



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Application in terms of Threatened or Protected Marine Species Regulations: NEW ENTRANTS

APPLICATION FOR A PERMIT TO CONDUCT A BOAT BASED WHALE AND DOLPHIN WATCHING OPERATION

APPLICANT NAME: _____

IDENTIFICATION/REGISTRATION NO.: _____

INTENDED AREA OF OPERATION: _____

IMPORTANT INFORMATION			Tick block if required documents are attached		
Section/ Sub section	Documents or Information Required	Annexure	Applicant	Official 1	Official 2
1.1	Certified true copy of the representative's identity document	1A - 1			
1.2	Company registration documents Original valid South African Revenue Services (SARS) Tax clearance certificate	1A - 2			
2.1	If no, demonstrate current/future access to a suitable vessel(s)	2A			
2.2.1	Proof of vessel ownership detailing shareholding structure South African Maritime Safety Authority (SAMSA) certificate Vessel(s) specification documents Motivation supporting nominated vessel(s) as suitable for BBWW	2A - 1			
2.2.2	Copy of charter lease agreement South African Maritime Safety Authority(SAMSA) certificate Vessel(s) specification documents Motivation supporting nominated vessel(s) as suitable for BBWW	2A - 2			
2.2.3	Copy of a vessel(s) purchase agreement Vessel(s) specification documents Motivation supporting nominated vessel(s) as suitable for BBWW	2A - 3			
3.1	Broad-Based Black Economic Empowerment (BBBEE) Certificate	3A - 1			
3.2 - 3.2.1	Confirmation of shareholding/ownership from registered auditors	3A - 2			
3.3 - 6	Attach most recent employment equity plan including workforce profile submitted to the Department of labour, if available	3A - 3			
3.4.1	If yes, provide confirmation of corporate social investment	3B - 1			
4.1	If yes, provide details and any documentation regarding the offence	4A - 1			
4.2	If yes, provide details and any documentation of any criminal matter pending?	4A - 2			
4.3	If yes, provide details and any documentation giving rise to enforcement action for contraventions in terms of any environmental legislation	4A - 3			
4.4	If yes, provide details and any documentation regarding the admission of guilt fine paid	4A - 4			
5.2	Provide proof of investment or other investments made to BBWW	5B			
5.3.1	Provide proof of public liability insurance purchased	5C			
7.1	If yes, provide an Operational Plan	7A			
TOTAL NUMBER OF PAGES					

Disclaimer: Tick by the receiving official or personnel does not confirm the authenticity of the information submitted with the application.

INSTRUCTIONS

1. General

- 1.1 Applicants are strongly encouraged to read the Policy on the Boat-Based Whale and Dolphin Watching as well as Threatened or Protected Marine Species Regulations enacted at the time of the allocation process.
- 1.2 The Policy is also available through the Department's Customer Service Centre, Ground Floor, Environment House, 473 Steve Biko and Soutpansberg Road, Arcadia, Pretoria, 0083 as well as on the Department's website: www.environment.gov.za
- 1.3 The Policy guides the Minister or her delegate in considering permit applications.
- 1.4 Handwritten application forms should be completed in **BLOCK LETTERS** and in black ink.

2. Assistance

- 2.1. Applicants may not communicate with the Minister, the Delegated Authority or Officials of the Department regarding their application other than through a service email: bbww@environment.gov.za and at 02721 819 2510 between 08H00-12H00 and 14H00-16H00. Moreover, no reliance may be placed on any information given or obtained in any other manner.
- 2.2. Applicants will be given an opportunity to submit queries regarding the completion of the form and the annexures. Queries may be submitted until the application closing date at bbww@environment.gov.za. Responses will be emailed to all applicants. Responses will also be regularly published on the Department's website.

3. Completion and Submission of Application form

- 3.1. Applicants are strongly advised to read the attached explanatory notes when completing the application form. All sections of the application form must be completed in full. If a section does not apply to the applicant, it must be marked "N/A".
- 3.2. The application fee payable in respect of an application for a permit to conduct boat-based whale watching is **R 9 123,00** as indicated in the Threatened or Protected Marine Species Regulations. Payment must be made to the Department using the Reference Number: **06399420** and **Company Name** to:
Banking details:
Bank: ABSA
Branch: Pretoria
Account Name: Department of Environmental Affairs
Branch Code: 632005
Account No: 4079816531
Account: Cheque Account

Proof of payment must be attached to the application form submitted. If proof of payment is not submitted, the application will not be processed.

- 3.3. Applicants are required to submit one original application including annexures and one copy of the application. The document must be clearly marked: **ORIGINAL** and **COPY**. Applications must be hand-delivered at the dates, times and venues stipulated in the invitation notice. An application not submitted in accordance with the notice will not be considered.

FAXED OR SCANNED APPLICATIONS WILL NOT BE CONSIDERED.

4. Signing and attesting to the declaration

The applicant or its authorised representative is required to sign the application form and attest to the declaration. If the form is not signed and the declaration is not attested, the application will not be accepted for consideration.

5. Date of Information

Unless otherwise indicated, all questions should be answered with reference to the information as at the date of application.

THE PURPOSE OF THE EXPLANATORY NOTES IS TO ASSIST APPLICANTS IN COMPLETING THE RELEVANT SECTIONS IN THE APPLICATION FORM. SOME SECTIONS ARE CONSIDERED TO BE SELF-EXPLANATORY AND ARE NOT COVERED IN THESE EXPLANATORY NOTES.

SECTION 1: PARTICULARS OF APPLICANT

Section 1.1

The authorised representative is a person appointed by the Applicant to sign all documentation, including the application form, and to receive all communications from the Department relating to the application for a permit. Please note the Department will only communicate with the authorised representative. The Department will not deal with employees or persons claiming to represent the Applicant.

Section 1.2

Provide the particulars of the Applicant entity. Annexure should contain the profile of the Applicant entity and its operations. The profile should include the following aspects, but not limited to:

- i) Origins of entity and period of involvement in BBWW (eg. when was the entity established and by whom?);
- ii) Organogram (explaining the division or responsibility);
- iii) Involvement in other tourist-related activities, such as tour operator or guest house proprietor;
- iv) Empowerment and skills transfer initiatives.

SECTION 2: ACCESS TO A SUITABLE VESSEL

Applicants are advised to consider Regulations which requires the Department to consider whether the Applicant has access to a suitable BBWW vessel. The requirements for vessels are further set out in Regulation 69(1)(b)(ii), Regulation 72(a)(ii)(aa) and in paragraph 7 of the BBWW policy. Applicants must note that they are not required to nominate two vessels. The Department appreciates that New Entrants may not be in a position to nominate vessels which have been certified by SAMSA as safe and suitable for BBWW operations. Two vessels are the maximum provided for in terms of the BBWW policy, paragraph 7. Applicants are restricted to two vessels per permit. Vessels may not be used simultaneously.

New Entrants must however demonstrate that, if granted a permit, they will have access to a vessel which is likely to be certified (even if alterations still have to be made).

SECTION 3: ENTITY TRANSFORMATION DETAILS

Applicants are advised to consider paragraph 5.2 and Annexure A of the BBWW policy as well as Regulation 71(1)(c)

Section 3.1

It is important to note that all Applicants must obtain a verification certificate from an accredited service provider. Applicants must submit the original and valid B-BBEE Status Level Verification Certificate or certified copies thereof issued by verification agencies accredited by SANAS or registered auditors approved by IRBA or SWORN Affidavit signed by the Commissioner of Oath, to substantiate their B-BBEE rating claims. This section must be completed with reference to the contributor level and score as stated in the verification certificate.

Section 3.2

Applications should contain a record of the names of the shareholders as well as the percentage shareholding at application date.

Section 3.3

Section 3.3 merely requires the Applicant to complete the number of top salary earners and the percentage of black and female salary earners. Applicants should however retain a record of the names of the top salary earners.

Section 3.4

Applicants are advised to consider the definition of "corporate social investment" ("CSI") in the Codes of Good Practice on Broad-Based Black Economic Empowerment (B-BBEE) Act 53 of 2003 and the Amended Tourism Sector Code (as amended). Applicants should, in particular, describe any CSI initiatives in the local community of area of operation. The details should be provided in the applicable annexures.

Section 3.5

A "learnership program" is a SETA accredited structured training programme that combines theoretical training with practical experience at a workplace.

SECTION 4: COMPLIANCE AND ENFORCEMENT RECORDS

Applicants are advised to consider Annexure A of the BBWW policy and Regulation 71(2)(b). Applicants who were convicted of serious offences in terms of any environmental legislation will not be allocated permits unless a satisfactory explanation can be provided. It must be noted that the Applicant should list all transgressions in this section and not only serious transgressions. Additional details should be provided in the applicable annexures.

SECTION 5: INVESTMENT AND FINANCIAL INFORMATION

Section 5.1

The financial information provided must relate to all the Applicant entity's business activities and not only its BBWW operations. If possible, the information should be drawn from the Applicants financial statements for the relevant years. Please note that it is a requirement to submit a valid tax clearance certificate as an annexure. Applicants are advised to consider the BBWW policy and Annexure A regarding investment, as well as Regulation 71(2)(c).

Section 5.2

Applicants are advised to have regard to the BBWW policy, Annexure A, paragraph 2.4 relating to public liability insurance as well as Regulation 69(1)(d). A copy of the cover page of the insurance policy may be annexed as proof of public liability insurance.

SECTION 6: EMPLOYMENT CREATION

Section 6.1

Applicants are advised to consider the BBWW policy, Annexure A, paragraph 3.3 relating to jobs, as well as Regulation 71(2)(d).

Section 6.2

Applicants are advised to consider the BBWW policy and Annexure A as well as Regulation 69(1)(c)(ii) and Regulation 72(a)(iv). It is a requirement of the policy as well as the Regulations that the skipper must be certified by SAMSA as capable of operating the nominated vessel.

Section 6.3

Applicants are advised to consider the BBWW policy, Annexure A as well as Regulation 69(1)(c)(i) and Regulation 72(a)(ii). Applicants should note that the policy was amended to provide that a qualification and training with a CATHSSETA accredited service provider will be considered. For example, applicants may submit proof that the tour guide obtained a certificate of registration and badge issued by the Provincial Registrar: Tourist Guides.

Section 6.4

The Department is aware that BBWW operations are conducted on a seasonal basis and will favourably consider efforts by applicants to secure alternative employment for their employees during the off-season. Such efforts should be described in the applicable annexure.

Section 6.5

Applicants should focus, in particular, on training opportunities provided to employees from the local community. These could consist of training to be a skipper, a deckhand, a tour guide or an administrative assistant.

SECTION 7: OPERATIONAL PLAN

Applicants are advised to have regard to the BBWW policy, Annexure A, paragraph 2.1 and Regulation 69(1)(a) relating to the operational plan. It is stated there that education provided to tourists will, in particular, be assessed. It is further stated that a reputation for safety, experience in tourism and knowledge of local sea and weather conditions will be taken into account.

Applicants are further encouraged to attach copies of brochures, pamphlets and fliers relating to their operations, if available.

SECTION 8: DECLARATION

The declaration should be signed in the presence of a Commission of Oaths. There is a Commissioner of Oaths available at police stations. Practising attorneys, bank managers and chartered accountants are also Commissioners of Oath.

ADDITIONAL PAGES/ANNEXURES

Applicants should carefully assess whether they have provided the required documentation and applicable annexures. The total number of pages submitted with the application should be completed.

1. PARTICULARS OF APPLICANT

1.1. Details of Authorised Representative (if applicable)

(Please submit documents as annexure 1A - 1)

Title Mr Ms Mrs Other

Initials

Full name:

Identity number:

Relationship to Applicant:

1.2. Applicant details

(Please submit documents as annexure 1A - 2)

Type of Entity (Please tick):

Private Company
 Close Cooperation
 Trust
 Individual
 Public Company
 Sole owner
 Other

Applicant Name

Trading name

Identity Number or Company Reg. No.:

VAT No.:

Income Tax No.:

Street address
Postal code

Postal address
Postal code

Contact No.
Code
Work
Code
Home
Code
Fax
Code
Cell

E-mail

Area of operation applying for:

Name of preferred launching site

2. ACCESS TO A SUITABLE VESSEL (please attach SAMSA Certificate(s))

2.1 Do you have access to a suitable vessel?

Yes No

(If no, please submit explanation for this in Annexure 2A)

2.2. Please indicate a method of accessing a suitable vessel

(Please attach (i) full description of the vessel (s) including SAMSA Licence Certificate(s), if available; (ii) motivation indicating why the vessel nominated will be more desirable and suitable for BBWW operation. Motivation should include, if applicable, any plans for vessel refurbishment. Annexure should include proof of access of vessel(s) (i.e. proof of ownership, charter agreement or purchase agreement).

2.2.1. I have ownership
(Please submit documents as annexure 2A - 1)

2.2.2. I have/will have a charter lease agreement
(Please submit documents as annexure 2A - 2)

2.2.3. I intend to purchase
(Please submit documents as annexure 2A - 3)

Name of:

VESSEL 1

SAMSA Reg. No:

Max. Passenger Capacity **Crew** **Vessel Length** meters

Type of vessel **Grt**

Radio call sign

Vessel Monitoring System (VMS)

VMS Make and Model

VMS Serial Number

VESSEL 2 (if applicable)

SAMSA Reg. No:

Max. Passenger Capacity **Crew** **Vessel Length** meters

Type of vessel **Grt**

Radio call sign

Vessel Monitoring System (VMS)

VMS Make and Model

VMS Serial Number

3. ENTITY TRANSFORMATION DETAILS

3.1. State the Broad-Based Black Economic Empowerment contributor level as determined in terms of the Amended Code of Good Practice for Tourism Sector in terms of the Broad-Based Black Economic Empowerment Amendment Act 46 of 2013

(Please submit documents as annexure 3A - 1)

3.2. Shareholding Details

(Who are the shareholders of the Company or Close corporation applying for a permit? Please indicate the race, gender and percentage of shareholding in each category and provide copies of shareholding lists in the table below or attach additional pages if you require more space to complete this)

(Please submit documents as annexure 3A - 2)

Name	Race	Gender	Identity Number	Shareholding %

3.2.1. Shareholding Distribution

Percentage Ownership by HDI (Black, Coloured, Indians)	Percentage Ownership by Female Persons	Percentage Ownership by Foreign Nationals (if any)

3.3. Details of Management

(Please submit documents as annexure 3A - 3)

Name	Management Level (e.g Director, Financial Manager)	Race	Gender	Years of employment

3.3.1. Income level of Employees

	Gross Monthly Income (total cost to Company)	No. of Employees	No. of HDI (Black, Coloured, Indians)	No. of Females	No. of Youth (<35)
1	<R3 500				
2	from R3 500 to R6 500				
3	from R6 501 to R12 500				
4	from R12 501 to R20 500				
5	from R20 501 to R26 000				
6	from R26 001 to R39 000				
7	> R39 001				
	TOTAL				

3.4. Corporate Social Investment

3.4.1. Does the applicant have any program(s) in place to support, in any way, transformation in the area of operation?

Yes No

(Please list below and attach relevant document(s) as annexure 3B - 1)

1	
2	
3	
4	

3.5. Has the applicant provided or intend to provide learnership programme to youth (< 35 years old)?

Yes No

If yes, please provide the following:

Area of Expertise/Learning	No. of individuals	Duration of learnership /Internship programme	Name of Institution	No. of South African Youth

4. COMPLIANCE AND ENFORCEMENT RECORDS

4.1. Has the applicant or any of its directors/shareholders/members ever been convicted of an offence in terms of an environmental legislation or the Regulations, or a contravention of any permit or exemption conditions?

Yes No

(If yes, please list all offences and attach documents as annexure 4A - 1)

Name of Offender	Date of offence	Type of Offence/Charge	Area/District at which offence occurred

4.2. Are there any offences pending against applicant or any of its directors, shareholders or members?

Yes No

(If yes, please elaborate and attach documents as annexure 4A - 2)

Name of Offender	Type of offence	Area/district of transgression

4.3. Was the applicant/its directors'/shareholders'/members' permit(s), right(s) or licence(s) in any sector, ever suspended, revoked, cancelled or reduced or has any enforcement action been taken against the applicant/its directors'/shareholders'/member's in terms of any environmental legislation?

Yes No

(If yes, please elaborate and attach copy of decisions/ evidence as annexure 4A - 3)

Name of Offender	Type of permit/licence	Area of Operation	Decision by Authority

4.4. Has the applicant/its directors'/shareholders'/members' paid an admission of guilt fine for contravention of Regulations, permit conditions or any environmental legislation?

Yes No

(If yes, please elaborate and submit documents as annexure 4A - 4)

Name of Offender	Type of transgression	District where transgression occurred	Amount Paid
			R
			R
			R

5. INVESTMENT AND FINANCIAL INFORMATION

5.1. What investment was made by applicant or by its members or shareholders towards the BBWW operation?

(Please submit documents as annexure 5B)

6.4. What kind of employment benefits is the applicant intending to provide the employees?

(Please complete table below and attach additional pages if you require more space to complete this)

Position	Gender of employees	Employment benefit(s)

6.5. Do you intend to offer training to your employees?

(Please complete table below or attach additional documents if you require more space to complete this)

Name	Position	Race	Gender	Proposed training

7. OPERATIONAL PLAN

7.1. Do you have an Operational Plan?

Yes No

(Please submit documents as annexure 7A)

If yes, please attach an operational plan detailing at a minimum, the following:

- 1 Description of Applicant
- 2 Overview of the business structure including area of operation
- 3 Environmental Sustainability Plan including conservation measures to mitigate against impact on the environment.
- 4 Detailed Marketing Strategy Plan including but not limited to the following:
 - 4.1. Intended target market
 - 4.2. Details of promotional activities that will be used to promote your business
- 5 Operation details of the daily functioning including:
 - 5.1. Expected frequency of trips and number of passengers
 - 5.2. Anticipated duration of trips.
 - 5.3. A description of the anticipated trip activity.
 - How will you search for whales and dolphins
 - How will you ensure that all the clients get the best opportunity to view whales and dolphins?
 - What is the average duration of encountering whales per trip?
 - 5.4. A description of instructions given to clients regarding their behaviour towards cetaceans.
- 6 Financial Projects

7 Operational Risk Assessment (e.g. on weather conditions)

(including policies/criteria to base decision making process on whether to cancel or abandon trips due to weather conditions or state of the sea, methods used to inform clients of safety drills and training of staff regarding safety issues; policy regarding refunding).

8 Safety Precautions and Emergency Reponse Plan (e.g. in the event of injury)

(including a description of the safety precautions on board as well as in the water (this should include details of emergency flow chart, equipment on board to deal with situations such as vessel capsizing, use of shore skipper etc.)

9 Education and Awareness Plan

10 Contribution to Data Reporting

Template

8. DECLARATION

(To be completed in the presence of a Commissioner of Oaths)

I, the undersigned, do hereby make an oath / affirmation, and declare that:

- a) I have read the instructions set out on of this application form.
- b) The information submitted with and in this application form is true, correct and complete.
- c) I accept that if any information furnished in this application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the application being refused, or to the cancellation and/or amendment of any right, licence or permit granted on the strength of this application, in terms of the National Environmental Management: Biodiversity Act 2004 (Act No. 10 of 2004) (as amended) read together with the Regulations.
- d) In order to allow for proper verification of information submitted I hereby authorize any organ of state, person or body, who possesses or acquires any information relevant to the application, to disclose or make information available to the Minister, his/her delegate or an official of the Department of Environmental Affairs.
- e) The Applicant undertakes to co-operate with any investigations by timeously submitting responses to written request for information or explanations, by attending meetings with investigators, by answering questions satisfactory at such meetings and where necessary, by granting investigators access to premises, vessel(s) and documents. The applicant accepts that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- f) The Applicant accepts that any attempt to improperly influence the decision of the delegated authority or appellant authority on the allocation of permit will result in the application being refused.

Signature of Authorised Representative: Date:

I certify that before administering the oath / affirmation I asked the deponent hereunder the following questions and wrote his / her answers in his / her presence:

- a) Do you know and understand the contents of the oath/declaration?
Answer:
- b) Do you have any objection in taking the prescribed oath/declaration?
Answer:
- c) Do you consider the prescribed oath/declaration as binding on your conscience?
Answer:

I have satisfied myself as to the identity of the deponent.

I certify that the deponent has acknowledged that he / she knows and understands the contents of the declaration/affidavit.

The above signature / mark of the deponent is affixed to the declaration / affidavit in my presence.

Signed and sworn to / affirmed before me at

This day of of the year.....

.....
Signature of Commissioner of Oaths

Area for which appointed:

