**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 3834 / NW4337E**

**MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES:**

**Mr P van Dalen (DA) to ask the Minister of Agriculture, Forestry and Fisheries:**

**QUESTION:**

 (1)      What are the relevant details of the intended composition of the Fisheries Transformation Council with regard to (a) membership and (b) qualifying criteria for election;

(2)      (a) how will the members be elected and (b) what will their mandate and powers be;

(3)      what steps will he take to ensure that fishing communities are well represented and that fit and proper persons will be elected, in particular with regard to their (a) status as bona fide fishermen, (b) experience and (c) knowledge of fishing and the fishing industry;

(4)      will members of the specified council be nominated and elected by the fishing community and industry;

(5)      will the council be a national council or will it have provincial structures?                                                                                                                 **NW4337E**

**REPLY:**

1. In terms of Section 29 of the Marine Living Resources Act, 1998 (Act No 18 of 1998) (“the Act”), the Minister shall establish the Fisheries Transformation Council (“the Council”) by notice in the *Gazette*.

(a) Appointment of members to the Council is undertaken by the Minister in accordance with the provisions of Section 34(1) of the Act, which states inter alia that *“the Council shall consist of at least five members, including a chairperson, appointed by the Minister for the period determined by him or her, but not exceeding three years at a time”*.

(b) In terms of Section 34(2) of the Act, the Minister “*shall ensure that the Council be broadly representative and multidisciplinary, with members qualified to make a substantial contribution towards the proper functioning of the Council”.* Section 34(4) of the Act prohibits the appointment of any person who has a direct interest in any manner whatsoever in commercial fishing or mariculture. In addition, Section 34(5) of the Act provides a list of criteria that would exclude any person from serving on the Council.

(2)(a) Members of the Council will be nominated by the public or interested parties pursuant to a Notice in the Gazette. Section 34(3) of the Act provides for the nomination of persons who meet the criteria set out in Section 34(4) and Section 34(5) of the Act. The Minister may thereafter appoint such person as may be nominated in terms of the gazetted invitation. The Gazette Notice Number: 41190 dated 20 October 2017 called for nominations and closing date for submission of nominations was 10 November 2017.

(2)(b) Section 30 of the Act stipulates that the main objective of the Council shall be to facilitate the achievement of fair and equitable access to the rights referred to in Section 18 of the Act. The Minister may in terms of Sections 31 of the Act allocate rights to the Council and the Council shall lease rights, according to criteria determined by the Minister, to persons from historically disadvantaged sectors of society and to small and medium size enterprises. In terms of Section 32 of the Act the Council may, subject to restrictions determined by the Minister –

 (a) lease commercial fishing rights;

 (b) determine the price to be paid by lessees of rights;

 (c) determine the conditions applicable to leases granted in terms of this section, which conditions shall govern the circumstances under which the lease may be revoked, cancelled, suspended or altered; and

 (d) assist in the development and capacity building of persons from historically disadvantaged sectors of society and small and medium size enterprises*.*

 Furthermore, in terms of Section 33 of the Act, the Minister may issue criteria, guidelines and instructions for the operation of the Council, and determine that the affairs of the Council shall be managed and controlled according to a business plan approved by the Minister.

1. Members of the public, Fishing Associations, Organisations and Industry, Non-Governmental Organisations, Small-scale Fishers, fishing communities, and any other interested or affected persons may nominate any person they feel meets the criteria mentioned above, and who has knowledge and experience of fishing and the fishing industry. It should be noted however, that in terms of Section 34(4) of the Act, no person who has direct interest in any manner whatsoever in commercial fishing or mariculture shall be appointed to the Council to ensure the independence and objectivity of the mandate of the Council, which includes the allocation of leases to undertake fishing. Accordingly, to allow persons who participate in fishing (such as via quotas or processing or marketing of fish) would result in unsustainable conflicts of interest. The appointment of members to the Council will be undertaken in terms of the criteria set out in the Act.
2. Members of the Council will be nominated by members of the public (including fishing communities and industry) and appointment will be made by the Minister in terms of Section. It should be noted that the Minister is not bound by any nomination and that members of the Council are appointed and not elected.

(5) The Council shall exist as a national council as marine living resource management is a national Government competency.