



18 September 2006

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## SUPPLEMENTARY GENERAL REASONS FOR THE DECISIONS ON THE ALLOCATION OF RIGHTS AND QUANTUM IN THE NETFISH FISHERY – RESERVED DECISIONS

### 1. Introduction: the Investigation and Decision Making Process

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The delegated authority responsible for allocating rights in the Netfish (Beach-seine and Gillnet/drift Net) sector, decided to reserve her decisions on applications, if comments were received concerning the applicant after the provisionally successful lists were published, and the comments needed to be investigated before a final decision could be made. Not all comments received on the provisional list of successful applicants were taken into account by the delegated authority. Irrelevant comments and vague statements, incapable of being investigated, were ignored. No comment was taken into account unless the matter was investigated.

The process and outcome of the investigations into the reserved applications are set out in this document. The investigation into whether rights should be allocated in the Melkbosstrand area has not yet been completed.

#### 1.1 Investigations

The investigations were carried out by two of the Department's Inspectors of Compliance, Messrs William Shilubane and Zali Kewana and the Director of Strategic Support Management, Mr Nassir Daniels. They were assisted by Advocate Johan de Waal. The objective of the investigations were to ascertain the necessary facts to enable the delegated authority to make a final decision. Wherever possible, interviews were conducted with the applicants themselves, in order to obtain their responses to the comments made.

The delegated authority's assessment of each applicant, after the investigations were completed, is captured in the annexed spreadsheet. Applications were found to be materially defective if the applicants provided

information to the investigators which is materially inconsistent with the information that was provided in the application forms. Applicants were also refused a right if the applicant was found not to be reliant on the resource. One applicant was unsuccessful due to an essential requirement failure. Two applicants remain reserved in Area 14/15 (Melkbosstrand).

Requests for access to all comments received on the provisional lists will be considered, if applications are made under the Promotion of Access to Information Act 2 of 2000. The Department's information officer has taken the view that comments will not be released until the investigations were completed and a decision is made on the application by the delegated authority. This has now been done and requests for access to all comments received will now be considered. However, the identity of third parties that submitted comments will not be released. The delegated authority is also not privy to this information.

## **2. The decisions on the reserved applications**

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### **2.1 Netfish Reserved Decisions**

In the Netfish sector 26 applications were reserved (15 New Entrant applications and 11 Medium Term Right Holder applications). Of these reserved applications, the delegated authority decided to allocate 12 rights to applicants (4 Medium Term Right Holder applicants and 8 New Entrant applicants).

### **2.4 Spreadsheets and Successful List**

A list of all the successful applicants, with their application numbers is annexed marked "A1". The spreadsheet containing the assessment of the Medium Term Right applications is annexed marked "A2". The spreadsheet containing the assessment of the New Entrant applications is annexed marked "A3".

**Adv Abeeda Mugjenkar**

**Delegated Authority: Netfish**

**18 September 2006**

**Annexure A1**  
**Successful Reserved Applicant List**

| <b>NETFISH RESERVED MTRH AND NEW ENTRANT SUCCESSFUL LIST</b> |   |                                     |                 |
|--|---|-------------------------------------|-----------------|
| <b>No.</b>   | <b>Applicant Name</b>                         | <b>Area</b>                         | <b>Nets</b>     |
| 1  | NETM0009 - Jacobus Johannes Christiaan Tolken | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 2  | NETM0011 - Johannes Gerhardus Huysamen        | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 3  | NETM0030 - Jody Pieterse                      | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 4  | NETM0032 - Christiaan Strumpher               | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 5  | NETM0055 - Johannes Nicolaas Basson           | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 6  | NETM0066 - Eva MJ Basson                      | 8/9/10 (Draaihoek - Cape Columbine) | Beach seine     |
| 7  | NETM0074 - Nico Francois Wiid                 | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 8  | NETM0084 - Daniel Linnert                     | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 9  | NETM0090 - Paul Hendrik Marais                | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 10   | NETM0310 - Gerber Basson                      | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 11   | NETM0365 - Elta Louwrens                      | 8/9/10 (Draaihoek - Cape Columbine) | Gill/drift nets |
| 12   | NETM0108 - Leslie Stephan Makka               | 11 - (Saldahna)                     | Gill/drift nets |