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REPUBLIEK VAN SUID-AFRIKA

Vol. 477

Pretoria, 4 March  
Maart 2005

No. 27360

## PART 1 OF 3

ENGLISH AND AFRIKAANS



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27360



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

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## GENERAL NOTICE ALGEMENE KENNISGEWING

### NOTICE 398 OF 2005

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

### INVITATION TO COMMENT ON THE DRAFT POLICIES CONCERNING THE ALLOCATION AND MANAGEMENT OF LONG TERM FISHING RIGHTS IN THE HAKE HANDLINE AND WEST COAST ROCK LOBSTER (NEARSHORE) FISHERIES, 2005.

The Minister of Environmental Affairs and Tourism hereby issues for notice and comment a draft fisheries policy on the allocation and management of long term commercial fishing rights. Interested and affected parties are invited to submit written comment on these Draft Policies on the Allocation and Management of Long Term Fishing Rights 2005 in the manner provided for in this Notice.

1. Hake Handline (English - Annexure A, Afrikaans – Annexure B)
2. West Coast Rock Lobster (Nearshore) (English - Annexure C, Afrikaans – Annexure D)

IN THE CASE OF INCONSISTENCY BETWEEN THE ENGLISH AND AFRIKAANS TEXT, THE ENGLISH TEXT PREVAILS

These fishery specific policies must be read with the Draft General Policy on the Allocation and Management of Long Term Fishing Rights, 2005. Interested parties may submit written comments to the Department by 17h00 on Monday 11 April 2005 in the manner described below.

In order to solicit comments from members of communities who may need special assistance in order to participate, a series of public meetings will be held where the applicable policies and their consequences will be explained, questions will be answered, written comments will be invited, oral comments will be recorded and views from member of the audience will be minuted.

|                                                                                                    |                                                                                                                          |                                                                                                  |                                                                                                                 |                                                                                                     |                                                                                                       |
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| <b>Port Nolloth</b><br>Lokaal: Port Nolloth<br>Stadsaal<br>Datum: 2 Maart 2005<br>Tyd: 09h00       | <b>Hondeklipbaai</b><br>Lokaal: Hondeklipbaai<br>Gemeenskapsaal<br>Datum: 2 Maart 2005<br>Tyd: 17h00                     | <b>Ebenhaeser</b><br>Lokaal: Ebenhaeser<br>Gemeenskapsaal<br>Datum: 3 Maart 2005<br>Tyd: 08h30   | <b>Doring Bay</b><br>Lokaal: Doring Bay<br>Gemeenskapsaal<br>Datum: 3 Maart 2005<br>Tyd: 17h00                  | <b>Lamberts Bay</b><br>Lokaal: Lamberts Bay<br>Ontspanningsaal<br>Datum: 4 Maart 2005<br>Tyd: 09h30 | <b>Elands Bay</b><br>Lokaal: Elands Bay<br>Gemeenskapsaal<br>Datum: 4 Maart 2005<br>Tyd: 14h00        |
| <b>Laaipelek</b><br>Lokaal: Laaipelek<br>Gemeenskapsaal<br>Datum: 5 Maart 2005<br>Tyd: 08h00       | <b>St Helena Bay</b><br>Lokaal: St Helena Bay<br>Hotel<br>Datum: 5 Maart 2005<br>Tyd: 11h30                              | <b>Paternoster</b><br>Lokaal: Paternoster<br>Gemeenskapsaal<br>Datum: 7 Maart 2005<br>Tyd: 08h30 | <b>Vredenburg</b><br>Lokaal: Vredenburg<br>Gemeenskapsaal /<br>Sportgronde<br>Datum: 7 Maart 2005<br>Tyd: 13h30 | <b>Saldanha Bay</b><br>Lokaal: Diazville<br>Gemeenskapsaal<br>Datum: 8 Maart 2005<br>Tyd: 09h00     | <b>Langebaan</b><br>Lokaal: Langebaan<br>Gemeenskapsaal<br>Datum: 8 Maart 2005<br>Tyd: 14h00          |
| <b>Yzerfontein</b><br>Lokaal: Burgersentrum<br>Datum: 9 Maart 2005<br>Tyd: 09h00                   | <b>Atlantis</b><br>Lokaal: Gemeenskapsaal<br>(Saxon C)<br>Datum: 9 Maart 2005<br>Tyd: 14h00                              | <b>Simonstad</b><br>Lokaal: Simonstad<br>Burgersentrum<br>Datum: 10 Maart 2005<br>Tyd: 09h00     | <b>Hout Bay</b><br>Lokaal: Ontspanningsaal<br>Hout Bay<br>Datum: 10 Maart 2005<br>Tyd: 14h30                    | <b>Kaapstad</b><br>Lokaal: Burgersentrum<br>Seepunt<br>Datum: 11 Maart 2005<br>Tyd: 09h00           | <b>Ocean View</b><br>Lokaal: Ocean View<br>Veeldoelighedsentrum<br>Datum: 11 Maart 2005<br>Tyd: 14h30 |
| <b>Kalk Bay</b><br>Lokaal: Holy Trinity Saal<br>Datum: 14 Maart 2005<br>Tyd: 09h00                 | <b>Strand</b><br>Lokaal: Strand<br>Burgersentrum<br>Datum: 14 Maart 2005<br>Tyd: 14h00                                   | <b>Macassar</b><br>Lokaal: New Macassar<br>Burgersentrum<br>Datum: 15 Maart 2005<br>Tyd: 09h00   | <b>Kleinmond</b><br>Lokaal: Burgersentrum<br>Datum: 15 Maart 2005<br>Tyd: 14h00                                 | <b>Hawston</b><br>Lokaal: Hawstania Inn<br>Datum: 16 Maart 2005<br>Tyd: 09h00                       | <b>Hermanus (Mount Pleasant)</b><br>Lokaal: Grobelaar Saal<br>Datum: 16 Maart 2005<br>Tyd: 14h00      |
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| <b>Mossel Bay</b><br>Lokaal: Deimade<br>Gemeenskapsaal<br>Datum: 2 Maart 2005<br>Tyd: 09h30        | <b>Klein Brak Riveer</b><br>Lokaal: Reebok<br>Gemeenskapsaal<br>Datum: 2 Maart 2005<br>Tyd: 14h30                        | <b>Knysna</b><br>Lokaal: Honley<br>Burgersentrum<br>Datum: 3 Maart 2005<br>Tyd: 09h00            | <b>Plettenberg Baai</b><br>Lokaal: Simuney Saal<br>Datum: 3 Maart 2005<br>Tyd: 14h00                            | <b>Jeffrey's Baai</b><br>Lokaal: Pellrus<br>Gemeenskapsaal<br>Datum: 3 Maart 2005<br>Tyd: 09h30     | <b>Port Elizabeth</b><br>Lokaal: PE Burgersentrum<br>Datum: 7 Maart 2005<br>Tyd: 15h00                |
| <b>Port Alfred</b><br>Lokaal: Jawuka Saal<br>Datum: 8 Maart 2005<br>Tyd: 09h00                     | <b>Hamburg</b><br>Lokaal: Hamburg<br>Gemeenskapsaal<br>Datum: 8 Maart 2005<br>Tyd: 15h00                                 | <b>Oos London</b><br>Lokaal: Oos London<br>Stadsaal<br>Datum: 9 Maart 2005<br>Tyd: 09h00         | <b>Centane</b><br>Lokaal: Centane<br>Burgersentrum<br>Datum: 10 Maart 2005<br>Tyd: 09h30                        | <b>Koffie Baai</b><br>Lokaal: Kwa Tshezi Lodge<br>Datum: 10 Maart 2005<br>Tyd: 16h30                | <b>Port St Johns</b><br>Lokaal: Port St Johns<br>Stadsaal<br>Datum: 11 Maart 2005<br>Tyd: 09h00       |
| <b>Port Edward</b><br>Lokaal: Nkululekweni<br>Gemeenskapsaal<br>Datum: 11 Maart 2005<br>Tyd: 17h30 | <b>Umnini</b><br>Lokaal: Umnini Saal<br>Datum: 14 Maart 2005<br>Tyd: 09h00                                               | <b>Shelley Beach</b><br>Lokaal: Die Boot Klub<br>Datum: 14 Maart 2005<br>Tyd: 14h30              | <b>Durban</b><br>Lokaal: DLI Saal<br>Datum: 15 Maart 2005<br>Tyd: 10h00                                         | <b>Stanger</b><br>Lokaal: Stanger Saal<br>Datum: 16 Maart 2005<br>Tyd: 09h00                        | <b>Richardsbaai</b><br>Lokaal: Bay Stadsaal<br>Datum: 16 Maart 2005<br>Tyd: 17h00                     |

Participants will be required to register on arrival at the venue, and are requested to arrive half an hour prior to the start of the meeting.

Interested parties may also submit written comments to the Department by 17h00 on Monday 11 April 2005 in the following manner:

|                                                                                                                                                                                 |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Per Faks:</b><br/> Faks: Nommer: (021) 670-1782<br/> Aandag: Die Adjunk Direkteur-Generaal<br/> Vissery (Spesifiseer asseblief watter vissery)<br/> Beleid Kommentaar</p> | <p><b>Per Pos:</b><br/> Aandag: Mr Horst Kleinschmidt<br/> Die Adjunk Direkteur-Generaal<br/> Die Departement van Omgewingsake en Toerisme<br/> Postbus 44963<br/> Claremont<br/> 7795<br/> Vissery (Spesifiseer asseblief watter vissery)<br/> Beleid Kommentaar</p> | <p><b>Per E-pos:</b><br/> RVU@deloitte.co.za<br/> Aandag: Die Adjunk Direkteur-Generaal<br/> Die Departement van Omgewingsake en Toerisme<br/> Vissery (Spesifiseer asseblief watter vissery)<br/> Beleid Kommentaar</p> <hr/> <p><b>By Hand</b><br/> Aandag: Die Adjunk Direkteur-Generaal<br/> Die Regte Verifieeringsseenheid<br/> Landsdown Road 11<br/> Claremont<br/> Vissery (Spesifiseer asseblief watter vissery)<br/> Beleid Kommentaar</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Copies of all of the draft policies are also available on the Department's official website [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za). Hard copies may also be collected from the Department's fishery control offices along the coast. More information regarding the Long Term Rights Allocation Process can be obtained from the following helpline: 0861 123 626

Please note that comments received after the closing date may be disregarded.

Telephonic queries regarding the submission of comments may directed to the Rights Verification Unit at (021) 670-3669.



## KENNISGEWING 398 VAN 2005

## DEPARTMENT VAN OMGEWINGSAKE EN TOERISME

## UITNODIGING OM KOMMENTAAR TE LEWER RAKENDE DIE TOEKENNING EN BESTUUR VAN LANGTERMYN VISVANGREGTE IN DIE STOKVIS HANDLYN EN WESKUS-KREEF (KUSSLYN) VISSERYE 2005

Die Minister van Omgewingsake en Toerisme reik hiermee, vir kennisname en kommentaar, 'n konsep vissery beleid uit rakende die toekenning en bestuur van langtermyn kommersiële visvangregte. Belanghebbende en geaffekteerde partye word uitgenooi om skriftelike kommentaar in verband met hierdie Konsep Beleide rakende die die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte 2005 in te dien op die wyse soos aangedui in hierdie kennisgewing.

1. Stokvis Handlyn (Engels - Aanhangsel A, Afrikaans – Aanhangsel B)
2. Weskus Kreef (Engels - Aanhangsel C, Afrikaans – Aanhangsel D)

IN DIE GEVAL VAN TEENSTRYDIGHEID TUSSEN DIE ENGELSE EN AFRIKAANSE TEKS, SAL DIE ENGELSE TEKS VERKIES WORD.

Hierdie vissery-spesifieke beleide moet saam gelees word met die Konsep Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte 2005. Belanghebbende partye kan skriftelike kommentaar by die Departement indien tot 17h00 op Maandag 11 April 2005, op die wyse hieronder uiteengesit.

Ten einde kommentaar te ontlok van lede van gemeenskappe wat moontlik spesiale bystand verg om deel te neem aan hierdie proses, sal 'n reeks openbare vergaderings gehou word waar die toepaslike beleide en hulle gevolge verduidelik sal word. By hierdie vergaderings sal vrae beantwoord word, skriftelike kommentaar sal aangevra word en mondelingse kommentaar sal van rekord gehou word asook van standpunte en sienswyses van die lede van die publiek.

|                                                                                              |                                                                                                                          |                                                                                                  |                                                                                                                 |                                                                                                     |                                                                                                       |
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|                                                                                                    |                                                                                                   |                                                                                          |                                                                                          |                                                                                                 |                                                                                                 |
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| <b>Mossel Bay</b><br>Lokaal: Delmade<br>Gemeenskapsaal<br>Datum: 2 Maart 2005<br>Tyd: 09h30        | <b>Klein Brak Riveer</b><br>Lokaal: Reebok<br>Gemeenskapsaal<br>Datum: 2 Maart 2005<br>Tyd: 14h30 | <b>Knysna</b><br>Lokaal: Honley<br>Burgersentrum<br>Datum: 3 Maart 2005<br>Tyd: 09h00    | <b>Plettenberg Baai</b><br>Lokaal: Simuney Saal<br>Datum: 3 Maart 2005<br>Tyd: 14h00     | <b>Jeffrey's Baai</b><br>Lokaal: Pellrus<br>Gemeenskapsaal<br>Datum: 7 Maart 2005<br>Tyd: 09h30 | <b>Port Elizabeth</b><br>Lokaal: PE Burgersentrum<br>Datum: 7 Maart 2005<br>Tyd: 15h00          |
| <b>Port Alfred</b><br>Lokaal: Jawuka Saal<br>Datum: 8 Maart 2005<br>Tyd: 09h00                     | <b>Hamburg</b><br>Lokaal: Hamburg<br>Gemeenskapsaal<br>Datum: 8 Maart 2005<br>Tyd: 15h00          | <b>Oos London</b><br>Lokaal: Oos London<br>Stadsaal<br>Datum: 9 Maart 2005<br>Tyd: 09h00 | <b>Centana</b><br>Lokaal: Centane<br>Burgersentrum<br>Datum: 10 Maart 2005<br>Tyd: 09h30 | <b>Koffie Baai</b><br>Lokaal: Kwa Tshezi Lodge<br>Datum: 10 Maart 2005<br>Tyd: 16h30            | <b>Port St Johns</b><br>Lokaal: Port St Johns<br>Stadsaal<br>Datum: 11 Maart 2005<br>Tyd: 09h00 |
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Deelnemers aan hierdie openbare vergaderings sal moet registreer met hulle aankoms by die lokaal en word versoek om 'n half uur voor die aanvang van verrigtinge te arriveer.

Belanghebbende party kan ook skriftelike kommentaar indien by die Departement tot 17h00 op Maandag 11 April 2005. Die kommentaar kan op die volgende wyse ingedien word:

|                                                                                                                                                                  |                                                                                                                                                                                                                                               |                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Per Faks:</b><br>Faks: Nommer: (021) 670-1782<br>Aandag: Die Adjunk Direkteur-Generaal<br>Vissery (Spesifiseer asseblief watter vissery)<br>Beleid Kommentaar | <b>Per Pos:</b><br>Aandag: Mr Horst Kleinschmidt<br>Die Adjunk Direkteur-Generaal<br>Die Departement van Omgewingsake en Toerisme<br>Posbus 44963<br>Claremont<br>7735<br>Vissery (Spesifiseer asseblief watter vissery)<br>Beleid Kommentaar | <b>Per E-pos:</b><br>RVU@deloitte.co.za<br>Aandag: Die Adjunk Direkteur-Generaal<br>Die Departement van Omgewingsake en Toerisme<br>Vissery (Spesifiseer asseblief watter vissery)<br>Beleid Kommentaar |
|                                                                                                                                                                  |                                                                                                                                                                                                                                               | <b>By Hand</b><br>Aandag: Die Adjunk Direkteur-Generaal<br>Die Regte Verifieerseenheid<br>Landsdown Road 11<br>Claremont<br>Vissery (Spesifiseer asseblief watter vissery)<br>Beleid Kommentaar         |

Afskrifte van al die konsep beleide is ook beskikbaar op die Departement se amptelike webruimte by [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za). Skriftelike kopieë kan ook afgehaal word by die Departement se vissery beheer kantore langs die kus. Meer inligting rakende die Lang-Termyn Regte Toekenningsproses kan gekry word by die volgende hulplyn : 0861 123 626

Geliewe daarop te let dat kommentaar ontvang na die sluitingsdatum geignoreer kan word.

Telefoniese navrae rakende die indiening van kommentaar kan gerig word aan die Regte Verifikasie Eenheid by (021) 670-3669.

**ANNEXURE A**

**DRAFT**



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

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## 1. Introduction

This is a draft policy on the allocation and management of commercial fishing rights in the hake handline fishery and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. This policy must be read with the Draft General Policy on the Allocation and Management of Long-Term Commercial Fishing Rights: 2005 ("the General Policy").

As stated in the General Policy, the Department will hold public meetings at coastal venues in order to consult with the general public and interested and affected parties in particular, with respect to this draft hake handline policy. At these public meetings, comments on this policy will be invited. Written comments may be submitted to the Department by 11 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

|                                                                                                                                                              |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>By Fax:</b><br/>         Fax Number: (021) 670-1782<br/>         Attention: The Deputy Director-General<br/>         Hake Handline Policy Comments</p> | <p><b>By Mail:</b><br/>         Attention: Mr Horst Kleinschmidt<br/>         The Deputy Director-General<br/>         The Department of Environmental Affairs and<br/>         Tourism<br/>         P.O. Box 44963<br/>         Claremont<br/>         7735<br/>         Hake Handline Policy Comments</p> | <p><b>By E-mail:</b><br/> <a href="mailto:RVU@detoite.co.za">RVU@detoite.co.za</a><br/>         Attention: The Deputy Director-General<br/>         Hake Handline Policy Comments</p> <p><b>By Hand</b><br/>         Attention: The Deputy Director-General<br/>         The Rights Verification Unit<br/>         11 Landsdown Road<br/>         Claremont<br/>         Hake Handline Policy Comments</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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 Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate hake handline commercial fishing rights in terms section 79 of the Marine Living Resources Act 18 of 1998 (*the MLRA*) to a senior official of the Department.

## 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. This 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 1980's and 1990's the fishery was not properly regulated and 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. During the late 1980's 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.

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 of Environmental Affairs and Tourism. 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 fished by 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, the Department allocated 86 commercial hake handline fishing rights. 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 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 blacks. 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:

- Significantly increase the transformation profile of the hake handline fishery;
- Allocate rights to hake handline fishers who rely on the hake handline fishery for their livelihoods;
- Ensure that applicants based at fishing harbours that are historically associated with hake handline catches are allocated a fair proportion of the rights;
- 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, the Department intends to allocate commercial rights for a period of eight years (01 January 2006 to 31 December 2013), and subject to a review at regular intervals against predetermined performance criteria, including the attainment of agreed transformation goals (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, mean that rights are likely to be allocated to a substantial number of new entrant applicants.

## **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. A proportion of the TAE will be allocated to each successful applicant in terms of a set of "*quantum criteria*".

### **7.1 Exclusionary criteria**

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

- (a) **Form of the applicant:** Applications will only be considered from entities incorporated in terms of the Close Corporations Act of 1984 and individuals (i.e. sole proprietors or natural persons). Applications from trusts and companies will not be considered.
- (b) **Compliance:** Compliance with the provisions of the MLRA, including the provisions of its regulations is considered to be of paramount importance. Applicants, including their members, that have been convicted of an offence in terms of the MLRA (without the option of the payment of a fine) will not be allocated a hake handline fishing right. Applicants, including their members, that have had any fishing right cancelled or revoked in terms of the Marine Living Resources Act will also not be allocated a hake handline fishing right. Other breaches of the MLRA will negatively affect the evaluation of applications.
- (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.

- (d) **Non-utilisation:** Those right-holders that failed to utilise their medium-term commercial hake handline right between 2003 and 2004 will not be re-allocated a right.
- (e) **Personal involvement in harvesting of the resource:** Applicants will have to demonstrate that they are involved on a full-time basis in the hake handline fishery. They will be required to demonstrate that they are active fishers and participate in the operation of the hake handline business.
- (f) **Dependency on the resource:** Right-holder applicants who are not dependent on the hake handline fishery for at least 75 percent of their gross annual income will be excluded. Potential new entrants will be required to demonstrate their historical dependency on the hake handline fishery for their livelihood. Applicants that derive any of their income from sources outside of the fishing industry will be excluded.
- (g) **Vessel access:** Applicants will be required to demonstrate a right of access to a suitable vessel (*see paragraph 8 below*).

## 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**

Currently, only 26 percent of right-holders in this fishery are black-owned. An estimated 25 percent are black-managed.

Applicants that are individuals will be scored on whether or not they are black.

Applicants that are close corporations will be assessed and scored on –

- The percentage black and women representation at ownership and management levels (particularly with regard to skippers);
- Whether employees are members of the applicant and the extent of their benefits;
- Affirmative procurement;
- Compliance with the Skills Development Levies Act 9 of 1999; and
- Corporate social investment.

**(b) Investment in the fishery**

Applicants will be evaluated having regard to investments made in the hake handline fishery.

Right-holder applicants will be assessed as follows:

- Investment in vessels by 31 December 2004 will be recognised, as long as the investment demonstrates a real commitment to participate in the sector. 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 Department will have regard to whether the applicant is capable of marketing hake.

New entrant applicants will have to show whether they have invested in a vessel and in what form. In addition, new entrant applicants will have to show whether they have access to 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 target hake by the handline method.

**(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 Department will accordingly prefer 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) Compliance**

Minor infringements of the MLRA, the Regulations and permit conditions will be negatively scored. Right-holder applicants who cannot demonstrate that they

comply with the Skills Development Act 97 of 1998 and the Skills Development Levies Act 9 of 1999 and the Occupational Health and Safety Act 85 1993, 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 its Hake Handline Crew List. Those applicants who are successful in applying for a hake handline fishing right will be required to select their crew members from among those who are listed on the Hake Handline Crew List.

### **7.4 Effort allocations**

In 2003, one vessel was allocated to each successful applicant. The Department intends revising the allocation of effort in the hake handline fishery.

Firstly, the Department will allocate crew based on the maximum crew complement which is authorised by the South African Maritime Association ("SAMSA"). The Department will reserve a pool of approximately 15 vessels for allocation to successful applicants who are transformed and who have invested in hake handline vessels. The Department will allocate one vessel to each successful applicant. The pool of reserved vessels will be allocated to those applicants that scored highest on transformation criteria and who requested more than one vessel.

Secondly, 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, the Department may, in the future, allocate slightly more fishing rights, 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 certified length of approximately five metres and a maximum SAMSA certified length of approximately 12 metres. Essentially, the Department 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**

Right-holders in the hake handline fishery (including their members) will not be allowed to hold commercial fishing rights in any other fishery. Right-holders in the hake handline fishery will, however, be entitled to target snoek.

**10. Application fees and levies**

The application fee for the hake handline fishery will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews. In this regard the costs incurred during the medium-term process will be used as a guide; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after



consultation with affected and interested parties.

## **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 geelbek (*Atractoscion aquidens*). Hake handline fishers will, however, be allowed to target snoek when it becomes 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.

### **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 Department makes a final decision on who will be allocated rights to participate in the hake handline fishery, it will 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 inform the Department if any persons who historically fished for hake using the handline method have been excluded from the provisional list.

### **15. Permit conditions**

Permit conditions for this fishery will be issued annually. The permit conditions applicable to this fishery for the 2005 season are attached as **Annexure A**. Interested and affected parties are invited to comment on these permit conditions.

**ANNEXURE B**

**KONSEP**



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

**BELEID VIR DIE TOEKENNING EN BESTUUR VAN KOMMERSIËLE  
VISVANGREGTE IN DIE STOKVIS-HANDLYNVISSERY : 2005**

**HIERDIE KONSEPBELEID MOET SAAM GELEES WORD MET DIE  
KONSEP VAN DIE ALGEMENE BELEID OOR DIE TOEKENNING EN  
BESTUUR VAN LANGTERMYN KOMMERSIËLE VISVANGREGTE:  
2005 (beskikbaar by [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

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## 1. Inleiding

Hierdie is 'n konsepbeleid oor die toekenning en bestuur van kommersiële visvangregte in die stokvis-handlynvisserij en word uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") vir openbare kommentaar. Hierdie beleid moet saam gelees word met die Konsep van die Algemene Beleid oor die Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Beleid").

Soos gestel in die Algemene Beleid sal die Departement openbare vergaderings by kusdorpe hou om met die algemene publiek en in die besonder met belanghebbende en geaffekteerde partye oorleg te pleeg in verband met hierdie konsepbeleid. By hierdie openbare vergaderings sal kommentaar oor hierdie beleid aangevra word. Skriftelike opmerkings mag teen 11 April 2005 by die Departement ingedien word. Opmerkings wat na hierdie datum ingedien word, sal nie in aanmerking geneem word nie. Kommentaar moet as volg ingedien word:

|                                                                                                                                                                               |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Per Faks:</b><br/>Faks: Nommer: (021) 670-1782<br/>Aandag: Die Adjunk Direkteur-Generaal<br/>Visserij (Spesifiseer asseblief watter visserij)<br/>Beleid Kommentaar</p> | <p><b>Per Pos:</b><br/>Aandag: Mr Horst Kleinschmidt<br/>Die Adjunk Direkteur-Generaal<br/>Die Departement van Omgewingsake en Toerisme<br/>Postbus 44963<br/>Claremont<br/>7735<br/>Visserij (Spesifiseer asseblief watter visserij)<br/>Beleid Kommentaar</p> | <p><b>Per E-pos:</b><br/>RVU@deloitte.co.za<br/>Aandag: Die Adjunk Direkteur-Generaal<br/>Die Departement van Omgewingsake en Toerisme<br/>Visserij (Spesifiseer asseblief watter visserij) Beleid Kommentaar</p> <hr/> <p><b>Per Hand</b><br/>Aandag: Die Adjunk Direkteur-Generaal<br/>Die Regte Verifieerseenheid<br/>Landsdown Road 11<br/>Claremont<br/>Visserij (Spesifiseer asseblief watter visserij)<br/>Beleid Kommentaar</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Die doel van hierdie beleid is om die oorwegings van toepassing op die toekenning van langtermyn kommersiële visvangregte vir die stokvis-handlynvisserij uiteen te sit. Baie van hierdie oorwegings is niks nuuts nie. Hulle is in die verlede toegepas deur die Departement by die toekenning van regte. Hierdie beleid bevat hierdie oorwegings maar 'n paar veranderings en toevoegings, word ingesluit.

Bepaalde bestuursbeleidsrigtings verskyn ook in hierdie konsepbeleid. 'n Bestuurshandboek vir

Stokvis-handlynvisserij sal na oorleg met al die regtehouers in die loop van 2006 gefinaliseer word. Hierdie handboek sal in die fynste besonderhede die bestuursmetodes en prosedures vir die visserij uitstippel. Die Departement is veral van voorneme om hierdie visserij op 'n streeksbasis te bestuur nadat langtermyn kommersiële visvangregte toegeken is.

Die Minister van Omgewingsake en Toerisme is voornemens om artikel 18-magte, om kommersiële visvangregte vir stokvis-handlynvisserij 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.

## 2. Sektorale profiel

Die stokvis-handlynvisserij het langs die Kaapse suidelike kus ontwikkel, waar gedurende die laat 1980's tradisionele handlynvisserij stokvis begin teiken het namate aanvraag vir prima gehalte ("PG") stokvis op die internasionale mark toegeneem het.

Aanvanklik het handlynvisserij wat stokvis vang dekbote gebruik wat in staat was om oornag te opereer. Namate die visserij gegroei het, het sommige vissers skibote begin gebruik, wat oornag op die see kon uitbly en wat op 'n sleepwa gehys kon word en na gebiede gesleep kon word wat nader aan die stokvis se waters was. Die dekbote was tot hawens beperk. Deur skibote in te bring het vangspogings in die stokvis-handlynvisserij aansienlik gegroei, veral omdat gebruik van hierdie vaartuie stokvis-handlynvisserij in staat gestel het om die stokvis langs die Suid-Afrikaanse kuslyn te volg.

Gedurende die 1980's en 1990's was die visbedryf nie behoorlik gereguleer en bestuur nie. Die tekort aan 'n regulerende raamwerk, tesame met die verhoogde aanvraag na PG stokvis in die laat 1990's, het gelei daartoe dat 'n aantal persone, insluitende ontspannings- en kommersiële vissers wat by ander visserij betrokke was, hierdie visserij betree het om voordeel te trek uit die hoë pryse. Gedurende die laat 1980's is geskat dat stokvis wat per handlyn gevang is ongeveer 150 ton beloop het. Teen die 1990's het dit verhoog tot tussen 1 100 ton en 1 400 ton per jaar. Teen die jaar 2000 is ongeveer 5000 ton aan land gebring.



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 – die tunapaal-, die stokvishandlyn- en die tradisionele lynvis-vissery. In daardie jaar het die Minister ook vir die eerste keer in die stokvis-handlynvissery 'n Totale Ontplooide Vangspoging (TOV) vir die vissery gestel. Die TOV beperk die aantal bemanning en vaartuie wat stokvis kan teiken deur middel van ' handlyn, tot 130 vaartuie en 785 bemanning. Verder is 'n voorkomende maksimum vangsperk (VMVP) van 5500 ton opsy gesit onder die globale totale toelaatbare vangs van stokvis.

Die Departement bestuur die stokvis-langlynvissery as deel van 'n "stokvis-kollektief". Ingevolge die WLMH word 'n globale totale toelaatbare vangs (TTV) vir stokvis jaarliks deur die Minister van Omgewingsake en Toerisme bepaal. Die stokvis-handlyn- en -langlynvisserye deel 10 persent van die globale TTV. Die diepsee stokvis-treilervissery word 83 persent van die TTV toegeken en die res word gevang deur die stokvis-kustreilervissery. Tot 2004 is 1 000 ton opsy gesit vir buitelandse vissers. Hierdie toekenning word egter gestaak.

Die stokvis-handlynvissery word is bedrywig uit klein visserhawens en vanaf glybane langs die Suid-Kaapse en Oos-Kaapse kus, so ver noord soos Port Alfred. Die handlynvissery, soos die stokvis-langlynvissery, vang PG-stokvis vir uitvoer na Europa. Die vissery is bedrywig in kuswaters waar vlakwater-stokvis, *Merluccius capensis* geteiken word.

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

### **3. Die proses van medium-termyn regte-toekenning**

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

Die doel van die proses vir medium-termyn toekenning is om kommersiële stokvis-handlynvisvangregte aan vissers toe te ken wat van die vissery afhanklik is vir hulle bestaan. Alle moontlike pogings is gemaak om ontspannings- of deeltydse vissers, wat inkomste uit ander visvangbedrywe verkry of wat in ander sektore van die ekonomie in diens is, uit te sluit.

Uit die regte toegeken is 26 persent aan swartes 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. Wetlike 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 vir die toekenning van langtermyn visvangregte in die vissery is om:

- Die transformasieprofiel van die stokvis-handlynvissery aansienlik te verhoog;
- Regte aan stokvis-handlynvissers toe te ken wat op stokvis-handlynvissery vir hulle bestaan staatmaak;
- Te verseker dat aansoekers wat gebaseer is in vissershawens wat histories met stokvis-handlynvangste verbind word 'n billike deel van die regte ontvang;
- 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 is die Departement van voorneme om kommersiële regte vir 'n tydperk van agt jaar (1 Januarie 2006 tot en met 31 Desember 2013) toe te ken, onderhewig aan hersiening met gereelde tussenposes teen voorafbepaalde

prestasiekriteria, insluitende die bereiking van ooreengekome transformasiedoelwitte (sien paragraaf 12 hier onder).

## 6. Nuwe inkomelinge

Die stokvis-handlynvisserij het tans te veel deelnemers. Daar is veel meer handlynvisseras as wat die bron kan ondersteun. Die swak transformasieprofiel van hierdie visserij tesame met die feit dat baie stokvis-handlynvisseras, veral swart kapteins, nie in 2001 aansoek gedoen het om kommersiële regte nie, beteken egter dat regte toegeken sal word aan 'n aansienlike aantal nuwe inkomeling-aansoekers.

## 7. Evalueringskriteria

Aansoeke sal gesif word ingevolge 'n stel "*uitsluitingskriteria*". Aansoekers wat regte hou en nuwe inkomeling-aansoekers sal dan apart oorweeg word volgens 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt telling of rang sal dan bepaal word om die suksesvolle aansoekers te selekteer. 'n Gedeelte van die TOV sal aan elk van die suksesvolle aansoekers ingevolge 'n stel "*kwantumkriteria*" toegeken word.

### 7.1 Uitsluitingskriteria

Buiten die kriteria beskryf in die Algemene Beleid, wat betrekking het op die onbehoorlike indiening van aansoeke en wesenlike tekortkominge, sal die Departement aansoekers wat versuim om aan die volgende vereistes te voldoen, uitsluit:

- (a) **Vorm van die aansoeker:** Aansoeke sal slegs oorweeg word van entiteite wat geïnkorporeer is ingevolge die Wet op Beslote Korporasies van 1984 en van individue (d w s eenmansake of natuurlike persone). Aansoeke van trusts en maatskappye sal nie in aanmerking kom nie.
- (b) **Voldoening:** Voldoening aan die bepalings van die WLMH, insluitende die

regulasies daarby, word beskou as van uiterste belang. Aansoekers, insluitende hulle lede, wat skuldig bevind is aan 'n oortreding ingevolge die WLMH (sonder die opsie om 'n boete te betaal) sal nie 'n stokvis-handlynvisvangreg ontvang nie. Aansoekers, insluitende hulle lede, wie se visvangregte gekanselleer of ingetrek is ingevolge die Wet op Lewende Mariene Hulpbronne sal ook nie 'n stokvis-handlynvisvangreg toegeken word nie. Ander oortredings van die WLMH sal evaluering van die aansoeke negatief beïnvloed.

- (c) **Papierkwota's:** Papierkwota's soos omskryf in die Algemene Beleid sal uitgesluit word. Ongeag die meriete van die individuele aansoeke sal groot groepe identiese of substansieel soortgelyke aansoeke wat deur konsultante of kommersiële visvangmaatskappye en ander entiteite geborg word, uitgesluit word as fronte vir papierkwota's.
- (d) **Nie-gebruik:** Daardie regte-houers wat versuim het om hulle medium-termyn kommersiële stokvis-handlynregte tussen 2003 en 2004 te gebruik, sal nie weer 'n reg toegeken word nie.
- (e) **Persoonlike betrokkenheid by die oes van die hulpbron:** Aansoekers sal moet demonstreer dat hulle op voltydse basis in die stokvis-handlynvisserij betrokke is. Van hulle sal verwag word om aan te toon dat hulle aktiewe vissers is en deelneem aan die bedryf van besighede in die stokvis-handlynvisserij.
- (f) **Afhanklikheid van die bron:** Bestaande regtehouer aansoekers wat nie afhanklik is van die stokvis-handlynvisserij vir minstens 75 persent van hulle bruto-inkomste per jaar nie, sal uitgesluit word. Potensiële nuwe inkomelinge sal hulle historiese afhanklikheid van die stokvis-handlynvisserij vir hulle bestaan moet kana aantoon. Aansoekers wat enige inkomste uit bronne buite die visvangbedryf verkry sal uitgesluit word.
- (g) **Toegang tot vaartuig:** Aansoekers sal 'n reg van toegang tot 'n geskikte vaartuig

moet aantoon (sien paragraaf 8 hier onder).

## **7.2 Balanseringskriteria**

Aansoekers wat regte hou en potensiële nuwe inkomelinge sal evalueer word ingevolge die volgende balanseringskriteria, wat gelaai sal word om die sterkte van elk van die aansoeke te bepaal:

### **(a) Transformasie**

Tans is slegs 26 persent van die regtehouers in hierdie visserij in swart besit. Ongeveer 25 persent is onder swart bestuur.

Aansoekers wat individue is sal punte behaal op die feit of hulle swart is al dan nie. Aansoekers wat beslote korporasies is sal aangeslaan en punte toegeken word op grond van die volgende -

- Die persentasie swart- en vroue-verteenvoording op eienaarskaps- en bestuursvlakke (veral ten opsigte van kapteins);
- Of werknemers lede is van die aansoeker en die strekking van hulle voordele;
- Regstellende aankope;
- Of voldoen word aan die Wet op Heffings van Vaardigheidsontwikkeling, 9 van 1999; en
- Korporatiewe sosiale belegging.

### **(b) Belegging in die visserij**

Aansoekers sal evalueer word met inagneming van beleggings gemaak in die stokvis-handlynvisserij.

Bestaande regtehouers aansoekers sal beoordeel word as volg:

- Belegging in vaartuie teen 31 Desember 2004 sal erken word, solank die belegging demonstreer dat daar 'n werklike toewyding is om in die sektor deel te neem. Aansoekers wat regte hou sal nie beloon word omdat hulle vragooreenkomste of vangste- of kooporeenkomste aangegaan het nie.
- Belegging in bemarkingsinisiatiewe sal in aanmerking kom. Die Departement sal in aanmerking neem of die aansoeker in staat is om stokvis te bemark.

Nuwe inkomeling-aansoekers sal moet aantoon dat hulle in 'n vaartuig belê het en op watter wyse. Verder moet nuwe inkomeling-aansoekers wys of hulle toegang tot markte het..

**(c) Visvangprestasie**

Aansoekers wat regte hou sal evalueer word met inagneming van hulle prestasie in die stokvis-handlynvisserij gedurende die proses van medium-termyn regtetoekenning. Aansoekers wat regte hou en wat tradisionele lynvis geteiken het eerder as stokvis, sal geenaliseer word.

Nuwe inkomeling-aansoekers sal evalueer word met inagneming van hulle vermoë, kennis en vaardigheid om stokvis te teiken volgens die handlynmetode..

**(d) Werksgeleenthede**

Regtehouer aansoekers, wat kan demonstreer dat hulle tydelike of permanente werk gedurende die medium-termyn tydperk verskaf het, sal beloon word.



**(e) Plaaslike ekonomiese ontwikkeling**

Belegging in 'n aantal kleiner kUSDorpieS in Suid-Afrika is nodig vir ekonomiese groei. Gevolglik sal die Departement daardie aansoekers verkies wat hulle vangste aan land bring in die hawens langs die Kaapse suidkus en die Oos-Kaapse kus wat histories met stokvis-handlynvisserY geassosieer is.

**(f) Historiese betrokkenheid**

Aansoekers wat regte hou en potensiële nuwe inkomelinge sal beloon word vir historiese betrokkenheid by die visserY. 'n Voorbeeld van historiese betrokkenheid is 'n kaptein of 'n lid van die bemanning wat tevore in die handlynvisserY gewerk het.

**(g) Voldoening**

Geringe oortredings van die WLMH, die Regulasies en permitvoorwaardes sal negatief aangeteken word. Regtehouer aansoekers, wat nie kan bewys dat hulle voldoen aan die Wet op Vaardigheidsontwikkeling, 97 van 1998, die Wet op Heffings van Vaardigheidsontwikkeling, 9 van 1999 en die Wet op Beroepsgesondheid en Veiligheid, 85 van 1993 nie, 'n negatiewe puntetoekenning kry.

**7.3 Bemagtiging van stokvis-handlynvisserS**

Die Departement sal van alle visvangbemannings wat van voorneme is om op stokvis-handlynbote te werk, verwag om by die Departement te registreer op die Stokvis-handlynbemanninglys. Daardie aansoekers wat suksesvol is in hulle aansoek om 'n stokvis-handlynvisvangreg sal hulle bemanning lede moet kies uit diegene wat op die Stokvis-handlynbemanninglys voorkom.

**7.4 Vangspoging toekennings**

In 2003 is een vaartuig per suksesvolle aansoeker toegeken. Die Departement is van

voorneme om die allokasie van vangspoging in die stokvis-handlynvisserij te hersien.

Ten eerste sal die Departement bemanning toeken, gebaseer op die maksimum bemanningstal wat gemagtig word deur die Suid-Afrikaanse Maritieme Veiligheids Vereniging (SAMVV). Die Departement sal 'n poel van ongeveer 15 vaartuie reserveer om toe te ken aan suksesvolle aansoekers wat getransformeer is en wat in stokvis-handlynvaartuie belê het. Die Departement sal een vaartuig aan elke suksesvolle aansoeker toeken. Die poel gereserveerde vaartuie sal toegeken word aan daardie suksesvolle aansoekers wat die hoogste telling in die transformasiekriteria ontvang het en wat meer as een vaartuig aangevra het.

Tweedens, hoewel hierdie visserij bestuur word ingevolge 'n TTV (130 vaartuie en 785 bemanningslede) word 'n voorsorgsmaksimum TTV van 5 500 ton ook gebruik om die visserij te bestuur. Rekords wys dat gedurende die medium-termyn tydperk hierdie voorsorgsmaksimum TTV nie bereik is nie. Gevolglik kan die Departement in die toekoms effe meer visvangregte toeken, met dien verstande dat sodra die visserij 5.500 ton aan land gebring het, alle stokvis-handlynvisserij gestaak word vir daardie seisoen.

#### **8. Geskikte vaartuie**

'n Geskikte vaartuig in die stokvis-handlynvisserij is 'n vaartuig wat:

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

## 9. Multi-sektorale betrokkenheid

Regtehouers in die stokvis-handlynvisserij (insluitende hulle lede) sal nie toegelaat word om kommersiële visvangregte in enige ander visserij te hou nie. Regtehouers in die stokvis-handlynvisserij sal egter by magte wees om snoek te teiken..

## 10. Aansoekgelde en heffings

Die aansoekgeld vir die stokvis-handlynvisserij sal bepaal word met inagneming van:

- die koste van die hele regtetoekenningsproses, insluitende konsultasie, ontvangs, evaluering van aansoeke, kontrolering, appèlle en hersiening. In hierdie verband sal die koste wat aangegaan is tydens die medium-termyn proses as riglyn dien; en
- die waarde van die vis wat gedurende die duur van die reg toegeken word.

Die jaarlikse heffings wat betaalbaar is met ingang van 1 Januarie 2006 sal hersien word na oorlegpleging met geaffekteerde en belanghebbende partye.

## 11. Bestuursmaatreëls

Die bestuursmaatreëls wat hier onder bespreek word wys op 'n paar van die Departement se hoofdoelstellings met die bestuur van die visserij, na die toekenning van regte.

### 11.1 Ekostelselbenadering tot bestuur van visvangbedryf

Hierdie visserij sal bestuur word ooreenkomstig die ekosisteembenadering tot die visserij (EBV). 'n Ekosisteembenadering tot die bestuur van visserij is 'n holistiese en geïntegreerde beleid wat erken dat visvang en aanverwante aktiwiteite 'n impak het op die groter mariene omgewing. Die EBV sal verder uiteen gesit word in die Bestuurshandboek van die Stokvis-handlynvisvangbedryf. Suid-Afrika bly verbind tot die teikendatum van

2010 om 'n EBV in die kommersiële vissery in werking te stel.

### **11.2 Bestuur op 'n streeksgrondslag**

Die Departement is voornemens om die bestuurstrategie van hierdie vissery te verander na afloop van die toekenning van langtermyn visvangregte. Dit is die voorneme van die Departement om hierdie vissery op streeksgrondslag te bestuur, wat die beweging van vaartuie binne bepaalde streke beperk..

### **11.3 Toegang tot tradisionele lynvisvoorraad**

Stokvis-handlynvisser sal nie toegelaat word om tradisionele lynvisvoorraad soos kabeljou (*Argyrosomus* spp.) en geelbek (*Atractoscion aquidens*) te vang nie. Stokvis-handlynvisser sal egter toegelaat word om snoek te teiken wanneer dit beskikbaar word.

## **12. Meet van prestasie**

Die Departement sal prestasiemeting toepas vir die duur van die kommersiële visvangregte. Daar word beoog dat die eerste prestasiemeting na 'n jaar en daarna na elke drie jaar sal plaasvind.

Hoewel die Departement die presiese kriteria waarteen regtehouers gemeet word na die toekenning van die kommersiële visvangregte en na oorlegpleging met regte-houers sal finaliseer, kan die volgende breë prestasie-verwante kriteria gebruik word:

- transformasie;
- belegging in vaartuie, bemaking en toerusting;
- voldoening aan toepaslike wette en regulasies.

**13. Waarnemer- en moniteringsprogram**

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

**14. Voorlopige lys**

Voordat die Departement finaal besluit aan wie regte toegeken sal word om deel te neem aan die stokvis-handlynvissery, sal 'n voorlopige lys van suksesvolle aansoekers uitgereik word. Die voorlopige lys sal na alle visvanggebiede gesirkuleer word. Belanghebbende en geaffekteerde partye in hierdie gebiede kan dan die Departement inlig of enige persone wat histories stokvis gevang het met die handlynmetode, weggelaat is uit die voorlopige lys.

**15. Permitvoorwaardes**

Permitvoorwaardes vir hierdie vissery sal jaarliks uitgereik word. Die permitvoorwaardes van toepassing op hierdie visseryf vir die 2005-seisoen word as **Bylae A** aangeheg. Belanghebbende en geaffekteerde partye word uitgenooi om op hierdie permitvoorwaardes kommentaar te lewer.

**ANNEXURE C**

**DRAFT**



**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 LIMITED COMMERCIAL (NEARSHORE)  
FISHERY: 2005**

**THIS DRAFT POLICY MUST BE READ WITH THE DRAFT  
GENERAL POLICY ON THE ALLOCATION AND MANAGEMENT OF  
LONG-TERM COMMERCIAL FISHING RIGHTS: 2005 (available at  
[www.mcm-deat.gov.za](http://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 limited commercial (nearshore) fishery is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment. This sector will also be referred to as "WCRL (nearshore)". This policy must be read with the Draft General Policy on the Allocation and Management of Long-term Commercial Fishing Rights: 2005 ("the General Policy").

As stated in the General Policy, the Department will hold public meetings at coastal venues in order to consult with the general public, and interested and affected parties in particular, with respect to this draft WCRL (nearshore) policy. At these public meetings, comments on this policy will be invited. Written comments must be submitted to the Department by 11 April 2005. Comments submitted after this date will not be considered. Comments shall be submitted as follows:

|                                                                                                                                   |                                                                                                                                                                                                                               |                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>By Fax:</u></b><br>Fax Number: (021) 670-1782<br>Attention: The Deputy Director-General<br>WCRL (Nearshore) Policy Comments | <b><u>By Mail:</u></b><br>Attention: Mr Horst Kleinschmidt<br>The Deputy Director-General<br>The Department of Environmental Affairs<br>and Tourism<br>P.O Box 44983<br>Claremont<br>7735<br>WCRL (Nearshore) Policy Comments | <b><u>By E-mail:</u></b><br>RVU@deloitte.co.za<br>Attention: The Deputy Director-General<br>WCRL (Nearshore) Policy Comments                                          |
|                                                                                                                                   |                                                                                                                                                                                                                               | <b><u>By Hand</u></b><br>Attention: The Deputy Director-General<br>The Rights Verification Unit<br>11 Landsdown Road<br>Claremont<br>WCRL (Nearshore) Policy Comments |

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 Department when allocating rights in the past. This policy documents these considerations, but includes a few changes and additions.

Certain post-rights allocation management policies are also presented in this draft 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 of Environmental Affairs and Tourism intends to delegate the section 18 power to allocate commercial WCRL (nearshore) fishing rights in terms section 79 of the Marine Living Resources Act 18 of 1998 ("the MLRA") to a senior official of the Department.

## **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 20<sup>th</sup> 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 20<sup>th</sup> 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 motorized 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.

The Department allocates 20 percent of the west coast rock lobster TAC 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**

In 2001, the Department allocated 234 full commercial west coast rock lobster fishing rights. An additional 511 limited commercial fishing rights were allocated to former subsistence fishers. Of the rights allocated in the full commercial fishery, 66 percent were granted to blacks 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 blacks; predominantly black-owned micro enterprises. This means that approximately 70 percent of the west coast rock lobster fishery is controlled by blacks.

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

In 1992, 39 predominantly white right-holders controlled the west coast rock lobster TAC. In contrast, by the end of 2003, the Department had allocated 1 019 commercial rock lobster fishing rights. Of these, more than 785 were allocated to former subsistence fishers. To accommodate the larger number of right-holders, the average allocation in 2002 was 6.8 tons, compared with an average allocation of 56 tons in 1992. However, the difference between largest and smallest right-holders also decreased substantially over the past 10 years. In 1992, there was a 200-fold difference between the highest (199 tons) and the lowest (one ton) allocations; in 2002, there was a 66-fold difference between the highest (95.6 tons) and the lowest (1.5 tons) allocations.

## **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 this fishery;
- Allocate commercial fishing rights to fishers who depend on the WCRL resource for their livelihoods;
- Ensure that applicants based at fishing villages that are historically associated with WCRL catches are allocated a fair proportion of rights;
- Encourage investment in vessels, marketing and processing infrastructure, and 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 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,

The Department will allocate commercial rights for a period of 10 years (01 January 2006 to 31 December 2015 and subject to regular review against predetermined performance criteria, including the attainment of agreed transformation goals (*see paragraph 12 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 transform at all, or who have failed to implement transformation plans as stipulated in their medium-term right applications. In addition, those right-holders that did not utilise their rights, or did not utilise them effectively, will not be re-allocated a right and may be replaced by new entrants.

## **8. Evaluation criteria**

Applications will be screened in terms of a set of "*exclusionary criteria*", and thereafter weighted in terms of a set of "*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*".

### **8.1 Exclusionary criteria**

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

- (a) **Form of the applicant:** Only natural persons will be considered. Right-holders who previously operated in the form of juristic persons (i.e. close corporations, trusts or companies) will have to apply in their individual capacities, but will be considered to be "right-holders" for purposes of the allocation process.

A nuclear family (comprising a couple, their parents and their children) may not be granted more than one right so as to avoid monopolies and to broaden access to the west coast rock lobster resource. Applicants may be required to disclose their relationship to applicants in other commercial fisheries. If more than one member of a household applies for a right, all the applications from the family may be excluded, unless the applicants clearly and convincingly demonstrate that they have established separate small commercial operations.

- (b) **Compliance:** Applicants that committed a serious infringement of the MLRA will be excluded.
- (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.
- (d) **Non-utilisation:** Those right-holders that failed to utilise their medium-term commercial west coast rock lobster right between 2002 and 2004 will not be re-allocated a commercial right.
- (e) **Multi-sector involvement:** Applicants who hold rights in a commercial fishery other than the abalone fishery, or have interests - including shares and membership interests - in right-holders in other commercial fisheries will be excluded. Applicants who are the beneficiaries of right-holder trusts will be excluded.
- (f) **Personal involvement in harvesting of the resource:** Applicants will have to demonstrate that, during the fishing season, they are involved on a full-time basis in

- fishing for WCRL. They should be active on fishing vessels and participate in the operation of the business.
- (g) **Dependence on the resource:** Right-holder applicants who are not dependent on the harvesting of WCRL for at least 75 percent of their annual gross income will be excluded. Potential new entrants will be required to demonstrate their historical dependence on WCRL fishing for their livelihood. Applicants that derive any of their income from sources outside the fishing industry will be excluded.
- (h) **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 lived adjacent to the fishing zone for at least four years. WCRL (nearshore) fishing rights will only be granted to residents who live adjacent to a fishing zone or area. Successful right-holders in the WCRL (nearshore) fishery will be restricted to designated fishing zones or areas.
- (i) **Vessel access:** Applicants will have to demonstrate a right of access to a suitable vessel (*see paragraph 9 below*).

## 8.2 **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, applicants will be scored positively if they are black. 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 and scored on –

- Affirmative procurement; and
- Corporate social investment.

**(b) Investment**

Investment in vessels by 31 December 2004 will be recognised, as long as the investment demonstrates a real commitment to participate in the fishery.

**(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 fish for WCRL.

**(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) Compliance**

Minor infringements of MLRA, the regulations and permit conditions, such as over-fishing or the landing of under-sized WCRL, will be negatively scored. Right-holder applicants who cannot demonstrate that they comply with the Skills Development Act 97 of 1998 and the Skills Development Levies Act, 9 of 1999, and the Occupational Health and Safety Act, 85 of 1993, will be negatively scored.

**8.3 Quantum criteria**

Allocations to successful right-holders in the WCRL (nearshore) fishery will be fixed at 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.

**9. Suitable vessels and gear limitations**

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

- has a maximum SAMSA certified length of eight metres;
- is fitted with a vessel monitoring system; and
- is geared to fish for WCRL using hoop nets only.

**10. 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.

#### **11. Application fees and levies**

The application fee for the WCRL (nearshore) fishery will be set having regard to:

- The cost of the entire rights allocation process, including consultation, receipting, evaluation, verification and appeals and reviews. In this regard, the costs incurred during the medium-term process will be used as a guide; and
- The value of the fish being allocated over the duration of the right.

The annual levies payable with effect from 01 January 2006 will be revised, after consultation with interested and affected parties.

#### **12. Performance reviews**

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. Failure to perform as stipulated may result in the right being suspended, cancelled or revoked.

#### **13. 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.



#### 14. Provisional lists

Before the Department makes a final decision on who will be allocated rights to participate in the WCRL (nearshore) fishery, it will 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 inform the Department if any persons who historically fished for WCRL in the nearshore area have been excluded from the provisional list.

#### 15. Permit conditions

Permit conditions for this fishery will be issued annually. The permit conditions applicable to this fishery for the 2005 season are attached as **Annexure A**. Interested and affected parties are invited to comment on these permit conditions.

**ANNEXURE D**

**KONSEP**



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

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

**HIERDIE KONSEP MOET SAAM GELEES WORD MET DIE KONSEP  
VAN DIE ALGEMENE BELEID OOR DIE TOEKENNING EN  
BESTUUR VAN LANGTERMYN KOMMERSIËLE VISVANGREGTE :  
2005 (beskikbaar by [www.mcm-deat.gov.za](http://www.mcm-deat.gov.za))**

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## 1. Inleiding

Hierdie is 'n konsep beleid oor die toekenning en bestuur van visvangregte in die kommersiële visserij van die Weskus-kreef (kuslyn) soos uitgereik deur die Departement van Omgewingsake en Toerisme: Tak Mariene en Kusbestuur ("die Departement") vir openbare kommentaar. Na hierdie sektor sal verwys word as "WKK (kuslyn)". Hierdie beleid moet saam gelees word met die Konsep van die Algemene Beleid oor Toekenning en Bestuur van Langtermyn Kommersiële Visvangregte: 2005 ("die Algemene Beleid").

Soos in die Algemene Beleid verklaar sal die Departement openbare vergaderings op plekke langs die kus hou om met die algemene publiek, en veral belanghebbende en geaffekteerde partye, oorleg te pleeg met betrekking tot hierdie konsepbeleid van die WKK (kuslyn). By hierdie openbare vergaderings sal kommentaar oor die beleid gevra word. Skriftelike kommentaar moet teen 11 April 2005 by die Departement ingedien word. Kommentaar wat na hierdie datum ingedien word sal nie in aanmerking kom nie. Kommentaar moet as volg ingedien word:

|                                                                                                                                                                      |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Per Faks:</b><br>Faks Nummer: (021) 670-1782<br>Aandag: Die Adjunk Direkteur-Generaal<br>Visserij (Spesifiseer asseblief watter<br>visserij)<br>Beleid Kommentaar | <b>Per Pos:</b><br>Aandag: Mr Horst Kleinschmidt<br>Die Adjunk Direkteur-Generaal<br>Die Departement van Omgewingsake en<br>Toerisme<br>Postbus 44963<br>Claremont<br>7735<br>Visserij (Spesifiseer asseblief watter<br>visserij)<br>Beleid Kommentaar | <b>Per E-pos:</b><br>RVU@deloitte.co.za<br>Aandag: Die Adjunk Direkteur-Generaal<br>Die Departement van Omgewingsake en<br>Toerisme<br>Visserij (Spesifiseer asseblief watter<br>visserij) Beleid Kommentaar<br><br><b>Per Hand</b><br>Aandag: Die Adjunk Direkteur-Generaal<br>Die Regte Verifieerseenheid<br>Landsdown Road 11<br>Claremont<br>Visserij (Spesifiseer asseblief watter<br>visserij)<br>Beleid Kommentaar |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Die doel van hierdie beleid is om die oorwegings van toepassing op die toekenning van langtermyn kommersiële visvangregte vir WKK (kuslyn) uiteen te sit. Min van hierdie oorwegings is nuut. Hulle is in die verlede deur die Departement gebruik by die toekenning van regte. Hierdie beleid weerspieël tewens sodanige beleid.

Sekere voorgenome betuursbeleidsrigtings in verband met die toekenning van regte verskyn ook in hierdie konsepbeleid. 'n Bestuurshandboek vir die Weskus-kreef (kuslyn) sal in die loop van 2006 gefinaliseer word. Hierdie handboek sal in die fyn besonderhede die toepaslike bestuursmetodes en -prosedures vir die bedryf uitstippel.

Die Minister van Omgewingsake en Toerisme is voornemens om artikel 18-magte, in terme waarvan kommersiële visvangregte van die WKK (kuslyn) toegeken word, ingevolge artikel 79 van die Wet op Lewende Mariene Hulpbronne, 18 van 1998 ("die WLMH") aan 'n senior beampste van die Departement te deleger.

## **2. Biologie en brondinamika**

Weskus-kreef (*Jasus lalandii*) is diere wat stadig groei en lank leef. Die vroulike grootte by volwassenheid wissel en strek tussen 57 millimeter oor die lengte van die rugdop (CL) tot 66 millimeter CL. Manlike kreef word groter en groei vinniger as die vroulikes. As gevolg van die beperking op die grootte van 75 mm CL vir kommersiële visserye geld, maak manlike kreef 90 tot 99 persent van die vangste uit.

Weskus-kreef kom naby die kus voor (op <200 m diepte) vanaf net noord van Walvisbaai in Namibië tot by Oos-London. Kommersiële uitbuiting vind egter van ongeveer 25°S in Namibië tot by Gansbaai plaas. Ontspanningsvangste strek egter verder oos tot by Mosselbaai.

## **3. Sektorale profiel**

Die huidige biomassa wat oesbaar is, word geskat op ongeveer agt persent van die vlakke voor ontginning en broeiende biomassa op ongeveer 21 persent. Hierdie afname is grootliks veroorsaak deur twee faktore: groot nie-volhoubare vangste wat veral gedurende die eerste helfte van die 20ste eeu plaasgevind het en 'n aansienlike vermindering in die somatiese groeikoers gedurende die 1990's.

Kommersiële visvang het in die 1880's 'n aanvang geneem. Die kommersiële vissery het vroeg in die 20ste eeu met rasse skrede uitgebrei. Hoewel rekords oor vangste voor 1940

skaars is, lyk dit asof vangste in die tydperk 1950 tot 1965 hulle toppunt bereik het, toe tussen 13 000 en 16 000 ton jaarliks aan land gebring is.

Voor 1946 was die kommersiële vissery nie gereguleerd nie. In daardie jaar is 'n produksiekwota op die stertgrootte ingestel om uitvoere te beheer. Dit het die basis gevorm van die "opbrengsbeheerde" bestuursfilosofie wat nog steeds in die bestuur van die Weskus-kreefbron toegepas word.

Na 1946 is jaarlikse kwota's toegestaan wat hoofsaaklik gebaseer is op die prestasie van die vissery in die voorafgaande seisoen. Tot middel 1960's is vangste regstreeks deur hierdie kwota's beheer. In die visvangseisoen van 1967/68 het vangskoerse begin afneem en kwota's kon nie gevul word nie. Vermindering in die Totale Toelaatbare Vangste (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 van stertmassa is vervang deur 'n kwota van die hele kreef (gelande massa) en bestuur deur middel van 'n TTV is in die vroeë 1980's ingebring. Terselfdertyd is toekennings op grond van gebiede of sonerings ingestel. Ander bestuursmaatreëls wat vroeg afgedwing is, was perke op groottes en 'n geslote seisoen. Vangste van dragtige of sagtedopkreef is verbied. Gedurende die vangseisoen van 1990/91 het die vangskoers weer gedaal en in die daaropvolgende jare is die kommersiële TTV geleidelik verminder tot 1 500 ton in die 1995/96-seisoen. Sedertdien was daar 'n geleidelike herstel en is die kommersiële TTV op 3 527 ton vir die 2004/2005-seisoen gestel.

Voordat kreefvanghokke in die 1960's ingebring is, het die kommersiële vangbedryf feitlik uitsluitlik staat gemaak op fuike wat met die hand ingetrek is. Hierdie fuike is lig en kan maklik van klein bootjies af, in vlak water ontplooi word. Fuike word selde op dieptes van meer as 30 meter gebruik. Dinghies met fuike kan deur middel van 'n buiteboordmotor of roeispane onafhanklik van die kus af werk, of dit kan na die viswaters vervoer word deur 'n gemotoriseerde moedervaartuig (dekboot).

Die Weskus-kreefvangsbedryf bestaan uit twee afsonderlike sektore: 'n kommersiële vangbedryf en 'n ontspanningsvangsbedryf. Ontspanningsgebruikers mag slegs met fuike



van 'n boot of teen die kus af vang, of asem-ophou duik of pale van die kus gebruik. Ontspanningsvangers mag nie hulle vangste verkoop nie.

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

Die kommersiële sektor naby die kus (of beperkte kommersiële vissery) het die bestaansvissery in 2001 vervang, as gevolg van bevindings en aanbevelings van 'n onafhanklike oorsig oor bestaansvisvang in Suid-Afrika. Die oorsig het aanbeveel dat bestaansvissery van hoë waarde soos weskus-kreef, tradisionele lynvis en perlemoen gekommersialiseer moet word. Die kommersialisering van hierdie vissery het vissers instaat gestel om hulle produkte te verkoop en bemark.

Die Departement ken 20 persent van die weskus-kreef-TTV toe aan die kuslyn vissery en ongeveer 80 persent aan die diepsee vissery. Die rede vir hierdie verdeling is dat ongeveer 20 persent van die bron in die gebied naby die kus geleë is, terwyl 80 persent in dieper waters gevind word.

Die diepsee vissery onderhou ongeveer 5 500 werknemers waarvan 95 persent swart persone is. Hiervan is meer as 2 500 personeel seevarend en die res is werksaam in prosesserings- en bemarkingsoperasies aan land. Vangste van weskus-kreef vind plaas tussen November en Julie en die gemiddelde jaarlikse inkomste gedurende hierdie tydperk is R26 500. Die jaarlikse waarde van weskus-kreefvangste is ongeveer R200 miljoen. Die benaderde waarde van vaartuie in hierdie bedryf is R130 miljoen.

#### **4. Die prosesse van medium-termyn regtetoekenning**

In 2001 het die Departement 234 volle kommersiële visvangregte vir weskus-kreef toegeken. 'n Verdere 511 beperkte kommersiële visvangregte is toegeken aan voormalige bestaansvissers. Van die regte toegeken in die volle kommersiële bedryf, is 66 persent

toegeken aan swart persone en entiteite in swart besit. Verteenwoordiging van swart persone op senior bestuurvlak in die volle kommersiële vissery is egter slegs 34 persent.

Van hierdie regte in die beperkte vissery, is 91.5 persent aan swart persone toegeken; hoofsaaklik mikro-ondernemings in swart besit. Dit beteken dat ongeveer 70 persent van die weskus-kreefvangsbedryf onder swart beheer is.

In 2003 het die Departement 'n verdere 230 ton weskus-kreef aan 274 beperkte kommersiële regtehouers in die gebied oos van Kaap Hangklip toegeken. Uit hierdie regte toegeken, is meer as 90 persent aan swart persone toegeken.

In 1992 het 39 hoofsaaklik wit regtehouers die weskus-kreef-TTV beheer. Hierteenoor het die Departement teen die einde van 2003 1 019 kommersiële kreefvangregte toegeken. Hiervan is meer as 785 aan voormalige bestaansvissers toegeken. Om voorsiening te maak vir die groter aantal regtehouers was die gemiddelde toekenning in 2002 6.8 ton, in vergelyking met 'n gemiddelde toekenning van 56 ton in 1992. Die verskil tussen die grootste en die kleinste regtehouers het ook aansienlik gekrimp gedurende die afgelope 10 jaar. In 1992 was daar 'n 200-voudige verskil tussen die hoogste (199 ton) en die laagste (1 ton) toekennings; in 2002 was daar 'n 66-voudige verskil tussen die hoogste (95.6 ton) en die laagste (1.5 ton) toekennings.

## **5. Oorkoepelende sektorale doelwitte**

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

- Die transformasieprofiel van hierdie vissery in stand te hou;
- Komersiële visvangregte toe te ken aan vissers wat afhanklik is van die WKK-bron vir hulle bestaan;
- Te verseker dat aansoekers afkomstig van vissersdorpe wat histories met WKK-vangste verbind word, 'n redelike deel van die regte ontvang;
- Belegging in vaartuie, bemakings- en prosesseringsinfrastruktuur aan te moedig en om standvastige werksgeleenthede te skep;

- Die ekonomiese lewensvatbaarheid van die visserij in stand te hou; en
- Die omgewingsvolhoubaarheid van die visserij te verseker.

## 6. Tydsduur

Met inagneming van –

- Die transformasieprofiel van die visserij;
- Die behoefte om verdere beleggings in hierdie visserij deur mikro-ondernemings aan te moedig;
- Die behoefte om die skep van permanente werkseleenthede aan te moedig;
- Die behoefte om die ekonomiese stabiliteit wat tans in die visserij voorkom, in stand te hou; en
- Die feit dat die weskus-kreefbron goed bestuur word met betroubare en huidige data,

Is die Departement voornemens om kommersiële regte vir 'n tydperk van 10 jaar (1 Januarie 2006 tot en met 31 Desember 2015) toe te ken, onderworpe aan hersiening op gereelde grondslag teenoor voorafbepaalde prestasiekriteria, soos die bereiking van ooreengekome transformasiedoelwitte (*sien paragraaf 12 hier onder*).

## 7. Nuwe inkomelinge

Hoewel die weskus-kreefvangsbedryf optimaal ontgin word en daar nie plek is vir addisionele deelnemers nie, sal nuwe inkomeling-aansoekers tog oorweeg word. Huidige regtehouers wat nog nie die transformasiedoelwitte in werking gestel het waartoe hulle hulself verbind het in hulle onderskeie medium-termyn regte-aansoeke nie, mag vervang word deur geskikte nuwe inkomelinge. Verder sal daardie regtehouers wat nie van hulle regte gebruik gemaak het nie, of hulle nie doeltreffend aangewend het nie, nie weer 'n reg ontvang nie en mag hulle deur nuwe inkomelinge vervang word.

## 8. Evalueringskriteria

Alle aansoeke sal ingevolge 'n stel "*uitsluitingskriteria*" gesif word. Nuwe aansoekers en vorige regtehouers se aansoeke sal daarna apart nagegaan word volgens 'n stel gelaaide "*vergelykende balanseringskriteria*". 'n Afsnypunt vir die telling of rang sal dan vasgestel word ten einde die suksesvolle aansoekers te kies. 'n Gedeelte van die TVV sal dan aan elk van die suksesvolle aansoekers toegeken word ingevolge 'n stel "*kwantumkriteria*".

### 8.1 Uitsluitingskriteria

Behalwe die kriteria wat verskyn in die algemene beleid met betrekking tot die onbehoorlike indiening van aansoeke en wesentlike defekte, sal die Departement aansoekers uitsluit wat versuim om aan die volgende vereistes te voldoen:

(a) **Vorm van die aansoeker:** Slegs natuurlike persone sal in aanmerking geneem word. Regtehouers wat voorheen opereer het in die vorm van juridiese persone (d w s Beslote Korporasies, trust of maatskappye) sal in hulle individuele hoedanighede moet aansoek doen, maar sal as "regtehouers" beskou word vir die doel van die toekenningsproses.

'n Kerngesin (bestaande uit 'n egpaar, hulle ouers en hulle kinders) mag nie meer as een reg ontvang nie, ten einde monopolie te vermy en om toegang tot die weskus-kreefbron te versprei. Aansoekers mag versoek word om hulle verwantskap aan aansoekers in ander kommersiële visvangbedrywe te verklaar. Indien meer as een lid van 'n huishouding aansoek doen om 'n reg, is dit moontlik dat al die aansoeke van die familie uitgesluit sal word, tensy die aansoekers duidelik en oortuigend kan aantoon dat hulle aparte klein kommersiële ondernemings gestig het..

(b) **Wetsnakoming:** Aansoekers wat 'n ernstige oortreding ingevolge die WLMH begaan het sal uitgesluit word.

(c) **Papierkwota's:** Papierkwota's (soos in die Algemene Beleid omskryf) sal uitgesluit word.

- (d) **Nie-gebruik:** Geen kommersiele regte toegeken word aan regtehouers wat versuim het om hulle medium-termyn kommersiële weskus-kreefreg te gebruik, tussen 2002 en 2004.
- (e) **Multi-sektorale betrokkenheid:** Aansoekers wat regte in 'n kommersiële vissery hou, behalwe in die perlemoenbedryf, of wat belange het – insluitende aandele en lidmaatskapsbelange – in regtehouers in ander kommersiële visserye, sal uitgesluit word. Aansoekers wat die begunstigdes is van regtehouers-trusts sal uitgesluit word.
- (f) **Persoonlike betrokkenheid by die oes van die hulpbron:** Aansoekers sal moet aantoon dat hulle tydens die visvangseisoen op 'n voltydse basis betrokke is by die vangste van WKK. Hulle moet aktief besig wees op visvangvaartuie en deelneem aan die bedryf van die besigheid.
- (g) **Afhanklikheid van die bron:** Regtehouer-aansoekers wat nie afhanklik is van die oes van WKK vir minstens 75 persent van hulle jaarlikse bruto-inkomste nie, sal uitgesluit word. Potensiële nuwe inkomelinge sal versoek word om te bewys dat hulle histories afhanklik is van WKK-vangste vir hulle bestaan. Aansoekers wat enige deel van hulle inkomste uit bronne buite die vissery verhaal, sal uitgesluit word.
- (h) **Woonagtig in visvangarea:** Aansoekers wat nie langs die visvangarea woon, waarvoor hulle om regte aansoek gedoen het nie, sal uitgesluit word. Aansoekers moet kan bewys dat hulle minstens vier jaar lank langs die visvangarea gewoon het. Vangsteregte vir WKK (kuslyn) sal slegs aan inwoners gegee word wat langs 'n visvangsarea of gebied woon. Suksesvolle regtehouers in die WKK (kuslyn) vissery sal beperk word tot 'n bepaalde visvangsone of gebied.
- (i) **Toegang tot vaartuig:** Aansoekers moet bewys lewer van 'n reg tot toegang tot 'n geskikte vaartuig (*sien paragraaf 9 hier onder*).

## **8.2 Vergelykende balanseringskriteria**

Aanzoekers wat regte hou asook, potensiële nuwe inkomelinge, sal geëvalueer 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 in stand te hou, sal swart aanzoekers positief evalueer word. Geslag mag gebruik word, as 'n valbyl-faktor, d w s waar meer as een aansoeker dieselfde telling aangeteken het, sal 'n vroulike aansoeker bo 'n man verkies word..

Aanzoekers sal ook evalueer word op grond van -

- Regstellende aankope; en
- Korporatiewe maatskaplike belegging.

### **(b) Belegging in die vissery**

Belegging in vaartuie teen 31 Desember 2004 sal erken word, solank die belegging bewys lewer van 'n ware verbintenis tot deelname in die WKK visvangsbedryf.

### **(c) Werksgeleenthede**

Regtehouer-aanzoekers wat kan bewys dat hulle tydelike of permanente werk verskaf het gedurende die medium-termyn tydperk, sal beloon word.

### **(d) Prosessering en bemarking**

Regtehouer-aanzoekers sal versoek word om prosesserings- en bemarkingsrekords in te dien en mag op prestasie in hierdie verband evalueer word.

**(e) Prestasie**

Regtehouer-aansoekers sal evaluer word met inagneming van hulle prestasie in die WKK visserij gedurende die medium-termyn tydperk.

Nuwe aansoekers moet aantoon dat hulle die vermoë, kennis en vaardighede het om aan die WKK (kuslyn) deel te neem.

**(f) Historiese betrokkenheid**

Regtehouer-aansoekers en potensiële nuwe inkomelinge mag beloon word vir historiese betrokkenheid in die visserij. Sodanige betrokkenheid mag insluit of hy/sy 'n bemanningslid in die beperkte kommersiële vangstebedryf van WKK (kuslyn) visserij of 'n bemanningslid in enige ander kommersiële visserij was.

**(g) Wetsnakoming**

Geringe oortredings van WLMH, die regulasies en permitvoorwaardes, soos om te veel vis te vang of om onder-grootte WKK uit te haal, sal gepeenaliseer word. Regtehouer-aansoekers wat nie kan bewys dat hulle voldoen aan die vereistes van die Wet op Vaardigheidsontwikkeling 97 van 1998, of die Wet op die Heffings van Vaardigheidsontwikkeling, 9 van 1999, en die Wet op Beroepsgesondheid en Veiligheid 85 van 1993 nie, sal gepeenaliseer word.

**8.3 Kwantumkriteria**

Toekennings aan suksesvolle regtehouers in die vangstebedryf van WKK (kuslyn) sal vasgestel word op tussen 750 kilogram en 1.5 ton. Die talrykheid van die bron in die gebied of sone waarvoor aansoek gedoen word, asook belegging in die vangstebedryf en werkskepping sal in aanmerking geneem word.

**9. Geskikte vaartuie en beperking van toerusting**

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



- By SAMSA-gesertifiseer is met 'n minimum geregisteerde lengte van agt meter;
- Toegerus is met 'n werkende vaartuigmoniteringstelsel; en
- Toegerus is om slegs met fiske WKK te vang.

#### 10. Bestuursmaatreëls

Die WKK-visserij sal bestuur word ooreenkomstig die ekosisteenbenadering van visvangbedrywe (EBV). 'n Ekosisteenbenadering tot visserijbestuur is 'n holistiese en geïntegreerde beleid wat erkenning daaraan gee dat visvangste en aanverwante die breë mariene omgewing kan beïnvloed. Hierdie deel van die beleid vir WKK (kuslyn) is egter nie daarop gerig om om 'n beleidsverklaring te maak oor EBV in die WKK (kuslyn) nie. Die EBV in die vangstebedryf van WKK sal verder uiteen gesit word in die Bestuurshandboek vir die WKK (kuslyn). Suid-Afrika bly verbind tot 'n teikendatum van 2010 vir die inwerkingstelling van 'n EBV in die kommersiële visserij.

Die WKK (kuslyn) visserij sal bestuur word deur gebruik te maak van 'n aantal kontrolemeganismes, insluitende minimum-grootte beperkings, geslote seisoene, toerustingbeperkings, gebieds- en tydsbeperkings, mariene bewaringsgebiede en beperkings op die vang van dragtige vroulikes en sagtedop kreef. Hierdie beperkings word in die permitvoorwaardes vervat.

#### 11. Aansoekgelde en heffings

Die aansoekgeld vir die vangstebedryf van WKK (kuslyn) sal vasgestel word met inagneming van die volgende:

- die koste van die hele regtoekenningsproses, met inbegrip van konsultasie, ontvangs, evaluering van aansoeke, appèlle en hersienings. In hierdie verband sal die koste aangegaan gedurende die mediumtermyn proses as riglyn dien; en
- die waarde van die vis wat toegeken word oor die duur van die reg.

Die jaarlikse heffings wat betaalbaar is met ingang van 1 Januarie 2006 sal hersien word, na oorlegpleging met belanghebbende en geaffekteerde partye.

## **12. Meet van prestasie**

Die Departement sal 'n aantal formele ondersoeke instel om prestasie in die gebruik van regte te meet. Daar word beoog om die eerste prestasiebepalings na een jaar uit te voer and daarna elke drie jaar. Versuim om te presteer volgens voorskrifte mag tot gevolg hê dat die reg opgeskort, gekanselleer of ingetrek word.

## **13. Waarnemerprogram**

Die vaartuie wat gebruik word in die WKK (kuslyn) vissery is nie toegerus om waarnemers aan boord te neem nie. Regtehouers sal egter verplig word om hulle volle samewerking te gee aan waarnemers op land, of aan waarnemers wat na die viswaters in ander vaartuie vervoer word.

## **14. Voorlopige lys**

Voordat die Departement finaal besluit oor die toekenning van regte in die WKK (kuslyn) vissery, sal 'n voorlopige lys van suksesvolle aansoekers uitgereik word. Hierdie voorlopige lys sal na al die areas gestuur word. Belanghebbende en geaffekteerde partye in hierdie areas kan dan die Departement inlig of enige persone wat histories WKK uitgehaal het in die kuslyngebied, uit die voorlopige lys gelaat is.

## **15. Permitvoorwaardes**

Permitvoorwaardes vir hierdie vangstebedryf sal jaarliks uitgereik word. Die permitvoorwaardes van toepassing op hierdie vangstebedryf vir die 2005-seisoen word as **Bylae A** aangeheg.

Belanghebbende en geaffekteerde partye word uitgenooi om op hierdie permitvoorwaardes kommentaar te lewer.

Konsep Weskus Kreef (Kuslyn) Beleid: Maart 2005

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