

Policy Statement



Licensing System for Tour Operators and Activity Providers on Public Land in Victoria

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on Public Land in Victoria



FRONT COVER PHOTO AND BANNER PHOTO:
WHITE WATER RAFTING, MITTA MITTA RIVER
PHOTOGRAPHER MARK WATSON
COURTESY TOURISM VICTORIA

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Minister's Foreword

I am pleased to present the *Policy Statement for the Licensing System for Tour Operators and Activity Providers on Public Land in Victoria*. This policy is an important stepping stone to uphold a dynamic nature-based tourism industry while protecting the environment and biodiversity values that make up our magnificent parks and forests.

The review of the licensing system has resulted in an improved licensing system for Victorian tour operators and activity providers that encourages a more sustainable industry, higher operating standards and greater business investment.

The tourism industry is worth an estimated \$10.9 billion dollars to the Victorian economy and accounts for almost 160,000 jobs. Nature-based tourism is one of its key markets and the state is well placed to cultivate this market further. The draft *Nature-based Tourism Strategy 2008–2012* together with this policy statement will help to foster tourism and conservation partnerships and outcomes in the industry.

Activities such as guided walking tours, rock climbing and canoeing on public land provide immense enjoyment for many Victorians including educational groups, and for interstate and overseas visitors. These ever improving businesses play an extremely important role in helping people access, enjoy and learn about public land and make a strong impression on visitors to our State so that they may also become repeat visitors.

Access to public land is therefore crucial to grow this market and the improved licensing system is integral to supporting future growth. This policy statement is informed by the 80 submissions that were received in response to the Directions Paper that was released in 2006. I would like to thank those who contributed to this process by providing submissions.

Improvements include lengthened tour operator licence terms that encourage greater business investment, the removal of first time application fees to ensure ease of entry to the market, increased flexibility by enabling the transfer of licences and a revised fee structure that moves Victoria closer to obtaining essential cost recovery in line with other states. By better defining who requires a licence to carry on a business on public land, there is a stronger basis for compliance activity to ensure equity for current licence holders.

The improved licensing system ensures that we move into the future balancing environmental sustainability, economic wellbeing and enjoyment for public land visitors.

Victorian, interstate and overseas visitors to public land will also gain from a safer and better managed environment.

Strong support has been received from partner organisations; Tourism Victoria, Parks Victoria and Tourism Alliance Victoria.

This policy instils my confidence that Victoria is creating a fair and equitable licence system that is fostering greater business investments whilst demonstrating our leadership in tourism and recreation on public land.



Gavin Jennings MLC

Minister for Environment and Climate Change



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Background

The current licensing system for tour operators and activity providers on public land

The Department of Sustainability and Environment (DSE) is the Government agency with the overarching responsibility for the entire public land estate. However, responsibility for the day-to-day management (including operational policy and procedures) of public land can be delegated to other agencies, such as Parks Victoria.

Public land managed by Parks Victoria includes national parks, marine national parks, marine sanctuaries, wilderness parks, State parks, metropolitan parks, regional parks, reservoir parks, natural features reserves, conservation reserves and Indigenous and non-Indigenous cultural heritage sites. State forests are the exception to this rule – the Department of Sustainability and Environment is directly responsible for the day-to-day management of State forests. However, under agreement with the Department of Sustainability and Environment, Parks Victoria administers the licences for tour operators and activity providers that operate in State forests.

The current licence administration system is known as the Tour Operator Management System (TOMS). It has been in place since 1996 and is administered by Parks Victoria. On average Parks Victoria issues approximately 250 licences to tour operators and activity providers each year. Licences issued through TOMS have conditions attached that identify the location(s) in which activities are permitted, how the relevant activities are to be

undertaken (e.g. leader/participant ratios, equipment standards), as well as general conditions relating to matters such as insurance, fees, emergency response, statutory requirements and any special conditions.

There are other permits and licences required for a range of activities/uses for commercial and non-commercial businesses on public land (e.g. events, leases and food vans sales). This document refers to Tour Operator and Activity Provider Licences ONLY.

Persons that carry on a trade or business (i.e. that are business entities) on public land are required by legislation to hold a licence. More specifically, licensing allows Parks Victoria and DSE to:

- Provide legal access for appropriate use of public land for business;
- Protect natural and cultural values of public land by managing access, use and environmental impacts;
- Protect general visitor enjoyment;
- Ensure the safety of visitors by specifying appropriate skills, insurance cover and risk management procedures for operators;
- Obtain a return for the State Government for the use of public land that provides a private benefit;
- Potentially provide information to assist the strategic allocation of resources;
- Know the range and diversity of tourism businesses and related activities on the land they manage; and
- Develop a relationship with licensees.



LOCH ARD GORGE PHOTOGRAPHER DARYL WISELY COURTESY TOURISM VICTORIA



Why is the licensing system being reviewed?

Industry has been supportive of the need to review the licensing system as it has not been reviewed since 1996.

In 2003, the Minister for the Environment, established a review of the licensing system to advise on any changes required to support a viable nature-based tourism industry on public land, while maintaining and enhancing sustainable use of public land for all. The length of licence terms, who requires a licence, licence fees, compliance and reporting requirements were key issues considered in the review.

What have we achieved?

The review of the Public Land Tour Operator and Activity Provider Licence has progressed through the following stages:

- an issues paper, *Reforms to Public Land Tour Operator Licensing – Current Situation, Issues and Policy Proposals*, released in 2004; and
- targeted stakeholder engagement undertaken throughout 2005.



HOWQUA RIVER COURTESY TOURISM VICTORIA

In February 2006, a Directions Paper, *Public Land Tour Operator and Activity Provider Licence Reform Project*, was presented for public comment.

Due to the bushfires of January 2006, which affected a significant number of licensed tour operators and activity providers, the public submission period was extended to April 2006. More than 80 submissions were received in the following broad categories:

• Licensed tour operators/activity providers	41
• Recreation or community organisations (non-commercial entities)	23
• Peak bodies or industry organisations	18
• Private individuals	17
• Educational organisations	5
• Government agencies	4
• Members of Parliament	2

In general, the submissions demonstrated:

- strong support for increasing the maximum licence term;
- moderate support for enabling transfer of longer licences;
- strong support for clarifying the definition of who requires a licence, but also strong opposition to the definition proposed in the Directions Paper;
- no preferred fee model, but support for abolishing use fee payments caps; and
- strong support for increasing enforcement activity to target unlicensed operators.

This policy statement takes into account the submissions received. It has been developed by the Department of Sustainability and Environment in consultation with Parks Victoria and Tourism Victoria. Further key targeted consultation was also undertaken with the Outdoor Education Group, Outdoor Recreation Centre, Bus Association Victoria and Tourism Alliance Victoria. In addition, further feedback has occurred at Parks Victoria Tour Operator forums and through newsletter updates. It is intended that the Directions Paper and this paper together will be significant steps in the continual improvement of the licensing system to support a viable nature-based tourism industry on public land, while maintaining and enhancing sustainable use of public land for all.



Objective 1 To improve opportunities for industry investment and security

1.1 Longer licence terms

The Directions Paper proposed that the following four licence categories be introduced for tour operators and activity providers operating on public land managed by Parks Victoria or DSE:

- Standard one-year licence.
- Premium seven-year licence – subject to conditions and endorsed certification.
- Competitively allocated licence – where it is determined that a competitive process should apply.
- Charter-only licence – for hired vehicles accessing public land, where an itinerary or guided tour has not been specified in promotional material.

The charter-only licence category was strongly opposed by some stakeholders because it is difficult to administer and likely to have unforeseen impacts on individuals and communities reliant upon charter hire as a form of group transport. Some submissions instead proposed licensing coach operators who advertise and make a business from taking visitors to parks, regardless of whether the tours are scheduled or undertaken on demand. Following consideration of submissions, the charter-only licence will not proceed. However, charter buses and boats who advertise and make a business from taking visitors to the park will be required to obtain a tour operator and activity provider licence. (Refer Objective 2.1)

Submissions supported both the proposed one-year and seven-year licence proposals, although a significant number of submissions sought a further extension of the proposed premium licence term from seven to ten years. This increase was proposed on the basis that a seven-year maximum licence term would not facilitate the growth of nature based tourism in Victoria, and that seven years would be insufficient to:

- provide greater business security;
- encourage small business investment in best practice certification;
- encourage small business investment in staff training, equipment and business systems; and
- remain competitive with interstate practice in the short term, since other jurisdictions currently offering five-year maximum terms are also reviewing licence terms.

Acknowledging these issues and Government support for the nature-based tourism industry, a maximum ten-year licence term has been agreed on, and this commitment is reflected in Victoria's Draft Nature-Based Tourism Strategy 2008–2012. Legislation is now required to implement the proposed ten-year maximum licence term. A ten-year licence will only be available to operators who obtain

and maintain the required level of certification, meet the licence conditions and pay appropriate fees (refer to Objective 3). Land managers/Committees of Management may consider a competitively allocated licence term of up to ten years once the legislative amendments are made. The term of the competitively allocated licence will depend on the management objectives for the site/species/resource. 'Competitive allocation of tour operator/activity provider licences – Guidelines for public land managers' will be available soon.

Recognising that there will then be a significant gap between the one-year licence and the premium ten-year licence, the three-year licence will be retained, also subject to relevant certification. Some submissions supported an 'evergreen' licence, whereby operators could secure their licence on an ongoing basis two or three years into the licence term. This will not be implemented however, three-year licence holders may apply for a new licence one year prior to expiry of the licence and ten-year licence holders may apply for a new licence two years prior to expiry of the licence.

Summary – Longer Licence Terms for tour operators and activity providers

- One-year licences will continue to be available.
- Three-year licences will be subject to relevant endorsed tourism certification. New licences may be applied for one year prior to expiry.
- A premium ten-year licence will be subject to Parliamentary approval and relevant endorsed tourism certification. New licences may be applied for two years prior to expiry.
- Competitively allocated licences will only be available when the land manager determines that the number of licences for a particular activity/location should be restricted for reasons of public safety, positive visitor experience, sustainable management of public land or natural resources, or as required by legislation/regulations.
- Land managers must commence a new competitive allocation process with reasonable notice, acknowledging the need for industry certainty and the time required to prepare for and conduct a competitive process.
- Land managers/Committees of Management may consider a competitively allocated licence term of up to ten years. The term of the competitively allocated licence will depend on the management objectives for the site/species/resource.



1.2 Licence Transfer

Currently, tour operator and activity provider licences are not transferable. However, the Directions Paper recognised the need to facilitate licence transfer under some circumstances.

Holders of three-year and ten-year licences may apply to transfer their licence (a fee will be applicable to cover administration costs) to a new business operator if there is a change in business ownership, but only if the residual term is greater than one year. The term of the licence will not be extended through licence transfer. One-year licences will not be transferable.

Licence transfer will be discretionary, requiring the approval of the land manager. The approval process will consider:

- evidence of the new operators ability to comply with terms and conditions of the licence, including certification standards and insurance, and any other licence requirements (e.g. boat licence);
- evidence of intention to run a business;
- tests of shareholding structure and potential for anti-competitive or monopolistic practices;
- any changes required to ensure the sustainable management of the location and natural resources; and
- factors arising out of the human rights charter.

Where a licence transfer is not approved, the reason will be provided to the applicant.

Summary – Licence Transfers

- One-year licences will not be transferable.
- Three-year and ten-year licences will be transferable (for a fee) if the residual term is greater than one year. However, if the licence is not used the licence will be cancelled i.e 'use it or lose it' (Objective 2.3).
- A licence term will not be extended through licence transfer.
- Licence transfer will not be a right, and will require the approval of the land manager.



PINNACLE, THE GRAMPIANS PHOTOGRAPHER KEN STEPNELL COURTESY TOURISM VICTORIA



Objective 2 To create a simpler and more efficient licensing system

2.1 Background – Clarifying who requires a licence

The Directions Paper identified that, because of differing and unclear legislative provisions, there is currently some uncertainty about who requires a licence. The paper proposed a definition of commercial activity on public land, to clarify the situation.

A large number of submissions expressed concern that the proposed definition appeared to include activity undertaken by non-commercial recreational and community groups, and that requiring such groups to obtain a licence would significantly affect their finances and activities. Conversely, many submissions called for the inclusion of non-commercial organisations (such as sporting and recreation clubs), community organisations and even schools and private individuals within the licensing system, on the basis that all users of public land should have conditions equally applied to their behaviour on public land.

The Directions Paper also proposed that where service delivery is subcontracted, subcontractors must also hold a licence. Submissions indicated widespread concern that this proposal represented a significant and unnecessary regulatory burden on small businesses.

Who DOES require a licence?

Legislation governing the management of public land requires all business entities to gain the consent of the land manager for access to public land, abide by specified conditions and pay fees towards the maintenance of licensing systems and mechanisms for public land management. **All business entities undertaking tours or activities associated with outdoor recreation on public land will be required to hold a tour operator and activity provider licence.**



BALLOONING, YARRA VALLEY PHOTOGRAPHER MOJO ADVERTISING PARTNERS
COURTESY TOURISM VICTORIA

The below guidance of indicators of business activity has been developed from case law:

- the activity has a significant commercial purpose or character;
- there is an intention to engage in business;
- there is a purpose of profit as well as a prospect of profit from the activity;
- there is repetition and regularity of the activity;
- the activity is planned, organised and carried on in a businesslike manner, such that it is directed at making a profit; and
- the activity is of a certain size, scale and permanency.

No one indicator is decisive and the indicators must be considered as a whole. Whether business is being conducted depends on the general impression gained from looking at all the indicators, and determining whether these factors provide the operations with a commercial flavour (e.g. some not-for-profit organisations often have a significant commercial purpose and therefore require a licence).

These principles of business activity have informed the below definitions of who does and does not require a licence.

Vehicle operators (including charter buses and boats) providing tours on public land for profit, will require a licence. More specifically, where an itinerary (scheduled or undertaken on demand) for a guided tour or destination(s)/experience has been specified in promotional material (e.g. website, newsletter, magazine), this is an indication that a licence is required.

Where primary and secondary schools, TAFEs and universities choose to contract a tour operator/activity provider to provide a tour or activity on public land, the tour operator/activity provider must have a licence. Where they provide a tour or activity on public land, beyond the curriculum, and receive a financial reward for doing so, a tour operator and activity provider licence is required.

Where not-for-profit and charitable organisations, incorporated associations or other legal entities provide a service (e.g. a guide or leader), and they are paid or compensated, a tour operator and activity provider licence is required (regardless of whether the client is a school).

Complex business structures with contractors and subcontractors have placed further demand on the need to further define who is required to hold the licence in these scenarios. The following information addresses some of these scenarios and the examples following help to further clarify.



Some business structures may be made up of all or some of the following levels:

1. Tour operator/activity provider (primary party).

Generally, any tour operator/activity provider operating 'on the ground' (the public land) requires a tour operator/activity provider licence.

2. A contracted tour operator/activity provider (secondary party).

A primary party may choose to engage a secondary party/parties to deliver some or all of their activities on public land. Where a licensed tour operator/activity provider engages a secondary party for all activities, the secondary party must have a Tour Operator and Activity Provider Licence. Where a licensed tour operator/activity provider engages two or more secondary parties (e.g. a bus company and a tour guide company), both businesses must have a Tour Operator and Activity Provider Licence. Therefore, all secondary parties must have a Tour Operator and Activity Provider Licence.

3. A subcontracted tour operator/activity provider (third party).

A secondary party may choose to engage a third party/parties to deliver some or all services. Where a third party is engaged on a regular basis, a licence is required. (In some instances a licence may NOT be required – please see section below on who DOES NOT require a licence).

It should however be noted that any secondary or third party should also have appropriate insurance.

A booking agent (including travel facilitators, sub agents, agents, wholesalers, consolidators) and any other business entities in the tourism supply chain that do not access public land will not require a licence. However, they may also contract a secondary party or a third party (as above) and where this is the case the same as above applies.

At any time, parties who believe they have been inappropriately required to obtain a licence may object in writing to Parks Victoria and seek a review of the decision.

Summary – Who DOES require a licence?

- All **business entities** undertaking tours or activities on public land.
- Charter buses and boats where an itinerary (scheduled or undertaken on demand), guided tour or destination(s)/experience has been specified in promotional material (e.g. website, newsletter, magazine).
- Schools, TAFEs or universities providing a tour or activity on public land (beyond the curriculum) and where a financial reward for doing so is received.
- Not-for-profit and charitable organisations, incorporated associations or other legal entities providing a service (e.g. a guide or leader) and they are paid or compensated.
- All secondary parties.
- A third party that is engaged on a regular and scheduled basis.

Parties who believe they have been inappropriately required to obtain a licence may object in writing to Parks Victoria and seek a review of the decision.



SURFING TORQUAY
PHOTOGRAPHER JOHN NASH
COURTESY TOURISM VICTORIA



Who DOES NOT require a licence?

All public land is set aside through legislation for the benefit of the public as a whole. These public benefits include protection of natural and cultural values, sustainable resource use and provision for public recreation, enjoyment and education. Private individuals and groups undertaking recreational or educational activities (not undertaking business activity) are exercising their common law and legislative right to access and use public land, and do not require a licence. A business is not being conducted where an activity is better described as a hobby, a form of recreation or a sporting activity where no profit making is involved.

In some cases, Not-for-profit and charitable organisations, incorporated associations or other legal entities provide services to their members (e.g. a guide or leader) and they **do not** receive a financial reward over direct costs (e.g. some bushwalking clubs and sport and recreation clubs). In these cases a licence is not required.

Hire vehicles accessing public land, where an itinerary (including a destination) or guided tour **has not** been specified in promotional material (e.g. advertising as a "bus for hire", "car for hire" or "campervan for hire") do not require a licence. This also extends to Public transport services that have regular routes and timetables and taxis (where individual fares are payable by the passengers).

Primary and secondary schools, TAFEs and universities, do not require a licence where the activities are conducted by staff as part of the curriculum within the school/institution. This is consistent with legislation that public land is available for education. (Section 6 – Organised groups, discusses the requirement for schools to abide by the 'Safety Guidelines for Education Outdoors').

In some cases a secondary party may choose to engage a third party/parties to deliver some or all services (as per the business structures under "Who DOES require a licence?"). Where possible, it is recommended that the secondary party engage a licensed tour operator and activity provider. However, it is understood that the nature of the engagement of a third party is usually irregular, unscheduled and possibly in response to an emergency (e.g a flat tyre) and in this case the third party is not required to obtain a licence. The third party will be considered to be operating under the authority of the secondary party and their licence. As such, they must be able to produce a copy of the licence if requested

and they must comply with all conditions attached to the licence. Non-compliance with licence conditions by a third party may result in penalties and liabilities to the licence holder. For insurance purposes the secondary party should only engage third parties with appropriate insurance or the secondary party should list the third party on their insurance.

Please note that booking agents and any other business entities in the tourism supply chain that do not access public land do not require a licence.

Summary – Who DOES NOT require a licence?

- Not-for-profit and charitable organisations, incorporated associations or other legal entities that provide a service (e.g. a guide or leader), and they **do not** receive a financial reward over direct costs (e.g. some bushwalking clubs and sport and recreation clubs).
- Hire vehicle operators accessing public land, where an itinerary (including a destination) or guided tour **has not** been specified in promotional material (e.g. only the vehicle was advertised as a "bus for hire", "car for hire" or "campervan for hire").
- Primary and secondary schools, TAFEs and universities, where the activities are conducted by staff as part of the curriculum within the school/institution. However, schools, TAFEs and universities are required to provide notification (see Objective 6).
- Public transport services with regular routes and timetables.
- A third party that is engaged in an emergency and on an irregular basis.
- Booking agents and any other business entities in the tourism supply chain that do not access public land.



COURTESY DAVE NICKELS, GRAY LINE



The following examples are fictitious however they help to further clarify who does or does not require a licence:

Example 1

David and Rita operate “Tally Ho” horseback adventures through the Whisper State Forest. Their clients are the general public and schoolchildren. Do David and Rita require a Tour Operator and Activity Provider Licence?

Yes, David and Rita **MUST** have a Tour Operator and Activity Provider Licence, since they are conducting their business on public/Crown land (the State forest).

Example 2

Terrence is the Secretary of the Wandin Valley Bushwalking Club. The club has 250 members, who pay membership fees to meet the operating and administration costs of the club. The club runs weekend social bushwalking activities in the Wandin Valley National Park. Terrence volunteers to lead these bushwalking activities. Does the Wandin Valley Bushwalking Club need to obtain a Tour Operator and Activity Provider Licence?

No, the Wandin Valley Bushwalking Club **DOES NOT** require a licence, since club membership fees are to cover operating costs only and there is no financial reward or gain by club office bearers or members. In addition, the guides are not ‘carrying on a business’ by leading bushwalking activities.

Example 3

Simpson’s Tours is a booking agent and sells tours of the Springfield State Forest. Simpson’s Tours contracts their business out to Otto’s Bus Tours. Sideshow Bob’s Guided Tours provides the tour guiding services. Which company requires a Tour Operator and Activity Provider Licence?

Simpson’s Tours **DOES NOT** require a licence as they are not “on the ground” – they only sell the tickets. Both Otto’s Bus Tours and Sideshow Bob’s Guided Tours **MUST** have a licence.

Example 4

The Southern River Landcare group has a commitment to educating school students on revegetation. To assist with this, the Southern River Landcare group hires Edwards Bus Service each year to transport students to revegetation sites on public land. Does Edwards Bus Service require a Tour Operator and Activity Provider Licence?

No, Edwards Bus Service **DOES NOT** require a Tour Operator and Activity Provider Licence, since Edwards Bus Service does not advertise a tour that includes a specific public land destination or receive a financial reward that exceeds direct costs.

Example 5

Uncle Sam’s Horseriding and Aunt Shelley’s Bushwalking Tours are separate companies that operate under their individual names on public land. A business decision has been made to combine the two companies under one umbrella brand for marketing purposes, this company is, Activities-R-Us Pty Ltd. Both businesses still conduct their own individual activities. Who is required to be licensed?

Both Uncle Sam’s Horseriding and Aunt Shelley’s Bushwalking Tours **MUST** have a licence. Activities-R-Us Pty Ltd **DOES NOT** require a licence, as it is not a business ‘on the ground’. Activities-R-Us Pty Ltd is treated as a booking agent or a marketing alliance, not an ‘on the ground’ activity provider.



YOU YANGS REGIONAL PARK
PHOTOGRAPHER
MARK WATSON
COURTESY TOURISM VICTORIA



POINT HICKS LIGHTHOUSE
PHOTOGRAPHER
MARK WATSON
COURTESY TOURISM VICTORIA



Example 6

Freddy's Outdoor Adventures operates a number of different self-development programs, including scheduled tours and corporate/school team building exercises. Freddy's Outdoor Adventures has expertise in bushwalking and orienteering, but not in rock climbing or horse trail riding. The corporate/school team building exercises incorporate all three activities. The company therefore contracts tour operators/activity providers to provide the rock climbing and horse trail riding part of their exercises. Freddy's Outdoor Adventures guides accompany the other activity providers when they undertake their activity. Who is required to be licensed?

Freddy's Outdoor Adventures, as well as the rock climbing and horse trail riding companies, **MUST** each have a licence, as they all access public land for commercial purposes.

Example 7

Company ABC conducts kayaking tours. Its core product is one to two-hour kayaking trips. Company ABC receives a number of requests for one-day kayaking tours, overnight kayaking tours and learning how to kayak training. Company ABC would like to keep their core business as the one to two-hour kayaking tours. It suggests that one of its guides develop a new product incorporating the additional activities. A new company, Company XYZ, would conduct the activities utilising Company ABC's equipment and guides. Who is required to be licensed?

Both Company ABC and Company XYZ **MUST** be licensed, as both are accessing public land.

Example 8

Healthy Hikers Club Victoria conducts two annual events on public land. Each event attracts 150 club members (non-members can also participate). The one-day events incorporate a range of activities, including a three-hour bushwalk/scavenger hunt and a one-hour mountain bike ride. Is Healthy Hikers Club Victoria required to hold a Tour Operator and Activity Provider Licence?

No, because the club does not receive a financial reward beyond covering its direct costs. However, the club is required to seek permission and approval by obtaining an event permit (www.parkweb.vic.gov.au/index.cfm).

Example 9

Cheryl owns Xanthorrea Retreat, (a partnership) which is a backpacker hostel located on private land next to Xanthorrea National Park. Cheryl offers her clients a complementary 1/2 day tour of Xanthorrea NP if they stay more than 1 night. Does Xanthorrea Retreat require a Tour Operator and Activity Provider Licence?

Yes, even though the tour does not have a separate price point (i.e. the costs are absorbed by the accommodation tariff), Xanthorrea Retreat **MUST** have a licence because the activity has a commercial purpose, occurs regularly, is planned and conducted in a business like manner with the purpose of making a profit and is conducted in the park.



APOLLO BAY
PHOTOGRAPHER MARK WATSON
COURTESY TOURISM VICTORIA



2.2 A more consistent and efficient licensing system across public land categories

The Directions Paper proposed retaining current general, activity and location conditions applicable to licences under the Tour Operator Management System (TOMS), and continuing to ensure their consistent application to licence holders under the TOMS system. This was generally supported by the submissions.

The paper also proposed that where an Adventure Activity Standard (AAS) existed for a particular activity, it will continue to form the activity condition for that licence. Some submissions expressed concern about the effectiveness and precision of the AAS. In the absence of alternative agreed industry standards, the Victorian government has endorsed the use of the AAS as the industry standard and supports its continued development.

In addition to the parks, reserves and forests managed by Parks Victoria and the Department of Sustainability and Environment, there are many hundreds of parcels of public land across Victoria that are managed by independent Committees of Management (CoM), in accordance with the provisions of the *Crown Land (Reserves) Act 1978*. These reserves include alpine resorts, flora and fauna reserves, scenic reserves, mineral springs, coastal reserves and community reserves such as ovals and cemeteries.

Under the Act, CoM have the authority to issue licences for a range of activities, including those of tour operators/ activity providers. The Directions Paper proposed encouraging land managers other than Parks Victoria and DSE to use TOMS to issue their own licences in order to provide greater consistency within the licensing system. The submissions broadly supported this proposal and indicated that published policy and mechanisms to enable the use of TOMS by land managers would greatly assist in delivering this approach.

Summary – A more consistent licensing system

- DSE will ensure that appropriate mechanisms are in place for Committees of Management to delegate licensing powers to Parks Victoria.
- Parks Victoria will work with other land managers to encourage State-wide use of the TOMS licensing system.

2.3 Licence Fees

The Directions Paper proposed various models to restructure and increase licence fees to recognise the value of access to public land for tour operators and activity providers, and to improve cost recovery for licensing administration.

The Directions Paper proposed the following principles to be used as the basis for modelling fee options and stated that any new fee structure should:

- provide an equitable arrangement for recovering costs that does not disadvantage smaller operators;
- generate sufficient revenue to recoup (a substantial proportion) of the administration costs of the TOMS licensing system;
- be proportional to use (that is, greater use should incur greater fees);
- avoid complexity; and
- be introduced with sufficient notice to allow tour operators and activity providers to adjust their own pricing structures to reflect the new fees.

Submissions indicated little opposition to increasing fees, although there was no consensus around the various fee models proposed in the Directions Paper.

Some submissions were supportive of a fee increase, conditional on a component of those fees being invested in park or public land facilities. However, fees are charged on the basis of cost recovery for administration of the licensing system, rather than as a levy for park services and infrastructure.

Other submissions indicated a preference for a more streamlined approach, proposing a much higher annual fee of \$500–\$1,000 and the abolition of use fees. Other submissions suggested that fees should deliver 100% cost recovery of the licensing system, rather than suggesting a fee amount or a new structure. While these approaches would deliver greater cost recovery, they would also create a significant entry barrier to the growing nature-based tourism industry, and would not necessarily apportion costs equitably across the industry.

Submissions did indicate support for removing the use fee cap and for less administration around fees and reporting of visitor numbers. Use fees are paid quarterly in arrears, with the licensee reporting visitation numbers (or 'trip data') and paying accordingly – an honesty system. The use fee is capped at \$5,500 per year for any individual licensee. About six of the larger licensed tour operators and activity providers in Victoria pay the \$5,500 capped use fee.



A feature of the system has been that those paying the use fee cap are not required to submit the trip return form. Without detailed visitation reporting available from these companies, it is not possible to assess the effective discount being received by these companies. It is likely that they are paying significantly less per visitor than smaller operators. This is why there was strong support for removing the use fee cap.

A review of trip data and use fee payments undertaken since the release of the Directions Paper indicates that many smaller operators may also be under-reporting visitations and underpaying use fees. While the honesty system does not appear to be working consistently, insufficient data is available to justify total removal of the use fee cap at this time. In addition, a guarantee cannot be made that this will in fact provide greater equity in the payment of licence fees.

The proposal to retain the licence variation fee in the Directions Paper was not widely supported. Although the costs of undertaking a licence variation were recognised, some submissions suggested that if licence variation were a regular occurrence, it should be costed into the overall licence fee, and the administrative impost of paying separately for each licence variation could be removed.

Having considered the submissions, undertaken further review of use fee payments in the past three years, and recognising that Victoria's fees are significantly lower than in other jurisdictions, the following new fee schedule has been decided.

Subject to Parliamentary approval of increased maximum licence terms, the following revised fee schedule for tour

operators and activity providers on public land will be introduced by Parks Victoria in 2009/2010. This gives tour operators and activity providers considerable notice to alter fee structures.

Licence Application Fees

- One-year licences – annual licence fee of \$250 (including GST), payable upon application.
- Three-year and ten-year licences – annual licence fee of \$200 (including GST), payable annually at the start of the financial year or in one lump sum. If the licence is cancelled before the end of its term, under some circumstances the licensee may be able to seek partial reimbursement from Parks Victoria.
- Where licence fees for competitively allocated licences are not prescribed in regulations, they will be set on a case-by-case basis, commensurate with their economic, environmental and social values.
- The licence variation fee will be abolished from 2008/2009.
- Where a transfer of licence is requested and approved, a fee of \$200 will apply.

Use Fees

- For general visitors, the use fee will be \$2.50 (including GST) per person per day.
- For school students and children (16 years and under) the use fee will be \$1.70 (including GST) per person per day.

Use Fee Cap

- The use fee cap will be \$12,500 (including GST)
- To reduce the administrative burden on licensees, submission of the trip return form and use fees can be provided annually, instead of quarterly. Tour operators/activity providers who prefer to provide the trip return form and pay use fees quarterly may continue to do so. Operators paying the use fee cap will be required to submit estimated trip data as of July 2008.
- Operators who have not submitted the trip return form and paid use fees at the end of each financial year will be deemed to be inactive and will not be eligible to apply for a new licence until the trip return form and payment are provided, or adequate explanation provided in writing.

The introduction of these mechanisms for at least three years will enable more accurate assessment of the activity undertaken by tour operators and activity providers on public land. Once data has been collected, a further review of fees and cost recovery will be undertaken. It will include a review of use fees and the use fee cap.



TWELVE APOSTLES
PHOTOGRAPHER MARK WATSON
COURTESY TOURISM VICTORIA



Summary – Licence Fees

- Subject to Parliamentary approval of increased maximum licence terms, a revised fee schedule consistent with 75% cost recovery for administration will be introduced by Parks Victoria for one-year, three-year and premium ten-year licences.
- To allow considerable notice to industry before increasing fees, fees will not be increased in line with the above figures until 2009/2010.
- The licence variation fee will be abolished from 2008/2009.
- Fees will not be charged on a pro rata basis.
- Where licence fees for competitively allocated licences are not prescribed in regulations, they will be set on a case-by-case basis.
- The use fee cap will be increased to \$12,500 (including GST).
- Submission of the trip return form and use fees can be made annually or quarterly. Operators paying the use fee cap will be required to submit estimated trip data.
- Operators who have not submitted the trip return form, paid use fees or reported nil usage at the end of each financial year will be deemed to be inactive and will not be eligible to apply for a new licence until the completed trip return form and payment are provided, or adequate explanation provided in writing. i.e 'use it or lose it'.
- A further review of fees, including use fees and the use fee cap, will be undertaken within three to five years of this policy statement.
- Licensed tour operators/activity providers will be required to pay entrance fees, where they apply, in addition to licence fees.
- Parks Victoria will review the Trip return form to make it more user friendly.



MOUNT BUFFALO PHOTOGRAPHER JON NASH COURTESY TOURISM VICTORIA



THE GRAMPIANS PHOTOGRAPHER MARK WATSON COURTESY TOURISM VICTORIA



Objective 3 To encourage higher operating standards

3.1 Certification

The Directions Paper proposed that obtaining a longer licence be conditional on the licence holder obtaining and maintaining an endorsed certification, to encourage higher operating standards in premium licence holders, particularly in the areas of environmental and cultural protection, and activity safety.

Some submissions in relation to this issue proposed certification for all licences, irrespective of length. This recommendation has not been adopted, as it would constitute a very high barrier to entering the nature-based tourism industry.

Other submissions expressed concern that there would be limited take-up of certification when it is comparatively easy to obtain a one-year licence. It was suggested that best practice could be encouraged by placing a limit on how many successive years an operator could hold a one-year licence before being required to apply for a premium licence and certification. The benefits of this approach have been noted, although this approach could also be seen as an unnecessary barrier to operating in the nature-based tourism industry.

In order to implement a longer licence term with relevant certification, a review of certification programs has been undertaken to match certification programs with licence terms. The recommendations were presented to Parks Victoria, Tourism Victoria and the Department of Sustainability and Environment.

Based on the outcomes of the assessment, the following current programs meet the requirements for the relevant licence terms:

Three-year licence:

Advanced Ecotourism EcoCertification Program
Ecotourism EcoCertification Program
Nature Based EcoCertification Program
Better Business Tourism Accreditation Program
Camping with Confidence
Green Globe Company Standard
Respecting our Culture

Premium ten-year licence:

Advanced Ecotourism EcoCertification Program
Ecotourism EcoCertification Program
Green Globe Company Standard
Respecting our Culture

It is the responsibility of certification programs to inform Parks Victoria of any reviews or changes to the contents of the program. Certification providers that have only met the requirements for a three-year licence term have been provided with the option to improve the areas needed to

obtain a ten-year licence. It is the responsibility of the tour operators/activity providers to advise certification providers of any additional training (e.g. driver training that may be considered for exemption by the certification provider).

It is proposed a Memorandum of Understanding will be developed with each certification provider to formalise and document procedures for notification to land managers for certification non-compliance, withdrawal of certification and other issues.

Three-year and premium ten-year licence holders are required to maintain their certification and to submit proof of certification annually. Three-year and premium ten-year licence holders who do not maintain their certification will be reissued with a one-year licence (in the immediate licensing/processing period).

3.2 Training and other tools

The Directions Paper proposed that qualifications, experience and/or standards other than certification be considered as other methods for demonstrating relevant competency against the key areas of performance for a three-year licence or premium ten-year licence. This approach was generally supported by the submissions, subject to clarification of the competencies against which both certification programs and other qualifications will be assessed.

The Directions Paper also proposed that an additional fee be charged to undertake assessment of other standards or qualifications. This approach was not supported by some submissions, on the basis that operators holding qualifications deemed equivalent to certification should not be charged an additional fee. This argument is supported. However, because of the costs involved with an independent assessment and on-site verification, the preferred method of certification is by obtaining certification from the providers listed in 3.1.

Summary – Certification

- Three-year and premium ten-year licence holders are required to be certified.
- Premium ten-year licence holders can obtain certification from Advanced Ecotourism EcoCertification Program, Ecotourism EcoCertification Program, Green Globe Company Standard and Respecting our Culture.
- DSE to develop a Memorandum of Understanding with each certification provider for a ten-year licence term.
- If certification programs are amended they may be reconsidered for the three and ten year licence terms.



Objective 4 To improve management of capacity – environmental and visitor

4.1 Identifying 'hotspots' and managing through booking systems

'Hotspots' is a term used to describe sites that are at or approaching their carrying capacity. Carrying capacity is often described as a threshold level of human activity or the maximum level of use an area can sustain without unacceptable impacts. If carrying capacity is exceeded, deterioration of the biophysical environment, reduced visitor satisfaction and other adverse social and cultural impacts can result.

It is the responsibility of land managers to identify and manage emerging hotspots. This management needs to be logical, transparent and collaborative, recognising the needs of tour operators/activity providers for reliable, predictable access and the pre-eminent rights of independent visitors to use public spaces.

Land managers have a number of tools at their disposal to manage hotspots, including:

- implementing a booking system for activities to share access;
- restricting the number of licences available to tour operators/activity providers;
- restricting access to all users;
- interpretive signage and other communication tools; and
- developing codes and agreements between key user groups.

If there is a sudden change in the carrying capacity of a site (e.g. as a consequence of an unforeseeable natural event such as a bushfire or flood), the land manager can re-negotiate or cancel licence terms and conditions with existing licensed tour operators/activity providers and refuse new licence applications in relation to that site. In addition, a booking system for activities may be required following such an event.

Submissions were broadly supportive of this approach, subject to land managers developing transparent and consultative mechanisms for assessing capacity and managing booking systems for activities, so that a consistent approach is maintained across the State.

One submission suggested that there are capacity issues at several marine national parks regularly visited by school groups (e.g. Barwon Bluff/Ricketts Point Marine Sanctuary) and sites that are used by divers (e.g. Popes Eye and Portsea Hole). Another submission referred to the capacity problems at Port Campbell National Park in summer. No other sites experiencing capacity issues were specifically identified by the submissions.

Some submissions noted that any booking system should include all group activity and not just licensed tour operators/activity providers, and that a fee should not be charged for a booking service. This view is supported and will be implemented.

Areas such as Cathedral Ranges State Park have a booking system for group activities, including tour groups and groups of recreational users. A form is filled out and submitted to the Parks Victoria Alexandra office, where the booking is recorded manually. Groups that do not book ahead are not assured of their access to the site, and groups that have booked in advance are given priority.

Parks Victoria has various booking guidelines for different sites. However, there are no state-wide booking guidelines. Parks Victoria will develop state-wide booking guidelines (for large group activities) and communicate the requirement to book through Parkweb and the Department of Education and Early Childhood Development (DEECD). Parks Victoria will assess the need for booking systems to be instigated at any additional sites.

Summary – Managing 'hotspots' through booking systems

- Parks Victoria will assess the need for booking systems or other management tools to be instigated at any identified sites.
- Parks Victoria will develop statewide booking guidelines (for large group activities).
- Parks Victoria will communicate the requirement to book through Parkweb and the Department of Education and Early Childhood Development (DEECD) at nominated sites.



FISHING – BRIGHT
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4.2 Managing capacity through competitive allocation of licences

As indicated under Objective 1, the proposal to issue competitively allocated licences in certain circumstances (particularly where safety, visitor experience or sustainability are concerned) was generally supported. Submissions called for:

- competitive licence allocation to be delivered through a transparent process;
- criteria to recognise innovation;
- licences to be awarded based on known qualitative criteria;
- minimum fees for competitively allocated licences to be at least equivalent as for all other operators; and
- ability to protect and enhance the environment, and activities to not be solely directed at the highest financial return.

All these principles are supported and are reflected in the document 'Competitive allocation of tour operator/activity provider licences – Guidelines for public land managers', which will be available soon to land managers.

Submissions also suggested that in establishing competitive processes, assessment criteria should not unfairly disadvantage small operators who may be unable to pay higher fees in competitive bids. One submission further suggested that opportunities be available for a consortium of small operators to bid for a particular competitively allocated licence. This approach is supported and will be considered on a case-by-case basis. Any such application should be consistent with the 'Competitive allocation of tour operator/activity provider licences – Guidelines for public land managers', which will be available soon to land managers.



Once legislative amendments are made to licence terms, land managers/Committees of Management may consider a competitively allocated licence term of up to ten years (subject to parliamentary approval), dependent on the management objectives for the site/species/resource. The benefits of this approach are a simpler system (rather than applying every two years), reduction of administrative costs and greater business security for tour operators/activity providers. Some submissions expressed concern that longer licence terms restricted land managers' ability to address emerging capacity issues discussed above (e.g. four competitively allocated licences are issued for ten years, but by the third year visitation increases beyond sustainable limits from both environmental and visitor safety perspective). This would not be desirable for tour operators/activity providers, and therefore the land manager needs to have the right to re-negotiate, refuse or cancel a licence where there are demonstrable and urgent concerns regarding visitor safety or environmental impact.

Submissions supported the idea of a "use it or lose it" policy for competitively allocated licences. This is supported and will ensure that licences are actually being utilised and that prospective operators are not being kept out of the industry.

Summary – Competitively allocated licences

- Once legislative amendments are made to licence terms, land managers/Committees of Management may consider a competitively allocated licence term of up to ten years.
- A consortium of small operators may bid for a particular competitively allocated licence and this will be considered on a case-by-case basis.
- If the competitively allocated licence is not used the licence will be cancelled i.e 'use it or lose it'.

CROAJINGOLONG NATIONAL PARK
PHOTOGRAPHER MARK WATSON
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Objective 5 To improve compliance

The Directions Paper proposed a number of initiatives to improve compliance with the licensing system, targeted to four broad areas:

- building incentives to become licensed;
- increased promotion of licensed tour operators and activity providers by land managers;
- better monitoring and enforcement of compliance with licence conditions; and
- prosecution of unlicensed tour operators and activity providers.

There were few submissions in relation to the proposals to build incentives to be licensed, but those submissions received strongly supported the proposals. There was strong support for introducing disincentives for tour operators and activity providers to be unlicensed, including those already proposed in the Directions Paper.

Additional suggestions in the submissions included:

- Active promotion of licensed operators, and removal of unlicensed operators from the VisitVictoria website.
- Regular communication to Victorian Information Centres and tourism associations to advise of the need for tour operators and activity providers on public land to be licensed and to remove unlicensed operators from their display.
- Communication to significant groups that regularly visit public land, including schools and scouts, to promote the use of licensed tour operators and activity providers. For schools this could be achieved through the DEECD circulars, Parks Victoria (Education Unit) regular e-mails and mail-outs, the education section of the Parks Victoria website (www.parkweb.vic.gov.au/education) and the DEECD "Safety Guidelines for Education Outdoors".

Additional suggestions from DSE, Parks Victoria and Tourism Victoria include:

- Discouraging unlicensed operators and promoting licensed operators through Parknotes, Parkweb and DSE website.
- Promoting international ready licensed operators at the Australian Tourism Exchange.
- Discouraging unlicensed operators and promoting licensed operators through the Victorian Outdoor Education Association website.
- Licensed tour operators (e.g 4WD providers) being considered a priority provider for any Parks Victoria or DSE staff training.
- Offering discounts for three-year licences and ten-year licences (e.g. \$200/year for a three-year licence compared with \$250/year for a one-year licence).

All of the above suggestions will be implemented.

The Directions Paper also proposed licence conditions be reviewed regularly to ensure they remain current, practical and enforceable. Parks Victoria reviews licence conditions annually to ensure conditions keep pace with park management practices. As indicated in the Directions Paper, if activity conditions appear to be in need of review, Parks Victoria may contract third parties to audit those conditions. Some submissions sought to clarify why such a review would be outsourced. The decision to outsource reflects the fact that land managers are not the appropriate body to establish current best practice for conducting outdoor activities. It is common for public sector agencies to seek external expertise in similar circumstances.

There was a strong response in the submissions to the Directions Paper's discussion of enforcing the licensing system and licence conditions. Many submissions called for greater monitoring of activity on public land to ensure tour operators and activity providers are complying with the need to have a licence and are observing the conditions of their licences.

Among the submissions were calls for all public land locations to be monitored for compliance. While the majority of locations employ park or forest rangers, continuous monitoring of all business activities on public land across the State remains impractical. Other submissions suggested a more strategic approach through periodic targeting of unlicensed operators at specific locations, on the basis of complaints or other intelligence.

Some submissions also proposed regular spot-checks of licensed operators to ensure compliance with conditions. Recognising the broader responsibilities of park and forest rangers, and in the absence of evidence of widespread breaches of licence conditions, it is proposed that any such checks be conducted on the basis of a series of complaints received or other documented intelligence, rather than as a random exercise. Not every complaint will be followed up; rather, once intelligence is gathered it will be acted upon by Parks Victoria or DSE.

Some submissions also indicated frustration at not knowing what action was taken after they had made a complaint to a land manager about unlicensed or non-complying activities, and sought a commitment to feedback.



In order to respond to these submissions, Parks Victoria and DSE propose to strengthen and formalise the complaint process and to provide the following:

- A toll-free number for licensed tour operators/activity providers, rangers or visitors to notify of the following:
 - breach of licence conditions by licensed tour operators and activity providers on public land managed by Parks Victoria or DSE; or
 - unlawful operations by unlicensed tour operators and activity providers on public land managed by Parks Victoria or DSE.

Information from phone calls will be entered into an 'information report' and then into an 'intelligence database'. Not every information report will be followed up, only where there are repeated offences or patterns emerging.

- Internal advice to park and forest rangers on the process for investigating cases where repeat offences have been reported (e.g. how complaints should be investigated) and the powers and remedies available (e.g. actions that the investigating ranger can reasonably recommend and when the decisions can be applied/enforced).
- Such powers and remedies may include:
 - written advice to an operator regarding the alleged breach, requiring the operator to respond and remediate within a set timeframe;
 - suspension or removal of licence (as stated in the licence); and
 - prosecution under the relevant statute for unlawful operations or breach of licence conditions (as stated in the licence).

As indicated in the Directions Paper, enforcement will be undertaken strategically in conjunction with whole-of-Government compliance initiatives. DSE and Parks Victoria will actively publicise enforcement action when it takes place.

Summary – To improve compliance

- Parks Victoria will create incentives to encourage greater uptake of licences into the public land tour operator and activity provider licensing system (e.g. licensed 4WD providers being considered a priority provider for any Parks Victoria or Department of Sustainability and Environment staff training required).
- DSE and Parks Victoria will actively promote the requirement for public land tour operators and activity providers to be licensed amongst the education sector.
- Parks Victoria will work with Tourism Victoria and the tourism industry to promote licensed operators and actively discourage promotion of unlicensed operators.
- DSE will document the complaints process in relation to unlicensed operations or breach of licence conditions, and Parks Victoria will communicate the process to all parks and forest rangers. An offence service centre will be established by the DSE and details made available on Parkweb and DSE website.
- Regular reviews of licence conditions will ensure that conditions remain current, practical and enforceable. Third parties may be contracted to audit activity-specific licence conditions.
- The demerit point system will be abolished.
- DSE will review the offence and penalty provisions across relevant Acts to ensure they are comprehensive, adequate and consistent.
- Enforcement will be undertaken strategically in conjunction with whole-of-Government compliance initiatives by Parks Victoria and DSE. Parks Victoria will actively publicise enforcement action when it takes place.



MITTA MITTA RIVER PHOTOGRAPHER: MARK WATSON COURTESY TOURISM VICTORIA



Objective 6 To manage all organised groups in an appropriate and equitable manner

The Directions Paper, while maintaining the distinction between business entities on public land and private recreational use of public land, recognised that there may be circumstances in which private group visits could be better managed to improve visitor experience and minimise risk for land managers.

Proposed policy direction 6.1 of the Directions Paper focussed on school groups and proposed that registered schools “be encouraged to contract or employ licensed tour operators and activity providers for group activities on public land”.

The submissions indicated that this statement could be misinterpreted by some to mean that schools would be required to use tour operators/activity providers instead of their own outdoor education teachers for activities on public land. This was not the intention of the Directions Paper.

The submissions sought clarification on the basis that many teachers, particularly in outdoor and environmental education, are appropriately trained and equipped to manage groups, and that it would be inappropriate to discourage schools from using trained teachers for these activities in favour of business entities.

However, the intention of the Directions Paper was to ensure that, where schools **choose to contract** an external provider for outdoor activities on public land, they use a **licensed** tour operator or activity provider. This is reflected in the Department of Education and Early Childhood Development (DEECD) ‘Safety Guidelines for Education Outdoors’. This requirement is also communicated through the DEECD circular and on the Parkweb (www.parkweb.vic.gov.au/education).

The Directions Paper also proposed the development of a better notification system in conjunction with the DEECD, so that land managers are notified when school groups are planning to visit certain nominated sites. The Directions Paper further proposed that land managers can institute a booking system at such sites, if necessary. As per Objective 4 (Booking Systems), currently there is a booking system in place for group activity (including tour groups and groups of recreational users) for Cathedral Ranges. Areas that may require a booking system in the future are the Great Ocean Road camping sites and Grampians National Park. A registration system for remote walking locations is currently being developed for Mount Difficult, the Fortress and the Plateau.

This approach recognised that at some popular sites for outdoor activities, conflict exists between tour operators/activity providers and school groups. This can mean

overcrowding and increased risk at sites, as well as a diminished experience for all parties.

Some submissions advocated stronger action, namely to require schools to seek approval before taking a group on any public land site rather than merely giving notification. Other submissions suggested schools be fully included in the licensing system. Such submissions reflected perceptions that school groups regularly breached safety and environmental guidelines and regulations.

In the absence of widespread evidence that school groups are carrying out visits in an unsafe manner, it is not proposed to apply the licensing regime to school groups. Such an approach would constitute over-regulation of a sector that already exercises significant duty of care. However, school groups will need to notify land managers if they are visiting public land. Other groups are also encouraged to notify land managers to ensure their access to public land.

Some submissions sought clarification on the DEECD enforcement mechanism. Should visitors or operators on public land observe unsafe behaviour by school groups, they should make a complaint to the school’s principal.

The Directions Paper also stated that: “Adventure Activity Standards (AAS) will remain the activity conditions for tour operator and activity provider licences where they exist. Where additional requirements are imposed on tour operators and activity providers as a result of the DEECD safety guidelines, these will be the responsibility of the school and the operator, not the land manager.”

Generally, submissions supported the approach proposed in the Directions Paper, but remained concerned that the DEECD guidelines may increasingly diverge from the AAS. While it is recognised that the AAS represent the industry’s code for self-regulation of outdoor activities, there is likely to be increasing confusion if the DEECD guidelines diverge significantly from the AAS. The Outdoor Recreation Centre is working closely with the DEECD to ensure its guidelines include the AAS.

With regard to organised groups other than schools, the Directions Paper (Objective 6.2) proposed that DSE and Parks Victoria continue to support the ongoing development of the AAS and their promotion among organised groups. Some submissions expressed concern that DSE and Parks Victoria as land managers would be actively promoting an industry code beyond the industry (e.g. to private citizens, whether in groups or otherwise). DSE and Parks Victoria will therefore support the Outdoor Recreation Centre in promoting the AAS to organised groups.



It is recognised that the AAS is primarily a self-regulatory code agreed to by industry as best practice for outdoor activity. On that basis, the Government has adopted the AAS as relevant conditions for licensing. However, it is recognised that it is not the responsibility of land managers to extend the application of an industry code to schools and the community through the licensing regime. As outlined earlier in this paper, the purpose of the licensing regime is to regulate business of public land, not to regulate all educational, community and recreational activity on public land.

Other submissions opposed the use of the AAS as best practice in adventure activity management. It is recommended that the authors of these submissions raise their concerns with the Outdoor Recreation Centre and be engaged in the ongoing review of the AAS.

The Directions Paper also proposed, under Objective 6.2, that DSE and Parks Victoria continue to invest in Parkweb as a point of reference for all organised groups and independent visitors, with links to other websites, as appropriate.

There was a strong positive response to this recommendation, with submissions suggesting specific communication tools useful to all visitors to public land, including:

- Minimal Impact Guidelines (developed by Leave No Trace) are included in most Adventure Activity Standards. These should be actively promoted to all visitors using public land, including school groups.
- Safety signs in various languages should be provided in high risk activities/areas.
- Information about the licensing system should be included on the DEECD website.



Summary – Organised groups

- Where schools choose to use external providers for outdoor activities on public land, they are required to use a **licensed** tour operator or activity provider.
- A better notification system for school visits to public land will be developed in conjunction with the Department of Education and Early Childhood Development, so that land managers are notified when school groups are planning to visit public land.
- Communicate to schools that they are required to notify land managers if they are visiting public land.
- A clearer process to enable visitors to lodge concerns or complaints about organised groups on public land will be instituted.
- The AAS will remain the source of activity conditions for tour operator and activity provider licences where they exist. Where additional requirements are imposed on tour operators and activity providers as a result of client-specific procedures or guidelines (such as schools following the Department of Education and Early Childhood Development Safety Guidelines for Education Outdoors), these will be the responsibility of the school and the operator, not the land manager.
- DSE and Parks Victoria will continue to invest in Parkweb as a point of reference for all organised groups and independent visitors, with links to other websites as appropriate.
- Information about the licensing system will be included on the DEECD website.
- Safety signs will be provided in various languages for high risk activities/areas, where required. Safety signs are already present at coastal crossings.
- Parks Victoria will provide minimal impact guidelines on Parkweb and will be working to bring together environment and safety aspects of the guidelines more closely.
- Booking systems will be developed in co-ordination with other and future booking processes.

LAKE CATANI, MOUNT BUFFALO
PHOTOGRAPHER JOHN DE LA ROCHE
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