



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/Cape Town 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 WITHIN THE CITY OF CAPE TOWN WHOSE DETAILS ARE LISTED IN THE TABLE BELOW –

	Appellants' Names & Application Numbers	Domicilium
1	E. MAMPANA (WMS133081)	Khayelitsha
2	N.L MPOKWANA (WMS133053)	Khayelitsha
3	N.J MPOKWANA (WMS133052)	Khayelitsha
4	M.S MBANYA (WMS133054)	Khayelitsha
5	P.N DONA (WMS133046)	Philippi
6	A. GUSHANA (WMS132832)	Nyanga
7	A. VISSER (WMS133007)	Plumstead
8	C. STERREBERG (WMS133086)	Noordhoek

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

2. Introduction

- 2.1 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 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.
- 2.3 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.
- 2.4 The appellants are not resident in and neither do they reside in close proximity to Zone 1 (Bokpunt).

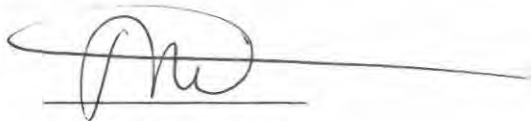
3. Grounds of Appeal

- 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; and
- 3.1.3 None of the appellants are domiciled in any of the 7 mussel harvesting zones. Their closest harvesting zone is Zone 1.

3.2 It is noted that the travelling distance from Cape Town to the Harvesting Zone 1 (Bokpunt) is not excessive or of such a distance as to prevent a right holder from Cape Town travelling to Bokpunt. However, none of the appellants have requested access to Bokpunt.

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: 08/09/2015

Decision by Minister: Recommendation Accepted / Recommendation Rejected



Senzeni Zokwana, MP

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

DATE: 21-09-2015

I accept in part -
Refer to my GPR.