

The background of the page features the coat of arms of the Republic of South Africa. It consists of a central shield with two figures holding hands, flanked by wheat and corn. Above the shield is a sun with rays, and a bird with outstretched wings. The motto 'IKE E: /XARRA /IKE' is written in a green banner at the bottom.

SECTION B

Permit Conditions: Kwazulu-Natal Commercial Oyster Fishery

Fishing season: 2014

DATE OF APPROVAL:

A handwritten signature in blue ink, appearing to be 'C. D. S.', is located in the bottom left corner of the page.

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1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

- 1.1. This permit is issued subject to the provisions and regulations of the following laws but not limited to:
- (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and Regulations promulgated thereunder;
 - (b) The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and Regulations promulgated thereunder;
 - (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and Regulations promulgated thereunder;
 - (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and Regulations promulgated thereunder;
 - (e) The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMA:ICMA) and Regulations promulgated thereunder;
 - (f) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and Regulations promulgated thereunder;
 - (g) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and Regulations promulgated thereunder;
 - (h) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and Regulations promulgated thereunder;



- (i) The South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and Regulations promulgated thereunder;
- (j) The Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) and the Regulations promulgated thereunder;
- (k) The Standards Act, 2008 (Act No. 8 of 2008) (SA) and the Regulations promulgated thereunder;
- (l) The National Regulator for Compulsory Specifications Act. 2008 (Act No. 5 of 2008) (NRCSA) and the Regulations promulgated thereunder;
- (m) The National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and the Regulations promulgated thereunder;
- (n) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder; and
- (o) The National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and the Regulations promulgated thereunder.

1.2. This permit is issued subject to the further provisions of the following policies:

- (a) General policy on the Allocation of Commercial Fishing Rights: 2005;
- (b) Policy for the Allocation of Commercial Fishing Rights in the Oyster Fishery: 2005 and
- (c) Policy for the transfer of Commercial Fishing Rights: 2009.

1.3. The Director: Inshore Fisheries Management (IFM) shall be entitled to amend these Permit Conditions after consultation with the relevant stakeholders.



1.4. Any reference to the Permit Holder in these Permit Conditions includes the entity or person in whose name the commercial fishing right was allocated to (~~the Right Holder~~) by the Minister or the delegated authority.

2. VALIDITY OF PERMIT

2.1. This permit shall be valid for the period indicated in Section A (~~the Permit~~).

2.2. This permit shall automatically expire and be invalid should:

- (a) the right be cancelled or revoked in terms of Section 28 of the MLRA;
- (b) the fishing season end or be terminated and
- (c) the permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA.

3. FISHING AND RESTRICTED AREAS

3.1. Oysters shall only be collected in the areas indicated in Section A (~~the Permit~~).

3.2. The zones and harvesting schedule for commercial and recreational harvesters for the KwaZulu Natal North coast and South coast are as set out in the table below:

North Coast		
Seasons	Commercial and Recreational harvesting zones	Period
2014	Mhlali River to Tongaat River	1 March 2014 to 31 October 2014
2014	Tongaat River to Mdloti River	1 January 2014 to 28 February 2014

South Coast		
Seasons	Commercial and Recreational harvesting zones	Period

2014	Mzinto River to Mtwalume River	1 March 2014 to 31 October 2014
2014	Mtwalume River to Mzimkhulu River	1 January 2014 to 28 February 2014

- 3.3. No collecting of oysters shall take place in tidal rivers, tidal lagoons, marine reserves and national parks. Transgression of this permit condition may result in the suspension or revocation of this permit.
- 3.4. The Permit Holder shall at all times have his/her certified copy of the permit available for inspection by the local Ezemvelo KZN Wildlife Officer.
- 3.5. The Permit Holder must collect the oysters him/herself and must be present at all times during the transporting of oysters to the place of sale or Fish Processing Establishment (FPE). The Permit Holder may, only in exceptional circumstances, apply in writing to the Director: Inshore Fisheries Management to be exempted from this condition.
- 3.6. This permit does not grant right of admission to private property or land and the Permit Holder must comply with the rules of the local/ provincial authority at all times.
- 3.7. The Permit Holder must wear the same coloured sweater over his/her protective clothing with the relevant details printed on the back stating Licenced Oyster Harvester.
- 3.8. The Permit Holder shall not buy or accept any oysters collected in terms of a recreational permit.
- 3.9. The Permit Holder shall not transport any person in possession of oysters collected in terms of a recreational permit.

4. NOTIFICATIONS

- 4.1. The Permit Holder must notify the local Ezemvelo KZN Wildlife Officer in writing or in person or via telephone prior to every collection, failing which the Department may initiate legal proceedings.



- 4.2. The Permit Holder is obliged in terms of the MLRA to report to the Minister any contravention of the MLRA or Permit Conditions by any other person. Any such contravention must be reported to the Department in writing and should be faxed to (021) 425-7324, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1. Oysters may only be harvested three (3) hours prior to low tide to three (3) hours past low tide. This does not include the act of carrying oysters.
- 5.2. The Permit Holder shall not collect and be in possession of more than 190 oysters per day.
- 5.3. The Permit Holder shall only collect oysters by hand or with a blade or flat edge that shall not exceed 40 mm in width and should be greater than one (1) metre in length.
- 5.4. The use of wetsuits, weight belts, masks and snorkels is permitted.
- 5.5. The Permit Holder shall not use fins, floating devices and hookah or scuba gear while collecting oysters.
- 5.6. This permit shall only be used by the Permit Holder or an authorised representative. Written permission for an authorised representative shall be obtained from the Director: Inshore Fisheries Management. The Permit Holder shall be held responsible for any infringements of the Permit Conditions by the authorised representative.

6. CATCH CONTROLS AND LIMITATIONS

- 6.1. The Permit Holder shall not collect and be in possession of more than 190 oysters per day.



6.2. The Permit Holder shall not collect or be in possession of any other marine organism during collection and carrying of oysters.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

Not applicable in the Oyster fishery.

8. VESSELS SPECIFICATIONS

Not applicable in the Oyster fishery.

9. VESSEL MONITORING SYSTEM (VMS)

Not applicable in the Oyster fishery.

10. LANDING OF FISH

Not applicable in the Oyster fishery.

11. SUBMISSION OF INFORMATION

11.1. The Permit Holder shall submit to the Department (Right Holder Information, Attention: Deputy Director: Small Invertebrates and Seaweed Management, The Customer Services Centre, Ground Floor, Foretrust Building, Foreshore, Cape Town, 8000 or Private Bag X2, Roggebaai, 8012) notification (clearly marked Right Holder Information) of any change of contact details (including postal address and contact telephone numbers) within 30 days of such change.

11.2. Catch Statistics:



- (a) The Permit Holder shall submit the relevant catch and effort data on the stipulated catch return form.
- (b) The Permit Holder shall ensure that columns A . E on the catch return form is completed before entering the water and that columns F . I on the catch return form is completed before leaving the collection site or removing the oysters from the collection site. If the Ezemvelo KZN Wildlife Officer is present he/she shall complete columns J . K on the catch return form upon inspection of the catch before the catch may leave the collection site.
- (c) Once the catch details have been recorded for the month, the form shall be signed by the Permit Holder and co-signed and dated by the local KZN Ezemvelo Wildlife Officer with an official stamp should be placed on the catch return form.
- (d) The properly completed and signed catch return form, shall be hand delivered to the Conservation Manager, South Coast Marine, Ezemvelo KZN Wildlife Offices, Durban, Attention: Mr B. Nene, Tel No.: 031 274 1187 or Cell No: 082 559 2860, Fax No.: 031 274 1174. The above-mentioned catch return form must reach the Ezemvelo KZN Wildlife Offices by the 15th of the month following harvesting. Copies shall be retained by the Permit Holder for a period of five (5) years.
- (e) The Permit holder shall ensure that the catch return forms, accompany all oysters in transit to a fish processing establishment authorised by the Department.

11.3. **Socio-Economic Information:**

The Permit Holder must provide, on request, any economic, socio- economic or financial information in the format as requested by the Department

12. **RECORD KEEPING**

The Permit Holder shall store at his/her place of residence or registered place of business the original permit issued to him/her for the current fishing season. The Permit



Holder shall at all times over the duration of the right have available a certified copy of the permit in his/her possession or at the harvesting site during collection of Oysters.

13. LEVIES

Not applicable in the Oyster fishery.

14. VIOLATIONS

14.1. A breach of the provisions of the MLRA or these permit conditions by the Permit Holder may result in the initiation of legal proceedings (which may include Section 28 proceedings and or criminal proceedings). A breach includes:

- (a) furnishing false or incomplete information to the Department of Agriculture, Fisheries and Forestry (~~the Department~~).
- (b) contravening or failing to comply with a Permit Condition.
- (c) contravening or failing to comply with a provision of the MLRA.
- (d) being convicted of an offence in terms of the MLRA. and
- (e) failure to effectively utilise the permit.

14.2. The Permit Holder is obliged to provide the Department with any information necessary for the performance review of the Permit Holder or any Right Holder, or any other information requested by the Department for a lawful purpose. Information provided must be true and complete.

14.3. The Permit Holder shall not land, sell, receive or process any oysters taken by any means in contravention of the MLRA.

- 14.4. The Permit Holder shall store at his/her place of residence or registered place of business the original permit issued to him/her for the current fishing season. The Permit Holder shall at all times over the duration of the right have available a certified copy of this permit in his/her possession or at the harvesting site during collection of oysters.
- 14.5. The Permit Holder shall safely remove all waste material, garbage and pollutants produced in the course of his/her fishing or related activity. Should the Permit Holder discard any waste, garbage or pollutants into the sea or shoreline, this permit will be suspended for a period determined by the Department and the Permit Holder shall take those steps considered necessary in terms of NEMA to remedy any pollution caused. All waste must be placed into dedicated waste bins.
- 14.6. The Permit Holder shall only harvest the amount of oysters allocated to him/her in terms of the Total Allowable Catch (%TAC+) and/or Total Applied Effort (%TAE+) allocated to him/her under Section A . Fishing over these limits may result in the initiation of legal proceedings.
- 14.7. Should the Permit Holder fail to utilise the permit by not engaging in harvesting activities for a period of three consecutive months, the Department may institute proceedings in terms of Section 28 of the MLRA.

15. CONSULTATION AND COMMUNICATION

- 15.1. The Department will prefer to consult and communicate with the recognized bodies and interest groups in terms of the MLRA and which are representative of Right Holders in this fishery.
- 15.2. Communication regarding all permits and licences shall be addressed to the Department's Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012. The Customer Service Centre may be contacted on (021) 402-3443/3180.



15.3. The Chief Director: Marine Resource Management (MRM) will consult with Permit Holders when conducting performance reviews to determine further criteria against which Permit Holders will be measured.

16. OBSERVER PROGRAMME

The Permit Holder shall, when requested, provide requested information to the catch monitors appointed by the Department.

17. PROCESSING AND SALE OF FISH

- 17.1. Should the Permit Holder also process the oysters harvested in terms of this permit he or she will be required to have a valid FPE Permit.
- 17.2. The Permit Holder shall when delivering oysters to the authorised FPE be in possession of a valid catch permit, landing declaration forms and receipts.
- 17.3. The Permit Holder must, upon sale of fish, issue a receipt to the buyer or FPE.
- 17.4. The Permit Holder shall retain copies of invoices/receipts for a period of five (5) years and it must contain the following details
- (a) full particulars including full names of the Permit Holder and the Buyer;
 - (b) the permit number and the date of issue of the permit authorising the sale of Oysters;
 - (c) the quantity of Oysters sold; and
 - (d) the date of delivery of Oysters.



17.5. The Permit Holder shall always attach a copy of the Department's invoice to the completed catch return forms and submit it to the Department.

18. TRANSFER OF FISHING RIGHTS

18.1. The Permit Holder shall only transfer the long-term commercial fishing right allocated to him/her or it in terms of Section 21 of the MLRA, read together with the Policy for the Transfer of Commercial Fishing Rights (Government Gazette No 32449, 31 July 2009).

18.2. The Permit Holder must first obtain approval of the transfer in terms of Section 21 of the MLRA before any other person other than the Permit Holder may utilise the permit.

18.3. Failing to comply with 18.1 to 18.2 may lead to the initiation of legal proceedings including but not limited to proceedings in terms of Section 28 of the MLRA.

19. TRANSPORTATION OF OYSTERS

19.1. The Permit Holder must, in terms of Government Notice No. 1399 of 21 December 2001, apply for the necessary permits to use a vehicle for a non-recreational activity.

19.2. The Permit Holder shall not transport any person in possession of Oysters collected in terms of a recreational or Interim Relief permit whilst transporting Oysters collected in terms of this permit.

19.3. The Permit Holder shall when delivering Oysters to the authorized FPE be in possession of a valid catch permit, Oyster catch statistic form and invoice/ receipts.

20. FISHING PERFORMANCE MEASURING

20.1. The Permit Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise. This information shall include but not be limited to:

- (a) data regarding transformation levels;



- (b) sustainable fishing practices;
- (c) data regarding investments made in the fishery and jobs created and sustained;
and
- (d) data regarding compliance initiatives.



SIGNATURE:

DIRECTOR: INSHORE FISHERIES MANAGEMENT (IFM)

DATE: 30-12-2013

