

## TOOL 3: HOW WELL DO YOU KNOW YOUR MARKET AND LEGAL REQUIREMENTS?

New shark and ray tourism operators need to understand the market and legal requirements for an area they are looking to enter. Below are some key questions to answer.

| KEY QUESTIONS  | WHY ASK THIS QUESTION?   | RESPONSE |
|--|--|----------|
| <b>WHAT RESEARCH HAS BEEN UNDERTAKEN ON THE MARKET, ITS POTENTIAL CAPACITY, THE COMPETITION, THE COMMUNITY PERCEPTION OF THE INDUSTRY, ETC.?</b> | Researching and understanding the market provides essential baseline information from which to plan management and conservation strategies and build a sustainable business.   |          |
| <b>WHAT NATIONAL, STATE OR REGIONAL/LOCAL LEGISLATION, POLICIES AND REGULATIONS ARE IN PLACE FOR SHARK AND RAY OPERATIONS?</b>                   | Often several different authorities share responsibility for tourism. Understanding who is responsible for what – and who to go to for information on licensing and permitting, tourism levies, etc. – will make a big practical difference.<br><br>It's also useful to prepare a checklist of key regulations and other requirements which you need to comply with. |          |
| <b>WHICH GOVERNMENT BODY OR LOCAL GROUP OVERSEES MONITORING AND ENFORCEMENT OF REGULATIONS? OR IS THE INDUSTRY SELF-REGULATED?</b>               | Regular consultation with the right agencies will help ensure they understand the purpose of the proposed venture.<br><br>If the proposed venture is unregulated (or self-regulated), it's still advisable to consult appropriate agencies, such as those with responsibility for fisheries, environment and conservation, cultural heritage and tourism.            |          |
| <b>IS THE TARGET SPECIES PROTECTED, ENDANGERED OR THREATENED? IF SO, ARE THERE ANY SPECIFIC REGULATIONS OR REQUIREMENTS TO FOLLOW?</b>           | In some cases the law prevents interaction with protected species, or only allows it under strict conditions. The legal status of the target species is fundamental to establishing an operation.  |          |

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| KEY QUESTIONS   | WHY ASK THIS QUESTION?  | RESPONSE |
|---|---|----------|
| HOW ARE ISSUES OF NON-COMPLIANCE WITH REGULATIONS ADDRESSED?  | Awareness of potential penalties for non-compliance with regulations can help focus efforts to avoid them.  |          |
| ARE THERE STRONG COMPETING INDUSTRIES SUCH AS COMMERCIAL OR RECREATIONAL FISHING IN THE AREA? IF SO, HOW WILL YOU CONSULT THESE GROUPS? | Having good relationships with other marine resource industries will help resolve any future disputes. Strong and regular communication is important. Explore whether any fishers currently participate in tourism enterprises: identifying inroads where they can get involved in a project may lead to improved outcomes.                       |          |
| IS THERE AN MPA IN THE LOCAL AREA? DOES IT COVER THE SITE OF THE PROPOSED TOURISM VENTURE?  | It's essential to understand the legal status of the site, and what activities are permitted, before deciding to make an investment.  |          |
| DOES YOUR BUSINESS PLAN INCLUDE THE TRIPLE BOTTOM LINE – THE ECONOMIC, ENVIRONMENTAL AND SOCIAL BENEFITS WHICH IT WILL GENERATE?        | Sustainability makes good business sense. Environmental management, conservation considerations and social responsibility need to be part of any long-term business plan. The conservation of the target species itself – the focus of the business venture – needs to be fully addressed and integrated with the economic and social objectives. |          |



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| KEY QUESTIONS  | WHY ASK THIS QUESTION?  | RESPONSE |
|--|---|----------|
| <p><b>ARE ALL THE SKILLS NEEDED TO OPERATE THE VENTURE – E.G. BUSINESS MANAGEMENT, CUSTOMER SERVICE, BOAT AND GUIDING OPERATIONS, ETC. – IN PLACE?</b></p> | <p>A shark/ray tourism business requires a mix of skill sets beyond dive/snorkeling operations. Listing these and ensuring they can all be covered is essential.</p>  |          |
| <p><b>DOES THE INDUSTRY/VENTURE HAVE A SOCIAL LICENSE TO OPERATE IN THE AREA CHOSEN?</b></p>   | <p>Successful operators work hard to build a good relationship with the local community and gain their trust, respect and support. This good relationship is paramount. It may also be useful to develop a clear communications and social media strategy with this in mind.</p>  |          |
| <p><b>WHAT LEVEL OF RISK IS ASSOCIATED WITH THE VENTURE AND HOW WILL IT BE MANAGED? WHAT INSURANCE WILL BE REQUIRED?</b></p>                               | <p>Shark and ray tourism involves liability risks for the operator as well as safety risks for the customers. It's highly likely that public liability insurance will be required for the risks involved, so this is an essential aspect of business planning. Raising customer awareness of the inherent risks is an important part of the educational experience, particularly around more aggressive species. This should be included in a safety plan which clearly sets out the protocols the venture must follow.</p> |          |

