

Battle over city harbours

Siyavuya Mzantsi

THE Department of Agriculture, Forestry and Fisheries has poured cold water on the City's plan to take control of some local harbours, saying the council's proposed by-law for fishing harbours cannot supersede the Marine Living Resources Act (MLRA).

However, the City says it has no choice but to "forge ahead" with its plans, maintaining that it has the power to manage harbours in its jurisdiction, as the constitution gives municipal-

ities the "exclusive competence to administer the functional areas listed in Schedule 5, Part B".

DAFF spokesperson Bomi-kazi Molapo said: "The department is mandated by the Marine Living Resources Act of 1998 (MLRA), sections 7, 9, 12 (among others), of the Marine Living Resources Act, 1998 (Act no. 18 1998).

"Please note that in the case of conflicts with any other legislation, the MLRA prevails when it comes to management of marine resources and pro-

claimed fishing harbours.

"In this case, the City of Cape Town's proposed by-laws for fishing harbours cannot supersede the MLRA."

The City's move came after engagements with the department and Public Works for the proper administration of the harbours within the City's jurisdiction proved futile, according to deputy mayor Ian Neilson.

Public Works spokesperson Lesiba Kgwele did not respond to questions before deadline.

Page 3

Panel to address fishing rights appeals

Staff Writer

THE DEPARTMENT of Forestry and Fisheries (Daff) has appointed a new three-member advisory panel to assist minister Senzeni Zokwana on the 2015/16 Fishing Rights Allocation Process (Frap), which has frustrated scores of fishing communities.

Zokwana appointed advocate Patric Mzolisi Mtshaulana, Dr George Mukundi Wachira and Thulani Joseph Sithole to the advisory panel as he began with the evaluation of appeals lodged against the decisions taken during Frap 2015/16.

Earlier this year local fishing bodies and associations called on government to suspend all fishing rights of West Coast rock lobster until authorities take “radical remedial action” to put the red-listed species back on a sustainable path.

Daff spokesperson Bomikazi Molapo said Zokwana intends to announce his decisions systematically and on a sector-by-sector basis in the coming weeks, starting with appeals lodged in the Hake Inshore Trawl Fishery followed by appeals lodged in the Patagonian Toothfish Fishery.

She said the panel has written to certain Category A and Category B appellants in the Hake Inshore Trawl Fishery inviting them to clarify any factual and/or legal issues they may wish to bring to Zokwana’s attention, but responses have been slow and certain appellants have requested additional time to make their submissions to the panel.

“This resulted in the minister and his Appeals Advisory Panel not being able to conclude the appeals in the Hake Inshore Trawl Fishery within the time period (set by the minister),” said Molapo.

An independent forensic company will be appointed to investigate the accuracy of the information submitted by applicants for fishing rights. The investigations will take place during and after the allocation process, she said.

“The forensic company will carry out investigations as and when required by the department.

department.

“If any applicant is found to have provided false information or false documents or failed to disclose material information, or had sought to influence the minister of delegated authority, proceedings in terms of Section 28 of the Marine Living Resources Act will be undertaken and which may result in the revocation, suspension, cancellation, alteration or reduction of the rights granted,” Molapo added.

She said the high court-granted interim interdict in favour of fishing industry giant Viking Inshore Fishing has constrained the transformation agenda.

“We know the plight of the small fishing companies is at stake because of this pending judgment as we have continued to receive complaints on the losses they continue to suffer...

To some these losses could be irreparable,” said Molapo.