



MINISTER
FORESTRY, FISHERIES AND THE ENVIRONMENT
REPUBLIC OF SOUTH AFRICA

GENERAL PUBLISHED REASONS FOR DECISIONS ON APPEAL
IN THE HAKE DEEP SEA TRAWL SECTOR
FISHING RIGHT ALLOCATION PROCESS 2021/2022

INTRODUCTION

1. These are the General Published Reasons for the Decisions on appeal in the Hake Deep Sea Trawl sector: 2021/2022 by the Minister of Forestry, Fisheries and the Environment (Minister). This document is titled the "*General Published Reasons for Decisions on Appeal in the Hake Deep Sea Trawl Sector- Fishing Right Allocation Process 2021/2022*" (the Appeals GPR).
2. The Appeals GPR is structured as follows:
 - 2.1 Introduction;
 - 2.2 Systematic/Cross cutting Grounds of Appeals;
 - 2.3 Quantum Allocation Methodology (QAM);
 - 2.4 Outcome of the Appeals;
 - 2.5 Conclusion; and
 - 2.6 The final allocation of commercial fishing rights in the Hake Deep Sea Trawl sector is set out in **Annexures A, B and C** to the Appeals GPR.
3. During February 2022, the Department of Forestry, Fisheries and the Environment (the Department) completed the Fishing Rights Allocation Process of 2021/2022 (FRAP 2021/22), in the Hake Deep Sea Trawl sector. Mr Sobahle Somhlaba, in his capacity as the Delegated Authority in the Hake Deep Sea Trawl sector, published his decisions in respect of the FRAP 2021/2022 in the "*General Published Reasons for the Decisions on the Allocation of 2021/22 Fishing Rights and Quantum in the Tuna Hake Deep Sea Trawl Sector*" (GPR).
4. Applicants who were dissatisfied with the Delegated Authority's decision were entitled to appeal against the decision(s) of the Delegated Authority, in terms of section 80 of the Marine Living Resources Act 18 of 1998 (MLRA), read with regulation 5 of the Regulations to the MLRA, via the Department's FRAP Appeals online system. The closing date for FRAP 2021/2022 appeals was 29 April 2022. In response to several requests from the fishing industry, the closing date was extended until 29 July 2022. The Department received one hundred and twenty (120) appeals in the Hake Deep Sea Trawl sector across the different categories of applicants.

5. Appeals are governed by section 80 of the MLRA read with Regulation 5(3) of the Regulations to the MLRA, published under Government Notice R1111 in Government Gazette 19205, dated 2 September 1998.
6. This Appeals GPR addresses the issues raised in the appellants' grounds of appeal, and it sets out how I, in my capacity as the Appeal Authority in terms of section 80 of the MLRA, dealt with these issues to determine and decide the appeals in general.
7. I note, at the outset, that in making my decisions on the appeals that have been submitted against the decision of the Delegated Authority, I considered and balanced a wide range of factors. These include, but are not limited to, the following:
 - 7.1 The principles and objectives derived from the Constitution that are relevant to the FRAP 2021/2022;
 - 7.2 The principles and objectives of the MLRA as stated in section 2 thereof;
 - 7.3 The purpose and objectives of the 2021 General Policy on the Allocation of Commercial Fishing Rights: 2021 (the 2021 General Policy) read with the various sector specific policies on the allocation of commercial fishing rights: 2021 (the Sector Specific Policies);
 - 7.4 The need to broaden access to the fishing industry, by introducing new entrants to the various fisheries, including the retention of existing rights holders;
 - 7.5 The need for transformation of the fishing industry to achieve equity and to address historical imbalances;
 - 7.6 The desirability of multi sector involvement, facilitating participation through the value chain;
 - 7.7 The need to minimise negative impacts on the fishing industry, including instability or disruption of existing participation in job creation (both within the sector and industrial jobs), and minimising job losses;
 - 7.8 The need for sustainable development of the natural resource through, among other, the determination of the Total Allowable Catch (TAC) and/or Total Applied Effort (TAE);
 - 7.9 The need to address the dynamics of each specific fishery;
 - 7.10 The need to minimise the risk of paper quota holders;
 - 7.11 The adjustments that need to be made where related entities have applied for rights in the sectors;

- 7.12 The need to assess applicants within a category against other applicants in the same category so that new entrants are not unfairly prejudiced on certain criteria where existing right holders may score higher;
 - 7.13 The desirability of giving successful applicants a reasonable prospect of active and meaningful participation in the fishery;
 - 7.14 The Constitutional Court judgment in the matter of *Bato Star (Pty) Ltd v Minister of Environmental Affairs and Tourism and Others (CCT 27/03) [2004] ZACC*, which provides important guidelines for me to consider when I exercise my duties as gate- keeper of the Department of Forestry, Fisheries and the Environment (the Department).
8. In arriving at my decisions, I also had regard to the following:
- 8.1 The 2021 General Policy is a guideline document on the allocation and granting of commercial fishing in terms of section 18 of the MLRA. The granting of rights in the Hake Deep Sea Trawl section will be guided by the 2021 General Policy on the Allocation and Management of Commercial fishing rights read with the Sector Specific Policy on the Allocation and Management of Commercial Fishing Rights in the Hake Deep Sea Trawl fishery: 2021 (the Sector Specific Policy).
 - 8.2 The 2021 General Policy and the Sector Specific Policy are based on, among other, the Constitution, the MLRA, the Broad Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) (BBBEEA), the National Empowerment Fund Act, 1998 (Act No 105 of 1998) (NEFA), the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPI).
 - 8.3 The 2021 General Policy and the Sector Specific Policy give effect to the objectives of the MLRA as listed in Section 2 thereof. The objectives identified in section 2 of the MLRA are the following:
 - (a) *The need to achieve optimum utilisation and ecologically sustainable development of marine living resources;*
 - (b) *the need to conserve marine living resources for both present and future generations;*

- (c) *the need to apply precautionary approaches in respect of the management and development of marine living resources;*
- (d) *the need to utilise marine living resources to achieve economic growth, human resource development, capacity building within fisheries and mariculture branches, employment creation and a sound ecological balance consistent with the development objectives of the national government;*
- (e) *the need to protect the ecosystem as a whole, including species which are not targeted for exploitation;*
- (f) *the need to preserve marine biodiversity;*
- (g) *the need to minimise marine pollution;*
- (h) *the need to achieve to the extent practicable a broad and accountable participation in the decision-making processes provided for in this Act;*
- (i) *any relevant obligation of the national government or the Republic in terms of any international agreement or applicable rule of international law; and*
- (j) *the need to restructure the fishing industry to address historical imbalances and to achieve equity within all branches of the fishing industry.”*

8.4 The objective of transformation of the fishing industry is a constitutional and legislative imperative. The primary vehicle for the promotion of the transformation of the South African fishing industry is the MLRA. Therefore, in exercising any power under the MLRA, regard must be given to the stipulated objectives and principles set out in section 2 of the MLRA with measures to achieve the objective to restructure the fishing industry, to address historical imbalances and to achieve equity within the fishing industry.

8.5 The slow pace at which the process of transformation in the fishery has taken place over several fishing rights allocations and the need for a responsible acceleration process of transformation.

8.6 The assessment of appeals is undertaken per the different categories of applicants to ensure that new entrants are not prejudiced when compared to existing rights holders. Those applicants who held rights in the fishery for which they are re-applying during the period 2006 to 2020 are considered as Category A applicants. Applicants who held rights in sectors other than the fishery they are applying for during the period 2006 to 2020 are considered as Category B applicants. Applicants who did not hold commercial fishing rights

during the period 2006 to 2020 are considered as Category C applicants. Category B and C applicants are also referred to as “new entrant” applicants.

- 9 In determining each of the appeals, I considered all relevant factors and the information before me, including but not limited to:
 - 9.1 The Marine Living Resources Act, 1998 (Act No 18 of 1998);
 - 9.2 The Regulations in terms of the Marine Living Resources Act;
 - 9.3 General Policy on the Allocation of Commercial Fishing Rights: 2021;
 - 9.4 The Policy for the Allocation and Management of Commercial Fishing Rights in the Commercial Hake Deep Sea Trawl fishery: 2021;
 - 9.5 The FRAP applications;
 - 9.6 The Delegated Authority's GPR dated 28 February 2022;
 - 9.7 The Delegated Authority's decision letters;
 - 9.8 The Appeal forms;
 - 9.9 Regulation 5 (3) reports; and
 - 9.10 Relevant case law

- 10 Where necessary and appropriate, the Appeals GPR refers to individual appeals. However, the Appeals GPR does not respond to each appeal and to every allegation by individual appellants made therein. Specific grounds of appeals which are not addressed in the Appeals GPR, are dealt with in the individual appeal decisions that will be sent to appellants.

- 11 Each appellant in the sector will receive the following documents:
 - 11.1 The individual Appeal Decision and the reasons for such decision;
 - 11.2 Where applicable, a copy of the adjusted score sheet on appeal;
 - 11.3 Entities who are allocated a Hake Deep Sea Trawl right on appeal will receive a Grant of Right letter; and
 - 11.4 The Appeals GPR.

- 12 The Appeals GPR is final. However, the allocation of fishing rights is subject to the correctness of the assertions made and information submitted by the applicants / appellants, and performance reviews. If any information in the online application or online appeal process is found not to be true or complete, or if false information is provided, or material information is not disclosed, this may

lead to the revocation, suspension, cancellation, alteration or reduction, in terms of section 28 of the MLRA, of any right, license or permit granted on the strength of the FRAP 2021/2022 application or appeal.

SYSTEMATIC/CROSS CUTTING GROUNDS OF APPEAL

13 Provision of new information on appeal- Appeals in terms of section 80 of the MLRA are regarded as wide appeals which entail a reconsideration of the application and may include consideration of additional information.

14 Section 8.4 of the 2021 General Policy regulates information to be considered during the application process and provides *inter alia* that:

8.1 Information to be considered

8.1.1 The approach set out below will be adopted by the Delegated Authority regarding information to be taken into account for assessing the applications:

(a) ...

(b) Late information

Information submitted after closing date for applications will not be considered.

15 Whilst the provisions in the various applicable policies are couched in strict terms, I am aware that a policy serves as a guide to decision-making and cannot bind the decision-maker inflexibly. In this regard, I am guided by the Constitutional Court's judgement in the case of *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs*¹ where the court held that an approach to procedural fairness requires that policy not be applied rigidly and inflexibly.

16 Considering the above, a decision maker must apply the 2021 General Policy and Sector Specific Policy in a flexible manner. The criteria in either policy should not have inflexibly limited the discretion of the decision maker, particularly if there are good reasons to depart from the policy.

17 In light thereof, where appellants sought to provide additional information to their application forms, based on the wide powers afforded to me in my capacity as the Appeal Authority, I accepted and

¹ (2004 (7) BCLR 687 (CC).

granted the request to consider such further information, provided that the information was in existence at the time when the appellant submitted its original application.

Calculation of Scores

- 18 Several applicants argued that they were not able to test the correctness of the scores which the Delegated Authority allocated because they were not clear how the scores were calculated.
- 19 Below I will set out the manner in which the scores were calculated for the sections listed.

Section 5- Fishing Performance

19.1 Fishing performance was calculated by summing the catches across all the years submitted and dividing that by the sum of the applicant's previous allocation for the same years (length of right varied from 2 to 15 years) and multiplying the result by 100 to produce a percentage score. Points were allocated on sliding scale based on the performance percentage.

Section 6: Transformation

19.2 Question 6.3- The calculation is based on the increase in transformation from the start of the right to 2020 and considers an entity's level of black ownership as well as ownership by women, youth, and disabled people. The values provided for "Black People", "Women", "Youth" and "Disabled" were summed for 2006 and 2020, separately as the start and end values to determine if there had been an increase in transformation. On checking these calculations, it was discovered that applicants with a zero starting score were awarded 100% in order to avoid the formula error of dividing a value by zero. The solution was to replace the 0 with 1 and then the remaining calculations were consistent across applications. However, the analysis, does not end here. To ensure equity amongst applicants, the score considers the individual transformation achieved by the applicants proportioned against the transformation of the relevant category in the relevant sector. This allows for a true reflection of the transformation achieved by the applicant *vis a vis* the category and sector concerned.

19.3 Question 6.6- Applicants were evaluated for their contributions to Employee Share Schemes. Applicants that did not have Schemes in place or Schemes were not applicable, were allocated scores of zero (0). Those applicants who had Employee Share Schemes were allocated points on a sliding scale depending on the percentage shareholding held by

employees throughout the scheme. However, cross checking previous results it appears that applicants who answered “yes” to 6.5 but did not provide a value in 6.6 were then scored 1. A table in the GPR stated 0-10% should be scored 1 point. This was applied consistently, in addition to resolving the inconsistencies between the answer and the values provided.

- 19.4 Question 6.7- Applicants were asked to provide information on payments made to Employee Ownership Scheme for five years from 2016-2020. For each year of information provided the applicant scored 2. For each year where no payments were made and/or no information was provided, the applicant scored a zero. The calculation for this question was revised so that each applicant scored either 1 or 2 for each of the five years for which data was requested. The principle applied in 6.7 was continued here where null or zero still scored 1 and greater than zero scored 2 per year. In total an applicant could score a minimum of 5 and a maximum of 10.
- 19.5 Some appellants argued that questions 6.5 and 6.7 in the application form favour “longer and larger” enterprises and have the effect of marginalising previously disadvantaged groups. The Delegated Authority, in the Regulation 5(3) reports, stated that Appellants were scored based on the 2021 General Policy and Sector-Specific Policy which provide that an applicant’s empowerment profile and employee service record will be considered, specifically regarding black people, female, youth, and persons with disabilities (Clause 7.1.8 (f)(iii)). I am satisfied that the applicable policies fairly address the issue of transformation. There may be merit to the Appellant’s argument that certain questions, as parts of the balancing criteria, may favour larger companies who have a bigger staff compliment. However, there may well be other balancing criteria that may favour smaller companies. It should also be borne in mind that applicants compete with other applicants within their category, only. I note specifically that Category C applicants were only compared with Category C applicants, some of whom were able to successfully demonstrate meeting these kinds of larger employee benefits. In a competitive process, it is necessary and reasonable for applicants to be assessed on their ability to create meaningful employment and other societal benefits for their employees, to gauge their intention to participate in the sector and in transforming the sector, if allocated a right. Nonetheless, the Delegated Authority took cognisance of the fact that existing right holders will be in a better position than new entrants to demonstrate their abilities in creating certain opportunities. For this

reason, Category C applicants are only compared with other Category C applicants on their scoring, ensuring no prejudice.

- 19.6 Question 6.10- Applicants were assessed on the percentage of their wage bill that are spent on Historically Disadvantaged Individuals. The percentage contribution of each of the Broad-Based Black Economic Empowerment (B-BBEE) categories (race, women, youth and disability) to the total wages were each calculated. Each percentage per B-BBEE category were then scored. Each score for the four categories were then added to give a final score. The maximum score that could be attained is 24. During the consideration of the appeals, it was discovered that some applicants had mistakenly reported more employees under a specific category than the total number of employees which is logically inconsistent. This was corrected and the formula consistently applied in terms of null and zeros.
- 19.7 Questions 6.11, 6.16, 6.17, 6.19, 6.21, 6.23, 6.24 and 6.26- If the applicant answered YES, they were awarded a score of five (5). If the applicant answered "NO", "N/A" or left it "BLANK" they were awarded a score of zero (0). During the appeal process, there were certain Appellant's who argued that they were not designated employers and therefore were not required to comply with the legislation which are referred to in these questions. I decided to award those applicants the maximum of 5 points, where appropriate as it would not be fair or reasonable to assess entities on criteria where there exists no basis in law for them to comply with. It is important to note that not all the questions are relevant to whether an entity is a designated employer (e.g., 6.26).
- 19.8 Question 6.15: Applicants were requested to indicate what percentage of turnover was used for Corporate Social Investment for three years (2019-2021). If the applicant left this question blank or answered N/A then the applicant scored a zero. For each year, the applicant's percentage was scored on a sliding scale. The score for each year was added and a final score was provided. The maximum score is 9. The GPR incorrectly references 6.14 – both the application and the instructions refer to 6.15. The calculations were checked and matched those of the Delegated Authority with one exception in Category C. Once again, as with question 6.10, the principle of no data receiving a zero (0) and a value of zero (0) receiving a score of 1 was applied.

Section 7- Job Creation

19.9 A scoring protocol was developed to score questions 7.1 and 7.2. The data used were limited to the year 2020. Question 7.1 calculates the permanent jobs per ton in the sector (as opposed to the original calculation which used total employees for the entity) which was then normalised by scaling to the maximum value of job per ton for Category A and multiplying the result by 100. Question 7.2 calculates the part time jobs per ton in the same way. Applicants in Category B and C were similarly scaled to the maximum within each category, without tonnage as a factor.

Section 8- Dividends and Additional Societal Benefits

19.10 Question 8.4- Only Category A applicants were scored for question 8.4 where the benefit value was calculated using the specified formula:

$$\begin{aligned} & [\text{sum of taxes to revenue services}] \\ & + ([\text{average of number of issued shares}] \times [\text{average of annual average book value}]) \\ & + [\text{sum of annual dividends}]. \end{aligned}$$

The benefit values were then divided by the sum of the allocation (data submitted by the applicants) over the full period submitted and then normalised by scaling to the maximum benefit value per ton and multiplying the result by 100 to produce a percentage score. The Rights Registers per the Department's records was used to replace the allocation data for a second calculation to cross check the applicant data. The Rights Register score was used as that better reflected the performance of the applicants for this question.

19.11 Question 8.6- Applicants were allocated points based on the following sliding scale depending on the number years the entity has been operating in its local area: 1-5 years=5; 6-10=10; 11-20=15 and 21 and above=20.

19.12 Questions 8.7- There were no limitations in the application form regarding recognised harbours/ports and processing facilities. As a result, applicants submitted long lists of variously spelt or misunderstood options (e.g. vessel names). On review, the data was summarised as 114 combinations of harbours and 264 processing facilities. At the time, given the limitations of the data provided by the FRAP system, the Delegated Authority made the decision to score only harbours and not processing facilities for the period 2006-2020 which changed the maximum possible score to 45. The calculation has been modified to include processing facilities and extend the time series used to 2006-2021. Each of the

16 years is scored out of 3 for harbour and 3 for processing facility, where the highest scoring option listed is used, thus a possible maximum score of 96 ($3+3*16$). Each area was scored as follows: "3 points to PE, Cape St Francis and Mossel bay, 2 points for rest and score 1 for Cape Town, Hout bay, Kalk bay, Kommetjie, Gordons bay. If you have more than one harbour per year, the harbour with the highest score needs to be added to the total for the question. If there is more than one with the highest value, only one value needs to be added." A number of appellants correctly pointed out that this question ought to be calculated out of 96 points. This was corrected during the appeals and all applicants were reassessed based on a total of 96 points for question 8.7.

- 19.13 Question 8.8- As with question 8.7, applicants had to list the port(s) and processing facilities where their catch is to be landed and processed. The data was summarised as 64 combinations of harbours and 220 processing facilities. At the time, given the limitations of the data provided by the FRAP system, the Delegated Authority made the decision to score only harbours and not processing facilities for the period 2006-2020 which changed the maximum possible score to 45. This calculation was revised to include processing facilities. The instructions imply that only the first three proposed harbours and processing facilities should be used in the calculation. However, the applicants were not limited to 3 options. The data was processed to ensure the data provided was translated into a point value for each harbour/facility (0-3) and a total frequency of use of 100% across all harbours and all facilities separately. As such they were scored for data submitted with a maximum of 3 for future harbour use and 3 for future processing facility, thus a possible maximum of 6 which was multiplied by 3 to reach a maximum score of 18 ($3+3*3$). "3 points to PE, Cape St Francis and Mossel bay, 2 points for rest and score 1 for Cape Town, Hout bay, Kalk bay, Kommetjie, Gordons bay. If you have more than one harbour per year, the harbour with the highest score needs to be added to the total for the question. If there are more than one with the highest value, only one value needs to be added." A number of appellants correctly pointed out that this question ought to be calculated out of 18 points. This was corrected during the appeals and all applicants were reassessed based on a total of 18 points for question 8.8.

- 19.14 Question 9.1- The original calculations used all investment reported (FY2017 to FY2021) and total hake allocation for the period 2006-2020. On reflection the inclusion of FY2021 means the investment by new Right Holders who were allocated a catch exemption could

be recognised (n=3). Therefore, the allocation was then summed to include 2021 and then normalised by scaling to the maximum investment per ton and multiplying the result by 100. Section 9.1 was only scored for applicants in category A.

19.15 Question 10- Any other general grounds of appeal. Appellants argued that the FRAP process was designed to exclude micro and SMMEs from the hake sectors and the methodology of the Delegated Authority scored and weighed new entrant applicants prejudicially.

19.16 The Delegated Authority responded that together with the assistance of the Hake Deep Sea Trawl Assessment team, consideration was had to the sector and its relevant policies, including the 2021 General Policy and the Sector Specific Policy which informed the decisions on the weightings and scoring criteria.

19.17 Furthermore, the Sector Policy states under section 14 with regards to New Entrants: "Whilst being mindful of the dynamics of the sector that were established under the previous long-term rights in respect of investment, performance, economic stability and business growth, the Department will consider the inclusion of new entrants to comply with section 2 Objectives and Principles, as well as section 18(5) of the MLRA of the Department. New entrant applicants will have to demonstrate that they have knowledge, skills and capacity to fish and process hake. However, it shall be noted that there is limited room to accommodate New Entrants in this fishery."

19.18 Whilst, the Delegated Authority assessed applicants in accordance with the methodology set out in the General Published Reasons for the Decisions on the Allocation of 2021/22 Fishing Rights and Quantum in the Hake Deep Sea Trawl Fishery (GPR), I have in balancing the objectives of the MLRA and the policies, heeded the concerns raised by Appellants and the need for an accelerated process of transformation .

19.19 In keeping with the above, I also note that the Hake Deep Sea Trawl is unique and that a delicate balancing exercise is required to meet the objectives of the MLRA, including transformation, sustainability and job security.

19.20 Also in keeping with above, I considered that the admission of only four new entrants into the sector cannot reasonably be seen as achieving the objectives of the MLRA, in light of the large number of existing right holders who have participated in the industry for more than a decade and the limited transformation profile of existing entities in this sector. Simultaneously, I am aware of the need to maintain stability in this sector, and particularly to limit job losses. In the circumstances, I have adopted a divergent quantum allocation methodology to that of the Delegated Authority, in the allocation of rights, which I set out below, cognisant of all considerations including the limits imposed on the number of new entrants into the Hake Deep Sea Trawl, the need to support existing right holders in the sector especially small and medium enterprises in an industry that is capital intensive and the availability of TAC.

Access to Information

20. Several appellants alleged a lack of access to information and/or reasons to verify their scores.
21. In the relevant Regulation 5(3) reports, the Delegated Authority responded that in the release of information, the Department has complied with the provisions of PAIA and POPIA. The POPIA Act prohibits the Department from sharing third-party confidential information and details without their consent. Applicants were able to request further information as per the process set out in the Delegated Authority's GPR, in accordance with PAIA and POPIA. I note that spreadsheets were made available on the Departmental website to assist applicants with understanding the scoring methodology used. The Appellant was also able to request further information via CSCapplications@dffa.gov.za as stated in the GPR.
22. I note that section 32 of the Constitution of the Republic of South Africa, 1996, affirms the Appellant's right to access information held by the State.² The Promotion of Access to Information Act 2 of 2000 (PAIA) gives effect to the constitutional right of access to any information held by the State and enables a person to fully exercise and protect all of its rights.
23. The 2021 General Policy³ and the GPR under section 6 on page 16 give provisions for access to information. The GPR stipulates that every applicant will receive: a notification letter informing the

² Section 32 of the Constitution of the Republic of South Africa 1996.

³ Clause 9.

applicant of the Delegated Authority's decision, together with the reason for that decision and the manner in which Appeals must be submitted; a scoresheet indicating the applicant's score; access to the electronic copy of the General Published Reasons. Furthermore, the GPR sets out provisions for accessing other applicants' information by using PAIA. The GPR also prescribes provisions and conditions upon granting access to information for the other applicants' applications.

24. I note that after releasing the GPR, the Delegated Authority also addressed notification letters to applicants informing them that they may obtain the scoresheets used to record the assessment of every application in the fishery from the Department's Offices, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town on the Departments FRAP online system.
25. The Department published on its website the relevant score sheets and quantum allocation methodology formulae, albeit in a redacted format, so as to comply with the POPI Act. Considering all this information I find that applicants were indeed provided with all the necessary information and data, in order to determine whether they have, in fact, been correctly scored and whether quantum/effort has been allocated in a reasonable and correct manner. They received a notification letter informing each applicant of the Delegated Authority's decision on their application, together with the reason for that decision and the manner in which Appeals must be submitted.
26. This, together with the GPR and the information published on the Departments website, appears to be sufficient and reasonable. Appellants were also able to lodge and canvass detailed appeals on their scoring issues undertaken by the Delegated Authority.
27. Furthermore, if an applicant wanted to access application forms of other applicants, they should have taken steps to request such further information in terms of the procedures and provisions of the PAIA, including an appeal in respect of such information granted by the relevant information officer, if the applicant was dissatisfied with the outcome of its initial request. I accordingly dismissed this ground of appeal.
28. However, I noted that some of the calculations on certain questions were limited/ not clear to the reasonable person. In the spirit of transparency and fairness, detailed explanations of scoring on the relevant questions have been provided in this Appeals GPR. I note that this Appeals GPR only

seeks to address overarching issues that apply to several of the appeals as categorised above. Scoring issues on specific questions by individual entities requires that this document and the calculation formulae explanations provided herein, must be read together with individual Appeal Decisions.

OUTCOMES OF THE APPEALS

32 There was a total of one hundred and twenty (120) appeals in this sector. Below is an overview of the outcome:

32.1 Category A

Based on the revised QAM, specifically the fact that the revised cut off in order to be successful was reduced to 40%, an additional six (6) Category A entities qualify to be allocated rights in the sector.

32.2 Category B

The Delegated Authority awarded rights to Pioneer Fishing (West Coast) (Pty) Ltd and Balobi Fishing Enterprises (Pty) Ltd. None of the appellants scored higher than these two entities. Letap CC is the third highest ranked entity. Pioneer Fishing (West Coast) (Pty) Ltd, Balobi Fishing Enterprises (Pty) Ltd. and Letap CC are included into the sector.

32.3 Category C

The Delegated Authority awarded rights to two entities: Khanyisile Fishing (Pty) Ltd and Biz Afrika 1504 (Pty) Ltd. After consideration of the appeals, Ukuqala Trading CC scored higher than Biz Afrika 1504 (Pty) Ltd. Khanyisile Fishing (Pty) Ltd, Ukuqala Trading CC and Biz Afrika 1504 (Pty) Ltd are included into the sector.

33 Two entities, Blue Wave Fish Traders (Pty) Ltd and Merca Fishing (Pty) Ltd, successfully appealed against their categorisation as Category B entities. These entities were rescored as Category C entities. They however remain unsuccessful on appeal.

REVISED CALCULATIONS

- 34 Several of the appellants correctly highlighted that the calculations were either incorrectly done or the incorrect formula was applied when the Delegated Authority assessed the applications.
- 35 To ensure that I achieve a fair and consistent outcome, the calculations of all the applicants in the sector was revised. It was important to revise all the calculations based on the correct formula to ensure that a like-for-like comparison between the applicants per category could be achieved.
- 36 The revised calculations revealed that there was no material impact on any of the applicants in the sense that none of the successful entities were prejudiced. The revised calculations are available on request from the Department.
- 37 Importantly, the revised calculations are separate from the methodology used to determine the quantum allocation.

QUANTUM ALLOCATION METHODOLOGY (QAM)

- 38 The Delegated Authority in awarding rights in this sector recorded the following in the GPR at paragraph 9.2:
- Quantum allocation in the hake deep sea trawl considered the broad starting principles as stated in the Policy on the Allocation and Management of Commercial Fishing Rights in the Hake Deep Sea Trawl Fishery: 2021 sector specific policy, mainly an attempt to balance broadening access to the fishery through the introduction of the new entrants against improving the allocation to the smaller Right Holders to facilitate their meaningful participation in the fishery throughout the value chain while attempting to minimize negative impact on the industry.*
- 39 I note the rationale of the Delegated Authority and the balancing of considerations undertaken in adopting the quantum allocation methodology and the allocation of rights that was undertaken per the FRAP, specifically in homage to the introductory sections of the Sector Policy and the analysis of the TAC in the Hake Deep Sea Trawl with reference to the history and management of the fishery. As is evident therefrom, there are various challenges with the Hake Deep Sea Trawl sector.

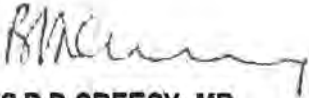
- 40 However, having regard to all the relevant information before me, I have decided to deviate from the Quantum Allocation Methodology of the Delegated Authority to ensure that the objectives of the MLRA are achieved in a balanced manner. I therefore considered:
- 40.1 The desirability of multi sector involvement, facilitating participation through the value chain;
 - 40.2 The need to minimise negative impacts on the fishing industry, including instability or disruption of existing participation in job creation, and minimising job losses both within the sector and in related industries;
 - 40.3 The need for sustainable development of the natural resource through, among other, the determination of the Total Allowable Catch (TAC) and/or Total Applied Effort (TAE);
 - 40.4 The need to achieve transformation and to address the historic imbalances of the past;
 - 40.5 The need to promote medium-smaller entities; and
 - 40.6 The need to address the dynamics of the specific fishery.
- 41 I have decided to adopt a threshold of 40% as a cut-off for existing right holders, to ensure that existing levels of transformation are not jeopardized, implementing a responsible accelerated process of transformation, increasing the sustainability of the middle-smaller entities and protecting jobs within the sector and associated industries.
- 42 The MLRA and the General and Sector policies expressly make provision for new entrants. Section 18 (5) of the MLRA materially provides that “[i]n granting any right referred to in subsection (1), the Minister shall, in order to achieve the objectives contemplated in section 2, have particular regard to the need to permit new entrants, particularly those from historically disadvantaged sectors of society.” In addition, the General and Sector policies specify, among other, the need to improve the transformation profile of the sector; to safeguard fish resources and to ensure that the determined TAC levels are not exceeded.
- 43 I note that in order to give effect to the policy and allocate commercial fishing rights to new entrants, the Delegated Authority consolidated 1,169% from previously successful applicants who were unsuccessful in this FRAP process as well as a reduction of a total of 6.968% of TAC from two applicants who previously held the largest allocations (as a result of 5% decrease in the first one and 5.1% decrease from the other). 3,468% of the 6,968% was then allocated to four new entrants (two Category B entities and 2 Category C entities).

- 44 I have decided to re-distribute the TAC differently to the Delegated Authority, to achieve, among other, a more equitable distribution of the TAC across all right holders and to address the historic imbalances of the past. In doing so, I had regard to the principles and objectives of the MLRA, the relevant policies and as indicated above, the specific nuances and circumstances of this sector.
- 45 Paragraph 4.3 of the Grant of Right letters advised right holders that the TAC "may be reduced or increased, in the manner and circumstances set out in the GPR and after reserved decisions, appeals and reviews have been finalised".
- 46 In order to facilitate the admission of additional category A applicants and additional new entrants into the sector, the TAC allocated to Category A right holders had to be reconsidered to ensure that there is an equitable distribution of the resource, and that the TAC limit is not exceeded. In this regard: I reduced the pre-FRAP TAC allocation of the two largest entities by 5% each; I reduced the pre-FRAP TAC allocation of the third and fourth largest entities by 4% each and I reduced the TAC awarded by the DA to previously successful applicants by 2.81249% of their pre-FRAP allocation. The minimum allocation was increased from 0.0930% to 0.1130%. I have now included an additional 6 Category A applicants, an additional Category B applicant and an additional Category C applicant. The annexures to this GPR sets out the distribution of the TAC between the different categories and entities.
- 47 The final list of commercial fishing rights holders in the Hake Deep Sea Trawl sector are set out in:
- 47.1 **Annexure A** (Category A);
 - 47.2 **Annexure B** (Category B); and
 - 47.3 **Annexure C** (Category C).

CONCLUSION

- 48 Section 80 of the MLRA deems me to be the Appeal Authority over decisions of the Delegated Authority and I have wide appeal powers in terms thereof. I have the power on appeal to award fishing rights, and to overturn the decisions of the Delegated Authority to allocate rights, including decisions related to TAC, where such decision-making is rationale, fair and in line with the provisions of the MLRA and specific policies.

- 49 Should any appellant be dissatisfied with any aspect of my decision(s), it may apply to a competent court to have this decision judicially reviewed. Judicial review proceedings must be instituted within 180 days of notification hereof, in accordance with the provisions of section 7 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA).



MS B D CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE 1/10/2023

Annexure A: Category A

No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
1	HDT21030	Sea Harvest Corporation (Pty) Ltd	A	83,49	35,8530	Harvest Lindiwe, Harvest Mzansi, Harvest Atlantic Peace, Harvest Krotoa, Harvest Bounty, Harvest Saldanha, Harvest Nandi, Harvest Veronica, Harvest Gavina, Harvest Georgina, Laverne, Andromeda Allin, Sistro, Sveinn Jonsson, Lisinda, Luceme, Casablanca, Sisters, Harvest Selina, Lepanto, Harvest Kirstina, Portunity ,Lee Ann, Lincoln, Armana, Ludwani, African Queen	Successful
2	HDT21013	Irvin & Johnson Limited	A	83,02	29,4519	Umlobi, Bluebell, Boronia, Ferox, Foxglove, Freesia, Fuchsia, Flamethorn, Forest Lily, Avro Warrior	Successful
3	HDT21060	SeaVuna Fishing Co (Pty) Ltd	A	81,49	4,7067	Harvest Florita, Amsteldiep, Vuna Elita, Armana	Successful
4	HDT21041	Blue Continent Products (Pty) Ltd	A	80,86	3,9926	Sandile, Isabella Marine, Beatrice Marine, Realeka, Compass Challenger	Successful
5	HDT21049	Dyer Eiland Visserye (Pty) Ltd	A	77,31	0,4087	Boetie Bert	Successful
6	HDT21061	ZWM Fishing (Pty) Ltd	A	75,39	1,6458	Basani, Zamani 1	Successful
7	HDT21040	Amawandle Hake (Pty) Ltd	A	74,31	4,6176	Beatrice Marine, Sandile, Isabella Marine	Successful
8	HDT21082	Nalitha Fishing Group (Pty) Ltd	A	71,11	1,4431	Ludwani	Successful
9	HDT21081	Eyethu Fishing (Pty) Ltd	A	70,66	3,3890	MFV Nomzamo 1, MFV Marretje	Successful

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No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
10	HDT21025	Premier Fishing SA (Pty) Ltd	A	70,26	0,8701	Realeka	Successful
11	HDT21092	Offshore Fishing Company (Pty)Ltd	A	69,00	1,8646	Umzabalazo	Successful
12	HDT21068	Impala Fishing (Pty) Ltd	A	67,98	0,5825	Okombahe, Sandile	Successful
13	HDT21138	Mayibuye Fishing (Pty) Ltd	A	67,68	1,8006	Umzabalazo, Elke M	Successful
14	HDT21026	Bhana Coastal Fishing CC	A	66,62	1,5781	Compass Challenger	Successful
15	HDT21023	Combined Fishing Enterprises (Pty) Ltd	A	66,47	0,6852	Harvest Kirstina	Successful
16	HDT21110	Ocean Ukhozi Fishing (Pty) Ltd	A	65,22	0,5907	To Be Nominated	Successful
17	HDT21014	South African Fishing Empowerment Corporation (Pty) Ltd	A	64,34	1,3573	African Queen, Lady Imelda, Caroline	Successful
18	HDT21031	Azanian Fishing (Pty) Ltd	A	62,45	0,4094	Compass Challenger, Sandile	Successful
19	HDT21046	BP Marine Fish Products CC	A	61,81	0,2742	Sandile	Successful
20	HDT21052	Tradeforth 13 (Pty) Ltd	A	61,81	0,3668	Umzabalazo	Successful
21	HDT21079	EFH Walters Trawling (Pty) Ltd	A	59,68	0,2016	Puente Sabaris	Successful
22	HDT21107	Khoi Qwa Fishing Development Company (Pty) Ltd	A	58,12	0,3505	Umzabalazo	Successful

No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
23	HDT21122	Pellrus Historical Fishing Corporation CC	A	56,07	0,2369	Harvest Kristina	Successful
24	HDT21011	Ntshonalanga Fishing (Pty) Ltd	A	55,06	0,4492	Umzabalazo	Successful
25	HDT21042	Rainbow Nation Fishing CC	A	53,71	0,4740	Codesa I	Successful
26	HDT21044	Usuthu Fishing CC	A	52,33	0,6802	Codesa I	Successful
27	HDT21198	J Engelbrecht Visserye CC	A	48,93	0,1130	To Be Nominated	Successful
28	HDT21142	J&J Visserye CC	A	47,88	0,1130	To Be Nominated	Successful
29	HDT21130	Community Workers Fishing Enterprises (Pty) Ltd	A	47,34	0,4540	To Be Nominated	Successful
30	HDT21121	Ziyabuya Fishing Eastern Cape (Pty) Ltd	A	42,27	0,1130	To Be Nominated	Successful
31	HDT21051	Suidor Fishing (Pty) Ltd	A	41,68	0,1704	To Be Nominated	Successful

Annexure B: Category B

No.	Application Number	Application Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
1	HDT21163	Pioneer Fishing (West Coast) (Pty) Ltd	B	90,66	0,1130	Marretje	Successful
2	HDT21002	Balobi Fishing Enterprises (Pty) Ltd	B	82,45	0,1130	To be nominated	Successful
3	HDT21032	Letap CC	B	78,04	0,1130	Locqueran, Teya-Nikka	Successful
4	HDT21001	Balobi Processors (Pty) Ltd	B	77,88	-	-	Unsuccessful
5	HDT21094	Atlantis Seafood Products (Pty) Ltd	B	77,69	-	-	Unsuccessful
6	HDT21003	LM Fisheries (Pty) Ltd	B	77,30	-	-	Unsuccessful
7	HDT21045	Komicx Products (Pty) Ltd	B	75,82	-	-	Unsuccessful
8	HDT21018	Gamka Fishing (Pty) Ltd	B	74,90	-	-	Unsuccessful
9	HDT21021	West Point Fishing Corporation (Pty) Ltd	B	74,81	-	-	Unsuccessful
10	HDT21136	Tamarin Fishing (Pty) Ltd	B	74,78	-	-	Unsuccessful
11	HDT21006	Interfish (Pty) Ltd	B	73,51	-	-	Unsuccessful
12	HDT21145	Kalmia Trading 1001 CC	B	73,37	-	-	Unsuccessful

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No.	Application Number	Application Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
13	HDT21109	Boloko Trading and Investments (Pty) Ltd	B	71,35	-	-	Unsuccessful
14	HDT21139	Zimkhitha Fishing (Pty)Ltd	B	70,74	-	-	Unsuccessful
15	HDT21054	Fisherman Fresh CC	B	70,05	-	-	Unsuccessful
16	HDT21123	Intlanzi Fishing (Pty) Ltd	B	69,91	-	-	Unsuccessful
17	HDT21214	BMC Visserye CC	B	69,86	-	-	Unsuccessful
18	HDT21169	Ulwandle Fishing (Pty) Ltd	B	69,08	-	-	Unsuccessful
19	HDT21137	Chetty's Fisheries CC	B	68,76	-	-	Unsuccessful
20	HDT21151	Extra Dimensions 70 (Pty) Ltd	B	68,27	-	-	Unsuccessful
21	HDT21039	JC Fishing CC	B	66,06	-	-	Unsuccessful
22	HDT21124	Masomelele Fishing (Pty) Ltd	B	65,86	-	-	Unsuccessful
23	HDT21178	Pakamani Fishing (Pty) Ltd	B	65,51	-	-	Unsuccessful
24	HDT21125	Hacky Fishing (Pty) Ltd	B	64,67	-	-	Unsuccessful
25	HDT21210	Ukuloba Kulungile Investments (Pty) Ltd	B	64,51	-	-	Unsuccessful

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No.	Application Number	Application Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
26	HDT21156	Noordbaai Vissers (Pty) Ltd	B	64,15	-	-	Unsuccessful
27	HDT21183	Cape Fish Processors (Pty) Ltd	B	63,85	-	-	Unsuccessful
28	HDT21229	Argento Trading 69 CC	B	63,39	-	-	Unsuccessful
29	HDT21127	Full Deck Investments (Pty) Ltd	B	63,04	-	-	Unsuccessful
30	HDT21141	Algoa Marine Exporters (Pty) Ltd	B	62,27	-	-	Unsuccessful
31	HDT21083	Ocean Trawling of Southern Africa (Pty) Ltd	B	61,96	-	-	Unsuccessful
32	HDT21193	Stamatis Fishing CC	B	61,45	-	-	Unsuccessful
33	HDT21088	GSA Ocean Products (Pty) Ltd	B	59,90	-	-	Unsuccessful
34	HDT21133	Bayana Bayana Fishing CC	B	59,51	-	-	Unsuccessful
35	HDT21126	Cyrel Burrel Fishing CC	B	58,88	-	-	Unsuccessful
36	HDT21143	Arniston Fish Processors (Pty) Ltd	B	58,55	-	-	Unsuccessful
37	HDT21063	Chapmans Seafood Company (Pty) Ltd	B	57,41	-	-	Unsuccessful
38	HDT21100	Carpensis Fishing Industries (Pty) Ltd	B	57,35	-	-	Unsuccessful

No.	Application Number	Application Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
39	HDT21161	Zimele Fishing Enterprises CC	B	57,06	-	-	Unsuccessful
40	HDT21162	Al-Aman Fishing CC	B	56,66	-	-	Unsuccessful
41	HDT21164	Ukloba Fishing (Pty) Ltd	B	56,58	-	-	Unsuccessful
42	HDT21103	I Fortune and Crew (Pty) Ltd	B	56,47	-	-	Unsuccessful
43	HDT21200	Langklip See Produkte (Pty) Ltd	B	56,40	-	-	Unsuccessful
44	HDT21188	Mfv Alberleze Vessel Company (Pty) Ltd	B	56,37	-	-	Unsuccessful
45	HDT21158	Risar Fishing CC	B	55,21	-	-	Unsuccessful
46	HDT21213	Lorcom Thirteen (Pty) Ltd	B	54,39	-	-	Unsuccessful
47	HDT21227	Timowize (Pty) Ltd	B	54,22	-	-	Unsuccessful
48	HDT21075	Soundprops 1167 Investments (Pty) Ltd	B	53,36	-	-	Unsuccessful
49	HDT21155	PJF Marine CC	B	52,56	-	-	Unsuccessful
50	HDT21050	AX Fishing (Pty) Ltd	B	51,37	-	-	Unsuccessful
51	HDT21148	Braxton Security Services CC	B	50,82	-	-	Unsuccessful

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No.	Application Number	Application Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
52	HDT21005	Trawl Investments CC	B	50,63	-	-	Unsuccessful
53	HDT21225	Sevlac Investments No. 51 CC	B	50,54	-	-	Unsuccessful
54	HDT21086	Umoya Fish Processors (Pty) Ltd	B	50,35	-	-	Unsuccessful
55	HDT21172	Kupukani Fishing (Pty) Ltd	B	49,69	-	-	Unsuccessful
56	HDT21047	Batsilva (Pty) Ltd	B	49,66	-	-	Unsuccessful
57	HDT21173	NPS Agencies CC	B	49,46	-	-	Unsuccessful
58	HDT21101	Ezabantu Fishing (Pty) Ltd	B	47,80	-	-	Unsuccessful
59	HDT21192	Ithuba Yethu Fishing (Pty) Ltd	B	47,59	-	-	Unsuccessful
60	HDT21033	Sailors Joy Fishing (Pty) Ltd	B	47,22	-	-	Unsuccessful
61	HDT21037	Nati Si Nako Fishing CC	B	46,44	-	-	Unsuccessful
62	HDT21038	Safrika Fishing CC	B	46,33	-	-	Unsuccessful
63	HDT21185	Nascimento Fishing CC	B	46,00	-	-	Unsuccessful
64	HDT21095	Boventrek Beleggings (Pty) Ltd	B	42,31	-	-	Unsuccessful

No.	Application Number	Application Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Decision
65	HDT21147	Korana Fishing Pty Ltd	B	38,07	-	-	Unsuccessful
66	HDT21180	Finecorp Trading 113 CC	B	35,55	-	-	Unsuccessful
67	HDT21085	Horap Sea Ventures (Pty) Ltd	B	34,14	-	-	Unsuccessful
68	HDT21199	Coastal Trawlers (Pty) Ltd	B	20,64	-	-	Unsuccessful

Annexure C: Category C

No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Outcome
1	HDT21099	Khanyisile Fishing (Pty) Ltd	C	78,51	0,1391	Elke M	Successful
2	HDT21104	Ukuqala Trading CC	C	72,90	0,1391	To be nominated	Successful
3	HDT21016	Biz Afrika 1504 (Pty) Ltd	C	72,66	0,1391	Elke M	Successful
4	HDT21167	Kaytrad Commodities Pty Ltd	C	72,05	-	-	Unsuccessful
5	HDT21067	Zwembesi Farm (Pty) Ltd	C	71,02	-	-	Unsuccessful
6	HDT21035	Westshore Fishing (Pty) Ltd	C	70,90	-	-	Unsuccessful
7	HDT21144	Imperial Crown Trading 398 (Pty) Ltd	C	70,40	-	-	Unsuccessful
8	HDT21027	Thalassa Investments (Pty) Ltd	C	68,99	-	-	Unsuccessful
9	HDT21181	Afro Fishing (Pty) Ltd	C	68,96	-	-	Unsuccessful
10	HDT21191	Atlantic Choice Trading (Pty) Ltd	C	68,42	-	-	Unsuccessful
11	HDT21111	MFV Augusta Vessel Company (Pty) Ltd	C	67,74	-	-	Unsuccessful
12	HDT21129	Mnatha Marine Technologies (Pty) Ltd	C	65,00	-	-	Unsuccessful

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No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Outcome
13	HDT21009	Uvimba Trading and Supplies (Pty) Ltd	C	64,81	-	-	Unsuccessful
14	HDT21135	South African Fishmeal and Protein Company (Pty) Ltd	C	63,97	-	-	Unsuccessful
15	HDT21131	Dried Ocean Products (Pty) Ltd	C	62,82	-	-	Unsuccessful
16	HDT21053	La Vie Seafood Products (Pty) Ltd	C	62,50	-	-	Unsuccessful
17	HDT21008	Iqhawe Fishing (Pty) Ltd	C	61,61	-	-	Unsuccessful
18	HDT21113	African Community Fishing (Pty) Ltd	C	61,21	-	-	Unsuccessful
19	HDT21065	Eerste River Womans Fish Packers (Pty) Ltd	C	59,35	-	-	Unsuccessful
20	HDT21043	Amaza Fishing (Pty) Ltd	C	57,77	-	-	Unsuccessful
21	HDT21201	Klipbank Visserye Personeel (Pty) Ltd	C	57,72	-	-	Unsuccessful
22	HDT21118	Blue Wave Fish Traders (Pty) Ltd	C	54,91	-	-	Unsuccessful
23	HDT21073	Bulumko Marine (Pty) Ltd	C	54,13	-	-	Unsuccessful
24	HDT21007	Merca Fishing (Pty) Ltd	C	52,46	-	-	Unsuccessful
25	HDT21019	Chinafric Fishing (Pty) Ltd	C	51,97	-	-	Unsuccessful

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No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Outcome
26	HDT21171	Premium Seafood International (Pty) Ltd	C	51,97	-	-	Unsuccessful
27	HDT21154	Global Management Services (Pty) Ltd	C	50,37	-	-	Unsuccessful
28	HDT21093	BM Fisheries (Pty) Ltd	C	46,80	-	-	Unsuccessful
29	HDT21114	Nontozikhoyo General Trading (Pty) Ltd	C	46,23	-	-	Unsuccessful
30	HDT21119	Lilitha and Lubanzi Enterprises (Pty) Ltd	C	45,61	-	-	Unsuccessful
31	HDT21055	Algoaspace (Pty) Ltd	C	45,53	-	-	Unsuccessful
32	HDT21205	Misty Sea Trading 350 (Pty) Ltd	C	45,41	-	-	Unsuccessful
33	HDT21115	Singamandla Bafazi Fishing (Pty) Ltd	C	45,33	-	-	Unsuccessful
34	HDT21074	Lateral Anchor Brands (Pty) Ltd	C	45,27	-	-	Unsuccessful
35	HDT21070	Zaid Mota Enterprises (Pty) Ltd	C	44,93	-	-	Unsuccessful
36	HDT21186	Western Cape First Nations Collective (Pty) Ltd	C	42,47	-	-	Unsuccessful
37	HDT21132	Empuma Fishing SA (Pty) Ltd	C	40,35	-	-	Unsuccessful
38	HDT21150	Bikutula Fishing Enterprise Limited	C	39,87	-	-	Unsuccessful

No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Outcome
39	HDT21184	Shikinah Impact Consultants (Pty) Ltd	C	39,79	-	-	Unsuccessful
40	HDT21182	Ocean Secret (Pty) Ltd	C	39,45	-	-	Unsuccessful
41	HDT21108	MCK Engineering Holdings (Pty) Ltd	C	39,33	-	-	Unsuccessful
42	HDT21105	Ocean Gold (Pty) Ltd	C	39,20	-	-	Unsuccessful
43	HDT21072	Anchora Logistics (Pty) Ltd	C	38,31	-	-	Unsuccessful
44	HDT21165	Chercorp (Pty) Ltd	C	38,14	-	-	Unsuccessful
45	HDT21218	Proxytime (Pty) Ltd	C	37,79	-	-	Unsuccessful
46	HDT21196	Kumkani Fishing Pty Ltd	C	37,62	-	-	Unsuccessful
47	HDT21087	Rising Star Fishing (Pty) Ltd	C	37,62	-	-	Unsuccessful
48	HDT21134	Petals Fishing (Pty) Ltd	C	36,94	-	-	Unsuccessful
49	HDT21212	Ntozama Business Enterprise (Pty) Ltd	C	36,15	-	-	Unsuccessful
50	HDT21146	Go Fish Enterprises (Pty) Ltd	C	35,92	-	-	Unsuccessful
51	HDT21140	Umnatha Fishing (Pty) Ltd	C	35,39	-	-	Unsuccessful

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No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Outcome
52	HDT21084	Samaki Fisheries (Pty) Ltd	C	34,20	-	-	Unsuccessful
53	HDT21203	Hembe Investments Pty Ltd	C	33,91	-	-	Unsuccessful
54	HDT21222	Strandloper Fishing (Pty) Ltd	C	33,85	-	-	Unsuccessful
55	HDT21211	Thandoz Brands Group (Pty) Ltd	C	33,83	-	-	Unsuccessful
56	HDT21177	Abalobi Bentlanzi (Pty) Ltd	C	33,30	-	-	Unsuccessful
57	HDT21195	Kholwa Fishing (Pty) Ltd	C	32,20	-	-	Unsuccessful
58	HDT21062	Zanozuko Fishing (Pty) Ltd	C	31,41	-	-	Unsuccessful
59	HDT21015	Sizwe Ngoma Holdings (Pty) Ltd	C	30,02	-	-	Unsuccessful
60	HDT21207	Ukuloba Pescar Fishing Enterprise Pty (Ltd)	C	29,99	-	-	Unsuccessful
61	HDT21208	Recordi Enterprises Holdings (Pty) Ltd	C	29,59	-	-	Unsuccessful
62	HDT21057	Indoniyamanzi Womens Projects (Pty) Ltd	C	29,12	-	-	Unsuccessful
63	HDT21020	Work4It (Pty) Ltd	C	27,77	-	-	Unsuccessful
64	HDT21202	Mamjoli Marine Enterprise (Pty) Ltd	C	27,72	-	-	Unsuccessful

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No.	Application Number	Applicant Name	Cat	Appeal Weighting (%)	% TAC Allocation	Allocated Vessel	Final Outcome
65	HDT21224	Columbia Falls Properties 80 (Pty) Ltd	C	27,71	-	-	Unsuccessful
66	HDT21166	Umphongolo Petroleum (Pty) Ltd	C	27,51	-	-	Unsuccessful
67	HDT21056	Ukudoba Marine (Pty) Ltd	C	27,41	-	-	Unsuccessful
68	HDT21090	Cape Pacific Fisheries Proprietary Limited	C	27,25	-	-	Unsuccessful
69	HDT21034	L and A Empire Holdings (Pty) Ltd	C	26,75	-	-	Unsuccessful
70	HDT21221	Maqegu Holdings (Pty) Ltd	C	25,62	-	-	Unsuccessful
71	HDT21174	Iliso Fishing (Pty) Ltd	C	25,25	-	-	Unsuccessful
72	HDT21175	Sensation LA Holding (Pty)Ltd	C	24,78	-	-	Unsuccessful
73	HDT21230	SHQ Holdings (Pty) Ltd	C	23,94	-	-	Unsuccessful
74	HDT21159	Batshwasi Fishing and Trawling (Pty) Ltd	C	23,17	-	-	Unsuccessful
75	HDT21217	Pufeso Agri Enterprise (Pty) Ltd	C	22,28	-	-	Unsuccessful
76	HDT21233	RP Williams (Pty) Ltd	C	21,50	-	-	Unsuccessful