



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Dromedaris Vissery Ltd – WCOM152163

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) (“THE MLRA”): APPEAL IN TERMS OF SECTION 80 OF THE MLRA: DROMEDARIS VISSERY LIMITED: WEST COAST ROCK LOBSTER (OFFSHORE) FISHERY

1. PURPOSE

- 1.1 To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under MLRA, with regard to an appeal by Dromedaris Visserye Limited (“the Appellant”).

2. GROUNDS OF APPEAL

- 2.1 The Appellant’s main ground of appeal is its argument that it was incorrectly scored by the DA at 55.48%, and should have scored 69.15%, and should thus have been successful.
- 2.2 The Appellant’s first ground of appeal relates to section 1.27 of the 2015/16 Fishing Rights Allocation Process (“FRAP 2015/16”) application form (“the application form”). The Appellant argues that it scored 0% but should have been awarded 3% for being a rights holder in another fishery; fish processing; fish marketing; aquaculture and vessel owner.
- 2.3 The Appellant’s second ground of appeal relates to section 4 of the application form – Access to a vessel. The Appellant argues that it indicated that it has an access agreement of a suitable vessel. The Appellant was scored 4% when it

should have scored 8%. The Appellant further contents the scoring methodology used in Section 4.

2.4 The Appellant's third ground of appeal relates to its scoring in section 5 – Fishing Performance. The Appellant argues that it utilised its right in all 10 fishing seasons and should accordingly have scored 6 out of 6 points, or an average of 98.85% and not the 89.3% it was awarded.

2.5 The Appellant thus argues that it should have scored an additional 3% under section 1; an additional 4% under section 4; and an additional 6.67% under section 5, which would increase its score by 13.67% and give it a total score of 69.15%.

2.6 The Appellant finally argues that its appeal must be expedited and not dealt with simultaneously along with all the other appeals due to the urgency and the negative economic impact of it not being awarded a West Coast Rock Lobster right.

3. DELIBERATIONS

3.1 The Appellant was a Category A applicant. Category A applicants were classified as applicants who previously held rights in the West Coast Rock Lobster (Offshore) sector during the period 2006 to 2015. The Appellant scored 55.48% which was below the 60% threshold for Category A Applicants.

3.2 In terms of section 1.27, the Appellant did not answer this section at all but is attempting to provide additional information on appeal. Upon review, the Appellant could have scored additional points for rights in other sectors but cannot be awarded further additional points as no information was provided on processing, aquaculture; and marketing. Furthermore, the Appellant does not own a vessel but has a catching agreement. It is therefore recommended that the score for section 1.27 be adjusted to one points.

3.3 In terms of section 4 of the application form, the Appellant

3.4 In terms of section 4 of the Application form, the Appellant scored the correct points for a catch agreement. It is therefore recommended that the score for section 4 remains unchanged.

3.5 In terms of section 5 of the Application form, the Appellant was scored for catching 100% of its allocation in 5 out of the 10 fishing seasons and thus received a score for an average catch of 89.3%. It is therefore recommended that the score for this section remains unchanged.



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DATE: 21 AUGUST 2018