



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

APPLICATION FOR A PERMIT TO CONDUCT A WHITE SHARK CAGE DIVING 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 identify document	1A - 1			
1.2	Company registration documents Original valid South African Revenue Services (SARS) Tax clearance certificate	1A - 2			
2.1	If no, provide explanation to accessing a suitable vessel(s)	2A			
2.2.1	Proof of vessel ownership detailing shareholding in the vessel(s) South African Maritime Safety Authority (SAMSA) certificate Vessel(s) specification documents Motivation supporting nominated vessel(s) as suitable for WSCD	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 WSCD	2A - 2			
2.2.3	Copy of a vessel(s) purchase agreement Vessel(s) specification documents Motivation supporting nominated vessel(s) as suitable for WSCD	2A - 3			
2.3	If no, provide motivation for cages not approved by SAMSA	2A - 4			
	Certificate from registered engineer for cage(s) to be used	2A - 5			
	Colour photos of the cage(s)	2A - 6			
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 programs to support transformation in the area of operation	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 any criminal matter pending?	4A - 2			
4.3	If yes, provide details and any documentation giving rise to enforcement action for contravention 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 WSCD	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 SUBMITTED					
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 White Shark Cage Diving as well as Threatened or Protected Marine Species Regulations enacted at the time of the allocation process.
- 1.2 The Policy are 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 his/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: wscd@environment.gov.za and at +2721 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 wscd@environment.gov.za. Responses will be emailed to applicants who registered with the Department during road-shows held by the Department at the various application centres. 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 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 white shark cage diving is **R9 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 the **Company Name** to:
Banking details:
 - Bank:** ABSA
 - Branch:** Pretoria
 - Account Name:** Department of Environmental Affairs
 - Branch Code:** 632005
 - Account No:** 4079816531
 - Account:** Cheque AccountProof 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 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 A NUMBER OF 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 a operation profile demonstrating, inter alia, that the Applicant has the capacity to commence with a WSCD operation within a short period of time. The operation profile should cover the following aspects:

- (i) Origins of entity (e.g 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; and
- (iv) Empowerment and skills transfer initiatives.

SECTION 2: ACCESS TO A SUITABLE VESSEL

Applicants are advised to consider Regulation 6(1)(a) which requires the Department to consider whether the Applicant has access to a suitable WSCD vessel. The requirements for vessels are further set out in Regulation 69(2)(b)(ii), Regulation 72(a)(ii)(bb) and in paragraph 8 of the WSCD 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 WSCD operations. The two vessels are the maximum provided for in terms of the WSCD policy paragraph 8. 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).

Applicants are advised to consider requirements for the cages to be used in the WSCD operation. Applicants are required to include in the respective annexure, a certificate from a registered Engineer stating that each cage to be used is suitable for WSCD Operations. Applicants are also required to include colour photographs of the top and side views of the cage(s) as annexure.

SECTION 3: ENTITY TRANSFORMATION DETAILS

Applicants are advised to consider paragraph 6.2 and Annexure A to the WSCD 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 verification 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

Applicants should retain a record of the names of the shareholders as well as the percentages shareholding at application date.

Section 3.3

Section 3.3 merely requires the Applicant to complete the number of top salary earners and the percentages of black and female 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 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, paragraph 3.4 of the WSCD policy and Regulation 71(2)(b). Applicants who were convicted of

serious offences in terms of any environmental laws 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.

SECTION 5: INVESTMENT AND FINANCIAL INFORMATION

Section 5.1

This section is self explanatory. The financial information provided must relate to all the Applicant entity's activities and not only its WSCD operations. If possible, the information should be drawn from the Applicants financial statements for the relevant years. Applicants are advised to consider the WSCD policy, Annexure A regarding investment, as well as Regulation 71(2)(c).

Section 5.2

Applicants are advised to have regard to the WSCD policy, Annexure A, paragraph 2.4 relating to public liability insurance as well as Regulation 69(2)(d). A copy of the cover page of the insurance policy may be annexed as proof of public liability insurance.

SECTION 6: EMPLOYMENT/ JOB CREATION

Section 6.1

Applicants are advised to consider the WSCD 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 WSCD policy, Annexure A as well as Regulation 69(2)(c)(iii) 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 WSCD policy, Annexure A, paragraph 2.2 as well as Regulation 69(2)(c)(i) and Regulation 72(a)(iii). 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

Describe all employment benefits, including medical aid, pension, leave, maternity benefits, etc.

Section 6.5

Applicants should focus, in particular, on training opportunities provided to employees. 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 WSCD policy, Annexure A, paragraph 2.1 and Regulation 69(2)(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.

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.

Template

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:

Type of Representation

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

Contact Details

Code
 Work

Code
 Home

Code
 Fax

Cell

Postal address

Postal code

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 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 WSCD 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

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

Equipments to be used in the vessel(s)

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/inteded 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 Manager(s)

(Please submit documents as annexure 3A - 3)

Name	Management Level (Director, Fiancial Manager etc).	Race	Gender	Years of employment

3.3.1. Income levels 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	< R 3500				
2	from R 3 500 to R 6 500				
3	from R 6 501 to R 12 500				
4	from R 12 501 to R20 500				
5	from R 20 501 to R 26 000				
6	from R 26 001 to R 30 000				
7	from R 30 0001 to R 40 000				
8	> R40000				
	TOTAL				

3.4. Corporate Social Investment

3.4.1. Does the applicant have 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	

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	No. of individuals	Duration of Learnership/Internship programme	Name of Higher Education Institution of learner

4 COMPLIANCE AND ENFORCEMENT RECORDS

4.1. Has you or any of the company's 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	Any Judgement?

4.2. Are there any other criminal matter 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	Type of criminal matter	District/ Area of Transgression	Grounds of pending

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

Yes No

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

Name	Type of permit/licence	Area of Operation	Decision by authority

4.4. Have you/ your directors/ shareholders paid an admission of guilt fine for contravention of the Regulations, permit conditions or any environmental law?

Yes No

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

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

5 INVESTMENT AND FINANCIAL INFORMATION

5.1. What investment is made by applicant or by its members or shareholders towards the WSCD industry?

(Please submit documents as annexure 5A)

5.2. Public liability insurance

5.2.1. Has the applicant purchased a public liability insurance?

Yes No

(Please submit documents as annexure 5B)

Name of Service Provider

Validity period of the Insurance

Min. amount of liability cover R

Max. amount of liability cover R

6 EMPLOYMENT/ JOB CREATION

(Please submit documents as annexure 3A - 3)

6.1. How many people do you intent to employ in your business?

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

Type of Position(s)	Race	Type of Employment	District of Residence
A			
B			
C			
D			
E			

6.2. Do you have a skipper employed or contracted to operate and manage the nominated suitable vessel(s)?

Yes No

Name of Skipper(s)	Training Received	Qualification (Pease attach documents including SAMSA Certificate)
A.		
B.		
C.		

6.3. Do you have a tour guide employed or contracted to provide a White Shark Cage Diving tour to passengers?

Yes No

Name of Tour Guide(s)	Training Received	Qualification (Please attach registration certificate)

6.4. What kind of employment benefit (s) do you intend to provide to your employees?

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

Position	Gender of appointees	Employment benefit(s)
A		
B		
C		
D		

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

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

Position	Gender of appointees	Training proposed

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 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 *Estimate of the market size and average number of customers expected*

4.3 *Details of promotional and sale 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, attract and handle white sharks? How will you ensure that all the clients get the best opportunity and experience to view and dive with white sharks? What is the average duration of a dive per passenger?)*

5.4 *A description of instructions given to clients regarding their behaviour towards sharks.*

6 Financial Projections

7 Operational Risk Management (e.g on weather conditions and how to handle white sharks).

(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

(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 shark bites, use of shore skipper etc.)

9 Education and Awareness Plan

10 Contribution to Data Reporting

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 to 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/ amendment any right, licence or permit granted on the strength of this application in terms of 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 the information available to the Minister, her delegate or an official of the Department of Environmental Affairs.
- e) The Applicant undertakes to co-operate with any investigators by timeously submitting responses to written requests 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 a failure to co-operate in this regard will constitute an independent ground for refusing an application.
- f) 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:

OFFICIAL STAMP