



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Heidi Lillian Pietersen– WCNE150324

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): HEIDI LILLIAN PIETERSEN

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 Heidi Lillian Pietersen.

2. GROUNDS OF APPEAL

The Appellant’s grounds of appeal seem to relate to all the sections from section 1 to section 7. The Appellant states that he has a minimum of 8 years involved in the fishing industry. The Appellant indicates that he is a Hake Handline right holder, and he catches his own allocation. The Appellant also states that he is hands-on on the boat but it is a small boat and he has requested to use a bigger boat.

The Appellant states that the right was transferred to her as her mother passed away and she has managed to successfully catch and market her quota. The Appellant indicates that she has studied marketing and sales and therefore can only benefit her community. The Appellant indicates that her quota would work if the size of the boat would increase to 10 metres.

The Appellant states that she has never contravened the Marine Living Resources Act. The Appellant obeys the law in every aspect of her life.

The Appellant nominated a vessel to catch her West Coast Rock Lobster (WCRL) (Nearshore) which is suitable catch WCRL (Nearshore).

The Appellant further states that she has utilized her right effectively during the period 2011-2017 with no over catches and created investments and jobs in the community. The Appellant indicated that she has sponsored and planned to create more jobs in the Overberg area.

The Appellant states that she is a Coloured/Black female, age 45. The Appellant indicates that she has never poached or sold illegal. The Appellant further indicates that she is in import and export business.

The Appellant states that by using the vessel Abigail she is creating jobs for people to catch WCRL and work on a boat. The Appellant indicates that once her late father's boat is fixed more jobs will be created.

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 was correctly scored in section 1 based on the information provided on her application at the time of application.

The Appellant was correctly scored in section 2 based on the information provided on her application at the time of application.

The Appellant was awarded maximum points in section 3 (Form of Applicant). The Appellant was correctly scored in this section.

The Appellant was correctly scored in section 4 based on the information provided on her application at the time of application.

The Appellant was correctly scored in section 5 based on the information provided on her application at the time of application.

The Appellant was correctly scored in section 6 based on the information provided on her application at the time of application. This section was zero weighted.

The Appellant attained a score of zero (0) points for section 7 (job creation) as she did not provide 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



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