

Tour Operator Licences

Fact Sheet

February 2014

Transferability of licences

Background

The *Crown Land Acts Amendment (Lease and Licence Terms) Act 2009* (the Act) 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 legislative 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 conditions of a licence.

Can I transfer my licence?

Tour operator¹ licences, unlike some Crown land licences, are not transferable to other licensees or to unlicensed entities.

The reasons a tour operator licence may not be transferred are:

- a Crown land licence allows the licensee to access and undertake specified activities on Crown land. It is not a property right that can be transferred between private individuals;
- a delegated public land manager is the only body authorised to determine who is appropriate to hold a licence for access to Crown land. It is not appropriate for private individuals to make this decision by transferring a licence.

However, importantly, tour operator licence can be issued to a business or an individual. If the licence is issued under a business name, and a new owner buys the business without changing the business entity (i.e. the registered business name remains the same) and continues to comply with all licence conditions, they would not need a new licence.

¹ For the purpose of this fact sheet the term 'Tour Operator' means a person or organisation who conducts an organised tour or recreational activity for profit on public land.

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I'm selling my business – how can I ensure business continuity for the new owner?

The vast majority of tour operator licences are not generally restricted in number, so prospective buyers of businesses requiring a tour operator licence should be advised to contact the relevant land manager and apply for a licence as soon as possible. As long as the applicant meets required licence terms and conditions, a licence will generally be issued.

If an operator sells their business they need to contact the land manager in writing as soon as possible to cancel their license or notify of the sale of the business entity.

For more information on the tour operator licences call the DEPI Customer Service Centre on 136 186 or visit www.depi.vic.gov.au/forestry-and-land-use/visiting-parks-and-forests/tour-operators.

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