

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 1129

16 NOVEMBER 2015

**POLICY ON THE ALLOCATION AND MANAGEMENT OF COMMERCIAL FISHING RIGHTS IN
THE HAKE INSHORE TRAWL FISHERY: 2015**

**This document is also available in Afrikaans, isiXhosa and isiZulu
Hierdie dokument is ook in Afrikaans, isiXhosa, en isiZulu beskikbaar
Lencwadi iyafumeneka nangolwimi lwesiBhulu, lwesiXhosa nolwesiZulu
Lencwadi iyatholakala nangolwimi lwesiBhunu, lwesiXhosa nolwesiZulu**

(In case of any inconsistency, the English text prevails)

TABLE OF CONTENTS

1.	Introduction	1
2.	Profile of the fishery	1
3.	The 2005/2006 long term rights allocation process.....	4
4.	Objectives	4
5.	Granting of rights	5
6.	Multi-sector involvement.....	7
7.	Evaluation criteria	7
8.	Provisional lists, consultation and representations.....	12
9.	Announcement of decisions	12
10.	Payment of application and grant of right fees	12
11.	Management measures.....	12
12.	Permit conditions	13
13.	Glossary of Terms	14

1. Introduction

The Department of Agriculture, Forestry and Fisheries (“the Department”) is responsible for administering the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the MLRA”), regulations promulgated thereunder and policies issued by the Minister of Agriculture, Forestry and Fisheries (“the Minister”), in consultation with the Department.

This policy on the allocation and management of fishing rights in the Hake Inshore Trawl fishery (“the HIT fishery”) shall be referred to as the “**Hake Inshore Trawl Policy: 2015**”.

This policy must be read in conjunction with the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the MLRA”) and regulations under the MLRA; the General Policy on the Allocation and Management of Fishing Rights: 2013 (“the 2013: General Policy”); other relevant Sector Specific Policies including the Policy for the Small Scale Fisheries Sector in South Africa: 2012; and the Policy for the Transfer of Commercial Fishing Rights: 2009. This policy must be interpreted to be consistent with the MLRA, and all of the other relevant regulations and policies.

This policy sets out objectives, criteria and considerations that will guide the application, evaluation, allocation and management of fishing rights in the HIT fishery. This policy will thus guide the Delegated Authority in taking decisions on applications in this fishery.

Only persons issued with permits in terms of the MLRA may harvest hake and sole caught in the HIT fishery, transport the catch from a landing site to a permitted Fish Processing Establishment (“FPE”) and export hake and any products thereof.

2. Profile of the Fishery

2.1 Description of the fishery

The South African hake resource is comprised of two species, the shallow-water Cape hake (*Merluccius capensis*) and the deep-water Cape hake (*Merluccius paradoxus*). Both species are targeted by four fisheries, referred to as the “hake collective”: deep-sea trawl; inshore trawl; hake longline; and hake handline sectors.

The Minister annually sets a global Total Allowable Catch (“TAC”) for both hake species, most of which is distributed amongst the hake fisheries. A small portion of the TAC is also reserved for a by-catch of hake in other fisheries. In addition, since 2013 a portion of the TAC has been reserved for small-scale fishing, although no rights have as yet been allocated to this sector.

The inshore trawl and handline sectors mainly operate off the south and east coasts, while the deepsea trawl and longline fleets mainly operate off both the west and south coasts. Right holders in the demersal trawl fisheries (i.e. the deep-sea and inshore trawl fisheries) also target sole and horse mackerel. However, the exploitation of hake is the largest and most commercially important component for those participating in all four hake fisheries.

There are currently 16 right-holders operating in the inshore trawl fishery. Working conditions in the fishery are generally considered to be better than those that prevail in other fisheries. The majority of employees are employed on a full-time, year-round basis, with fixed salaries and employment benefits. The fishery is not as capital intensive as the deep-sea trawl fishery, but significant investment is required in the form of vessels, processing establishments, and product marketing.

2.2 History of the fishery

Since the 1890's, the exploitation of hake in the demersal area has been the mainstay of South Africa's fishing industry. In the early part of the twentieth century an industry was pioneered operating in the inshore part of the demersal area. Both hake species became subject to increasing levels of exploitation after the First World War.

It was however only in the 1950s that the inshore hake fishery took on a commercial face. At that stage smaller trawlers began targeting both shallow-water hake and the more valuable Agulhas sole (*Austroglossus pectoralis*) closer to the shore.

Prior to 1978 both the deep-sea and near-shore trawl sectors were largely unregulated, and participants were not restricted to a maximum catch limit. The incursion of foreign fleets during the 1960s culminated in a peak catch of close to 300 000 tons in the early 1970s.

Matter changed when in 1977 South Africa declared a 200 nautical mile Exclusive Economic Zone (EEZ) off its coastline. In 1978, the demersal trawl industry was formally separated into inshore and offshore sectors, and a global annual TAC was set for both hake species, to be divided between the sectors. The TAC was relatively conservative in order to rebuild fish stocks. An annual TAC was also set for Agulhas sole.

Individual quotas were introduced in 1982. Since then, an annual TAC has been set for both hake species, and a separate TAC set for Agulhas sole. Approximately 6% of the global hake TAC has historically been allocated to the inshore trawl sector.

The TACs have been determined on the basis of various assessments which have developed over time. Since 1991, the South African hake resource has been managed using Operational Management Procedures (“OMPs”). An OMP is essentially a combination of pre-specified methods of data collection and analysis, coupled with a set of simulation-tested decision rules which specify exactly how the regulatory mechanism is to be computed each year. In the case of South African hake, the regulatory mechanism is a TAC, the value of which is calculated from stock-specific monitoring data (commercial CPUE indices and indices of abundance derived from demersal research surveys). Implicit in the OMP approach is a schedule of OMP revision (every 4 years) to account for updated data sets and possible changes in resource and fishery dynamics.

During the last decade the demersal trawl fisheries have accounted for a substantial portion of the wealth generated from commercial fisheries. The fishery continues as a “dual quota” fishery, with participants targeting both shallow-water hake and Agulhas sole.

An important consideration in the development of the recent hake OMPs (OMP-2006, OMP-2010 and now OMP-2014) has been the certification of the South African hake trawl fishery (incorporating both the deepsea and inshore trawl fisheries) by the Marine Stewardship Council (MSC). The fishery first obtained this prestigious eco-label in 2004, and was the first (and currently the only) fishery in Africa to be MSC certified. The fishery was successfully re-certified in 2015 for a period of 5 years. MSC certification has provided substantial socio-economic benefits to the fishery through enabling access to international markets that are increasingly demanding seafood products that are eco-labelled.

2.3 The Management of the fishery

As noted above, the Department manages the fishery as a collective, together with three other fisheries which target both hake species. The Minister annually sets a global TAC for both hake species which is divided between all of these fisheries.

Until 2004 a portion of the TAC (of about 1 000 tons) was set aside for foreign fishing. Currently portions of the TAC are set aside for a reserve to cover a bycatch of hake in the horse mackerel fishery, and for allocation to the small-scale fishery. The balance is distributed amongst right holders in the four hake fisheries.

The division of the TAC amongst the four hake fisheries is currently made without regard to the two hake species, and the amount of each of the species caught in each fishery. It may be necessary for the Minister and the Department to develop a sectoral allocation

procedure, taking cognisance of the species caught in each fishery and the contribution of that species to the global TAC. This will ensure that the exploitation of the resource matches the productivity of each of the two hake species. In terms of such a procedure, the sectoral allocation of hake to the inshore trawl fishery would be determined only with regard to the status of the shallow-water hake resource.

Many participants in the fishery also target Agulhas sole. A separate TAC is set for sole, based on the productivity of that species. However, the allocation of rights in the fishery must be linked to, and proportional to rights allocated for the exploitation of sole, to ensure the viability of all species.

Inshore trawl grounds are located between Cape Agulhas in the west and the Great Kei River in the east. Vessels operating in the inshore fishery may not exceed 35m (although those operating in traditional Agulhas sole grounds may have to comply with more restrictive length requirements applicable in that fishery).

Vessels operating in the fishery usually trawl throughout the traditional “inshore” area i.e. in waters shallower than the 110m isobaths, but are not restricted from operating in deeper water. By contrast, vessels operating in the deep-sea trawl fishery may not operate in water depths of less than 110 metres or within 20 nautical miles of the coast, whichever is the greater distance from the coast.

Trawling for Agulhas sole takes place in water depths of 50-80m, mainly between Mossel Bay and Struisbaai, in areas where the substrate consists of mud/shale.

Most of the bays on the south coast are closed to trawling.

3. The 2005/2006 Long Term Rights Allocation and Management Process

In the 2005/2006 Long-Term Fishing Rights Allocation and Management Process (LTRAMP), rights were allocated to a total of 16 right holders in the Hake Inshore Trawl sector with an average black ownership percentage of 37%¹.

4. Objectives

- 4.1. The objectives and principles of allocating fishing rights in a fishery are set out in section 2 of the MLRA, inter alia, to:
 - (a) promote transformation through allocation of fishing rights to entities owned and/or

¹ Figure from 2009 Performance Review Report

controlled by historically disadvantaged persons which shall include designated groups (youth, women and people with disabilities), and to broaden meaningful participation in the HIT fishery (through increased participation, sharing value-creation opportunities and profits, and forging links);

- (b) ensure sustainable livelihoods through the promotion of fair employment;
- (c) promote adherence to fair labour practices and improved working conditions;
- (d) promote food security and poverty alleviation;
- (e) prefer applicants who rely on the harvesting of hake in the HIT fishery as a major source of their gross annual income above applicants deriving income from sources outside the fishery;
- (f) facilitate the recovery of over-exploited and collapsed fish stocks;
- (g) achieve optimum utilisation and ecologically sustainable development of marine living resources; and
- (h) promote investments in processing and marketing infrastructure in areas outside the metropolitan areas which are economically depressed.

5. Granting of rights

Fishing rights are granted in terms of section 18 of the MLRA. In terms of section 79 of the MLRA the Minister has delegated the power to grant fishing right in each fishery to a Delegated Authority in the Department.

Unless otherwise determined by the Minister, only South African persons shall acquire or hold rights in terms of section 18 of MLRA. In this fishery the Minister has not exercised his power to allow persons of other nationalities to acquire rights, meaning that only South African persons can acquire rights in the fishery.

The rights granted will be based on applicable balancing criteria, and will be reflected as a proportion of the local commercial TAC and/or TAE or a combination thereof that are available at the time that the rights allocation process is conducted.

All rights granted shall be valid from the date of allocation for a period not exceeding 15 years, where after they will automatically terminate and revert back to the State to be reallocated.

It should be further noted that in terms of section 16 of the MLRA the Minister may suspend any fishing in the fishery or impose effort restrictions, in order to address a state of

emergency.

5.1 Form of right holders

- (a) Section 18 of the MLRA provides that only South African persons may hold fishing rights.
- (b) Having regard to the nature of operations and resource accessibility, only the following South African persons will be considered in the HIT fishery:
 - (i) companies (legal entity); and
 - (ii) close corporations (legal entity)

5.2 Duration of right

Having regard to the right allocation process and need to encourage investment, fishing rights in the HIT fishery will be granted for the maximum period of 15 years.

5.3 Total Allowable Catch and Total Applied Effort allocation

In terms of section 14 of the MLRA the Minister is empowered to determine a TAC, Total Applied Effort (TAE), or combination thereof to apply in each fishery. The fishery is regulated by the determination of a TAC

The TAC is determined by the Delegated Authority considering the history, resource users, sustainability of the operations of right holders, and the viability of the fishery. The Delegated Authority will only allocate a local commercial portion of the determined TAC to commercial right holders based on the proportion granted to each successful applicant at the time of commercial fishing rights allocation process. The right holder's allocation may decrease or increase should the annual local commercial portions of determined TAC decrease or increase respectively. In terms of section 14(4) of the MLRA, if the allowable commercial catch in respect of which commercial fishing rights exist increases, the mass of the increase shall be available for allocation by the Minister.

5.4 Transfer of rights allocation in terms of this Policy

In terms of section 21 of the MLRA the Minister may approve the transfer of fishing rights in whole or in part. However, rights granted in the HIT fishery in terms of the MLRA shall not be transferred within the first two (2) years of being granted.

Rights can only be transferred in terms of the Policy for the Transfer of Commercial Fishing Rights (Government Gazette No 32449, 31 July 2009) or relevant amendments thereof.

A notification of transfer of shares or members' interest must be served on the Department within 30 days of such sale or transfer or any time-period set in applicable permit conditions in all cases in which shares or a member's interest in a right holder are sold or transferred,. In addition, the Department's approval is required for all cases in which the sale or transfer of shares or a member's interest in a right holder results in a change of control of the entity, or in the entity being less transformed than it was at the date on which rights are allocated in particular regard to any decrease in black ownership of such entity.

Failure to pay the required fees for the grant of a right, or to apply for any permits, or to declare any catches during the first two (2) years, shall result in a cancellation of the right by the Minister.

6. Multi-sector involvement

Applicants for the allocation of rights in this fishery will not be precluded from applying for, or holding commercial rights in other local commercial fisheries sectors.

This shall mean any person can only apply for a right in any fishery sector regardless of whether the applicant has applied for a right or holds a right in any fishery sector. In this case, the "applicant" shall mean an individual, a shareholder or director in a company, or a member in a close corporation applying for a right in any fishery sector.,

Natural persons who hold shares or a member's interest in an entity which is applying for the allocation of rights in the fishery, may also hold shares, an interest in a an entity which is applying for, or already holds rights in another fishery.

Natural persons who are directors or employees of an entity which is applying for the allocation of rights in the fishery, may also be a shareholder, member, director or employee of an entity which is applying for, or already holds rights in another fishery.

The Delegated Authority reserves the right to grant a right to the applicant in any sector and may, however, prefer applicants who rely on the harvesting of inshore hake in the fishery as a major source of their gross annual income.

7. Evaluation criteria

Applications for the allocation of rights in the HIT fishery will be screened in terms of a set of "exclusionary criteria". All applicants will thereafter be separately scored in terms of a set of weighted "comparative balancing criteria". A cut-off will then be determined in order to

select the successful applicants and a portion of the TAC will be apportioned to successful applicants.

7.1 **Exclusionary criteria**

Apart from the criteria described in the 2013: General Policy pertaining to the lodgement of applications and material defects, the Delegated Authority will exclude applicants that fail to meet the following requirements/criteria:

(a) **Compliance**

An applicant will be excluded if it, a controlling shareholder, a member with a controlling interest, or a director, has been convicted of a serious transgression of the MLRA (without the option of the payment of a fine).

An applicant will also be excluded if it, a controlling shareholder, a member with a controlling interest, or a director, has had any fishing right cancelled or revoked in terms of the MLRA. For these purposes a individual will be treated as having had rights cancelled or revoked if that person was a controlling shareholder, a member with a controlling interest, or a director of an entity which had its rights cancelled or revoked.

Minor infringements, including those in respect of which an admission of guilt fine was paid, may be taken into account as a balancing criterion and may also adversely affect an application.

(b) **Paper quotas**

Applications from paper quota applicants, as defined in the 2013: General Policy, will be excluded.

(c) **Non-utilisation**

Applicants which have held a right in the fishery during the period of 2006 to 2015, which was not utilised, shall be excluded.

7.2. **Balancing criteria**

Applicants will be evaluated in terms of the following balancing criteria which will be weighted in order to evaluate and assess applications:

(a) **Transformation**

When assessing and scoring applications, and when allocating portions of the TAC to successful applicants, the Delegated Authority may prefer applicants based on transformation criteria. When attributing a score for transformation criteria, or allocating portions of the TAC, the Delegated Authority may have regard to: census statistics or other information provided by Statistics South Africa regarding the composition of the population of South Africa, and the percentage of that population made up by different demographic groups; the need to ensure the recognition and meaningful participation in the fishing industry of Historically Disadvantaged Individuals (HDIs); and the codes of good practice under the Broad-Based Black Economic Empowerment Amendment Act.

Applicants, depending on the form of the applicant, will be assessed and scored on the following transformation criteria:

- (i) The percentage of people from designated groups and HDIs represented at top salary, board of directors, members and senior official and management levels;
- (ii) The extent to which an applicant's black ownership and black management transformation credentials (as measured in the 2005 LTRAMP) have subsequently improved, remained the same, or deteriorated in the period following the granting of rights in the LTRAMP
- (iii) Whether employees (other than top salary earners) benefit from an employee share scheme;
- (iv) Compliance with the Employment Equity Act 55 of 1998 and the representativity of designated groups and HDIs at the various levels of employment below senior official and management level;
- (v) Affirmative procurement;
- (vi) Compliance with legislation on skills development and the amounts spent on the training of Black persons, youth, women people with disabilities and participation in learnership programmes; and
- (vii) Corporate social investment.

(b) **Fishing performance**

The historical fishing performance of applicants who have held fishing rights in the fishery will be examined to determine if they have effectively utilised their fishing rights. Effective utilisation shall mean activation of the catch permit, landing of catch, and subsequent submission of catch data for at least five years during the period 2007-2014.

(c) Local economic development

- (i) In order to promote local economic development, the Delegated Authority will give preference to applicants who will land catches at harbours situated outside of metropolitan areas, and process catches at land-based processing establishments outside of metropolitan areas. Metropolitan areas include the areas under the control of metropolitan (category A) municipalities (City of Cape Town; Nelson Mandela Bay Metropolitan Municipality; and Buffalo City Metropolitan Municipality).
- (ii) The Delegated Authority shall give preference to applicants with the aim of ensuring that 80% of the hake caught in the fishery is landed and processed along the south coast and east coast, at locations between Cape Agulhas and the Great Kei river.
- (iii) The Delegated Authority may, in order to ensure that all fishing communities share in the marine living resources, use the locality of landing sites and fish processing establishments as scoring or tie-breaking criteria. For these purposes the Delegated Authority may give preference to applicants, with the aim of ensuring an equitable distribution of opportunities to communities along the coastline.

(d) Job creation

The Delegated Authority may give preference to any applicant which commits to retaining existing employment opportunities, or to increasing employment opportunities if it is allocated rights in the fishery. For these purposes the Delegated Authority will consider the quality of the employment opportunities which will be created, including compliance with the Basic Conditions of Employment Act, 1997 (No. 75 of 1997) ("BCEA"); and the applicant's commitment to provide their employees with:

- (i) permanent employment;
- (i) medical aid or any kind of medical support arrangement;
- (ii) pension / provident fund;
- (iii) safe working conditions in accordance with the applicable legislative requirements; and
- (iv) an employee share scheme, which ensures that employees enjoy an effective shareholding in the right holder.

(e) Access to a suitable vessel

An applicant will be required to demonstrate a right of access to a vessel suitable for the harvesting of hake in the HIT fishery. Access may be in the form of ownership, part-ownership, a catch agreement, a charter agreement, or a bank guarantee for sufficient capital to purchase or build a vessel. If an applicant intends purchasing a vessel, then additional information must be provided to prove a firm and binding offer by the current owner of the vessel to sell the vessel to the applicant. If an applicant intends building a new vessel, then additional information must be provided including the vessel plans, the cost to be incurred and a firm and binding commitment by a vessel building company to build the vessel.

A suitable vessel in the HIT fishery is one that:

- (i) is certified by South African Maritime Safety (SAMSA) as being safe and has a maximum SAMSA registered length not exceeding 35 metres;
- (ii) has an engine or engines with a maximum combined horsepower of 900 (subject to the understanding that smaller engine sizes may be imposed in permit conditions);
- (iii) is geared to target hake and sole; and
- (iv) is fitted with, or is capable of being fitted with a functioning Vessel Monitoring System (VMS).

(f) Applicants involvement and relationship with other applicants

(i) Entity and their subsidiaries involvement

A company and its subsidiary/ies may not be granted more than one right in the HIT fishery, so as to avoid fronts and monopolies and to promote broader access to the HIT resource. Applicants are required to disclose their relationship to other applicants for the allocation of rights in the HIT fishery, as well as in other commercial fisheries. If an entity and its subsidiary both apply for a right in the same fishery, the holding/umbrella/parent company will be preferred with due regard being taken to the Department's transformation objectives.

(ii) Brother-Sister Corporations

If two or more entities which are owned and controlled by the same person or persons or shareholders apply for commercial fishing rights in the HIT fishery, and qualify for the allocation of such rights, then the Department may consider: allocating a fishing right to one of the qualifying entities only; or dividing the TAC between the qualifying entities.

8. Provisional lists, consultation and representations

- 8.1 The Delegated Authority may issue provisional lists for comment on any aspect relating to an application in any fishery sector.
- 8.2 The Delegated Authority may request comment on any of the information provided by an applicant and on the basis of the comments received make its final decisions.
- 8.3 The delegated authorities may invite representations regarding the assessment of the applications before making final decisions.

9. Announcement of decisions

The Delegated Authority shall after making final decisions on the applications, inform all applicants of the outcome of their individual applications giving specific reasons for such decisions. Further General Reasons for decisions in a specific fishery will be published informing all applicants on how the decisions were formulated and reached. The General Reasons shall also include an annexure outlining the scores obtained by all applicants in the HIT fishery.

10. Payment of application and grant of right fees

- 10.1 The application fees for the HIT fishery will be determined having regard to:
- (a) The cost of the entire fishing rights allocation process, including consultation, receipting, evaluation of applications, verification, appeals and reviews; and
 - (b) The value of the fish being allocated over the duration of the right.
- 10.2 The non-refundable application fee shall be payable before submission of the application and only proof of payment shall be brought to the receipting centre.
- 10.3 The grant of right fee is payable by all successful applicants upon the granting of rights.

11. Management Measures

The management measures discussed below reflect a number of the Department's principal post-right allocation management intentions for the HIT fishery.

11.1 Ecosystem approach to fisheries

The HIT fishery will be managed in accordance with the ecosystem approach to fisheries ("EAF"). An ecosystem approach to fisheries management is a holistic approach that maintains or improves the health of an ecosystem and balances the diverse societal needs

and values. This approach also defines the ecosystem in its broadest sense and includes ecological, social, economic and governance systems. An EAF strives to balance diverse societal objectives, by taking into account the knowledge and uncertainties about biotic, abiotic and human components of ecosystems and their interactions and applying an integrated approach to fisheries within ecologically meaningful boundaries.

11.2 Observer programme

- (a) The right holder of a commercial Hake Inshore Trawl fishing right shall accommodate an observer on board the right holder's nominated vessel when required to do so by the Department or its agent.
- (b) The right holder may bear the costs of the observer deployment when so required by the Department.
- (c) The right holder shall allow the Observer unrestricted access to monitor fishing activity, and to test compliance with permit conditions and all applicable laws.
- (d) Should the Department reasonably believe that an Observer is being prevented from carrying out his or her obligations in any way, or threatened in any way while on board the right holder's vessel, the Department may implement proceedings under section 28 of the MLRA.

11.3 Performance measuring

Successful applicants will be subjected to a number of performance measuring exercises for the duration of their fishing rights. The purpose of performance measuring will be to ensure that the objectives of the HIT fishery are being met and that management methodologies and procedures remain current and suitable for the HIT fishery.

11.4 Offences

A successful applicant that fails to utilise their Hake Inshore Trawl right for one fishing season without any reasonable explanation, or that contravenes the provisions of the MLRA, will be subject to proceedings under section 28 of the MLRA.

12. Permit Conditions

Permit conditions for the HIT fishery will be issued annually. The permit conditions will be determined after consultation with the successful applicants in this fishery and will be subject to revision as and when it may be necessary.

13. Glossary of Terms

- 13.1. "Brother-Sister corporations" are subsidiary companies owned by the same parent company.
- 13.2. "Close corporation" means close corporation in terms of the Close Corporations Act (No. 69 of 1984), of which the majority of members are South African persons.
- 13.3. "Company" means a company registered in terms of the Companies Act No. 71 of 2008, of which the majority of shareholders, as prescribed by the Minister, are South African persons.
- 13.4. "Historically disadvantaged person" means a person who belongs to a group of persons who suffered racial discrimination in terms of the system of apartheid and includes women.
- 13.5. "Legal entity" means a close corporation or company.
- 13.6. "MLRA" means the Marine Living Resources Act (Act No. 18 of 1998).
- 13.7. "Rights" means fishing or harvesting rights granted in terms of section 18 of the Marine Living Resources Act (Act No. 18 of 1998).
- 13.8. "Right Holder" means a person or a legal entity that was previously granted or lawfully acquired a fishing right, or which will be granted a right in the allocation process envisaged in this Policy.
- 13.9. "Same household" means a group of two or more persons living in a residential dwelling unit (which includes a house, semi-detached dwelling, separate outbuildings, an apartment, or any other independent structure) who are dependent on each other, or dependent on one or more members of that group. This includes, but is not limited to, spouses or persons in a long-term relationship, and their dependent children; guardians and their dependent wards; and any other dependent relationship. Persons living at the same address or in the same residential unit, and who are not dependent on any other person at that address or residential unit, do not constitute a single household.
- 13.10. "South African citizen" means a South African citizen in terms of the South African Citizenship Act (Act No. 88 of 1995).

- 13.11. "Subsidiary company" is a company that is partly or completely owned by another company that holds a controlling interest in the subsidiary company.
- 13.12. "The 2013: General Policy" means the General Policy on the Allocation and Management of Fishing Rights: 2013.
- 13.13. "The Department" means the Department of Agriculture, Forestry and Fisheries.
- 13.14. "The Minister" means the Minister of Agriculture, Forestry and Fisheries.
- 13.15. "Total Allowable Catch" means the maximum quantity of fish of individual species or groups of species made available annually or during such other period of time as may be prescribed, for combined recreational, small-scale, commercial and foreign fishing.
- 13.16. "Total Applied Effort" means the maximum number of fishing vessels, the type, size and engine power thereof or the fishing method applied thereby for which fishing vessel licences or permits to fish may be issued for individual species or groups of species, or the maximum number of persons on board a fishing vessel for which fishing licences or permits may be issued to fish for individual species or groups of species.