



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Deon Bester – WCNE150309

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): DEON BESTER

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 Deon Bester.

2. GROUNDS OF APPEAL

The Appellant’s ground of appeal relates to section 7 (Job Creation). The Appellant argues that in his application form in section 7.1 he indicated that he does not provide permanent employment and that was wrong because it was permanent employment that he provided. The Appellant argues that his score for section 7.1 and 7.2 be adjusted and that will make his score be more than the set threshold. The Appellant request that the Delegated Authority review his score and be granted a fishing right to harvest West Coast Rock Lobster (Nearshore). The Appellant indicated that the West Coast Rock Lobster (Nearshore) right is the only source of income to feed his family.

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 below the set minimum threshold of

77% for previous right holder applicants and accordingly was not granted a fishing right.

The Appellant attained a score of 0 points for section 7 (job creation) as he does not provide any employment. Accordingly, section 7 was done in an algorithm manner whereby an Applicant that employs 1 – 10 would score 1 point, 11 – 20 would score 2 points, 21 – 30 would score 3 points, 31 – 50 would score 4 points, 51 – 70 would score 5 points, 71 – 90 would score 6 points, 91 – 110 would score 7 points, 111 – 150 would score 8 points, 151 – 200 would score 9 points and above 200 would score 10 points. In this regard, the Appellant fell within the range of 1 – 10 and hence he was scored 1.

- 3.1 It is recommended that the decision of the Delegated Authority not to allow applicants who scored below the set threshold for applicants who were previous right holders to become successful in the fishery be upheld



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