

## Marine Notice No. 11 of 2008

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### SAMSA standards for whale watching vessels

TO ALL RELEVANT GOVERNMENT DEPARTMENTS, CONCESSION OWNERS, SKIPPERS, PRINCIPAL OFFICERS, SURVEYORS AND, INTERESTED AND AFFECTED PARTIES

*Marine Circular No 16 of 1998 is cancelled*

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#### *Summary*

This marine notice updates and makes accessible to the public SAMSA's policy on the requirements for whale watching charter vessels and passenger vessels.

#### **Background**

- 1 In 1998, the Department of Environmental Affairs (DEA&T) - Marine and Coastal Management (MCM) allocated concessions to selected operators to engage in controlled boat-based whale-watching; at which time SAMSA produced a policy in the form of a Marine Circular that was an instruction to staff.
- 2 Since then the industry has evolved and the DEA&T published draft policies and regulations in 2006. The general public was afforded opportunity to comment.
- 3 The process highlighted some confusing interpretations of SAMSA policy on whale-watching vessels, especially with regard to charter and passenger vessels in light of the regulatory changes affecting these vessels.
- 4 SAMSA policy has been reviewed and is as follows.

#### **SAMSA Policy**

##### **1 Surf launching**

.1 Whale-watching vessels are expected to cater for a cross section of tourists (amongst which groups of people eager to get close to the whales are those who actually present particular difficulties to the skipper of any small vessel in trouble). This group includes the elderly, the very young, people who struggle to speak English, and non-swimmers, amongst others.

**.2 SAMSA will therefore not licence or certificate passenger vessels to launch through our high energy launch sites or river mouths.**

.3 Passenger vessels are those small vessels that carry more than 12 passengers and, have additional safety requirements, as well as different manning (crew) requirements under the *Merchant Shipping (National Small Vessel Safety) Regulations, 2007*.

- .4 The launching of charter vessels (i.e. vessels carrying less than 12 passengers) from beaches or through river mouths where high energy surf is the norm will also not be permitted except where the surf is not high energy and the launch site is strictly controlled. The Principal Officer will use his discretion in permitting the operation and endorsing the certificate with any necessary limitations.
- .5 Skippers who are allowed to launch in this manner must exercise extreme caution due to the limitations of passengers in emergency situations.

## **2 Vessel types**

- .1 With the exception of a GPS receiver, which is a requirement for providing accurate sighting reports to DEA&T, the construction and safety equipment for either a charter vessel or a passenger vessel is as per the current Regulations, namely the *Merchant Shipping (National Small Vessel Safety) Regulations, 2007*, (SV Regs) and our interpretation of these Regulations, which is also published in a marine notice which is reviewed from time-to-time. These documents and other marine notices applicable to small vessels are available from any SAMSA office or on SAMSA's website ([www.samsa.org.za](http://www.samsa.org.za)).
- .2 Special cognisance must be taken of SAMSA's strict policy on small passenger vessels, which require, *inter alia*, that the vessels be built under survey, be restricted to 5 miles from shore and 15 miles from a safe haven, be launched from a safe place, be provided with proper seating, have skippers with specially endorsed certificates, carry limited amounts of petrol, and life-rafts in addition to buoyancy, amongst others as further elaborated in the above-mentioned documents..
- .3 Prospective owners of new vessels for whale-watching are urged to approach a SAMSA office for advice, or familiarise themselves with Regulations to avoid subsequent problems.
- .4 Additional issues to consider when assessing the suitability of vessels are South Africa's image as a safe tourist destination, and the international recognition of SAMSA as a reputable maritime authority. Vessels which put at risk either of these two values denied certification.
- .5 The size limitation placed on these vessels will be at the discretion of the responsible Principal Officer. Appeals against of size limitation rulings may be made to SAMSA's General Manager: Operations.

## **3 Whale-Watching Vessel Markings**

The standard SAMSA markings apply, with the addition of the letter 'W' in brackets placed after the category as follows:

**DTC 1371 D [W]** denoting (Port)(Number)(Category)[Special marking]

## **4 Wording on Local General Safety Certificates**

The area of operation (concession area) of all whale-watching vessels must be included in the relevant space on the certificate. SAMSA officers must sight the permit document before considering appropriate wording.

If the area detailed in the permit exceeds the operational area stipulated by the SV Regs, the latter will apply.

**Example:**

Boat-based Whale Watching Passenger Vessel launching from (place name plus any limitations regarding sea state etc.) and operating in the permit area (or as limited by the SV Regs) extending from XXXXX to XXXXX and, no more than 5 miles from shore and 15 miles from (name place or places).

**Or**

Boat-based Whale Watching Charter Vessel launching from (place name plus any limitations regarding sea state etc.) and operating in the permit area (or as limited by the SV Regs) extending from XXXXX to XXXXX and, no more than 15 miles (related to category) from shore.

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