



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/West-Coast Appellants

REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): APPEALS IN TERMS OF SECTION 80 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998) ON THE APPEALS LODGED BY APPELLANTS DOMICILED ALONG THE WEST-COAST IN HARVESTINGS ZONES 2, 3, 4, 5, 6 & 7 WHOSE DETAILS ARE LISTED IN THE TABLE BELOW -

	Appellants' Names & Application Numbers	Domicilium	Harvesting Zone
1	S. BASSON (WMS130333)	Yzerfontein	2
2	C.J HUGO (WMS131703 - Current Right Holder)	Yzerfontein	2
3	V. ENGELBRECHT (WMS130104)	Vredenburg/Paternoster	3
4	E. LATOLA (WMS130102)	Vredenburg/Paternoster	3
5	P.D PLAAITJIES (WMS130205)	Vredenburg/Paternoster	3
6	G.V PETERSEN (WMS130187)	Vredenburg/Paternoster	3
7	C.A BOTHA (WMS130234)	Saldanha/Britannia Bay	4
8	J.N STRAUSS (WMS132216)	Saldanha/Britannia Bay	4
9	R. THEART (WMS130091)	Veldrif/Dwarskersbos	5
10	W. TIETIES (WMS131756)	Elandsbaai	6
11	S. HUGO (WMS130052)	Elandsbaai	6
12	N.J BASSON (WMS131733)	Elandsbaai	6
13	E. ANDREWS (WMS131704)	Elandsbaai	6
14	Y.L BASSON (WMS130063)	Elandsbaai	6

	Appellants' Names & Application Numbers	Domicilium	Harvesting Zone
15	J.J.J VAN DER WESTHUIZEN (WMS131717)	Elandsbaai	6
16	M. FUYIZILO (WMS131746)	Elandsbaai	6
17	W. OWIES (WMS131706 - (Current Right Holder)	Lambertsbaai	7
18	P. WITBOOI (WMS131604)	Lambertsbaai	7
19	J.P PLAATJIES (WMS131589)	Lambertsbaai	7
20	A.J STEVENS (WMS131557)	Doringbaai	7

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 the appeals lodged by the abovementioned appellants ("the Appellants").

2. Introduction

2.1 Save for appellants **WILMA OWIES - WMS131706** and **CHARLOTTE JOHANNA HUGO - WMS131703**, the appellants are each new entrant applicants whose applications were refused on the basis that they were comparatively too weak to justify the allocation of white mussel harvesting rights.

2.2 Appellants Owies and Hugo were granted white mussel harvesting rights in harvesting zones 7 (Lambertsbaai) and 2 (Yzerfontein), respectively. Both appellants are domiciled in Elandsbaai (harvesting zone 6). Their respective appeals are therefore to be allocated access to harvesting zone 6.

2.3 In terms of the General Published Reasons for White Mussels: 2013 ("the GPR"), rights were allocated to black female new entrant applicants from the west coast of the Western Cape.

2.4 White mussels are harvested in seven defined harvesting areas along the Western Cape's west coast between Bokpunt and Doringbaai. Each zone is

permitted one right holder who can in turn use a total of 7 pickers (including the right holder) to harvest mussels.

- 2.5 Harvesting Zones 2, 3, 4, 5, 6 and 7 have been each allocated 1 right holder. The only harvesting zone, which remains available for an allocation is Zone 1 (Bokpunt). There are no appellants who are domiciled in the vicinity of Zone 1.

3. Grounds of Appeal

- 3.1 Having considered the appellants' individual appeals the following is apparent:

3.1.1 None of the appellants raise any substantive appeal grounds to warrant a reconsideration of the initial decision to refuse their white mussel applications. In this regard, the reference to substantive appeal grounds refers to grounds related to the evaluation and balancing criteria set out in the GPR;

3.1.2 The appellants generally request a white mussel harvesting right in order to alleviate poverty, create employment or to enable them to utilise their current fishing experience for their own benefit;

3.1.3 There is no available effort in any of the zones concerned as each zone was allocated a right holder in December 2013; and

3.1.3 With regard to the appeals lodged by the two current right holders, Ms Owies and Ms Hugo, neither can be accommodated closer to where they live (Elandsbaai).

4. Recommendation

It is accordingly recommended that the Minister **rejects** each of the appeals lodged by the abovementioned appellants.



Siphokazi Ndudane
Deputy Director-General (Acting)
Fisheries Management

DATE: 08/09/15

Decision by Minister: Recommendation Accepted / Recommendation Rejected



Senzeni Zokwana, MP
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

DATE: ~~08/09/15~~ 21-09-2015

I had accepted the recommendations
in part. Refer to my GPR.