe kule Crew Register. ISebe liya kubhalisa kuphela abo lwabalobi abo baye baphumelela uqeqesho lokhuseleko olunikezelwa yi-SAMSA, baphinda babonisa ukuxhomekeka ekulobeni i-hake handline yaye bayakwazi ukubonisa ukuba banembali yokubandanyeka ekulobeni i-hake handline.

Abalobi baya kubhaliswa simahla yaye inkqubo yokubabhalisa iya kuqala ngasekupheleni kuka-2005. Amaqela abhalisiweyo baya kuvunyelwa ukuloba kuphela kwimikhumbi egunyaziswe ukuloba i-hake handline. Oku akuthethi ukuba abalobi ababhaliswe kwi-Crew List abanakusebenza kweminye imikhumbi esebenza kwezinye iifishari.

7.4 Ulwabiwo lewnzame

ISEbe liya kwabela umkhumbi abe mnye kumfaki-sicelo ngamnye ophumeleleyo kunye nabalobi abaneleyo ngokuqingqwe yi-South African Maritime Authority ("SAMSA") njengoku khuselekileyo kulomkhumbi.

Ngaphezu koko, nangona lefishari ilawulwa nge-TAE (imikhumbi eli_130 kunye nabalobi abanga- 785)), isicwangciso sobukhulu be TAC esimalunga nama_5 500 yetoni sikwasetyenziswa ekulawuleni lefishari. Incwadi zibonisa ukuba ngethuba lamalungelo exeshana, esicwangciso sobukhulu obuno kubanjwa zange kufikelelwe kuso. Ngoko ke kwithuba elizayo amanye amalungelo okuloba asenokunikezelwa,oku kuba lefishari inokubamba i 5 500 yetoni, konke ukulotywa kwe-hake handline kuyakumiswa kweloxesha lokuloba.

8. Imikhumbi efanelekileyo

Umkhumbi ofanelekileyo kulefishari ye-hake handline ngumkhumbi:

- Onobuncinci obubhaliswe kwi-SAMSA ubude obumalunga nemitha ezintlanu kunye nobukhulu obubhaliswe kwi-SAMSA ubude obumalunga ne mitha ezi-12. Okubalulekileyo, igunya elithunyelweyo, liyakunika amalungelo kwi "skiboats" ne "deck boats";
- onobuchule bokujonga umkhumbi obusebenzayo (vessel monitoring system); kwaye
- Ziqinisekiswa ukuthobela i- HACCP ("Hazard Analysis and Critical Control Point")

9. Ukubandakayeka kwamacandelo amaninzi

Ukuba umfaki-sicelo uyi-close corporation, akasayi kulinikwa ilungelo kwi-hake handline ukuba ebelinikiwe ilungelo lorhwebo kwifishari ezikuluhlu u-A no-B (cluster A and B). Ukuba umfaki-sicelo ngumntu, akasayi kulinikwa ilungelo kwi-hake handline ukuba yena ulilungu le-close corporation, okanye ungumlawuli (i-director) okanye ngumphathi-sabelo (i-"shareholder") enegunya kwinkampani eyayinikwe ilungelo lokurhweba lokuloba kwifishari ezikuluhlu u-A no-B (cluster A and B). Ngaphezu koko, abanamalungelo (kuquka amalungu, xa kusebenza oko) kwi-hake handline akufuneki babe nelungelo kwifishari ezikuluhlu u-A no-B (cluster A and B), ngaphandle kolobo lwemvelo (traditional line fish). Kwiimeko apho kungavumelekanga ube namalungelo awahlukeneyo abafaki zicelo bamele bachonge elo balifunayo.

10. Intlawulo yokufaka isicelo nerhafu

Intlawulo yokufaka isicelo kulefishari iyakuqunjelwa kujongwe:

- Ixabiso layo yonke inkqubo yokunikezwa kwamalungelo, kuquka neengcebiso, irisithi, ukuvavanywa kwezicelo, izibheni nezigxeko-ncomo; kunye
- Nexabiso lentlanzi eelinikezelwayo ngexesha lelungelo

Iirhafu zaminyaka ezihlawulwa ukususela ku-01 kaJanuwari 2005 ziya kuqosheliswa emva kokuba kubonisiwe nabanamalungelo. Iirhafu eziza kuhlawulwa ziya kusetyenziswa liSebe ukukhawulelana neendleko zokulawula, ukuthobela nokwenza uphando.

11. Imilinganiselo yokulawula

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

11.1 Ukuphathwa ngendlela yonanakekelo ndalo kwamashishini okuloba

Olu shishino lokuloba luyakuphathwa ngokungqamene nendlela yonanakekelo lwendalo kubalobi bentlanzi ("EAF"). Indlela yonanakekelo lwendalo kulawulo loreshishino lokuloba yinkqubo engumdibaniso ebona ushishino lokuloba kunye nefuthe lentshukumo zasemhlabeni ngakunxweme. I-EAF iyakuchazwa ngokuthe xhaxhe kwiNcwadana yoLawulo lokuLoba Hake Handline (Hake Handline Fishery Management Manual). Umzantsi Afrika usahleli uzinikela kumhla omisiweyo ka 2010 wokusetyenziswa kwe-EAF kushishino lorhwebo ngokuloba.

11.2 Ulawulo ngokwemimandla

ISebe liceba ukutshintsha inkqubo yolawulo yalefishari emva kolwabiwo kwamalungelo okuloba exesha elide. Zinjongo seSebe ukalawula olu shishino ngokwemimandla, lithintele intshukumo zemikhumbi kwimimandla okanye inqila ezithile...

11.3 Ukufikelela kuhlobo lwe-linefish lwemvelo

Abalobi be-Hake handline abazi kuvunyelwa ukuba balobe iintlanzi zemvelo (traditional linefish) ezifana ne-kob (*Argyrosomus* spp.) nezinye izitokhwe zeentlanzi zemvelo (traditional linefish) ezixhatshazwe kakhulu okanye eziphelayo. Abalobi be-Hake handline bayakuvunyelwa ukuba balobe u snoek xa efaneka.

12. Imilinganiselo yokusebenza

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

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

- Inguqu;
- Utyalo-mali kwimikhumbi, kuthengiso, nezixhobo;
- Ukuthobela imithetho nezimiselo ezikhoyo.

Injongo yokuvavanya indlela yokusebenza ngolu hlobo kukuqinisekisa ukuba iinjongo zalefishari ziyafikelelwa kwaye iindlela zokulawula neenkqubo zihlala zisexesheni yaye ziyifanele lefishari.

13. Inkqubo yabakhimkhanyo

Inkqubo ekhoyo yeSebe yokwakha umkhanyo ekhoyo iyakukwandiselewa kulefishari. Abanini malungelo kuzakufuneka bazithwale indleko zenkqubo yokwakh' umkhanyo

14. Uluhlu lwethutyana

Ngaphambi kokuba igunya elithunyelweyo lenze isigqibo sokugqibela ngabafaki zicelo abaphumeleleyo, liya kukhupha uluhlu lwethutyana lwabafaki-zicelo abaphumeleleyo. Olu luhlu lwethutyana luya kujikeleziswa kummandla ngamnye wokuloba. Abo banomdla nabachaphazelekayo kule mimandla baya kuthi bamenywe ukuba bafuphefumle ngolu luhlu, yaye ngokukhethekileyo, bachazele igunya elithunyelweyo ukuba kukho umntu onembali yokuloba i-hake handline ongekho kolo luhlu okanye ukuba kukho koluluhlu lwethutyana umntu ongaxhomekekanga kubutyebi be-hake handline.

15. Imeko zemvume

Imiqathango yemvume yalefishari iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokubonisana nabo banamalungelo kulefishari, yaye iya kumana ihlolwa xa kuyimfuneko.



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO KA-2005 WOKUNIKA NOKWENGAMELA IZIMVUME ZOKUDOBELA
INZUZO IZINHLANZI ZOHLOBO LWE-HAKE.**

**LOLUHLAKA MGOMO KUMELE LUFUNDWE NOMGOMO JIKELELE WOKUNIKA
NOKWENGAMELA IZIMVUME ZOKUDOBELA INZUZO ZESIKHATHI ESIDE ZIKA-
2005. (itholakala kwi- www.mcm-deat.gov.za)**

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1. Isingeniso

Lolu hlaka-mgomo lokunikezwa nokuphathwa kwezimvume zokudobela inzuzo izinhlanzi zohlobo lwe-*hake*, lukhishwe uMnyango weZemvelo neZokuvakasha ("uNgqongqoshe"). Lolu hlakaMgomo kumele lifundwe nomgomo jikelele wokunika nokwengamela izimvume zokudobela inzuzo isikhathi eside ka-2005(uMgomo jikelele Wokudoba).

Inhloso yalo mgomo ukubeka ngokusobala uhlelo okuzoqhutshwa ngalo uma kunikwa imvume yesikhathi eside yokudobela inzuzo izinhlanzi zohlobo lwe-*hake*. Iningi lalezi zinhlelo azizintsha. Bezisetshenziwa uNgqongqoshe nezikhulu eziphathisiwe zoMnyango Wezemvelo Nezokuvakasha: Igatsha Lezasolwandle Nokuphathwa Kogu ("uMnyango") uma benikeza imvume esikhathini esedule futhi ngezinga elithile le nqubo iphethe lokho kubonelelwa.

Eminye imigomo yokuphatha ngemuva kokunikwa izimvume yethuliwe. Ibhuku eliphathelene nokuphathwa kokudotshwa kwezinhlanzi zohlobo lwe-*hake* liyoqedelwa ngokuhlanganyela nabanezimvume ngonyaka ka-2006. Leli bhuku liyobeke ngokusobala indlela yokuphatha kanye nequbo yokudoba. Umnyango uzimisele ukuphatha lemboni ikakhulukazi emazingeni ezifunda ngokuhambisana nezimvume zokudobela inzuzo zesikhathi eside.

Ungqongqoshe uhlose ukunikezela kamandla kasomqulu 18 wokunika imvume yokudobela inzuzo izinhlanzi zohlobo lwe- *hake* okuqukethwe esigabeni 79 soMthetho 18 wezinto eziphila olwandle ka-1998 ("the Marine Living Resources Act 18 of 1998 obizwa nge-"MLRA") onikezelwe isikhulu esiphezulu soMnyango. Izincwadi zenqubo ziyiqondisa isikhulu esiphathisiwe ekwenzeni izinqumo mayelana nale ndawo yokudoba.

2. Ukubukeka kwemboni yokudoba

Imboni yokudoba izinhlanzi zohlobo lwe-*hake* ngokusebenzisa udobo yakhula ngasekupheleni kweminyaka yawo-1980 ngasogwini oluseNingizimu Koloni. Abadobi bendabuko abasebenzisa udobo baqala ukugxila kwizinhlanzi zohlobo lwe-*hake* njengezinhlanzi zekhethelo ezidingekayo (prime quality-"PQ") ngenxa yokukhula kokudingeka kwalolu hlobo lwezinhlanzi ezimakethe zaphesheya kolwandle.

Ekuqaleni abadobi abadoba ngezindobo babesebenzisa izikebhe zokudoba ezazinokusebenziseka ebusuku.

Ngokukhula kwemboni yokudoba, abanye babadobi baqala ukusebenzisa ama-*skiboats* ngoba lolu hlobo luyakwazi ukuba ngaphandle kolwandle ubusuku bonke kanti futhi kuwuhlobo olukwaziyo ukuthi lufakwe enqoleni bese ludonselwa ezindaweni eziseduze nalapho kutholakala khona kakhulu izinhlanzi zohlobo lwe-*hake*. Izikebhe zokudoba kwakumele zihlale ezikhumulweni zemikhumbi. Ukuqala kokusetshenziswa kwama-*skiboats* kwakhuphula kakhulu izinga lokubanjwa kwezinhlanzi zohlobo lwe-*hake* kule mboni, ikakhulukazi ngoba ukusetshenziswa kwalezi zikebhe zokudoba kwakwenza kube lula ukuba abadobi balandele lolu hlobo lwezinhlanzi ogwini lase Ningizimu Afrika.

Ngeminyaka yawo-1980 no-1990 imboni yokudoba yayingalawulekile futhi ingaphethwe kahle. Ukungabikho kahle kwezindlela zokulawula sekuhlangene nokukhuphuka kwezinga lokudingeka kwezinhlanzi zohlobo lwe-*hake* ngasekupheleni ko-1990, kwaholela ekutheni iningi lalabo abazidobelayo nje kanye nalabo abadobela inzuzo abakwezinye izimboni zokudoba bangene kule mboni yokudoba ukuze bahlomule kangcono ngalolu hlobo lwezinhlanzi futhi labe selenyuka kakhulu izinga lokudotshwa kwezinhlanzi. Ekupheleni kweminyaka yawo-1980 inani lokudotshwa ngezindobo lwezinhlanzi zohlobo lwe-*hake* lalilinganiselwa kumathani ayi-150. Kwathi kuba iminyaka yawo-1990 izinga lase linyukile sephakathi kwamathani ayi-1 100 nayi-1 400 ngonyaka. Ukufinyelela onyakeni ka-2000 zilinganiselwa emathanini ayi-5000 izinhlanzi ezadotshwa kwathi ngo-2001 lenyuka inani kwaba amathani angu-7300.

Ungqongqoshe wabe esebona kungcono ukuthi ahlukane ukuphathwa kwezimboni zokudoba zibe izimboni ezintathu ezahlukene, imboni yohlobo lwe-*tuna*, imboni yohlobo lwe-*hake* kanye nemboni yohlobo lwezinhlanzi olubizwa nge-*linefish*. Ngawo lowo nyaka uNgqongqoshe wamisela ngokokuqala imboni yokudoba izinhlanzi zohlobo lwe-*hake* uhlelo olubizwa nge-TAE (total applied effort). Uhlelo lwe-TAE lavimbela ukukhula kwesibalo sezisebenzi kanye nemikhumbi yokudoba engagxila ekudotshweni kwezinhlanzi zohlobo lwe-*hake* kusetshenziswa udobo. Iesi sibalo saba yimikhumbi yokudoba eyi-130 kanye nezisebenzi ezingama-785. Ngaphezu kwalokho kwabe sekuqikelelwa ukuthi inani lezinhlazi ezidotshwayo lingadluli kumathani ayi-5500 avumeleke kumhlaba wonke. Lolu hlelo lubizwa nge- *precautionary maximum catch limit* ("PMCL").

Umnyango wakwakwazi i-*hake* longline fishery njengomo wokuqokelela i-*hake*. Ngokuya ngomthetho we MLRA wo"mhlaba wonke ngokwemvume yokudoba (TAC) ibekelwe ngonyaka nguNgqongqoshe weMcimbi yeMvelo nokuVakasha: Hake nabadobi bentengiso yesandla noma yokuthengisa ngamashezi ayi 10 % yomhlaba TAC. Udobo olwenzeka emanzi anzulu olwandle yabelwe, 83 % ye TAC ngakhoke eshiyekide ibanjwa ngabathengisi abasogwini Ukufikela ngo 2004, kwabekelw eceleni: 1000 tons yabadobi bangaphandle. Lolulwabelo luzoyekwa.

Imboni yokudoba izinhlanzi zohlobo lwe-*hake* kusetshenziswa udobo isebenzela ezikhumulweni zemikhumbi ezincane kanye nakumathambeka agudle ugu lwaseNingizimu naseMpumalanga Koloni, kukhuphukele njalo ukuya enyakatho kuze kuyofinyelele e-Port Alfred. Imboni yokudoba, ngodobo, njengemboni yokudoba izinhlanzi zohlobo lwe-*hake* ngentambo eboshelwe esikebheni zibamba izinhlanzi zekhethelo ukuze zithunyelwe emazweni ase-Yurophu. Izimboni zokudoba zisebenzela ngasosebeni ukuze zibambe izinhlanzi zohlobo lwe-*hake* olutholakala emanzini angajulile (lohu hlobo lubizwa i- *Merluccius capensis*).

Inani lezinhlazi zohlobo lwe-*hake* lenganyelwe uhlelo lokuzama ukuzandisa, kusetshenziswa uhlelo lwe-TAC ukwehlisa inani lokudotshwa kwalezi zinhlanzi minyaka yonke kusukela ngo-2003. Izinga lokubanjwa kwezinhlanzi zohlobo lwe-*hake* ezingatholakali ekujuleni kolwandle kunzima ukuligcina linganciphi.

3. Ukunika izimvume zokudoba isikhathi esimaphakathi

Ngonyaka ka-2003 uMnyango wanika izimvume zokudobela inzuzo izinhlanzi zohlobo lwe-*hake* ezingama-86. Lezi zimvume zagunyaza ukuthi izikebhe zokudoba ezingama-86 kanye nabasebenzi abangaphezulu kwama-700 bagxile ekudobeni ngodobo izinhlanzi zohlobo lwe-*hake*. Kwakungokokuqala ukuba izimvume zokudobela inzuzo zinikwe kule mboni futhi kungokokuqala ukuba lemboni ime nemigomo eqinile eyilawulayo.

Inhloso yokunika izimvume ezimaphakathi zokudobela inzuzo izinhlanzi zohlobo lwe-*hake* yayenzelwe abadobi abathembele ekudobeni ukuze baziphilise. Kwenziwe yonke imizamo ukuze kushiwe abadobi abazidobela nje noma labo abathola imali nakwezinye izimboni zokudoba, noma abaqashiwe kwezinye izimboni zomnotho.

Ezimvumeni ezinikiwe, amashumi amabili nesithupha ekhulwini anikwa abamnyama. Kuqikelelwa ekutheni bangamashumi amabili nesihlanu ekhulwini okaputeni bemikhumbi yokudoba abamnyama kule mboni yokudoba, ngakolunye uhlangothi ngamakhulu ayisikhombisa nesithupha ekhulwini abasebenzi basemkhunjini bamnyama.

Iningi labanini zimvume basebenza ngabodwana. Izinkampani zomthetho ezifana nama-close corporations kanye nembumba yabanini zimvume, ziyiqoqobana elincane ekhulwini labanini zimvume. Bonke abanini zimvume kulemboni yokudoba bangabizwa ngezinkampani ezincane kanye nezimaphakathi (small-and-medium-sized enterprises ezibizwa ngama-“SMEs”).

4. Izhlosongqangi zemboni yokudoba

Inhlosongqangi yokunikezela ngezimvume zokudoba zesikhathi eside embonini yokudoba yilezi ezilandelayo:

- Ukuthuthukisa kakhulu izinguquko ezibonakalayo ekubukekeni kwemboni yokudoba ngezindobo izinhlanzi zohlobo lwe-*hake*;
- Ukunika izimvume zokudoba kubadobi abathembele kule mboni ukuze bathole ingxeny enkulu yemali engenayo;
- Ukulwela ukuthi labo abafake izicelo zemvume zokudoba abasebenzela ezikhumulweni zemikhumbi ezinomlando wokweyamaniswa nokudoba ngezindobo uhlobo lwezinhlanzi ze-*hake* ukuthi banikwe isabelo esifanele sezimvume;
- Ukugcina imboni yezokudoba iphilile ngokomnotho; kanye
- Ukuqinisekisa ukuthi imboni yezokudoba igcineke iphilile ngokwemvelo.

5. Isikhathi esithathwa yizimvume

Ngokubhekelela isimo senguquko embonini yezokudoba, izimvume zokudobela inzuzo zizonikezwa isikhathi esiyiminyaka eyisishiyagalombili (ukusuka mhlaka-1 Januwari 2006 kuya kumhla ka-31 Disemba 2013) Umnyango uyolokhu uhlola abanezimvume ngokuhambisana nohlelo lokusebenza olubekiwe.(**bheka isigaba 12 ngezansi**).

6. Abafikayo embonini yokudoba

Okwamanje imboni yokudoba kusetshenziswa izindobo igcwele iyachichima. Abadoba ngezindobo baningi kunenani imvelo engakwazi ukumelana nalo. Kodwa-ke ukungabikhona kwenguquko ebonakalayo kulemboni yokudoba kuhlangele nokuthi iningi labadobi abadoba ngezindobo izinhlanzi zohlobo lwe-*hake*, ikakhulukazi okaputeni abamnyama, abazange bafake izicelo zezimvume zokudobela inzuzo ngonyaka ka-2001, kusho ukuthi izimvume zingase zinikezwe labo abafaka izicelo okokuqala kunokuba zinikezwe abanikazi bezimvume besikhathi esijana.

7. Inqubo yokuhlunga

Izicelo zemvume yokudobela inzuzo ziyobukwa ngeso elibukhali ngokuhambisana "nenqubo yokungamukeleki kwabathile". Izicelo ziyohlolwa ngokwesilinganiso "senqubo yokuhlunga ngokuqhathanisa" okwenziwa phakathi

kwabanezimvume kanye nabafaka izicelo. Kuyobekwa amaphuzu okuyiwona ayohlonza labo abazicelo zabo ziphumelele.

7.1 Inqubo yokungamukeleki kwabathile

Ngaphandle kwezinqubo ezichaziwe kuMgomo-jikelele ophathelene nokufakwa kwezicelo kanye nokungabi sesimweni esigculisayo sezikebhe zokudoba, uMnyango ngeke uzamukele izicelo ezihluleka ukuhlangabezana nalezi zidingo:

- (a) **Uhlobo lwabantu abavumeleke ukufaka izicelo:** Izimvume zokudobela ukudayisa kule mboni ye-*hake handline* ziyonikezwa kuphela labo abakhona ngaphansi kohlelo lomthetho obizwa ngokuthi yi-*close coporation Act* ka-1984 kanye nabantu ngabanye (okungukuthi osomabhizinisi abancane). Labo abahlangene baba yimbumba kanye nabayinkampani ngeke banikwe imvume. Labo abanamalungelo manje abayinkampani bangase bafake isicelo umuntu ngamunye noma inhlango encane futhi bayothathwa njengabafake izicelo zamalungelo esikhathi esijana uma bevumelana neziqondiso ezibekwe kuMgomo-jikelele.
- (b) **Ukuhambisana nohlelo:** Uma abafake izicelo beye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphaathelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana, ngeke banikwe izimvume zokudoba i-*hake handline*. Lokhu akuhlanganisi ukukhokhwa kwenhlawulo yokuvuma icala. Amalungelo ngeke anikezwe futhi kulabo abaye baphucwa amalungelo okudoba ngaphansi komthetho we-MLRA noma bathathelwa izinto ngaphansi komthetho Wokuvinjelwa Kobugebengu Obuhleliwe No. 121 Ka-1998 noma i-MLRA. Uma ilungelo lokudoba isikhathi esijana bekungelenkampani, ngeke linikezwe abalandelayo uma umphathi noma amalungu ayo alawulayo eye aphula umthetho we-MLRA, imibandela yezimvume noma enza noma yiliphi elinye icala eliphathelene nokudoba lapho enezimvume zokudoba isikhathi esijana, noma eye aphucwa ilungelo elithile lokudoba ngaphansi kwe-MLRA, noma kwathathwa izinto ngaphansi koMthetho Wokuvinjelwa Kobugebengu Obuhleliwe No. 121 Ka-1998 noma we-MLRA.

Izinqumo zingase zigodliwe ezicelweni uma kusenophenyo lobugebengu olwenziwayo, noma kuqhubeka izinto ezisengxenyeni 28, ezingase zibe nomthelela emphumeleni wesicelo.

- (c) **Isilinganiso samaphepha:** Isilinganiso samaphepha njengoba sichaziwe kumgomo jikelele siyoshaywa indiva. Amaqembu amakhulu afaka izicelo ezifana ncimishi noma ezithi azifane ebe exhaswe abantu abanikana amasu (consultants) noma imboni yokudobela inzuzo kanye nezinye izinkampani, ziyokhishelwa eceleni zithathwe njengezifaka abantu ukuze zizuze izimvume bebe bengahlomuli ngalokhu, kunganakwa ngisho ukufaneleka kwesicelo somuntu ngamunye.

Umkhaya (onabazali nezingane) ngeke uthole izimvume ezingaphezu kweyodwa ukuze ugweme ukwandiswa indawo odoba kuyo uye nasogwini olusentshonalanga.

- (d) **Ukungasebenziseki kwezimvume:** Labo banini zimvume abahlulekile ukusebenzisa izimvume zabo zokudobela inzuzo zesikhathi esimaphakathi nendawo, behluleke ukuzisebenzisa phakathi konyaka ka-2003 nonyaka ka-2004, bangeke besanikezwa lezo zimvume futhi.

Isikhulu esiphathisiwe singase senqaba ukuphinda sikiphe imvume uma umnikazi wayo ehlulekile ukulisebenzisa ngokugcwele ilungelo lakhe lesikhathi esijana. Isikhulu esiphathisiwe singase senqabe futhi ukukhipha imvume uma umuntu ofaka isicelo ayekade eyilungu lenhlangano encane noma engumphathi noma enamasheya enkampanini eyayinelungelo lokudoba lesikhathi esijana futhi eyahluleka ukulisebenzisa ngokugcwele.

- (e) **Ukuzibandakanya komuntu ngamunye ekudotshweni kwezinhlanzi:** Abafake izicelo zemvume yokudoba kuyofanele bakhombise ukuthi bona (noma ilungu lenhlangano encane) bazibandakanye ngokugcwele nembali yokudoba futhi bangabadobi abadoba njalo kanti bayazibandakanya nebhizinisi yokudoba izinhlanzi zohlobo lwe-*hake* ngodobo. Yilabo abafake izicelo abangakwazi ukuhlanganyela kulokhu ngenxa yokukhubazeka kuphela abayokhululwa kule mfuneko. Abesifazane nabo ngeke bakhululwe ekutheni bahlanganyele ekuqondiseni.

- (f) **Imvume yokusebenzisa umkhumbi wokudoba:** Abafaka izicelo zokuthola izimvume zokudoba kuyomele bakhombise ukuthi banayo imvume yokusebenzisa umkhumbi wokudoba osesimweni esigculisayo. (*bheka isigaba 8 ngezansi*).

- (g) **Isitifiketi Sempilo Se-SAMSA:** Abafake izicelo kufanele balethe ubufakazi bokuthi i South African Maritime Safety Authority ("SAMSA") ibheka bona (noma ilungu lenhlangano encane) njengabakufanelekele ukuya olwandle.

7.2 Inqubo yokulinganisa

Abafaka izicelo zokuthola izimvume zokudoba nalabo abangase bangene kwimboni yokudoba bayohlungwa ngaphansi kwenqubo yokuhlunga elandelayo ngokubheka isisindo sesicelo ngasinye:

(a) Uguquko

Irekhodi lokunika izimvume zesikhathi esijana libonisa ukuthi le ndawo yokudoba isaguquke kancane uma iqhathaniswa nezinye. Abafaka izicelo abamnyama bayonikwa amaphuzu. Abafaka izicelo bengamalungu *e-close corporations* bayohlolwa ukuthi abantu abamnyama abakhona bangamaphesenti amangaki. Ngaphezu kwalokho, bayohlolwa nakulokhu:

- Inani ekhulwini labamnyama kanye nokumeleleka kwabesifazane abaphethe emazingeni aphezulu (ikakhulukazi naqondana nokaputeni) nokuthi zingakanani izisebenzi ezingabesifazane nezingabantu abamnyama;
- Ukuthi labo abafake isicelo bayahambisana yini nomthetho wokuthuthukisa amakhono nokuthi baye bayisebenzisa yini imali beqeqesha futhi bethuthukisa izisebenzi, ikakhulu ezimnyama;
- Ukunikwa kwamathuba kwalabo ababecindezelekile ngokomlando;
- Ukuthi labo abafake izicelo bayazihlanganyela yini izinzuzo nezisebenzi ikakhulu ezimnyama;
- Ukuhambisana nomthetho obizwa nge-Employment Equity Act 55 ka-1998; kanye
- Nokutshalelwa komphakathi izimali yizinkampani ezizimele

(b) Ukutshalwa kwezimali embonini yokudoba

Abafaka izicelo bayohlungwa ngokubhekela utshalwa kwezimali abakwenzekile.

Abafaka izicelo zezimvume zokudoba bazohlungwa ngale ndlela:

- Ukutshalwa kwezimali emikhunjini yokudoba kuyobhekelelwa kuphela uma utshalo zimali lutshengisa ukuzinikela ngokuyiko kule mboni. Imikhumbi etholakale ngemali ephansi noma mahhala ngeke ibhekwe njengokutshala izimali. Abafake izicelo

zezimvume zokudoba ngeke baklonyeliswe uma bephothule, babamba noma bathenga izivumelwano.

- Imizamo yotshalo zimali ekukhangiseni lemboni iyobhekelelwa. Isikhulu esiphathisiwe siyobhekela ukuthi ofake isicelo angakwazi yini ukukhangisa inhlanzi yohlobo lwe-*hake*.

Abafaka izicelo zezimvume zokudoba kuyomele babonise ukuthi bazitshalile yini izimali emikhunjini yokudoba, bachaze nohlobo abatshale ngalo imali. Ukwengeza kulokhu, abafaka izicelo zezimvume zokudoba kuzomele babonise ukuthi banako na ukuxhumana nezimakethe ze-*hake handline*.

(c) Ukudoba kahle kwenkampani

Abafaka izicelo zezimvume zokudobela izinhlanzi ezidotshwa ngezindobo zohlobo lwe-*hake* bayokalwa izinga lokusebenza kwabo ngokubheka ngesikhathi bethole izimvume zesikhathi esimaphakathi. Abanini zimvume abakhetha ukugxila ikakhulukazi kwinhlanzi zohlobo lwe-*linefish* kunokuba badobe uhlobo lwe-*hake* bayohlawuliswa.

Abafaka izicelo okokuqala embonini yokudoba bayohlungwa ngokubhekelela ikhono, ulwazi kanye nokukwazi ukudoba uhlobo lwenhlanzi ye-*hake handline*.

(d) Imisebenzi

Abafaka izicelo zezimvume abakhombisa ukuthi sebeke badala amathuba omsebenzi wesikhashana noma ukuqashwa ngokugcwele bayovuzwa.

(e) Ukukhushulwa kwezinga lomnotho wakuleli zwe

Ukutshalwa kwezimali kwiningi lezindawo ezingamadolobhana akhele ugu eNingizimu Afrika kuyadingeka ukuze kuthuthukiswe umnotho. Isikhulu esiphathisiwe siyoncamela abafaka izicelo zezimvume zokudoba abakhetha ukukhiphela izinhlanzi asebezidobile ezikhumulweni ezisogwini oluse Ningizimu Koloni kanye naseMpumalanga Koloni ezinomlando wokudoba nizinhlazi zohlobo lwe-*hake*.

(f) Umlando wokuzibandakanya embonini yokudoba

Abafaka izicelo zezimvume kanye nabasethubeni lokuba abanini zimvume bayoklonyeliswa ngokomlando weqhaza abake balibamba ngaphambili embonini yokudoba. Isibonelo sabanomlando wokubamba iqhaza embonini yokudoba kungaba okaputeni bemikhumbi noma umsebenzi wasolwandle oke wasebenza embonini yokudoba ngezindobo esikhathini esedlulile.

(g) Ukuthembela kule mboni

Isikhulu esiphathisiwe kufanele sikhethe abafake izicelo abathembele ekudobeni inhlanzi *i-hake handline* ukuze bathole ingxenye enkulu yemali engenayo minyaka yonke. Abafake izicelo noma amalungu athola enye imali ngaphandle kwemboni yokudoba bangase bangakhethwa. Abasha abangase banikwe imvume kuyodingeka ukuba baveze umlando wokuthi bathembele embonini yezokudoba inhlanzi *i-hake handline* ukuze baziphilise.

(h) Ukuhambisana Nomgomo

Ukuphula umthetho okungatheni ngaphansi kohlelo lwe-MLRA nemigomo kanye nezimo zezimvume kuyowehlisa amaphuzu.

7.3 Ukunikwa amandla engeziwe kwabadobi.

UMnyango uzodinga ukuba bonke abasebenzi basolwandle abazimisele ukusebenza embonini yezikebhe zokudoba ngezindobo izinhlanzi zohlobo lwe-*hake handline*, ukuba babhalise eMnyangweni eBhukwini Lezisebenzi Abafake izicelo zabo zaphumelela ekutholeni izimvume zokudobela inzuzo izinhlanzi zohlobo lwe-*hake* kuyodingeka ukuba bakhethe izisebenzi zabo eBhukwini Lezisebenzi zasolwandle. Umnyango uyobhalisa abantu abasebhukwini kuphela uma beye baqeqeshelwa ezokuphepha yi-SAMSA, bebonisa ukuthi bathembele ekudobeni le nhlanzi futhi sebenomlando wokudoba le nhlanzi.

Izisebenzi ziyobhaliswa mahhala futhi ukubhaliswa kuyoqala engxenyeni yokugcina ka-2005. Izisebenzi ezibhalisile zingadoba kuphela ngezikebhe ezigunyaziwe ukudoba inhlanzi *i-hake handline*. Lokhu akusho ukuthi abantu ababhalise eBhukwini Lezisebenzi ngeke badobe ngezikebhe ezikwezinye izindawo.

7.4 Ukwabiwa kwenani lezikebhe zokudoba

Umnyango uyonikeza abafake izicelo abaphumelele isikebhe kanye neqembu lezisebenzi elinqunywe i-

South African Maritime Association ("SAMSA") ukuthi kuphephile ukuba lisebenzise lesi sikebhe.

Ngaphezu kwalokho, noma imboni yokudoba iphethwe ngaphansi kohlelo lwe-TAE (izikebhe zokudoba eziyi-130 kanye nabasebenzi abayi-785), kanti futhi inani elicoshelwe elingedlulwe lamathani ayi-5 500 liyasetshenziswa ukuphatha leboni yokudoba. Uphenyo olubhalwe phansi lukhomba ukuthi ngesikhathi sezimvume zokudoba ezimaphakathi izinga lokucoshelwa kwamathani ezinhlanzi okungamele kudotshwe kweve kuwo, akufinyelelwanga kuwo. Ngokuzayo kungenzeka kwengezwe kancane izimvume zokudoba kunalezo ezinikiwe, uma isibalo sifinyelela kumathani ayi-5 500 lokhu kungadala ukuba ukudotshwa kwalezi zinhlanzi zohlobo lwe-*hake* kumiswe ngaleso sikhathi sokudoba.

8. Imikhumbi yokudoba esesimweni esigculisayo

Umkhumbi wokudoba othathwa njengosesimweni esigculisayo embonini yokudotshwa kwezinhlanzi zohlobo lwe-*hake* yilowo :

- Ngokwesilinganiso se-SAMSA onobude obubhalisiwe obungengaphansi kwamamitha amahlanu kanye nongevile kumamitha ayi-12. Kuyodingeka ukuba isikhulu esiphathisiwe sinikeze izimvume zokudoba kwizikebhe zohlobo lwama-skiboats nama-deck boats;
- Onomshini osebenzayo wokugada umkhumbi olwandle, kanye
- Oqinisekisiwe ukuthi uhambisana nohlelo lwe- HACCP ("Hazard Analysis and Critical Control Point").

9. Ukubandakanyeka kwezikhungo ezahlukene embonini yokudoba

Uma isicelo sifakwe inhlangano encane, ngeke inikwe imvume yokudoba i-*hake handline* uma yayinikwe ilungelo lokudoba endaweni yokudoba yesigungu A noma B. Uma ofake isicelo kungumuntu ozimele, ngeke alithole ilungelo lokudoba le nhlanzi uma lowo muntu eyilungu lenhlangano encane, engumphathi noma enamasheya futhi elawula inkampani eyanikwa ilungelo lokudobela ukudayisa esigungwini A noma B. Ngaphezu kwalokho, abanamalungelo (kuhlanganise namalungu abo uma ekhona) ezindaweni zokudoba le nhlanzi ngeke babe nelungelo kwenye indawo esigungwini C noma D ngaphandle kwale nhlanzi. Ezimweni lapho ukuba namalungelo amaningi kungavunyelwe, abafake izicelo kufanele babonise ukuthi bakhetha liphi.

10. Imali yokufaka izicelo zemvume yokudobela inzuzo kanye nemali yentela

Imali yokufaka izicelo kwimboni yokudoba izinhlanzi zohlobo lwe-*hake* iyoklanywa kubhekwe lokhu:

- Inani elibizwa uhlelo lonke lokwabiwa kwezimvume sekuhlunganisa nokubonisana, ukukhishwa kwesiqiniseko sokukhokha, ukuhlunga, ukwenza isiqiniseko, ukufakwa kokubuyezwa kwezinqumo ezithathiwe; kanye
- Nenani ngakwezimali lezinhlazi ovumeleke ukuzidoba ngokwesikhathi esinqunyelwe imvume.

Imali yentela yonyaka kumele ikhokhwe kusukela ngomhla ka-1 kuJanuwari 2006, iyobuyezwa ngemuva kokubonisana nabo bonke abathintekayo. Lezi zimali ezikhokhwayo ziyosetshenziswa umnyango ukuze unciphise izindleko zaminyaka yonke zokuphatha, ukuhambisana nohlelo nocwaningo.

11. Izindlela ezizosetshenziselwa ukuphatha

Izindlela ezizosetshenziselwa ukuphatha ezivezwe lapha ngezansi zingezinye zeziningi ezisemqoka ezizosetshenziswa uMnyango ngenhloso yokuphatha uhlelo ngemuva kokukhipha izimvume zokudoba.

11.1 Indlela yokuphatha imboni yokudoba ngokuphathelene nohlelo lokuphilisana kwezitshalo nezilwane zasolwandle.

Lemboni yokudoba izophathwa ngokuhambisana nohlelo olubizwa ngokuthi *l-ecosystem approach to fisheries* ("EAF"). Indlela yokuphatha le mboni yokudoba ithathelwe kuhlelo lokuphilisana kwezitshalo kanye nezilwane zasolwandle, uhlelo olubhekele zonke izinhlangothi lubuye luhlanganise imigomo eyazisa ukuthi ukudoba kanye nezinye izinhlobo zemisebenzi eyenziwa ngaphandle kolwandle kunomthelela ngokubanzi kulokho okwenzeka olwandle. I-EAF iyochazwa kabanzi kwibhuku eliphathelene nokuphathwa kwemboni yokudotshwa kwezinhlanzi zohlobo lwe-*hake*. INingizimu Afrika isalokhu izinikele kumngamlajuqu wonyaka ka-2010 wokuqala ukusebenzisa uhlelo lwe-EAF ekudobeleni inzuzo.

11.2 Ukuphathwa kwemboni yokudoba ngokwezifunda

UMnyango ucabanga ukushintsha izindlela zokuphatha kule mboni yokudoba ngemuva kokukhishwa kwezimvume zokudoba zesikhathi eside. Kuyinhloso yoMnyango ukuba le mboni iphathwe ngokwezifunda,

ukuze kuvinjwe ukuhamba kwemikhumbi yokudoba kwizifunda ezithile.

11.3 Imvume yokudoba izinhlanzi zohlobo lwe-*linefish*

Abadobi abadoba ngodobo izinhlanzi zohlobo lwe-*hake* ngeke bavunyelwe ukudoba ezinye izinhlobo zezinhlanzi ezaziwa ngokuthi ama-kob (*Argyrosomus* spp.) kanye nezinye izinhlanzi esezidotshwe kakhulu noma esezinciphile impela. Kodwa abadobi abadoba izinhlanzi zohlobo lwe-*hake* ngodobo, bayovunyelwa ukuba badobe izinhlanzi zohlobo lwe-*snoek* uma kwenzeka ziba khona.

12. Izindlela zokukala izinga okuyilo

UMnyango uzoveza izindlela eziningana zokukala izinga okuyilo keze kuphele isikhathi esabelwe imvume yokudoba. Kuyacabangeka ukuthi lezi zindlela zokukala izinga okuyilo liyokwenzeka ngemuva konyaka, bese kuba njalo ngemuva kweminyaka emithathu.

Nakuba uMnyango uzoqedela izindlela okuyizonazona zokukala izinga abanini zimvume abazohlungwa ngazo ngemuva kokunikwa izimvume zokudobela inzuzo nangemuva kokuxoxisana nabanini zimvume, lezi zindlela zokukala izinga zingasetsenziswa:

- uguquko;
- ukutshalwa kwezimali emikhunjini nasezimpahleni ezigqokelwa ukudoba kanye nokukhangisa;
- ukuhambisana nemithetho kanye nemigomo.

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

13. Uhlelo lwabakhimkhanya

Uhlelo lwabakhimkhanya boMnyango luzonwetshelwa nakule mboni yokudoba. Abanini zimvume bayolindeleka ukukhohka izindleko zohlelo lwabakhimkhanya.

14. Uhla lwabangase bathole izimvume

Ngaphambi kokuba isikhulu esiphathisiwe sikiphe isinqumo esingujuqu sokuthi ngobani abazonikwa izimvume zokudoba, siyoqale sikiphe uhla lwalabo abangase bathole izimvume. Lolu hla luyozungeziswa kuleyo naleyo ndawo yokudoba. Abanezifiso kanye nabathintekayo kulezi zindawo bangase bamenywe ukuba baphawule ngalolu hla, futhi ikakhulu bazise isikhulu esiphathisiwe uma kukhona umuntu onomlando wokudoba inhlanzi i-*hake handline* ongabhaliwe kulolu hla noma uma kukhona obhaliwe ongathembele ekudobeni le nhlanzi.

15. Izimo zezimvume

Izimo zezimvume kule mboni yokudoba zizokhishwa minyaka yonke. Izimo zezimvume ziyonqunywa ngemva kokubonisana nabanikazi bezimvume kule ndawo yokudoba futhi ziyobukezwa uma kudingeka.



**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH MARINE AND COASTAL MANAGEMENT**

**POLICY FOR THE ALLOCATION AND MANAGEMENT OF COMMERCIAL FISHING RIGHTS IN THE
WEST COAST ROCK LOBSTER COMMERCIAL (NEARSHORE) FISHERY: 2005**

**THIS POLICY MUST BE READ WITH THE GENERAL POLICY ON THE
ALLOCATION AND MANAGEMENT OF LONG-TERM COMMERCIAL FISHING
RIGHTS: 2005 (available at
www.mcm-deat.gov.za)**

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1. Introduction

This policy on the allocation and management of fishing rights in the west coast rock lobster commercial (nearshore) fishery is issued by the Minister of Environmental Affairs and Tourism ("the Minister"). This sector will be referred to as "WCRL (nearshore)". This policy must be read with the General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General policy").

The purpose of this policy is to set out the considerations that will apply to the allocation of long-term commercial WCRL (nearshore) fishing rights. Many of these considerations are not new. They have been applied by the Minister and delegated authorities of the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") when allocating rights in the past and to an extent this policy documents those considerations.

Certain post-rights allocation management policies are also presented in this policy. A West Coast Rock Lobster (Nearshore) Fishery Management Manual will be finalised with all right-holders during the course of 2006. This manual will stipulate in detail the management methodology and procedures for the fishery.

The Minister intends to delegate the section 18 power to allocate commercial WCRL (nearshore) fishing rights in terms of section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department. The policy documents will guide the delegated authority in taking decisions on applications in this fishery.

2. Biology and resource dynamics

West coast rock lobster (*Jasus lalandii*) are slow-growing long-lived animals. Female size at maturity varies and ranges from 57 millimetres carapace length (CL) to 66 millimetres CL. Male lobsters attain a larger size and grow faster than females. As a result of the size limit of 75 mm CL that is imposed on commercial fishers, male lobsters make up 90 to 99 percent of the catch.

West Coast rock lobster occur inshore (<200m depth) from just north of Walvis Bay in Namibia to East London. Commercial exploitation occurs from about 25°S in Namibia to Gansbaai. However, recreational fishing extends further eastwards to Mossel Bay.

3. Sector profile

The current harvestable biomass is estimated at around eight percent of the pre-exploitation levels and spawning biomass at approximately 21 percent. This decline is largely a result of two effects: large unsustainable catches taken particularly during the first half of the 20th century and a substantial reduction in the somatic growth rate during the 1990's.

Commercial fishing began in the 1880's. The commercial fishery expanded rapidly in the early part of the 20th century. Although catch records prior to 1940 are sparse, catches appear to have peaked in the period 1950 to 1965, when between 13 000 and 16 000 tons were landed annually.

Prior to 1946, the commercial fishery was unregulated. In that year, a tail-mass production quota was imposed to control exports. This formed the basis of the "output-controlled" management philosophy that is still employed in the management of the west coast rock lobster resource today.

From 1946 onwards, annual quotas were granted, based primarily on the performance of the fishery in the preceding season. Until the mid-1960's, catches were directly controlled by these quotas. In the 1967/68 fishing season, catch rates began to decline and quotas could not be filled. Decreases in the Total Allowable Catch ("TAC") to between 4 000 and 6 000 tons restored some balance in the period 1970/71 to 1989/90.

The tail-mass production quota was replaced by a whole lobster (landed mass) quota, and management by means of a TAC was introduced in the early 1980's. Area or zonal allocations were introduced at the same time. Other management measures that were enforced early on were size limits and a closed season. Catches of berried or soft-shelled lobsters were banned. The 1990/91 season again saw the catch rates drop and, in the ensuing years, the commercial TAC was gradually reduced, reaching 1 500 tons in the 1995/96 season. Since then, there has been a slow recovery, with the commercial TAC being set at 3 527 tons for the 2004/2005 season.

Prior to the introduction of lobster traps in the 1960's, the commercial fishery depended almost exclusively on hand-hauled, hoopnets, which are light and easy to deploy from small boats in shallow waters. Hoopnets are seldom used at depths exceeding 30 metres. Hoopnet dinghies may either operate independently from the shore by means of an outboard motor or oars, or be transported to the fishing grounds by means of a motorised mother vessel (deckboat).

The west coast rock lobster fishery is made up of two distinct sectors: a commercial fishery and a recreational fishery. Recreational users may only fish using hoopnets from a boat or the shore, or practice breath-hold diving or poling from the shore. Recreational fishers may not sell their catch.

The commercial sector consists of large-scale offshore operators (right allocations of more than 1.5 tons) and a more limited nearshore component (right allocations of less than 1.5 tons). In the nearshore sector, right-holders may only use hoopnets and may not move between areas.

The nearshore commercial sector (or limited commercial fishery) replaced the subsistence fishery in 2001 as a result of the findings and recommendations of an independent review of subsistence fishing in South Africa. The review recommended that high-value subsistence fisheries such as west coast rock lobster, traditional linefish and abalone should be commercialised. The commercialisation of these fisheries has permitted fishers to sell and market their products.

Approximately 20 percent of the commercial west coast rock lobster TAC is allocated to the nearshore fishery and 80 percent to the offshore fishery.. The reason for this split is that approximately 20 percent of the resource is located in the inshore region, while 80 percent is located offshore in deeper waters.

The offshore fishery supports some 5 500 employees, 95 percent of whom are black. Of these, more than 2 500 are sea-going personnel, with the remainder employed in processing and marketing operations on land. West coast rock lobster fishing takes place between November and July and the average annual income over this period is R26 500. The annual value of west coast rock lobster catches is approximately R200 million. The approximate value of vessels in this fishery is R130 million.

4. The medium-term rights allocation process

During the medium term rights allocation process, 234 full commercial west coast rock lobster fishing rights were allocated. An additional 511 limited commercial fishing rights were allocated, many to former subsistence fishers. Of the rights allocated in the full commercial fishery, 66 percent were granted to black persons and black-owned entities. The representation of blacks at senior management level in the full commercial fishery is, however, only 34 percent. Of the rights allocated in the limited commercial fishery, 91.5 percent were allocated to black persons, predominantly to black-owned micro enterprises.

In 2003, a further 230 tons of west coast rock lobster were allocated to 274 limited commercial right-holders in the area east of Cape Hangklip. Of the rights allocated, more than 90 percent were allocated to black persons.

In 1992, 39 predominantly white right-holders controlled the west coast rock lobster TAC. In contrast, by the end of 2003, 1 019 commercial rock lobster fishing rights had been allocated. Of these, many were allocated to former subsistence fishers.

5. Over-arching sectoral objectives

The objectives of allocating long-term fishing rights in the WCRL (nearshore) fishery are to:

- Maintain the transformation profile of the fishery;
- Allocate commercial fishing rights to fishers who are dependant on the WCRL resource for their main source of income;
- Endeavour to allocate a fair proportion of rights to applicants based at fishing villages that are historically associated with WCRL catches;
- Promote investment in vessels, marketing and processing infrastructure, and promote the creation of secure jobs;
- Sustain the economic viability of the fishery; and
- Ensure the environmental sustainability of the fishery.

6. Duration of rights

Having regard to –

- the transformation profile of the fishery;
- the need to encourage further investments in this fishery by micro enterprises;
- the relatively low capital intensity of the fishery;
- the need to encourage creation of permanent jobs;
- the need to maintain the economic stability that currently prevails in the fishery; and
- the fact that the west coast rock lobster resource is well managed with reliable and current data,

commercial rights will be allocated for a period of 10 years (15 November 2005 to 31 July 2015). The Department will regularly evaluate right holders against predetermined performance criteria (*see paragraph 13 below*).

7. New entrants

Although the west coast rock lobster fishery is optimally exploited and there is no room for additional participants, new entrant applicants will be considered and may be preferred over existing right-holders who have failed to fully utilise their rights or performed poorly in other respects.

8. Access to Snoek

Right holders in the west coast rock lobster (nearshore) fishery will be permitted to fish for snoek, provided that the vessel nominated and used for west coast rock lobster is a *bakkie*. A *bakkie* is a non-motorised row dinghy of 6m or less in length.

These right holders will be permitted to catch as many snoek as may be considered viable in terms of the applicable regulations and the Traditional Line Fishery Management Manual to be adopted.

9. Evaluation criteria

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter scored in terms of a set of weighted "*comparative balancing criteria*". A cut-off score or rank will then be determined to select the successful applicants. A proportion of the TAC will be allocated to each successful applicant in terms of a set of "*quantum criteria*".

9.1 Exclusionary criteria

Apart from the criteria described in the General policy pertaining to the lodgement of the applications and material defects, the delegated authority will exclude applicants that fail to meet the following requirements:

- (a) **Form of the applicant:** Only natural persons will be granted WCRL (nearshore) fishing rights. Right-holders who previously operated in the form of juristic persons (i.e. close corporations, trusts or companies) must apply in their individual capacities, but will be considered to be "medium term right holders" for purposes of the allocation process, provided that they meet the criteria set out in the General policy. In terms of the General policy individuals who were members of close corporations, shareholders of companies and beneficiaries of trusts when these entities were allocated medium term rights in 2001/2002 will be considered to be medium term right holders. The delegated authority

may regard other individuals to be medium term right holders if they obtained control over a medium term right, by way of a transfer approved by the responsible authority.

Persons who were members of a close corporation, shareholders of a company or beneficiaries of a trust may continue to operate in this form provided that they nominate one individual from the close corporation or company to apply on behalf of all the other members, shareholders or beneficiaries. The delegated authority will take into account the relationship between the applicant and the former right holder when allocating rights.

- (b) **Compliance:** Applicants that have been convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period, will not be allocated a WCRL fishing right. This does not include the payment of an admission of guilt fine. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, then the applicant will not be granted a right if the medium term right holder or one of its members, directors or controlling shareholders was convicted of a serious infringement of the MLRA, the regulations, permit conditions or other serious fishery related offences during the medium-term right period.

Rights will also not be allocated to an applicant if the applicant has had a fishing right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act 121 of 1998 or the MLRA. If the applicant was a member of a close corporation or a shareholder of a company that held a medium term right, the applicant will not be granted a right if the medium term right holder or one of its members, directors or controlling shareholders had a right cancelled or revoked in terms of the MLRA, or assets seized under the Prevention of Organised Crime Act.

Decisions may be reserved on applications if there is a pending criminal investigation, or section 28 proceedings, which may affect the outcome of the application.

- (c) **Paper quotas:** Paper quotas (as defined in the General policy) will be excluded. Large groups of identical, or very similar applications, that are sponsored by consultants or commercial fishing companies and other entities, will be excluded as fronts for paper quotas, regardless of the merits of individual applications.

A household (comprising parents and children) may not be granted more than one right so as to avoid fronting and to broaden access to the west coast rock lobster resource. Applicants may be required to

disclose their relationship to applicants in the WCRL (inshore) sector or other commercial fisheries. If more than one member of a household applies for a right, all the applications from that household may be excluded, unless the applicants clearly and convincingly demonstrate that they have established separate small commercial operations.

- (d) **Non-utilisation:** The delegated authority may refuse to re-allocate a right if a right holder applicant failed to fully utilise a medium-term right. The delegated authority may also refuse to allocate a right to an applicant who was a member of a close corporation or a director or shareholder of a company that held a medium term right and that failed to fully utilise the right.
- (e) **Multi-sector involvement:** An applicant will not be allocated a WCRL (nearshore) right if the applicant is a member of a close corporation, or a director or the controlling shareholder of a company that was allocated a commercial fishing right in any Cluster A or B fishery. A WCRL (nearshore) right holder may hold the following rights in Cluster C and D fisheries, traditional linefish and abalone:
- a WCRL (nearshore) right holder may hold a traditional line fish right, provided that the WCRL right holder does not hold an abalone right or a net fish right as well;
 - a WCRL (nearshore) right holder may hold a net fish right, provided that the WCRL right holder does not hold a traditional line fish right as well; and
 - a WCRL (nearshore) right holder may hold a white mussel right, a netfish right and an abalone right.

In instances where the holding of multiple rights is not allowed applicants should indicate their preference in their applications.

- (f) **Personal involvement in harvesting of the resource:** Applicants will be required to demonstrate that, during the fishing season, they are personally involved in fishing for WCRL, in that they are active on fishing vessels and participate in the operation of the business. Only applicants incapable of participating due to a permanent physical disability will be exempt from this requirement. Women applicants will not be exempt from having to participate on board.
- (g) **Resident in fishing zone:** Applicants who do not live adjacent to the fishing zone where they have applied for rights will be excluded. Applicants will be required to demonstrate that they have been permanently resident adjacent to the fishing zone for at least four years. Right-holders in the WCRL (nearshore) fishery will be restricted to fishing in the designated fishing zones or areas.

(h) **Vessel access:** Applicants will have to demonstrate a right of access to a suitable vessel (see paragraph 10 below).

(i) **SAMSA Health Certificate:** Applicants must provide proof that the South African Maritime Safety Authority ("SAMSA") considers them to be medically fit to go out to sea.

9.2 Comparative balancing criteria

Right-holder applicants and potential new entrants will be evaluated in terms of the following balancing criteria which will be weighted to assess the strength of each application:

(a) Transformation

To maintain the transformation profile of the WCRL (nearshore) fishery, black applicants will be positively scored. Gender may be used as a tie-breaking factor, i.e. where more than one applicant scores the same, a female applicant will be preferred over a male applicant.

Applicants will also be assessed on –

- The percentage of black persons and women involved in the management of the applicant's enterprise and employed by the applicant;
- Whether the applicant complies with skills development laws (if applicable) and whether the applicant has invested in the training and development of crew;
- Whether the applicant regularly shared profit with crew;
- Affirmative procurement; and
- Corporate social investment.

(b) Investment

Investment in vessels and equipment will be recognised, as long as the investment demonstrates a real commitment to participate in the fishery. Shareholding in vessels obtained at minimum or no cost to the applicant will not be recognised as investment.

(c) Jobs

Right-holder applicants who can demonstrate that they have provided temporary or permanent employment during the medium-term period, will be rewarded.

(d) Processing and marketing

Right-holder applicants will be required to submit processing and marketing records and may be assessed on their performance in this regard.

(e) Fishing performance

Right-holder applicants will be assessed by having regard to their performance in the WCRL fishery during the medium-term period.

New entrant applicants will be assessed by having regard to whether they have the ability, knowledge and skills to participate in the WCRL fishery.

(f) Historical involvement

Right-holder applicants and potential new entrants may be rewarded for historical involvement in the fishing industry. Such involvement might include being a crewmember in the limited commercial WCRL fishery, or being a crew member in any other commercial fishery.

(g) Reliance on fishing

The delegated authority should prefer applicants who rely on WCRL fishing for a significant proportion of their gross annual income. Applicants who derive income from sources outside the fishing industry may be negatively scored. New entrant applicants will be required to demonstrate their historical dependency on the WCRL fishery for their livelihood.

(h) Compliance

Minor infringements of MLRA, the regulations and permit conditions will be negatively scored.

9.3 Quantum criteria

Allocations to successful right-holders in the WCRL (nearshore) fishery will be determined at amounts between 750 kilograms and 1.5 tons. Regard will be had to the abundance of the resource in the area or zone applied for, as well as investment in the fishery and job creation.

If the Minister increases or decreases the TAC after the allocation of commercial fishing rights, right holders will have their TAC's adjusted accordingly.

10. Suitable vessels and gear limitations

A suitable vessel in the WCRL (nearshore) fishery is a vessel that –

- has a maximum SAMSA registered length of eight metres; and
- is geared to fish for WCRL using hoop nets only.

Right holders may be required to invest in an affordable vessel monitoring system after the allocation of long term commercial fishing rights.

11. Management measures

The WCRL fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is a holistic and integrated policy which recognises that fishing and associated land-based activities impacts on the broader marine environment. This part of the WCRL (nearshore) fishing policy does not attempt to provide a policy statement on EAF in the WCRL fishery. The EAF in the WCRL fishery will be detailed in the West Coast Rock Lobster (nearshore) Fishery Management Manual. South Africa remains committed to the target date of 2010 for the implementation of an EAF in the commercial fisheries.

The WCRL (nearshore) fishery will be managed using a number of controls, including minimum size limits, closed seasons, gear restrictions, area and time restrictions, marine protected areas and limitations on retention of berried females and soft-shelled lobster. These restrictions are contained in the permit conditions.

12. Application fees and levies

The fee payable on application for a west coast rock lobster (nearshore) fishing right is R300 (three hundred rand). This fee is non-refundable and must be paid in full.

The annual levies payable with effect from 15 November 2005 will be determined after consultation with right holders. The levies payable will be utilised by the Department for mitigating the annual costs of management, compliance and research.

13. Performance measuring

The Department will institute a number of performance measuring exercises for the duration of the commercial fishing rights. It is envisaged that the first performance measuring exercise will take place after a year, and thereafter every three years.

The purpose of performance measuring will be to ensure that the objectives of the fishery are being met and that management methodologies and procedures remain current and suitable for the fishery.

14. Observers

The vessels used in the WCRL (nearshore) fishery are not able to accommodate observers. Right-holders will, however, be expected to cooperate fully with land-based observers or those transported to the fishing grounds in other vessels.

15. Provisional lists

Before the delegated authority makes final decisions on the successful applicants, he or she should issue a provisional list of successful applicants. The provisional list will be circulated to each fishing area. Interested and affected parties in these areas may then be invited to comment on the list and, in particular, inform the delegated authority if any persons who historically fished for WCRL in the nearshore area have been excluded from the provisional list or whether any person included on the provisional list is not reliant on the WCRL resource.

16. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions will be determined after consultation with right holders in this fishery and will be subject to revision as and when it may be necessary.



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

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE VISVANGREGTE IN DIE WESKUS-
KREEF BEPERKTE KOMMERSIËLE VISSERY (KUSLYN): 2005**

**HIERDIE BELEID MOET SAAM GELEES WORD MET DIE ALGEMENE BELEID
OOR DIE TOEKENNING EN BESTUUR VAN LANGTERMYN KOMMERSIËLE
VISVANGREGTE : 2005 (beskikbaar by
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1. Inleiding

Hierdie beleid vir die toekenning en bestuur van visvangregte in die weskuskeef kommersiële (kuslyn) vissery word uitgereik deur die Minister van Omgewingsake en Toerisme (die "Minister"). Hierdie sektor sal na verwys word as "WKK (kuslyn)". Hierdie beleid moet saam gelees word met die Algemene Beleid oor 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 WKK (kuslyn) uiteen te sit. Baie van hierdie oorwegings is nie nuut nie. Hulle is in die verlede deur die Minister en gedelegeerde owerheid van die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur (die "Departement") toegepas 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 Weskuskeef (kuslyn) 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 (kuslyn) vissery toegeken word, ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne, 18 van 1998 ("die WLMH") aan 'n senior beamppte van die Departement te delegeer. Hierdie beleid sal die gedelegeerde owerheid lei in die neem van besluite oor aansoeke in hierdie vissery.

2. Biologie en brondinamika

Weskus-keef (*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 keef 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 keef 90 tot 99 persent van die vangs uit.

Weskuskeef kom naby die kus voor (<200 m diepte) 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 broeiende biomassa 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 1880s begin. Die kommersiële vissery het vinnig uitgebrei in die eerste helfte van die 20ste eeu. Alhoewel vangstreksreks vir 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 die stertmassa 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. Vermindering 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 sonetoekenning ingebring. Ander bestuursmaatreëls wat 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 staat gemaak 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. Ontspanningsvisser mag nie hulle vangste verkoop nie.

Die kommersiële sektor bestaan uit grootskaalse afluandige operateurs (regtetoekenning van meer as 1.5 ton) en 'n meer beperkte aanlandige komponent (regtetoekenning van minder as 1.5 ton). In die aanlandige sektor, mag regtehouers slegs hoepelnette gebruik en mag hulle nie tussen gebiede beweeg nie.

Die aanlandige kommersiële sektor (of beperkte kommersiële vissery) het die bestaansvissery in 2001 vervang, as gevolg van bevindings en aanbevelings van 'n onafhanklike hersiening oor 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 in staat gestel om hulle produkte te verkoop en te bemark.

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

Die afluandige vissery onderhou in die omtrek van 5 500 werknemers van wie 95 persent swart persone 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.

4. Die proses van medium-termyn regtetoekenning

Gedurende die medium-termyn regtetoekenning proses is 234 volle kommersiële weskuskreef 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, is 66 persent toegeken aan swart persone en entiteite in swart besit toegeken. Verteenwoordiging van swart persone op senior bestuurvlak 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 aan mikro-ondernemings in swart besit.

In 2003 is 'n verdere 230 ton weskuskreef 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 weskuskreef TTV beheer. In teenstelling, teen die einde van 2003, is 1 019 kommersiële regte toegeken. Van hierdie, is baie aan voormalige bestaansgrondslagvisserse toegeken.

5. Oorkoepelende sektorale doelwitte

Die doelwitte met die toekenning van langtermyn visvangregte in die WKK (kuslyn) vissery is om:

- Die transformasieprofiel van die vissery te handhaaf;
- Kommersiële visvangregte toe te ken aan vissers wat afhanklik is van die WKK bron as hulle hoofbron van inkomste;
- Te streef om 'n billike aantal regte toe te ken aan aansoekers gebaseer by vissersdorpe wat histories met WKK vangste verbind word;
- Belegging in vaartuie, bemakings- en prosesseringsinfrastruktuur te bevorder en om die skepping van standvastige werksgeleenthede 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 behoefte om verdere beleggings deur mikro-ondernemings in hierdie vissery aan te moedig;
- Die relatief lae kapitaal intensiteit van die vissery;
- Die behoefte om die skepping van permanente werksgeleenthede aan te moedig;
- Die behoefte om die ekonomiese stabiliteit wat tans in die vissery heers, in stand te hou; 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 weskuskreefvisserij optimaal ontgin word en daar nie plek is vir addisionele deelnemers nie, sal nuwe inkomeling aansoekers oorweeg word en mag verkies word bo regtehouers wat versuim het om hulle regte ten volle te benut of wat in ander opsigte swak presteer het.

8. Toegang tot Snoek

Regtehouers in die weskuskreef (kuslyn) visserij sal toegelaat word om vir snoek te vis, onderhewig daaraan dat die vaartuig wat genomineer en gebruik word vir weskuskreef 'n *bakkie* is. 'n *Bakkie* is 'n nie-gemotoriseerde roei-dinghie van 6m of minder in lengte.

Hierdie regtehouers sal toegelaat word om so veel snoek te vang as wat mag beskou word as lewensvatbaar in terme van die toepaslike regulasies en die Tradisionele Lynvisserij Bestuurshandleiding wat nog aangeneem sal word.

9. Evalueringskriteria

Aansoeke sal volgens 'n stel "*uitsluitingskriteria*" gesif word en daarna vergelyk word in terme van 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt of rangorde sal dan vasgestel word ten einde die suksesvolle aansoekers te bepaal. 'n Gedeelte van die TVV sal dan aan elk van die suksesvolle aansoekers toegeken word ingevolge 'n stel "*kwantumkriteria*".

9.1 Uitsluitingskriteria

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

- (a) **Vorm van die aansoeker:** WKK (kuslyn) visvangregte sal slegs aan natuurlike persone toegeken word. Regtehouers wat voorheen werksaam was in die vorm van regspersone (m.a.w Beslote

Korporasies, trusts of maatskappye) moet aansoek doen in hulle individuele hoedanighede, maar sal geag word om "medium-termyn regtehouers" te wees vir doeleindes van die toekenningsproses, indien hulle aan die riglyne uiteengesit in die Algemene beleid voldoen. In terme van die Algemene Beleid sal individue wat lede was van beslote korporasies, aandeelhouders van maatskappye en begunstigdes van trusts toe daar aan hierdie entiteite medium-termyn regte in 2001/2002 toegeken was, beskou word as medium-termyn regtehouers. Die gedelegeerde owerheid mag ander individue as medium-termyn regtehouers beskou indien hulle deur middel van 'n oordrag goedgekeur deur die verantwoordelike owerheid, beheer verkry oor die medium-termyn reg.

Persone wat lede was van beslote korporasie, aandeelhouders van maatskappye en begunstigdes van trusts mag voortgaan om in hierdie vorm werksaam te wees mits hulle een individu van die beslote korporasie of maatskappy nomineer om namens al die ander lede, aandeelhouders of begunstigdes aansoek te doen. Die gedelegeerde owerheid sal die verhouding tussen die aansoeker en die voormalige regtehouer in ag neem by die toekenning van regte.

- (b) **Wetsnakoming:** Daar sal nie 'n WKK visvangreg toegeken word nie aan aansoekers wat skuldig bevind is aan 'n ernstige oortreding ingevolge die WLMH, die regulasies, permitvoorwaardes of ander ernstige vissery verwante oortredings gedurende die medium-termyn regte periode. Dit sluit nie die betaling van 'n skulderkenningsboete in nie. Indien die aansoeker 'n lid was van 'n beslote korporasie of 'n aandeelhouer van 'n maatskappy was wat 'n medium-termyn reg gehou het, dan sal daar nie aan die aansoeker 'n reg toegeken word nie indien die medium-termyn regtehouer of een van sy lede, direkteure of beherende aandeelhouders skuldig bevind is aan 'n ernstige oortreding ingevolge die WLMH, sy regulasies, permitvoorwaardes of ander ernstige vissery verwante oortredings gedurende die medium-termyn periode.

Regte sal ook nie toegeken word aan die aansoeker nie indien die aansoeker 'n visvangreg gehou het wat gekanselleer of ingetrek is in terme van die WLMH of indien daar op die aansoeker se bates beslag gelê is in terme van die Wet op Voorkoming van Georganiseerde Misdaad 121 van 1998 of die WLMH. Indien die aansoeker 'n lid was van 'n beslote korporasie of 'n aandeelhouer van 'n maatskappy wat 'n medium-termyn reg gehou het, sal daar nie aan die aansoeker nie 'n reg toegeken word nie indien die medium-termyn regtehouer of een van sy lede, direkteure of beherende aandeelhouders 'n reg gehad het wat 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 Misdaad.

Besluite mag gereserveer word oor aansoeke indien daar 'n hangende kriminele ondersoek is, of artikel 28 stappe, wat die uitslag van die aansoek mag affekteer.

- (c) **Papierkwotas:** Papierkwotas (soos omskryf in die Algemene beleid) sal uitgesluit word. Groot groepe identiese of baie soortgelyke aansoeke, wat geborg is deur konsultante of kommersiële visvangmaatskappye en ander entiteite, sal uitgesluit word as fronte vir papierkwotas, ongeag die meriete van die individuele aansoeke.

'n Huishouding (bestaande uit ouers en kinders) mag nie meer as een reg toegeken word nie om sodoende fronte te voorkom en om toegang tot die weskuskeef bron te verbreed. Daar mag van aansoekers vereis word om hul verhouding met ander aansoekers in die WKK (kuslyn) sektor of enige ander kommersiële visserij aan te toon. Indien meer as een lid van 'n huishouding aansoek doen vir 'n reg, kan al die aansoeke van daardie huishouding uitgesluit word, tensy die aansoekers duidelik en oortuigend aantoon dat hulle 'n aparte klein kommersiële ondernemings gevestig het.

- (d) **Nie-gebruik:** Die gedelegeerde owerheid mag weier om 'n reg weer toe te ken as 'n regtehouer aansoeker versuim het om sy medium-termyn reg ten volle te benut. Die gedelegeerde owerheid mag ook weier om 'n reg toe te ken aan 'n aansoeker wat 'n lid was van 'n beslote korporasie of 'n direkteur of aandeelhouer van 'n maatskappy wat 'n medium-termyn reg gehou het en versuim het om die reg ten volle te benut.

- (e) **Multi-sektorale betrokkenheid:** Daar sal nie 'n WKK (kuslyn) reg toegeken word nie aan 'n aansoeker indien die aansoeker 'n lid is van 'n beslote korporasie, of 'n direkteur of die beherende aandeelhouer van 'n maatskappy waaraan daar 'n kommersiële visvangreg toegeken is in enige Groep A of B visserij. 'n WKK (kuslyn) regtehouer mag die volgende regte hou in Groep C en D visserij, tradisionele lynvis en perlemoen:

- 'n WKK (kuslyn) regtehouer mag 'n tradisionele lynvisreg hou mits die WKK regtehouer nie ook 'n perlemoenreg sowel as 'n netvis reg hou nie;
- 'n WKK (kuslyn) regtehouer mag 'n netvis reg hou mits die WKK regtehouer nie ook 'n tradisionele lynvisreg hou nie; en
- 'n WKK (kuslyn) regtehouer mag 'n witmosselreg, netvisreg en 'n perlemoenreg hou.

In gevalle waar die hou van veelvuldige regte nie toegelaat word nie, behoort aansoekers hul voorkeur in hulle aansoeker aan te toon.

- (f) **Persoonlike betrokkenheid by die oes van die bron:** Daar sal van aansoekers vereis word om aan te toon dat, tydens die visvangseisoen, hulle persoonlik betrokke is met die vang van WKK, deurdat hulle aktief is op visvangvaartuie en deelneem aan die bedryf van die besigheid. Slegs aansoekers wat weens permanente fisiese ongeskiktheid nie in staat is om deel te neem nie, sal vrygestel wees van hierdie vereiste. Vroue aansoekers sal nie vrygestel word van die vereiste om aan boord deel te neem nie.
- (g) **Woonagtig in visvangarea:** Aansoekers wat nie langs die visvangarea woon waar hulle om regte aansoek gedoen het nie, sal uitgesluit word. Daar sal van aansoekers vereis word om aan te toon dat hulle ten minste vier jaar lank langs die visvangarea woonagtig was. Regtehouers in die WKK (kuslyn) vissery sal beperk word tot visvangs in die aangewese visvangsone of gebiede.
- (h) **Toegang tot vaartuie:** Aansoekers sal moet aantoon dat hulle 'n reg van toegang tot 'n geskikte vaartuig (*sien paragraaf 10 hieronder*).
- (i) **SAMVO Gesondheidsertifikaat:** Aansoekers moet bewys verskaf dat die Suid Afrikaanse Maritieme Veiligheidsowerheid (SAMVO) hulle as medies geskik beskou om op die see uit te gaan.

9.2 Vergelykende balanseringskriteria

Regtehouer aansoekers en potensiële nuwe inkomelinge, sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word ten einde die sterkte van elke aansoek te bepaal.

(a) Transformasie

Ten einde die transformasieprofiel van die WKK (kuslyn) vissery te handhaaf, sal daar positiewe punte aan swart aansoekers toegeken word. Geslag mag gebruik word as 'n valbyl-faktor, m.a.w. waar meer as een aansoeker dieselfde telling het, sal 'n vroulike aansoeker bo 'n man verkies word.

Aansoekers sal ook evalueer word op grond van -

- Die persentasie van swart persone en vroue betrokke in die bestuur van die aansoeker se onderneming en wat in diens van die aansoeker is;

- Of die aansoeker wetgewing oor vaardigheidontwikkeling nakom (indien van toepassing) en of die aansoeker belê het in die opleiding en ontwikkeling van bemanning;
- Of die aansoeker gereeld winste gedeel het met bemanning;
- Regstellende aankope; en
- Korporatiewe sosiale belegging.

(b) Belegging

Belegging in vaartuie en toerusting sal erken word, solank die belegging 'n ware bedoeling aantoon om aan die vissery deel te neem. Aandeelhouding in vaartuie verkry teen minimum of geen koste aan die aansoeker nie sal nie erken word as 'n belegging nie.

(c) Werksgeleenthede

Regthouer aansoekers wat kan aantoon dat hulle tydelike of permanente werk verskaf het gedurende die medium-termyn periode, sal beloon word.

(d) Prosessering en bemarking

Daar sal van regthouer aansoekers vereis word om prosesserings- en bemarkingsrekords in te dien en mag op hulle prestasie in hierdie verband evalueer word.

(e) Visvangprestasie

Regthouer-aansoekers sal evalueer word met inagneming van hulle prestasie in die WKK vissery gedurende die medium-termyn periode.

Nuwe inkomeling aansoekers sal evalueer word met inagneming van of hulle die vermoë, kennis en vaardighede het om aan die WKK vissery deel te neem.

(f) Historiese betrokkenheid

Regtehouer aansoekers en potensiële nuwe inkomelinge mag beloon word vir historiese betrokkenheid in die visvangindustrie. Sulke betrokkenheid mag insluit om 'n bemanningslid in die beperkte kommersiële WKK vissery te wees, of 'n bemanningslid in enige ander kommersiële vissery te wees.

(g) Afhanklikheid van visvang

Die gedelegeerde owerheid behoort aansoekers te verkies wat afhanklik is van WKK visvangs vir 'n wesenlike gedeelte van hul bruto jaarlikse inkomste. Daar mag negatiewe punte toegeken word aan aansoekers wat inkomste uit bronne buite die visvangbedryf verkry. Daar sal van nuwe inkomeling aansoekers vereis word om hulle historiese afhanklikheid van die WKK vissery vir hulle bestaan aan te toon.

(h) Wetsnakoming

Daar sal negatiewe punte toegeken word vir geringe oortredings van die WLMH, die Regulasies en permitvoorwaardes.

9.3 Kwantumkriteria

Toekennings aan suksesvolle regtehouers in die WKK (kuslyn) vissery sal vasgestel word op hoeveelhede tussen 750 kilogram en 1.5 ton. Die talrykheid van die bron in die area of sone waarvoor aansoek gedoen word, asook belegging in die vissery en werkskepping sal in ag geneem word. Indien die Minister die TTV vermeerder of verminder na die toekenning van kommersiële visvangregte, sal regtehouers se TTV ooreenkomstig aangepas word.

10. Geskikte vaartuie en toerusting beperkings

'n Geskikte vaartuig in die WKK (kuslyn) vissery is 'n vaartuig wat:

- 'n maksimum SAMVO geregistreerde lengte van agt meter het;
- Toegerus is om slegs met hoepelnette WKK te vang.

Daar mag van regtehouers vereis word om na die allokering van langtermyn kommersiële visvangregte te belê in 'n bekostigbare vaartuigmoniteringstelsel.

11. Bestuursmaatreëls

Die WKK visserij sal bestuur word ooreenkomstig 'n ekosisteenbenadering tot visserye ("EBV"). 'n Ekosisteenbenadering tot visserybestuur is 'n holistiese en geïntegreerde beleid wat erken dat visvang en verwante aktiwiteite op land 'n impak het op die breë mariene omgewing. Hierdie deel van die beleid vir WKK (kuslyn) poog nie om 'n beleidsverklaring te voorsien oor EBV in die WKK (kuslyn) visserij nie. Die EBV in die WKK visserij sal verder uitgestippel word in die Bestuurshandleiding vir die WKK (kuslyn) Vissery. Suid-Afrika bly verbind tot 'n teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële visserye.

Die WKK (kuslyn) visserij sal bestuur word deur gebruik te maak van 'n aantal kontroles, insluitende minimum-groote beperkings, geslote seisoene, beperkings op toerusting, gebieds- en tydsbeperkings, beskermde mariene gebiede en beperkings op die hou van dragtige en sagtedop- kreef. Hierdie beperkings word in die permitvoorwaardes vervat.

12. Aansoekgelde en heffings

Die aansoekgeld betaalbaar by aansoek vir 'n weskusreef (kuslyn) visvangreg is R300 (driehonderd rand). Die aansoekgeld is nie-terugbetaalbaar nie en moet in vol betaal word.

Die jaarlikse heffings betaalbaar met ingang van 15 November 2005 sal bepaal 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.

13. Meet van prestasie

Die Departement sal 'n aantal prestasiekeningoefeninge instel vir die duur van die kommersiële visvangregte. Dit word beoog dat die eerste prestasiekeningoefening na 'n jaar en daarna na elke drie jaar sal plaasvind. Die oogmerk met prestasiekening sal wees om te verseker dat die doelstellings van die visserij bereik word en dat die bestuursmetodologie en prosedures geskik is en op datum bly vir die visserij.

14. Waarnemerprogram

Die vaartue wat gebruik word in die WKK (kuslyn) vissery is nie in staat om waarnemers te akkomodeer nie. Daar sal egter van regtehouers verwag word om hulle volle samewerking te gee met land-gebaseerde waarnemers, of aan waarnemers wat na die visvangwaters in ander vaartue vervoer word.

15. Voorlopige lys

Voordat die gedelegeerde owerheid finaal besluite neem oor die suksesvolle aansoekers, behoort hy of sy 'n voorlopige lys van suksesvolle aansoekers uit te reik. Die voorlopige lys sal na elke visvanggebied gesirkuleer word. Belanghebbende en geaffekteerde partye in hierdie gebiede mag dan uitgenooi word om kommentaar te lewer oor die lys, en in besonder, om die gedelegeerde owerheid in te lig as enige persone wat histories vir WKK (kuslyn) visgevang het wat weggelaat is van die voorlopige lys of enige persoon wat ingesluit is op die voorlopige lys wat nie afhanklik is van die WKK (kuslyn) bron nie.

16. 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.



ISEBE LEMICIMBI YEZENDALO NOKHENKETHO

ISEBE LOLAWULO LOLWANDLE NAMANXWEME

**UMGAQO-NKQUBO WOLAWULO NOLWABIWO LWAMALUNGELO
ORHWEBO OKULOBA I-WEST COAST ROCK LOBSTER (NGAKUNXWEME-
"NEARSHORE") : 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 ukhutshwe nguMpathiswa wezoBume Bendalo nezoKhenketho ("Umphathiswa"). Eli candela liza kubizwa ngokuba yi"WCRL (nearshore). Lo mgaqo-nkqubo umele ufundwe ndawonye noMgaqo-Nkqubo Jikelele woLwabiwo noLawulo lwenkqubo yeXesha eLide yaMalungelo oRhwebo Okuloba :2005 ("uMgaqo Jikelele"). Eli candela liza kubizwa ngokuba yi"WCRL (nearshore).

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

Inkqubo ezithile ezothi zilawule amalungelo anikezelweyo zichaziwe kulenkqubo. Uxwebhu olusikhokhele loLawulo loShishino ngokuloba i-hake longline luza kugqityezelwa kunye nabo bonke abanini -malungelo phakathi kunyaka ka 2006. Olu xwebhu lusikhokelo luza kubonisa ngokwenkcukacha ulwazi-nkqubo lolawulo nemigaqo yoshishino yokuloba kulefishari

UMphathiswa uzimisele ukugunyazisa amandla ecandelo lomthetho 18 ukunikeza amalungelo oshishino orhwebo ngokuloba i-west coast rock lobster 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. Ibhayoloji nentshukumo zobutyebi bendalo

I rock lobster zaselunxwemeni lwasentshona (*Jasus lalandii*) zizilwanyana ezikhula kancinane zakudala. Ubukhulu bemazi xa sele indala isuka kwi 57 millimetres ubude becarapace (CL) iya kwi 66 millimetres CL. Eyindoda ilobster ibanobukhulu kwaye ikhawuleze ukukhula ngaphezu kwemazi. Ngenxa yomda ebukhulwini obuyi 75 mm CL obekwe kurwebo lwezokuloba, ilobster zifikelela kwi 90 ukuya kwi 99 lepesenti lezibanjiswa.

Irocklobster zakunxweme lwentshona ziba kunxweme (<200m ubunzulu) ukusuka emantla e Walvis Bay e Namibia ukuya eEast London. Ukusetyenzisa kirhwebo lwenzeka malunga ne 25°S e Namibia ukuya Gansbaai. Kodwa ke, ukuloba nje lokuzonwabisa lunabela empuma ukuya e Mossel Bay.

3. Ubume balefishari

Ubunzima obuphindiweyo besivuno buqikelelwa kwisithuba sepesenti ezisibhozo samazinga ebesetyenziswa ngaphambili ubunzima bamaqanda buqikelelwa kwi 21 yepesenti. Olu kekelo lubangwa ikakhulu zimeko ezimbini: intlanzi ezininzi ezilotyiweyo lwentlanzi kwisithuba sesiqingatha sokuqala se 20th century nokuhla okukhulu kwizinga lokwanda kwiminyaka ye 1990's.

Urhwebo lokuloba intlanzi lwaqala nge 1880's. Ushishino lokuloba lwakhula ngokukhawuleza ekuqaleni kweminyaka ye 20th century. Nangona ngaphambi kweminyaka ye 1940 ubambiso lwentlanzi beluntshakantshaka, kubebhetele kwithuba leminyaka ka 1950 ukuya ku1965, xa phakathi kwe 13 000 ne 16 000 yetoni zazibanjiswa minyaka le.

Phambi ko 1946, ushishino lokuloba lalungenamigaqo. Kulonyaka , Ubuninzi obumisiweyo bemveliso babekwa ukuze kuthintelwe ukuthunyelwa kwamanye amazwe. Lonto yenza isiseko solawulo "nqando mveliso" esasetyenziswayo kulawulo lwe rocklobster kunxweme lwentshona namhlanje.

Ukusukela ku 1946 ukubheka phambili, kwavunyelwana ngesebelo sonyaka, esisekelwe okokuqala kwinkqubo yokuloba kwixesha elingaphambili lonyaka. Ukuya phakathi kwiminyaka ye1960's, ukuloba bebulawulwa ngqo bubuninzi obumisiweyo. Ngo 1967/68 ngexesha lokuloba, amazinga okuloba aqalisa ukwehla nobuninzi obumisiweyo abakwazi ukuzinziswa. Unciphiso kwiNani lokuLoba eliVunyiweyo ("TAC") ukuya phakathi ko 4 000 no 6 000 etoni labuyisela ukulingana kwisithuba sika 1970/71 ukuya 1989/90.

Ubunzima bemveliso obumisiweyo babuyiselwa ngelobster yonke (ubunzima bomnatha) , no lawulo ngohlobo lwe TAC lwasetyenziswa kwiminyaka yokuqala ka 1980. Ukwabiwa kwemimandla kwaqhubeka kwangelo xesha. Eminye imilinganiselo yolawulo eyayinyanzeliswa ngaphambili yabuyiswa nokuvalwa kwexesha . Ukulotywa kwelobster ezinamaqweqwe athambileyo kwapheliswa. Iminyaka ka 1990/91 amazinga okuloba kwakhona ehla, kwiminyaka elandelayo, urhwebo lwe TAC lehla kancinci, lufikelela kwi 1 500 yetoni ngo 1995/96 kwixesha lonyaka. Ukususela ngoko, kwaye kusiba bhetelana kancinci, kushishino lwe TAC lubekwa kw 3 527 etoni kwixesha lonyaka ka 2004/2005 .

Phambi kokusetyenziswa kwezibambisi zelobster ngeminyaka ye 1960, ushishino lokuloba beluxhomekeke ekulobeni nge hand-hauled, hoopnets, ezikhaphu khaphu nekulula uzisebenzisa kumaphenyane amancinci kumanzi anganzulwanga. iHoopnets zidla ngokusetyenziswa kubunzulu obungaphezulu kwe 30 yemitha. Amaphenyane eHoopnet asenokuzisebenzela elunxwemi ngokomphandle wenqanawe okanye ngokwamaphini, okanye isiwe kwimihlaba yokuloba irhuqwe liphenyane (deckboat).

Ukulotywa kwe rock lobster kunxweme lwentshona lwenziwe ngamacandelo amabini: ushishino lokuloba nolokuzonwabisa. Abalobela ukuzonwabisa bangasebenzisa ihoopnets xa belobayo kwiphenyane okanye okanye ku nxweme, okanye basebenzise ukuntywila. Abalobi bokuzonwabisa abanakho uthengisa eyabo intlanzi.

Icandelo loshishino linomlinganiselo omkhulu wabasebenzi abasebenza ngaphandle (ulwabiwo lwamalungelo abhaphezu kwe 1.5 yetoni) nenani elingqongileyo elingakunxweme (amalungelo abileyo angaphantsi kwe 1.5 itoni). Kwicandelo elingaselunxwemeni, Abanamalungelo bangasebenzisa i hoopnets bengenakuhambahamba.

Icandelo lorhwebo lwangaselunxwemeni (okanye ushishino lokuloba oluqingqiweyo) 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, ilinefish yemvelo ne abalone zimele ukuba zibe zindawo zokwenza imali. Ukwenza imali kwezindawo kuvumele abalobi ukuba bathengise imveliso yabo.

Malunga nama-20 pesenti okurhweba ngokuloba i-rock lobster yasentshona anikezwe kubalobi bangaselunxwemeni kaye ama-80 epesenti anikezwe kubalobi basenzulwini. Isizathu sale yantlukwano kukuba i 20 pesenti yobuncwane ihleli elunxwemeni, kanti i-80 pesenti iphakathi kanye enzulwini yamanzi.

Ukuloba elunxwemeni kuxhasa ama 5 500 abasebenzi yaye i 95% 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 lwezikhithshana kulo lobo zizigidi ezili130 lee randi. Ulobo lwe west coast rock lobster luya lawuleka kakuhle kwaye ukususela kumnaka 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 yonikezelwa kwamalungelo exeshana

- Ebudeni benkqubo yokunikezwa kwamalungelo exeshana, kwakhutshwa amalungelo okushishina ngokuloba i-rock lobster angama-234. Kwakhutshwa amanye amalungelo ongezelelekileyo orhwebo olufinyaziweyo angama-511, amaninzi awo enikwa abalobi ababekade bekhase. Kuloo malungelo akhutshwayo kurhwebo olupheleleyo lokuloba, ama-66 epesenti anikwa abantu abamnyama namashishini anabanini abamnyama. Noko ke, ukumelwa kwabamnyama kubaphathi abaphezulu kulefishari kungama-34 epesenti kuphela. Kumalungelo akhutshelwe urhwebo olufinyaziweyo lokuloba, ama-91.5 epesenti anikwa abantu abamanyama, kakhulu kuamashishini aamancinci abanini ingabantu abamnyama.

Ngowe-2003, ezinye iitoni ezingama-230 ze-west coast rock lobster zanikezwa kubanini malungelo borhwebo olufinyaziweyo abalinganiselwa kwi-274 kummandla osempuma we-Cape Hangklip. Kumalungelo akhutshiweyo, ngaphezu kwama-90 epesenti anikwa abantu abamnyama.

Ngowe-1992, abanini malungelo abamhlophe abangama-39 yayingabo ababebamb' intambo kwi-TAC kwi-west coast rock lobster. Ngokwahlukileyo koko, ngasekupheleni kuka-2003, kuye kwakhutshwa amalungelo okushishina ngokubambisa i-west coast rock lobster. Amaninzi kula anikwa abalobi abebekhasangaphambili.

5. Injongo zokwandiswa kwamacandelo

Injongo zecandelo eziqakayo ekwabeni kwamalungelo okuloba exesha elide kule fishari ye-WCRL zezi:

- Ukugcina ubume benguqu kulefishari;
- Kunikwe amalungelo oshishino lokuloba kubalobi abaxhomekeke kubutyebibe-WCRL ukuze bafumane ingeniso eyintloko ;
- Kuzanywe ukunikwa inxalenye ebonakalayo yamalungelo abafaki zicelo abahlala kwilali zokuloba ezinembali xulumene nokuloba i-WCRL ;
- Kukhuthazwe utyalomali kwimikhumbi, kuthengiso nokuphucula i-WCRL kumaziko,, kuze kukhuthazwe ukudala imisebenzi ekhuselekileyo;
- Ukugcina uqoqosho oluphilayo kulefishari; kwaye
- BaNokuqinisekisa ukugcinakala kwalefisharo ngokwendalo.

6. Ixesha lamalungelo

Xa kujongwe –

- Ubume be nguqu kulefishari;
- imfuno yokukhuthazaeni utyalomali kulefishari wezindawo ngamashishini amancinci khulu;
- ukungafuneki kwenkunzi engako kulefishari;
- imfuno yokhuthazai ukudalwa kwemisebenzi esisigxina;
- Imfuno yokugcina uzinzo lwezoqoqosho olugqubayo kulefishari; kwaye
- Kwaye i-west coast rock lobster ilawuleka kakuhle ngolwazi oluthembekileyo nolusexesheni ,

Njengoko kunanzwe inkqubo yenguqu kulefishari, amalungelo orhwebo azakunikezelwa kangangeminyaka elishumi (ukusukela ku 15 November 2006 ukuya kwi 31 July 2015 2015). ISebe liya kubahlola rhoqo abo bafumene amalungelo kusetyenziswa indlela emiselwe ngaphambili yokuhlola. (**bona umhlathi 13 ngezantsi**).

7. Abangeneli abatsha

Nangona ulobo lwe-west coast rock lobster lusetyenziswe kakhulu, (lugcwele) ngoku akukho ndawo yabathathi nxaxheba abongezelelekileyo, abatsha baza kuqwalaselwa bangathatha iindawo zabo bangaphumelelanga konke konke ukusebenzisa amalungelo abo okanye abangasebenza kakuhle kwiinkalo ezithile.

8. Ukufikelela ku-Snoek

Abanamalungelo ekulobeni i-west coast rock lobster bazayi kuvunyelwa ukuba balobe u-snoek, ukuba umkhumbi okhethiweyo kwaye osetyenziselwa ukuloba i-west coast rock lobster luhlobo lwe-bakkie. I-bakkie sisikhephe esinamaphini angahambi ngenjini abude bumalunga ne-6m okanye ngaphantsi.

Aba banamalungelo baya kuvunyelwa ukuba babambise oo-snoek abaninzi ngokwenani elijongwa lisengqiqweni kwimimiselo esetyenziswayo ebhalwe kuXwebhu Lokulawula Ukuloba Oluqhelekileyo (Traditional Line Fishery Management oluza kwamkelwa.

9. 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" (indlela yomlinganiselo).

9.1 Indlela yokuthithentalaha

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:** Ngabantu kuphela bemvelo abaya kunikwa amalungelo okuloba i-WCRL (nearshore). Abo banamalungelo ababekhe basebenza ngokwaziko askelwe emthethwenisi (umz. liclose corporations, abagcinizimali (trusts) okanye inkampani) kuyakufuneka benze izicelo bengabantu, kodwa bayakuthathwa njengabanamalungelo okwexeshana kwinkqubo yolwabiwo, lo gama nje besawalandela amabakala abekwe nguMgaqo Jikelele. Ngokwalo mgaqo Jikelele abantu ababengamalungu e-close corporation, ii-shareholders zeenkampani nabanamabango kwii-trust xa loo maziko babekuwo ayenikwa amalungelo okwexeshana ngowe-2001/2002 nabo baya kujongwa njengabanamalungelo okwexeshana. Igunya elithunyelweyo lisenokubajonga nabanye abantu njengabanamalungelo okwexeshana ukuba baye bafumana ibango kwilungelo lokwexeshana, ngokuthi kubekho olidlulisela kubo ngokugunyaziswa ngabasemagunyeni abasemthethweni.

Abantu ababengamalungu e-close corporation, ii-shareholders zenkampani okanye benamabango kwi-trust basengaqhubeka beshishina bengama lo maziko lo gama nje benyula omnye umntu olapha kwi-close corporation okanye inkampani ukuba afake isicelo egameni lamanye amalungu onke, lazo zonke ii-shareholders okanye bonke abanamabango. Igunya elithunyelweyo liya kunika ingqwalasela kulwalamano olukhoyo phakathi komfaki-sicelo nalowo wayesakuba nelungelo xa likhupha la malungelo.

- (b) **Ukuthobela:** Abafaki zicelo ababekhe bafunyaniswa benetyala lokophula ngokunzulu umthetho i-MLRA, imimiselo yayo, imiqathango yemvume okanye olunye ulwaphulo-mthetho olonzulu lokuloba oluhambisana noku ngethuba lamalungelo exeshana, abayi kunikwa ilungelo lokuloba i-WCRL. Oku

akuquki ukuhlawulwa isohlwayo sokuvuma ityala. Ukuba lowo ufaka isicelo ebelilungu le-close corporation okanye eyi-shareholder kwinkampani ebinamalungelo okwexeshana, lowo ufake isicelo akayi kunikwa ilungelo ukuba yena okanye omnye wamalungu, wabalawuli (ii-director) okanye umphathi sabelo (i-shareholder) onegunya ukhe wafunyaniswa enetyala lokwaphula ngokunzulu umthetho i-MLRA, imimiselo yayo, imiqathango yemvume okanye olunye ulwaphulo-mthetho kwezokuloba ebudeni bexesha lokuba nelungelo lokwexeshana.

Umfaki-sicelo akayi kuwanikwa amalungelo ukuba yena ukhe wahluthwa okanye wasuswa amalungelo okuloba i ngokwemigaqo ye-MLRA, okanye kwahluthwa impahla yakhe phantsi komthetho we-Prevention of Organised Crime Act 121 of 1998 okanye i-MLRA. Ukuba lowo ufake isicelo wayelilungu le-close corporation okanye i-shareholder(umphathi sabelo) yenkampani ebinelungelo lokwexeshana, umfaki-sicelo akayi kunikwa lungelo xa yena okanye amalungu,(abalawuli) ii-directors ,(abalawuli) okanye i-shareholder (umphathi sabelo) enamagunya iye yahluthelwa okanye yasuselwa ngokwe-MLRA, okanye impahla yakhe yahluthwa phantsi komthetho we-Prevention of Organised Crime Act.

Izigqibo zisenokumiswa kwizicelo ezo ukuba kusekho uphando ngokuphula umthetho olusaqhubekayo okanye kusekho inkqubo phantsi komthetho wecandelo la-28 we MLRA ezinokuthi zibene mpembelelo kwiziphumo zesicelo.

- (c) **Abafaki zicelo abanganyanisekanga: Abafaki zicelo abanganyanisekanga** (njengoko kuchaziwe kumaqo Jikelele) bayakukhutshwa. Amaqela amakhulu ezicelo ezifanayo okanye eziyeleleneyo , axhaswa ngabacebisi okanye zinkampani zoshishino lokuloba neminye imibutho, ayakukhutshwa njengamasithelo ("fronts") abafaki-zicelo abanganyanisekanga , sicelo , kungakhathaliseki ukuba ezo zicelo zona zifaneleka kangakanani.

Intsapho (equka abazali nabantwana) isenokunikwa ilungelo elinye kuphela ukuze kuphetshwe ukusithela ngomnye umntu ("fronting") nokuze nabanye baxhamle kobu buncwane bokuloba i-west coast rock lobster . Abafake izicelo kusenokufunwa bachaze ulwalamano lwabo nabanye abafaki zicelo abakwi-WCRL (inshore) okanye kwezinye iifishari. Ukuba kukho elinye ilungu lentsapho elifaka isicelo selungelo, zonke izicelo ezingene zivela kuloo ntsapho ziya kuchwethelwa ecaleni, ngaphandle kokuba abo bafaka isicelo babonisa ngokucacileyo nangokungathandabuzekiyo ukuba baneshishini elincinane labo elisecaleni elizimeleyo.

- (d) **Ukungasetyenziswa:** Igunya elithunyelweyo lisenokungaphindi limnike ilungelo umfaki-sicelo osele enelungelo ukuba uye wasilela ngokupheleleyo ukulisebenzisa ngethtuba lamalungelo exeshana lokuloba. Kwakhona igunya elithunyelweyo lisenokwala ukunika ilungelo kumfaki-sicelo obelilungu le-close corporation okanye umlawuli (i-director) okanye umphathi sabelo (i-shareholder) wenkampani ebinelungelo lokwexeshana kodwa ayalisebenzisa ngokupheleleyo.
- (e) **Ukubandakanyeka kwamacandelo amaninzi:** Umfaki sicelo akayi kunikwa ilungelo le-WCRL (nearshore) ukuba umfaki-sicelo lowo ulilungu le-close corporation, okanye umlawuli (i-director) okanye umphathi sabelo (i-shareholder) wenkampani ebinikwe ilungelo lokurhweba ngokuloba naphi na kuluhlu lefishari eziku u-A okanye u-B (Cluster or A B. Umntu onelungelo kwi-WCRL (nearshore)) anga namalungelo anganawo lamalungelo kuluhlu lefishari eziku u-C no-D (cluster C no-, ekulobeni okuqhelekileyo okanye bemvelo (traditional linefish) ne-abalone:
- Umntu onelungelo le-WCRL (nearshore) anganalo ilungelo lokuloba intlanzi eqhelekileyo (traditional linefish), lo gama nje loo mntu unelungelo le-WCRL engenalolungelo lokuloba le-abalone okanye lokuloba i-netfish;
 - umntu onelungelo le-WCRL (nearshore) anganalo ilungelo lokuloba i-netfish, lo gama nje lowo unelungelo le-WCRL engenalolungelo ekulobeni intlanzi eqhelekileyo (traditional linefish); kwaye
 - umntu onelungelo le-WCRL (nearshore) anganalo ilungelo lokuloba i-white mussel, ilungelo lokuloba i-netfish nele-abalone.

Kwiimeko apho kungavumelekanga ukuba namalungelo awahlukeneyo, abafaki-zicelo bafanele babonise oko bakukhethayo kwizicelo zabo.

- (f) **Ukubandakanyeka buqu ekuvuneni ubutyebi:** Abafaki zicelo kwakufuneka babonise ukuba, ngexesha lokuloba, bazibandakanye ngokupheleleyo ekulobeleni i-WCRL ngokuthi babe nendima ebonakalayo kwinqanawa zokuloba baze bathabathe inxaxheba ekuqhutyweni kweshishini. Kuphela ngabafaki-zicelo abakhubazekileyo abaya kukutshwa okanye baxolelwe kumqobo wokubandakanyeka buqu ekuvuneni ubutyebi.. Abafazi bona abakhutshwa okanye abaxolelwe kumqobo wokubandakanyeka buqu ekuvuneni ubutyebi. okanye ukuba ngaphezulu emikhumbini.
- (g) **Abahlali kwindawo zokuloba:** Abafaki zicelo abangahlali kufutshane nengingqi zokuloba abacelela kuzo bayakukhutshelwa bucala. Abafaki zicelo kuyakufuneka babonise ukuba bahlala ngokusisigxina kwingingqi ekufutshane nendawo yokuloba, ubuncinci iminyaka emine. Amalungelo okuloba kwi-

WCRL(nearshore) ayakunikwa kuphela abahlali abahlala kufuphi nengingqi okanye imimandla yokuloba. Abanamalungelo kwi- WCRL (nearshore) bayakuthintelwa kwindawo okanye ingingqi zokuloba ezinyuliweyo.

- (h) . **Ukufikelela emkhumbini:** Abafaki zicelo kuyakufuneka babonise ilungelo lokufikelela emkhumbini ofnelekileyo(jonga kumhlathi **10 ngezantsi**)
- (i) **Isiqinisekisi (Isatifikethi) SeMpilo Se-SAMSA:** Abafaki zicelo bamele banike ubungqina bokuba i-South African Maritime Safety Authority ("SAMSA") ibajonga njengabakufaneleyo ngokwempilo ukungena elwandle.

9.2 **Indlela elinganayo yokuthelekisa**

Abafaki zicelo abanamalungelo nabafaki zicelo abatsha bayakuvavanywa ngokwalemigaqo ilinganayo ilandelayo eyakuthi iveyishwe ukujonga amandla omfaki sicelo ngamnye:

(a) **Inguqu**

Ukugcina ubume benguqu kulefisahari ye-WCRL (nearshore), abafaki zicelo abamnyama bayakunikwa amanqaku amahle.Isini sisenokusetyenziswa njenge sisombululo seqhina, into ethetha ukuthi: apho kukho ngaphezulu komthathi nxaxheba omnye obe namanqaku afanayo, umfaki-sicelo wesifazana uyakukhethwa ngaphezu koyindoda.

Abafaki zicelo nabo bayakuhlolwa ngoko –

- Umlinganiselo wabantu abamnyama namabhinqa abandakanyeke kushishino lwabafaki-zicelo nabaqeshwe ngumfaki-siceloUmlinganiselo (iipesenti) wabamnyama nabafazi abathatha inxaxheba kulawulo leshishini lomfaki sicelo, nenani eliqeshwe ngumfaki sicelo;
- umfaki sicelo uyasebenzisana nemithetho yophuhliso lobuchule kwaye umfaki sicelo lowo uye watyala imali ekuqeqesheni nasekuphuhliseni amaqela abalobi;
- Ukuba lowo ufaka isicelo uyabahlulela rhoqo abalobi, kwingeniso yeshishini,
- Ukuthenga kumashishini abamnyama;kwaye
- Notyalo zimali ekuhlaleni.

(b) Utyalo-mali

Utyalo-mali kwimikhumbi nakwizixhobo, luyakunikwa ingqalelo ,ukuba nje utyalo-mali lubonisa ukuzinikela okukuko ekuthatheni inxaxheba kulefishari. Amabango kwimikhumbi afunyenwe ngemali ephantsi okanye angawa hlawulelanga umfaki sicelo, akayi kujongwa njengotyalo-mali.

(c) Imisebenzi

Abafaki zicelo abanamalungelo abanakho ukubonakalisa ukuba babonelele ngemisebenzi yethutyana okanye esisigxina ngexesha lamalungelo exeshana,bayakuvuzwa.

(d) Ukuphuculwa kunye nokuthengisa

Abafakizicelo abanamalungelo kuza kufunwa ukuba bangenise ingxelo zokuphucula i-WCRL nokuthengisa, kwaye banokuhlolwa ukusebenza kwabo kusetyenziswa le ngxelo..

(e) Indlela yokusebenza

Abafaki zicelo abanamalungelo bayakuvavanywa ngokusebenza kwabo kulefishari ye-WCRL ngexesha lamalungelo exeshana.

Abafaki zicelo abatsha bayakuvavanywa ngokujonga ukuba banaso na isakhono , ulwazi nobugcisa bokuthatha inxaxheba kulefishari ye-WCRL.

(f) Imbali yokubandakanyeka

Abafaki zicelo zamalungelo nabafaki zicelo abatsha basenokuvuzwa ngenxa ngembali yokubandakanyeka kushishino lokuloba. Oku kubandakanyeka kusenokuquka ukuba lilungu labalobi kwifishari yorhwebo efinyaziweyo ye-WCRL, okanye ukuba ngumlobi nakwe yiphi na ifishari yorhwebo. nxaxheba isenokudibanisa ukubangumsebenzi ngaphakathi kushishino lwentlanzi kwi WCRL, okanye umsebenzi kuyo nakweliphina ishishini lokuloba.

(g) Ukuxhomekeka ekulobeni

Igunya elithunyelweyo lifanele likhethe abafaki zicelo abaxhomekeke ekulobeni i-WCRL ukuze babe nengeniso ebonakalayo yonyaka. . Abafaki-zicelo okanye amalungu afumana ingeniso yawo ngezinye iindlela ezingaphandle koshishino lokuloba bayakunikwa amanqaku amabi.. Abangeneli abatsha kufuneka babonise imbali yokuxhomekeka kwifishari ye-WCRL ukuze baphile.

(h) Ukuthobela

Ukwaphula okungephi komthetho i-MLRA, imimiselo nemiqathango yemvume, kuya kunikwa amanqaku amabi

9.3 Indlela yomlinganiselo

Ulwabiwo kwabo bamalungelo abo aphumeleleyo kwi-WCRL (nearshore) luyakuba phakathi kwa-750 ekilogram ne 1.5 yetoni. Kuyakujongwa ubuninzi bobutyebi balommandla okanye ingingqi kucelwa kuyo,utyalo-mali kulefishari nasekudakleni imisebenzi. Ukuba uMpathiswa uthi ayinyuse okanye ayihlise i-TAC emva kokuba enikezele ngamalungelo orhwebo lokuloba, iTAC yabo banamalungelo iza kulungiswa ngokufanelekiyo.

10. Imikhumbi efanelekileyo nokusekelwa umda kwezixhobo

Umkhumbi ofanelekileyo kulefishari ye-WCRL (nearshore) ngumkhumbi:

- enobude obupheleleyo obubhaliswe ne-SAMSA obumalunga nemitha ezisibhozo;ize
- ifakelwe ubuchwephesha bokuloba i-WCRL isebenzisa ihoop nets kuphela .

Abo banamalungelo kusenokufuneka batyale imali efikelekayo kbuchule bokujonga umkhumbi obusebenzayo ("vessel monitoring system") emva kokubiwa kwamalungelo okuloba exesha elide.

11. Imilinganiselo yokulawula

Olu shishino lokuloba lwe-WCRL luyakuphathwa ngokungqamane nendlela yonakekelo lwendalo (i“EAF”). Indlela yonakekelo lwendalo kushishino lokuloba yinkqubo engumdibaniso equka konke eyaziyo ukuba ukuloba nentshukumo zasemhlabeni ezingqamane nako zine futhe kubume nemeko jikelele yezolwandle. Le ndima kwinkqubo yokulotywa kwe – west coast rock lobster ayizami kunika nkcazelo yenkqubo yeEAF kushishino lokuloba l-west coast rock lobster iyakuchaza ngokuthe xhaxhe kwi-West Coast Rock Lobster Fishery Management Manual. Umzantsi Afrika usahleli uzinike kumhla okujoliswe kuwo ka 2010 wokusetyenziswa kwe EAF kushishino lorwebo ngokuloba.

Ifishari ye-WCRL iyakulawulwa ngokusebenzisa iindlela ezininzi zolawulo, oko kuquka imilinganiselo yobukhulwi, ukuvalwa kwamaxesha onyaka, uthintelo lwezixhobo, uthintelo ngokwemimandla namaxesha, iindawo ezikhuselekileyo zolwandle, nemilinganiselo elugcinweni lwemazi ze-“berried” kunye ne-“soft sheltered lobster”. Lemiqathango ikhona kwiimeko zemvumo.

12. Intlawulo yokufaka isicelo nerhafu

Intlawulo yokufaka isicelo sokuloba kulefishari ye-west coast rock lobster (nearshore) yi-R300 (amakhulu amathathu eerandi). Le mali ayibuyi yaye imele ihlawulwe yonke:

Iirhafu zaminyaka le eziya kuhlulwa ukususela ku-15 Novemba 2005 ziya kuqosheliswa emva kokuba kubonise nabanamalungelo. Iirhafu eziya kuhlulwa ziya kusetyenziswa liSebe ukukhawulelana neendleko zokulawula, ukuthobela nokwenza uphando.

13. Imilinganiselo yokusebenza

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

Injongo yokuvavanya indlela yokusebenza ngolu hlobo kukuqinisekisa ukuba iinjongo zalefishari ziyafikelelwa kwaye iindlela zokulawula neenkqubo zihlala zisexesheni yaye ziyifanele lefishari.

14. Abakhimkhanyo

Imikhumbi esetyenziswa kulefishari ye-WCRL (nearshore) ayikwazi ukuthwala abakhimkhanyo. Kodwa ke abo abanamalungelo, kulindelwe ukuba basebenzsane ngokupheleleyo nabakhimkhanyo abasemhlabeni okanye abo bathuthelwe kumaziko okuloba ngeminye imkhumbi.

15. Uluhlu lwethutyana

Ngaphambi kokuba igunya elithunyelweyo lenze isigqibo sokugqibela ngabafaki zicelo abaphumeleleyo, liya kukhupha uluhlu lwethutyana lwabafaki-zicelo abaphumeleleyo. Olu luhlu lwethutyana luya kujikeleziswa kummandla ngamnye wokuloba. Abo banomdla nabachaphazelekayo kule mimandla baya kuthi bamenywe ukuba bafuphefumle ngolu luhlu, yaye ngokukhethekileyo, bachazele igunya elithunyelweyo ukuba kukho umntu onembali yokuloba i-west coast rock lobster (nearshore) ongekho kolo luhlu okanye ukuba kukho koluluhlu lwethutyana umntu ongaxhomekekanga kubutyebi be-hake handline i-west coast rock lobster (nearshore).

16. Imiqathango yemvume

Imiqathango yemvume yalefishari iza kukhutshwa rhoqo ngonyaka. Imiqathango yemvume iya kuqosheliswa emva kokubonisana nabo banamalungelo kulefishari, yaye iya kumana ihlolwa xa kuyimfuneko.



**UMNYANGO WEZEMVELO NEZOKUVAKASHA
IGATSHA LEZASOLWANDLE NOKUPHATHWA KOGU**

**UMGOMO KA-2005 WOKUNIKA NONGWENGAMELA IZIMVUME ZOKUDOBELA
INZUZO AMA-ROCK LOBSTER KUGU OLUSENTSHONLALANGA**

**LOLU HLAKA MGOMO KUMELE LUFUNDWE NOMGOMO JIKELELE WOKUNIKA
NOKWENGAMELA IZIMVUME ZOKUDOBELA INZUZO ESIKHATHI ESIDE KA-
2005.(itholakala kwi- www.mcm-deat.gov.za)**

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1. Isingeniso

Lo mgomo wokunikezwa nokuphathwa kwezimvume zokudobela inzuzo embonini engandile yama-west coast rock lobster (ngasosebeni) ikhishwe uNgqongqoshe weZemvelo neZokuvakasha (uNgqongqoshe). Le mboni iyobizwa nge-"WCRL (ngasosebeni)". Lo mgomo kumele ufundwe nomgomo jikelele ka-2005 wokunika kanye nokwengamela izimvume zokudobela inzuzo zesikhathi eside ("Umgomo Jikelele").

Inhloso yalo mgomo ukubeka ngokusobala uhlelo okuzoqhutshwa ngalo uma kunikwa imvume yesikhathi eside ama-WCRL (ngasosebeni). Iningi la lezi zinhlelo azizintsha. Bezisetshenziswa uNgqongqoshe nezikhulu eziphathisiwe zoMnyango Wezemvelo Nezokuvakasha: Igatsha Lezasolwandle Nokuphathwa Kogu ("uMnyango") uma unikeza imvume esikhathini esedlule futhi ngezina elithile le nqubo iyakubhala lokho kubonelela.

Eminye imigomo yokuphatha ngemuva kokunikwa imvume yethuliwe. Ibhuku eliphathelene nokuphathwa kokudotshwa kwama-West Coast Rock Lobster (Ngasosebeni) liyoqedelwa ngokuhlanganyela nabanezimvume ngonyaka ka-2006. Leli bhuku liyobeka ngokusobala indlela yokuphatha kanye nenqubo yokudoba.

UNgqongqoshe uhlose ukunikezela ngamandla kasomqulu 18 wokunika imvume yokudobela inzuzo ama-WCRL (ngasosebeni) oqukethwe esigabeni 79 soMthetho 18 wezinto eziphila olwandle ka-1998 (the Marine Living Resources Act 18 ka-1998 obizwa nge-"MLRA") unikezelwe kwisikhulu esiphezulu somnyango. Izincwadi zenqubo ziyiqondisa isikhulu esiphathisiwe ekwenzeni izinqumo mayelana nale ndawo yokudoba

2. Isayensi yezinto eziphilayo kanye nokuphathelene nenai lokudotshwa kwezinhlanzi

Ama-west coast rock lobster (*Jasus lalandii*) ayizilwane ezikhula kancane ziphile isikhathi eside. Ubukhulu bama-WCRL esifazane ayahluka kakhulu ekhuleni kwawo, asukela kumamilimitha angama-57 ubude begobolondo [carapace length (CL)] kuya kumamilimitha angama-66. Awesilisa aba made akhule mawala kunawesifazane. Ngenxa yesilinganiso sobude obungamamilimitha angama-75 samagobolongo esigidlabezwe abadobi abadobela inzuzo, awesilisa aba yisilinganiso sama-90 kuya kwangama-99 ekhulwini sama-WCRL abanjwayo.

Ama-west coast rock lobster atholakala mangasosebeni (ekujuleni kwamamitha angamaphansi kwama-200) ukusuka ngaseNyakatho yase-Walvis Bay e-Namibia kuya e-East London. Ukudoba ngaphezu kwenani

kudotshelwa inzuzo kwenzeka kumazinga okushisa asukela ku-25°S e-Namibia ukuya e-Gansbaai. Kodwa ukuzidobela nje kuqhubekela mangasempumalanga kuya e-Mossel Bay.

3. Ukubukeka kwemboni yokudoba

Isisindo esivunekayo kuyimanje silinganiselwa kwisilinganiselo sesi-8 ekhulwini uma kuthathwa isilinganiselo sokudoba ngokweqile esedlule, isisindo samaqanda silinganiselwa kwisilinganiselo esingama-21 ekhulwini. Loku kwehla kwezinga kuwumphumela walezi zinto ezimbili: inani elikhulu lokuvuna isivuno esingaphezulu kwesingamelwa yimvelo ikakhulukazi ngesigamu sokuqala sekhulunyaka lama-20 (20th century) kanye nokwehla kwezinga lokukhula ngeminyaka yawo-1990.

Ukudobela inzuzo kwaqala ngeminyaka yawo-1880. imboni yokudobela inzuzo yakhula ngesivinini ekuqaleni kwekhulunyaka lama-20. Nakuba imibiko ebhalwe phansi yokudotshwa kwezinhlanzi ngonyaka ka-1940 ikhomba ukuthi zincane izinhlanzi ezabanjwa, inani lezinhlanzi ezabanjwa lakhuphuka kakhulu phakathi konyaka ka-1950 no-1965, lapho kwatholakala khona amathani aphakathi kwezi-13 000 nezi-16 000 ngonyaka.

Ngaphambi konyaka ka-1946 imboni yokudobela inzuzo yayingalulwa ngamthetho. Kulowo nyaka isisindo esasingathwaleka emuva nomkhumbi sagidlabezwa kulawuleke izimpahla eziphumayo. Lokhu kwacha indlela yokuphatha ebheka okutholakalayo ("output controlled") esasetshenziswa namanje ekuphathweni kwama-west coast rock lobster.

Ukusukela ngonyaka ka-1946 kuya phambili, kwanikezwa izilinganiso sonyaka, esasigxile ekusebenzeni kwemboni esikhathini sokudoba esedlule. Kuze phakathi neminyaka yawo-1960, inani lezinhlanzi ezibanjiwe zazilawulwa ngqo ngesilinganiso esinqunyiwe. Ngesikhathi sokudoba eminyakeni yawo-1967/68 izinga lokubanjwa kwezinhlanzi lehla okwabangela ukuthi isilinganiso esinqunyiwe singabe sisagcwaliseka. Ukwehla kwenani lezinhlanzi ezibanjiwe (Total Allowable Catch ebizwa nge-"TAC") liyofinyelela phakathi kwamathani ayi-4 000 nayi-6 000 kwabuyiselo ukuzinza phakathi kwale minyaka 1970/71 kuya ku-1989/90.

Isilinganiso sesindo somsila we-lobster lathathelwa isikhala inani lwama-lobster aphelele, lase lenganyelwa ngokohlelo lwe-TAC olwaqalwa ekuqaleni ko-1980. Isabelo sezimvume ngokwezindawo samiselwa ngesikhathi esifanayo. Ezinye izindlela zokuphatha ezaziphoqeileliwe maphambilini zazihambisana nesivimbelo ngokobukhulu kanye nokuvalwa kwesikhathi sokudoba. Ukudotshwa kwama-lobster anamaqanda noma anamagobolondo

athambile kwavalwa. Ngesikhathi sokudoba seminyaka yawo-1990/1991 labonakala lehla futhi inani lezinhlanzi ezibanjwayo, lokho okwaholela ekutheni eminyakeni elandelayo uhlelo lwezuzo lwe-TAC lwehle, liyofinyelela emathanini ayi-1 500 kwisikhathi sokudoba seminyaka yawo-1995/96. Ukusukela ngaleso sikhathi beku lokhu kukhona ukululama kule mboni, uhlelo lokudobela inzuzo lwe-TAC lubekwe emathanini ayi-3 527 kwisikhathi sokudoba seminyaka yawo-2004/2005.

Ngaphambi kokuthulwa konoxhaka bokudoba ama-*lobster* ngeminyaka yawo-1960, imboni yokudobela inzuzo yayethembele kuphela ekudobeni ngamanethi ayindilinga abanjwa ngezandla ayelula, kulula nokuwaphonsa uwasusa emikhunjini emincane uwaphose emanzini angashoni. Akuvamile ukusetshenziswa kwamanethi okudoba ayindilinga ekujuleni okwedlula amamitha angama-30. izikejana ezincane ezigwedlwayo ezidoba ngamanethi ayindilinga, angasebenza ngokuzimela ukusukela ogwini esebenzisa injini noma izigwedlo, noma ziyiswe endaweni yokudobela zidonswa isikebhe sokudoba.

Imboni yokudoba ama-*west coast rock lobster* ihlukaniswe izimboni ezimbili: imboni yokudobela inzuzo kanye nemboni yokuzidobela nje. Laba abazidobela nje, bangadoba besebenzisa amanethi ayizindilinga besesikebheni sokudoba noma besosebeni, noma batshuze bebambe umoya noma badobe begxumeke izindobo osebeni. Abazidobela nje abavumelekile ukuba badayise izinhlanzi abazibambile.

Imboni yabadobela inzuzo iqukethe kakhulu abadoba maphakathi nolwandle (abanemvume yokudoba ngaphezulu kwethani nenxenye) kanye nenani elingandile labadobela ngasosebeni abanemvume yokudoba ngaphansi kwethani nengxenye. Kwimboni yokudoba ngasosebeni abanini zimvume basebenzisa amanethi ayindilinga futhi abavunyelwe ukusuka kwenye indawo baye kwenye.

Imboni yokudobela inzuzo ngasosebeni (noma imboni engandile yokudobela inzuzo) yathatha indawo yemboni yokudobela iholo ngonyaka ka-2001 ngenxa yokwatholakala kwimibiko nezincomo okuzimele okubhalwe phansi okudobela amaholo eNingizimu Afrika. Le mibiko yenza izincomo zokuthi abadobela amaholo bezinga eliphezulu njengabe-*west coast rock lobster*, abama-*traditional linefish* kanye nabe-abalone kumele badobele inzuzo. Ukudobela inzuzo kwalezi zinkampani sekuvumele abadobi ukuba badayise imikhiqizo yabo.

Lilinganiselwa emaphesentini angu-20 inani lohlelo lwe-TAC lwama-*west coast rock lobster* kwimboni yokudobela ngasosebeni kanye nesilinganiso ekhulwini sama-80 kwimboni edobela maphakathi nolwandle. Isizathu salokhu kwehlukaniswa ukuthi kulinganiselwa kwisilinganiso esingama-20 ekhulwini ingcebo etholakala ngasosebeni, kanti ilinganiselwa kwisilinganiso sama-80 ekhulwini ingcebo etholakala maphakathi nolwandle ekujuleni kolwandle.

Imboni yokudoba maphakathi nolwandle yondla izisebenzi eziyi-5 500, isilinganiso sama-95 ekhulwini sazo, ngezimnyama. Kuleli nani bangaphezulu kwezi-2 500 abayizisebenzi zasolwandle, abasala lapho baqashwe kwingxenye yokuhlunga bathengise izinhlanzi ezweni. Ukuvunwa kwama-*west coast rock lobster* kwenzeka phakathi kukaNovemba noJulayi, kanti isilinganiselo seholo lonyaka kulesi sikhathi sokudoba yizi-R26 500. Imali engeniswa ukudotshwa kwama-*west coast rock lobster* ilinganiselwa kwizigidi ezingama-R200. isilinganiso sentengo yomkhumbi ngamunye kule mboni siyizigidi eziyi-R130.

4. Uhlelo lokunikezelwa kwezimvume zokudoba zesikhathi esimaphakathi

Ngesikhathi kukhishwa izimvume zokudoba zesikhathi esimaphakathi-kwanikezelwa izimvume zokudobela inzuzo ama-*west coast rock lobster* ezingama-234. Kwabuye kwengezwa ngokuba kunikezelwe izimvume zokudobela inzuzo ezingama-511 kwabaningi ababengabadobi abakhokhelwayo. Kulezo zimvume ezanikezelwa ukudobela inzuzo ngokugcwele, isilinganiso sama-66 ekhulwini sanikezelwa kwabamnyama nasezinkampanini ezilawulwa abamnyama. Ukumeleleka kwabamnyama ezikhundleni eziphezulu kule mboni yokudobela inzuzo ngokugcwele, kuyisilinganiso sama-34 ekhulwini. Kwizimvume ezanikezelwa embonini yokudobela inzuzo engandile, isilinganiselo sama-91,5 ekhulwini sanikezelwa kwabamnyama, ikakhulukazi izinkampani ezincane eziphethwe abamnyama.

Ngonyaka ka-2003, uMnyango waphinde wakhapha amathani angama-230 ama-*west coast rock lobster* ewanikezela izimboni ezingandile zokudobela inzuzo ezingama-274 endaweni esempumalanga nase-Cape Hangklip. Kulezi zimvume ezakhishwa zingaphezu kwesilinganiselo sama-90 ekhulwini ezanikezelwa abamnyama.

Ngonyaka ka-1992, bayisilinganiselo sama-39 abanini zimvume abamhlophe abalawula uhlelo lwe-TAC lwama-*west coast rock lobster*. Ngakolunye uhlangothi, kwathi kuphela unyaka ka-2003, kwabe sekunikezelwe ngezimvume zokudobela izinzuzo ama-*rock lobster* eziyi-1 019. Kuleli nani eziningi- zanikezelwa kubadobi abakhokhelwayo.

5. Inhlosongqangi yemboni yokudoba

Izinhloso zokunikezelwa ngemvume yokudobela isikhathi eside embonini yokudoba izinhlanzi ngokohlalo lwe-WCRL (ngasosebeni lolwandle) yilezi ezilandelayo:

- Ukugcina nokwenza uguquko kwindlela le mboni ebukeka ngayo;
- Ukunikezelwa kwezivume zokudobela inzuzo kulabo badobi abathembele ekudobeni ama-WCRL ukuze bathole ingxenye enkulu yenzuzo yabo;
- Ukunikeza izimvume ezifanele kulabo abafake izicelo abahlala kumadolobhana anomlando wokudoba ama-WCRL;
- Ukuthuthukisa ukutshalwa wezimali emikhunjini yokudoba, kwingqalasizinda yokuthengisa nokulungiswa kwezinhlanzi kanye nokuvula amathuba omsebenzi avikelekile;
- Ukugcina imboni yezokudoba iphilile ngokomnotho;kanye
- Ukuqinisekisa ukuthi imboni yokudoba igcineka iphilile nemvelo ingashabalali.

6. Isikhathi esithathwa yizimvume

Ngokuphathelele –

- Nezinguquko zokubukeka kwemboni yokudoba;
- Nesidingo sokugqugquzela ukuthi kuphinde kutshalwe izimali ezinkampanini ezincane zale mboni yokudoba;
- Nezinga eliphansi lemali okufanele ube nayo ukuze uqale ukudoba;
- Nesidingo sokwakha amathuba emisebenzi okusebenza ngokugcwele;
- Nesidingo sokugcina umnotho usesimweni esifanelekile esikhona kumanje kule mboni yokudoba; kanye
- Nokuthi imboni yokudoba ama-*west coast rock lobster* yenganyelwe kahle ngokwemibiko yamanje ethembekile,

Izimvume zokudobela inzuzo ziyonikezelwa iminyaka eyi-10 (kusukela ngomhla ka-1 kuJanuwari 2006 kuya kumhla ka-31 kuDisemba 2015). UMnyango uyohlale uhlola abanezimvume ngokuhambisana nenqubo ebekiwe.(**bheka isigaba 12 ngezansi**).

7. Abafikayo embonini yokudoba

Ngenxa yokuthi imboni yokudoba ama-*west coast rock lobster* ivune ngokweqile futhi ayisekho indawo yokufaka abanye abantu ngfaphezu kwaleli nani esalikhona, abafaki zicelo ezinths zezimvume bayobhekelelwa futhi bangase bancanyelwe kunalabo banini zimvume abakhona abahlulekile ukusebenzisa ngokugcwele amalungelo abo noma benza kabi kwezinye izici.

8. Ukuthola I-Snoek

Abanikazi bezimvume zokudoba ama-*west coast rock lobster* (eduze kogu) bayovunyelwa ukuba badobe i-snoek, uma isikebhe esikhethiwe nesisetshenziselwa ukudoba i-*west coast rock lobster* siyi-bakkie. I-bakkie yisikebhe esigwedlwayo esingamamitha angu-6 ubude noma ngaphansi.

Labo banikazi bezimvume bayovunyelwa ukubamba izinhlanzi ama-snoek eziningi ezingase zibhekwe njengezivumelekile emithethweni esebenzayo naseNcwadini i-Traditional Line Fishery Management ezosetshenziswa.

8. Inqubo yokuhlunga

Izicelo zemvume yokudobela inzuzo ziyobukwa ngeso elibukhali ngokuhambisana "nenqubo yokungamukeleki kwabathile", bese ziyahlolwa ngokwesilinganiso "senqubo yokuhlunga ngokuqhathanisa" okwenziwa phakathi kwabanezimvume kanye nabafaka izicelo. Kuyobhekwa amaphuzu okuyiwona ayohlonza labo abazicelo zabo ziphumelele. Ingxenye yohlelo lwe-TAC iyonikezelwa labo abazicelo zabo ziphumelele ngokulandela "inqubo yesilinganiso" *quantum criteria*.

8.1 Inqubo yokungamukeleki kwabathile

Ngaphandle kwezinqubo ezichazwe kuMgomo Jikelele ophathelene nokufakwa kwezicelo kanye nokungabi sesimweni esigculisayo semikhumbi kanye namanethi okudoba, isikhulu esiphathisiwe ngeke sizamukele izicelo ezihluleka ukuhlangabezana nalezi zidingo:

- (a) **Uhlobo lwabantu abavumeleke ukufaka izicelo:** Abantu abangabodwana kuphela abayonikezwa izimvume zokudoba i-WCRL. Abanini zimvume asebeke basebenza beyimbumba (njenge-close corporations, trusts noma beyinkampani) kumelwe bafake izicelo ngabojwana, kodwa bayothathwa

“njengabanini zimvume besikhathi esijana” kwenzelwa uhlelo lokunikezwa izimvume, uma behlangabezana nendingo yoMgomo Jikelele. NgokoMgomo Jikelele abantu ababengamalungu *e-close corporation*, ababenamasheya ezinkampanini nababeyizindlalifa zama-*trust* lapho lezi zithola izimvume zokudoba zesikhathi esijana ngo-2001/2002 bayobheka njengabanikazi bezimvume zokudoba zesikhathi esijana. Isikhulu esiphathisiwe singase sibheke abanye njengabanikazi bezimvume zesikhathi esijana uma bethole ukulawula ilungelo lokudoba isikhathi esijana ngokuba lidluliselwe kubo, bavunyelwa isikhulu esinalawo mandla.

Abantu ababengamalungu *e-close corporation*, ababenamasheya ezinkampanini noma beyizindlalifa zama-*trust* bangaqhubeka besebenza ngaleyo ndlela uma bekhetha umuntu oyedwa kuleyo nkampani ozofaka isicelo efakela wonke amalungu, abanikazi bamasheya noma izindlalifa. Isikhulu esiphathisiwe siyobheka ubudlelwano phakathi kwalo ofaka isicelo nowayekade engumnikazi wemvume lapho sikhapha imvume.

- (b) **Ukuhambisana nohlelo:** Labo abafake izicelo abaye baboshelwa ukweqa umthetho we-MLRA, imibandela yezimvume noma amanye amacala aphaathelene nokudoba ngesikhathi benezimvume zokudoba zesikhathi esijana ngeke banikwe izimvume zokudoba i-WCRL. Lokhu akuhlanganisi ukukhokhwa kwenhlawulo yokuvuma icala. Uma lowo ofaka isicelo ayeyilungu le-*close corporation* noma enamasheya enkampanini eyayinamalungelo okudoba esikhathi esijana, lowo ofake isicelo ngeke anikwe ilungelo uma leyo nkampani eyayinamalungelo noma omunye wamalungu ayo, abaphathi noma abanamasheya abalawulayo baboshelwa ukwephula umthetho we-MLRA, izimo zemvume noma benza amanye amacala aphaathelene nokudoba ngesikhathi besenemvume yokudoba yesikhathi esijana.

Amalungelo ngeke futhi anikezwe lowo ofake isicelo uma ake aphucwa amalungelo ngaphansi kwe-MLRA noma izinto zathathwa ngaphansi koMthetho Wokuvimbela Ubugebengu Obuhleliwe 121 Ka-1998 noma i-MLRA. Uma lowo ofake isicelo ayeyilungu le-*close corporation* noma enamasheya enkampanini eyayinelungelo lokudoba isikhathi esijana, lowo ofake isicelo ngeke anikezwe ilungelo uma leyo nkampani noma omunye wamalungu ayo, abaphathi noma abanamasheya abalawulayo baphucwa ilungelo ngaphansi koMthetho we-MLRA, noma izinto zathathwa ngaphansi koMthetho Wokuvimbela Ubugebengu Obuhleliwe.

Izinqumo zingase zigodliwe ezicelweni uma kusenophenyo lobugebengu olwenziwayo, noma kuqhubeka izinto ezisengxenyeni 28, ezingase zibe nomthelela emphumeleni wesicelo.

- (c) **Isilinganiso samaphepha:** Isilinganiso samaphepha (njengoba kuchazwe kuMgomo Jikelele) siyoshaywa indiva. Amaqembu amakhulu afake izicelo ezifana ncimishi, noma ezithi azifane, bebe bexhaswe abanika amacebo noma ezinye izimboni zokudoba, izicelo zabo ziyoshaywa indiva zithathwe njengalezo ezingaphambili zesilinganiso samaphepha, kuyoshaywa indiva nokuhle abakwenzile ngabodwana.

Indlu (kuhlanganise abazali nezingane) ngeke inikwe amalungelo angaphezu kwelilodwa ukuze kugwenye ukuya phambili nokwandisa indawo yokudoba ama-*west coast rock lobster*. Labo abafaka izicelo kungase kudingeke basho ukuthi banabuphi ubudlelwane nabanye abafake izicelo kwezinye izimboni ze-WCRL noma kwezinye izindawo zokudobela ukuthengisa. Uma amalungu omkhaya angaphezu kwelilodwa efaka isicelo, zonke izicelo ezivela kulowo mkhaya ngeke zinakwe, ngaphandle uma labo abafake izicelo bebonisa ngokucacile nangokugculisayo ukuthi bavule izindawo zokudoba ezincane ezihlukene.

- (d) **Ukungasebenziseki kwezimvume:** Isikhulu esiphathisiwe singase senqabe ukuphinda sikiphe imvume uma labo banini zimvume bahluleka ukusebenzisa ngokugcwele izimvume zokudobela inzuzo. Isikhulu esiphathisiwe singase senqabe nokunikeza imvume kofake isicelo owayeyilungu le- *close corporation* noma engumphathi noma enamasheya enkampanini eyayinelungelo lokudoba lesikhathi esijana eyahluleka ukulisebenzisa.

- (e) **Ukubandakanyeka kwezimboni ezahlukeneyo:** Ofake isicelo ngeke anikwe ilungelo i-WCRL (eduze kogu) uma eyilungu le-*close corporation*, noma engumphathi noma onamasheya olawulayo enkampanini eyanikezwa ilungelo lokudobela ukuthengisa eSigabeni A noma B sendawo yokudoba. Umnikwazi welungelo i-WCRL (eduze kogu) angaba nala malungelo alandelayo eSigabeni C no-D sezindawo zokudoba, izinhlanzi ezivamile nama-*abalone*:

- Umnikazi welungelo i-WCRL (eduze kogu) angase futhi abe nelungelo lokudoba inhlanzi evamile uma engenalo umnikazi welungelo i-WCRL engenalo ilungelo lokudoba i-*abalone* noma inhlanzi yenetha;

- Umnikazi welungelo i-WCRL (eduze kogu) angaba nelungelo lokudoba inhlanzi yenetha futhi uma umnikazi welungelo i-WCRL engenalo ilungelo lokudoba inhlanzi evamile; futhi
- Umnikazi welungelo i-WCRL (eduze kogu) angaba nelungelo lokudoba imbaza emhlophe, inhlanzi yenetha ne-*abalone*..

Ezimweni lapho kungavumelekile ukuba namalungelo amaningi, abanikazi bamalungelo kufanele babonise ukuthi yiliphi abalikhethayo ezicelweni zabo.

- (f) **Ukuzibandakanya komuntu ngamunye ekuvuneni ingcebo:** Abafaki zicelo kuyomele batshengise ukuthi, ngesikhathi senala yokudoba, bazibandakanya ngokugcwele ekudobeni ama-WCRL, ngokuthi babe nendima ebonakalayo abayidlalayo emikhunjini yokudoba baphinde bazibandakanye ekuphathweni kwebhizinisi. Labo abafake izicelo zemvume abangakwazi ukuba nendima abayidlalayo ngenxa yokukhubazeka yibo kuphela abayokhululwa kule mfuneko. Abesifazane abafake izicelo nabo ngeke bakhululwe ekutheni bahlanganyele endikimbeni.
- (h) **Abahlala eduze nezindawo zokudoba:** Abafaki zicelo abangahlali eduze nezindawo abafake izicelo zokudoba kuzo, bayoshiywa ngaphandle. Abafaki zicelo kuyomele bakhombise ukuthi sebehlele endaweni eseduze nendawo abadoba kuyona okungenani iminyaka emine. Izimvume zokudoba ama-WCRL (ngasosebeni) ziyonikezelwa kwabahlala eduze nezindawo zokudoba. Abanamalungelo okudoba ama-WCRL (ngasosebeni), bayodobela ezindaweni izimvume zabo ezibakhomba kuzona.
- (i) **Imvume yokusebenzisa umkhumbi:** abafaki zicelo kumele bakhombise ukuthi banayo imvume yokusebenzisa umkhumbi osesimweni esigculisayo (*bheka isigama-9 ngezansi*).
- (ii) **ISitifiketi Sempilo Se-SAMSA Health Certificate:** Abafake izicelo kumelwe bakhiphe isiqinisekiso sokuthi i-South African Maritime Safety Authority ("SAMSA") ibabheka njengabakufanele ukuba baphume baye olwandle.

8.2 Inquko yokuhlunga ngokuqhathanisa

Abanini zimvume abafaka izicelo kanye nalabo abasethubeni lokuba babe ngabafikayo embonini yokudoba, bayohlomula phansi kwenqubo yokulinganisa elandelayo ngokubhekela isisindo sesicelo ngasinye:

(a) Uguquko

Ukuze kugcinwe ukubukeka kwesimo soguquko embonini yokudoba ama-WCRL (ngasosebeni), abafake izicelo abamnyama bayothola amaphuzu amahle. Ubulili bungasetshenziswa ukuhlonza ozophumelela uma bengaphezu koyedwa abantu abanamaphuzu alinganayo, kuyoncanyelwa umfaki sicelo wesifazane kunowesilisa .

Abafaki zicelo bayobhekwa kulokhu –

- Amaphesenti abantu abamnyama nabesifazane abaphethe le nkampani efake isicelo nabaqashe yiyo;
- Ukuthi inkampani efake isicelo iyahambisana yini nomthetho wokuthuthukisa amakhono (uma ukhona) nokuthi iye yayifaka yini imali ekuqeqeshini izisebenzi nokuzithuthukisa;
- Ukuthi inkampani efake isicelo iyayihlanganyela yini njalo inzuzo nezisebenzi;
- Ukunikwa kwamathuba kwalabo ababecindezelekile ngokomlando; kanye
- Nokutshalelwa komphakathi izimali izinkampani ezizimele.

(b) Ukutshalwa kwezimali embonini yokudoba

Kuyobhekwa ukutshalwa kwezimali emikhunjini yokudoba nemishini, uma utshalo zimali lukhombisa ukuzibophezela ekuzibandakanyeni ngokweqiniso kule mboni yokudoba. Ukuba namasheya emikhunjini etholakale ngemali encane kakhulu noma mahhala ngeke kubhekwe njengokutshala imali.

(c) Imisebenzi

Abanini zimvume abafaka izicelo abakhombisa ukuthi banike abantu umsebenzi wesikhashana noma baqasha ngokugcwele abantu ngesikhathi sezimvume ezimaphakathi, bayoklonyeliswa.

(d) Ukuhlungwa nokuthengiswa kwezinhlanzi

Abanini zimvume abafaka izicelo kungadingeka ukuba balethe okubhalwe phansi okukhombisa ukuhlelwa nokuthengisa kwabo ama-WCRL, bangahlungwa ngokusebenza kwabo kulokhu.

(e) Ukudoba ngezinga elifanele

Abanini zimvume abafake izicelo bayohlungwa ngokubhekela izinga abadobe ngalo ama-WCRL ngesikhathi sokudoba esimaphakathi.

Abafaki zicelo abafikayo kule mboni yokudoba bayohlungwa ngokubhekela ukuthi banawo yini amandla, ikhono kanye nolwazi lokudoba ama-WCRL

(f) Umlando wokuzibandakanya embonini yokudoba

Abanini zimvume abafake izicelo kanye nalabo abanethuba lokuba babe abaqalayo bangahlomula ngenxa yomlando wokuzibandakanya kwabo kule mboni yokudoba. Loku kuzibandakanya kwabo kungahlanganisa ukuba ngabasebenzi embonini engandile yokudobela inzuzo ama-WCRL, noma ukuba yisisebenzi kunoma iyiphi imboni yokudobela inzuzo.

(g) Ukuthembela ekudobeni

Isikhulu esiphathisiwe kufanele sikhethe abafake izicelo abathembele ekudobeni i-WCRL ukuze bathole ingxenye enkulu yenzuzo yabo yonyaka. Abafake izicelo abathola imali kwezinye izindawo ngaphandle kwemboni yokudoba bangase banganikwa amaphulu. Abaqalayo ukufaka izicelo kuyodingeka ukuba umlando wabo ubonise ukuthi bathembele ekudoben i-WCRL ukuze baphile.

(h) Ukuhambisana nomgomo

Ukuphulwa komthetho wohlelo-MLRA okungatheni, imigomo nezimo zezimvume, kuyobangela ukunikezwa kwamaphuzu angemahle.

8.3 Inqubo yokulinganisa

Ukunikezelwa kwezimvume kubafaki zicelo abaphumelele kwimboni yokudoba ama-WCRL (ngasosebeni) kuyonqunywa esilinganisweni esiphakathi kwamakhilogremu angama-750 kanye nethani nengxenye yalo (1.5 tons). Kuyobhekela ubuningi bezinhlanzi ezikhona kuleyo ndawo ekufakwe kuyona izicelo, utshalo zimali olwenziwe kule mboni kanye nokudaleka kwamathuba omsebenzi. Uma uNgqongqoshe ekhuphula noma enciphisa i-TAC kule ndawo yokudoba ngemva kokukhipha amalungelo okudobela ukudayisa, abanikazi bamalungelo bayoshintshelwa ama-TAC abo ngokufanele.

9. Imikhumbi esesimweni esigculisayo

Umkhumbi osesimweni esigculisayo kwimboni yokudoba ama-WCRL (ngasosebeni) yilowo:

- Onobude bamamitha angevile kwayi-8 ngokuka-SAMSA;
- Olungiselwe ukuba udobele ama-WCRL kusetshenziswa amanethi ayindilinga kuphela.

Abanikazi bamalungelo kungase kudingeke ukuba batshale izimali ohlelweni lokugada isikebhe olusemandleni abo ngemva kokuthola amalungelo okudobela ukudayisa isikhathi esijana.

10. Izindlela zokuphatha

Le mboni yokudoba ama-WCRL izophathwa ngokuhambisana nohlelo okuthiwa *i-ecosystem approach to fisheries* ("EAF"). Le ndlela yokuphatha le mboni iwuhlelo olubhekele zonke izinhlangothi lubuye luhlanganise imigomo eyazisa ukuthi ukudoba kanye nezinye izinhlobo zemisebenzi eyenziwa ngaphandle kolwandle kunomthelela ngokubanzi kulokho okwenzeka olwandle. Le ngxenye yomgomo wokudotshwa kwama- WCRL (ngasosebeni) ayizami ukunika umgomo embonini yokudoba kwi-EAF. I-EAF yemboni yokudotshwa kwama-WCRL (ngasosebeni) izochazwa kabanzi kwibhuku elichaza ngokuphathwa kwemboni yokudoba. INingizimu Afrika isalokhu izinikele kumnqamlajuqu wonyaka ka-2010 wokuqala ukusebenzisa ukusebenzisa uhlelo lwe-EAF ekudobeleni inzuzo.

Imboni yokudotshwa kwama-WCRL (ngasosebeni) izophathwa kusetshenziswa izindlela zokuphatha , ezihlanganisa nezinga okungamale kudotshwe ngaphansi kwalo, isikhathi sokuphela kwenala yezinhlanzi, ukungalingeli kahle komkhumbi ukudoba ngendlela yale mboni, izivimbelo ngesikhathi noma ukudoba endaweni

ethile, izindawo zasolwandle ezivikelekile kanye nama-lobster anamaqanda kanye nalawo anamagobolondo athambile. Lezi zimvimbelo ziqukethwe kwizimo zezimvume.

11. Imali yokufaka izicelo zemvume yokudobela inzuzo kanye nemali yentela

Imali yokufaka izicelo zemvume yokudoba i-west coast rock lobster (ngasosebeni) ingu-R300 (amakhulu amathathu amaRandi). Le mali ayibuyi futhi kumelwe ikhokhwe iphelele.

Izimali ezizokhokhwa minyaka yonke kusukela mhlaka 15 November 2005 ziyonqunywa ngemva kokuthintana nabanikazi bamalungelo. Lezi zimali ezikhokhwayo ziyosetshenziswa uMnyango ukuze unciphise izindleko zaminyaka yonke zokuphatha, ukuvumelana nohlelo nokucwaninga.

12. Izinga lokubuyekeza izinga lokusebenza okuyilo

UMnyango uzosebenzisa izindlela eziningi zokukala izinga ekuyilo lokusebenza kuze kuphele isikhathi sokudobela inzuzo esinqunyiwe. Kuyacabangeka ukuthi lezi zinhlelo zokukala izinga ekuyilo lokudotshwa kwezinhlanzi kuyokwenzeka ngemuva konyaka kusukela manje bese kuba njalo ngemuva kweminyaka emithathu.

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

13. Abakhimkhanya

Imikhumbi esetshenziswa embonini yokudoba ama-WCRL (ngasoseeni) ayikwazi ukubandakanya nabakhimkhanya. Abanini zimvume bayolindeleka ukuba babambisane ngokugcwele nabakhimkhanya abangekho emanzini kanye nalabo abathuthelwa ezindaweni zokudoba ngeminye imikhumbi.

14. Provisional lists

Ngaphambi kokuba isikhulu esiphathisiwe senze isinqumo esingumnqamulajuqu wokuthi obani abazonikezwa izimvume, kufanele sikiphe uhlu lwesikhashana lwabafaki zicelo zezimvume abaphumelele. Uhlu lwesikhashana luyozungeziswa kuzo zonke izindawo zokudoba. Abanezifiso nabathintekayo kulezi zindawo bangamenya ukuba baphawule ngalolu hlu, futhi ikakhulu bangazisa isikhulu esiphathisiwe uma kukhona onomlando wokudoba ama-

WCRL (ngasosebeni) abangabandakanywanga kulolu hlu noma kukhona othile kulolu hlu ongathembele ekudobeni i-WCRL.

15. Izimo zezimvume

Izimvo zezimvume kule mboni yokudoba zizokhishwa minyaka yonke. Izimo zezimvume ziyonqunywa ngemva kokubonisana nabanikazi bezimvume kule ndawo yokudoba futhi ziyobukezwa uma kudingeka.

SCHEDULE B

SPECIMEN APPLICATION FORMS

APPLICATION NUMBER: HHLM

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Hake Handline

Long Term Rights Allocation Process: 2005

Cluster C

Name of Applicant:

Identification / Registration
Number:

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) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, but to focus on the Hake Handline sector specific policy. These policies are available at www.mcm-deat.gov.za and at the distribution centre where this application form was collected. The policies guide the Minister or his delegate when considering the application.
 - 3) Should you have any queries regarding the completion of the application form, you must phone the Cluster C Helpline on 0861 10 20 78, or attend one of the roadshows and obtain assistance at the distribution and receipting points or visit the Department's Customer Service Centre in Cape Town, (Martin Hammerslag Way, Foreshore).
- Notices and information may also be published, regarding the allocation process in this sector, in the following regional newspapers should there be a query that applies to all potential applicants in this sector.

Die Burger	Cape Argus	Mercury	Zululand Observer	Daily Dispatch	Eastern Province Herald
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You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than through the helpline or at the roadshows, while obtaining assistance at the distribution and receipting points or at the Customer Service Centre in Cape Town. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) It is essential that you study the Hake Handline sector policy before completing the application form. You must pay attention to the icons in the application form in order to determine whether:
 - there are consequences of not answering a question; or
 - there is any documentation or information required in response to a question in the form of an annexure.

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



The clipboard icon means that you must annex documents or information as an Annexure to the application form. You are instructed in the schedules at the back of this form regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be negatively affected. Failure to submit certain requested documents or information may result in the application being refused.



The warning icon means that if you fail to answer the question, the answer will be deemed to be negative to you. This means that if, for example, you fail to answer the questions relating to compliance, it will be assumed that you have contravened the laws.

COMPLETION OF APPLICATION FORM

- 6) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown." You must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the **application will be refused**.
- 8) You must sign and attest the declaration. If the declaration is not signed and attested, the **application will be refused**.
- 9) One true copy of the application must be made. 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

- 10) The application, and the copy of the application must be hand delivered at one of the following places and venues.

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	Zwellhle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Mayixhale Street, Kwa-Nongqaba 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

Thursday 18 August 2005 between 08h00 and 19h00, or Friday 19 August between 08h00 and 17h00

- 11) 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 will be refused.

IMPROPER LODGEMENT

- 12) 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;
- the application is lodged ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

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

- the declaration is not signed and attested by the applicant, or the applicant's authorised representative;
- more than one application is received for a right in the same sector; or
- the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details - Individuals

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:



1.4 Income Tax Number (if applicable):

Area Code:

1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address

Number and Street:

Suburb:

Town / City:

Postal Code:

1.10 How long have you lived and / or worked in the area?

Years



1.11 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)?

☐ Yes ☐ No

1.13 Please indicate your gender:

☐ Male ☐ Female

1.14 How old are you:

Years

1.15 How long have you been involved in the fishing industry?

Years



Section 2

Applicant Details - Close Corporations

2.1 Name of Close Corporation:

2.2 Registration Number: ☒

2.3 Income Tax Number:

2.4 Principal Place of Business

Number and Street:

Town / City:

Suburb:

Postal Code:

2.5 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

2.6 Name of Authorised Contact Person:

2.7 Identity Number of Authorised Contact Person:

Area Code:

2.8 Telephone Number:

2.9 Cell Phone Number:

2.10 Fax Number:

2.11 E-mail address:

2.12 How long has the applicant operated in this area? ☒

Years

2.13 Complete the following table in relation to the applicant's members as at closing day:

Name of Member	ID Number of Member	Is the Member Black (Y/N)	Gender of the Member (M/F)	Percentage Interest Held by the Member

2.14 How long has the applicant been involved in the fishing industry?

Years



Section 3

Form of Applicant

3.1 Does the applicant have a Hake Handline medium term fishing right?

☐ Yes ☐ No

3.2 Is the applicant a shareholder, member or beneficiary of a Hake Handline medium term right holder?

☐ Yes ☐ No

3.3 If "Yes," what is the name of the Hake Handline medium term right holder of which the applicant is a member, shareholder or beneficiary?

3.4 Does the applicant or any of its members intend to apply for a long term commercial Traditional Linefish right?

☐ Yes ☐ No3.5 Has the applicant, or any of its members, applied for any other long-term commercial fishing rights?☐ Yes ☐ No

3.6 If "Yes," complete the following table for all rights applied for (including this application for hake handline) in order of preference:



Name of Applicant for other right	Fishery	Application Number (if available)

3.7 Is the applicant a member, director or shareholder of an applicant that applied for any other commercial fishing right?

☐ Yes ☐ No

3.8 If "Yes," complete the following table for all rights applied for (including this application for hake handline) in order of preference:



Name of Applicant for other right	Fishery	Application Number (if available)

Section 3**Form of Applicant**

3.9 Have any of the applicant's family members or, if the applicant is a close corporation, a member's family members, applied for any other long-term commercial fishing rights?

☐ Yes ☐ No

3.10 If "Yes," complete the following table:

Fishery	Application Number	Relationship to you or member (i.e. wife, husband, brother, cousin, mother etc)	Do they live in the same household as you or the member? (Yes or No)

Section 4**Compliance**

4.1 Has the applicant, or any of its members:

4.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?

☐ Yes ☐ No



4.1.2 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 during the medium term right period?

☐ Yes ☐ No



4.1.3 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



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

☐ Yes ☐ No



4.2 Has a fishing vessel, motor vehicle, premises or any other assets of the applicant, or any of its members 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



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

☐ Yes ☐ No



You must answer "yes" to the above questions also if the applicant was a shareholder or director of a company that held a limited commercial medium term Hake Handline right and this entity or one of its shareholders or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 5**Vessel Details and Investment**

5.1 Fill in the table below regarding the nominated vessel:



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 fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry or SAMSA Certificate	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Has the vessel been certified as Hazard Analysis and Critical Point Compliant? (Yes or No)	
Has the applicant (if crew) or the applicant's members (if crew) undertaken the SAMSA Safety Training Course? (Yes or No)	

5.2 Has the applicant made any investments (for example a share in a vessel) in the fishing industry?

☐ Yes ☐ No



Section 6**Catch Utilisation**

6.1 Complete the following table in relation to the medium term right holder's catch records. 

Year	Name of medium term right holder	2001 Application Number	Number of crew members allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

6.2 If the applicant was a member, director or shareholder of a medium term hake handline right holder (other than the one listed in 6.1), complete the following in relation to this medium term right holder's catch records. 

Year	Name of medium term right holder	2001 Application Number	Number of crew members allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

6.3 Were linefish species caught by one of the two right holders listed in sections 6.1 and 6.2?

☐ Yes ☐ No 

Section 7**Historical Involvement**

7.1 Did the applicant, or any of its members work as a crew member or a skipper on any of the vessels operating in the Hake Handline fishery between 2001 and 2005?

☐ Yes ☐ No

7.2 If "Yes," complete the following table: 

Name of Right Holder	2004 Permit Number	Name of Vessel	Duration that applicant worked for the right holder (from date to date)

Section 7

Historical Involvement

7.3 Did the applicant, or any of its members work as a crew member or skipper on any other vessel operating in any medium term commercial fishery between 2001 and 2005?

☐ Yes ☐ No

7.4 If "Yes," complete the following table:

Fishery Name:			
Name of Right Holder	2004 Permit Number	Name of Vessel	Duration that applicant or member worked for the right holder (from date to date)

7.5 Does the applicant or any of its members manage a Hake Handline business?

☐ Yes ☐ No

7.6 What is the applicant's annual turnover ?

7.7 What percentage of the applicant's annual turnover is generated through harvesting Hake ?

7.8 Describe any other work that the applicant does:

	Working Activities (other than involvement in Hake Handline)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

7.9 Describe any other work that a member of the applicant does:

	Working Activities (other than involvement in Hake Handline)	Rand Value per Year	Percentage of Total Income
1			
2			
3			
4			

Section 8

Transformation and Job Creation

8.1 How much does the applicant pay all of its suppliers in total on an annual basis?

8.2 Complete the following table for the applicant's top five suppliers:



Supplier Name	Black / White (If company or close corporation, percentage black ownership)	What does the applicant purchase from the supplier?	How much does the applicant spend per season at the supplier?

8.3 Does the applicant donate any of its annual income to charities or community development initiatives?

☐ Yes ☐ No

8.4 If "Yes," complete the following table:



Year	Charity / Community Organisation	What does the charity or community organisation do?	Telephone Number of Charity / Community Organisation	How much have you donated annually?
2002				
2003				
2004				
2005				

8.5 How many people does the applicant employ on a permanent full-time basis?

8.6 How many people does the applicant employ on a seasonal or part-time basis?

Section 8**Transformation and Job Creation**

Weekly

8.7 What is the wage that the applicant pays its lowest paid employee?

Weekly

8.8 What is the wage that the applicant pays its highest paid employee?

8.9 Complete the following table in relation to the applicant's employment profile:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

8.10 Complete the following table in relation to the applicant's managers:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

8.11 Complete the following table in relation to the training provided to employees in 2004:

Total Number of employees that were trained	Number of black employees that were trained	Training Course

8.12 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
2004			

Section 8

Transformation and Job Creation

8.13 Complete the following table in relation to the applicant's top ten salary earners at date of application:

Name of Salary Earner	ID Number of Member	Is the Salary Earner Black (Y/N)	Gender of the Salary Earner (M/F)	Annual Salary (Total Cost to Company)

8.14 How many skippers are used by the applicant in this fishery?

8.15 What percentage of these skippers are black?

8.16 Has the applicant regularly shared its profits with its crew members?

☐ Yes ☐ No



Section 9

Local Economic Development

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

Harbour / Landing Site Names	

Section 10**Skills, Knowledge, Processing & Marketing**

10.1 Has the applicant, or will the applicant (if allocated a right) entered into a catching agreement?

☐ Yes ☐ No



10.2 Has the applicant, or will the applicant (if allocated a right) entered into a marketing agreement?

☐ Yes ☐ No



10.3 Has the applicant, or will the applicant (if allocated a right) entered into a processing agreement?

☐ Yes ☐ No



10.4 If the applicant holds a medium term Hake Handline right, or if the applicant is a member, shareholder or director of a medium term Hake Handline right holder, the applicant must provide records regarding the marketing and processing of the medium term catch as Annexure 10D.



10.5 Will the applicant, or any of its members be personally involved (on board) in catching the resource?

☐ Yes ☐ No



10.6 Does the applicant, or the applicant's members have a valid SAMSA Health Certificate?

☐ Yes ☐ No



Section 10

Applicant Declaration

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

- (a) I have read the instructions set out on page 2 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) I undertake 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. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.

(f) I accept 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 Applicant or Authorised Representative: _____

Applicant's Full Name: _____

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

Commissioner of Oaths

Full Name	
-----------	--

Designation	
-------------	--

Physical Address

If the application is prepared or compiled by, or in consultation with or on the advice of any person or entity the following information must be provided:

Why was the application prepared by a person or entity other than the Applicant (or its members) or why was someone consulted for advice? What fee or other remuneration was paid, or was promised for the assistance?

Did someone else pay or sponsor the application fee on your behalf? If so, please provide full details

If assisted, please provide full details of the consultant / advisor that prepared this application:

Name: _____

Profession / Occupation / Designation:

Signature: _____

ID Number / Company Registration Number (if applicable)	
---	--

Address: _____

E-mail: _____

Cellular number:

SCHEDULES

IF THE APPLICANT CANNOT PROVIDE THE DOCUMENTS OR THE INFORMATION REQUESTED IN ANY OF THE SCHEDULES BELOW, THE APPLICANT MAY SUBMIT AN EXPLANATION FOR THIS IN PLACE OF THAT ANNEXURE

	Documents or Information Required	Annexure Number
1.3	Copy of the applicant's identity document.	1A
1.10	Copy of one of the following: (a) a utility bill (water, electricity, telephone), (b) a rent agreement for a house or flat, (c) a bond agreement with a bank or (d) bank statements.	1B
1.15	Provide a description of all the applicants fishing activities, including involvement in other sectors, previous involvement and experience, and how the fishing business is run.	1C
2.2	Copy of the close corporation registration certificate of the applicant.	2A
2.1.2	Copy of one of the following documents of the close corporation: (a) a utility bill (water, electricity, telephone), (b) a rent agreement for an office, (c) a bond agreement with a bank or (d) bank statements.	2B
2.14	Provide a description of all the applicant's fishing activities and those of its members, including involvement in other sectors, previous involvement and experience, and of how the fishing business is run.	2C
3.1	If "Yes," provide a copy of the 2004 permit.	3A
3.2	If "Yes," provide proof (close corporation registration certificate, proof of shareholding or proof that applicant is a beneficiary).	3B
3.6 and 3.8	Describe the relationship between the people involved in this application (applicant, members) and the people or entities involved in the other applications.	3C
3.9	Describe the relationship between the people involved in this application (applicant, members) and the people or entities involved in the other applications. Explain it, and why the applicant (or the member of a close corporation) and the family member that applied have separate businesses.	3D
4.1.1	If "Yes," provide details and documentation regarding the conduct of the applicant or the members, the date(s) of conviction, and the penalties imposed.	4A
4.1.2	If "Yes," provide details and any documentation regarding the plea bargain arrangement entered into, including the conduct giving rise to the plea bargain, the dates and specifics of the plea bargain.	4B
4.1.3	If "Yes," provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct giving rise to the fine, the date of offence and rand amount paid.	4C
4.1.4	If "Yes," provide details and any documentation regarding the offence including information regarding the conduct giving rise to the charge and the outcome of the criminal proceedings.	4D
4.2	If "Yes," provide details regarding the detention, arrest or seizure, including information regarding the conduct giving rise to the proceedings, and whether a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act or the MLRA.	4E
4.3	If "Yes," provide details and any documentation including the conduct of the individuals giving rise to the Section 28 proceedings.	4F
5.1	Provide the following: SAMSA Safety Certificate, South African Certificate of Registry, and (if applicable) agreement granting the applicant access to the vessel (charter or catching agreement) if applicant is not the majority or sole owner of the vessel.	5A
5.2	If "Yes," provide a breakdown of all investments (per sector) including investments in vessels and fixed assets.	5B
6.1	Provide copies of all of the catch records for 2002, 2003, 2004 seasons.	6A
6.2	Provide copies of all of the catch records for 2002, 2003, 2004 seasons.	6B
6.3	Provide a list of amounts of linefish species caught in kilograms and separately for each species.	6C
7.2	Provide landing slips proving that the applicant or the member was a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	7A
7.4	Provide landing slips proving that the applicant or the member was a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	7B
7.5	If "Yes," provide a detailed description of the business.	7C
7.6	Provide a copy of the applicant's latest annual tax return or financial statements (if applicable).	7D
8.2	Provide a letter from each of these suppliers indicating whether they are black or white (or percentage ownership by blacks), and how much the applicant spends per season at the suppliers.	8A
8.4	Provide a letter from each charity or community organisation listed confirming that the applicant has given money to that entity, what the charity or community organisation does, and how much the applicant has donated to the charity or community organisation.	8B
8.12	Provide copies of the applicants Workplace Skills Plan and Annual Training Report submitted and approved in 2004.	8C
8.16	If "Yes," provide a detailed explanation of how the applicant has shared profits with its crew members.	8D
10.1	If "Yes," provide a copy of the catching agreement, or explain with whom the agreement will be entered into. If "No," explain how the applicant will go about harvesting the resource.	10A
10.2	If "Yes," provide a copy of the marketing agreement, or explain with whom the agreement will be entered into. If "No," explain how the applicant will go about marketing the resource.	10B
10.3	If "Yes," provide a copy of the processing agreement, or explain with whom the agreement will be entered into. If "No," explain how the applicant will go about processing the resource.	10C
10.4	Provide copies of the applicant's records relating to the processing and marketing of the applicant's catch in 2004 and 2005.	10D
10.5	If "No," provide a detailed explanation of why the applicant, or the applicant's members, will not be personally involved.	10E
10.6	Provide a copy of the applicant, or the applicant's members' valid SAMSA Health Certificate	10F

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

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APPLICATION NUMBER: WCNA

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
BRANCH: MARINE AND COASTAL MANAGEMENT**



West Coast Rock Lobster (Nearshore)

**Long Term Rights Allocation Process: 2005
Cluster C**

ZONE A

Name of Applicant:

Identification Number:

Landing Site you intend to use:

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) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, but to focus on the WCRL Nearshore sector specific policy. These policies are available at www.mcm-deat.gov.za and at the distribution centre where this application form was collected. The policies guide the Minister or his delegate when considering the application.
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Notices and information may also be published, regarding the allocation process in this sector, in the following regional newspapers should there be a query that applies to all potential applicants in this sector.

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- 4) It is essential that you study the WCRL Nearshore sector policy before completing the application form. You must pay attention to the icons in the application form in order to determine whether:
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COMPLETION OF APPLICATION FORM

- 6) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown." You must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
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 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

- 1.1 Applicant Surname
- 1.2 Applicant First Name(s):
- 1.3 Identity Number: ☒
- 1.4 Income Tax Number (if applicable):
- Area Code:
- 1.5 Work Telephone Number:
- 1.6 Cell Phone Number:
- 1.7 Fax Number:
- 1.8 E-mail address:
- 1.9 Residential Address
- Number and Street:
- Suburb:
- Town / City:
- Postal Code:
- 1.10 How long have you lived and / or worked in the area? ☒
Years
- 1.11 Postal Address: Number and Street / PO Box:
- Suburb:
- Town / City:
- Postal Code:
- 1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)? ☐ Yes ☐ No
- 1.13 Please indicate your gender: ☐ Male ☐ Female
- 1.14 How old are you:
Years
- 1.15 How long have you been involved in the fishing industry? ☒
Years

Section 2

Form of Applicant

2.7 Have you applied for any other long-term commercial fishing rights? ☐ Yes ☐ No

2.8 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (If available)

2.9 Are you a member, director or shareholder of an applicant that applied for any commercial fishing right? ☐ Yes ☐ No

2.10 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.11 Do you hold an abalone right? ☐ Yes ☐ No

2.12 Are you a member of a close corporation or a shareholder of a company that holds an abalone right? ☐ Yes ☐ No

2.13 Have any of your family members applied for any other long-term commercial fishing rights (including WCRL Inshore)? ☐ Yes ☐ No

2.14 If "Yes," complete the following table:

[illegible]

Section 3**Compliance****3.1 Have you :**

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions 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 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



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 your fishing vessel, motor vehicle, premises or any of your assets 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 your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a limited commercial medium term WCRL right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4**Vessel Details**

4.1 Complete the following table for the vessel that you intend to use if you are granted a long-term fishing right



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 a "roelbakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Do you intend to use hoop nets as your fishing method (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 or SAMSA Certificate	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Was the vessel used in the WCRL fishery during the medium term right period?	
Have you undertaken the SAMSA Safety Training Course? (Yes or No)	

Section 4**Vessel Details**

4.2 Have you made any investments (for example a share in a vessel or equipment) in the fishing industry?

☐ Yes ☐ No



4.3 Were any other catching or charter agreements entered into in respect of the vessel you have nominated?

☐ Yes ☐ No

**Section 5****Catch Utilisation**

5.1 Complete the following in relation to your medium term WCRL catch records.



Year	Name of medium term right holder	2001/2003 Application Number	Number of kilograms allocated	Actual amount caught in kilograms
2002				
2003				
2004				

5.2 If you were a member, director or shareholder of a medium term WCRL right holder complete the following in relation to this medium term right holder's catch records.



Year	Name of medium term right holder	2001 Application Number	Number of kilograms allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 6**Historical Involvement**

6.1 Did you work as a crew member or skipper on any of the vessels operating in the limited commercial WCRL fisheries since the beginning of 2002?

☐ Yes ☐ No

Section 6

Historical Involvement

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.3 Did you work as a crew member or skipper on any other vessel operating in any medium term commercial fishery (including the full commercial WCRL fishery)?

☐ Yes ☐ No

6.4 If "Yes," complete the following table:

Fishery Name:			
Name of Right Holder	2004 Permit Number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.5 Do you manage a WCRL business by, for example, managing the catching, processing or marketing of WCRL?

☐ Yes ☐ No

6.6 What is your annual income ?

6.7 What percentage of your annual income is generated through working in the Limited Commercial WCRL Sector ?

6.8 Describe the other work that you do:

	Working Activities (other than Limited WCRL)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7**Transformation and Job Creation**

7.1 How much do you pay all of your suppliers in total on an annual basis?



7.2 Complete the following table for your top five suppliers:

Supplier Name	Black / White (If company or close corporation, percentage black ownership)	What does the applicant purchase from the supplier?	How much does the applicant spend per season at the supplier?

7.3 Do you donate any of your annual income to charities or community development initiatives?

☐ Yes ☐ No



7.4 If "Yes," complete the following table:

Year	Charity / Community Organisation	What does the charity or community organisation do?	Telephone Number of Charity / Community Organisation	How much have you donated annually?
2002				
2003				
2004				
2005				

7.5 How many people do you employ on a permanent full-time basis?

7.6 How many people do you employ on a seasonal or part-time basis?

Section 7**Transformation and Job Creation**

7.7 What is the wage that you pay your lowest paid employee?

Weekly

7.8 What is the wage that you pays your highest paid employee?

Weekly

7.9 Complete the following table in relation to your employment profile:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.10 Complete the following table in relation to your managers:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.11 Complete the following table in relation to the training provided to employees in 2004:

Total Number of employees that were trained	Number of black employees that were trained	Training Course

7.12 If you generated more than R250 000 in turnover in 2004, did you comply with the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998?

☐ Yes ☐ No



7.13 Have you regularly shared your profits with your crew members?

☐ Yes ☐ No



Section 8**Skills, Knowledge, Processing & Marketing**

8.1 Have you, or will you (if allocated a right) entered into a catching agreement?

☐ Yes ☐ No



8.2 Have you, or will you (if allocated a right) entered into a marketing agreement?

☐ Yes ☐ No



8.3 Have you, or will you (if allocated a right) entered into a processing agreement?

☐ Yes ☐ No



8.4 If you hold a medium term WCRL nearshore right, or if you are a member, shareholder or director of a medium term WCRL nearshore right holder, you must provide records regarding the marketing and processing of your catch as Annexure 8D. Also annex a copy of the catching agreement, if someone else caught on your behalf or helped you to catch the lobsters.



8.5 Will you be personally involved (on board) in catching the resource?

☐ Yes ☐ No



8.6 Do you have a valid SAMSA Health Certificate?

☐ Yes ☐ No



Section 10**Applicant Declaration**

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

- (a) I have read the instructions set out on page 2 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) I undertake 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. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (f) I accept 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 Applicant: _____

Applicant's Full Name: _____

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

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

If the application is prepared or compiled by, or in consultation with or on the advice of any person or entity the following information must be provided:

Why was the application prepared by a person or entity other than the Applicant or why was someone consulted for advice? What fee or other remuneration was paid, or was promised for the assistance?

--

Did someone else pay or sponsor the application fee on your behalf? If so, please provide full details

--

If assisted, please provide full details of the consultant / advisor that prepared this application:

Name:	
Profession / Occupation / Designation:	
Signature:	
ID Number / Company Registration Number (if applicable)	
Address:	
E-mail:	
Cellular number:	

SCHEDULES

IF YOU CANNOT PROVIDE THE DOCUMENTS OR INFORMATION REQUESTED IN ANY OF THE SCHEDULES BELOW, YOU MAY SUBMIT AN EXPLANATION FOR THIS IN PLACE OF THAT ANNEXURE

	Documents or Information Required	Annexure Number
1.3	Copy of the applicant's identity document.	1A
1.10	Copy of one of the following: (a) a utility bill (water, electricity, telephone), (b) a rent agreement for a house or flat, (c) a bond agreement with a bank or (d) bank statements. The document must show that you have lived in the area for longer than four years.	1B
1.15	Provide a description of all the applicants fishing activities, including involvement in other sectors, previous involvement and experience, and of how the fishing business is run.	1C
2.1	If "Yes," provide a copy of the 2004 permit.	2A
2.2	If "Yes," provide proof (close corporation registration certificate, proof of shareholding).	2B
2.6	If "Yes," provide a copy of the tax clearance certificate.	2C
2.9	Describe the relationship between you and the people or entities involved in the other applications.	2D
3.1.1	If "Yes," provide details and documentation regarding the conduct of the applicant or the members, the date(s) of conviction, and the penalties imposed.	3A
3.1.2	If "Yes," provide details and any documentation regarding the plea bargain arrangement entered into, including the conduct giving rise to the plea bargain, the dates and specifics of the plea bargain.	3B
3.1.3	If "Yes," provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct giving rise to the fine, the date of offence and rand amount paid.	3C
3.1.4	If "Yes," provide details and any documentation regarding the offence including information regarding the conduct giving rise to the charge and the outcome of the criminal proceedings.	3D
3.2	If "Yes," provide details regarding the detention, arrest or seizure, including information regarding the conduct giving rise to the proceedings, and whether a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act or the MLRA.	3E
3.3	If "Yes," provide details and any documentation including the conduct of the individuals giving rise to the Section 28 proceedings.	3F
4.1	Provide the following: SAMSA Safety Certificate, South African Certificate of Registry, and applicable agreement granting you access to the vessel (charter or catching agreement) if you are not the majority or sole owner of the vessel.	4A
4.2	If "Yes," provide a description of all investments made in the fishing industry (per sector) and indicate the value of such investments.	4B
4.3	If "Yes," provide a statement from the vessel owner, indicating how many charter and catching agreements are attached to the vessel in respect of the WCRL Inshore sector.	4C
5.1	Provide copies of all of your catch records for each season since 2002	5A
5.2	Provide copies of all of the catch records for each season since 2002	5B
6.2	Provide landing slips showing that you were a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	6A
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APPLICATION NUMBER: WCNB

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



West Coast Rock Lobster (Nearshore)

Long Term Rights Allocation Process: 2005

Cluster C

ZONE B

Name of Applicant:

Identification Number:

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 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname			
1.2 Applicant First Name(s):			
1.3 Identity Number:		☒	
1.4 Income Tax Number (if applicable):			
	Area Code:		
1.5 Work Telephone Number:			
1.6 Cell Phone Number:			
1.7 Fax Number:			
1.8 E-mail address:			
1.9 Residential Address	Number and Street:		
	Suburb:		
	Town / City:		
	Postal Code:		
1.10 How long have you lived and / or worked in the area?			☒
	Years		
1.11 Postal Address:	Number and Street / PO Box:		
	Suburb:		
	Town / City:		
	Postal Code:		
1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)?	☐ Yes ☐ No		
1.13 Please indicate your gender:	☐ Male ☐ Female		
1.14 How old are you:			
	Years		
1.15 How long have you been involved in the fishing industry?			☒
	Years		

Section 2

Form of Applicant

2.1 Do you have a limited commercial West Coast Rock Lobster ("WCRL") medium term fishing right?

☐ Yes ☐ No

2.2 Are you a shareholder of a company or member of close corporation that held a limited commercial WCRL medium term fishing right?

☐ Yes ☐ No

2.3 If "Yes," what is the name of the company or close corporation?

2.4 If "Yes," to Section 2.1 or 2.2, what is the medium term right holder's quota number?

--

2.5 If "Yes," to 2.2 who are the shareholders of the company or close corporation?

[illegible]

2.6 Do you have a valid tax clearance certificate?

☐ Yes ☐ No



Section 2

Form of Applicant

2.7 Have you applied for any other long-term commercial fishing rights?

☐ Yes ☐ No

2.8 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.9 Are you a member, director or shareholder of an applicant that applied for any commercial fishing right?

☐ Yes ☐ No

2.10 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (If available)

2.11 Do you hold an abalone right?

☐ Yes ☐ No

2.12 Are you a member of a close corporation or a shareholder of a company that holds an abalone right?

☐ Yes ☐ No

2.13 Have any of your family members applied for any other long-term commercial fishing rights (including WCRL Inshore)?

☐ Yes ☐ No

2.14 If "Yes," complete the following table:

[illegible]

Section 3**Compliance****3.1 Have you :**

- 3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions 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 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  
- 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 your fishing vessel, motor vehicle, premises or any of your assets 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 your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period? ☐ Yes ☐ No  

You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a limited commercial medium term WCRL right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4**Vessel Details****4.1 Complete the following table for the vessel that you intend to use if you are granted a long-term fishing right**

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 a "roebakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Do you intend to use hoop nets as your fishing method (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 or SAMSA Certificate	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Was the vessel used in the WCRL fishery during the medium term right period?	
Have you undertaken the SAMSA Safety Training Course? (Yes or No)	

Section 4**Vessel Details**

4.2 Have you made any investments (for example a share in a vessel or equipment) in the fishing industry?

☐ Yes ☐ No



4.3 Were any other catching or charter agreements entered into in respect of the vessel you have nominated?

☐ Yes ☐ No

**Section 5****Catch Utilisation**

5.1 Complete the following in relation to your medium term WCRL catch records.



Year	Name of medium term right holder	2001/2003 Application Number	Number of kilograms allocated	Actual amount caught in kilograms
2002				
2003				
2004				

5.2 If you were a member, director or shareholder of a medium term WCRL right holder complete the following in relation to this medium term right holder's catch records.



Year	Name of medium term right holder	2001 Application Number	Number of kilograms allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 6**Historical Involvement**

6.1 Did you work as a crew member or skipper on any of the vessels operating in the limited commercial WCRL fisheries since the beginning of 2002?

☐ Yes ☐ No

Section 6**Historical Involvement**

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.3 Did you work as a crew member or skipper on any other vessel operating in any medium term commercial fishery (including the full commercial WCRL fishery)?

☐ Yes ☐ No

6.4 If "Yes," complete the following table:

Fishery Name:			
Name of Right Holder	2004 Permit Number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.5 Do you manage a WCRL business by, for example, managing the catching, processing or marketing of WCRL?

☐ Yes ☐ No

6.6 What is your annual income ?

6.7 What percentage of your annual income is generated through working in the Limited Commercial WCRL Sector ?

6.8 Describe the other work that you do:

	Working Activities (other than Limited WCRL)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7

Transformation and Job Creation

7.1 How much do you pay all of your suppliers in total on an annual basis?



7.2 Complete the following table for your top five suppliers:

Supplier Name	Black / White (If company or close corporation, percentage black ownership)	What does the applicant purchase from the supplier?	How much does the applicant spend per season at the supplier?

7.3 Do you donate any of your annual income to charities or community development initiatives?

☐ Yes ☐ No

7.4 If "Yes," complete the following table:



Year	Charity / Community Organisation	What does the charity or community organisation do?	Telephone Number of Charity / Community Organisation	How much have you donated annually?
2002				
2003				
2004				
2005				

7.5 How many people do you employ on a permanent full-time basis?

7.6 How many people do you employ on a seasonal or part-time basis?

Section 7**Transformation and Job Creation**

7.7 What is the wage that you pay your lowest paid employee?

Weekly

7.8 What is the wage that you pay your highest paid employee?

Weekly

7.9 Complete the following table in relation to your employment profile:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.10 Complete the following table in relation to your managers:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.11 Complete the following table in relation to the training provided to employees in 2004:

Total Number of employees that were trained	Number of black employees that were trained	Training Course

7.12 If you generated more than R250 000 in turnover in 2004, did you comply with the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998?

☐ Yes ☐ No



7.13 Have you regularly shared your profits with your crew members?

☐ Yes ☐ No



Section 8**Skills, Knowledge, Processing & Marketing**

8.1 Have you, or will you (if allocated a right) entered into a catching agreement?

☐ Yes ☐ No



8.2 Have you, or will you (if allocated a right) entered into a marketing agreement?

☐ Yes ☐ No



8.3 Have you, or will you (if allocated a right) entered into a processing agreement?

☐ Yes ☐ No



8.4 If you hold a medium term WCRL nearshore right, or if you are a member, shareholder or director of a medium term WCRL nearshore right holder, you must provide records regarding the marketing and processing of your catch as Annexure 8D. Also annex a copy of the catching agreement, if someone else caught on your behalf or helped you to catch the lobsters.



8.5 Will you be personally involved (on board) in catching the resource?

☐ Yes ☐ No



8.6 Do you have a valid SAMSA Health Certificate?

☐ Yes ☐ No



Section 10**Applicant Declaration**

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

- (a) I have read the instructions set out on page 2 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) I undertake 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. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (f) I accept 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 Applicant: _____

Applicant's Full Name: _____

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

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

If the application is prepared or compiled by, or in consultation with or on the advice of any person or entity the following information must be provided:

Why was the application prepared by a person or entity other than the Applicant or why was someone consulted for advice? What fee or other remuneration was paid, or was promised for the assistance?

--

Did someone else pay or sponsor the application fee on your behalf? If so, please provide full details

--

If assisted, please provide full details of the consultant / advisor that prepared this application:

Name:	
Profession / Occupation / Designation:	
Signature:	
ID Number / Company Registration Number (if applicable)	
Address:	
E-mail:	
Cellular number:	

SCHEDULES

IF YOU CANNOT PROVIDE THE DOCUMENTS OR INFORMATION REQUESTED IN ANY OF THE SCHEDULES BELOW, YOU MAY SUBMIT AN EXPLANATION FOR THIS IN PLACE OF THAT ANNEXURE

	Documents or Information Required	Annexure Number
1.3	Copy of the applicant's identity document.	1A
1.10	Copy of one of the following: (a) a utility bill (water, electricity, telephone), (b) a rent agreement for a house or flat, (c) a bond agreement with a bank or (d) bank statements. The document must show that you have lived in the area for longer than four years.	1B
1.15	Provide a description of all the applicants fishing activities, including involvement in other sectors, previous involvement and experience, and of how the fishing business is run.	1C
2.1	If "Yes," provide a copy of the 2004 permit.	2A
2.2	If "Yes," provide proof (close corporation registration certificate, proof of shareholding).	2B
2.6	If "Yes," provide a copy of the tax clearance certificate.	2C
2.9	Describe the relationship between you and the people or entities involved in the other applications.	2D
3.1.1	If "Yes," provide details and documentation regarding the conduct of the applicant or the members, the date(s) of conviction, and the penalties imposed.	3A
3.1.2	If "Yes," provide details and any documentation regarding the plea bargain arrangement entered into, including the conduct giving rise to the plea bargain, the dates and specifics of the plea bargain.	3B
3.1.3	If "Yes," provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct giving rise to the fine, the date of offence and rand amount paid.	3C
3.1.4	If "Yes," provide details and any documentation regarding the offence including information regarding the conduct giving rise to the charge and the outcome of the criminal proceedings.	3D
3.2	If "Yes," provide details regarding the detention, arrest or seizure, including information regarding the conduct giving rise to the proceedings, and whether a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act or the MLRA.	3E
3.3	If "Yes," provide details and any documentation including the conduct of the individuals giving rise to the Section 28 proceedings.	3F
4.1	Provide the following: SAMSA Safety Certificate, South African Certificate of Registry, and applicable agreement granting you access to the vessel (charter or catching agreement) if you are not the majority or sole owner of the vessel.	4A
4.2	If "Yes," provide a description of all investments made in the fishing industry (per sector) and indicate the value of such investments.	4B
4.3	If "Yes," provide a statement from the vessel owner, indicating how many charter and catching agreements are attached to the vessel in respect of the WCRL Inshore sector.	4C
5.1	Provide copies of all of your catch records for each season since 2002	5A
5.2	Provide copies of all of the catch records for each season since 2002	5B
6.2	Provide landing slips showing that you were a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	6A
6.4	Provide landing slips showing that you were a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	6B
6.5	If "Yes," provide a detailed description of how you manage your business.	6C
6.6	Provide a copy of the your latest annual tax return.	6D
7.2	Provide a letter from each of these suppliers indicating whether they are black or white (or percentage ownership by blacks), and how much you spend per season at the suppliers.	7A
7.4	Provide a letter from each charity or community organisation listed confirming that you have given money, and that indicates what the charity or community organisation does, and how much you have donated to the charity or community organisation.	7B
7.12	If "Yes," provide copies of your Workplace Skills Plan and Annual Training Report submitted and approved in 2004.	7C
7.13	If "Yes," provide a detailed explanation of how you have shared profits with your crew members.	7D
8.1	If "Yes," provide a copy of the catching agreement, or explain with whom the agreement will be entered into. If "No," explain how you will go about harvesting the resource	8A
8.2	If "Yes," provide a copy of the marketing agreement, or explain with whom the agreement will be entered into. If "No," explain how you will go about marketing the resource.	8B
8.3	If "Yes," provide a copy of the processing agreement, or explain with whom the agreement will be entered into. If "No," explain how you will go about processing the resource.	8C
8.4	Provide copies of your records relating to the processing and marketing of your catch in 2004 and 2005	8D
8.5	If "No," provide a detailed explanation of why you will not be personally involved.	8E
8.6	If "Yes," provide a copy of your valid SAMSA Health Certificate.	8F

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**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 - FOR APPLICANT TO RETAIN**Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**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: WCNC

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



West Coast Rock Lobster (Nearshore)

Long Term Rights Allocation Process: 2005

Cluster C

ZONE C

Name of Applicant:

Identification Number:

Landing Site you intend to use:

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) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, but to focus on the WCRL Nearshore sector specific policy. These policies are available at www.mcm-deaf.gov.za and at the distribution centre where this application form was collected. The policies guide the Minister or his delegate when considering the application.
- 3) Should you have any queries regarding the completion of the application form, you must phone the Cluster C Helpline on **0861 10 20 78**, or attend one of the roadshows and obtain assistance at the distribution and receiving points or visit the Department's Customer Service Centre in Cape Town, (Martin Hammerschlag Way, Foreshore).

Notices and information may also be published, regarding the allocation process in this sector, in the following regional newspapers should there be a query that applies to all potential applicants in this sector.

Die Burger	Cape Argus	Mercury	Zululand Observer	Daily Dispatch	Eastern Province Herald
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You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than through the helpline or at the roadshows, while obtaining assistance at the distribution and receiving points or at the Customer Service Centre in Cape Town. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) It is essential that you study the WCRL Nearshore sector policy before completing the application form. You must pay attention to the icons in the application form in order to determine whether:
 - there are consequences of not answering a question; or
 - there is any documentation or information required in response to a question in the form of an annexure.

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



The clipboard icon means that you must annex documents or information as an Annexure to the application form. You are instructed in the schedules at the back of this form regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be negatively affected. Failure to submit certain requested documents or information may result in the application being refused.



The warning icon means that if you fail to answer the question, the answer will be deemed to be negative to you. This means that if, for example, you fail to answer the questions relating to compliance, it will be assumed that you have contravened the laws.

COMPLETION OF APPLICATION FORM

- 6) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown." You must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the **application will be refused**.
- 8) You must sign and attest the declaration. If the declaration is not signed and attested, the **application will be refused**.
- 9) One true copy of the application must be made. 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

- 10) The application, and the copy of the application must be hand delivered at one of the following places and venues.

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	Zwellihle 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

Thursday 18 August 2005 between 08h00 and 19h00, or Friday 19 August between 08h00 and 17h00

- 11) 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 will be refused.

IMPROPER LODGEMENT

- 12) 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 ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 13) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

- 1.1 Applicant Surname
- 1.2 Applicant First Name(s):
- 1.3 Identity Number: ☒
- 1.4 Income Tax Number (if applicable):
- Area Code:
- 1.5 Work Telephone Number:
- 1.6 Cell Phone Number:
- 1.7 Fax Number:
- 1.8 E-mail address:
- 1.9 Residential Address
- Number and Street:
- Suburb:
- Town / City:
- Postal Code:
- 1.10 How long have you lived and / or worked in the area? ☒
Years
- 1.11 Postal Address: Number and Street / PO Box:
- Suburb:
- Town / City:
- Postal Code:
- 1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)? ☐ Yes ☐ No
- 1.13 Please indicate your gender: ☐ Male ☐ Female
- 1.14 How old are you:
Years
- 1.15 How long have you been involved in the fishing industry? ☒
Years

Section 2

Form of Applicant

2.7 Have you applied for any other long-term commercial fishing rights? ☐ Yes ☐ No

2.8 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.9 Are you a member, director or shareholder of an applicant that applied for any commercial fishing right? ☐ Yes ☐ No

2.10 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (If available)

2.11 Do you hold an abalone right? ☐ Yes ☐ No

2.12 Are you a member of a close corporation or a shareholder of a company that holds an abalone right? ☐ Yes ☐ No

2.13 Have any of your family members applied for any other long-term commercial fishing rights (including WCRL Inshore)? ☐ Yes ☐ No

2.14 If "Yes," complete the following table:

[illegible]

Section 3**Compliance****3.1 Have you :**

3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions 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 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



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 your fishing vessel, motor vehicle, premises or any of your assets 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 your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?

☐ Yes ☐ No



You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a limited commercial medium term WCRL right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4**Vessel Details**

4.1 Complete the following table for the vessel that you intend to use if you are granted a long-term fishing right



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 a "roeibakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Do you intend to use hoop nets as your fishing method (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 or SAMSA Certificate	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Was the vessel used in the WCRL fishery during the medium term right period?	
Have you undertaken the SAMSA Safety Training Course? (Yes or No)	

Section 4**Vessel Details**

4.2 Have you made any investments (for example a share in a vessel or equipment) in the fishing industry?

☐ Yes ☐ No



4.3 Were any other catching or charter agreements entered into in respect of the vessel you have nominated?

☐ Yes ☐ No

**Section 5****Catch Utilisation**

5.1 Complete the following in relation to your medium term WCRL catch records.



Year	Name of medium term right holder	2001/2003 Application Number	Number of kilograms allocated	Actual amount caught in kilograms
2002				
2003				
2004				

5.2 If you were a member, director or shareholder of a medium term WCRL right holder complete the following in relation to this medium term right holder's catch records.



Year	Name of medium term right holder	2001 Application Number	Number of kilograms allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 6**Historical Involvement**

6.1 Did you work as a crew member or skipper on any of the vessels operating in the limited commercial WCRL fisheries since the beginning of 2002?

☐ Yes ☐ No

Section 6

Historical Involvement

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.3 Did you work as a crew member or skipper on any other vessel operating in any medium term commercial fishery (including the full commercial WCRL fishery)?

☐ Yes ☐ No

6.4 If "Yes," complete the following table:

Fishery Name:			
Name of Right Holder	2004 Permit Number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.5 Do you manage a WCRL business by, for example, managing the catching, processing or marketing of WCRL?

☐ Yes ☐ No

6.6 What is your annual income ?

6.7 What percentage of your annual income is generated through working in the Limited Commercial WCRL Sector ?

6.8 Describe the other work that you do:

	Working Activities (other than Limited WCRL)	Rand Value per year	Percentage of Total Income
1			
2			
3			
4			

Section 7**Transformation and Job Creation**

7.1 How much do you pay all of your suppliers in total on an annual basis?



7.2 Complete the following table for your top five suppliers:

Supplier Name	Black / White (If company or close corporation, percentage black ownership)	What does the applicant purchase from the supplier?	How much does the applicant spend per season at the supplier?

7.3 Do you donate any of your annual income to charities or community development initiatives?

☐ Yes ☐ No



7.4 If "Yes," complete the following table:

Year	Charity / Community Organisation	What does the charity or community organisation do?	Telephone Number of Charity / Community Organisation	How much have you donated annually?
2002				
2003				
2004				
2005				

7.5 How many people do you employ on a permanent full-time basis?

7.6 How many people do you employ on a seasonal or part-time basis?

Section 7**Transformation and Job Creation**

7.7 What is the wage that you pay your lowest paid employee?

Weekly

7.8 What is the wage that you pays your highest paid employee?

Weekly

7.9 Complete the following table in relation to your employment profile:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.10 Complete the following table in relation to your managers:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.11 Complete the following table in relation to the training provided to employees in 2004:

Total Number of employees that were trained	Number of black employees that were trained	Training Course

7.12 If you generated more than R250 000 in turnover in 2004, did you comply with the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998?

☐ Yes ☐ No



7.13 Have you regularly shared your profits with your crew members?

☐ Yes ☐ No



Section 8**Skills, Knowledge, Processing & Marketing**

8.1 Have you, or will you (if allocated a right) entered into a catching agreement?

☐ Yes ☐ No



8.2 Have you, or will you (if allocated a right) entered into a marketing agreement?

☐ Yes ☐ No



8.3 Have you, or will you (if allocated a right) entered into a processing agreement?

☐ Yes ☐ No



8.4 If you hold a medium term WCRL nearshore right, or if you are a member, shareholder or director of a medium term WCRL nearshore right holder, you must provide records regarding the marketing and processing of your catch as Annexure 8D. Also annex a copy of the catching agreement, if someone else caught on your behalf or helped you to catch the lobsters.



8.5 Will you be personally involved (on board) in catching the resource?

☐ Yes ☐ No



8.6 Do you have a valid SAMSA Health Certificate?

☐ Yes ☐ No



Section 10**Applicant Declaration**

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

- (a) I have read the instructions set out on page 2 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) I undertake 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. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (f) I accept 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 Applicant: _____

Applicant's Full Name: _____

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

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

If the application is prepared or compiled by, or in consultation with or on the advice of any person or entity the following information must be provided:

Why was the application prepared by a person or entity other than the Applicant or why was someone consulted for advice? What fee or other remuneration was paid, or was promised for the assistance?

--

Did someone else pay or sponsor the application fee on your behalf? If so, please provide full details

--

If assisted, please provide full details of the consultant / advisor that prepared this application:

Name: _____

Profession / Occupation / Designation: _____

Signature: _____

ID Number / Company Registration Number (if applicable) _____

Address: _____

E-mail: _____

Cellular number: _____

SCHEDULES

IF YOU CANNOT PROVIDE THE DOCUMENTS OR INFORMATION REQUESTED IN ANY OF THE SCHEDULES BELOW, YOU MAY SUBMIT AN EXPLANATION FOR THIS IN PLACE OF THAT ANNEXURE

	Documents or Information Required	Annexure Number
1.3	Copy of the applicant's identity document.	1A
1.10	Copy of one of the following: (a) a utility bill (water, electricity, telephone), (b) a rent agreement for a house or flat, (c) a bond agreement with a bank or (d) bank statements. The document must show that you have lived in the area for longer than four years.	1B
1.15	Provide a description of all the applicants fishing activities, including involvement in other sectors, previous involvement and experience, and of how the fishing business is run.	1C
2.1	If "Yes," provide a copy of the 2004 permit.	2A
2.2	If "Yes," provide proof (close corporation registration certificate, proof of shareholding).	2B
2.6	If "Yes," provide a copy of the tax clearance certificate.	2C
2.9	Describe the relationship between you and the people or entities involved in the other applications.	2D
3.1.1	If "Yes," provide details and documentation regarding the conduct of the applicant or the members, the date(s) of conviction, and the penalties imposed.	3A
3.1.2	If "Yes," provide details and any documentation regarding the plea bargain arrangement entered into, including the conduct giving rise to the plea bargain, the dates and specifics of the plea bargain.	3B
3.1.3	If "Yes," provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct giving rise to the fine, the date of offence and rand amount paid.	3C
3.1.4	If "Yes," provide details and any documentation regarding the offence including information regarding the conduct giving rise to the charge and the outcome of the criminal proceedings.	3D
3.2	If "Yes," provide details regarding the detention, arrest or seizure, including information regarding the conduct giving rise to the proceedings, and whether a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act or the MLRA.	3E
3.3	If "Yes," provide details and any documentation including the conduct of the individuals giving rise to the Section 28 proceedings.	3F
4.1	Provide the following: SAMSA Safety Certificate, South African Certificate of Registry, and applicable agreement granting you access to the vessel (charter or catching agreement) if you are not the majority or sole owner of the vessel.	4A
4.2	If "Yes," provide a description of all investments made in the fishing industry (per sector) and indicate the value of such investments.	4B
4.3	If "Yes," provide a statement from the vessel owner, indicating how many charter and catching agreements are attached to the vessel in respect of the WCRL Inshore sector.	4C
5.1	Provide copies of all of your catch records for each season since 2002	5A
5.2	Provide copies of all of the catch records for each season since 2002	5B
6.2	Provide landing slips showing that you were a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	6A
6.4	Provide landing slips showing that you were a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	6B
6.5	If "Yes," provide a detailed description of how you manage your business.	6C
6.6	Provide a copy of your latest annual tax return.	6D
7.2	Provide a letter from each of these suppliers indicating whether they are black or white (or percentage ownership by blacks), and how much you spend per season at the suppliers.	7A
7.4	Provide a letter from each charity or community organisation listed confirming that you have given money, and that indicates what the charity or community organisation does, and how much you have donated to the charity or community organisation.	7B
7.12	If "Yes," provide copies of your Workplace Skills Plan and Annual Training Report submitted and approved in 2004.	7C
7.13	If "Yes," provide a detailed explanation of how you have shared profits with your crew members.	7D
8.1	If "Yes," provide a copy of the catching agreement, or explain with whom the agreement will be entered into. If "No", explain how you will go about harvesting the resource.	8A
8.2	If "Yes," provide a copy of the marketing agreement, or explain with whom the agreement will be entered into. If "No", explain how you will go about marketing the resource.	8B
8.3	If "Yes," provide a copy of the processing agreement, or explain with whom the agreement will be entered into. If "No", explain how you will go about processing the resource.	8C
8.4	Provide copies of your records relating to the processing and marketing of your catch in 2004 and 2005	8D
8.5	If "No," provide a detailed explanation of why you will not be personally involved.	8E
8.6	If "Yes," provide a copy of your valid SAMSA Health Certificate.	8F

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**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 - FOR APPLICANT TO RETAIN**Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**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.

APPLICATION NUMBER: WCND



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT

West Coast Rock Lobster (Nearshore)

Long Term Rights Allocation Process: 2005

Cluster C

ZONE D

Name of Applicant:

Identification Number:

Landing Site you intend to use:

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) You are advised to read the General Policy on the Allocation and Management of Long Term Fishing Rights, but to focus on the WCRL Nearshore sector specific policy. These policies are available at www.mcm-deat.gov.za and at the distribution centre where this application form was collected. The policies guide the Minister or his delegate when considering the application.
- 3) Should you have any queries regarding the completion of the application form, you must phone the Cluster C Helpline on 0861 10 20 78, or attend one of the roadshows and obtain assistance at the distribution and receipting points or visit the Department's Customer Service Centre in Cape Town, (Martin Hammerschlag Way, Foreshore).

Notices and information may also be published, regarding the allocation process in this sector, in the following regional newspapers should there be a query that applies to all potential applicants in this sector.

Die Burger	Cape Argus	Mercury	Zululand Observer	Daily Dispatch	Eastern Province Herald
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You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than through the helpline or at the roadshows, while obtaining assistance at the distribution and receipting points or at the Customer Service Centre in Cape Town. Moreover, no reliance may be placed on any information given or obtained in any other manner.

ICONS

- 4) It is essential that you study the WCRL Nearshore sector policy before completing the application form. You must pay attention to the icons in the application form in order to determine whether:
 - there are consequences of not answering a question; or
 - there is any documentation or information required in response to a question in the form of an annexure.
- 5) The application form makes use of the following icons:



The clipboard icon means that you must annex documents or information as an Annexure to the application form. You are instructed in the schedules at the back of this form regarding the documentation or information required as annexures. If the required documentation or information is not submitted, the application may be negatively affected. Failure to submit certain requested documents or information may result in the application being refused.



The warning icon means that if you fail to answer the question, the answer will be deemed to be negative to you. This means that if, for example, you fail to answer the questions relating to compliance, it will be assumed that you have contravened the laws.

COMPLETION OF APPLICATION FORM

- 6) You must complete all applicable sections of the application form. If any particular section does not apply to you, or if you cannot answer the section, the section may be marked "N/A." If you cannot answer a question because the information is not available, the section may be marked "unknown." You must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) This form is designed to facilitate electronic capturing of the application into a database. You may not submit the application in any other form (for example by way of a letter written by yourself.) If you submit your application in any other form, the application will be refused.
- 8) You must sign and attest the declaration. If the declaration is not signed and attested, the application will be refused.
- 9) One true copy of the application must be made. 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

- 10) The application, and the copy of the application must be hand delivered at one of the following places and venues.

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	Zwellihle Recreational Centre, Plot 88 Lusiba Street, Hermanus
Mossel Bay	J.S. Langen Hoven Library, Maykhate Street, Kwa-Nonqaba Location, Mossel Bay
Port Elizabeth	Helenvale Resource Centre, Baatjes 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

Thursday 18 August 2005 between 08h00 and 19h00, or Friday 19 August between 08h00 and 17h00

- 11) 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 will be refused.

IMPROPER LODGEMENT

- 12) 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 ("handed in") in a manner contrary to the instructions.

MATERIAL DEFECTS

- 13) Applications that are materially defective will be refused. An application is materially defective if:
 - the declaration is not signed and attested by the applicant.
 - more than one application is received for a right in the same sector; or
 - the applicant provides false information or documents, fails to disclose material information or attempts to influence the Minister or the delegated authority other than in the manner provided for in the General policy or in this application form.

Section 1

Applicant Details

1.1 Applicant Surname

1.2 Applicant First Name(s):

1.3 Identity Number:



1.4 Income Tax Number (if applicable):

Area Code:

1.5 Work Telephone Number:

1.6 Cell Phone Number:

1.7 Fax Number:

1.8 E-mail address:

1.9 Residential Address

Number and Street:

Suburb:

Town / City:

Postal Code:

1.10 How long have you lived and / or worked in the area?

Years



1.11 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

1.12 Are you historically disadvantaged in terms of race (i.e. African, Coloured or Indian)?

☐ Yes ☐ No

1.13 Please indicate your gender:

☐ Male ☐ Female

1.14 How old are you:

Years

1.15 How long have you been involved in the fishing industry?

Years



Section 2

Form of Applicant

2.1 Do you have a limited commercial West Coast Rock Lobster ("WCRL") medium term fishing right?

☐ Yes ☐ No

☒

2.2 Are you a shareholder of a company or member of close corporation that held a limited commercial WCRL medium term fishing right?

☐ Yes ☐ No

2.3 If "Yes," what is the name of the company or close corporation?

--

2.4 If "Yes," to Section 2.1 or 2.2, what is the medium term right holder's quota number?

--

2.5 If "Yes," to 2.2 who are the shareholders of the company or close corporation?

[illegible]

2.6 Do you have a valid tax clearance certificate?

☐ Yes ☐ No

☒

Section 2

Form of Applicant

2.7 Have you applied for any other long-term commercial fishing rights?

☐ Yes ☐ No

2.8 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (if available)

2.9 Are you a member, director or shareholder of an applicant that applied for any commercial fishing right?

☐ Yes ☐ No

2.10 If "Yes," complete the following table for all rights applied for (including this application for WCRL Inshore) in order of preference:

Name of Applicant for other right	Fishery	Application Number (If available)

2.11 Do you hold an abalone right?

☐ Yes ☐ No

2.12 Are you a member of a close corporation or a shareholder of a company that holds an abalone right?

☐ Yes ☐ No

2.13 Have any of your family members applied for any other long-term commercial fishing rights (including WCRL Inshore)?

☐ Yes ☐ No

2.14 If "Yes," complete the following table:

[illegible]

Section 3**Compliance****3.1 Have you :**

- 3.1.1 been convicted of a contravention of the MLRA, or the regulations, or permit conditions 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 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  
- 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 your fishing vessel, motor vehicle, premises or any of your assets 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 your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period? ☐ Yes ☐ No  

You must answer yes to the above questions if you were a member, shareholder or director of a company or close corporation that held a limited commercial medium term WCRL right and this entity or one of its shareholders, members or directors were convicted, entered into a plea bargain, were charged, had an asset seized or a right or permit suspended.

Section 4**Vessel Details****4.1 Complete the following table for the vessel that you intend to use if you are granted a long-term fishing right**

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 a "roeibakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Do you intend to use hoop nets as your fishing method (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 or SAMSA Certificate	
Applicant's share of nominated vessel (percentage)	
Value of applicant's share of vessel (rand amount)	
Nature of Access to Vessel (majority owner or charter agreement or catching agreement)	
Was the vessel used in the WCRL fishery during the medium term right period?	
Have you undertaken the SAMSA Safety Training Course? (Yes or No)	

Section 4**Vessel Details**

4.2 Have you made any investments (for example a share in a vessel or equipment) in the fishing industry?

☐ Yes ☐ No



4.3 Were any other catching or charter agreements entered into in respect of the vessel you have nominated?

☐ Yes ☐ No

**Section 5****Catch Utilisation**

5.1 Complete the following in relation to your medium term WCRL catch records.



Year	Name of medium term right holder	2001/2003 Application Number	Number of kilograms allocated	Actual amount caught in kilograms
2002				
2003				
2004				

5.2 If you were a member, director or shareholder of a medium term WCRL right holder complete the following in relation to this medium term right holder's catch records.



Year	Name of medium term right holder	2001 Application Number	Number of kilograms allocated to applicant	Actual amount caught in kilograms
2002				
2003				
2004				

Section 6**Historical Involvement**

6.1 Did you work as a crew member or skipper on any of the vessels operating in the limited commercial WCRL fisheries since the beginning of 2002?

☐ Yes ☐ No

Section 6**Historical Involvement**

6.2 If "Yes," complete the following table:

Name of Right Holder	2004 Permit number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.3 Did you work as a crew member or skipper on any other vessel operating in any medium term commercial fishery (including the full commercial WCRL fishery)?

☐ Yes ☐ No

6.4 If "Yes," complete the following table:

Fishery Name:			
Name of Right Holder	2004 Permit Number	Name of Vessel	Duration that you worked for the right holder (from date to date)

6.5 Do you manage a WCRL business by, for example, managing the catching, processing or marketing of WCRL?

☐ Yes ☐ No

6.6 What is your annual income ?

6.7 What percentage of your annual income is generated through working in the Limited Commercial WCRL Sector ?

6.8 Describe the other work that you do:

	Working Activities (other than Limited WCRL)	Rand Value per year	Percentage of Total income
1			
2			
3			
4			

Section 7**Transformation and Job Creation**

7.1 How much do you pay all of your suppliers in total on an annual basis?



7.2 Complete the following table for your top five suppliers:

Supplier Name	Black / White (If company or close corporation, percentage black ownership)	What does the applicant purchase from the supplier?	How much does the applicant spend per season at the supplier?

7.3 Do you donate any of your annual income to charities or community development initiatives?

☐ Yes ☐ No

7.4 If "Yes," complete the following table:



Year	Charity / Community Organisation	What does the charity or community organisation do?	Telephone Number of Charity / Community Organisation	How much have you donated annually?
2002				
2003				
2004				
2005				

7.5 How many people do you employ on a permanent full-time basis?

7.6 How many people do you employ on a seasonal or part-time basis?

Section 7

Transformation and Job Creation

7.7 What is the wage that you pay your lowest paid employee?

Weekly

7.8 What is the wage that you pays your highest paid employee?

Weekly

7.9 Complete the following table in relation to your employment profile:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.10 Complete the following table in relation to your managers:

African		Coloured		Indian		White	
Male	Female	Male	Female	Male	Female	Male	Female

7.11 Complete the following table in relation to the training provided to employees in 2004:

Total Number of employees that were trained	Number of black employees that were trained	Training Course

7.12 If you generated more than R250 000 in turnover in 2004, did you comply with the Skills Development Levies Act 9 of 1999 and the Skills Development Act 97 of 1998?

☐ Yes ☐ No ☒

7.13 Have you regularly shared your profits with your crew members?

☐ Yes ☐ No ☒

Section 8**Skills, Knowledge, Processing & Marketing**

8.1 Have you, or will you (if allocated a right) entered into a catching agreement?

☐ Yes ☐ No



8.2 Have you, or will you (if allocated a right) entered into a marketing agreement?

☐ Yes ☐ No



8.3 Have you, or will you (if allocated a right) entered into a processing agreement?

☐ Yes ☐ No



8.4 If you hold a medium term WCRL nearshore right, or if you are a member, shareholder or director of a medium term WCRL nearshore right holder, you must provide records regarding the marketing and processing of your catch as Annexure 8D. Also annex a copy of the catching agreement, if someone else caught on your behalf or helped you to catch the lobsters.



8.5 Will you be personally involved (on board) in catching the resource?

☐ Yes ☐ No



8.6 Do you have a valid SAMSA Health Certificate?

☐ Yes ☐ No



Section 10

Applicant Declaration

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

- (a) I have read the instructions set out on page 2 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) I undertake 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. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (f) I accept 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 Applicant: _____

Applicant's Full Name: _____

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

Commissioner of Oaths _____

Full Name _____

Designation _____

Physical Address _____

If the application is prepared or compiled by, or in consultation with or on the advice of any person or entity the following information must be provided:

Why was the application prepared by a person or entity other than the Applicant or why was someone consulted for advice? What fee or other remuneration was paid, or was promised for the assistance?

Did someone else pay or sponsor the application fee on your behalf? If so, please provide full details

If assisted, please provide full details of the consultant / advisor that prepared this application:

Name:	_____
Profession / Occupation / Designation:	_____
Signature:	_____
ID Number / Company Registration Number (if applicable)	_____
Address:	_____
E-mail:	_____
Cellular number:	_____

SCHEDULES

IF YOU CANNOT PROVIDE THE DOCUMENTS OR INFORMATION REQUESTED IN ANY OF THE SCHEDULES BELOW, YOU MAY SUBMIT AN EXPLANATION FOR THIS IN PLACE OF THAT ANNEXURE

	Documents or Information Required	Annexure Number
1.3	Copy of the applicant's identity document.	1A
1.10	Copy of one of the following: (a) a utility bill (water, electricity, telephone), (b) a rent agreement for a house or flat, (c) a bond agreement with a bank or (d) bank statements. The document must show that you have lived in the area for longer than four years.	1B
1.15	Provide a description of all the applicant's fishing activities, including involvement in other sectors, previous involvement and experience, and of how the fishing business is run.	1C
2.1	If "Yes," provide a copy of the 2004 permit.	2A
2.2	If "Yes," provide proof (close corporation registration certificate, proof of shareholding).	2B
2.6	If "Yes," provide a copy of the tax clearance certificate.	2C
2.9	Describe the relationship between you and the people or entities involved in the other applications.	2D
3.1.1	If "Yes," provide details and documentation regarding the conduct of the applicant or the members, the date(s) of conviction, and the penalties imposed.	3A
3.1.2	If "Yes," provide details and any documentation regarding the plea bargain arrangement entered into, including the conduct giving rise to the plea bargain, the dates and specifics of the plea bargain.	3B
3.1.3	If "Yes," provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct giving rise to the fine, the date of offence and rand amount paid.	3C
3.1.4	If "Yes," provide details and any documentation regarding the offence including information regarding the conduct giving rise to the charge and the outcome of the criminal proceedings.	3D
3.2	If "Yes," provide details regarding the detention, arrest or seizure, including information regarding the conduct giving rise to the proceedings, and whether a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act or the MLRA.	3E
3.3	If "Yes," provide details and any documentation including the conduct of the individuals giving rise to the Section 28 proceedings.	3F
4.1	Provide the following: SAMSA Safety Certificate, South African Certificate of Registry, and applicable agreement granting you access to the vessel (charter or catching agreement) if you are not the majority or sole owner of the vessel.	4A
4.2	If "Yes," provide a description of all investments made in the fishing industry (per sector) and indicate the value of such investments.	4B
4.3	If "Yes," provide a statement from the vessel owner, indicating how many charter and catching agreements are attached to the vessel in respect of the WCRL Inshore sector.	4C
5.1	Provide copies of all of your catch records for each season since 2002.	5A
5.2	Provide copies of all of the catch records for each season since 2002.	5B
6.2	Provide landing slips showing that you were a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	6A
6.4	Provide landing slips showing that you were a crew member or skipper, or, if the landing slips are not available, provide the quota number of the landing slips, or a payslip from the employer.	6B
6.5	If "Yes," provide a detailed description of how you manage your business.	6C
6.6	Provide a copy of your latest annual tax return.	6D
7.2	Provide a letter from each of these suppliers indicating whether they are black or white (or percentage ownership by blacks), and how much you spend per season at the suppliers.	7A
7.4	Provide a letter from each charity or community organisation listed confirming that you have given money, and that indicates what the charity or community organisation does, and how much you have donated to the charity or community organisation.	7B
7.12	If "Yes," provide copies of your Workplace Skills Plan and Annual Training Report submitted and approved in 2004.	7C
7.13	If "Yes," provide a detailed explanation of how you have shared profits with your crew members.	7D
8.1	If "Yes," provide a copy of the catching agreement, or explain with whom the agreement will be entered into. If "No," explain how you will go about harvesting the resource.	8A
8.2	If "Yes," provide a copy of the marketing agreement, or explain with whom the agreement will be entered into. If "No," explain how you will go about marketing the resource.	8B
8.3	If "Yes," provide a copy of the processing agreement, or explain with whom the agreement will be entered into. If "No," explain how you will go about processing the resource.	8C
8.4	Provide copies of your records relating to the processing and marketing of your catch in 2004 and 2005.	8D
8.5	If "No," provide a detailed explanation of why you will not be personally involved.	8E
8.6	If "Yes," provide a copy of your valid SAMSA Health Certificate.	8F

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

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RECEIPT - FOR APPLICANT TO RETAIN**Received by:** _____**Date of Receipt:** _____ 2005 or _____ 2005**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

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