



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Zukiswa Ellen Mqhokwana – WCNF150023

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): ZUKISWA ELLEN MQHOKRWANA

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 Zukiswa Ellen Mqhokwana.

2. GROUNDS OF APPEAL

The Appellant’s first ground of appeal relates to section 4 (Access to a Suitable Vessel). The Appellant argues that she demonstrated that she had access to a suitable vessel ‘*WinnRay*’ through a catch agreement and she 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 her score for this section 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 her application form she indicated not available for five (5) seasons: 2005, 2006, 2007, 2008 and 2009. The Appellant submits that in all the stipulated seasons she did utilise her right but did not have

the required information at the time of application. The Appellant has managed to source the details of the catches for those seasons subsequent to the submission of the application form. The Applicant indicates that she could not provide catch data for 2005/2006 season as her application was still on appeal. The Appellant submits that the information provided in this appeal and the information on the original application would make the full 9 seasons required for the Appellant to score maximum points for this section. The Appellant argues that she complied with the requirements of section 5 as she utilised the right for 9 seasons and she should be awarded full points for section 5.

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 64.8% 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. The Appellant caught 87% within Zone G and caught 100% for 6 of 10 years with no over catch.



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