

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

**ADMINISTRATIVE INSTRUCTION NO. 41**

**GUIDELINES FOR APPROVING COMMERCIAL  
OPERATORS' LICENCE CONCESSIONS**

## TABLE OF CONTENTS

1.	INTRODUCTION.....	3
2.	TYPES OF LICENCES.....	3
3.	LICENSING PROCESS.....	4
	(a) Roles and Responsibilities.....	5
	(b) Assessing Applications.....	6
4.	LICENSING PROCEDURE FOR UNRESTRICTED LICENCES - “T” CLASS.....	6
5.	LICENSING PROCEDURE FOR RESTRICTED LICENCES – “E” CLASS.....	9
	(a) Compatible/Necessary Operations.....	9
	(b) Expressions of Interest.....	10
6.	LICENCE FEES AND CHARGES.....	12
	(a) “T” Type (Unrestricted) licences.....	12
	(b) “E” Type (Restricted) licences.....	12
7.	LICENCE PERIOD AND RENEWALS.....	13
	(a) “T” Type Licences (Unrestricted) Renewals.....	13
	(b) “E” Type Licences (Restricted) Renewals.....	13
8.	LICENCE CONDITIONS.....	15
9.	PUBLIC LIABILITY INSURANCE.....	15
10.	LICENCE REPLACEMENT.....	15
11.	LICENCE DATA – STORAGE AND ACCESS.....	16

### APPENDICES

1. Commercial Activity Licence – Compliance Measures
2. Compatible Operations Flow-chart
3. Expressions of Interest Process Flow-chart
4. Nature Reserves Flow Chart

## 1. INTRODUCTION

The purpose of this instruction is to provide managers and staff with procedures relating to proposed commercial tourist licence concessions by private sector business on Division 2 Part VIII lands and waters. These lands and waters are defined in Section 98 of the *Conservation and Land Management Act 1984* and include national parks, marine parks, conservation parks, nature reserves, marine nature reserves, marine management areas and section 5(1)(g) lands.

Approvals are made within the context of Section 1.15 of the Department's Recreation Policy (No. 18).

The outcome of approval of such commercial concessions is a licence issued pursuant to sections 101 of the *Conservation and Land Management Act 1984*. The *Conservation and Land Management Regulations 2002* apply to licences.

These instructions will specifically address commercial licence concessions, which will be supported by:

- the Application for Licence (or Renewal) forms (CLM 149, CLM 149M),
- the Department's Tour Operators Handbook and the Department's Tour Operators Handbook - Marine
- Compliance Measures - Tour Operators
- Expression of Interest Probity Guidelines
- Fees Schedule
- Financial Administration Procedures for Cost Code Accounts.

## 2. TYPES OF LICENCES

A licence may be granted to enter and use land or waters to which the *Conservation and Land Management Act 1984* applies.

Licences are issued to facilitate concessions of a more itinerant nature or degree of access and are required for all commercial activities managed under the *Act* occurring on Division 2 lands and waters. Licensed activities generally do not involve substantial infrastructure. Licensed activities include nature-based tours (safari tours, adventure tours, charter boat tours (for all non-extractive activities), wildflower tours, etc) and minor retail outlets.

There are two types of licences - (i) "T" class (unrestricted) licences and (ii) "E" class (restricted) licences (both granted under Section 101 of the *Conservation and Land Management Act 1984*), covered by Division 2 and 3 of Part VIII of this Act.

Most activities will fall into the category of the **"T" Class**. This is when the number of operators providing an activity within a certain location are not required to be

restricted for environmental, management or safety reasons. Therefore the number of licences are not required to be restricted.

Where the Department wishes to restrict the number of commercial operators for a particular location and/or activity, based on environmental, management or visitor safety reasons, the number of licences issued will be required to be limited. These restricted licences issued are termed "E" Class. In most cases restricted licences will be issued through a competitive application process (eg Expression of Interest).

**NOTE: Wildlife interaction tours operating within lands and waters managed by the Department will require both a commercial activity licence in accordance with the *Conservation and Land Management Act 1984 and Regulations* and a wildlife interaction licence in accordance the *Wildlife Conservation Act 1950 and Regulations*.**

### 3. LICENSING PROCESS

From time to time Districts, Regions and Parks Policy and Tourism Branch (PPT) will receive proposals to establish a commercial tourism operation, or they will want to license tour operations that are presently occurring but are not licensed. Districts, Regions or PPT will need to provide proponents with:

- commercial activity application forms – CLM 149 for terrestrial activities or CLM 149M for marine activities; and
- the Tour Operator's Handbook or Tour Operator's Handbook – Marine. (These handbooks apply to "T" class (unrestricted) activities only.)

The licensing process will be dependent on whether there is a management plan for the specific park in question. If there is a management plan and the activity is consistent with the plan then the application can proceed through the assessment process.

Operators may need to be advised of management issues regarding the activity or location. Districts and Regions may need to discuss these with the operators when assessing an application. In most cases, management objectives may be achieved through the application of appropriate operating conditions to the licence. When this is the case a "T" class (unrestricted) licence is appropriate. Most licences will be "T" class.

Where there is a management plan for the specific park the licensing process should ensure that:

- (i) the activity is consistent with the management plan(s) or other planning approvals for the reserve(s);

- there are appropriate licence conditions within the Handbooks or that new licence conditions are developed in liaison with Park Policy and Tourism Branch (which will be included in the Tour Operator's Handbooks on a quarterly basis);
- Park Policy and Tourism Branch obtain Conservation Commission (terrestrial) and/or Marine Parks and Reserves Authority (MPRA) endorsement and the Swan River Trust, if applicable and Ministerial (terrestrial and marine) approval to issue a commercial activity licence;
- Park Policy and Tourism Branch issue the licence and copies of these records are sent to the regions/districts for their records.

Note: If the activity is not consistent with the management plan the applicant will need to be informed and requested to modify their application to continue with the assessment process.

If there is no management plan for the park in question then the assessment process can take an alternative course. (see Compatible/Necessary Operations and Expressions of Interest).

### **3(a) Roles and Responsibilities**

The overall roles and responsibilities for the licensing system are as follows:

#### ***Park Policy and Tourism Branch***

- monitor and guide the application process;
- provide advice on commercial aspects;
- refer applicants to districts/regions for operational information;
- ensure a consistent approach through annual consultation with recreation and tourism staff (e.g. workshops and training programs);
- organise workshops and meetings with operators as required;
- liaise with proponents on policy and procedural issues;
- seek feedback from regions/districts regarding licence conditions;
- develop, standardise and update licence conditions (conditions are incorporated into the Licence Applications and Tour Operator Handbook's);
- consult with Conservation Commission, Marine Parks and Reserves Authority (MPRA) and the Swan River Trust (if applicable), Ministers and other approval;
- administer the issuing and renewal of licences;
- develop and review licensing system;
- develops and reviews policy for the licensing system;
- develop educational material on licensing requirements for the public;
- provide broadcast emails to District /Regions and Operators; and
- update the commercial tour operators database.

## *Regions/Districts*

- monitor to ensure operators are currently licensed;
- assess and approve proposed areas of operation (provided on maps) to ensure activities are located accordingly, discuss with operator's alternative areas if proposed areas are unsuitable;
- liaise with proponents on park specific and day to day management issues;
- monitor compliance with licence conditions (see Appendix 1 - Commercial Activity Licence Compliance Measures) particularly the payment of visitor fees, where they apply;
- collection of E Class licence charges and T Class licence charges (if applicable);
- ensure activities/locations grid tables (terrestrial reserves) are reviewed and up to date;
- review and advise of additional terms and conditions for the handbooks (operators will be informed of additional conditions on a quarterly basis);
- review and advise on terms and conditions for renewals for E class licences (preferably 6 months prior to expiry of licences).

### **3(b) Assessing Applications**

If there is a management plan and the activity is consistent with the plan the application can proceed to the assessment process.

When assessing an application the District/Region should consider the following:

6. Is there a management plan for the specific park;
5. Is the activity consistent with the management plan. This may require further information from the operator determining the area of operation and whether the activity is consistent with the purpose of the park (zone - marine applications);
  - Does the activity already occur in the park;
  - Whether the activity is likely to have impact on the environment or is there infrastructure already available to minimise impact;
  - Can the licence conditions in the relevant handbooks manage the activity appropriately;
  - Is there likely to be a conflict of use with other users of the park;
  - What is the likely affect of granting permission on future options for the park;
  - The nature and scale of the proposed use in relation to the existing use and amenity, and the future and desirable use and amenity of the relevant area and of nearby areas.

### **4. LICENSING PROCEDURE FOR UNRESTRICTED LICENCES - "T" CLASS**

The licensing procedure for T Class (unrestricted) licences is as follows:

First contact from a prospective tour operator may occur verbally, through a letter or through a completed application form. The Licence Application Form records key information necessary to process the application. An applicant must complete an Application Form before processing can commence. All forms and the handbooks can be downloaded from NatureBase:

[http://www.naturebase.net/tourism/tour\\_operators/how\\_to\\_become.html](http://www.naturebase.net/tourism/tour_operators/how_to_become.html)

*Region/District or Park Policy and Tourism Branch (as appropriate)*

2. Post to the applicant the following:

- Application Form (CLM 149 or CLM 149M)
- Tour Operators' Handbook or Tour Operator's Handbook - Marine (New licences only)
- Change of address postcard
- National Parks and Forest Guide (terrestrial activities)
- Accreditation (TCA and NEAP) Brochures
- Marine Guide (marine activities - to be developed)
- A Visitor's Guide - Fees and Charges
- The current Perth Outdoors Newspaper
- Flyer from Interpretation Section - eg Developing Eco course and Best Recipes

### *Applicant*

3. Sign and complete the Application Form and return to Park Policy and Tourism Branch, Como, together with \$50 Application fee and appropriate licence charge and all other relevant information.

### *Park Policy and Tourism Branch*

4. Deposit Application fee and licence charge into fund 243 906 LMG 2 (GE53). Forward a letter of receipt for the application and application fee to applicant.
5. Enter application details into Commercial Tour Operator's Database (RATIS – see PPT Branch - Commercial Activity Licensing Manual).

(a) In general, terrestrial applications will not be referred to Regions/Districts. Applications will be referred to Regions/Districts when activities are questionable.

(b) Refer marine applications and maps to Regions/Districts. Districts may require further information on area of operation. In general approval for marine activities will be dependent upon areas of operation.

### *Region/District*

Contact applicants to discuss any issues of concern, if applicable. Complete Assessment form available on CALMWeb:

[http://calmweb.calm.wa.gov.au/drb/rptd/pptb/pdfs/CTO\\_Assessment.pdf](http://calmweb.calm.wa.gov.au/drb/rptd/pptb/pdfs/CTO_Assessment.pdf)

7. Review and revise terrestrial activity/location grid tables and Tour Operator's Handbook(s) licence conditions to ensure licence applications and Handbooks are always up to date.
8. If the application is referred to the district for advice and approval, review the application in the context of relevant management plans and the area of operation provided on the maps. Further information/clarification from the applicant may be required. If the activity is new, conditions will need to be developed which will be attached to the relevant Tour Operator Handbook.
9. Send comments with assessment form, conditions and revisions to Park Policy and Tourism Branch, if applicable.

### *Park Policy and Tourism Branch*



10. Consolidate and standardise district/region comments and special conditions, if applicable.
11. Update licence conditions for relevant handbooks as required.
12. Incorporate terrestrial applications into batch to consult with the Conservation Commission for Section 99 (1) (a) endorsement. Batches to be submitted on a monthly basis.
13. Incorporate marine applications into batch to consult with the MPRA and Swan River Trust (if applicable) for Section 99 (1) (a), for endorsement. Batches to be submitted on a monthly basis.
14. Incorporate both terrestrial and marine applications into the batch for the submission to Minister for Section 99 (1) (a) approval.

**Note - If the approval 8, 12, 13 or 14 is not forthcoming then the applicant must be advised in writing that the application is unsuccessful or asked to modify the proposal.**

15. Following approvals 12, 13 and 14, if all relevant information is not submitted with the application, advise applicant that approval has been obtained for licence to be granted, subject to proof of public liability insurance cover and payment of appropriate fees and charges or other documents as appropriate.
16. Print Licence showing approved activities and areas and licence period and forward this to the Executive Director (ED) (via Director) for signature and return to Park Policy and Tourism Branch.
17. Upon receipt of the Licence signed by the ED and proof of insurance and any outstanding fees and charges from applicant, Park Policy and Tourism Branch will issue to the applicant:
  - original signed Licence
  - Tour Operator's handbook, with a copy of the Licence (a specific page has been allocated for attaching a copy of the licence in both the terrestrial and marine handbooks). Issue one handbook for every licensed vehicle/vessel.
  - Commercial Operators' Activity Docket Book (on request)
  - standard letter inviting subscription to LANDSCOPE journal
18. Provide summaries of licence holder's approved activities/areas, to each District/Region (those that are not accessible to RATIS) on a quarterly basis and place the original signed Application and copy of the Licence Form onto Head Office commercial operator's file.

19. If the application is for a long term licence (3 or 5 years) because the operator has achieved the required level of accreditation note records accordingly.
15. A *one-year licence* is issued to an operator who is **not accredited** with any program. These operators are ineligible for long-term licences.
16. A *three-year licence* is issued to an operator who is accredited with **one tourism program**. The operator can be accredited with a business accreditation program such as the National Tourism Accreditation Program (WA) operated by the Tourism Council of Western Australia (TCWA) or an ecotourism activity or product accreditation program such as the Nature and Ecotourism Accreditation Program (NEAP).
  - A *five year licence* is issued to an operator who is accredited with **two tourism programs** such as a business accreditation program and an ecotourism activity/product accreditation program.

If accreditation is not maintained, or is suspended because of a breach of criteria, any long-term licences may be suspended or cancelled.

Refer information on NatureBase:

[http://www.calm.wa.gov.au/tourism/tour\\_operators/licensing\\_procedures.html](http://www.calm.wa.gov.au/tourism/tour_operators/licensing_procedures.html)

### *Region/District*

20. Monitor performance of licence holder (see attached compliance measures-Appendix 1) and review licence conditions, as necessary.

## **5. LICENSING PROCEDURE FOR RESTRICTED LICENCES - "E" CLASS**

There may be circumstances, however, when conditions alone may not be adequate to ensure that the licensed activity is sustainable and manageable. In these circumstances, licence numbers may need to be limited, requiring an "E" Class licence.

E Class licences are issued where it is necessary to restrict the number of licences for similar activities at a particular location or for all activities at a particular location for environmental, management or visitor safety reasons, including the protection of life, property or the environment. Licence numbers are limited only in circumstances where the Department's management objectives cannot be achieved solely through appropriate licence conditions.

Generally this type of licence is issued subsequent to calling for Expressions of Interest. There may be strong demand for these licences because they can provide an element of protection from competition as a result of the restriction on the number of licences issued.

E Class licence applications are coordinated by Park Policy and Tourism Branch. Please contact the relevant officer within that Branch to discuss the option of restricting licences for the proposed activity. (Also see Expressions of Interest and Probity Guidelines)

### **5(a) Compatible/Necessary Operations**

If there is no management plan for a reserve, a licence cannot be issued unless the activity proposed for the reserve is deemed to be either a necessary operation (in the case of nature reserves or marine nature reserves) or a compatible operation (in the case of national parks, conservation parks and marine parks).

Necessary operations are those operations that are:

- (a) necessary for the preservation or protection of persons, property, land, flora or fauna; or
- (b) necessary for the preparation of a management plan.

Compatible operations are those operations that are:

- (a) necessary operations as defined in Section 33 (3) (b) of the *Conservation and Land Management Act*;
- (b) approved by the Minister as being in his/her opinion compatible with the purposes for which the park is managed.

In the case of compatible operations, the Act requires that the public is notified of any proposed compatible operations within a reserve and given an opportunity to comment (see Appendix 2 – Compatible Operations Flow-chart).

Nature Reserves – commercial activities should only be licensed on Nature Reserves if the Reserve is vested for the purpose of recreation. (See Appendix 4 – Flow Chart)

### **5(b) Expressions of Interest**

It is appropriate to advertise for Expressions of Interest from the private sector where a single or several concession opportunities have been identified on a reserve(s). Normally such concessions will attract "E" Class (restricted) licences. The Expressions of Interest process would not normally be initiated for licences. However, an Expression of Interest process may be called on a park wide basis for tourism activities in general. Such advertisements may generate interest in activities where a licence is appropriate. The Expression of Interest process will be coordinated by Park Policy and Tourism Branch staff (see Appendix 4 – Expression of Interest process Flow-chart and Probity Guidelines), and managers should liaise with this Branch. A summary of the procedure is as follows:

1. Establish a project planning team/assessment panel which may include representatives from the Region, District, Marine Conservation Branch, Recreation Planning and Design Section, Park Policy and Tourism Branch, Wildlife Conservation Branch, Western Australian Tourism Commission, other relevant staff and consultants, as appropriate.
2. Ensure planning approvals are in place (management plan, compatible operations, necessary operations, Department of Environmental Protection, etc) or are achieved at some relevant stage(s) during the process.
3. Undertake a field study, if required, to determine:
  - a detailed "development concept"
  - site selection criteria and suitable development sites
  - aesthetic and environmental design objectives for any development associated with the activity
4. Include the selection criteria to be used in the assessment of submissions - criteria relates to environmental protection, education/interpretive component, proponents qualifications and experience, ethos of the proposed activity, consistency with planning approvals, financial and other return to the Department.
5. Develop the documentation to be made available to applicants. This will usually include:
  - Summary
  - Introduction
  - Commercial Tourism on Lands and Waters Managed by the Department
  - Background
  - Description of the commercial tourism opportunity:
    - general
    - location
    - operation type
    - a summary of the objectives
    - an indication of the formal agreement (licence) sought
    - an indication of the licence charge
  - Making a Submission (submissions should address):
    - proposed activity
    - development cost and timing
    - proponent entity details
    - tourism aspect of the proposed product
    - address for delivery

- Selection criteria
  - Selection process
  - Further information - relevant departmental officers contact details
  - Probity Guidelines
  - Evaluation Process & Methodology
6. Develop a Notice for placement into one or two consecutive issues of local and the West Australian newspapers. The period for submissions should be at least six weeks, if applicable. All submissions are received at the Tender Box at Kensington as per the normal tender process.
  7. Record all enquiries and keep a file of all submissions received.
  8. Assess each submission based on the selection criteria - shortlist applicants and conduct interviews if required (Refer Assessment process & Methodology document).
  9. Determine the licence conditions (Schedule 1) with District/Region in consultation with the applicant.
  10. Seek endorsement from the Conservation Commission (terrestrial activities) and/or the Marine Parks and Reserves Authority (MPRA) and/or the Swan River Trust and approval from the Minister (terrestrial and marine) to issue the licence(s) to the selected applicant(s).
  11. Send a letter of offer together with Schedule 1 (for licences) **or** the lease document, to approved applicant(s) for signature and return to the Department. Consultation over the licence conditions with preferred applicant(s) may be necessary.
  12. Issue the Licence(s).

## 6. LICENCE FEES AND CHARGES

The *Conservation and Land Management Regulations 2002* provide for both fees and charges in relation to licensing of commercial activities as follows:

- Regulation 83(1)(b) provides for a licence application fee.
- Regulation 97 provides for a licence renewal fee.
- Regulation 98(1)(d) provides for a licence charge for the use of land, services and facilities the subject of the licence.

Refer Schedule 1 Division 8 of the Regulations for application and renewal fees.

There are two types of licence and these should be administered as follows:

**(a) T Type (Unrestricted) Licences**

The application and renewal fees and the licence charges for T Class licences should be credited to short code 243 06 32 632 5526 0000 LMG which is administered by Park Policy and Tourism Branch.

**(b) E Type (Restricted) Licences (see Assistant Administrator Manual)**

E Class licence application and renewal fees only, are to be credited to revenue code 243 06 32 632 5526 0000 LMG and will contribute toward Park Policy and Tourism Branch licence administration costs.

The charge for an E Class licence is usually based on a percentage of the tour operator's gross turnover or on a per capita basis. The revenue would normally be used to provide for management, facilities or services, and to undertake research and monitoring associated with the licensed activity. The circumstances requiring licence numbers to be limited often require an intensive management approach.

All charges are to be credited to the Region or District cost centre. Regions and Districts should establish revenue codes to accept these charges (see Restricted "E" Class Cost Account Set-up).

**Note that when determining charges for "E" Class licences a consistent method for licensed activities of a similar nature will be applied. Liaise with Park Policy and Tourism Branch to determine an appropriate charge.**

**Note that it is the responsibility of the Region or District to invoice licence holders and to process the revenues from charges made for "E" Class licences.**

The charge will be applied using the most efficient and appropriate arrangement. Alternatives include:

- (i) As a set percentage of total receipts. To be paid quarterly, or to an agreed timetable, and based on a daily log which details client numbers and total receipts submitted periodically by the licence holder.
- (ii) As a per client (per head) charge. To be calculated as a percentage of the price of the tour(s) taken by the client. To be paid as above.
- (iii) As a set percentage of total receipts paid to an agreed timetable based on the independently audited financial records of the licence holder. Note that

audit fees are substantial and this method should not be applied to an operator whose viability is consequently threatened.

(iv) As a set charge paid to an agreed timetable independent of the income derived from the licensed operation.

## 7. LICENCE PERIOD AND RENEWALS

Licences can be issued for a period of up to five years, with the option of renewal for up to another five-year period.

### (a) T Type Licences (Unrestricted) Renewals

T Class renewals follow the same process as a T class application, once a renewal notice has been sent. This notice will be arranged as follows:

<p><i>Park Policy and Tourism Branch</i></p> <ol style="list-style-type: none"><li>1. Approximately 120 days in advance of licence expiry, write to current licence holder seeking applications for licence renewal. Include:<ul style="list-style-type: none"><li>• Licence Application/Renewal Form</li><li>• Details Postcard</li><li>• National Parks Guide etc</li></ul><p>Application for renewal etc is to be received by 60 days prior to expiry date. A late response will result in delayed renewal, however Park Policy and Tourism Branch will automatically send a reminder notice and/or investigate alternative contact arrangements.</p></li><li>2. Upon receiving the licence holder's completed Application/Renewal Form and renewal fee, confirm that public liability insurance is current and any Security has been received, if required; deposit the renewal fee into account 243 906 LMG 2 (GE53) and issue a receipt.</li></ol> <p><b>The following process is the same as the application process for "T" Class licences (see Section 4 Licensing Procedures for Unrestricted Licences)</b></p>
---

### (b) "E" Type (Restricted) Licence Renewal

E Class licences may be issued for up to a five year period, with the potential to renew for up to another five year period. If the option of renewing an E Class licence is appropriate the following arrangements will apply:

***Park Policy and Tourism Branch***

- Approximately -12-18 months prior to licence expiry, write memo to regions/district seeking feedback on licence conditions and operations report for licence renewal.

***Region/District***

- District /Region should review the licensed operation within a report format. Report should include:
  - Review of licence conditions
  - Review of number of licences issued
  - Incident reports and breach of licence conditions, if applicable
  - Concerns relating to the licenced activities, if applicable
  - Consult with current licence holder in conjunction with PPT and other stakeholders if necessary
- 3. Recommendations for the renewal licence period
- 4. Forward Licence Report to Park Policy and Tourism Branch. Licence Report is to be received by PPT preferably 12 months prior to expiry date. A late response will result in delayed renewal, leading to uncertainty and marketing difficulties for the tour operator.

***Park Policy and Tourism Branch***

- 5. Upon receiving the licence report Park Policy and Tourism can seek the Conservation Commission and/or Marine Parks and Reserves Authority and Swan River Trust, if applicable, endorsement.
- 6. Pending endorsement from the CC/MPRA/Swan River Trust, refer the licence renewal information to the Minister for approval to issue/renew the licence.
- 7. Following endorsement from the CC/MPRA/Swan River Trust and the Minister, send Licence Form to the Executive Director for signature and return to Park Policy and Tourism Branch.
- 8. Following endorsements and approvals, send to the applicant:
  - letter of offer for renewal licence
  - appropriate application form
  - schedule 1 and general licence conditions for signing
  - maps of operation/site plans (if applicable)
  - any other information required, specific to the licenced activity



### ***Applicant***

9. Applicant to send above information to Park Policy and Tourism.

### ***Park Policy and Tourism***

10. Upon receiving the following from the applicant:
  - signed Schedule 1 and General Licence Conditions
  - copy of the current Insurance policy
  - application form
  - maps of operation/site plans
  - any other relevant information requested (eg. SPV certificate)
11. Upon receipt of the above, issue:
  - licence signed by ED
  - a copy of the signed Schedule 1 and General Licence Conditions
  - a copy of the maps of operation/site plans
12. Place the original of the signed Application, Schedule 1 and maps/areas of operation and a copy of any other licence documents on Head Office file. A copy of all the licence documents must go to the relevant Region(s)/Districts.

### ***Region/District***

13. Make copies of the licence documents available to appropriate staff.

## **8. LICENCE CONDITIONS**

It is important that conditions are applied consistently. Park Policy and Tourism Branch has created a system for storage of all conditions used on all licences (see Tour Operator Handbooks).

Standard conditions to be applied to every licence are set out in the Tour Operator Handbook. Licence conditions will be updated and distributed to tour operators by Park Policy and Tourism Branch as required in the form of an amendment to licence conditions. The Tour Operator Handbooks will be reprinted as required. Park Policy and Tourism Branch will receive revised licence conditions at any time.

## **9. PUBLIC LIABILITY INSURANCE**

Public liability cover that indemnifies the Executive Director against claims arising from the licensed activities is compulsory. A standard indemnity clause is included in the Application/Renewal Form. The Form must be signed to acknowledge agreement to this requirement. A licence will not be issued if proof of the

appropriate insurance cover for the proposed licence period has not been verified and recorded, by a Park Policy and Tourism officer.

## 10. LICENCE REPLACEMENT (E CLASS)

Licences are not transferable. However, where a licence holder is selling a business dependent on a licence, the licence holder must inform any prospective purchaser that the licence is not transferable and that the purchaser would be required to make application for a replacement licence to be granted. In this case may, in the best interests of the Department's objectives for the land or waters in question, choose to recommend:

- the granting of a replacement licence to the purchaser. The following sequence of events would need to take place for a replacement licence to be considered:
- The Department would require evidence of managerial, financial and technical skills/experience of the prospective licence holder.
- The Department would require evidence of suitable experience in tourism and business enterprises of the prospective licence holder.
- The Department would also need to receive information to demonstrate a continuance of involvement by the prospective licence holder in providing the service.
- The Department would need to receive an application from the prospective licence holder for a replacement licence, subject to the purchase being successful. The Department would also need to receive written confirmation from the existing licence holder that they have sold their business or part of the business and would not require further use of the licence (ie relinquishment of the licence);
- The Department would then, subject to a favourable assessment of the application, seek the approval of the Minister for the Environment to grant a replacement licence, subject to:

Legal confirmation from the existing licence holder that his

(a) interest in the business has been sold; and

b) completion of all licence obligations by the existing licence holder (in this case, the payment of all outstanding licence charges including the provision of daily passenger records for this period).

Subject to these approvals, the existing licence will be terminated, effective from the date determined and the replacement licence granted to take effect from that date.

**Note: It should be stressed to licence holders and prospective licence holders that a replacement licence process is not automatic and that the endorsement of the CC or MPRA and Swan River Trust (if applicable) and the approval of the Minister cannot be guaranteed.**

Regions and Districts should liaise with Park Policy and Tourism Branch in these circumstances.

## **11. LICENCE DATA - STORAGE AND ACCESS**

Licence details taken from the Application and Renewal forms are stored on computer at Park Policy and Tourism Branch using a database program (see Commercial Operators Manual). Where possible, RATIS (on-line access) will be made available to Regions and Districts.

A paper copy of the current, summarised, licence information will be forwarded to Regions for reference and distribution to appropriate staff and administration centres, where RATIS is not available.

Originals of the signed Application/Renewal Form and copies of the other licence documents and associated correspondence must be stored on an appropriate Head Office file.

There are three filing systems for commercial tour operators. These are:

- Individual files for all licence holders (check RATIS for File Number).
- General Tour Operators files
- Separate unlicensed Operators file

In some cases, where several E Class licences have been issued for similar activities, for example whale shark interaction tours, it may be appropriate to create a separate file, under the same subject area, to combine all information for those related licences.

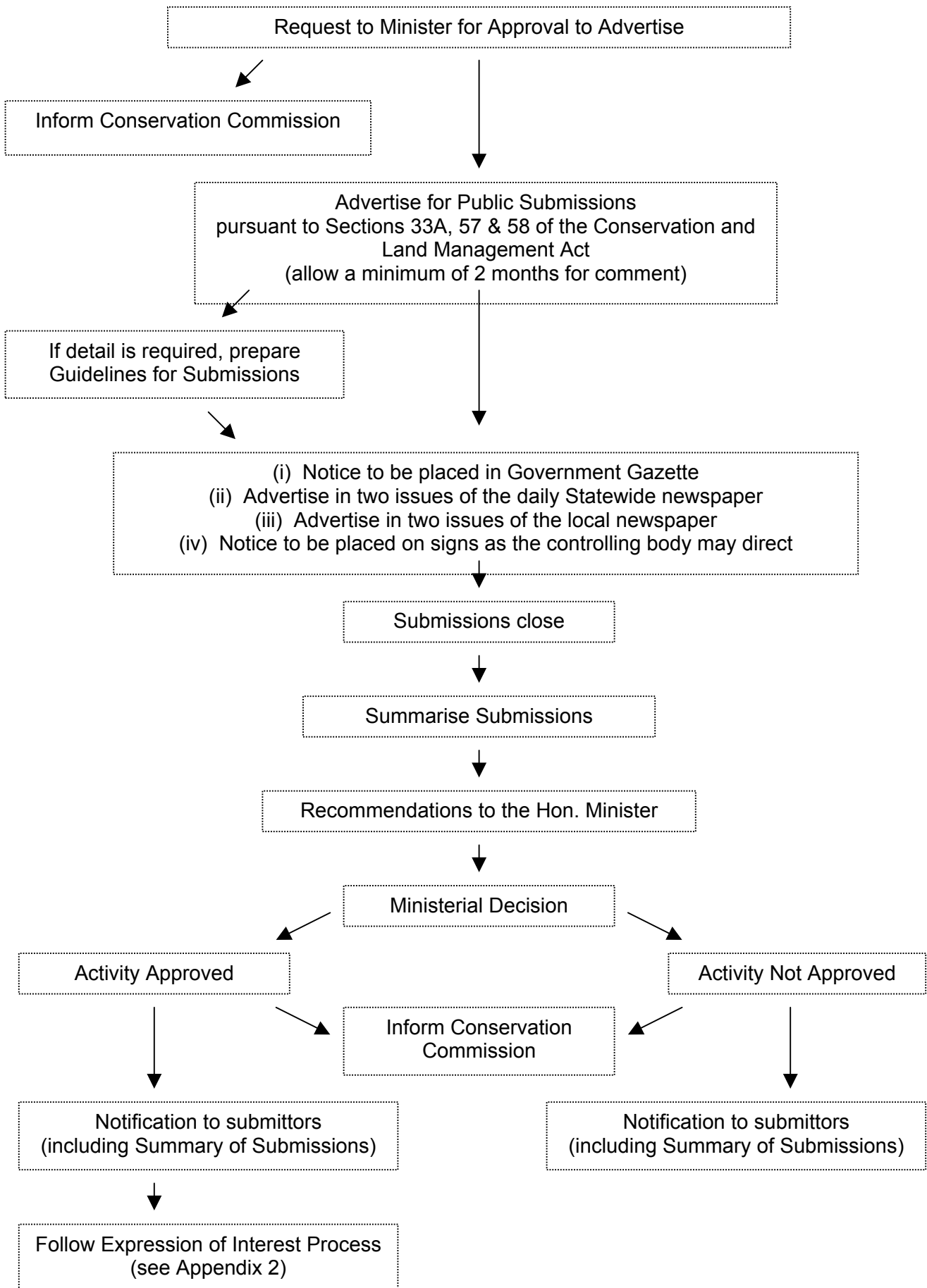
If negotiations with an operator do not result in a licence being issued, then accrued information should still be placed on file as above.

Regions and Districts are encouraged to develop the same filing procedure.

PPT will forward copies of relevant correspondence pertaining to each licence to Districts/Regions as it sees fit. Regions and District are encouraged to do like wise.



# COMPATIBLE OPERATIONS



# EXPRESSIONS OF INTEREST PROCESS

**Prepare Guidelines for Submission including Assessment Process and Methodology and Probity Guidelines**

- (i) Involve District/Region
- (ii) Involve all relevant Department branches
- (iii) Involve WATC
- (iv) Involve all other relevant organisations



**Advertisement**

(allow a minimum of 4-6 weeks for comment)

*advertisement briefly describes opportunity and directs interested parties to obtain Guidelines for Submissions*

- (i) Advertise in the daily State-wide newspaper for two consecutive weeks
- (ii) Advertise in the local newspaper for two consecutive weeks



**Guidelines for Submissions and a copy of the advertisement to be sent to:**

- (i) Current operators of the opportunity (if applicable)
- (ii) Organisations involved in the opportunity (e.g. WATC, local shire)
- (iii) Anyone on file who has previously expressed interest in the opportunity – check files thoroughly
- (iv) Those who respond to the advertisement (advertisement not required)



Submissions close



Inform submitters of acceptance of submissions and process



Assess/Analyse Submissions



Consideration by Corporate Executive



Refer to Conservation Commission or Marine Parks and Reserves Authority (if applicable) for Approval



Proponent Approved

Refer to Minister for Approval

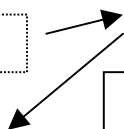
Proponent Not Approved

Proponent Approved

Applicants Advised

Applicants Advised

<p><b>Lease</b></p> <ul style="list-style-type: none"> <li>• Document negotiated by PPT</li> <li>• Document prepared by CSO</li> <li>• Execution</li> <li>• Tabled in both Houses of Parliament within 14 sitting days</li> </ul>	<p><b>Licence</b></p> <ul style="list-style-type: none"> <li>• PPT drafts licence conditions</li> <li>• Forward to District / Region / Proponent for comment</li> <li>• Offer licence(s) with licence conditions for acceptance.</li> <li>• If accepts licence conditions and provides insurance, issue licence</li> </ul>
---	--



# LICENSING IN NATURE RESERVES

