

# DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES BRANCH: FISHERIES

PRIVATE BAG X 2, VLAEBERG, 8018

FORETRUST BUILDING, MARTIN HAMMERSCHLAG WAY, FORETRUST, CAPE TOWN, 8001

## APPLICATION FOR A RIGHT TO ENGAGE IN ABALONE RANCHING OR STOCK ENHANCEMENT

PILOT PROJECT IN TERMS OF

SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

IMPORTANT INFORMATION AND INSTRUCTIONS

1. APPLICATION
   1. The application process for a right to engage in an Abalone Ranching and Stock Enhancement Pilot Project consist of two phases, namely Phase 1 and Phase 2. Phase 1 involves the submission of the Application Form. The exclusionary criteria will be used to evaluate applications in Phase 1. Phase 2 involves the public participation process and the submission of a full proposal. The balancing criteria will be used in Phase 2 to evaluate the full proposal. The criteria for allocating
   2. The full application process was published in Government Gazette No. 34241 of 21 April 2011, Notice No. 353 on page 14.
   3. An Application Form is compulsory for the application to be considered in Phase 1. A Full Proposal will only be required in Phase 2 when the Applicant is successful during the Phase 1 assessment process.
   4. The Applicant should ensure that all the relevant and applicable documentations are attached and correctly labeled.
   5. All documents attached must be valid certified copies of the original documents (N*ote:* Copies of copies will not be accepted*).* Section G in the Application Form summarizes the list of required documents.
   6. An application that is incomplete, incorrectly completed or contains false information will not be assessed or will be refused. This includes failure to disclose material information or information which may materially affect the assessment of the application.
   7. The Application Form should be accompanied by an application fee (R9123.00) and a copy of proof of payment must be attached to the application in Phase 1. (Note: Applications that do not have a copy of the proof of payment will not be assessed.)
   8. The Applicant must submit one hard copy application and an electronic version of the application and supporting documentation on a memory stick/ portable USB drive.
   9. The application must be delivered to the Department in the methods stated below and must reach the Department no later than the published deadline. (*Note: Faxed or emailed applications will not be assessed).*

Attention: Deputy Director: Aquaculture Authorizations (Ms Z Jika)

PHYSICAL DELIVERY:

Department of Environment, Forestry & Fisheries

Foretrust Building

Martin Hammerschlag Way Foreshore, Cape Town 8001

Please note that applications will be assessed as stipulated in the “*General Guidelines for the Marine Ranching and Stock Enhancement in South Africa”* published in Government Gazette No. 33470 of 20 August 2010, Notice No. 729, Schedule 1. The Evaluation Criteria that will be used to assess the applications was published in Government Notice No. 34241 of 21 April 2011, Notice No. 352. Completion and submission of an application does not entitle or guarantee Applicants an allocation of a right.

PHASE 1 (APPLICATION FORM)

1. APPLICATION FORM
   1. The Application Form is completed in Phase 1 and it makes provision for supplying the minimum required information. It is the responsibility of the Applicant to ensure that all the relevant and required documentation is attached.
   2. The Applicant must complete all sections of the Application Form in the space provided. If any section is not applicable, it must be marked “N/A”.
   3. The Application Form must be signed by the Applicant or a duly authorized representative of the Applicant, before a Commissioner of Oaths. If the application is signed by an authorized representative, a letter of authorization must be attached.
   4. If the application/ Application Form was compiled or completed by a Consultant or on advice of, any person(s) other than the Applicant, the details of that person are required, and that person(s) must sign on the Application Form.

PHASE 2 (PUBLIC PARTICIPATION AND FULL PROPOSAL)

1. PUBLIC PARTICIPATION

Once the Applicant has been notified by the Department to continue with Phase 2 they will be required to undertake a public participation process with all interested and affected parties. The Guidelines for undertaking a public participation process will be provided by the Department.

1. FULL PROPOSAL
   1. Only shortlisted Applicants are required to participate in Phase 2 of the application process after being notified to do so by the Department.
   2. The Applicant must submit a full proposal and should be guided by the ‘*General Guidelines for Marine Ranching and Stock Enhancement in South Africa’ and the ‘Guidelines and Potential Areas for Marine Ranching and Stock Enhancement of Abalone, (Haliotis Midae) in South Africa’* published in Government Gazette No.33470 of 20 August 2010, Notice No. 729.
   3. The proposal should contain, but not limited to the following issues:
      1. Environmental Interactions (Tropic/ Ecological, Carrying Capacity, Genetics and Disease)
      2. Resource sharing and User Conflict
      3. Seeding and harvesting
      4. Economical viability
      5. Monitoring
      6. Enforcement
2. COMPULSORY DOCUMENTATION

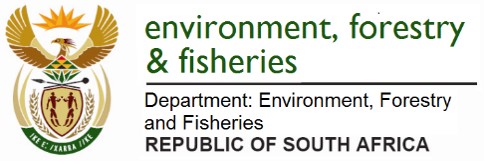
All applications must be accompanied by the following documents. (*Applicants are encouraged to use a checklist provided in Section G to ensure that all required documents are attached)*

PHASE 1

* 1. Application Form
  2. A valid tax clearance certificate from the South African Revenue Service (SARS)
  3. A certified copy of Company Registration documents
  4. Transformation Certificate
  5. Shareholder’s or Community Agreements (with certified copies of Identity Documents for Shareholders or Community Members)
  6. Seed/ Spat Supply Agreement
  7. Entity Financial Statement
  8. Proof of Access to finance

PHASE 2 (only when shortlisted after Phase 1 and notified by the Department)

* 1. Public participation report
  2. Full Proposal



# PHASE ONE

APPLICATION FORM FOR A RIGHT TO ENGAGE IN ABALONE RANCHING OR STOCK ENHANCEMENT PILOT PROJECT

NAME OF APPLICANT: CONSESSION AREA:

FOR OFFICIAL USE ONLY

RIGHT APPLICATION NUMBER: MARANCH……………………

DATE SUBMITTED:

Signature

DATE RECEIVED:

Signature

APPLICATION FEE PAYABLE: R 9123.00

(*Note: Application Fee is non-refundable)*

RECEIPT NUMBER:

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SECTION A : PARTICULARS OF APPLICANT

1. PARTICULARS OF INDIVIDUAL/SOLE PROPRIETOR
   1. Trade name:

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* 1. Are you a South African Citizen?
  2. First name(s):

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**□** Yes **□** No 1.3 Title:

## Surname:

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* 1. Postal address:

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* 1. Physical address:

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* 1. Telephone number work:

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* 1. Fax number work:

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* 1. Telephone number home:

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* 1. Cellular Telephone number:

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* 1. E-mail address:

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* 1. Identity number:

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* 1. Passport number:

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* 1. Date of birth:

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* 1. Occupation:

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* 1. Income Tax number:

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* 1. VAT registration number: (if applicable)

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* 1. PAYE number

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(if applicable)

1. PARTICULARS OF COMPANY / CLOSE CORPORATION / TRUST
   1. Is your Company/Close Corporation/Trust a South African entity as defined in the Act?

Yes No

* 1. Registered Name of Entity:

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* 1. Postal address:

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* 1. Physical Business address:

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* 1. Physical place of business:

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* 1. Registered office:

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* 1. Auditor’s / Accounting Officer’s name:

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* 1. Income Tax number:

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* 1. Company/Close Corporation/Trust Registration Number:

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* 1. Date of Registration:

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* 1. Telephone number:

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* 1. VAT number:

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Authorised Principal Contact Person/Representative:

* 1. Title: 1.35 Position:

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* 1. First Names:

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* 1. Surname:

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* 1. Cell number:

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* 1. E-mail address:

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SECTION B : SHAREHOLDINGS / MEMBERS’ INTERESTS / INTERESTS IN TRUSTS

2.1 Provide full particulars in the table below of the Shareholders / Members / Trustees and Beneficiaries of the Applicant. [Companies need only list the particulars of the ten major shareholders (These particulars do not have to be provided by public companies that are listed on the JSE)]

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| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Full Name | Identity No./ Registration No. | Physical or registered address | Nationality | Number of shares, extent of members interest, trustee/  beneficiary | Interest (%) | No. of years in sector |
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SECTION C: TRANSFORMATION

NOTE: For the purpose of this part “Historically Disadvantaged Persons” (“HDP”) means those persons or categories of persons, who prior to the new democratic dispensation marked by the adoption and coming into force of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), were disadvantaged by unfair discrimination on the basis of their race and includes juristic persons or associations owned and controlled by such persons. A transformation certificate should be attached.

* 1. Ownership profile of Applicant

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Category | Numbers | | Asset value in Rands | |
| Total | HDP’s | Total | HDP’s |
| Owners |  |  |  |  |
| Directors |  |  |  |  |
| Shareholders |  |  |  |  |
| Members |  |  |  |  |
| Beneficiaries |  |  |  |  |

* 1. Employment Profile of Applicant at time of application

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| Occupational Levels  (As defined in the Employment Equity Act of 1998) | Total number of Employees | | Total number of HDP’s | | Monthly income range for employee groups | | | |
| Permanent | | Seasonal | |
| Permanent | Seasonal | Permanent | Seasonal | Lowest Rand | Highest Rand | Lowest Rand | Highest Rand |
| Top management |  |  |  |  |  |  |  |  |
| Senior Management |  |  |  |  |  |  |  |  |
| Professionally qualified, experienced specialists and mid-  management |  |  |  |  |  |  |  |  |
| Skilled technical and academically qualified workers, junior management, supervisors,  foremen, superintendents, including officers |  |  |  |  |  |  |  |  |
| Semi-skilled and discretionary  decision making, including crew |  |  |  |  |  |  |  |  |
| Unskilled and defined decision  making |  |  |  |  |  |  |  |  |

* 1. Does the Applicant conform to the Broad Based Black Economic Empowerment Codes? If no, state reasons why not. Which of the following codes are adhered to?

Direct Empowerment:

Equity Ownership- %

Management- %

Indirect Empowerment:

Employment Equity- %

Skills Development- %

Preferential Procurement- %

Enterprise Development- %

Residual Element/ Corporate Social Investment- %

SECTION D: ACCESS TO FINANCE

* 1. Status of Applicant:

 A-individual;  B-Sole Proprietor;  C-Trust;

 D-Private Company:  E-Public Company;  F-Close Corporation

* 1. Does the Applicant have access to finance?

Yes No

(*If yes, provide supporting documents)*

* 1. Most recently audited / verified / certified Annual Turnover: R

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Period audited:

- (As reflected in the following Company: Auditor’s Report, Close Corporation: Accounting Office Statement, Individuals/Sole Proprietor/ Trusts: Most recent income tax return)

SECTION E: ACCESS TO SEED/ SPAT

1. Does the Applicant have access to seed/ spat?

Yes No

(*If Yes, provide details and Supply Agreement*)

Name of Supplier:

Location of the Supplier:

Aquaculture Right’s Number:

SECTION F: COMPLIANCE WITH LEGISLATION

* 1. Does the Applicant fully comply with the relevant provisions of the following legislation:
     1. Marine Living Resources Act 18 of 1998

Yes No

## Broad-Based Black Economic Empowerment Act 53 of 2003

Yes No

## Empowerment Equity Act 55 of 1998

Yes No

## Has the Applicant or, where applicable, any of the Applicant’s directors/members/trustees or shareholders / beneficiaries, been convicted of any

offences under any of the said Acts (paragraph 6.1.1)?

Yes No

## If yes, provide full details including the date of the conviction, the nature of the offence and the penalty imposed.

SECTION G : DOCUMENTATION REQUIRED AND CHECKLIST

Documentation is required in order to provide the person(s) valuating and considering this application with a coherent set of documents that form a clear, up to date and accurate picture of the commercial structure of the Applicant and the actual extent of transformation and the extent to which the Applicant is involved in the fishing industry/ fish processing sector/ aquaculture industry. Please ()

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| In respect of the Company Applicants | Attached | Not  Applicable | Not  Available | Number of  Pages |
| Certificate of Incorporation of Company |  |  |  |  |
| Certificate to commence business |  |  |  |  |
| If shares are held by other companies, copies of their certificates of  incorporation and to commence business and copies of the Applicant’s share register -\* |  |  |  |  |
| Organogram setting out company shareholding, or if Applicant belongs to a  group of companies, an organogram setting out the group’s structure |  |  |  |  |
| Shareholders Agreement (signed current version) -\* |  |  |  |  |
| If any of the five major shareholders are individuals, copies of their Identity  documents -\* |  |  |  |  |
| Certificate from auditor confirming current shareholding (if applicable) |  |  |  |  |
| Signed financial statements for the last financial year (if applicable) |  |  |  |  |
| Most recent auditor’s report (if applicable) |  |  |  |  |
| Income Tax clearance certificates for Company |  |  |  |  |
| (Documents marked “ \* “ are not required in respect of Applicants that are public companies listed on the JSE) |  |  |  |  |
| In respect of Close Corporation Applicants |  |  |  |  |
| CK 1 and current CK 2 forms |  |  |  |  |
| Association Agreement |  |  |  |  |
| Certificate from Accounting Officer confirming current member’s interests |  |  |  |  |
| Signed financial statements for the last financial year (if applicable) |  |  |  |  |
| Most recent Accounting officer’s statement (if applicable) |  |  |  |  |
| Income Tax clearance certificate |  |  |  |  |
| In respect of Individual / Sole Proprietor Applicants |  |  |  |  |
| Income Tax Clearance Certificate |  |  |  |  |
| Signed financial statements for the last financial year (if applicable) |  |  |  |  |
| Most recent income tax return |  |  |  |  |
| In respect of Trust Applicants |  |  |  |  |
| Letter of Authority |  |  |  |  |
| Trust Deed |  |  |  |  |
| Income Tax Clearance Certificate |  |  |  |  |
| Signed financial statements for the last financial year |  |  |  |  |
| Most recent income tax return |  |  |  |  |
| Documents and Certificates in Respect of the Employment Equity Act |  |  |  |  |
| Report as per 3.5, Part 3 |  |  |  |  |
| EEA 2 or EEA 2A (Section 21) |  |  |  |  |
| Analysis in terms of Section 19 |  |  |  |  |
| EEA 4 or EEA SA (Section 27) |  |  |  |  |
| Acknowledgement from the Department of Labour w.r.t. the above |  |  |  |  |
| Other documents |  |  |  |  |
| Transformation Certificate |  |  |  |  |
| Shareholders Agreement (if applicable) |  |  |  |  |
| Seed/ Spat Agreement |  |  |  |  |
| Proof of Access to Finance |  |  |  |  |
|  |  |  |  |  |

SECTION H: DECLARATION BY APPLICANT

I, the undersigned, do hereby make oath and declare that the information submitted with and in this application is true, correct and complete and that the copies of the documents submitted are true certified copies of the originals documents. I understand that if any information furnished in this application is not true or complete, including:

1. providing false documentation, or
2. the falsification of any documents, or
3. the making of any misleading or false statements, or
4. the non-disclosure of any material information or information which might materially affect the assessment / evaluation of this application,

this may disqualify the application, or lead to it being refused or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on strength of this application, in terms of Section 28 of the Act.

In order to allow for the proper verification of this application I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to this application or to the Applicant, to disclose or make same available to the Minister, his delegate or a duly authorised official of the Department of Environment, Forestry and Fisheries.

SIGNED AT THIS DAY OF 20.…..

Applicant’s signature

(Duly authorised)

Full name

The deponent declares that he/she knows and understands the contents and implications of the above declaration. The deponent further hereby confirms and verifies his/her authority to make and depose of this application on behalf of the Applicant.

Thus signed and dated in my presence

Commissioner of Oaths Full name Designation Office Address

If this application is prepared or compiled by, or in consultation or on the advice of, any person or entity (other than the Applicant) the following information must be provided in respect of that person or entity:

Name Profession / Occupation / Designation: Signature Date: ID Number/ IT Number/ Company Registration Number

(if applicable) Address

Telephone number

Cellular telephone number

E-mail address: