



Reference: West Coast Rock Lobster (Offshore) Appeals

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: WEST COAST ROCK LOBSTER (OFFSHORE) FISHERY: CATEGORY A APPELLANTS FALLING BELOW THE 60% THRESHOLD

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 an appeal by 37 Appellants in the West Coast Rock Lobster (Offshore) Fishery ("the Appellants").
- 1.2 The 37 Appellant's details are attached to this report as Appendix 1.

2. GROUNDS OF APPEAL

- 2.1 The grounds of appeal by 37 Appellants relates to the decision of the Delegated Authority to set the scoring threshold for Category A Applicants in the West Coast Rock Lobster (Offshore) fishing sector at 60%.

3. DELIBERATIONS

- 3.1 The Department received 3423 applications in the West Coast Rock Lobster (Nearshore) fishing sector and 637 applications in the Offshore sector. Section 6(b) of the General Policy on the Allocation and Management of Fishing Rights: 2013 ("the General Policy") indicates that the Department expects a large number of applications for fishing rights and anticipates that, given the current

limits on catch and effort in all the fisheries, not all applicants will be granted rights.

- 3.2 From the outset it was clear that number of applicants could not be accommodated in the fishery, particularly given Government's priority for the need to set aside meaningful allocations to the Small-scale sector and the fact that the fishery is over-subscribed.
- 3.3 The Delegated Authority noted the many comments received during the comment period regarding the general unhappiness around the decision to allocate 90% of the Nearshore TAC to the Small-scale sector. The Delegated Authority therefore reviewed her decision and decided to allocate 20% of the Offshore TAC to the Small-scale sector. This adjustment meant that the Delegated Authority decided to retain the threshold for Category C Applicants at 50% when the final list was published on 31 July 2017.
- 3.4 The Delegated Authority is further verified that the Appellants were correctly scored in each section and is therefore of the view that no adjustment of scores are warranted. Those Appellants that were incorrectly scored have been dealt with under another Section 5(3) Report.
- 3.5 It is therefore recommended that the Delegated Authority's decision to set the threshold for Category A Applicants at 60% in the West Coast Rock Lobster (Offshore) fishing sector be upheld as the fishery cannot accommodate any further applicants.



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

Appendix 1

West Coast Rock Lobster (Offshore) Fishery: Category A Applicants below the 60% threshold			
No.	Name	Application Number	Score
1.	Gomes Fishing CC	WCOM153530	47.16%
2.	Pennytros Fishing (Pty) Ltd	WCOM153975	57.88%
3.	Joc Fishing CC	WCOM153569	54.52%
4.	Hawston Lobster Fisheries (Pty) Ltd	WCOM151447	52.38%
5.	Amaqobela Fishing (Pty) Ltd	WCOM151225	45.62%
6.	Pesce Smokers CC	WCOM150653	56.00%
7.	Walpat Seeproducte EDMS BPK	WCOM152154	51.83%
8.	Henbase 2655 CC	WCOM152180	46.13%
9.	Seaglow Trading (Pty) Ltd	WCOM153507	56.33%
10.	Latief Albertyn Fisheries CC	WCOM150626	57.60%
11.	EFH Walters Fishing CC	WCOM150647	56.10%
12.	Silwer Visserye BPK	WCOM150510	56.33%
13.	Julies Visserye BPK	WCOM150509	56.33%
14.	Kusasa Commodities 245 (Pty) Ltd	WCOM153349	58.32%
15.	CSM Fishing (Pty) Ltd	WCOM150531	59.38%
16.	Johnson Fisheries CC	WCOM150524	52.16%
17.	Alpha Visserye (Pty) Ltd	WCOM152204	52.33%
18.	Columbine Fishing CC	WCOM153339	56.75%
19.	Fantique Trade 486 CC	WCOM150536	59.88%
20.	Sebien Visserye BKP	WCOM150527	48.33%
21.	Ompere Investments CC	WCOM150539	47.83%
22.	Calvin Visserye BPK	WCOM150362	56.33%
23.	Geelbek Fisheries CC	WCOM150455	59.86%
24.	Cormurant Fishing (Pty) Ltd	WCOM150451	59.96%
25.	Thandani Fisheries CC	WCOM152201	54.83%
26.	Three Coins Fishing CC	WCOM150708	48.55%
27.	Abakhi Visserye BK	WCOM152209	56.30%
28.	Friceba Fishing (Pty) Ltd	WCOM152460	54.33%

29	Vergol Fishing CC	WCOM150355	51.91%
30	Doringbaai Visserye CC	WCOM150357	58.58%
31	Romansbaai Visserye CC	WCOM151436	55.33%
32	Sunset Fishing CC	WCOM150620	51.83%
33	Finman 213 CC	WCOM150457	53.24%
34	Internation Traders (Pty) Ltd	WCOM150789	52.33%
35	Kalkbay Pioneers (Pty) Ltd	WCOM150875	57.88%
36	FJJ Brand Fishing BK	WCOM150743	56.00%
37	Indlovu Fishing (Pty) Ltd	WCOM150864	56.28%

