

Tour Operator and Activity Provider Licensing Licensing activities on water

Fact Sheet
June 2018

What is the purpose of a licence?

The tour operator licensing system provides a consistent legislative framework for licensing commercial tourism and commercial recreation activity on public land and waters in Victoria.

Licensing provides land managers and government with assurances that tour operators and activity providers are:

- implementing risk management measures associated with a tour or activity
- meeting relevant safety standards
- complying with environment protection conditions.

Who requires a tour operator licence?

The legislation requires anyone 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 and activity provider licensing system applies to State waters i.e. coastal and inland waterways, rivers, 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 three nautical miles from the Victorian coast.

When a tour operator licence is required for on-water activities, a licence is required for the public lands and waters where the majority of the tour or recreational activity takes place. If the tour or activity takes place on the 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, loading and unloading, transitioning through public land for a short period of time and/or ticketing facilities will not require a tour operator licence.

However, permission to access land for such activities must 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 most locations on inland waterways and coastal waters, Parks Victoria will be responsible for issuing tour operator licences, either as the land manager or on behalf of the Department of Environment, Land, Water and Planning (DELWP) issued under the *Land Act 1958*. 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.

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 on whether they are conducting an organised tour or recreational activity for profit on public lands and waters, irrespective of whether that activity is described as a 'charter'.



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Do fishing tour operators need a licence?

DELWP is not currently requiring fishing tour operators to obtain a tour operator licence.

DELWP is working towards avoiding unnecessary duplication in the 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 sightseeing, 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 three 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, i.e. 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.

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 and waters.

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?

A tour operator licence is required for the public lands and waters where most of the tour or recreational activity takes place.

A tour operator licence is not required to access public land that is not part of the tour or activity itself. However, permission to access land for such activities must be sought from the relevant land manager, who may still require businesses to obtain alternate permits, licences, or leases for such activities.

Who does not require a tour operator licence?

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.

Private individuals or groups hiring equipment, vehicles or vessels on public lands where an itinerary (including a public land destination) or guided tour is not provided as part of the service, do not require a licence.

Public or private transport does not require a tour operator licence where the transport has no tour or recreation activity component.

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.

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Further assistance

Public land managers should provide industry (and the community) with appropriate, timely advice and assistance to help them understand and help meet their compliance obligations. Land managers may seek advice on compliance and enforcement from DELWP.

For more information on tour operator licences please visit www.forestsandreserves.vic.gov.au/tour-operators or call the DELWP Customer Contact Centre on 136 186.

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