

# Tour Operator Licences

## Fact Sheet

February 2014

### Who requires a Tour Operator Licence? Licensing activities on water

#### Background

The *Crown Land Acts Amendment (Lease and Licence Terms) Act 2009* became effective in Victoria on 1 July 2011.

The Act amended the *National Parks Act 1975*, *Forests Act 1958*, *Crown Land (Reserves) Act 1978*, *Land Act 1958* and *Wildlife Act 1975*, establishing a consistent framework for licensing commercial tourism and commercial recreation activity on public land in Victoria.

Public lands include land and waters managed by or on behalf of the Crown.

The legislation states:

- Public land managers may grant a tour operator licence for a period of up to 10 years
- Public land managers must charge regulated statewide fees for a tour operator licence
- Penalties apply for operating without a tour operator licence or for breaching the conditions of a licence.

Fees are payable for a tour operator licence – for more information refer to the fact sheet “Tour Operator Licence Fees.”

#### Who requires a tour operator licence?

The legislation requires persons conducting an organised tour or recreational activity for profit on public land to obtain a tour operator licence from the relevant land manager.

Where a licence-holder engages a third party to deliver some or all of the licensed activities, third parties must also hold a tour operator licence.

#### Licensing activities on water

The tour operator licensing system applies to State waters managed under the acts listed above ie. waterways, bays and coastal waters, marine national parks and sanctuaries. This includes Port Phillip, Corio Bay and Western Port, the Gippsland Lakes and Portland Bay. Coastal waters extend to 3 nautical miles from the Victorian coast.

A tour operator licence is only required for the public lands and waters where the tour or recreational activity takes place. Consequently, if the tour or recreational activity takes place on water only, a tour operator licence will only be required from the manager of those waters.

A tour operator licence is not required for land-based activities that are not part of the tour or activity itself. For example, berthing, mooring and ticketing facilities will not require a tour operator licence. Permission to access land for such activities must however be sought from the relevant land manager, who may still require businesses to obtain alternate permits, licences, or leases for such activities.

#### Who is the land manager?

Coastal Crown land may have a different land manager from adjoining waters. For the majority of locations on waterways or coastal waters, Parks Victoria will be responsible for issuing tour operator licences, either as the land manager or on behalf of the Department Environment & Primary Industries (DEPI). Where tour operators are using land managed by a Committee of Management appointed under the *Crown Land (Reserves) Act 1978*, the Committee is responsible for licence administration.

# Tour Operator Licences

## Frequently Asked Questions

### Do I need a tour operator licence for cruises?

Yes, if the activity is carried out regularly and has a commercial purpose, a tour operator licence will be required.

### Do I need a tour operator licence for water taxis or ferries?

No. Public or private transport does not require a tour operator licence where the transport has no tour or recreation activity component. A permit, licence or lease may be required by the relevant land manager for berthing, mooring and other land-based facilities.

### Does a 'charter' require a tour operator licence?

The term 'charter' is not used in the tour operator legislation or regulations. Whether a business requires a tour operator licence will depend upon whether they are conducting an organised tour or recreational activity for profit on public land, irrespective of whether that activity is described as a 'charter'.

### Do fishing tour operators need a licence?

DEPI and Parks Victoria are not currently requiring fishing tour operators to obtain a tour operator licence.

DEPI is working towards avoiding unnecessary duplication in licensing of fishing tour operators, and in the interim will not require fishing tour operators to obtain a tour operator licence.

Businesses that offer other activities such as wildlife tours or dolphin viewing, as part of a fishing tour, will require a tour operator licence for those activities.

A tour operator licence is not required for commercial fishing or not-for-profit recreational fishing.

Tour operators who are unsure whether they are required to obtain a licence should contact the relevant land manager for advice.

### Do I need a tour operator licence for tours that take place outside State coastal waters?

No. A tour operator licence is not required if all of the activity takes place beyond the 3 nautical mile limit of State coastal waters. A permit, licence or lease may be required by the relevant land manager for berthing, mooring and other land-based facilities.

### Do I need a tour operator licence if the activity is a one-off event?

Crown land licences are generally required where an activity is carried out regularly, ie. seasonally or year round. If the activity is not carried out regularly an event permit may be sought from the relevant land manager instead of a tour operator licence.

### Can I obtain a trading vessel permit instead of a tour operator licence?

No. Trading vessel permits were issued under the *Water Industry (Waterways Land) Regulations 2002*. These regulations ceased on 25 June 2012 and will not be replaced.

Businesses that conduct organised tours or recreational activities on State waters are now required to obtain a tour operator licence. Businesses that previously obtained a trading vessel permit but do not fall within the definition of tour operator should seek advice from the relevant land manager regarding any licences or permits required after 25 June 2012.

---

Published by the Victorian Government Department of Environment and Primary Industries Melbourne, January 2014

© The State of Victoria Department of Environment and Primary Industries Melbourne 2014

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968.

#### Accessibility

If you would like to receive this publication in an alternative format, please telephone DEPI Customer Service Centre 136 186, email [customer.service@dse.vic.gov.au](mailto:customer.service@dse.vic.gov.au) (or relevant address), via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au) This document is also available in on the internet at [www.depi.vic.gov.au](http://www.depi.vic.gov.au)

#### Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

# Tour Operator Licences

## Do I need a tour operator licence if I have a marine mammal permit?

Yes. The marine mammal permits have a separate purpose, which is to permit tourism operators to approach whales, dolphins or seals in Victoria, subject to conditions. A tour operator licence will also be required to conduct organised tours for profit on public lands.

## Do I need a tour operator licence if my activities are already approved under a lease?

No. A tour operator licence is not required if the organised tour or recreational activities are already covered by the terms of your lease. However, operation of tours or recreational activity for profit that are not within the terms of the lease, or are not carried out within the leased area, may require a tour operator licence.

## Is a tour operator licence required from each land manager if an activity crosses land management boundaries?

Yes. Each public land manager has statutory responsibility for granting licences for access to land under their management, including State waters.

## Who does not require a tour operator licence?

Not-for-profit, charitable organisations, and clubs or organisations that provide a service solely to their members (e.g. a dive club or sailing club that provides a leader), and who do not receive a financial reward over their direct costs, do not require a tour operator licence.

Not-for-profit status does not by itself remove the requirement to hold a licence. A licence may still be required where the organisation seeks to access public lands for a commercial purpose.

Private individuals, companies or groups hiring equipment, vehicles or vessels on public lands, including State waters, where an itinerary (including a public land destination) or organised tour or recreational activity is not specified in promotional material or provided as part of the service, do not require a licence.

## Who do I contact if I want to apply for a Tour Operator Licence?

Prospective licence-holders should contact the relevant land manager and confirm whether a tour operator licence is required for the proposed activity, and the availability, terms and conditions of licences for the activity in the proposed location.

## Further advice for public land managers

A template Tour Operator Licence is available for land managers at [www.depi.vic.gov.au/forestry-and-land-use/visiting-parks-and-forests/tour-operators](http://www.depi.vic.gov.au/forestry-and-land-use/visiting-parks-and-forests/tour-operators). Where relevant, the template also addresses consent for use or development of coastal Crown land required under the *Coastal Management Act 1995*.

## Transition to the new statewide licensing provisions

Some land managers, tour operators and commercial activity providers will be new to licensing. DEPI will work with land managers and stakeholders to ensure licensing is phased in for previously unlicensed individuals and businesses, in a practical and consultative manner.

## Further assistance

For more information on the tour operator licence reform project visit [www.depi.vic.gov.au/forestry-and-land-use/visiting-parks-and-forests/tour-operators](http://www.depi.vic.gov.au/forestry-and-land-use/visiting-parks-and-forests/tour-operators) or call the DEPI Customer Service Centre on 136 186.

---

Published by the Victorian Government Department of Environment and Primary Industries Melbourne, January 2014

© The State of Victoria Department of Environment and Primary Industries Melbourne 2014

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968.

## Accessibility

If you would like to receive this publication in an alternative format, please telephone DEPI Customer Service Centre 136 186, email [customer.service@dse.vic.gov.au](mailto:customer.service@dse.vic.gov.au) (or relevant address), via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au). This document is also available in on the internet at [www.depi.vic.gov.au](http://www.depi.vic.gov.au)

## Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.