



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 447 Pretoria 6 September 2002 **No. 23812**



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GENERAL NOTICE

NOTICE 1693 OF 2002

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

INVITATION TO APPLY FOR PERMITS TO UNDERTAKE EXPERIMENTAL FISHING OF OCTOPUS (*OCTOPUS VULGARIS*) IN TERMS OF SECTIONS 13 AND 83 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO 18 OF 1998)

1. The Department of Environmental Affairs and Tourism hereby announces for general information that it is the intention of the Honourable Minister of Environmental Affairs and Tourism to allocate a total of 7 permits to undertake experimental fishing of octopus and to conduct a practical experiment to assess the fishing technique, economics, population biology and management options for a possible future commercial octopus fishery in terms of Section 13 and 83 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) for a period of 5 years.
2. Interested persons are hereby invited to apply for the following areas:
 - (a) Saldanha Bay (1 experimental permit)
 - (b) Simonstown / Kalk Bay (1 experimental permit)
 - (c) Gordons Bay (1 experimental permit)
 - (d) Hermanus / Gansbaai (1 experimental permit)
 - (e) Mossel Bay (1 experimental permit)
 - (f) Port Elizabeth (1 experimental permit)
 - (g) East London (1 experimental permit)
3. Applicants are invited to take note of the following:
 - 3.1 An applicant must be a juristic or a natural person who is-
 - (a) a South African citizen in terms of the South African Citizenship Act, 1995 (Act No. 88 of 1995);
 - (b) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), in which the majority of the shareholders, as prescribed by the Minister, are South African persons;
 - (c) a Close Corporation in terms of the Close Corporation Act, 1984 (Act No. 69 of 1984), of which the majority of members are South African persons; or
 - (d) a trust in which-

- (i) the majority of trustees, having the controlling power, are South African citizens; or
- (ii) a majority of the beneficial interests are held by South African citizens.

3.2 Applicants are advised that in assessing the applications the Minister will require information on-

- (a) ability of manufacturing/purchasing a minimum of 900 pots and to commence fishing within six months of being awarded an experimental permit (damaged or lost pots are required to continuously replaced by the experimental permit holder;
 - (b) whether applicants have access to a vessel of between 7 and 20 meters in length and that such vessel is fitted with a line hauler, GPS, VMS and an echo-sounder;
 - (c) whether the vessel has a valid safety certificate as issued by the South African Maritime Safety Authority;
 - (d) the willingness of the applicant/or its operators to comply with the code of conduct in terms of signed, written undertaking and to supply the necessary data in the manner required by the Chief Director : Resource Management;
 - (e) the ability and willingness to abide by the provisions of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) in terms of a written undertaking.
4. Experimental fishing for octopus will be done by means of specified pots. A maximum of 2 000 pots are to be deployed at any given time.
5. Applicants are further advised that preference will be given to applicants who live in close proximity to the resource and area of operation.
6. Preference will be given to applications from Historically Disadvantaged Persons who meet the abovementioned criteria and who have not been allocated commercial fishing rights.

Note: "Historically Disadvantaged Persons" mean 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."

7. Successful applicants can only withdraw from the fishery after fishing for the entire year in which they want to withdraw unless approval has been granted by the Chief Director: Resource Management after evaluating the reasons for withdrawal.
8. The experiment and authorization in terms of the experimental permit does not afford the experimental permit holder any right whatsoever, particularly to a right to undertake commercial fishing of octopus right in the future.
9. **Application forms will be available at the following office from the date of this notice:**

Name	Address	City/Town	Telephone/Fax Number
Directorate: Resource Regulation	Physical Address: 7th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town Postal address: Private Bag X2, Roggebaai, 8012	Cape Town	Tel: (021) 402 3911 Fax: (021) 421 3197

10. The original application form accompanied by 2 copies thereof must reach the abovementioned office of the Department (attention: Mr. R Bodenham) on or before the due date (21 days after publication of this notice).
11. The closing date for applications will be 21 days after publication of this notice. No applications received after 16:00 on the due date will be considered.
12. As previous applications will not be taken into consideration, interested persons are advised to re-apply.
13. Attention is invited to the fact that applications not submitted in accordance with this notice will neither be placed on record nor will be considered.
14. Further information on the experimental management plan for octopus fishing can be obtained from the Department (Mr. C Smith, telephone (021) 402-3134 and fax number (021) 425 6977).