

APPLICATION NUMBER:

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

BRANCH: MARINE AND COASTAL MANAGEMENT



South Coast Rock Lobster

Long Term Rights Allocation Process: 2005

Cluster A

Draft Application Form For: Medium Term Right Holders

Registered Name of Applicant

Company Registration Number
or

Close Corporation Registration
Number

Principal Place of Business

Number of Vessels Nominated

- 1) The application form should be read together with the Explanatory Notes, the Schedules to the application form and the Procedures for Independent Auditors. The applicant should further carefully read the instructions set out below.
- 2) The General Policy for the Allocation and Management of Long Term Fishing Rights, as well as the applicable Fishery Specific Policy is available at www.mcm-deat.gov.za. These policies guide the Minister or his delegate when considering the application. The applicant is accordingly advised to read the Policies carefully.
- 3) Should you have any queries or clarification regarding the completion of the application form, please e-mail the Department at clustera@deat.gov.za. Do not expect a personalized response. Queries will be collated and responses will be circulated by e-mail to the applicants in the sector, and will be made available on the Department's official website. Should you require technical assistance in relation to utilizing the application form software please contact the Rights Verification Unit in one of the following ways:

Tel: (021) 670-3669

Fax: (021) 670-1782

E-mail: RVU@deloitte.co.za

- 4) The applicant must complete all sixteen sections of the application form. The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically directed to do so.
- 5) Applicants must pay attention to the icons utilized in the application form in order to determine whether there are any annexures required in response to a question, whether the applicant's auditors need to verify any question, and whether there are implications of not answering a question.
- 6) The application form makes use of the following icons:



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



The magnifying glass means that the applicant's response to the question must be verified by the applicant's auditor as per the Procedures for Independent Auditors on pages ?? - ?? of the application form. The applicant is required to engage an auditor to verify the information provided in relation to specific aspects of the application form. The auditor must follow the Procedures for Independent Auditors on pages ?? - ?? of the application form. The auditor must complete and sign the Audit Report on page ??. If the Audit Report is not signed by the applicant's auditors, the application will be refused.



The warning sign means that if the applicant fails to answer this questions at all, the answer will be deemed to be in the positive.

- 7) This form is tagged and coded in order to facilitate electronic uploading of the application form into a database. The applicant may not submit the application in any other manner. If the applicant submits its application in any other form, the application will be refused.
- 8) The application form must be completed electronically, and saved onto both of the blank CDs provided. One of these CDs must be submitted in the manner described below, while the other must be retained by the applicant. The Department may request additional copies of the electronic application form at a later stage.
- 9) The application must also be printed out and signed by the applicant's authorised representative. If the application is not signed, the application will be refused.
- 10) The applicant's authorised representative must depose to the Declaration in Section 16 in the presence of a Commissioner of Oaths. If the applicant's authorised representative's declaration is not commissioned, the application will be refused.
- 11) The printed version of the electronic application, duly signed and commissioned, must be be punched and placed into lever arched files with dividers between every annexure. The annexures must be numbered according to the Schedules to this application form on pages ?? -?? .
- 12) One copy of the entire application should be made. This copy should be punched and divided in the same manner as the original. This 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.
- 13) The CD containing the application, the original hard copy (signed and commissioned), and a copy thereof must be hand delivered to the following address, on the following dates, within the following times:
Address: Good Hope Centre, _____
Dates and Times: Thursday _____ between 08h00 and 19h00, or Friday _____ between 08h00 and 17h00
- 14) The Application Form may not be submitted by post or by fax. An application not submitted by hand within the above times and dates at the above address will be refused.
- 15) If this Application is prepared or compiled by, or in consultation with, or on the advice of, any person other than the Applicant or an employee of the applicant, the reasons for this and the details of that person must be provided.

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 changed since the applicant registered for application for a long term right? Yes No

1.8 If "Yes", complete the following (1.8.1 - 1.8.7d) in relation to 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:

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

Yes No



2.2 If "Yes", in what form was the medium term fishing right allocated in 2001/2002?



Company Name
 Close Corporation Name
 Trust Name
 Individual Name

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

Company Name
 Close Corporation Name
 Trust Name
 Individual Name

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

Yes No



2.5 Is the applicant a member of the Proudly South African campaign?

Yes No



2.6 Does the applicant have a valid tax clearance certificate?

Yes No



2.7 Is the applicant an SMME as defined by the National Small Business Act 102 of 1996?

Yes No



2.8 Complete the following table in relation to number of employees:



Year	Number of Employees in respect of which the applicant Contributes to the Unemployment Insurance Fund
2002 (Financial Year End)	
2003 (Financial Year End)	
2004 (Financial Year End)	
As in April 2005	

2.9 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















2.10 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 ever:
- 3.1.1 been convicted for a contravention of the MLRA, or the regulations or permit conditions? Yes No  
- 3.1.2 entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for the contravention of the MLRA, or the regulations or permit conditions? Yes No  
- 3.1.3 paid an admission of guilt fine for a contravention of the MLRA, the regulations or the permit conditions? Yes No  
- 3.1.4 had a fishing vessel, motor vehicle, premises or any other assets detained, arrested or seized under the MLRA or the Prevention of Organised Crime Act 21 of 1998? Yes No  
- 3.2 Has the applicant ever over-caught the allocated total allowable catch in this fishery by more than 10% ? Yes No  
- 3.3 Has the applicant's right, permit or license ever been suspended, revoked, cancelled, reduced or set aside under section 28 of the MLRA? Yes No  

Section 4

Vessel Details

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

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

Vessel 1	
Vessel name	
SAMSA DT Number	
MCM Area Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by Commercial Vessel License	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 2	
Vessel name	
SAMSA DT Number	
MCM Area Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by Commercial Vessel License	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 3	
Vessel name	
SAMSA DT Number	
MCM Area Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by Commercial Vessel License	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	



Vessel 4	
Vessel name	
SAMSA DT Number	
MCM Area Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by Commercial Vessel License	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 4

Vessel Details



Vessel 5	
Vessel name	
SAMSA DT Number	
MCM Area Number	
Number of crew according to SAMSA Safety Certificate	
Owner of Vessel as indicated by Commercial Vessel License	
Nature of Access to Vessel	
Vessel fitted with a functioning VMS System	
Manufacture of VMS System	
Vessel Length in metres according to SAMSA Safety Certificate	
Vessel Horsepower as per SAMSA Safety Certificate	

Section 5

Catch Utilisation

5.1 Complete the following in relation to the applicant's catch records. If the applicant did not activate it's permit for any year, the applicant must indicate that 100% was under-caught for that year :



Year	TAC Allocated (in metric tons)	Total Actual Catch (in metric tons)	Percentage under-caught	Percentage over-caught
2002				
2003				
2004				

Management and Employment Equity

6.1 Was the applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998 as at 30 April 2005?

Yes No



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

Yes No



6.3.1 Complete the table below in respect of the applicant's board of directors as at 30 April 2005.



	Director Name (Initial & Surname)	Years of Service	Total Annual Remuneration (including Directors's Fees)	Black (Y/N)	Gender (M/F)	Identification Number
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

Management and Employment Equity

6.3.2 Complete the table below in respect of the following number of employees at 30 April 2005.



Between 1 - 5 Employees	The Top Salary Earners(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)	Identification Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

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)	Identification 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							

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)	Identification Number
56							
57							
58							
59							
60							
61							
62							
63							
64							
65							
66							
67							
68							
69							
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74							
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76							
77							
78							
79							
80							
81							
82							
83							
84							
85							
86							
87							
88							
89							
90							

Management and Employment Equity

6.4 Complete the following table in relation to income levels in the applicant at 30 April 2005:



	Gross Monthly Income	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%	

6.5 Complete the following table in relation to the applicant's employment equity profile (as per definitions specified in the Employment Equity Act 55 of 1998) at 30 April 2005 (For each designated group, the % column refers to the number of employees in that designated group in that category as a percentage of the total number of employees in that occupational category):



Occupational Categories	Gender	A No	A %	C No	C %	I No	I %	W No	W %	Total	
										ACI %	F%
Senior Officials and Managers	Male										
	Female										
Professionals	Male										
	Female										
Technicians and Associate Professionals	Male										
	Female										
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

6.7 Is the applicant a company (JSE listed, public or private)?

6.7.1 If "Yes", complete the table below, taking cognisance of the following:

Black Ownership is based on the flow through principle, as per the Code 100 of the BEE Codes of Good Practice which provides: "in cases where an entitlement to voting rights and/or economic interest is held by juristic persons, regard will be had to voting rights and/or economic interest to which black people, black women and black designated groups (as the case may be) who are natural persons, are entitled, in that juristic person. The same principle will apply throughout the chain of ownership by juristic persons, until such time as that chain terminates in a natural person who is a black person, or who represents black women or black designated groups (as the case may be). The natural black person(s) shall be entitled to such voting rights and/or economic interest."

Pension Funds and Organs of State are neutral, i.e. such shareholders cannot be regarded as black. If the applicant has a pension fund or organ of state as a shareholder, percentage black shareholding should be calculated as a proportion of the remainder of the shareholding

Year	Percentage Shareholding Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Declared in Favour of Black Shareholders
2001 (as per 2001 application form)			
2002 (at financial year end)			
2003 (at financial year end)			
2004 (at financial year end)			
2005 (30 April 2005)			

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 Declared in Favour of Women
2002 (at financial year end)			
2003 (at financial year end)			
2004 (at financial year end)			
2005 (30 April 2005)			

6.7.3 Did the applicant have a share scheme in place in 2004 for employees at any time during the medium term right allocation process?

Yes No

6.7.4 If "Yes", what is the percentage shareholding held by employees not listed under question 6.3, through the scheme?

6.7.5 Complete the following table in relation to shareholder salaries, loans and drawings:

Year	Rand Value of All Salaries, Loans and Drawings Paid to Shareholders
2002 (financial year)	
2003 (financial year)	
2004 (financial year)	

Ownership - Companies Only

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

Yes No



6.7.7 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		

Ownership - Close Corporations Only

6.8 Is the applicant a close corporation ?

Yes No



6.8.1 If "Yes", complete the table below:

Year	Percentage Interest Held by Black Persons	Percentage Voting Rights Held by Black Persons	Percentage Profit Distribution Declared in Favour of Black Persons
2001 (at date of application)			
2002 (at financial year end)			
2003 (at financial year end)			
2004 (at financial year end)			
2005 (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 Declared in Favour of Women
2002 (at financial year end)			
2003 (at financial year end)			
2004 (at financial year end)			
2005 (at date of application)			

6.8.3 Did the applicant have a share scheme in place in 2004 to ensure that employees below the top salary earners (i.e. all those employees not specified in questions 6.3) take up members interest?

Yes No



Ownership - Close Corporations Only

6.8.4 If "Yes", what is the percentage shareholding held by employees through the scheme?



6.8.5 Complete the following table in relation to shareholder salaries, loans and drawings:



Year	Rand Value of All Salaries, Loans and Drawings Paid to Members
2002 (financial year)	
2003 (financial year)	
2004 (financial year)	

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

Yes No

6.8.7 If "Yes", complete the table below:



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

Skills Development

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

Fully Somewhat/Partially Not at all



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



Year	Did the applicant submit a Workplace Skills Plan (Y/N)	Rand Amount Paid to the SETA in skills development levies	Percentage Payroll Spent on Training	Percentage of Training Budget Spent on Black Employees
2001 (financial year end)				
2002 (financial year end)				
2003 (financial year end)				
2004 (financial year end)				

6.11 Did the applicant participate in a learnership programme in 2004?

Yes No



6.12 How many skippers operate on behalf of the applicant?

6.13 What percentage of these skippers are black?

Corporate Social Investment

6.14 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

6.15 If "Yes", indicate what percentage of net profit these donations amount to :

0 - 0.5 %

0.5 - 1 %

> 1 %



6.16 If "Yes", indicate the five largest donations made per annum since 2001 in the table below.

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

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

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

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

Section 6

Transformation

Affirmative Procurement

6.17 Does the applicant have a written affirmative procurement policy?

Yes No

6.18 Provide the following information in relation to the applicant's top five South African suppliers (operational expenditure) in 2004 (Black Ownership is to be determined as per the principles in section 6.4.1; if not known to the applicant, mark black shareholding as unknown):



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

Section 7

Safety

7.1 Have nominated vessels been issued with a valid SAMSA Local General Safety Certificate?

Yes No



7.2 Are there any limits imposed on nominated vessels in respect of Areas of Operation in terms of the Local General Safety Certificate?

Yes No



7.3 Have any of the nominated vessels ever been detained by SAMSA for not meeting the Safety Requirements as provided for in Part 3 of the Regulations in terms of the Maritime Safety Authority Act 5, of 1998?

Yes No



7.4 Has the applicant ever been fined under the Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986?

Yes No



7.5 Have all of the nominated vessels been issued with a valid Safe Manning Certificate by SAMSA?

Yes No



7.6 Has every crew member on board nominated vessels completed the SAMSA Safety Induction Training Course, provided for in Regulation 4(g) passed in terms of the Maritime Safety Authority Act 5 of 1998?

Yes No



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

Yes No



7.8 Does the applicant have an HIV/AIDS policy?

Yes No



8.1 Complete the following tables in relation to job creation.

8.1.1

Year	Employees in respect of which the applicant contributes to the Unemployment insurance Fund (Land Based)	Employees in respect of which the applicant contributes to the Unemployment insurance Fund (Sea Based)	Seasonal Employees (employees in respect of which the applicant does not contribute to the UIF (Land Based))	Seasonal Employees (employees in respect of which the applicant does not contribute to the UIF (Sea Based))	Total Annual Wage Bill	Total Number of Employees	Percentage increase or decrease in total number of employees
2001 (date of application)							
2002 (financial year end)							
2003 (financial year end)							
2004 (financial year end)							
2005 (30 April 2005)							

8.1.2

TAC Allocated (in tons) to the applicant in this fishery in 2005	Total Annual Wage Bill (in relation to this fishery) (Total Cost to Company) (1 May 2004 - 30 April 2005)	How much does the applicant spend on wages per ton allocated

8.1.3

TAC Allocated (in tons) to the applicant in this fishery in 2005	Total Employees (in relation to this fishery) (30 April 2005)	How many people does the applicant employ per ton allocated?	Total Employees less Seasonal Employees (in relation to this fishery) (30 April 2005)	How many people (less seasonal employees) does the applicant employ per ton allocated?

8.1.4

What was the applicant's highest annual salary (total cost to company) paid in 2004 (2004 financial year)?	What was the applicant's lowest annual salary (total cost to company) paid in 2004 (2004 financial year)?	What was the multiple between the lowest and highest annual salaries in 2004 (2004 financial year)?

9.1 Complete the following tables in relation to investment made:

9.1.1


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


Section 9

Investment

9.1.2

TAC Allocated (in tons) to the applicant in 2005	Value (in rands) of harbour and sea-based assets at date of application	Value (in rands) of land-based assets at date of application	Value of Harbour and Sea-Based Assets per ton allocated to applicant	Value of Land-Based Assets per ton allocated to applicant

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

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

9.1.5 What percentage of the applicants total allocated catch did the applicant process itself?

9.1.6 If the applicant processed on behalf of other applicants, how many tons did the applicant process in 2004?

Section 10

Local Economic Development

10.1 Complete the following table in relation to harbours used: 

Harbour Name	Tons Landed at Harbour in 2004 (calendar year)	Rand Value of Catch Landed at Harbour in 2004 (calendar year)	Percentage of Total Catch Landed in 2004 (calendar year)
TOTAL			100%

10.2 At which harbours will the applicant land its catches?

Harbour Names	

10.3 Has the applicant made any investment in order to make landing catches at these harbours possible?

Yes No



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



11.2 Please indicate the rand value and percentage of total turnover derived from this fishery:

TAC Allocated (in tons) to the Applicant in 2005	Turnover Generated by TAC Allocated	Percentage of Total Turnover

11.3 Please complete the following table in relation to ratio performance:

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

11.4 Please provide the following information in relation to the applicant's income statements:

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

11.5 Please provide the following information in relation to the applicant's balance sheet:

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

Section 11

Performance

Financial

11.6 Please provide the following information in relation to the applicant's cash flow:

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

Section 12

Fishing Plan

12.1 Does the applicant have a fishing plan?

Yes No



Section 13

By-Catch and Environmentally Sustainable Practices

By-Catch

13.1 Please indicate the proportion of the applicant's annual catch that is made up of by-catch species:



Year	Annual By-Catch (in metric tons)	Annual Unavoidable By-Catch as a Percentage of Total Catch	Annual Avoidable By-Catch as a Percentage of Total Catch
2001			
2002			
2003			
2004			

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

Yes No



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

Yes No



13.4 Has the applicant introduced any measures to reduce the adverse effects of ballast water release and other forms of marine pollution?

Yes No



Section 13

By-Catch and Environmentally Sustainable Practices

Environmentally Sustainable Practices

13.5 Does the applicant intend to introduce any measures to reduce the adverse effects of ballast water release and other forms of marine pollution?

Yes No



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

Yes No



Section 14

Fishing Levies

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



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

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

Date
yyyy/mm/dd

Amount



Applicant Declaration

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

- (a) I have read the instructions set out on page 2 of this application form,
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his delegate or an official of the Department of Environmental Affairs and Tourism or the Rights Verification Unit.

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	_____

If the Application was prepared or compiled by, or in consultation with or on the advice of, any person or entity other than the applicant or it's employees,

What fee or other remuneration was paid, or is due for the assistance?

Did someone else pay or sponsor the application fee? If so, please provide the full names of this person.

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

Name:	_____

Signature:	_____
ID Number/Company Registration Number (if applicable)	_____
Address:	_____
Telephone Number:	_____ _____
E-mail:	_____
Cellular number:	() _____

Schedule 1 - Applicant Details

- a) Question 1.3: Provide a copy of a valid company or close corporation registration certificate as Annexure A.
- b) Questions 1.4, 1.5 and 1.6: Provide a copy of a valid SARS tax clearance certificate as Annexure B.
- c) Question 1.8.6: Provide a copy of the resolution signed by the applicant's directors / members that was submitted on registration authorising this person to be the authorised contact person, as Annexure C.

Schedule 2 - Form of Applicant

- a) Question 2.1: Provide a copy of the 2005 permit as Annexure D.
- b) Question 2.5: If "Yes," provide a valid letter of approval or renewal from the Proudly South African Campaign as Annexure E.
- c) Question 2.9: Provide a detailed statement describing percentage(s) of shareholding, the name(s) and the registration number(s) of the company(ies) as Annexure F1.
- d) Question 2.10: Provide a detailed statement describing percentage(s) of shareholding, the name(s) and the registration number(s) of the company(ies) as Annexure F2.

Schedule 3 - Compliance

- a) Question 3.1.1: If "Yes", provide details regarding the conduct the applicant, its members, shareholders or directors, the dates of conviction, and the penalties imposed as Annexure G1.
- b) Question 3.1.2: If "Yes", provide details of the plea bargain arrangement(s) the applicant, its members, shareholders or directors entered into, and details regarding the conduct, the dates and specifics of the plea bargain, as Annexure G2.
- c) Question 3.1.3: If "Yes", provide details regarding the admission of guilt fine(s) the applicant, its members, shareholders or directors paid, including information regarding the conduct, the date of offence and rand amount paid as fine(s), as Annexure G3.
- d) Question 3.1.4: If "Yes", provide details regarding the admission of guilt fine(s) the applicant, its members, shareholders or directors paid, including information regarding the conduct, the date of offence and rand amount paid as fine(s), as Annexure G4.
- e) Question 3.2: If "Yes", please explain why the applicant over caught in Annexure H.
- f) Question 3.3: If "Yes", provide details of the Section 28 action against the applicant, its members, shareholders or directors, including information regarding the reasons for the Section 28 process and the date of the action, as Annexure I.

Schedule 4 - Vessel Details

- a) Question 4.2: For each vessel nominated, provide copies of the following documents as Annexure J:
 - i) SAMSA Safety Certificate
 - ii) Commercial Vessel License
 - iii) Agreement providing access to the vessel if applicant is not a majority shareholder or owner of the vessel

Schedule 5 - Catch Utilisation

- a) Question 5.1: If the applicant over- or under-caught by more than 10% in any year, a detailed explanation for this must be attached as Annexure K.

Schedule 6 - Transformation

- a) Question 6.3.1: If the applicant completed Question 6.3.1 with reference to the board of directors of both the applicant and of the holding company, close corporation or trust, the applicant must complete the tables in Question 6.3.1 for the applicant and its holding company, close corporation or trust separately, and submit these as Annexure L.
- b) Question 6.3.2: If the applicant completed Question 6.3.2 with reference to the employees of both the applicant and of the holding company, close corporation or trust, the applicant must complete the tables in Question 6.3.2 for the applicant and its holding company, close corporation or trust separately and submit these as Annexure M.
- c) Question 6.4: If the applicant completed Question 6.4 with reference to the employees of both the applicant and of the holding company, close corporation or trust, the applicant must complete the tables in Question 6.4 for the applicant and its holding company, close corporation or trust separately and submit these as Annexure N.
- d) Question 6.5, 6.6.1 and 6.6.2: If the completed Questions 6.5, 6.6.1 and 6.6.2 with reference to the employees of both the applicant and of the holding company, close corporation or trust, the applicant must complete the tables in Question 6.4 for the applicant and its holding company, close corporation or trust separately and submit these as Annexure O.
- e) Question 6.7.1: Provide an explanation of how the applicant calculated black shareholding, black voting rights and percentage dividend declared in favour of black shareholders as Annexure P1. This annexure should include details of any Black Economic Empowerment deals the applicant has concluded. The annexure must also include a complete list of all shareholders, following the flow through principle as defined in Question 6.3 of the application form. 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 legal entity), the gender of the shareholder (if natural person), or what percentage of the shareholder is female (if legal entity). This list should be provided for shareholders flowing to the natural person.
- f) Question 6.7.3: If "Yes," provide a detailed explanation of the applicant's employee share scheme, as well as a copy of the employee share scheme policy as Annexure P2.
- g) Question 6.7.5: Provide a detailed breakdown of all salaries, loans and drawings paid to shareholders for each year, including the name, identification number of the shareholder, as well as whether the shareholder is Black (if natural person, or name and company registration number and percentage black shareholding or interest if juristic person), as Annexure P3.
- h) Question 6.7.7: If the applicant completed any part of the table in question 6.7.7, the applicant must provide details regarding who the the other entities are, what the relationship between the applicant and the other entities are, and whether the applicant or the applicant's holding company have any equity interest in the other entities asn Annexure P4
- i) Question 6.8.1: Provide a list of all the applicant's members names, identification number, whether the member is black and the gender of the member, as Annexure Q1.
- j) Question 6.8.3: If "Yes," provide a detailed explanation of the applicant's employee share scheme, as well as a copy of the employee share scheme policy as Annexure Q2.
- k) Question 6.8.5: Provide a detailed breakdown of all salaries, loans and drawings paid to members for each year, including the name and identification number of the member, as well as whether the member is Black, as Annexure Q3.
- l) Question 6.8.7: If the applicant completed any part of the table in question 6.8.7, the applicant must provide details regarding who the the other entities are, what the relationship between the applicant and the other entities are, and whether the applicant or the applicant's holding company have any equity interest in the other entities asn Annexure Q4
- m) Question 6.9: Provide a detailed description of the applicant's efforts towards meeting the targets set in the Transformation Plan submitted in 2001, as Annexure R.
- n) Question 6.10: If the applicant completed Question 6.10 with reference to the payroll and training budgets of both the applicant and its holding company, trust or close corporation, the applicant must complete the table in Question 6.10 for both the applicant and the holding company, close corporation or trust separately and submit these as Annexure S.

Schedule 6 - Transformation

- o) Question 6.15 and 6.16: If the applicant completed Questions 6.15 and 6.16 with reference to the donations of both the applicant and its holding company, close corporation or trust, the applicant must complete the table in Question 6.16 for both the applicant and the holding company, close corporation or trust separately and submit these as Annexure T.
- p) Question 6.18: Provide a detailed description capital and operational expenditure paid to South African suppliers, including the percentage black ownership of these suppliers as Annexure U.

Schedule 7 - Safety

- a) Question 7.1: If "No," provide a detailed explanation of why not as Annexure V.
- b) Question 7.2: If "Yes," provide a detailed explanation of these limits, as well as copies of the applicable certificates as Annexure W.
- c) Question 7.3: If "Yes," provide details of the detention of the nominated vessel by SAMSA, including the date of detention, as well as the reasons for detention, as Annexure X.
- d) Question 7.4: If "Yes," provide details of the fine(s) including the date of the fine, as well as the reasons for the fine, as Annexure Y.
- e) Question 7.5: If "No," provide a detailed explanation of why not as Annexure Z.
- f) Question 7.6: If "No," provide a detailed explanation of why not as Annexure AA.
- g) Question 7.8: If "Yes", provide a copy of the applicant's HIV/ AIDS policy, as Annexure AB.

Schedule 8 - Job Creation

- a) Question 8.1: The applicant must provide breakdowns as set out below as Annexure AC
 - Applicants operating outside of the fishing industry:** If the applicant operates in industries other than the fishing industry the applicant must provide a breakdown of employees working in the fishing industry (per sector) as well as employees working in other industries. The same breakdown must be provided in respect of the applicant's wage bill. The number of employees per ton allocated and the rand amount of wages per ton allocated should be calculated with reference to employees and wage bill allocated to this fishery only.
 - Applicant holding more than one medium term right:** If the applicant holds more than one medium term right, the applicant must provide a breakdown of employees working in each fishery. The same breakdown must be provided in respect of the applicant's wage bill. The number of employees per ton allocated and the rand amount of wages per ton allocated should be calculated with reference to employees and wage bill allocated to this fishery only. The same breakdown must be provided as part of each application for a fishing right by the applicant.
 - Applicant is a member of a group of companies** and is more than 50% owned by another company, the group of companies must provide a breakdown of employees working in the fishing industry (per sector). The same breakdown must be provided in respect of the group's wage bill. The number of employees per ton allocated and the rand amount of wages per ton allocated should be calculated with reference to employees and wage bill allocated to this fishery only. The same breakdown must be provided by the group in respect of each application made by a member of the group for a fishing right.
- b) Question 8.1.4: If the applicant completed Questions 8.1.4 with reference to the payrolls of both the applicant and its holding company, close corporation or trust, the applicant must complete the table in Question 8.1.4 for both the applicant and the holding company, close corporation or trust separately and submit these as Annexure AD.

Schedule 9 - Investment

- a) Question 9.1: The applicant must provide breakdowns as set out below as Annexure AD
- Applicants operating outside of the fishing industry:** If the applicant operates in industries other than the fishing industry the applicant must provide a breakdown of investment in the fishing industry (per sector) as well as investments in other industries. The investment per ton allocated should be calculated with reference to employees and wage bill allocated to this fishery only.
- Applicant holding more than one medium term right:** If the applicant holds more than one medium term right, the applicant must provide a breakdown of investment in each fishery. Investment per ton allocated should be calculated with reference investment this fishery only. The same breakdown must be provided as part of each application for a fishing right by the applicant.
- Applicant is a member of a group of companies** and is more than 50% owned by another company, the group of companies must provide a breakdown of investment in the fishing industry (per sector). Investment per ton allocated should be calculated with reference to investment allocated to this fishery only. The same breakdown must be provided by the group in respect of each application made by a member of the group for a fishing right.
- b) Question 9.1.3: Provide a detailed explanation of all investments in marketing activities, including investments in distribution channels, product research and market segmentation research as Annexure AE.
- c) Question 9.1.4: Provide a detailed explanation of all investments in processing activities as Annexure AF.

Schedule 10 - Local Economic Development

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

Schedule 11 - Performance (Financial)

- a) Question 11.1: Provide a copy of the applicant's 2004 audited financial statements as Annexure AH. The applicant's auditors will be required to confirm its responses to all questions in Section 11. See the Procedures for Auditors for further details in this regard.

Schedule 12 - Fishing Plan

- a) Section 12: Provide a synopsis of the applicant's fishing plan paying particular attention to a) days to be spent fishing per vessel nominated, b) areas to be targetted, c) species to be targeted and mix of species, and d) expected size of species to be targeted as Annexure AI.

Schedule 13 - By-Catch and Environmentally Sustainable Practices

- a) Question 13.1: Provide a detailed explanation of the investment the applicant has made in mitigating against or reducing by-catch (both avoidable and unavoidable), and how the applicant has utilised both avoidable and unavoidable by-catch since 2001, as Annexure AJ.
- b) Question 13.2: Provide a detailed explanation of measures put in place to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure AK1.
- c) Question 13.3: Provide a detailed explanation of intended measures to reduce energy and fuel consumption on vessels and in processing facilities, as Annexure AK2.
- d) Question 13.4: Provide a detailed explanation of measures put in place to reduce the adverse effects of ballast water release and other forms of marine pollutions, as Annexure AL1.
- e) Question 13.5: Provide a detailed explanation of intended measures to reduce the adverse effects of ballast water release and other forms of marine pollutions, as Annexure AL2.
- f) Question 13.6: Provide a detailed explanation any research undertaken or sponsored by the applicant in relation to environmentally sustainable practices, as Annexure AM.