



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Reference: West Coast Rock Lobster Nearshore Zone B Appeals

## THE MINISTER

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**REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998) ("THE MLRA"): APPEAL IN TERMS OF SECTION 80 OF THE MLRA: WEST COAST ROCK LOBSTER NEARSHORE FISHERY (ZONE B) FOR:**

HILDA ESTER JOB	WCNB15710
LENIE DAVIDS	WCNB151720
VALENCIA SANDRA DU PLOOY	WCNB15852
AGUST FRIESLEY	WCNB151371
CHARLES MOSES	WCNB151069
JOHANNES SAAL	WCNB150918
ANNA TOONTJIES	WCNB15172
ALTHEA URRRAINE PHILLIPS	WCNB15198
JOHN RAUVAUN VAN DER WESTHUIZEN	WCNB151560
LEVONA DENISE JANSEN	WCNB15858
JACOB JOHANNES JACOBUS VAN DER WESTHUIZEN	WCNB15225
ALETTA KATRINA VAN RHYN	WCNB15557

### **1. PURPOSE**

- 1.1 To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the MLRA, with regard to appeals by 12 Appellants in the West Coast Rock Lobster Nearshore Fishery (Zone B) ("the Appellants").

## 2. GROUNDS OF APPEAL

- 2.1 The grounds of appeal by 12 Appellants relates to the decision by the Delegated Authority not to allow applicants who have been classified as being medically unfit (excluding people with permanent disabilities) to become successful in the fishery.

## 3. DELIBERATIONS

- 3.1 In line with the sector-specific policy objectives of promoting access to youth, women and people with disabilities, and further to promote meaningful participation in the fishery through **active involvement** of rights holders (i.e. to reduce the risk of paper quota holders), while also being mindful that rights are being allocated for a 15 year period, the Delegated Authority decided that applicants older than 65 years of age and/or who have been classified as being medically unfit (excluding persons with permanent disabilities) would become unsuccessful in order to prevent paper quota holders.
- 3.2 In terms of the Employment Equity Act, 1998 (Act No 55 of 1998) as amended defines people with disabilities as people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment.
- 3.3 The applications of the 12 Appellants were unsuccessful in the West Coast Rock Lobster Nearshore fishery due to being medically unfit are as follows:
- 3.3.1 Hilda Ester Job (WCNB15710) was unfit to go to sea during the 2014/2015 fishing season as well as during the 2015/16 and 2016/17 exemption period but is not physically disabled.
- 3.3.2 Lenie Davids (WCNB151720) was unfit to go to sea during the 2011/12; 2013/2014 and 2014/2015 fishing seasons but is not physically disabled.
- 3.3.3 Valencia Sandra Du Plooy (WCNB15852) was unfit to go to sea every year from the 2007/2008 – 2016/207 fishing seasons and exemption period but is not physically disabled.

- 3.3.4 Agust Friesley (WCNB151371) was unfit to go to sea during the 2015/16 fishing season and the 2016/17 exemption period but is not physically disabled.
- 3.3.5 Charles Moses (WCNB151069) was unfit to go to sea during the 2013/14 – 2015/16 and the 2016/17 exemption period but is not physically disabled.
- 3.3.6 Johannes Saal (WCNB150918) was unfit to go to sea during the 207/8 – 2015/16 fishing seasons but is not physically disabled.
- 3.3.7 Anna Toontjies (WCNB15172) was unfit to go to sea during the 2011/12; 2015/16 fishing seasons as well as the 2016/17 exemption period but is not physically disabled.
- 3.3.8 Althea Urraine Phillips (WCNB15198) was unfit to go to sea during the 2016/2017 exemption period but is not physically disabled.
- 3.3.9 John Rauvaun Van Der Westhuizen (WCNB151560) was unfit to go to sea during the 2010/11 – 2015/16 fishing seasons as well as the 2016/17 exemption period but is not physically disabled.
- 3.3.10 Levona Denise Jansen (WCNB15858) was unfit to go to sea during the 2016/17 fishing season but is not physically disabled.
- 3.3.11 Jacob Johannes Jacobus Van Der Westhuizen (WCNB15225) was unfit to go to sea since 2006 due to physical disability.
- 3.3.12 Aletta Katrina Van Rhyn (WCNB15557) was unfit to go to sea during the 2015/16 fishing season and the 2016/17 exemption period but is not physically disabled.
- 3.4 It is recommended that the decision of the Delegated Authority not to allow applicants who are medically unfit and therefore cannot be active participants in the fishery to become successful in the fishery be upheld except for Jacob Johannes Jacobus Van Der Westhuizen (WCNB15225) who is physically disabled.



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**BELEMANE SEMOLI**  
**DEPUTY DIRECTOR-GENERAL (ACTING)**  
**FISHERIES MANAGEMENT**  
**DATE: 21 AUGUST 2018**