



5 June 2006

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## SUPPLEMENTARY GENERAL REASONS FOR THE DECISIONS ON THE ALLOCATION OF RIGHTS AND QUANTUM IN THE TRADITIONAL LINEFISHERY – RESERVED DECISIONS : ALL AREAS

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

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The delegated authority responsible for allocating Traditional Linefish (“linefish”) fishing rights reserved his decisions on a number of applications who applied in areas Port Nolloth – Cape Infanta, Cape Infanta – Port St Johns and KwaZulu Natal. The reserved decisions fall into two groups.

Firstly, the delegated authority reserved his 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. Secondly, the delegated authority reserved his decisions in respect of applicants if there was a pending criminal investigation, or section 28 proceedings, which may affect the outcome of the application.

There are only two applicants falling in the last group. These decisions have not yet been taken. The process and outcome of the investigations into the first group of applicants are set out below.

#### 1.1 Comments on the provisionally successful lists of applicants

As stated above, the delegated authority reserved his decisions on applicants if comments were received concerning an applicant after the provisionally successful lists were published and the comments needed to be investigated before a final decision could be made. In order not to delay the finalisation of the rest of the applications, the delegated authority reserved his decisions on affected applications and announced his decisions in respect of the rest of the applications.

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 by the Rights Verification Unit ("RVU"). The RVU was requested to provide the delegated authority with the necessary facts to make a final decision. The RVU adopted the following procedures in order to fulfil their mandate:

- The RVU studied a copy of the original application submitted by the applicant, particularly those aspects that were relevant to the investigation.
- The RVU studied all comments received on the issue that needed to be investigated.
- If possible, the persons that provided the comment(s) were personally interviewed.
- The applicant was personally interviewed and questioned about the issue under investigation.
- Other steps considered necessary, practical or expedient were taken in order to establish the facts necessary for a decision to be made. These steps included, but were not necessarily limited to, interviewing Fishery Control Officers, consulting government departments, conducting ITC checks or further interviews and physical inspections.

The RVU compiled a report on each investigation. The delegated authority was guided by this report when deciding the reserved application. The delegated authority's assessment is captured in the annexed spreadsheets. If an applicant provided false information during the interview, or provided information which was materially inconsistent with the information that was provided in the application form, the application was refused for being materially defective.

The RVU reports will be released, on request, to affected applicants now that the delegated authority had made a decision on these reserved applications. 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 investigation of the RVU is 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 at all times be kept strictly confidential. The delegated authority is also not privy to this information.

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

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### **2.1 Port Nolloth – Cape Infanta**

In the area Port Nolloth – Cape Infanta 58 applications were reserved (15 New Entrant applications and 43 Medium Term Right Holder applications). Of these reserved applications, the delegated authority decided to allocate 34 rights to applicants (26 Medium Term Right Holder applicants and 8 New Entrant applicants). The decision on two applications is reserved pending the outcome of criminal proceedings.

## **2.2 Cape Infanta – Port St Johns**

In the area Cape Infanta – Port St Johns 30 applications were reserved (7 New Entrant applications and 23 Medium Term Right Holder applications). Of these, the delegated authority decided to allocate 13 rights to applicants (3 New Entrant applicants and 10 Medium Term Right Holder applicants).

## **2.3 KwaZulu Natal**

In the area KwaZulu Natal 16 applications (all Medium Term Right Holder applicants) were reserved. Of these, the delegated authority decided to allocate 12 rights to applicants.

## **2.4 Spreadsheets and Successful List**

A list of all the successful applicants in all areas, with their application numbers, nominated vessels and effort allocation is annexed marked “A1”. The spreadsheet containing the assessment of the New Entrant applications (per area) is annexed marked “A2”. The spreadsheet containing the assessment of the Medium Term Right applications (per area) is annexed marked “A3”.

**Dr J Augustyn**

**Delegated Authority: Traditional Linefish**

**5 June 2006**

### Annexure A1 – List of all Successful Reserved Linefish Applicants

APP NO	APPLICANT NAME	VESSEL NAME	REQUESTED CREW
LNFM0320	Du Toit : Edward	Black Label	5
LNFM0323	Otto : George Leezer Muller	Lorraine	4
LNFM0328	Boshoff : Gerrit Stephanus	Be Happy	4
LNFM0654	Van der Heyden : Johan	Mamma Meeuw	6
LNFM0907	Krige : Reginald George	Albatros	8
LNFM1211	Kleyn : Frederick William	Trust	5
LNFM1215	Van Antwerpen : Jacob Jacobus	Sea Legs	5
LNFM1236	Roux : Gavin Louis	AJ	5
LNFM1250	Allie : Nazeem	Aisha	9
LNFM1253	Van Antwerpen : Cornelius Johannes	At Last	7
LNFM1254	Van Antwerpen : Deon	Sailors Joy	10
LNFM1259	Botes : Petrus Johannes Swanepoel	Slangkop	7
LNFM1289	Wagener : Dieter	Skip Skop	3
LNFM1291	Wagener : Andre	Waggies	10
LNFM1303	Abrahams : Faried	Dousie	6
LNFM1311	Abrahams : Ebrahim	Heather Belle	6
LNFM1801	Tredinnick : Glen Warren	Overdraft II	8
LNFM2378	Bagratee : Nishan Sarjoo	One-One	8
LNFM2403	Lourens : Wessel Martin	Lolita	10
LNFM2420	Engel : Johan William	Mianie	8
LNFM2424	Dyers : Sarel Hermanus	Nina	6
LNFM2430	Newman : Daniel	Ou Grote	8
LNFM2431	Swart : Stephen Henry	Neptune	8
LNFM2435	Engel : Freddie Jacobus	Oom Jan - DTM375	7
LNFM2701	Hadenham : Sidney Herbert	Bounty	4
LNFM2703	Lalla : Rohanlall Ramnath	Glazing Star	10
LNFM2715	Parnell : Norman Garth	Judah II	6
LNFM2725	Toth : Mickey	Kingfish	4
LNFM2726	Mthyane : Pipi Piter	Firelake	10
LNFM2727	Nsibande : Mzitshwa Timothy	Cover Up	6
LNFM2737	Pellew : Bryan Watson	Albacore	6
LNFM2742	Volker : Raymond Eric	Miss-B-Have	5
LNFM3208	Niewenhuys : George Theron Daniel	Young Hearts	8
LNFM3211	Matthee : Stephan	Tjad	4
LNFM3212	Matthee : Johannes Stephanus	Seester	6
LNFM3214	Holtzhausen : Louis Johannes	Sunbird	6
LNFM3217	Van Der Bergh : Jacobus Johannes	Alma	6
LNFM3219	Styles : Kenneth	Spikes	5
LNFM3228	Klose : Gavin Marc	Chico I	10
LNFM3358	Michaels : Henry Phillipus	Soetlief	6
LNFM3391	Michaels : Cornelius Nicholas	Blue Point II	7
LNFM3813	Case : Walter John	Besembek	7
LNFM3814	Van Heerden : Marius	Getafix	10
LNFM3851	Barnard : Andre	King Klip	10
LNFM4607	Schutte : Saint Michael	Old Eagle	8
LNFM4608	Fourie : Ewald Gustav	Kapenta	8
LNFM4615	Mthethwa : Vikinduku Moses	Sea Link IV	9
LNFM5114	Joubert : Jan Casper Pieter	Dreamer Too	13
LNFM5124	Joubert : Jozua Daniel	Silent Dream	10
LNFM5144	Nash : Dennis Norman	Ebb-Tide	9
LNFM5152	Isaacs : Ebrahim	Shukran	9
LNFM5157	Gouvias : John Christie	North Star	6
LNFM5170	Stewart : Eric James	Barca De Pesca	5
LNFM5206	Stassen : Jan Dawid	Spice Boys	6
LNFM6717	Sans-Souci : Maurice	Snoekie	11
LNFM6734	De Villiers : Jasper Johannes	Tiny	11
LNFM6739	Croome : Walter John	Lady M	11
LNFM6753	Nortje : Danie Rotance Patrick	Beverley Ann	12
LNFM6769	Andersen : Mark Oswald	Arctic	10
LNFM6774	Hunt : Donald Sidney Fraser	Big- Eye	11