



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Donovan Du Preez – WCND151252

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): DONOVAN DU PREEZ

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 Donovan Du Preez.

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 “*Slingshot*” 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 “Not Available” for 3 seasons, which is 2005, 2009 and 2010 seasons. The Appellant states that he could not provide information for the 2005/2006 season as his

application was on appeal. The Appellant states that he succeeded on appeal but lost the season while waiting for the appeal decision. The Appellant did utilise his right in 2009 and 2010 seasons but did not have the required information at the date of submission of the application form. The Appellant has been able to source the details of the catch data for the seasons stated above subsequent to the submission of the application form. The Appellant submits that he complied with the requirements of section 5 and he should awarded full points for this section (35%).

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 63.1% 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 66.67 on section 5.2 in relation to catch records based on the information provided by the applicant at the time of application.



BELEMANE SEMOLI
DEPUTY DIRECTOR-GENERAL (ACTING)
FISHERIES MANAGEMENT
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