



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Reference: West Coast Rock Lobster Nearshore Zone B 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"): APPEAL IN TERMS OF SECTION 80 OF THE MLRA: WEST COAST ROCK LOBSTER NEARSHORE FISHERY (ZONE B) FOR:

JOHANNES EVANS	WCNB15473
FIKKIE DIERGARDT	WCNB15724
PIETER CLOETE	WCNB15364
MZINGISI MULTITUDE MAJIKI	WCNB150988
CORNELIA JOHANNA ANGLE	WCNB151558
MAGCINANDILE SIDWELL HERMANS	WCNB15217
JAKOB JACOBUS KAPIERA	WCNB15316
SGXEGELE MDAKA	WCNB15728
DIRK WILLEM STEVENS	WCNB15634
TREVOR JOHN CAPES	WCNB15416
GERT ABRAHAMS	WCNB15701
JAN CLOETE	WCNB151081
JOSEPH SWARTZ	WCNB15390
PIETER ADONIS	WCNB151164
DIRK MARTINUS COETZEE	WCNB151019
VICTOR JOSEPH LATOLA	WCNB15237
MZAMUDAMI JULIUS GQOBAKA	WCNB151786
PERCENT JOHN BRINK	WCNB15213
ANDRIES TIETIES	WCNB15056
PETRUS JULIES	WCNB15900

## **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 20 Appellants in the West Coast Rock Lobster Nearshore Fishery (Zone B) (“the Appellants”).


## **2. GROUNDS OF APPEAL**

- 2.1 The grounds of appeal by 20 Appellants relates to the decision by the Delegated Authority not to allow applicants older than 65 years of age to become successful in the fishery.

## **3. DELIBERATIONS**

- 3.1 In line with the sector-specific policy objectives of promoting access to youth, women and people with disabilities, and further to promote meaningful participation in the fishery through active involvement of rights holders (i.e. to reduce the risk of paper quota holders), while also being mindful that rights are being allocated for a 15 year period, the Delegated Authority decided that applicants older than 65 years of age and/or who have been classified as being medically unfit (excluding persons with permanent disabilities) would become unsuccessful in order to prevent paper quota holders.
- 3.2 The applications of the 20 Appellants were unsuccessful in the West Coast Rock Lobster Nearshore fishery due to being older than 65 years are as follows:
  - 3.2.1 Johannes Evans (WCNB15473) who attaches a Doctor’s Certificate confirming that he is permanently disabled. Notwithstanding the permanent disability claim, the Appellant was 83 years old at the time of application.
  - 3.2.2 Frikkie Dierdardt (WCNB15724) was 92 years old at the time of application.
  - 3.2.3 Pieter Cloete (WCNB15364) was 75 years old at the time of application.
  - 3.2.4 Mzingisi Multitude Majiki (WCNB150988) was 71 years old at the time of application.
  - 3.2.5 Cornelia Johanna Angle (WCNB151558) was 74 years old at the time of application.

- 3.2.6 Magcinandile Sidwell Hermans (WCNB15217) was 66 years old at the time of application.
- 3.2.7 Jakob Jacobus Kapiera (WCNB15316) was 78 years old at the time of application.
- 3.2.8 Sgxegele Mdaka (WCNB15728) was 73 years old at the time of application.
- 3.2.9 Dirk Willem Stevens (WCNB15634) was 66 years old at the time of application.
- 3.2.10 Trevor John Capes (WCNB15416) was 70 years old at the time of application.
- 3.2.11 Gert Abrahams (WCNB15701) was 66 years old at the time of application.
- 3.2.12 Jan Cloete (WCNB151081) was 80 years old at the time of application.
- 3.2.13 Joseph Swartz (WCNB15390) was 81 years old at the time of application.
- 3.2.14 Pieter Adonis (WCNB151164) was 74 years old at the time of application.
- 3.2.15 Dirk Martinus Coetzee (WCNB151019) was 66 years old at the time of application.
- 3.2.16 Victor Joseph Latola (WCNB15237) was 74 years old at the time of application.
- 3.2.17 Mzamudumi Julius Gqoboko (WCNB151786) was 75 years old at the time of application.
- 3.2.18 Percent John Brink (WCNB15213) was 69 years old at the time of application.
- 3.2.19 Andries Tieties (WCNB15056) was 69 years old at the time of application.
- 3.2.20 Petrus Julies (WCNB15900) was 73 years old at the time of application.
- 3.3 It is recommended that the decision of the Delegated Authority not to allow applicants older than 65 years of age to become successful in the fishery be upheld except for Johannes Evans (WCNB15473) who is permanently disabled.



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