



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: West Coast Rock Lobster Nearshore Zone A Appeals

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) ("THE MLRA"): APPEAL IN TERMS OF SECTION 80 OF THE MLRA: WEST COAST ROCK LOBSTER NEARSHORE FISHERY (ZONE A) FOR:

MARIUS HENRIK STUURMAN	WCNA15408
PETRUS JAMES CAROLUS	WCNA15460
ARTHUR DAVID VAUGHAN	WCNA15436
DANIEL JACOBUS ROSS	WCNA15122
JENNER MAFFRY VRIES	WCNA15472

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 5 Appellants in the West Coast Rock Lobster Nearshore Fishery (Zone A) ("the Appellants").

2. GROUNDS OF APPEAL

- 2.1 The grounds of appeal by 5 Appellants relates to the decision by the Delegated Authority not to allow applicants who have been classified as being medically unfit (excluding people with permanent disabilities) 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 In terms of the Employment Equity Act, 1998 (Act No 55 of 1998) as amended defines people with disabilities as people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment.
- 3.3 The applications of the 5 Appellants were unsuccessful in the West Coast Rock Lobster Nearshore fishery due to being medically unfit are as follows:
- 3.3.1 Marius Henrik Stuurman (WCNA15408) was unfit to go to sea during the 2014/2015 fishing season due to broken hip bone and during 2015/2016 fishing season the Appellant was unfit to go to sea. During the exemption period, 2016/2017 fishing season, the Appellant was permanently unfit to go to sea.
- 3.3.2 Petrus James Carolus (WCNA15460) was unfit to go to sea during 2011/2012, 2014/2015 and 2015/2016 fishing seasons. During 2013/2014 fishing season the Appellant was unfit to go to sea due to Hypertension. During the exemption period, 2016/2017 fishing season, the Appellant was permanently unfit to go to sea.
- 3.3.3 Arthur David Vaughan (WCNA15436) was permanently unfit to go to sea during exemption period, 2016/2017.
- 3.3.4 Daniel Jacobus Ross (WCNA15122) was permanently unfit to go to sea during exemption period, 2016/2017.
- 3.3.5 Jenner Maffry Vries (WCNA15472) was unfit to go to sea during 2014/2015 and 2015/2016 fishing seasons. During the exemption period, 2016/2017 fishing season, the Appellant was permanently unfit to go to sea.



- 3.4 It is recommended that the decision of the Delegated Authority not to allow applicants who are medically unfit and therefore cannot be active participants in the fishery to become successful in the fishery be upheld



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