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No. 27683

PART 3 OF 4



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

APPLICATION NUMBER: ☐ lock the app no.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Small Pelagics (Anchovy and Sardine Purse-Seine)

Long Term Rights Allocation Process: 2005**Cluster A****Application Form For: Medium Term Right Holders**Registered Name of Applicant Company Registration Number
or
Close Corporation Registration
Number Principal Place of Business Number of Vessels Nominated The applicant is applying for anchovy ☐The applicant is applying for sardine purse seine ☐The applicant is applying for anchovy AND sardine purse seine ☐Number of tons of anchovy
applicant is applying for: Number of tons of sardine
applicant is applying for:

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

- 1) This application form must be read together with these Instructions, the Explanatory Notes, the Schedules to the application form and the Procedures for Independent Auditors (available on the Public Accountants' and Auditors' Board website, www.paab.co.za or www.saica.co.za).
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) Should the applicant have any queries regarding the completion of the application form, it must e-mail the Department at clusters@deat.gov.za. Every query and response will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za. Should the applicant require technical assistance with the application form software, it must contact the Rights Verification Unit in one of the following ways:

Tel: (021) 670-3669

Fax: (021) 670-1782

E-mail: RVU@deloitte.co.za

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

ICONS

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

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



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



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



The magnifying glass icon means that the applicant's response to the question must be verified by an auditor (registered with the Public Accountants and Auditors board) engaged by the applicant as per the Procedures for Independent Auditors. The auditor must complete and sign the Audit Report on failing which the application will be refused.



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

COMPLETION OF APPLICATION FORM

- 6) The applicant must complete all sixteen sections of the application form. The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) The application form must be completed electronically, and saved onto the two blank CDs provided on registration. One of these CDs must be submitted in the manner described below, while the other must be retained by the Applicant. Annexures to the application form do not need to be scanned and saved on to the CDs. The Department may request additional electronic copies of the application at a later stage.
- 8) This form is tagged and coded in order to facilitate electronic uploading of the application into a database. The applicant may not submit the application in any other form. If the applicant submits its application in any other form, the application will be refused.
- 9) The application must also be printed out and the declaration must be signed and attested by the Applicant's authorised representative, and, if applicable, the authorised representative(s) of the holding company, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.
- 10) The printed version of the electronic application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under questions marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed in the lever arch file after the annexures.

IMPORTANT INFORMATION**INSTRUCTIONS**

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

LODGEMENT OF APPLICATION

- 12) The CD containing the application, the original printed version (signed and attested), and a copy of the printed version must be hand delivered to the place, on the dates and times stated below:

Place: Good Hope Centre

Dates and Times: Thursday 14 July 2005 between 08h00 and 19h00, or Friday 15 July between 08h00 and 17h00

- 13) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates at the above address will be refused.

IMPROPER LODGEMENT

- 14) Improperly lodged applications will be refused.

An application is improperly lodged if:

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

MATERIAL DEFECTS

- 15) Applications that are materially defective will be refused.

An application is materially defective if:

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation including an organogram and a description of its fishing operations, as Schedule 1A. 

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address:

Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

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

☐ Yes ☐ No



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

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

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

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

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

☐ Yes ☐ No



2.5 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



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



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

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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Section 3****Compliance**

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 3**Compliance**

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

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

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

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



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 5**Catch Utilisation**

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

☐ Yes ☐ No



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



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

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

6.1 Was the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 as at 28 February 2005?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 6

Transformation

Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at 28 February 2005.



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

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at 28 February 2005.



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at 28 February 2005:



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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's employment equity profile as provided to the Department of Labour in October 2004. If the applicant is not designated or did not voluntarily comply then the table must be completed as at 28 February 2005.

10/1/05

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

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

Section 6

Transformation

Management and Employment Equity

6.6.1 Complete the tables below in relation to employment equity figures for **Senior Officials and Managers** only.

[illegible]

6.6.2 Complete the tables below in relation to employment equity figures for **Professionals** only.

[illegible]

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women based on the flow through principle:

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

6.7.3 Did the applicant have a share scheme in place in 2004 for employees?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Shareholders	Loans Made to Shareholders	Dividends Paid to Shareholders
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of the 2004 allocation in this fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

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

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

6.8 Is the applicant a close corporation ?

☐ Yes ☐ No

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

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

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

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

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Members	Loans Made to Members	Profit Distributed to Members
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:

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

Section 6

Transformation
Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001? ☐ Fully ☐ Somewhat/Partially ☐ Not at all 

6.10 Complete the following table in relation to compliance with the Skills Development Levies Act 9 of 1998: 

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2001 (financial year end)					
2002 (financial year end)					
2003 (financial year end)					
2004 (financial year end)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period? ☐ Yes ☐ No 

6.12 If "Yes," indicate the number of learnerships as a percentage of the employees in respect of whom the applicant prepared IRP5 certificates in 2004 (tax year end).

6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SME Support Strategy? ☐ Yes ☐ No 

6.14.1 How many skippers are used by the applicant?

6.14.2 What percentage of these skippers are black?

Corporate Social Investment

6.15 Does the applicant make donations of its annual taxable income which qualify for deduction in terms of section 18A of the Income Tax Act 58 of 1962 ? ☐ Yes ☐ No 

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

☐ 0 - 0.5 % 

☐ 0.5 - 1 % 

☐ > 1 %

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

6.17 Indicate the five largest tax deductible donations made per annum since 2001 in the table below.

Year	Benefitting Organisation	Rand Value of Amount Donated
2001 - 1		
2001 - 2		
2001 - 3		
2001 - 4		
2001 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2002 - 1		
2002 - 2		
2002 - 3		
2002 - 4		
2002 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2003 - 1		
2003 - 2		
2003 - 3		
2003 - 4		
2003 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

☐ Yes ☐ No

6.19 If "Yes", indicate what percentage of net profit earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %

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

Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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



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

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

☐ Yes ☐ No



6.24 Has the applicant instituted a system to measure its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

- 7.3 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of a penalty for contravening the Crew Accommodation Regulations, 1961? ☐ Yes ☐ No ☒

Crew Safety and Working Conditions

- 7.4 Has the applicant ever reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations? ☐ Yes ☐ No ☒

- 7.5 Has a qualified safety officer been appointed for each nominated vessel in terms of section 36 of the Maritime Occupational Safety Regulations? ☐ Yes ☐ No ☒

- 7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act, 57 of 1951? ☐ Yes ☐ No ☒

- 7.7 If a nominated vessel is of 25 gross tonnage or more, has the vessel been issued with a valid SAMSA Safe Manning Document required in terms of the Merchant Shipping (Safe Manning) Regulations? ☐ Yes ☐ No ☒

- 7.8 Has the applicant completed a formal safety assessment in terms of Marine Notice no 26 of 2004? ☐ Yes ☐ No ☒

- 7.9 Has the applicant registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993? ☐ Yes ☐ No ☒

- 7.10 Does the applicant have an HIV/AIDS policy? ☐ Yes ☐ No ☒

Vessel Safety

- 7.11 Have the nominated vessel(s) been issued with a valid Local General Safety Certificate? ☐ Yes ☐ No ☒

- 7.12 Are any operational limits imposed on the nominated vessel(s) by its Local General Safety Certificate (E.g. No more than 200 nautical miles off the South African coast)? ☐ Yes ☐ No ☒

Environmental Safety

- 7.13 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981? ☐ Yes ☐ No ☒

- 7.14 Does the applicant have a Garbage Management Plan for each nominated vessel as stipulated in terms of Annex V of Marpol, as set out in the Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986? ☐ Yes ☐ No ☒

Section 8

Job Creation

8.1 Complete the following tables in relation to job creation.

8.1.1 Table 1

Year	Employees in respect of which the applicant prepares IRP5 Certificates (Land Based)	Employees in respect of which the applicant prepares IRP5 Certificates (Sea Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Land Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Sea Based)	Total Number of Employees (Columns 1- 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2002 (financial year end)							
2003 (financial year end)							
2004 (financial year end)							
2005 (28 February 2005)							

8.1.2 Table 2

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

8.1.3 Table 3

Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated?

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at 28 February 2005?

Applicant's five lowest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of lowest five salaries	

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets (in relation to this fishery)	Percentage Increase or Decrease in Rand Value of Total Fixed Assets (in relation to this fishery)	Total Book Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Book Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets (in relation to this fishery)	Percentage Increase or Decrease in Rand Value of Total Fixed Assets (in relation to this fishery)	Total Insured Value of Total Land Based Fixed Assets (in relation to this fishery)	Total Insured Value of Harbour and Sea Based Fixed Assets (in relation to this fishery)
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

9.1.3 Table 3

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

9.1.4 Table 4

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

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

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

Section 9

Investment

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

☐ Yes ☐ No

9.1.8 If yes, please complete the following table:

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

Section 10

Local Economic Development

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

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

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

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these
harbours or landing sites in order to improve or make landing catches at
these harbours possible?

☐ Yes ☐ No



Section 11**Value Add & Enterprise Development**

11.1 Is the applicant directly involved in any value adding process, in particular, the development of products for the human consumption of anchovy and sardine?

☐ Yes ☐ No



11.2 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

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

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



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

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

12.3 Complete the following table in relation to ratio performance:

Year	Return on Net Assets (RONA)	Debt: Equity Ratio	Current Ratio	Quick Ratio (Acid Test)
2001				
2002				
2003				
2004				

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

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2001				
2002				
2003				
2004				

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

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

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2001				
2002				
2003				
2004				

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

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2001			
2002			
2003			
2004			

Section 13**Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No

**Section 14****By-Catch and Environmentally Sustainable Practices****By-Catch**

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



Year	Annual By-Catch (in tons)	Annual Utilised By-Catch as a Percentage of Total Catch	Annual Unutilised By-Catch, Juvenile Species and Endangered Species as a Percentage of Total Catch
2001			
2002			
2003			
2004			

Section 14**By-Catch and Environmentally Sustainable Practices**

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Section 15****Fishing Levies**

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



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

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

Date
yyyy/mm/dd

Amount



Section 16

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

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

Applicant Declaration

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

Holding Company Declaration

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16**Sister Company Declaration**

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

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

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

JV Partner Declaration

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

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

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

SCHEDULES

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

Schedule 1 - Applicant Details

- a) Provide, as Annexure 1A a brief profile of the applicant organisation including an organogram which clearly indicates the applicant's business model including holding company, sister company and joint venture partner relationships. The applicant should pertinently indicate if it intends to apply in more than one sector, is involved in industries other than the fishing industry and if the applicant does rely on information of holding companies, sister companies and joint venture partners in this application. The profile may not exceed 5 pages.
- b) Section 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure 1B.
- c) Section 1.8.6: Provide a copy of a resolution duly authorising the person named in Section 1.8.6 to be the authorised contact person, as Annexure 1C.

Schedule 2 - Form of Applicant

- a) Section 2.1: Provide a copy of the 2005 permit as Annexure 2A.
- b) Section 2.2: Provide a copy of the letter granting a right as Annexure 2B.
- c) Section 2.3: If the medium term right is currently held by an entity different from the one listed in Section 2.2, provide a detailed explanation as Annexure 2C.
- d) Section 2.5: Provide a copy of a valid SARS tax clearance certificate as Annexure 2D.
- e) Section 2.7: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2E.
- f) Section 2.8: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2G.

Schedule 3 - Compliance

- a) Section 3.1.1: If "Yes", provide details and documentation regarding the conduct of the applicant, the identity and conduct of the members, shareholders or directors resulting in the conviction, the dates of conviction, and the penalties imposed as Annexure 3A.
- b) Section 3.1.2: If "Yes", provide details and any documentation of the plea bargain arrangement entered into, and details regarding the conduct and identity of the individuals giving rise to the plea bargain, the dates and specifics of the plea bargain, as Annexure 3B.
- c) Section 3.1.3: If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and rand amount paid as Annexure 3C.
- d) Section 3.1.4: If "Yes", provide details and any documentation regarding the offence including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and penalty as Annexure 3D.
- e) Section 3.2: If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct and identity of individuals involved as Annexure 3E. Also provide details if a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act.
- f) Section 3.3: If "Yes", provide details and any documentation including the identity and conduct of individuals giving rise to the Section 28 procedure as Annexure 3F.

Schedule 4 - Vessel Details

- a) Section 4.2: For each vessel nominated, provide copies of the following documents:
- i) SAMSA Safety Certificate(s) as Annexure 4A;
 - ii) South African Certificate(s) of Registry as Annexure 4B;
 - iii) agreement(s) providing access to the vessel if the applicant is not the majority shareholder or the sole owner of the vessel as Annexure 4C;
 - iv) Local General Safety Certificate(s) as Annexure 4D.
- b) If the applicant is unable to furnish any of the above documents for any of the nominated vessels, the applicant must provide an explanation for this as Annexure 4E.

Schedule 5 - Catch Utilisation

- a) Section 5.2: If the applicant over- or under-caught by more than 10% in any year, a detailed explanation must be attached as Annexure 5A.

Schedule 6 - Transformation

- a) Section 6.3.1: If the applicant completed Section 6.3.1 in respect of the board of directors of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.1 for the applicant and the other entities separately, and submit these as Annexure 6A.
- b) Section 6.3.2: If the applicant completed Section 6.3.2 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.2 for the applicant and the other entities separately, and submit these as Annexure 6B.
- c) Section 6.4.1: If the applicant completed Section 6.4.1 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.4.1 for the applicant and the other entities separately, and submit these as Annexure 6C.
- d) Section 6.4.2: If "Yes," the applicant must provide details of contributions made to medical aid and pension, including details of the classes of beneficiaries, the employer's contributions and the nature of the benefits as Annexure 6D.
- e) Section 6.4.3: If "Yes," the applicant must provide details of the nature of the benefits provided, classes of beneficiaries and the employer's contribution as Annexure 6E.
- f) Section 6.5, 6.6.1 and 6.6.2: If the applicant completed Sections 6.5, 6.6.1 and 6.6.2 with reference to the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.5, 6.6.1 and 6.6.2 for the applicant and the other entities separately and submit these as Annexure 6F.
- g) Section 6.7.1: Explain how black shareholding and black voting rights were calculated as Annexure 6G. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded. The annexure must also include a complete list of all shareholders, following the flow through principle. This list should indicate the name, identification / registration number, whether the shareholder is black (if natural person), or what percentage of the shareholder is black (if company or close corporation), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if company or close corporation).
- h) Section 6.7.3: If "Yes," provide details regarding the applicant's employee share scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6H.

Schedule 6 - Transformation

- i) Section 6.7.5: Provide a breakdown of all salaries, loans and dividends paid to shareholders for each year including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or interest if juristic person), as Annexure 6I.
- j) Section 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity, as Annexure 6J.
- k) Section 6.8.1: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure 6K.
- l) Section 6.8.3: If "Yes," provide details of the applicant's employee profit sharing scheme paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6L.
- m) Section 6.8.5: Provide a breakdown of all salaries, loans and profit distribution paid to members for each year, including the name and identification number of the member, as well as whether the member is Black, as Annexure 6M.
- n) Section 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity as Annexure 6N.
- o) Section 6.9: Provide a summary of the targets set in the Transformation Plan, the extent to which these were met and the measures taken to reach the targets as Annexure 6O.
- p) Section 6.10: If the applicant completed Section 6.10 with reference to the payroll and training budgets of both the applicant and of any other entity(ies) as per the Explanatory Notes, the applicant must complete the table in Section 6.10 for both the applicant and the other entity(ies) separately and submit these as Annexure 6P.
- q) Section 6.12: If the applicant completed Section 6.12 with reference to the learnerships of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.12 for both the applicant and the other entities separately and submit these as Annexure 6Q.
- r) Section 6.13: If "Yes" provide a detailed description of the applicant's participation in such skills development programmes, as well as any supporting documentation from the SETA, as Annexure 6R.
- s) Section 6.14.1 and 6.14.2: If the applicant completed Sections 6.14.1 and 6.14.2 with reference to the skippers of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.14.1 and 6.14.2 for both the applicant and the other entities separately and submit these as Annexure 6S.
- t) Section 6.15, 6.16 and 6.17: If the applicant completed Sections 6.15, 6.16 and 6.17 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.17 for both the applicant and the other entities separately and submit these as Annexure 6T.
- u) Section 6.18, 6.19 and 6.20: If the applicant completed Sections 6.18 and 6.19 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.20 for both the applicant and the other entities separately and submit these as Annexure 6U.
- v) Section 6.21: If "Yes" provide a copy of the Affirmative Procurement Policy as Annexure 6V.
- w) Section 6.22: Provide a breakdown of capital and operational expenditure paid to South African suppliers, including the percentage black ownership of these suppliers as Annexure 6W.
- x) Section 6.23: If "Yes," explain how the Applicant determined its affirmative procurement spend as Annexure 6X.

Schedule 7 - Safety

- a) Section 7.1: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7A.
- b) Section 7.2: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7B.
- c) Section 7.3: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7C.
- d) Section 7.4: If "Yes," provide a detailed description of the accident as Annexure 7D .
- e) Question 7.5: If "Yes," provide the name, identity number and qualification of each safety officer for each vessel. If "No," please provide a detailed explanation of why the applicant has not appointed a qualified safety officer for each vessel. The information provided under this section must be contained in Annexure 7E.
- f) Section 7.6: If "No," provide a detailed explanation as Annexure 7F.
- g) Section 7.7: If "Yes," provide a copy of the Safe Manning Document as Annexure 7G. If "No," and the nominated vessel is of 25 gross tonnage or more, provide a detailed explanation as Annexure 7G.
- h) Section 7.10: If "Yes," provide a copy of the policy as Annexure 7H. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7H.
- i) Section 7.11: If "Yes," provide a copy of the Local General Safety Certificate as Annexure 7I. If "No," a detailed explanation must be provided as Annexure 7I.
- j) Section 7.13: If "Yes," provide details and documentation regarding the conduct of the applicant, its members, shareholders or directors resulting in the convictions and penalties imposed as Annexure 7J.
- k) Section 7.14: If "Yes," provide a copy of the plan as Annexure 7K. If "No," provided a detailed explanation of why not as Annexure 7K.

Schedule 8 - Job Creation

- a) Section 8.1: The applicant must provide breakdowns as described in the Explanatory Notes as Annexure 8A.
- b) Section 8.1.4: If the applicant completed Questions 8.1.4 with reference to the payrolls of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Question 8.1.4 for both the applicant and the other entities separately, and submit these as Annexure 8B.

Schedule 9 - Investment

- a) Section 9.1 and 9.1.2: Provide breakdowns as described in the Explanatory Notes as Annexure 9A
- b) Section 9.1.5: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market research as Annexure 9B.
- c) Section 9.1.6: Provide a detailed explanation of all investments in processing activities as Annexure 9C.

Schedule 10 - Local Economic Development

- a) Section 10.3: If "Yes," provide a detailed explanation of all investments made in order to make landing catches at identified harbours possible as Annexure 10A.

Schedule 11 - Value Add & Enterprise Development

- a) Section 11.1: If "Yes," provide a detailed explanation of how the applicant is involved in value adding processes, and what the processes are, as Annexure 11A.
- b) Section 11.2: If "Yes," provide a detailed explanation of how the applicant is responsible for enterprise development as Annexure 11B.

Schedule 12 - Performance (Financial)

- a) Section 12.1: Provide a copy of the applicant's 2004 audited financial statements as Annexure 12A. The applicant's auditors will be required to confirm its responses to all questions in Section 12.
- b) Section 12.2: If the applicant completed the table in Section 12.2 with reference to the turnover of both the applicant and of any other entity(ies) as per the Explanatory Notes, the applicant must complete the table in Section 12.2 for both the applicant and the other entity(ies) separately and submit these as Annexure 12B

Schedule 13 - Fishing Plan

- a) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
- a) days to be spent fishing per vessel nominated;
 - b) areas to be targeted;
 - c) species to be targeted and mix of species;
 - d) expected size of species to be targeted;
 - e) detailed information regarding:
 - Age
 - Size
 - Gear
 - Fishing capacity and
 - Processing capacity of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

Schedule 14 - By-Catch and Environmentally Sustainable Practices

- a) Section 14.1: Provide a detailed explanation of how the applicant manages bycatch, as Annexure 14A.
- b) Section 14.2: Provide a detailed explanation of measures put in place to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14B.
- c) Section 14.3: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14C.
- d) Section 14.4: Provide a detailed explanation of any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure 14D.

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** 14 July 2005 or 15 July 2005**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

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

RECEIPT - FOR APPLICANT TO RETAIN**Received by:** _____**Date of Receipt:** 14 July 2005 or 15 July 2005**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

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

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SCHEDULE D

EXPLANATORY NOTES TO THE MEDIUM TERM RIGHT HOLDER APPLICATION FORMS

EXPLANATORY NOTES – MEDIUM TERM RIGHTS HOLDERS HAKE DEEP SEA TRAWL, INSHORE HAKE TRAWL, HORSE MACKEREL, AND SMALL PELAGICS

THE PURPOSE OF THE EXPLANATORY NOTES IS TO ASSIST APPLICANTS IN COMPLETING A NUMBER OF SECTIONS IN THE APPLICATION FORM. SOME SECTIONS ARE CONSIDERED TO BE SELF-EXPLANATORY AND ARE NOT COVERED IN THESE EXPLANATORY NOTES.

The MLRA is the Marine Living Resources Act 18 of 1998. A copy is available on the Department's website www.mcm-deat.gov.za.

SECTION 1: APPLICANT DETAILS

Sections 1.1 to 1.7 must be completed by all applicants. The applicant was required to provide the details required by sections 1.8.1 to 1.8.7d when it registered for an application form at www.mcm-deat.gov.za. These sections need only be completed if the applicant's details have changed since registration.

SECTION 2: FORM OF APPLICANT

2.1, 2.2 and 2.3

The aim is to determine whether the applicant should be treated as a potential new entrant or as a medium term right holder. The delegated authority will recognise as medium term right holders only those entities that were recipients of medium term rights in 2001/2002 in the fishery now applied for or the sole successors of those entities.

If the applicant is the same entity as the one specified in 2.2 (the recipient of the medium term right in 2001/2002) and in 2.3 (the current medium term right holder), the applicant obviously qualifies to be treated as a medium term right holder. In some instances, however, the right allocated in 2001/2002 may have been transferred, or the right may have been allocated to a trust or a natural person with the result that application must now be made in the form of a close corporation or a company. In these and all other instances where the applicant and the entity in 2.2 and 2.3 is not the same entity, the applicant must demonstrate that it is the sole successor of the entity that received the right in 2001/2002, in order to qualify as a medium term right holder. The delegated authority will not recognise more than one entity as the successor to the entity that received the right in 2001/2002.

2.4

In terms of section 18 of the MLRA, commercial fishing rights may only be granted to a South African person, which is a term defined in section 1 of the Act. The aim of this section is to determine whether the applicant meets the requirements of this definition. In the case of a company or a close corporation, the majority of the shareholders or members must be South African persons.

2.7, 2.8

In terms of paragraph 7.5 of the General Policy, a medium term right holder applicant may not hold shares in a potential new entrant applicant in the same sector. The aim of this section is to determine whether this requirement is adhered to and to establish shareholder linkages between various medium term right holder applicants.

SECTION 3: COMPLIANCE

3.1.1, 3.1.2 3.1.3 and 3.1.4 **Note: a "yes" answer will be presumed if the applicant fails to answer the question**

In terms of the General policy and the applicable Fishery specific policies, various consequences may be attached to contraventions of the MLRA, the regulations or permit conditions, including the exclusion of the applicant and negative scoring. The aim of this section is to determine whether the applicant has been convicted of any such contravention and to assess the seriousness of the contravention.

3.2 **Note: a "yes" answer will be presumed if the applicant fails to answer the question**

Applicants must answer "yes" to the question, even if the asset detained, arrested or seized in terms of the MLRA or restrained or preserved in terms of the Prevention of Organised Crime Act, was later released. The circumstances surrounding the detention, arrest, seizure or restraint or preservation order and the outcome of the process, i.e. whether the asset was confiscated or forfeited to the State, must be dealt with in the annexure.

3.3 Note: a "yes" answer will be presumed if the applicant fails to answer the question

Applicants must answer "yes" to the question only if the applicant's right or permit in this fishery has been revoked, cancelled, reduced or altered under section 28(3) of the MLRA. The circumstances must be explained in the annexure.

SECTION 4: VESSEL DETAILS

This section requires the applicant to furnish the details of each vessel nominated by the applicant. If the requested details are not available, the reasons for this must be explained in the annexure.

SECTION 5: CATCH UTILISATION**5.1 Note: a "yes" answer will be presumed if the applicant fails to answer the question**

An applicant that has over- or under-caught its own allocation by more than 10% in any given year over the medium term right period must answer "yes" to this question. The reasons must be provided in the annexure.

5.2

This section requests details regarding the applicant's catch records during the medium term rights (2001 – 2005) period. Applicants must not answer the question with reference to the Department's catch records. In the second column, the annual catch allocation for the three years must be completed and in the third column the actual catch must be specified in tons (nominal weight must be specified, and not landed weight or weight after the fish was headed and gutted etc). If a permit was not issued to the applicant for any year, the applicant must indicate 100% under-caught.

Example

Year	Annual Catch Allocation (in tons)	Total Caught of Applicant's allocation (tons)	Percentage under-caught	Percentage over-caught
2003 season	1 000	1 100	0%	10%

Actual tonnage caught (1 100 tons) minus total allowable catch allocated (1 000 tons) = 100. To establish the percentage, divide the difference by the TAC allocated and multiply it by 100. i.e. $(100/1000) \times 100 = 10\%$.

SECTION 6: TRANSFORMATION**6.1 and 6.2.1**

The aim of these sections is to determine whether the applicant is required to comply with the Employment Equity Act. If required to comply, the next question is whether the applicant has fulfilled its duties under the Act. For purposes of answering these sections, only the applicant's data (and not the data of its holding company or JV partners) must be taken into consideration.

"Designated" employers are required to comply with the Act. A designated employer, in terms of section 1 of the Employment Equity Act is:

- a) an employer who employs 50 or more employees;
- b) an employer who employs fewer than 50 employees, but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of Schedule 4 of this Act. [which is R2 million per annum]; or
- c) ...
- d) ...
- e) an employer bound by a collective agreement in terms of section 23 or 31 of the Labour Relations Act, which appoints it as a designated employer in terms of this Act, to the extent provided for in the agreement;

In terms of section 13 of the Employment Equity Act, the duties of designated employers are as follows:

- 1) Every designated employer must, in order to achieve employment equity, implement affirmative action measures for people from designated groups in terms of this Act.
- 2) A designated employer must-
 - a) consult with its employees as required by section 16;
 - b) conduct an analysis as required by section 19;
 - c) prepare an employment equity plan as required by section 20; and
 - d) report to the Director-General on progress made in implementing its employment equity plan, as required by section 21.

6.3.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

The aim of this section is to determine the composition of the management of the applicant. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the details of the board of directors/members of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of both entities. If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then details of the boards of directors or members of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of all the JV partners.

6.3.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details regarding employees that earn the highest salaries (calculated on a total cost to company basis). This information will be treated as confidential and may be submitted separately in the sealed envelope.

As in section 6.3.1 above, if the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then details of the highest salary earners of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the highest salary earners of both entities. If the Applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then details of the highest salary earners of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners.

Total cost to company includes benefits and bonuses, but excludes dividends. Applicants that employ 165 or fewer employees must provide the details of their top salary earners as indicated in the table in the application form. Applicants that employ more than 165 people must first determine the top 3% and then provide details of those employees (up to a maximum of 90). Designation or actual title held by the employee, as indicated on the organogram or organizational structure, must be provided.

Example: If the applicant employs 2500 people, the applicant determines the top 3% by multiplying this number by 0.03 ($2500 \times 0.03 = 75$). The applicant must then provide the details of those 75 employees. The applicant must not provide the details of more than 90 employees, regardless of the number of employees the applicant has in the top 3%.

If applicable, the number of employees of holding entities or JV partners must be added to the number of employees of the applicant, as set out in the example below.

Example: If the applicant employs 75 people, and the holding entity employs 125 people, the two entities combined employ 200 people. The applicant must determine the top 3%: $200 \times 0.03 = 6$. The details of the two entities should be merged, and the details of the top six salary earners of the merged list should be entered in the table at 6.3.2.

6.4.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details of income levels within the organization at 28 February 2005.

As in sections 6.3.1 and 6.3.2 above, if the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then the salary levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the salary levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holding entity and sister company) of companies.

Example

1	Monthly Income	Number of employees in this level (total of Group or JV, if applicable)	Percentage of Total Employees	Number of Black Employees in this level (total of Group or JV, if applicable)	Percentage of Total Black Employees	Number of Female Employees in this level (total of Group or JV, if applicable)
	< R 2 500	100	80%	80	90 %	70

Divide the employees in this income level by the total number of employees, and multiply by 100

Divide the number of black employees in this income level by the total number of black employees, and multiply by 100

6.5 Note: if the Applicant relies on information of other entities the authorised representative of the entity must attest to the declaration in section 16

This question requires the applicant to complete the employment equity profile of the applicant in respect of occupational levels. Designated employers and employers that comply voluntarily with the Employment Equity Act should complete the table with the figures submitted in October 2004 to the Department of Labour. Employers that are not designated should complete the tables with reference to its employees at 28 February 2005 and having regard to the definitions of the occupational levels set out in annexure 2 of the Regulations to the Employment Equity Act. Annexure 2 provides as follows:

Employment Equity Act 55, 1998

WHAT IS THE PURPOSE OF THIS ANNEXURE?

Job evaluation or grading systems are used by many organisations to measure jobs according to their content and establish comparative worth between jobs.

This annexure provides a table of equivalent occupational levels which may be used by employers when completing forms EEA 2 and EEA 4.

INSTRUCTIONS

The table [below] indicates the occupational levels within organisations as determined through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.

Organisations that make use of neither one of the job evaluation systems [in the table below] , nor a customised system linked to one of these, should use the Semantic Scale for guidance in determining occupational levels within that organisation.

Equivalent occupational levels

Semantic Scale	Paterson		Peromnes	Hay	Castellion
Top Management	F	F	[++]]+		14
Senior Management	E	E UPPER	1	1	13
			2		
		E LOWER	3	2	
Professionally qualified, experienced specialists and mid-management	D	D UPPER	4	3	12
			5		11
		D LOWER	6	4	13
Skilled technical and academically qualified workers, junior management, supervisors, foremen, superintendents	C	C UPPER	7	5	9
			8	6	
			9	6A	
		C LOWER	10	7	8
			11	8	
			12		
Semi-skilled and discretionary decision making	B	B UPPER	13	9	7
			14	10	6
		B LOWER	15	11	5
			16		4
Unskilled and defined decisionmaking	A	A	17	12	3
			18	13	2
			19		1

As in section 6.4.1 above, if the applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the occupational levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the occupational levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holder entity and sister company) of companies.

Example

If Company A is a designated employer, the data submitted in the October 2004 EEA 2A form should be completed in the table. If Company A is not a designated employer, the occupational levels of employees should be determined in the manner set out above as at 28 February 2005 and the table completed with this data.

Once the number of employees per level is determined, the percentages are to be worked out. For example, Company A employs seven senior officials and managers. Of the seven employees in the occupational category, 1 is an african male, 2 are coloured males, 2 are white males, 1 is an indian female and 1 is a white female. In order to determine the percentages take the number of employees from each designated group in the occupation level and divide it by the total number of employees in the occupational level and multiply by 100.

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

										Totals	
Occupational Categories		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Senior Officials and Managers (Total of JV or Group, if applicable)	Male	1	14%	2	28%	0	0%	2	28%	42%	
	Female	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to top and senior management / senior officials provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.6.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to professionally qualified and experienced specialists and mid-management provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.7.1 Note: do not complete the shaded areas of the table

This section requires applicants to provide details regarding the shareholding held by black persons and the unrestricted voting rights and economic interest (in the form of entitlement to dividends) attached to black shareholding in the Applicant (not the holding entity, group or JV partners unless this information is relevant for purposes of applying the flow-through principle). The chairperson of the board of directors of the applicant must submit an affidavit regarding the shareholding, the voting rights and the economic interest held by blacks in the applicant in the relevant annexure. In determining the percentage black shareholding, voting rights and economic interest, the flow through principle must be used, provided that:

- pension funds and organs of state are to be regarded as neutral and the percentage black shareholding should be calculated without reference to shares held by such entities;
- if the percentage black shareholding, voting rights or economic interest of a particular shareholder cannot be determined, detailed reasons must be provided;
- for purposes of determining voting rights, a shareholder is to be regarded as 100% black if that shareholder is owned more than 50% by a natural person who is black; and
- the percentage "shareholding", "economic interest" and "voting rights" of black persons in a trust must be determined with reference to the rights of beneficiaries in terms of the trust deed.

The flow through principle is defined as: "**Flow-through principle**" refers to the tracking of economic benefits when determining a score for BEE ownership. Entities are scored on the entitlement of black people to exercise voting rights and to participate in the economic interest of the enterprise. The purpose of the flow-through principle is to ensure that all companies, regardless of their structure, are scored uniformly with respect to their BEE ownership. The flow-through principle states that only voting rights and economic interest to which black people who are natural persons are entitled, are taken into account. Should entitlement to voting rights and/or economic interest be held juristic persons, only voting rights and economic interest to which black natural persons are

entitled in that juristic person will be taken into account. The same principle is applied consistently throughout the chain of ownership with respect to juristic persons until such time as that chain terminates in the entitlement of the natural person, who is a black person, to such voting rights and/or economic interest."

"Indirect ownership" means ownership of an equity interest in an enterprise where such equity interest entitles the holders to participate in the economic interest (such as dividends) flowing to the shareholders of that enterprise, but not directly in the voting rights of that enterprise. Voting rights can be exercised indirectly through a conduit such as a trust or a superannuation scheme.

Indirect ownership must be taken into account for purposes of measuring the percentage black shareholding and, if applicable, the percentage economic interest and voting rights held a black person in the applicant. If no voting rights are attached to indirectly owned equity, then black ownership of such equity may not be taken into account when determining black voting rights. However, where the voting rights are merely exercised indirectly (through a conduit), black ownership of the equity must be taken into account when determining black voting rights.

Example: The applicant has four shareholders. One of these shareholders is a natural person named AA, who is black and owns 10% of the economic interest and voting rights. Two of the other shareholders are companies and the third is a pension fund. Company A holds 30% of the shares and is 51% owned by a black person and 49% by a white person. Company B holds 40% of the shares and is 40% owned by a natural person who is white and 60% owned by company Z, that is in turn 80% owned by a white person and 20% by a black person. The Pension Fund holds the remaining 20% of the issued shares. The percentage black shareholding, voting rights and economic interest is as follows:

Year 2005 (at date of application)	Percentage Shareholding held by black persons	Percentage voting rights held by black shareholders	Percentage economic interest held by black shareholders (entitlement to dividends)
	37.625	56	37.625

AA contributes 12.5% (10/80) to all three categories, Company A contributes 19.125% (30/80 X 51/100) to shareholding and economic interest and 37.5% (30/80 X 100) to voting rights, Company B contributes 6% (40/80 X 60/100 X 20/100) to all three categories and the pension fund is disregarded.

6.7.2

The shareholding, voting rights and economic interest of women are calculated in the same manner as described under section 6.7.1 above. Again, the section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account unless these entities hold equity in the applicant and this information must be taken into account when applying the flow-through principle.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

These sections must be answered with reference to the data of the applicant alone. Information relating to holding entities, sister companies and JV partners may not be taken into account.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Note: do not complete shaded areas of the form

These sections must be answered with reference to the data of the applicant alone. Information relating to JV partners may not be taken into account. The flow-through principle obviously has no application to close corporations. The percentage voting rights and profit distribution must be determined with reference to the membership agreement of the close corporation. If no such agreement exist or the agreement is silent on the issue, then voting rights and economic interest must be taken to be the same as the percentage membership interest.

6.9

This question requires the applicant to provide information on the extent to which it has achieved the targets set in the Transformation Plan submitted as part of the 2001 application process. The section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account.

6.10 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This section requires the applicant to provide information relating to compliance with section 3 of the Skills Development Levies Act 9 of 1999. The questions in the first two columns (the submission/approval of a Workplace Skills Plan and an Annual Training Report) must be answered with reference to the data of the applicant alone. In respect of the last three columns (rand amount paid to SARS, percentage salaries bill spent on training and percentage of training budget spent on black employees), if the

applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the salary bills of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above) then the salary bills of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (holding entity, applicant and sister companies) of companies.

To determine the "percentage of payroll spent on training" divide the actual annual amount spent on training by the total annual payroll cost and multiply the result by 100 to determine the percentage value.

Example

Company X has an annual salary bill cost of R 1 000 000,00. The company has spent R 10 000,00 on training for all employees. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This question requires the applicant to indicate whether it participated in a learnership programme in 2004. Participation in a learnership programme means that the applicant has registered a learnership agreement with the SETA as per the Regulations Concerning the Registration of Intended Learnerships and Learnership Agreements published under the Skills Development Act 97 of 1998 in Government Notice No. R. 330 of 3 April 2001. If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV. The percentage black ownership, referred to in section 6.22, must be calculated as described above in section 6.7.1.

SECTION 7: SAFETY

This section requires the applicant to provide information that relates to safety, including the requirements of the South African Maritime Safety Authority.

7.1

Sections 312 and 313 of the Merchant Shipping Act, 57 of 1951 creates certain offences including the failure to comply with a duty under the Act such as the duty to ensure that an unseaworthy vessel does not leave port and the failure to properly man a vessel.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

The Maritime Occupational Safety Regulations, 1994, the Crew Accommodation Regulations, 1961 and the Merchant Shipping (Safe Manning Regulations) were passed in terms of the Merchant Shipping Act, 57 of 1951. These are available at www.mcm-deaf.gov.za. Marine Notice No 26 of 2004 is also available at the website.

7.9

Compliance with the Compensation for Occupational Injuries and Diseases Act 130 of 1993 means compliance with Sections 80 to 88 of the Act which provides as follows:

"Obligations of employers to register with commissioner and to furnish him with particulars

- 1) An employer carrying on business in the Republic shall within the prescribed period and in the prescribed manner register with the commissioner, and shall furnish the commissioner with the prescribed particulars of his business, and shall within a period determined by the commissioner furnish such additional particulars as the commissioner may require.
- 2) The particulars referred to in subsection (1) shall be furnished separately in respect of each business carried on by the employer.
- 3) An employer shall within seven days of any change in the particulars so furnished notify the commissioner of such change.

Obligations of employers to keep record

An employer shall keep a register or other record of the earnings and other prescribed particulars of all the employees, and shall at all reasonable times produce such register or record or a microfilm or other microform reproduction thereof on demand to an authorized person referred to in section 7 for inspection.

Contributions by employers individually liable and mutual associations

Notwithstanding any provision to the contrary contained in this Act, the employers individually liable and the mutual associations shall pay annually to the Director-General in such manner and at such times as he may determine, such portion of the expenditure incurred by him in the administration of the provisions of this Act as he may deem equitable."

7.13

The Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 and the Marine Pollution (Control and Civil Liability) Act 6 of 1981 are available at www.mcm-deat.gov.za.

SECTION 8: JOB CREATION**8.1.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16**

The aim of this section is to establish the number of jobs provided by the applicant, and the total amount spent on salaries over the medium term right period, in the sector applied for. The information must be used to determine the number of jobs provided per ton of fish allocated in the sector concerned (in section 8.1.3) and the amount spent on salaries per ton allocated in the sector concerned (in section 8.1.2). In order to determine the number of jobs and amounts spent on salaries per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take jobs provided or salaries spent in such industries into account, and applicants involved in other sectors of the fishing industry may not take jobs provided or salaries spent in those sectors into account.

Applicants involved in industries other than the fishing industry must submit (in the annexure) a breakdown of jobs provided and salary amounts spent in the fishing industry and in other industries. Only jobs provided or the amounts spent on salaries in the fishing industry may be taken into account when completing section 8.1.1. Applicants involved in other fishing sectors must submit (in the annexure) a breakdown of jobs provided and amounts spent on salaries on a per sector basis. Only jobs provided and amounts spent on salaries in this sector may be taken into account when completing section 8.1.1. As it is difficult to accurately determine the exact number of employees and salaries spent on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant.

If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, or if the Applicant is more than 50% owned by another company or close corporation (determined in the manner specified in section 6.7.1), then all the jobs provided or amounts spent on salaries by the JV partners or the group (i.e. the applicant, the holding entity and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account jobs provided or amounts spent on salaries in other industries or sectors. Only jobs provided or amounts spent on salaries in the sector concerned by the JV or group may be taken into account when completing section 8.1.1. If applicable, a breakdown of jobs provided and amounts spent on salaries in the fishing industry and other industries or a breakdown of jobs provided and amounts spent on salaries in the sector concerned or other sectors must be provided in the annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a fishing right made by the applicant or any member of the JV or the group. There may be no double claiming of jobs. In other words, the number of jobs claimed in all applications made by members of the JV or group may not amount to more than the total number of jobs provided by the JV or group.

8.1.2 and 8.1.3:

These sections requires applicants to furnish details regarding jobs provided and salaries per ton allocated on the basis of the information provided in section 8.1.1 above.

Example

Annual Catch Allocation (in tons) to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on wages/salaries per ton allocated?
5 000	R1 000 000	R200

Divide the Total Annual Wage/Salaries Bill (1 000 000) by the TAC Allocated (5000) = R200 per ton.

Example

TAC Allocated in 2005 (in tons)	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated?
5 000	1 000	0.2

Divide the total number of employees provided in this fishery (1000), by the TAC allocated to the applicant (5000) [1000/5000=0.2]

8.1.4 Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, this section must be answered with reference to the merged data of all the entities in a group or a Joint Venture.

SECTION 9: INVESTMENT

9.1.1 and 9.1.2

Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

The aim of this section is to establish the rand value of harbour and sea-based assets of the applicant in the sector applied for. This will be used to determine the value of harbour and sea-based assets per ton of fish allocated in the sector concerned (in sections 9.1.3 and 9.1.4). In order to determine the value of assets per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take assets used in other industries into account.

Applicants involved in industries other than the fishing industry must provide a breakdown of assets used in the fishing industry and in other industries in the relevant annexure (separately for book and insured values). Only assets used in the fishing industry may be taken into account when completing sections 9.1.1 and 9.1.2. Applicants involved in other fishing sectors must provide a breakdown of assets used on a per sector basis in the relevant annexure (separately for book and insured values). Only assets used in the sector applied for may be taken into account when completing sections 9.1.1 and 9.1.2. As it is difficult to accurately apportion assets on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application for a commercial fishing right made by the applicant during the long term rights allocation process.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then all the assets used by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account assets used in other industries or sectors. Only assets used in the sector concerned by the JV or group may be taken into account when completing sections 9.1.1 and 9.1.2. If applicable, a breakdown of assets used in the fishing industry or other industries or a breakdown of assets used in the sector concerned and other sectors must be provided in the relevant annexure (separately for book and insured values). A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of assets. In other words, the value of assets claimed in all applications made by members of the JV or group may not amount to more than the total value of the assets used by members of the JV or group in the fishing industry.

9.1.3:

This question requires the applicant to provide information regarding the value of investment per ton allocated. The information provided in section 9.1.1. must be used.

Example

Company X was allocated a TAC of 5000 tons. The value of its harbour and sea-based assets at financial year end 2004 in the applicable sector was R5 000 000. The value of land based assets were R 4000 000. The value of harbour and sea-based assets per ton allocated to it is calculated as follows:

Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land based assets at 2004 financial year end	Book Value of Harbour and Sea-based Assets per ton allocated to the applicant	Book Value of Land-Based Assets per ton allocated to the applicant
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00
Divide the value of harbour and sea based assets (5 000 000) by the TAC allocated to the applicant in 2004 (5000) [5 000 000/5 000=R1 000]		Divide the total value of land based assets (4 000 000) by the TAC allocated to the applicant in 2004 (5000) [4 000 000/5 000=R800]		

SECTION 10: LOCAL ECONOMIC DEVELOPMENT

This section requires the applicant to provide information regarding the landing of catches at harbours/landing sites (in relation to this fishery) in 2004, and intentions regarding the landing of catches. Use nominal tons (not weight after the fish has been headed and gutted etc).

10.1:

This question requires the applicant to provide detailed information regarding harbours where it landed catches in 2004.

Example

Company X lands fish at various different harbours. Of its allocation of 20 tons it lands 5 tons in Mossel Bay, 10 tons in Port Elizabeth and 5 tons in Cape Town.

The calculation should be done as follows:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004	Rand Value of Catch landed at Harbour in 2004	Percentage of Total Catch landed in 2004
Mossel Bay	5	R100 000	25 %
Port Elizabeth	10	R100 000	50 %
Cape Town	5	R150 000	25 %

Divide the catch (in this fishery) landed at each harbour by the total catch landed by the applicant and multiply by 100 to calculate this percentage (5/20 x 100 = 30%)

SECTION 11: VALUE ADDING & ENTERPRISE DEVELOPMENT

This section requires applicants to provide information regarding value adding and enterprise development activities that the applicant has undertaken. Value adding includes on-board processing.

Enterprise development may take a variety of forms including the direct investment in Black Owned and Black Empowered SMMEs enterprises (a small, medium or micro enterprise); joint ventures with Black Owned and Black Empowered SMMEs that result in "substantive" skills transfer; the provision of mentorship, business relationships and linkages which, in turn, provide business opportunities to these enterprises; twinning initiatives with Black Owned and Black Empowered SMME's which result in cost saving or revenue generation for those SMME's.

"Black Owned SMME" means a small, medium or micro enterprise (less than 100 full-time employees and less than R 4 million rand turnover and less than R 4 million rand gross asset value, fixed property excluded) which has more than 50% black ownership (if a company calculated as set out in section 6.7.1 above and if a close corporation, calculated with reference to membership interest) and more than 50% black management (top and senior management / senior officials, determined with reference to the approach to occupation categories set out in section 6.5 above).

"Black Empowered SMME" means a small, medium or micro enterprise (less than 100 full-time employees and less than R 4 million rand turnover and less than R 4 million rand gross asset value, fixed property excluded) which has more 25% black ownership (if a company calculated as set out in section 6.7.1 above and if a close corporation, calculated with reference to membership interest) and more than 50% black management (top and senior management / senior officials, determined with reference to the approach to occupation categories set out in section 6.5 above).

SECTION 12: FINANCIAL PERFORMANCE

12.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The same principle as explained in sections 8.1.1 and 9.1.1 must be used. The aim of this section is to establish turnover of the applicant for the sector applied for. Applicants involved in industries other than the fishing industry may not take turnover generated in such other industries into account. More specifically, applicants involved in industries other than the fishing industry must provide a breakdown of turnover in the fishing industry and in other industries in the annexure. Only turnover in the sector of fishing industry concerned may be taken into account when completing the second column of section 12.2. Applicants involved in other fishing sectors must provide a breakdown of turnover on a per sector basis in the annexure. Only turnover generated in the sector concerned may be taken into account when completing the second column of section 12.2. As it is difficult to accurately apportion turnover on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant. In other words, the same breakdown must be provided by the applicant in applications for commercial rights in other sectors.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then the total turnover generated by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into

account turnover generated in other industries or sectors. Only turnover generated in the sector concerned by the JV or group may be taken into account. If applicable, a breakdown of turnover generated in the fishing industry and other industries or a breakdown of turnover generated in the sector concerned and other sectors must be provided in the relevant annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of turnover. In other words, the turnover claimed in all applications made by members of the JV or group may not amount to more than the total turnover by members of the JV or group in the fishing industry. **The financial statements of all members of the JV or group must be provided in the relevant annexure.**

12.2 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The applicant is required to specify the percentage of its total turnover derived from the fishery applied for. In the second column the applicant must enter the figure determined in section 12.1 above. In the third column, the applicant must use the total turnover of the applicant (or, if applicable, the group or JV), including turnover generated outside the fishing industry, in order to determine the percentage.

Example

Company X was allocated medium term fishing rights for Hake Deep Sea Trawl and South Coast Rock Lobster. It was allocated a TAC of 5 000 tons for Hake Deep Sea Trawl and 7 tons South Coast Rock Lobster in 2004. Company X's total turnover (for both fisheries) for the 2004 financial year was R180 000 000. The total turnover generated in Hake Deep Sea Trawl for the financial year 2004 was R100 000 000. The total turnover for South Coast Rock Lobster was R 80 000 000. In its application for a Hake Deep Sea Trawl right, the applicant's table would appear as follows:

TAC Allocated (in tons) to the Applicant in 2004	Turnover Generated by TAC allocated (financial year 2004)	Percentage of Total turnover
5000	R100 000 000	55.6%

Divide turnover of this fishery by total turnover of the applicant and multiply by 100 to determine the percentage value. $100\,000\,000/180\,000\,000 \times 100 = 55,6\%$

12.3

This section requires applicants to provide financial performance ratios. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in). These should be calculated as follows:

Return on Net Assets

$$\text{RONA} = \frac{\text{Operating Profit}}{\text{Net Operating Assets}} = \frac{\text{Operating Profit}}{\text{Sales}} \times \frac{\text{Sales}}{\text{Net Operating Assets}}$$

Debt: Equity Ratio: $\frac{\text{Debt}}{\text{Equity}}$

Current Ratio: $\frac{\text{Current Assets}}{\text{Current Liabilities}}$

Acid Test: $\frac{\text{Current Assets} - \text{Inventory}}{\text{Current Liabilities}}$

12.4, 12.5 and 12.6

These questions require the applicant to provide information from its audited or verified financial statements. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in).

SECTION 13 FISHING PLAN

This section requires the applicant to provide information regarding its fishing plan.

SECTION 14: BY-CATCH AND ENVIRONMENTALLY SUSTAINABLE PRACTICES

This section requires the applicant to provide information regarding by-catches and environmentally sustainable practices.

SECTION 15: LEVIES

This section requires the applicant to provide information regarding levies paid during the medium term right period.

VERDUIDELIKENDE NOTAS – MEDIUM TERMYN REGTEHOERS DIEPSEE STOKVISTREILVANGS; STOKVIS KUSTREILVANGS; MAASBANKER EN KLEIN PELAGIES

DIE DOEL VAN DIE VERDUIDELIKENDE NOTAS IS OM AANSOEKERS TE HELP MET VOLTTOOING VAN 'N AANTAL AFDELINGS IN DIE AANSOEKVORM. SEKERE AFDELINGS WORD GEAG SELFVERDUIDELIKEND TE WEES EN WORD NIE IN HIERDIE VERDUIDELIKENDE NOTAS GEDEK NIE.

Die WLMH is die Wet op Lewende Mariene Hulpbronne 18 van 1998. 'n Afskrif is beskikbaar op die Departement se webruimte by www.mcm-deat.gov.za.

AFDELING 1: AANSOEKER SE BESONDERHEDE

Afdelings 1.1 tot 1.7 moet voltooi word deur alle aansoekers. Daar was van aansoekers vereis om die besonderhede te verskaf vereis deur afdelings 1.8.1 to 1.8.7d toe die aansoeker geregistreer het vir 'n aansoekvorm by www.mcm-deat.gov.za. Hierdie afdelings hoef slegs voltooi te word indien die aansoeker se besonderhede verander het sedert registrasie.

AFDELING 2: VORM VAN DIE AANSOEKER

2.1, 2.2 and 2.3

Die oogmerk is om vas te stel of die aansoeker behandel moet word as 'n potensiële nuwe inkomeling of as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal slegs daardie entiteite wat ontvangers was van medium termyn regte in die vissery in 2001/2002 waarvoor nou aansoek gedoen word of die uitsluitlike opvolgers van daardie entiteite.

As die aansoeker dieselfde entiteit is as die een gespesifiseer in 2.2 (die ontvanger van die medium termyn reg in 2001/2002) en in 2.3 (die huidige medium termyn regtehouer), kwalifiseer die aansoeker uit die aard van die saak om as 'n medium termyn regtehouer behandel te word. In sekere gevalle kon die reg toegeken in 2001/2002 egter oorgedra gewees het, of die reg kon toegeken gewees het aan 'n trust of 'n natuurlike persoon met die resultaat dat aansoek nou gedoen moet word in die vorm van 'n beslote korporasie of maatskappy. In hierdie en alle andere gevalle waar die aansoeker en die entiteit in 2.2 en 2.3 nie dieselfde entiteit is nie, moet die aansoeker aantoon dat dit die uitsluitlike opvolger is van die entiteit wat die reg ontvang het in 2001/2002, ten einde te kwalifiseer as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal nie meer as een entiteit erken as die opvolger van die entiteit wat die reg in 2001/2002 ontvang het nie.

2.4

In terme van artikel 18 van die WLMH, mag kommersiële visvangregte slegs aan Suid Afrikaanse persone toegeken word, wat 'n term is wat gedefinieer word in artikel 1 van die Wet. Die oogmerk van hierdie afdeling is om te bepaal of die aansoeker voldoen aan die vereistes van hierdie definisie. In die geval van 'n maatskappy of beslote korporasie moet die meerderheid van die aandeelhouders of lede Suid Afrikaanse persone wees.

2.7, 2.8

In terme van paragraaf 7.5 van die Algemene Beleid mag 'n medium termyn regtehouer aansoeker nie aandele in 'n potensiële nuwe inkomeling aansoeker in dieselfde sektor hou nie. Die oogmerk van hierdie afdeling is om vas te stel of aan hierdie vereiste gehoor gegee is en om aandeelhouding verbintenisse tussen verskillende medium termyn regtehouer aansoekers vas te stel.

AFDELING 3: WETSNAKOMING

3.1.1, 3.1.2, 3.1.3 en 3.1.4 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

In terme van die Algemene beleid en die toepaslike Vissery-spesifieke beleide mag verskeie gevolge gehê word aan oortredings van die WLMH, die regulasies of permitvoorwaardes, insluitend die uitsluiting van die aansoeker en negatiewe punte toekenning. Die oogmerk van hierdie afdeling is om vas te stel of die aansoeker skuldig bevind is van enige sodanige oortreding en om die erns van die oortreding te bepaal.

3.2 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

Aansoekers moet "ja" op die vraag antwoord, selfs al is die bate aangehou, gearresteer of op beslag gelê in terme van die WLMH of ingekort of gepreserveer in terme van die Wet op die Voorkoming van Georganiseerde Misdaad, later losgelaat. Die omstandighede

aangaande die aanhouding, arrestasie, beslaglegging, of inkorting of preserveringsbevel en die uitkoms van die proses, m.a.w. of die bate gekonfiskeer of verbeurdverklaar is aan die staat, moet behandel word in die aanhangsel.

3.3 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

Aansoekers moet "ja" op die vraag antwoord, slegs indien die aansoeker se reg of permit in hierdie vissery teruggetrek, gekanselleer, verminder of gewysig is in terme van artikel 28(3) van die WLMH. Die omstandighede moet verduidelik word in die aanhangsel.

AFDELING 4: VAARTUIGBESONDERHEDE

Hierdie afdeling vereis van die aansoeker om die besonderhede te verskaf van elke vaartuig genomineer deur die aansoeker. Indien die aangevraagde besonderhede nie beskikbaar is nie moet die rede hiervoor verduidelik word in die aanhangsel.

AFDELING 5: VANGSBENUTTING

5.1 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

'n Aansoeker wat 10% meer of 10% minder as sy eie toekenning gevang in enige gegewe jaar oor die duur van die medium termyn regte periode moet "ja" antwoord op hierdie vraag. Redes moet verskaf word in die aanhangsel.

5.2

Hierdie afdeling vereis besonderhede aangaande die aansoeker se vangsekords gedurende die medium termyn (2001 – 2005) regte periode. Aansoekers moet nie die vraag beantwoord met verwysing na die Departement se vangsekords nie. In die tweede kolom, moet die jaarlikse vangstoekenning vir die drie jaar voltooi word en in die derde kolom moet die werklike vangs gespesifiseer word in ton (nominale gewig moet gespesifiseer word en nie gelande gewig of gewig nadat die koppe afgesny en die vis gevelek is nie, ens.). Indien 'n permit nie uitgereik is aan die aansoeker vir enige jaar nie, moet die aansoeker 100% ondervangs aantoon.

Voorbeeld

Jaar	Jaarlikse Vangs Toekenning (in ton)	Totaal gevang van Aansoeker se toekenning (ton)	Persentasie ondervangs	Persentasie oovangs
2003 seisoen	1 000	1 100	0%	10%

Werklike tonnemaat gevang (1100 ton) minus totale toelaatbare vangs toegeken (1 000 ton) = 100 ton. Om die persentasie vas te stel, deel die verskil deur die TTV toegeken en vermenigvuldig dit met 100. I.e. $(1000/10\ 000) \times 100 = 10\ %$.

AFDELING 6: TRANSFORMASIE

6.1, en 6.2.1

Die oogmerk van hierdie afdelings is om vas te stel of daar van die aansoeker vereis word om te voldoen aan die Wet op Diensbillikheid. Indien daar van die aansoeker vereis word om te voldoen is die volgende vraag of die aansoeker sy verpligtinge onder die Wet nagkom het. Vir doeleindes van die beantwoording van hierdie afdelings moet slegs data van die aansoeker (en nie die data van sy houermaatskappy of Gesamentlike-Ondernemings vennote nie) in aanmerking geneem word.

Daar word van "Aangewese" werkgewers vereis om te voldoen aan die Wet. 'n Aangewese werkgewer in terme van artikel 1 van die Wet op Diensbillikheid is:

- 'n werkgewer wat 50 of meer werknemers in diens het;
- 'n werkgewer wat minder as 50 werknemers in diens het, maar wat 'n totale jaarlikse omset het wat gelyk is aan of bo die toepaslike jaarlikse omset van 'n klein besigheid in terme van Skedule 4 van hierdie wet [wat R2 miljoen per jaar is]; of
- ...
- ...
- 'n werkgewer gebind aan 'n kollektiewe ooreenkoms in terme van artikel 23 of 31 van die Wet op Arbeidsverhoudinge wat die werkgewer aanstel as 'n aangewese werkgewer in terme van hierdie Wet, tot die mate waarin voorsiening gemaak in die ooreenkoms.

In terme van artikel 13 van die Wet op Diensbillikheid is die verpligtinge van aangewese werkgewers as volg:

- Elke aangewese werkgewer moet, ten einde diensbillikheid te bewerkstellig, regstellende aksie maatreëls implementeer vir mense van aangewese groepe in terme van hierdie Wet.

- 2) 'n Aangewese werkgewer moet-
- a) oorleg pleeg met sy werknemers soos vereis deur artikel 16;
 - b) 'n analise doen soos vereis deur artikel 19;
 - c) 'n diensbillikheidsplan voorberei soos vereis deur artikel 20; en
 - d) rapporteer aan die Direkteur-Generaal oor vordering gemaak in die implementering van die diensbillikheidsplan, soos vereis deur artikel 21.

6.3.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die samestelling van die bestuur van die aansoeker vas te stel. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos gespesifiseer in afdeling 6.7.1 hieronder) dan moet die besonderhede van die direksie/lede van beide die aansoeker en houer-entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur indiening van die saamgesmelte besonderhede van die direksies/ lede van beide entiteite. Indien die aansoeker betrokke is in 'n gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie, dan moet die besonderhede van die direksie of lede van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die direksies/ lede van al die GO vennote.

6.3.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede te voorsien aangaande werknemers wat die hoogste salarisse verdien (bereken op 'n totale koste vir die maatskappy basis). Hierdie inligting sal as konfidensieël behandel word en mag apart ingedien word in die geseëde koevert.

Soos in afdeling 6.3.1 hierbo, indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos bepaal in afdeling 6.7.1 hieronder) dan moet besonderhede van die hoogste salaris verdieners van beide die aansoeker en die houer entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die hoogste salaris verdieners van beide entiteite. Indien die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslote korporasie dan moet die besonderhede van die hoogste salaris verdieners van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote.

Totale koste vir die maatskappy sluit voordele en bonusse in maar sluit dividende uit. Aansoekers wat 165 werknemers of minder in diens het moet die besonderhede van hul top salaris verdieners verskaf soos aangedui in die tabel in die aansoekvorm. Aansoekers wat meer as 165 werknemers in diens het moet eers die top 3% vasstel en dan besonderhede van daardie werknemers (tot 'n maksimum van 90) voorsien. Aanwysing of werklike titel gehou deur die werknemer, soos aangedui in die organogram of organisatoriese struktuur, moet voorsien word.

Voorbeeld: Indien die aansoeker 2500 persone in diens het, stel die aansoeker die top 3% vas deur hierdie getal te vermenigvuldig met 0.03 ($2500 \times 0.03 = 75$). Die aansoeker moet dan die besonderhede van daardie 75 werknemers verskaf. Die aansoeker moet nie die besonderhede van meer as 90 werknemers voorsien nie, ongeag die aantal werknemers wat die aansoeker in die top 3% het.

Indien van toepassing, moet die aantal werknemers van houer-entiteite of GO vennote bygevoeg word by die aantal werknemers van die aansoeker, soos uiteengesit in die voorbeeld hieronder.

Voorbeeld: Indien die aansoeker 75 persone in diens het en die houer-entiteit 125 persone in diens het, het die twee entiteite gekombineerd 200 persone in diens. Die aansoeker moet die top 3% vas te stel: $200 \times 0.03 = 6$. Die besonderhede van die twee entiteite moet saamgesmelt word en die besonderhede van die top ses salaris verdieners van die saamgesmelte lys moet in die tabel ingevul word by 6.3.2.

6.4.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede van inkomstevlakke binne die organisasie te voorsien soos op 28 Februarie 2005.

Soos in afdelings 6.3.1 en 6.3.2 hierbo, as die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die salarisvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die salarisvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit

besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskap) maatskappye.

Voorbeeld

1	Maandelikse Inkomste	Aantal Werknemers op hierdie vlak (totaal van Groep of GO, indien van toepassing)	Persentasie van totale Werknemers	Aantal Swart Werknemers op hierdie vlak (totaal van groep of GO, indien van toepassing)	Persentasie van Totale Aantal Swart Werknemers	Aantal Vroulike Werknemers op hierdie vlak (total van Groep of GO, indien van toepassing)
	< R 2 500	100	80%	80	90 %	70

Deel dan die aantal werknemers in hierdie inkomstevlak deur die totale aantal werknemers en vermenigvuldig met 100

Deel dan die aantal swart werknemers in hierdie inkomstevlak deur die totale aantal swart werknemers en vermenigvuldig

6.5 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om die diensbillikheidsprofiel van die aansoeker met betrekking tot beroepsvlakke te voltooi. Aangewese werkgewers en werkgewers wat vrywillig voldoen aan die Wet op Diensbillikheid moet die tabel voltooi met die syfers wat voorsien is in Oktober 2004 aan die Departement van Arbeid. Werkgewers wat nie aangewese is nie moet die tabel voltooi met verwysing na sy werknemers op 28 Februarie 2005 en met verwysing na die definisie van die beroepsvlakke uiteengesit in aanhangsel 2 van die Regulasies tot die Wet op Diensbillikheid. Aanhangel 2 bepaal as volg:

Wet op Diensbillikheid 55 van 1998

WAT IS DIE DOEL VAN HIERDIE AANHANGSEL?

Werksevaluasie of graderingstelsels word deur baie organisasies benut om werkspesialiteite te meet volgens hul inhoud en om vergelykende waarde tussen werkspesialiteite vas te stel.

Hierdie aanhangsel voorsien 'n tabel van gelykstaande beroepsvlakke wat gebruik mag word deur werkgewers wanneer vorms EEA 2 and EEA 4 voltooi word.

INSTRUKSIES

Die tabel [hieronder] dui die die beroepsvlakke binne organisasies aan soos vasgestel deur die gebruik van verskillende werksevaluasie of graderingstelsels. Die tabel voorsien gelykstaande vlakke van elkeen van hierdie werksevalueringstelsels.

Organisasies wat gebruik maak van geeneen van die werksevalueringstelsels [in die tabel hieronder] nie, of wat nie 'n aangepaste stelsel het wat gekoppel is aan een van hierdies nie, moet die Semantiese Skaal gebruik vir leiding by die vasstelling van beroepsvlakke binne daardie organisasie.

Gelykstaande Beroepsvlakke

Semantiese Skaal	Paterson		Peromnes	Hay	Castellion
Top Bestuur	F	F	[++]+		14
Senior Bestuur	E	E HOËR E LAER	1 2 3	1 2	13
Professioneel gekwalifiseerd, ervare spesialiste en middel-bestuur	D	D HOËR D LAER	4 5 6	3 4	12 11 13
Vaardige tegniese en akademies gekwalifiseerde werkers, junior bestuur, toesighouers, voormanne, superintendente	C	C HOËR C LAER	7 8 9 10 11 12	5 6 6A 7 8	9 8
Semi-vaardige en diskresionêre	B	B HOËR	13 14	9 10	7 6

besluitneming		B LAER	15 16	11	5 4
Ongeskoolde en gedefinieerde besluitneming	A	A	17 18 19	12 13	3 2 1

Soos in afdeling 6.4.1 hierbo, indien die aansoeker in 'n Gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie betrokke is moet die beroepsvlakke van a die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die saamgesmelte besonderhede van a die GO vennote te voorsien. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die beroepsvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskappy) maatskappye.

Voorbeeld

As Maatskappy A 'n aangewese werkgewer is, moet die tabel voltooi word met die data ingedien in die Oktober 2004 EEA 2A. As maatskappy A nie 'n aangewese werkgewer is nie moet die beroepsvlakke van werknemers op 28 Februarie 2005 vasgestel word op die wyse hierbo uiteengesit en die tabel met hierdie data voltooi word.

Nadat die aantal werknemers per vlak vasgestel is, moet die persentasies bereken word. Byvoorbeeld, Maatskappy A het 7 senior amptenare en bestuurders in diens. Uit die sewe werknemers in die beroepskategorie, is 1 'n manlike Afrikaan, 2 is manlike Kleurlinge, 2 is Wit mans, 1 is 'n Indiese vrou en 1 is 'n Wit vrou. Ten einde die persentasie vas te stel, neem die aantal werknemers van elke aangewese groep in die beroepsvlak en deel dit deur die totale aantal werknemers in die beroepsvlak en vermenigvuldig met 100.

A = Afrikaan, K = Kleurling, I = Indiër, W = Wit, V = Vroulik en AKI = Afrikaan, Kleurling en Indiër

Beroepskategorieë		A No.	A %	K No.	C %	I No.	I %	W No.	W %	Totals	
										AKI%	V%
Senior Amptenare en Bestuurders (Totaal van GO of Groep, indien van toepassing)	Manlik	1	14%	2	28%	0	0%	2	28%	42%	
	Vroulik	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die top en senior bestuur / senior beamptes wat voorsien was in hulle 2001 aansoek vorms. Aangewese werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.6.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die professioneel gekwalifiseerde en ervare spesialiste en middel-bestuur wat voorsien was in hulle 2001 aansoekvorms. Aangewysde werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.7.1

Neem kennis: moenie die skadu areas van die tabel voltooi nieHierdie afdeling vereis van aansoekers om besonderhede te verskaf rakende die aandeelhouding gehou deur swart persone en die onbeperkte stemregte en ekonomiese belang (in die vorm van geregtigheid op dividende) gekoppel aan swart aandeelhouding in die aansoeker (nie die houer-entiteit, groep of GO vennoot nie tensy hierdie inligting relevant is vir doeleindes van toepassing van die deur-vloei beginsel). Die voorsitter van die direksie van die aansoeker moet 'n eedsverklaring indien aangaande die aandeelhouding, stemregte en ekonomiese belang gehou deur swart

persone in die aansoeker in die relevante aanhangsel. By die vasstelling van die persentasie swart aandeelhouding, stemregte en ekonomiese belang, moet die deur-vloei beginsel gebruik word, dien verstande dat:

- Pensioen fondse en staatsorgane word as neutraal beskou en die persentasie swart aandeelhouding moet bereken word sonder verwysing na aandeel gehou deur sulke entiteite;
- Indien die persentasie swart aandeelhouding, stemregte of ekonomiese belang van 'n besondere aandeelhouer nie vasgestel kan word nie, moet gedetailleerde redes voorsien word;
- Vir doeleindes van vasstelling van stemregte, word 'n aandeelhouer geag 100% swart te wees as meer as 50% van daardie aandeelhouer besit word deur 'n natuurlike persoon wat swart is; en
- Die persentasie "aandeelhouding", "ekonomiese belang" en "stemregte" van swart persone in 'n trust moet vasgestel word met verwysing na die regte van begunstigdes in terme van die trustakte.

Die deur-vloei beginsel word as volg gedefinieer: "**Deur-vloei beginsel**" verwys na die navolging van ekonomiese voordele by die vasstelling van 'n telling vir SEB eienaarskap. Daar word 'n telling aan entiteite toegeken op grond van die geregtigheid van swart persone om stemregte uit te oefen en om deel te neem aan die ekonomiese belang van die besigheid. Die doel van die deur-vloei beginsel is om te verseker dat punte op 'n uniforme wyse toegeken word aan alle maatskappye, ongeag hulle struktuur, met betrekking tot hulle SEB eienaarskap. Die deur-vloei beginsel bepaal dat slegs stemregte en ekonomiese belange waarop swart mense wat natuurlike persone is geregtig is, in ag geneem word. Sou geregtigheid tot stemregte en/of ekonomiese belang deur 'n regspersoon gehou word, sal slegs stemregte en ekonomiese belang waarop swart mense geregtig is in daardie regspersoon in ag geneem word. Dieselfde beginsel word konsekwent toegepas regdeur die eienaarskapsketting met betrekking tot regspersone totdat die ketting doodloop in die geregtigheid van die natuurlike persoon, wat 'n swart persoon is, op sulke stemregte en/of ekonomiese belange.

"**Indirekte Eienaarskap**" beteken eienaarskap van 'n ekwiteitsbelang in 'n onderneming waar so 'n ekwiteitsbelang die houer geregtig maak om deel te neem in die ekonomiese belang (soos dividende) wat vloei na die aandeelhouders van daardie onderneming, maar nie direk in die stemregte van daardie onderneming nie. Stemregte kan indirek uitgeoefen word deur 'n gelybuis soos 'n trust of 'n pensionerings-skema.

Indirekte eienaarskap moet in ag geneem word vir doeleindes van die bepaling van die persentasie swart aandeelhouding, en indien van toepassing, die persentasie ekonomiese belang en stemregte gehou deur 'n swart persoon in die aansoeker. As geen stemregte gekoppel is aan indirekte eienaarskap van ekwiteit nie, dan mag swart eienaarskap van sodanige ekwiteit nie in ag geneem word wanneer swart stemregte vasgestel word nie. Waar die stemregte egter bloot indirek uitgeoefen word (deur 'n gelybuis), moet swart eienaarskap van ekwiteit in ag geneem word wanneer swart stemregte vasgestel word.

Voorbeeld: Die aansoeker het vier aandeelhouders. Een van hierdie aandeelhouders is 'n natuurlike persoon genaamd AA, wat 'n swart persoon is en 10% van die ekonomiese belang en stemregte besit. Twee van die ander aandeelhouders is maatskappye en die derde is 'n pensioenfonds. Maatskappy A hou 30% van die aandeel en is 51% besit deur 'n swart persoon en 49% deur 'n wit persoon. Maatskappy B hou 40% van die aandeel en is 40% besit deur 'n natuurlike persoon wat wit is en 60% besit deur Maatskappy Z, wat op sy beurt 80% besit word deur 'n wit persoon en 20% deur 'n swart persoon. Die Pensioenfonds hou die oorblywende 20% van die uitgereikte aandeel. Die persentasie swart aandeelhouding, stemreg en ekonomiese belang is as volg:

Jaar 2005 (op datum van aansoek)	Persentasie aandeelhouding gehou deur Swart persone	Persentasie stemreg gehou deur swart persone	Persentasie ekonomiese belang gehou deur swart aandeelhouders (geregtigheid op dividende)
	37.625	56	37.625

AA dra 12.5% (10/80) by tot al drie kategorieë, Maatskappy A dra 19.125% (30/80 X 51/100) by tot aandeelhouding en ekonomiese belang en 37.5% (30/80 X 100) tot stemregte. Maatskappy B dra 6% (40/80 X 60/100 X 20/100) by tot al drie kategorieë en die pensioenfonds word buite rekening gelaat.

6.7.2

Die aandeelhouding, stemregte en ekonomiese belang van vrouens word bereken op dieselfde wyse soos verduidelik onder afdeling 6.7.1 hierbo. Weereens moet die afdeling beantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting aangaande houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie tensy hierdie entiteite ekwiteit hou in die aansoeker en hierdie die inligting in ag geneem moet word wanneer die deur-vloei beginsel toegepas word.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

Hierdie afdelings moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting aangaande houer entiteit, suster maatskappye en GO vennote mag nie in ag geneem word nie.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Neem kennis: moenie die skadu areas van die vorm voltooi nie

Hierdie afdelings moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting rakende GO vennote mag nie in ag geneem word nie. Die deur-vloei beginsel het natuurlik geen toepassing op beslote korporasies nie. Die persentasie

stemregte en winsdistribusie moet vasgestel word met verwysing na die samewerkingsooreenkoms van die beslote korporasie. Indien geen so 'n ooreenkoms bestaan nie of indien die ooreenkoms swyg oor die kwessie dan moet daar aanvaar word dat stemregte en ekonomiese belang dieselfde is as die persentasie ledebelang.

6.9

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die mate waartoe die teikens gestel in die Transformasie Plan ingedien as deel van die 2001 aansoekproses bereik is. Die afdeling moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting rakende houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie.

6.10 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende nakoming van artikel 3 van die Wet op Heffings op Vaardigheidsontwikkeling 9 van 1999. Die vrae in die eerste twee kolomme (die indiening / goedkeuring van 'n Werkplekvaardigheidsplan en 'n Jaarlikse Opleidingsverslag) moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Met betrekking tot die laaste drie kolomme (randhoeveelheid betaal aan SAID, persentasie van betaalrol spandeer op opleiding en persentasie van opleidingsbegroting spandeer op swart werknemers), indien die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die betaalrolle van al die GO vennote in die aanhangsel verskaf word en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te verskaf. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo) moet die betaalrolle van die houer-entiteit, die aansoeker en enige suster maatskappye ook meer as 50% besit deur die houer-entiteit, verskaf word in die aanhangsel en moet die tabel voltooi word deur die verskaffing van die saamgesmelte besonderhede van die groep (houer-entiteit, aansoeker en sustermaatskappye) maatskappye.

Ten einde die "persentasie van betaalrol spandeer op opleiding" te bereken deel die werklike jaarlikse hoeveelheid spandeer op opleiding deur die totale jaarlikse betaalrolkoste en vermenigvuldig die resultaat met 100 om die persentasie vas te stel.

Voorbeeld

Maatskappy X het 'n jaarlikse betaalrol van R 1 000 000,00. Die maatskappy het R 10 000,00 op opleiding spandeer op alle werknemers. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om aan te toon of dit deelgeneem het aan 'n leerskapprogram in 2004. Deelname aan 'n leerskap program beteken dat die aansoeker 'n leerskapooreenkoms geregistreer het met die SEOO ("SETA") ooreenkomstig die Regulasies Aangaande die Registrasie van Voorgenome Leerskappe en Leerskapooreenkomste gepubliseer onder die Wet op Vaardigheidsontwikkeling 97 van 1998 in Staatskenningsgewing No. R. 330 van 3 April 2001. Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO. Die persentasie swart eienaarskap, verwys na in afdeling 6.22, moet bereken word soos hierbo beskryf in afdeling 6.7.1.

AFDELING 7: VEILIGHEID

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende veiligheid, insluitend die vereistes van die Suid Afrikaanse Maritieme Veiligheidsowerheid.

7.1

Artikels 312 en 313 van die Handelskeepvaartwet, 57 van 1951 skep sekere oortredings insluitende die versuim om te voldoen aan 'n verpligting onder die Wet soos die verpligting om te verseker dat onseewaardige vaartuig nie die hawe verlaat nie en die versuim om 'n vaartuig behoorlik te beman.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

Die Maritieme Beroepsveiligheidsregulasies, 1994, die Bemannings Akkomodasie Regulasies, 1961 and the Handelskeepvaart (Veilige Bemanningregulasies) is uitgevaardig in terme van die Handelskeepvaartwet 57 van 1951. Hulle is beskikbaar by www.mcm-deat.gov.za. Mariene Kennisgewing No 26 van 2004 is ook op die webwerf beskikbaar.

7.9

Nakoming van die Wet op Vergoeding vir Beroepsbeserings en Siektes 130 van 1993 beteken nakoming van Artikels 80 tot 88 van die Wet wat as volg voorsien:

"Werkgewer moet by kommissaris registreer en aan hom besonderhede verstrek."

(1) 'n Werkgewer wat 'n besigheid in die Republiek dryf, moet by die kommissaris binne die voorgeskrewe tydperk en op die voorgeskrewe wyse registreer, en moet aan die kommissaris die voorgeskrewe besonderhede van sy besigheid verstrek, en moet binne 'n tydperk deur die kommissaris bepaal die bykomende besonderhede verstrek wat die kommissaris verlang.

(2) Die besonderhede bedoel in subartikel (1) moet afsonderlik verstrek word ten opsigte van elke besigheid wat deur die werkgewer gedryf word.

(3) 'n Werkgewer moet die kommissaris van enige verandering van die aldus verstrekte besonderhede binne sewe dae na sodanige verandering in kennis stel.

Werkgewer moet rekord hou.

(1) 'n Werkgewer moet 'n register of ander rekord hou van die verdienste en ander voorgeskrewe besonderhede van al die werknemers, en moet daardie register of rekord of 'n mikrofilm- of ander mikroformreproduksie daarvan te alle redelike tye op versoek aan 'n gemagtigde persoon bedoel in artikel 7 ter insae voorlê.

Bydraes deur werkgewers individueel aanspreeklik en onderlinge verenigings.

(1) Ondanks enige andersluidende bepaling van hierdie Wet moet die werkgewers individueel aanspreeklik en die onderlinge verenigings aan die Direkteur-generaal op die wyse en tye wat hy bepaal, jaarliks sodanige deel as wat hy billik ag, betaal van die uitgawe wat hy by die uitvoering van die bepalings van hierdie Wet aangegaan het.

7.13

Die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe) Wet 2 van 1986 en die Wet op Mariene Besoedeling (Beheer en Siviele Aanspreeklikheid) Wet 6 van 1981 is beskikbaar by www.mcm-deat.gov.za.

AFDELING 8: WERKSKEPPING

8.1.1 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die aantal werksgeleenthede verskaf deur die aansoeker, en die totale hoeveelheid spandeer op salarisse gedurende die medium termyn regteperiode in die sektor waarvoor aansoek gedoen word vas te stel. Die inligting moet gebruik word om die aantal werksgeleenthede verskaf per ton vis toegeken in die betrokke sektor vas te stel (in afdeling 8.1.3) en die hoeveelheid spandeer op salarisse per ton toegeken in die betrokke sektor (in afdeling 8.1.2). Ten einde die aantal werksgeleenthede en hoeveelhede spandeer op salarisse per eenheid toegeken in die betrokke sektor vas te stel, mag aansoekers (of hulle houer-entiteite of sustermaatskappye en GO vennote) wat betrokke is in industrieë buiten die visvangbedryf níe werksgeleenthede verskaf of salarisse spandeer in sulke industrieë in ag neem níe en aansoekers betrokke in ander sektore van die visvangbedryf mag níe werksgeleenthede verskaf of salarisse spandeer in daardie sektore in ag neem níe.

Aansoekers betrokke in ander industrieë buiten die visvangbedryf moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede aan salarisse spandeer in die visvangbedryf en ander industrieë voorsien. Slegs werksgeleenthede verskaf of hoeveelhede spandeer aan salarisse in die visvangbedryf mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aansoekers betrokke in ander visvangsektore moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede aan salarisse spandeer in die sektor voorsien. Slegs werksgeleenthede verskaf of hoeveelhede spandeer aan salarisse in die sektor waarvoor aansoek gedoen word mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aangesien dit moeilik is om akkuraat die presiese aantal werknemers en hoeveelhede aan salarisse spandeer op 'n sektorale basis vas te stel, sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling gebruik word in enige ander aansoek gebring deur die aansoeker.

As die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslore korporasie, of as meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslore korporasie (vasgestel op die wyse uiteengesit in afdeling 6.7.1), dan mag al die werksgeleenthede voorsien of hoeveelhede spandeer aan salarisse deur die GO vennote of die groep (m.a.w. die aansoeker, die houer entiteit en suster maatskappye) in ag geneem word, met dien verstande dat dieselfde beginsels hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvang sektore mag níe werksgeleenthede verskaf of hoeveelhede spandeer aan salarisse in ander industrieë of sektore in ag neem níe. Slegs werksgeleenthede verskaf of hoeveelhede spandeer op salarisse in die betrokke sektor deur die GO of groep mag in ag geneem word wanneer afdeling 8.1.1 voltooi word. Indien van toepassing, moet 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede spandeer op salarisse in die visvangbedryf en ander industrieë of 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede spandeer aan salarisse in die betrokke sektor en ander sektore verskaf word in die aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n visvangreg deur die aansoeker of enige lid van die GO of groep. Daar mag geen dubbele aanspraak op werksgeleenthede gemaak word níe. Met ander

woorde, die aantal werksgeleenthede waarop aanspraak gemaak word in al die aansoeke van die lede van die GO of groep mag nie meer wees as die totale aantal werksgeleenthede verskaf deur die GO of groep nie.

8.1.2 en 8.1.3:

Hierdie afdelings vereis van aansoekers om besonderhede te voorsien rakende werksgeleenthede en salarise voorsien per ton toegeken op die basis van die inligting voorsien in afdeling 8.1.1 hierbo.

Voorbeeld

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in hierdie vissery 2004	Totale Jaarlikse Besoldigingsrekening (met betrekking tot hierdie vissery) 2004 Finansiële Jaareinde soos per Tabel 8.1.1	Hoeveel spandeer die aansoeker op lone/salarise per ton geallokeer?
5 000	R1 000 000	R200

Deel die Totale Jaarlikse Besoldigingsrekening (1 000 000) deur die TTV toegeken (5000) = R200 per ton.

TTV Toegeken in 2005 (in ton)	Totale Aantal Werknemers (met betrekking tot hierdie Vissery) (28 Februarie 2005)	Hoe baie persone neem die aansoeker in diens per ton toegeken?
5 000	1 000	0.2

Deel die totale aantal werknemers voorsien in hierdie vissery (1000), deur die TTV toegeken aan die aansoeker (5000) [1000/5000=0.2]

8.1.4 Neem kennis: moenie die skadu areas voltooi nie en as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of Gesamentlike-Onderneming.

AFDELING 9: BELEGGING

9.1.1 and 9.1.2

Neem kennis: moenie die skadu areas voltooi nie en as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die randwaarde van die hawe en see-gebaseerde bates van die aansoeker in die sektor waarvoor aansoek gedoen word te bepaal. Dit sal gebruik word om die waarde van die hawe en see-gebaseerde bates per ton vis toegeken in die betrokke sektor vas te stel (in afdelings 9.1.3 and 9.1.4). Ten einde die waarde van bates per eenheid in die betrokke sektor vas te stel mag aansoekers (of die houer-entiteit of suster maatskappye en GO vennote) betrokke in ander industrieë as die visvangbedryf nie bates gebruik in ander industrieë in ag neem nie.

Aansoekers betrokke in industrieë buiten die visvangbedryf moet 'n uiteensetting verskaf van bates gebruik in die visvangbedryf en in ander industrieë in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die visvangbedryf mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van bates gebruik op 'n per sektor basis verskaf in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die sektor waarvoor aansoek gedoen word mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aangesien dit moeilik is om akkuraat bates toe te deel op 'n per sektor basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek vir 'n kommersiële visvangreg deur die aansoeker gedurende die langtermyn regtotoekeningsproses.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag al die bates gebruik deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie bates in ag neem wat in ander industrieë of sektore gebruik word nie. Slegs bates gebruik in die betrokke sektor deur die GO of groep mag in ag geneem word met die voltooiing van afdelings 9.1.1 en 9.1.2. Indien van toepassing, moet 'n uiteensetting van bates gebruik in die visvangbedryf en ander industrieë of bates gebruik in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel (apart vir boek en versekerde waardes). 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op bates gemaak word nie. Met ander woorde, die waarde van die bates waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale waarde van die bates gebruik deur die lede van die GO of groep in die visvangbedryf nie.

9.1.3:

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die waarde van beleggings gemaak per ton toegeken. Die inligting verskaf in afdeling 9.1.1. moet gebruik word.

Voorbeeld

Maatskappy X is 'n TTV van 5000 ton toegeken. Die waarde van sy hawe en see-gebaseerde bates gebruik in die toepaslike sektor by die finansiële jaareinde 2004 was R5 000 000. Die waarde van die land gebaseerde bates was R 4000 000. Die waarde van hawe en see-gebaseerde bates per ton toegeken word as volg bereken:

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in 2004 in ton	Boekwaarde (in rand) van hawe en see-gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde (in rand) van land gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde van Hawe en See-gebaseerde bates per ton toegeken aan die aansoeker	Boekwaarde van Land-gebaseerde bates per ton toegeken aan die aansoeker
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00

Deel die waarde van die hawe en see-gebaseerde bates (5 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) $(5\,000\,000/5\,000=R1\,000)$

Deel die totale waarde van die land-gebaseerde bates (4 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) $(4\,000\,000/5\,000=R800)$

AFDELING 10: PLAASLIKE EKONOMIESE ONTWIKKELING

Hierdie afdeling vereis van die aansoeker om inligting te verskaf aangaande die landing van vangste by hawens/landingsgebiede (met betrekking tot hierdie vissery) in 2004, en voornemens rakende die landing van vangste. Gebruik nominale tonnemaat (nie die gewig nadat die koppe verwyder en die vis geveel is etc nie).

10.1:

Hierdie vraag vereis van die aansoeker om gedetailleerde inligting aangaande die hawens waar vangste geland is in 2004 te verskaf.

Voorbeeld

Maatskappy X land vis by verskeie verskillende hawens. Van sy toekenning van 20 ton land hy 5 ton in Mosselbaai, 10 ton in Vishoek en 5 ton in Kaapstad.

Die berekening moet as volg gedoen word:

Hawe / Landingsgebied	Ton Geland by Hawe in 2004	Rand waarde van vangste geland by Hawe in 2004	Persentasie van Total Vangs geland in 2004
Mosselbaai	5	R100 000	30 %
Port Nolloth	10	R100 000	30 %
Kaapstad	5	R150 000	40 %

Deel die vangs (in hierdie vissery) geland by elke hawe deur die totale vangs geland deur die aansoeker en vermenigvuldig met 100 om hierdie persentasie te bereken $(1\,500/5\,000 \times 100 = 30\%)$

AFDELING 11: WAARDETOEVOEGING & ONDERNEMINGSONTWIKKELING

Hierdie afdeling vereis van aansoekers om inligting te verskaf aangaande waardetoevoeging en ondernemingsontwikkeling aktiwiteite wat die aansoeker onderneem het. Waarde toevoeging sluit aanboord prosessering in.

Ondernemingsontwikkeling kan verskeie vorme aanneem insluitend direkte belegging in KMMOs (klein, medium of mikro ondernemings) wat in Swart Besit is of Swart Bemagtig is; Gesamentlike-Ondernemings met KMMOs wat in Swart Besit is en Swart Bemagtig is en wat "substantiewe" vaardigheidsoordrag as gevolg het; die voorsiening van mentorskap, besigheidsverhoudings en verbindings wat op hulle beurt besigheidsgeleenthede aan hierdie ondernemings verskaf; tweeling-inisiatiewe met KMMOs wat in swart besit is en swart bemagtig is wat kostebesparing tot gevolg het of die generering van omset vir daardie KMMO's tot gevolg het.

"KMMO in Swart Besit" beteken 'n klein, medium of mikro onderneming (minder as 100 voltydse werknemers en minder as R5 miljoen omset en minder as R4 miljoen se bruto bate waarde, vaste eiendom uitgesluit) wat meer as 50% swart eienaarskap het (indien 'n maatskappy bereken soos uiteengesit in afdeling 6.7.1 hierbo en indien 'n beslote korporasie, bereken met verwysing na ledebelang) en meer as 50% swart bestuur het (top en senior bestuur / senior beamptes, vasgestel met verwysing na die benadering tot beroepskategorieë soos uiteengesit in afdeling 6.5 hierbo).

"Swart Bemagtigde KMMO" beteken 'n klein, medium of mikro onderneming (minder as 100 voltydse werknemers en minder as R4 miljoen in omset en minder as R4 miljoen se bruto bate waarde, vaste eiendom uitgesluit) wat meer as 25% swart eienaarskap het (indien 'n maatskappy bereken soos uiteengesit in afdeling 6.7.1 hierbo en indien 'n beslote korporasie, bereken met verwysing na ledebelang) en meer as 50% swart bestuur het (top en senior bestuur / senior beamptes, vasgestel met verwysing na die benadering tot beroepskategorieë soos uiteengesit in afdeling 6.5 hierbo).

AFDELING 12: FINANSIËLE PRESTASIE**12.1 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.**

Dieselfde beginsel soos verduidelik in afdelings 8.1.1 en 9.1.1 moet gebruik word. Die oogmerk van hierdie afdeling is om die omset van die aansoeker vas te stel vir die sektor waarvoor aansoek gedoen word. Aansoekers betrokke in ander industrieë as die visvangbedryf mag nie omset gegenereer in sulke ander industrieë in ag neem nie. Meer spesifiek, aansoekers betrokke in industrieë anders as die visvangbedryf moet 'n uiteensetting verskaf in die aanhangsel van omset in die visvangbedryf en in ander industrieë. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 12.2 voltooi word. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van omset verskaf in die aanhangsel op 'n per sektor basis. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 12.2 voltooi word. Aangesien dit moeilik is om akkuraat omset te verdeel op 'n sektorale basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek gebring deur die aansoeker. Met ander woorde, dieselfde uiteensetting moet deur die aansoeker verskaf word in aansoeke vir kommersiële regte in ander sektore.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag die totale omset gegenereer deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie omset in ag neem wat in ander industrieë of sektore genereer word nie. Slegs omset genereer in die betrokke sektor deur die GO of groep mag in ag geneem word. Indien van toepassing, moet 'n uiteensetting van omset genereer in die visvangbedryf en ander industrieë of omset gegenereer in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op omset gemaak word nie. Met ander woorde, die omset waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale omset genereer deur die lede van die GO of groep in die visvangbedryf nie. **Die finansiële state van al die lede van die groep of GO moet voorsien word in die relevante aanhangsel.**

12.2 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Daar word van aansoeker vereis om die persentasie aan te dui van sy totale omset verkry van die vissery waarvoor aansoek gedoen word. In die tweede kolom moet die aansoeker die syfer invul wat in afdeling 12.1 bepaal is. In die derde kolom, moet die aansoeker die total omset van die aansoeker (of, indien toepaslik, die groep of GO) gebruik, insluitende omset gegenereer buite die visbedryf, ten einde die persentasie te bereken.

Voorbeeld

Maatskappy X het medium termyn regte ontvang in Diepsee Stokvistreilvangs en Suidkuskreef. 'n TTV van 5000 ton vir Diepsee Stokvistreilvangs en 7 ton vir Suidkuskreef was in 2004 toegeken. Maatskappy X se totale omset (vir beide visserye) vir die 2004 finansiële jaar was R180 000 000. Die totale omset gegenereer in Stokvis Diepsee treil vir die finansiële jaar 2004 was R100 000 000. Die totale omset vir Suidkuskreef was R 80 000 000. In sy aansoek vir Diepsee Stokvistreilvangs sal die aansoeker se tabel as volgende daarna uitsien:

TTV Toegeken aan die Aansoeker in 2004 (in tonne)	Omset genereer deur TTV toegeken (finansiële jaar 2004)	Persentasie van totale omset
5000	R100 000 000	55.6%

Deel die omset van hierdie vissery deur die totale omset van die aansoeker en vermenigvuldig met 100 om die persentasie waarde vas te stel. $100\,000\,000/180\,000\,000 \times 100 = 55.6\%$

12.3

Hierdie afdeling vereis van die aansoeker om finansiële prestasie-verhoudings uiteen te sit. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke). Hierdie verhoudings moet as volg bereken word.

Opbrengs op Netto Bates

$$\text{OONB} = \frac{\text{Bedryfswins}}{\text{Netto Bedryfsbates}} = \frac{\text{Bedryfswins}}{\text{Verkope}} \times \frac{\text{Verkope}}{\text{Netto Bedryfsbates}}$$

Skuld: Ekwiteit Verhouding: Skuld
Ekwiteit

Bedryfs Verhouding: Bedryfsbates
Bedryfslaste

Vuurproef Verhouding: Bedryfsbates – Voorraad
Bedryfslaste

12.4, 12.5 and 12.6

Hierdie vrae vereis van die aansoeker om inligting te verskaf van sy geouditeerde of geverifieerde finansiële state. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke).

AFDELING 13: VISVANGPLAN

Hierdie afdeling vereis die aansoeker om inligting te verskaf aangaande sy visvangplan.

AFDELING 14: BYVANGSTE AND OMGEWINGSVOLHOUBARE PRAKTYKE

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende byvangste en omgewingsvolhoubare praktyke.

AFDELING 15: HEFFINGS

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende heffings betaal gedurende die mediumtermyn regteperiode.

This section requires the applicant to provide details regarding employees that earn the highest salaries (calculated on a total cost to company basis). This information will be treated as confidential and may be submitted separately in the sealed envelope.

As in section 6.3.1 above, if the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then details of the highest salary earners of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the highest salary earners of both entities. If the Applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then details of the highest salary earners of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners.

Total cost to company includes benefits and bonuses, but excludes dividends. Applicants that employ 165 or fewer employees must provide the details of their top salary earners as indicated in the table in the application form. Applicants that employ more than 165 people must first determine the top 3% and then provide details of those employees (up to a maximum of 90). Designation or actual title held by the employee, as indicated on the organogram or organizational structure, must be provided.

Example: If the applicant employs 2500 people, the applicant determines the top 3% by multiplying this number by 0.03 ($2500 \times 0.03 = 75$). The applicant must then provide the details of those 75 employees. The applicant must not provide the details of more than 90 employees, regardless of the number of employees the applicant has in the top 3%.

If applicable, the number of employees of holding entities or JV partners must be added to the number of employees of the applicant, as set out in the example below.

Example: If the applicant employs 75 people, and the holding entity employs 125 people, the two entities combined employ 200 people. The applicant must determine the top 3%: $200 \times 0.03 = 6$. The details of the two entities should be merged, and the details of the top six salary earners of the merged list should be entered in the table at 6.3.2.

6.4.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details of income levels within the organization at 28 February 2005.

As in sections 6.3.1 and 6.3.2 above, if the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then the salary levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the salary levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holding entity and sister company) of companies.

Example

1	Monthly Income	Number of employees in this level (total of Group or JV, if applicable)	Percentage of Total Employees	Number of Black Employees in this level (total of Group or JV, if applicable)	Percentage of Total Black Employees	Number of Female Employees in this level (total of Group or JV, if applicable)
	< R 2 500	100	80%	80	90 %	70

Divide the employees in this income level by the total number of employees, and multiply by 100

Divide the number of black employees in this income level by the total number of black employees, and multiply by 100

6.5 Note: if the Applicant relies on information of other entities the authorised representative of the entity must attest to the declaration in section 16

This question requires the applicant to complete the employment equity profile of the applicant in respect of occupational levels. Designated employers and employers that comply voluntarily with the Employment Equity Act should complete the table with the figures submitted in October 2004 to the Department of Labour. Employers that are not designated should complete the tables with reference to its employees at 28 February 2005 and having regard to the definitions of the occupational levels set out in annexure 2 of the Regulations to the Employment Equity Act. Annexure 2 provides as follows:

Employment Equity Act 55, 1998

WHAT IS THE PURPOSE OF THIS ANNEXURE?

Job evaluation or grading systems are used by many organisations to measure jobs according to their content and establish

comparative worth between jobs.

This annexure provides a table of equivalent occupational levels which may be used by employers when completing forms EEA 2 and EEA 4.

INSTRUCTIONS

The table [below] indicates the occupational levels within organisations as determined through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.

Organisations that make use of neither one of the job evaluation systems [in the table below], nor a customised system linked to one of these, should use the Semantic Scale for guidance in determining occupational levels within that organisation.

Equivalent occupational levels

Semantic Scale	Paterson		Peromnes	Hay	Castellion
Top Management	F	F	[++]]+		14
Senior Management	E	E UPPER	1	1	13
		E LOWER	2 3	2	
Professionally qualified, experienced specialists and mid-management	D	D UPPER	4	3	12
		D LOWER	5 6	4	11 13
Skilled technical and academically qualified workers, junior management, supervisors, foremen, superintendents	C	C UPPER	7 8 9	5 6 6A	9
		C LOWER	10 11 12	7 8	8
Semi-skilled and discretionary decision making	B	B UPPER	13	9	7
		B LOWER	14 15 16	10 11	6 5 4
Unskilled and defined decisionmaking	A	A	17	12	3
			18 19	13	2 1

As in section 6.4.1 above, if the applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the occupational levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the occupational levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holder entity and sister company) of companies.

Example

If Company A is a designated employer, the data submitted in the October 2004 EEA 2A form should be completed in the table. If Company A is not a designated employer, the occupational levels of employees should be determined in the manner set out above as at 28 February 2005 and the table completed with this data.

Once the number of employees per level is determined, the percentages are to be worked out. For example, Company A employs seven senior officials and managers. Of the seven employees in the occupational category, 1 is an african male, 2 are coloured males, 2 are white males, 1 is an indian female and 1 is a white female. In order to determine the percentages take the number of employees from each designated group in the occupation level and divide it by the total number of employees in the occupational level and multiply by 100.

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

Occupational Categories										Totals	
		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Senior Officials and Managers (Total of JV or Group, if applicable)	Male	1	14%	2	28%	0	0%	2	28%	42%	
	Female	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to top and senior management / senior officials provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.6.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to professionally qualified and experienced specialists and mid-management provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.7.1 Note: do not complete the shaded areas of the table

This section requires applicants to provide details regarding the shareholding held by black persons and the unrestricted voting rights and economic interest (in the form of entitlement to dividends) attached to black shareholding in the Applicant (not the holding entity, group or JV partners unless this information is relevant for purposes of applying the flow-through principle). The chairperson of the board of directors of the applicant must submit an affidavit regarding the shareholding, the voting rights and the economic interest held by blacks in the applicant in the relevant annexure. In determining the percentage black shareholding, voting rights and economic interest, the flow through principle must be used, provided that:

- pension funds and organs of state are to be regarded as neutral and the percentage black shareholding should be calculated without reference to shares held by such entities;
- if the percentage black shareholding, voting rights or economic interest of a particular shareholder cannot be determined, detailed reasons must be provided;
- for purposes of determining voting rights, a shareholder is to be regarded as 100% black if that shareholder is owned more than 50% by a natural person who is black; and
- the percentage "shareholding", "economic interest" and "voting rights" of black persons in a trust must be determined with reference to the rights of beneficiaries in terms of the trust deed.

The flow through principle is defined as: "**Flow-through principle**" refers to the tracking of economic benefits when determining a score for BEE ownership. Entities are scored on the entitlement of black people to exercise voting rights and to participate in the economic interest of the enterprise. The purpose of the flow-through principle is to ensure that all companies, regardless of their structure, are scored uniformly with respect to their BEE ownership. The flow-through principle states that only voting rights and economic interest to which black people who are natural persons are entitled, are taken into account. Should entitlement to voting rights and/or economic interest be held juristic persons, only voting rights and economic interest to which black natural persons are entitled in that juristic person will be taken into account. The same principle is applied consistently throughout the chain of ownership with respect to juristic persons until such time as that chain terminates in the entitlement of the natural person, who is a black person, to such voting rights and/or economic interest."

"**Indirect ownership**" means ownership of an equity interest in an enterprise where such equity interest entitles the holders to participate in the economic interest (such as dividends) flowing to the shareholders of that enterprise, but not directly in the voting rights of that enterprise. Voting rights can be exercised indirectly through a conduit such as a trust or a superannuation scheme.

Indirect ownership must be taken into account for purposes of measuring the percentage black shareholding and, if applicable, the percentage economic interest and voting rights held a black person in the applicant. If no voting rights are attached to indirectly owned equity, then black ownership of such equity may not be taken into account when determining black voting rights. However,

where the voting rights are merely exercised indirectly (through a conduit), black ownership of the equity must be taken into account when determining black voting rights.

Example: The applicant has four shareholders. One of these shareholders is a natural person named AA, who is black and owns 10% of the economic interest and voting rights. Two of the other shareholders are companies and the third is a pension fund. Company A holds 30% of the shares and is 51% owned by a black person and 49% by a white person. Company B holds 40% of the shares and is 40% owned by a natural person who is white and 60% owned by company Z, that is in turn 80% owned by a white person and 20% by a black person. The Pension Fund holds the remaining 20% of the issued shares. The percentage black shareholding, voting rights and economic interest is as follows:

Year 2005 (at date of application)	Percentage Shareholding held by black persons	Percentage voting rights held by black shareholders	Percentage economic interest held by black shareholders (entitlement to dividends)
	37.625	56	37.625

AA contributes 12.5% (10/80) to all three categories, Company A contributes 19.125% (30/80 X 51/100) to shareholding and economic interest and 37.5% (30/80 X 100) to voting rights, Company B contributes 6% (40/80 X 60/100 X 20/100) to all three categories and the pension fund is disregarded.

6.7.2

The shareholding, voting rights and economic interest of women are calculated in the same manner as described under section 6.7.1 above. Again, the section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account unless these entities hold equity in the applicant and this information must be taken into account when applying the flow-through principle.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

These sections must be answered with reference to the data of the applicant alone. Information relating to holding entities, sister companies and JV partners may not be taken into account.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Note: do not complete shaded areas of the form

These sections must be answered with reference to the data of the applicant alone. Information relating to JV partners may not be taken into account. The flow-through principle obviously has no application to close corporations. The percentage voting rights and profit distribution must be determined with reference to the membership agreement of the close corporation. If no such agreement exist or the agreement is silent on the issue, then voting rights and economic interest must be taken to be the same as the percentage membership interest.

6.9

This question requires the applicant to provide information on the extent to which it has achieved the targets set in the Transformation Plan submitted as part of the 2001 application process. The section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account.

6.10 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This section requires the applicant to provide information relating to compliance with section 3 of the Skills Development Levies Act 9 of 1999. The questions in the first two columns (the submission/approval of a Workplace Skills Plan and an Annual Training Report) must be answered with reference to the data of the applicant alone. In respect of the last three columns (rand amount paid to SARS, percentage salaries bill spent on training and percentage of training budget spent on black employees), if the applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the salary bills of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above) then the salary bills of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (holding entity, applicant and sister companies) of companies.

To determine the "percentage of payroll spent on training" divide the actual annual amount spent on training by the total annual payroll cost and multiply the result by 100 to determine the percentage value.

Example

Company X has an annual salary bill cost of R 1 000 000,00. The company has spent R 10 000,00 on training for all employees. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This question requires the applicant to indicate whether it participated in a learnership programme in 2004. Participation in a learnership programme means that the applicant has registered a learnership agreement with the SETA as per the Regulations Concerning the Registration of Intended Learnerships and Learnership Agreements published under the Skills Development Act 97 of 1998 in Government Notice No. R. 330 of 3 April 2001. If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV. The percentage black ownership, referred to in section 6.22, must be calculated as described above in section 6.7.1.

SECTION 7: SAFETY

This section requires the applicant to provide information that relates to safety, including the requirements of the South African Maritime Safety Authority.

7.1

Sections 312 and 313 of the Merchant Shipping Act, 57 of 1951 creates certain offences including the failure to comply with a duty under the Act such as the duty to ensure that an unseaworthy vessel does not leave port and the failure to properly man a vessel.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

The Maritime Occupational Safety Regulations, 1994, the Crew Accommodation Regulations, 1961 and the Merchant Shipping (Safe Manning Regulations) were passed in terms of the Merchant Shipping Act, 57 of 1951. These are available at www.mcm-deat.gov.za. Marine Notice No 26 of 2004 is also available at the website.

7.9

Compliance with the Compensation for Occupational Injuries and Diseases Act 130 of 1993 means compliance with Sections 80 to 88 of the Act which provides as follows:

"Obligations of employers to register with commissioner and to furnish him with particulars

- 1) An employer carrying on business in the Republic shall within the prescribed period and in the prescribed manner register with the commissioner, and shall furnish the commissioner with the prescribed particulars of his business, and shall within a period determined by the commissioner furnish such additional particulars as the commissioner may require.
- 2) The particulars referred to in subsection (1) shall be furnished separately in respect of each business carried on by the employer.
- 3) An employer shall within seven days of any change in the particulars so furnished notify the commissioner of such change.

Obligations of employers to keep record

An employer shall keep a register or other record of the earnings and other prescribed particulars of all the employees, and shall at all reasonable times produce such register or record or a microfilm or other microform reproduction thereof on demand to an authorized person referred to in section 7 for inspection.

Contributions by employers individually liable and mutual associations

Notwithstanding any provision to the contrary contained in this Act, the employers individually liable and the mutual associations shall pay annually to the Director-General in such manner and at such times as he may determine, such portion of the expenditure incurred by him in the administration of the provisions of this Act as he may deem equitable."

7.13

The Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 and the Marine Pollution (Control and Civil Liability) Act 6 of 1981 are available at www.mcm-deat.gov.za.

SECTION 8: JOB CREATION**8.1.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16**

The aim of this section is to establish the number of jobs provided by the applicant, and the total amount spent on salaries over the medium term right period, in the sector applied for. The information must be used to determine the number of jobs provided per vessel allocated in the sector concerned (in section 8.1.3) and the amount spent on salaries per vessel allocated in the sector concerned (in section 8.1.2). In order to determine the number of jobs and amounts spent on salaries per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take jobs provided or salaries spent in such industries into account, and applicants involved in other sectors of the fishing industry may not take jobs provided or salaries spent in those sectors into account.

Applicants involved in industries other than the fishing industry must submit (in the annexure) a breakdown of jobs provided and salary amounts spent in the fishing industry and in other industries. Only jobs provided or the amounts spent on salaries in the fishing industry may be taken into account when completing section 8.1.1. Applicants involved in other fishing sectors must submit (in the annexure) a breakdown of jobs provided and amounts spent on salaries on a per sector basis. Only jobs provided and amounts spent on salaries in this sector may be taken into account when completing section 8.1.1. As it is difficult to accurately determine the exact number of employees and salaries spent on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant.

If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, or if the Applicant is more than 50% owned by another company or close corporation (determined in the manner specified in section 6.7.1), then all the jobs provided or amounts spent on salaries by the JV partners or the group (i.e. the applicant, the holding entity and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account jobs provided or amounts spent on salaries in other industries or sectors. Only jobs provided or amounts spent on salaries in the sector concerned by the JV or group may be taken into account when completing section 8.1.1. If applicable, a breakdown of jobs provided and amounts spent on salaries in the fishing industry and other industries or a breakdown of jobs provided and amounts spent on salaries in the sector concerned or other sectors must be provided in the annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a fishing right made by the applicant or any member of the JV or the group. There may be no double claiming of jobs. In other words, the number of jobs claimed in all applications made by members of the JV or group may not amount to more than the total number of jobs provided by the JV or group.

8.1.2 and 8.1.3:

These sections requires applicants to furnish details regarding jobs provided and salaries per vessel allocated on the basis of the information provided in section 8.1.1 above.

8.1.4 Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, this section must be answered with reference to the merged data of all the entities in a group or a Joint Venture.

SECTION 9: INVESTMENT**9.1.1 and 9.1.2****Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16**

The aim of this section is to establish the rand value of harbour and sea-based assets of the applicant in the sector applied for. This will be used to determine the value of harbour and sea-based assets per ton of vessel allocated in the sector concerned (in sections 9.1.3 and 9.1.4). In order to determine the value of assets per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take assets used in other industries into account.

Applicants involved in industries other than the fishing industry must provide a breakdown of assets used in the fishing industry and in other industries in the relevant annexure (separately for book and insured values). Only assets used in the fishing industry may be taken into account when completing sections 9.1.1 and 9.1.2. Applicants involved in other fishing sectors must provide a breakdown of assets used on a per sector basis in the relevant annexure (separately for book and insured values). Only assets used in the sector applied for may be taken into account when completing sections 9.1.1 and 9.1.2. As it is difficult to accurately apportion assets on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application for a commercial fishing right made by the applicant during the long term rights allocation process.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then all the assets used by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account assets used in other industries or sectors. Only assets used in the sector concerned by the JV or group may be taken into account when completing sections 9.1.1 and 9.1.2. If applicable, a breakdown of assets used in the fishing industry or other industries or a breakdown of assets used in the sector concerned and other sectors must be provided in the relevant annexure (separately for book and insured values). A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of assets. In other words, the value of assets claimed in all applications made by members of the JV or group may not amount to more than the total value of the assets used by members of the JV or group in the fishing industry.

9.1.3:

This question requires the applicant to provide information regarding the value of investment per vessel allocated. The information provided in section 9.1.1. must be used.

SECTION 10: LOCAL ECONOMIC DEVELOPMENT

This section requires the applicant to provide information regarding the landing of catches at harbours/landing sites (in relation to this fishery) in 2004, and intentions regarding the landing of catches.

10.1:

This question requires the applicant to provide detailed information regarding harbours where it landed catches in 2004.

Example

Company X lands fish at various different harbours. Of its allocation of 20 tons it lands 5 tons in Mossel Bay, 10 tons in Port Elizabeth and 5 tons in Cape Town.

SECTION 11: VALUE ADDING & ENTERPRISE DEVELOPMENT

This section requires applicants to provide information regarding value adding and enterprise development activities that the applicant has undertaken. Value adding includes on-board processing.

Enterprise development may take a variety of forms including the direct investment in Black Owned and Black Empowered SMMEs enterprises (a small, medium or micro enterprise); joint ventures with Black Owned and Black Empowered SMMEs that result in "substantive" skills transfer; the provision of mentorship, business relationships and linkages which, in turn, provide business opportunities to these enterprises; twinning initiatives with Black Owned and Black Empowered SMME's which result in cost saving or revenue generation for those SMME's.

"Black Owned SMME" means a small, medium or micro enterprise (less than 100 full-time employees and less than R 4 million rand turnover and less than R 4 million rand gross asset value, fixed property excluded) which has more than 50% black ownership (if a company calculated as set out in section 6.7.1 above and if a close corporation, calculated with reference to membership interest) and more than 50% black management (top and senior management / senior officials, determined with reference to the approach to occupation categories set out in section 6.5 above).

"Black Empowered SMME" means a small, medium or micro enterprise (less than 100 full-time employees and less than R 4 million rand turnover and less than R 4 million rand gross asset value, fixed property excluded) which has more 25% black ownership (if a company calculated as set out in section 6.7.1 above and if a close corporation, calculated with reference to membership interest) and more than 50% black management (top and senior management / senior officials, determined with reference to the approach to occupation categories set out in section 6.5 above).

SECTION 12: FINANCIAL PERFORMANCE

12.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The same principle as explained in sections 8.1.1 and 9.1.1 must be used. The aim of this section is to establish turnover of the applicant for the sector applied for. Applicants involved in industries other the fishing industry may not take turnover generated in such other industries into account. More specifically, applicants involved in industries other than the fishing industry must provide a breakdown of turnover in the fishing industry and in other industries in the annexure. Only turnover in the sector of fishing industry concerned may be taken into account when completing the second column of section 12.2. Applicants involved in other fishing sectors must provide a breakdown of turnover on a per sector basis in the annexure. Only turnover generated in the sector concerned may be taken into account when completing the second column of section 12.2. As it is difficult to accurately apportion

turnover on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant. In other words, the same breakdown must be provided by the applicant in applications for commercial rights in other sectors.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then the total turnover generated by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account turnover generated in other industries or sectors. Only turnover generated in the sector concerned by the JV or group may be taken into account. If applicable, a breakdown of turnover generated in the fishing industry and other industries or a breakdown of turnover generated in the sector concerned and other sectors must be provided in the relevant annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of turnover. In other words, the turnover claimed in all applications made by members of the JV or group may not amount to more than the total turnover by members of the JV or group in the fishing industry. **The financial statements of all members of the JV or group must be provided in the relevant annexure.**

12.2 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The applicant is required to specify the percentage of its total turnover derived from the fishery applied for. In the second column the applicant must enter the figure determined in section 12.1 above. In the third column, the applicant must use the total turnover of the applicant (or, if applicable, the group or JV), including turnover generated outside the fishing industry, in order to determine the percentage.

12.3

This section requires applicants to provide financial performance ratios. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in). These should be calculated as follows:

Return on Net Assets

$$\text{RONA} = \frac{\text{Operating Profit}}{\text{Net Operating Assets}} = \frac{\text{Operating Profit}}{\text{Sales}} \times \frac{\text{Sales}}{\text{Net Operating Assets}}$$

Debt: Equity Ratio: $\frac{\text{Debt}}{\text{Equity}}$

Current Ratio: $\frac{\text{Current Assets}}{\text{Current Liabilities}}$

Acid Test: $\frac{\text{Current Assets} - \text{Inventory}}{\text{Current Liabilities}}$

12.4, 12.5 and 12.6

These questions require the applicant to provide information from its audited or verified financial statements. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in).

SECTION 13 FISHING PLAN

This section requires the applicant to provide information regarding its fishing plan.

SECTION 14: BY-CATCH AND ENVIRONMENTALLY SUSTAINABLE PRACTICES

This section requires the applicant to provide information regarding by-catches and environmentally sustainable practices.

SECTION 15: LEVIES

This section requires the applicant to provide information regarding levies paid during the medium term right period.

VERDUIDELIKENDE NOTAS – MEDIUM TERMYN REGTEHOERS KWAZULU-NATAL GARNAAL TREILVANGS

DIE DOEL VAN DIE VERDUIDELIKENDE NOTAS IS OM AANSOEKERS TE HELP MET VOLTTOOING VAN 'N AANTAL AFDELINGS IN DIE AANSOEKVORM. SEKERE AFDELINGS WORD GEAG SELFVERDUIDELIKEND TE WEES EN WORD NIE IN HIERDIE VERDUIDELIKENDE NOTAS GEDEK NIE.

Die WLMH is die Wet op Lewende Mariene Hulpbronne 18 van 1998. 'n Afskrif is beskikbaar op die Departement se webruimte by www.mcm-deat.gov.za.

AFDELING 1: AANSOEKER SE BESONDERHEDE

Afdelings 1.1 tot 1.7 moet voltooi word deur alle aansoekers. Daar was van aansoekers vereis om die besonderhede te verskaf vereis deur afdelings 1.8.1 tot 1.8.7d toe die aansoeker gereistreer het vir 'n aansoekvorm by www.mcm-deat.gov.za. Hierdie afdelings hoef slegs voltooi te word indien die aansoeker se besonderhede verander het sedert registrasie.

AFDELING 2: VORM VAN DIE AANSOEKER

2.1, 2.2 and 2.3

Die oogmerk is om vas te stel of die aansoeker behandel moet word as 'n potensiële nuwe inkomeling of as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal slegs daardie entiteite wat ontvangers was van medium termyn regte in die visserij in 2001/2002 waarvoor nou aansoek gedoen word of die uitsluitlike opvolgers van daardie entiteite.

As die aansoeker dieselfde entiteit is as die een gespesifiseer in 2.2 (die ontvanger van die medium termyn reg in 2001/2002) en in 2.3 (die huidige medium termyn regtehouer), kwalifiseer die aansoeker uit die aard van die saak om as 'n medium termyn regtehouer behandel te word. In sekere gevalle kon die reg toegeken in 2001/2002 egter oorgedra gewees het, of die reg kon toegeken gewees het aan 'n trust of 'n natuurlike persoon met die resultaat dat aansoek nou gedoen moet word in die vorm van 'n beslote korporasie of maatskappy. In hierdie en alle andere gevalle waar die aansoeker en die entiteit in 2.2 en 2.3 nie dieselfde entiteit is nie, moet die aansoeker aantoon dat dit die uitsluitlike opvolger is van die entiteit wat die reg ontvang het in 2001/2002, ten einde te kwalifiseer as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal nie meer as een entiteit erken as die opvolger van die entiteit wat die reg in 2001/2002 ontvang het nie.

2.4

In terme van artikel 18 van die WLMH, mag kommersiële visvangregte slegs aan Suid Afrikaanse persone toegeken word, wat 'n term is wat gedefinieer word in artikel 1 van die Wet. Die oogmerk van hierdie afdeling is om te bepaal of die aansoeker voldoen aan die vereistes van hierdie definisie. In die geval van 'n maatskappy of beslote korporasie moet die meerderheid van die aandeelhouders of lede Suid Afrikaanse persone wees.

2.7, 2.8

In terme van paragraaf 7.5 van die Algemene Beleid mag 'n medium termyn regtehouer aansoeker nie aandeel in 'n potensiële nuwe inkomeling aansoeker in dieselfde sektor hou nie. Die oogmerk van hierdie afdeling is om vas te stel of aan hierdie vereiste gehoor gegee is en om aandeelhouding verbintenisse tussen verskillende medium termyn regtehouer aansoekers vas te stel.

AFDELING 3: WETSNAKOMING

3.1.1, 3.1.2, 3.1.3 en 3.1.4 **Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

In terme van die Algemene beleid en die toepaslike Visserij-spesifieke beleide mag verskeie gevolge geheg word aan oortredings van die WLMH, die regulasies of permitvoorwaardes, insluitend die uitsluiting van die aansoeker en negatiewe punte toekenning. Die oogmerk van hierdie afdeling is om vas te stel of die aansoeker skuldig bevind is van enige sodanige oortreding en om die erns van die oortreding te bepaal.

3.2 **Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

Aansoekers moet "ja" op die vraag antwoord, selfs al is die bate aangehou, gearresteer of op beslag gelê in terme van die WLMH of ingekort of gepreserveer in terme van die Wet op die Voorkoming van Georganiseerde Misdaad, later losgelaat. Die omstandighede aangaande die aanhouding, arrestasie, beslaglegging, of inkorting of preserveringsbevel en die uitkoms van die proses, m.a.w. of die bate gekonfiskeer of verbeurdverklaar is aan die staat, moet behandel word in die aanhangsel.

3.3 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

Aasoekeers moet "ja" op die vraag antwoord, slegs indien die aansoeker se reg of permit in hierdie vissery teruggetrek, gekanselleer, verminder of gewysig is in terme van artikel 28(3) van die WLMH. Die omstandighede moet verduidelik word in die aanhangsel.

AFDELING 4: VAARTUIGBESONDERHEDE

Hierdie afdeling vereis van die aansoeker om die besonderhede te verskaf van elke vaartuig genomineer deur die aansoeker. Indien die aangevraagde besonderhede nie beskikbaar is nie moet die rede hiervoor verduidelik word in die aanhangsel.

AFDELING 5: VANGSBENUTTING

5.1

Hierdie afdeling vereis besonderhede aangaande die aansoeke se vangrekords gedurende die medium termyn (2001 – 2005) regte periode. Aansoekeers moet nie die vraag beantwoord met verwysing na die Departement se vangrekords nie. Indien 'n permit nie uitgereik is aan die aansoeker vir enige jaar nie, moet die aansoeker dit in die relevante aanhangsel aandui.

AFDELING 6: TRANSFORMASIE

6.1, en 6.2.1

Die oogmerk van hierdie afdelings is om vas te stel of daar van die aansoeker vereis word om te voldoen aan die Wet op Diensbillikheid. Indien daar van die aansoeker vereis word om te voldoen is die volgende vraag of die aansoeker sy verpligtinge onder die Wet nagkom het. Vir doeleindes van die beantwoording van hierdie afdelings moet slegs data van die aansoeker (en nie die data van sy houermaatskappy of Gesamentlike-Ondernemings vennote nie) in aanmerking geneem word.

Daar word van "Aangewese" werkgewers vereis om te voldoen aan die Wet. 'n Aangewese werkgewer in terme van artikel 1 van die Wet op Diensbillikheid is:

- a) 'n werkgewer wat 50 of meer werknemers in diens het;
- b) 'n werkgewer wat minder as 50 werknemers in diens het, maar wat 'n totale jaarlikse omset het wat gelyk is aan of bo die toepaslike jaarlikse omset van 'n klein besigheid in terme van Skedule 4 van hierdie wet [wat R2 miljoen per jaar is]; of
- c) ...
- d) ...
- e) 'n werkgewer gebind aan 'n kollektiewe ooreenkoms in terme van artikel 23 of 31 van die Wet op Arbeidsverhoudinge wat die werkgewer aanstel as 'n aangewese werkgewer in terme van hierdie Wet, tot die mate waarin voorsiening gemaak in die ooreenkoms.

In terme van artikel 13 van die Wet op Diensbillikheid is die verpligtinge van aangewese werkgewers as volg:

- 1) Elke aangewese werkgewer moet, ten einde diensbillikheid te bewerkstellig, regstellende aksie maatreëls implementeer vir mense van aangewese groepe in terme van hierdie Wet.
- 2) 'n Aangewese werkgewer moet-
 - a) oorleg pleeg met sy werknemers soos vereis deur artikel 16;
 - b) 'n analise doen soos vereis deur artikel 19;
 - c) 'n diensbillikheidsplan voorberei soos vereis deur artikel 20; en
 - d) rapporteer aan die Direkteur-Generaal oor vordering gemaak in die implementering van die diensbillikheidsplan, soos vereis deur artikel 21.

6.3.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die samestelling van die bestuur van die aansoeker vas te stel. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos gespesifiseer in afdeling 6.7.1 hieronder) dan moet die besonderhede van die direksie/lede van beide die aansoeker en houer-entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur indiening van die saamgesmelte besonderhede van die direksies/ lede van beide entiteite. Indien die aansoeker betrokke is in 'n gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie, dan moet die besonderhede van die direksie of lede van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die direksies/ lede van al die GO vennote.

6.3.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede te voorsien aangaande werknemers wat die hoogste salarisse verdien (bereken op 'n totale koste vir die maatskappy basis). Hierdie inligting sal as konfidensieël behandel word en mag apart ingedien word in die geseëde koever.

Soos in afdeling 6.3.1 hierbo, indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos bepaal in afdeling 6.7.1 hieronder) dan moet besonderhede van die hoogste salaris verdieners van beide die aansoeker en die houer entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die hoogste salaris verdieners van beide entiteite. Indien die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslote korporasie dan moet die besonderhede van die hoogste salaris verdieners van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote.

Totale koste vir die maatskappy sluit voordele en bonusse in maar sluit dividende uit. Aansoekers wat 165 werknemers of minder in diens het moet die besonderhede van hul top salaris verdieners verskaf soos aangedui in die tabel in die aansoekvorm. Aansoekers wat meer as 165 werknemers in diens het moet eers die top 3% vasstel en dan besonderhede van daardie werknemers (tot 'n maksimum van 90) voorsien. Aanwysing of werklike titel gehou deur die werknemer, soos aangedui in die organogram of organisatoriese struktuur, moet voorsien word.

Voorbeeld: Indien die aansoeker 2500 persone in diens het, stel die aansoeker die top 3% vas deur hierdie getal te vermenigvuldig met 0.03 ($2500 \times 0.03 = 75$). Die aansoeker moet dan die besonderhede van daardie 75 werknemers verskaf. Die aansoeker moet nie die besonderhede van meer as 90 werknemers voorsien nie, ongeag die aantal werknemers wat die aansoeker in die top 3% het.

Indien van toepassing, moet die aantal werknemers van houer-entiteite of GO vennote bygevoeg word by die aantal werknemers van die aansoeker, soos uiteengesit in die voorbeeld hieronder.

Voorbeeld: Indien die aansoeker 75 persone in diens het en die houer-entiteit 125 persone in diens het, het die twee entiteite gekombineerd 200 persone in diens. Die aansoeker moet die top 3% vas te stel: $200 \times 0.03 = 6$. Die besonderhede van die twee entiteite moet saamgesmelt word en die besonderhede van die top ses salaris verdieners van die saamgesmelte lys moet in die tabel ingevul word by 6.3.2.

6.4.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede van inkomstevlakke binne die organisasie te voorsien soos op 28 Februarie 2005.

Soos in afdelings 6.3.1 en 6.3.2 hierbo, as die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die salarisvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die salarisvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskap) maatskappy.

Voorbeeld

1	Maandelikse Inkomste	Aantal Werknemers op hierdie vlak (totaal van Groep of GO, indien van toepassing)	Persentasie van totale Werknemers	Aantal Swart Werknemers op hierdie vlak (totaal van groep of GO, indien van toepassing)	Persentasie van Totale Aantal Swart Werknemers	Aantal Vroulike Werknemers op hierdie vlak (total van Groep of GO, indien van toepassing)
	< R 2 500	100	80%	80	90 %	70

Deel dan die aantal werknemers in hierdie inkomstevlak deur die totale aantal werknemers en vermenigvuldig met 100

Deel dan die aantal swart werknemers in hierdie inkomstevlak deur die totale aantal swart werknemers en vermenigvuldig

6.5 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om die diensbillikheidsprofiel van die aansoeker met betrekking tot beroepsvlakke te voltooi. Aangewese werkgewers en werkgewers wat vrywillig voldoen aan die Wet op Diensbillikheid moet die tabel voltooi met die syfers wat voorsien is in Oktober 2004 aan die Departement van Arbeid. Werkgewers wat nie aangewese is nie moet die tabel voltooi met verwysing na sy werknemers op 28 Februarie 2005 en met verwysing na die definisie van die beroepsvlakke uiteengesit in aanhangsel 2 van die Regulasies tot die Wet op Diensbillikheid. Aangansel 2 bepaal as volg:

Wet op Diensbillikheid 55 van 1998

WAT IS DIE DOEL VAN HIERDIE AANHANGSEL?

Werksevaluasie of graderingstelsels word deur baie organisasies benut om werkspesies te meet volgens hul inhoud en om vergelykende waarde tussen werkspesies vas te stel.

Hierdie aanhangsel voorsien 'n tabel van gelykstaande beroepsvlakke wat gebruik mag word deur werkgewers wanneer vorms EEA 2 and EEA 4 voltooi word.

INSTRUKSIES

Die tabel [hieronder] dui die die beroepsvlakke binne organisasies aan soos vasgestel deur die gebruik van verskillende werksevaluasie of graderingstelsels. Die tabel voorsien gelykstaande vlakke van elkeen van hierdie werksevalueringstelsels.

Organisasies wat gebruik maak van geeneen van die werksevalueringstelsels [in die tabel hieronder] nie, of wat nie 'n aangepaste stelsel het wat gekoppel is aan een van hierdies nie, moet die Semantiese Skaal gebruik vir leiding by die vasstelling van beroepsvlakke binne daardie organisasie.

Gelykstaande Beroepsvlakke

Semantiese Skaal	Paterson		Peromnes	Hay	Castellion
Top Bestuur	F	F	[++]+		14
Senior Bestuur	E	E HOËR E LAER	1 2 3	1 2	13
Professioneel gekwalifiseerd, ervare spesialiste en middelbestuur	D	D HOËR D LAER	4 5 6	3 4	12 11 13
Vaardige tegniese en akademies gekwalifiseerde werkers, junior bestuur, toesighouers, voormanne, superintendente	C	C HOËR C LAER	7 8 9 10 11 12	5 6 6A 7 8	9 8
Semi-vaardige en diskresionêre besluitneming	B	B HOËR B LAER	13 14 15 16	9 10 11	7 6 5 4
Ongeskoolde en gedefinieerde besluitneming	A	A	17 18 19	12 13	3 2 1

Soos in afdeling 6.4.1 hierbo, indien die aansoeker in 'n Gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie betrokke is moet die beroepsvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te voorsien. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die beroepsvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskappy) maatskappye.

Voorbeeld

As Maatskappy A 'n aangewese werkgewer is, moet die tabel voltooi word met die data ingedien in die Oktober 2004 EEA 2A. As maatskappy A nie 'n aangewese werkgewer is nie moet die beroepsvlakke van werknemers op 28 Februarie 2005 vasgestel word op die wyse hierbo uiteengesit en die tabel met hierdie data voltooi word.

Nadat die aantal werknemers per vlak vasgestel is, moet die persentasies bereken word. Byvoorbeeld, Maatskappy A het 7 senior amptenare en bestuurders in diens. Uit die sewe werknemers in die beroepskategorie, is 1 'n manlike Afrikaan, 2 is manlike Kleurlinge, 2 is Wit mans, 1 is 'n Indiese vrou en 1 is 'n Wit vrou. Ten einde die persentasie vas te stel, neem die aantal werknemers van elke aangewese groep in die beroepsvlak en deel dit deur die totale aantal werknemers in die beroepsvlak en vermenigvuldig met 100.

A = Afrikaan, K= Kleurling, I = Indiër, W = Wit, V = Vroulik en AKI = Afrikaan, Kleurling en Indiër

Beroepskategorieë		A No.	A %	K No.	C %	I No.	I %	W No.	W %	Totals	
										AKI%	V%
Senior Amptenare en Bestuurders (Totaal van GO of Groep, indien van toepassing)	Manlik	1	14%	2	28%	0	0%	2	28%	42%	
	Vroulik	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die top en senior bestuur / senior beamptes wat voorsien was in hulle 2001 aansoek vorms. Aangewese werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.6.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die professioneel gekwalifiseerde en ervare spesialiste en middel-bestuur wat voorsien was in hulle 2001 aansoekvorms. Aangewysde werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.7.1 Neem kennis: moenie die skadu areas van die tabel voltooi nie

Hierdie afdeling vereis van aansoekers om besonderhede te verskaf rakende die aandeelhouding gehou deur swart persone en die onbeperkte stemregte en ekonomiese belang (in die vorm van geregtigheid op dividende) gekoppel aan swart aandeelhouding in die aansoeker (nie die houer-entiteit, groep of GO vennoot nie tensy hierdie inligting relevant is vir doeleindes van toepassing van die deur-vloei beginsel). Die voorsitter van die direksie van die aansoeker moet 'n eedsverklaring indien aangaande die aandeelhouding, stemregte en ekonomiese belang gehou deur swart persone in die aansoeker in die relevante aanhangsel. By die vasstelling van die persentasie swart aandeelhouding, stemregte en ekonomiese belang, moet die deur-vloei beginsel gebruik word, dien verstande dat:

- Pensioen fondse en staatsorgane word as neutraal beskou en die persentasie swart aandeelhouding moet bereken word sonder verwysing na aandele gehou deur sulke entiteite;
- Indien die persentasie swart aandeelhouding, stemregte of ekonomiese belang van 'n besondere aandeelhouer nie vasgestel kan word nie, moet gedetailleerde redes voorsien word;
- Vir doeleindes van vasstelling van stemregte, word 'n aandeelhouer geag 100% swart te wees as meer as 50% van daardie aandeelhouer besit word deur 'n natuurlike persoon wat swart is; en
- Die persentasie "aandeelhouding", "ekonomiese belang" en "stemregte" van swart persone in 'n trust moet vasgestel word met verwysing na die regte van begunstigdes in terme van die trustakte.

Die deur-vloei beginsel word as volg gedefinieer: "**Deur-vloei beginsel**" verwys na die navolging van ekonomiese voordele by die vasstelling van 'n telling vir SEB eienaarskap. Daar word 'n telling aan entiteite toegeken op grond van die geregtigheid van swart persone om stemregte uit te oefen en om deel te neem aan die ekonomiese belang van die besigheid. Die doel van die deur-vloei beginsel is om te verseker dat punte op 'n uniforme wyse toegeken word aan alle maatskappye, ongeag hulle struktuur, met

betrekking tot hulle SEB eienaarskap. Die deur-vloei beginsel bepaal dat slegs stemregte en ekonomiese belange waarop swart mense wat natuurlike persone is geregtig is, in ag geneem word. Sou geregtigheid tot stemregte en/of ekonomiese belang deur 'n regspersoon gehou word, sal slegs stemregte en ekonomiese belang waarop swart mense geregtig is in daardie regspersoon in ag geneem word. Dieselfde beginsel word konsekwent toegepas regdeur die eienaarskapsketting met betrekking tot regspersone totdat die ketting doodloop in die geregtigheid van die natuurlike persoon, wat 'n swart persoon is, op sulke stemregte en/of ekonomiese belange.

"Indirekte Eienaarskap" beteken eienaarskap van 'n ekwiteitsbelang in 'n onderneming waar so 'n ekwiteitsbelang die houer geregtig maak om deel te neem in die ekonomiese belang (soos dividende) wat vloei na die aandeelhouders van daardie onderneming, maar nie direk in die stemregte van daardie onderneming nie. Stemregte kan indirek uitgeoefen word deur 'n gelybuis soos 'n trust of 'n pensionerings-skema.

Indirekte eienaarskap moet in ag geneem word vir doeleindes van die bepaling van die persentasie swart aandeelhouding, en indien van toepassing, die persentasie ekonomiese belang en stemregte gehou deur 'n swart persoon in die aansoeker. As geen stemregte gekoppel is aan indirekte eienaarskap van ekwiteit nie, dan mag swart eienaarskap van sodanige ekwiteit nie in ag geneem word wanneer swart stemregte vasgestel word nie. Waar die stemregte egter bloot indirek uitgeoefen word (deur 'n gelybuis), moet swart eienaarskap van ekwiteit in ag geneem word wanneer swart stemregte vasgestel word.

Voorbeeld: Die aansoeker het vier aandeelhouders. Een van hierdie aandeelhouders is 'n natuurlike persoon genaamd AA, wat 'n swart persoon is en 10% van die ekonomiese belang en stemregte besit. Twee van die ander aandeelhouders is maatskappye en die derde is 'n pensioenfonds. Maatskappy A hou 30% van die aandele en is 51% besit deur 'n swart persoon en 49% deur 'n wit persoon. Maatskappy B hou 40% van die aandele en is 40% besit deur 'n natuurlike persoon wat wit is en 60% besit deur Maatskappy Z, wat op sy beurt 80% besit word deur 'n wit persoon en 20% deur 'n swart persoon. Die Pensioenfonds hou die oorblywende 20% van die uitgereikte aandele. Die persentasie swart aandeelhouding, stemreg en ekonomiese belang is as volg:

Jaar 2005 (op datum van aansoek)	Persentasie aandeelhouding gehou deur Swart persone	Persentasie stemreg gehou deur swart persone	Persentasie ekonomiese belang gehou deur swart aandeelhouders (geregtigheid op dividende)
	37.625	56	37.625

AA dra 12.5% (10/80) by tot al drie kategorieë, Maatskappy A dra 19.125% (30/80 X 51/100) by tot aandeelhouding en ekonomiese belang en 37.5% (30/80 X 100) tot stemregte. Maatskappy B dra 6% (40/80 X 60/100 X 20 /100) by tot al drie kategorieë en die pensioenfonds word buite rekening gelaat.

6.7.2

Die aandeelhouding, stemregte en ekonomiese belang van vrouens word bereken op dieselfde wyse soos verduidelik onder afdeling 6.7.1 hierbo. Weereens moet die afdeling beantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting aangaande houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie tensy hierdie entiteite ekwiteit hou in die aansoeker en hierdie die inligting in ag geneem moet word wanneer die deur-vloei beginsel toegepas word.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

Hierdie afdelings moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting aangaande houer entiteit, suster maatskappye en GO vennote mag nie in ag geneem word nie.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Neem kennis: moenie die skadu areas van die vorm voltooi nie

Hierdie afdelings moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting rakende GO vennote mag nie in ag geneem word nie. Die deur-vloei beginsel het natuurlik geen toepassing op beslote korporasies nie. Die persentasie stemregte en winsdistribusie moet vasgestel word met verwysing na die samewerkingsooreenkoms van die beslote korporasie. Indien geen so 'n ooreenkoms bestaan nie of indien die ooreenkoms swyg oor die kwessie dan moet daar aanvaar word dat stemregte en ekonomiese belang dieselfde is as die persentasie ledebelang.

6.9

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die mate waartoe die teikens gestel in die Transformasie Plan ingedien as deel van die 2001 aansoekproses bereik is. Die afdeling moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting rakende houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie.

6.10 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende nakoming van artikel 3 van die Wet op Heffings op Vaardighedsontwikkeling 9 van 1999. Die vrae in die eerste twee kolomme (die indiening / goedkeuring van 'n

Werkplekvaardigheidsplan en 'n Jaarlikse Opleidingsverslag) moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Met betrekking tot die laaste drie kolomme (randhoeveelheid betaal aan SAID, persentasie van betaalrol spandeer op opleiding en persentasie van opleidingsbegroting spandeer op swart werknemers), indien die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die betaalrolle van al die GO vennote in die aanhangsel verskaf word en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te verskaf. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo) moet die betaalrolle van die houer-entiteit, die aansoeker en enige suster maatskappye ook meer as 50% besit deur die houer-entiteit, verskaf word in die aanhangsel en moet die tabel voltooi word deur die verskaffing van die saamgesmelte besonderhede van die groep (houer-entiteit, aansoeker en sustermaatskappye) maatskappye.

Ten einde die "persentasie van betaalrol spandeer op opleiding" te bereken deel die werklike jaarlikse hoeveelheid spandeer op opleiding deur die totale jaarlikse betaalrolkoste en vermenigvuldig die resultaat met 100 om die persentasie vas te stel.

Voorbeeld

Maatskappy X het 'n jaarlikse betaalrol van R 1 000 000,00. Die maatskappy het R 10 000,00 op opleiding spandeer op alle werknemers. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om aan te toon of dit deelgeneem het aan 'n leerskapprogram in 2004. Deelname aan 'n leerskap program beteken dat die aansoeker 'n leerskapooreenkoms geregistreer het met die SEOO ("SETA") ooreenkomstig die Regulasies Aangaande die Registrasie van Voorgenome Leerskappe en Leerskapooreenkomste gepubliseer onder die Wet op Vaardigheidsontwikkeling 97 van 1998 in Staatskenningsgewing No. R. 330 van 3 April 2001. Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO. Die persentasie swart eienaarskap, verwys na in afdeling 6.22, moet bereken word soos hierbo beskryf in afdeling 6.7.1.

AFDELING 7: VEILIGHEID

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende veiligheid, insluitend die vereistes van die Suid Afrikaanse Maritieme Veiligheidsowerheid.

7.1

Artikels 312 en 313 van die Handelskeepvaartwet, 57 van 1951 skep sekere oortredings insluitende die versuim om te voldoen aan 'n verpligting onder die Wet soos die verpligting om te verseker dat onseewaardige vaartuig nie die hawe verlaat nie en die versuim om 'n vaartuig behoorlik te beman.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

Die Maritieme Beroepsveiligheidsregulasies, 1994, die Bemannings Akkomodasie Regulasies, 1961 and the Handelskeepvaart (Veilige Bemanningregulasies) is uitgevaardig in terme van die Handelskeepvaartwet 57 van 1951. Hulle is beskikbaar by www.mcm-deat.gov.za. Mariene Kenningsgewing No 26 van 2004 is ook op die webwerf beskikbaar.

7.9

Nakoming van die Wet op Vergoeding vir Beroepsbeserings en Siektes 130 van 1993 beteken nakoming van Artikels 80 tot 88 van die Wet wat as volg voorsien:

"Werkgewer moet by kommissaris registreer en aan hom besonderhede verstrek."

- (1) 'n Werkgewer wat 'n besigheid in die Republiek dryf, moet by die kommissaris binne die voorgeskrewe tydperk en op die voorgeskrewe wyse registreer, en moet aan die kommissaris die voorgeskrewe besonderhede van sy besigheid verstrek, en moet binne 'n tydperk deur die kommissaris bepaal die bykomende besonderhede verstrek wat die kommissaris verlang.
- (2) Die besonderhede bedoel in subartikel (1) moet afsonderlik verstrek word ten opsigte van elke besigheid wat deur die werkgewer gedryf word.
- (3) 'n Werkgewer moet die kommissaris van enige verandering van die aldus verstrekte besonderhede binne sewe dae na sodanige verandering in kennis stel.

Werkgewer moet rekord hou.

(1) 'n Werkgewer moet 'n register of ander rekord hou van die verdienste en ander voorgeskrewe besonderhede van al die werknemers, en moet daardie register of rekord of 'n mikrofilm- of ander mikroformreproduksie daarvan te alle redelike tye op versoek aan 'n gemagtigde persoon bedoel in artikel 7 ter insae voorlê.

Bydraes deur werkgewers individueel aanspreeklik en onderlinge verenigings.

(1) Ondanks enige andersluidende bepaling van hierdie Wet moet die werkgewers individueel aanspreeklik en die onderlinge verenigings aan die Direkteur-generaal op die wyse en tye wat hy bepaal, jaarliks sodanige deel as wat hy billik ag, betaal van die uitgawe wat hy by die uitvoering van die bepalings van hierdie Wet aangegaan het.

7.13

Die Wet op Marlene Besoedeling (Voorkoming van Besoedeling deur Skepe) Wet 2 van 1986 en die Wet op Marlene Besoedeling (Beheer en Siviele Aanspreeklikheid) Wet 6 van 1981 is beskikbaar by www.mcm-deat.gov.za.

AFDELING 8: WERKSKEPPING**8.1.1 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.**

Die oogmerk van hierdie afdeling is om die aantal werksgeleenthede verskaf deur die aansoeker, en die totale hoeveelheid spandeer op salarisse gedurende die medium termyn regteperiode in die sektor waarvoor aansoek gedoen word vas te stel. Die inligting moet gebruik word om die aantal werksgeleenthede verskaf per vaartuig toegeken in die betrokke sektor vas te stel (in afdeling 8.1.3) en die hoeveelheid spandeer op salarisse per vaartuig toegeken in die betrokke sektor (in afdeling 8.1.2). Ten einde die aantal werksgeleenthede en hoeveelheid spandeer op salarisse per eenheid toegeken in die betrokke sektor vas te stel, mag aansoekers (of hulle houer-entiteite of sustermaatskappye en GO vennote) wat betrokke is in industrieë buiten die visvangbedryf nie werksgeleenthede verskaf of salarisse spandeer in sulke industrieë in ag neem nie en aansoekers betrokke in ander sektore van die visvangbedryf mag nie werksgeleenthede verskaf of salarisse spandeer in daardie sektore in ag neem nie.

Aansoekers betrokke in ander industrieë buiten die visvangbedryf moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid aan salarisse spandeer in die visvangbedryf en ander industrieë voorsien. Slegs werksgeleenthede verskaf of hoeveelheid spandeer aan salarisse in die visvangbedryf mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aansoekers betrokke in ander visvangsektore moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid aan salarisse spandeer in die sektor voorsien. Slegs werksgeleenthede verskaf of hoeveelheid spandeer aan salarisse in die sektor waarvoor aansoek gedoen word mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aangesien dit moeilik is om akkuraat die presiese aantal werknemers en hoeveelheid aan salarisse spandeer op 'n sektorale basis vas te stel, sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling gebruik word in enige ander aansoek gebring deur die aansoeker.

As die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslore korporasie, of as meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslore korporasie (vasgestel op die wyse uiteengesit in afdeling 6.7.1), dan mag al die werksgeleenthede voorsien of hoeveelheid spandeer aan salarisse deur die GO vennote of die groep (m.a.w. die aansoeker, die houer entiteit en suster maatskappye) in ag geneem word, met dien verstande dat dieselfde beginsels hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvang sektore mag nie werksgeleenthede verskaf of hoeveelheid spandeer aan salarisse in ander industrieë of sektore in ag neem nie. Slegs werksgeleenthede verskaf of hoeveelheid spandeer op salarisse in die betrokke sektor deur die GO of groep mag in ag geneem word wanneer afdeling 8.1.1 voltooi word. Indien van toepassing, moet 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid spandeer op salarisse in die visvangbedryf en ander industrieë of 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid spandeer aan salarisse in die betrokke sektor en ander sektore verskaf word in die aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n visvangreg deur die aansoeker of enige lid van die GO of groep. Daar mag geen dubbele aanspraak op werksgeleenthede gemaak word nie. Met ander woorde, die aantal werksgeleenthede waarop aanspraak gemaak word in al die aansoeke van die lede van die GO of groep mag nie meer wees as die totale aantal werksgeleenthede verskaf deur die GO of groep nie.

8.1.2 en 8.1.3:

Hierdie afdelings vereis van aansoekers om besonderhede te voorsien rakende werksgeleenthede en salarisse voorsien per vaartuig toegeken op die basis van die inligting voorsien in afdeling 8.1.1 hierbo.

8.1.4 Neem kennis: moenie die skadu areas voltooi nie en as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of Gesamentlike-Onderneming.

AFDELING 9: BELEGGING**9.1.1 and 9.1.2**

Neem kennis: moenie die skadu areas voltooi nie en as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die randwaarde van die hawe en see-gebaseerde bates van die aansoeker in die sektor waarvoor aansoek gedoen word te bepaal. Dit sal gebruik word om die waarde van die hawe en see-gebaseerde bates per vaartuig toegeken in die betrokke sektor vas te stel (in afdelings 9.1.3 and 9.1.4). Ten einde die waarde van bates per eenheid in die betrokke sektor vas te stel mag aansoekers (of die houer-entiteit of suster maatskappye en GO vennote) betrokke in ander industrieë as die visvangbedryf nie bates gebruik in ander industrieë in ag neem nie.

Aansoekers betrokke in industrieë buiten die visvangbedryf moet 'n uiteensetting verskaf van bates gebruik in die visvangbedryf en in ander industrieë in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die visvangbedryf mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van bates gebruik op 'n per sektor basis verskaf in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die sektor waarvoor aansoek gedoen word mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aangesien dit moeilik is om akkuraat bates toe te deel op 'n per sektor basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek vir 'n kommersiële visvangreg deur die aansoeker gedurende die langtermyn regtetoekenningsproses.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag al die bates gebruik deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie bates in ag neem wat in ander industrieë of sektore gebruik word nie. Slegs bates gebruik in die betrokke sektor deur die GO of groep mag in ag geneem word met die voltooiing van afdelings 9.1.1 en 9.1.2. Indien van toepassing, moet 'n uiteensetting van bates gebruik in die visvangbedryf en ander industrieë of bates gebruik in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel (apart vir boek en versekerde waardes). 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op bates gemaak word nie. Met ander woorde, die waarde van die bates waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale waarde van die bates gebruik deur die lede van die GO of groep in die visvangbedryf nie.

9.1.3:

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die waarde van beleggings gemaak per vaartuig toegeken. Die inligting verskaf in afdeling 9.1.1. moet gebruik word.

AFDELING 10: PLAASLIKE EKONOMIESE ONTWIKKELING

Hierdie afdeling vereis van die aansoeker om inligting te verskaf aangaande die landing van vangste by hawens/landingsgebiede (met betrekking tot hierdie visserij) in 2004, en voornemens rakende die landing van vangste. Gebruik nominale tonnemaat (nie die gewig nadat die koppe verwyder en die vis geveel is etc nie).

10.1:

Hierdie vraag vereis van die aansoeker om gedetailleerde inligting aangaande die hawens waar vangste geland is in 2004 te verskaf.

AFDELING 11: WAARDETOEVOEGING & ONDERNEMINGSONTWIKKELING

Hierdie afdeling vereis van aansoekers om inligting te verskaf aangaande waardetoevoeging en ondernemingsontwikkeling aktiwiteite wat die aansoeker onderneem het. Waarde toevoeging sluit aanboord prosessering in.

Ondernemingsontwikkeling kan verskeie vorme aanneem insluitend direkte belegging in KMMOs (klein, medium of mikro ondernemings) wat in Swart Besit is of Swart Bemagtig is; Gesamentlike-Ondernemings met KMMOs wat in Swart Besit is en Swart Bemagtig is en wat "substantiewe" vaardigheidsoordrag as gevolg het; die voorsiening van mentorskap, besigheidsverhoudings en verbindings wat op hulle beurt besigheidsgeleenthede aan hierdie ondernemings verskaf; tweeling-inisiatiewe met KMMOs wat in swart besit is en swart bemagtig is wat kostebesparing tot gevolg het of die generering van omset vir daardie KMMO's tot gevolg het.

"KMMO in Swart Besit" beteken 'n klein, medium of mikro onderneming (minder as 100 voltydse werknemers en minder as R5 miljoen omset en minder as R4 miljoen se bruto bate waarde, vaste eiendom uitgesluit) wat meer as 50% swart eienaarskap het (indien 'n maatskappy bereken soos uiteengesit in afdeling 6.7.1 hierbo en indien 'n beslote korporasie, bereken met verwysing na ledebelang) en meer as 50% swart bestuur het (top en senior bestuur / senior beamptes, vasgestel met verwysing na die benadering tot beroepskategorieë soos uiteengesit in afdeling 6.5 hierbo).

"Swart Bemagtigde KMMO" beteken 'n klein, medium of mikro onderneming (minder as 100 voltydse werknemers en minder as R4 miljoen in omset en minder as R4 miljoen se bruto bate waarde, vaste eiendom uitgesluit) wat meer as 25% swart eienaarskap het (indien 'n maatskappy bereken soos uiteengesit in afdeling 6.7.1 hierbo en indien 'n beslote korporasie, bereken met verwysing na ledebelang) en meer as 50% swart bestuur het (top en senior bestuur / senior beamptes, vasgestel met verwysing na die benadering tot beroepskategorieë soos uiteengesit in afdeling 6.5 hierbo).

AFDELING 12: FINANSIËLE PRESTASIE

12.1 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Dieselfde beginsel soos verduidelik in afdelings 8.1.1 en 9.1.1 moet gebruik word. Die oogmerk van hierdie afdeling is om die omset van die aansoeker vas te stel vir die sektor waarvoor aansoek gedoen word. Aansoekers betrokke in ander industrieë as die visvangbedryf mag nie omset gegenereer in sulke ander industrieë in ag neem nie. Meer spesifiek, aansoekers betrokke in industrieë anders as die visvangbedryf moet 'n uiteensetting verskaf in die aanhangsel van omset in die visvangbedryf en in ander industrieë. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 12.2 voltooi word. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van omset verskaf in die aanhangsel op 'n per sektor basis. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 12.2 voltooi word. Aangesien dit moeilik is om akkuraat omset te verdeel op 'n sektorale basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek gebring deur die aansoeker. Met ander woorde, dieselfde uiteensetting moet deur die aansoeker verskaf word in aansoeke vir kommersiële regte in ander sektore.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag die totale omset gegenereer deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie omset in ag neem wat in ander industrieë of sektore genereer word nie. Slegs omset genereer in die betrokke sektor deur die GO of groep mag in ag geneem word. Indien van toepassing, moet 'n uiteensetting van omset genereer in die visvangbedryf en ander industrieë of omset gegenereer in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op omset gemaak word nie. Met ander woorde, die omset waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale omset genereer deur die lede van die GO of groep in die visvangbedryf nie. Die finansiële state van al die lede van die groep of GO moet voorsien word in die relevante aanhangsel.

12.2 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Daar word van aansoeker vereis om die persentasie aan te dui van sy totale omset verkry van die visserij waarvoor aansoek gedoen word. In die tweede kolom moet die aansoeker die syfer invul wat in afdeling 12.1 bepaal is. In die derde kolom, moet die aansoeker die total omset van die aansoeker (of, indien toepaslik, die groep of GO) gebruik, insluitende omset gegenereer buite die visbedryf, ten einde die persentasie te bereken.

12.3

Hierdie afdeling vereis van die aansoeker om finansiële prestasie-verhoudings uiteen te sit. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke). Hierdie verhoudings moet as volg bereken word.

Opbrengs op Netto Bates

$$\text{OONB} = \frac{\text{Bedryfswins}}{\text{Netto Bedryfsbates}} = \frac{\text{Bedryfswins}}{\text{Verkope}} \times \frac{\text{Verkope}}{\text{Netto Bedryfsbates}}$$

Skuld: Ekwiteit Verhouding: $\frac{\text{Skuld}}{\text{Ekwiteit}}$

Bedryfs Verhouding: $\frac{\text{Bedryfsbates}}{\text{Bedryfslaste}}$

Vuurproef Verhouding: $\frac{\text{Bedryfsbates} - \text{Voorraad}}{\text{Bedryfslaste}}$

12.4, 12.5 and 12.6

Hierdie vrae vereis van die aansoeker om inligting te verskaf van sy geouditeerde of geverifieerde finansiële state. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke).

AFDELING 13: VISVANGPLAN

Hierdie afdeling vereis die aansoeker om inligting te verskaf aangaande sy visvangplan.

AFDELING 14: BYVANGSTE AND OMGEWINGSVOLHOUBARE PRAKTYKE

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende byvangste en omgewingsvolhoubare praktyke.

AFDELING 15: HEFFINGS

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende heffings betaal gedurende die mediumtermyn regteperiode.

EXPLANATORY NOTES – EXPERIMENTAL PERMIT HOLDERS PATAGONIAN TOOTHFISH

THE PURPOSE OF THE EXPLANATORY NOTES IS TO ASSIST APPLICANTS IN COMPLETING A NUMBER OF SECTIONS IN THE APPLICATION FORM. SOME SECTIONS ARE CONSIDERED TO BE SELF-EXPLANATORY AND ARE NOT COVERED IN THESE EXPLANATORY NOTES.

The MLRA is the Marine Living Resources Act 18 of 1998. A copy is available on the Department's website www.mcm-deat.gov.za.

SECTION 1: APPLICANT DETAILS

Sections 1.1 to 1.7 must be completed by all applicants. The applicant was required to provide the details required by sections 1.8.1 to 1.8.7d when it registered for an application form at www.mcm-deat.gov.za. These sections need only be completed if the applicant's details have changed since registration.

SECTION 2: FORM OF APPLICANT

2.1, 2.2 and 2.3

The aim is to determine whether the applicant should be treated as a potential new entrant or as an experimental permit holder. The delegated authority will recognise as experimental permit holders only those entities that were recipients of experimental permits in 2004 or the sole successors of those entities.

If the applicant is the same entity as the one specified in 2.2 (the recipient of the experimental permit in 2004) and in 2.3 (the current experimental permit holder), the applicant obviously qualifies to be treated as an experimental permit holder. In some instances, however, the permit allocated in 2004 may have been transferred, or the permit may have been allocated to a trust or a natural person with the result that application must now be made in the form of a close corporation or a company. In these and all other instances where the applicant and the entity in 2.2 and 2.3 is not the same entity, the applicant must demonstrate that it is the sole successor of the entity that received the permit in 2004, in order to qualify as an experimental permit holder. The delegated authority will not recognise more than one entity as the successor to the entity that received the permit in 2004.

2.4

In terms of section 18 of the MLRA, commercial fishing rights may only be granted to a South African person, which is a term defined in section 1 of the Act. The aim of this section is to determine whether the applicant meets the requirements of this definition. In the case of a company or a close corporation, the majority of the shareholders or members must be South African persons.

2.7, 2.8

In terms of paragraph 7.5 of the General Policy, a medium term right holder applicant (which must be read to include the holder of an experimental permit) may not hold shares in a potential new entrant applicant in the same sector. The aim of this section is to determine whether this requirement is adhered to and to establish shareholder linkages between various medium term right holder applicants.

SECTION 3: COMPLIANCE

3.1.1, 3.1.2 3.1.3 and 3.1.4 **Note: a "yes" answer will be presumed if the applicant fails to answer the question**

In terms of the General policy and the applicable Fishery specific policies, various consequences may be attached to contraventions of the MLRA, the regulations or permit conditions, including the exclusion of the applicant and negative scoring. The aim of this section is to determine whether the applicant has been convicted of any such contravention and to assess the seriousness of the contravention.

3.2 **Note: a "yes" answer will be presumed if the applicant fails to answer the question**

Applicants must answer "yes" to the question, even if the asset detained, arrested or seized in terms of the MLRA or restrained or preserved in terms of the Prevention of Organised Crime Act, was later released. The circumstances surrounding the detention, arrest, seizure or restraint or preservation order and the outcome of the process, i.e. whether the asset was confiscated or forfeited to the State, must be dealt with in the annexure.

3.3 Note: a "yes" answer will be presumed if the applicant fails to answer the question

Applicants must answer "yes" to the question only if the applicant's permit in this fishery has been revoked, cancelled, reduced or altered under section 28(3) of the MLRA. The circumstances must be explained in the annexure.

SECTION 4: VESSEL DETAILS

This section requires the applicant to furnish the details of each vessel nominated by the applicant. If the requested details are not available, the reasons for this must be explained in the annexure.

SECTION 5: CATCH UTILISATION

5.1 Note: a "yes" answer will be presumed if the applicant fails to answer the question

An applicant that has over- or under-caught its own allocation by more than 10% in any given year over the duration of the experimental permit period must answer "yes" to this question. The reasons must be provided in the annexure.

5.2

This section requests details regarding the applicant's catch records during the experimental permit period. Applicants must not answer the question with reference to the Department's catch records. In the second column, the annual catch allocation for the three years must be completed and in the third column the actual catch must be specified in tons (nominal weight must be specified, and not landed weight or weight after the fish was headed and gutted etc). If a permit was not issued to the applicant for any year, the applicant must indicate 100% under-caught.

Example

Year	Annual Catch Allocation (in tons)	Total Caught of Applicant's allocation (tons)	Percentage under-caught	Percentage over-caught
2003 season	1 000	1 100	0%	10%

Actual tonnage caught (1 100 tons) minus total allowable catch allocated (1 000 tons) = 100. To establish the percentage, divide the difference by the TAC allocated and multiply it by 100. i.e. $(100/1000) \times 100 = 10\%$.

SECTION 6: TRANSFORMATION

6.1 and 6.2.1

The aim of these sections is to determine whether the applicant is required to comply with the Employment Equity Act. If required to comply, the next question is whether the applicant has fulfilled its duties under the Act. For purposes of answering these sections, only the applicant's data (and not the data of its holding company or JV partners) must be taken into consideration.

"Designated" employers are required to comply with the Act. A designated employer, in terms of section 1 of the Employment Equity Act is:

- an employer who employs 50 or more employees;*
- an employer who employs fewer than 50 employees, but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of Schedule 4 of this Act. [which is R2 million per annum]; or*
- ...*
- ...*
- an employer bound by a collective agreement in terms of section 23 or 31 of the Labour Relations Act, which appoints it as a designated employer in terms of this Act, to the extent provided for in the agreement;*

In terms of section 13 of the Employment Equity Act, the duties of designated employers are as follows:

- Every designated employer must, in order to achieve employment equity, implement affirmative action measures for people from designated groups in terms of this Act.*
- A designated employer must-*
 - consult with its employees as required by section 16;*
 - conduct an analysis as required by section 19;*
 - prepare an employment equity plan as required by section 20; and*
 - report to the Director-General on progress made in implementing its employment equity plan, as required by section 21.*

6.3.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

The aim of this section is to determine the composition of the management of the applicant. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the details of the board of directors/members of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of both entities. If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then details of the boards of directors or members of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of all the JV partners.

6.3.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details regarding employees that earn the highest salaries (calculated on a total cost to company basis). This information will be treated as confidential and may be submitted separately in the sealed envelope.

As in section 6.3.1 above, if the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then details of the highest salary earners of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the highest salary earners of both entities. If the Applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then details of the highest salary earners of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners.

Total cost to company includes benefits and bonuses, but excludes dividends. Applicants that employ 165 or fewer employees must provide the details of their top salary earners as indicated in the table in the application form. Applicants that employ more than 165 people must first determine the top 3% and then provide details of those employees (up to a maximum of 90). Designation or actual title held by the employee, as indicated on the organogram or organizational structure, must be provided.

Example: If the applicant employs 2500 people, the applicant determines the top 3% by multiplying this number by 0.03 ($2500 \times 0.03 = 75$). The applicant must then provide the details of those 75 employees. The applicant must not provide the details of more than 90 employees, regardless of the number of employees the applicant has in the top 3%.

If applicable, the number of employees of holding entities or JV partners must be added to the number of employees of the applicant, as set out in the example below.

Example: If the applicant employs 75 people, and the holding entity employs 125 people, the two entities combined employ 200 people. The applicant must determine the top 3%: $200 \times 0.03 = 6$. The details of the two entities should be merged, and the details of the top six salary earners of the merged list should be entered in the table at 6.3.2.

6.4.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details of income levels within the organization at 28 February 2005.

As in sections 6.3.1 and 6.3.2 above, if the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then the salary levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the salary levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holding entity and sister company) of companies.

Example

1	Monthly Income	Number of employees in this level (total of Group or JV, if applicable)	Percentage of Total Employees	Number of Black Employees in this level (total of Group or JV, if applicable)	Percentage of Total Black Employees	Number of Female Employees in this level (total of Group or JV, if applicable)
	< R 2 500	100	80%	80	90 %	70

Divide the employees in this income level by the total number of employees, and multiply by 100

Divide the number of black employees in this income level by the total number of black employees, and multiply by 100

6.5 Note: if the Applicant relies on information of other entities the authorised representative of the entity must attest to the declaration in section 16

This question requires the applicant to complete the employment equity profile of the applicant in respect of occupational levels. Designated employers and employers that comply voluntarily with the Employment Equity Act should complete the table with the figures submitted in October 2004 to the Department of Labour. Employers that are not designated should complete the tables with reference to its employees at 28 February 2005 and having regard to the definitions of the occupational levels set out in annexure 2 of the Regulations to the Employment Equity Act. Annexure 2 provides as follows:

Employment Equity Act 55, 1998

WHAT IS THE PURPOSE OF THIS ANNEXURE?

Job evaluation or grading systems are used by many organisations to measure jobs according to their content and establish comparative worth between jobs.

This annexure provides a table of equivalent occupational levels which may be used by employers when completing forms EEA 2 and EEA 4.

INSTRUCTIONS

The table [below] indicates the occupational levels within organisations as determined through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.

Organisations that make use of neither one of the job evaluation systems [in the table below], nor a customised system linked to one of these, should use the Semantic Scale for guidance in determining occupational levels within that organisation.

Equivalent occupational levels

Semantic Scale	Paterson		Peromnes	Hay	Castellion
Top Management	F	F	[++]+		14
Senior Management	E	E UPPER	1	1	13
		E LOWER	2 3	2	
Professionally qualified, experienced specialists and mid-management	D	D UPPER	4	3	12
		D LOWER	5		11
			6	4	13
Skilled technical and academically qualified workers, junior management, supervisors, foremen, superintendents	C	C UPPER	7	5	9
			8	6	
			9	6A	
		C LOWER	10	7	
			11	8	
			12		
Semi-skilled and discretionary decision making	B	B UPPER	13	9	7
		B LOWER	14	10	6
			15	11	5
			16		4
Unskilled and defined decisionmaking	A	A	17	12	3
			18	13	2
			19		1

As in section 6.4.1 above, if the applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the occupational levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the occupational levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holder entity and sister company) of companies.

Example

If Company A is a designated employer, the data submitted in the October 2004 EEA 2A form should be completed in the table. If Company A is not a designated employer, the occupational levels of employees should be determined in the manner set out above as at 28 February 2005 and the table completed with this data.

Once the number of employees per level is determined, the percentages are to be worked out. For example, Company A employs seven senior officials and managers. Of the seven employees in the occupational category, 1 is an african male, 2 are coloured males, 2 are white males, 1 is an indian female and 1 is a white female. In order to determine the percentages take the number of employees from each designated group in the occupation level and divide it by the total number of employees in the occupational level and multiply by 100.

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

										Totals	
Occupational Categories		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Senior Officials and Managers (Total of JV or Group, if applicable)	Male	1	14%	2	28%	0	0%	2	28%	42%	
	Female	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to top and senior management / senior officials provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.6.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to professionally qualified and experienced specialists and mid-management provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.7.1 Note: do not complete the shaded areas of the table

This section requires applicants to provide details regarding the shareholding held by black persons and the unrestricted voting rights and economic interest (in the form of entitlement to dividends) attached to black shareholding in the Applicant (not the holding entity, group or JV partners unless this information is relevant for purposes of applying the flow-through principle). The chairperson of the board of directors of the applicant must submit an affidavit regarding the shareholding, the voting rights and the economic interest held by blacks in the applicant in the relevant annexure. In determining the percentage black shareholding, voting rights and economic interest, the flow through principle must be used, provided that:

- pension funds and organs of state are to be regarded as neutral and the percentage black shareholding should be calculated without reference to shares held by such entities;
- if the percentage black shareholding, voting rights or economic interest of a particular shareholder cannot be determined, detailed reasons must be provided;
- for purposes of determining voting rights, a shareholder is to be regarded as 100% black if that shareholder is owned more than 50% by a natural person who is black; and
- the percentage "shareholding", "economic interest" and "voting rights" of black persons in a trust must be determined with reference to the rights of beneficiaries in terms of the trust deed.

The flow through principle is defined as: "**Flow-through principle**" refers to the tracking of economic benefits when determining a score for BEE ownership. Entities are scored on the entitlement of black people to exercise voting rights and to participate in the economic interest of the enterprise. The purpose of the flow-through principle is to ensure that all companies, regardless of their structure, are scored uniformly with respect to their BEE ownership. The flow-through principle states that only voting rights and economic interest to which black people who are natural persons are entitled, are taken into account. Should entitlement to voting rights and/or economic interest be held juristic persons, only voting rights and economic interest to which black natural persons are

entitled in that juristic person will be taken into account. The same principle is applied consistently throughout the chain of ownership with respect to juristic persons until such time as that chain terminates in the entitlement of the natural person, who is a black person, to such voting rights and/or economic interest."

"Indirect ownership" means ownership of an equity interest in an enterprise where such equity interest entitles the holders to participate in the economic interest (such as dividends) flowing to the shareholders of that enterprise, but not directly in the voting rights of that enterprise. Voting rights can be exercised indirectly through a conduit such as a trust or a superannuation scheme.

Indirect ownership must be taken into account for purposes of measuring the percentage black shareholding and, if applicable, the percentage economic interest and voting rights held a black person in the applicant. If no voting rights are attached to indirectly owned equity, then black ownership of such equity may not be taken into account when determining black voting rights. However, where the voting rights are merely exercised indirectly (through a conduit), black ownership of the equity must be taken into account when determining black voting rights.

Example: The applicant has four shareholders. One of these shareholders is a natural person named AA, who is black and owns 10% of the economic interest and voting rights. Two of the other shareholders are companies and the third is a pension fund. Company A holds 30% of the shares and is 51% owned by a black person and 49% by a white person. Company B holds 40% of the shares and is 40% owned by a natural person who is white and 60% owned by company Z, that is in turn 80% owned by a white person and 20% by a black person. The Pension Fund holds the remaining 20% of the issued shares. The percentage black shareholding, voting rights and economic interest is as follows:

Year 2005 (at date of application)	Percentage Shareholding held by black persons	Percentage voting rights held by black shareholders	Percentage economic interest held by black shareholders (entitlement to dividends)
	37.625	56	37.625

AA contributes 12.5% (10/80) to all three categories, Company A contributes 19.125% (30/80 X 51/100) to shareholding and economic interest and 37.5% (30/80 X 100) to voting rights, Company B contributes 6% (40/80 X 60/100 X 20/100) to all three categories and the pension fund is disregarded.

6.7.2

The shareholding, voting rights and economic interest of women are calculated in the same manner as described under section 6.7.1 above. Again, the section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account unless these entities hold equity in the applicant and this information must be taken into account when applying the flow-through principle.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

These sections must be answered with reference to the data of the applicant alone. Information relating to holding entities, sister companies and JV partners may not be taken into account.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Note: do not complete shaded areas of the form

These sections must be answered with reference to the data of the applicant alone. Information relating to JV partners may not be taken into account. The flow-through principle obviously has no application to close corporations. The percentage voting rights and profit distribution must be determined with reference to the membership agreement of the close corporation. If no such agreement exist or the agreement is silent on the issue, then voting rights and economic interest must be taken to be the same as the percentage membership interest.

6.9

This question requires the applicant to provide information on the extent to which it has achieved the targets set in the Transformation Plan submitted as part of the 2001 application process. The section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account.

6.10 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This section requires the applicant to provide information relating to compliance with section 3 of the Skills Development Levies Act 9 of 1999. The questions in the first two columns (the submission/approval of a Workplace Skills Plan and an Annual Training Report) must be answered with reference to the data of the applicant alone. In respect of the last three columns (rand amount paid to SARS, percentage salaries bill spent on training and percentage of training budget spent on black employees), if the

applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the salary bills of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above) then the salary bills of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (holding entity, applicant and sister companies) of companies.

To determine the "percentage of payroll spent on training" divide the actual annual amount spent on training by the total annual payroll cost and multiply the result by 100 to determine the percentage value.

Example

Company X has an annual salary bill cost of R 1 000 000,00. The company has spent R 10 000,00 on training for all employees. $(R10\ 000,00/R1\ 000\ 000) = 0.001 \times 100 = 1\%$.

6.11 Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This question requires the applicant to indicate whether it participated in a learnership programme in 2004. Participation in a learnership programme means that the applicant has registered a learnership agreement with the SETA as per the Regulations Concerning the Registration of Intended Learnerships and Learnership Agreements published under the Skills Development Act 97 of 1998 in Government Notice No. R. 330 of 3 April 2001. If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV. The percentage black ownership, referred to in section 6.22, must be calculated as described above in section 6.7.1.

SECTION 7: SAFETY

This section requires the applicant to provide information that relates to safety, including the requirements of the South African Maritime Safety Authority.

7.1

Sections 312 and 313 of the Merchant Shipping Act, 57 of 1951 creates certain offences including the failure to comply with a duty under the Act such as the duty to ensure that an unseaworthy vessel does not leave port and the failure to properly man a vessel.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

The Maritime Occupational Safety Regulations, 1994, the Crew Accommodation Regulations, 1961 and the Merchant Shipping (Safe Manning Regulations) were passed in terms of the Merchant Shipping Act, 57 of 1951. These are available at www.mcm-deat.gov.za. Marine Notice No 26 of 2004 is also available at the website.

7.9

Compliance with the Compensation for Occupational Injuries and Diseases Act 130 of 1993 means compliance with Sections 80 to 88 of the Act which provides as follows:

"Obligations of employers to register with commissioner and to furnish him with particulars

- 1) An employer carrying on business in the Republic shall within the prescribed period and in the prescribed manner register with the commissioner, and shall furnish the commissioner with the prescribed particulars of his business, and shall within a period determined by the commissioner furnish such additional particulars as the commissioner may require.
- 2) The particulars referred to in subsection (1) shall be furnished separately in respect of each business carried on by the employer.
- 3) An employer shall within seven days of any change in the particulars so furnished notify the commissioner of such change.

Obligations of employers to keep record

An employer shall keep a register or other record of the earnings and other prescribed particulars of all the employees, and shall at all reasonable times produce such register or record or a microfilm or other microform reproduction thereof on demand to an authorized person referred to in section 7 for inspection.

Contributions by employers individually liable and mutual associations

Notwithstanding any provision to the contrary contained in this Act, the employers individually liable and the mutual associations shall pay annually to the Director-General in such manner and at such times as he may determine, such portion of the expenditure incurred by him in the administration of the provisions of this Act as he may deem equitable."

7.13

The Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 and the Marine Pollution (Control and Civil Liability) Act 6 of 1981 are available at www.mcm-deat.gov.za.

SECTION 8: JOB CREATION**8.1.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16**

The aim of this section is to establish the number of jobs provided by the applicant, and the total amount spent on salaries over the duration of the experimental permit period, in this sector. The information must be used to determine the number of jobs provided per ton of fish allocated in the sector concerned (in section 8.1.3) and the amount spent on salaries per ton allocated in the sector concerned (in section 8.1.2). In order to determine the number of jobs and amounts spent on salaries per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take jobs provided or salaries spent in such industries into account, and applicants involved in other sectors of the fishing industry may not take jobs provided or salaries spent in those sectors into account.

Applicants involved in industries other than the fishing industry must submit (in the annexure) a breakdown of jobs provided and salary amounts spent in the fishing industry and in other industries. Only jobs provided or the amounts spent on salaries in the fishing industry may be taken into account when completing section 8.1.1. Applicants involved in other fishing sectors must submit (in the annexure) a breakdown of jobs provided and amounts spent on salaries on a per sector basis. Only jobs provided and amounts spent on salaries in this sector may be taken into account when completing section 8.1.1. As it is difficult to accurately determine the exact number of employees and salaries spent on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant.

If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, or if the Applicant is more than 50% owned by another company or close corporation (determined in the manner specified in section 6.7.1), then all the jobs provided or amounts spent on salaries by the JV partners or the group (i.e. the applicant, the holding entity and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account jobs provided or amounts spent on salaries in other industries or sectors. Only jobs provided or amounts spent on salaries in the sector concerned by the JV or group may be taken into account when completing section 8.1.1. If applicable, a breakdown of jobs provided and amounts spent on salaries in the fishing industry and other industries or a breakdown of jobs provided and amounts spent on salaries in the sector concerned or other sectors must be provided in the annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a fishing right made by the applicant or any member of the JV or the group. There may be no double claiming of jobs. In other words, the number of jobs claimed in all applications made by members of the JV or group may not amount to more than the total number of jobs provided by the JV or group.

8.1.2 and 8.1.3:

These sections requires applicants to furnish details regarding jobs provided and salaries per ton allocated on the basis of the information provided in section 8.1.1 above.

Example

Annual Catch Allocation (in tons) to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on wages/salaries per ton allocated?
5 000	R1 000 000	R200

Divide the Total Annual Wage/Salaries Bill (1 000 000) by the TAC Allocated (5000) = R200 per ton.

Example

TAC Allocated in 2005 (in tons)	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated?
5 000	1 000	0.2

Divide the total number of employees provided in this fishery (1000), by the TAC allocated to the applicant (5000) [1000/5000=0.2]

8.1.4 Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, this section must be answered with reference to the merged data of all the entities in a group or a Joint Venture.

SECTION 9: INVESTMENT

9.1.1 and 9.1.2

Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

The aim of this section is to establish the rand value of harbour and sea-based assets of the applicant in the sector applied for. This will be used to determine the value of harbour and sea-based assets per ton of fish allocated in the sector concerned (in sections 9.1.3 and 9.1.4). In order to determine the value of assets per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take assets used in other industries into account.

Applicants involved in industries other than the fishing industry must provide a breakdown of assets used in the fishing industry and in other industries in the relevant annexure (separately for book and insured values). Only assets used in the fishing industry may be taken into account when completing sections 9.1.1 and 9.1.2. Applicants involved in other fishing sectors must provide a breakdown of assets used on a per sector basis in the relevant annexure (separately for book and insured values). Only assets used in the sector applied for may be taken into account when completing sections 9.1.1 and 9.1.2. As it is difficult to accurately apportion assets on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application for a commercial fishing right made by the applicant during the long term rights allocation process.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then all the assets used by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account assets used in other industries or sectors. Only assets used in the sector concerned by the JV or group may be taken into account when completing sections 9.1.1 and 9.1.2. If applicable, a breakdown of assets used in the fishing industry or other industries or a breakdown of assets used in the sector concerned and other sectors must be provided in the relevant annexure (separately for book and insured values). A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of assets. In other words, the value of assets claimed in all applications made by members of the JV or group may not amount to more than the total value of the assets used by members of the JV or group in the fishing industry.

9.1.3:

This question requires the applicant to provide information regarding the value of investment per ton allocated. The information provided in section 9.1.1. must be used.

Example

Company X was allocated a TAC of 5000 tons. The value of its harbour and sea-based assets at financial year end 2004 in the applicable sector was R5 000 000. The value of land based assets were R 4000 000. The value of harbour and sea-based assets per ton allocated to it is calculated as follows:

Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land based assets at 2004 financial year end	Book Value of Harbour and Sea-based Assets per ton allocated to the applicant	Book Value of Land-Based Assets per ton allocated to the applicant
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00
Divide the value of harbour and sea based assets (5 000 000) by the TAC allocated to the applicant in 2004 (5000) (5 000 000/5 000=R1 000)			Divide the total value of land based assets (4 000 000) by the TAC allocated to the applicant in 2004 (5000) (4 000 000/5 000=R800)	

SECTION 10: LOCAL ECONOMIC DEVELOPMENT

This section requires the applicant to provide information regarding the landing of catches at harbours/landing sites (in relation to this fishery) in 2004, and intentions regarding the landing of catches. Use nominal tons (not weight after the fish has been headed and gutted etc).

10.1:

This question requires the applicant to provide detailed information regarding harbours where it landed catches in 2004.

Example

Company X lands fish at various different harbours. Of its allocation of 20 tons it lands 5 tons in Mossel Bay, 10 tons in Port Elizabeth and 5 tons in Cape Town.

The calculation should done as follows:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004	Rand Value of Catch landed at Harbour in 2004	Percentage of Total Catch landed in 2004
Mossel Bay	5	R100 000	25 %
Port Elizabeth	10	R100 000	50 %
Cape Town	5	R150 000	25 %

Divide the catch(in this fishery) landed at each harbour by the total catch landed by the applicant and multiply by 100 to calculate this percentage (5/20 x100=30%)

SECTION 11: FINANCIAL PERFORMANCE

12.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The same principle as explained in sections 8.1.1 and 9.1.1 must be used. The aim of this section is to establish turnover of the applicant for the sector applied for. Applicants involved in industries other the fishing industry may not take turnover generated in such other industries into account. More specifically, applicants involved in industries other than the fishing industry must provide a breakdown of turnover in the fishing industry and in other industries in the annexure. Only turnover in the sector of fishing industry concerned may be taken into account when completing the second column of section 11.2. Applicants involved in other fishing sectors must provide a breakdown of turnover on a per sector basis in the annexure. Only turnover generated in the sector concerned may be taken into account when completing the second column of section 11.2. As it is difficult to accurately apportion turnover on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant. In other words, the same breakdown must be provided by the applicant in applications for commercial rights in other sectors.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then the total turnover generated by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account turnover generated in other industries or sectors. Only turnover generated in the sector concerned by the JV or group may be taken into account. If applicable, a breakdown of turnover generated in the fishing industry and other industries or a breakdown of turnover generated in the sector concerned and other sectors must be provided in the relevant annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of turnover. In other words, the turnover claimed in all applications made by members of the JV or group may not amount to more than the total turnover by members of the JV or group in the fishing industry. **The financial statements of all members of the JV or group must be provided in the relevant annexure.**

11.2 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The applicant is required to specify the percentage of its total turnover derived from the fishery applied for. In the second column the applicant must enter the figure determined in section 12.1 above. In the third column, the applicant must use the total turnover of the applicant (or, if applicable, the group or JV), including turnover generated outside the fishing industry, in order to determine the percentage.

11.3

This section requires applicants to provide financial performance ratios. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in). These should be calculated as follows:

Return on Net Assets

$$\text{RONA} = \frac{\text{Operating Profit}}{\text{Operating Profit}} \times \frac{\text{Sales}}{\text{Sales}}$$

Net Operating Assets

Sales

Net Operating Assets

Debt: Equity Ratio: $\frac{\text{Debt}}{\text{Equity}}$

Current Ratio: $\frac{\text{Current Assets}}{\text{Current Liabilities}}$

Acid Test: $\frac{\text{Current Assets} - \text{Inventory}}{\text{Current Liabilities}}$

11.4, 11.5 and 11.6

These questions require the applicant to provide information from its audited or verified financial statements. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in).

SECTION 12 FISHING PLAN

This section requires the applicant to provide information regarding its fishing plan.

SECTION 13: BY-CATCH AND ENVIRONMENTALLY SUSTAINABLE PRACTICES

This section requires the applicant to provide information regarding by-catches and environmentally sustainable practices.

VERDUIDELIKENDE NOTAS – EXPERIMENTELE PERMITHOUERS PATAGONIESE TANDVIS

DIE DOEL VAN DIE VERDUIDELIKENDE NOTAS IS OM AANSOEKERS TE HELP MET VOLTOOING VAN 'N AANTAL AFDELINGS IN DIE AANSOEKVORM. SEKERE AFDELINGS WORD GEAG SELFVERDUIDELIKEND TE WEES EN WORD NIE IN HIERDIE VERDUIDELIKENDE NOTAS GEDEK NIE.

Die WLMH is die Wet op Lewende Mariene Hulpbronne 18 van 1998. 'n Afskrif is beskikbaar op die Departement se webuimte by www.mcm-deat.gov.za.

AFDELING 1: AANSOEKER SE BESONDERHEDE

Afdelings 1.1 tot 1.7 moet voltooi word deur alle aansoekers. Daar was van aansoekers vereis om die besonderhede te verskaf vereis deur afdelings 1.8.1 tot 1.8.7d toe die aansoeker geregistreer het vir 'n aansoekvorm by www.mcm-deat.gov.za. Hierdie afdelings hoef slegs voltooi te word indien die aansoeker se besonderhede verander het sedert registrasie.

AFDELING 2: VORM VAN DIE AANSOEKER

2.1, 2.2 and 2.3

Die oogmerk is om vas te stel of die aansoeker behandel moet word as 'n potensiële nuwe inkomeling of as 'n eksperimentele permithouer. Die gedelegeerde owerheid sal slegs daardie entiteite erken wat ontvangers was van eksperimentele permitte in 2004 of die uitsluitlike opvolgers van daardie entiteite.

As die aansoeker dieselfde entiteit is as die een gespesifiseer in 2.2 (die ontvanger van die eksperimentele permit) en in 2.3 (die huidige eksperimentele permithouer), kwalifiseer die aansoeker uit die aard van die saak om as 'n eksperimentele permithouer behandel te word. In sekere gevalle kon die permit toegeken in 2004 egter oorgedra gewees het, of die permit kon toegeken gewees het aan 'n trust of 'n natuurlike persoon met die resultaat dat aansoek nou gedoen moet word in die vorm van 'n beslote korporasie of maatskappy. In hierdie en alle andere gevalle waar die aansoeker en die entiteit in 2.2 en 2.3 nie dieselfde entiteit is nie, moet die aansoeker aantoon dat dit die uitsluitlike opvolger is van die entiteit wat die permit ontvang het in 2004, ten einde te kwalifiseer as 'n eksperimentele permithouer. Die gedelegeerde owerheid sal nie meer as een entiteit erken as die opvolger van die entiteit wat die permit in 2004 ontvang het. nie.

2.4

In terme van artikel 18 van die WLMH, mag kommersiële visvangregte slegs aan Suid Afrikaanse persone toegeken word, wat 'n term is wat gedefinieer word in artikel 1 van die Wet. Die oogmerk van hierdie afdeling is om te bepaal of die aansoeker voldoen aan die vereistes van hierdie definisie. In die geval van 'n maatskappy of beslote korporasie moet die meerderheid van die aandeelhouders of lede Suid Afrikaanse persone wees.

2.7, 2.8

In terme van paragraaf 7.5 van die Algemene Beleid mag 'n medium termyn regtehouer (wat gelees moet word om 'n eksperimentele permithouer in te sluit) aansoeker nie aandeel in 'n potensiële nuwe inkomeling aansoeker in dieselfde sektor hou nie. Die oogmerk van hierdie afdeling is om vas te stel of aan hierdie vereiste gehoor gegee is en om aandeelhouding verbintenisse tussen verskillende medium termyn regtehouer aansoekers vas te stel.

AFDELING 3: WETSNAKOMING

3.1.1, 3.1.3, en 3.1.4 **Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

In terme van die Algemene beleid en die toepaslike Vissery-spesifieke beleide mag verskeie gevolge geheg word aan oortredings van die WLMH, die regulasies of permitvoorwaardes, insluitend die uitsluiting van die aansoeker en negatiewe punte toekenning. Die oogmerk van hierdie afdeling is om vas te stel of die aansoeker skuldig bevind is van enige sodanige oortreding en om die erns van die oortreding te bepaal.

3.2 **Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

Aansoekers moet "ja" op die vraag antwoord, selfs al is die bate aangehou, gearresteer of op beslag gelê in terme van die WLMH of ingekort of gepreserveer in terme van die Wet op die Voorkoming van Georganiseerde Misdaad, later losgelaat. Die omstandighede aangaande die aanhouding, arrestasie, beslaglegging, of inkorting of preservingerbevel en die uitkoms van die proses, m.a.w. of die bate gekonfiskeer of verbeurdverklaar is aan die staat, moet behandel word in die aanhangsel.

3.3 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

Aasoekeers moet "ja" op die vraag antwoord, slegs indien die aansoeker se reg of permit in hierdie vissery teruggetrek, gekanselleer, verminder of gewysig is in terme van artikel 28(3) van die WLMH. Die omstandighede moet verduidelik word in die aanhangsel.

AFDELING 4: VAARTUIGBESONDERHEDE

Hierdie afdeling vereis van die aansoeker om die besonderhede te verskaf van elke vaartuig genomineer deur die aansoeker. Indien die aangevraagde besonderhede nie beskikbaar is nie moet die rede hiervoor verduidelik word in die aanhangsel.

AFDELING 5: VANGSBENUTTING

5.1 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

'n Aansoeker wat 10% meer of 10% minder as sy eie toekenning gevang in enige gegewe jaar oor die duur van eksperimentele permitperiode moet "ja" antwoord op hierdie vraag. Redes moet verskaf word in die aanhangsel.

5.2

Hierdie afdeling vereis besonderhede aangaande die aansoeker se vangrekords gedurende die eksperimentele permitperiode. Aansoekers moet nie die vraag beantwoord met verwysing na die Departement se vangrekords nie. In die tweede kolom, moet die jaarlikse vangstoekenning vir die drie jaar voltooi word en in die derde kolom moet die werklike vangs gespesifiseer word in ton (nominale gewig moet gespesifiseer word en nie gelande gewig of gewig nadat die koppe afgesny en die vis gevelek is nie, ens.). Indien 'n permit nie uitgereik is aan die aansoeker vir enige jaar nie, moet die aansoeker 100% ondervangs aantoon.

Voorbeeld

Jaar	Jaarlikse Vangs Toekenning (in ton)	Totaal gevang van Aansoeker se toekenning (ton)	Persentasie ondervangs	Persentasie oovangs
2003 seisoen	1 000	1 100	0%	10%

Werklike tonnemaat gevang (1100 ton) minus totale toelaatbare vangs toegeken (1 000 ton) = 100 ton. Om die persentasie vas te stel, deel die verskil deur die TTV toegeken en vermenigvuldig dit met 100. i.e. $(1000/10\ 000) \times 100 = 10\ %$.

AFDELING 6: TRANSFORMASIE

6.1, en 6.2.1

Die oogmerk van hierdie afdelings is om vas te stel of daar van die aansoeker vereis word om te voldoen aan die Wet op Diensbillikheid. Indien daar van die aansoeker vereis word om te voldoen is die volgende vraag of die aansoeker sy verpligtinge onder die Wet nagkom het. Vir doeleindes van die beantwoording van hierdie afdelings moet slegs data van die aansoeker (en nie die data van sy houermaatskappy of Gesamentlike-Ondernemings vennote nie) in aanmerking geneem word.

Daar word van "Aangewese" werkgewers vereis om te voldoen aan die Wet. 'n Aangewese werkgewer in terme van artikel 1 van die Wet op Diensbillikheid is:

- 'n werkgewer wat 50 of meer werknemers in diens het;
- 'n werkgewer wat minder as 50 werknemers in diens het, maar wat 'n totale jaarlikse omset het wat gelyk is aan of bo die toepaslike jaarlikse omset van 'n klein besigheid in terme van Skedule 4 van hierdie wet [wat R2 miljoen per jaar is]; of
- ...
- ...
- 'n werkgewer gebind aan 'n kollektiewe ooreenkoms in terme van artikel 23 of 31 van die Wet op Arbeidsverhoudinge wat die werkgewer aanstel as 'n aangewese werkgewer in terme van hierdie Wet, tot die mate waarin voorsiening gemaak in die ooreenkoms.

In terme van artikel 13 van die Wet op Diensbillikheid is die verpligtinge van aangewese werkgewers as volg:

- Elke aangewese werkgewer moet, ten einde diensbillikheid te bewerkstellig, regstellende aksie maatreëls implementeer vir mense van aangewese groepe in terme van hierdie Wet.
- 'n Aangewese werkgewer moet-
 - oorleg pleeg met sy werknemers soos vereis deur artikel 16;

- b) 'n analise doen soos vereis deur artikel 19;
- c) 'n diensbillikheidsplan voorberei soos vereis deur artikel 20; en
- d) rapporteer aan die Direkteur-Generaal oor vordering gemaak in die implementering van die diensbillikheidsplan, soos vereis deur artikel 21.

6.3.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die samestelling van die bestuur van die aansoeker vas te stel. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos gespesifiseer in afdeling 6.7.1 hieronder) dan moet die besonderhede van die direksie/lede van beide die aansoeker en houer-entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur indiening van die saamgesmelte besonderhede van die direksies/ lede van beide entiteite. Indien die aansoeker betrokke is in 'n gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie, dan moet die besonderhede van die direksie of lede van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die direksies/ lede van al die GO vennote.

6.3.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede te voorsien aangaande werknemers wat die hoogste salarisse verdien (bereken op 'n totale koste vir die maatskappy basis). Hierdie inligting sal as konfidensieël behandel word en mag apart ingedien word in die geseëde koevert.

Soos in afdeling 6.3.1 hierbo, indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos bepaal in afdeling 6.7.1 hieronder) dan moet besonderhede van die hoogste salaris verdieners van beide die aansoeker en die houer entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die hoogste salaris verdieners van beide entiteite. Indien die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslote korporasie dan moet die besonderhede van die hoogste salaris verdieners van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote.

Totale koste vir die maatskappy sluit voordele en bonusse in maar sluit dividende uit. Aansoekers wat 165 werknemers of minder in diens het moet die besonderhede van hul top salaris verdieners verskaf soos aangedui in die tabel in die aansoekvorm. Aansoekers wat meer as 165 werknemers in diens het moet eers die top 3% vasstel en dan besonderhede van daardie werknemers (tot 'n maksimum van 90) voorsien. Aanwysing of werklike titel gehou deur die werknemer, soos aangedui in die organogram of organisatoriese struktuur, moet voorsien word.

Voorbeeld: Indien die aansoeker 2500 persone in diens het, stel die aansoeker die top 3% vas deur hierdie getal te vermenigvuldig met 0.03 ($2500 \times 0.03 = 75$). Die aansoeker moet dan die besonderhede van daardie 75 werknemers verskaf. Die aansoeker moet nie die besonderhede van meer as 90 werknemers voorsien nie, ongeag die aantal werknemers wat die aansoeker in die top 3% het.

Indien van toepassing, moet die aantal werknemers van houer-entiteite of GO vennote bygevoeg word by die aantal werknemers van die aansoeker, soos uiteengesit in die voorbeeld hieronder.

Voorbeeld: Indien die aansoeker 75 persone in diens het en die houer-entiteit 125 persone in diens het, het die twee entiteite gekombineerd 200 persone in diens. Die aansoeker moet die top 3% vas te stel: $200 \times 0.03 = 6$. Die besonderhede van die twee entiteite moet saamgesmelt word en die besonderhede van die top ses salaris verdieners van die saamgesmelte lys moet in die tabel ingevul word by 6.3.2.

6.4.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede van inkomstevlakke binne die organisasie te voorsien soos op 28 Februarie 2005.

Soos in afdelings 6.3.1 en 6.3.2 hierbo, as die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die salarisvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die salarisvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskap) maatskappye.

Voorbeeld

1	Maandelikse Inkomste	Aantal Werknemers op hierdie vlak (totaal van Groep of GO, indien van toepassing)	Persentasie van totale Werknemers	Aantal Swart Werknemers op hierdie vlak (totaal van groep of GO, indien van toepassing)	Persentasie van Totale Aantal Swart Werknemers	Aantal Vroulike Werknemers op hierdie vlak (totaal van Groep of GO, indien van toepassing)
	< R 2 500	100	80%	80	90 %	70

Deel dan die aantal werknemers in hierdie inkomstevlak deur die totale aantal werknemers en vermenigvuldig met 100

Deel dan die aantal swart werknemers in hierdie inkomstevlak deur die totale aantal swart werknemers en vermenigvuldig

6.5 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om die diensbillikeidsprofiel van die aansoeker met betrekking tot beroepsvlakke te voltooi. Aangewese werkgewers en werkgewers wat vrywillig voldoen aan die Wet op Diensbillikheid moet die tabel voltooi met die syfers wat voorsien is in Oktober 2004 aan die Departement van Arbeid. Werkgewers wat nie aangewese is nie moet die tabel voltooi met verwysing na sy werknemers op 28 Februarie 2005 en met verwysing na die definisie van die beroepsvlakke uiteengesit in aanhangsel 2 van die Regulasies tot die Wet op Diensbillikheid. Aanhangsel 2 bepaal as volg:

Wet op Diensbillikheid 55 van 1998**WAT IS DIE DOEL VAN HIERDIE AANHANGSEL?**

Werksevaluasie of graderingstelsels word deur baie organisasies benut om werksposisies te meet volgens hul inhoud en om vergelykende waarde tussen werksposisies vas te stel.

Hierdie aanhangsel voorsien 'n tabel van gelykstaande beroepsvlakke wat gebruik mag word deur werkgewers wanneer vorms EEA 2 and EEA 4 voltooi word.

INSTRUKSIES

Die tabel [hieronder] dui die die beroepsvlakke binne organisasies aan soos vasgestel deur die gebruik van verskillende werksevaluasie of graderingstelsels. Die tabel voorsien gelykstaande vlakke van elkeen van hierdie werksevalueringstelsels.

Organisasies wat gebruik maak van geeneen van die werksevalueringstelsels [in die tabel hieronder] nie, of wat nie 'n aangepaste stelsel het wat gekoppel is aan een van hierdies nie, moet die Semantiese Skaal gebruik vir leiding by die vasstelling van beroepsvlakke binne daardie organisasie.

Gelykstaande Beroepsvlakke

Semantiese Skaal	Paterson		Peromnes	Hay	Castellion
Top Bestuur	F	F	[++]+		14
Senior Bestuur	E	E HOËR E LAER	1 2 3	1 2	13
Professioneel gekwalifiseerd, ervare spesialiste en middelbestuur	D	D HOËR D LAER	4 5 6	3 4	12 11 13
Vaardige tegniese en akademies gekwalifiseerde werkers, junior bestuur, toesighouers, voormanne, superintendente	C	C HOËR C LAER	7 8 9 10 11 12	5 6 6A 7 8	9 8
Semi-vaardige en diskresionêre besluitneming	B	B HOËR B LAER	13 14 15 16	9 10 11	7 6 5 4

Ongeskoolde gedefinieerde besluitneming	en	A	A	17 18 19	12 13	3 2 1
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Soos in afdeling 6.4.1 hierbo, indien die aansoeker in 'n Gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie betrokke is moet die beroepsvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te voorsien. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die beroepsvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskappy) maatskappye.

Voorbeeld

As Maatskappy A 'n aangewese werkgewer is, moet die tabel voltooi word met die data ingedien in die Oktober 2004 EEA 2A. As maatskappy A nie 'n aangewese werkgewer is nie moet die beroepsvlakke van werknemers op 28 Februarie 2005 vasgestel word op die wyse hierbo uiteengesit en die tabel met hierdie data voltooi word.

Nadat die aantal werknemers per vlak vasgestel is, moet die persentasies bereken word. Byvoorbeeld, Maatskappy A het 7 senior amptenare en bestuurders in diens. Uit die sewe werknemers in die beroepskategorie, is 1 'n manlike Afrikaan, 2 is manlike Kleurlinge, 2 is Wit mans, 1 is 'n Indiese vrou en 1 is 'n Wit vrou. Ten einde die persentasie vas te stel, neem die aantal werknemers van elke aangewese groep in die beroepsvlak en deel dit deur die totale aantal werknemers in die beroepsvlak en vermenigvuldig met 100.

A = Afrikaan, K= Kleurling, I = Indiër, W = Wit, V = Vroulik en AKI = Afrikaan, Kleurling en Indiër

										Totals	
Beroepskategorieë		A No.	A %	K No.	C %	I No.	I %	W No.	W %	AKI%	V%
Senior Amptenare en Bestuurders (Totaal van GO of Groep, indien van toepassing)	Manlik	1	14%	2	28%	0	0%	2	28%	42%	
	Vroulik	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die top en senior bestuur / senior beamptes wat voorsien was in hulle 2001 aansoek vorms. Aangewese werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.6.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die professioneel gekwalifiseerde en ervare spesialiste en middel-bestuur wat voorsien was in hulle 2001 aansoekvorms. Aangewysde werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.7.1 Neem kennis: moenie die skadu areas van die tabel voltooi nie

Hierdie afdeling vereis van aansoekers om besonderhede te verskaf rakende die aandeelhouding gehou deur swart persone en die onbeperkte stemregte en ekonomiese belang (in die vorm van geregtigheid op dividende) gekoppel aan swart aandeelhouding in die aansoeker (nie die houer-entiteit, groep of GO vennoot nie tensy hierdie inligting relevant is vir doeleindes van toepassing van die deur-vloei beginsel). Die voorsitter van die direksie van die aansoeker moet 'n eedsverklaring indien aangaande die aandeelhouding, stemregte en ekonomiese belang gehou deur swart persone in die aansoeker in die relevante aanhangsel. By die vasstelling van die persentasie swart aandeelhouding, stemregte en ekonomiese belang, moet die deur-vloei beginsel gebruik word, dien verstande dat:

- Pensioen fondse en staatsorgane word as neutraal beskou en die persentasie swart aandeelhouding moet bereken word sonder verwysing na aandeel gehou deur sulke entiteite;
- Indien die persentasie swart aandeelhouding, stemregte of ekonomiese belang van 'n besondere aandeelhouer nie vasgestel kan word nie, moet gedetailleerde redes voorsien word;
- Vir doeleindes van vasstelling van stemregte, word 'n aandeelhouer geag 100% swart te wees as meer as 50% van daardie aandeelhouer besit word deur 'n natuurlike persoon wat swart is; en
- Die persentasie "aandeelhouding", "ekonomiese belang" en "stemregte" van swart persone in 'n trust moet vasgestel word met verwysing na die regte van begunstigdes in terme van die trustakte.

Die deur-vloei beginsel word as volg gedefinieer: "**Deur-vloei beginsel**" verwys na die navolging van ekonomiese voordele by die vasstelling van 'n telling vir SEB eienaarskap. Daar word 'n telling aan entiteite toegeken op grond van die geregtigheid van swart persone om stemregte uit te oefen en om deel te neem aan die ekonomiese belang van die besigheid. Die doel van die deur-vloei beginsel is om te verseker dat punte op 'n uniforme wyse toegeken word aan alle maatskappye, ongeag hulle struktuur, met betrekking tot hulle SEB eienaarskap. Die deur-vloei beginsel bepaal dat slegs stemregte en ekonomiese belange waarop swart mense wat natuurlike persone is geregtig is, in ag geneem word. Sou geregtigheid tot stemregte en/of ekonomiese belang deur 'n regspersoon gehou word, sal slegs stemregte en ekonomiese belang waarop swart mense geregtig is in daardie regspersoon in ag geneem word. Dieselfde beginsel word konsekwent toegepas regdeur die eienaarskapsketting met betrekking tot regspersone totdat die ketting doodloop in die geregtigheid van die natuurlike persoon, wat 'n swart persoon is, op sulke stemregte en/of ekonomiese belange.

"**Indirekte Eienaarskap**" beteken eienaarskap van 'n ekwiteitsbelang in 'n onderneming waar so 'n ekwiteitsbelang die houer geregtig maak om deel te neem in die ekonomiese belang (soos dividende) wat vloei na die aandeelhouders van daardie onderneming, maar nie direk in die stemregte van daardie onderneming nie. Stemregte kan indirek uitgeoefen word deur 'n gelybuis soos 'n trust of 'n pensionerings-skema.

Indirekte eienaarskap moet in ag geneem word vir doeleindes van die bepaling van die persentasie swart aandeelhouding, en indien van toepassing, die persentasie ekonomiese belang en stemregte gehou deur 'n swart persoon in die aansoeker. As geen stemregte gekoppel is aan indirekte eienaarskap van ekwiteit nie, dan mag swart eienaarskap van sodanige ekwiteit nie in ag geneem word wanneer swart stemregte vasgestel word nie. Waar die stemregte egter bloot indirek uitgeoefen word (deur 'n gelybuis), moet swart eienaarskap van ekwiteit in ag geneem word wanneer swart stemregte vasgestel word.

Voorbeeld: Die aansoeker het vier aandeelhouders. Een van hierdie aandeelhouders is 'n natuurlike persoon genaamd AA, wat 'n swart persoon is en 10% van die ekonomiese belang en stemregte besit. Twee van die ander aandeelhouders is maatskappye en die derde is 'n pensioenfonds. Maatskappy A hou 30% van die aandeel en is 51% besit deur 'n swart persoon en 49% deur 'n wit persoon. Maatskappy B hou 40% van die aandeel en is 40% besit deur 'n natuurlike persoon wat wit is en 60% besit deur Maatskappy Z, wat op sy beurt 80% besit word deur 'n wit persoon en 20% deur 'n swart persoon. Die Pensioenfonds hou die oorblywende 20% van die uitgereikte aandeel. Die persentasie swart aandeelhouding, stemreg en ekonomiese belang is as volg:

Jaar 2005 (op datum van aansoek)	Persentasie aandeelhouding gehou deur Swart persone	Persentasie stemreg gehou deur swart persone	Persentasie ekonomiese belang gehou deur swart aandeelhouders (geregtigheid op dividende)
	37.625	56	37.625

AA dra 12.5% (10/80) by tot al drie kategorieë, Maatskappy A dra 19.125% (30/80 X 51/100) by tot aandeelhouding en ekonomiese belang en 37.5% (30/80 X 100) tot stemregte. Maatskappy B dra 6% (40/80 X 60/100 X 20/100) by tot al drie kategorieë en die pensioenfonds word buite rekening gelaat.

6.7.2

Die aandeelhouding, stemregte en ekonomiese belang van vrouens word bereken op dieselfde wyse soos verduidelik onder afdeling 6.7.1 hierbo. Weereens moet die afdeling beantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting aangaande houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie tensy hierdie entiteite ekwiteit hou in die aansoeker en hierdie inligting in ag geneem moet word wanneer die deur-vloei beginsel toegepas word.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

Hierdie afdelings moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting aangaande houer entiteit, suster maatskappye en GO vennote mag nie in ag geneem word nie.

Verduidelikende notas tot die aansoeksvorms vir: Patagoniese Tandvis

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Neem kennis: moenie die skadu areas van die vorm voltooi nie

Hierdie afdelings moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting rakende GO vennote mag nie in ag geneem word nie. Die deur-vloei beginsel het natuurlik geen toepassing op beslote korporasies nie. Die persentasie stemregte en winsdistribusie moet vasgestel word met verwysing na die samewerkingsooreenkoms van die beslote korporasie. Indien geen so 'n ooreenkoms bestaan nie of indien die ooreenkoms swyg oor die kwessie dan moet daar aanvaar word dat stemregte en ekonomiese belang dieselfde is as die persentasie ledebelang.

6.9

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die mate waartoe die teikens gestel in die Transformasie Plan ingedien as deel van die 2001 aansoekproses bereik is. Die afdeling moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting rakende houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie.

6.10 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende nakoming van artikel 3 van die Wet op Heffings op Vaardigheidsontwikkeling 9 van 1999. Die vrae in die eerste twee kolomme (die indiening / goedkeuring van 'n Werkplekvaardigheidsplan en 'n Jaarlikse Opleidingsverslag) moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Met betrekking tot die laaste drie kolomme (randhoeveelheid betaal aan SAID, persentasie van betaalrol spandeer op opleiding en persentasie van opleidingsbegroting spandeer op swart werknemers), indien die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die betaalrolle van al die GO vennote in die aanhangsel verskaf word en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te verskaf. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo) moet die betaalrolle van die houer-entiteit, die aansoeker en enige suster maatskappye ook meer as 50% besit deur die houer-entiteit, verskaf word in die aanhangsel en moet die tabel voltooi word deur die verskaffing van die saamgesmelte besonderhede van die groep (houer-entiteit, aansoeker en sustermaatskappye) maatskappye.

Ten einde die "persentasie van betaalrol spandeer op opleiding" te bereken deel die werklike jaarlikse hoeveelheid spandeer op opleiding deur die totale jaarlikse betaalrolkoste en vermenigvuldig die resultaat met 100 om die persentasie vas te stel.

Voorbeeld

Maatskappy X het 'n jaarlikse betaalrol van R 1 000 000,00. Die maatskappy het R 10 000,00 op opleiding spandeer op alle werknemers. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om aan te toon of dit deelgeneem het aan 'n leerskapprogram in 2004. Deelname aan 'n leerskap program beteken dat die aansoeker 'n leerskapooreenkoms geregistreer het met die SEEO ("SETA") ooreenkomstig die Regulasies Aangaande die Registrasie van Voorgenome Leerskappe en Leerskapooreenkomste gepubliseer onder die Wet op Vaardigheidsontwikkeling 97 van 1998 in Staatskennissgewing No. R. 330 van 3 April 2001. Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24**Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.**

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO. Die persentasie swart eienaarskap, verwys na in afdeling 6.22, moet bereken word soos hierbo beskryf in afdeling 6.7.1.

AFDELING 7: VEILIGHEID

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende veiligheid, insluitend die vereistes van die Suid Afrikaanse Maritieme Veiligheidsowerheid.

7.1

Artikels 312 en 313 van die Handelskeepvaartwet, 57 van 1951 skep sekere oortredings insluitende die versuim om te voldoen aan 'n verpligting onder die Wet soos die verpligting om te verseker dat onseewaardige vaartuig nie die hawe verlaat nie en die versuim om 'n vaartuig behoorlik te beman.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

Die Maritieme Beroepsveiligheidsregulasies, 1994, die Bemannings Akkomodasie Regulasies, 1961 and the Handelskeepvaart (Veilige Bemanningregulasies) is uitgevaardig in terme van die Handelskeepvaartwet 57 van 1951. Hulle is beskikbaar by www.mcm-deat.gov.za. Mariene Kennisgewing No 26 van 2004 is ook op die webwerf beskikbaar.

7.9

Nakoming van die Wet op Vergoeding vir Beroepsbeserings en Siektes 130 van 1993 beteken nakoming van Artikels 80 tot 88 van die Wet wat as volg voorsien:

"Werkgewer moet by kommissaris registreer en aan hom besonderhede verstrek."

(1) 'n Werkgewer wat 'n besigheid in die Republiek dryf, moet by die kommissaris binne die voorgeskrewe tydperk en op die voorgeskrewe wyse registreer, en moet aan die kommissaris die voorgeskrewe besonderhede van sy besigheid verstrek, en moet binne 'n tydperk deur die kommissaris bepaal die bykomende besonderhede verstrek wat die kommissaris verlang.

(2) Die besonderhede bedoel in subartikel (1) moet afsonderlik verstrek word ten opsigte van elke besigheid wat deur die werkgewer gedryf word.

(3) 'n Werkgewer moet die kommissaris van enige verandering van die aldus verstrekte besonderhede binne sewe dae na sodanige verandering in kennis stel.

Werkgewer moet rekord hou.

(1) 'n Werkgewer moet 'n register of ander rekord hou van die verdienste en ander voorgeskrewe besonderhede van al die werknemers, en moet daardie register of rekord of 'n mikrofilm- of ander mikroformreproduksie daarvan te alle redelike tye op versoek aan 'n gemagtigde persoon bedoel in artikel 7 ter insae voorlê.

Bydraes deur werkgewers individueel aanspreeklik en onderlinge verenigings.

(1) Ondanks enige andersluidende bepaling van hierdie Wet moet die werkgewers individueel aanspreeklik en die onderlinge verenigings aan die Direkteur-generaal op die wyse en tye wat hy bepaal, jaarliks sodanige deel as wat hy billik ag, betaal van die uitgawe wat hy by die uitvoering van die bepalings van hierdie Wet aangegaan het.

7.13

Die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe) Wet 2 van 1986 en die Wet op Mariene Besoedeling (Beheer en Siviele Aanspreeklikheid) Wet 6 van 1981 is beskikbaar by www.mcm-deat.gov.za.

AFDELING 8: WERKSKEPPING**8.1.1 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.**

Die oogmerk van hierdie afdeling is om die aantal werkseleenthede verskaf deur die aansoeker, en die totale hoeveelheid spandeer op salarisse gedurende die eksperimentele permit period in hierdie sektor vas te stel. Die inligting moet gebruik word om die aantal werkseleenthede verskaf per ton vis toegeken in die betrokke sektor vas te stel (in afdeling 8.1.3) en die hoeveelheid spandeer op salarisse per ton toegeken in die betrokke sektor (in afdeling 8.1.2). Ten einde die aantal werkseleenthede en hoeveelhede spandeer op salarisse per eenheid toegeken in die betrokke sektor vas te stel, mag aansoekers (of hulle houer-entiteite of sustermaatskappye en GO vennote) wat betrokke is in industrieë buiten die visvangbedryf niet werkseleenthede verskaf of salarisse spandeer in sulke industrieë in ag neem niet en aansoekers betrokke in ander sektore van die visvangbedryf mag niet werkseleenthede verskaf of salarisse spandeer in daardie sektore in ag neem niet.

Aansoekers betrokke in ander industrieë buiten die visvangbedryf moet (in die aanhangsel) 'n uiteensetting van werkseleenthede verskaf en hoeveelhede aan salarisse spandeer in die visvangbedryf en ander industrieë voorsien. Slegs werkseleenthede verskaf of hoeveelhede spandeer aan salarisse in die visvangbedryf mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aansoekers betrokke in ander visvangsektore moet (in die aanhangsel) 'n uiteensetting van werkseleenthede verskaf en hoeveelhede aan salarisse spandeer in die sektor voorsien. Slegs werkseleenthede verskaf of hoeveelhede spandeer aan salarisse in die sektor waarvoor aansoek gedoen word mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aangesien dit moeilik is om akkuraat die presiese aantal werknemers en hoeveelhede aan salarisse spandeer op 'n sektorale basis vas te stel, sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling gebruik word in enige ander aansoek gebring deur die aansoeker.

As die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslote korporasie, of as meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel op die wyse uiteengesit in afdeling 6.7.1), dan mag al die werkseleenthede voorsien of hoeveelhede spandeer aan salarisse deur die GO vennote of die groep (m.a.w. die aansoeker, die houer entiteit en suster maatskappye) in ag geneem word, met dien verstande dat dieselfde beginsels hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvang sektore mag nie werkseleenthede verskaf of hoeveelhede spandeer aan salarisse in ander industrieë of sektore in ag neem niet. Slegs werkseleenthede verskaf of hoeveelhede spandeer op salarisse in die betrokke sektor deur die GO of groep mag in ag geneem word wanneer afdeling 8.1.1 voltooi word. Indien van toepassing, moet 'n uiteensetting van werkseleenthede verskaf en

hoeveelhede spandeer op salarisse in die visvangbedryf en ander industrieë of 'n uiteensetting van werksgeleenthede verskaf en hoeveelhede spandeer aan salarisse in die betrokke sektor en ander sektore verskaf word in die aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n visvangreg deur die aansoeker of enige lid van die GO of groep. Daar mag geen dubbele aanspraak op werksgeleenthede gemaak word nie. Met ander woorde, die aantal werksgeleenthede waarop aanspraak gemaak word in al die aansoeke van die lede van die GO of groep mag nie meer wees as die totale aantal werksgeleenthede verskaf deur die GO of groep nie.

8.1.2 en 8.1.3:

Hierdie afdelings vereis van aansoekers om besonderhede te voorsien rakende werksgeleenthede en salarise voorsien per ton toegeken op die basis van die inligting voorsien in afdeling 8.1.1 hierbo.

Voorbeeld

Jaarlkse Vangs Toekenning (in ton) aan die aansoeker in hierdie visserij 2004	Totale Jaarlkse Besoldigingsrekening (met betrekking tot hierdie visserij) 2004 Finansiële Jaareinde soos per Tabel 8.1.1	Hoeveel spandeer die aansoeker op lone/salarisse per ton geallokeer?
5 000	R1 000 000	R200

Deel die Totale Jaarlkse Besoldigingsrekening (1 000 000) deur die TTV toegeken (5000) = R200 per ton.

TTV Toegeken in 2005 (in ton)	Totale Aantal Werknemers (met betrekking tot hierdie Visserij) (28 Februarie 2005)	Hoe baie persone neem die aansoeker in diens per ton toegeken?
5 000	1 000	0.2

Deel die totale aantal werknemers voorsien in hierdie visserij (1000), deur die TTV toegeken aan die aansoeker (5000) [1000/5000=0.2]

8.1.4 Neem kennis: moenie die skadu areas voltooi nie en as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of Gesamentlike-Onderneming.

AFDELING 9: BELEGGING

9.1.1 and 9.1.2

Neem kennis: moenie die skadu areas voltooi nie en as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die randwaarde van die hawe en see-gebaseerde bates van die aansoeker in die sektor waarvoor aansoek gedoen word te bepaal. Dit sal gebruik word om die waarde van die hawe en see-gebaseerde bates per ton vis toegeken in die betrokke sektor vas te stel (in afdelings 9.1.3 and 9.1.4). Ten einde die waarde van bates per eenheid in die betrokke sektor vas te stel mag aansoekers (of die houer-entiteit of suster maatskappye en GO vennote) betrokke in ander industrieë as die visvangbedryf nie bates gebruik in ander industrieë in ag neem nie.

Aansoekers betrokke in industrieë buiten die visvangbedryf moet 'n uiteensetting verskaf van bates gebruik in die visvangbedryf en in ander industrieë in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die visvangbedryf mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van bates gebruik op 'n per sektor basis verskaf in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die sektor waarvoor aansoek gedoen word mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aangesien dit moeilik is om akkuraat bates toe te deel op 'n per sektor basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek vir 'n kommersiële visvangreg deur die aansoeker gedurende die langtermyn regtoekeningsproses.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag al die bates gebruik deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie bates in ag neem wat in ander industrieë of sektore gebruik word nie. Slegs bates gebruik in die betrokke sektor deur die GO of groep mag in ag geneem word met die voltooiing van afdelings 9.1.1 en 9.1.2. Indien van toepassing, moet 'n uiteensetting van bates gebruik in die visvangbedryf en ander industrieë of bates gebruik in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel (apart vir boek en versekerde waardes). 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op bates gemaak word nie.

Met ander woorde, die waarde van die bates waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale waarde van die bates gebruik deur die lede van die GO of groep in die visvangbedryf nie.

9.1.3:

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die waarde van beleggings gemaak per ton toegeken. Die inligting verskaf in afdeling 9.1.1. moet gebruik word.

Voorbeeld

Maatskappy X is 'n TTV van 5000 ton toegeken. Die waarde van sy hawe en see-gebaseerde bates gebruik in die toepaslike sektor by die finansiële jaareinde 2004 was R5 000 000. Die waarde van die land gebaseerde bates was R 4000 000. Die waarde van hawe en see-gebaseerde bates per ton toegeken word as volg bereken:

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in 2004 in ton	Boekwaarde (in rand) van hawe en see-gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde (in rand) van land gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde van Hawe en See-gebaseerde bates per ton toegeken aan die aansoeker	Boekwaarde van Land-gebaseerde bates per ton toegeken aan die aansoeker
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00
Deel die waarde van die hawe en see-gebaseerde bates (5 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) (5 000 000/5 000=R1 000)		Deel die totale waarde van die land-gebaseerde bates (4 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) (4 000 000/5 000=R800)		

AFDELING 10: PLAASLIKE EKONOMIESE ONTWIKKELING

Hierdie afdeling vereis van die aansoeker om inligting te verskaf aangaande die landing van vangste by hawens/landingsgebiede (met betrekking tot hierdie visserij) in 2004, en voornemens rakende die landing van vangste. Gebruik nominale tonnemaat (nie die gewig nadat die koppe verwyder en die vis gevlek is etc nie).

10.1:

Hierdie vraag vereis van die aansoeker om gedetailleerde inligting aangaande die hawens waar vangste geland is in 2004 te verskaf.

AFDELING 11: FINANSIËLE PRESTASIE

11.1 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Dieselfde beginsel soos verduidelik in afdelings 8.1.1 en 9.1.1 moet gebruik word. Die oogmerk van hierdie afdeling is om die omset van die aansoeker vas te stel vir die sektor waarvoor aansoek gedoen word. Aansoekers betrokke in ander industrieë as die visvangbedryf mag nie omset genereer in sulke ander industrieë in ag neem nie. Meer spesifiek, aansoekers betrokke in industrieë anders as die visvangbedryf moet 'n uiteensetting verskaf in die aanhangsel van omset in die visvangbedryf en in ander industrieë. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 11.2 voltooi word. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van omset verskaf in die aanhangsel op 'n per sektor basis. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 11.2 voltooi word. Aangesien dit moeilik is om akkuraat omset te verdeel op 'n sektorale basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek gebring deur die aansoeker. Met ander woorde, dieselfde uiteensetting moet deur die aansoeker verskaf word in aansoeke vir kommersiële regte in ander sektore.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag die totale omset genereer deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie omset in ag neem wat in ander industrieë of sektore genereer word nie. Slegs omset genereer in die betrokke sektor deur die GO of groep mag in ag geneem word. Indien van toepassing, moet 'n uiteensetting van omset genereer in die visvangbedryf en ander industrieë of omset genereer in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op omset gemaak word nie. Met ander woorde, die omset waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale omset genereer deur die lede van die GO of groep in die visvangbedryf nie. **Die finansiële state van al die lede van die groep of GO moet voorsien word in die relevante aanhangsel.**

11.2 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Daar word van aansoeker vereis om die persentasie aan te dui van sy totale omset verkry van die vissery waarvoor aansoek gedoen word. In die tweede kolom moet die aansoeker die syfer invul wat in afdeling 12.1 bepaal is. In die derde kolom, moet die aansoeker die totale omset van die aansoeker (of, indien toepaslik, die groep of GO) gebruik, insluitende omset gegenereer buite die visbedryf, ten einde die persentasie te bereken.

Voorbeeld

Maatskappy X het medium termyn regte ontvang in Diepsee Stokvistreilvangs en Suidkuskreef. 'n TTV van 5000 ton vir Diepsee Stokvistreilvangs en 7 ton vir Suidkuskreef was in 2004 toegeken. Maatskappy X se totale omset (vir beide visserye) vir die 2004 finansiële jaar was R18 000 000. Die totale omset gegenereer in Stokvis Diepseetrel vir die finansiële jaar 2004 was R10 000 000. Die totale omset vir Suidkuskreef was R 8 000 000. In sy aansoek vir Stokvis Diepseetrelvangs sal die aansoeker se tabel as volgende daarna uitsien:

TTV Toegeken in 2004 (in tonne)	Rand waarde van omset genereer vir hierdie vissery (finansiële jaar 2004)	Persentasie van totale omset
5000	R10 000 000	55.6%

Deel die omset van hierdie vissery deur die totale omset van die aansoeker en vermenigvuldig met 100 om die persentasie waarde vas te stel. $10\,000\,000/18\,000\,000 \times 100 = 55.6\%$

11.3

Hierdie afdeling vereis van die aansoeker om finansiële prestasie-verhoudings uiteen te sit. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke). Hierdie verhoudings moet as volg bereken word.

Opbrengs op Netto Bates

$$\text{OONB} = \frac{\text{Bedryfswins}}{\text{Netto Bedryfsbates}} = \frac{\text{Bedryfswins}}{\text{Verkope}} \times \frac{\text{Verkope}}{\text{Netto Bedryfsbates}}$$

$$\text{Skuld: Ekwiteit Verhouding: } \frac{\text{Skuld}}{\text{Ekwiteit}}$$

$$\text{Bedryfs Verhouding: } \frac{\text{Bedryfsbates}}{\text{Bedryfslaste}}$$

$$\text{Vuurproef Verhouding: } \frac{\text{Bedryfsbates} - \text{Voorraad}}{\text{Bedryfslaste}}$$

11.4, 11.5 and 11.6

Hierdie vrae vereis van die aansoeker om inligting te verskaf van sy geouditeerde of geverifieerde finansiële state. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke).

AFDELING 12: VISVANGPLAN

Hierdie afdeling vereis die aansoeker om inligting te verskaf aangaande sy visvangplan.

AFDELING 13: BYVANGSTE AND OMGEWINGSVOLHOUBARE PRAKTYKE

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende byvangste en omgewingsvolhoubare praktyke.

EXPLANATORY NOTES – MEDIUM TERM RIGHTS HOLDERS SOUTH COAST ROCK LOBSTER

THE PURPOSE OF THE EXPLANATORY NOTES IS TO ASSIST APPLICANTS IN COMPLETING A NUMBER OF SECTIONS IN THE APPLICATION FORM. SOME SECTIONS ARE CONSIDERED TO BE SELF-EXPLANATORY AND ARE NOT COVERED IN THESE EXPLANATORY NOTES.

The MLRA is the Marine Living Resources Act 18 of 1998. A copy is available on the Department's website www.mcm-deat.gov.za.

SECTION 1: APPLICANT DETAILS

Sections 1.1 to 1.7 must be completed by all applicants. The applicant was required to provide the details required by sections 1.8.1 to 1.8.7d when it registered for an application form at www.mcm-deat.gov.za. These sections need only be completed if the applicant's details have changed since registration.

SECTION 2: FORM OF APPLICANT

2.1, 2.2 and 2.3

The aim is to determine whether the applicant should be treated as a potential new entrant or as a medium term right holder. The delegated authority will recognise as medium term right holders only those entities that were recipients of medium term rights in 2001/2002 in the fishery now applied for or the sole successors of those entities.

If the applicant is the same entity as the one specified in 2.2 (the recipient of the medium term right in 2001/2002) and in 2.3 (the current medium term right holder), the applicant obviously qualifies to be treated as a medium term right holder. In some instances, however, the right allocated in 2001/2002 may have been transferred, or the right may have been allocated to a trust or a natural person with the result that application must now be made in the form of a close corporation or a company. In these and all other instances where the applicant and the entity in 2.2 and 2.3 is not the same entity, the applicant must demonstrate that it is the sole successor of the entity that received the right in 2001/2002, in order to qualify as a medium term right holder. The delegated authority will not recognise more than one entity as the successor to the entity that received the right in 2001/2002.

2.4

In terms of section 18 of the MLRA, commercial fishing rights may only be granted to a South African person, which is a term defined in section 1 of the Act. The aim of this section is to determine whether the applicant meets the requirements of this definition. In the case of a company or a close corporation, the majority of the shareholders or members must be South African persons.

2.7, 2.8

In terms of paragraph 7.5 of the General Policy, a medium term right holder applicant may not hold shares in a potential new entrant applicant in the same sector. The aim of this section is to determine whether this requirement is adhered to and to establish shareholder linkages between various medium term right holder applicants.

SECTION 3: COMPLIANCE

3.1.1, 3.1.2 3.1.3 and 3.1.4 **Note: a "yes" answer will be presumed if the applicant fails to answer the question**

In terms of the General policy and the applicable Fishery specific policies, various consequences may be attached to contraventions of the MLRA, the regulations or permit conditions, including the exclusion of the applicant and negative scoring. The aim of this section is to determine whether the applicant has been convicted of any such contravention and to assess the seriousness of the contravention.

3.2 **Note: a "yes" answer will be presumed if the applicant fails to answer the question**

Applicants must answer "yes" to the question, even if the asset detained, arrested or seized in terms of the MLRA or restrained or preserved in terms of the Prevention of Organised Crime Act, was later released. The circumstances surrounding the detention, arrest, seizure or restraint or preservation order and the outcome of the process, i.e. whether the asset was confiscated or forfeited to the State, must be dealt with in the annexure.

3.3 Note: a "yes" answer will be presumed if the applicant fails to answer the question

Applicants must answer "yes" to the question only if the applicant's right or permit in this fishery has been revoked, cancelled, reduced or altered under section 28(3) of the MLRA. The circumstances must be explained in the annexure.

SECTION 4: VESSEL DETAILS

This section requires the applicant to furnish the details of each vessel nominated by the applicant. If the requested details are not available, the reasons for this must be explained in the annexure.

SECTION 5: CATCH UTILISATION**5.1 Note: a "yes" answer will be presumed if the applicant fails to answer the question**

An applicant that has over- or under-caught its own allocation by more than 10% in any given year over the medium term right period must answer "yes" to this question. The reasons must be provided in the annexure.

5.2

This section requests details regarding the applicant's catch records during the medium term rights (2001 – 2005) period. Applicants must not answer the question with reference to the Department's catch records. In the second column, the annual catch allocation for the three years must be completed and in the third column the actual catch must be specified in tons (nominal weight must be specified, and not landed weight or weight after the fish was headed and gutted etc). If a permit was not issued to the applicant for any year, the applicant must indicate 100% under-caught.

Example

Year	Annual Catch Allocation (In tons)	Total Caught of Applicant's allocation (tons)	Percentage under-caught	Percentage over-caught
2003 season	1 000	1 100	0%	10%

Actual tonnage caught (1 100 tons) minus total allowable catch allocated (1 000 tons) = 100. To establish the percentage, divide the difference by the TAC allocated and multiply it by 100. i.e. $(100/1000) \times 100 = 10\%$.

SECTION 6: TRANSFORMATION**6.1 and 6.2.1**

The aim of these sections is to determine whether the applicant is required to comply with the Employment Equity Act. If required to comply, the next question is whether the applicant has fulfilled its duties under the Act. For purposes of answering these sections, only the applicant's data (and not the data of its holding company or JV partners) must be taken into consideration.

"Designated" employers are required to comply with the Act. A designated employer, in terms of section 1 of the Employment Equity Act is:

- a) an employer who employs 50 or more employees;
- b) an employer who employs fewer than 50 employees, but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of Schedule 4 of this Act. [which is R2 million per annum]; or
- c) ...
- d) ...
- e) an employer bound by a collective agreement in terms of section 23 or 31 of the Labour Relations Act, which appoints it as a designated employer in terms of this Act, to the extent provided for in the agreement;

In terms of section 13 of the Employment Equity Act, the duties of designated employers are as follows:

- 1) Every designated employer must, in order to achieve employment equity, implement affirmative action measures for people from designated groups in terms of this Act.
- 2) A designated employer must-
 - a) consult with its employees as required by section 16;
 - b) conduct an analysis as required by section 19;
 - c) prepare an employment equity plan as required by section 20; and
 - d) report to the Director-General on progress made in implementing its employment equity plan, as required by section 21.

6.3.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

The aim of this section is to determine the composition of the management of the applicant. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the details of the board of directors/members of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of both entities. If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then details of the boards of directors or members of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of the boards of directors / members of all the JV partners.

6.3.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details regarding employees that earn the highest salaries (calculated on a total cost to company basis). This information will be treated as confidential and may be submitted separately in the sealed envelope.

As in section 6.3.1 above, if the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then details of the highest salary earners of both the applicant and the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the highest salary earners of both entities. If the Applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then details of the highest salary earners of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners.

Total cost to company includes benefits and bonuses, but excludes dividends. Applicants that employ 165 or fewer employees must provide the details of their top salary earners as indicated in the table in the application form. Applicants that employ more than 165 people must first determine the top 3% and then provide details of those employees (up to a maximum of 90). Designation or actual title held by the employee, as indicated on the organogram or organizational structure, must be provided.

Example: If the applicant employs 2500 people, the applicant determines the top 3% by multiplying this number by 0.03 ($2500 \times 0.03 = 75$). The applicant must then provide the details of those 75 employees. The applicant must not provide the details of more than 90 employees, regardless of the number of employees the applicant has in the top 3%.

If applicable, the number of employees of holding entities or JV partners must be added to the number of employees of the applicant, as set out in the example below.

Example: If the applicant employs 75 people, and the holding entity employs 125 people, the two entities combined employ 200 people. The applicant must determine the top 3%: $200 \times 0.03 = 6$. The details of the two entities should be merged, and the details of the top six salary earners of the merged list should be entered in the table at 6.3.2.

6.4.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

This section requires the applicant to provide details of income levels within the organization at 28 February 2005.

As in sections 6.3.1 and 6.3.2 above, if the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, then the salary levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the salary levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holding entity and sister company) of companies.

Example

1	Monthly Income	Number of employees in this level (total of Group or JV, if applicable)	Percentage of Total Employees	Number of Black Employees in this level (total of Group or JV, if applicable)	Percentage of Total Black Employees	Number of Female Employees in this level (total of Group or JV, if applicable)
	< R 2 500	100	80%	80	90 %	70

Divide the employees in this income level by the total number of employees, and multiply by 100

Divide the number of black employees in this income level by the total number of black employees, and multiply by 100

6.5 Note: if the Applicant relies on information of other entities the authorised representative of the entity must attest to the declaration in section 16

This question requires the applicant to complete the employment equity profile of the applicant in respect of occupational levels. Designated employers and employers that comply voluntarily with the Employment Equity Act should complete the table with the figures submitted in October 2004 to the Department of Labour. Employers that are not designated should complete the tables with reference to its employees at 28 February 2005 and having regard to the definitions of the occupational levels set out in annexure 2 of the Regulations to the Employment Equity Act. Annexure 2 provides as follows:

Employment Equity Act 55, 1998

WHAT IS THE PURPOSE OF THIS ANNEXURE?

Job evaluation or grading systems are used by many organisations to measure jobs according to their content and establish comparative worth between jobs.

This annexure provides a table of equivalent occupational levels which may be used by employers when completing forms EEA 2 and EEA 4.

INSTRUCTIONS

The table [below] indicates the occupational levels within organisations as determined through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.

Organisations that make use of neither one of the job evaluation systems [in the table below], nor a customised system linked to one of these, should use the Semantic Scale for guidance in determining occupational levels within that organisation.

Equivalent occupational levels

Semantic Scale	Paterson		Peromnes	Hay	Castellion
Top Management	F	F	[++]+		14
Senior Management	E	E UPPER	1	1	13
			2		
		E LOWER	3	2	
Professionally qualified, experienced specialists and mid-management	D	D UPPER	4	3	12
			5		11
		D LOWER	6	4	13
Skilled technical and academically qualified workers, junior management, supervisors, foremen, superintendents	C	C UPPER	7	5	9
			8	6	
			9	6A	
		C LOWER	10	7	8
			11	8	
			12		
Semi-skilled and discretionary decision making	B	B UPPER	13	9	7
			14	10	6
		B LOWER	15	11	5
			16		4
Unskilled and defined decisionmaking	A	A	17	12	3
			18	13	2
			19		1

As in section 6.4.1 above, if the applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the occupational levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the occupational levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holder entity and sister company) of companies.

Example

If Company A is a designated employer, the data submitted in the October 2004 EEA 2A form should be completed in the table. If Company A is not a designated employer, the occupational levels of employees should be determined in the manner set out above as at 28 February 2005 and the table completed with this data.

Once the number of employees per level is determined, the percentages are to be worked out. For example, Company A employs seven senior officials and managers. Of the seven employees in the occupational category, 1 is an african male, 2 are coloured males, 2 are white males, 1 is an indian female and 1 is a white female. In order to determine the percentages take the number of employees from each designated group in the occupation level and divide it by the total number of employees in the occupational level and multiply by 100.

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

										Totals	
Occupational Categories		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Senior Officials and Managers (Total of JV or Group, if applicable)	Male	1	14%	2	28%	0	0%	2	28%	42%	
	Female	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to top and senior management / senior officials provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.6.2 Note: if the applicant is required to provide information of other entities the authorised representative of the other entity must attest to the declaration in section 16

All applicants must provide the figures relating to professionally qualified and experienced specialists and mid-management provided in their 2001 application forms. Designated employers or employers that comply voluntarily must then complete the rest of the table with the figures submitted in the 2002 and 2004 EEA 2A reports. Employers that are not designated and that do not voluntarily comply must complete the tables with reference to employment statistics at the financial year ends 2002 and 2004. In respect of groups and JV's the instruction set out in section 6.5 also applies to the completion of this section.

6.7.1 Note: do not complete the shaded areas of the table

This section requires applicants to provide details regarding the shareholding held by black persons and the unrestricted voting rights and economic interest (in the form of entitlement to dividends) attached to black shareholding in the Applicant (not the holding entity, group or JV partners unless this information is relevant for purposes of applying the flow-through principle). The chairperson of the board of directors of the applicant must submit an affidavit regarding the shareholding, the voting rights and the economic interest held by blacks in the applicant in the relevant annexure. In determining the percentage black shareholding, voting rights and economic interest, the flow through principle must be used, provided that:

- pension funds and organs of state are to be regarded as neutral and the percentage black shareholding should be calculated without reference to shares held by such entities;
- if the percentage black shareholding, voting rights or economic interest of a particular shareholder cannot be determined, detailed reasons must be provided;
- for purposes of determining voting rights, a shareholder is to be regarded as 100% black if that shareholder is owned more than 50% by a natural person who is black; and
- the percentage "shareholding", "economic interest" and "voting rights" of black persons in a trust must be determined with reference to the rights of beneficiaries in terms of the trust deed.

The flow through principle is defined as: "**Flow-through principle**" refers to the tracking of economic benefits when determining a score for BEE ownership. Entities are scored on the entitlement of black people to exercise voting rights and to participate in the economic interest of the enterprise. The purpose of the flow-through principle is to ensure that all companies, regardless of their structure, are scored uniformly with respect to their BEE ownership. The flow-through principle states that only voting rights and economic interest to which black people who are natural persons are entitled, are taken into account. Should entitlement to voting rights and/or economic interest be held juristic persons, only voting rights and economic interest to which black natural persons are

entitled in that juristic person will be taken into account. The same principle is applied consistently throughout the chain of ownership with respect to juristic persons until such time as that chain terminates in the entitlement of the natural person, who is a black person, to such voting rights and/or economic interest."

"Indirect ownership" means ownership of an equity interest in an enterprise where such equity interest entitles the holders to participate in the economic interest (such as dividends) flowing to the shareholders of that enterprise, but not directly in the voting rights of that enterprise. Voting rights can be exercised indirectly through a conduit such as a trust or a superannuation scheme.

Indirect ownership must be taken into account for purposes of measuring the percentage black shareholding and, if applicable, the percentage economic interest and voting rights held a black person in the applicant. If no voting rights are attached to indirectly owned equity, then black ownership of such equity may not be taken into account when determining black voting rights. However, where the voting rights are merely exercised indirectly (through a conduit), black ownership of the equity must be taken into account when determining black voting rights.

Example: The applicant has four shareholders. One of these shareholders is a natural person named AA, who is black and owns 10% of the economic interest and voting rights. Two of the other shareholders are companies and the third is a pension fund. Company A holds 30% of the shares and is 51% owned by a black person and 49% by a white person. Company B holds 40% of the shares and is 40% owned by a natural person who is white and 60% owned by company Z, that is in turn 80% owned by a white person and 20% by a black person. The Pension Fund holds the remaining 20% of the issued shares. The percentage black shareholding, voting rights and economic interest is as follows:

Year 2005 (at date of application)	Percentage Shareholding held by black persons	Percentage voting rights held by black shareholders	Percentage economic interest held by black shareholders (entitlement to dividends)
	37.625	56	37.625

AA contributes 12.5% (10/80) to all three categories, Company A contributes 19.125% (30/80 X 51/100) to shareholding and economic interest and 37.5% (30/80 X 100) to voting rights, Company B contributes 6% (40/80 X 60/100 X 20/100) to all three categories and the pension fund is disregarded.

6.7.2

The shareholding, voting rights and economic interest of women are calculated in the same manner as described under section 6.7.1 above. Again, the section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account unless these entities hold equity in the applicant and this information must be taken into account when applying the flow-through principle.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

These sections must be answered with reference to the data of the applicant alone. Information relating to holding entities, sister companies and JV partners may not be taken into account.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 **Note: do not complete shaded areas of the form**

These sections must be answered with reference to the data of the applicant alone. Information relating to JV partners may not be taken into account. The flow-through principle obviously has no application to close corporations. The percentage voting rights and profit distribution must be determined with reference to the membership agreement of the close corporation. If no such agreement exist or the agreement is silent on the issue, then voting rights and economic interest must be taken to be the same as the percentage membership interest.

6.9

This question requires the applicant to provide information on the extent to which it has achieved the targets set in the Transformation Plan submitted as part of the 2001 application process. The section must be answered with reference to the data of the applicant alone. The information relating to holdings entities, sister companies and JV partners may not be taken into account.

6.10 **Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16**

This section requires the applicant to provide information relating to compliance with section 3 of the Skills Development Levies Act 9 of 1999. The questions in the first two columns (the submission/approval of a Workplace Skills Plan and an Annual Training Report) must be answered with reference to the data of the applicant alone. In respect of the last three columns (rand amount paid to SARS, percentage salaries bill spent on training and percentage of training budget spent on black employees), if the

applicant operates in a Joint Venture ("JV") together with another company or close corporation, then the salary bills of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the Applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above) then the salary bills of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity must be provided in the annexure and the table must be completed by submitting the merged details of the group (holding entity, applicant and sister companies) of companies.

To determine the "percentage of payroll spent on training" divide the actual annual amount spent on training by the total annual payroll cost and multiply the result by 100 to determine the percentage value.

Example

Company X has an annual salary bill cost of R 1 000 000,00. The company has spent R 10 000,00 on training for all employees. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Note: If the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

This question requires the applicant to indicate whether it participated in a learnership programme in 2004. Participation in a learnership programme means that the applicant has registered a learnership agreement with the SETA as per the Regulations Concerning the Registration of Intended Learnerships and Learnership Agreements published under the Skills Development Act 97 of 1998 in Government Notice No. R. 330 of 3 April 2001. If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Note: if the Applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, the questions in these sections must be answered with reference to the merged data of all the entities in a group or a JV. The percentage black ownership, referred to in section 6.22, must be calculated as described above in section 6.7.1.

SECTION 7: SAFETY

This section requires the applicant to provide information that relates to safety, including the requirements of the South African Maritime Safety Authority.

7.1

Sections 312 and 313 of the Merchant Shipping Act, 57 of 1951 creates certain offences including the failure to comply with a duty under the Act such as the duty to ensure that an unseaworthy vessel does not leave port and the failure to properly man a vessel.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

The Maritime Occupational Safety Regulations, 1994, the Crew Accommodation Regulations, 1961 and the Merchant Shipping (Safe Manning Regulations) were passed in terms of the Merchant Shipping Act, 57 of 1951. These are available at www.mcm-deat.gov.za. Marine Notice No 26 of 2004 is also available at the website.

7.9

Compliance with the Compensation for Occupational Injuries and Diseases Act 130 of 1993 means compliance with Sections 80 to 88 of the Act which provides as follows:

"Obligations of employers to register with commissioner and to furnish him with particulars"

- 1) An employer carrying on business in the Republic shall within the prescribed period and in the prescribed manner register with the commissioner, and shall furnish the commissioner with the prescribed particulars of his business, and shall within a period determined by the commissioner furnish such additional particulars as the commissioner may require.
- 2) The particulars referred to in subsection (1) shall be furnished separately in respect of each business carried on by the employer.
- 3) An employer shall within seven days of any change in the particulars so furnished notify the commissioner of such change.

Obligations of employers to keep record

An employer shall keep a register or other record of the earnings and other prescribed particulars of all the employees, and shall at all reasonable times produce such register or record or a microfilm or other microform reproduction thereof on demand to an authorized person referred to in section 7 for inspection.

Contributions by employers individually liable and mutual associations

Notwithstanding any provision to the contrary contained in this Act, the employers individually liable and the mutual associations shall pay annually to the Director-General in such manner and at such times as he may determine, such portion of the expenditure incurred by him in the administration of the provisions of this Act as he may deem equitable."

7.13

The Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 and the Marine Pollution (Control and Civil Liability) Act 6 of 1981 are available at www.mcm-deat.gov.za.

SECTION 8: JOB CREATION**8.1.1 Note: if the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16**

The aim of this section is to establish the number of jobs provided by the applicant, and the total amount spent on salaries over the medium term right period, in the sector applied for. The information must be used to determine the number of jobs provided per ton of fish allocated in the sector concerned (in section 8.1.3) and the amount spent on salaries per ton allocated in the sector concerned (in section 8.1.2). In order to determine the number of jobs and amounts spent on salaries per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take jobs provided or salaries spent in such industries into account, and applicants involved in other sectors of the fishing industry may not take jobs provided or salaries spent in those sectors into account.

Applicants involved in industries other than the fishing industry must submit (in the annexure) a breakdown of jobs provided and salary amounts spent in the fishing industry and in other industries. Only jobs provided or the amounts spent on salaries in the fishing industry may be taken into account when completing section 8.1.1. Applicants involved in other fishing sectors must submit (in the annexure) a breakdown of jobs provided and amounts spent on salaries on a per sector basis. Only jobs provided and amounts spent on salaries in this sector may be taken into account when completing section 8.1.1. As it is difficult to accurately determine the exact number of employees and salaries spent on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant.

If the applicant is involved in a Joint Venture ("JV") together with another company or close corporation, or if the Applicant is more than 50% owned by another company or close corporation (determined in the manner specified in section 6.7.1), then all the jobs provided or amounts spent on salaries by the JV partners or the group (i.e. the applicant, the holding entity and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account jobs provided or amounts spent on salaries in other industries or sectors. Only jobs provided or amounts spent on salaries in the sector concerned by the JV or group may be taken into account when completing section 8.1.1. If applicable, a breakdown of jobs provided and amounts spent on salaries in the fishing industry and other industries or a breakdown of jobs provided and amounts spent on salaries in the sector concerned or other sectors must be provided in the annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a fishing right made by the applicant or any member of the JV or the group. There may be no double claiming of jobs. In other words, the number of jobs claimed in all applications made by members of the JV or group may not amount to more than the total number of jobs provided by the JV or group.

8.1.2 and 8.1.3:

These sections requires applicants to furnish details regarding jobs provided and salaries per ton allocated on the basis of the information provided in section 8.1.1 above.

Example

Annual Catch Allocation (in tons) to the applicant in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End as per Table 8.1.1	How much does the applicant spend on wages/salaries per ton allocated?
5 000	R1 000 000	R200

Divide the Total Annual Wage/Salaries Bill (1 000 000) by the TAC Allocated (5000) = R200 per ton.

Example

TAC Allocated in 2005 (in tons)	Total Employees (In relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated?
5 000	1 000	0.2

Divide the total number of employees provided in this fishery (1000), by the TAC allocated to the applicant (5000) [1000/5000=0.2]

8.1.4 Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

If applicable, this section must be answered with reference to the merged data of all the entities in a group or a Joint Venture.

SECTION 9: INVESTMENT

9.1.1 and 9.1.2

Note: do not complete shaded areas and if the applicant relies on information of other entities the authorised representative of that entity must attest to the declaration in section 16

The aim of this section is to establish the rand value of harbour and sea-based assets of the applicant in the sector applied for. This will be used to determine the value of harbour and sea-based assets per ton of fish allocated in the sector concerned (in sections 9.1.3 and 9.1.4). In order to determine the value of assets per unit allocated in the sector concerned, applicants (or their holding or sister companies and JV partners) involved in industries other than the fishing industry may not take assets used in other industries into account.

Applicants involved in industries other than the fishing industry must provide a breakdown of assets used in the fishing industry and in other industries in the relevant annexure (separately for book and insured values). Only assets used in the fishing industry may be taken into account when completing sections 9.1.1 and 9.1.2. Applicants involved in other fishing sectors must provide a breakdown of assets used on a per sector basis in the relevant annexure (separately for book and insured values). Only assets used in the sector applied for may be taken into account when completing sections 9.1.1 and 9.1.2. As it is difficult to accurately apportion assets on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application for a commercial fishing right made by the applicant during the long term rights allocation process.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then all the assets used by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account assets used in other industries or sectors. Only assets used in the sector concerned by the JV or group may be taken into account when completing sections 9.1.1 and 9.1.2. If applicable, a breakdown of assets used in the fishing industry or other industries or a breakdown of assets used in the sector concerned and other sectors must be provided in the relevant annexure (separately for book and insured values). A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of assets. In other words, the value of assets claimed in all applications made by members of the JV or group may not amount to more than the total value of the assets used by members of the JV or group in the fishing industry.

9.1.3:

This question requires the applicant to provide information regarding the value of investment per ton allocated. The information provided in section 9.1.1. must be used.

Example

Company X was allocated a TAC of 5000 tons. The value of its harbour and sea-based assets at financial year end 2004 in the applicable sector was R5 000 000. The value of land based assets were R 4000 000. The value of harbour and sea-based assets per ton allocated to it is calculated as follows:

Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land based assets at 2004 financial year end	Book Value of Harbour and Sea-based Assets per ton allocated to the applicant	Book Value of Land-Based Assets per ton allocated to the applicant
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00
Divide the value of harbour and sea based assets (5 000 000) by the TAC allocated to the applicant in 2004 (5000) [5 000 000/5 000=R1 000] Divide the total value of land based assets (4 000 000) by the TAC allocated to the applicant in 2004 (5000) [4 000 000/5 000=R800]				

SECTION 10: LOCAL ECONOMIC DEVELOPMENT

This section requires the applicant to provide information regarding the landing of catches at harbours/landing sites (in relation to this fishery) in 2004, and intentions regarding the landing of catches. Use nominal tons (not weight after the fish has been headed and gutted etc).

10.1:

This question requires the applicant to provide detailed information regarding harbours where it landed catches in 2004.

Example

Company X lands fish at various different harbours. Of its allocation of 20 tons it lands 5 tons in Mossel Bay, 10 tons in Port Elizabeth and 5 tons in Cape Town.

The calculation should be done as follows:

Harbour / Landing Site Name	Tons Landed at Harbour in 2004	Rand Value of Catch landed at Harbour in 2004	Percentage of Total Catch landed in 2004
Mossel Bay	5	R100 000	25 %
Port Elizabeth	10	R100 000	50 %
Cape Town	5	R150 000	25 %

Divide the catch (in this fishery) landed at each harbour by the total catch landed by the applicant and multiply by 100 to calculate this percentage ($5/20 \times 100 = 25\%$)

SECTION 11: FINANCIAL PERFORMANCE

11.1 Note: If the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The same principle as explained in sections 8.1.1 and 9.1.1 must be used. The aim of this section is to establish turnover of the applicant for the sector applied for. Applicants involved in industries other than the fishing industry may not take turnover generated in such other industries into account. More specifically, applicants involved in industries other than the fishing industry must provide a breakdown of turnover in the fishing industry and in other industries in the annexure. Only turnover in the sector of fishing industry concerned may be taken into account when completing the second column of section 11.2. Applicants involved in other fishing sectors must provide a breakdown of turnover on a per sector basis in the annexure. Only turnover generated in the sector concerned may be taken into account when completing the second column of section 11.2. As it is difficult to accurately apportion turnover on a per sector basis, a rough estimate or division will suffice, provided that the same apportionment is used in any other application made by the applicant. In other words, the same breakdown must be provided by the applicant in applications for commercial rights in other sectors.

If the applicant is involved with other entities in the form of a Joint Venture ("JV"), or if the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 above), then the total turnover generated by the JV partners or group (ie the applicant, the holding company and sister companies) may be taken into account, provided that the same principles set out above are applied. In other words, JV's and groups involved in other industries or fishing sectors may not take into account turnover generated in other industries or sectors. Only turnover generated in the sector concerned by the JV or group may be taken into account. If applicable, a breakdown of turnover generated in the fishing industry and other industries or a breakdown of turnover generated in the sector concerned and other sectors must be provided in the relevant annexure. A rough estimate or division will suffice, provided that the JV or group uses the same apportionment in any other application for a commercial fishing right made by the applicant, a member of the group or the JV. There may be no double claiming of turnover. In other words, the turnover claimed in all applications made by members of the JV or group may not amount to more than the total turnover by members of the JV or group in the fishing industry. **The financial statements of all members of the JV or group must be provided in the relevant annexure.**

11.2 Note: If the applicant relies on the information of other entities, the authorised representative of that entity must attest to the declaration in section 16

The applicant is required to specify the percentage of its total turnover derived from the fishery applied for. In the second column the applicant must enter the figure determined in section 11.1 above. In the third column, the applicant must use the total turnover of the applicant (or, if applicable, the group or JV), including turnover generated outside the fishing industry, in order to determine the percentage.

Example

Company X was allocated medium term fishing rights for Hake Deep Sea Trawl and South Coast Rock Lobster. It was allocated a TAC of 5 000 tons for Hake Deep Sea Trawl and 7 tons South Coast Rock Lobster in 2004. Company X's total turnover (for both fisheries) for the 2004 financial year was R180 000 000. The total turnover generated in Hake Deep Sea Trawl for the financial year 2004 was R100 000 000. The total turnover for South Coast Rock Lobster was R 80 000 000. In its application for a South Coast Rock Lobster right, the applicant's table would appear as follows:

TAC Allocated (in tons) to the Applicant In 2004	Turnover Generated by TAC allocated (financial year 2004)	Percentage of Total turnover
7	R80 000 000	44.4%
<i>Divide turnover of this fishery by total turnover of the applicant and multiply by 100 to determine the percentage value. 80 000 000/180 000 000x100= 44.4%</i>		

11.3

This section requires applicants to provide financial performance ratios. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in). These should be calculated as follows:

Return on Net Assets

$$\text{RONA} = \frac{\text{Operating Profit}}{\text{Net Operating Assets}} = \frac{\text{Operating Profit}}{\text{Sales}} \times \frac{\text{Sales}}{\text{Net Operating Assets}}$$

Debt: Equity Ratio: $\frac{\text{Debt}}{\text{Equity}}$

Current Ratio: $\frac{\text{Current Assets}}{\text{Current Liabilities}}$

Acid Test: $\frac{\text{Current Assets} - \text{Inventory}}{\text{Current Liabilities}}$

11.4, 11.5 and 11.6

These questions require the applicant to provide information from its audited or verified financial statements. If applicable, the merged information of the group or JV partners must be supplied (all sectors and industries involved in).

SECTION 12 FISHING PLAN

This section requires the applicant to provide information regarding its fishing plan.

SECTION 13: BY-CATCH AND ENVIRONMENTALLY SUSTAINABLE PRACTICES

This section requires the applicant to provide information regarding by-catches and environmentally sustainable practices.

SECTION 14: LEVIES

This section requires the applicant to provide information regarding levies paid during the medium term right period.

VERDUIDELIKENDE NOTAS – MEDIUM TERMYN REGTEHOERS SUIDKUSKREEF

DIE DOEL VAN DIE VERDUIDELIKENDE NOTAS IS OM AANSOEKERS TE HELP MET VOLTOOING VAN 'N AANTAL AFDELINGS IN DIE AANSOEKVORM. SEKERE AFDELINGS WORD GEAG SELFVERDUIDELIKEND TE WEES EN WORD NIE IN HIERDIE VERDUIDELIKENDE NOTAS GEDEK NIE.

Die WLMH is die Wet op Lewende Mariene Hulpbronne 18 van 1998. 'n Afskrif is beskikbaar op die Departement se webtuiste by www.mcm-deat.gov.za.

AFDELING 1: AANSOEKER SE BESONDERHEDE

Afdelings 1.1 tot 1.7 moet voltooi word deur alle aansoekers. Daar was van aansoekers vereis om die besonderhede te verskaf vereis deur afdelings 1.8.1 tot 1.8.7d toe die aansoeker geregistreer het vir 'n aansoekvorm by www.mcm-deat.gov.za. Hierdie afdelings hoef slegs voltooi te word indien die aansoeker se besonderhede verander het sedert registrasie.

AFDELING 2: VORM VAN DIE AANSOEKER

2.1, 2.2 and 2.3

Die oogmerk is om vas te stel of die aansoeker behandel moet word as 'n potensiële nuwe inkomeling of as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal slegs daardie entiteite wat ontvangers was van medium termyn regte in die vissery in 2001/2002 waarvoor nou aansoek gedoen word of die uitsluitlike opvolgers van daardie entiteite.

As die aansoeker dieselfde entiteit is as die een gespesifiseer in 2.2 (die ontvanger van die medium termyn reg in 2001/2002) en in 2.3 (die huidige medium termyn regtehouer), kwalifiseer die aansoeker uit die aard van die saak om as 'n medium termyn regtehouer behandel te word. In sekere gevalle kon die reg toegeken in 2001/2002 egter oorgedra gewees het, of die reg kon toegeken gewees het aan 'n trust of 'n natuurlike persoon met die resultaat dat aansoek nou gedoen moet word in die vorm van 'n beslote korporasie of maatskappy. In hierdie en alle andere gevalle waar die aansoeker en die entiteit in 2.2 en 2.3 nie dieselfde entiteit is nie, moet die aansoeker aantoon dat dit die uitsluitlike opvolger is van die entiteit wat die reg ontvang het in 2001/2002, ten einde te kwalifiseer as 'n medium termyn regtehouer. Die gedelegeerde owerheid sal nie meer as een entiteit erken as die opvolger van die entiteit wat die reg in 2001/2002 ontvang het nie.

2.4

In terme van artikel 18 van die WLMH, mag kommersiële visvangregte slegs aan Suid Afrikaanse persone toegeken word, wat 'n term is wat gedefinieer word in artikel 1 van die Wet. Die oogmerk van hierdie afdeling is om te bepaal of die aansoeker voldoen aan die vereistes van hierdie definisie. In die geval van 'n maatskappy of beslote korporasie moet die meerderheid van die aandeelhouders of lede Suid Afrikaanse persone wees.

2.7, 2.8

In terme van paragraaf 7.5 van die Algemene Beleid mag 'n medium termyn regtehouer aansoeker nie aandeel in 'n potensiële nuwe inkomeling aansoeker in dieselfde sektor hou nie. Die oogmerk van hierdie afdeling is om vas te stel of aan hierdie vereiste gehoor gegee is en om aandeelhouding verbintenisse tussen verskillende medium termyn regtehouer aansoekers vas te stel.

AFDELING 3: WETSNAKOMING

3.1.1, 3.1.2, 3.1.3 en 3.1.4 **Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

In terme van die Algemene beleid en die toepaslike Vissery-spesifieke beleide mag verskeie gevolge geheg word aan oortredings van die WLMH, die regulasies of permitvoorwaardes, insluitend die uitsluiting van die aansoeker en negatiewe punte toekenning. Die oogmerk van hierdie afdeling is om vas te stel of die aansoeker skuldig bevind is van enige sodanige oortreding en om die erns van die oortreding te bepaal.

3.2 **Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord**

Aansoekers moet "ja" op die vraag antwoord, selfs al is die bate aangehou, gearresteer of op beslag gelê in terme van die WLMH of ingekort of gepreserveer in terme van die Wet op die Voorkoming van Georganiseerde Misdaad, later losgelaat. Die omstandighede aangaande die aanhouding, arrestasie, beslaglegging, of inkorting of preservingbevel en die uitkoms van die proses, m.a.w. of die bate gekonfiskeer of verbeurdverklaar is aan die staat, moet behandel word in die aanhangsel.

3.3 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

Aansoekers moet "ja" op die vraag antwoord, slegs indien die aansoeker se reg of permit in hierdie visserij teruggetrek, gekanselleer, verminder of gewysig is in terme van artikel 28(3) van die WLMH. Die omstandighede moet verduidelik word in die aanhangsel.

AFDELING 4: VAARTUIGBESONDERHEDE

Hierdie afdeling vereis van die aansoeker om die besonderhede te verskaf van elke vaartuig genomineer deur die aansoeker. Indien die aangevraagde besonderhede nie beskikbaar is nie moet die rede hiervoor verduidelik word in die aanhangsel.

AFDELING 5: VANGSBENUTTING

5.1 Neem Kennis: 'n "ja" antwoord sal veronderstel word indien die aansoeker versuim om die vraag te beantwoord

'n Aansoeker wat 10% meer of 10% minder as sy eie toekenning gevang in enige gegewe jaar oor die duur van die medium termyn regte periode moet "ja" antwoord op hierdie vraag. Redes moet verskaf word in die aanhangsel.

5.2

Hierdie afdeling vereis besonderhede aangaande die aansoeker se vangrekords gedurende die medium termyn (2001 – 2005) regte periode. Aansoekers moet nie die vraag beantwoord met verwysing na die Departement se vangrekords nie. In die tweede kolom, moet die jaarlikse vangstoekenning vir die drie jaar voltooi word en in die derde kolom moet die werklike vangs gespesifiseer word in ton (nominale gewig moet gespesifiseer word en nie gelande gewig of gewig nadat die koppe afgesny en die vis geveek is nie, ens.). Indien 'n permit nie uitgereik is aan die aansoeker vir enige jaar nie, moet die aansoeker 100% ondervangs aantoon.

Voorbeeld

Jaar	Jaarlikse Vangs Toekenning (in ton)	Totaal gevang van Aansoeker se toekenning (ton)	Persentasie ondervangs	Persentasie oorrangs
2003 seisoen	1 000	1 100	0%	10%

Werklike tonnemaat gevang (1100 ton) minus totale toelaatbare vangs toegeken (1 000 ton) = 100 ton. Om die persentasie vas te stel, deel die verskil deur die TTV toegeken en vermenigvuldig dit met 100. I.e. $(1000/10\ 000) \times 100 = 10\ %$.

AFDELING 6: TRANSFORMASIE

6.1, en 6.2.1

Die oogmerk van hierdie afdelings is om vas te stel of daar van die aansoeker vereis word om te voldoen aan die Wet op Diensbillikheid. Indien daar van die aansoeker vereis word om te voldoen is die volgende vraag of die aansoeker sy verpligtinge onder die Wet nagkom het. Vir doeleindes van die beantwoording van hierdie afdelings moet slegs data van die aansoeker (en nie die data van sy houermaatskappy of Gesamentlike-Ondernemings vennote nie) in aanmerking geneem word.

Daar word van "Aangewese" werkgewers vereis om te voldoen aan die Wet. 'n Aangewese werkgewer in terme van artikel 1 van die Wet op Diensbillikheid is:

- 'n werkgewer wat 50 of meer werknemers in diens het;
- 'n werkgewer wat minder as 50 werknemers in diens het, maar wat 'n totale jaarlikse omset het wat gelyk is aan of bo die toepaslike jaarlikse omset van 'n klein besigheid in terme van Skedule 4 van hierdie wet [wat R2 miljoen per jaar is]; of
- ...
- ...
- 'n werkgewer gebind aan 'n kollektiewe ooreenkoms in terme van artikel 23 of 31 van die Wet op Arbeidsverhoudinge wat die werkgewer aanstel as 'n aangewese werkgewer in terme van hierdie Wet, tot die mate waarin voorsiening gemaak in die ooreenkoms.

In terme van artikel 13 van die Wet op Diensbillikheid is die verpligtinge van aangewese werkgewers as volg:

- Elke aangewese werkgewer moet, ten einde diensbillikheid te bewerkstellig, regstellende aksie maatreëls implementeer vir mense van aangewese groepe in terme van hierdie Wet.
- 'n Aangewese werkgewer moet-
 - oorleg pleeg met sy werknemers soos vereis deur artikel 16;
 - 'n analise doen soos vereis deur artikel 19;

- c) 'n diensbillikheidsplan voorberei soos vereis deur artikel 20; en
- d) rapporteer aan die Direkteur-Generaal oor vordering gemaak in die implementering van die diensbillikheidsplan, soos vereis deur artikel 21.

6.3.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die samestelling van die bestuur van die aansoeker vas te stel. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos gespesifiseer in afdeling 6.7.1 hieronder) dan moet die besonderhede van die direksie/lede van beide die aansoeker en houer-entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur indiening van die saamgesmelte besonderhede van die direksies/ lede van beide entiteite. Indien die aansoeker betrokke is in 'n gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie, dan moet die besonderhede van die direksie of lede van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die direksies/ lede van al die GO vennote.

6.3.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede te voorsien aangaande werknemers wat die hoogste salarisse verdien (bereken op 'n totale koste vir die maatskappy basis). Hierdie inligting sal as konfidensieël behandel word en mag apart ingedien word in die geseëde kovert.

Soos in afdeling 6.3.1 hierbo, indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos bepaal in afdeling 6.7.1 hieronder) dan moet besonderhede van die hoogste salaris verdieners van beide die aansoeker en die houer entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die hoogste salaris verdieners van beide entiteite. Indien die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslote korporasie dan moet die besonderhede van die hoogste salaris verdieners van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote.

Totale koste vir die maatskappy sluit voordele en bonusse in maar sluit dividende uit. Aansoekers wat 165 werknemers of minder in diens het moet die besonderhede van hul top salaris verdieners verskaf soos aangedui in die tabel in die aansoekvorm. Aansoekers wat meer as 165 werknemers in diens het moet eers die top 3% vasstel en dan besonderhede van daardie werknemers (tot 'n maksimum van 90) voorsien. Aanwysing of werklike titel gehou deur die werknemer, soos aangedui in die organogram of organisatoriese struktuur, moet voorsien word.

Voorbeeld: Indien die aansoeker 2500 persone in diens het, stel die aansoeker die top 3% vas deur hierdie getal te vermenigvuldig met 0.03 ($2500 \times 0.03 = 75$). Die aansoeker moet dan die besonderhede van daardie 75 werknemers verskaf. Die aansoeker moet nie die besonderhede van meer as 90 werknemers voorsien nie, ongeag die aantal werknemers wat die aansoeker in die top 3% het.

Indien van toepassing, moet die aantal werknemers van houer-entiteite of GO vennote bygevoeg word by die aantal werknemers van die aansoeker, soos uiteengesit in die voorbeeld hieronder.

Voorbeeld: Indien die aansoeker 75 persone in diens het en die houer-entiteit 125 persone in diens het, het die twee entiteite gekombineerd 200 persone in diens. Die aansoeker moet die top 3% vas te stel: $200 \times 0.03 = 6$. Die besonderhede van die twee entiteite moet saamgesmelt word en die besonderhede van die top ses salaris verdieners van die saamgesmelte lys moet in die tabel ingevul word by 6.3.2.

6.4.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om besonderhede van inkomstevlakke binne die organisasie te voorsien soos op 28 Februarie 2005.

Soos in afdelings 6.3.1 en 6.3.2 hierbo, as die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die salarisvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die voorsiening van die saamgesmelte besonderhede van al die GO vennote. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die salarisvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskap) maatskappye.

Voorbeeld

1	Maandelikse Inkomste	Aantal Werknemers op hierdie vlak (totaal van Groep of GO, indien van toepassing)	Persentasie van totale Werknemers	Aantal Swart Werknemers op hierdie vlak (totaal van groep of GO, indien van toepassing)	Persentasie van Totale Aantal Swart Werknemers	Aantal Vroulike Werknemers op hierdie vlak (total van Groep of GO, indien van toepassing)
	< R 2 500	100	80%	80	90 %	70
Deel dan die aantal werknemers in hierdie inkomstevlak deur die totale aantal werknemers en vermenigvuldig met 100			Deel dan die aantal swart werknemers in hierdie inkomstevlak deur die totale aantal swart werknemers en vermenigvuldig			

6.5 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om die diensbillikeidsprofiel van die aansoeker met betrekking tot beroepsvlakke te voltooi. Aangewese werkgewers en werkgewers wat vrywillig voldoen aan die Wet op Diensbillikheid moet die tabel voltooi met die syfers wat voorsien is in Oktober 2004 aan die Departement van Arbeid. Werkgewers wat nie aangewese is nie moet die tabel voltooi met verwysing na sy werknemers op 28 Februarie 2005 en met verwysing na die definisie van die beroepsvlakke uiteengesit in aanhangsel 2 van die Regulasies tot die Wet op Diensbillikheid. Aanhangsel 2 bepaal as volg:

Wet op Diensbillikheid 55 van 1998

WAT IS DIE DOEL VAN HIERDIE AANHANGSEL?

Werksevaluasie of graderingstelsels word deur baie organisasies benut om werksposisies te meet volgens hul inhoud en om vergelykende waarde tussen werksposisies vas te stel.

Hierdie aanhangsel voorsien 'n tabel van gelykstaande beroepsvlakke wat gebruik mag word deur werkgewers wanneer vorms EEA 2 and EEA 4 voltooi word.

INSTRUKSIES

Die tabel [hieronder] dui die die beroepsvlakke binne organisasies aan soos vasgestel deur die gebruik van verskillende werksevaluasie of graderingstelsels. Die tabel voorsien gelykstaande vlakke van elkeen van hierdie werksevalueringstelsels.

Organisasies wat gebruik maak van geeneen van die werksevalueringstelsels [in die tabel hieronder] nie, of wat nie 'n aangepaste stelsel het wat gekoppel is aan een van hierdies nie, moet die Semantiese Skaal gebruik vir leiding by die vasstelling van beroepsvlakke binne daardie organisasie.

Gelykstaande Beroepsvlakke

Semantiese Skaal	Paterson		Peromnes	Hay	Castellion
Top Bestuur	F	F	[++] +]		14
Senior Bestuur	E	E HOËR E LAER	1 2 3	1 2	13
Professioneel gekwalifiseerd, ervare spesialiste en middel-bestuur	D	D HOËR D LAER	4 5 6	3 4	12 11 13
Vaardige tegniese en akademies gekwalifiseerde werkers, junior bestuur, toesighouers, voormanne, superintendente	C	C HOËR C LAER	7 8 9 10 11 12	5 6 6A 7 8	9 8
Semi-vaardige en diskresionêre besluitneming	B	B HOËR B LAER	13 14 15 16	9 10 11	7 6 5 4
Ongeskoolde en	A	A	17	12	3

gedefinieerde besluitneming		18 19	13	2 1
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Soos in afdeling 6.4.1 hierbo, indien die aansoeker in 'n Gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie betrokke is moet die beroepsvlakke van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te voorsien. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hieronder) moet die beroepsvlakke van die houer-entiteit, die aansoeker en enige sustermaatskappy wat ook meer as 50% deur die houer-entiteit besit word voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die groep (aansoeker, houer-entiteit en sustermaatskappy) maatskappye.

Voorbeeld

As Maatskappy A 'n aangewese werkgewer is, moet die tabel voltooi word met die data ingedien in die Oktober 2004 EEA 2A. As maatskappy A nie 'n aangewese werkgewer is nie moet die beroepsvlakke van werknemers op 28 Februarie 2005 vasgestel word op die wyse hierbo uiteengesit en die tabel met hierdie data voltooi word.

Nadat die aantal werknemers per vlak vasgestel is, moet die persentasies bereken word. Byvoorbeeld, Maatskappy A het 7 senior amptenare en bestuurders in diens. Uit die sewe werknemers in die beroepskategorie, is 1 'n manlike Afrikaan, 2 is manlike Kleurlinge, 2 is Wit mans, 1 is 'n Indiese vrou en 1 is 'n Wit vrou. Ten einde die persentasie vas te stel, neem die aantal werknemers van elke aangewese groep in die beroepsvlak en deel dit deur die totale aantal werknemers in die beroepsvlak en vermenigvuldig met 100.

A = Afrikaan, K = Kleurling, I = Indiër, W = Wit, V = Vroulik en AKI = Afrikaan, Kleurling en Indiër

Beroepskategorieë		A No.	A %	K No.	C %	I No.	I %	W No.	W %	Totals	
										AKI%	V%
Senior Amptenare en Bestuurders (Totaal van GO of Groep, indien van toepassing)	Manlik	1	14%	2	28%	0	0%	2	28%	42%	
	Vroulik	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die top en senior bestuur / senior beamptes wat voorsien was in hulle 2001 aansoek vorms. Aangewese werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingsstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.6.2 Neem kennis: as daar van die aansoeker vereis word om inligting van ander entiteite te voorsien moet die gemagtigde verteenwoordiger van die ander entiteit die deklarasie in afdeling 16 af lê.

Alle aansoekers moet die syfers verskaf rakende die professioneel gekwalifiseerde en ervare spesialiste en middel-bestuur wat voorsien was in hulle 2001 aansoekvorms. Aangewysde werkgewers of werkgewers wat vrywillig voldoen moet dan die res van die tabel voltooi met die syfers verskaf in die 2002 en 2004 EEA 2A verslae. Werkgewers wat nie aangewese is nie en wat nie vrywillig voldoen nie moet die tabel voltooi met verwysing na indiensnemingsstatistieke aan die einde van die finansiële jaar 2002 en 2004. Met betrekking tot groepe en GO's is die instruksies uiteengesit in afdeling 6.5 ook van toepassing op die voltooiing van hierdie afdeling.

6.7.1

Neem kennis: moenie die skadu areas van die tabel voltooi nieHierdie afdeling vereis van aansoekers om besonderhede te verskaf rakende die aandeelhouding gehou deur swart persone en die onbepaalde stemregte en ekonomiese belang (in die vorm van geregtigheid op dividende) gekoppel aan swart aandeelhouding in die aansoeker (nie die houer-entiteit, groep of GO vennoot nie tensy hierdie inligting relevant is vir doeleindes van toepassing van die deur-vloei beginsel). Die voorsitter van die direksie van die aansoeker moet 'n eedsverklaring indien aangaande die aandeelhouding, stemregte en ekonomiese belang gehou deur swart persone in die aansoeker in die relevante aanhangsel. By die vasstelling van die persentasie swart aandeelhouding, stemregte en ekonomiese belang, moet die deur-vloei beginsel gebruik word, dien verstande dat:

- Pensioen fondse en staatsorgane word as neutraal beskou en die persentasie swart aandeelhouding moet bereken word sonder verwysing na aandeel gehou deur sulke entiteite;
- Indien die persentasie swart aandeelhouding, stemregte of ekonomiese belang van 'n besondere aandeelhouer nie vasgestel kan word nie, moet gedetailleerde redes voorsien word;
- Vir doeleindes van vasstelling van stemregte, word 'n aandeelhouer geag 100% swart te wees as meer as 50% van daardie aandeelhouer besit word deur 'n natuurlike persoon wat swart is; en
- Die persentasie "aandeelhouding", "ekonomiese belang" en "stemregte" van swart persone in 'n trust moet vasgestel word met verwysing na die regte van begunstigdes in terme van die trustakte.

Die deur-vloei beginsel word as volg gedefinieer: "**Deur-vloei beginsel**" verwys na die navolging van ekonomiese voordele by die vasstelling van 'n telling vir SEB eienaarskap. Daar word 'n telling aan entiteite toegeken op grond van die geregtigheid van swart persone om stemregte uit te oefen en om deel te neem aan die ekonomiese belang van die besigheid. Die doel van die deur-vloei beginsel is om te verseker dat punte op 'n uniforme wyse toegeken word aan alle maatskappye, ongeag hulle struktuur, met betrekking tot hulle SEB eienaarskap. Die deur-vloei beginsel bepaal dat slegs stemregte en ekonomiese belange waarop swart mense wat natuurlike persone is geregtig is, in ag geneem word. Sou geregtigheid tot stemregte en/of ekonomiese belang deur 'n regs persoon gehou word, sal slegs stemregte en ekonomiese belang waarop swart mense geregtig is in daardie regs persoon in ag geneem word. Dieselfde beginsel word konsekwent toegepas regdeur die eienaarskapsketting met betrekking tot regspersone totdat die ketting doodloop in die geregtigheid van die natuurlike persoon, wat 'n swart persoon is, op sulke stemregte en/of ekonomiese belange.

"Indirekte Eienaarskap" beteken eienaarskap van 'n ekwiteitsbelang in 'n onderneming waar so 'n ekwiteitsbelang die houer geregtig maak om deel te neem in die ekonomiese belang (soos dividende) wat vloei na die aandeelhouders van daardie onderneming, maar nie direk in die stemregte van daardie onderneming nie. Stemregte kan indirek uitgeoefen word deur 'n gelybuis soos 'n trust of 'n pensionerings-skema.

Indirekte eienaarskap moet in ag geneem word vir doeleindes van die bepaling van die persentasie swart aandeelhouding, en indien van toepassing, die persentasie ekonomiese belang en stemregte gehou deur 'n swart persoon in die aansoeker. As geen stemregte gekoppel is aan indirekte eienaarskap van ekwiteit nie, dan mag swart eienaarskap van sodanige ekwiteit nie in ag geneem word wanneer swart stemregte vasgestel word nie. Waar die stemregte egter bloot indirek uitgeoefen word (deur 'n gelybuis), moet swart eienaarskap van ekwiteit in ag geneem word wanneer swart stemregte vasgestel word.

Voorbeeld: Die aansoeker het vier aandeelhouders. Een van hierdie aandeelhouders is 'n natuurlike persoon genaamd AA, wat 'n swart persoon is en 10% van die ekonomiese belang en stemregte besit. Twee van die ander aandeelhouders is maatskappye en die derde is 'n pensioenfonds. Maatskappy A hou 30% van die aandeel en is 51% besit deur 'n swart persoon en 49% deur 'n wit persoon. Maatskappy B hou 40% van die aandeel en is 40% besit deur 'n natuurlike persoon wat wit is en 60% besit deur Maatskappy Z, wat op sy beurt 80% besit word deur 'n wit persoon en 20% deur 'n swart persoon. Die Pensioenfonds hou die oorblywende 20% van die uitgerekte aandeel. Die persentasie swart aandeelhouding, stemreg en ekonomiese belang is as volg:

Jaar 2005 (op datum van aansoek)	Persentasie aandeelhouding gehou deur Swart persone	Persentasie stemreg gehou deur swart persone	Persentasie ekonomiese belang gehou deur swart aandeelhouders (geregtigheid op dividende)
	37.625	56	37.625

AA dra 12.5% (10/80) by tot al drie kategorieë, Maatskappy A dra 19.125% (30/80 X 51/100) by tot aandeelhouding en ekonomiese belang en 37.5% (30/80 X 100) tot stemregte. Maatskappy B dra 6% (40/80 X 60/100 X 20 /100) by tot al drie kategorieë en die pensioenfonds word buite rekening gelaat.

6.7.2

Die aandeelhouding, stemregte en ekonomiese belang van vrouens word bereken op dieselfde wyse soos verduidelik onder afdeling 6.7.1 hierbo. Weereens moet die afdeling beantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting aangaande houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie tensy hierdie entiteite ekwiteit hou in die aansoeker en hierdie die inligting in ag geneem moet word wanneer die deur-vloei beginsel toegepas word.

6.7.3, 6.7.4, 6.7.5, 6.7.6 and 6.7.7

Hierdie afdelings moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting aangaande houer entiteit, suster maatskappye en GO vennote mag nie in ag geneem word nie.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Neem kennis: moenie die skadu areas van die vorm voltooi nie

Hierdie afdelings moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting rakende GO vennote mag nie in ag geneem word nie. Die deur-vloei beginsel het natuurlik geen toepassing op beslote korporasies nie. Die persentasie stemregte en winsdistribusie moet vasgestel word met verwysing na die samewerkingsooreenkoms van die beslote korporasie.

Indien geen so 'n ooreenkoms bestaan nie of indien die ooreenkoms swyg oor die kwessie dan moet daar aanvaar word dat stemregte en ekonomiese belang dieselfde is as die persentasie ledebelang.

6.9

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die mate waartoe die teikens gestel in die Transformasie Plan ingedien as deel van die 2001 aansoekproses bereik is. Die afdeling moet geantwoord word met verwysing na die inligting van die aansoeker alleen. Die inligting rakende houer entiteite, suster maatskappye en GO vennote mag nie in ag geneem word nie.

6.10 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende nakoming van artikel 3 van die Wet op Heffings op Vaardigheidsontwikkeling 9 van 1999. Die vrae in die eerste twee kolomme (die indiening / goedkeuring van 'n Werkplekvaardigheidsplan en 'n Jaarlikse Opleidingsverslag) moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Met betrekking tot die laaste drie kolomme (randhoeveelheid betaal aan SAID, persentasie van betaalrol spandeer op opleiding en persentasie van opleidingsbegroting spandeer op swart werknemers), indien die aansoeker betrokke is in 'n Gesamentlike-Onderneming ("GO") met 'n ander maatskappy of beslote korporasie, dan moet die betaalrolle van al die GO vennote in die aanhangsel verskaf word en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te verskaf. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo) moet die betaalrolle van die houer-entiteit, die aansoeker en enige suster maatskappye ook meer as 50% besit deur die houer-entiteit, verskaf word in die aanhangsel en moet die tabel voltooi word deur die verskaffing van die saamgesmelte besonderhede van die groep (houer-entiteit, aansoeker en sustermaatskappye) maatskappye.

Ten einde die "persentasie van betaalrol spandeer op opleiding" te bereken deel die werklike jaarlikse hoeveelheid spandeer op opleiding deur die totale jaarlikse betaalrolkoste en vermenigvuldig die resultaat met 100 om die persentasie vas te stel.

Voorbeeld

Maatskappy X het 'n jaarlikse betaalrol van R 1 000 000,00. Die maatskappy het R 10 000,00 op opleiding spandeer op alle werknemers. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$.

6.11 Neem kennis: indien die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Hierdie vraag vereis van die aansoeker om aan te toon of dit deelgeneem het aan 'n leerskapprogram in 2004. Deelname aan 'n leerskap program beteken dat die aansoeker 'n leerskapooreenkoms geregistreer het met die SEO ("SETA") ooreenkomstig die Regulasies Aangaande die Registrasie van Voorgenome Leerskappe en Leerskapooreenkomste gepubliseer onder die Wet op Vaardigheidsontwikkeling 97 van 1998 in Staatskenningsgewing No. R. 330 van 3 April 2001. Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 and 6.24

Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of GO. Die persentasie swart eienaarskap, verwys na in afdeling 6.22, moet bereken word soos hierbo beskryf in afdeling 6.7.1.

AFDELING 7: VEILIGHEID

Hierdie afdeling vereis van die aansoeker om inligting te verskaf rakende veiligheid, insluitend die vereistes van die Suid Afrikaanse Maritieme Veiligheidsowerheid.

7.1

Artikels 312 en 313 van die Handelskeepvaartwet, 57 van 1951 skep sekere oortredings insluitende die versuim om te voldoen aan 'n verpligting onder die Wet soos die verpligting om te verseker dat onseewaardige vaartuig nie die hawe verlaat nie en die versuim om 'n vaartuig behoorlik te beman.

7.2, 7.3, 7.4, 7.5, 7.7 and 7.8

Die Maritieme Beroepsveiligheidsregulasies, 1994, die Bemannings Akkomodasie Regulasies, 1961 and the Handelskeepvaart (Veilige Bemanningregulasies) is uitgevaardig in terme van die Handelskeepvaartwet 57 van 1951. Hulle is beskikbaar by www.mcm-deat.gov.za. Mariene Kennisgewing No 26 van 2004 is ook op die webwerf beskikbaar.

7.9

Nakoming van die Wet op Vergoeding vir Beroepsbeserings en Slektes 130 van 1993 beteken nakoming van Artikels 80 tot 88 van die Wet wat as volg voorsien:

"Werkgewer moet by kommissaris registreer en aan hom besonderhede verstrek."

(1) 'n Werkgewer wat 'n besigheid in die Republiek dryf, moet by die kommissaris binne die voorgeskrewe tydperk en op die voorgeskrewe wyse registreer, en moet aan die kommissaris die voorgeskrewe besonderhede van sy besigheid verstrek, en moet binne 'n tydperk deur die kommissaris bepaal die bykomende besonderhede verstrek wat die kommissaris verlang.

(2) Die besonderhede bedoel in subartikel (1) moet afsonderlik verstrek word ten opsigte van elke besigheid wat deur die werkgewer gedryf word.

(3) 'n Werkgewer moet die kommissaris van enige verandering van die aldus verstrekte besonderhede binne sewe dae na sodanige verandering in kennis stel.

Werkgewer moet rekord hou.

(1) 'n Werkgewer moet 'n register of ander rekord hou van die verdienste en ander voorgeskrewe besonderhede van al die werknemers, en moet daardie register of rekord of 'n mikrofilm- of ander mikroformreproduksie daarvan te alle redelike tye op versoek aan 'n gemagtigde persoon bedoel in artikel 7 ter insae voorlê.

Bydraes deur werkgewers individueel aanspreeklik en onderlinge verenigings.

(1) Ondanks enige andersluidende bepaling van hierdie Wet moet die werkgewers individueel aanspreeklik en die onderlinge verenigings aan die Direkteur-generaal op die wyse en tye wat hy bepaal, jaarliks sodanige deel as wat hy billik ag, betaal van die uitgawe wat hy by die uitvoering van die bepalings van hierdie Wet aangegaan het.

7.13

Die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe) Wet 2 van 1986 en die Wet op Mariene Besoedeling (Beheer en Siviele Aanspreeklikheid) Wet 6 van 1981 is beskikbaar by www.mcm-deat.gov.za.

AFDELING 8: WERKSKEPPING

8.1.1 Neem kennis: as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die aantal werksgeleenthede verskaf deur die aansoeker, en die totale hoeveelheid spandeer op salarisse gedurende die medium termyn regteperiode in die sektor waarvoor aansoek gedoen word vas te stel. Die inligting moet gebruik word om die aantal werksgeleenthede verskaf per ton vis toegeken in die betrokke sektor vas te stel (in afdeling 8.1.3) en die hoeveelheid spandeer op salarisse per ton toegeken in die betrokke sektor (in afdeling 8.1.2). Ten einde die aantal werksgeleenthede en hoeveelheid spandeer op salarisse per eenheid toegeken in die betrokke sektor vas te stel, mag aansoekers (of hulle houer-entiteite of sustermaatskappye en GO vennote) wat betrokke is in industrieë buiten die visvangbedryf niet werksgeleenthede verskaf of salarisse spandeer in sulke industrieë in ag neem nie en aansoekers betrokke in ander sektore van die visvangbedryf mag nie werksgeleenthede verskaf of salarisse spandeer in daardie sektore in ag neem nie.

Aansoekers betrokke in ander industrieë buiten die visvangbedryf moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid aan salarisse spandeer in die visvangbedryf en ander industrieë voorsien. Slegs werksgeleenthede verskaf of hoeveelheid spandeer aan salarisse in die visvangbedryf mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aansoekers betrokke in ander visvangsektore moet (in die aanhangsel) 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid aan salarisse spandeer in die sektor voorsien. Slegs werksgeleenthede verskaf of hoeveelheid spandeer aan salarisse in die sektor waarvoor aansoek gedoen word mag in ag geneem word met die voltooiing van afdeling 8.1.1. Aangesien dit moeilik is om akkuraat die presiese aantal werknemers en hoeveelheid aan salarisse spandeer op 'n sektorale basis vas te stel, sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling gebruik word in enige ander aansoek gebring deur die aansoeker.

As die aansoeker in 'n Gesamentlike-Onderneming ("GO") betrokke is met 'n ander maatskappy of beslore korporasie, of as meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslore korporasie (vasgestel op die wyse uiteengesit in afdeling 6.7.1), dan mag al die werksgeleenthede voorsien of hoeveelheid spandeer aan salarisse deur die GO vennote of die groep (m.a.w. die aansoeker, die houer entiteit en suster maatskappye) in ag geneem word, met dien verstande dat dieselfde beginsels hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvang sektore mag nie werksgeleenthede verskaf of hoeveelheid spandeer aan salarisse in ander industrieë of sektore in ag neem nie. Slegs werksgeleenthede verskaf of hoeveelheid spandeer op salarisse in die betrokke sektor deur die GO of groep mag in ag geneem word wanneer afdeling 8.1.1 voltooi word. Indien van toepassing, moet 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid spandeer op salarisse in die visvangbedryf en ander industrieë of 'n uiteensetting van werksgeleenthede verskaf en hoeveelheid spandeer aan salarisse in die betrokke sektor en ander sektore verskaf word in die aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n visvangreg deur die aansoeker of enige lid van die GO of groep. Daar mag geen dubbele aanspraak op werksgeleenthede gemaak word nie. Met ander

woorde, die aantal werksgeleenthede waarop aanspraak gemaak word in al die aansoeke van die lede van die GO of groep mag nie meer wees as die totale aantal werksgeleenthede verskaf deur die GO of groep nie.

8.1.2 en 8.1.3:

Hierdie afdelings vereis van aansoekers om besonderhede te voorsien rakende werksgeleenthede en salarise voorsien per ton toegeken op die basis van die inligting voorsien in afdeling 8.1.1 hierbo.

Voorbeeld

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in hierdie visserij 2004	Totale Jaarlikse Besoldigingsrekening (met betrekking tot hierdie visserij) 2004 Finansiële Jaareinde soos per Tabel 8.1.1	Hoeveel spandeer die aansoeker op lone/salarisse per ton geallokeer?
5 000	R1 000 000	R200

Deel die Totale Jaarlikse Besoldigingsrekening (1 000 000) deur die TTV toegeken (5000) = R200 per ton.

TTV Toegeken in 2005 (in ton)	Totale Aantal Werknemers (met betrekking tot hierdie Visserij) (28 Februarie 2005)	Hoe baie persone neem die aansoeker in diens per ton toegeken?
5 000	1 000	0.2

Deel die totale aantal werknemers voorsien in hierdie visserij (1000), deur die TTV toegeken aan die aansoeker (5000) $[1000/5000=0.2]$

8.1.4 Neem kennis: moenie die skadu areas voltooi nie en as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Indien van toepassing, moet die vrae in hierdie afdelings beantwoord word met verwysing na die saamgesmelte inligting van al die entiteite in 'n groep of Gesamentlike-Onderneming.

AFDELING 9: BELEGGING

9.1.1 and 9.1.2

Neem kennis: moenie die skadu areas voltooi nie en as die Aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van die entiteit die deklarasie in afdeling 16 af lê.

Die oogmerk van hierdie afdeling is om die randwaarde van die hawe en see-gebaseerde bates van die aansoeker in die sektor waarvoor aansoek gedoen word te bepaal. Dit sal gebruik word om die waarde van die hawe en see-gebaseerde bates per ton vis toegeken in die betrokke sektor vas te stel (in afdelings 9.1.3 and 9.1.4). Ten einde die waarde van bates per eenheid in die betrokke sektor vas te stel mag aansoekers (of die houer-entiteit of suster maatskappye en GO vennote) betrokke in ander industrieë as die visvangbedryf nie bates gebruik in ander industrieë in ag neem nie.

Aansoekers betrokke in industrieë buiten die visvangbedryf moet 'n uiteensetting verskaf van bates gebruik in die visvangbedryf en in ander industrieë in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die visvangbedryf mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van bates gebruik op 'n per sektor basis verskaf in die relevante aanhangsel (apart vir boek en versekerde waardes). Slegs bates gebruik in die sektor waarvoor aansoek gedoen word mag in ag geneem word by die voltooiing van afdelings 9.1.1 en 9.1.2. Aangesien dit moeilik is om akkuraat bates toe te deel op 'n per sektor basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek vir 'n kommersiële visvangreg deur die aansoeker gedurende die langtermyn regtetoekenningsproses.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag al die bates gebruik deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie bates in ag neem wat in ander industrieë of sektore gebruik word nie. Slegs bates gebruik in die betrokke sektor deur die GO of groep mag in ag geneem word met die voltooiing van afdelings 9.1.1 en 9.1.2. Indien van toepassing, moet 'n uiteensetting van bates gebruik in die visvangbedryf en ander industrieë of bates gebruik in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel (apart vir boek en versekerde waardes). 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op bates gemaak word nie. Met ander woorde, die waarde van die bates waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale waarde van die bates gebruik deur die lede van die GO of groep in die visvangbedryf nie.

9.1.3:

Hierdie vraag vereis van die aansoeker om inligting te verskaf rakende die waarde van beleggings gemaak per ton toegeken. Die inligting verskaf in afdeling 9.1.1. moet gebruik word.

Voorbeeld

Maatskappy X is 'n TTV van 5000 ton toegeken. Die waarde van sy hawe en see-gebaseerde bates gebruik in die toepaslike sektor by die finansiële jaareinde 2004 was R5 000 000. Die waarde van die land gebaseerde bates was R 4000 000. Die waarde van hawe en see-gebaseerde bates per ton toegeken word as volg bereken:

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in 2004 in ton	Boekwaarde (in rand) van hawe en see-gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde (in rand) van land gebaseerde bates by 2004 finansiële jaareinde	Boekwaarde van Hawe en See-gebaseerde bates per ton toegeken aan die aansoeker	Boekwaarde van Land-gebaseerde bates per ton toegeken aan die aansoeker
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00

Deel die waarde van die hawe en see-gebaseerde bates (5 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) [$5\,000\,000/5\,000=R1\,000$]

Deel die totale waarde van die land-gebaseerde bates (4 000 000) deur die TTV toegeken aan die aansoeker in 2004 (5000) [$4\,000\,000/5\,000=R800$]

AFDELING 10: PLAASLIKE EKONOMIESE ONTWIKKELING

Hierdie afdeling vereis van die aansoeker om inligting te verskaf aangaande die landing van vangste by hawens/landingsgebiede (met betrekking tot hierdie vissery) in 2004, en voornemens rakende die landing van vangste. Gebruik nominale tonnemaat (nie die gewig nadat die koppe verwyder en die vis geveek is etc nie).

10.1:

Hierdie vraag vereis van die aansoeker om gedetailleerde inligting aangaande die hawens waar vangste geland is in 2004 te verskaf.

Voorbeeld

Maatskappy X land vis by verskeie verskillende hawens. Van sy toekenning van 20 ton land hy 5 ton in Mosselbaai, 10 ton in Vishoek en 5 ton in Kaapstad.

Die berekening moet as volg gedoen word:

Hawe / Landingsgebied	Ton Geland by Hawe in 2004	Rand waarde van vangste geland by Hawe in 2004	Persentasie van Total Vangs geland in 2004
Mosselbaai	5	R100 000	30 %
Port Nolloth	10	R100 000	30 %
Kaapstad	5	R150 000	40 %

Deel die vangs (in hierdie vissery) geland by elke hawe deur die totale vangs geland deur die aansoeker en vermenigvuldig met 100 om hierdie persentasie te bereken ($1\,500/5\,000 \times 100 = 30\%$)

AFDELING 11: FINANSIËLE PRESTASIE**11.1 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.**

Dieselfde beginsel soos verduidelik in afdelings 8.1.1 en 9.1.1 moet gebruik word. Die oogmerk van hierdie afdeling is om die omset van die aansoeker vas te stel vir die sektor waarvoor aansoek gedoen word. Aansoekers betrokke in ander industrieë as die visvangbedryf mag nie omset gegenereer in sulke ander industrieë in ag neem nie. Meer spesifiek, aansoekers betrokke in industrieë anders as die visvangbedryf moet 'n uiteensetting verskaf in die aanhangsel van omset in die visvangbedryf en in ander industrieë. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 11.2 voltooi word. Aansoekers betrokke in ander visvangsektore moet 'n uiteensetting van omset verskaf in die aanhangsel op 'n per sektor basis. Slegs omset in die betrokke sektor van die visvangbedryf mag in ag geneem word wanneer die tweede kolom van afdeling 11.2 voltooi word. Aangesien dit moeilik is om akkuraat omset te verdeel op 'n sektorale basis sal 'n rowwe skatting of verdeling voldoende wees, mits dieselfde toedeling benut word in enige ander aansoek gebring deur die aansoeker. Met ander woorde, dieselfde uiteensetting moet deur die aansoeker verskaf word in aansoeke vir kommersiële regte in ander sektore.

Indien die aansoeker betrokke is met ander entiteite in die vorm van 'n Gesamentlike-Onderneming ("GO") of indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo), dan mag die totale omset gegenereer deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Met ander woorde, GO's en groepe betrokke in ander industrieë of visvangsektore mag nie omset in ag neem wat in ander industrieë of sektore genereer word nie. Slegs omset genereer in die betrokke sektor deur die GO of groep mag in ag geneem word. Indien van toepassing, moet 'n uiteensetting van

omset genereer in die visvangbedryf en ander industrieë of omset gegeneer in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel. 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op omset gemaak word nie. Met ander woorde, die omset waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale omset genereer deur die lede van die GO of groep in die visvangbedryf nie. **Die finansiële state van al die lede van die groep of GO moet voorsien word in die relevante aanhangsel.**

11.2 Neem kennis: as die aansoeker staatmaak op inligting van ander entiteite moet die gemagtigde verteenwoordiger van daardie entiteit die deklarasie in afdeling 16 af lê.

Daar word van aansoeker vereis om die persentasie aan te dui van sy totale omset verkry van die vissery waarvoor aansoek gedoen word. In die tweede kolom moet die aansoeker die syfer invul wat in afdeling 12.1 bepaal is. In die derde kolom, moet die aansoeker die total omset van die aansoeker (of, indien toepaslik, die groep of GO) gebruik, insluitende omset gegeneer buite die visbedryf, ten einde die persentasie te bereken.

Voorbeeld

Maatskappy X het medium termyn regte ontvang in Diepsee Stokvistreilvangs en Suidkuskreef. 'n TTV van 5000 ton vir Diepsee Stokvistreilvangs en 7 ton vir Suidkuskreef was in 2004 toegeken. Maatskappy X se totale omset (vir beide visserye) vir die 2004 finansiële jaar was R180 000 000. Die totale omset gegeneer in Stokvis Diepseetreib vir die finansiële jaar 2004 was R100 000 000. Die totale omset vir Suidkuskreef was R 80 000 000. In sy aansoek vir Suidkuskreef sal die aansoeker se tabel as volgende daarna uitsien:

TTV Toegeken aan die Aansoeker in 2004 (in tonne)	Omset genereer deur TTV toegeken (finansiële jaar 2004)	Persentasie van totale omset
7	R80 000 000	↓ 44.4%

Deel die omset van hierdie vissery deur die totale omset van die aansoeker en vermenigvuldig met 100 om die persentasie waarde vas te stel. $80\,000\,000/180\,000\,000 \times 100 = 44.4\%$

11.3

Hierdie afdeling vereis van die aansoeker om finansiële prestasie-verhoudings uiteen te sit. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke). Hierdie verhoudings moet as volg bereken word.

Opbrenge op Netto Bates

$$\text{OONB} = \frac{\text{Bedryfswins}}{\text{Netto Bedryfsbates}} = \frac{\text{Bedryfswins}}{\text{Verkope}} \times \frac{\text{Verkope}}{\text{Netto Bedryfsbates}}$$

Skuld: Ekwiteit Verhouding: $\frac{\text{Skuld}}{\text{Ekwiteit}}$

Bedryfs Verhouding: $\frac{\text{Bedryfsbates}}{\text{Bedryfslaste}}$

Vuurproef Verhouding: $\frac{\text{Bedryfsbates} - \text{Voorraad}}{\text{Bedryfslaste}}$

11.4, 11.5 and 11.6

Hierdie vrae vereis van die aansoeker om inligting te verskaf van sy geouditeerde of geverifieerde finansiële state. Waar van toepassing moet die saamgesmelte informasie van die groep of GO vennote voorsien word (in alle sektore en industrieë betrokke).

AFDELING 12: VISVANGPLAN

Hierdie afdeling vereis die aansoeker om inligting te verskaf aangaande sy visvangplan.

AFDELING 13: BYVANGSTE AND OMGEWINGSVOLHOUBARE PRAKTYKE

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende byvangste en omgewingsvolhoubare praktyke.

AFDELING 14: HEFFINGS

Hierdie afdeling vereis die aansoeker om inligting te verskaf rakende heffings betaal gedurende die mediumtermyn regteperiode.

SCHEDULE E

SPECIMEN NEW ENTRANT APPLICATION FORMS

APPLICATION NUMBER: ☐ lock the app no.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Hake Deep Sea Trawl

Long Term Rights Allocation Process: 2005**Cluster A****Application Form For: New Entrants**

Registered Name of Applicant

Company Registration Number

or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

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

- 1) This application form must be read together with these instructions, the Explanatory Notes, the Schedules to the application form and the Procedures for Independent Auditors (available on the Public Accountants' and Auditors' Board website, www.paab.co.za or www.saica.co.za).
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) Should the applicant have any queries regarding the completion of the application form, it must e-mail the Department at clusters@deat.gov.za. Every query and response will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za. Should the applicant require technical assistance with the application form software, it must contact the Rights Verification Unit in one of the following ways:

Tel: (021) 670-3669

Fax: (021) 670-1782

E-mail: RVU@deloitte.co.za

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

ICONS

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

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



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



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



The magnifying glass icon means that the applicant's response to the question must be verified by an auditor (registered with the Public Accountants and Auditors board) engaged by the applicant as per the Procedures for Independent Auditors. The auditor must complete and sign the Audit Report on failing which the application will be refused.



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

COMPLETION OF APPLICATION FORM

- 6) The applicant need not complete sections of the application form that are not applicable to the applicant. If the applicant has never held medium term rights in any other fisheries, the applicant should disregard the sections that require information pertaining to medium term rights in other fisheries. If the applicant is a newly established entity, the applicant should only provide details of current status where the application calls for historic information. The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) The application form must be completed electronically, and saved onto the two blank CDs provided on registration. One of these CDs must be submitted in the manner described below, while the other must be retained by the Applicant. Annexures to the application form do not need to be scanned and saved on to the CDs. The Department may request additional electronic copies of the application at a later stage.
- 8) This form is tagged and coded in order to facilitate electronic uploading of the application into a database. The applicant may not submit the application in any other form. If the applicant submits its application in any other form, the application will be refused.
- 9) The application must also be printed out and the declaration must be signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative(s) of the holding company, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) The printed version of the electronic application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under questions marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed in the lever arch file after the annexures.
- 11) One true copy of the printed version of the application must be made. This copy must be punched and divided in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 12) The CD containing the application, the original printed version (signed and attested), and a copy of the printed version must be hand delivered to the place, on the dates and times stated below:

Place: Good Hope Centre

Dates and Times: Thursday 14 July 2005 between 08h00 and 19h00, or Friday 15 July between 08h00 and 17h00

- 13) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates at the above address will be refused.

IMPROPER LODGEMENT

- 14) Improperly lodged applications will be refused.

An application is improperly lodged if:

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

MATERIAL DEFECTS

- 15) Applications that are materially defective will be refused.

An application is materially defective if:

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation including an organogram and a description of its fishing operations, as Schedule 1A.



1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:



- 1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered? ☐ Yes ☐ No

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

1.8.1 Principal Place of Business: Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:



1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2

Form of Applicant

2.1 Does the applicant hold a medium term fishing right in any other sectors?

☐ Yes ☐ No



2.2 If "Yes", complete the following:

Fishery in which the Applicant holds a Medium-Term Right	2001 Application Form Number

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

☐ Yes ☐ No



2.4 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



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

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 3

Compliance

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 3**Compliance**

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

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No
**Section 4****Vessel Details**

- 4.1 How many vessels does the applicant nominate for use in this fishery?

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



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as Indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 5

Catch Utilisation

5.1 Did the applicant over-catch or under-catch in any other fishery by more than 10% during the medium term rights period? ☐ Yes ☐ No 

5.2 Complete the following in relation to the applicant's catch records if the applicant holds medium term rights in other sectors (excluding sectors where effort and not catch is allocated)  

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Section 6

Transformation

Management and Employment Equity

6.1 Was the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 as at 28 February 2005? ☐ Yes ☐ No 

6.2.1 If "Yes", has the applicant complied with the Employment Equity Act, 55 of 1998? ☐ Yes ☐ No 

6.2.2 If "No", has the applicant voluntarily complied with the Employment Equity Act, 55 of 1998? ☐ Yes ☐ No 

Section 6

Transformation

Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at 28 February 2005.



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

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at 28 February 2005.



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at 28 February 2005:



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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's employment equity profile as provided to the Department of Labour in October 2004. If the applicant is not designated or did not voluntarily comply then the table must be completed as at 28 February 2005.

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

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

Section 6

Transformation

Management and Employment Equity

6.6.1 Complete the tables below in relation to employment equity figures for **Senior Officials and Managers** only.

[illegible]

6.6.2 Complete the tables below in relation to employment equity figures for **Professionals** only.

[illegible]

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women based on the flow through principle:

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

6.7.3 Did the applicant have a share scheme in place in 2004 for employees?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Shareholders	Loans Made to Shareholders	Dividends Paid to Shareholders
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

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

Section 6

Transformation

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation ?

☐ Yes ☐ No

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

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

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

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

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Members	Loans Made to Members	Profit Distributed to Members
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:

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

Section 6

Transformation
Skills Development

- 6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001? ☐ Fully ☐ Somewhat/Partially ☐ Not at all ☐ Did not apply in any sector

- 6.10 Complete the following table in relation to compliance with the Skills Development Levies Act 9 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2001 (financial year end)					
2002 (financial year end)					
2003 (financial year end)					
2004 (financial year end)					

- 6.11 Did the applicant participate in a learnership programme during the medium term rights period? ☐ Yes ☐ No

- 6.12 If "Yes," indicate the number of learnerships as a percentage of the employees in respect of whom the applicant prepared IRP5 certificates in 2004 (tax year end).

- 6.13. Did the applicant participate in any other skills development programmes through its SETA in 2004 such as an SME Support Strategy? ☐ Yes ☐ No

- 6.14.1 How many skippers are used by the applicant?

- 6.14.2 What percentage of these skippers are black?

Corporate Social Investment

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

☐ Yes ☐ No

- 6.16 If "Yes", indicate what percentage of net profit earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %

Section 6

Transformation

Corporate Social Investment

6.17 Indicate the five largest tax deductible donations made per annum since 2001 in the table below.

Year	Benefitting Organisation	Rand Value of Amount Donated
2001 - 1		
2001 - 2		
2001 - 3		
2001 - 4		
2001 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2002 - 1		
2002 - 2		
2002 - 3		
2002 - 4		
2002 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2003 - 1		
2003 - 2		
2003 - 3		
2003 - 4		
2003 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

Section 6

Transformation

Affirmative Procurement

6.21 Does the applicant have a written affirmative procurement policy? ☐ Yes ☐ No



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



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

6.23 Has the applicant determined its affirmative procurement spend as a percentage of total procurement spend? ☐ Yes ☐ No



6.24 Has the applicant instituted a system to measure its affirmative procurement spend as a percentage of total procurement spend? ☐ Yes ☐ No

Section 7

Vessel, Crew and Environmental Safety

Contraventions

7.1 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty under section 324 of the Merchant Shipping Act, 57 of 1951? ☐ Yes ☐ No



7.2 Has the applicant, during the medium term rights period, been convicted, or forfeited a deposit by way of penalty for contravening the Maritime Occupational Safety Regulations of 1994? ☐ Yes ☐ No



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

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

☐ Yes ☐ No

**Crew Safety & Working Conditions**

7.4 Has the applicant ever reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



7.5 Has a qualified safety officer been appointed for each nominated vessel in terms of section 36 of the Marine Occupational Safety Regulations?

☐ Yes ☐ No



7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.7 If a nominated vessel is of 25 gross tonnage or more, has the vessel been issued with a valid SAMSA Safe Manning Document required in terms of the Merchant Shipping (Safe Manning) Regulations?

☐ Yes ☐ No



7.8 Has the applicant completed a formal safety assessment in terms of Marine Notice no 26 of 2004?

☐ Yes ☐ No



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

☐ Yes ☐ No



7.10 Does the applicant have an HIV/AIDS policy?

☐ Yes ☐ No

**Vessel Safety**

7.11 Have the nominated vessel(s) been issued with a valid Local General Safety Certificate?

☐ Yes ☐ No



7.12 Are any operational limits imposed on the nominated vessel(s) by its Local General Safety Certificate (E.g. No more than 200 nautical miles off the South African coast)?

☐ Yes ☐ No

Environmental Safety

7.13 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981?

☐ Yes ☐ No



7.14 Does the applicant have a Garbage Management Plan for each nominated vessel as stipulated in terms of Annex V of Marpol, as set out in the Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986?

☐ Yes ☐ No



Section 8

Job Creation

8.1 Complete the following tables in relation to job creation.

8.1.1 Table 1

Year	Employees in respect of which the applicant prepares IRP5 Certificates (Land Based)	Employees in respect of which the applicant prepares IRP5 Certificates (Sea Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Land Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Sea Based)	Total Number of Employees (Columns 1-4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2002 (financial year end)							
2003 (financial year end)							
2004 (financial year end)							
2005 (28 February 2005)							

8.1.2 Table 2

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Number of Units of Effort Allocated to the Applicant in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per unit of effort allocated

Section 8

Job Creation



8.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the Applicant in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

Section 8

Job Creation

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at 28 February 2005?
Applicant's five lowest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of lowest five salaries	

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

Section 9

Investment

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

9.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per unit of effort allocated to applicant	Book Value of Land-Based Assets per unit of effort allocated to applicant

Section 9

Investment

9.1.4 Table 4

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per unit of effort allocated to the applicant	Insured Value of Land-Based Assets per unit of effort allocated to the applicant

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

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

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

☐ Yes ☐ No

Section 10

Local Economic Development

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

Harbour / Landing SiteName	Fishery	Tons Landed at Harbour in 2004	Percentage of Total Catch Landed in 2004
Total			

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

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours or landing sites in order to improve or make landing catches at these harbours possible?

☐ Yes ☐ No



Section 11**Value Add & Enterprise Development**

11.1 Is the applicant directly involved in any value adding process in any other fishery?

☐ Yes ☐ No



11.2 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

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

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



12.2 Complete the following table in relation to ratio performance:

Year	Return on Net Assets (RONA)	Debt: Equity Ratio	Current Ratio	Quick Ratio (Acid Test)
2001				
2002				
2003				
2004				

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

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2001				
2002				
2003				
2004				

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

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2001				
2002				
2003				
2004				

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

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

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2001			
2002			
2003			
2004			

12.6 If the applicant is a newly established entity, please provide a detailed statement of how the applicant intends to finance its entry into this fishery as Schedule 12B.

**Section 13****Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No



13.2 Will the applicant be personally responsible for implementing its fishing plan?

☐ Yes ☐ No



13.3 Will a third party be responsible for implementing the applicant's fishing plan?

☐ Yes ☐ No



13.4 If yes, who is the third party?

Section 14**By-Catch and Environmentally Sustainable Practices**

14.1 Does the applicant have a by-catch management strategy?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



14.4 Does the applicant intend to put in place any measures to reduce damage to sea beds?

☐ Yes ☐ No



Section 15

Fishing Levies

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

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

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

Date
yyyy/mm/dd

Amount

Section 16

Applicant Declaration

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Holding Company Declaration

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

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

Signature of Authorised Representative of Holding Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16**Sister Company Declaration**

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

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

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

JV Partner Declaration

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

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

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

SCHEDULES

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

Schedule 1 - Applicant Details

- a) Provide, as Annexure 1A a brief profile of the applicant organisation including an organogram which clearly indicates the applicant's business model including holding company, sister company and joint venture partner relationships. The applicant should pertinently indicate if it intends to apply in more than one sector, is involved in industries other than the fishing industry and if the applicant does rely on information of holding companies, sister companies and joint venture partners in this application. The profile may not exceed 5 pages.
- b) Section 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure 1B.
- c) Section 1.8.6: Provide a copy of a resolution duly authorising the person named in Section 1.8.6 to be the authorised contact person, as Annexure 1C.

Schedule 2 - Form of Applicant

- a) Section 2.1: Provide copies of the 2005 permits as Annexure 2A.
- b) Section 2.4: Provide a copy of a valid SARS tax clearance certificate as Annexure 2B.
- c) Section 2.6: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2C.
- d) Section 2.7: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2D.

Schedule 3 - Compliance

- a) Section 3.1.1: If "Yes", provide details and documentation regarding the conduct of the applicant, the identity and conduct of the members, shareholders or directors resulting in the conviction, the dates of conviction, and the penalties imposed as Annexure 3A.
- b) Section 3.1.2: If "Yes", provide details and any documentation of the plea bargain arrangement entered into, and details regarding the conduct and identity of the individuals giving rise to the plea bargain, the dates and specifics of the plea bargain, as Annexure 3B.
- c) Section 3.1.3: If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and rand amount paid as Annexure 3C.
- d) Section 3.1.4: If "Yes", provide details and any documentation regarding the offence including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and penalty as Annexure 3D.
- e) Section 3.2: If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct and identity of individuals involved as Annexure 3E. Also provide details if a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act.
- f) Section 3.3: If "Yes", provide details and any documentation including the identity and conduct of individuals giving rise to the Section 28 procedure as Annexure 3F.

Schedule 4 - Vessel Details

- a) Section 4.2: For each vessel nominated, provide copies of the following documents:
- i) SAMSA Safety Certificate(s) as Annexure 4A;
 - ii) South African Certificate(s) of Registry as Annexure 4B;
 - iii) agreement(s) providing access to the vessel if the applicant is not the majority shareholder or the sole owner of the vessel as Annexure 4C;
 - iv) Local General Safety Certificate(s) as Annexure 4D.
- b) If the applicant is unable to furnish any of the above documents for any of the nominated vessels, the applicant must provide an explanation for this as Annexure 4E.

Schedule 5 - Catch Utilisation

- a) Section 5.2: If the applicant over- or under-caught by more than 10% in any year, a detailed explanation must be attached as Annexure 5A.

Schedule 6 - Transformation

- a) Section 6.3.1: If the applicant completed Question 6.3.1 in respect of the board of directors of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.1 for the applicant and the other entities separately, and submit these as Annexure 6A.
- b) Section 6.3.2: If the applicant completed Question 6.3.2 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.2 for the applicant and the other entities separately, and submit these as Annexure 6B.
- c) Section 6.4.1: If the applicant completed Question 6.4.1 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.4.1 for the applicant and the other entities separately, and submit these as Annexure 6C.
- d) Section 6.4.2: If "Yes," the applicant must provide details of contributions made to medical aid and pension, including details of the classes of beneficiaries, the employer's contributions and the nature of the benefits as Annexure 6D.
- e) Section 6.4.3: If "Yes," the applicant must provide details of the nature of the benefits provided, classes of beneficiaries and the employer's contribution as Annexure 6E.
- f) Section 6.5, 6.6.1 and 6.6.2: If the applicant completed Sections 6.5, 6.6.1 and 6.6.2 with reference to the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.5, 6.6.1 and 6.6.2 for the applicant and the other entities separately and submit these as Annexure 6F.
- g) Section 6.7.1: Explain how black shareholding and black voting rights were calculated as Annexure 6G. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded. The annexure must also include a complete list of all shareholders, following the flow through principle. This list should indicate the name, identification / registration number, whether the shareholder is black (if natural person), or what percentage of the shareholder is black (if company or close corporation), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if company or close corporation).
- h) Section 6.7.3: If "Yes," provide details regarding the applicant's employee share scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6H.

Schedule 6 - Transformation

- i) Section 6.7.5: Provide a breakdown of all salaries, loans and dividends paid to shareholders for each year including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or interest if juristic person), as Annexure 6I.
- j) Section 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity, as Annexure 6J.
- k) Section 6.8.1: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure 6K.
- l) Section 6.8.3: If "Yes," provide details of the applicant's employee profit sharing scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6L.
- m) Section 6.8.5: Provide a breakdown of all salaries, loans and profit distribution paid to members for each year, including the name and identification number of the member, as well as whether the member is Black, as Annexure 6M.
- n) Section 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity as Annexure 6N.
- o) Section 6.9: Provide a summary of the targets set in the Transformation Plan, the extent to which these were met and the measures taken to reach the targets as Annexure 6O.
- p) Section 6.10: If the applicant completed Section 6.10 with reference to the payroll and training budgets of both the applicant and of any other entity(ies) as per the Explanatory Notes, the applicant must complete the table in Section 6.10 for both the applicant and the other entity(ies) separately and submit these as Annexure 6P.
- q) Section 6.12: If the applicant completed Section 6.12 with reference to the learnerships of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.12 for both the applicant and the other entities separately and submit these as Annexure 6Q.
- r) Section 6.13: If "Yes" provide a detailed description of the applicant's participation in such skills development programmes, as well as any supporting documentation from the SETA, as Annexure 6R.
- s) Section 6.14.1 and 6.14.2: If the applicant completed Sections 6.14.1 and 6.14.2 with reference to the skippers of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.14.1 and 6.14.2 for both the applicant and the other entities separately and submit these as Annexure 6S.
- t) Section 6.15, 6.16 and 6.17: If the applicant completed Sections 6.15, 6.16 and 6.17 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.17 for both the applicant and the other entities separately and submit these as Annexure 6T.
- u) Section 6.18, 6.19 and 6.20: If the applicant completed Sections 6.18 and 6.19 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.20 for both the applicant and the other entities separately and submit these as Annexure 6U.
- v) Section 6.21: If "Yes" provide a copy of the Affirmative Procurement Policy as Annexure 6V.
- w) Section 6.22: Provide a breakdown of capital and operational expenditure paid to South African suppliers, including the percentage black ownership of these suppliers as Annexure 6W.
- x) Section 6.23: If "Yes," explain how the Applicant determined its affirmative procurement spend as Annexure 6X.

Schedule 7 - Safety

- a) Section 7.1: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7A.
- b) Section 7.2: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7B.
- c) Section 7.3: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7C.
- d) Section 7.4: If "Yes," provide a detailed description of the accident as Annexure 7D .
- e) Question 7.5: If "Yes," provide the name, identity number and qualification of each safety officer for each vessel. If "No," please provide a detailed explanation of why the applicant has not appointed a qualified safety officer for each vessel. The information provided under this section must be contained in Annexure 7E.
- f) Section 7.6: If "No," provide a detailed explanation as Annexure 7F.
- g) Section 7.7: If "Yes," provide a copy of the Safe Manning Document as Annexure 7G. If "No," and the nominated vessel is of 25 gross tonnage or more, provide a detailed explanation as Annexure 7G.
- h) Section 7.10: If "Yes," provide a copy of the policy as Annexure 7H. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7H.
- i) Section 7.11: If "Yes," provide a copy of the Local General Safety Certificate as Annexure 7I. If "No," a detailed explanation must be provided as Annexure 7I.
- j) Section 7.13: If "Yes," provide details and documentation regarding the conduct of the applicant, its members, shareholders or directors resulting in the convictions and penalties imposed as Annexure 7J.
- k) Section 7.14: If "Yes," provide a copy of the plan as Annexure 7K. If "No," provided a detailed explanation of why not as Annexure 7K.

Schedule 8 - Job Creation

- a) Section 8.1: The applicant must provide breakdowns as described in the Explanatory Notes as Annexure 8A.
- b) Section 8.1.4: If the applicant completed Questions 8.1.4 with reference to the payrolls of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Question 8.1.4 for both the applicant and the other entities separately, and submit these as Annexure 8B.

Schedule 9 - Investment

- a) Section 9.1.3 and 9.1.4: Provide breakdowns as described in the Explanatory Notes as Annexure 9A
- b) Section 9.1.5: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market research as Annexure 9B.
- c) Section 9.1.6: Provide a detailed explanation of all investments in processing activities as Annexure 9C.

Schedule 10 - Local Economic Development

- a) Section 10.3: If "Yes," provide a detailed explanation of all investments made in order to make landing catches at identified harbours possible as Annexure 10A.

Schedule 11 - Value Add & Enterprise Development

- a) Section 11.1: If "Yes," provide a detailed explanation of how the applicant is involved in value adding processes, and what the processes are, as Annexure 11A.
- b) Section 11.2: If "Yes," provide a detailed explanation of how the applicant is responsible for enterprise development as Annexure 11B.

Schedule 12 - Performance (Financial)

- a) Section 12.1: Provide a copy of the applicant's 2004 audited financial statements as Annexure 12A. The applicant's auditors will be required to confirm its responses to all questions in Section 12.
- b) Section 12.6: Provide a detailed explanation of how the applicant intends to finance its entry into this fishery as Annexure 12B.

Schedule 13 - Fishing Plan

- a) Section 13.1: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
- a) days to be spent fishing per vessel nominated;
 - b) areas to be targeted;
 - c) species to be targeted and mix of species;
 - d) expected size of species to be targeted;
 - e) detailed information regarding:
 - Age
 - Size
 - Gear
 - Fishing capacity and
 - Processing capacity of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

- b) Section 13.2: If "Yes," provide a detailed explanation of the experience and knowledge the applicant has at its disposal to target the resource as Annexure 13B. This explanation must provide details, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard.
- c) Section 13.3: If "Yes," provide a detailed explanation of the experience and knowledge of the third party, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard as Annexure 13C.

Schedule 14 - By-Catch and Environmentally Sustainable Practices

- a) Section 14.1: Provide a detailed explanation of how the applicant manages bycatch, as Annexure 14A.
- b) Section 14.2: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14B.
- c) Section 14.3: Provide a detailed explanation of any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure 14C.
- d) Section 14.4: Provide a detailed explanation of intended measures to reduce damage to sea beds as Annexure 14D.

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF

RECEIPT

Received by: _____

Date of Receipt: 14 July 2005 or 15 July 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: 14 July 2005 or 15 July 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

APPLICATION NUMBER:

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Horse Mackerel

Long Term Rights Allocation Process: 2005**Cluster A****Application Form For: New Entrants**

Registered Name of Applicant

Company Registration Number

or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

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

- 1) This application form must be read together with these Instructions, the Explanatory Notes, the Schedules to the application form and the Procedures for Independent Auditors (available on the Public Accountants' and Auditors' Board website, www.paab.co.za or www.saica.co.za).
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) Should the applicant have any queries regarding the completion of the application form, it must e-mail the Department at clustersa@deat.gov.za. Every query and response will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za. Should the applicant require technical assistance with the application form software, it must contact the Rights Verification Unit in one of the following ways:

Tel: (021) 670-3669

Fax: (021) 670-1782

E-mail: RVU@deloitte.co.za

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

ICONS

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

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



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



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



The magnifying glass icon means that the applicant's response to the question must be verified by an auditor (registered with the Public Accountants and Auditors board) engaged by the applicant as per the Procedures for Independent Auditors. The auditor must complete and sign the Audit Report on failing which the application will be refused.



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

COMPLETION OF APPLICATION FORM

- 6) The applicant need not complete sections of the application form that are not applicable to the applicant. If the applicant has never held medium term rights in any other fisheries, the applicant should disregard the sections that require information pertaining to medium term rights in other fisheries. If the applicant is a newly established entity, the applicant should only provide details of current status where the application calls for historic information. The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) The application form must be completed electronically, and saved onto the two blank CDs provided on registration. One of these CDs must be submitted in the manner described below, while the other must be retained by the Applicant. Annexures to the application form do not need to be scanned and saved on to the CDs. The Department may request additional electronic copies of the application at a later stage.
- 8) This form is tagged and coded in order to facilitate electronic uploading of the application into a database. The applicant may not submit the application in any other form. If the applicant submits its application in any other form, the application will be refused.
- 9) The application must also be printed out and the declaration must be signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative(s) of the holding company, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) The printed version of the electronic application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under questions marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed in the lever arch file after the annexures.
- 11) One true copy of the printed version of the application must be made. This copy must be punched and divided in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 12) The CD containing the application, the original printed version (signed and attested), and a copy of the printed version must be hand delivered to the place, on the dates and times stated below:

Place: Good Hope Centre

Dates and Times: Thursday 14 July 2005 between 08h00 and 19h00, or Friday 15 July between 08h00 and 17h00

- 13) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates at the above address will be refused.

IMPROPER LODGEMENT

- 14) Improperly lodged applications will be refused.

An application is improperly lodged if:

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

MATERIAL DEFECTS

- 15) Applications that are materially defective will be refused.

An application is materially defective if:

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation including an organogram and a description of its fishing operations, as Schedule 1A. 

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address:

Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant hold a medium term fishing right in any other sectors?

☐ Yes ☐ No



2.2 If "Yes", complete the following:

Fishery in which the Applicant holds a Medium-Term Right	2001 Application Form Number

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

☐ Yes ☐ No



2.4 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



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



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

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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Section 3****Compliance**

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 3**Compliance**

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

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

4.1 How many vessels does the applicant nominate for use in this fishery?

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



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 5**Catch Utilisation**

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

☐ Yes ☐ No



5.2 Complete the following in relation to the applicant's catch records if the applicant holds medium term rights in other sectors (excluding sectors where effort and not catch is allocated).



Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation (in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

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

6.1 Was the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 as at 28 February 2005?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at 28 February 2005.



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

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at 28 February 2005.



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation

Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at 28 February 2005:

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's employment equity profile as provided to the Department of Labour in October 2004. If the applicant is not designated or did not voluntarily comply then the table must be completed as at 28 February 2005.

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

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

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women based on the flow through principle:

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

6.7.3 Did the applicant have a share scheme in place in 2004 for employees?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Shareholders	Loans Made to Shareholders	Dividends Paid to Shareholders
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

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

Section 6

Transformation

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation ?

☐ Yes ☐ No

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

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

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

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

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Members	Loans Made to Members	Profit Distributed to Members
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:

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

Section 6

Transformation
Skills Development

- 6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001? ☐ Fully ☐ Somewhat/Partially ☐ Not at all ☐ Did not apply in any sector

- 6.10 Complete the following table in relation to compliance with the Skills Development Levies Act 9 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2001 (financial year end)					
2002 (financial year end)					
2003 (financial year end)					
2004 (financial year end)					

- 6.11 Did the applicant participate in a learnership programme during the medium term rights period? ☐ Yes ☐ No

- 6.12 If "Yes," indicate the number of learnerships as a percentage of the employees in respect of whom the applicant prepared IRP5 certificates in 2004 (tax year end).

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

☐ Yes ☐ No

- 6.14.1 How many skippers are used by the applicant?

- 6.14.2 What percentage of these skippers are black?

Corporate Social Investment

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

☐ Yes ☐ No

- 6.16 If "Yes", indicate what percentage of net profit earned in the 2004 financial year these donations amount to:

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %

Section 6

Transformation

Corporate Social Investment

6.17 Indicate the five largest tax deductible donations made per annum since 2001 in the table below.

Year	Benefitting Organisation	Rand Value of Amount Donated
2001 - 1		
2001 - 2		
2001 - 3		
2001 - 4		
2001 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2002 - 1		
2002 - 2		
2002 - 3		
2002 - 4		
2002 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2003 - 1		
2003 - 2		
2003 - 3		
2003 - 4		
2003 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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



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

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

☐ Yes ☐ No



6.24 Has the applicant instituted a system to measure its affirmative procurement spend as a percentage of total procurement spend?

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

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

☐ Yes ☐ No

**Crew Safety & Working Conditions**

7.4 Has the applicant ever reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



7.5 Has a qualified safety officer been appointed for each nominated vessel in terms of section 36 of the Marine Occupational Safety Regulations?

☐ Yes ☐ No



7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.7 If a nominated vessel is of 25 gross tonnage or more, has the vessel been issued with a valid SAMSA Safe Manning Document required in terms of the Merchant Shipping (Safe Manning) Regulations?

☐ Yes ☐ No



7.8 Has the applicant completed a formal safety assessment in terms of Marine Notice no 26 of 2004?

☐ Yes ☐ No



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

☐ Yes ☐ No



7.10 Does the applicant have an HIV/AIDS policy?

☐ Yes ☐ No

**Vessel Safety**

7.11 Have the nominated vessel(s) been issued with a valid Local General Safety Certificate?

☐ Yes ☐ No



7.12 Are any operational limits imposed on the nominated vessel(s) by its Local General Safety Certificate (E.g. No more than 200 nautical miles off the South African coast)?

☐ Yes ☐ No

Environmental Safety

7.13 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981?

☐ Yes ☐ No



7.14 Does the applicant have a Garbage Management Plan for each nominated vessel as stipulated in terms of Annex V of Marpol, as set out in the Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986?

☐ Yes ☐ No



Section 8

Job Creation

8.1 Complete the following tables in relation to job creation.

8.1.1 Table 1

Year	Employees in respect of which the applicant prepares IRP5 Certificates (Land Based)	Employees in respect of which the applicant prepares IRP5 Certificates (Sea Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Land Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Sea Based)	Total Number of Employees (Columns 1- 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2002 (financial year end)							
2003 (financial year end)							
2004 (financial year end)							
2005 (28 February 2005)							

8.1.2 Table 2

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Number of Units of Effort Allocated to the Applicant in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per unit of effort allocated

Section 8

Job Creation

8.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the Applicant in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

Section 8

Job Creation

8.1.4 Table 4



Applicant's five highest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at 28 February 2005?
Applicant's five lowest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of lowest five salaries	

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1



Year	Book Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

Section 9

Investment

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

9.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per unit of effort allocated to applicant	Book Value of Land-Based Assets per unit of effort allocated to applicant

Section 9

Investment

9.1.4 Table 4

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per unit of effort allocated to the applicant	Insured Value of Land-Based Assets per unit of effort allocated to the applicant

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

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

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

☐ Yes ☐ No

Section 10

Local Economic Development

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

Harbour / Landing SiteName	Fishery	Tons Landed at Harbour in 2004	Percentage of Total Catch Landed in 2004
Total			

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

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours or landing sites in order to improve or make landing catches at these harbours possible?

☐ Yes ☐ No



Section 11**Value Add & Enterprise Development**

11.1 Is the applicant directly involved in any value adding process in any other fishery?

☐ Yes ☐ No



11.2 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

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

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



12.2 Complete the following table in relation to ratio performance:

Year	Return on Net Assets (RONA)	Debt: Equity Ratio	Current Ratio	Quick Ratio (Acid Test)
2001				
2002				
2003				
2004				

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

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2001				
2002				
2003				
2004				

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

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2001				
2002				
2003				
2004				

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

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

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2001			
2002			
2003			
2004			

12.6 If the applicant is a newly established entity, please provide a detailed statement of how the applicant intends to finance its entry into this fishery as Schedule 12B.

**Section 13****Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No



13.2 Will the applicant be personally responsible for implementing its fishing plan?

☐ Yes ☐ No



13.3 Will a third party be responsible for implementing the applicant's fishing plan?

☐ Yes ☐ No



13.4 If yes, who is the third party?

Section 14**By-Catch and Environmentally Sustainable Practices**

14.1 Does the applicant have a by-catch management strategy?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



14.4 Does the applicant intend to put in place any measures to reduce damage to sea beds?

☐ Yes ☐ No



Section 15

Fishing Levies

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



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

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

 / /

Date
yyyy/mm/dd

Amount



Section 16

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

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

Applicant Declaration

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

Holding Company Declaration

Signature of Authorised Representative of Holding Company (if applicable)

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16

Sister Company Declaration

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

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

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

JV Partner Declaration

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

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

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

SCHEDULES

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

Schedule 1 - Applicant Details

- a) Provide, as Annexure 1A a brief profile of the applicant organisation including an organogram which clearly indicates the applicant's business model including holding company, sister company and joint venture partner relationships. The applicant should pertinently indicate if it intends to apply in more than one sector, is involved in industries other than the fishing industry and if the applicant does rely on information of holding companies, sister companies and joint venture partners in this application. The profile may not exceed 5 pages.
- b) Section 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure 1B.
- c) Section 1.8.6: Provide a copy of a resolution duly authorising the person named in Section 1.8.6 to be the authorised contact person, as Annexure 1C.

Schedule 2 - Form of Applicant

- a) Section 2.1: Provide copies of the 2005 permits as Annexure 2A.
- b) Section 2.4: Provide a copy of a valid SARS tax clearance certificate as Annexure 2B.
- c) Section 2.6: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2C.
- d) Section 2.7: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2D.

Schedule 3 - Compliance

- a) Section 3.1.1: If "Yes", provide details and documentation regarding the conduct of the applicant, the identity and conduct of the members, shareholders or directors resulting in the conviction, the dates of conviction, and the penalties imposed as Annexure 3A.
- b) Section 3.1.2: If "Yes", provide details and any documentation of the plea bargain arrangement entered into, and details regarding the conduct and identity of the individuals giving rise to the plea bargain, the dates and specifics of the plea bargain, as Annexure 3B.
- c) Section 3.1.3: If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and rand amount paid as Annexure 3C.
- d) Section 3.1.4: If "Yes", provide details and any documentation regarding the offence including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and penalty as Annexure 3D.
- e) Section 3.2: If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct and identity of individuals involved as Annexure 3E. Also provide details if a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act.
- f) Section 3.3: If "Yes", provide details and any documentation including the identity and conduct of individuals giving rise to the Section 28 procedure as Annexure 3F.

Schedule 4 - Vessel Details

- a) Section 4.2: For each vessel nominated, provide copies of the following documents:
- i) SAMSA Safety Certificate(s) as Annexure 4A;
 - ii) South African Certificate(s) of Registry as Annexure 4B;
 - iii) agreement(s) providing access to the vessel if the applicant is not the majority shareholder or the sole owner of the vessel as Annexure 4C;
 - iv) Local General Safety Certificate(s) as Annexure 4D.
- b) If the applicant is unable to furnish any of the above documents for any of the nominated vessels, the applicant must provide an explanation for this as Annexure 4E.

Schedule 5 - Catch Utilisation

- a) Section 5.2: If the applicant over- or under-caught by more than 10% in any year, a detailed explanation must be attached as Annexure 5A.

Schedule 6 - Transformation

- a) Section 6.3.1: If the applicant completed Section 6.3.1 in respect of the board of directors of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.1 for the applicant and the other entities separately, and submit these as Annexure 6A.
- b) Section 6.3.2: If the applicant completed Section 6.3.2 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.2 for the applicant and the other entities separately, and submit these as Annexure 6B.
- c) Section 6.4.1: If the applicant completed Section 6.4.1 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.4.1 for the applicant and the other entities separately, and submit these as Annexure 6C.
- d) Section 6.4.2: If "Yes," the applicant must provide details of contributions made to medical aid and pension, including details of the classes of beneficiaries, the employer's contributions and the nature of the benefits as Annexure 6D.
- e) Section 6.4.3: If "Yes," the applicant must provide details of the nature of the benefits provided, classes of beneficiaries and the employer's contribution as Annexure 6E.
- f) Section 6.5, 6.6.1 and 6.6.2: If the applicant completed Sections 6.5, 6.6.1 and 6.6.2 with reference to the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.5, 6.6.1 and 6.6.2 for the applicant and the other entities separately and submit these as Annexure 6F.
- g) Section 6.7.1: Explain how black shareholding and black voting rights were calculated as Annexure 6G. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded. The annexure must also include a complete list of all shareholders, following the flow through principle. This list should indicate the name, identification / registration number, whether the shareholder is black (if natural person), or what percentage of the shareholder is black (if company or close corporation), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if company or close corporation).
- h) Section 6.7.3: If "Yes," provide details regarding the applicant's employee share scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6H.

Schedule 6 - Transformation

- i) Section 6.7.5: Provide a breakdown of all salaries, loans and dividends paid to shareholders for each year including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or interest if juristic person), as Annexure 6I.
- j) Section 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity, as Annexure 6J.
- k) Section 6.8.1: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure 6K.
- l) Section 6.8.3: If "Yes," provide details of the applicant's employee profit sharing scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6L.
- m) Section 6.8.5: Provide a breakdown of all salaries, loans and profit distribution paid to members for each year, including the name and identification number of the member, as well as whether the member is Black, as Annexure 6M.
- n) Section 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity as Annexure 6N.
- o) Section 6.9: Provide a summary of the targets set in the Transformation Plan, the extent to which these were met and the measures taken to reach the targets as Annexure 6O.
- p) Section 6.10: If the applicant completed Section 6.10 with reference to the payroll and training budgets of both the applicant and of any other entity(ies) as per the Explanatory Notes, the applicant must complete the table in Section 6.10 for both the applicant and the other entity(ies) separately and submit these as Annexure 6P.
- q) Section 6.12: If the applicant completed Section 6.12 with reference to the learnerships of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.12 for both the applicant and the other entities separately and submit these as Annexure 6Q.
- r) Section 6.13: If "Yes" provide a detailed description of the applicant's participation in such skills development programmes, as well as any supporting documentation from the SETA, as Annexure 6R.
- s) Section 6.14.1 and 6.14.2: If the applicant completed Sections 6.14.1 and 6.14.2 with reference to the skippers of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.14.1 and 6.14.2 for both the applicant and the other entities separately and submit these as Annexure 6S.
- t) Section 6.15, 6.16 and 6.17: If the applicant completed Sections 6.15, 6.16 and 6.17 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.17 for both the applicant and the other entities separately and submit these as Annexure 6T.
- u) Section 6.18, 6.19 and 6.20: If the applicant completed Sections 6.18 and 6.19 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.20 for both the applicant and the other entities separately and submit these as Annexure 6U.
- v) Section 6.21: If "Yes" provide a copy of the Affirmative Procurement Policy as Annexure 6V.
- w) Section 6.22: Provide a breakdown of capital and operational expenditure paid to South African suppliers, including the percentage black ownership of these suppliers as Annexure 6W.
- x) Section 6.23: If "Yes," explain how the Applicant determined its affirmative procurement spend as Annexure 6X.

Schedule 7 - Safety

- a) Section 7.1: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7A.
- b) Section 7.2: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7B.
- c) Section 7.3: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7C.
- d) Section 7.4: If "Yes," provide a detailed description of the accident as Annexure 7D .
- e) Question 7.5: If "Yes," provide the name, identity number and qualification of each safety officer for each vessel. If "No," please provide a detailed explanation of why the applicant has not appointed a qualified safety officer for each vessel. The information provided under this section must be contained in Annexure 7E.
- f) Section 7.6: If "No," provide a detailed explanation as Annexure 7F.
- g) Section 7.7: If "Yes," provide a copy of the Safe Manning Document as Annexure 7G. If "No," and the nominated vessel is of 25 gross tonnage or more, provide a detailed explanation as Annexure 7G.
- h) Section 7.10: If "Yes," provide a copy of the policy as Annexure 7H. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7H.
- i) Section 7.11: If "Yes," provide a copy of the Local General Safety Certificate as Annexure 7I. If "No," a detailed explanation must be provided as Annexure 7I.
- j) Section 7.13: If "Yes," provide details and documentation regarding the conduct of the applicant, its members, shareholders or directors resulting in the convictions and penalties imposed as Annexure 7J.
- k) Section 7.14: If "Yes," provide a copy of the plan as Annexure 7K. If "No," provided a detailed explanation of why not as Annexure 7K.

Schedule 8 - Job Creation

- a) Section 8.1: The applicant must provide breakdowns as described in the Explanatory Notes as Annexure 8A.
- b) Section 8.1.4: If the applicant completed Questions 8.1.4 with reference to the payrolls of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Question 8.1.4 for both the applicant and the other entities separately, and submit these as Annexure 8B.

Schedule 9 - Investment

- a) Section 9.1.3 and 9.1.4: Provide breakdowns as described in the Explanatory Notes as Annexure 9A
- b) Section 9.1.5: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market research as Annexure 9B.
- c) Section 9.1.6: Provide a detailed explanation of all investments in processing activities as Annexure 9C.

Schedule 10 - Local Economic Development

- a) Section 10.3: If "Yes," provide a detailed explanation of all investments made in order to make landing catches at identified harbours possible as Annexure 10A.

Schedule 11 - Value Add & Enterprise Development

- a) Section 11.1: If "Yes," provide a detailed explanation of how the applicant is involved in value adding processes, and what the processes are, as Annexure 11A.
- b) Section 11.2: If "Yes," provide a detailed explanation of how the applicant is responsible for enterprise development as Annexure 11B.

Schedule 12 - Performance (Financial)

- a) Section 12.1: Provide a copy of the applicant's 2004 audited financial statements as Annexure 12A. The applicant's auditors will be required to confirm its responses to all questions in Section 12.
- b) Section 12.6: Provide a detailed explanation of how the applicant intends to finance its entry into this fishery as Annexure 12B.

Schedule 13 - Fishing Plan

- a) Section 13.1: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
- a) days to be spent fishing per vessel nominated;
 - b) areas to be targeted;
 - c) species to be targeted and mix of species;
 - d) expected size of species to be targeted;
 - e) detailed information regarding:
 - Age
 - Size
 - Gear
 - Type (dedicated midwater or deep sea trawler)
 - Fishing capacity and
 - Processing capacity of each nominated vessel (where appropriate).

The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.

- b) Section 13.2: If "Yes," provide a detailed explanation of the experience and knowledge the applicant has at its disposal to target the resource as Annexure 13B. This explanation must provide details, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard.
- c) Section 13.3: If "Yes," provide a detailed explanation of the experience and knowledge of the third party, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard as Annexure 13C.

Schedule 14 - By-Catch and Environmentally Sustainable Practices

- a) Section 14.1: Provide a detailed explanation of how the applicant manages bycatch, as Annexure 14A.
- b) Section 14.2: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14B.
- c) Section 14.3: Provide a detailed explanation of any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure 14C.
- d) Section 14.4: Provide a detailed explanation of intended measures to reduce damage to sea beds as Annexure 14D.

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

Received by: _____

Date of Receipt: 14 July 2005 or 15 July 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: 14 July 2005 or 15 July 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

APPLICATION NUMBER:

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



BRANCH: MARINE AND COASTAL MANAGEMENT

Inshore Trawl

Long Term Rights Allocation Process: 2005**Cluster A****Application Form For: New Entrants**

Registered Name of Applicant

Company Registration Number

or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

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

- 1) This application form must be read together with these Instructions, the Explanatory Notes, the Schedules to the application form and the Procedures for Independent Auditors (available on the Public Accountants' and Auditors' Board website, www.paab.co.za or www.saica.co.za).
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) Should the applicant have any queries regarding the completion of the application form, it must e-mail the Department at clustersa@deat.gov.za. Every query and response will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za. Should the applicant require technical assistance with the application form software, it must contact the Rights Verification Unit in one of the following ways:

Tel: (021) 670-3669

Fax: (021) 670-1782

E-mail: RVU@deloitte.co.za

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

ICONS

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

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

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



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



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



The magnifying glass icon means that the applicant's response to the question must be verified by an auditor (registered with the Public Accountants and Auditors board) engaged by the applicant as per the Procedures for Independent Auditors. The auditor must complete and sign the Audit Report on failing which the application will be refused.



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

COMPLETION OF APPLICATION FORM

- 6) The applicant need not complete sections of the application form that are not applicable to the applicant. If the applicant has never held medium term rights in any other fisheries, the applicant should disregard the sections that require information pertaining to medium term rights in other fisheries. If the applicant is a newly established entity, the applicant should only provide details of current status where the application calls for historic information. The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) The application form must be completed electronically, and saved onto the two blank CDs provided on registration. One of these CDs must be submitted in the manner described below, while the other must be retained by the Applicant. Annexures to the application form do not need to be scanned and saved on to the CDs. The Department may request additional electronic copies of the application at a later stage.
- 8) This form is tagged and coded in order to facilitate electronic uploading of the application into a database. The applicant may not submit the application in any other form. If the applicant submits its application in any other form, the application will be refused.
- 9) The application must also be printed out and the declaration must be signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative(s) of the holding company, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) The printed version of the electronic application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under questions marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed in the lever arch file after the annexures.
- 11) One true copy of the printed version of the application must be made. This copy must be punched and divided in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 12) The CD containing the application, the original printed version (signed and attested), and a copy of the printed version must be hand delivered to the place, on the dates and times stated below:

Place: Good Hope Centre

Dates and Times: Thursday 14 July 2005 between 08h00 and 19h00, or Friday 15 July between 08h00 and 17h00

- 13) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates at the above address will be refused.

IMPROPER LODGEMENT

- 14) Improperly lodged applications will be refused.

An application is improperly lodged if:

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

MATERIAL DEFECTS

- 15) Applications that are materially defective will be refused.

An application is materially defective if:

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation including an organogram and a description of its fishing operations, as Schedule 1A. 

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant hold a medium term fishing right in any other sectors?

☐ Yes ☐ No



2.2 If "Yes", complete the following:

Fishery in which the Applicant holds a Medium-Term Right	2001 Application Form Number

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

☐ Yes ☐ No



2.4 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



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

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Section 3****Compliance**

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 3**Compliance**

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

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

4.1 How many vessels does the applicant nominate for use in this fishery?



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

Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as Indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 5**Catch Utilisation**

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

☐ Yes ☐ No



5.2 Complete the following in relation to the applicant's catch records if the applicant holds medium term rights in other sectors (excluding sectors where effort and not catch is allocated)



Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

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

6.1 Was the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 as at 28 February 2005?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 6

Transformation

Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at 28 February 2005.



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

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at 28 February 2005.



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at 28 February 2005:

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's employment equity profile as provided to the Department of Labour in October 2004. If the applicant is not designated or did not voluntarily comply then the table must be completed as at 28 February 2005.

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

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

Section 6

Transformation

Management and Employment Equity

6.6.1 Complete the tables below in relation to employment equity figures for **Senior Officials and Managers** only.

[illegible]

6.6.2 Complete the tables below in relation to employment equity figures for **Professionals** only.

[illegible]

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

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women based on the flow through principle:

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

6.7.3 Did the applicant have a share scheme in place in 2004 for employees?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Shareholders	Loans Made to Shareholders	Dividends Paid to Shareholders
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

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

Section 6

Transformation

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation ?

☐ Yes ☐ No

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



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

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



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

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004?

☐ Yes ☐ No

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



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



Year	Salaries Paid to Members	Loans Made to Members	Profit Distributed to Members
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:



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

Section 6

Transformation
Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001? ☐ Fully ☐ Somewhat/Partially ☐ Not at all ☐ Did not apply in any sector

6.10 Complete the following table in relation to compliance with the Skills Development Levies Act 9 of 1998:

Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries B ₁ Spent on Training	Percentage of Training Budget Spent on Black Employees
2001 (financial year end)					
2002 (financial year end)					
2003 (financial year end)					
2004 (financial year end)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period? ☐ Yes ☐ No

6.12 If "Yes," indicate the number of learnerships as a percentage of the employees in respect of whom the applicant prepared IRP5 certificates in 2004 (tax year end).

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

☐ Yes ☐ No

6.14.1 How many skippers are used by the applicant?

6.14.2 What percentage of these skippers are black?

Corporate Social Investment

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

☐ Yes ☐ No

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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %

Section 6

Transformation

Corporate Social Investment

6.17 Indicate the five largest tax deductible donations made per annum since 2001 in the table below.

Year	Benefitting Organisation	Rand Value of Amount Donated
2001 - 1		
2001 - 2		
2001 - 3		
2001 - 4		
2001 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2002 - 1		
2002 - 2		
2002 - 3		
2002 - 4		
2002 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2003 - 1		
2003 - 2		
2003 - 3		
2003 - 4		
2003 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

☐ Yes ☐ No



6.19 If "Yes", indicate what percentage of net profit earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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



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

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

☐ Yes ☐ No



6.24 Has the applicant instituted a system to measure its affirmative procurement spend as a percentage of total procurement spend in future?

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

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

☐ Yes ☐ No

**Crew Safety & Working Conditions**

7.4 Has the applicant ever reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



7.5 Has a qualified safety officer been appointed for each nominated vessel in terms of section 36 of the Marine Occupational Safety Regulations?

☐ Yes ☐ No



7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.7 If a nominated vessel is of 25 gross tonnage or more, has the vessel been issued with a valid SAMSA Safe Manning Document required in terms of the Merchant Shipping (Safe Manning) Regulations?

☐ Yes ☐ No



7.8 Has the applicant completed a formal safety assessment in terms of Marine Notice no 26 of 2004?

☐ Yes ☐ No



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

☐ Yes ☐ No



7.10 Does the applicant have an HIV/AIDS policy?

☐ Yes ☐ No

**Vessel Safety**

7.11 Have the nominated vessel(s) been issued with a valid Local General Safety Certificate?

☐ Yes ☐ No



7.12 Are any operational limits imposed on the nominated vessel(s) by its Local General Safety Certificate (E.g. No more than 200 nautical miles off the South African coast)?

☐ Yes ☐ No

Environmental Safety

7.13 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981?

☐ Yes ☐ No



7.14 Does the applicant have a Garbage Management Plan for each nominated vessel as stipulated in terms of Annex V of Marpol, as set out in the Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986?

☐ Yes ☐ No



Section 8

Job Creation

8.1 Complete the following tables in relation to job creation.

8.1.1 Table 1

Year	Employees in respect of which the applicant prepares IRP5 Certificates (Land Based)	Employees in respect of which the applicant prepares IRP5 Certificates (Sea Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Land Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Sea Based)	Total Number of Employees (Columns 1- 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2002 (financial year end)							
2003 (financial year end)							
2004 (financial year end)							
2005 (28 February 2005)							

8.1.2 Table 2

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Number of Units of Effort Allocated to the Applicant in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per unit of effort allocated

Section 8

Job Creation

8.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the Applicant in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

Section 8**Job Creation**

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at 28 February 2005?
Applicant's five lowest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of lowest five salaries	

Section 9**Investment**

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

Section 9

Investment

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

9.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the Applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per unit of effort allocated to applicant	Book Value of Land-Based Assets per unit of effort allocated to applicant

Section 9

Investment

9.1.4 Table 4

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per unit of effort allocated to the applicant	Insured Value of Land-Based Assets per unit of effort allocated to the applicant

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

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

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

☐ Yes ☐ No

Section 10

Local Economic Development

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

Harbour / Landing SiteName	Fishery	Tons Landed at Harbour in 2004	Percentage of Total Catch Landed in 2004
Total			

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

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours or landing sites in order to improve or make landing catches at these harbours possible?

☐ Yes ☐ No



Section 11**Value Add & Enterprise Development**

11.1 Is the applicant directly involved in any value adding process in any other fishery?

☐ Yes ☐ No



11.2 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

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

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



12.2 Complete the following table in relation to ratio performance:

Year	Return on Net Assets (RONA)	Debt: Equity Ratio	Current Ratio	Quick Ratio (Acid Test)
2001				
2002				
2003				
2004				

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

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2001				
2002				
2003				
2004				

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

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2001				
2002				
2003				
2004				

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

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

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2001			
2002			
2003			
2004			

12.6 If the applicant is a newly established entity, please provide a detailed statement of how the applicant intends to finance its entry into this fishery as Schedule 12B.

**Section 13****Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No



13.2 Will the applicant be personally responsible for implementing its fishing plan?

☐ Yes ☐ No



13.3 Will a third party be responsible for implementing the applicant's fishing plan?

☐ Yes ☐ No



13.4 If yes, who is the third party?

Section 14**By-Catch and Environmentally Sustainable Practices**

14.1 Does the applicant have a by-catch management strategy?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



14.4 Does the applicant intend to put in place any measures to reduce damage to sea beds?

☐ Yes ☐ No



Section 15

Fishing Levies

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



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

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

/ /

Date
yyyy/mm/dd

Amount



Section 16

Applicant Declaration

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Holding Company Declaration

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

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

Signature of Authorised Representative of Holding Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16

Sister Company Declaration

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

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

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

JV Partner Declaration

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

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

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

SCHEDULES

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

Schedule 1 - Applicant Details

- a) Provide, as Annexure 1A a brief profile of the applicant organisation including an organogram which clearly indicates the applicant's business model including holding company, sister company and joint venture partner relationships. The applicant should pertinently indicate if it intends to apply in more than one sector, is involved in industries other than the fishing industry and if the applicant does rely on information of holding companies, sister companies and joint venture partners in this application. The profile may not exceed 5 pages.
- b) Section 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure 1B.
- c) Section 1.8.6: Provide a copy of a resolution duly authorising the person named in Section 1.8.6 to be the authorised contact person, as Annexure 1C.

Schedule 2 - Form of Applicant

- a) Section 2.1: Provide copies of the 2005 permits as Annexure 2A.
- b) Section 2.4: Provide a copy of a valid SARS tax clearance certificate as Annexure 2B.
- c) Section 2.6: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2C.
- d) Section 2.7: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2D.

Schedule 3 - Compliance

- a) Section 3.1.1: If "Yes", provide details and documentation regarding the conduct of the applicant, the identity and conduct of the members, shareholders or directors resulting in the conviction, the dates of conviction, and the penalties imposed as Annexure 3A.
- b) Section 3.1.2: If "Yes", provide details and any documentation of the plea bargain arrangement entered into, and details regarding the conduct and identity of the individuals giving rise to the plea bargain, the dates and specifics of the plea bargain, as Annexure 3B.
- c) Section 3.1.3: If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and rand amount paid as Annexure 3C.
- d) Section 3.1.4: If "Yes", provide details and any documentation regarding the offence including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and penalty as Annexure 3D.
- e) Section 3.2: If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct and identity of individuals involved as Annexure 3E. Also provide details if a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act.
- f) Section 3.3: If "Yes", provide details and any documentation including the identity and conduct of individuals giving rise to the Section 28 procedure as Annexure 3F.

Schedule 4 - Vessel Details

- a) Section 4.2: For each vessel nominated, provide copies of the following documents:
- i) SAMSA Safety Certificate(s) as Annexure 4A;
 - ii) South African Certificate(s) of Registry as Annexure 4B;
 - iii) agreement(s) providing access to the vessel if the applicant is not the majority shareholder or the sole owner of the vessel as Annexure 4C;
 - iv) Local General Safety Certificate(s) as Annexure 4D.
- b) If the applicant is unable to furnish any of the above documents for any of the nominated vessels, the applicant must provide an explanation for this as Annexure 4E.

Schedule 5 - Catch Utilisation

- a) Section 5.2: If the applicant over- or under-caught by more than 10% in any year, a detailed explanation must be attached as Annexure 5A.

Schedule 6 - Transformation

- a) Section 6.3.1: If the applicant completed Section 6.3.1 in respect of the board of directors of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.1 for the applicant and the other entities separately, and submit these as Annexure 6A.
- b) Section 6.3.2: If the applicant completed Section 6.3.2 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.2 for the applicant and the other entities separately, and submit these as Annexure 6B.
- c) Section 6.4.1: If the applicant completed Section 6.4.1 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.4.1 for the applicant and the other entities separately, and submit these as Annexure 6C.
- d) Section 6.4.2: If "Yes," the applicant must provide details of contributions made to medical aid and pension, including details of the classes of beneficiaries, the employer's contributions and the nature of the benefits as Annexure 6D.
- e) Section 6.4.3: If "Yes," the applicant must provide details of the nature of the benefits provided, classes of beneficiaries and the employer's contribution as Annexure 6E.
- f) Section 6.5, 6.6.1 and 6.6.2: If the applicant completed Sections 6.5, 6.6.1 and 6.6.2 with reference to the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.5, 6.6.1 and 6.6.2 for the applicant and the other entities separately and submit these as Annexure 6F.
- g) Section 6.7.1: Explain how black shareholding and black voting rights were calculated as Annexure 6G. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded. The annexure must also include a complete list of all shareholders, following the flow through principle. This list should indicate the name, identification / registration number, whether the shareholder is black (if natural person), or what percentage of the shareholder is black (if company or close corporation), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if company or close corporation).
- h) Section 6.7.3: If "Yes," provide details regarding the applicant's employee share scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6H.

Schedule 6 - Transformation

- i) Section 6.7.5: Provide a breakdown of all salaries, loans and dividends paid to shareholders for each year including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or interest if juristic person), as Annexure 6I.
- j) Section 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity, as Annexure 6J.
- k) Section 6.8.1: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure 6K.
- l) Section 6.8.3: If "Yes," provide details of the applicant's employee profit sharing scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6L.
- m) Section 6.8.5: Provide a breakdown of all salaries, loans and profit distribution paid to members for each year, including the name and identification number of the member, as well as whether the member is Black, as Annexure 6M.
- n) Section 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity as Annexure 6N.
- o) Section 6.9: Provide a summary of the targets set in the Transformation Plan, the extent to which these were met and the measures taken to reach the targets as Annexure 6O.
- p) Section 6.10: If the applicant completed Section 6.10 with reference to the payroll and training budgets of both the applicant and of any other entity(ies) as per the Explanatory Notes, the applicant must complete the table in Section 6.10 for both the applicant and the other entity(ies) separately and submit these as Annexure 6P.
- q) Section 6.12: If the applicant completed Section 6.12 with reference to the learnerships of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.12 for both the applicant and the other entities separately and submit these as Annexure 6Q.
- r) Section 6.13: If "Yes" provide a detailed description of the applicant's participation in such skills development programmes, as well as any supporting documentation from the SETA, as Annexure 6R.
- s) Section 6.14.1 and 6.14.2: If the applicant completed Sections 6.14.1 and 6.14.2 with reference to the skippers of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.14.1 and 6.14.2 for both the applicant and the other entities separately and submit these as Annexure 6S.
- t) Section 6.15, 6.16 and 6.17: If the applicant completed Sections 6.15, 6.16 and 6.17 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.17 for both the applicant and the other entities separately and submit these as Annexure 6T.
- u) Section 6.18, 6.19 and 6.20: If the applicant completed Sections 6.18 and 6.19 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.20 for both the applicant and the other entities separately and submit these as Annexure 6U.
- v) Section 6.21: If "Yes" provide a copy of the Affirmative Procurement Policy as Annexure 6V.
- w) Section 6.22: Provide a breakdown of capital and operational expenditure paid to South African suppliers, including the percentage black ownership of these suppliers as Annexure 6W.
- x) Section 6.23: If "Yes," explain how the Applicant determined its affirmative procurement spend as Annexure 6X.

Schedule 7 - Safety

- a) Section 7.1: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7A.
- b) Section 7.2: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7B.
- c) Section 7.3: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7C.
- d) Section 7.4: If "Yes," provide a detailed description of the accident as Annexure 7D .
- e) Question 7.5: If "Yes," provide the name, identity number and qualification of each safety officer for each vessel. If "No," please provide a detailed explanation of why the applicant has not appointed a qualified safety officer for each vessel. The information provided under this section must be contained in Annexure 7E.
- f) Section 7.6: If "No," provide a detailed explanation as Annexure 7F.
- g) Section 7.7: If "Yes," provide a copy of the Safe Manning Document as Annexure 7G. If "No," and the nominated vessel is of 25 gross tonnage or more, provide a detailed explanation as Annexure 7G.
- h) Section 7.10: If "Yes," provide a copy of the policy as Annexure 7H. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7H.
- i) Section 7.11: If "Yes," provide a copy of the Local General Safety Certificate as Annexure 7I. If "No," a detailed explanation must be provided as Annexure 7I.
- j) Section 7.13: If "Yes," provide details and documentation regarding the conduct of the applicant, its members, shareholders or directors resulting in the convictions and penalties imposed as Annexure 7J.
- k) Section 7.14: If "Yes," provide a copy of the plan as Annexure 7K. If "No," provided a detailed explanation of why not as Annexure 7K.

Schedule 8 - Job Creation

- a) Section 8.1: The applicant must provide breakdowns as described in the Explanatory Notes as Annexure 8A.
- b) Section 8.1.4: If the applicant completed Questions 8.1.4 with reference to the payrolls of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Question 8.1.4 for both the applicant and the other entities separately, and submit these as Annexure 8B.

Schedule 9 - Investment

- a) Section 9.1.3 and 9.1.4: Provide breakdowns as described in the Explanatory Notes as Annexure 9A
- b) Section 9.1.5: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market research as Annexure 9B.
- c) Section 9.1.6: Provide a detailed explanation of all investments in processing activities as Annexure 9C.

Schedule 10 - Local Economic Development

- a) Section 10.3: If "Yes," provide a detailed explanation of all investments made in order to make landing catches at identified harbours possible as Annexure 10A.

Schedule 11 - Value Add & Enterprise Development

- a) Section 11.1: If "Yes," provide a detailed explanation of how the applicant is involved in value adding processes, and what the processes are, as Annexure 11A.
- b) Section 11.2: If "Yes," provide a detailed explanation of how the applicant is responsible for enterprise development as Annexure 11B.

Schedule 12 - Performance (Financial)

- a) Section 12.1: Provide a copy of the applicant's 2004 audited financial statements as Annexure 12A. The applicant's auditors will be required to confirm its responses to all questions in Section 12.
- b) Section 12.6: Provide a detailed explanation of how the applicant intends to finance its entry into this fishery as Annexure 12B.

Schedule 13 - Fishing Plan

- a) Section 13.1: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
- a) days to be spent fishing per vessel nominated;
 - b) areas to be targeted;
 - c) species to be targeted and mix of species;
 - d) expected size of species to be targeted;
 - e) detailed information regarding:
 - Age
 - Size
 - Gear
 - Fishing capacity and
 - Processing capacity of each nominated vessel (where appropriate).
- The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.
- b) Section 13.2: If "Yes," provide a detailed explanation of the experience and knowledge the applicant has at its disposal to target the resource as Annexure 13B. This explanation must provide details, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard.
- c) Section 13.3: If "Yes," provide a detailed explanation of the experience and knowledge of the third party, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard as Annexure 13C.

Schedule 14 - By-Catch and Environmentally Sustainable Practices

- a) Section 14.1: Provide a detailed explanation of how the applicant manages bycatch, as Annexure 14A.
- b) Section 14.1: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14B.
- c) Section 14.2: Provide a detailed explanation of any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure 14C.
- d) Section 14.3: Provide a detailed explanation of intended measures to reduce damage to sea beds as Annexure 14D.

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

Received by: _____

Date of Receipt: 14 July 2005 or 15 July 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: 14 July 2005 or 15 July 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

APPLICATION NUMBER:

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



KwaZulu-Natal Prawn Trawl

Long Term Rights Allocation Process: 2005

Cluster A

Application Form For: New Entrants

Registered Name of Applicant

Company Registration Number

or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

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

- 1) This application form must be read together with these instructions, the Explanatory Notes, the Schedules to the application form and the Procedures for Independent Auditors (available on the Public Accountants' and Auditors' Board website, www.paab.co.za or www.saica.co.za).
- 2) When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy. These policies are available at www.mcm-deat.gov.za. The policies guide the Minister or his delegate when considering the application.
- 3) Should the applicant have any queries regarding the completion of the application form, it must e-mail the Department at clustersa@deat.gov.za. Every query and response will be collated and circulated by e-mail to all the applicants in the sector and will be made available on www.mcm-deat.gov.za. Should the applicant require technical assistance with the application form software, it must contact the Rights Verification Unit in one of the following ways:

Tel: (021) 670-3669

Fax: (021) 670-1782

E-mail: RVU@deloitte.co.za

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

ICONS

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

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



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



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



The magnifying glass icon means that the applicant's response to the question must be verified by an auditor (registered with the Public Accountants and Auditors board) engaged by the applicant as per the Procedures for Independent Auditors. The auditor must complete and sign the Audit Report on failing which the application will be refused.



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

COMPLETION OF APPLICATION FORM

- 6) The applicant need not complete sections of the application form that are not applicable to the applicant. If the applicant has never held medium term rights in any other fisheries, the applicant should disregard the sections that require information pertaining to medium term rights in other fisheries. If the applicant is a newly established entity, the applicant should only provide details of current status where the application calls for historic information. The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically allowed to do so.
- 7) The application form must be completed electronically, and saved onto the two blank CDs provided on registration. One of these CDs must be submitted in the manner described below, while the other must be retained by the Applicant. Annexures to the application form do not need to be scanned and saved on to the CDs. The Department may request additional electronic copies of the application at a later stage.
- 8) This form is tagged and coded in order to facilitate electronic uploading of the application into a database. The applicant may not submit the application in any other form. If the applicant submits its application in any other form, the application will be refused.
- 9) The application must also be printed out and the declaration must be signed and attested by the applicant's authorised representative, and, if applicable, the authorised representative(s) of the holding company, sister company(ies) and the joint venture partner(s). If the declaration is not signed and attested, the application will be refused.

IMPORTANT INFORMATION**INSTRUCTIONS**

- 10) The printed version of the electronic application, duly signed and attested, must be punched and placed into lever arch files with a divider before each annexure. The annexures must be numbered according to the schedules. Confidential information requested under questions marked by the books icon should be placed in a sealed A4 envelope marked with the application number, punched and placed in the lever arch file after the annexures.
- 11) One true copy of the printed version of the application must be made. This copy must be punched and divided in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.

LODGEMENT OF APPLICATION

- 12) The CD containing the application, the original printed version (signed and attested), and a copy of the printed version must be hand delivered to the place, on the dates and times stated below:

Place: Good Hope Centre

Dates and Times: Thursday 14 July 2005 between 08h00 and 19h00, or Friday 15 July between 08h00 and 17h00

- 13) The application may not be submitted by post or by fax. An application not submitted by hand within the above times, on the above dates at the above address will be refused.

IMPROPER LODGEMENT

- 14) Improperly lodged applications will be refused.

An application is improperly lodged if:

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

MATERIAL DEFECTS

- 15) Applications that are materially defective will be refused.

An application is materially defective if:

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation including an organogram and a description of its fishing operations, as Schedule 1A.



1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:



1.7 Have the applicant's details (1.8.1 - 1.8.7d) changed since the applicant registered? ☐ Yes ☐ No

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

1.8.1 Principal Place of Business: Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:



1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number: ()

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant hold a medium term fishing right in any other sectors?

☐ Yes ☐ No



2.2 If "Yes", complete the following:

Fishery in which the Applicant holds a Medium-Term Right	2001 Application Form Number

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

☐ Yes ☐ No



2.4 Does the applicant have a valid tax clearance certificate?

☐ Yes ☐ No



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

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Section 3****Compliance**

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 3**Compliance**

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

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No
**Section 4****Vessel Details**

- 4.1 How many vessels does the applicant nominate for use in this fishery?

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



Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 4

Vessel Details



Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 5**Catch Utilisation**

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

☐ Yes ☐ No



5.2 Complete the following in relation to the applicant's catch records if the applicant holds medium term rights in other sectors (excluding sectors where effort and not catch is allocated).



Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

Fishery in Which Applicant Holds a Medium Term Right				
Year	Annual Catch Allocation(in metric tons)	Total Actual Catch of Applicants Allocation (in nominal tons)	Percentage under-caught	Percentage over-caught
2002 Season				
2003 Season				
2004 Season				

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

6.1 Was the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 as at 28 February 2005?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 6

Transformation

Management and Employment Equity

6.3.1 Complete the table below in respect of the applicant's board of directors (if a company) or members (if a close corporation) as at 28 February 2005.



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

Section 6

Transformation

Management and Employment Equity

6.3.2 Complete the table below in respect of employees at 28 February 2005.



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

6.4.1 Complete the following table in relation to income levels of the applicant's permanent employees at 28 February 2005:



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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

6.5 Complete the following table in relation to the applicant's employment equity profile as provided to the Department of Labour in October 2004. If the applicant is not designated or did not voluntarily comply then the table must be completed as at 28 February 2005.

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

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

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women based on the flow through principle:

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

6.7.3 Did the applicant have a share scheme in place in 2004 for employees?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Shareholders	Loans Made to Shareholders	Dividends Paid to Shareholders
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.7.6 Was the applicant managed by another entity, or was the catching, processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.7.7 If "Yes", complete the table below:

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

Section 6

Transformation

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation ?

☐ Yes ☐ No

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

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

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

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

6.8.3 Did the applicant have a profit sharing scheme for employees in place in 2004?

☐ Yes ☐ No

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

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

Year	Salaries Paid to Members	Loans Made to Members	Profit Distributed to Members
2002 (financial year)			
2003 (financial year)			
2004 (financial year)			

6.8.6 Was the applicant managed by another entity, or was the catching processing or marketing of a 2004 allocation in any fishery performed by another entity during the 2004 financial year?

☐ Yes ☐ No

6.8.7 If "Yes", complete the table below:

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

Section 6

Transformation

Skills Development

6.9 Has the applicant met the targets set in the Transformation Plan submitted in 2001? ☐ Fully ☐ Somewhat/Partially ☐ Not at all ☐ Did not apply in any sector



6.10 Complete the following table in relation to compliance with the Skills Development Levies Act 9 of 1998:



Year	Did the applicant submit Workplace Skills Plan which was approved (Y/N)	Did the applicant submit an Annual Training Report which was approved (Y/N)	Rand Amount Paid to SARS in skills development levies	Percentage Salaries Bill Spent on Training	Percentage of Training Budget Spent on Black Employees
2001 (financial year end)					
2002 (financial year end)					
2003 (financial year end)					
2004 (financial year end)					

6.11 Did the applicant participate in a learnership programme during the medium term rights period? ☐ Yes ☐ No



6.12 If "Yes," indicate the number of learnerships as a percentage of the employees in respect of whom the applicant prepared IRP5 certificates in 2004 (tax year end).

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

☐ Yes ☐ No



6.14.1 How many skippers are used by the applicant?

6.14.2 What percentage of these skippers are black?

Corporate Social Investment

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

6.17 Indicate the five largest tax deductible donations made per annum since 2001 in the table below.

Year	Benefitting Organisation	Rand Value of Amount Donated
2001 - 1		
2001 - 2		
2001 - 3		
2001 - 4		
2001 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2002 - 1		
2002 - 2		
2002 - 3		
2002 - 4		
2002 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2003 - 1		
2003 - 2		
2003 - 3		
2003 - 4		
2003 - 5		
Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

☐ Yes ☐ No

6.19 If "Yes", indicate what percentage of net profit earned in the 2004 financial year these other donations amount to :

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %

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

Year	Benefitting Organisation	Rand Value of Amount Donated
2004 - 1		
2004 - 2		
2004 - 3		
2004 - 4		
2004 - 5		

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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



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

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

☐ Yes ☐ No



6.24 Has the applicant instituted a system to measure its affirmative procurement spend as a percentage of total procurement spend in future?

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

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

☐ Yes ☐ No

**Crew Safety & Working Conditions**

7.4 Has the applicant ever reported an accident in terms of section 6 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



7.5 Has a qualified safety officer been appointed for each nominated vessel in terms of section 36 of the Marine Occupational Safety Regulations?

☐ Yes ☐ No



7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act, 57 of 1951?

☐ Yes ☐ No



7.7 If a nominated vessel is of 25 gross tonnage or more, has the vessel been issued with a valid SAMSA Safe Manning Document required in terms of the Merchant Shipping (Safe Manning) Regulations?

☐ Yes ☐ No



7.8 Has the applicant completed a formal safety assessment in terms of Marine Notice no 26 of 2004?

☐ Yes ☐ No



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

☐ Yes ☐ No



7.10 Does the applicant have an HIV/AIDS policy?

☐ Yes ☐ No

**Vessel Safety**

7.11 Have the nominated vessel(s) been issued with a valid Local General Safety Certificate?

☐ Yes ☐ No



7.12 Are any operational limits imposed on the nominated vessel(s) by its Local General Safety Certificate (E.g. No more than 200 nautical miles off the South African coast)?

☐ Yes ☐ No

Environmental Safety

7.13 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981?

☐ Yes ☐ No



7.14 Does the applicant have a Garbage Management Plan for each nominated vessel as stipulated in terms of Annex V of Marpol, as set out in the Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986?

☐ Yes ☐ No



Section 8

Job Creation

8.1 Complete the following tables in relation to job creation.

8.1.1 Table 1

Year	Employees in respect of which the applicant prepares IRP5 Certificates (Land Based)	Employees in respect of which the applicant prepares IRP5 Certificates (Sea Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Land Based)	Employees in respect of which the applicant does not prepare IRP5 Certificates (Sea Based)	Total Number of Employees (Columns 1- 4)	Total Amount of Salary Bill as per Financial Statements	Percentage increase or decrease in total number of employees
2001 (date of application)							
2002 (financial year end)							
2003 (financial year end)							
2004 (financial year end)							
2005 (28 February 2005)							

8.1.2 Table 2

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Applicants Annual Catch Allocation (in tons) in this fishery in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per ton allocated

Fishery in which Applicant Holds a Medium Term Right		
Number of Units of Effort Allocated to the Applicant in 2004	Total Annual Salary Bill (in relation to this fishery) 2004 Financial Year End	How much does the applicant spend on salaries/ wages per unit of effort allocated

Section 8

Job Creation

8.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Applicant's Annual Catch Allocation (in tons) in this fishery in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated

Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the Applicant in 2004	Total Employees (in relation to this fishery) (28 February 2005)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (28 February 2005)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

Section 8

Job Creation

8.1.4 Table 4

Applicant's five highest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of top five salaries	What was the multiple between the average of the five lowest and the average of the five highest salaries at 28 February 2005?
Applicant's five lowest annual salaries (total cost to company) paid between 1 March 2004 and 28 February 2005	Average of lowest five salaries	

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

Section 9

Investment

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Percentage Increase or Decrease in Rand Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

9.1.3 Table 3

Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Book Value (in rands) of harbour and sea-based assets at 2004 financial year end	Book Value (in rands) of land-based assets at 2004 financial year end	Book Value of Harbour and Sea-Based Assets per unit of effort allocated to applicant	Book Value of Land-Based Assets per unit of effort allocated to applicant

Section 9

Investment

9.1.4 Table 4



Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Annual Catch Allocation (in tons) to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
Fishery in which Applicant Holds a Medium Term Right				
Number of units of effort allocated to the applicant in 2004	Insured Value (in rands) of harbour and sea-based assets at 2004 financial year end	Insured Value (in rands) of land-based assets at 2004 financial year end	Insured Value of Harbour and Sea-Based Assets per unit of effort allocated to the applicant	Insured Value of Land-Based Assets per unit of effort allocated to the applicant

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

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

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

☐ Yes ☐ No

Section 10

Local Economic Development

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

Harbour / Landing SiteName	Fishery	Tons Landed at Harbour in 2004	Percentage of Total Catch Landed in 2004
Total			

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

Harbour / Landing Site Names	

10.3 Has the applicant made any investment in physical infrastructure at these harbours or landing sites in order to improve or make landing catches at these harbours possible?

☐ Yes ☐ No



Section 11**Value Add & Enterprise Development**

11.1 Is the applicant directly involved in any value adding process in any other fishery?

☐ Yes ☐ No



11.2 Has the applicant been responsible for any enterprise development?

☐ Yes ☐ No

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

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



12.2 Complete the following table in relation to ratio performance:

Year	Return on Net Assets (RONA)	Debt: Equity Ratio	Current Ratio	Quick Ratio (Acid Test)
2001				
2002				
2003				
2004				

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

Year	Turnover	Profit After Tax	Retained Earnings	Dividends Paid / Distribution of Profits
2001				
2002				
2003				
2004				

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

Year	Assets	Long-Term Liabilities	Current Liabilities	Shareholder's Equity / Member's Contribution
2001				
2002				
2003				
2004				

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

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

Year	Net Cash Inflow / Outflow from Operations	Net Cash Inflow / Outflow from Investing Activities	Net Cash Inflow / Outflow from Financing Activities
2001			
2002			
2003			
2004			

12.6 If the applicant is a newly established entity, please provide a detailed statement of how the applicant intends to finance its entry into this fishery as Schedule 12B.

**Section 13****Fishing Plan**

13.1 Does the applicant have a fishing plan?

☐ Yes ☐ No



13.2 Will the applicant be personally responsible for implementing its fishing plan?

☐ Yes ☐ No



13.3 Will a third party be responsible for implementing the applicant's fishing plan?

☐ Yes ☐ No



13.4 If yes, who is the third party?

Section 14**By-Catch and Environmentally Sustainable Practices**

14.1 Does the applicant have a by-catch management strategy?

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No



14.4 Does the applicant intend to put in place any measures to reduce damage to sea beds?

☐ Yes ☐ No



Section 15

Fishing Levies

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

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

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

/ /

Date
yyyy/mm/dd

Amount

Section 16

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

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

Applicant Declaration

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

Holding Company Declaration

Signature of Authorised Representative of Holding Company (if applicable)

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Section 16**Sister Company Declaration**

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

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

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

JV Partner Declaration

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

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

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

SCHEDULES

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

Schedule 1 - Applicant Details

- a) Provide, as Annexure 1A a brief profile of the applicant organisation including an organogram which clearly indicates the applicant's business model including holding company, sister company and joint venture partner relationships. The applicant should pertinently indicate if it intends to apply in more than one sector, is involved in industries other than the fishing industry and if the applicant does rely on information of holding companies, sister companies and joint venture partners in this application. The profile may not exceed 5 pages.
- b) Section 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure 1B.
- c) Section 1.8.6: Provide a copy of a resolution duly authorising the person named in Section 1.8.6 to be the authorised contact person, as Annexure 1C.

Schedule 2 - Form of Applicant

- a) Section 2.1: Provide copies of the 2005 permits as Annexure 2A.
- b) Section 2.4: Provide a copy of a valid SARS tax clearance certificate as Annexure 2B.
- c) Section 2.6: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2C.
- d) Section 2.7: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2D.

Schedule 3 - Compliance

- a) Section 3.1.1: If "Yes", provide details and documentation regarding the conduct of the applicant, the identity and conduct of the members, shareholders or directors resulting in the conviction, the dates of conviction, and the penalties imposed as Annexure 3A.
- b) Section 3.1.2: If "Yes", provide details and any documentation of the plea bargain arrangement entered into, and details regarding the conduct and identity of the individuals giving rise to the plea bargain, the dates and specifics of the plea bargain, as Annexure 3B.
- c) Section 3.1.3: If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and rand amount paid as Annexure 3C.
- d) Section 3.1.4: If "Yes", provide details and any documentation regarding the offence including information regarding the conduct and identity of the individuals giving rise to the fine, the date of offence and penalty as Annexure 3D.
- e) Section 3.2: If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct and identity of individuals involved as Annexure 3E. Also provide details if a final confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act.
- f) Section 3.3: If "Yes", provide details and any documentation including the identity and conduct of individuals giving rise to the Section 28 procedure as Annexure 3F.

Schedule 4 - Vessel Details

- a) Section 4.2: For each vessel nominated, provide copies of the following documents:
- i) SAMSA Safety Certificate(s) as Annexure 4A;
 - ii) South African Certificate(s) of Registry as Annexure 4B;
 - iii) agreement(s) providing access to the vessel if the applicant is not the majority shareholder or the sole owner of the vessel as Annexure 4C;
 - iv) Local General Safety Certificate(s) as Annexure 4D.
- b) If the applicant is unable to furnish any of the above documents for any of the nominated vessels, the applicant must provide an explanation for this as Annexure 4E.

Schedule 5 - Catch Utilisation

- a) Section 5.2: If the applicant over- or under-caught by more than 10% in any year, a detailed explanation must be attached as Annexure 5A.

Schedule 6 - Transformation

- a) Section 6.3.1: If the applicant completed Section 6.3.1 in respect of the board of directors of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.1 for the applicant and the other entities separately, and submit these as Annexure 6A.
- b) Section 6.3.2: If the applicant completed Section 6.3.2 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.3.2 for the applicant and the other entities separately, and submit these as Annexure 6B.
- c) Section 6.4.1: If the applicant completed Section 6.4.1 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.4.1 for the applicant and the other entities separately, and submit these as Annexure 6C.
- d) Section 6.4.2: If "Yes," the applicant must provide details of contributions made to medical aid and pension, including details of the classes of beneficiaries, the employer's contributions and the nature of the benefits as Annexure 6D.
- e) Section 6.4.3: If "Yes," the applicant must provide details of the nature of the benefits provided, classes of beneficiaries and the employer's contribution as Annexure 6E.
- f) Section 6.5, 6.6.1 and 6.6.2: If the applicant completed Sections 6.5, 6.6.1 and 6.6.2 with reference to the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the tables in Section 6.5, 6.6.1 and 6.6.2 for the applicant and the other entities separately and submit these as Annexure 6F.
- g) Section 6.7.1: Explain how black shareholding and black voting rights were calculated as Annexure 6G. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded. The annexure must also include a complete list of all shareholders, following the flow through principle. This list should indicate the name, identification / registration number, whether the shareholder is black (if natural person), or what percentage of the shareholder is black (if company or close corporation), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if company or close corporation).
- h) Section 6.7.3: If "Yes," provide details regarding the applicant's employee share scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6H.

Schedule 6 - Transformation

- i) Section 6.7.5: Provide a breakdown of all salaries, loans and dividends paid to shareholders for each year including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or interest if juristic person), as Annexure 6I.
- j) Section 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity, as Annexure 6J.
- k) Section 6.8.1: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure 6K.
- l) Section 6.8.3: If "Yes," provide details of the applicant's employee profit sharing scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6L.
- m) Section 6.8.5: Provide a breakdown of all salaries, loans and profit distribution paid to members for each year, including the name and identification number of the member, as well as whether the member is Black, as Annexure 6M.
- n) Section 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, and whether the applicant or the applicant's holding company have any equity interest in the other entity as Annexure 6N.
- o) Section 6.9: Provide a summary of the targets set in the Transformation Plan, the extent to which these were met and the measures taken to reach the targets as Annexure 6O.
- p) Section 6.10: If the applicant completed Section 6.10 with reference to the payroll and training budgets of both the applicant and of any other entity(ies) as per the Explanatory Notes, the applicant must complete the table in Section 6.10 for both the applicant and the other entity(ies) separately and submit these as Annexure 6P.
- q) Section 6.12: If the applicant completed Section 6.12 with reference to the learnerships of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.12 for both the applicant and the other entities separately and submit these as Annexure 6Q.
- r) Section 6.13: If "Yes" provide a detailed description of the applicant's participation in such skills development programmes, as well as any supporting documentation from the SETA, as Annexure 6R.
- s) Section 6.14.1 and 6.14.2: If the applicant completed Sections 6.14.1 and 6.14.2 with reference to the skippers of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide a breakdown of the information required in Section 6.14.1 and 6.14.2 for both the applicant and the other entities separately and submit these as Annexure 6S.
- t) Section 6.15, 6.16 and 6.17: If the applicant completed Sections 6.15, 6.16 and 6.17 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.17 for both the applicant and the other entities separately and submit these as Annexure 6T.
- u) Section 6.18, 6.19 and 6.20: If the applicant completed Sections 6.18 and 6.19 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.20 for both the applicant and the other entities separately and submit these as Annexure 6U.
- v) Section 6.21: If "Yes" provide a copy of the Affirmative Procurement Policy as Annexure 6V.
- w) Section 6.22: Provide a breakdown of capital and operational expenditure paid to South African suppliers, including the percentage black ownership of these suppliers as Annexure 6W.
- x) Section 6.23: If "Yes," explain how the Applicant determined its affirmative procurement spend as Annexure 6X.

Schedule 7 - Safety

- a) Section 7.1: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7A.
- b) Section 7.2: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7B.
- c) Section 7.3: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7C.
- d) Section 7.4: If "Yes," provide a detailed description of the accident as Annexure 7D .
- e) Question 7.5: If "Yes," provide the name, identity number and qualification of each safety officer for each vessel. If "No," please provide a detailed explanation of why the applicant has not appointed a qualified safety officer for each vessel. The information provided under this section must be contained in Annexure 7E.
- f) Section 7.6: If "No," provide a detailed explanation as Annexure 7F.
- g) Section 7.7: If "Yes," provide a copy of the Safe Manning Document as Annexure 7G. If "No," and the nominated vessel is of 25 gross tonnage or more, provide a detailed explanation as Annexure 7G.
- h) Section 7.10: If "Yes," provide a copy of the policy as Annexure 7H. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7H.
- i) Section 7.11: If "Yes," provide a copy of the Local General Safety Certificate as Annexure 7I. If "No," a detailed explanation must be provided as Annexure 7I.
- j) Section 7.13: If "Yes," provide details and documentation regarding the conduct of the applicant, its members, shareholders or directors resulting in the convictions and penalties imposed as Annexure 7J.
- k) Section 7.14: If "Yes," provide a copy of the plan as Annexure 7K. If "No," provided a detailed explanation of why not as Annexure 7K.

Schedule 8 - Job Creation

- a) Section 8.1: The applicant must provide breakdowns as described in the Explanatory Notes as Annexure 8A.
- b) Section 8.1.4: If the applicant completed Questions 8.1.4 with reference to the payrolls of the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Question 8.1.4 for both the applicant and the other entities separately, and submit these as Annexure 8B.

Schedule 9 - Investment

- a) Section 9.1.3 and 9.1.4: Provide breakdowns as described in the Explanatory Notes as Annexure 9A
- b) Section 9.1.5: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market research as Annexure 9B.
- c) Section 9.1.6: Provide a detailed explanation of all investments in processing activities as Annexure 9C.

Schedule 10 - Local Economic Development

- a) Section 10.3: If "Yes," provide a detailed explanation of all investments made in order to make landing catches at identified harbours possible as Annexure 10A.

Schedule 11 - Value Add & Enterprise Development

- a) Section 11.1: If "Yes," provide a detailed explanation of how the applicant is involved in value adding processes, and what the processes are, as Annexure 11A.
- b) Section 11.2: If "Yes," provide a detailed explanation of how the applicant is responsible for enterprise development as Annexure 11B.

Schedule 12 - Performance (Financial)

- a) Section 12.1: Provide a copy of the applicant's 2004 audited financial statements as Annexure 12A. The applicant's auditors will be required to confirm its responses to all questions in Section 12.
- b) Section 12.6: Provide a detailed explanation of how the applicant intends to finance its entry into this fishery as Annexure 12B.

Schedule 13 - Fishing Plan

- a) Section 13.1: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
- a) days to be spent fishing per vessel nominated;
 - b) areas to be targeted (inshore or offshore fishing activities or both);
 - c) species to be targeted and mix of species;
 - d) expected size of species to be targeted;
 - e) detailed information regarding:
 - Age
 - Size
 - Gear
 - Fishing capacity and
 - Processing capacity of each nominated vessel (where appropriate).
- The fishing plan must clearly demonstrate the applicant's ability to perform effectively in the fishery.
- b) Section 13.2: If "Yes," provide a detailed explanation of the experience and knowledge the applicant has at its disposal to target the resource as Annexure 13B. This explanation must provide details, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard.
- c) Section 13.3: If "Yes," provide a detailed explanation of the experience and knowledge of the third party, including abbreviated curriculum vitae of individuals and profiles of entities to be used in this regard as Annexure 13C.

Schedule 14 - By-Catch and Environmentally Sustainable Practices

- a) Section 14.1: Provide a detailed explanation of how the applicant manages bycatch, as Annexure 14A.
- b) Section 14.2: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14B.
- c) Section 14.3: Provide a detailed explanation of any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure 14C.
- d) Section 14.4: Provide a detailed explanation of intended measures to reduce damage to sea beds as Annexure 14D.

FOR OFFICIAL USE ONLY: DO NOT TEAR OFF**RECEIPT****Received by:** _____**Date of Receipt:** 14 July 2005 or 15 July 2005**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

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RECEIPT - FOR APPLICANT TO RETAIN**Received by:** _____**Date of Receipt:** 14 July 2005 or 15 July 2005**Time of Receipt:** _____ h _____**Application Number:** _____**Departmental Stamp:**

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