



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Chadwick Joel Gillion – WCNF150716

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): CHADWICK JOEL GILLION

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 Chadwick Joel Gillion.

2. GROUNDS OF APPEAL

The Appellant’s first ground of appeal relates to the Total Allowable Catch (TAC) and quantum allocation list for West Coast Rock Lobster (Nearshore) for Zone F dated 10 November 2017. The Appellant argues that he was allocated a quantum of 599kg irrespective of the fact that he resides in Hawston and that those who reside in Hawston received an allocation of 820kg in Zone F. The Appellant has provided confirmation of physical address from Overstrand Municipality signed by Manager Client Services, Mr E. Stadler. The Appellant therefore argues that the decision made by the Delegated Authority to allocate a lesser quantum to him is unfair and does not adhere to the Marine Living Resource Act, 1998, section 5 subsection 5.1.2. and that he should get a quantum allocation of 820kg and not 599kg.

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 40% for previous right holder applicants and accordingly was awarded a fishing right.

The Delegated Authority apportioned and allocated a Total Allowable Catch of 705.2kg to each successful applicant in the West Coast Rock Lobster (Nearshore) for Zone F (Gansbaai, Hermanus, Hawston and Kleinmond). During the 2017/2018 fishing season the Appellant was issued with a permit to catch West Coast Rock Lobster (“WRCL”) in terms of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the MLRA”). According to the Department’s catch landing records, the Right Holder over-caught their WRCL allocation with 10kgs. The quantum was then deducted to the overall TAC and remained with 695.2kg. Therefore, the Appellant was granted a TAC of 695.2kg and not 599kg. Also, the Appellant recently issued with the permit to catch WCRL reflecting the 695.2kg of TAC and expired on 15 March 2018.



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