



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Desmond Clemont Brian Makka – WCNF150982

THE MINISTER

REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): APPEAL IN TERMS OF SECTION 80 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): DESMOND CLEMONT BRIAN MAKKA

1. PURPOSE

To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the MLRA”), with regard to an appeal by Desmond Clemont Brian Makka.

2. GROUNDS OF APPEAL

The Appellant’s first ground of appeal relates to section 4 (Access to a Suitable Vessel). The Appellant argues that he demonstrated that he had access to a suitable vessel “Kylie” through a catch agreement and he should have scored 10 points out of maximum 25 points. The Appellant indicates that this would translate to 8% of the total 20% for this section. The Appellant submits that the Delegated Authority (DA) erred in scoring the Appellant 3% instead of 8% as it is explained in the final GPR scoring matrix or criteria. The Appellant further states that there is no relation to the contents of the final GPR and the DA’s score. The Appellant submits his score for section for should be adjusted from 3% to 8%.

The Appellant’s second ground of appeal relates to section 5 (fishing performance). The Appellant states that in his application form he indicated that he utilised his right for 10 seasons and submitted the catch data as evidence.

The Appellant submits that as it is stated in the GPR the appellant should have

been awarded full points for this section. The Appellant states that on the scoresheet it is incorrectly recorded that the Appellant utilised her right for 5 seasons. The Appellant submits that his score for section 5 should increase from 23.3% to 35% which is the maximum score for this section. The Appellant request that the score be adjusted to reflect the above corrections.

3. **DELIBERATIONS**

The Appellant was categorised as a Category A applicant, this category was for individuals who held West Coast Rock Lobster (Nearshore) fishing rights during the 2005 Long-Term Rights Allocation and Management Process (“LTRAMP2005”). The Appellant scored above the set minimum threshold of 64.8% for previous right holder applicants and accordingly was awarded a fishing right.

The Appellant was correctly scored in section 4 based on the information he provided at the time of application. The Appellant provided a catch agreement and was accordingly scored 3 points

The Appellant attained a score of 23.33 points in section 5 in relation to catch records based on the information provided by the applicant at the time of application.



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