



# Government Gazette

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## GOVERNMENT NOTICE

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 1219

20 August 2003

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

#### DRAFT POLICY ON THE ALLOCATION OF COMMERCIAL FISHING RIGHTS IN THE ABALONE FISHERY: 2003

The Minister of Environmental Affairs and Tourism has released a draft policy on the allocation of commercial abalone fishing rights commencing in 2003.

Members of the public are hereby invited to submit written comment on this draft policy. The draft policy is available at [www.environment.gov.za](http://www.environment.gov.za). Hard copies are available at the –

- Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management, 7<sup>th</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore Cape Town; and
- Offices of Marine Inspectors along the coast.

Members of the public must submit written comment by no later than 16h00 on 22 September 2003. Comments should be titled as follows:

#### **Abalone Policy 2003**

**The Deputy Director-General: Marine and Coastal Management**

Comments may be –

- Hand delivered to the offices of Marine and Coastal Management at the above address;
- Posted to Private Bag X2, Roggebaai, 8012;
- E-mailed to [s.moolla@iafrica.com](mailto:s.moolla@iafrica.com); or
- Faxed to (021) 425-7324.

Should you have any telephonic enquiries, please do not hesitate to contact the Department at (021) 402-3911, alternatively (021) 402-3035. Your enquiries may be directed at Mr Andre Share (Director: Resource Management).

FOR PUBLIC COMMENT



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

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**DRAFT POLICY FOR THE ALLOCATION OF  
COMMERCIAL FISHING RIGHTS IN THE ABALONE  
FISHERY: 2003**

18 August 2003

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## 1. Introduction and Background

This is a draft policy on the allocation of commercial abalone fishing rights for the area from Cape Columbine in the west to Cape Agulhas in the east, and is issued by the Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management ("the Department") for public comment.

The draft policy has been the product of, *inter alia*, numerous formal and informal consultations between the Department and holders of commercial abalone rights, including the Abalone Industry Association and its legal representatives.

The draft policy, if adopted, will introduce a radical shift in the way South Africa manages its abalone resource, commercially and recreationally. It is indeed common cause that our abalone, *Haliotis midae*, is on the verge of commercial extinction. This draft policy is a last resort by the Department to allocate commercial fishing rights for abalone. Should a new management regime not effectively deal with the precarious state of the resource, the Department and its Minister will be forced to close the abalone fishery.

The seriousness of the problem was identified prior to the allocation of the current two-year medium term commercial abalone fishing rights. For example, the global total allowable catch ("TAC") in 2000 was set at 693 tons. For the 2002/2003 season the global TAC was reduced to 430 tons.

The allocation of two-year rights was largely a test case to determine to what extent the abalone resource could recover sufficiently to continue with the existing management regime and allocate further commercial rights and recreational permits. Scientific evidence now shows that the current management regime has failed to halt poaching and allow the recovery of the abalone resource.

In 2001, the Department determined that the illegal harvesting<sup>1</sup> of abalone amounted to approximately 1023 tons. The global TAC for the 2001/2002 season was set at 475 tons. The illegal harvesting of abalone is however not the only cause for the significant decreases in the abalone TAC's. The migration of the west coast rock lobster further east and around Cape Hangklip has also contributed to the decline in abalone numbers.

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<sup>1</sup> *Illegal harvesting* means poaching and overcatching.

As a result of the incursion of west coast rock lobster into the formerly abalone rich areas east of Cape Hangklip, the Department will be allocating a minimum of 100 tons of commercial west coast rock lobster on a limited basis to commercial applicants during the last quarter of 2003. This draft policy is intended to complement the policy that has been adopted for the management of the west coast rock lobster fishery east of Cape Hangklip.

This draft policy intends to effectively address the threat of the illegal harvesting of abalone and introduce a new system of co-management.

## **2. Purpose and Objectives**

The purpose of this draft policy is to adopt a management regime for the abalone fishery that will result in the substantial reduction in the rate of illegal harvesting.

The objectives of adopting a new management regime are to –

- Instill a culture of “ownership” amongst right holders and members of the respective coastal communities;
- Encourage right holders and members of the respective coastal communities to co-manage the abalone resource, together with the Department;
- Ensure the long-term viability of the South African abalone fishery; and
- Sustain jobs in the commercial abalone fishery.

## **3. Management Options Considered**

The Department has considered three main options to managing the abalone resource at a commercial and recreational level.

### **3.1 Option One: The Status Quo**

Maintaining the status quo would mean simply allocating commercial abalone fishing rights pursuant to a new invitation to apply for commercial abalone fishing rights. Rights would be allocated for a very limited period and right holders would be managed in terms of the same regime currently in place.

The status quo has however not resolved the problem of illegal harvesting. Each year, reports indicate that the quantity of poached abalone seized by South African authorities is increasing. Authorities in the Asian sub-continent also confirm that the quantities of South African abalone available on their markets far exceeds the global TAC.

Maintaining the status quo would also mean that a recreational abalone fishing industry would continue to exist, notwithstanding that the commercial fishery is under significant threat.

### 3.2 Option Two: Closing the commercial and recreational abalone fisheries

The Minister of Environmental Affairs and Tourism is empowered under the Marine Living Resources Act, 18 of 1998 ("the Act") to declare an emergency in the fishery and terminate all forms of commercial and recreational harvesting of abalone in order to allow the recovery of the abalone resource.

Terminating the harvesting of abalone would allow enforcement agencies to monitor and prosecute the illegal harvesting of abalone with greater ease as any South African abalone found in the possession of any person would mean it has been poached.

Militating against such an option would be the adverse socio-economic consequences such as substantial job losses, potential increases in ordinary as well as organised crime and the loss of important markets for South African abalone.

### 3.3 Option Three: Co-management of the commercial abalone resource

This option calls for a radical change in the management of the commercial abalone resource. Management of the resource will not rest solely with the Department. Instead, the Department will share this important responsibility with the right holders who depend on the resource for their livelihoods and with the coastal communities who depend on the commercial sale of abalone for their income and prosperity.

The TAC for abalone is currently split into zones from Cape Columbine in the west to Cape Agulhas in the east. There are 7 primary zones. In terms of the co-management option, the Department intends to divide each primary zone into smaller secondary zones. The extent of each secondary zone will be determined by the Department.

The allocation of commercial abalone rights will only be to qualified **divers** or legal entities that are comprised of **divers**. Each right holder will be allocated a secondary zone. It is intended that each secondary zone will comprise a relatively small number of right holders who will only be entitled to harvest abalone in that secondary zone. This secondary zone will effectively be “owned” by the right holders. The community adjacent to each secondary zone will play an important oversight role, ensuring that only “their” right holders dive in that secondary zone.

Good management of the secondary zone by the right holders and communities should result in larger quantities of abalone in that secondary zone. The Minister could reward such good management by increasing the TAC for that secondary zone. Reductions in abalone numbers in a secondary zone could result in a reduction in that secondary zone TAC or even a zero TAC being declared.

This third option, furthermore, will require the suspension of the recreational abalone fishery until such time as the commercial abalone fishery is no longer under threat of closure.

It is this third option – *co-management of the abalone resource* – that is considered by the Department as the most viable option to preventing a complete collapse of the abalone fishery.

Policy option three is now stated in further detail.

#### **4. Duration of right**

In order to instill a sense of “ownership” amongst right holders and communities and therefore to encourage the preservation and management of the resource by right holders and communities, commercial abalone rights will be allocated for a period of 10 (ten) years. The duration of the right is closely linked to the time it takes for wild abalone to attain the minimum legal size.

#### **5. A commercial fishery only (No recreational fishery)**

The current precarious status of the abalone resource requires a focused management approach. Any further harvesting of the abalone resource is intended to only occur on a commercial basis. The Department will not allow the future of a commercial fishery and the



important jobs it creates to be threatened while allowing a recreational fishery to continue to flourish. The commercial abalone fishery sustains thousands of critically important jobs. These jobs will not be placed at risk while a recreational fishery is allowed to harvest significant amounts of abalone.

The abalone recreational fishery will be suspended for an indefinite period – at least until the abalone resource recovers significantly and the commercial fishery is no longer faced with any significant threat of closure.

Suspension of the recreational fishery would also reduce the overall effort on the resource. Surveys conducted by the Department have shown that the previous season's (2001/2002) recreational TAC of 43 tons was grossly exceeded by recreational fishers. The recreational harvest had in fact been 110 tons – approximately one third of the entire commercial fishery. Recreational divers will only be allowed to “dive and not touch”. It is hoped that recreational divers will in fact assist the Department in monitoring and conserving the abalone resource.

The Department will only allocate commercial abalone fishing rights on a limited commercial basis only. What this means is that the quantum of abalone that may be allocated to successful applicants will be limited to relatively small commercial amounts (ie. it is unlikely that allocations will exceed 1500 kgs per season, per right holder), albeit very valuable allocations. These amounts will vary depending on the secondary zone, the TAC set for the secondary zone and the number of successful applicants. The intention of the Department is to allocate as many commercially viable rights to as many **divers** as possible.

## **6. Abalone processors to complement abalone divers**

The Department will allocate commercial abalone fishing rights only to divers or to legal entities that are comprised of divers and not to entities or persons involved, whether directly or indirectly, in the processing of abalone.

There are currently ten processing facilities authorised to process abalone. These processors are:

- a. Tuna Marine (Pty) Ltd;
- b. Walker Bay Cannery Ltd;
- c. Overberg Commercial Abalone Divers Ltd;

d. Combined Abalone Processors Ltd;

e. Dried Ocean Products CC;

f. Cape Fish Processors (Pty) Ltd;

g. Blue Continent Products Ltd;

h. Foodcorp (Pty) Ltd;

i. Komicx Products (Pty) Ltd;

j. Scenematic 16 (Pty) Ltd;

The Department will undertake to not grant any further abalone processing rights, provided that none of the above ten processors undertake activities or practices of an uncompetitive or collusive nature. Should the Department form an opinion that any two or more processors are acting in a collusive or uncompetitive manner, the Department reserves the right to permit a new abalone processor to commence operating.

Right holders will be required to use one or more of the ten processors.

## 7. A profile of the intended right holder

The Department will grant commercial abalone rights only to those persons who are divers or legal entities that are comprised of divers.

### 7.1 Divers

Preference will be given to allocating rights to natural persons who are **divers** and who reside in the coastal community adjacent to the secondary zone in which abalone rights are to be allocated. A natural person applicant must clearly demonstrate that he or she –

- is a qualified diver and is certified in terms of the regulations promulgated under the Occupational Health and Safety Act of 1993 to be a certified commercial diver;

- has an historical involvement in the harvesting of abalone (ie. that he or she has a history of diving legally for abalone) and who will use assistants experienced in abalone harvesting and who are members of the communities adjacent to the secondary zone applied for;
- is substantially reliant on the abalone resource for 75% or more of his or her annual income;
- has been permanently resident for the past two years in the coastal community adjacent to the secondary zone that is applied for;
- is not directly (ie. they themselves) or indirectly (ie. as shareholders of a company, members of a close corporation or trustees or beneficiaries of a trust) associated with any legal entity that is responsible for the marketing of abalone or that has a right to process abalone; and
- is registered as a tax payer with the South African Receiver of Revenue and all taxes have been paid.

**Divers** that are *historically disadvantaged persons* will be given preference.

Divers that hold a right in another commercial fishery (other than the limited west coast rock lobster fishery), whether directly (ie. they themselves are the right holders) or indirectly (ie. as shareholders of a company, members of a close corporation or trustees or beneficiaries of a trust) will not be considered for a commercial abalone right.

## 7.2 Legal entities

The Department will allow legal entities (only South African companies and trusts and close corporations) to apply. However, a right will only be granted to a legal entity –

- in which **divers** own at least 75% of the equity interest;
- whose majority **ownership** and **management** vests in the hands of *historically disadvantaged persons*;

- that has invested substantially in ***suitable vessels***, gear and other applicable equipment;
- that is a registered VAT vendor (if applicable) and is registered with the South African Revenue Services and whose taxes have been fully paid up;
- whose registered place of business for the past two years has been in the coastal area adjacent to the secondary zone that is applied for;
- that is not directly or indirectly involved in the processing or marketing of abalone;
- that employs its divers on a full-time basis, who is compliant with the Employment Equity Act of 1998, the Skills Development Act of 1998 and the Skills Levies Act of 1999; and
- that has historically complied with the Act.

**Prospective applicants that are legal entities are hereby informed that a real possibility exists that each successful applicant per secondary zone will be granted the same quantum of abalone regardless of whether the successful applicant is a legal entity comprising ten members or a single natural person. Whether or not this particular policy is adopted, will depend on the number of successful applicants in each secondary zone and the TAC allocated to each secondary zone.**

## **8. Role of Communities**

Communities that are located adjacent to secondary abalone fishing zones derive significant financial benefits from the commercial harvesting of abalone. There are also significant socio-economic benefits, such as direct and indirect employment.

Communities therefore have a substantial interest in ensuring the sustainability and stability of a commercial abalone fishery in their secondary abalone fishing zone. Communities can play a crucial management and oversight role ensuring the sustainability of abalone.

Communities will work with right holders and the Department's marine inspectors. Communities will be provided with lists of names of right holders, their vessel details and

vehicle details. Only right holders granted a permit for a specific secondary zone will be permitted to fish for abalone in that zone and the community will ensure that only “their” divers dive for abalone in that secondary zone.

#### 9. Access to suitable vessels

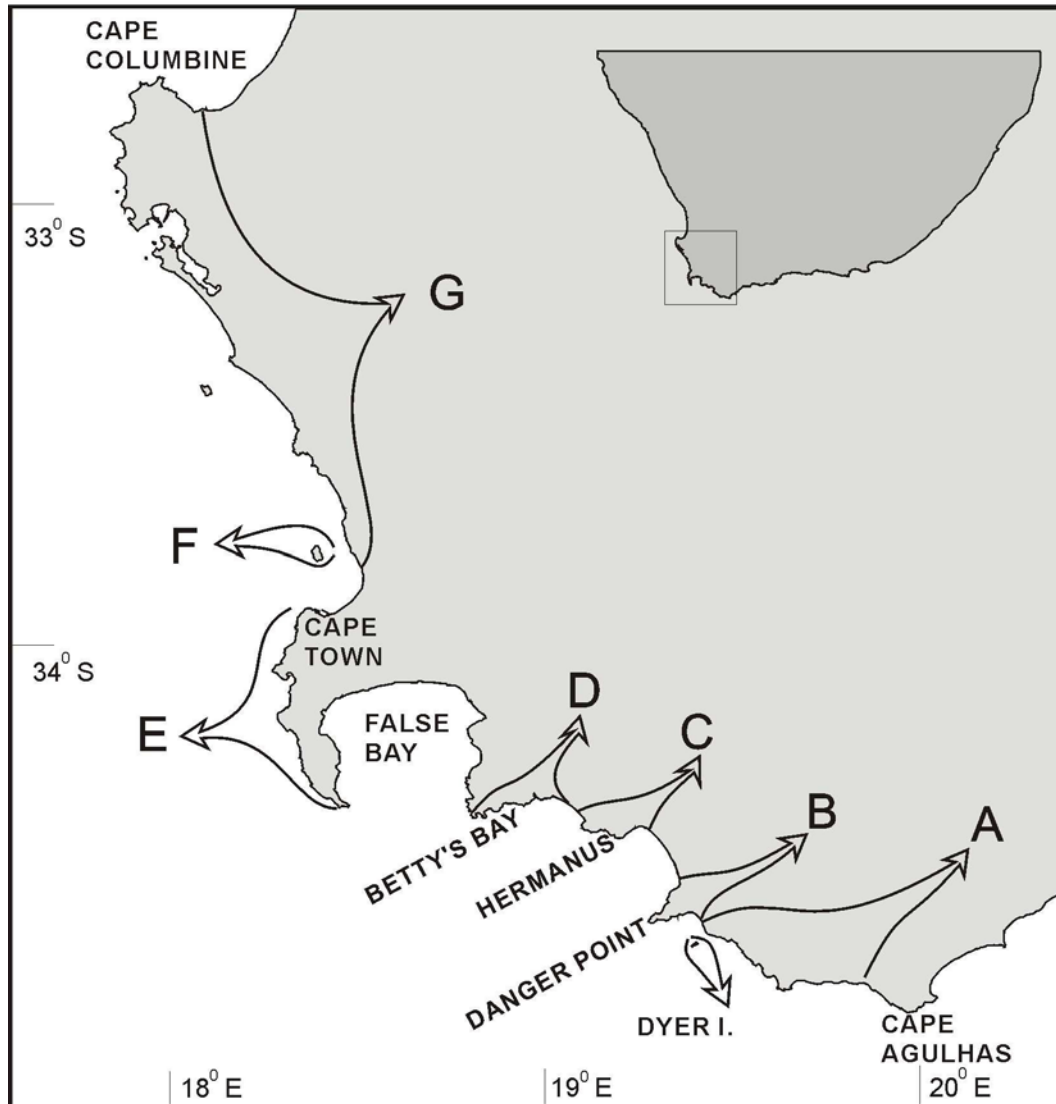
Every applicant will have to demonstrate ownership of or a right of access to a suitable vessel. Suitable vessels are vessels that have a maximum overall length of 8m (“loa” as set out in the certificate of safety issued by SAMSA) and that have valid safety certificates issued by SAMSA.

For the purposes of ensuring effective enforcement, a suitable vessel **will exclude** all -

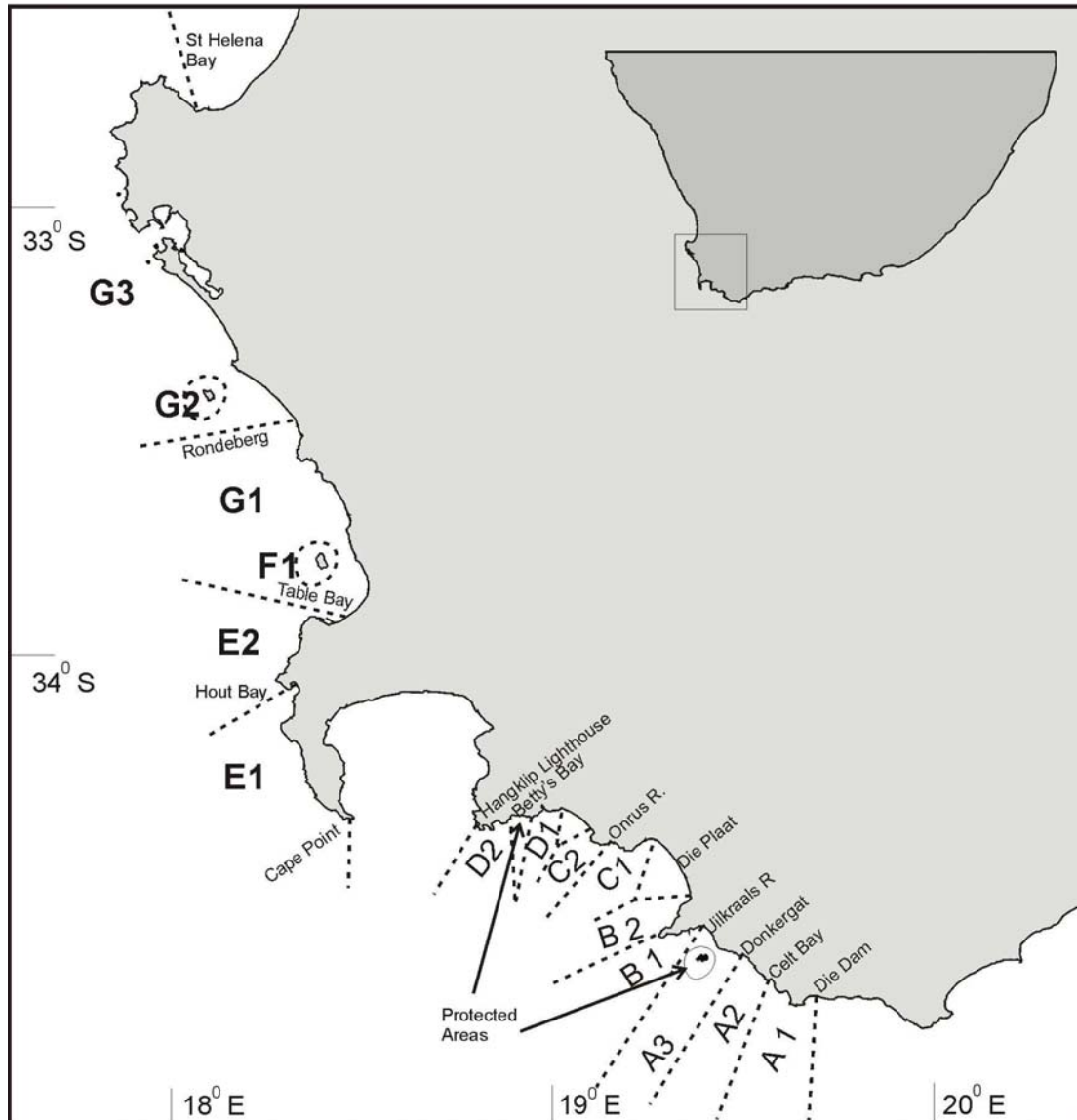
- inflatable boats;
- semi-rigid inflatable boats; and
- vessels equipped with outboard motors will not be permitted to utilise motors of more than 85 hp each.

#### 10. Harvesting Areas: The Primary and Secondary zones

Abalone is currently harvested in seven zones. The map in **figure 1** indicates each of the current seven primary zones. The fishing zones extend from Cape Columbine in the west to Cape Agulhas in the east.

**Figure 1 (Primary zones)**

The Department intends dividing each of these primary zones into secondary zones. The secondary zones will be physically capable of identification as clear markings on prominent natural features such as rock outcrops will be used. The map in **figure 2** suggests the possible extent of each secondary zone and the boundaries of each such secondary zone.

**Figure 2 (Secondary zones)****Key to Figure 2**

Zone A Secondary Zones: A1, A2 and A3 (excluding Dyer Island)

Zone B Secondary Zones: B1 and B2

Zone C Secondary Zones: C1 and C2

Zone D Secondary Zones: D1 and D2

Betty's Bay Marine Protected Area between Secondary Zones D1 and D2

No abalone harvesting in the False Bay Area

Zone E Secondary Zones: E1 and E2

Zone F: Robben Island ("F1")

Zone G Secondary Zones: Secondary Zones G1, G2 (Dassen Island) and G3

The allocation of commercial abalone rights will only be to **divers** or **legal entities** within a secondary zone. Regardless of whether a right is granted to a **diver** or a **legal entity**, only the divers permitted by the Department may enter the water and dive. Each right holder will be allocated a secondary zone. It is intended that each secondary zone will comprise a relatively small number of right holders who will only be entitled to harvest abalone in that secondary zone. This secondary zone will effectively be “owned” by the right holders. The community adjacent to each secondary zone will play an important oversight role, ensuring that only “their” right holders dive for abalone in that secondary zone.

Good management of the secondary zone by the right holders and community should result in larger quantities of abalone in that secondary zone. The Minister could reward such good management by increasing the TAC for that secondary zone. Reductions in abalone numbers in a secondary zone could result in a reduction in the TAC or even a zero TAC.

The Department acknowledges that due to heavy poaching in certain areas east of Cape Hanglip, a zero TAC will have to be declared in certain secondary zones for the next abalone season. Rights will nonetheless be granted in these areas. Right holders will be encouraged to manage these secondary zones, together with the respective communities. Once abalone numbers improve in these areas, right holders will be allowed to harvest abalone. These right holders may even be holders of commercial west coast rock lobster fishing rights.

## 11. Compliance

In order to bolster compliance, the following further measures will be put into place. A failure to adhere to any of these requirements could result in the suspension, cancellation or revocation of the commercial right.

### 11.1 Suitable Vessels

**Suitable vessels** must be fitted with an approved and functioning vessel monitoring system (“VMS”). A pole extending 2m above the deck of the vessel must display the vessel and area numbers. In addition, the same vessel and area numbers must be clearly marked on the bow section of the vessel. All identification numbers and letters must be 20cm in height and 2cm in thickness and must be white on black.

Vessels will not be permitted to launch before 08h00 and must land before 15h00 so that catches can be inspected, weighed and recorded by the Department’s Marine Inspectors before 16h00 each day.



The original permit is to be kept on board the vessel at all times.

#### 11.2 Divers

The number of persons on board the vessel may not exceed the number stated on the SAMSA safety certificate.

Only one right holder will be allowed on a vessel at any one time.

#### 11.3 Landing site

Right holders shall only be entitled to land catches at the landing site located nearest to the secondary zone in which they are permitted to harvest abalone. The landing sites for abalone are listed in **Annexure A**. These landing sites / boat launching sites (other than those within proclaimed harbours or ports) will however only be capable of use if licenced in accordance with regulation 7 of GN Regulation 1399 of 21 December 2001.

Rights allocated will stipulate the landing site at which catches may be landed. All catches will be weighed at the landing site. The weight at the landing site will be the recorded weight for the purposes of quantum control.

#### 11.4 Sea day restrictions

The Department will impose a sea day restriction. This means that right holders will only be permitted to harvest abalone for a limited number of days during the abalone season. The Department intends imposing the following sea day restrictions:

- 1 day for every 50kg allocated on the west coast (ie. west of Cape Hangklip), excluding Robben Island, where 1 day will be allocated for every 100kg allocated; and
- 1 day for every 100kg allocated on the south-east coast (ie. east of Cape Hangklip).

Upon the expiry of the allotted sea days, the Department will require the right holder to immediately return the “generator” tag (see para. 11.5, below) and all copies of, and the original permit to the Department. Should a right holder subsequently be found to have continued harvesting abalone, the permit and “generator tag” will not be returned

to the right holder and the Department will institute proceedings to have the right revoked, suspended or cancelled.

#### 11.5 Gear and equipment

The Department will only permit the utilisation of the “hookah system” for the harvesting of abalone. The generator that will be used on board the vessel must at all times carry an official Department “abalone generator” tag, which shall be provided by the Department.

Each **diver** will only be permitted one wetsuit or drysuit on board the **suitable vessel**. No assistant may wear or carry a wet suit on board the **suitable vessel**. Each **diver** holder will be provided with one tag for their wetsuit.

#### 11.6 Vehicles

Every applicant will have to nominate and provide full details pertaining to the make, colour and registration numbers of the vehicles (as well as engine and chassis numbers) and trailers that will be used to launch and tow vessels and transport the harvested abalone.

Only these vehicles may be used by the right holders. Should a vehicle require replacement (whether temporary or permanent), the Department must be notified in writing and prior written approval must be obtained.

Each vehicle that is intended to be used by the right holder to launch and tow the **suitable vessel** and transport the harvested abalone must be clearly marked indicating –

- the right holder’s full name and logo (if applicable);
- the right holder’s permit number;
- the purpose(s) of the vehicle; and
- the make, model, colour and registration number of the vehicle.

The Department will provide the right holder with one set of the applicable markings for each nominated vehicle. Only these markings in their original form will be valid.

#### 11.7 Marine Protected Areas

The marine protected area at Betty's Bay will be closed to all abalone harvesting. No right holder shall be permitted to enter this protected area for the purposes of diving for abalone.

#### 11.8 Dyer Island

The closure of Dyer Island for the purposes of making it a sanctuary is part of a strategy to protect the abalone species. The Bettys Bay Marine Protected Area is no longer considered as being sufficient to provide the only protection to abalone.

It is the Department's view that the abalone species should be afforded further protection in one other "no-take" refuge. This should be a discrete identifiable, population site, and Dyer Island suits this requirement well.

### 12. Processing, transporting and selling abalone

Only the current ten fish processing establishments shall be permitted to process abalone.

Harvested abalone must be transported and delivered to the nominated abalone fish processing establishment in a whole state by the right holder. Should any processing facility purchase abalone that has already been shucked, such a processing facility may have its right suspended, revoked or cancelled.

The landed mass of the abalone must be recorded by the right holder. The Department will only allow for a maximum of 3% loss of weight from landing site to the registered abalone fish processing establishment.

### **13. Timeframes**

The Department envisages the following timeframes leading up to the allocation of commercial abalone fishing rights:

- 19 September 2003: Deadline for submission of comments on this draft policy;
- 26 September 2003: Issue of the Notice inviting applications for a commercial abalone fishing right;
- 27/28 October 2003: Dates for the receipting of commercial abalone right applications; and
- 28 November 2003: Allocation of 10-year commercial abalone fishing rights.

### **14. Manner of submission and Application Fees**

The Department will require applications to be submitted on stipulated application forms. Application forms will be colour coded differently for each secondary zone. Only these application forms may be used. Should an application be submitted on a form other than the application form stipulated by the Department, the application will not be considered.

A non-refundable application fee of Rxxx<sup>2</sup> will be applicable. Should an application be submitted without proof of the requisite application fee, the application will not be considered.

### **15. Criteria**

The criteria stated below are intended to identify the best applicants that may be granted commercial abalone fishing rights. The Department reserves its right to amend these criteria or to add further criteria so as to ensure that it is capable of allocating commercial abalone fishing rights in an efficient and sustainable manner.

Each application submitted will be required to comply with certain exclusionary criteria. Every application will have to be properly lodged, not be materially defective and will

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<sup>2</sup> The application fee will be determined by the Minister, after consulting with the Minister of Finance. The fee will be set taking into account the value of right being granted, its duration and the cost to the Department of receipting, evaluating and taking a decision on an application.

have to demonstrate compliance with the **essential requirements** that pertain to the abalone fishery. What these specific exclusionary criteria are will be clearly stated in the application form and Government Notice inviting applications for commercial fishing rights.

#### 15.1 Divers

The following criteria are intended to be applicable to the evaluation of applications submitted by **divers**. The application must demonstrate that the applicant –

- is a qualified diver and is certified in terms of the regulations promulgated under the Occupational Health and Safety Act of 1993 to be a certified diver;
- has an historical involvement in the harvesting of abalone (ie. that he or she has a history of diving legally for abalone);
- is substantially reliant on the abalone resource for 75% or more of his or her annual income;
- has been permanently resident for the past two years in the coastal community adjacent to the secondary zone that is applied for;
- is not directly (ie. they themselves) or indirectly (ie. as shareholders of a company, members of a close corporation or trustees or beneficiaries of a trust) associated with any legal entity that is responsible for the marketing of abalone or that has a right to process abalone; and
- is registered as a tax payer with the South African Receiver of Revenue and all taxes have been paid.

**Divers** that are **historically disadvantaged persons** will be given preference. Divers that hold a right in another commercial fishery (other than the limited west coast rock lobster fishery), whether directly (ie. they themselves are the right holders) or indirectly (ie. as shareholders of a company, members of a close corporation or trustees or beneficiaries of a trust) will not be considered for a commercial abalone right.

## 15.2 Legal Entities

The following criteria are intended to be applicable to the evaluation of applications submitted by **legal entities**. The application must demonstrate that the applicant –

- is one which **divers** own at least 75% of the equity interest;
- is one whose majority **ownership** and **management** vests in the hands of **historically disadvantaged persons**;
- has invested substantially in **suitable vessels**, gear and other applicable equipment;
- is a registered VAT vendor (if applicable) and is registered with the South African Revenue Services and whose taxes have been fully paid up;
- has for the past two years had its registered place of business in the coastal area adjacent to the secondary zone that is applied for;
- is not directly or indirectly involved in the processing or marketing of abalone;
- employs its divers on a full-time basis, is compliant with the Employment Equity Act of 1998, the Skills Development Act of 1998 and the Skills Levies Act of 1999; and
- has historically complied with the Act.

## GLOSSARY OF TERMS USED IN THIS DRAFT POLICY

**Note:** All words or terms that are in ***bold italics*** in the text above may be found in this glossary.

<b><i>“divers”</i></b>	means a diver who is qualified to dive commercially for abalone and who is certified in terms of the regulations promulgated under the Occupational Health and Safety Act of 1993;
<b><i>“essential requirements”</i></b>	<p>means a requirement that must be satisfied and in the abalone fishery means that applicants must demonstrate –</p> <ul style="list-style-type: none"><li>• ownership of or a right of access to a <b><i>suitable vessel</i></b>;</li><li>• that he/she owns or has a right of access to the appropriate equipment and gear in order to harvest abalone;</li></ul>
<b><i>“historically disadvantaged person”</i></b>	means a person who belongs to a group of persons that suffered racial discrimination in terms of the system of apartheid;
<b><i>“legal entity”</i></b>	means a close corporation, South African company or trust;
<b><i>“management”</i></b>	means being able to participate fully in the management of the entity, including hiring and firing staff, entering into binding contracts on behalf of the entity and being able to sign negotiable instruments on behalf of the entity;
<b><i>“ownership”</i></b>	means beneficial ownership, in terms of which the shareholder or member is entitled to participate equitably in the profits of the entity;

***“suitable vessel”***

means a vessel that is no more than 8 metres in length, SAMSA compliant, fitted with an approved and functioning VMS and is not –

- an inflatable boat;
- a semi-rigid inflatable boat;
- equipped with outboard motors of more than 85 hp each.



**ANNEXURE A  
LANDING SITES**

1. Buffelsjagsbaai;
2. Cape Town;
3. Gansbaai;
4. Ganzekraal;
5. Hermanus;
6. Hout Bay;
7. Kleinbaai;
8. Kleinmond;
9. Maasbaai;
10. Millers Point;
11. Saldanha;
11. St Helena Bay;
12. Witsands;
13. Yzerfontein.