



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Reference: West Coast Rock Lobster Offshore Appeals

## THE MINISTER

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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"): APPEALS IN TERMS OF SECTION 80 OF THE MLRA:  
WEST COAST ROCK LOBSTER OFFSHORE FISHERY: FOR

|   |            |
|---|------------|
| ALBERTS FISHING BK CC                         | WCOM152172 |
| AIR FRESH FISHERIES CC                        | WCOM153340 |
| HENQUE 3137 CC                                | WCOM151424 |
| SATOCUBE (PTY) LTD                            | WCOM151231 |
| SAM HAYDRICKS (PTY) LTD                       | WCOM150765 |
| YORK POINT FISHERIES CC                       | WCOM150557 |
| BAFIAANSBERG (PTY) LTD                        | WCOM152210 |
| KLEIN OPSTAAN VISSERYE BPK                    | WCOM150605 |
| PERFECT DAWN TRADERS 4 CC                     | WCOM150507 |
| UMOYA FISHING (PTY) LTD                       | WCOM150845 |
| OCEAN STAR FISHING (PTY) LTD                  | WCOM151405 |
| MOISOURCE (PTY) LTD                           | WCOM152465 |
| VULISA FISHING & COASTAL MANAGEMENT (PTY) LDT | WCOM150873 |
| KOMICX PRODUCTS                               | WCOM153502 |
| NOORDBAAI VISSERS BEPERK                      | WCOM150508 |

## **1. PURPOSE**

- 1.1 To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the MLRA, with regard to appeals by 15 Appellants in the West Coast Rock Lobster Offshore fishery (“the Appellants”).

## **2. GROUNDS OF APPEAL**

- 2.1 The grounds of appeal by 15 Appellants relates to their exclusion for failing to disclose a violation of the MLRA or a provision thereof.

## **3. DELIBERATIONS**

- 3.1 The applications of 16 Appellants were screened to determine whether they were materially defective. In terms of Section 6.1(b) of the General Policy on the Allocation and Management of Fishing Rights: 2013, *“an application is materially defective if the declaration is not signed by the applicant, or if the applicant’s declaration was not attested to by a Commissioner of Oaths, or if more than one application was received from the same applicant for a fishing right in the same sector, or if the applicant provided false information for false documents, or failed to disclose material information, or attempted to influence the Minister or delegated authority other than in the manner provided for in the 2013 General Policy during the application period”*.
- 3.2 The 15 Appellants were excluded in the West Coast Rock Lobster Offshore fishery for failure to disclose a contravention of the provisions of the MLRA under Section 3 of the Application form during the period 2005 - 2015 as follows:
- 3.2.1 Alberts Fishing BK CC (WCOM152172): A Director and/or Shareholder, A Miggels, was issued a fine under CAS number 54/2/2014 and paid a R2 500 admission of guilt fine.
- 3.2.2 Air Fresh Fisheries (WCOM153340): A Director and/or Shareholder, HJ Bester, was issued a fine under CAS number 41/11/2009 and paid a R50 000 admission of guilt fine.

- 3.2.3 Henque 3137 CC (WCOM151424): A Director and/or Shareholder, CJ Stansfield, was issued a fine under CAS number 170/3/2009 and paid a R5000 admission of guilt fine.
- 3.2.4 Satocube (WCOM151231): A Director and/or Shareholder, AF Bucchianeri, was issued a fine under CAS number 27/6/2008 and paid a R1000 admission of guilt fine.
- 3.2.5 Sam Haydricks (Pty) Ltd (WCOM15765): A Director and/or Shareholder, Samuel Edward, was issued a fine under CAS number 233/1/2008 and paid a R3000 admission of guilt fine.
- 3.2.6 York Point Fisheries CC (WCOM153557): A Director and/or Shareholder, N Abrahin, was issued a fine under CAS number 569/7/2014 and paid a R1000 admission of guilt fine.
- 3.2.7 Bafiaansberg (Pty) Ltd (WCCOM152210): A Director and/or Shareholder, C Mouton, was issued a fine under CAS number 2/4/2015 and paid a R10 000 admission of guilt fine.
- 3.2.8 Klein Opstaan Visserye BPK (WCOM150605): A Director and/or Shareholder, KP Willems, was issued a fine under CAS number 79/11/2009 and paid a R600 admission of guilt fine.
- 3.2.9 Perfect Dawn Traders 4 CC (WCOM150507): A Director and/or Shareholder, JM Bezuidenhout, was issued a fine under CAS number 24/4/2010 and paid a R4 500 admission of guilt fine.
- 3.2.10 Umoya Fishing (Pty) Ltd (WCOM150845): A Director and/or Shareholder, JMT De Olim was issued a fine under CAS number 176/3/2009 and paid a R2 500 admission of guilt fine.
- 3.2.11 Ocean Star Fishing (Pty) Ltd (WCOM151405): A Director and/or Shareholder, GC Kerwitz, was issued a fine under CAS number 62/3/2013 and paid a R1 800 admission of guilt fine.
- 3.2.12 Moisource (WCOM152465): A Director and/or Shareholder, JMT De Olim, was issued a fine under CAS number 176/3/2009 and paid a R2 500 admission of guilt fine.
- 3.2.13 Vulisa Fishing and Coastal Management (WCOM150873): A Director and/or Shareholder, LM Nozabela, was issued a fine under CAS number 199/11/2014 and paid a R5 000 admission of guilt fine.

3.2.14 Komicx Products (PTY) Ltd (WCOM153502): A Director and/or Shareholder, SS Emary, was issued a fine under CAS number 192/11/2012 and paid a R250 admission of guilt fine.

3.2.15 Noordbaai Vissers Beperk (WCOM150508): A Director and/or Shareholder, A Brittian, was issued a fine under CAS number 40/1/2014 and paid a R500 admission of guilt fine.

3.3 In terms of Section 6.1(b) of the General Policy on the Allocation and Management of Fishing Rights: 2013, the applications by the 15 Appellants were materially defective, and it is recommended that the decision of the Delegated Authority be upheld.



**BELEMANE SEMOLI**

**DEPUTY DIRECTOR-GENERAL (ACTING)**

**FISHERIES MANAGEMENT**

**DATE: 21 AUGUST 2018**