

Tour Operator and Activity Provider Licensing Applying for fee relief

Fact Sheet
June 2020

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.

Coronavirus (COVID-19)-impacted fee relief 2020

Operators impacted by the emergency or public health measures of the Chief Health Officer in response to coronavirus (COVID-19), may be eligible for fee relief for the period 1 January to 31 December 2020.

The land manager issuing the licence can make an assessment about fee relief for coronavirus-related hardship for the 2020 calendar year. Operators should contact the land manager(s) who issue(s) the licence for more information.

Land managers may consider reductions, refunds or waivers of licence fees and/or use fees for 2020, as appropriate to hardship.

If a licence holder is deemed ineligible for fee relief by the land manager and still believes they have sufficient hardship grounds, they may apply to the Secretary of the Department Environment, Land, Water and Planning (DELWP) for an independent assessment under the standard fee relief procedure (refer to the 'How do I apply' section of this fact sheet for instructions).

For coronavirus-related relief, licence holders must have contacted the land manager issuing the licence, before seeking an independent assessment.

Standard process fee relief

Reduction, refund or waiver of tour operator licence fees

The tour operator licence fee regulations states that a licence holder may apply to the Secretary of the Department Environment, Land, Water and Planning (DELWP) for a reduction, refund or waiver of tour operator licence fees.

An amended process allows the public land manager to make an assessment and prepare a fee relief proposal for operators impacted by coronavirus for approval by DELWP.

For other circumstances, public land managers may not reduce, refund or waive licence fees, except where a licence is surrendered (for any non-commenced year of the licence).

Only the person who holds the tour operator licence may apply for reduction, refund or waiver of licence fees.

An application for fee relief may be made in relation to the annual licence fee, the quarterly or annual use fees, or in relation to both fee types. (Refer to the 'Factsheet - Tour Operator Licence Fees' for more detail).

The Secretary of DELWP may only reduce, waive or refund fees for a period within and up to the licence term.

In deciding whether to reduce, refund or waive tour operator licence fees, the Secretary must have regard to:

- Whether payment of the fee would cause, or has caused, undue financial hardship to the holder of a licence
- Whether payment of the fee by a holder of a licence would be manifestly unfair
- The impact a natural or unnatural event has had on the ability of a holder to continue to conduct organised tours or recreational tours on Crown lands (pandemics excluded).

Tour Operator and Activity Provider Licensing

Applying for fee relief

These considerations do not limit the Secretary's discretion to waive, reduce or refund fees for any reason he/she thinks fit.

How do I apply for waiver, reduction or refund of tour operator licence fees?

Coronavirus (COVID-19) impacted fee relief

Contact the land manager(s) who issue(s) the licence for more information.

Standard process fee relief

An application may be made by writing to the Secretary DELWP at the following address:

Secretary
Department of Environment, Land, Water and Planning
PO Box 500
East Melbourne VIC 3002

Or email:

Secretary@delwp.vic.gov.au with the subject 'Tour operator licence fee relief application'

The regulations do not specify the form or content of an application, but it is recommended applicants:

- Provide a copy of their current tour operator licence(s)
- Advise whether they are applying for a reduction, refund or waiver of fees, and the amount sought
- Advise the length of time for which they are seeking reduction, refund or waiver of fees, particularly if they are a multi-year licence holder
- detail the reasons why they are seeking reduction, refund or waiver of tour operator licence fees
- If an application is on the grounds of financial hardship, include evidence, in the form of revenue and expense statements that demonstrate the financial hardship faced by the applicant

- Detail any circumstances that distinguish them from other tour operator licence holders at the time of application.

It is also recommended applicants notify relevant public land manager(s) of their intention to apply under the standard fee relief process.

How will an application be considered?

The Secretary or their delegate may seek further information from the applicant, the relevant land manager/s and relevant industry bodies.

The Secretary or delegate may also conduct any other consultation that they consider necessary to inform his/her decision-making. After making a decision the Secretary or delegate will notify the applicant in writing of their decision.

Are there any circumstances in which fees will not be reduced, refunded or waived?

A licence holder whose licence has been suspended or cancelled is not eligible to have outstanding fees waived, reduced or refunded, although pro-rata refund may be granted for fees paid in advance or a multi-year licence.

What if I surrender my licence and have paid fees in advance?

Where a licence holder surrenders their licence a land manager may refund fees paid in advance, on a pro-rata basis, for any non-commenced year of the licence. Current year licence fees will not be refunded.

Further assistance

For more information on the 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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