

Tour Operator Licences

Fact Sheet

February 2014

Applying for a reduction, refund or waiver of tour operator licence fees

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 legislative framework for licensing commercial tourism and commercial recreation activity on public land in Victoria. Public land includes land and waters managed by or on behalf of the Crown.

Tour Operator Licence Fee Regulations

The legislation states public land managers must charge regulated statewide fees for a tour operator licence. The relevant regulations are:

- *Crown Land (Reserves) (Tour Operator Licence Fee) Regulations 2011*
- *Forests (Tour Operator Licence Fee) Regulations 2011*
- *Land (Tour Operator Licence Fee) Regulations 2011*
- *National Parks (Tour Operator Licence Fee) Regulations 2011*
- *Wildlife (Tour Operator Licence Fee) Regulations 2011*

There are five identical sets of regulation to ensure consistent fees are charged on all public lands in Victoria. Further information about the fees may be found in the DEPI Factsheet - Tour Operator Licence Fees.

Reduction, refund or waiver of tour operator licence fees

Regulation 17(1) of each of the regulations states that a licence holder may apply to the Secretary of the Department Environment and Primary Industries (DEPI) for a reduction, refund or waiver of tour operator licence fees.

Public land managers may not reduce, refund or waive licence fees, except where a licence is surrendered.

A person who is not a tour operator licence holder may not 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 DEPI Factsheet - Tour Operator Licence Fees – for more detail).

The Secretary DEPI 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, regulation 17(4) states 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.

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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?

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

Mr Adam Fennessy
Secretary
Department of Environment and Primary Industries
PO Box 500
East Melbourne VIC 3002

The regulations do not specify 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 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, addressing where relevant the circumstances described under regulation 17(4)
- 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 submit an application.

How will an application be considered?

The Secretary or his/her delegate may seek further information from the applicant, the relevant land manager/s and relevant industry bodies. The Secretary or his/her delegate may also undertake any other consultation that he/she considers necessary to inform his/her decision-making.

After making a decision the Secretary or his/her delegate will notify the applicant in writing of his/her decision.

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

Regulation 18 provides that 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 licence reform project visit 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.

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