



environment & tourism

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REPUBLIC OF SOUTH AFRICA

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Dear Sir / Madam

EXEMPTION TO UNDERTAKE GREAT WHITE SHARK CAGE DIVING IN ORDER TO ATTRACT GREAT WHITE SHARKS

I, the undersigned, Deputy Director General: Marine and Coastal Management, Department of Environmental Affairs and Tourism acting in pursuance of the delegated authority conferred upon me by the Honourable Minister of Environmental Affairs and Tourism as contemplated in Section 79 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act") hereby exempt in terms of Section 81 of the Act, **White Shark Projects CC., CK 1997/001091/23**, from the provisions of Section 13(1) and 3 of the Act which provides as follows:

"13. (1) No person shall exercise any right granted in terms of section 18 or perform any other activity in terms of this Act unless a permit has been issued by the Minister to such person to exercise that right or perform that activity.

(2) Any permit contemplated in subsection (1) shall -

- (a) be issued for a specified period not exceeding one year;
- (b) be issued subject to the conditions determined by the Minister in the permit; and
- (c) be issued against the payment of any fees determined by the Minister in terms of section 25(1).

(3) The holder of a permit shall at all times have the permit available for inspection at the location where the right of activity in respect of which the exemption has been issued, is exercised."

The Exemption Holder is hereby authorised to undertake Great White Shark Cage Diving in order to attract Great White Sharks in **Gansbaai: Dyer Island**., within the co-ordinates as defined below:

- 1) 34° 07.57'S, 18°33.73'E,
- 2) 34°07.57'S, 19°36.24'E,
- 3) 34°07.32'S, 18°36.24'E
- 4) 34°09.32'S, 18°33.73'E

1. SPECIFIC CONDITIONS

- 1.1 The letter "S" must be displayed on the vessel next to the area number.
- 1.2 The Exemption Holder shall not use any vessel unless it bears the registration letters and numbers assigned thereto by the DDG. Such letters and numbers shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure "1" excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm. On vessels longer than 25 m additional letters and numbers shall be affixed on both the port and starboard side of the cabin. Such letters and numbers shall be painted in white on a black background or in black on a white background in characters not less than 50 cm in height, 30 cm in breadth (figure "1" excepted) and 10 cm in thickness (width of stroke). Any registration letters and numbers assigned to, and borne by a vessel, shall be maintained in a clear, distinct and legible condition and shall at all times be clearly exposed.
- 1.3 Should the Exemption Holder not perform during the period for which this exemption is valid, fails to make any attempt to utilise his/her exemption to attract white sharks, or transgresses these exemption conditions and the white shark Code of Conduct, his/her exemption shall not be renewed, but shall be reduced or withdrawn.
- 1.4 This exemption authorises the Exemption Holder during the period of validity thereof to attract white sharks by means of chumming/baiting using the cage-diving vessel **SHARK TEAM**. Each Exemption Holder will be restricted to the use of one vessel only and only within his/ her allocated area of operation.
- 1.5 Certified and dated statistics shall be rendered monthly on the standardized logbook prescribed for this purpose. This book must be kept on board the vessel at all times, and the relevant information must be entered each day, before the end of each trip. It must be available for inspection by a Fishery Control Officer at all times. The Exemption holder shall submit a monthly facsimile of the Logbook not later than the 15th of the following month by registered post to the Chief Directorate: Research, Antarctica and Islands (Attention: Mr. M Meyer), Private Bag X2, Roggebaai, 8012.
- 1.6 In cases where the permitted vessel is out of service due to mechanical failure or any other valid reason, the Exemption Holder and / or his / its appointed operator may replace the permitted vessel with a suitable replacement vessel which has been surveyed and certified by SAMSA as a white shark cage diving or viewing vessel, under written authority of the Local Fishery Control Officer, who must report the change and duration to Director Socio Economic Development: (tel no.: 021 402 3567, fax no.: 021 402 3420) of Marine and

Coastal Management. For durations longer than seven (7) days, the Exemption Holder must apply to the DDG, for permission providing valid reasons. The replacement vessel may only carry the same number of passengers as specified on the safety certificate of the vessel mentioned in the Exemption.

- 1.7 The exemption and the Code of Conduct or a copy thereof shall be available on board the vessel and shall be produced on demand to a Fishery Control Officer or any other authorised officer.
- 1.8 The exemption is only valid for the specific area issued and is not transferable to any other area.
- 1.9 The Exemption Holder must adhere to all the conditions prescribed in the white shark Code of Conduct, exemption conditions and Regulations in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998). If any of these conditions are violated, or the monthly statistics from the Logbook not submitted before the 15th of the following month, the exemption may be withdrawn.
- 1.10 Vessels used for viewing or cage-diving with white sharks must conform to all South African Maritime Safety Authority (SAMSA) regulations. They must be licensed by SAMSA for either white shark cage diving or viewing.
- 1.11 Skippers of all vessels must be in possession of a valid SAMSA skipper's license.
- 1.12 A qualified divemaster shall attend all cage-diving operations with white sharks.
- 1.13 The Exemption Holder shall not utilise additional non-chumming vessels for any purposes, or allow such vessels to tie, anchor or lie within 20 m of his/ her registered vessel during any white shark attraction operation without prior permission from the DDG.
- 1.14 All white shark vessels shall provide an adequate interpretation/education service, as prescribed. A registered tour guide in terms of the South African Tourism Act, approved by the DDG
- 1.15 Exemption Holders may be required to carry one or more representatives of the Department of Environmental Affairs and Tourism, Branch: Marine and Coastal Management (MCM), given a minimum notification period of 48 hours.
- 1.16 All white shark vessels shall carry a logging GPS and must log positions every 5 minutes. Positions may only be deleted at the start of the next trip.
- 1.17 No operator shall approach a seal colony closer than 10m. Particular care shall be taken with noise pollution in November and December during the seal breeding season.
- 1.18 No vessel may undertake any white shark diving or viewing operation unless there are two (2) MCM endorsed certified and listed experience shark handlers onboard.

- 1.19 The Exemption Holder shall always be held responsible for any transgression of the Regulations, exemption conditions and the white shark Code of Conduct in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).
- 1.20 The Exemption Holder shall ensure that no instruments, tags or any other devices shall be attached to any white shark at any one time.
- 1.21 The Exemption Holder shall ensure that no biological samples shall be taken from any white shark at any one time.
- 1.22 The Exemption Holder shall ensure that no person shall touch a white shark without prior written permission from MCM.
- 1.23 The Exemption Holder shall ensure that only natural fish (*Pisces and Chondrichthyan*) based products shall be used for bait and chum. The bait shall not exceed more than 25 kg per day. No mammal (including seals, whales and dolphins) remains may be used as bait. Artificial lures to attract white sharks may only be used after written permission has been obtained from MCM.
- 1.24 No Exemption Holder shall, except on the authority of written approval granted by Marine and Coastal Management, at any time allow any of his clients or staff to free swim outside a white shark cage within his permitted area.
- 1.25 All Exemption Holders shall have public liability insurance.
- 1.26 This authorisation in terms of the exemption does not afford the Exemption Holder any right whatsoever, particularly to undertake Great White Shark Cage Diving in order to attract Great White Sharks.

2. GENERAL CONDITIONS

- 2.1 If, in the opinion of the DDG, there are sound reasons for doing so, the DDG may, without prior notice to the Exemption Holder, amend the conditions of the exemption.
- 2.2 The exemption may be revoked, suspended or cancelled if the Exemption Holder contravenes or fails to comply with an exemption condition or with the provisions of the Act or is convicted of an offence in terms of the Act or fails to effectively utilise the exemption.
- 2.3 An application for an exemption may be refused if the conditions of a previously issued exemption had not been adhered to.
- 2.4 The exemption may be withdrawn or suspended if the Exemption Holder submits incorrect information to which the Department is entitled.
- 2.5 In terms of the Act, the Exemption Holder is obliged to report to the DDG any contravention of the provisions of the Act by any other person.

2.6 This exemption does not in any way absolve the holder from the obligations of and adhering to the remainder of the provisions and conditions of the Act.

3. EXEMPTION VALIDITY PERIOD

This exemption is valid from the date of issue until **31st December 2009** or until valid permits are allocated, whichever comes first.



DEPUTY DIRECTOR GENERAL: MARINE AND COASTAL MANAGEMENT

DATE: 12.2.09

