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Environmental Affairs
REPUBLIC OF SOUTH AFRICA

QUERIES AND RESPONSES ON PERMIT ALLOCATION PROCESS FOR BOAT-BASED WHALE WATCHING (BBWW) AND WHITE SHARK CAGE DIVING (WSCD) 2017

No.	QUESTIONS	ANSWERS
1.	What are the time-frames for applications?	Application process is open from 14 June 2017 to 20 July 2017.
2.	What is the closing date and time for submitting applications?	BBWW & WSCD Applications must be lodged before 15H00 on Thursday 20 July 2017 . Closing date for applications for a concession from iSimangaliso Wetland Park Authority will be determined by the Park Authority.
3.	Can an applicant apply for more than one designated areas in each sector?	Applicants may, by way of separate application forms, apply for permits in more than one designated area.
4.	How much is the application fee?	Application fee for permit in BBWW & WSCD sector is R 9123.00. Applicant applying for more than one area per sector need only to pay one (1) application fee regardless of the number of applications lodged in a particular sector.
5.	When is the non- refundable payment required to be paid?	The application fee must be paid prior to lodging an application form. Thus, when lodging an application for a permit, proof of payment must be attached to and submitted with the application form
6.	Applicants must submit an original and copy of their application. What is the format (e.g. hardcopies or softcopies) of submitting these applications?	Applicants will be required to submit one original and a copy of the application. While the original application lodged must be hardcopied, a copy of the application may be submitted through electronic format (i.e. usb flash drive, cd format etc.). Considering the size of the applications, NO APPLICATION SHOULD HOWEVER BE EMAILED TO THE DEPARTMENT.
7.	What is an authorised representative and what is type of representation?	Authorized representative is a natural or legal person explicitly authorised/nominated by the applicant to acts on its behalf in carrying out certain tasks required in the application process for a BBWW & WSCD permits. Type of representation indicates the relationship of the authorized representative to the application.



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8.	What will happen if the authorized representative or a member of the company has a pending case?	Please see explanatory notes on enforcement and compliance records included in the Application form.
9.	Can complaints about current illegal operations from other service providers be included in the application form?	It must be noted that the Applicant should list all transgressions in the compliance and enforcement record section of the application form and not only serious transgressions.
10.	Why the Tourism Amended Sector Codes?	The B-BBEE Tourism Sector Codes gazetted in 2015 are applicable to the sectors. It should be noted that BBWW & WSCD contribute to coastal and marine tourism and therefore the sector specific codes are applicable
11.	Will you be considering preferential procurement framework policy with regard to B-BBEE?	Although preferential procurement is part of the transformation elements specified in the B-BBEE Tourism Sector Codes, the Department has prioritised transformation in these industries with main focus on the following elements: ownership; management; corporate social investment and enterprise development.
12.	How does an application fee of R 9123.00 encourage participation by Previously Disadvantaged Individuals (PDIs)?	R 9123.00 is an application fee that must be paid for processing the application lodged. The application fee principle is a commonly accepted practice that those who intent to participate in these sectors should bear the cost of applying. The onus is on the applicant to indicate willingness to participate. While the Department aims to support the sustainability of these sectors; high standards need to be applied to maintain the integrity of the sectors. Government has programmes that aims to support participation by PDIs and some of these have been included in the respective policies.
13.	What program is in place to close the gaps in these sectors as well as unlock opportunities?	The Department aims to promote the development of local economies as well as increase marketing in areas of operation. The Department has prioritised transformation in these industries focusing on the following elements within the operations: ownership; management; corporate social investment and enterprise development.
14.	What assistance (e.g. financial) does the government offer to new entrants?	The Department cannot provide any financial assistance but may provide other needed training support throughout the duration of the permit validity period. Funding agencies such as Department of Trade and Industry, Economic Development,



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		Independent Development Corporation etc. may be contacted for financial assistance.
15.	What is public liability insurance as well as how much is the minimum coverage required?	It is the responsibility of the applicant to demonstrate the extent of risk protection cover that will be provided for their operations and clients.
16.	What is an Operational Plan?	An Operational plan is an overview of the Applicant's business detailing how the operation will be carried out as well as how it will be conducting its operations in an environmentally sustainable manner.
17.	If one has a concession issued by iSimangaliso Wetland Park Authority to do turtle tours, is there a need for a permit? Or will this BBWW permit cover that as well?	iSimangaliso Wetland Park Authority issues concession to operate within the park. For one to operate a BBWW, a permit issued by the Department of Environmental Affairs (DEA) as well as a concession to operate a BBWW within the Park will be required. For more information on the application of concession, please contact iSimangaliso Wetland Park Authority at bids@isimangaliso.com .
18.	Why are designated areas not indicating the boundaries of operation?	The designated areas published in the invitation provide a holistic snapshot of the extent or distribution of these species. Boundaries of operation will be included in the permit conditions and are established through scientific feedback.
19.	Can one submit a Memorandum of Understanding from the Builder when intending to build a boat?	Please see section 2 of the application form. The application form provides for three options. There needs to be consideration for motives of the Memorandum of Understanding from the Boat-Builder.
20.	If one had a permit in a sector before and they ceased the operation, and now they are applying again, does that make them a New Entrant?	If one had a permit in a sector and wish to apply for permit in that sector, then that makes one an Existing Permit Holder. But if one intends to apply for permit in another sector where they've never had a permit issued to them, then that makes one a New Entrant to that sector. Operator who was issued a permit and ceased to operate is an existing permit holder.
21.	Can an Existing Permit Holder (EPH) apply for renewal of current area and add a new area as EPH?	It is important to note that the allocation process is not a renewal process but the issuing of new permits in designated areas. Yes, an Existing Permit Holder may re-apply for the current area of operation but may also apply for another area as an Existing Permit Holder. A separate application will have to be completed and submitted for the new area applied for.



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		Existing Permit Holders apply as existing permit holders in the sector and not in the designated area.
22.	Are new partnerships under another company treated as New Entrants?	<p>Yes. New partnerships under a new company are regarded as New Entrants to the sector, particularly if the new partnerships results in the changing of company name.</p> <p>This should however not be confused with transfer of permitting which will be dealt in the manner determined by the Minister (Please see section on Transfer of Permits in the policy).</p>
23.	How does a change of shareholding affect me as an existing permit holder in this allocation process?	It is expected that shareholding/ownership may change, however, such changes may not result in the reduction of BEE contributor level rating and should not undermine the objectives of the policy.
24.	Current Permits run out on 30 June 2017. Will then operate illegally, and therefore at risk of law suits should an accident occur. Can DEA urgently roll-over current permits and send confirmation of roll-over ASAP?	Current permits will be renewed and will expire at the completion of the application process.
25.	Why is Gazette No 40875 changed to another number?	<p><i>Government Gazette</i> 40875 is a gazette number for Lists of Marine Species that are threatened or protected and restricted activities that are prohibited and exempted from restrictions.</p> <p><i>Government Gazette</i> 40876 is a gazette number for the Threatened or Protected Marine Species Regulations in terms of National Environmental Management: Biodiversity Act, 2004.</p>
26.	Will there be another meeting before closure of the application period to explain and/or elaborate on permit allocation process?	<p>No. Between March and April 2017, the Department held information sessions on the draft policies gazetted as well as on the permit allocation process of 2017.</p> <p>Applicants may however contact the Department through the service email as well as telephone 021 819 2510 for any queries related to the permit allocation process.</p>



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27.	<p>Relating to Point 5.2 in the WSCD application, you ask: “What investment is made by the applicant or by its members or shareholders towards the WSCD operation?”</p> <p>Do you mean what is our contribution to the WSCD sector i.e. what efforts do we make to market the WSCD industry as a whole OR do you mean what has been the contribution made, I am assuming financial, towards our own operation?</p>	<p>With respect to “investment” please refer to clause 3.2 of Annexure A in the respective policy.</p> <p>It is important to note that the applicant have the responsibility to indicate the extent of investment including investment in marketing towards WSCD.</p>
28.	<p>Relating to WSCD NE form: 2.2.1 and 2.2.2</p> <p>Since we are a new entrant, we don’t have an existing (suitable) vessel and cannot invest in one until we have a permit. To address this issue, we assume the provision of the following documentation will be acceptable:</p> <ul style="list-style-type: none">• A motivation of why we would use a particular vessel;• Plans of the vessel we propose to provide;• The specifications for our proposed vessel;• Drawings of the proposed cage.	<p>Please see section 2 in the explanatory notes to the application form.</p> <p>The Department appreciates that New Entrants may not be in a position to nominate vessels which have been certified by SAMSA as suitable for WSCD.</p> <p>Section 2.2 of the application provides three options whereby applicants may choose from including motivation comprising any plans for vessel refurbishment (if any).</p>



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<p>29.</p>	<p>Relating to WSCD NE: point 3.4.1 As a new entrant, we are not currently active “in the area of operation”, although we are in a position to provide support documentation for how we support transformation in other areas. Is this relevant and will it be considered in our assessment? Alternatively, would n/a suffice?</p>	<p>Please refer to section 3.1 of the Annexure A for more clarity.</p> <p>All applicants (New Entrants and Existing Permit Holders) will be required to demonstrate how they intend to be actively involved in corporate social responsibility initiatives that contributes to community development.</p>
<p>30.</p>	<p>Relating to WSCD NE : point 5.2 As a new entrant, we have not made any investments in White Shark Cage Diving. We assume n/a is the correct answer to insert in the application</p>	<p>Requirement for public liability insurance is a compulsory requirement. It is the responsibility of the applicant to demonstrate the extent of risk protection cover that will be provided for their operations and clients.</p>
<p>31.</p>	<p>Relating to WSCD NE: point 5.3.1 We will provide a written undertaking that we will provide adequate public liability insurance. We assume this is sufficient for assessment purposes?</p>	<p>Please see section 2.4 of Annexure A of the policy as well as response to question 30 above.</p>
<p>32.</p>	<p>Relating to WSCD NE: section 2: access to a suitable vessel. As a new entrant, which does not already have a WSCD operation, we have not as yet manufactured a cage. Will an engineer approved</p>	<p>Please see section 2 in the explanatory notes to the application form.</p> <p>The Department appreciates that New Entrants may not be in a position to nominate vessels which have been certified by SAMSA as suitable for WSCD.</p> <p>Section 2.2 of the application provides three options whereby applicants may choose from</p>



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	design suffice? In addition, we assume a drawing with dimensions as opposed to a photograph will suffice?	including motivation comprising any plans for vessel refurbishment (if any). It is the responsibility of the applicant to submit documentation and information that will enhance their application. Certified document obtained from registered professionals will be accepted and will be evaluated accordingly.
33.	Relating to WSCD NE: section 3.3 Requires the applicant complete the number of top salary earners and the percentage of black and female salary earners.” We have a good idea of our proposed staff structure for the joint venture. Would this suffice in order to be assessed? Alternatively, how do you suggest as a new entrant we tackle this question?	According to the South African law, each company or organisation operating in the country is required to have in place a plan for employment. It is the responsibility of the applicant to establish plans of employment for operation.
34.	Relating to WSCD NE: section 3.4 As a new entrant, we are not currently active amongst the local community in the area of operation. We can provide examples of our corporate social investment initiatives in other parts of the country. Is this relevant and will it assist in the assessment?	Please see response to question 29 above.
35.	Relating to WSCD NE: section 5.1 We intend submitting an application in the name of a joint venture	With respect to “investment” please refer to clause 3.2 of Annexure A in the respective policy. It is important to note that the applicant has the responsibility to indicate the extent of investment made towards WSCD and including investment in marketing.



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	<p>between Tourvest and ???</p> <p>Section 5.1 requires financial information which relates “to all the applicant entity’s activities”. We propose to provide copies of our latest audited annual financial statements. In addition, we intend to include an appendix demonstrating how we “intend marketing WSCD to both local and international tourists. We want confirmation that this is what you require for our assessment?</p>	
36.	<p>Relating to WSCD NE: section 6.2</p> <p>As a new entrant to WSCD, we will give a written undertaking that our skipper(s) will be SAMSA approved. Please confirm that this is acceptable?</p>	<p>The Department appreciates that New Entrants may not be in a position to have employed or contracted a skipper to operate and manage the nominated suitable vessel. However, applicant must demonstrate that they have or will employ or contract a skipper that will be certified to operate the suitable vessel.</p>
37.	<p>Relating to WSCD NE: section 6.3</p> <p>As a new entrant to WSCD, we will give a written undertaking that our tour guides will be CATHSSETA approved. Please confirm that this is acceptable?</p>	<p>The Department appreciates that New Entrants may not be in a position to have employed or contracted a registered tour guide. However, applicant must demonstrate that they have or will employ or contract a registered tour guide appropriate for WSCD. Please see section 2.2 of Annexure A.</p>
38.	<p>As a new entrant, we are keen to ensure we provide all the relevant information to the Assessment Panel. What</p>	<p>Information required for evaluation is included in the respective policies. The information includes compulsory requirements as well as balancing criteria that will be applied. Should further information be required, the Department will communicate with applicants.</p>



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	would assist us and allow us to focus on what the Assessment Panel consider the most important/relevant information is to have some idea of the proposed weighting. Would it be possible to give us some idea of the points you allocate/award per section and question?	
39.	Kindly advise whether every application must be accompanied with a verification certificate from a verification provider?	Please see section 3.1 of explanatory notes to the application form.
40.	<i>Must the original and valid B-BBEE status level verification certificate issued by verification agencies accredited by SANAS or registered auditors approved by IRBA or SWORN affidavit signed by a commissioner of Oath to substantiate their B-BBEE rating claims.” - Can the authorization be signed by either one of the three parties, mentioned above?</i>	<i>Valid B-BBEE status level verification certificate issued by verification agencies accredited by SANAS OR registered auditors approved by IRBA OR SWORN affidavit signed by a commissioner of Oath to substantiate their B-BBEE rating claims.</i>
41.	What I need to see please or have someone tell me where to find it is what are the boundaries for the two different BBWW permits in False Bay, i.e. what is the allowable working area for the east permit i.e. Gordons bay and	Boundaries of operation will be included in the permit that will be issued to successful applicants. It is important to note that boundaries are determined based on scientific evidence of whale and dolphin distribution and presence. It is important to note that permits issued for adjacent areas of operations will not be in conflict with each other/ nor with the prospective operators.



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	what is the working area for the west permit, Kalk bay?	
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