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GOVERNMENT GAZETTE

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[No. 9780

GOVERNMENT NOTICE

**DEPARTMENT OF ENVIRONMENT
AFFAIRS**

No. 1280.]

[7 June 1985.

**APPOINTMENT OF A COMMISSION TO INQUIRE
INTO AND TO MAKE RECOMMENDATIONS ON
THE ALLOCATION OF QUOTAS FOR THE
EXPLOITATION OF LIVING MARINE
RESOURCES ON A FIRM BASIS**

The State President has, under the powers vested in him by section 1 of the Commissions Act, 1947 (Act 8 of 1947) appointed a Commission of Inquiry to inquire into and to make recommendations on the allocation of quotas for the exploitation of living marine resources on a firm basis.

The following persons have been appointed to the Commission:

The Honourable MARIUS ANNÉ DIEMONT
(Chairman)
Mr FRANCIS GERALD BARRIE
Mr WILLIAM HYNDMAN STOOPS
Mr RALPH RAMSAY
Mr ERIC HENRY BUCHANAN GOLDSHMIDT

The Commission will inquire into, consider and report on the allocation of quotas for the exploitation of living marine resources on a firm basis and to recommend on:

1. the practise whereby the Minister of Environment Affairs and Tourism annually allocates fishing quotas to existing quota holders mainly according to past performance;
2. the desirability, in view of amongst others historical participation in the industry with concomitant vast capital investments, to manage the fishing industry as a closed industry;
3. the basis on which quotas should be allocated with special mentioning of:
(a) the payment of moneys for quotas;

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN OMGEWINGSAKE

No. 1280.]

[7 Junie 1985.

**AANSTELLING VAN 'N KOMMISSIE OM
ONDERSOEK IN TE STEL NA EN
AANBEVELINGS TE DOEN OOR DIE
TOEKENNING VAN KWOTAS VIR DIE
ONTGINNING VAN LEWENDE MARIENE
HULPBRONNE OP 'N VASTE GRONDSLAG**

Die Staatspresident het kragtens die bevoegdheid hom verleen by artikel 1 van die Kommissiewet, 1947 (Wet 8 van 1947), 'n Kommissie van ondersoek aangestel om ondersoek in te stel na en aanbevelings te doen oor die toekenning van kwotas vir die ontginning van lewende mariene hulpbronne op 'n vaste grondslag.

Die volgende persone is aangestel om in die Kommissie te dien:

Sy Edele MARIUS ANNÉ DIEMONT (Voorsitter)
Mnr FRANCIS GERALD BARRIE
Mnr WILLIAM HYNDMAN STOOPS
Mnr RALPH RAMSAY
Mnr ERIC HENRY BUCHANAN GOLDSHMIDT

Die Kommissie sal ondersoek instel na, oorweging skenk aan en verslag doen oor die toekenning van kwotas vir die ontginning van lewende mariene hulpbronne op 'n vaste grondslag, en aanbevelings doen oor:

1. die gebruik waarvolgens die Minister van Omgewingsake en Toerisme jaarliks visseryekwotas aan bestaande kwotahouers toeken hoofsaaklik volgens historiese prestasies;
2. die wenslikheid, in die lig van onder andere historiese deelname aan die bedryf met gepaardgaande groot kapitaalbeleggings, om die visbedryf as 'n geslote bedryf te bestuur;
3. die grondslag waarop kwotas toegeken behoort te word met spesiale vermelding van—
(a) die betaling van gelde vir kwotas;

- (b) a basis for the determination of moneys attached to quotas should such moneys be recommended in terms of paragraph 3 (a);
 - (c) the desirability to guarantee quotas for a specific period;
 - (d) the apportionment of quotas by negotiation or by means of the calling for tenders;
 - (e) the transferability of quotas;
 - (f) the admission of new entrants into the industry (period of time between admissions of entrants and the independence of such entrants as against entrepreneurs who may already be in possession of historical quota concessions);
 - (g) the vesting of existing quota concessions on a permanent basis;
 - (h) the degree to which the different population groups in the existing and/or recommended dispensation should be allowed as entrepreneurs in the industry; and
 - (i) measures that should be imposed to ensure stability in the industry;
4. a workable solution for possible conflicting claims of the commercial exploiter as against legitimate claims of the private individual on the fish resources;
 5. the adequacy of existing and envisaged legislation to accommodate any basis of allocation recommended by the Commission with special reference to the allocation system and the body responsible for quota allocations; and
 6. any other related matter which may come forward during the investigation and which may have a bearing on quota allocations.

The Commission shall continue in force until it has finally reported on the matters and carried out the duties aforesaid, or otherwise until the Commission shall be revoked, and it shall sit from time to time at such place or places as it may find necessary for the purpose aforesaid.

In order that the Commission may be better able and in a position to achieve its objective, full powers and authority, as will more fully appear from the provisions of the Commissions Act, 1947 (Act 8 of 1947), has been granted to the Commission.

All interested parties/persons shall, within six weeks from the date of publication of this notice submit to the Secretary to the Commission such documents, books, papers and registers which may contain information on the subjects of this inquiry at the following address:—

Mr J M Botha
Secretary: Commission of Inquiry
P O Box 539
CAPE TOWN
8000

J W E Wiley, MP.,
Minister of Environment Affairs and Tourism.

- (b) 'n basis vir die bepaling van gelde wat aan kwotas gekoppel is, indien sulke gelde wel ingevolge paragraaf 3 (a) aanbeveel sou word;
 - (c) die wenslikheid daarvan om kwotas vir 'n spesifieke tydperk te waarborg;
 - (d) die toebedeling van kwotas, deur onderhandelinge met of by wyse van die inwin van tenders;
 - (e) die oordraagbaarheid van kwotas;
 - (f) die toelating van nuwe toetreders tot die bedryf (tydsverloop tussen toelatings van toetreders en die onverbondenheid van sulke toetreders teenoor ondernemers wat reeds historiese kwotaregte mag hou);
 - (g) die vestiging van bestaande kwotaregte op 'n permanente basis;
 - (h) die mate waartoe die verskillende bevolkingsgroepe in die bestaande en/of aanbevole bedeling as entrepreneurs in die bedryf toegelaat moet word; en
 - (i) maatreëls wat ingestel behoort te word om stabiliteit in die bedryf te verseker.
4. 'n werkbare oplossing vir moontlike teenstrydige aansprake van die kommersiële ontginner teenoor geregverdigde aansprake van die private individu op die visseryehulpbronne;
 5. die doelmatigheid van bestaande en beoogde wetgewing om enige toekenningsgrondslag deur die Kommissie aanbeveel te akkommodeer met spesiale verwysing na die toekenningstelsel en die instansie verantwoordelik vir kwotatoekennings; en
 6. enige ander aanverwante aangeleentheid wat by die ondersoek na vore mag kom en wat op kwotatoekennings mag slaan.

Die Kommissie moet bly voortbestaan totdat hy finaal oor bogenoemde aangeleenthede verslag gedoen het en voornoemde pligte vervul het of anders totdat die Kommissie herroep word, en moet van tyd tot tyd en op die plek of plekke wat hy vir voornoemde doel nodig ag, sitting hou.

Ten einde die Kommissie beter in staat en in die geleentheid te stel om sy doel te bereik, is volle bevoegdheid en gesag soos meer volledig blyk uit die bepalings van die Kommissiewet, 1947 (Wet 8 van 1947) aan die Kommissie verleen.

Alle belanghebbende instansies/personne moet binne ses weke vanaf die datum van publikasie van die kennisgewing sodanige dokumente, boeke, stukke en registers wat inligting kan bevat oor die onderwerpe van hierdie ondersoek aan die Sekretaris van die Kommissie lewer by die volgende adres:—

Mnr J M Botha
Sekretaris: Kommissie van Onderzoek
Posbus 539
KAAPSTAD
8000

J W E Wiley, LP.,
Minister van Omgewingsake en Toerisme.

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