

**EASTERN CAPE PROVINCIAL LEGISLATURE****OVERSIGHT SERVICES: AGRICULTURE PORTFOLIO COMMITTEE**

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Date: 17 February 2014

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Reference: MLRA Bill Negotiating Mandate

**NEGOTIATING MANDATE**

The Chairperson:

Select Committee on Land and Environmental Affairs

National Council of Provinces

Name of Bill : Marine Living Resources Amendment Bill  
Number of Bill : [B 30B-2013]  
Date of deliberation : 18 February 2014

**1. Vote of the Legislature**

The province votes in favour of the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate in favour of the Bill.

A handwritten signature in black ink, appearing to read 'A.N. Ponco'.

HON. A.N. PONCO

18/2/2014

DATE

**CHAIRPERSON: PC AGRICULTURE AND RURAL DEVELOPMENT**



Our reference:  
Ons verwysing:  
Tshupo/ya rona:

**FREE STATE LEGISLATURE**

**PORTFOLIO COMMITTEE ON PUBLIC WORKS, ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS  
AND TOURISM**

**Negotiating Mandate**

**TO:** Chairperson of the Select Committee on Land and Environmental  
Affairs

**NAME OF BILL:** MARINE LIVING RESOURCES AMENDMENT BILL

**NUMBER OF BILL:** [B30B – 2013]

**DATE OF DELIBERATION:** 18 February 2014

**VOTE OF THE LEGISLATURE**

The Portfolio Committee on Public Works, Economic Development, Environmental Affairs and  
Tourism, as designated by the Free State Legislature:

Vote in favour of the Bill without any amendments.

**PN Maloka**  
Acting Chairperson of Portfolio Committee on Public Works, Economic Development,  
Environmental Affairs and Tourism  
**FREE STATE LEGISLATURE**  
18 February 2014



### NEGOTIATING MANDATE

**TO:** The Chairperson of the Select Committee on Land and Environmental Affairs

Hon AND Qikani

**NAME OF BILL:** Marine Living Resources Amendment Bill

**NUMBER OF BILL:** [B30B-2013]

**DATE OF DELIBERATION:** 11 February 2014

**VOTE OF THE LEGISLATURE:**

The Gauteng Provincial Legislature supports the principle and the detail of the bill and therefore votes in favour of-

- Marine Living Resources Amendment Bill

**HON. N SIKAKANE**

Chairperson of Agriculture and Rural Development Committee

GAUTENG PROVINCIAL LEGISLATURE

Date: 11/02/2014

## **AGRICULTURE AND RURAL DEVELOPMENT PORTFOLIO COMMITTEE**

### **NEGOTIATING MANDATE**

#### **ON**

### **MARINE LIVING RESOURCES AMENDMENT BILL [B30B – 2013] (Section 76)**

The Chairperson of the Agriculture and Rural Development Portfolio Committee, Hon.

Nokuthula Sikakane, tables the Committee's Negotiating Mandate on the Marine Living Resources Amendment Bill [B30B – 2013], Section 76, as follows:

#### **1. PROCESS FOLLOWED**

The Deputy Speaker, Hon. Uhuru Moiloa formally referred the Marine Living Resources Amendment Bill [B30B – 2013], a Section 76 Bill to the Portfolio Committee on Agriculture and Rural Development, in terms of GPL Rules 252(1) (a) read with 254 (1) and 255 (1) for consideration and reporting on the 25<sup>th</sup> February 2014.

On Tuesday, 28 January 2014, the Portfolio Committee on Agriculture and Rural Development received a presentation on the Bill from the National Department of Agriculture, Forestry and Fisheries and a presentation of the opinion on the Bill from the Gauteng Department of Agriculture and Rural Development. In the same meeting, a Legal Opinion was submitted and presented by NCOP and Legal Services, and further, Research Analysis was submitted.

The Committee held a public hearing on Wednesday, 05 February 2014, to receive submissions from stakeholders and members of the Public.

The Committee deliberated on and adopted the Negotiating Mandate on the Bill on Tuesday, 11 February 2014.

## **2. PRINCIPLE AND DETAIL OF THE BILL**

The Bill seeks to amend certain provisions of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) to close certain regulatory gaps. The Legal Advisor presented a legal opinion on the Bill and advised Members to support the Bill.

## **3. OVERVIEW OF PUBLIC HEARING AND SUBMISSIONS**

As part of its functions and obligation, the Committee held a public hearing on Wednesday, 05 February 2014, where oral submissions were heard, and considered.

The Committee did not receive any written submissions on this Bill.

## **4. FINANCIAL IMPLICATIONS AND SOCIO ECONOMIC IMPACT ASSESSMENT OF THE BILL FOR THE PROVINCE**

### **4.1 FINANCIAL IMPLICATIONS OF THE BILL**

The Bill does not create financial liabilities to the province.

### **4.2 SOCIAL IMPACT ASSESSMENT**

The Bill does not have any socio-economic implications on the province.

## **5. Position by the gauteng department of AGRICULTURE AND RURAL AND DEVELOPMENT**

In line with Rule 248 (1) (b) the Committee sought the views of the relevant Member of the Executive on the Bill. The Gauteng Department of Agriculture and Rural Development support the Bill for the following reasons:

- It seeks to transform the inequalities of the past fisheries system in the measures it introduces
- It will give recognition to and enable the allocation of fishing rights to identified

fishing communities who have previously been excluded from the commercial fishing rights allocation process in South Africa.

#### **6. COMMITTEE RECOMMENDATIONS**

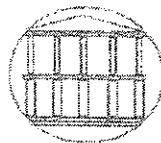
In the main Committee supports the Bill.

#### **7. NEGOTIATING POSITION ADOPTED BY COMMITTEE**

The Agriculture and Rural Development Portfolio Committee supports the principle and detail of the Marine Living Resources Amendment Bill [B30B – 2013], Section 76.



IPHALAMENDE LAKWAZULU-NATALI



KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

## NEGOTIATING MANDATE

**TO:** HON AND QIKANI  
CHAIRPERSON OF SELECT COMMITTEE ON LAND  
AND ENVIRONMENTAL AFFAIRS

**NAME OF BILL:** MARINE LIVING RESOURCES  
AMENDMENT BILL

**NUMBER OF BILL:** B30B – 2013

**DATE OF DELIBERATION:** FRIDAY, 14 FEBRUARY 2014

**VOTE OF THE LEGISLATURE:**

The Portfolio Committee on Conservation & Environmental Affairs met today, Friday, the 14<sup>th</sup> of February 2014 to consider the Marine Living Resources Amendment Bill [B30B-2013].

The following comments and amendments were proposed and considered on the Bill and are attached hereto as Annexure A.

The Committee agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Bill provided that the above comments and proposed amendments are considered and consolidated in the Bill.

.....  
HON A SINGH  
CHAIRPERSON: PORTFOLIO COMMITTEE  
FOR CONSERVATION & ENVIRONMENTAL AFFAIRS

14 / 2 / 2014  
DATE

## Annexure A

The following submissions were received:

1. It is proposed that the word **"subsistence"** must be retained instead of replacing it with **"small scale"**.
2. It is submitted that there are two groups of fishermen ie. subsistence and small scale fishermen.
  - (a) In KZN subsistence fishermen fish from the beach and inland waters and therefore do not fish the same species or habitat as the traditional Line-Fishers who use big boats and fish in the area up to 40 nautical miles from shore.
  - (b) Small scale fishers who do not exist in KZN refer to near shore fishing using small boats.
3. It is proposed that there should be two more types of fishers including the small-scale fisher in the definitions as follows:
  - (a) **"Subsistence fishers"** must be defined as including rod and reel from shore and inland waters as well as small vessels and fish kraals used mainly in estuaries and adjacent inland waters and that it is fishing for consumption only and not for sale.
  - (b) **"Traditional Line Fishers"** must be defined as those fishermen who use line and larger vessels up to 9 metres and fishing in deeper waters up to 40 nautical miles off shore who fish for consumption and for sale.

Regulations must be specific on whether fishing is done with a net or a line in order to distinguish between types of fishers.

## CONCLUSION

Having considered all the above proposals and the fact that some of the comments above propose amendments to the Marine Living Resources Act, 1998, the Committee met on 14 February 2014 and agreed to support the Bill subject to all proposed amendments above being considered for incorporation in the final version of the Bill.



The Committee also confers authority on the provincial delegation to the NCOP to support the Bill with the proposed amendments. Negotiating mandate is attached as Annexure "A" of the report.

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**HON A SINGH**  
**CHAIRPERSON: CONSERVATION AND ENVIRONMENTAL AFFAIRS**  
**PORTFOLIO COMMITTEE**

# Limpopo Legislature

## OFFICE OF THE SECRETARY



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0700

### NEGOTIATING MANDATE

**To** : The Chairperson of the Select Committee on  
Agriculture, Land Reform and Water Affairs

**Name of Bill** : Marine Living Resources Amendment Bill

**Number of the Bill** : [B30B - 2013]

**Date of Deliberation** : 17 February 2014

**Vote of the Legislature** : Provincial NCOP Permanent Delegates to  
Vote in favour of the Bill.

HON. P. MAHLO  
CHAIRPERSON: PORTFOLIO COMMITTEE ON  
ECONOMIC DEVELOPMENT, ENVIRONMENT  
AND TOURISM

18 / 02 / 2014  
DATE

# Limpopo Legislature

## OFFICE OF THE SECRETARY

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## NEGOTIATING MANDATE OF THE LIMPOPO LEGISLATURE PORTFOLIO COMMITTEE ON AGRICULTURE, LAND REFORM AND WATER AFFAIRS ON THE MARINE LIVING RESOURCES AMENDMENT BILL [B30B – 2013]

### 1. INTRODUCTION

The Marine Living Resources Amendment Bill [B30B – 2013] was referred to the Limpopo Legislature by the National Council of Provinces (NCOP) and the Limpopo Legislature in turn referred the Bill to the Portfolio Committee on Agriculture, Land Reform and Water Affairs for consideration and report back to the House.

### 2. PURPOSE OF THE BILL

The purpose of the Bill is to amend the Marine Living Resources Act, 1998, so as to insert, amend or delete certain definitions; to amplify the objectives and principles provided for in that Act; to make provision for measures relating to small-scale fishing and for the powers and duties of the Minister in this regard; to effect technical amendments; and to provide for matters connected therewith.

### 3. CONSIDERATION OF THE BILL

The NCOP Member, Honourable Makunyan T, and the officials from the National Department of Agriculture briefed the Portfolio Committee on Agriculture on the principles, objectives and provisions of the Marine Living Resources Amendment Bill on Tuesday, 04 February 2014.

After the briefing session, the Portfolio Committee resolved to embark on one central public hearing in which all stakeholders throughout all the four districts in the Province will converge and deliberate on the Bill. The public hearing was therefore held at Polokwane ST Marco Hall on Wednesday, 12 February 2014.

Stakeholders invited included amongst others the provincial Departments of Agriculture and Water Affairs, local municipalities and universities, fish farmers, fishing communities, etc.

#### **4. INPUTS BY THE STAKEHOLDERS DURING THE PUBLIC HEARING**

During the public hearing, the stakeholders commended the Bill for its intention to give fishing rights to small-scale fishers which was only limited to the big fishing companies in the past. The stakeholders were of the view that these will go a long way in addressing poverty and poor living conditions associated with small-scale fishing communities.

The stakeholders also indicated that the inclusion of small-scale fishers and communities must not exclude or do away with subsistence fishers.

The stakeholders appreciated the Bill in that it seeks to transform fisheries from being monopolized by big white fishing companies by also giving blacks an opportunity to participate in the fishing industry.

The fact that the Bill seeks to have due regard to the need to promote previously marginalized groups such as women, persons living with disabled and youth was also appreciated.

The stakeholders commended the Bill and appreciated the fact that the Bill will for the first time introduce fishing co-operatives and support what UTI provides to the co-operatives.

In conclusion, the stakeholders appreciated the principles and objectives of the Bill and indicated that they will also appreciate it if the proposed amendments could also be incorporated in the aquaculture in the near future.

#### 5. NEGOTIATING MANDATE

The Portfolio Committee on Agriculture, having gone through the Bill, recommends to the NCOP Permanent Delegates to vote in favour of the Bill.

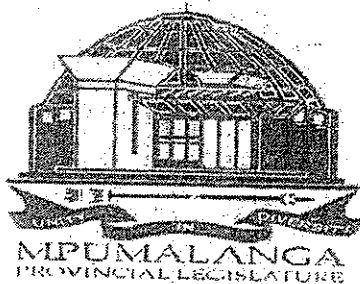


HON. MAHLO P.

CHAIRPERSON: PORTFOLIO COMMITTEE ON AGRICULTURE, LAND  
REFORM AND WATER AFFAIRS

17/02/201

DATE



## Office of the Chairperson

Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism

Enquiries: Hon RC Mahlobogoane

Email: RCMahlobogoane@mpuleg.gov.za

Tel. No: 013 756 1037/ 1402

### NEGOTIATING MANDATE

To : The Chairperson: Select Committee on Land and Environmental Affairs

Name of the Bill : Marine Living Resources Amendment Bill

Number of the Bill : [B30 B - 2013]

Date of Deliberation : 14 February 2014

Vote of the Legislature :

The Portfolio Committee on Agriculture, Rural Development and Land Administration; Economic Development, Environment and Tourism (the Committee) supports the objects of the Marine Living Resources Amendment Bill [B30B - 2013] and hereby confers on the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces, the mandate to negotiate in favour of the Bill.

HON RC MAHLOBOGOANE (MPL)

14/02/2014.

DATE

CHAIRPERSON: PORTFOLIO COMMITTEE ON  
AGRICULTURE, RURAL DEVELOPMENT AND LAND ADMINISTRATION;  
ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM



**PORTFOLIO COMMITTEE ON  
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Hon MP AND Qikani (Ms)  
Chairperson: PC on Land and Environmental Affairs

**NEGOTIATING MANDATE**

Name of the Bill: **Marine Living Resources Amendment Bill**

Number of the Bill: **[B308 – 2013]**

Date of deliberation: **Friday, 14 February 2014**

Vote of the Legislature: **The legislature votes in favour of the Bill**

  
Signature:  
Chairperson

**14 FEB 2014**

Date:

- The bulk issuing of fishing quotas to big companies remains a concern for the community based on the fact that there is no beneficiation.

4. **STAKEHOLDERS' POSITION ON THE BILL**

The stakeholders voted in favour of the Bill.

5. **COMMITTEE INPUTS ON THE BILL**

None

6. **PORTFOLIO COMMITTEE POSITION ON THE BILL**

After due deliberation, the Portfolio Committee on Agriculture, Land Reform and Rural Developments supports the Bill

7. **COMMITTEE ADOPTION OF THE BILL**

The Committee adopted this negotiating mandate duly signed by the Chairperson of the Committee.

The Committee recommends to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to supports the Bill taking note of the comments and recommendations raised by the Committee.



Hon. M. Galela  
CHAIRPERSON

Date: 14 FEB 2014



# NORTH WEST PROVINCIAL LEGISLATURE

## Office of the Speaker

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## NEGOTIATING MANDATE

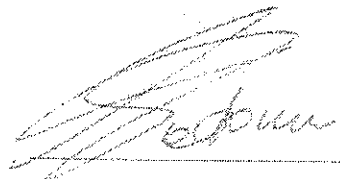
To: Hon AND Qikani  
Chairperson: Select Committee on Land and  
Environmental Affairs

Name of Bill/question: Marine Living Resources Amendment Bill

Number of Bill/question: [B30 B - 2013]

Date of Deliberation: 6 February 2014

Vote of Legislature: The Committee concurs with the amendments on the  
Marine Living Resources Amendment Bill  
[B30B-2013]



Hon C Dada  
Chairperson: Agriculture & Rural Development

12/02/2014

Date