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SCHEDULE E

SPECIMEN NEW ENTRANT APPLICATION FORMS

APPLICATION NUMBER: SKDN

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



Demersal Shark

Long Term Rights Allocation Process: 2005

Cluster B

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

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

ICONS

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

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



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



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



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

COMPLETION OF APPLICATION FORM

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

IMPORTANT INFORMATION**INSTRUCTIONS**

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

LODGEMENT OF APPLICATION

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

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

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

IMPROPER LODGEMENT

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

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

MATERIAL DEFECTS

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

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation as described in Schedule 1A. ☒

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2

Form of Applicant

2.1 Does the applicant 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, 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 a right or permit of the applicant 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 or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



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

Section 4

Vessel Details



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




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



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

Section 5**Catch Utilisation**

5.1 Did the applicant over-catch or under-catch 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 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 at the date of application? ☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998? ☐ Yes ☐ No ☒ 

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

Section 6

Transformation

Management and Employment Equity

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



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

Section 6

Transformation

Management and Employment Equity

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



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

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

Section 6

Transformation



Management and Employment Equity

	Employee Name	Organisational Title	Annual Salary (Total Cost to Company)	Black (Y/N)	Salary as a Percentage of Total Salaries in this Table	Gender (M/F)	ID Number
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
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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							
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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 date of application: 


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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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


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

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

Section 6

Transformation

Management and Employment Equity

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

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

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?


☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women 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 any of the applicant's employees not listed in Section 6.3.2 holds shares in the applicant in 2004? 

☐ Yes ☐ No

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

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

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

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

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

6.7.7 If "Yes", complete the table below:

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

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

6.7.9 If "Yes", complete the table below:

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

Ownership - Close Corporations Only

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

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

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

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

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

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

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

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

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

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

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

6.8.7 If "Yes", complete the table below:

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

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

6.8.9 If "Yes", complete the table below:

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

Skills Development

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

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

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

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

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

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

6.14.1 How many skippers are used by the applicant in other sectors?

6.14.2 What percentage of these skippers are black in other sectors?

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

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefitting Organisation	Rand Value of Amount Donated

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefitting Organisation	Rand Value of Amount Donated

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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

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



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

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Crew Safety and Working Conditions**

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

☐ Yes ☐ No



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

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

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation in the fishing industry: ☒

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

Section 8

Job Creation

8.1.2 Table 2

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

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

Section 8

Job Creation

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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

8.1.4 Table 4



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

Section 9**Investment****9.1 Complete the following tables:****9.1.1 Table 1**

Year	Book Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2004 (date of application)			

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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton 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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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

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

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

☐ Yes ☐ No

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

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

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

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

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

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

12.5 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

☒

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

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

Holding Entity Declaration

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

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

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

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

Sister Company Declaration

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

JV Partner Declaration

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

APPLICATION NUMBER: HLLN

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Hake Longline

Long Term Rights Allocation Process: 2005

Cluster B

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

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

ICONS

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

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



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



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



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

COMPLETION OF APPLICATION FORM

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

IMPORTANT INFORMATION**INSTRUCTIONS**

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

LODGEMENT OF APPLICATION

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

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

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

IMPROPER LODGEMENT

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

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

MATERIAL DEFECTS

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

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation as described in Schedule 1A.



1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:



1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address:

Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:



1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2

Form of Applicant

2.1 Does the applicant 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, 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 a right or permit of the applicant 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 or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



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

Section 4



Vessel Details


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

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

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

Section 5**Catch Utilisation**

5.1 Did the applicant over-catch or under-catch 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 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 at the date of application? ☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998? ☐ Yes ☐ No 

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

Section 6

Transformation

Management and Employment Equity

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



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

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

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



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

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

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

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

☐ Yes ☐ No

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


☐ Yes ☐ No

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

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

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

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

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

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

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

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women 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 any of the applicant's employees not listed in Section 6.3.2 holds shares in the applicant in 2004?

☐ Yes ☐ No 

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

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

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

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

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

6.7.7 If "Yes", complete the table below:

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

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

6.7.9 If "Yes", complete the table below:

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

Ownership - Close Corporations Only

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

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

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

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

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

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

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

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

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

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

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

6.8.7 If "Yes", complete the table below:

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

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

6.8.9 If "Yes", complete the table below:

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

Skills Development

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

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

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

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

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

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

6.14.1 How many skippers are used by the applicant in other sectors?

6.14.2 What percentage of these skippers are black in other sectors?

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

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefiting Organisation	Rand Value of Amount Donated

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefiting Organisation	Rand Value of Amount Donated

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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

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

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

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

☐ Yes ☐ No

Crew Safety and Working Conditions

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

☐ Yes ☐ No

Section 7

Vessel, Crew and Environmental Safety
Crew Safety and Working Conditions

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

Section 8

Job Creation

8.1 Complete the following tables in relation to job creation in the fishing industry:

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

Section 8

Job Creation

8.1.2 Table 2

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

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

Section 8

Job Creation

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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

8.1.4 Table 4



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

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2004 (date of application)			

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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton 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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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

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

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

☐ Yes ☐ No

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

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

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

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

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

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

12.5 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**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:

Applicant Declaration

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

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

Holding Entity Declaration

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

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

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths	_____
Full Name	_____
Designation	_____
Physical Address	_____

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths	_____
Full Name	_____
Designation	_____
Physical Address	_____

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

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

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

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

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

Seaweed

Long Term Rights Allocation Process: 2005**Cluster B****Application Form For: New Entrants**

Registered Name of Applicant

Company Registration Number

or

Close Corporation Registration
Number

Principal Place of Business

Genus for which Applicant is Applying

Concession Area for which Applicant is Applying

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

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

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

ICONS

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



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



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



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

COMPLETION OF APPLICATION FORM

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

IMPORTANT INFORMATION**INSTRUCTIONS**

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

LODGEMENT OF APPLICATION

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

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

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

IMPROPER LODGEMENT

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

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

MATERIAL DEFECTS

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

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

Section 1**Applicant Details**

1. The applicant must supply a profile of its organisation as described in Schedule 1A.

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes

☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant 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, 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 a right or permit of the applicant suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?
☐ Yes ☐ No  

Section 4
Vehicle Details

- 4.1 Does the applicant intend to use a vehicle in the coastal zone in order to harvest it's allocation?
☐ Yes ☐ No
- If you do intend to use a vehicle in the coastal zone then you must complete the application form titled, "Permit Application: Vehicle use in the Coastal Zone to undertake non-recreational activity approved in terms of the MLRA"

Section 5
Catch Utilisation

- 5.1 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				

Section 5**Catch Utilisation**

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

☐ Yes ☐ No

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

☐ Yes ☐ No



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

☐ Yes ☐ No



Section 6

Transformation

Management and Employment Equity

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



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

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

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



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

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

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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


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

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

Section 6

Transformation

Management and Employment Equity

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

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

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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


6.7.2 Complete the following table in relation to shareholding held by women 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 any of the applicant's employees not listed in Section 6.3.2 holds shares in the applicant in 2004?

☐ Yes ☐ No 

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

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

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

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

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

6.7.7 If "Yes", complete the table below:

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

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

6.7.9 If "Yes", complete the table below:

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

Ownership - Close Corporations Only

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

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

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

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

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

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

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

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

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

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

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

6.8.7 If "Yes", complete the table below:

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

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

6.8.9 If "Yes", complete the table below:

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

Skills Development

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

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

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

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

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

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

6.14.1 How many skippers are used by the applicant in other sectors? ☒

6.14.2 What percentage of these skippers are black in other sectors?

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

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefiting Organisation	Rand Value of Amount Donated

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefiting Organisation	Rand Value of Amount Donated

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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

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



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

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

☐ Yes ☐ No

**Section 7****Safety**

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

☐ Yes ☐ No



7.2 Does the applicant have an HIV/AIDS policy?

☐ Yes ☐ No



7.3 Does the applicant have an alcohol and substance abuse policy in place?

☐ Yes ☐ No

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

8.1 Complete the following tables in relation to job creation in the fishing industry:



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

Section 8

Job Creation

8.1.2 Table 2

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

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

Section 8

Job Creation

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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

8.1.4 Table 4

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

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2004 (date of application)			

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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton 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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant
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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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

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

9.1.7 Has the applicant invested in research into the development of seaweed into marketable products? ☐ Yes ☐ No ☒

Section 10**Local Economic Development**

10.1 Does the applicant intend to make any investment in physical infrastructure in the concession areas in which the applicant intends to operate should it be granted a right?

☐ Yes ☐ No



10.2 Does the applicant intend to involve the communities in the concession area in which it intends to operate in its activities should it be granted a right?

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

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

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

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

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

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

12.5 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**Harvesting Plan**

13.1 Does the applicant have a harvesting plan?

☐ Yes ☐ No



13.2 Will the applicant be personally responsible for implementing its harvesting plan?

☐ Yes ☐ No



13.3 Will a third party be responsible for implementing the applicant's harvesting plan?

☐ Yes ☐ No



13.4 If yes, who is the third party?

Section 14

By-Catch and Environmentally Sustainable Practices

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

☐ Yes ☐ No ☒
- 14.2 Does the applicant intend to put in place any any steps to ensure that the surrounding environment is not damaged during harvesting?

☐ Yes ☐ No ☒
- 14.3 Has the applicant put in place any measures to ensure that limpets are not destructured during harvesting?

☐ Yes ☐ No ☒

Section 15

Fishing Levies

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

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

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

Date
yyyy/mm/dd

Amount

Section 16**Applicant Declaration**

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

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

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

Holding Entity Declaration

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

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

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

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

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

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

APPLICATION NUMBER: SQUN

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



Squid

Long Term Rights Allocation Process: 2005

Cluster B

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

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

ICONS

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



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



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



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

COMPLETION OF APPLICATION FORM

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

IMPORTANT INFORMATION**INSTRUCTIONS**

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

LODGEMENT OF APPLICATION

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

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

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

IMPROPER LODGEMENT

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

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

MATERIAL DEFECTS

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

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation as described in Schedule 1A.

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2**Form of Applicant**

2.1 Does the applicant 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, 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 a right or permit of the applicant 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 or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



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

Section 4

Vessel Details



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






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



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

Section 5**Catch Utilisation**

5.1 Did the applicant over-catch or under-catch 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				

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

6.1 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 at the date of application? ☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998? ☐ Yes ☐ No 

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

Section 6

Transformation

Management and Employment Equity

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



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

Section 6
Transformation
Management and Employment Equity

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



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

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

Section 6

Transformation

Management and Employment Equity

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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

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

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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


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

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

Section 6

Transformation

Management and Employment Equity

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

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

Section 6

Transformation

Ownership - Companies Only

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women 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 any of the applicant's employees not listed in Section 6.3.2 holds shares in the applicant in 2004?

☐ Yes ☐ No 

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

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

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

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

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

6.7.7 If "Yes", complete the table below:

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

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

6.7.9 If "Yes", complete the table below:

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

Ownership - Close Corporations Only

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

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

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

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

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

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

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

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

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

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

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

6.8.7 If "Yes", complete the table below:

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

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

6.8.9 If "Yes", complete the table below:

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

Skills Development

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

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

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

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

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

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

6.14.1 How many skippers are used by the applicant in other sectors? ☒

6.14.2 What percentage of these skippers are black in other sectors?

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

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefiting Organisation	Rand Value of Amount Donated

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefiting Organisation	Rand Value of Amount Donated

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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

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



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

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Crew Safety and Working Conditions**

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

☐ Yes ☐ No



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

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

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation in the fishing industry: ☒

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

Section 8

Job Creation

8.1.2 Table 2

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

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

Section 8
Job Creation

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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

8.1.4 Table 4



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

Section 9

Investment

9.1 Complete the following tables:



9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2004 (date of application)			

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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton 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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant


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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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

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

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

☐ Yes ☐ No

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

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

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

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

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

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

12.5 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

☒

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 Entity Declaration

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

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

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

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

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

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

APPLICATION NUMBER: TNP



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT

Tuna Pole

Long Term Rights Allocation Process: 2005

Cluster B

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

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

ICONS

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

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



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



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



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

COMPLETION OF APPLICATION FORM

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

IMPORTANT INFORMATION**INSTRUCTIONS**

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

LODGEMENT OF APPLICATION

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

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

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

IMPROPER LODGEMENT

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

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

MATERIAL DEFECTS

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

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation as described in Schedule 1A. ☒

1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:

1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:

1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2

Form of Applicant

2.1 Does the applicant 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, 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 a right or permit of the applicant 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 or SAMSA Safety Certificate	
Nature of Access to Vessel (either majority ownership, or charter or catching agreement)	
Vessel fitted with a functioning VMS System (Y/N)	
Manufacturer of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower	



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

Section 4

Vessel Details



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





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



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

Section 5**Catch Utilisation**

5.1 Did the applicant over-catch or under-catch 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 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 at the date of application? ☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998? ☐ Yes ☐ No 

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

Section 6

Transformation

Management and Employment Equity

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



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

Section 6

Transformation

Management and Employment Equity

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



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

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

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

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

☐ Yes ☐ No

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


☐ Yes ☐ No

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

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

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

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

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

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

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

6.7 Is the applicant a company?

☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women 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 any of the applicant's employees not listed in Section 6.3.2 holds shares in the applicant in 2004?

☐ Yes ☐ No 

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

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

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

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

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

6.7.7 If "Yes", complete the table below:

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

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

6.7.9 If "Yes", complete the table below:

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

Ownership - Close Corporations Only

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

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

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

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

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

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

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

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

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

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

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

6.8.7 If "Yes", complete the table below:

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

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

6.8.9 If "Yes", complete the table below:

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

Skills Development

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

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

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

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

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

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

6.14.1 How many skippers are used by the applicant in other sectors?

6.14.2 What percentage of these skippers are black in other sectors?

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

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefitting Organisation	Rand Value of Amount Donated

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefitting Organisation	Rand Value of Amount Donated

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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

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



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

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Crew Safety and Working Conditions**

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

☐ Yes ☐ No



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

7.5 Has a qualified safety officer been appointed for each nominated vessel of more than 25 gross tons with a crew of 6 or more in terms of section 36 of the Maritime Occupational Safety Regulations?

☐ Yes ☐ No



7.6 Has every crew member on board each nominated vessel completed the approved safety induction training required by the Merchant Shipping Act 57 of 1951?

☐ Yes ☐ No



7.7 Does the applicant or vessel owner provide insurance or other financial security in respect of loss of life and personal injury suffered by crew?

☐ Yes ☐ No



7.8 Has a formal safety assessment been conducted in respect of each nominated vessel in terms of Marine Notice No 26 of 2004?

☐ Yes ☐ No



7.9 Has the applicant or the vessel owner registered with the Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993?

☐ Yes ☐ No



7.10 Does the applicant have an HIV/AIDS policy?

☐ Yes ☐ No



7.11 Has the applicant, during the medium term right period, been convicted or forfeited a deposit for contravening any part of the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 or Section 30 of the Marine Pollution (Control and Civil Liability) Act 6 of 1981?

☐ Yes ☐ No



7.12 Does the applicant or vessel owner have an alcohol and substance abuse policy in place?

☐ Yes ☐ No



7.13 Does the applicant or vessel owner have a plan dealing with garbage for each nominated vessel?

☐ Yes ☐ No

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

8.1 Complete the following tables in relation to job creation in the fishing industry:



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

Section 8

Job Creation

8.1.2 Table 2

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

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

Section 8
Job Creation

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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

8.1.4 Table 4



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

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2004 (date of application)			

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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton 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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant


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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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 date of application	Insured Value (in rands) of land-based assets at date of application	Insured Value of Harbour and Sea-Based Assets per ton allocated to applicant	Insured Value of Land-Based Assets per ton allocated to applicant

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

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

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

☐ Yes ☐ No

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

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

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

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

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

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

12.5 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 ☒

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			
2002			
2003			
2003			
2003			
2003			
2003			
2004			
2004			
2004			
2004			
2004			

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

Date
yyyy/mm/dd

Amount

Section 16**Applicant Declaration**

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

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

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

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

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

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

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

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

Holding Entity Declaration

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

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

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

Sister Company Declaration

Signature of Authorised Representative of Sister Company (if applicable)

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

JV Partner Declaration

Signature of Authorised Representative of JV Partner (if applicable)

Signed at: _____

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

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

RECEIPT - FOR APPLICANT TO RETAIN

Received by: _____

Date of Receipt: _____ 2005 or _____ 2005

Time of Receipt: _____ h _____

Application Number: _____

Departmental Stamp:

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

APPLICATION NUMBER: WCON

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



West Coast Rock Lobster (Offshore)

Long Term Rights Allocation Process: 2005

Cluster B

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

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

ICONS

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

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



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



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



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

COMPLETION OF APPLICATION FORM

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

IMPORTANT INFORMATION**INSTRUCTIONS**

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

LODGEMENT OF APPLICATION

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

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

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

IMPROPER LODGEMENT

- 13) Improperly lodged applications will be refused. An application is improperly lodged if:
- it is received late;
 - the applicant makes no payment, or short payment, or late payment of the application fee; or
 - the application is lodged in a manner contrary to the instructions.

MATERIAL DEFECTS

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

Section 1

Applicant Details

1. The applicant must supply a profile of its organisation as described in Schedule 1A.



1.1 Registered Name of Applicant

1.2 Trading Name of Applicant:

1.3 Registration Number:



1.4 Income Tax Number:

1.5 Vat Number:

1.6 Skills Development Levy Number:

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

☐ Yes ☐ No

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

1.8.1 Principal Place of Business:

Number and Street:

Suburb:

Town / City:

Postal Code:

1.8.2 Postal Address: Number and Street / PO Box:

Suburb:

Town / City:

Postal Code:

Area Code:

1.8.3 Telephone Number:

1.8.4 Additional Telephone Number:

1.8.5 Fax Number:

1.8.6 Authorised Contact Person First Name:



1.8.7 Authorised Contact Person Surname:

a) Identity Number:

b) Position Held / Relationship to Applicant

c) Cellular Number:

d) E-mail Address:

Section 2

Form of Applicant

2.1 Does the applicant 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, 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 a right or permit of the applicant 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 has the applicant nominated for use in this fishery should the applicant be granted a long-term right?



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

Vessel 1	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership, or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 2	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership, or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 4

Vessel Details

Vessel 3	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roel bakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership, or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 4	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roel bakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 5	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roel bakkie"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 4

Vessel Details

Vessel 6	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 7	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 8	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or "roei bakke"?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 4



Vessel Details


Vessel 9	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or 'roei bakke'?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 10	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or 'roei bakke'?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Vessel 11	
Vessel name	
MCM Area Number	
SAMSA Number	
Number of crew according to SAMSA Safety Certificate	
Length of vessel according to SAMSA Safety Certificate	
Is the vessel a rowing boat or 'roei bakke'?	
Does the vessel have an outboard engine or any other engine? (Yes or No)	
Is the vessel fitted with any kind of vessel monitoring system, and if yes, which one?	
Owner of Vessel as indicated by South African Certificate of Registry	
Nature of Access to Vessel (majority ownership or charter or catching agreement)	
Is the vessel geared for trap or hoop net fishing?	
Was the vessel used in the WCRL fishery in the medium term right period? (Yes or No)	

Section 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 Is the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 at the date of application? ☐ Yes ☐ No

6.2.1 If "Yes" to Section 6.1, has the applicant complied with the Employment Equity Act 55 of 1998? ☐ Yes ☐ No 

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

Section 6

Transformation

Management and Employment Equity

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



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

Section 6

Transformation

Management and Employment Equity

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



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

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

Section 6

Transformation

Management and Employment Equity



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

Section 6

Transformation



Management and Employment Equity

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

Section 6

Transformation

Management and Employment Equity

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

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

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

☐ Yes ☐ No

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


☐ Yes ☐ No

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

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

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

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

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

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

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


6.7 Is the applicant a company? ☐ Yes ☐ No

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

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

6.7.2 Complete the following table in relation to shareholding held by women 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 any of the applicant's employees not listed in Section 6.3.2 holds shares in the applicant in 2004? ☐ Yes ☐ No 

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

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

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

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

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

6.7.7 If "Yes", complete the table below:

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

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

6.7.9 If "Yes", complete the table below:

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

Ownership - Close Corporations Only

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

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

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

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

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

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

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

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

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

Section 6

Transformation

Ownership - Close Corporations Only

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

6.8.7 If "Yes", complete the table below:

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

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

6.8.9 If "Yes", complete the table below:

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

Skills Development

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

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

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

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

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

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

6.14.1 How many skippers are used by the applicant in other sectors?

6.14.2 What percentage of these skippers are black in other sectors?

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

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefitting Organisation	Rand Value of Amount Donated

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

☐ Yes ☐ No



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

☐ 0 - 0.5 %

☐ 0.5 - 1 %

☐ > 1 %



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

Benefitting Organisation	Rand Value of Amount Donated

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

6.21 Does the applicant have a written affirmative procurement policy?

☐ Yes ☐ No



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

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



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

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

☐ Yes ☐ No

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

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

☐ Yes ☐ No



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

☐ Yes ☐ No



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

☐ Yes ☐ No

**Crew Safety and Working Conditions**

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

☐ Yes ☐ No



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

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

Section 8**Job Creation**

8.1 Complete the following tables in relation to job creation in the fishing industry: ☒

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

Section 8

Job Creation

8.1.2 Table 2

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

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

Section 8

Job Creation

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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per ton allocated	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	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) (date of application)	How many people does the applicant employ per unit of effort allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (date of application)	How many people (less seasonal employees) does the applicant employ per unit of effort allocated?

8.1.4 Table 4

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

Section 9

Investment

9.1 Complete the following tables:

9.1.1 Table 1

Year	Book Value of Total Fixed Assets	Total Book Value of Total Land Based Fixed Assets	Total Book Value of Harbour and Sea Based Fixed Assets
2004 (financial year end)			

9.1.2 Table 2

Year	Insured Value of Total Fixed Assets	Total Insured Value of Total Land Based Fixed Assets	Total Insured Value of Harbour and Sea Based Fixed Assets
2004 (date of application)			

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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	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 in this fishery	Book Value (in rands) of land-based assets at 2004 financial year end in this fishery	Book Value of Harbour and Sea-Based Assets per ton allocated to applicant	Book Value of Land-Based Assets per ton allocated to applicant

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?

[illegible]

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

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

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

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

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

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

12.5 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 ☒

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

Holding Entity Declaration

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

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

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

Signed at: _____

This _____ day of _____ 2005

Signature of Authorised Representative: _____

Representative's Full Name: _____

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

Commissioner of Oaths

Full Name

Designation

Physical Address

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

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

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

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

SCHEDULES TO THE CLUSTER B NEW ENTRANT APPLICATION FORMS: DEMERSAL SHARK, HAKE LONGLINE, SEAWEED, SQUID, TUNA POLE AND WEST COAST ROCK LOBSTER (OFFSHORE)

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

SCHEDULE 1 – Applicant Details

- a) Provide, as Annexure 1A, in order for the delegated authority to better understand the answers and information submitted, a brief profile of the applicant organisation. Include a brief description of historical involvement in the fishing industry (if any) and expertise. Also provide an organisational structure which indicates the applicant's business model including, if any, details regarding the holding company, sister companies and joint venture relationships. The applicant should pertinently indicate if it intends to apply in more than one sector, whether it is involved in industries other than the fishing industry and if the applicant does rely on information of holding companies, sister companies and joint venture partners in this application. The profile may not exceed 5 pages.
- b) Section 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure 1B.
- c) Section 1.8.6: Provide a copy of a resolution duly authorising the person named in Section 1.8.6 to be the authorised contact person, as Annexure 1C.

SCHEDULE 2 – Form of Applicant

- a) Section 2.1: Provide a copy of the 2005 permits as Annexure 2A.
- b) Section 2.3: If the applicant is a close corporation or a company with less than 10 shareholders who are natural persons, provide as Annexure 2B, a list of the names of members/shareholders and their nationality and the calculation of the ratio of South African members/shareholders to non-South African members/shareholders. If the schedule indicates that the member/shareholder is South African, include a copy of the relevant page of the identity document, passport or appropriate proof of citizenship indicating that the member/shareholder is South African.

If the applicant is a company whose shares are held by more than 10 shareholders and/or the shareholders are not all natural persons, provide as Annexure 2B, a list of the names of shareholders and their nationality and the calculation of the ratio of South African shareholders to non-South African shareholders. Include a sworn affidavit by the chairman of the applicant's board of directors stating that more than 50% of the shareholders of the applicant are South African.

(Note: In terms of the Marine Living Resources Act 18 of 1998, more than 50% of the shareholders (in the case of a company) or more than 50% of the members (in the case of a close corporation) must be South African.
- c) Section 2.4: Provide a copy of a valid SARS tax clearance certificate as Annexure 2C.
- d) Section 2.5: Provide as Annexure 2D the relevant page(s) of the financial statements for the financial year ending 2004 and mark with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of calculating the turnover and gross asset value (*excluding* fixed property, i.e. excluding land and buildings). Only information relating to the financial records of the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.
- e) Section 2.6: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2E.
- f) Section 2.7: If "Yes," provide a detailed statement describing percentage of shareholding, the name and the registration number of the company as Annexure 2F.

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 (in the case of a close corporation), shareholders (specify percentage shareholding) or directors resulting in the conviction, the dates of conviction, and the penalties imposed as Annexure 3A.

- b) Section 3.1.2: If "Yes", provide details and any documentation of the plea bargain arrangement entered into, and details regarding the conduct and identity of the individuals (including percentage shareholding if applicable) giving rise to the plea bargain, the dates and terms of the plea bargain, as Annexure 3B.
- c) Section 3.1.3: If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct and identity of the individuals (including percentage shareholding if applicable) giving rise to the fine, the date of the contravention and the amount paid as Annexure 3C.
- d) Section 3.1.4: If "Yes", provide details and any documentation regarding the charge including information regarding the conduct and identity of the individuals (including percentage shareholding if applicable) giving rise to the charge and the outcome as Annexure 3D.
- e) Section 3.2: If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct and identity of individuals (including percentage shareholding if applicable) involved as Annexure 3E. Also provide details if a confiscation or forfeiture order was / was not granted under the Prevention of Organised Crime Act or the MLRA.
- f) Section 3.3: If "Yes", provide details and any documentation including the identity and conduct of individuals (including percentage shareholding if applicable) giving rise to the Section 28 procedure as Annexure 3F.

SCHEDULE 4 – Vessel Details

This section does not apply to Seaweed

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

SCHEDULE 5 – Catch Utilisation

- a) Section 5.1: If the applicant over- or under-caught by more than 10% in any year in any other fishery, a detailed explanation must be attached as Annexure 5A.
- b) Section 5.2: Provide as Annexure 5B, a schedule which details, per month, the total actual catch (in metric tons, nominal weight (complete fish) in each fishery in which the applicant held a medium term right, for 2002, 2003 and 2004 and copies of the permits issued by the Department for the seasons 2002, 2003, and 2004.

Only information relating to the catch records of the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.

SCHEDULE 6 – Transformation

- a) Sections 6.2.1 and 6.2.2: If the applicant answered "Yes" to either section 6.2.1 or 6.2.2 then provide as Annexure 6A the employment equity plan submitted and approved by the Director-General as required by Employment Equity Act 55 of 1998 and the most recent EEA2/2A report submitted to the Director-General.
- b) Section 6.3.1: If the applicant completed Section 6.3.1 in respect of the board of directors of the applicant and of any other entities as per the Explanatory Notes, the applicant must replicate and complete the tables in Section 6.3.1 for the applicant and the other entities separately, and submit these as Annexure 6B.
- c) Section 6.3.2: Provide as Annexure 6C a schedule which contains the names, organisational title, total annual cost to company, gender, race (distinguishing between African, Coloured, Indian and White), identification number and occupational category of all permanent and seasonal employees of the applicant, sorted in descending order of total cost to company. The schedule should also indicate whether the employee is land based or sea based (to be used later in section 8.1.1). If the applicant completed Section 6.3.2 in respect of the employees of the applicant and of any other entities, the applicant must provide separate schedules for each entity and replicate and complete the tables in Section 6.3.2 for the applicant and the other entities separately, and submit these as Annexure 6C. For

purposes of completing the application form, the schedules must be merged as per the Explanatory Notes.

- d) Section 6.4.1: If the applicant completed Section 6.4.1 in respect of the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must replicate and complete the tables in Section 6.4.1 for the applicant and the other entities separately, and submit these as Annexure 6D.
- e) Section 6.4.2: If "Yes," the applicant must provide details of contributions made to medical aid and pension, including details of the classes of beneficiaries, the employer's contributions and the nature of the benefits as Annexure 6E.
- f) Section 6.4.3: If "Yes," the applicant must provide details of the nature of the benefits provided, classes of beneficiaries and the employer's contribution as Annexure 6F.
- g) Section 6.5, and 6.6: If the applicant completed Sections 6.5 and 6.6 with reference to the employees of the applicant and of any other entities as per the Explanatory Notes, the applicant must replicate and complete the tables in Section 6.5, and 6.6 for the applicant and the other entities separately and submit these as Annexure 6G.
- h) Section 6.7.1 and 6.7.2: Provide a complete list of all shareholders, following the flow through principle as Annexure 6H. This list should indicate the name, identification / registration number, whether the shareholder is black (if natural person), or what percentage of the shareholder is black (if company or close corporation), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if company or close corporation). In addition, explain how the black shareholding, black voting rights and black dividend rights were calculated. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded.
- i) Section 6.7.3: If "Yes," provide details regarding the applicant's employee share scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6I.
- j) Section 6.7.5: Provide a breakdown of all salaries, loans and dividends paid to shareholders for the 2004 financial year including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or membership interest if juristic person), as Annexure 6J.
- k) Section 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, as Annexure 6K.
- l) Section 6.7.8: Provide in schedule form, a breakdown of amounts received each year for the allocation / units of effort as Annexure 6L.
- m) Section 6.7.9: Provide an explanation as Annexure 6M.
- n) Section 6.8.1 and 6.8.2: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure 6N. Provide also as Annexure 6N a schedule which provides the names, gender, race, percentage membership interest, voting rights and rights to profit distribution as at date of application.
- o) Section 6.8.3: If "Yes," provide details of the applicant's employee profit sharing scheme, paying particular attention to actual benefits to employees, as well as a copy of the employee share scheme policy as Annexure 6O.
- p) Section 6.8.5: Provide a breakdown of all salaries, loans and profit distribution paid to members for in 2004, including the name and identification number of the member, as well as whether the member is Black, as Annexure 6P.
- q) Section 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding the entity, the relationship between the applicant and the entity, as Annexure 6Q.

- r) Section 6.8.8: Provide in schedule form, a breakdown of amounts received each year for the allocation / units of effort as Annexure 6R.
- s) Section 6.8.9: Provide an explanation as Annexure 6S.
- t) Section 6.9: Provide a summary of the targets set in the Transformation Plan, the extent to which these were met and the measures taken to reach the targets as Annexure 6T.
- u) Section 6.10:
 - Work place skills plan*
If the applicant answered "Yes" to submitting a work place skills plan then provide as Annexure 6U1 all relevant receipts/confirmations from the SETA for evidence of such submission and approval.
 - Annual Training Report*
If the applicant answered "Yes" to submitting an annual training report then provide as Annexure 6U2 all relevant receipts/confirmation from the SETA for evidence of such submission and approval.
 - Rand amount paid to SARS*
Provide as Annexure 6U3 a schedule of amounts of skills development levies paid to the SARS during 2004 and provide the receipts which evidence the payment of the levies.
 - Percentage of salaries bill spent on training*
Provide as Annexure 6U4 a schedule used by the applicant to calculate the information required by section 6.10 regarding the percentage of salaries bill spent on training.
 - Percentage of training spent on black employees*
Provide as Annexure 6U5 a schedule used by the applicant to calculate the information required by section 6.10 regarding the percentage of training budget spent on black employees.
- v) Section 6.11: If the applicant answered "Yes" to sections 6.11 or 6.13, provide as Annexure 6V the learnership agreement/s or other skills development programme and any returns/receipts received from the SETA or evidence that the learnership agreements were registered with a SETA. If the applicant completed section 6.11 and 6.13 with reference to the learnerships/programmes of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide the numbers of the applicant and other entities separately as Annexure 6V.
- w) Section 6.13: If "Yes" provide a detailed description of the applicant's participation in such skills development programmes, as well as any supporting documentation from the SETA, as Annexure 6W.
- x) Section 6.14.1 and 6.14.2: If the applicant completed Sections 6.14.1 and 6.14.2 with reference to the skippers of both the applicant and of any other entities as per the Explanatory Notes, the applicant must provide the number of skippers used by the applicant and other entities, and whether the skippers are black as Annexure 6X.
- y) Section 6.15, 6.16 and 6.17: If the applicant completed Sections 6.15, 6.16 and 6.17 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.17 for both the applicant and the other entities separately and submit these as Annexure 6Y. Also provide as Annexure 6Y a schedule of tax deductible donations made during 2004, sorted by descending order of amount donated per organisation. The schedule should also reflect the calculation of what percentage of net profit consists of donations for the 2004 financial year-end.
- z) Section 6.18, 6.19 and 6.20: If the applicant completed Sections 6.18 and 6.19 with reference to the donations of both the applicant and of any other entities as per the Explanatory Notes, the applicant must complete the table in Section 6.20 for both the applicant and the other entities separately and submit these as Annexure 6Z. Also provide as Annexure 6Z a schedule of other donations (not tax deductible) made during 2004, sorted by descending order of amount donated per organisation. The schedule should also reflect the calculation of what percentage of net profit consists of donations for the 2004 financial year-end.
- aa) Section 6.21: If "Yes" provide a copy of the Affirmative Procurement Policy as Annexure 6AA.

- bb) Section 6.22: Provide as Annexure 6BB a statement, signed by the chief executive officer (CEO) or equivalent and appearing either on the supplier's letterhead or bearing the supplier's company stamp, from each supplier listed by the applicant in section 6.22 which confirms the percentage of black ownership of the supplier and which confirms that more than 50% of the shareholders are South African.
- cc) Section 6.23: If "Yes," explain how the Applicant determined its affirmative procurement spend as Annexure 6CC.

SCHEDULE 7 - Safety**Demersal Shark, Hake Longline, Squid, Tuna Pole, West Coast Rock Lobster (Offshore)**

- a) Section 7.1: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7A.
- b) Section 7.2: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7B.
- c) Section 7.3: If "Yes," provide a detailed explanation of the contravention, including the date of contravention, the offence and the penalty imposed as Annexure 7C.
- d) Section 7.4: If "Yes," provide a detailed description of the accident as Annexure 7D.
- e) Section 7.5: If "Yes," provide the name, identity number and qualification of each safety officer for each vessel and provide the names of the safety committee. If "No," please provide a detailed explanation of why the applicant has not appointed a qualified safety officer for each vessel. The information provided under this section must be contained in Annexure 7E.
- f) Section 7.6: If "No," provide a detailed explanation as Annexure 7F.
- g) Section 7.7: If "Yes," provide a description of the insurance or financial security as Annexure 7G.
- h) Section 7.8: If "Yes," provide a synopsis of the safety assessment report as Annexure 7H.
- i) Section 7.9: If "Yes," provide proof of registration with the Commissioner as Annexure 7I.
- j) Section 7.10: If "Yes," provide a copy of the policy as Annexure 7J. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7J.
- k) Section 7.11: If "Yes," provide details and documentation regarding the conduct of the applicant, its members, shareholders or directors resulting in the convictions and penalties imposed as Annexure 7K.
- l) Section 7.12: If "Yes," provide a copy of the policy as Annexure 7L.
- m) Section 7.13: If "Yes," provide a copy of the plan as Annexure 7M.

Seaweed

- a) Section 7.1: If "Yes," provide proof of registration with the Commissioner as Annexure 7A.
- b) Section 7.2: If "Yes," provide a copy of the policy as Annexure 7B. If "No," an explanation of why the applicant does not have an HIV/AIDS policy must be provided as Annexure 7B.
- c) Section 7.3: If "Yes," provide a copy of the policy as Annexure 7C.

SCHEDULE 8 - Job Creation

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

SCHEDULE 9 - Investment

- a) Section 9.1: Provide breakdowns as described in the Explanatory Notes as Annexure 9A. Also provide as Annexure 9A the relevant pages of the financial statements and mark with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of calculating information of the book value of property, plant and equipment provided by the applicant in response to section 9.1.1.
- b) Section 9.1.5: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market research as Annexure 9B.
- c) Section 9.1.6: Provide a detailed explanation of all investments in processing activities as Annexure 9C.
- d) Section 9.1.7: If "Yes," provide a detailed description of what research has been undertaken, and what the applicant spent on this research as Annexure 9D. **(This question only applies to Seaweed)**

SCHEDULE 10 - Local Economic Development**Demersal Shark, Hake Longline, Squid, Tuna Pole and West Coast Rock Lobster (Offshore)**

- a) Section 10.3: If "Yes," provide a detailed explanation of all investments made as Annexure 10A.

Seaweed

- a) Section 10.1: If "Yes," please provide a detailed explanation of all intended investments as Annexure 10A.
- b) Section 10.2: Is "Yes," please provide a detailed explanation of how the applicant intends to include communities in its activities as Annexure 10B

SCHEDULE 11 - Value Add and Enterprise Development

- a) Section 11.1: If "Yes," provide a detailed explanation of how the applicant is involved in value adding processes, and what the processes are, as Annexure 11A. **This section does not apply to the Demersal Shark, Hake Longline, or Squid application forms.**
- b) Section 11.1 or Section 11.2: If "Yes," provide a detailed explanation of how the applicant is responsible for enterprise development as Annexure 11B.

SCHEDULE 12 - Performance (Financial)

- a) Section 12.1: Provide as Annexure 12A1 the relevant pages of the 2004 financial statements and mark with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of calculating the turnover.
- b) Section 12.2: Provide as Annexure 12A2, the relevant pages of the financial statements marked with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of completing Section 12.2.
- c) Section 12.3: Provide as Annexure 12A3, the relevant pages of the financial statements marked with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of completing Section 12.3.
- d) Section 12.4: Provide as Annexure 12A4, the relevant pages of the financial statements marked with a highlighter (or underline/encircle with a red pen) the relevant parts on which the applicant relies for purposes of completing Section 12.4.
- e) Section 12.5: Provide a detailed explanation of how the applicant intends to finance its entry into this fishery as Annexure 12B.

SCHEDULE 13 - Fishing / Harvesting Plan**Hake Longline:**

- a) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
 - i) days to be spent fishing per vessel nominated;
 - ii) areas to be targeted;
 - iii) species to be targeted and mix of species;
 - iv) expected size of species to be targeted;
 - v) detailed information regarding:
 - ☐ Age
 - ☐ Size
 - ☐ Gear (streamer line [tori line])

- ☐ Modifications for the dumping of offal
- ☐ Fishing capacity and
- ☐ Processing capacity of each nominated vessel (where appropriate).

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

- 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.

Seaweed

- a) Section 13: If "Yes," provide a synopsis of the applicant's harvesting plan as Annexure 13A, paying particular attention to the manner in which the seaweed is to be cut and collected, as well as details regarding the collection of both fresh and beach-cast seaweed.
- 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.

Shark Demersal

- a) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
- ii) days to be spent fishing per vessel nominated;
 - iii) areas to be targeted;
 - iv) species to be targeted and mix of species;
 - v) expected size of species to be targeted;
 - vi) 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.

Squid

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

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

- 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.

Tuna Pole

- a. Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
 - i) days to be spent fishing per vessel nominated;
 - ii) areas to be targeted;
 - iii) species to be targeted and mix of species;
 - iv) expected size of species to be targeted;
 - v) detailed information regarding:
 - ☐ Age
 - ☐ Size
 - ☐ Gear (freezer or ice facilities)
 - ☐ Fishing capacity and
 - ☐ Processing capacity of each nominated vessel (where appropriate).

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

- 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.

West Coast Rock Lobster (Offshore)

- a) Section 13: If "Yes," provide a synopsis of the applicant's fishing plan as Annexure 13A, paying particular attention to:
 - i) Detailed information regarding:
 - ☐ Vessel Age
 - ☐ Vessel Size
 - ☐ Gear (freezer or ice facilities, maximum number of traps or hoopnets that the vessel can carry) and
 - ☐ Fishing capacity and of each nominated vessel (where appropriate).

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

- 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 by-catch, as Annexure 14A. (This question does not apply to the Squid, Seaweed and Tuna Pole application forms)
- b) Section 14.2: Provide a detailed explanation of measures put in place to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14B.
- c) Section 14.3: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure 14C.
- d) Section 14.4: Provide a detailed explanation of any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure 14D.

SCHEDULE F

EXPLANATORY NOTES TO THE NEW ENTRANT APPLICATION FORMS

EXPLANATORY NOTES – NEW ENTRANT APPLICANTS WEST COAST ROCK LOBSTER (OFF SHORE), HAKE LONGLINE, SQUID, TUNA POLE, DEMERSAL SHARK AND SEAWEED

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

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

SECTION 1: APPLICANT DETAILS

Sections 1.1 to 1.7 must be completed by all applicants. The applicant was required to provide the details required by sections 1.8.1 to 1.8.7d when it 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.

The applicant is requested, in Annexure 1A to provide a brief profile of the applicant organization, focusing on whether the applicant's business model includes other entities in the fishing industry namely a holding entity (defined as the owner of more than 50% of the applicant) and sister companies (also owned more than 50% by the holding entity) or joint venture partners.

The reason for this is that some sections allow the applicant to present information about the applicant and the holding entity and sister companies involved in the fishing industry (the "group of companies") or all the "joint venture partners" in the fishing industry. The purpose of the requesting information about entities other than the applicant is to permit economic units to present themselves via individual applications, and in this way to enable the delegated authorities to better compare applicants with one another. It is for the applicants to determine whether they operate in such a joint venture "economic unit" in a particular sector and whether they wish to present themselves as such. All the parties to the joint venture or group must agree to apply in this form where allowed to do so and consolidated information must then be presented consistently in all the relevant sections of this application and in applications for other sectors.

SECTION 2: FORM OF APPLICANT

2.1 and 2.2

The aim is to determine whether the applicant is involved in other sectors of the fishing industry

2.3

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.

2.5

Only information relating to the applicant company / close corporation should be included and not also information relating to other members of a group of companies or a joint venture.

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 if any commercial fishing right or permit in any other sector 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 in any other fishery 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 in other sectors. 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

- d) report to the Director-General on progress made in implementing its employment equity plan, as required by section 21.

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

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

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

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

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

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

Example: If the applicant employs 2500 people, the applicant determines the top 3% by multiplying this number by 0.03 ($2500 \times 0.03 = 75$). 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 (and the parties agree to present themselves in this form) 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

Exp

Demersal and Seaweed (CLUSTER B)

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

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

Employment Equity Act 55, 1998

WHAT IS THE PURPOSE OF THIS ANNEXURE?

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

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

INSTRUCTIONS

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

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

Equivalent occupational levels

Semantic Scale	Paterson		Peromnes	Hay	Castellion
Top Management	F	F	[++]]+		14
Senior Management	E	E UPPER	1	1	13
		E LOWER	2	2	
			3		
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, (and the parties agree to present themselves in this form) then the occupational levels of all the JV partners must be provided in the annexure and the table must be completed by submitting the merged details of all the JV partners. If the applicant is more than 50% owned by another company or close corporation (determined as specified in section 6.7.1 below) then the occupational levels of the holding entity, the Applicant and any sister companies also more than 50% owned by the holding entity and involved in the

fishing industry must be provided in the annexure and the table must be completed by submitting the merged details of the group (applicant, holder entity and sister company) of companies.

Example

If Company A is a designated employer, the information from the most recent EEA 2A form should be completed in the table. If Company A is not a designated employer, the occupational levels of employees should be determined in the manner set out above as at date of application and the table completed with this data.

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

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

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

Applicants must provide the figures relating to top and senior management / senior officials provided in their 2001 application forms if they applied in 2001. Applicants must provide the figures relating to professionally qualified and experienced specialists and mid-management provided in their 2001 application forms if they applied 2001.

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

The first row must only be completed if the applicant applied in 2001.

The second row 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 by 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, 6.7.7, 6.7.8 and 6.7.9

These sections must be answered with reference to the data of the applicant alone. Information relating to holding entities, sister companies and JV partners may not be taken into account, but details of group share schemes may be provided in the relevant annexure.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6, 6.8.7, 6.8.8 and 6.8.9 Note: do not complete shaded areas of the form

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

6.9

Explanatory Notes to the application forms for New Entrant: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B)

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 first row must only be completed if the applicant applied in 2001.

The aim of sections 8.1.2 and 8.1.3 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 each sector in which the applicant holds a right. In section 8.1.1 the total number of jobs created and amount spent on salaries in the fishing industry must be completed. The information must be used to determine the number of jobs provided per ton of fish (or per unit of effort) allocated in the sector concerned (in section 8.1.3), and the amount spent on salaries per ton (or per unit of effort) allocated in the sector concerned (in section 8.1.2). In order to determine the number of jobs and amounts spent on salaries per 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.

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. 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, JVs and groups involved in other industries or fishing sectors may not take into account jobs provided or amounts spent on salaries in other industries. Only jobs provided or amounts spent on salaries in other fishing sectors 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 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 (or per unit of effort) 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) in this fishery	Total Employees (in relation to this fishery) at date of application	How many people does the applicant employ per ton allocated?
5 000	1 000	0.2

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

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

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

SECTION 9: INVESTMENT**9.1.1 and 9.1.2**

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

In sections 9.1.1 and 9.1.2, the total book and insured values of fixed assets used in the fishing industry must be completed.

The aim of sections 9.1.3 and 9.1.4 is to establish the rand value of harbour and sea-based assets of the applicant for each sector in which the applicant holds a right. This will be used to determine the value of harbour and sea-based assets per ton of fish (or per unit of effort) allocated in each 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 entity 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). 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 may not take into account assets used in other industries. Only assets used in the sector concerned by the JV or group may be taken into account when completing sections 9.1.3 and 9.1.4. If applicable, a breakdown of assets used in the fishing industry or other industries or a breakdown of assets used in 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 (or per unit of effort) allocated. The information provided in section 9.1.1. must be used.

Example

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

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

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 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 in respect of other fisheries.

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 aim of this section is to establish turnover of the applicant. Provide the turnover as per the financial statements for Applicants involved in industries other than the fishing industry and other sectors may take turnover generated in such other industries / sectors into account. Applicants involved in industries other than the fishing industry and other sectors must provide a breakdown of turnover in the fishing industry and in other industries and a breakdown of turnover per sector in the annexure. As it is difficult to accurately apportion turnover on a per industry or 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.

12.2, 12.3 and 12.4

These questions require the applicant to provide information from its audited or verified financial statements.

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 – NUWE INKOMELING AANSOEKERS WESKUSKREEF (DIEPWATER), STOKVIS LANGLYN, INKVIS, TUNA-PAAL, BODEMHAAT EN SEEWIER

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

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

AFDELING 1: AANSOEKER SE BESONDERHEDE

Afdelings 1.1 tot 1.7 moet voltooi word deur alle aansoekers. Daar was van aansoekers vereis om die besonderhede te verskaf vereis deur afdelings 1.8.1 tot 1.8.7d toe die aansoeker 'n aansoekvorm afgehaal het. Hierdie afdelings hoef slegs voltooi te word indien die aansoeker se besonderhede verander het sedert registrasie.

Die aansoeker word versoek, om in Aanhangsel 1A 'n bondige profiel van die aansoeker se organisasie te verskaf, wat fokus op of die aansoeker se besigheidsmodel ander entiteite in die visvangindustrie insluit, naamlik 'n houer-entiteit (gedefinieer as die eienaar van meer as 50% van die aandele van die aansoeker) en sustermaatskappye (ook meer as 50% besit deur die houer-entiteit) of gesamentlike onderneming vennote.

Die rede hiervoor is omdat sekere afdelings die aansoeker om inligting te voorsien aangaande die aansoeker en die houer-entiteit en suster maatskappye betrokke in die visvangindustrie (die "groep maatskappye") of al die gesamentlike onderneming vennote in die visvangindustrie. The doel van die versoek vir inligting oor entiteite anders as die aansoeker is om ekonomiese eenhede toe te laat om hulleself voor te stel by wyse van individuele aansoeke, en om op hierdie manier die gedelegeerde owerheid in staat te stel om aansoekers beter met mekaar te vergelyk. Dit is vir die aansoekers om vas te stel of hulle werkzaam is in so 'n "ekonomiese eenheid" en of hulle hulself so wil voorstel. Al die partye tot die gesamentlike onderneming of groep moet ooreenstem om aansoek te doen in hierdie vorm waar toegelaat om dit te doen 'en gekonsolideerde inligting moet dan konsekwent voorsien word in al die relevante afdelings van hierdie aansoek en in aansoeke in ander sektore.

AFDELING 2: VORM VAN DIE AANSOEKER

2.1 en 2.2

Die oogmerk is om vas te stel of die aansoeker betrokke is ander sektore van die visvangbedryf.

2.3

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.

2.5

Slegs inligting met betrekking tot die aansoeker maatskappy / beslote korporasie moet verskaf word en nie ook inligting met betrekking tot ander lede van 'n groep maatskappye of gesamentlike onderneming nie.

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

Aanzoekers 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 Misdad, 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

Aanzoekers moet "ja" op die vraag antwoord, slegs indien die aansoeker se reg of permit in enige ander sektor 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 het in enige ander vissery 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 in ander sektore. Aanzoekers moet nie die vraag beantwoord met verwysing na die Departement se vangrekords nie. Sover as wat dit werklike vangste of seewier geoes aangaan moet nominale gewig gespesifiseer word en nie gelande gewig of gewig nadat die koppe afgesny en die vis gevele 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 metrieke ton)	Totaal gevang van Aansoeker se toekenning (nominale ton)	Persentasie ondervangs	Persentasie oorrangs
2003 seisoen	1 000	1 100	0%	10%

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

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 houerentiteit, sustermaatskappye of Gesamentlike-Ondernemings ("GO") vennote nie) verskaf word en sal in aanmerking geneem word.

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

- '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:

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

6.3.2 Neem kennis: 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 in die visvangindustrie (vasgestel soos gespesifiseer in afdeling 6.7.1 hieronder) dan moet die besonderhede van die direksie/lede van beide die aansoeker en houer-entiteit voorsien word in die aanhangsel en die tabel moet voltooi word deur indiening van die saamgesmelte besonderhede van die direksies/ lede van beide entiteite. Indien die aansoeker betrokke is in 'n gesamentlike-onderneming ("GO") saam met 'n ander maatskappy of beslote korporasie, en die partye is in ooreenstemming om hulleself in hierdie vorm aan te bied, dan moet die besonderhede van die direksie of lede van al die GO vennote voorsien word in die aanhangsel en die tabel moet voltooi word deur die indiening van die saamgesmelte besonderhede van die direksies/ lede van al die GO vennote.

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

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

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

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

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

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

Voorbeeld: Indien die aansoeker 75 persone in diens het en die houer-entiteit 125 persone in diens het, het die twee entiteite gekombineerd 200 persone in diens. Die aansoeker moet die top 3% vas 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) maatskappe.

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 diensbillikheidsprofiel van die aansoeker met betrekking tot beroepsvlakke te voltooi. Aangewese werkgewers en werkgewers wat vrywillig voldoen aan die Wet op Diensbillikheid moet die tabel voltooi met die mees onlangse syfers wat voorsien is aan die Departement van Arbeid. Aansoekers wat nie aangewese is nie moet die tabel voltooi met verwysing na sy werknemers op datum van aansoek en met verwysing na die definisie van die beroepsvlakke uiteengesit in aanhangsel 2 van die Regulasies tot die Wet op Diensbillikheid. 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 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	1	1	13
		E LAER	2	2	
			3		
Professioneel gekwalifiseerd, ervare spesialis en middel-bestuur	D	D HOËR	4	3	12
			5		11
		D LAER	6	4	13
Vaardige tegniese en akademies gekwalifiseerde	C		7	5	9
		C HOËR	8	6	
			9	6A	

werkers, junior bestuur, toesighouers, voormanne, superintendente		C LAER	10 11 12	7 8	8
Semi-vaardige diskresionêre besluitneming	en 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

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

Voorbeeld

As Maatskappy A 'n aangewese werkgewer is moet die inligting van die mees onlangse EEA 2A gebruik word om die tabel te voltooi. As maatskappy A nie 'n aangewese werkgewer is nie moet die beroepsvlakke van werknemers op datum van aansoek vasgestel word op die wyse hierbo uiteengesit en die tabel met hierdie data voltooi word.

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

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

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

6.6

Alle aansoekers moet die syfers verskaf rakende die top en senior bestuur / senior beamptes wat voorsien was in hulle 2001 aansoek vorms indien hulle in 2001 aansoek gedoen het. Alle aansoekers moet die syfers verskaf rakende die professioneel gekwalifiseerde en ervare spesialiste en middel-bestuur wat voorsien was in hulle 2001 aansoekvorms.

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

Die eerste lyn moet slegs voltooi word indien die aansoeker aansoek gedoen het in 2001.

Die tweede lyn 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 vaststelling 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 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 betrokke in die visvang industrie en GO vennote mag nie in ag geneem word nie tensy hierdie entiteite ekwiteit hou in die aansoeker en hierdie die inligting in ag geneem moet word wanneer die deur-vloei beginsel toegepas word.

6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7, 6.7.8 en 6.7.9

Hierdie afdelings moet beantwoord word met verwysing na die inligting van die aansoeker alleen. Inligting aangaande houer entiteit, suster maatskappye en GO vennote mag nie in ag geneem word nie, maar besonderhede van groep-aandeeskemas mag voorsien word in die aanhangsel tot 6.7.3.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6, 6.8.7, 6.8.8 en 6.8.9 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 telkens 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, en die partye is in ooreenstemming om hulleself in hierdie vorm aan te bied, dan moet die betaalrolle van al die GO vennote in die aanhangsel verskaf word en die tabel moet voltooi word deur die saamgesmelte besonderhede van al die GO vennote te verskaf. Indien meer as 50% van die aansoeker besit word deur 'n ander maatskappy of beslote korporasie (vasgestel soos uiteengesit in afdeling 6.7.1 hierbo) moet die betaalrolle van die houer-entiteit, die aansoeker en enige suster maatskappye ook meer as 50% besit deur die houer-entiteit, verskaf word in die aanhangsel en moet die tabel voltooi word deur die verskaffing van die saamgesmelte besonderhede van die groep (houer-entiteit, aansoeker en sustermaatskappye) maatskappye.

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

Voorbeeld

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

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

Hierdie vraag vereis van die aansoeker om aan te toon of dit deelgeneem het aan 'n leerskapprogram in 2004. Deelname aan 'n leerskap program beteken dat die aansoeker 'n leerskapooreenkoms geregistreer het met die SEOO ("SETA") ooreenkomstig die Regulasies Aangaande die Registrasie van Voorgenome Leerskappe en Leerskapooreenkomste gepubliseer onder die Wet op 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 drijf, 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 eerste lyn moet slegs voltooi word indien die aansoeker aansoek gedoen het in 2001.

Die oogmerk van afdelings 8.1.2 en 8.1.3 is om die aantal werksgeleenthede verskaf deur die aansoeker, en die totale hoeveelheid spandeer op salarisse gedurende die medium termyn regteperiode in elke sektor waarin 'n req gehou word vas te stel. In afdeling 8.1.1 moet die totale aantal werksgeleenthede verskaf en hoeveelhede spandeer op salarisse in die visvangindustrie, voltooi word. Die inligting moet gebruik word om die aantal werksgeleenthede verskaf per ton vis of per eenheid vangspoging toegeken in die betrokke sektor vas te stel (in afdeling 8.1.3) en die hoeveelheid spandeer op salarisse per ton / eenheid vangspoging toegeken in die betrokke sektor (in afdeling 8.1.2). Ten einde die aantal werksgeleenthede en hoeveelhede spandeer op salarisse per eenheid toegeken in die betrokke sektor vas te stel, mag aansoekers (of hulle houder-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 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. 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 (en die partye in ooreenstemming om hulleself in hierdie vorm aan te bied), of as meer as 50% van die aansoeker besit word deur 'n ander maatskappy of 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 houder 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 hoeveelhede spandeer aan salarisse in ander industrieë of sektore in ag neem nie. Slegs werksgeleenthede verskaf of hoeveelhede spandeer op salarisse in ander sektore 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 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

Jaarlike Vangs Toekenning (In ton) aan die aansoeker in hierdie vissery 2004	Totale Jaarlike Besoldigingsrekening (met betrekking tot hierdie vissery) 2004 Finansiële Jaareinde soos per Tabel 8.1.1	Hoeveel spandeer die aansoeker op tone/salarisse per ton geallokeer?
5 000	R1 000 000	R200
$\text{Deel die Totale Jaarlike Besoldigingsrekening (1 000 000) deur die TTV toegeken (5000) = R200 per ton.}$		
TTV Toegeken in 2005 (in ton) in hierdie vissery	Totale Aantal Werknemers (met betrekking tot hierdie Vissery) op datum van aansoek	Hoe baie persone neem die aansoeker in diens per ton toegeken?
5 000	1 000	0.2
$\text{Deel die totale aantal werknemers voorsien in hierdie vissery (1000), deur die TTV toegeken aan die aansoeker (5000) [1000/5000=0.2]} $		

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

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

AFDELING 9: BELEGGING

9.1.1 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.

In afdelings 9.1.1 en 9.1.2 moet die totale boek en versekerde waardes van vaste bates voltooi word.

Die oogmerk van afdelings 9.1.3 en 9.1.4 is om die randwaarde van die hawe en see-gebaseerde bates van die aansoeker in elke sektor waarin die aansoeker 'n reg hou te bepaal. Dit sal gebruik word om die waarde van die hawe en see-gebaseerde bates per ton vis of per eenheid vangspoging toegeken in die betrokke sektor vas te stel (in afdelings 9.1.3 and 9.1.4). Ten einde die waarde van bates per ton / eenheid vangspoging toegeken in die betrokke sektor vas te stel, mag aansoekers (of die houer-entiteit of suster maatskappye en GO vennote) betrokke in ander 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 visvangindustrie 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 regtetoekenningproses.

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 9.1.3 en 9.1.4. Indien van toepassing, moet 'n uiteensetting van bates gebruik in die visvangbedryf en ander industrieë of bates gebruik in die betrokke sektor en ander sektore verskaf word in die relevante aanhangsel (apart vir boek en versekerde waardes). 'n Rowwe skatting of verdeling sal voldoende wees, mits die GO of groep dieselfde toedeling gebruik in enige ander aansoek vir 'n kommersiële visvangreg gemaak deur die aansoeker of lid van die groep of GO. Daar mag geen dubbele aanspraak op bates gemaak word nie. Met ander woorde, die waarde van die bates waarop aanspraak gemaak word in al die aansoeke deur die lede van die GO of groep mag nie meer wees as die totale waarde van die bates gebruik deur die lede van die GO of groep in die visvangbedryf nie.

9.1.3:

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

Voorbeeld

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

Jaarlikse Vangs Toekenning (in ton) aan die aansoeker in 2004 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 in 2004, en voornemens rakende die landing van vangste. Gebruik nominale tonnemaat (nie die gewig nadat die koppe verwyder en die vis gevelek is etc nie).

10.1:

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

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 voltidse 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 voltidse 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.**

Die oogmerk van hierdie afdeling is om die omset van die aansoeker vas te stel. Aansoekers betrokke in ander industrieë as die visvangbedryf mag omset genereer in sulke ander industrieë in ag neem. 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 gegeneer deur die GO vennote of groep (maw. die aansoeker, die houer-entiteit en suster maatskappye) in ag geneem word, mits dieselfde beginsels soos hierbo uiteengesit toegepas word. Indien van toepassing, moet 'n uiteensetting van omset genereer in die visvangbedryf en ander industrieë of omset gegeneer in 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, 12.3 en 12.4

Hierdie vrae vereis van die aansoeker om inligting te verskaf van sy geouditeerde of geverifieerde finansiële state.

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.

INGCACISO – I-ROCK LOBSTER (EKUDE NONXWEME) EKUNXWEME LWASENTSHONA, I- HAKE LONGLINE, I-SQUID, I-TUNA POLE, I-DEMERSAL SHARK KUNYE NE- SEAWEED

INJONGO YALE NGCACISO KUKUNCEDA ABFAKI-ZICELO EKUGCWALISENI AMACANDELO ALIQELA AKWIFOMU YESICELO. AMANYE AMACANDELO AZICACELE KWAYE WON AWAQUKWANGA KULE NGCACISO.

I-MLRA nguMthetho 18 ka-1998 weZinto Eziphilayo Zaselwandle. Ikopi yawo ifumaneka kwi-website yeSebe ethi www.mcm-deat.gov.za.

ICANDELO 1: INKCAZELO YOMFAKI-SICELO

Icandelo 1.1 ukusa ku-1.7 limele lizaliswe ngabo bonke abafaki-zicelo. Iinkcukacha ezifunekayo kwicandelo 1.8.1 to 1.8.7d kwakufuneka umfaki-sicelo azidlulisele xa wayethabatha ifomu yesicelo. La macandelo kufuneka azaliswe kuphela ukuba iinkcukacha zomfaki-sicelo zitshintshile emva kokuba ebhalisile.

Umfaki sicelo uyacelwa ukuba kwiSihlomelo 1A ukuba anike inkcazelo emfitshane ngobume bombutho womfaki sicelo, abonise ukuba ishishini lakhe liquka amaziko alapha kwishishini lokuloba abizwa njenge "holding entity (ecaciswa njengomnini wepesenti ezingaphezu kwamashumi amahlanu kumfaki sicelo) kunye ne-"sister companies (nakuzo i-holding company ingumnini wepesenti ezingaphezu kwamashumi amahlanu kuzo) okanye amalungu omdibaniselwano ("joint venture")

Isizathu soku sesokuba amanye amacandelo kulefomu uvumela umfaki sicelo afake inkcazelo ngomfaki sicelo kunye ne-holding company ne sister company ezithatha inxaxheba kushishino lokuloba (the "group of companies") okanye onke amalungu omdibaniselwano ("joint venture partners") kushishino lokuloba. Unobangela wokufuna lenkcazelo ngamanye amaziko, angaphandle komfaki sicelo kukuvumela ubambano loqoqosho ("economic unit") ukuba luzazise ngesicelo esinye, ngoluhlobo, ukuze igunya elithinyunyweyo likwazi bhelele ukuthelekisa abafaki-zicelo. Onke amalungu omdibaniselwano okanye eqela kufuneka avume ukwenza isicelo ngoluhlobo, kwaye apho kufunwa khona inkcazelo yomdibaniso ze inikwe rhoqo kulo macandelo esicelo nakwezinye izicelo kwamanye amacandelo

ICANDELO 2: UHLOBO LOMFAKI-SICELO

2.1 kunye no-2.2

Injongo kukuqinisekisa enoba umfaki-sicelo ubandakanyeke kwezinye iinxalenye zoshishino lokuloba

2.3

Ngokuvisisana necandelo 18 le-MLRA, amalungelo okushishina ngokuloba aya kunikwa abantu baseMzantsi Afrika kuphela, nto leyo engumqathango ochazwe kwicandelo 1 walo Mthetho. Injongo yeli candelo kukuqinisekisa enoba umfaki sicelo uyafaneleka na ngokwale nkcazelo. Xa iyinkampani okanye i-close corporation, inkoliso yee-shareholders okanye amalungu imele ibe ngabantu baseMzantsi Afrika.

2.6

Kumele kufakwe kuphela inkcazelo yenkampani / okanye i-close corporation efaka isicelo kungafakwa inkcazelo yamalungu amaqela eenkampani okanye umfela ndawonye.

ICANDELO 3: UKUTHOBELA

3.1.1, 3.1.2 3.1.3 kunye no-3.1.4 Qaphela: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuvele kugqitywe kwelokuba ukhethe impendulo ethi "ewe"

Ngokuvisisana nomgaqo Jikelele neenkqubo ezithile kwezokuLoba, kukho izinto ezahlukeneyo eziya kwenzeka xa kophulwe imithetho ye-MLRA, imimiselo okanye imiqathango yemvume, eziquka ukugxothwa komfaki-sicelo nokuphulukana namanqaku. Injongo yeli candelo kukuqinisekisa ukuba umfaki-sicelo ukhe wabekwa elinye kula matyala kusini na nokubonisa ubunzulu bolu lwaphulo-mthetho.

3.2 Qaphela: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuvele kugqitywe kwelokuba ukhethe impendulo ethi "ewe"

Abafaki-sicelo bafanele baphendule ngokuthi "ewe" kulo mbuzo, kwanaxa zaphinda zabuyiswa ezo mpahla zazigciniwe, ezabanjwayo okanye ezahluthwayo ngokomthetho we-MLRA okanye zazimisela umda okanye zankonywa ngokuvisisana noMthetho we-Prevention of Organised Crime. Iimeko ezinokuthanani nokugcinwa, ukubanjwa, ukuhluthwa okanye ukuthintelwa okanye ukunkonywa kwayo nokwath kwenzeka emva koko, umzekelo, enoba loo mpahla yahluthwa okanye yanikwa uRhulumente, oko kumele kuvele kwisihlomelo.

3.3 Qaphela: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuvele kugqitywe kwelokuba ukhethe impendulo ethi "ewe"

Abafaki-sicelo bamele baphendule bathi "ewe" kulo mbuzo kuphela xa ilungelo lomfaki-sicelo okanye imvume kolu shishino liye labekelwa imiqathango, lahluthwa, lancitshiswa okanye lahlengahlengiswa phantsi kuka-section 28(3) we-MLRA. Ezi meko zimele zicaciswe kwisihlomelo.

ICANDELO 4: IINKCUKACHA ZENQANAWA

Eli candelo lifuna ukuba umfaki-sicelo agcwalise iinkcukacha zenqanawa nganye ekhethwe ngumfaki-sicelo. Ukuba iinkcukacha eziceliweyo azifumaneki, kumele kuchazwe izizathu zoko kwisihlomelo.

ICANDELO 5: INDLELA EKUBANJISWA NGAYO

5.1 Qaphela: ukuba umfaki-sicelo akawuphendulanga umbuzo kuya kuvele kugqitywe kwelokuba ukhethe impendulo ethi "ewe"

Umfaki-sicelo oye wabambisa nganeno okanye ngaphaya kwendawo ayabelweyo ekulobeni ngepesenti engaphezu kwe-10% ngonyaka othile ngoxa esenelungelo lokwexeshana umele aphenndule ngokuthi "ewe" kulo mbuzo. izizathu zimele zichazwe kwisihlomelo.

5.2

Eli candelo licela iinkcukacha eziphathelele iingxelo zomfaki-sicelo zokubambisa ngoxa enelungelo lokwexeshana (2001 – 2005) kwezinye iinxalenye. Abafaki-sicelo abafanele baphendule umbuzo obhekisele kwiingxelo zeSebe zokubambisa. Kumqolo wesibini, kumele kugcwaliswe ukubanjiswa kwaminyaka le kangangeminyaka emithathu kumele kubhalwe kuze kumqolo wesithathu kuchazwe kanye ezona zibanjisiweyo ngeetoni (kumele kuchazwe ubunzima obuqhelekileyo, kungekhona ubunzima baxa sele iphumile emanzini okanye obasemva kokuba ikrunculwe intloko nji). Ukuba umfaki-sicelo ebekhe akanikwa mvume ngonyaka othile, umfaki-sicelo umele achaze ukuba akakhange abambise kangange-100%.

Umzekelo

Unyaka	Ukubambisa Kwaminyaka Le (ngeetoni)	Ezibanjisiwe Kwindawo Ayabelweyo Umfaki-sicelo	Ipesenti yokubambisa nganeno	Ipesenti yokubambisa ngaphezulu
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Iitoni zoko kubanjisiweyo (yi-1 100 yeetoni) uthabathwe isimbuku sezo uvumeleke ukuzibambisa (i-1 000 leetoni) = 100. Ukuze ufumane ipesenti, hlulahlula umahluko nge-TAC oyinikiweyo uze uphindaphinde elo nani nge-100. Umzekelo $(100/1000) \times 100 = 10\%$.

ixesha lonyaka ngo-2003 season	1 000	1 100	0%	10%
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ICANDELO 6: IINGUQU

6.1 no-6.2.1

Injongo yala macandelo kukuqinisekisa ukuba umfaki sicelo kuyafuneka kusini na athobele uMthetho we-Employment Equity kusini na. Ukuba kufuneka ewuthobele, umbuzo olandelwayo ubuza ukuba umfaki sicelo uye wazalisekisa iimbopheleleko zakhe phantsi kwaloo Mthetho. Ukwenzela ukuphendula la macandelo, yinkcazelo yomfaki sicelo kuphela efanele iqwalaselve (kungekhona inkcazelo yenkampani ebamb' intambo okanye amanye amahlakani).

Abaqeshi "abakhethiweyo" kuye kufuneka bawuthobele lo Mthetho. Umqeshi okhethiweyo, ngokwemiqathango ka-section 1 woMthetho we-Employment Equity ngulo:

- a) umqeshi onabasebenzi abangama-50 okanye ngaphezulu;

- h) *Umqeshi onabasebenzi abambalwa kunabasebenzi abangama-50, kodwa abe enengeniso yaminyaka le elingana okanye engaphezu kwemali engeniswa ngamashishini amancinane ngokoCwangciso 4 lwalo Mthetho [ezi-R2 zezigidi ngonyaka]; okanye*
- i) ...
- j) ...
- e) *umqeshi onyanzeliswa yimiqathango edibeneyo ka-section 23 okanye 31 woMthetho we-Labour Relations; omisela ukuba abe ngumqeshi okhethiweyo ngokwemiqathango yalo Mthetho, ukusa kumkhawulo onikelwe kwesi sivumelwano;*

Ngokuvisisana no-section 13 woMthetho we-Employment Equity, nazi iimbopheleko zomqeshi okhethiweyo:

- 1) *Wonke umqeshi okhethiweyo, ukuze afikelele kwi-employment equity, umele asebenzise imilinganiselo yokuxhotyiswa kwabantu abasuka kumaqela akhethiweyo ngokuvisisana nalo Mthetho.*
- 2) *Umqeshi okhethiweyo umele-*
 - a) *abonise nabasebenzi akhe njengokuba kufunwa ngu-section 16;*
 - b) *enze uhloliso njengokuba kufunwa ngu-section 19;*
 - c) *alungiselele i-employment equity plan njengokuba kufunwa ku-section 20;aze*
 - d) *anikele ingxelo kwi-Director General ngenkqubo eyenziweyo kwi-employment equity plan, njengokuba kufunwa ngu-section 21.*

6.3.3 Qaphela: ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Injongo yeli candelo kukunikekisa ubume babaphathi benkampani efaka isicelo Ukuba kukho inkampani enee-shares ezingaphezu kwama-50% kwinkampani yakhe okanye i-close corporation kushishino lokuloba (emiselwe njengokuba kuboniswe kwicandelo 6.7.1 ngezantsi) ngoko ke iinkcukacha zebhodi yee-directors/amalungu enkampani yomfaki-sicelo nebamb' intambo zimele zifakwe kwisihlomelo yaye kumele kugcwaliswe isicangca ngokufaka iinkcukacha ezidibeneyo zebhodi yee-directors / amalungu ala maziko omabini. ukuba umfaki-sicelo ulilungu loMfela Ndawonye (Joint Venture "JV") nenye inkampani okanye i-close corporation (yaye amanye amalungu ayavuma ukuzifaka kule fomu) ngoko iinkcukacha zebhodi yee-directors okanye amalungu azo zonke ii-JV zifanele zifakwe kwisihlomelo kuze kugcwaliswe isicangca ngokuthi kunikezelwe ngeenkcukacha zebhodi yee-directors / amalungu azo zonke ii-JV.

6.3.4 Qaphela: ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

La macandelo afuna ukuba abafaki bezicelo banikele iinkcukacha ngabasebenzi babo abafumana eyona mivuzo iphezulu (ebalwe ngokweendleko ezipheleleyo zenkampani). Le nkcazelo iya kujongwa njengeyimfihlo yaye isenokuziswa yodwa ifakwe kwimvulophu evaliweyo.

Njengakwicandelo 6.3.1 elingasentla, ukuba kukho inkampani enee-shares ezingaphezu kwama-50% kwinkampani yomfaki sicelo okanye i-close corporation (emiselwe ngokwecandelo 6.7.1 ngezantsi) ngoko iinkcukacha zabafumana eyona mivuzo iphezulu kwinkampani yomfaki-sicelo nebamb' intambo zimele zinikelwe kwisihlomelo kuze kugcwaliswe isicangca ngokuthi kunikezelwe ngeenkcukacha ezidibeneyo zabo bafumana imivuzo ephezulu. Ukuba uMfaki-sicelo ulilungu loMfela Ndawonye (Joint Venture "JV") nenye inkampani okanye i-close corporation (yaye amanye amalungu ayavuma ukuzifaka kule fomu) ngoko iinkcukacha zebhodi yee-directors okanye amalungu azo zonke ii-JV zifanele zifakwe kwisihlomelo kuze kugcwaliswe isicangca ngokuthi kunikezelwe ngeenkcukacha zebhodi yee-directors / amalungu azo zonke ii-JV.

Isimbuku seendleko zenkampani siquka iingenelo neebhonasi, kodwa asiziquki iimali ekwahlulelwana ngazo. Abafaki-zicelo abanabasebenzi abali-165 okanye abangaphantsi bamele banikele iinkcukacha zabo bafumana eyona mali iphezulu njengokuba kuboniswe kwisicangca kwisicelo esifakiweyo. Abafaki-sicelo abanabasebenzi abangaphezu kwe-165 bamele kuqala bajonge i-3% kwabaphezulu baze emva koko banikezele ngeenkcukacha zabo baqeshwa (ukuya kuma kuma-90). Isikhundla okanye isibizo somsebenzi lowo, njengokuba kuboniswe kwinkcazelo yenkampani leyo, simele sichazwe.

Umzekelo: Ukuba umfaki-sicelo uqeshe abantu abangama-2500, umfaki-sicelo ubafumana abasebenzi abakwi-3% ephezulu ngokuphindaphinda eli nani ngo-0.03 ($2500 \times 0.03 = 75$). Umfaki-sicelo umele anikezele iinkcukacha zabo basebenzi bangama-75. Umfaki-sicelo akamele anikezele ngeenkcukacha zabasebenzi abangaphezu kwe-90, lingakhathaliseki inani labasebenzi anabo umfaki-sicelo kwi-3% yabon baphezulu.

Ukuba oko kuyasebenza, inani labasebenzi kwinkampani ebamb' intambo okanye amalungu eJV limele longezwe kwini labasebenzi bomfaki-sicelo, njengokuba kuboniswe kulo mzekelo ungezantsi.

Umzekelo: Ukuba umfaki-sicelo unabasebenzi abangama-75, yaye iziko elibamb' intambo linabasebenzi abali-125, la maziko omabini unabasebenzi abangama-200. Umfaki-sicelo umele abale i-3% ngolu hlobo: $200 \times 0.03 = 6$. Iinkcukacha zala maziko omabini zifanele zidityanisiwe, zize iinkcukacha zabathandathu abafumana eyona mivuzo iphezulu kuludwe oludityanisiweyo zifakwe kwisicangca esiku-6.3.2.

6.5.1 Qaphela: ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Eli candelo lifuna ukuba umfaki-sicelo anikele iinkcukacha zengeniso yentlangano ngo-28 February 2005.

Njengakwicandelo 6.3.1 ne-6.3.2 elingasentla, ukuba umfaki sicelo lilungu lomfela ndawonye ("JV") . nelenye inkampani okanye i-close corporation (yaye amalungu ayavuma ukuziveza kule fomu) ngoko umlinganiselo womvuzo wawo onke amalungu e-JV umele uchazwe kwisihlomelo kuze kugcwaliswe isicangca ngokunikela ingxelo edibeneyo yawo onke amalungu e-JV. . Ukuba kukho inkampani enee-shares ezingaphezu kwama-50% kwinkampani yomfaki-sicelo okanye i-close corporation (emiselwe ngokuchazwe kwicandelo 6.7.1 ngezantsi) ngoko umlinganiselo womvuzo wenkampani ebamb' intambo, efake isicelo nayo nayiphi na inkampani ekubanjiswene nayo ephantsi kwegunya lenkampani enkulu ngama-50% imele ichazwe kwisihlomelo kuze kugcwaliswe isicangca ngokufaka ingxelo edibeneyo yeqela (umfaki sicelo, inkampani ebamb' intambo nekubanjiswene nayo).

Umzekelo

1	Ingeniso Ngenyanga	Inani labasebenzi kweli nqanaba (Isimbuku seQela okanye se-JV, ukuba oko kuyasebenza)	Ipesenti Yesimbuku Sabasebenzi	Inani Labasebenzi Abamnyama kweli nqanaba (Qela liphela okanye JV ukuba oko kuyasebenza)	Ipesenti Yabasebenzi Bonke Abamnyama	Inani Labasebenzi Ababingileyo kweli nqanaba (Isimbuku seQela okanye JV, ukuba oko kuyasebenza)
	< R 2 500	100	80%	80	90 %	70

Hlulahlula abasebenzi abafumana lo mivuzo ngenani labo bonke abasebenzi, uluhlulane ngo-100

Hlulahlula inani labasebenzi abamnyama kulo mvuzo lilinganise nenani labasebenzi abantsundu, uze uliphinde ngo-100

6.6 Qaphela: ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Lo mbuzo ufuna ukuba umfaki-sicelo agcwalise inkcazelo ye-employment equity ngokuphathelele amanqanaba abasebenzi. Abasebenzi abakhethiweyo nabasebenzi abahambisana noMthetho we-Employment Equity bafanele bagcwalise isicangca kunye namanani asanda ukudlula (awona matsha) kwiSebe Labasebenzi. Abafaki zicelo abangakhethwanga bafanele bagcalise izicangca ngokubhekisele kubasebenzi ngexesha lokufaka isicelo bekhumbula inkcazo yamanqanaba okusebenza akwisihlomelo 2 seMithetho ye-Employment Equity. Isihlomelo 2 sinikela oku kulandelayo:

I-Employment Equity Act 55, 1998

IYINTONI INJONGO YESI SIHLOMELO?

Inkampani ezininzi zisebenzisa inkqubo yokwahlukanisa ukuze kujongwe imisebenzi ngokwexabiso layo zize zibone ukushiyana okukhoyo phakathi kwaloo misebenzi.

Esi sihlomelo sinikela isicangca esifanayo namanqanaba abasebenzi esisenokusetyenziswa ngabaqeshi xa begcwalisa i-EEA 2 ne-EEA 4.

IMIYALELO

Esi sicangca [singezantsi] sibonisa amanqanaba abasebenzi kuloo nkampani njengokuba kumiselwe ngokusebenzisa inkqubo yokwahlukanisa ixabiso lemisebenzi. Esi sicangca sinika amanqanaba afanayo kumisebenzi ngamnye okule nkqubo yokwahlulahlula.

Inkampani ezisebenzisa enye yeenkqubo zokwahlukanisa imisebenzi [zingezantsi] okanye ephuculiweyo ehambisana nezi, zifanele zisebenzise i-Semantic Scale njengesikhokelo ekuboneni amanqanaba akhoyo kuloo nkampani.

Amanqanaba omisebenzi afanayo

I-Semantic Scale	I-Paterson		I-Peromnes	I-Hay	I-Castellion
Abaphathi abaphezulu	F	F	[++		14

			1+		
Abaphathi	E	E OPHEZULU	1	1	
Abasemaghezuni		E OSEZANTSI	2	2	13
Abanobugcisa,	D	D OPHEZULU	3	3	12
Iingcaphephe		D OSEZANTSI	4	4	11
ezinamava nabaphathi			5		13
abaphakathi			6		
Amagcisa	C	C OPHEZULU	7	5	
aqeqeshiweyo			8	6	9
nafundileyo, abaphathi			9	6A	
abasezantsi, iinkokeli,		C OSEZANTSI	10	7	8
iiforimani, ii-			11	8	
superintendents			12		
Abanobugcisa	B	B OPHEZULU	13	9	7
obulinganiselweyo			14	10	6
nabazenzela izigqibo		B OSEZANTSI	15	11	5
ezithile			16		4
Abangenabugcisa	A	A	17	12	3
nabaxelelwayo			18	13	2
ngezizigqibo zabo			19		1

Njengakwicandelo 6.4.1 elingasentla, ukuba umfaki sicelo lilungu lomfela ndawonye ("JV") . nelenye inkampani okanye i-close corporation (yaye amalungu ayavuma ukuziveza kule fomu) ngoko amaqanaba emisebenzi awo onke amalungu e-JV amele achazwe kwisihlomelo kuze kugcwaliswe isicangca ngokunikela ingxelo edibeneyo yawo onke amalungu e-JV. . Ukuba kukho inkampani eneeshares ezingaphezu kwama-50% kwinkampani yomfaki-sicelo okanye i-close corporation (emiselwe ngokuchazwe kwicandelo 6.7.1 ngezantsi) ngoko amaqanaba emisebenzi enkampani ebamb' intambo, efake isicelo nayo nayiphi na inkampani ekubanjiswene nayo ephantsi kwegunya lenkampani enkulu ngama-50% imele ichazwe kwisihlomelo kuze kugcwaliswe isicangca ngokufaka ingxelo edibeneyo yeqela (umfaki sicelo, inkampani ebamb' intambo nekubanjiswene nayo.

Example

Ukuba inkampani ingumqeshi okhethiweyo, eyona nkcazelo intsha imele ifake kwesi sicangca laa nkcazelo ibiyibhale kwiifomu i-EEA 2A. Ukuba inkampani u-A ayinqomqeshi okhethiweyo amaqanaba emisebenzi makachazwe ngoluhlobo lulapha phezulu kwisicangca, ngexesha lokufaka isicelo.

Kwakuba kufunyenwe inani labasebenzi kwinqanaba ngalinye, kufuneka kubalwe lipesenti. Ngokomzekelo, inkampani engu-A iqeshe oosomagqizu abasixhenxe nabaphathi. Kwaba basebenzi basixhenxe kwinqanaba lasemsebenzini, om-1 yindoda engumafrika, aba-2 ngamadoda ebala, aba-2 ngamadoda amhlophe, om-1 libhinqa lendiya yaye om-1 libhinqa elimhlophe. Ukuze ubale ipesenti thatha inani labasebenzi kwiqela ngalinye elikhethiweyo kwizinga labasebenzi uze ulahlule ngenani labasebenzi bonke kwizinga labasebenzi uze uliphindaphinde ngo-100.

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

										Totals	
Izinga Labasebenzi		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Oosomagqizu nabaphathi (Ii-JV Zonke okanye Amaqela, ukuba oko kuyasebenza)	Indoda	1	14%	2	28%	0	0%	2	28%	42%	
	Ibhinqa	0	0%	0	0%	1	14%	1	15%		29%

6.6

Bonke abafaki-sicelo bamele banikele amanani apha thelele abalawuli nabaphathi abangasentla / amagosa angasentla awayebhalwe kwiifomu zawo zezicelo zika-2001 ukuba babefake izicelo ngo 2001. Bonke abafaki-sicelo bamele banikele amanani apha thelele abasebenzi abaneleke ngokwemfundo neengcali ezinamava nabaphathi abaphakathi awayebhalwe kwiifomu zezicelo zika-2001, ukuba babefake izicelo ngo 2001.

6.7.3 Qaphela: ungabhali kwiindawo ezikrweleliweyo zesisicangca

Umgolo wokuqala kufuneka ubhalwe ukuba umfaki sicelo wayefake isicelo ngo 2001.

Kumqolo wesibini ifuna ukuba abafaki-zicelo banikezele ngeenkcukacha eziphathelele ii-shares asezandleni zabantu abamnyama namalungelo okuvota angasikelwanga mda kunye nomdla kwezoqoqosho (kuquka ukucuntsulelwa ngandlel' ithile ekwabiniweni kwemali yengeniso) ohambisana neeshares zabantsundu kwishishini loMfaki sicelo (kungekhona kwinkampani ebamb' intambo, amalungu eqela nawe-JV ngaphandle kokuba le nkcazelo iyafuneka ukuze izinto zihambe ngokutyibilikayo). Usihlalo webhodi yee-directors zomfaki sicelo umele afake i-affidavit ngokuphathelele amabango anawo, amalungelo okuvota kwakunye nomdla kwezoqoqosho osezandleni zabamnyama kwishishini loMfaki-sicelo kwisihlomelo esifuna oko. Ekuboneni ipesenti yabantsundu abanamabango, amalungelo okuvota nomdla kwezoqoqosho, lo mgaqo wokutyibilika umele usetyenziswe, ngaphandle kokuba:

- iimali zomhlala-phantsi namaqithiqithi karhulumente amele ajongwe njengazimeleyo yaye ipesenti yamabango abantsundu ifanele ibalwe kungakhange kubhekiselwe kumabango aloo maziko;
- Ukuba ipesenti yabamnyama abanamabango, amalungelo okuvota okanye umdla kwezoqoqosho zomnye onebango azibonakali, kumele kunikwe izizathu ezicacileyo zoko;
- Ngeenjongo zokuqonda amalungelo okuvota, umntu onebango ujongwa njengone-100 lepesenti labamnyama ukuba ibango laloo nkampani elingaphezu kwama-50% lisezandleni zomntu wemvelo omnyama; kwaye
- Ipesenti "yamabango", "umdlala kwezoqoqosho" kunye "namalungelo" okuvota abantu abamnyama kwi-trust amele ajongwe kubhekiselwa kumalungelo abaneengenelo ngokuphathelele kwisivumelwano se-trust.

Lo mgaqo wotyibiliko singawucacisa ngolu hlobo: **"Umgqo wotyibiliko" ("flow through principle")** ubhekisela ekulandeleni lingenelo zoqoqosho xa kujongwa amanqaku abanini mashishini abakwi-BEE. Inkampani zifumana amanqaku xa amantu abamnyama benenxaxheba ekuvoteni nakuqoqosho lwaloo nkampani. Injongo yenkqubo wotyibiliko kukuqinisekisa ukuba zonke iinkampani, kungakhathaliseki ukuba zingakanani, zinikwa amanqaku ngokufanayo ngokuphathelele abanini-nkampani be-BEE. Lo mgaqo wotyibiliko ubonisa ukuba uchaza ukuba ezona zinto zijongwayo ngamalungelo okuvota nenxaxheba kuqoqosho yabantu abamnyama abangabantu bokoqobo. Xa kungenzeka amalungelo okuvota kunye/okanye inxaxheba kuqoqosho inikwe ishishini elithile, ekuphela kwento eya kujongwa ngamalungelo okuvota nenxaxheba kwezoqoqosho abantu abamnyama abanayo kwelo shishini. Lo mgaqo uyasebenza ngokufanayo kuzo zonke iintlobo zobini beshishini ngokuphathelele amashishini amela abantu de loo mashishini aphele aze amalungelo okuvota kunye/okanye inxaxheba kwezoqoqosho ibe ssezandleni zomntu wokoqobo, omnyama."

"Ukungabi ngumnini ngokungqalileyo" kuthetha ukuba nebango ekusebenzeni kwenkampani ethile elithi elo bango linike lowo lisezandleni zakhe inxaxheba kuqoqosho (njengokwahlulelwa imali) lwaloo nkampani, kodwa angavoti ngokungqalileyo kwizinto zaloo nkampani. Amalungelo okuvota usenokuwafumana ngokuvula ngelinye icala usebenzisa inkqubo ye-trus okanye ubungakanani onabo.

Ukungabi ngumnini ngokungqalileyo kufanele kunjongiswe ngeenjongo zokubona ipesenti yabamnyama abanamabango, ukuba oko kuyaseenza, ipesenti yenxaxheba kwezoqoqosho nasekuvoteni kwabantu abamnyama kuloo nkampani. Ukuba akukho kwamalungelo okuvota akhutshiweyo kumsebenzi waloo nkampani, ngoko ayinakujongwa njengenkampani enabantu abamnyama abanamabango xa kuqwalaselwa inxaxheba yabamnyama ekuvoteni. Noko ke, xa ikho enye indlela yokuba nala malungelo okuvota (indlela engaqalanga), loo nkampani ingaqwalaselwa xa kujongwa amalungelo abantsundu okuvota.

Umzekelo: Umfaki-sicelo unee-shareholders ezine. Enye yezi shareholders ngumntu wokwenene ogama lingu-AA, omnyama, yaye unenxaxheba kuqoqosho nasekuvoteni nge-10%. Ezinye ii-shareholders zinkampani yaye eyesithathu yimali yomhlalaphantsi. Inkampani engu-A inee-shares ze-30% zize ezingama-51% zibe phantsi kwabantu abamnyama ezingama-49% zikwabamhlophe. Inkampani B ina-40% yee-shares yaye ezingama-51% zisezandleni zomntu omnyama yaye ezingama-49% zikumntu omhlophe. Inkampani B ina-40% yeeshares yaye ezingama-40% zisemntwini wokwenene omhlophe yaye ezingama-60% zikwinkampani engu-Z, nkampani leyo yona esezandleni zomntu omhlophe ngee-80% yaye omnyama yena una-20%. Imali yomhlala phantsi yona ithathe ii-shares ezikhutshiweyo ezingama-20%. Ipesenti yabamnyama abanee-shares, amalungelo okuvota nenxaxheba kuqoqosho lili ngolu hlobo:

Unyaka 2005 (ngomhlala wesicelo)	Ipesenti yee-shares ezisebantwini abamnyama	Ipesenti yokuvota yabantu abamnyama abanee-shares	Ipesenti yenxaxheba kwezoqoqosho esebantwini abamnyama (ukuxhamla kulwabiwo-mali)
	37.625	56	37.625

U-AA ufaka i-12.5% (10/80) kuzo zontathu ezi zintlu, iNkampani A ifaka 19.125% (30/80 X 51/100) kwii-shares nenxaxheba kwezoqoqosho kunye ne-37.5% (30/80 X 100) kumalungelo okuvota, iNkampani B inikela i-6% (40/80 X 60/100 X 20/100) kuzo zonke ezi zintlu zintathu yaye imali yomhlala-phantsi yona ayinanzwa.

6.7.2

Iishares, amalungelo okuvota nenxaxheba kuqoqosho yamabingqa nayo ibalwa ngolu hlobo kubalwe ngalo kwicandelo 6.7.1 ngasentla. Kwakhona, eli candelo limele liphendulwe ngokusuka kwinkcazelo yomfaki sicelo kuphela. Inkcazelo yeenkampani

ezibamb' intambo, ezibambisene nayo namalungu e-JV asenokungaqwalaselwa ngaphandle koku loo mashishini anexaxheba kumsebenzi waloo nkampani yaye le nkcazelo imele iqwalaselwe xa kufakwa isicelo.

6.7.3, 6.7.4, 6.7.5, 6.7.6, 6.7.7 no 6.7.8

Eli candelo limele liphendulwe ngokusuka kwinkcazelo yomfaki sicelo kuphela. Inkcazelo yeenkampani ezibamb' intambo, ezibambisene nay namalungu e-JV asenokungaqwalaselwa, kodwa inkcazelo nge group share schemes zinokuchazwa kwisihlomelo.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 and 6.8.7 Qaphela ungabhali kwiindawo ezikrweliweyo kule fomu

Eli candelo limele liphendulwe ngokwenkcazelo yomfaki sicelo kuphela, Inkcazelo engamalungu e-JV isenokungaqwalaselwa. Lizicacele elokuba inkqubo yotyibiliko ayisebenzi kwii-close corporations. Ipesenti yamalungelo okuvota nokwabiwa kwengeniso kumele kube kuko okugqibayo kwizivumelwano ezenziwe zii-close corporation. Ukuba azikho izivumelwano ezinjalo okanye isivumelwano eso asiwuphathi lo mba, ngoko malungelo okuvota nenxaxheba kuqoqosho kumele kugqitywe kwelokuba ayalingana nepesenti efunwa lilungu kwingenisu.

6.9

Lo mbuzo ufuna ukuba umfaki-sicelo anikezele inkcazelo yomgama awuhambileyo ezama ukuphumeza usukelo azibekela lona kwiPlani Yeenguqu awayifaka ngowe-2001 kwinkqubo yokufaka isicelo. Eli candelo limele liphendulwe ngokwenkcazelo yomfaki sicelo kuphela. Inkcazelo yamashishini abamb' intambo, abambisene nawo nee-JV awayi kuqwalaselwa.

6.11 Qaphela: ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Eli candelo lifuna ukuba umfaki-sicelo anikezele inkcazelo enokuthanani nokuthobela icandelo 3 le-Skills Development Levies Act 9 ka 1999. Imibuzo esekuqaleni kwimiqolo yokuqala emibini (ukufaka/nokuncomela i-Workplace Skills Plan neAnnual Training Report) imele iphendulwe kufakwa inkcazelo yomfaki sicelo kuphela. Imiqolo yokugqibela emithathu (imali ehlawulwa kwi-SARS, ipesenti yetyala lemivuzo esetyenziswa ekuqeqesheni nepesenti yoqingqo mali oluchithwa ekuqeqesheni abasebenzi abamnyama), ukuba umfaki-sicelo ulilungu loMfela Ndawonye nelenye inkampani okanye i-close corporation, ngoko imivuzo yawo onke amalungu eJV imele iboniswe kwisihlomelo kuze kugcwaliswe nesicangca ngokuthi kufakwe iinkcukacha ezidibeneyo zawo onke amalunge e-JV. Ukuba kukho inkampani enamabango angaphezu kwama-50% kwinkampani yakhe okanye i-close corporation (emiselwe njengokuba kuboniswe kwicandelo 6.7.1 ngasentla) ngoko ke imivuzo yamalungu enkampani ebamb' intambo, uMfaki-sicelo nazo naziphi ezibambesene nayo imele ifakwe kwisihlomelo yaye kumele kugcwaliswe isicangca ngokufaka iinkcukacha ezidibeneyo zeqela (inkampani ebamb' intambo, efaki isicelo nekubanjiswene nayo) leenkampani.

Ukuze kubalwe "ipesenti yemali yemivuzo echithwa ekuqeqesheni" yahlula imali echithwe minyaka le ekuqeqesheni ngeendleko zemivuzo zaminyaka le uze uphindaphinde oko ukufumeneyo ngo-100 ukuze ufumane ixabiso lepesenti.

Umzekelo

Inkampani X ichitha ii-R 1 000 000,00 kwimivuzo minyaka le. Le nkampani ichithe ii-R 10 000,00 iqeqesha abasebenzi. $(R10\,000,00/R1\,000\,000) = 0.001 \times 100 = 1\%$

6.11 Qaphela: ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Lo mbuzo ufuna umfaki-sicelo abonise enoba ukhe wanenxaxheba kwiinkqubo zokufunda ngo-2004. Ukuba nenxaxheba kwinkqubo yokufundisa kuthetha ukuba umfaki-sicelo ubhalisele inkqubo yokufundisa kwi-SETA ngokwe-Regulations Concerning the Registration of Intended Learnerships and Learnership Agreements eyapapashwa phantsi kwe-Skills Development Act 97 ka 1998 kwi-Government Notice No. R. 330 of 3 April 2001. Ukuba kuyasebenza oku, le mibuzo ekula macandelo imele iphendulwe kusetyenziswa inkcazelo edibeneyo yeqela leshishini okanye i-JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 no 6.24

Note: Qaphela: ukuba umfaki-sicelo uxhomekeke kwinkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Ukuba kuyasebenza oku, imibuzo ekula macandelo imele iphendulwe kusetyenziswa inkcazelo yawo onke amaqela okanye ii-JV. Ipesenti yabanini abamnyama, ekuthethwe ngayo kwicandelo 6.22, imele ibalwe ngendlela eboniswe ngasentla ku-6.7.1.

ICANDELO 7: UKHUSELEKO

Eli candelo lifuna ukuba umfaki-sicelo anikele inkcazelo enokuthanani nokhuseleko, kuquka izinto ezifunwa yi-South African Maritime Safety Authority.

7.1

ICandelo 312 ne 313 le-Merchant Shipping Act, 57 of 1951 lichaza ulwaphulo-mthetho oquka ukusilela ukuthobela imbophelelko ekhutsha ngulo Mthetho njengokuqinisekisa ukuba inqanawa engalufanelanga ulwandle ayisuki kwasenxwemeni kwakunye nokusilela ukulawula inqanawa leyo.

7.2, 7.3, 7.4, 7.5, 7.7 no 7.8

I-Maritime Occupational Safety Regulations, 1994, i-Crew Accommodation Regulations, 1961 kunye ne-Merchant Shipping (Safe Manning Regulations) le mithetho yapiswa ngokwe-Merchant Shipping Act, 57 of 1951. Iyafumaneka kwi www.mcm-deat.gov.za. I-Marine Notice No 26 of 2004 nayo iyafumaneka kwi-website.

7.9

Ukuthobela i-Compensation for Occupational Injuries and Diseases Act 130 of 1993 kuthetha ukuthobela iCandelo 80 ukuya ku 88 of loMthetho onikela le nkcazelo ilandelayo:

"Imbopheleleko yabaqeqeshi yokubhalisa kumkhomishinala nokumnika iinkcukacha

- 1) Umqeshi oqhuba ishishini kule Ripabliki uya kuthi ngexesha elithile nangendlela emiselweyo abhalise kumkhomishinala, aze amnike umkhomishinala i-prescn3bed yeshishini lakhe, yaye uya kuthi ngexesha eliekwe ngumkhomishinala amchazele iinkcukacha ezingakumi xa umkhomishinala ezifuna.
- 2) Iinkcukacha ekubhekiselwe kuzo apha (1) ziya kunikezwa ngokwahlukileyo ngokuphathelele ishishini eliqhutywa ngumqeshi.
- 3) Umqeshi uya kuthi kwiintsuku ezisixhenxe iinkcukacha zakhe zitshintshile abe sele emazisile umkhomishinala ngolo tshintsho.

Imbopheleleko yabaqeqeshi yokugcin ingxelo

Umqeshi uya kugcina irejista okanye ingxelo yemivuzo nezinye iinkcukacha ezifunekayo zabo bonke abasebenzi, yaye uya kuthi ngexesha elifanelekileyo azivelise ezo rejista okanye iingxelo okanye izinto ezifotiweyo ezizintlobo xa lo usemagunyeni uchazwe ngasentla efuna ukuzihlola.

Igalelo labaqeshi kubantu abafanele ngamalungelo nemvisiswano

Ngaphandle kokuphikisana nokubhalwe kulo Mthetho, abaqeshi banembopheleleko ngabanye nangokwamaqela ukuba bahlawule kuMlawuli Jikelele ngendlela nangexesha asenokuthi ayifune ngalo intlawulo, njengenxalenye yeenkcitho azenzileyo yena ekuboneleleni ngezinto azibona zifanelekile ezikulo Mthetho."

7.13

I-Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986 ne-Marine Pollution (Control and Civil Liability) Act 6 of 1981 ziyafumaneka kwi www.mcm-deat.gov.za.

ICANDELO 8: UKUDALA IMISEBENZI

8.1.2 Qaphela: ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Umqolo wokuqala kufuneka ubhalwe ukuba umfaki sicelo wayefake isicelo ngo 2001

Injongo yelamacandelo 8.1.2 kunye no 8.1.3 kukufumanisa imisebenzi evulwe ngumfaki sicelo, kunye nenani lemali alichithe kwimivuzo ngexesha ebenelungelo lokwexeshana, kwishishini ngalinye umfaki-sicelo anebango kulo. Kwicandelo 8.1.1 inani lonke lemisebenzi edaliweyo imali esetyenziswe emivuzewni kushishino lokuloba malichazwe. Le nkcazelo imele isetyenziswe ukufumanisa inani lemisebenzi evulwe ngetoni nganye yeentlanzi (okanye ngeunithi yomsebenzi) welo bakala alinikiweyo (icandelo 8.1.3). Ukuze kufunyaniswe inani lemisebenzi nemali echithwe kwimivuzo ngeunithi nganye kwibakala akulo, abafaki-zicelo (okanye inkampani ebamb' intambo okanye abambisene nayo namalungu e-JV) abakushishino olungelulo olokuloba basenokuqwalaselwa ukuba bavule imisebenzi okanye bachitha imali yemivuzo kolunye ushishino.

Abafaki zicelo abakushishino olungelolokuloba bamele babhale (kwishlomelo) inkcazo yemisebenzi abayivulileyo nemivuzo abayichithileyo kwishishini lokuloba nakwamanye amashishini. Imisebenzi okanye iimali zemivuzo ezichithiweyo eziya kuqwalaselwa zezichithwe kushishino lokuloba kuphela xa kugcwaliswa icandelo 8.1.1. Abafaki-zicelo abakolunye uhlobo lokuloba bamele bafake (kwishlomelo) inkcazo ngemisebenzi abayivulileyo namali abayichithe kwimivuzo kwihlelo ngalinye. Ekubeni kunzima ukuqonda kanye inani labasebenzi nemivuzo echithiweyo ngokwehlelo, kungaqikelelwa okanye kwahlulahlulwe, lo gama nje nakwezinye izicelo loo mfaki-sicelo esenza okufanayo.

Ukuba umfaki-sicelo ulilungu loMfela Ndawonye nelenye inkampani okanye i-close corporation, okanye ukuba kukho inkampani enama-50% ebango kwinkampani okanye i-close corporation yomfaki sicelo (emiselwe ngokwecandelo 6.7.1), ngoko yonke

imisebenzi enikelwe okanye iimali ezichithwe kwimivuzo ngamalungu e-JV okanye amaqela (anjengomfaki-sicelo, iinkampani ebamb' intambo nekubanjisenwe nayo) asenokujongwa; lo gama nje le migaqo ibekwe ngasentla isetyenziswa. Ngamanye amazwi, Ii-JV namaqela abandakanyekileyo kwamanye amashishini okanye ekulobeni asenokuyiqwalasela imisebenzi ayivule okanye iimali zomvuzo azichithe kolunye ushishino. Xa kugcaliswa icandelo 8.1.1 kuya kujongwa imisebenzi neemali zemivuzo ezichithwe kolunye ushishino lokuloba yi-JV okanye amaqela. Ukuba kuyasebenza oko, imisebenzi evuliweyo kuya kufuneka icubungulwe neemali ezichithwe kwimivuzo kwamanye amahlelo zimele zibhalwe kwisihlomelo. Kungaqikelelwa okanye kwahlulahlulwe, lo gama nje i-JV okanye iqela lisebenzisa kwaloo ndlela nakwezinye iifomu zokufuna amalungelo okuloba ezenziwe ngumfaki-sicelo okanye naliphi na ilungu leJV okanye iqela. Imisebenzi akunakuyibala kabini. Ngamanye amazwi, imisebenzi evulwe ngamalungu e-JV okanye iqela ayimele ibe ngaphezulu kwinani lemisebenzi evulwe yi-JV okanye iqela.

8.1.2 no 8.1.3:

La macandelo afuna ukuba abafaki zicelo bagcwalise iinkcukacha zemisebenzi abayivulileyo neemivuzo abayichithileyo ngetoni (okanye ngeyuniti yomsebenzi besekela kwinkcazelo ekwicandelo 8.1.1 engasental).

Umzekelo

Ukubambisa komfaki sicelo konyanka (ngetoni) ngowe-2004	Iimali Yemivuzo Yonyaka (ngokuvisisana nokuloba) Ukuphelelwa Konyaka we-2004 ngokwesicangca 8.1.1	Yimalini echithwa ngumfaki-sicelo kumvuzo ngetoni ayilobileyo
5 000	R1 000 000	R200

Yahlulahlula Isimbuku Somvuzo Wonyaka (1 000 000) nge-TAC ebanjisiweyo (5000) = R200 ngetoni.

8.1.5 Qaphela: ungabhali kwiindawo ezikrweliweyo yaye ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Ukuba kuyasebenza, kweli candelo phendula ngokubhekisele kwinkcazelo edityanisiweyo kuwo onke amaqela okanye umfela ndawo nye.

ICANDELO 9: UTYALO-MALI

9.1.1 and 9.1.2

Qaphela: ungabhali kwiindawo ezikrweliweyo yaye ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Kumacandelo 9.1.1 kunye no 9.1.2 inani lonke lencwadi nelexabiso le-insurance lempahla esisigxina kushishino lokuloba malichazwe.

Injongo yeli candelo kukufumanisa ixabiso lemali lezinto ezikwizibuko naselwandla zomfaki sicelo kwiziko ngalinye anebango kulo. Oku kuya kusetyenziswa ukuqinisekisa impahla esezibukweni naselwandle ngetoni nganye yentlanzi ebanjisiweyo (okanye ngeyuniti yomsebenzi) kwindawo abelwe kuyo (kwicandelo 9.1.3 no-9.1.4) Ukuze kufunyaniswe ixabiso lempahla ngeyuniti kweliziko, umfaki sicelo (okanye iinkampani ebamb' intambo okanye ekubanjiswene nayo) okulunye ushishino ngapandle kokuloba akanako ukuqwalasela impahla ayisebenzisa kolunye ushishino.

Abafaki zicelo ababandakanyeke kwamanye amashishini angekokuloba bamele bacubungule impahla abayisebenzisa ekulobeni nkamanye amashishini kwisihlomelo esisiso (ecaleni ixabiso lazo ngokwenca neleinshorensi). Kuphela yimpahla esetyenziswa ekulobeni eza kuqwalasela xa kugcwaliswa icandelo 9.1.1 ne 9.1.2. Abafaki-zicelo abakushishino lokuloba bamele bacazulule impahla abayisebenzisa kwiziko ngalinye kwisihlomelo (ecaleni ixabiso lencwadi neleinshorensi). Ekubeni kunzima ukucalula impahla ngokuchanileyo ngokweziko, ungaqikelela okanye wahlulahlule, lo gama nje usebenzisa kwaloo nkqubo nakwezinye iifomu zezicelo zokuloba ezifakwe ngumfaki-sicelo ebudeni bokuba namalungelo okwexeshana.

Ukuba umfaki-sicelo ulilungu loMfela Ndawonye nelenye iinkampani okanye i-close corporation, okanye ukuba kukho iinkampani enama-50% ebango kwinkampani okanye i-close corporation yomfaki sicelo (emiselwe ngokwicandelo 6.7.1 ngasentla), ngoko yonke impahla esetyenziswe ngamalungu e-JV okanye amaqela (anjengomfaki-sicelo, iinkampani ebamb' intambo nekubanjisenwe nayo) asenokujongwa, lo gama nje le migaqo ibekwe ngasentla isetyenziswa. Ngamanye amazwi, Ii-JV namaqela abandakanyekileyo kwamanye amashishini okanye ekulobeni asenokuyiqwalasela impahla ayisebenzise kolunye ushishino. Xa kugcwaliswa icandelo 9.1.3 no 9.1.4 kuya kujongwa impahla esetyenziswe kolunye ushishino lokuloba yi-JV okanye amaqela. Ukuba kuyasebenza oko, impahla esetyenziswe ekulobeni nakolunye ushishino okanye kuya kufuneka icubungulwe impahla esebenze kwamanye amahlelo zimele zibhalwe kwisihlomelo (ecaleni ixabiso lencwadi okanye leinshorensi). Kungaqikelelwa okanye kwahlulahlulwe, lo gama nje i-JV okanye iqela lisebenzisa kwaloo ndlela nakwezinye iifomu zokufuna amalungelo okuloba ezenziwe ngumfaki-sicelo okanye naliphi na ilungu leJV okanye iqela. Impahla ayinakuyibalwa kabini. Ngamanye amazwi, imisebenzi evulwe ngamalungu e-JV okanye iqela ayimele ibe ngaphezulu kwinani lemisebenzi evulwe yi-JV okanye iqela.

9.1.3:

Lo mbuzo ufuna ukuba umfaki sicelo anikeze inkcazelo ngemali ayityalileyo ngetoni (okanye ngeyuniti yomsebenzi) ekubambiseni. kumele kusetyenziswe inkcazelo ekwicandelo 9.1.1.

Umzekelo

Inkampani X inikwe i-TAC yeetoni ezingama-5000. Ixabiso lempahla ekwizibuko naselwandle ekupheleni konyaka-mali ka2004 kwelo ziko ubuziR5 000 000. Ixabiso lempahla eselwandle zii-R 4000 000. Ixabiso lempahla esezibukweni naselwandle ngetoni libalwa ngolu hlobo:

Okumele Kubanjiswe Nkonyaka (ngeetoni) kumfaki sicelo	Ixabiso lencwadi (ngeerandi) lempahla eselunxwemeni naselwandleaa ekupheleni konyaka-mali ka-2004	Ixabiso lencwadi (ngeerandi) lempahla esemthabeni ngo- 2004 ekupheleni	Ixabiso lencwadi lempahla esezibukweni naselwandle ngentoni ngokwesabelo somfaki-sicelo	Ixabiso lencwadi lempahla esemthabeni yomfaki sicelo
5 000	R5 000 000.00	R4 000 000	R1 000,00	R800,00

Hlulahlula ixabiso lempahla esezibukweni naselwandle (5 000 000) ngele-TAC yomfaki-sicelo yowe-2004 (5000) (5 000 000/5 000=R1 000)

Phindaphinda ixabiso lempahla esezibukweni naselwandle yomfaki sicelo ngowe-2004 (4 000 000 ngeTAC) enikwe umfaki sicelo ngowe-2004 (5000)

ICANDELO 10: UKUPHUCULWA KOQOQOSHO LWASEKUHLALANI

Eli candelo lifuna ukuba umfaki sicelo anikeze inkcazelo ngokuphathelele iintlanzi azibambisileyo ezibukweni okanye ezisemthabeni ngowe-2004, neenjongo zokubambisa. Sebenzisa iitoni eziqhelekileyo (kungekhona ezibekwe esikalini emva kokuba iintlanzi sele isuswe intloko nji).

10.1:

Lo mbuzo ufuna ukuba umfaki sicelo anikeze inkcazelo ecacileyo ngamazibuko apho alobele kkhona ngowe-2004 ngokuphathelele naokunye ukuloba.

ICANDELO 11: UPHUHLISO NOSHISHINO OLUNEGALELO

Eli candelo lifuna ukuba abafaki-zicelo banikeze inkcazelo ngophuhliso noshishino olunegalelo ngezinto ezenziwe ngumfaki sicelo. Ukuba negalelo kuya kuquka ukwenza izinto ezibonakalayo.

Ukuphuhlisa ushishino kusenokuba ziintlobo eziquka ukutyala ngqo kumashishini abaNyama okanye ii-SMME zabamnyama (amashishini amancinane okanye asakhasayo), ukwenza umfela ndawonye nenkampani yaNyama ne-SMME yaNyama okuphumela ekudluliselweni kobugcisa, ilungiselelo lokomeleza, ulwalamano kushishino nokudibanisa izinto, okuthi kona, kunike la mashishini ithuba loshishin, ludibanisa imizamo yaNyama nee-SMME ezinamandla abaNyama kuze ke ngolo hlobo kongiwe imali nengeniso iqhubeka kwii-SMME.

Xa kuthethwa nge-"Black Owned SMME" kuthethwa nge-small, medium or micro enterprise (inabaqeshwa abangaphantsi kwe-100 abasisigxina yaye ingenisa ngaphantsi kweR 4 million yaye impahla yayo yonke ixabiso layo lingaphantsi kwe R 4 million, ngaphandle kwempahla esisigxina) enomnini omnya onebango elingapezu kwama50% (ukuba inkampani ibale ngokohlobo ekwenziwe ngalo kwicandelo 6.7.1 ngasentla yaye ukuba i-close corporation, ibale ngokwengeniso yamalungu) yaye kukho abaphathi abadlulileyo kwi-50% (abaphezulu nabasemagquzwini / okanye amagosa , oku kugqitywa ngendlela amabakala omsebenzi aku6.5 ngasentla ajongwa ngayo).

Xa kuthethwa nge-"Black Empowerd SMME" kuthethwa nge-small, medium or micro enterprise (inabaqeshwa abangaphantsi kwe-100 abasisigxina yaye ingenisa ngaphantsi kweR 4 million yaye impahla yayo yonke ixabiso layo lingaphantsi kwe R 4 million, ngaphandle kwempahla esisigxina) enomnini omnya onebango elingapezu kwama-25% (ukuba inkampani ibale ngokohlobo ekwenziwe ngalo kwicandelo 6.7.1 ngasentla yaye ukuba i-close corporation, ibale ngokwengeniso yamalungu) yaye kukho abaphathi abadlulileyo kwi-50% (abaphezulu nabasemagquzwini / okanye amagosa , oku kugqitywa ngendlela amabakala omsebenzi aku6.5 ngasentla ajongwa ngayo).

SECTION 12: FINANCIAL PERFORMANCE

12.1 Qaphela: ungabhali kwiindawo ezikrwelelweyo yaye ukuba umfaki-sicelo kufunwa anikele inkcazelo yamanye amaziko ummeli ogunyazisiweyo welo ziko umele awungqine loo mpoposho ku-section 16

Injongo yeli candelo kukufumani ingeniso yomfaki-sicelo. Ingeniso yonyaka mayinikezelwe kusetyenziswa ingxelo zemali Abafaki-zicelo abakolunye ushishino olungekokuloba namanye amashishini basenokuyiqwalasela ingeniso eyenziwe kolunye ushishino / iziko. Abafaki-zicelo abakushishino olungekokuloba nakwamanye amaziko bamele bachube kakuhle ingeniso yoshishino lokuloba neyamanye amashishini baze bacubungule ingeniso yehlelo ngalinye kwisihlomelo. Ekubeni kunzima ukubala kakuhle ingeniso ngeshishini nangeziko, kufanele kuqikelelwe okanye kwahlulahlulwe, lo gama nje loo kqubo yokuqikelela isetyenzisiwe nakwezinye izicelo ezifakwe ngumfaki-sicelo. Ngamanye amazwi, umfaki-sicelo ufanele asebenzise inkqubo efanayo ekufakeni izicelo kwamanye amaziko..

12.2,12.3 kunye no 12.4

Lemibuzo lifuna ukuba umfaki sicelo anikezele inkcazelo engqinisiswe ngabahloli bencwadi.

ICANDELO 13 INDELELA YOKULOBA

Eli candelo lifuna ukuba umfaki-sicelo anikele inkcazelo ngokuphathelele ukuloba.

ICANDELO 14: UKUBANJISWA NEZINTO EZIKHUSELWA INDALO

Eli candelo lifuna ukuba umfaki-sicelo anikezele inkcazelo ngokuphathelele ukubambisa nezinto ezikhusele indalo.

ICANDELO 15: IIRHAFU

Eli candelo lifuna ukuba umfaki-sicelo anikezele inkcazelo ngokuphathelele iirhafu ezihlawulwe ebudeni bokufumana ilungelo lokwexeshana.

IZINCAZELO – ABANIKAZI BAMALUNGELO ATHATHA ISIKHATHI ESIJANA I-ROCK LOBSTER YASE-WEST COAST (NGAPHANDLE KOGU), I-HAKE LONGLINE, I-SQUID, I-TUNA POLE, I-DEMERSAL SHARK NE-SEAWEED

INJONGO YEZINCAZELO UKUSIZA ABENZI BEZICELO EKUGCWALISENI E IZINGXENYE EZININGI EFOMINI LOKWENZA ISICELO. EZINYE IZINGXENYE ZIBHEKWA NJENGEZICACILE FUTHI AZIHLANGANISIWE KULEZI ZINCAZELO.

I-MLRA iwuMthetho 18 ka-1998 Wemvelo Yasolwandle. Ikhophi iyatholakala engosini ye-Inthanethi yalo Mnyango www.mcm-deat.gov.za.

INGXENYE 1: IMINININGWANE YOMENZI WESICELO

Izingxenye 1.1 ukuya ku-1.17 kumelwe zigcwaliswe yibo bonke abenzi bezicelo. Umenzi wesicelo kuye kwadingeka ukuba ahlinzeke iminininingwane edingwa yizingxenye 1.8.1 ukuya ku-1.8.7d lapho egcwalisa ifomu lokwenza isicelo. Lezi zingxenye zidinga ukugcwaliswa kuphela uma umenzi wesicelo eye washintsha iminininingwane yakhe kusukela abhalisa.

Umenzi wesicelo uyacelwa, esiJobelelweni 1A ukuba ahlinzeke ngohlaka olufingqiwe lwenhlangano yomenzi wesicelo, olubonisa ukuthi inkampani yomenzi wesicelo iyi-holding company, i-sister company noma yinkampani ehlanganyelwayo (joint venture) yini. Ezinye izingxenye zaleli fomu zidinga ukuba kuhlinzekwe ngokwaziswa "kokuhlangana" kukamenzi wesicelo/i-holding company abanomnotho ongaphezu kuka-50% ongowenye inkampani (holding company). Ezinye izingxenye zidinga ukuba kuhlenganiswe ukwaziswa okuphathelene nomenzi wesicelo, i-holding company noma ama-sister company ahilelekile embonini yezokudoba ("iqembu lezinkampani") noma zonke "izinkampani ezibambisene (joint venture partners)". Lapho kudingeka khona, ukwaziswa nge-"qembu lezinkampani (group of companies)" (umenzi wesicelo, ama-holding company kaney nama-sister company ahilelekile embonini yezokudoba) kumelwe kuhlinzekwe. Isimiso esifanayo asisebenzi kuma-joint ventures. Maqondana nama-joint ventures, injongo yokufunwa kokwaziswa ngezinkampani kunokuba kufunwe ukwaziswa ngomenzi wesicelo wukuvumela izigaba zophiko lwezomnotho ukuba ziziveze ngabenzi bezicelo abangabantu, futhi ngale ndlela ukwenza ukuba izikhulu eziphathisiwe zikwazi ukuqhathanisa abenzi bezicelo nabanye. Kufanele kunqume abenzi bezicelo ukuthi basebenza ngalolo "phiko lwezomnotho" lwe-joint venture emkhakheni othile nokuthi bayafuna yini ukuzethula ngaleyo ndlela. Bonke abangamalungu e-joint venture kumelwe bavume ukwenza isicelo ngale ndlela lapho kuvunyelwe khona / kudingeka khona ukuba benze kanjalo, khona-ke ukwaziswa okuhlenganisiwe kumelwe kwethulwe ngendlela evumelanayo kuzo zonke izingxenye ezihilelekile.

INGXENYE 2: ISIMO SOMENZI WESICELO

2.1, 2.2 no-12.3

Injongo ukuthola ukuthi umenzi wesicelo kufanele aphathwe njengosanda kufakwa isicelo noma umnini lungelo onesikhathi esijana yini. Yilezo zinhlangano kuphela ezazithole amalungelo esikhathi esijana ngo-2001/2002 endaweni yokudoba manje efakelwe isicelo noma okuyibona banduleli balezo zinkampani, eziyobhekwa isikhulu esiphathisiwe njengabanini malungelo besikhathi esijana (medium term right holders).

Uma umenzi wesicelo eyileyo nhlangano efanayo njengechazwe ku-2.2 (owathola ilungelo lesikhathi esijana ngo-2001/2002) naku-2.3 (umnini lungelo wamanje wesikhathi esijana), umenzi wesicelo ngokusobala uyakufanelekela ukuphathwa njengomnini lungelo wesikhathi esijana. Nokho, kwezinye izimo kungenzeka ukuthi ilungelo elabiwa ngo-2001/2002 ladihluliswa, noma kungenzeka ukuthi ilungelo labelwa i-trust noma umuntu wendabuko okuye kwaholela ekutheni manje isicelo senziwe nge-close corporation noma inkampani. Kulezi nakuzo zonke ezinye izimo lapho umenzi wesicelo nenkampani ku-2.2 naku-2.3 engeyona inkampani efanayo, umenzi wesicelo kumelwe abonise ukuthi ngumanduleli ozimele wenkampani owathola ilungelo ngo-2001/2002, ukuze afaneleke njengomnini lungelo lesikhathi esijana. Isikhulu esiphathisiwe ngeke siqaphele inkampani engaphezu kweyodwa njengomanduleli wenkampani eyamukela ilungelo ngo-2001/2002.

2.4

Ngokwemibandela yengxenye 18 ye-MLRA, amalungelo ezokudoba ngenjongo yezentengiselwano anganikezwa kuphela umuntu waseNingizimu Afrika, okuyigama elichazwe engxenyeni 1 yoMthetho. Injongo yale ngxenye ukubona ukuthi umenzi wesicelo uyahlangabezana yini nezimfuneko zale ncazelo. Endabeni yenkampani noma i-close corporation, iningi labanikazi bamasheya noma amalungu kumelwe kube ngabantu baseNingizimu Afrika.

2.6

Ukwaziswa okuphathelene nenkampani engumenzi wesicelo / i-close corporation kuphela okufanele kufakwe, hhayi ukwaziswa okuphathelene namanye amalungu eqembu lezinkampani noma i-joint venture.

2.7, 2.8

Explanatory Notes to the application forms for New Entrant: West Coast Rock Lobster (Off shore), Hake Longline, Squid, Tuna Pole, Shark Demersal and Seaweed (CLUSTER B)

Ngokwemibandela yesigaba 7.5 seNqubomgomo Ehlenganisa Konke, umenzi wesicelo ongumnini lungelo wesikhathi esijana akanakuba namasheya kumenzi wesicelo omusha ongaba sethubeni lokwamukelwa emkhakheni ofanayo. Injongo yale ngxenye ukubona ukuthi le mfuneko kuyananyathelwa yini kuyo kanye nokwakha ukuxhumana nabanini bamasheya phakathi kwabenzi besicelo abangabanikazi bamalungelo besikhathi esijana (medium term)

INGXENYE 3: UKUHLONIPHA UMTHETHO

3.1.1, 3.1.2, 3.1.3 no-3.1.4 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Ngokwemibandela yeNqubo-mgomo ehlenganisa konke kanye nezinye izinqubo-mgomo eziphathelele nezindawo zokudoba, imiphumela ehlulukene ingase idalwe ukwephulwa kwemithetho ye-MLRA, imibandela yemithetho noma izimvume, kuhlenganise nokungakhethwa kumenzi wesicelo noma ukungaphumeleli. Injongo yale ngxenye ukuthola ukuthi umenzi wesicelo uye wawathweswa yini amacala okwephula umthetho okunjalo nokuthola futhi ukuthi ayemabi kangakanani.

3.2 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Abenzi besicelo kumelwe baphendule ngokuthi "yebo" embuzweni, ngisho noma impahla eyathathwa, yaboshwa, noma wayephucwa ngokwemibandela ye-MLRA noma eyabanjwa noma yalondolozwa ngokwemibandela yoMthetho Wokuvinjelwa Kobugebengu Obuhleliwe, kamuva yadadelwa. Izimo ezihiangene nomthetho wokubanjwa, ukuboshwa, ukuthathwa noma ukulondolozwa kwempahla kanye nomphumela waleyo nqubo, okungukuthi, kungakhathaliseki ukuthi leyo mpahla yadliwa noma yaphangwa nguMbuso, kumelwe kubhekwane nazo kulesi sibobelelo.

3.3 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Abenzi bezicelo kumelwe baphendule ngokuthi "yebo" embuzweni uma noma yiliphi ilungelo lokudoba noma imvume kunoma yimuphi omunye umkhakha liye lenqatshwa noma lasulwa, lancishiswa noma laguqulwa ngaphansi kwengxenye 28(3) ye-MLRA. Lezi zimo kumelwe zichazwe esijobelelweni.

INGXENYE 4: IMINININGWANE YOMKHUMBI/ISTKEBHE

Le ngxenye idinga ukuba umenzi wesicelo afake imininingwane yesikebhe/umkhumbi ngasinye esikhethwe ngumenzi wesicelo. Uma imininingwane eceliwe ingatholakali, izizathu zalokhu kumelwe sichazwe esijobelelweni.

INGXENYE 5: UKUSETSHENZISWA KWEZIDOTSHIWE

5.1 Phawula: kuyokwamukelwa impendulo engu-"yebo" uma umenzi wesicelo ehluleka ukuphendula umbuzo

Umenzi wesicelo oye wadoba ngokweqile noma wadoba ezingaphansi kwesibalo asabelwe kule ndawo yokudoba ngaphezu kuka-10% kunoma imuphi unyaka abelwe ngawo ngenkathi yelungelo lesikhathi esijana kumelwe aphenndule ngokuthi "yebo" kulo mbuzo. Izizathu kumelwe zichazwe esijobelelweni esihlinzekiwe.

5.2

Le ngxenye icela imininingwane maqondana nemibhalo egciniwe yezinhlanzi ezidotshwe ngumenzi wesicelo phakathi nenkathi yamalungelo esikhathi esijana (2001 – 2005). Abenzi bezicelo akumelwe baphendule lo mbuzo ngokwemibhalo egciniwe yokudoba yoMnyango. Maqondana nezinhlanzi ezidotshiwe noma izimila zasolwandle ezitshaliwe (kumelwe kuchazwe isisindo esicatshangelwayo, hhayi isisindo esithululwe esikebheni noma isisindo sangemva kokuba izinhlanzi sezijumpulwe ikhandla noma sezikhishwe izibilini. Uma umenzi wesicelo engazange anikwe imvume yanoma imuphi unyaka, umenzi wesicelo kumelwe abonise ukuthi akababambanga 100%. Ukwaziswa okuphathelele nenkampani engumenzi wesicelo / i-close corporation kuphela okufanele kufakwe, hhayi ukwaziswa okuphathelele namanye amalungu eqembu lezinkampani noma i-joint venture.

Isibonelo sendawo yokudoba elawulwa nge-TAC (TAC controlled fishery)

Unyaka	Isibalo Sezibanjwe Ngonyaka (ngamathani)	Inggikithi Yezidotshiwe Zesabelo Somenzi Wesicelo (ngamathani)	Amaphesenti Okuhluleka Ukudoba	Amaphesenti Okudoba ngokweqile
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Actual tonnage caught (1 100 tons) minus total allowable catch allocated (1 000 tons) = 100. To establish the percentage, divide the difference by the TAC allocated and multiply it by 100. i.e. $(100/1000) \times 100 = 10\%$

Inkathi ka- 2003	1 000	1 100	0%	10%
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INGXENYE 6: IZINGUQUKO

6.1 no-6.2.1

Injongo yalezi zingxenywe ukuthola ukuthi umenzi wesicelo kuyadingeka yini ukuba enze ngokuvumelana noMthetho Wokulingana Emsebenzini. Uma kudingeka ukuba enze ngokuvumelana nawo, umbuzo olandelayo uwukuthi umenzi wesicelo uzifezile yini izibopho zakhe ngaphansi kwalo Mthetho. Ngezinjongo zokuphendula lezi zingxenywe, ukwaziswa komenzi wesicelo kuphela (futhi hhayi ukwaziswa kwe-holding company yako noma ama-sister company) okumelwe kuhlizekwe futhi kuyocatshangelwa.

Abaqashi "Abasesigabeni Esivelele" kudingeka benze ngokuvumelana nalo Mthetho. Umqashi osesigabeni esivelele, ngokwemibandela yengxenywe 1 yoMthetho Wokulingana Emsebenzini:

- a) Ngumqashi oqasha izisebenzi ezingu-50 noma ngaphezulu;
- k) Ngumqashi oqasha abantu abangaphansi kuka-50, kodwa owenza ingqikithi yenzalo yonyaka elingana noma engaphezu kwenzalo yonyaka elindelekile ngamabhizinisi amancane ngokwemibandela ka-Schedule 4 walo Mthetho. [Owenza u-R2 million ngonyaka]; noma
- l) ...
- m) ...
- e) umqashi oboshwa yisivumelwano esiyimbumba ngokwemibandela yengxenywe 23 noma 31 yoMthetho Wezisebenzi, omkhetha njengomqashi oqaphelekayo ngokwemibandela yalo Mthetho, ngokwezinga okuhlizekwe ngalo esivumelwaneni;

Ngokwemibandela yengxenywe 13 yoMthetho Wokulingana Emsebenzini, imisebenzi yabaqashi abaqashelwayo ihlelwe ngale ndlela:

- 1) Yilowo nalowo mqashi okulesi simo (designated) kumelwe athathe izinyathelo zokubhekelela umnotho wabampisholo wabantu abavela emaqenjini akhethiwe ngokwemibandela yalo Mthetho ukuze kube khona ukulingana emsebenzini.
- 2) Umqashi oyinkampani (designated) kumelwe-
 - a) athintane nezisebenzi njengoba kudingwa yingxenywe 16;
 - b) enze uhlaziyo njengoba kudingwa yingxenywe 19;
 - c) alungiselele uhlaka lomsebenzi njengoba kudingwa yingxenywe 20; futhi
 - d) abike kuMqondisi-Jikelele ngentuthuko esiyenziwe ekusebenziseni uhlaka lwayo lokulingana emsebenzini, njengoba kudingwa yingxenywe 21.

6.3.4 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziswa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Injongo yale ngxenywe ukuthola ukuthi buhlelwe kanjani ubuphathi basebhizinisini bomenzi wesicelo. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kumenzi wesicelo (inqunywa njengoba kuboniswe engxenyeni 6.7.1 ngezansi) khona-ke imininingwane yebhodi labaqondisi/amalungu akho kokubili umenzi wesicelo ne-holding entity kumelwe kuhlizekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yamabhodi abaqondisi / amalungu azo zombili izinkampani. Uma umenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nanye inkampani noma i-close corporation (futhi abathintekayo bevuma ukuzethula ngale ndlela) khona-ke imininingwane yamabhodi abaqondisi noma amalungu abo bonke abangabanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yamabhodi abaqondisi / amalungu abo bonke abangamalungu e-JV.

6.3.5 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziswa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Le ngxenywe idinga ukuba umenzi wesicelo ahlinzeke ngemininingwane ephathelene nezisebenzi eziyihlo imihlo ephakeme ukwedlula yonke (ebalwa ngengqikithi yemali ekhokhwa yinkampani). Lokhu kwaziswa kuzogcinwa kuyimfihlo futhi kungase kuthunyelwe kodwa eceleni kufakwe kwenye imvilophu evaliwe.

Njengasengxenyeni 6.3.1 ngenhla, uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (etholwa njengoba kuchazwe engxenyeni 6.7.1 ngezansi) khona-ke imininingwane yabantu abahola imali enkulu ukubedlula bonke bakho kokubili umenzi wesicelo kanye ne-holding entity kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabantu abahola imali enkulu yazo zombili izinkampani. Uma uMenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nanye inkampani noma i-close corporation (futhi abathintekayo bevuma ukuzethula ngale ndlela) khona-ke imininingwane yabahola imali enkulu ukubedlula bonke yabo bonke abangabanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke abangamalungu e-JV.

Izindleko eziphelele zenkampani zihlanganisa izinzuzo namabhonasi, kodwa akuwahlanganisi ama-dividend. Abenzi bezicelo abaqasha izisebenzi ezingu-165 noma ngaphansi kumelwe bahlinzeke ngemininingwane yabantu babo abahola imali enkulu ukwedlula bonke njengoba kuboniswe ethebuleni efomlini lokwenza isicelo. Abenzi bezicelo abaqashe abantu abangaphezu kuka-165 kumelwe baqale bathole u-3% ohola kakhulu bese behlinzeka ngemininingwane yalezo zisebenzi (zingeqi kwezingu-90) Ubuphathi noma isikhundla somqashwa, njengoba kuboniswe kwi-organogram noma uhlelo lwenhlangano, kumelwe buhlinzekwe.

Isibonelo: Uma umenzi wesicelo eqasha abantu abangu-2500, umenzi wesicelo uyokhetha u-3% ohola kakhulu, ngokuphindaphinda le nombolo ngo-0.03 ($2500 \times 0.03 = 75$). Umenzi wesicelo kumelwe abe esehlinzeka ngemininingwane yalezo zisebenzi ezingu-75. Umenzi wesicelo akumelwe ahlinzeke ngemininingwane yezisebenzi ezingaphezu kuka-90, kungakhathaliseki ukuthi zingaki zisebenzi umenzi wezicelo anazo kwabe-3% ehola kakhulu.

Uma kufaneleka, isibalo sezisebenzi zezinkampani ezinamalungelo (holding entities) noma ababambisene kuyi-JV kumelwe senezelwe esibalweni sezisebenzi zomenzi wesicelo, njengoba kuboniswe esibonelweni esingezansi.

Isibonelo: Uma umenzi wesicelo eqashe abantu abangu-75 futhi inkampani i-holding entity iqashe abantu abangu-125, zombili lezi zinkampani zihlangene ziqashe abantu abangu-200. Umenzi wesicelo kumelwe anqume ukuthi yibaphi abahola kakhulu abangu-3% $200 \times 0.03 = 6$. Imininingwane yezinkampani zombili kufanele ihlanganisiwe, futhi imininingwane yabantu abayisithupha abahola kakhulu abasohlwini oluhlanganisiwe kufanele ifakwe ethebuleni 6.3.2.

6.6.1 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziwa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngemininingwane yamazinga omholo ngaphakathi enhlanganweni ngomhlaka-Febhuwari 28 2005.

Njengasengxenyeni 6.3.1 no-6.3.2 ngenhla, uma umenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nanye inkampani noma i-close corporation, khona-ke imininingwane yemihlo yabo bonke abangabanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke abangamalungu e-JV. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (enqunywa njengoba kuchazwe engxenyeni 6.7.1 ngezansi) khona-ke amazinga omholo e-holding entity, uMenzi Wesicelo nanoma yiziphi izinkampani ezibambisene nayo (sister companies) nazo zivengxenywe engaphezu kuka-50% ye-holding entity futhi zisebhizinisini lokudoba izinhlanzi, kumelwe ahlinzekwe ezijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yeqembu (umenzi wesicelo, i-holding entity, kanye nama-sister company) yezinkampani.

Isibonelo

1	Umholo Wanyanga Zonke	Isibalo sezisebenzi kuleli zinga (ingqikithi yeQembu noma i-JV, uma kufaneleka)	Amaphesenti Engqikithi Yezisebenzi	Isibalo Sezisebenzi Ezimpisholo Kuleli zinga (ingqikithi yeQembu noma i-JV, uma kufaneleka)	Amaphesenti Engqikithi Yezisebenzi Ezimpisholo	Isibalo Sezisebenzi Zesifazane kuleli zinga (ingqikithi yeQembu noma i-JV, uma kufaneleka)
	< R 2 500	100	80%	80	90 %	70

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

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

6.7 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe wenkampani kumelwe afakazele isifungo engxenyeni 16

Lo mbuzo udinga ukuba umenzi wesicelo agcwalise iphrofayili yokulingana emsebenzini yomenzi wesicelo maqondana namazinga okusebenza. Abaqashi (designated employers) kanye nabaqashi abahambisana ngokuzithandela noMthetho Wokulingana Emsebenzini kufanele bagcwalise ithebula ngamanani afakwa ngo-Okthoba 2004 eMnyangweni Wezisebenzi. Abaqashi abaqashe abantu abangaphansi kwamashumi amahlanu (non-designated) kufanele bagcwalise amathembula aqondene nezisebenzi zabo ngomhla ka-28 Febhuwari 2005 futhi bebe bekuqaphela lokho okushiwa ngamazinga okusebenza ahlelwe esijobelelweni 2 seZiqondiso eziphathelele noMthetho Wokulingana Emsebenzini. Isijobelelo 2 sihlizeka ngalokhu okulandelayo:

UMthetho 55 ka-1988 Wokulingana Emsebenzini

IYINI INJONGO YALESI SIJOBELELO?

Ukuhlolwa komsebenzi noma izinhlelo zokulinganisa kuyasetshenziswa yizinhlangano eziningi ukulinganisa imisebenzi ngokuvumelana nohlaka lwayo bese kusungulwa izindlela ezifanelekile zokuqhathanisa phakathi kwemisebenzi.

Lesi sijobelelo sihlizeka ngethebula lamazinga omsebenzi afanayo angase asetshenziswe ngabaqashi lapho begcwalisa amafomu i-EEA 2 kanye ne-EEA 4.

IZIQONDISO

Leli thebula [elingezansi] libonisa amazinga okuqashwa ngaphakathi ezinhlanganweni njengoba enqunywa ngokusebenzisa izinhlelo ezihlukahlukene zokuhlola imisebenzi noma zokulinganisa. Leli thebula lihlizeka ngamazinga afanayo kolunye nolunye lwalezi zinhlelo zokuhlola umsebenzi.

Izinhlangano ezingazisebenzisi lezi zinhlelo zokuhlola umsebenzi [ethebuleni elingezansi], noma uhlelo olusetshenziswayo oluhlanganiswe nolunye lwalezi, kufanele zisebenzise i-Semantic Scale ukuze zithole isiqondiso ekunqumeni amazinga okuqashwa kwabantu ngaphakathi enhlanganweni.

Amazinga afanayo okuqasha

I-Semantic Scale	Paterson		Peromnes	Hay	Castellion
Abaphathi Abakhulu	F	F	[++]+		14
Abaphathi Abakhulu	E	E UPPER	1	1	13
			2		
		E LOWER	3	2	
Abawufundele umsebenzi, ochwepheshe abanolwazi nabaphathi abaphakathi nendawo	D	D UPPER	4	3	12
			5		11
		D LOWER	6	4	13
Ochwepheshe abanekhono nezisebenzi eziqeqeshelwe umsebenzi, abaphathi abancane, o-supervisor, izimfolomane, nonsumpa	C	C UPPER	7	5	9
			8	6	
			9	6A	
		C LOWER	10	7	8
			11		
			12	8	
Abanekhono elisesilinganisweni nokwenza izinqumo okudinga ikhono lokucabanga	B	B UPPER	13	9	7
			14	10	6
		B LOWER	15	11	5
			16		4
Ukwenza izinqumo kwabangakuqeqeshelwe	A	A	17	12	3
			18	13	2
			19		1

Njengasengxenyeni 6.4.1 ngenhla, uma umenzi wesicelo ehilelekile kuyi-Joint Venture ("JV") kanye nenye inkampani noma i-close corporation futhi abathintekayo bevuma ukuzethula ngale ndlela) khona-ke imininingwane yokuqasha yabo bonke abanikazi be-JV kumelwe ihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke abangamalungu e-JV. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (enqunywa njengoba kuchazwe engxenyeni 6.7.1 ngezansi) khona-ke amazinga omholo enkampani (holding entity), uMenzi Wesicelo futhi nanoma yiziphi izinkampani ezinengxenywe engu-50% ye-holding entity futhi ebambe iqhaza embonini yokudoba izinhlanzi, kumelwe ahlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yeqembu (umenzi wesicelo, i-holding entity, kanye ne-sister company) yezinkampani.

Isibonelo

Uma iNkampani A ingumqashi (designated employer) oqasha abangaphezu kwamashumi amahlanu, ukwaziswa okuhlizekiwe efomini le-EEA 2A lika-Okthoba 2004 kufanele kugcwaliswe kuleli thebula. Uma iNkampani A ingeyena umqashi ochazwe ngokuthi designated, amazinga okuqasha ezisebenzi kufanele anqunywe ngendlela ehlelwe ngenhla njengakumhlaba ka-28 Febhuwari 2005 futhi ithebula ligcwaliswe nalokhu kwaziswa.

Uma nje inani lezisebenzi ngesibalo ngasinye linqunyiwe, kufanele kuhlaziye amaphesenti. Ngokwesibonelo, iNkampani A iqasha izikhulu eziyisikhombisa eziphezulu kanye nabaphathi. Kwabayisikhombisa abasesigabeni sabaqashiwe, oyedwa ungowesilisa ompisholo, abangu-2 bangabesilisa bamakhaladi, abangu-2 bangabesilisa abangabelungu, oyedwa ungowesifazane ongumndinya futhi oyedwa ungowesifazane omhlophe. Ukuze uthole amaphesenti, thatha lesi sibalo sabaqashwa eqenjini ngalinye elisesikhundleni eziningeni lalezi zisebenzi bese uluhlukanisa ngegqikithi yesibalo sezisebenzi ezisezingeni lalaba baqashwa bese uliphindaphinda ngo-100.

A = Ompisholo, C = Ikhiladi, I = UmNdiya, W = Umlungu, F = Owesifazane kanti i-ACI = Ompisholo, Ikhiladi nomNdiya

										Izingqikithi	
Amazinga Alaba baqashwa		A No.	A %	C No.	C %	I No.	I %	W No.	W %	ACI%	F%
Izikhulu Eziphezulu Nabaphathi (Ingqikithi ye-JV noma yeQembu, uma kufaneleka)	Abesilisa	1	14%	2	28%	0	0%	2	28%	42%	
	Abesifazane	0	0%	0	0%	1	14%	1	15%		29%

6.6.1 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziswa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Bonke abenzi bezicelo kumelwe bahlinzeke ngezinombolo eziphathelene nabaphathi abaqondisayo nabakhulu / izikhulu eziphethe ezifakwe emafomini abo ezicelo ka-2001. Abaqashi aba-designated noma abaqashi abahambisana nalo mthetho ngokuzithandela, kumelwe babe sebegcwalisa lonke ithebula ngezinombolo ezafakwa embikweni we-EEA 2A ka-2002 no-2004. Abaqashi abangekho designated futhi abangahambisani nalolu hlelo kumelwe bagcwalise leli thebula maqondana neminingwane yokuqashwa ekupheleni konyaka wezimali ka-2002 no-2004. Maqondana namaqembu nama-JV, iziqondiso ezihlelwe engxenyeni 6.5 nazo ziyasebenzi lapho kugcwaliswa le ngxenye.

6.6.2 Phawula: Uma umenzi wesicelo kudingeka ukuba ahlinzeke ngokwaziswa kwezinye izinkampani, ummeleli ogunyaziwe wenye inkampani kumelwe afakazele isifungo engxenyeni 16

Bonke abenzi bezicelo kumelwe bahlinzeke ngezinombolo eziphathelene nochwepheshe abawufundele umsebenzi nabanolwazi kanye nabaphathi abaphakathi nendawo ezifakwe emafomini abo ezicelo ka-2001. Abaqashi aba-designated noma abaqashi abahambisana nalo mthetho ngokuzithandela, kumelwe babe sebegcwalisa lonke ithebula ngezinombolo ezafakwa embikweni we-EEA 2A ka-2002 no-2004. Abaqashi abangekho designated futhi abangahambisani nalolu hlelo kumelwe bagcwalise leli thebula maqondana neminingwane yokuqashwa ekupheleni konyaka wezimali ka-2002 no-2004. Maqondana namaqembu nama-JV, iziqondiso ezihlelwe engxenyeni 6.5 nazo ziyasebenzi lapho kugcwaliswa le ngxenye.

6.7.4 Phawula: Ungazigcwalisi izindawo ezifakwe umbala ogqamile (shaded area)

Le ngxenye idinga ukuba abenzi bezicelo bahlinzeke ngemininingwane maqondana nobunikazi bamasheya babantu abampisholo kanye namalungelo okuvota angabekelwe mingcele kanye nezithakazelo ezingokomnotho (ngohlobo lwamasheya ayohlukaniselwa bona) angamasheya abampisholo kuMenzi Wesicelo (hhayi i-holding entity, iqembu noma ababambisene be-JV ngale kokuba lokhu kwaziswa kufaneleka ngezinjongo zokusebenzisa isimiso se-flow through. Usihlalo webhodi labaqondisi likamenzi wesicelo kumelwe ethule incwadi efakazelwe mayelana nokuba namasheya, amalungelo okuvota kanye nezithakazelo ezingokomnotho zabansundu kumenzi wesicelo esijobelelweni esifanele. Ekunqumeni ukuthi yiphesenti elingakanani elingelabampisholo, amalungelo okuvota nezithakazelo ezingokomnotho, isimiso se-flow through kumelwe sisetshenziswe, kuye ngokuthi:

- izikhwama zempesheni kanye namalungu ombuso kuzohlala kungathathi hlangothi, futhi amaphesenti okuba namasheya abampisholo kufanele abalwe ngaphandle kokuwahlanganisa namasheya angawalezo zinhlangano.
- Uma amaphesenti amasheya abansundu, amalungelo okuvota noma izithakazelo ezingokomnotho zomnikazi wamasheya othile zingenakunqunywa, kumelwe kunikezwe izizathu eziningiliziwe zalokho.
- ngezinjongo zokuthola amalungelo okuvota, umnikazi wamasheya kufanele abhekwe njengompisholo ngokuphelele (100%) uma lowo lowo muntu ongomdabu enengxenye engaphezu kuka-50% kulowo mnikazi wamasheya; futhi
- amaphesenti "obunikazi bamasheya", "izithakazelo ezingokomnotho" kanye "namalungelo okuvota" abantu abampisholo kuyi-trust eyonqunywa ngokuhambisana namalungelo abayizindlalifa ngokwemibandela yesivumelwano se-trust.

Isimiso se-flow through sichazwa ngokuthi: "Isimiso se-flow through" sibhekisela ekulandelelweni kwezinzuzo ezingokomnotho lapho kunqunywa ukuthi abampisholo banabo yini ubunikazi ebhizinisini (BEE ownership). Izinkampani zizoklonyeliswa ngamaphuzu

kuye ngokuthi likhona yini iqhaza elibhekile elibanjwe ngabampisholo ekusebenziseni amalungelo abo okuvota nokubamba iqhaza kwezomnotho zebhizinisi. Injongo yesimiso se-flow through ukuqinisekisa ukuthi zonke izinkampani, kungakhathaliseki ukuthi zihlelwe kanjani, zithola amaphuzu ngokufanayo ngokweqhaza elibanjwe ngabampisholo ekufukulweni ebhizinisini (BEE ownership). Isimiso se-flow through siphawula ukuthi amalungelo okuvota kuphela nezithakazelo ezingokomnotho abantu abampisholo bendabuko okufanele bakuthole okuyocatshangelwa. Uma amalungelo okuvota kanye/noma izithakazelo ezingokomnotho zisezandleni zabantu bomthetho, ngamalungelo okuvota kanye nezithakazelo ezingokomnotho kuphela abantu abampisholo bendabuko abanazo kulowo muntu womthetho eziyocatshangelwa. Kuyosetshenziswa isimiso esifanayo ngendlela engaguquki kulo lonke uchungechunge lobunikazi maqondana nabantu bomthetho kuze kufike leso sikhathi lapho lolu chungechunge lunqamuka ekunikweni kwalowo muntu wendabuko amalungelo/izithakazelo ezingokomnotho, okungumuntu ompisholo.

"Ubunikazi obungaqondile" busho ubunikazi bomnotho ebhizinisini lapho lowo mnotho unika khona abanini mafa ebhizinisini ilungelo lokuba babambe iqhaza enzuzweni engokomnotho (njengama-dividend) atholwa ngabanikazi masheya balelo bhizinisi, kodwa hhayi elungelweni lokuvota talelo bhizinisi ngokuqondile. Amalungelo okuvota angasetshenziswa ngokungaqondile ngqo (indirectly) ngomdlulisi wokwaziswa njenge-trust noma i-superannuation scheme.

Ubunikazi obungaqondile ngqo kumelwe bucatshangelwe ngezinjongo zokulinganisa amaphesenti abanikazi bamasheya abampisholo, futhi uma ezimweni ezifanelekile, kucatshangelwe namaphesenti omnotho kanye namalungelo okuvota komuntu ompisholo kumenzi wesicelo. Uma engekho amalungelo okuvota emnothweni wobunikazi obungaqondile ngqo (indirectly owned equity), khona-ke ubunikazi babampisholo balowo mnotho akufanele bucatshangelwe lapho kutholwa ukuthi abampisholo banawo yini amalungelo okuvota. Nokho, lapho amalungelo okuvota esetshenziswa khona ngokungaqondile ngqo (ngomdlulisi wokwaziswa), ubunikazi babampisholo bomnotho kumelwe bucatshangelwe lapho kunqunywa amalungelo okuvota.

Isibonelo: Umenzi wesicelo unabanini masheya abane. Omunye walaba banini masheya ungumuntu womdabu obizwa ngokuthi U-AA, ompisholo futhi une-10% yomnotho namalungelo okuvota. Abanye abanini masheya ababili yizinkampani futhi owesithathu yisikhwama sempesheni. Inkampani A ino-30% wamasheya futhi u-51% wayo ungowomuntu ompisholo kanti u-49% ungowomuntu omhlophe (umlungu). Inkampani B ino-40% wamasheya futhi u-40% wayo ungowomlungu wendabuko futhi u-60% ungowenkampani Z, eqinisweni u-80% wayo ungowomlungu futhi u-20% wayo ungowomuntu ompisholo. ISikhwama Sempesheni sino-20% wamasheya akhishiwe. Amaphesenti angawomuntu ompisholo, amalungelo okuvota kanye nomnotho kumi ngale ndlela:

Unyaka 2005 (ngosuku lokwenza isicelo)	Amaphesenti Obunini masheya angawabantu abampisholo	Amaphesenti amalungelo okuvota angawabanikazi bamasheya abampisholo	Amaphesenti omnotho ongawabanikazi bamasheya abampisholo (ama-divident angawabo)
	37.625	56	37.625

U-AA unikela ngo-12.5% (10/80) kuzo zonke lezi zigaba ezintathu, iNkampani A inikela ngo-19.125% (30/80 X 51/100) kubanikazi bamasheya nasemnothweni (economic interest) nango-37.5% (30/80 X 100) kumalungelo okuvota, iNkampani B inikela ngo-6% (40/80 X 60/100 X 20/100) kuzo zonke lezi zigaba zontathu futhi isikhwama sempesheni asifakelwa lutho.

6.7.2

Ukuba namasheya, amalungelo okuvota kanye nezithakazelo zomnotho (economic interest) zabesifazane kubalwa ngendlela efanayo njengoba kuchazwe ngaphansi kwengxenywe 6.7.1 ngenhla. Nalapha, le ngxenywe kumelwe iphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelele nama-holding entities, izinkampani ezibambisene (sister companies) nababambisene kuma-JV zingase zingacatshangelwe ngale kokuba lezi zinkampani zine-equity nomenzi wesicelo futhi lokhu kwaziswa kumelwe kucatshangelwe lapho kusetshenziswa isimiso se-flow through.

6.7.3, 6.7.4, 6.7.5, 6.7.6 no-6.7.7

Lezi zingxenywe kumelwe ziphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelele nama-holding entities, izinkampani ezibambisene nababambisene kuma-JV kungase kungacatshangelwa.

6.8.1, 6.8.2, 6.8.3, 6.8.4, 6.8.5, 6.8.6 no-6.8.7 Phawula: ungazigcwalisi izindawo ezifakwe umbala ogqamile zefomu(shaded areas)

Lezi zingxenywe kumelwe ziphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelele nababambisene kuyi-JV kungase kungacatshangelwe. Isimiso se-flow through kusobala ukuthi asisebenzi kuma-close corporations. Amaphesenti amalungelo okuvota kanye nokwabiwa kwenzuzo kumelwe kunqunywe kubhekiselwa esivumelwaneni sobunikazi se-close corporation. Uma singekho isivumelwano esinjalo esikhona noma isivumelwano singathintwa kule ndaba, khona-ke amalungelo okuvota kanye nomnotho (economic interest) kumelwe kubhekwe ngokuthi kuyafana ngokwamaphesenti omnotho wobulungu.

6.9

Lo mbuzo udinga ukuba umenzi wesicelo anikeze ukwaziswa ngokwezinga asefinyelele ngazo imigomo ehlelwe kuyi-Transformation Plan eyethulwe njengengxenywe yenqubo yesicelo sika-2001 Le ngxenywe kumelwe iphendulwe kubhekiselwa ekwazisweni kukamenzi wesicelo kuphela. Ukwaziswa okuphathelene nama-holding entities, izinkampani ezibambisene (sister companies) nababambisene kuma-JV kungase kungacatshangelwa.

6.12 Phawula: Uma uMenzi Wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Le ngxenywe idinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuphathelene nokwenza ngokuvumelana nengxenywe 3 yoMthetho 9 ka-1999 we-Skills Development Levies. Imibuzo ezinhleni ezimbili zokuqala (ukwethula/ukugunyazwa kwe-Workplace Skills Plan kanye ne-Annual Training Report) kumelwe iphendulwe kubhekiselwa ekwazisweni komenzi wesicelo kuphela. Maqondana nezinhla ezintathu zokugcina (inani lamarandi akhokhelwa i-SARS, amaphesenti omholo akhokhwayo asetshenziselwa ukuqeqesha kanye namaphesenti ebhajethi yokuqeqesha achithwa ezisebenzini ezimpisholo), uma kuwukuthi umenzi wesicelo uyi-Joint Venture ("JV") kanye nenye inkampani noma i-close corporation, futhi abahilelekile bevuma ukuzethula ngaleyo ndlela, khona-ke izimali zomholo ezikhokhwayo zabo bonke ababambisene ebhizinisini (JV partners) kumelwe zihlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yabo bonke ababambisene be-JV. Uma enye inkampani noma i-close corporation inengxenywe engaphezu kuka-50% kuMenzi Wesicelo (enqunywa njengoba kuchazwe engxenyeni 6.7.1 ngenhla) khona-ke amazinga omholo e-holding entity, uMenzi Wesicelo nanoma yiziphi izinkampani ezibambisene nayo (sister companies) nazo ziyingxenywe engaphezu kuka-50% ye-holding entity (futhi zisebhizinisini lokudoba izinhlanzi), kumelwe ahlinzekwe esijobelelweni futhi ithebula kumelwe ligcwaliswe ngokufaka imininingwane ehlanganisiwe yeqembu (i-holding entity, umenzi wesicelo, kanye nama-sister company ahilelekile embonini yokudoba izinhlanzi) yezinkampani.

Ukuze kutholwe "amaphesenti e-payroll esetshenziswe ekuqeqesheni" hlukanisa inani lonyaka eliqondile eliye lachithwa ekuqeqesheni ngengqikithi yemali ye-payroll yonyaka bese uphindaphinda isibalo esitholakele ngo-100 ukuze uthole isilinganiso samaphesenti.

Isibonelo

Inkampani X inemali yomholo wonyaka engu R1 000 000,00. Inkampani isebenzise u-R 10 000,00 ukuze iqeqeshe izisebenzi zayo. $(R10\,000,00/R1\,000\,000) = 0,001 \times 100 = 1\%$.

6.11 Phawula: Uma uMenzi Wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Lo mbuzo udinga ukuba umenzi wesicelo abonise ukuthi yalibamba yini iqhaza ohlelweni lokuqeqesha (learnership) ngo-2004. Ukubamba iqhaza ohlelweni lokuqeqesha kusho ukuthi umenzi wesicelo uye wabhalisa isivumelwano sokuqeqesha ne-SETA ngokwe-Regulations Concerning the Registration of Intended Learnerships and Learnerships Agreements eyashicilelwa ngaphansi koMthetho 97 ka-1998 Wokuthuthukiswa Kwamakhono kuyi-Government Notice No. R. 330 ka-3 April 2001. Uma kufaneleka, imibuzo kulezi zingxenywe kumelwe iphendulwe kubhekiselwa ekwazisweni okuhlanganisiwe kwazo zonke izinkampani eqenjini noma i-JV.

6.12, 6.13, 6.14.1, 6.14.2, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23 no-6.24

Phawula: Uma uMenzi Wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Uma kufaneleka, imibuzo kulezi zingxenywe kumelwe iphendulwe ngokubhekisela ekwazisweni okuhlanganisiwe kwazo zonke izinkampani eqenjini noma i-JV. Amaphesenti angawabantu abampisholo, okubhekiselwe kuwo engxenyeni 6.22, kumelwe abalwe njengoba kuchazwe ngenhla engxenyeni 6.7.1.

INGXENYE 7: UKUPHEPHA

Le ngxenywe iding ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuphathelene nezokuphepha, kuhlangukise nezimfuno ze-South African Maritime Safety Authority.

7.1

Izingxenywe 312 no-313 zoMthetho 57 we-Merchant Shipping ka-1951 uveza amanye amacala kuhlangukise nokwehluleka ukwenza ngokuvumelana nesibopho ngaphansi kwalo Mthetho njengesibophu sokuqinisekisa ukuthi isikebhe/umkhumbi ongafaneleki awusuki esikhumulweni nokwehluleka ukufaka izisebenzi ezanele emkhunjini nokuwuqondisa kahle.

7.2, 7.3, 7.4, 7.5, 7.7 no-7.8

I-Maritime Occupational Safety Regulations, ka-1994, i-Crew Accommodation Regulations, ka-1961 kan-ye ne-Merchant Shipping (Safe Manning Regulations) yagunyazwa ngokuvumelana noMthetho 57 ka-1951 weMerchant Shipping. Lena iyatholakala engosini ye-inthanethi ethi www.mcm-deat.gov.za. IMarine Notice No 26 ka-2004 nayo iyatholakala kule ngosi.

7.9

Ukuvumelana noMthetho 130 ka-1993 we- Compensation for Occupational Injuries and Diseases kusho ukuvumelana neziNgxenywe 80 kuya ku-88 zalo Mthetho ezihlinzeka ngalokhu okulandelayo:

"Izibopho zabaqashi zokubhalisa nokhomishana nokumhlinzeka ngemininingwane"

- 1) Umqashi oqhuba ibhizinisi kuyiRiphabhulikhi kuyodingeka ukuba phakathi nenkathi enqunye ngendlela enqunye abhalise nokhomishana, futhi kufanele ahlinzeke ukhomishana ngemininingwane ehleliwe yebhizinisi lakhe, futhi phakathi nenkathi enqunye ngukhomishana kuyodingeka anikeze eminye imininingwane engase idingwe ngukhomishana.
- 2) Imininingwane okubhekiselwa kuyo engxenyeni (1) iyohlinzekwa eceleni (ingahlanganiswa ndawonye) ngebhizinisi ngalinye eliqhutshwa ngumqashi.
- 3) Umqashi phakathi nezinsuku eziyisikhombisa zanoma yiluphi ushintsho eminininingwaneni enikeziwe uzokwazisa ukhomishana ngalolo shintsho.

Izibopho zabaqashi zokugcina amarekhodi.

Umqashi uyogcina irejista noma elinye irekhodi lemiholo neminye imininingwane yazo zonke izisebenzi, futhi ngazo zonke izikhathi ezifanele uyoveza leyo rejista noma imibhalo egciniwe noma i-microfilm noma enye i-microform lapho ifunwa ngumuntu ogunyaziwe okubhekiselwa kuye engxenyeni 7 ngenjongo yokuyihlola.

Iminikelo eyenziwa ngabaqashi ngabanye abanezibopho nezinhlangano ezibambisene

Naphezu kwanoma yiziphi ezinye izinhlinzeko eziphambene eziquthwe kulo Mthetho, abaqashi ngabanye abanezibopho kanye nezinhlangano ezibambisene bayokhokha minyaka yonke kuMqondisi-Jikelele ngaleyo ndlela nangalezo zikhathi eziyongunywa nguye, leyo ngxenywe eyongunywa nguye lapho esebenzisa izinhlinzeko zalo Mthetho njengoba engase ekubona kufaneleka."

7.13

UMthetho 2 ka-1986 Wokungcoliswa Kolwandle (Ukuvinjelwa Kokungcola Okuvela Emikhunjini) Kanye noMthetho 6 ka-1981 Wokungcoliswa Kwemikhumbi (Control and Civil Liability) iyatholakala engosini ye-inthanethi ethi www.mcm-deat.gov.za.

INGXENYE 8: UKWAKHA AMATHUBA EMISEBENZI

8.1.3 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifundo engxenyeni 16

Injongo yale ngxenywe ukwakha amathuba amaningi emisebenzi ehlinzekwa ngumenzi wesicelo, kanye nengqikithi yemali yemiholo esetshenzisiwe phakathi nenkathi yelungelo lesikhathi esijana, emkhakheni okwenziwe isicelo sokudoba kuwo. Lokhu kwaziswa kumelwe kusetshenziswe ukuze kunqunye isibalo semisebenzi ehlinzekwe ngethani ngalinye lezinhlazi noma ngomzamo weyunithi ngalinye elabiwe emkhakheni othintekayo (engxenyeni 8.1.3), kanye nenani elisetshenzisiwe emiholweni ngethani ngalinye noma ngeyunithi ngalinye lomzamo owenziwe owabelwe umkhakha ohilelekile (engxenyeni 8.1.2). Ukuze kutholakale isibalo semisebenzi kanye nezimali zemiholo ezisetshenzisiwe ngeyunithi lethani/lomzamo ngamunye owabelwe umkhakha ohilelekile, abenzi bezicelo (noma ama-holding noma ama-sister company abo nababambisene kuyi-JV) abahileleke ezimbonini ezingezona izimboni zokudoba abavunyelwe ukufaka leyo misebenzi ehlinzekiwe noma imiholo esetshenzisiwe kulolu hlu, futhi abenzi bezicelo abahileleke kweminye imikhakha yemboni yokudoba abavunyelwe ukufaka imisebenzi ehlinzekiwe noma imiholo esetshenzisiwe kuleyo mikhakha.

Abenzi bezicelo abahileleke ezimbonini ngaphandle kwemboni yokudoba kumelwe bafake (esijobelelweni) uhla (breakdown) lwemisebenzi ehlinzekiwe kanye nezimali zomholo ezisetshenzisiwe embonini yokudoba nakwezinye izimboni. Yimisebenzi ehlinzekiwe kuphela noma amanani asetshenzisiwe emiholweni embonini yokudoba angase acatshangelwe lapho kugcwaliswa ingxenywe 8.1.1. Abenzi bezicelo abahileleke kweminye imikhakha yokudoba kumelwe bafake (esijobelelweni) uhla (breakdown) lwemisebenzi ehlinzekiwe kanye nezimali ezisetshenzisiwe emiholweni ngokwesisekelo somkhakha ngamunye. Yimisebenzi ehlinzekiwe kanye namanani emiholo esetshenzisiwe kulo mkhakha engase icatshangelwe lapho kugcwaliswa ingxenywe 8.1.1. Njengoba kunzima ukunquma ngokuqondile isibalo esiqondile sezisebenzi kanye nemiholo esetshenzisiwe ngokwesisekelo somkhakha ngamunye, ukulinganisa kokuqagela noma ukuhlukanisa kuyoba okwanele, kuye ngokuthi isabelo esifanayo siyasetshenziswa kunoma yisiphi esinye isicelo esenziwa ngumenzi wesicelo.

Uma umenzi wesicelo ekuyi-Joint Venture ("JV") kanye nenywe inkampani noma i-close corporation, (futhi abahilelekile bevuma ukuzethula ngale ndlela) noma uma uMenzi Wesicelo enengxenywe engaphezu kuka-50% engexenywe inkampani noma i-close corporation (enqunye ngendlela echazwe engxenyeni 6.7.1), khona-ke yonke eminye imisebenzi ehlinzekiwe noma izimali ezisetshenzisiwe emiholweni ngababambisene be-JV noma iqembu (okungukuthi, umenzi wesicelo, i-holding entity kanye nezinkampani ezibambisene (sister companies) ezihilelekile embonini yokudoba) ingase icatshangelwe, kuye ngokuthi izimiso ezifanayo ezivezwe ngenhla ziyasetshenziswa. Ngamanye amazwi, ama-JV namaqembu ahileleke kwezinye izimboni noma imikhakha yokudoba azikwazi ukufaka kulolu hlu imisebenzi ehlinzekiwe noma amanani ezimali asetshenzisiwe kwezinye izimboni. Yimisebenzi ehlinzekiwe kuphela noma amanani achithwe emiholweni emikhakheni ethintekayo yokudoba ye-JV noma iqembu

engase icatshangelwe lapho kugcwaliswa ingxenye 8.1.1. Uma kufaneleka, uhlu (breakdown) lwemisebenzi ehlinzekiwe kanye nemihlo esetshenziswe embonini yokudoba izimboni noma uhlu (breakdown) lwemisebenzi ehlinzekiwe kanye nemihlo esetshenziswe emikhakheni ethintekayo noma eminye imikhakha kumelwe ihlinzekwe esijobelelweni. Ukulinganisela kokuqagela noma ukuhlukanisa kuyoba okwanele, kuye ngokuthi i-JV noma iqembu lisebenzisa isabelo esifanayo kunoma yisiphi isicelo sokunikwa amalungelo okudoba esifakwa ngumenzi wesicelo nanoma yiliphi elinye ilungu le-JV noma iqembu. Angeke umuntu ashaye mpukumbili (double claiming of jobs) Ngamanye amazwi, isibalo semisebenzi esivezwe kuzo zonke izicelo ezenziwe ngamalungu e-JV noma iqembu ngeke sibe ngaphezu kwengqikithi yemisebenzi eyenziwe yi-JV noma iqembu.

8.1.2 no-8.1.3:

Lezi zingxenye zidinga ukuba abenzi bezicelo bafake imininingwane ephathelene nemisebenzi ehlinzekiwe nemihlo ngethani ngalinye elabiwe ngokwesisekelo sokwaziswa okuhlinzekwe engxenyeni 8.1.1 ngenhla.

Isibonelo

Isabelo Sezizodotshiwa Ngonyaka (ngamathani) kumenzi wesicelo kule ndawo yokudoba ngo-2004	I-Total Annual Salary Bill (maqondana nale ndawo yokudoba) Ukuphela Konyaka Wezimall ka-2004 ngokwe-Table 8.1.1	Yimalini echithwa ngumenzi wesicelo emitolweni ngethani ngalinye elisetshenzisiwe?
5 000	R1 000 000	R200

Hlukanisa I-Total Annual Wage/Salaries Bill (1 000 000) nge-TAC Eyabiwe (5000) = R200 ngethani.

Isibonelo

I-TAC Eyabiwe ngo-2005 (ngamathani)	Ingqikithi Yezisebenzi (maqondana nale ndawo yokudoba) 28 Febhuwari 2005)	Bangaki abantu abaqashiwe ngumenzi wesicelo ngethani ngalinye elabelwe?
5 000	1 000	0.2

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

8.1.6 Phawula: Ungazigcwalisi izindawo ezigqanyisiwe futhi uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Uma kufaneleka, le ngxenye kumelwe iphendulwe ngokubhekisela ekwazisweni okuhlanganisiwe kwazo zonke izinkampani eqenjini noma i-Joint Venture.

INGXENYE 9: UTSHALO-MALI

9.1.1 no-9.1.2

Phawula: Ungazigcwalisi izindawo ezigqanyisiwe futhi uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Injongo yale ngxenye ukuthola ivalue yerandi yempahla esethekwini kanye nesolwandle yomenzi wesicelo emkhakheni okwenziwe isicelo sokudoba kuwo. Lokhu kuzosetshenziswa ukunquma inani lempahla esethekwini nasolwandle ngethani ngalinye lezinhlazi noma ngeyunithi ngalinye lomzamo owenziwe elabiwe emkhakheni ngamunye othintekayo (ezingxenyeni 9.1.3 no-9.1.4). Ukuze kunqunywe inani (value) lezipahla ngethani/ngeyunithi ngalinye lomzamo elabiwe emkhakheni othintekayo, abenzi bezicelo (noma izinkampani zabo ezingama-holding noma ezibambisene (sister companies) kanye nezingama-JV) abahilelekile ezimbonini ezingezona izimboni zokudoba izinhlanzi abanakuvunyelwa ukufaka ohlwini izimpahla ezisetshenziswe kwezinye izimboni.

Abenzi bezicelo abahileleke kwezinye izimboni ngaphandle kwemboni yokudoba kumelwe banikeze uhlu (breakdown) lwezimpahla ezisetshenziswe embonini yokudoba nakwezinye izimboni esijobelelweni esifanele (bakulethe kukodwa ngenjongo yamanani abhaliwe amukelekayo nawomshuwalensi). Yizimpahla ezisetshenziswe embonini yokudoba kuphela ezingase zicatshangelwe lapho kugcwaliswa izingxenye 9.1.1 no-9.1.2. Abenzi bezicelo abahilelekile kweminye imikhakha yokudoba kumelwe banikeze uhlu (breakdown) lwezimpahla ezisetshenziswe emkhakheni ngamunye esijobelelweni esifanele (bakulethe kukodwa ukuze kutholwe amanani abhaliwe nangenjongo yomshuwalensi). Yizimpahla ezisetshenziswe kulo mkhakha owenzelwe isicelo kuphela ezingase zicatshangelwe lapho kugcwaliswa izingxenye 9.1.1 no-9.1.2. Njengoba kunzima ukwaba izimpahla ngokunembile ngokuvumelana nomkhakha ngamunye, ukulinganisela kokuqagela noma ukuhlukanisa kokuqagela kuyoba okwanele, kuye ngokuthi isabelo esifanayo siyasetshenziswa kunoma yisiphi esinye isicelo selungelo lokudoba ngenjongo yezentengiselwano esenziwa ngumenzi wesicelo phakathi nenqubo yokwabiwa kwamalungelo esikhathi eside.

Uma umenzi wesicelo ehileleke kwezinye izinkampani ngohlobo lwe-Joint Venture ("JV"), noma uma umenzi wesicelo eno-50% ongowenye inkampani noma i-close corporation (kunqunywa njengoba kuboniswe engxenyeni 6.7.1 ngenhla), khona-ke zonke ezinye izimpahla ezisetshenziswa ababambisene kuyi-JV noma iqembu (okungukuthi umenzi wesicelo, i-holding company noma ama-sister company ahileleke embonini yokudoba) zingase zicatshangelwe, kuye ngokuthi izimiso ezifanayo ezihlelwe ngenhla ziyasetshenziswa. Ngamanye amazwi, ama-JV namaqembu ahilelekile kwezinye izimboni noma imikhakha yokudoba angase

angazifaki ohlwini izimpahla eziye zasetshenziswa kwezinye izimboni. Yizimpahla ezisetshenziswe kulo mkhakha othintekayo we-JV noma iqembu elithintekayo kuphela ongase ucatshangelwe lapho kugcwaliswa izingxenye 9.1.1 no-9.1.2. Uma kungenzeka, uhlu olucatshangelwayo (breakdown) lwezimpahla eziye zasetshenziswa embonini yokudoba noma kwezinye izimboni noma uhlu lwezimpahla eziye zasetshenziswa emkhakheni othintekayo noma kweminye imikhakha kumelwe luhlinzekwe esijobelelweni esifanele (lulethwe lulodwa ukuze kutholwe amanani abhaliwe nangenjongo yomshuwalensi). Ukulinganisela kokuqagela noma ukuhlukanisa okuthile kuyoba okwanele, kuye ngokuthi i-JV noma iqembu lisebenzisa isabelo esifanayo yini kunoma yisiphi esinye isicelo sokunikwa amalungelo okudoba nengenjongo yezentengiselwano esifakwa ngumenzi wesicelo, ilungu leqembu noma i-JV. Angeke umuntu ashaye-mpukumbili (double claiming of jobs) Ngamanye amazwi, isibalo semisebenzi esivezwe kuzo zonke izicelo ezenziwe ngamalungu e-JV noma iqembu ngeke sibe ngaphezu kwengqikithi yezimpahla ezisetshenziswe ngamalungu e-JV noma iqembu embonini yokudoba.

9.1.3:

Lo mbuzo udinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa mayelana nenani lotshalo-mali ngethani/ngeyunithi ngalinye lomzamo elabiwe. Kumelwe kusetshenziswe ukwaziswa okuhlinzekwe engxenyeni 9.1.1.

Isibonelo

Inkampani X yabelwa amathani angu-5000 e-TAC. Inani lezimpahla zayo ezisethekwini nasolwandle ngasekupheleni konyaka wezimali ka-2004 emkhakheni ohilelekile kwakungu-R5 000 000. Inani lezimpahla ezisemhlabeni kwakungu-R 4000 000. Inani lezimpahla ezisethekwini nasolwandle ngethani ngalinye elabelwe libalwa ngale ndlela elandelayo:

Isabelo Sezizodotshiwa Ngonyaka (ngamathani) kumenzi wesicelo ngo-2004	Isilinganiso Sokubhaliwe [book value] (ngamarandi) sezimpahla ezisethekwini nasolwandle ngasekupheleni konyaka wezimali ka-2004	Isilinganiso Sokubhaliwe [book value] (ngamarandi) sezimpahla ezisemhlabeni ngasekupheleni konyaka ka-2004	Isilinganiso Sokubhaliwe Kwezimpahla Ezisethekwini nasolwandle ngethani ngalinye elabelwe umenzi wesicelo	Isilinganiso Sokubhaliwe Kwezimpahla Ezisemhlabeni ngethani ngalinye elabelwe umenzi wesicelo
5 000	R5,000,000.00	R4,000,000	R1,000.00	R800.00
Divide the value of harbour and sea based assets (5 000 000) by the TAC allocated to the applicant in 2004 (5000) (5 000 000/5 000=R1 000)		Divide the total value of land based assets (4 000 000) by the TAC allocated to the applicant in 2004 (5000) (4 000 000/5 000=R800)		

INGXENYE 10: UKUTHUTHUKISWA KOMNOTHO WENDAWO

Le ngxenye idinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuphathelele nokwehliswa ezweni kwezinhlanzi ezidotshiwe emathekwini/ezindaweni zokuthulula izinhlanzi (ngokuqondene nale ndawo yokudoba) ngo-2004, kanye nezinhloso mayelana nokwehliswa kwezinhlanzi ezidotshiwe. Sebenzisa amathani ezinombolo (hhayi isisindo ngemva kokuba izinhlanzi sezijumpulwe amakhanda futhi zakhishwa izibilini nokunye).

10.1:

Lo mbuzo udinga ukuba umenzi wesicelo ahlinzeke ngokwaziswa okuningiliziwe mayelana namatheku lapho ehlise khona izinhlanzi azidobile ngo-2004.

Isibonelo

Inkampani X yehlisa izinhlanzi emathekwini ahlukahlukene. Kumathani angu-20 ewabelwe, yehlisa amathani angu-5 eMossel Bay, angu-10 ePort Elizabeth nangu-5 eKapa.

Ukubala kumelwe kwenziwe ngale ndlela elandelayo:

Itheku / Igama Lendawo Yokwehlisa	Amathani Ehliswe Ethekwini ngo-2004	Isilinganiso seRandi Ngezinhlanzi Ezidotshiwe Ezehliswe Ethekwini ngo-2004	Iphesenti lengqikithi Yezidotshiwe Ezehliswe ngo-2004
I-Mossel Bay	5	R100,000	25 %
I-Port Elizabeth	10	R100,000	50 %
IKapa	5	R150,000	25 %

Divide the catch (in this fishery) landed at each harbour by the total catch landed by the applicant and multiply by 100 to calculate this percentage (5/20 x100=25%)

INGXENYE 11: UKWENEZELA I-VALUE KANYE NOKUTHUTHUKISWA KWAMABHIZINISI

Le ngxenye idinga ukuba abenzi bezicelo bahlinzeke ngokwaziswa mayelana nemisebenzi yokwenezelwa kwenani (value adding) kanye nokuthuthukiswa kwamabhizinisi esiyenziwe ngumenzi wesicelo. Ukwenezela Inani (value adding) kuhlangukisa nokusebenza izinhlanzi esikebheni

Ukuthuthukiswa kwamabhizinisi kungase kuhlukahluke kuhlangukisa nokutshala izimali ngokuqondile kuma-SMME Abanikazi Abampisholo kanye Nafukulwayo (ibhizinisi elincane, eliphakathini nendawo nomai-micro enterprise); ama-joint venture anama-SMME Angawabampisholo Nafukulwayo okuphumela ekudlulisweni kwamakhono "okukhulu"; ukuhlinzekwa kokuqeqesha eduze, ubuhlobo bezamabhizinisi nokuxhumana kamuva okuvula amathuba ebhizinisi kule zinkampani; ukubamba amathuba okusebenzelana neziNkampani Zabomdabu nama-SMEE Afukula Abomdabu okuphumela ezinzuzweni ezingokwezimali zalawo ma-SMME.

"Ama-SMME Ayizinkampani Zabampisholo" asho amabhizinisi amancane, aphakathi nendawo noma angama-micro (anezisebenzi ezingaphansi kuka-100 eziqashwe ngokuphelele futhi akha inzuzo engaphansi kuka-R 4 million futhi anenani lezimpahla elingaphansi kuka-R 4 million zizonke, ingahlanganisiwe impahla engaguquki) enobunikazi babomdabu obungaphezu kuka-50% (uma inkampani ibale njengoba kuhlelwe engxenyeni 6.7.1 ngenhla futhi uma kuyi-close corporation, ibalwa kubhekiselwa enzuzweni yemali yamalungu) futhi ubuphathi babampisholo bungaphezu kuka-50% (abaqondisi nabaphathi abakhulu / izikhulu eziphethe, okunqunywa ngokubheka izigaba zokuqashwa ezihlelwe engxenyeni 6.5 ngenhla).

"Ama-SMME Ayizinkampani Zabampisholo" asho amabhizinisi amancane, aphakathi nendawo, angama-micro (anezisebenzi ezingaphansi kuka-100 eziqashwe ngokuphelele futhi akha inzuzo engaphansi kuka-R 4 million futhi anenani lezimpahla elingaphansi kuka-R 4 million zizonke, ingahlanganisiwe impahla engaguquki) enobunikazi babomdabu obungaphezu kuka-25% (uma inkampani ibale njengoba kuhlelwe engxenyeni 6.7.1 ngenhla futhi uma kuyi-close corporation, ibalwa kubhekiselwa enzuzweni yemali yamalungu) futhi ubuphathi babampisholo bungaphezu kuka-50% (abaqondisi nabaphathi abakhulu / izikhulu eziphethe, okunqunywa ngokubheka izigaba zokuqashwa ezihlelwe engxenyeni 6.5 ngenhla).

INGXENYE 12: UKUSEBENZA NGOKWEZIMALI**12.1 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16**

Kumelwe kusetshenziswe isimiso esifanayo esichazwe ezingxenyeni 8.1.1 no-9.1.1. Injongo yale ngxenye ukuthola ukuthi umenzi wesicelo uyokwenza malini emkhakheni awenzele isicelo. Abenzi bezicelo abahileleke kwezinye izimbongi ngaphandle kwembongi yokudoba bangase bayicabangele inzuzo yemali abayenze ezimbongini ezinjalo. Ikakhulu labo benzi bezicelo abahileleke kwezinye izimbongi ngaphandle kwezokudoba kumelwe bahlinzeke ngezinzuzo zezimali abazenze ezimbongini zokudoba nakwezinye izimbongi esijobelelweni. Yizinzuzo ezenziwe emkhakheni wembongi yokudoba ethintekayo kuphela ezingase zicatshangelwe lapho kugcwaliswa uhla lwesibili lwengxenyeni 12.2. Abenzi bezicelo abahileleke kweminye imikhakha yokudoba kumelwe bahlinzeke ngohlu oluyela ngakhona lwezinzuzo ngomkhakha ngamunye esijobelelweni. Yizinzuzo ezenziwe emkhakheni wembongi yokudoba ethintekayo kuphela ezingase zicatshangelwe lapho kugcwaliswa uhla lwesibili lwengxenyeni 12.2. Njengoba kunzima ukuhlukanisa ngokunembile inzuzo yemali emkhakheni wembongi ngayinye, ukulinganisela kokuqagela okuqotho noma ukuhlukanisa kuyoba okwanele, kuye ngokuthi isabelo esifanayo siyasetshenziswa kunoma isiphi esinye isicelo esenziwa ngumenzi wesicelo. Ngamanye amazwi, lolu uhla lwezibalo ezifanayo kumelwe luhlinzekwe ngumenzi wesicelo ezicelweni zamalungelo okudoba ngenjongo yezentengiselwano nakweminye imikhakha.

Uma umenzi wesicelo ehileleke kwezinye izinkampani ngohlobo lwe-Joint Venture ("JV"), noma uma umenzi wesicelo eno-50% ongowenye inkampani noma i-close corporation (kunqunywa njengoba kuboniswe engxenyeni 6.7.1 ngenhla), khona-ke yonke inzuzo eyenziwe yi-JV noma iqembu (okungukuthi umenzi wesicelo, i-holding company noma ama-sister company ahileleke embongini yokudoba) zingase zicatshangelwe, kuye ngokuthi izimiso ezifanayo ezihlelwe ngenhla ziyasetshenziswa. Ngamanye amazwi, ama-JV namaqembu ahilelekile kwezinye izimbongi noma imikhakha yokudoba angase angayifaki ohlwini inzuzo eye yasetshenziswa kweminye imikhakha. Yinzuzo kuphela eyenziwe yi-JV noma iqembu emkhakheni othintekayo engase icatshangelwe. Uma kufaneleka, uhla (breakdown) lwenzuzo efanayo eyenziwe embongini yokudoba nakwezinye izimbongi noma uhla lwenzuzo eyenziwe komunye umkhakha ohilelekile nakweminye imikhakha kumelwe luhlinzekwe esijobelelweni esifanelekile. Ukulinganisela kokuqagela noma ukuhlukanisa okuthile kuyoba okwanele, kuye ngokuthi i-JV noma iqembu lisebenzisa isabelo esifanayo yini kunoma yisiphi esinye isicelo sokunikwa amalungelo okudoba ngenjongo yezentengiselwano esifakwa ngumenzi wesicelo, ilungu leqembu noma i-JV. Angeke umuntu ashaye mpukumbili (double claiming of jobs) Ngamanye amazwi, inzuzo efakwe kuzo zonke izicelo ezenziwe ngamalungu e-JV noma iqembu ngeke sibe ngaphezu kwengqikithi yonke yenzuzo eyenziwe ngamalungu e-JV noma iqembu embongini yokudoba. **Izitatimende zezezimali zawo wonke amalungu e-JV noma iqembu kumelwe zihlinzekwe esijobelelweni esihlinzekelwe lokho.**

12.2 Phawula: Uma umenzi wesicelo encike ekwazisweni kwezinye izinkampani, ummeleli ogunyaziwe waleyo nkampani kumelwe afakazele isifungo engxenyeni 16

Umenzi wesicelo kulindeleke ukuba acacise amaphesenti enzuzo yayo epehelele ethathwe endaweni yokudoba ayifakele isicelo. Ohleni lwesibili umenzi wesicelo kumelwe afake inani elitholakale engxenyeni 12.1 ngenhla. Ohleni lwesithathu, umenzi wesicelo

kumelwe asebenzise inzuzo ephelele yomenzi wesicelo (noma, uma kufaneleka, iqembu noma i-JV) kuhlenganise nenzuzo eyenziwe kwenye imboni engeyona eyokudoba, ukuze kutholakala amaphesenti.

Isibonelo

Inkampani X yabelwa amalungelo okudoba esikhathi esijana ukuze idobe iRock Lobster Esogwini Olusentshonalanga (Ngaphandle Kogu) kanye ne-Long Line. Yabelwa i-TAC yamathani angu-65 ye-Hake long line kanye namathani angu-5 e-WCRL (Ngaphandle Kogu) ngo-2004. Inzuzo isiyonke yenkampani X (yazo zombili izindawo zokudoba) ngonyaka wezimali ka-2004 yayingu-R 1 000 000. Inzuzo isiyonke eyenziwe nge-Hake Long line ngonyaka wezimali ka-2004 yayingu-R65 000. Inzuzo isiyonke ye-WCRL (Ngaphandle Kogu) yayingu-R35 000. Lapho enza isicelo se-Hake Long line right, ithebula lomenzi wesicelo lizoveza lokhu okulandelayo:

I-TAC eyabiwe (ngamathani) kuMenzi Wesicelo ngo-2004	Inzuzo Eyenziwe nge-TAC eyabiwe (unyaka wezimali ka-2004)	Amaphesenti Engqikithi Yenzuzo
65	R65,000	65%

Divide turnover of this fishery by total turnover of the applicant and multiply by 100 to determine the percentage value. $65\ 000 / 100\ 000 \times 100 = 65\%$

12.3

Le ngxenye idinga ukuba abenzi bezicelo bahlizenze ngama-ratio okusetshenziswa kwezimali. Uma kufaneleka, ukwaziswa okuhlenganisiwe kweqembu (umenzi wesicelo ama-holding company nama-sister company ahilelekile embonini yokudoba) noma ababambisene kuyi-JV (abahilelekile) kumelwe kuhlizenzekwe. Lawa kufanele abalwe ngale ndlela:

Inzuzo Ezimpahleni Sekukhishwe Intel

RONA = $\frac{\text{Inzalo Esebenzayo}}{\text{Net Operating Assets}} = \frac{\text{Inzalo esebenzayo}}{\text{Ama-sales}} \times \frac{\text{Sales}}{\text{Net Operating Assets}}$

Isikweletu: Isilinganiso (ratio) se-Equity Isikweletu:
I-Equity

Isilinganiso (ratio) Samanje: Izimpahla Zamanje
Ama-liability Amanje

I-Acid Test: Izimpahla Zamanje – Ukubala
Ama-liability Amanje

12.4, 12.5 no-12.6

Le mibuzo idinga ukuba umenzi wesicelo anikeze ukwaziswa ezitatimendeni zayo ezibaliwe nezifakazelwe ukuthi ziyiqiniso. Uma kufaneleka, ukwaziswa okuhlenganisiwe kweqembu (umenzi wesicelo ama-holding company nama-sister company ahilelekile embonini yokudoba) noma ababambisene kuyi-JV (abahilelekile) kumelwe kuhlizenzekwe.

INGXENYE 13 UHLELO LOKUDOBA

Le ngxenye idinga ukuba umenzi wesicelo ahlizenze ngokwaziswa okumayelana nohlelo lwakhe lokudoba.

INGXENYE 14: EZIDOTSHWE NGEPHUTHA (BY-CATCHES) KANYE ENEMIKHUBA EMIHLE YOKUSIMAMISA IMVELO

Le ngxenye idinga ukuba umenzi wesicelo ahlizenze ngokwaziwa mayelana nezinhlanzi nezinyoni zasolwandle nokunye okudobeke ngephutha nokungamelwe kudotshwe kanye nemikhuba emihle yokusimamisa imvelo.

INGXENYE 15: AMA-LEVY

Le ngxenye idinga ukuba umenzi wesicelo ahlizenze ngokwaziswa ngezintela nezinye izimali ezidinga ukukhokhwa (levies) phakathi nenkathi yokudoba ethatha isikhathi esijana (medium term).

SCHEDULE G

**SCHEDULE OF FEES DETERMINED IN TERMS OF SECTION 25(2) AND SECTION 25(1) OF THE
MARINE LIVING RESOURCES ACT 18 OF 1998**

Fisheries	Past Fee (Rand)	Application Fee (S25(2)) (Rand)	Quota (Grant of Right) fee payable by successful applicants (S25(1)) (Rand)			
			Per ton	Per crewmember	Per vessel	Per area
Hake Deep Sea Trawl	7,000	32,400	54.0			
Hake Inshore Trawl (hake)*		8,800	54.0			
Hake Inshore Trawl (sole)*	7,000	2,000	135.0			
Horse Mackerel	7,000	21,900	33.0			
Small Pelagics(pilchard)*		6,400	6.4			
Small Pelagics(Anchovy)*	7,000	2,000	3.7			
Patagonian Tooth Fish	7,000	21,000	653.0			
South Coast Rock Lobster (wholemass)	7,000	8,800	788.0			
KZN Prawn Trawl	7,000	7,700			15,400.0	
West Coast Rock Lobster (Off shore)	7,000	2,000	540.0			
Hake Long Line	7,000	2,500	162.0			
Squid	7,000	5,200		703.0		
Tuna Pole	7,000	1,300		113.0		
Seaweed	7,000	1,900				3,400.0
Longline Demersal Shark	7,000	500			375.0	
Linefish Traditional	7,000	400		204.0		
Handline Hake	7,000	1,300		817.0		
West Coast Rock Lobster (Near shore)	585	300				
Oysters	585	100				
White Mussels	585	100				
Net Fishing (small nets/gill nets/beach seine/trek	585	200				

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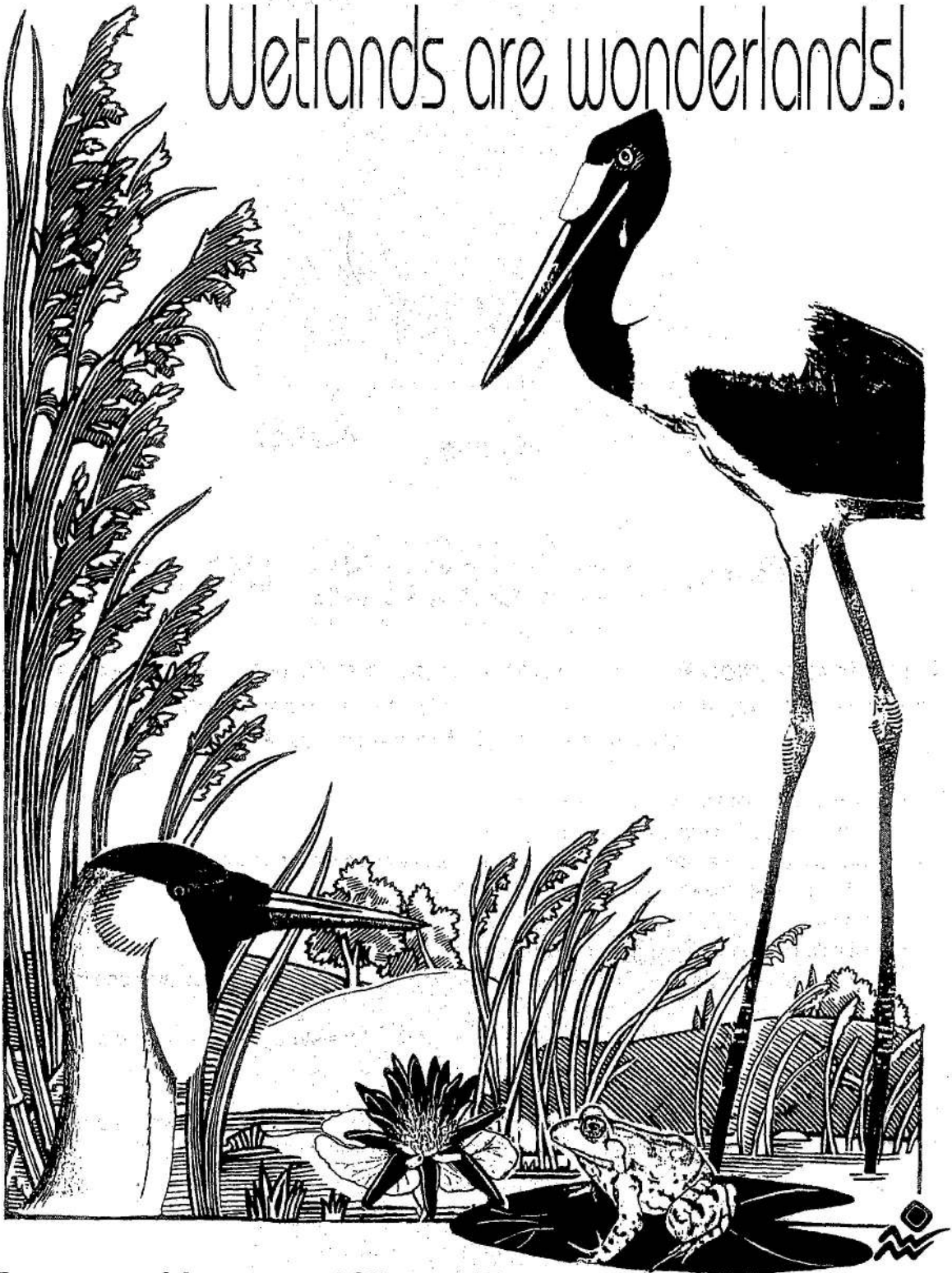
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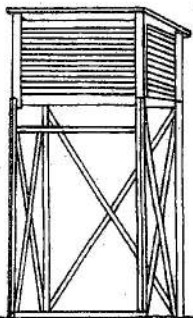
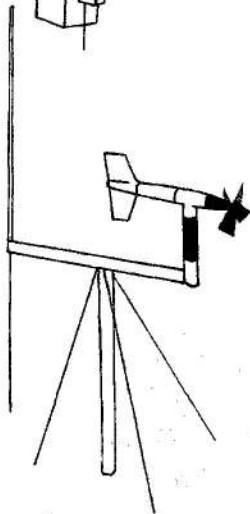
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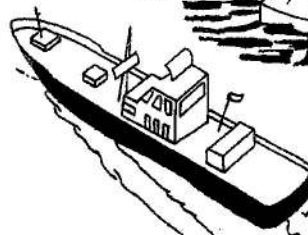
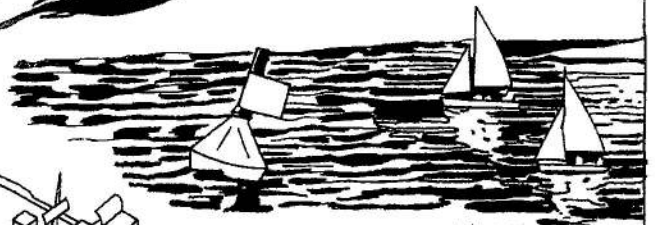
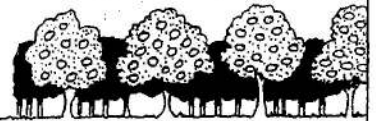
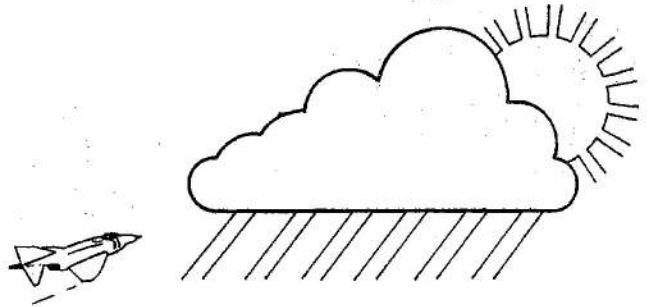


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