



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture Forestry and Fisheries  
Minister S. Zokwana, MP

**Reference: AP/Yellow Star Trading 1154 (Pty) Ltd**

**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) ON THE APPEAL LODGED BY –**

**YELLOW STAR TRADING 1154 (PTY) LTD**

**SECTOR: SHARK DEMERSAL**

**APPLICATION NUMBER: DMS 130349**

**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 Yellow Star Trading 1154 (Pty) Ltd ("the Appellant").

**2. Introduction**

- 2.1 The appellant is a new entrant applicant whose application was refused on the basis that its application was "too weak" to justify the allocation of a shark demersal fishing right.
- 2.2 The appellant was scored a total of 38.75%. It requires 50% or more to qualify for a shark demersal fishing right.

### 3. Grounds of Appeal

3.1 The appellant raises the following grounds of appeal:

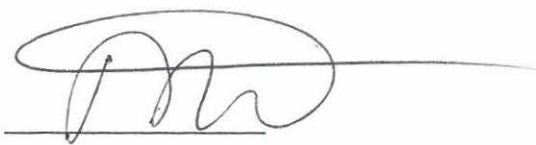
- a) That it ought to be allocated the maximum score for "compliance" as it has not violated a provision of the MLRA;
- b) That it was incorrectly scored with regard to the criterion "Equity and HDI". The appellant claims that it is 77% black women owned;
- c) That points for increases to the wage bill should not have been awarded due to the fluctuating nature of fishing and the link between wages and catches; and
- d) Investment in a suitable vessel ought to have been awarded points.

3.2 Save for the appellant's contention that it should be allocated points for the criterion "compliance", the remaining appeal grounds should not succeed.

3.3 Appellant's contention that it is 77% black female owned is incorrect. If one considers table 6.2.1 in the application form, the appellant states that it is 51% black owned (and not 77%). There is no evidentiary support for the contention that as at the date of application, the appellant was 77% black owned.

### 4. Recommendation

Having had regard to the Appellant's grounds of appeal, it is recommended that the Minister **refuses** the Appellant's appeal as the maximum possible score that the appellant can attain is 48.75%.




Siphokazi Ndudane

Deputy Director-General (Acting)

Fisheries Management

DATE: 9/9/15

**Decision by Minister: Recommendation Accepted / Recommendation Rejected**



Senzeni Zokwana, MP

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

DATE: 10 - 09 - 2015