



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Galiema Baderoen– WCNE150668

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): GALIEMA BADEROEN

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 Galiema Baderoen.

2. GROUNDS OF APPEAL

The Appellant’s ground of appeal relates to section 4 (Access to a Suitable Vessel). The Appellant argues that in her application form he recorded that she had a catching agreement in a vessel “*Love-Lee*” but was also part owner of the vessel, less than 50% shares in the vessel owning company. The Appellant submits that she provided a CIP information as Annexure 4A-1 for the close corporation “NB Trading CC, which is the owner of the nominated vessel and the Appellant is a shareholder of less than 50% in NB Trading CC with 5% shares. The Appellant also argues that he attached a letter as Annexure 4A-2 which proves that she has access to a suitable vessel. The Appellant states that since she has shares in a vessel owning company she should have been awarded 15 points for section 4 which will be 12% out of the total 20% for that section. The Appellant request that the Minister rescore his application and he should be awarded a score of 12% or 8% for section which will qualify her for a right in Zone E.

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 3 points in section 4. It should be noted that the Appellant did attach the CIP document to his application form at the time of application.

- 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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DATE: 21 AUGUST 2018