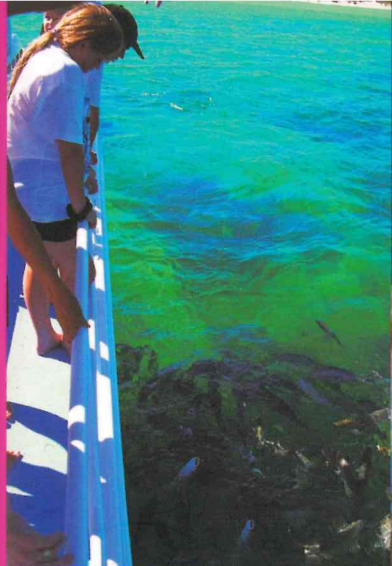




-MARINE- TOUR OPERATOR HANDBOOK



**THE OFFICIAL MANUAL OF LICENCE
CONDITIONS FOR MARINE
TOUR OPERATORS ENTERING
CALM-MANAGED WATERS AND LANDS**



Effective from 1 January 1999



DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

TOUR OPERATOR HANDBOOK - MARINE

THE OFFICIAL MANUAL FOR CALM-LICENSED
MARINE TOUR OPERATORS

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Department of Conservation and Land Management

CONTENTS

INTRODUCTION	4
Who We Are, How Do You Fit In, Why We License, Why This Handbook, How To Use This Handbook, Licensing Penalties, Further Information	
STANDARD OPERATING CONDITIONS	9
Boat Tours, Scuba Diving, Snorkelling, Coral Viewing, Sightseeing, Sea Kayaks/Canoeing, Small Craft Hire/Parasailing/Windsurfing, Jet Ski, Float Planes, Hovercraft, School Programs	
KIMBERLEY REGION	18
Kununurra Regional Headquarters, West Kimberley District	
PILBARA REGION	22
Karratha Regional Headquarters, Exmouth District	
MID WEST REGION	26
Gascoyne District	
SWAN REGION	28
Perth District	
GENERAL CONDITIONS	33
ADDITIONAL CONDITIONS	36
GENERAL LICENSING INFORMATION	37
CUSTOMER SERVICE STANDARDS	40
CLOSED SEASON NOTICES	42
MAPS	49
REFERENCE LIST	52
NOTES	53
LICENCE	56

INTRODUCTION

Western Australia has one of the most magnificent environments on earth. It encompasses everything from remnant rainforests, karri and jarrah forests, mangroves, heathlands, wetlands, coral reefs and deserts. These are combined with ancient landscapes, beaches and gorges, the World Heritage Property of Shark Bay, the Coral Coast of Ningaloo Marine Park and the pristine reef systems of the Rowley Shoals.

In order to conserve the areas of the marine environment, while ensuring there is an equitable balance among various uses and that these uses do not have a detrimental impact, a structured multiple-use marine conservation reserve system is used.

The multiple-use marine conservation reserve system has two primary roles:

- to preserve representative, as well as special ecosystems in the marine environment; and
- to put a formal management framework in place to ensure the various uses of marine conservation reserves are managed in an equitable, integrated and sustainable manner.

The State Government's *New Horizons - The Way Ahead* strategy outlines that the principal thrust of the marine conservation effort will be to have one comprehensive marine conservation reserve system under the Conservation and Land Management Act, administered by the Department of Conservation and Land Management (CALM).

A key element of the *New Horizons - The Way Ahead* strategy is the establishment of the Marine Parks and Reserves Authority (MPRA) in which marine conservation reserves are vested. The MPRA's primary role is to oversee the development of marine reserve policy and management plans and their implementation by CALM.

WHO WE ARE

CALM is the State Government agency responsible for the overall management of marine conservation reserves. The marine conservation reserves comprise marine nature reserves, marine parks and marine management areas. CALM is also responsible for managing national parks, nature reserves, conservation parks (see page 37 for definitions), and conserving native plants and animals throughout the State and managing their sustainable use.

To ensure that these areas are effectively managed and conserved, CALM licenses commercial activities in accordance with Section 101 of the Conservation and Land Management Act, 1984.

HOW DO YOU FIT IN

You, as an operator, have a role to play in ensuring that the marine conservation reserves in which you operate in are conserved for the benefit of present and future generations, by minimising your impact.

The State has a role to ensure that the marine environment of Western Australia is conserved and managed on an ecologically sustainable basis for the benefit of present and future generations.

The State's responsibilities and obligations in conserving and managing the marine conservation reserves are in line with the Commonwealth's framework for achieving a similar outcome.

In turn, the Commonwealth has made an international commitment to the protection of marine biodiversity and ecological processes and the sustainable use of marine resources.

Therefore, your efforts in minimising your impact on the marine environment will benefit the global commitment in protecting and ensuring that ecologically sustainable development of our oceans is achieved.

WHY WE LICENSE

Commercial activity licenses and conditions provide the mechanism to ensure that the marine conservation reserves are managed for ecological sustainability. These commercial activity licenses and conditions are issued in accordance with the CALM Act and Regulations.

The issuing of licences enables CALM to monitor and manage access and use of the waters under its control, and ensure that the conservation values of these areas are maintained. By protecting these values, tour operators will be able to repeatedly return to the same location and find them in an unspoiled condition.

Tour operators who have received a licence are then required to abide by conditions set out by CALM. The conditions that apply to most T-class (see page 38 for definition) licence holders operating within CALM Act marine conservation reserves have now been consolidated into this handbook.

WHY THIS HANDBOOK

This handbook serves a number of purposes:

- To educate and inform tour operators and tour guides as to how they can help maintain and protect Western Australia's natural environment for the long-term benefit of the Western Australian tourism industry.
- To minimise risks to park visitors.
- To outline opportunities that are available to tour operators who are already conducting, or wish to conduct, activities on lands and waters managed by CALM.
- To clearly identify which conditions apply to specific activities and areas.
- To be a legal and enforceable document that licence holders must abide by or risk penalty.

HOW TO USE THIS HANDBOOK

There are three easy steps to take to ensure that you are aware and abide by the appropriate licence conditions for your specific activity(ies) for where you operate.

- Step 1. Find Standard Operating Conditions 1-29 and General Conditions i-xxix. These conditions apply to all commercial tour operators, for all activities and all marine conservation reserves.
- Step 2. Find the Standard Operating Conditions that apply to your specific activity(ies) - e.g. Boat Tours Conditions 30-36. These specific activity conditions will apply to all marine conservation reserves.
- Step 3. Find the Standard Operating Conditions that apply to the area of operation and the specific activity(ies) e.g. Ningaloo Marine Park, Boat Tours Condition 117. The conditions are specific to the marine conservation reserve and the activity.

It is easy as 1 + 2 + 3 = all the licence conditions that will apply to your licence.

For example if you are providing boat tours in Ningaloo Marine Park, then the following conditions will apply:

	Step 1	Step 2	Step 3
Conditions	1-29 i-xxix	30-36	117

Therefore you need to be aware and abide by all the following conditions:

- | | |
|--------------------------------------|--------|
| 1. Standard Operating | 1-29 |
| General Conditions | i-xxix |
| 2. Activity specific | 30-36 |
| 3. Marine Reserve/ Activity specific | 117 |

LICENSING PENALTIES

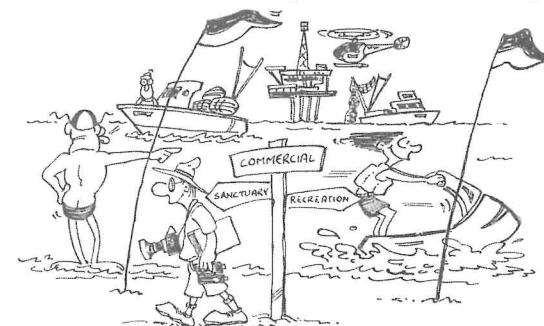
CALM's Tour Operator Handbook - Marine, with the enclosed licence, must be kept with the licence holder or the licence holder's representative at all times while on CALM-managed lands and waters, and be shown to a CALM officer on demand. Penalty \$100 (Regulation 18).

Breach of any of the conditions contained within this handbook may result in a \$1,000 fine (Regulation 17) and cancellation, suspension and non-renewal of the licence (Regulation 19).

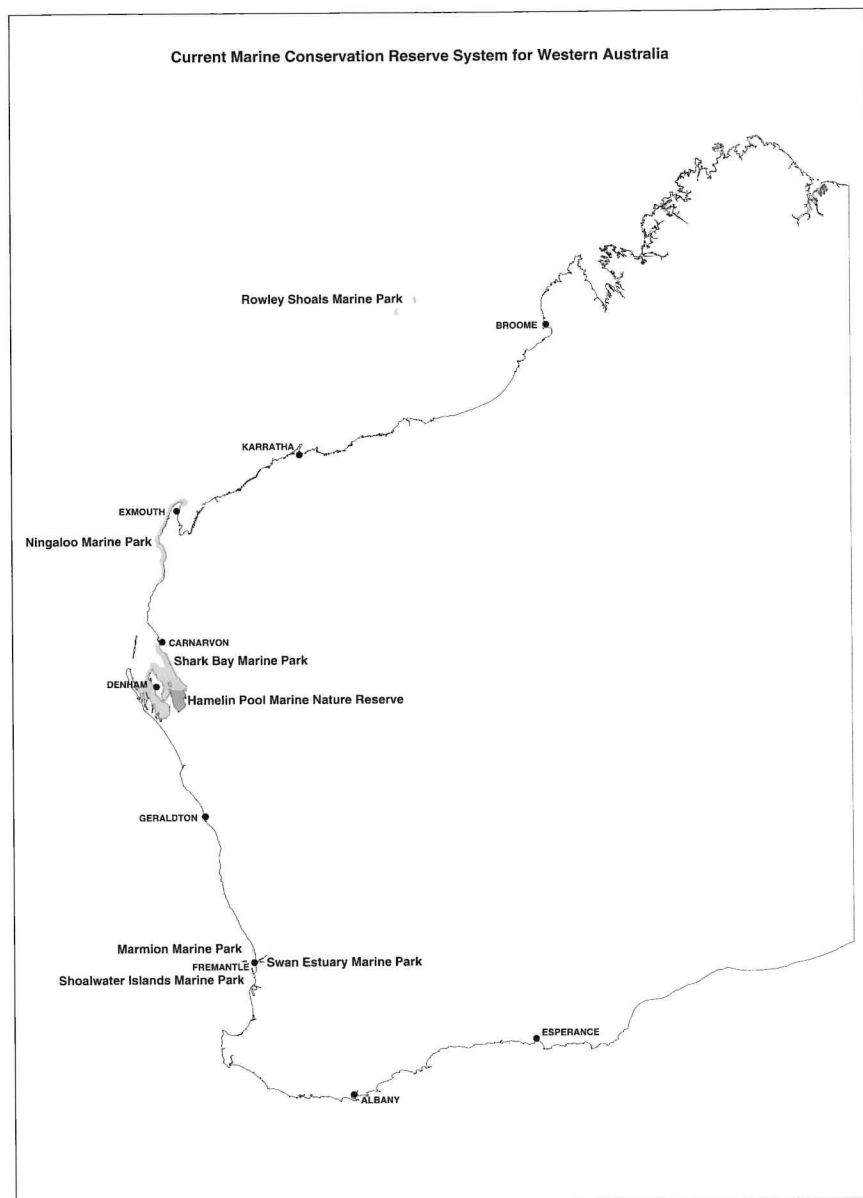
Unlicensed commercial activities on CALM-managed lands and waters may result in a \$2,000 fine (Regulation 11).

FURTHER INFORMATION

For further general licensing information see pages 37-39, or please contact the Park Policy and Tourism Branch on ph. (08) 9334 0207, fax (08) 9334 0253, or email licensing@calm.wa.gov.au, or visit *NatureBase*, CALM's internet web site, at <http://www.calm.wa.gov.au>.



Zoning ... Some human uses of marine conservation reserves are passive and have little or no impact on the environment. Other activities cause potentially undesirable environmental impact and interfere with other users. Zoning is a management strategy used to minimise environmental damage and separate incompatible activities.



1. A copy of the licence and CALM's Tour Operator Handbook - Marine must be kept with the licence holder or the licence holder's representative at all times while on CALM-managed waters and lands and shown to a CALM Officer on demand.
2. The licence holder must lodge with the District Office a plan showing areas of operation. The appropriate CALM District Manager must approve areas of operation prior to the commencement of the licenced activity. All areas of operation are at the discretion of the CALM District Manager.
3. The licence holder must ensure that the activities authorised under the licence are carried out only at areas/sites approved by the CALM District Manager.
4. Based on environmental, safety or management concerns, CALM may at any time restrict the licence holder's access to an area.
5. Licence holders must ensure all rubbish generated by the licensed activity is removed from reserves.
6. Licence holders must ensure no pets are brought onto island nature reserves or national parks.
7. Firearms are not permitted unless prior written authorisation has been obtained.
8. Licence holders must ensure that all 'Road Closed' signs are obeyed, and vehicles remain on formed roads and existing tracks, if applicable.
9. Licence holders must ensure all vehicles are parked in authorised areas adjacent to marine conservation reserves only.
10. Licence holders must obtain permission from lessees/owners of properties other than CALM before using their properties.
11. Licence holders must comply with all verbal or written directions issued to them by any officer designated under the *CALM Act 1984* as amended.
12. All native plants and animals are protected. Licence holders must have a Wildlife Interaction Licence issued under the *Wildlife Conservation Act 1950* and the *Wildlife Conservation Regulations, Regulation 15*, to conduct wildlife interaction tours.

13. Should unsolicited and unintentional interaction with marine mammals be a possibility, the licence holder must ensure that all crew, guides and passengers comply with CALM's Close Season Notice pertaining to marine mammal interaction (see page 42 *Wildlife Conservation (Close Season for Marine Mammals) Notice 1998*).
14. Licence holders must not disturb or collect native plants or animals, including invertebrate fauna within marine conservation reserves, without approval from the Executive Director.
15. The licence holder must ensure that all fishing activities (including the taking of crustaceans and molluscs) are carried out in accordance with the provisions of the *Fish Resources Management Act 1994*, and with all regulations and management plans developed under that Act.
16. The licence holder does not have priority access over public users to any area of the marine conservation reserve
17. The licence holder must ensure all licensed activities do not conflict with or disrupt any other activity conducted within a marine conservation reserve.
18. In the event that the licensed activity causes undue interference or disturbance to other visitors, CALM reserves the right to (i) cancel or alter any approvals given by the Executive Director, pursuant to the Tour Operator's Handbook - Marine; (ii) add, delete or alter any of the conditions that relate to the licence; (iii) cancel the licence.
19. The licence holder will be responsible for all set-up costs associated with the approved activity and acknowledges that there is no guarantee the activity will be renewed after the licence period.
20. If the licence is not renewed the licence holder is responsible, at his/her own expense, for the removal of all structures and utilities and the area restored to the satisfaction of the relevant CALM District Manager or any officer designated under the *CALM Act 1984* as amended.
21. The promotion and display of advertising material for the service within the marine conservation reserve, other than on an approved vessel or from the approved ticketing facility, requires written approval from the appropriate CALM District Manager.

22. Approved ticketing facilities within the marine conservation reserve must not be used to sell items not directly related to the operation of an activity licensed by CALM, without the written approval of the appropriate CALM District Manager.
23. The licence holder must ensure that the public access to the whole beach is not impeded by the shore-based equipment or the licensed activity.
24. The licence holder must ensure that no fish or marine mammal feeding occurs as part of the licensed operation without written approval from the Executive Director.
25. The licence holder may be required to make available on request a position on their vessel/tour for any CALM officer designated under the *CALM Act 1984* as amended, to monitor licence activities.
26. The licence holder must ensure the operation is in accordance with all Acts, Regulations and conditions relating to and imposed by the Department of Transport (DoT).
27. Refuelling and maintenance activities within marine conservation reserves may only be undertaken using methods and in areas approved by the appropriate CALM District Manager.
28. The licence holder must not construct or authorise the construction of any structure (including beach, swing moorings, pontoons) within the marine conservation reserves without prior written approval from the CALM District Manager.
29. The Department of CALM reserves the right to limit the number of licences offering any activities. In this event, the selection of licence holder(s) may be through an Expression of Interest process and the licence holder would be required to make an application accordingly.

BOAT TOURS

30. The licence holder must ensure that the licensed vessel is moored only at the site(s) approved by the CALM District Manager.
31. The Executive Director may require the licence holder to remove his/her mooring. Costs associated with the removal will be at the licence holder's expense.
32. The licence holder must ensure that no refuse (including food scraps), bilge water or any other significantly deleterious material is released within confined waters of marine conservation reserves. (Licence holders should be aware that the release of sewage within marine conservation reserves is particularly discouraged.)
33. The licence holder must ensure all new or replacement commercial tourism concession vessels are equipped with, and use, sullage tanks or alternative environmentally approved wastage disposal systems.



Sustainability ... Sustainability means ensuring that current human usage does not overload the environment and reduce the options for present and future generations.

34. The licence holder must ensure that existing commercial tourism concession vessels are equipped with, and use, sullage tanks or alternative environmentally approved wastage disposal systems by 31 December 2001. (To be consistent with the proposed future government policy, based on "Discharge of Sewage from Vessels into the Marine Environment".)
35. The licence holder must ensure any discharge of sewage from vessels occurs in appropriate areas, to be determined by the CALM District Manager, until the proposed "Discharge of Sewage from Vessels into the Marine Environment" policy has been endorsed by Government.
36. The licence holder must ensure that anchoring occurs in unvegetated areas of seabed (sand and mud), and at a safe distance from sensitive habitats (e.g. coral, seagrass), so as not to cause any environmental damage (except in an emergency).



Caring ... Naturally

In the water ... anchor only in sand or mud. Avoid coral and seagrass habitats.

SCUBA DIVING

37. The licence holder must ensure that all passengers and crew comply with accepted safe diving practices.
38. All DoT and Occupational Health and Safety requirements for safe diving practice must be complied with.
39. "No touch" diving practices are preferred within all marine conservation reserves.
40. The licence holder must provide a written incident report within seven days of a diving accident.

SNORKELLING

41. All DoT and Occupational Health and Safety requirements for safe diving practice must be complied with.
42. "No touch" diving practices are preferred within all marine conservation reserves.

CORAL VIEWING (semi-submersibles and glass-bottom boats only)

43. The licence holder must ensure that:
 - (a) one vessel per licence is used to provide the service;
 - (b) the vessel has a maximum passenger capacity of 50 persons;
 - (c) the vessel is capable of operating without disturbance to the environment of the marine conservation reserve.
44. The licence holder must ensure that:
 - 1) fish-feeding activities carried out in association with the operation of this licence are approved by the CALM District Manager;
 - 2) the activities are carried out in accordance with the fish-feeding guidelines; and
 - 3) fish-feeding is only carried out in designated fish-feeding areas.
45. The licence holder must ensure that the licensed vessel is only moored at the sites approved by the CALM District Manager.

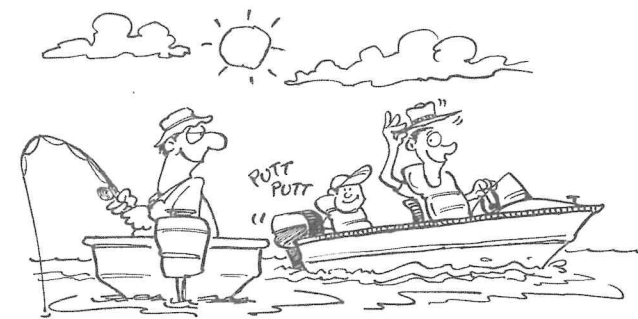
46. The Executive Director may require the licence holder to remove his/her mooring. Any costs associated with the removal will be at the licence holder's expense.
47. The licence holder must ensure that passengers embark from, and disembark to, the beach at locations approved by the CALM District Manager.
48. The licence holder must ensure the vessel used to provide the service is appropriately moored overnight, approved by the CALM District Manager, or is removed from the water on a daily basis.

SIGHTSEEING

49. Any interaction with wildlife may require a Wildlife Interaction Licence in accordance with the *Wildlife Conservation Act and Regulations*.

SEA KAYAKS/CANOEING

50. All kayaks and any other vessels associated with the licensed activity must display on the port and starboard bow of the vessels, in clear visible lettering, the business name of the licence holder.



Caring ... Naturally

Be courteous ... make sure you don't spoil someone else's enjoyment.

51. The licence holder must ensure that launch sites are only at locations approved by the appropriate District Manager.
52. The licence holder must ensure that passengers embark from, and disembark to, the beach only at locations approved by the appropriate CALM District Manager, except in an emergency.
53. The licence holder must ensure all shore-based equipment, including enviroshades, be placed immediately in front of the approved, designated sea kayaks/canoes area and away from the vegetation line.
54. The licence holder is to ensure all equipment associated with the operation is removed from the marine conservation reserve by the end of each day, unless written approval is obtained from the CALM District Manager.

SMALL CRAFT HIRE / WINDSURFING / PARASAILING

55. The licence holder must ensure that passengers embark from, and disembark to, the beach only at locations approved by the appropriate CALM District Manager, except in an emergency.
56. The licence holder must ensure all shore-based equipment, including enviroshades, be placed immediately in front of the approved, designated small craft hire area and away from the vegetation line.
57. The licence holder is to ensure all equipment associated with the operation is removed from the marine conservation reserve by the end of each day, unless written approval is obtained from the CALM District Manager.

JET SKI

58. The licence holder must ensure that passengers embark from, and disembark to, the beach only at locations approved by the appropriate CALM District Manager, except in an emergency.
59. The licence holder must ensure all shore-based equipment, including enviroshades, be placed immediately in front of the approved, jet ski area of operation and away from the vegetation line.

60. The licence holder is to ensure all equipment associated with the operation is removed from the marine conservation reserve by the end of each day, unless written approval is obtained from the CALM District Manager.
61. The licence holder must ensure that all the vessels are removed from the water (well above high water mark) for refuelling. Self-funnelling containers should be used to refuel, to prevent spillage.

FLOAT PLANES

62. The licence holder must ensure that the aircraft is removed from the marine conservation reserve for refuelling and maintenance, unless written approval is obtained from the CALM District Manager.
63. The licence holder must ensure that passengers embark from, and disembark to, the beach only at locations approved by the appropriate CALM District Manager, except in an emergency.

HOVERCRAFT

64. The licence holder must ensure that all the vessels are removed from the marine conservation reserve for refuelling and maintenance.
65. The licence holder must ensure that passengers embark from, and disembark to, the beach only at locations approved by the appropriate CALM District Manager, except in an emergency.
66. The licence holder is to ensure all equipment associated with the operation is removed from the marine conservation reserve by the end of each day.

SCHOOL PROGRAMS

67. Licence holders must notify the local CALM District Manager one month in advance of any school groups entering CALM-managed areas. Group size limitations may apply. Only school representatives may apply to CALM for a waiver of park entry fees.

KIMBERLEY REGION**EAST KIMBERLEY DISTRICT****LOW ROCKS NATURE RESERVE**

68. Permission to land on the islands must be obtained from CALM's East Kimberley District Manager. (Permission will usually be granted for the purpose of nature study and observation. A scientific licence may be required.)
69. Camping is prohibited on the islands.
70. The licence holder must not land during the nesting season for seabirds, without being accompanied by a qualified guide, and with the approval of the CALM District Manager.
71. The licence holder must ensure that great care is taken to leave sea-birds undisturbed, especially when nesting.
72. The licence holder must not allow landings to take place when pelicans are nesting or juvenile pelicans (non-fully fledged) are on the island.
73. The licence holder is to ensure that no flora or fauna (including intertidal species) are killed, disturbed or removed. Shell collecting is not permitted. No plants or animals, including domestic species, are to be brought to the islands.



Caring ... Naturally

Be careful ... your enjoyment and safety are our concern,
but your responsibility

74. Licence holders must ensure approved baits are maintained on all vessels to keep the islands free of introduced rodents.
75. Licence holders will be responsible for any costs associated with the removal of any species introduced as a result of their operations.
76. Fires are not permitted.
77. No vehicles are permitted.
78. No helicopter landings and low-flying operations are permitted without the written approval of the CALM District Manager.

PELICAN ISLAND NATURE RESERVE

79. Permission to land on the islands must be obtained from CALM's East Kimberley District Manager. (Permission will usually be granted for the purpose of nature study and observation. A scientific licence may be required.)
80. Camping is prohibited on the islands.
81. The licence holder must not land during the nesting season for seabirds, without being accompanied by a qualified guide, and with the approval of the CALM District Manager.
82. The licence holder must ensure that great care is taken to leave sea-birds undisturbed, especially when nesting.
83. The licence holder must not allow landings to take place when pelicans are nesting or juvenile pelicans (non-fully fledged) are on the island.
84. The licence holder is to ensure that no flora or fauna (including intertidal species) are killed, disturbed or removed. Shell collecting is not permitted. No plants or animals, including domestic species, are to be brought to the islands.
85. Licence holders must ensure approved baits are maintained on all vessels to keep the islands free of introduced rodents.
86. Licence holders will be responsible for any costs associated with the removal of any species introduced as a result of their operations.
87. Fires are not permitted.

88. No vehicles are permitted.
89. No helicopter landings and low-flying operations are permitted without the written approval of the CALM District Manager.

WEST KIMBERLEY DISTRICT

ROWLEY SHOALS MARINE PARK

The Rowley Shoals Marine Park and Mermaid Reef Marine National Nature Reserve are the management responsibilities of the Department of Conservation and Land Management and Environment Australia respectively.

Full Season Charter Tour Licences for the Rowley Shoals Marine Park are 'E' class, restricted licences. Renewal may be subject to a competitive application process.

Operators have the opportunity to apply for a Single Visit Charter Tour Licence. These are issued for a period of up to ten days. Applications for these licences are assessed on a case-by-case basis, and on the ability of the operator to meet specific selection criteria and the expected visitations of the Full Season Charter Tour operators.

LACEPEDE ISLAND NATURE RESERVE

90. Permission to land on the islands must be obtained from CALM's West Kimberley District Manager. (Permission will usually be granted for the purpose of nature study and observation. A scientific licence may be required.)
91. Camping is prohibited on the islands.
92. The licence holder must ensure that great care is taken to leave sea-birds undisturbed, especially when nesting.
93. The licence holder is to ensure that no flora or fauna (including intertidal species) are killed, disturbed or removed. Shell collecting is not permitted. No plants or animals, including domestic species, are to be brought to the islands.
94. Licence holders must ensure approved baits are maintained on all vessels to keep the islands free of introduced rodents.

95. Licence holders will be responsible for any costs associated with the removal of any species introduced as a result of their operations.
96. Fires are not permitted.
97. No vehicles are permitted.
98. No helicopter landings and low-flying operations are permitted without the written approval of the CALM District Manager.

For further information contact:

CALM West Kimberley District
PO Box 65
BROOME WA 6725
Phone: (08) 9192 1036
Fax: (08) 9193 5027

CALM East Kimberley District
PO Box 942
KUNUNURRA WA 6743
Phone: (08) 9168 0200
Fax: (08) 9168 2179



Caring ... Naturally

Be content ... conserve fish numbers by taking only what you need. Quickly put back undersized and unwanted fish. Help ensure there are 'fish for the future' by taking note of fishing regulations and marine park zones.

PILBARA REGION

KARRATHA REGIONAL HEADQUARTERS

DAMPIER ARCHIPELAGO

99. Licence holders must not use the shacks on Dampier Archipelago unless prior written approval has been given by CALM's Karratha Regional Headquarters.
100. Licence holders are only permitted to enter areas on the Dampier Archipelago in accordance with management zoning, as specified in the Dampier Archipelago Nature Reserves Management Plan. Licence holders should contact CALM's Karratha Regional Headquarters for more information.
101. Licence holders must ensure flora and fauna, including intertidal species, are not killed, disturbed or removed. Shell collecting is not permitted. No plants or animals, including domestic species, are to be brought to the islands.
102. Licence holders must ensure approved baits are maintained on all vessels to keep the islands free of introduced rodents.
103. Licence holders will be responsible for any costs associated with the removal of any species introduced as a result of their operations.



Caring ... Naturally

On the beach ... take care to leave nesting turtles and colonies of seabirds undisturbed.

104. Licence holders must ensure rocks and soil are not disturbed for any purpose.
105. No vehicular transport is to be used.
106. Cooking is to be carried out using gas only. Wood fires are not permitted for any purpose.

MONTEBELLO ISLANDS

WARNING

For your protection in radiation hazard areas:

There is still some remnant radioactive material deposited around the immediate localities of the three test sites on Alpha and Trimouille Islands and off the coast of Main Beach. If you plan to visit Alpha or Trimouille Islands please be aware of the following:

- elevated radiation levels are present and are a risk to your health.
- radiation effects on your health are cumulative over your lifetime.

Minimise your exposure as follows:

- restrict your visits to one hour per day and do not camp.
- avoid raising dust as any particle may be radioactive
- do not handle or remove objects as they may be radioactive.

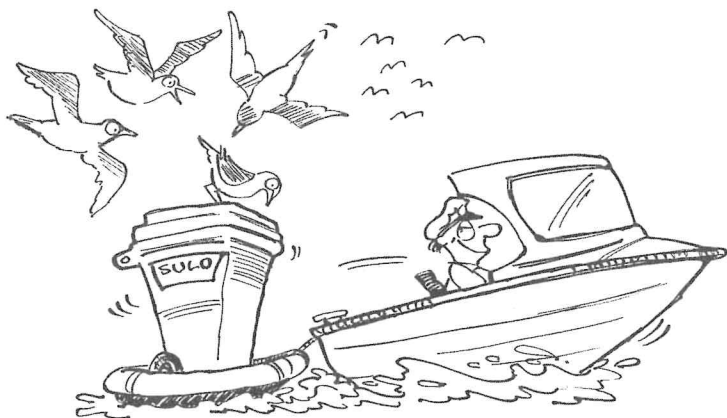
107. Camping is restricted to designated camping areas. On Montebello Islands, designated campsites are on North West, Primose, Bluebell, Crocus, Hermite and East Hermite Islands.
108. Camping is permitted for up to five consecutive nights.
109. Camping is not permitted on Trimouille, Ah Chong or Alpha Islands.
110. No permanent structures are to be erected.
111. Cooking is to be carried out using gas only. Wood fires are not permitted for any purpose.

112. The licence holder must ensure approved baits (e.g. Talon) are maintained on all vessels to keep them free of introduced rodents.
113. The licence holder will be responsible for any costs associated with the removal of any species introduced as a result of their operations.
114. The licence holder must ensure rocks and soil are not disturbed for any purpose.
115. Licence holders must ensure flora and fauna, including intertidal species, are not killed, disturbed or removed. Shell collecting is not permitted. No plants or animals, including domestic species, are to be brought to the islands.
116. No vehicular transport is to be used.

EXMOUTH DISTRICT

NINGALOO MARINE PARK

This licence does not entitle the licence holder to conduct whale shark interaction tours in the Ningaloo Marine Park. Whale shark interaction tours are "E" class, restricted licences. Renewal may be subject to a competitive application process.



Caring ... Naturally

Be clean ... marine animals often swallow or become entangled in litter and can die. Use a litter bag for your rubbish and dispose of it properly.

This licence does not entitle the licence holder to conduct coral-viewing activities in the waters adjacent to Bundegi. Coral viewing at Bundegi is an "E" class, restricted licence. Renewal may be subject to a competitive application process.

This licence does not entitle the licence holder to conduct commercial activities or moor within Bill's Bay. All commercial activity licences for Coral Bay (south end of Bill's Bay) will be "E" class, restricted licences. Renewals of "E" class, restricted licences may be subject to a competitive application process.

BOAT TOURS

117. Access to Bill's Bay is permitted for pick up and drop off of passengers in the designated area and for service requirements only.

JET SKI

118. The licence holder must provide toilet facilities for the clients of the licensed activity.

4WD TOURS

119. The licence holder may only enter the marine park via beach access roads approved by the CALM Exmouth District Manager.
120. The licence holder must ensure that all tours that enter the marine park are accompanied by a tour guide.

CAPE RANGE NATIONAL PARK

121. Licence holders are not permitted to conduct any tours on Yardie Creek.
122. Licence holders will be required to pay park entry fees as a part of the licensed operation into Cape Range National Park, unless written approval is obtained from the District Manager.

For further information contact:

CALM Karratha
PO Box 835
KARRATHA, WA 6714
Phone: (08) 9143 1488
Fax: (08) 9144 1118

CALM Exmouth District
PO Box 201
EXMOUTH, WA 6707
Phone: (08) 9949 1676
Fax: (08) 9949 1580

MID WEST REGION

GASCOYNE DISTRICT

FRANÇOIS PERON NATIONAL PARK

123. Licence holders must complete the entry fee form at the Park Entry Station and pay the entry fee.
124. Only 4WD vehicles are allowed north of the Peron Homestead.
125. Camping is allowed only at established campsites.

SHARK BAY MARINE RESERVES

MONKEY MIA

Wildlife Charter Boat Tour Licences for tours based at Monkey Mia (see Map 1) are "E" class, restricted licences. Renewal may be subject to a competitive application process.

Small Craft Hire Licences for activities based at Monkey Mia (see Map 1) are "E" class, restricted licences. Renewal may be subject to a competitive application process.



Caring ... Naturally

On the water ... watch out for marine mammals.
Keep 300 m from whales, 100 m from dolphins and
dugongs while the boat engine is running.

Whale shark interaction tours are not currently licensed in Shark Bay Marine Reserves. CALM reserves the right to license and limit the number of licences offering whale shark interaction tours.

BOAT TOURS

126. The licence holder is permitted to operate within Shark Bay Marine Reserves, with the exception of the Red Cliff Bay Marine Mammal Interaction Restriction Area (see Map 1). Access to Monkey Mia jetty is permitted for service requirements only.
127. The licence holder must ensure that the "Speed Restriction Area" of five knots at Monkey Mia (as gazetted by the Department of Transport) is abided by, if access to the jetty is required.
128. The licence holder must ensure that no wildlife interaction occurs in the Red Cliff Bay Marine Mammal Interaction Restriction Area (see Map 1), which is a four-kilometre radius from the Monkey Mia jetty. (Marine Mammal Interaction Licences are required for these activities.)
129. The licence holder must ensure that passengers do not go onto the island nature reserve within Freycinet Estuary without the written approval of the CALM District Manager.
130. Should whale shark interaction tours occur, the licence holder must ensure that all crew, guides and passengers are familiar with CALM's Close Season Notice pertaining to whale shark interaction (see page 46 - Wildlife Conservation "Close Season Notice for Whale Sharks" Notice 1996).

For further information contact:

CALM Gascoyne District
67 Knight Terrace
DENHAM, WA 6537
Phone: (08) 9948 1208
Fax: (08) 9948 1024

SWAN REGION

MARINE AND COASTAL DISTRICT

MARMION MARINE PARK

BOAT TOURS

131. Except in emergency situations the licence holder must ensure that the vessel is not anchored in a sanctuary zone within a marine park at sites other than those approved in writing for that purpose by the appropriate CALM District Manager.
132. Vessels are not permitted to land on Little Island.
133. The licence holder must ensure that crew, guides and passengers comply with the following requirements at Little Island:
- Visitors landing on Little Island must be supervised at all times;
 - Visits must not exceed 10 minutes and must be limited to sandy areas of the island only.
134. Licensed activities that are required to be launched from the Hillary's Boat Harbour must have written permission from the harbour manager.
135. The licence holder must ensure that all vessels/craft used to conduct licensed activities do not approach within fifty (50) metres of Boyinaboat Reef.

WATER-TOWING ACTIVITIES (Parasailing, Banana Boats etc.)

136. An area of water extending 300 metres around the perimeter of Boyinaboat Reef, Little Island, The Lumps and North Lump is excluded from the area of operation.
137. (a) Notwithstanding the licence condition 136 above, the area of operation shall be defined as all the waters within the boundary commencing 300 metres seaward of the coastline and extending west on latitude $31^{\circ}50''$ south to longitude $115^{\circ}42.9''$ east, thence to the Marmion Reef east cardinal mark, thence to the Centaur Reef south cardinal mark, thence to the point 300 metres due west of Trigg Island and generally northward parallel and 300 metres seaward of the coastline (and the Ocean Reef Boat Harbour) to the point of commencement.

- An additional area of operation north of the Hillary's Boat Harbour may also be trialed. This area shall be defined as all waters within the boundary commencing 300 metres seaward of the coastline and extending west on latitude $31^{\circ}48''$ south to longitude $115^{\circ}41''$ east, thence due north to latitude $31^{\circ}43.45''$ south, thence due east to a point 300 metres seaward of the coastline, thence generally southward parallel and 300 metres seaward of the coastline (and the Ocean Reef Boat Harbour) to the point of commencement.
 - The area between latitude $31^{\circ}50''$ south and latitude $31^{\circ}48''$ south shall be prohibited for all activities covered by the licence other than traversing from the harbour to the area of operation.
138. The operation shall be based at the Hillary's Boat Harbour. The licence holder or a representative shall not conduct the operation from any point within the Marine Park without the written approval of the Marine and Coastal District Manager.
139. CALM reserves the right to adjust the boundaries of the area of operation at any time.



Caring ... Naturally

Be wise ... leave the natural environment as you find it

SHOALWATER ISLANDS MARINE PARK

This licence does not entitle the licence holder to conduct a ferry service in the Shoalwater Islands Marine Park. The Ferry Service Licence for Mersey Point to Penguin Island is an "E" class, restricted licence. Renewal may be subject to a competitive application process.

This licence does not entitle the licence holder to conduct boat tours within the area defined as Shoalwater Bay (see Map 2), for Marine Shoalwater Islands Marine Park. The Boat Tour Service Licence that operates within the area defined as Shoalwater Bay (see Map 2) is an 'E' Class restricted licence. This is the area bounded by the shoreline of Shoalwater Bay to the east, longitude 115° 41'00"E to the west, latitude 32° 18'24"S and latitude 32° 16'42" to the north. Renewal may be subject to a competitive application process.

BOAT TOURS

140. The licence holder is not permitted to provide boat tours within the restricted area defined as Shoalwater Bay (see Map 2).
141. Except in emergency situations the licence holder must ensure that the vessel is not anchored in a sanctuary zone within a marine park at sites other than those approved in writing for that purpose by the appropriate CALM District Manager.
142. The licence holder must lodge with the District Office a plan showing areas of operation, including landing sites and flight paths, prior to the commencement of the licensed activity. All areas of operation are at the discretion of the CALM District Manager.

SMALL CRAFT HIRE (Port Kennedy)

143. Small craft hire shall only be operated in the vicinity of the beach access track approximately 280 metres north-east of the kiosk/toilet block (approximately location 31° 21.944" south, 115° 43.935" east).
144. The licence holder must minimise use of all vehicles on the beach face. All vehicle use is to be for the purpose of launching and retrieving of craft only. As much as is practical, all vehicle use must occur above the high water mark. Damage to dune vegetation must not occur.
145. Parking vehicles on the access track will not be permitted.

146. The licence holder will require approval from the City of Rockingham to operate a vehicle on the foreshore reserve.

JET SKI (Port Kennedy)

147. The licence holder must ensure all activities occur at a point 250 metres north-east of the location described in Condition 143.
148. The licence holder's licence will only be valid whilst the approval of the Department of Transport and the City of Rockingham is current.
149. The licence holder must minimise use of all vehicles on the beach face. All vehicle use is to be for the purpose of launching and retrieving of craft only. As much as is practical, all vehicle use must occur above the high water mark. Damage to dune vegetation must not occur.
150. Parking vehicles on the access track will not be permitted.
151. The licence holder will require approval from the City of Rockingham to operate a vehicle on the foreshore reserve.

SEA KAYAKS/CANOEING

152. The licence holder must not land on any island other than Penguin Island and Tern Island.
153. If ashore on Penguin or Tern Islands, vessels must not obstruct walkways, beach access or general public traffic areas.

SEAL ISLAND

154. The licence holder must ensure craft or persons do not land on Seal Island.
155. Craft must not anchor within 10 metres seaward of low water mark of Seal Island.
156. Licence holders must stay out of the area north-east of Seal Island as indicated on Map 3, when the scheduled boat tour service is in the area.
157. If the CALM commercial activity licence endorses snorkelling then this activity must be conducted only in the locations indicated on

Map 3. To reduce congestion, licence holders are required to only use the area around Seal Island when no other sea kayak operators are present.

CARNAC ISLAND

158. Landings will be limited to daylight hours only.

159. Camping is not permitted.

160. Barbecues (including gas) and/or camp fires are not permitted.

161. Pets must not be brought onto the reserve.

162. The licence holder will be required to ensure the crew, guides and passengers comply with the following requirements:

- (a) passengers landing on the island must be supervised at all times;
- (b) crew, guides and passengers landing on the island must remain on the main (east-facing) beach.

163. This licence does not authorise terrestrial or in-water interaction with Australian sea-lions (refer to Conditions 12 and 13).

164. The licence holder does not have priority of access over public users to any area of Carnac Island Nature Reserve.

SWAN ESTUARY MARINE PARK

Further conditions are likely to apply as tourism operators apply for commercial activity licences for the Swan Estuary Marine Park. Each application will be assessed on a case-by-case basis to ensure ecological sustainability occurs and that the relevant licence conditions are developed to ensure this.

For further information contact:

CALM Marine and Coastal District Office
47 Henry Street
FREMANTLE, WA 6160
Phone: (08) 9432 5111
Fax: (08) 9430 5408

GENERAL CONDITIONS

- (i) The licence holder must prepare, keep and preserve a full record of operations indicating, on a daily basis and in a form approved by the Executive Director, the number of passengers carried on all activities approved under the licence and make this record available to the Executive Director upon request.
- (ii) In consideration for the licence, the licence holder must pay to the Executive Director a licence charge (as determined by the Executive Director) made payable within 30 days of receipt of the licence or as specified by the Executive Director. A surcharge may apply for late payment.
- (iii) The licence holder must notify the local CALM office immediately of any alteration to the business ownership, vehicles, equipment, schedule or activities to which the licence applies.
- (iv) The licence holder must not be represented as an agent of CALM or the Executive Director, or in any way purport to act for or on behalf of CALM or the Executive Director in the implementation of the licence.
- (v) The licence holder will be responsible for the actions of any person associated with implementing or assisting with the implementation of the licence.
- (vi) The licence holder must arrange and pay for all licences, certificates and authorities required for the operation of the licence and must present them to the Executive Director if required.
- (vii) The licence holder must (i) provide appropriate safety equipment, (ii) employ and use only competent/qualified guides/instructors/pilots and (iii) caution clients about the hazards likely to be encountered on CALM-managed lands and waters.
- (viii) The licence holder must pay reserve entry, caving, camping and other fees where applicable and abide by the conditions set down by the Executive Director for the payment of such fees. A surcharge may apply for late payment.
- (ix) Any damage to CALM property or injuries to client(s) of the licence holder, arising out of the implementation of the licence must be reported to the local CALM office within seven (7) days.
- (x) In consideration of the licence, CALM takes no responsibility for the security, loss, damage or otherwise of any machinery, equipment or other goods owned or under the control of the licence holder.
- (xi) The cost of any search and rescue operations caused by the negligence of the licence holder or the licence holder's representative shall be the responsibility of the licence holder.
- (xii) The licence holder must ensure that all staff present themselves in accordance with customer service standards expected by the Executive Director for all licensed activities that occur in the park (see page 40).
- (xiii) No facilities or structures, whether temporary or permanent, are to be located or erected on CALM-managed lands or waters without prior written approval from the local CALM District Manager.

- (xiv) The licence holder must cooperate with CALM in gathering and providing any data which may be reasonably required for research and management purposes.
- (xv) The licence holder shall be aware that the terms and conditions of the licence may be changed by the Executive Director at any time, in accordance with regulations made under the Conservation and Land Management Act 1984.
- (xvi) The licence will not be automatically renewed upon expiry of the licence period. The licence holder should expect that licence activities will be reviewed upon expiry of the licence period, and where licence numbers are limited for a particular activity or area, renewal may be subject to a competitive application process. The licence holder will be responsible for all set-up costs associated with the approved activity and indemnifies the Executive Director against any loss or expenses should the licence not be renewed upon the expiry of the licence period.
- (xvii) The licence holder must ensure that the licence is not held inactive. In circumstances where licence numbers are limited, if the licence is not used to a reasonable extent as determined by the Executive Director, the Executive Director may cancel, suspend or not renew the licence.
- (xviii) The licence holder must promote accurately the recreation and conservation values of the areas visited and must liaise with the Executive Director in the development of promotional material and may be required to attend training workshops relating to the values and management of the park or reserve.
- (xix) If the licence holder defaults in the observance or performance of any provision, condition or restriction to which the licence is subject, the Executive Director may by notice require the licence holder to correct such default within a specified time. If the licence holder does not comply with the notice within the time specified, the Executive Director may immediately cancel the licence.
- (xx) Any notice to the licence holder in terms of the licence must be in writing and may be served upon the licence holder by addressing it to the licence holder and sending it by post to, or leaving it at, the address stated in the licence.
- (xxi) Licences are not transferable. The licence holder must explain to prospective purchasers of a business operation that involves the operation of the licence that the licence is not transferable, and that the prospective purchaser would be required to make application to the Executive Director to obtain a new licence to continue the licensed activities conducted by the licence holder.
- (xxii) If the licence holder is a corporate entity (a) the Executive Director must be advised, in writing, of any changes in beneficial ownership of the corporate entity, within twenty-one (21) days of such changes coming into effect and (b) the licence will become null and void if the beneficial ownership of the corporate entity changes by more than twenty-five per cent (25%).
- (xxiii) The powers of the Executive Director under the licence may be exercised by any person or persons acting with or under the Executive Director's authority.
- (xxiv) The licence does not give the licence holder exclusive access to CALM-managed areas or facilities.

- (xxv) In the event that the licensed operation causes undue interference or disturbance to other park visitors, CALM reserves the right to (i) cancel or alter any approvals given by the Executive Director; (ii) add, delete or alter any of the conditions, schedules or annexures that relate to the licence; or (iii) cancel the licence.
- (xxvi) The Executive Director reserves the right to suspend, alter or cancel the licence for reasons of environmental protection or improving public safety or enjoyment, and in the event of suspension, alteration or cancellation the licence holder indemnifies the Executive Director against any liability or loss and any costs and expenses.
- (xxvii) The Executive Director may cancel, suspend, or refuse to renew the licence on the grounds that the licence holder or licence holder's representative has been convicted against the Conservation and Land Management Act 1984 and regulations made under the Act.
- (xxviii) The licence holder will comply with the provisions of the Conservation and Land Management Act 1984 and Regulations, the Wildlife Conservation Act 1950 and Regulations, and any relevant Acts and Regulations relating to the licensed activity.

INDEMNITY

- (xxix) The licence holder hereby indemnifies the Executive Director from and against liability for all actions, suits, demands, costs, losses, damages and expenses (hereinafter called "claims") which may be brought against or made upon the Executive Director or which the Executive Director may pay, sustain, or be put to by reason of damage to property or injury to persons (including death) caused by or arising in any way out of the conduct of the licence holder on any lands or waters managed by the Department of Conservation and Land Management ("CALM") or generally as a result of the presence of the licence holder, or the licence holder's agents or clients on lands or waters managed by CALM and for the purpose of this indemnity the licence holder shall at all times during the period of the licence maintain a policy of public liability insurance in the names of the licence holder and the Executive Director to the extent of their respective rights and interests for a sum of not less than 5 million dollars (\$5,000,000) to cover claims to which this indemnity applies made against the Executive Director or the licence holder AND SHALL LODGE WITH THE EXECUTIVE DIRECTOR proof of the insurance policy with the interest of the Executive Director noted thereon and shall on demand by the Executive Director produce evidence of current premiums required under the policy having been paid.

GENERAL LICENSING INFORMATION**WHEN IS A LICENCE REQUIRED?**

A commercial operation is the selling of any product or service by any person, partnership, company or other organisation for reward or other consideration.

Examples of the types of activities which may be conducted commercially on CALM waters include:

- boat tours;
- sea kayak tours;
- diving charter tours

WHAT ARE CALM LANDS AND WATERS VESTED IN THE NPNCA AND MPRA?

CALM manages more than 19 million hectares of lands and waters in Western Australia that are reserved for various purposes. Lands vested in the National Parks and Nature Conservation Authority (NPNCA) and waters vested in the Marine Parks and Reserves Authority (MPRA) include:

<u>CATEGORY</u>	<u>MAIN PURPOSE OF RESERVATION</u>
Nature Reserve	Conservation of the natural environment, scientific study and preservation of features of archaeological, historic and scientific interest.
Marine Nature Reserve	Conservation and restoration of the natural environment; the protection, care and study of indigenous flora and fauna; and the preservation of any feature of archaeological, historic or scientific interest. Low-impact tourism may be permitted.
National Park/ Conservation Park	Conservation and recreation consistent with the protection of flora and fauna and preservation of features of archaeological, historic and scientific interest.
Marine Park	Marine conservation and recreation consistent with the protection of flora and fauna and preservation of features of archaeological, historic and scientific interest.
Marine Management Areas	Managing and protecting the marine environment so that it may be used for conservation, recreational, scientific and commercial purposes.
Other Reserves	Held for a variety of purposes, but normally related to recreation or wildlife conservation.

WHAT TYPE OF LICENCE IS REQUIRED?

CALM issues two types of licence depending on the nature of the commercial activity.

CLASS 'T' LICENCE

This is normally required when the activity is open to many operators. In these circumstances, environmental and visitor-management objectives can be achieved simply through appropriate licence conditions. The majority of tour operators will fall into this category.

Examples of class 'T' licences include safari tours, guided walks and general snorkel/dive charters.

CLASS 'E' LICENCE

Class 'E' licences would generally be required when there are environmental and/or management reasons why licence numbers are required to be limited. Examples of 'E' class licences include whale shark tours (where the demand for licences exceeds the number that can be sustainably managed) and boat tours in confined areas (where congestion and environmental damage may result from too many operators). Expressions of Interest are usually called for before a class 'E' licence is issued.

WHAT HAPPENS IF YOU SELL YOUR BUSINESS?

Licences are not tangible assets and cannot be transferred to a new owner. Before any change of ownership of a business, the potential purchaser should enquire whether a replacement licence will be issued.

WHAT ARE THE FEES AND CHARGES AND WHAT ARE THEY USED FOR?

Commercial tourist activities on CALM lands and waters can involve the Department in significant additional management costs. Also, in the case of class 'E' licences, a portion of the financial returns from the activity can be considered as deriving directly from the use of these public lands and involve a degree of protection from open competition.

It is, therefore, considered appropriate that some fee be charged related to the use of the lands and waters for the commercial activity. Licence fees and charges are levied in accordance with the *Conservation and Land Management Regulations, 1992*.

There is a non-refundable \$50 application and renewal fee which is paid at the time of submitting an application for a licence or licence renewal. Application and renewal fees are used to help cover the costs of processing the application/renewal.

All other charges associated with a licence are directed toward the management of licensed activities and the provision of services and facilities to benefit users of the park or reserve.

Examples of management costs include:

- the establishment of monitoring and compliance programs to ensure the continued sustainability of tourist activities;
- the provision of information and interpretive material to enhance the quality of visitor experience and understanding of the natural environment; and
- the provision of facilities and services to benefit park users and minimise potential impacts.

Licence charges are vital to ensuring that tourist activities are both environmentally and financially sustainable. The charge for a T-Class licence for one year is \$250. Class E Licence charges are linked directly to the level of activity of the licence and will generally be a percentage of gross receipts from licensed activities or a "per head" figure based on the number of passengers carried.

WHAT ARE THE BENEFITS?

By safeguarding the beauty and diversity of Western Australia's natural environment and by complying with these requirements, you will be helping CALM to ensure that the beauty and diversity of Western Australia's natural environment and the natural attractions upon which your business is based are not diminished. CALM will also help you in any way it can to improve the experience of visitors on the waters and lands it manages.

CALM is also committed to supporting tourism on the lands and waters it manages by providing tour operators with information and new marketing opportunities. Licence holders receive a complimentary subscription to *LANDSCOPE*, CALM's award-winning nature conservation magazine, *Touring Western Australia*, CALM's quarterly tourism newsletter, and licence holders are able to include their booking details on *NatureBase*, CALM's internet web site at, <http://www.calm.wa.gov.au>.

**CUSTOMER SERVICE STANDARDS AS EXPECTED BY THE
EXECUTIVE DIRECTOR**

While fulfilling its conservation and land management responsibilities, CALM places great importance on community and customer relations. The Executive Director expects CALM staff and CALM-licensed tour operators to meet minimum customer service standards. These minimum standards are to provide:

Positive, Courteous and Friendly Service

Competent and Efficient Assistance

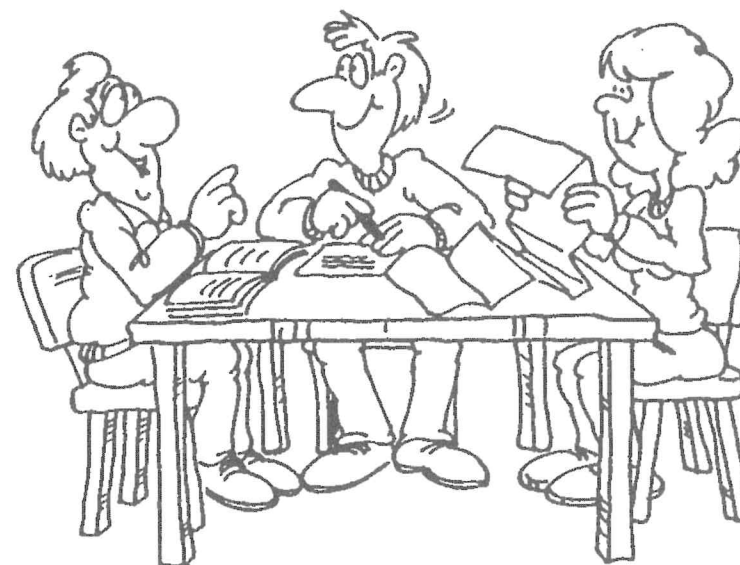
Timely and Accurate Information

Furthermore

**The Executive Director expects licensed tour
operators to provide safe and pleasant
conditions for their clients**

and in turn

**Licensed tour operators can expect that CALM
will manage marine reserves to ensure ecological
sustainability and for multiple use**



CONSERVATION AND LAND MANAGEMENT

CM301*

Wildlife Conservation Act 1950

Wildlife Conservation (Close Season for Marine Mammals) Notice 1998

Made by the Minister under section 14(2)(a) of the Act.

1. Citation

This notice may be cited as the *Wildlife Conservation (Close Season for Marine Mammals) Notice 1998*.

2. Interpretation

In this notice –

“**aircraft**” means a machine that can derive support in the atmosphere from the reactions of the air and, to avoid doubt, includes a helicopter, ultra-light aeroplane, glider, hang-glider or balloon;

“**dolphin**” means any fauna in the family –

- (a) Phocoenidae (porpoises); or
- (b) Delphinidae (dolphins and related toothed whales);

“**dugong**” means the fauna *Dugong dugon*;

“**marine mammal**” means –

- (a) a dolphin, dugong or whale;
- (b) any fauna of the genus *Arctocephalus* (fur seals);
- (c) the fauna *Neophoca cinerea* (Australian sea-lion); or
- (d) any fauna in the family Phocidae (true seals),

that is not kept in captivity;

“**Shark Bay dolphin notice**” means the *Wildlife Conservation (Close Season for Bottlenose Dolphins in Shark Bay Marine Park) Notice 1995*;

“**vessel**” means a water craft of any sort –

- (a) whether propelled by a motor, sails, paddles or any other means; and
 - (b) whether under way, drifting or anchored,
- and, to avoid doubt, includes a hovercraft, personal watercraft (as defined in the *Navigable Waters Regulations*), kayak, surfski, surfboard or sailboard;

“**whale**” means any fauna in the –

- (a) suborder Mysticeti (baleen whales);
- (b) family Kogiidae (dwarf and pygmy sperm whales);
- (c) family Physeteridae (sperm whale); or
- (d) family Ziphiidae (beaked whales).

3. Declaration of close season

- (1) A close season is declared in respect of all marine mammals.
- (2) Unless permitted by this notice or by a licence under section 16 of the Act, disturbing marine mammals is prohibited.

4. Vessels approaching whales

- (1) Subject to subclause (2), a person in charge of a vessel may allow the vessel to approach a whale –
 - (a) if the vessel is within an arc of 30 degrees either side of the whale’s direction of travel (whether in front or behind the whale), to a distance of 300 m but no closer; or
 - (b) in any other case, to a distance of 100 m but no closer.
- (2) If a whale approaches a vessel so as to put the person in charge of the vessel in breach of subclause (1), the person must –
 - (a) switch off, or put into neutral, the vessel’s motor (if any); or

- (b) move the vessel away from the whale at a speed of less than 5 knots,

until the person is no longer in breach of subclause (1).

5. **Vessels approaching dugongs**

A person in charge of a vessel that is travelling at more than 10 knots may allow the vessel to approach a dugong to a distance of 100 m but no closer.

6. **Overflying marine mammals**

A person in charge of an aircraft may allow the aircraft to approach a marine mammal to a distance of 300 m but no closer.

7. **Vessels to move away if marine mammal is visibly disturbed**

- (1) If a vessel is near a marine mammal that exhibits signs of being disturbed the person in charge of a vessel must move the vessel away from the mammal, at a speed of less than 5 knots, until it is no longer affecting the mammal.

- (2) Subclause (1) applies –

- (a) despite any other provision of this notice; and
- (b) whether or not the presence of the vessel is the cause of the disturbance to the mammal.

8. **Swimming with marine mammals**

- (1) Subject to subclause (2) and the Shark Bay dolphin notice, a person who is in the water may approach –
 - (a) a whale, dolphin or dugong to a distance of 30 m but no closer, or
 - (b) any other marine mammal to a distance of 10 m but no closer.
- (2) If a marine mammal approaches a person who is in the water so as to put the person in breach of subclause (1), the person must move away from the mammal until the person is no longer in breach of that subclause.

9. **Providing health care etc or releasing mammals**

A person who disturbs a marine mammal does not contravene this notice if –

- (a) the mammal is injured, diseased, exhausted, trapped, stranded or otherwise in need of assistance, care or treatment and the disturbance is reasonably necessary in order to provide that assistance, care or treatment;
- (b) the disturbance is reasonably necessary in order to determine whether a marine mammal is in need of assistance, care or treatment; or
- (c) the disturbance occurs in the course of releasing the mammal into the wild.

10. **Feeding marine mammals**

Subject to the Shark Bay dolphin notice a person may only feed a marine mammal if the person –

- (a) is acting in accordance with a licence under section 16 of the Act;
- (b) is authorised in writing by the Executive Director; or
- (c) is acting under the supervision and control of a person to whom paragraph (a) or (b) applies.

11. **Commercial activities**

Despite any other provision of this notice a person must not carry on a commercial activity that involves disturbing a marine mammal except in accordance with a licence under section 16 of the Act.

CHERYL EDWARDES, Minister for the Environment

WILDLIFE CONSERVATION ACT 1950

WILDLIFE CONSERVATION (CLOSE SEASON FOR WHALE SHARKS) NOTICE 1996

Made by the Minister under section 14 (2) (a).

Citation

1. This notice may be cited as the *Wildlife Conservation (Close Season for Whales) Notice 1996*.

Object of this notice

2. The object of this notice is to allow limited interaction between humans and whale sharks in State waters, while protecting whale sharks from disturbance and molestation, by setting out acceptable approach distances, etc., for vessels, swimmers and divers when in proximity to a whale shark, and to prevent some other activities that may disturb whale sharks.

Interpretation

3. (1) In this notice –

“**contact vessel**” means a vessel, and any tender vessel accompanying the vessel, within a contact zone,

“**contact zone**” means the area within a radius of 250 metres of any whale shark that is in State waters;

“**whale shark**” means the fauna *Rhincodon typus*.

- (2) It is the responsibility of the person in charge of a vessel to comply with a requirement placed on that vessel by this notice.

Declaration of a close season

4. (1) Subject to clauses 5 to 14, a close season is declared in respect of whale sharks in all State waters.
- (2) The close season is for the period commencing on the day on which this notice is published in the *Government Gazette* until the day on which this notice is cancelled or this clause is varied by a notice under section 14 (2) (b) of the Act,

Restriction on number of vessels in or near contact zone

5. (1) A vessel must not enter a contact zone if another vessel is in the contact zone.
- (2) If a vessel is in a contact zone and a second vessel is within 400 metres of the relevant whale shark, any other vessels must maintain a distance of at least 400 metres from that whale shark.

Restriction on period in contact zone

6. A contact vessel must not remain in the same contact zone for longer than 90 minutes.

Restriction on vessel speed in contact zone

7. (1) Subject to subclause (2), a contact vessel must not exceed 8 knots in a contact zone.
- (2) If, for reasons of safety, a contact vessel must exceed 8 knots in a contact zone, that vessel must leave the contact zone as soon as is practicable.

Proximity of contact vessel to whale shark

8. A contact vessel must at all times maintain a distance of at least 30 metres from the nearest whale shark.

Direction of approach

9. If swimmers or divers are to enter the sea from a contact vessel to view a whale shark, the contact vessel must approach a whale shark from the opposite direction of travel to the whale shark's direction of travel.

Physical contact with whale sharks prohibited

10. Subject to clause 12, a person must not touch or ride on, or attempt to touch or ride on, a whale shark.

Proximity of swimmers or divers to whale shark

11. Subject to clause 12, a person in the sea must at all times maintain a distance of at least:
 - (a) 3 metres from the head or body of a whale shark, when approaching a whale shark from any direction, and

- (b) 4 metres from the tail of a whale shark, when approaching the tail from any direction.

Exception when authorised under the Act

12. Clause 10 and 11 do not apply to a person who is authorised under the Act to make physical contact with a whale shark, if that contact is in accordance with the authorisation (e.g. *authorised under a scientific licence*).

Motorized swimming or diving aids, and other aids, prohibited

13. (1) A person must not use a submersible motorized or otherwise powered swimming or diving aid in a contact zone.
- (2) A person must not use any device capable of towing or carrying a person, that is towed behind a vessel, in a contact zone.

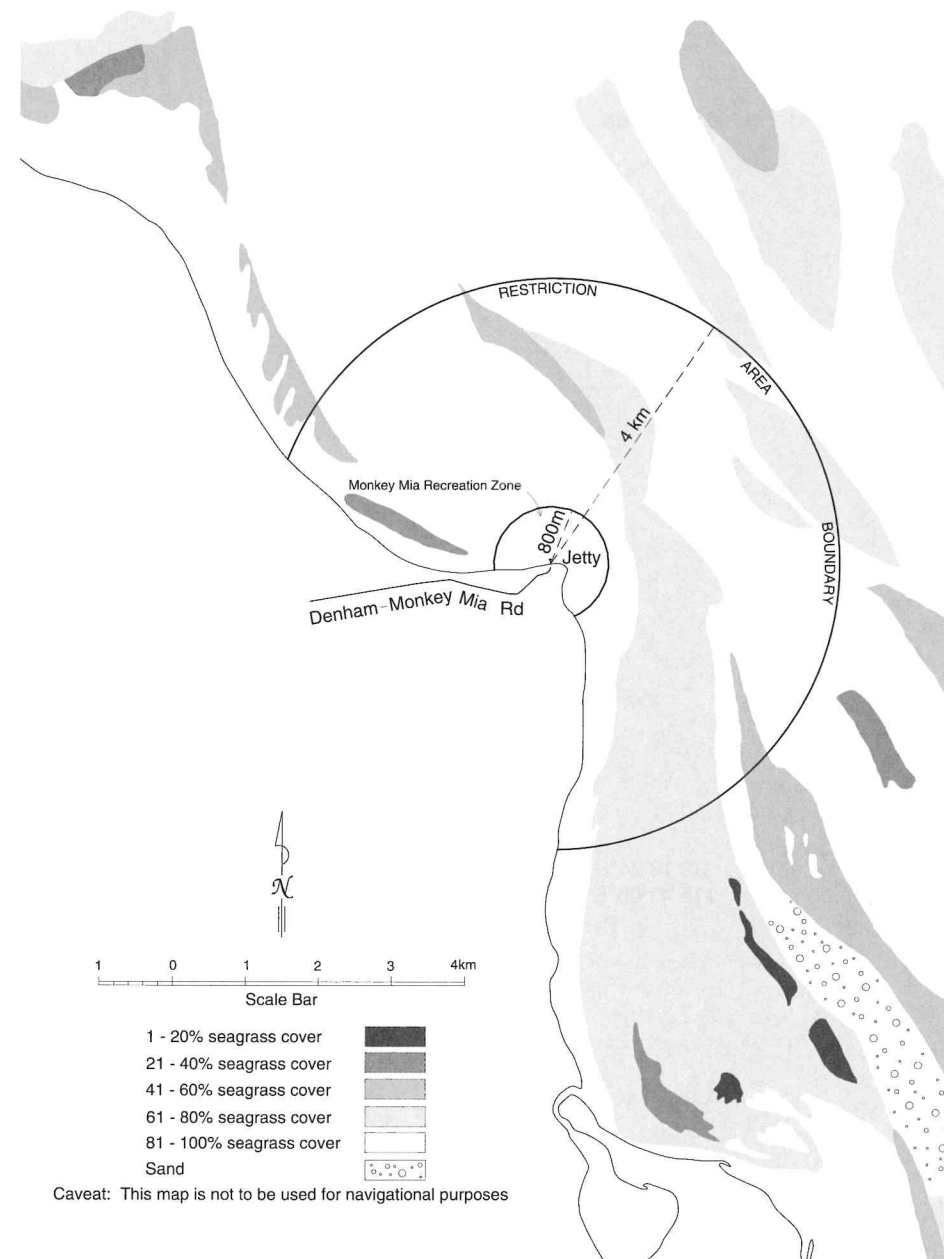
Other taking, etc., of whale sharks prohibited

14. (1) A person must not capture, disturb, molest or take in any other way, a whale shark unless that person does so in accordance with this notice and the *Wildlife Conservation Act 1950*, or unless it is lawful for that person to do so –
- (a) under the *Fish Resources Management Act 1994* ; or
- (b) under the *Conservation and Land Management Act 1984*.
- (2) To the extent that this notice and the *Wildlife Conservation (Fauna of Ningaloo Marine Park) Notice 1992** are inconsistent, this notice prevails.

[*Published in Gazette of 17 July 1992 at p. 3388-9]

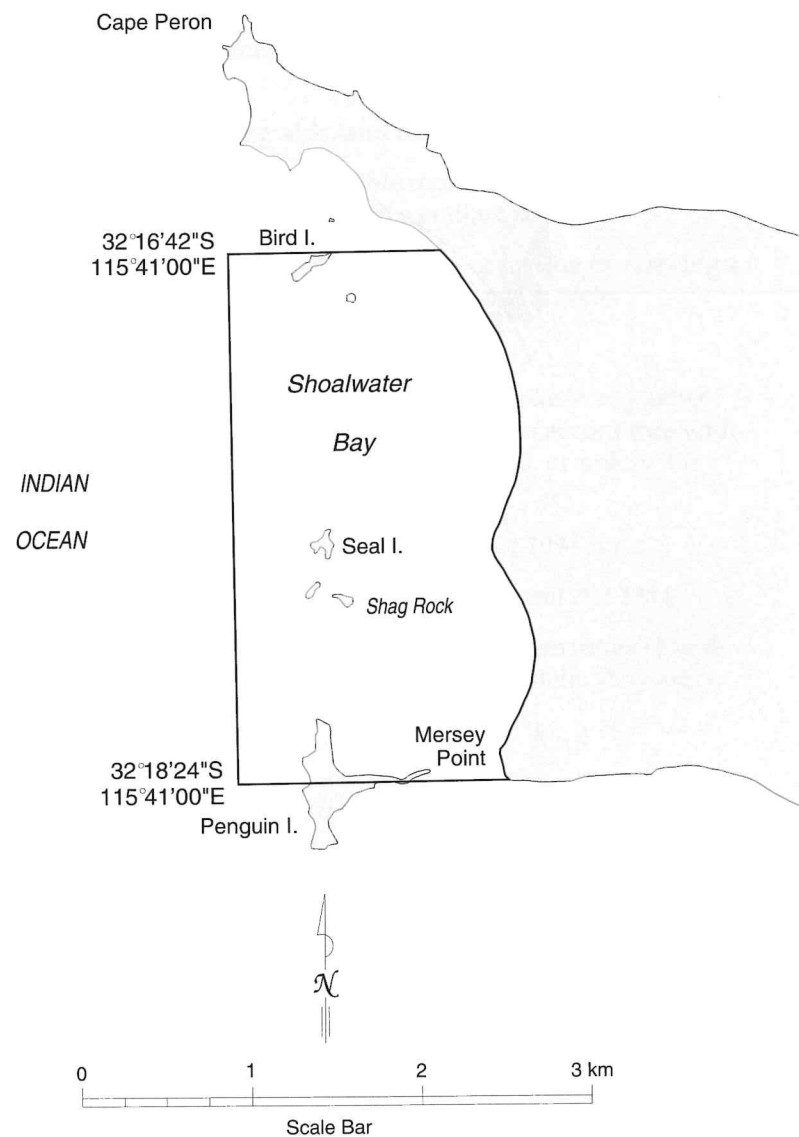
P.G. FOSS, Minister for the Environment

Map 1 Red Cliff Bay - Marine Mammal Interaction Restriction Area



Map 2

Shoalwater Bay Restriction Area



Map 3

Seal Island Restriction Area



REFERENCE LIST

CALM has produced a number of quality publications about the lands and waters it manages and all CALM-licensed tour operators receive a 20 per cent discount off the retail price of these publications.

Titles include:

Dive and Snorkel Sites in WA (RRP - \$14.95, licensed tour operator discount price - \$11.95)

More Dive and Snorkel Sites of WA (RRP - \$14.95, discount price - \$11.95)

The Marine Life of Ningaloo Marine Park and Coral Bay (RRP - \$14.95, discount price - \$11.95)

Range to Reef - discover Cape Range National Park and Ningaloo Marine Park (RRP - \$5.95, discount price - \$4.75)

Bush Book Series - Pocket Field Guides (RRP - \$5.95, discount price - \$4.75)

Discovering Series - Pocket Tourist Guides (RRP - \$5.95, discount price - \$4.75)

North-West Bound - from Shark Bay to Wyndham (RRP - \$19.95, discount price - \$15.95)

Many other publications are also available and a further discount is available to operators to sell CALM publications to clients. For further information, or to order a publication, please phone CALM's Marketing and Sales Manager on (08) 9334 0333.

Also available is *Best Recipes for Interpreting our Heritage: Activities for Ecotour Guides and Others*. This is an invaluable tool to help ecotourism guides deliver interpretive activities (\$25.00, discount not available).

Running Ecotours and Other Activity Programs. A guidebook for ecotour operators will be available in 1999.

Kimberley Tourism Manual. A guide to interpreting the Kimberley for tour operators, drivers, guides, storytellers and others. Available from CALM's Kimberley District Offices.

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STAPLE LICENCE/LICENCE ENDORSEMENT HERE AS REQUESTED

Western Australia's marine environment is both beautiful and diverse. It includes everything from coral reefs, mangroves and whale sharks to dugongs, dolphins and the ancient stromatolites of the World Heritage Shark Bay area.

To ensure that Western Australian marine conservation reserves protect marine biodiversity and that human activities are ecologically sustainable, the Department of Conservation and Land Management (CALM) licenses commercial activities in accordance with Section 101 of the Conservation and Land Management Act, 1984.

This handbook provides licensed conditions designed to minimise detrimental impacts on marine conservation reserves and the lands associated with them. The conditions will help to conserve these areas for present and future generations.

For further information, please contact CALM's Park

