

NATURE BASED TOURISM OPPORTUNITY

COMMERCIAL DIVE OPPORTUNITIES ON THE SCUTTLED VESSEL, THE SAXON RANGER, IN SHOALWATER ISLANDS MARINE PARK

**EXPRESSIONS OF INTERESTS FOR COMMERCIAL DIVE
OPERATIONS IN THE PROPOSED WEST COAST DIVE PARK –
AN INITIATIVE OF THE CITY OF ROCKINGHAM AND THE
STATE GOVERNMENT**

GUIDELINES FOR SUBMISSION

EOI Closing Date 3:00pm (WST) Tuesday 31 May 2005.

EOI 4 243 2005

For more information please contact Kate Moore on (08) 9334 0516.



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SUMMARY

Expressions of Interest are invited from suitably qualified individuals or organisations to develop and operate nature-based tourism operations in the Shoalwater Islands Marine Park (the Marine Park). The opportunity will be to develop and conduct commercial dive tours that allow visitors to experience the scuttled vessel, the Saxon Ranger, under a restricted commercial operations licence.

This opportunity is being offered by the Department of Conservation and Land Management (CALM) in conjunction with the City of Rockingham who propose, under a licence, to scuttle and manage the Saxon Ranger within the Marine Park. The City of Rockingham will be undertaking all management, monitoring, maintenance and compliance of the wreck and of all associated activities. The licences offered in this Expression of Interest (EOI) provide the legal framework for the successful applicants to work with the City of Rockingham to manage the wreck.

The Marine Park was reserved in 1990 as an 'A' class reserve and is vested in the Marine Parks and Reserves Authority (MPRA). The MPRA was established in 1997 as the vesting body for the State's marine conservation reserves. The Marine Park was reserved and vested in the MPRA in order to protect the significant ecological values of the park, while continuing to provide for recreational and commercial uses. The Marine Park encompasses coastal waters from Becher Point to the Garden Island causeway and extends seawards approximately one kilometre west of Penguin Island. The Park is frequented by local, regional, interstate and international visitors. Current figures estimate that more than 620,350 visits are made to the marine park each year.

This EOI will be used to allocate up to two 'E' Class licences to allow commercial dive operators to conduct dive operations on the Saxon Ranger with use of an allocated mooring within Shoalwater Islands Marine Park.

Nature based tourism is a growth industry that encourages awareness of the natural environment and associated natural, cultural and historical values. Nature based tourism can increase awareness of important conservation issues and provide income and employment to the local economy. The operations carried out under a commercial licence for dive operations on the scuttled Saxon Ranger in Shoalwater Islands Marine Park will need to be conducted in such a way that potential conflict with other users and operators is minimised and that environmentally sustainable tourism is ensured. Visitors will be offered a quality tourism and recreation experience that does not compromise the natural values of the area. Applicants for this EOI will be required to submit an application addressing the selection criteria in section 9.0.

CALM and the City of Rockingham views the allocation of these licences as an opportunity to enter into arrangements with the private sector, where mutual benefits can be derived.

If allocated, the licences may be granted initially for a period of up to one year. Further renewals will depend on the operational arrangements made between the City of Rockingham and CALM.

**The submissions for this Expression of Interest will close
3:00 pm WST, Tuesday, 31 May 2005.**

1.0 INTRODUCTION

The Shoalwater Islands Marine Park is one of three marine parks located in and around Perth. Situated about twenty five kilometres south of Fremantle, the Park extends from Cape Peron to Becher Point and contains the waters of Shoalwater Bay, Safety Bay and Warnbro Sound in Rockingham and a portion of Cockburn Sound off Cape Peron. As its name suggests, the marine park not only surrounds a chain of unique limestone islands that run parallel to the Rockingham coastline, it also encompasses an incredibly rich and diverse marine environment.

The limestone reefs, seagrass beds and sandy seafloors provide habitat for a diverse assemblage of marine biota including marine mammals such as dolphins and sea lions. The significance of several flora and fauna

communities in the Park has also been recognised. The subtidal reefs in the Park harbour highly diverse populations of sponges with over 70 genera recorded from around reefs of the Garden Islands Ridge and Five Fathom Bank. This represents one of the most diverse sponge populations in Australia. Sea squirts, feather stars, lacy bryozoans and hard corals can be found clinging to limestone overhangs, small caves and swimthroughs throughout the waters of the Park.

The shallow sandy areas and seagrass beds add to the diversity and productivity of the areas, stabilise sediments and provide habitat for juvenile fish. The deep silty basin of Warnbro Sound contains a distinctive mixture of temperate and subtropical invertebrates.

The numerous islands of Shoalwater Islands Marine Park provide habitat for penguins and other sea and shorebirds, many of which are seldom seen on the mainland. The Islands are important grounds for seabird breeding, courtship, nesting, feeding and roosting. Seal Island is a major haul out site for Australian sea lions and they often fish and swim in the nearby waters. The Australian sea lion is the rarest sea lion species in the world and is declared fauna in need of special protection under the *Wildlife Conservation Act 1950*.

The high conservation value and diversity of the Marine Park gives it high educational and interpretive value, particularly as it is only 45 minutes drive from Perth.

Recreation activities offered in the Park are diverse and cater for a wide range of visitor experiences. There is good diving throughout the year, depending on daily weather. In summer, morning dives are best, before the afternoon sea breeze arrives, while calm winter days can offer enjoyable diving conditions. Low impact recreational activities and those that increase awareness, appreciation and understanding are more favoured and encouraged in the Park. Improved provision of accurate information and a greater emphasis on management plans will be an important part of increasing visitor awareness, appreciation and understanding.

The opportunity now exists for a suitable person or organisation to apply to conduct commercial dive operations on the Saxon Ranger in the Shoalwater Islands Marine Park. Operations within the restricted area around the scuttled vessel will be conducted under an 'E' class commercial operations licence issued by CALM. This licence may also permit operations at other locations in the Marine Park (except the Shoalwater Bay Restriction Area) that are consistent with the Tour Operator Handbook - Marine. The MPRA has endorsed the proposal by CALM to grant two commercial operations licences for this purpose. The grant of the licences to the successful applicant(s) will be subject to the approval of the Minister for the Environment. Management of the wreck will be undertaken by the City of Rockingham. The successful applicant will be required to enter into a management arrangement with the City of Rockingham as a result of this EOI. There may be up to two E class commercial operations licences offered in this call for EOI.

The allocation of the CALM licence is aligned with CALM's strategic directions as defined in the *CALM Corporate Plan 2002-2005* (Appendix 5). The operation of commercial tourism at the Marine Park not only assists in the development of sustainable community benefits but also helps maintain community involvement and support for CALM and the land and waters it manages on behalf of the State.

2.0 WEST COAST DIVE PARK

Statistics show that internationally, diving and snorkelling are two of the fastest-growing recreational and tourist pursuits. It contributes some \$520 million to the Australian economy every year nationally — \$120 million of this in WA alone. The creation of a Dive Park off the metropolitan coastline was recommended in the Government's Tourism Policy, released prior to the 2001 State election. It is anticipated that the creation of a world-class Dive Park will provide a major attraction for local, interstate and international diving enthusiasts, and will complement the existing HMAS Swan and HMAS Perth dive wreck sites at Dunsborough and Albany.

A 279 square kilometre area of coastal waters off Rockingham has been identified as the proposed West Coast Dive Park. The area stretches from Casuarina Shoal to the James Service Reef and includes the five-fathom bank and western portion of Warnbro Sound (Appendix 1). A portion of the proposed Dive Park, which includes the proposed Saxon Ranger site, is located within the boundaries of the Shoalwater Islands Marine Park. The park includes locations with depths up to 25 metres. It is a sandy-bottomed basin of water with

fringing reefs that offer added protection. The water clarity is high, and the area is outside major boating and shipping channels.

At present a total of ten wrecks are located on the ocean floor within this area. It is proposed that further wrecks will be sunk to expand the diving attractions over the next ten years, with the first purpose-prepared dive wreck in the proposed West Coast Dive Park being the Saxon Ranger.

3.0 SCUTTling OF THE SAXON RANGER

The Saxon Ranger is a 40-metre former fishing vessel currently being prepared for scuttling. Built in the early 1960s at Grimsby, UK for work in the North Atlantic, the vessel was brought to Australia in 1974 to work off the coast of Albany as well as in Tasmanian and Antarctic waters. The 400 tonne vessel is scheduled to be sunk in May 2005, joining the ten other vessels already within the proposed West Coast Dive Park off Rockingham.

The Saxon Ranger is proposed to be the first purpose sunk vessel of the Dive Park and will provide great recreational opportunities for scuba divers in the region, as well as providing a valuable new habitat for marine life.

It is anticipated that the wreck of the Saxon Ranger will become a popular dive site for divers from Rockingham and Perth, and will supplement the existing dive wreck trail in the Southwest. It is also anticipated to boost tourism to the region and provide economic benefits to coastal communities such as Rockingham. For safety reasons, a 200 metre by 200 metre square no fishing and no anchoring zone is proposed to be gazetted around the wreck, and the installation of four moorings. If the site is established, two moorings will be for public use and managed through a permit system operated from Rockingham Visitor Centre, and two moorings are proposed to be allocated to the successful applicants to this call for EOI, one to each operator.

The Department of Housing and Works have managed preparation of the vessel, the approval and consultation process and will also manage the scuttling of the vessel. The vessel has been prepared by Artificial Reef Consultants in accordance with the Commonwealth's *Environment Protection (Sea Dumping) Act 1981*. This requires the vessel to be cleaned of any noxious, hazardous, polluting and floatable materials. Extensive consultation with stakeholders and permission of the Commonwealth Department of Environment and Heritage must also be obtained before scuttling.

An environmental assessment of the proposed wreck site has occurred, with the selected site having a sandy bottom and displaying no habitat available for marine communities. From international experience, it is considered that wrecks provide a haven for fish and marine life, which can assist in raising public awareness of marine issues.

All future management and costs of the scuttled vessel and associated operations will remain with the City of Rockingham.

4.0 COMMERCIAL TOURISM ON LANDS AND WATERS MANAGED BY CALM

CALM has the lead responsibility for conserving the State's rich diversity of native plants, animals and natural ecosystems, and many of its unique landscapes, for their intrinsic value and for the benefit and appreciation of present and future generations. This includes more than 24 million hectares comprising national parks, conservation parks, 5(1)(g) reserves, 5(1)(h) reserves, State forests and timber reserves, nature reserves, marine parks, marine nature reserves and marine management areas.

As an agency with integrated responsibilities, lands and waters are managed for the conservation of biodiversity at an ecosystem, species and genetic level, including management for the renewable resources

they provide and for recreation and visitor services they can sustainably support. One method of contributing to sustainable tourism is the licensing of tour operators. CALM licences all commercial operations carried out on its estate in accordance with sections 97A and 101 of the *Conservation and Land Management Act 1984* and Part 7 of the *Conservation and Land Management Regulations 2002*.

Nature based tourism is a valuable industry that encourages awareness and education in relation to the natural environment and important conservation issues. It also assists the local economy by providing income and employment. Commercial operations licences that are granted with appropriate conditions provide a mechanism to ensure that reserves are managed in an ecologically sustainable manner. Licensing commercial operations helps to control access to an area and minimise the detrimental impacts that may occur from an increase in usage. The granting of licences also enables CALM to monitor access and use of lands and waters it manages to ensure that the conservation values of these areas are maintained. The protection of these values enables tour operators to return to the same location and find it in an unspoiled condition.

CALM may grant either 'T' or 'E' class licences depending on the nature or location of the commercial operations. 'T' class licences are general licences where the commercial operation is open to many operators (for example, safari tours in Nambung National Park). In these circumstances, environmental and visitor management objectives can be achieved through appropriate licence conditions. 'E' class licences are granted when there is a need to limit the number of licences for commercial operations for either environmental, management or safety reasons. Restricted 'E' class licences are granted when there is a need to:

- Restrict the number of operators providing a specific activity; or
- Restrict the number of activities provided within a specific area.

The Department may at any time review and/or modify the number of 'E' class licences for a particular activity or area if the factor limiting licence numbers is altered.

An EOI process is adopted where a limited number of opportunities are offered for tourism or commercial recreational operations. The licence that may be granted, as a result of this EOI will be a restricted 'E' class licence. 'E' class licences can be granted for a period of up to five years. However, the length of an 'E' class licence period is dependent upon the nature of the activity, environmental and management concerns, the applicant's accreditation and demonstrated ability to conduct the operation in accordance with CALM's management objectives.

CALM has two major responsibilities in managing recreational and tourism operations. These are:

- to protect the conservation values of an area; and
- to assist visitors in developing an appreciation and understanding of the natural environment.

These responsibilities are shared with tour operators. It is recognised that there are three ways in which commercial tour operators can assist in achieving management objectives. These are:

- by ensuring visitors obtain a quality experience through the provision of quality services, facilities and interpretation;
- by assisting in the protection and management of nature conservation and cultural values; and
- by ensuring that operations are conducted in an environmentally sustainable way.

Hence, there is an opportunity to foster awareness and encourage understanding of the natural environment and ensure commercial operations are undertaken in a way that is acceptable to the commercial market and the public while ensuring the conservation of wildlife, protected areas and cultural values.

It is important that all operations proposed are consistent with the maintenance and preservation of species, populations, habitats, natural features and social values of the reserve. Commercial activities and services provided in areas managed by CALM are subject to the endorsement of either the Conservation Commission of Western Australia (the Commission) or the Marine Parks and Reserves Authority (MPRA), and to the approval of the Minister for the Environment.

The issuing of licences enables the Department to monitor and manage access and use of the waters under its control and ensure that the conservation values of such areas are maintained. There are currently 17

operators licensed for operations in the Marine Park, two of which are conducted under 'E' class restricted licences. These 'E' class restricted licences are for the operation of the direct ferry service from the mainland to Penguin Island, and for the operation of boat tours within the restricted area of Shoalwater Bay.

The two licences that may be offered in this EOI will be E class restricted licences for dive operations on the scuttled vessel, the Saxon Ranger, within Shoalwater Islands Marine Park. These licences may be granted for a period of up to one year.

5.0 MANAGEMENT OF SHOALWATER ISLANDS MARINE PARK

The Shoalwater Islands Marine Park was reserved in 1990 as an 'A' class reserve. A Shoalwater Islands Marine Park Draft Management Plan was initially released for public comment in 1995.

The Conservation and Land Management Act 1984 states that a marine park is established "for the purpose of allowing only that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest."

Most public comment on this plan advocated the need for sanctuary zones in the park, and the draft plan was subsequently amended.

The format of the management plan has since been standardised and it is anticipated that the management plan will be implemented soon and will guide the management of the Shoalwater Islands Marine Park over a ten year period.

Tourism in the Marine Park is rapidly expanding. The key to being able to expand commercial concessions and their role in the marine park and still maintain and enhance other park values, will be dependant on on-going relationships between the concessionaires and CALM.

As the Management Plan for the Shoalwater Islands Marine Park has not yet been gazetted, the two licences offered in this EOI are allowed to be issued pursuant to the approval in 1993 by the then Minister for the Environment that tourism activities are compatible with the purpose of the Marine Park.

It is anticipated that when the Shoalwater Islands Marine Park Management Plan is implemented, the City of Rockingham may be issued with a lease for the wreck site, at which time, the dive operation licences may cease and allocation of the dive opportunities may be conducted by the City of Rockingham.

6.0 TOURISM OPPORTUNITY

6.1 Tourism Overview

The Marine Park provides a unique visitor experience. The Park is known for offering some of the best diving opportunities off the WA coast due to the diversity of fauna, water clarity and the pristine condition of the reefs. Current figures estimate that more than 620,300 visits are made to the park per annum. The recently released Experience Perth Destination Development Strategy, which sets out the development priorities for the region, has identified the need for additional attractions and activities within the proposed West Coast Dive Park, and the need to link marketing activities to other dive wrecks in Western Australia.

To ensure minimal impact on the conservation values of the Marine Park and to preserve the quality of the visitor experience, up to two commercial E class licences may be issued.

This is an excellent opportunity to develop an operation that provides a quality nature based tourism experience within the Marine Park.

6.2 Management Arrangement with the City of Rockingham

The successful proponents for this EOI will be expected to enter into a wreck management arrangement with the City of Rockingham, and acceptance of this will form part of the selection criteria of this EOI. This arrangement will require the successful applicant/s to undertake and/or report on (including but not limited to) the following to both CALM and the City of Rockingham:

- Regular monitoring of the wreck condition to ensure that risks to divers are minimised;
- Minor maintenance of the wreck where requested by the City of Rockingham through CALM;
- Visitor usage;
- On site management of visitors to the site;
- Compliance monitoring of visitors to the wreck;
- Monitoring problems associated with the operations and any incidents that occur;
- Report sightings of marine mammals (Cetaceans and Pinnipeds) and penguins within the restricted area;
- Site clean up to remove rubbish and fishing gear; and to
- Pay the required licence charges to CALM.

Specific management requirements will need to be determined between the successful applicant/s and the City of Rockingham, to the satisfaction of CALM.

The City of Rockingham will be responsible for:

- Scuttling and on-going maintenance of the wreck to ensure that risks to divers are minimised;
- The installation, maintenance, insurance and on-going inspections of two moorings to be used under a City permit by members of the public;
- The installation, maintenance, insurance and on-going inspection of two moorings to be used by two commercial dive operators;
- Collection of permit fees and management of the booking system for the public moorings;
- On site management of visitors to the site (as specified in the Draft Guidelines for the Management of the Saxon Ranger Site); and
- All costs associated with the management of the dive site and immediately surrounding waters within the restricted anchoring zone or proposed leased area.

6.3 Commercial Licence and Licence Conditions

CALM is seeking EOIs from suitably qualified individuals or organisations who wish to apply for the opportunity to operate commercial dive operations at Shoalwater Islands Marine Park on the scuttled vessel, the Saxon Ranger. This will include the use of one mooring at the wreck site and the commitment to undertake a management role on behalf of the City of Rockingham.

Two moorings for the commercial dive opportunities with specifications of vessels not to exceed 12 metres and on site wind conditions not to exceed 40 knots will be installed by the City of Rockingham following the scuttling of the vessel. Applicants will be required to nominate one vessel only. It will be a condition of the licence that the size and displacement tonnage of the nominated vessel (or substitute vessel) must not exceed the limits of acceptable use of the allocated mooring, and that moorings must only be used in accordance with their specifications. Should the applicant wish to modify and/or upgrade the mooring to accommodate their nominated vessel, they must do so at their own cost, and the new mooring and top end gear will become and remain the property of the City of Rockingham. Applicants should indicate in their application, if they propose to replace the allocated mooring.

The successful applicant/s will be required to regularly report on how the business contributes and plans to contribute to the local community from social and economic perspectives. Should there be two successful applicants, they will both be required to enter into a cooperative arrangement with the other operator to manage access to the site.

Applicants are eligible to apply for one licence only.

The service must be consistent with the management objectives of the Marine Park and should demonstrate best practice and sustainable environmental and social principles.

Commercial tourism operations in the Shoalwater Islands Marine Park will allow a greater number of people to experience the unique environment of the Park and raise awareness of relevant conservation issues. However, to ensure minimal impact to the area, to protect the wildlife and to preserve the quality of the visitor experience, the number of licences offered in this EOI will be limited to two.

The successful applicant/s to this EOI will be expected to liaise closely with the City of Rockingham and CALM and other concessionaires and tourism industry operators. This is to ensure compatibility of services and to ensure that operations result in minimum detrimental impacts on the nature reserve and optimum benefit to visitors, the community and the Departments responsible for management.

The successful applicant/s will be required to abide by the relevant conditions in the Commercial Tour Operator Handbook – Marine, the General Conditions applicable to all commercial operations licence holders and the Schedule 1 Licence Conditions (Draft conditions in Appendix 4). These conditions may be subject to change at any time and will be applicable to the licence obtained by the successful applicants of this EOI and a breach of these conditions may lead to the licence being withdrawn.

It is a standard CALM licence condition that all commercial operations licence holders be covered with a minimum \$10 million public liability insurance. Therefore, it will be a requirement of the successful applicant that they obtain a minimum coverage of \$10 million dollars public liability insurance for the operation before a licence is issued.

The principal vessel nominated by the successful licence holder to this EOI must either be wholly or partially owned or leased by the licence holder and must be currently surveyed to the Department for Planning and Infrastructure requirements for operation in the Shoalwater Islands Marine Park.

6.4 Universal Access to Services and Facilities

CALM support the principle of Universal Design in the delivery of recreation and tourism facilities and services. Pursuant to the Commonwealth's *Disability Discrimination Act 1992* and the State's *Equal Opportunity Act 1984*, it is a requirement that Departments ensure access is not denied to people with disabilities wherever possible. CALM's approach is to provide for a diversity of user groups with a wide range of needs and design for flexibility and ease of use *while at the same time* seeking to maintain the fundamental characteristics and experience of a place. The principle is that if the solution to an access problem destroys the environment or experience (such as a ramp to the top of Bluff Knoll for wheelchairs), or it would be financially unachievable, then CALM does not do it. But if possible it does provide an equivalent experience somewhere else.

Applicants should demonstrate to CALM their commitment to providing services that accommodate universal design and access to facilitate a range of disabilities consistent with legislation.

6.5 Accreditation

Accreditation programs, such as the National Tourism Accreditation Program (NTAP) and the Ecotourism Certification Program (formerly known as Nature and Ecotourism Accreditation Program (NEAP)), can assist commercial operators in meeting their responsibilities within protected areas, by ensuring visitors obtain a quality experience through the provision of quality services, facilities and interpretation and conducting the operations using industry accepted sustainable practices.

To encourage commercial tour operators to meet their responsibilities while operating within the conservation estate of Western Australia, accreditation programs will be an assessable part of the selection criteria. **Applicants will need to demonstrate their commitment to becoming accredited with either NTAP with the Advanced Environmental Management Module or the Ecotourism Certification Program (or their equivalents), within three months of a CALM licence being allocated.**

NTAP is administered by the Tourism Council of Western Australia (telephone (08) 9472 0000, fax (08) 9472 0111, email tcwa@tourismcouncilwa.com.au or visit www.tourismcouncilwa.com.au). Ecotourism

Certification is administered by Ecotourism Australia (telephone (07) 3229 5550, fax (07) 3229 5255, email info@ecotourism.org.au or visit www.ecotourism.org.au).

6.6 Licence charges

Licence charges will apply to the successful applicants who obtain a restricted licence. For the first year the licence charge will be set (for each licence) at \$2,000.00 per annum plus \$10.00 per passenger, to be paid quarterly, and will then be reviewed annually and may be subject to change at that time.

Fees will be paid to CALM, which will contribute to the cost of the management activities of the City of Rockingham and meet CALM's administration costs.

7.0 SELECTION PROCESS

The EOI process seeks details of those applicants interested in undertaking the opportunity outlined. The evaluation and selection process follows the *Commercial Dive Operations at Shoalwater Islands Marine Park Expression of Interest Evaluation Process and Methodology* (Appendix 3) and the probity guidelines specified in the *Commercial Dive Operations at Shoalwater Islands Marine Park Expression of Interest Probity Guidelines* (Appendix 6).

CALM uses a competitive process to allocate restricted opportunities for commercial licences on the lands and waters that they manage. This is not a tender and allows for applicants to use their own initiative to develop submissions that will meet CALM's requirements and deliver the best business and management outcome for the State.

If, after evaluation of the EOI submissions and any subsequent discussions only one applicant is found to be suitable, CALM reserves the right to enter into direct negotiations with that applicant in order to enter into an agreement and only grant one licence.

All applicants will be informed of their status at the completion of the approval process. Each EOI submission will be considered on its merits and if no submission is acceptable, then none will be accepted.

All proposals will be given due consideration and information provided will be treated in the strictest confidence.

The final decision will be based on the best business or management outcome for the State.

If any interested parties wish to discuss the project or any aspects of this EOI process, they are welcome to contact Kate Moore, A/Business Development Coordinator, Park Policy and Services Branch on (08) 9334 0516.

CALM licenses all commercial operations carried out on its estate in accordance with sections 97A and 101 of the *Conservation and Land Management Act 1984* and Part 7 of the *Conservation and Land Management Regulations 2002*.

Given that the opportunity is usually restricted because of environmental, management or safety/risk reasons, some of the outcomes are as follows:

- That the activity is environmentally sustainable;
- That the activity minimises risk (to human life and the environment) and maximises the satisfaction of visitors;
- That the business has suitably qualified personnel with the necessary experience to conduct the operations and to operate the business so that it is economically sustainable;
- That there is a high level of interpretation delivered.
- That other Government's policy objectives are delivered.

These can include, but are not limited to:

- Maximum benefits for the local community; and
- Providing opportunities for people with disabilities.

Applicants are required to address the criteria in section 9.0. Some criteria are weighted and this weighting denotes the importance that these criteria are given in the assessment process. Applicants should take note of the weighting given and respond accordingly.

All applicants should understand that the assessment panel does not make the final decision as to which applicant/s the licences will be offered. The evaluation panel, as outlined in the *Evaluation and process methodology—establishment and role of the evaluation panel* (Appendix 3) makes a recommendation to the Executive Director of CALM for consideration as to whose application/s can be progressed. There may be more applicants that meet the requirements than licences available, and the Executive Director of CALM will seek the approval of the Minister for the Environment to offer the licence/s to the applicant/s of CALM's choice, if at all.

Applicants should also understand that CALM reserves the right to:

- Not progress any application should it be believed that none are appropriate or that the licence/s should not be offered.
- Not agree with certain parts of a submission and negotiate change to proposals so that the proposal provides the best management and business outcome for the State.

All applicants will be given due consideration and information provided will be treated in the strictest confidence, subject to disclosure in accordance with law.

In assessing submissions, all information requested in this EOI and any relevant additional information available to CALM provided by applicants, will be taken into account. A scoring system will be used as part of the assessment of the qualitative criteria. Unless otherwise stated, a response to one of these criteria that provide all the information requested will be assessed as satisfactory and will, in the first instance, attract an average score. The extent to which the response demonstrates greater or lesser satisfaction of each of these criteria will result in a score greater than or less than the average. The aggregate score of each applicant will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment in terms of the best business and management outcome for the State. (The scoring legend of zero to nine is outlined in Section 9.0).

All applicants will be informed of their status at the completion of the approval process. Each EOI submission will be considered on its merits and if no submissions are acceptable, then none will be accepted. Referees may also be contacted prior to the selection of the successful applicants. If after evaluation of the Expressions of Interest and any subsequent discussions only one applicant is found to be suitable, CALM reserves the right to enter into direct negotiations with that applicant in order to enter into an agreement.

An offer of preferred applicant status might then be made to the successful applicant/s that represent the best business and management outcome for the State. Allocation of a licence/s and a final offer is subject to the approval of the Minister for the Environment.

8.0 MAKING A SUBMISSION

Interested parties are invited to express their interest by 3:00pm (WST), Tuesday, 31 May 2005 (see Section 10.0). An application form (Appendix 7) and a \$50.00 application fee are required with the submission, to register your application.

APPLICANTS WILL BE REQUIRED TO SUBMIT FIVE (5) COPIES OF THEIR SUBMISSION.

THE APPLICATION FOR A LICENCE WILL NEED TO BE SUBMITTED BY A REAL PERSON OR INCORPORATED BODY ONLY. A JOINT APPLICATION WILL NOT BE ACCEPTED.

IF IT IS THE INTENTION OF THE APPLICANT WHO IS NOT AN INCORPORATED BODY TO OPERATE UNDER A CORPORATE STRUCTURE, IF SUCCESSFUL, THE SUBMISSION WILL BE ACCEPTED IN A PERSON'S NAME AND THE LICENCE MAY BE GRANTED IN A COMPANY NAME OF WHICH THE APPLICANT IS PRINCIPAL.

9.0 SELECTION CRITERIA

The following Selection Criteria apply to submissions to the application for a licence to operate commercial dive operations on the Saxon Ranger in the Shoalwater Islands Marine Park.

9.1 Compliance Criteria

- Criterion 1** Provide a survey certificate for a nominated vessel demonstrating that it is in current survey for the required area of operation. If the survey certificate is not in the name of the applicant, then the applicant will need to demonstrate that the vessel is being nominated with the lawful approval of the owner. The applicant will also need to provide evidence of the qualifications of the nominated skipper. The applicant will need to provide vessel specifications (length, vessel tonnage etc).
- Criterion 2** Demonstrate that the diving qualifications of key personnel is recognised by a National Qualification Accreditation Scheme.
- Criterion 3** Unless already attained, demonstrated willingness to achieve accreditation with either the National Tourism Accreditation Program (NTAP) with the Advanced Environmental Management Module OR the Eco Certification Program, (or their equivalents) within three (3) months of the granting of a licence.
- Criterion 3** Provision of a public liability insurance certificate of currency with a coverage of \$10,000,000 (\$10 million), specifying coverage of the proposed activities, and indemnifying the Executive Director of the Department of Conservation and Land Management and the City of Rockingham against any claim that may arise from the operations.
- Criterion 4** Applicants indicate their agreement to:
1. Implement any monitoring and management programmes of the wreck site or associated activities that are developed by CALM in conjunction with the City of Rockingham (consistent with Department of Environment and Heritage requirements where necessary) to the satisfaction of CALM; and
 2. Only use the commercial operator mooring allocated to the successful applicant, and use only the nominated vessel on that mooring;
 3. Ensure that the nominated vessel suits the mooring specifications at all times.
- Criterion 5** Compliance with all requirements of the Expressions of Interest guidelines. (Applicants should indicate their agreement to comply with all requirements of the EOI Guidelines for Submission). This should include a statement that the applicant understands and acknowledges that:
1. The CALM licence will expire on 30 June 2006;
 2. The licence will not be automatically renewed upon the expiry of the licence period;
 3. The licensed operations may be reviewed and modified or cancelled at this time or may be subject to another competitive application process or other arrangement directly with the City of Rockingham should a lease to the City be in place;
 4. The operator will be responsible for all set-up costs associated with the operation and indemnifies the Executive Director against any loss or expenses should the licence not be renewed upon the expiry of the licence period.

APPLICANTS ARE REQUIRED TO ADDRESS AND MEET THE CRITERIA IN SECTION 9.1

9.2 Weighted/Qualitative Criteria

The following weighted selection criteria apply to EOI submissions (the percentage figures show the weighting applied to each criteria):

- | | | |
|--------------------|---|------------|
| Criterion 1 | Applicant Attributes | 20% |
| | <p>CALM wish to enter into a licensing arrangement with operators who have appropriate experience, skills and business qualities that will enhance the management and operation of the Marine Park. This includes knowledge and ability relevant to commercial tourism activities in a protected area.</p> <p>You will need to provide information to demonstrate your level of compliance/cooperation in the following areas:</p> <ul style="list-style-type: none"> • Are able to work cooperatively with CALM; • Have met relevant statutory requirements, management guidelines and operating conditions. (Please provide details of any previous approvals, permits or licences that you are applying for or have obtained under Commonwealth, State or Territory legislation including reference number and date of expiry). • You have demonstrated timely payment of fees, charges and accounts that have been levied for which you are responsible for payment (not necessarily just CALM fees); • You have displayed or can demonstrate a willingness to cooperate with and assist organisations in research and management programs; • You and your staff do not have a history of breaches of the <i>Conservation and Land Management Act 1984</i> and <i>Regulations 2002</i>, <i>Wildlife Conservation Act 1950</i> or licence conditions. (Please provide details of any convictions for offences under other Acts and Regulations. Please advise if you have ever been declared or are currently bankrupt, or have executed an arrangement under Part X of the <i>Bankruptcy Act</i>). | |
| Criterion 2 | <p>Demonstrated skills, qualifications and experience of key personnel in business management with emphasis on the tourism and diving industries. Please also demonstrate skills, qualifications and experience of key personnel in the provision of:</p> <ol style="list-style-type: none"> 1. Commercial diving operations, vessels and equipment; and 2. Wreck diving | 20% |
| Criterion 4 | <p>Demonstrated knowledge and understanding of local conditions, environmental processes and management objectives of the Shoalwater Islands Marine Park. This should include a description of what steps will be taken to comply with the <i>Conservation and Land Management Act 1984</i> and <i>Regulations 2002</i> and <i>Wildlife Conservation Act 1950</i> and minimise adverse impacts on any native species or ecological communities.</p> | 20% |
| Criterion 5 | <p>Provide an outline of the business' "Conduct of Dive" which demonstrates your commitment to the provision of quality customer service, how each dive will be conducted, how the business plans to respond to events and emergencies and what safety procedures will be in place to ensure the safety and well being of your customers.</p> | 15% |
| Criterion 6 | <p>Suitability of proposed marketing outline and local community benefits.</p> <p>The marketing outline should demonstrate the promotion of the dive operation and the Park. It should indicate how marketing will be directed at the retail, wholesale and inbound markets. The outline should demonstrate how the business will work with the local community to maximise its benefits from both business and social perspectives. The outline will need to demonstrate a commitment to providing services that meet universal design and access requirements that accommodate a range of disabilities.</p> | 25% |

Applicants must address each criterion, **using the headings provided above**. Applicants will be scored for each of the weighted/qualitative criteria listed on a scale of zero to nine.

The assessment panel set definitions to the numerical assessment of each criterion as follows:

- 0 Does not address selection criteria.
- 1 Limited understanding or capability, no confidence that selection criteria will be met.
- 3 Less than satisfactory understanding or capability, limited confidence that selection criteria will be met.
- 5 Satisfactory understanding or capability, reasonably confident that selection criteria will be met.
- 7 Good understanding or capability, confident that selection criteria will be met.
- 9 Excellent understanding or capability, complete confidence that selection criteria will be met.

"In between" scores such as 2, 4, 6 and 8 may be used to reflect variation to these scores.

Applicants must satisfactorily address all the compliance criteria. Failure to address compliance criteria may disqualify the applicant from further assessment. Applicants who do not adequately address the above weighted/qualitative selection criteria will limit their chances of success.

Applicants should assume that the Evaluation Panel has no knowledge of you, your organisation, its activities, experience or any other previous work undertaken for any organisation or government agency.

Applicants are encouraged to submit any further relevant information that they consider may support their application.

10.0 CLOSE OF SUBMISSIONS

The submissions (as well as the outside of the envelope) should be marked:

COMMERCIAL DIVE OPERATIONS AT SHOALWATER ISLANDS MARINE PARK
No. EO1 4 243 2005
TENDER BOX

and posted to:

Executive Director
Department of Conservation and Land Management
Locked Bag 104
Bentley Delivery Centre
BENTLEY WA 6983

If being hand delivered, submissions must be delivered to the Tender Box, Main Reception Desk at:

Department of Conservation and Land Management
State Operations Headquarters
17 Dick Perry Avenue
Technology Park – Western Precinct
KENSINGTON WA 6983

CLOSING DATE:
SUBMISSIONS MUST BE RECEIVED BY
3:00 pm, TUESDAY, 31 May 2005

FAXED SUBMISSIONS WILL NOT BE ACCEPTED.
LATE SUBMISSIONS MAY NOT BE ACCEPTED.
 (see Appendix 6)

ALL APPLICANTS MUST SUBMIT
FIVE (5) COPIES OF THEIR SUBMISSION

CALM's Standard Conditions of Tendering (excluding Section 3.3, Electronic Transmissions of Tenders) apply and are deemed to be incorporated in this document. Copies of the Standard Conditions of Tendering are available upon request.

11.0 MISCELLANEOUS

Disclaimer

Applicants must make and rely upon their own investigations and satisfy themselves in relation to all aspects of the project. The Department of Conservation and Land Management will not be liable for any incorrect or misleading information or omission to disclose information in relation to any part of this document and reference documents thereto.

Costs borne by applicant

All costs and expenses incurred by applicants in any way associated with the project, preparation and submission of proposals, including but not limited to attendance at meetings, discussions etc., and providing any additional information required by CALM will be borne entirely and exclusively by the applicant.

Rights to amend process

CALM reserves the right to amend the process set out in this document by notice in writing to applicants who have not withdrawn or been excluded from the process. Such amendments may include cancellation, variation or supplementation of the process.

Absence of obligation

No legal or other obligation other than those associated with this 'Miscellaneous' section shall rise between the applicant and CALM unless and until formal project documentation has been signed and all necessary Ministerial Approvals and Consents have been obtained. CALM is not obliged to proceed with any proposals or applicant.

Cultural/heritage/environmental issues (if appropriate)

CALM takes no responsibility with respect to any site impediments including but not restricted to encumbrances on title, Heritage Status, Native Title claims and environmental, planning and other approvals. Applicants must satisfy themselves in regard to Heritage Status or Native Title claims with respect to the project area. Applicants will be obliged to comply with the requirements of the Environmental Protection Authority as these effect the project area.

Confidentiality

All information submitted by applicants will be examined and assessed by a panel appointed by CALM, specialist consultant advisers and any other party from whom CALM may seek advice.

The confidentiality of any information submitted by applicants, which is not available to the public, will be respected except where disclosure is permitted or required by law.

All applicants will be required to maintain confidentiality with respect to their own bids and should not seek details of competing bids.

12.0 RECOMMENDED READING

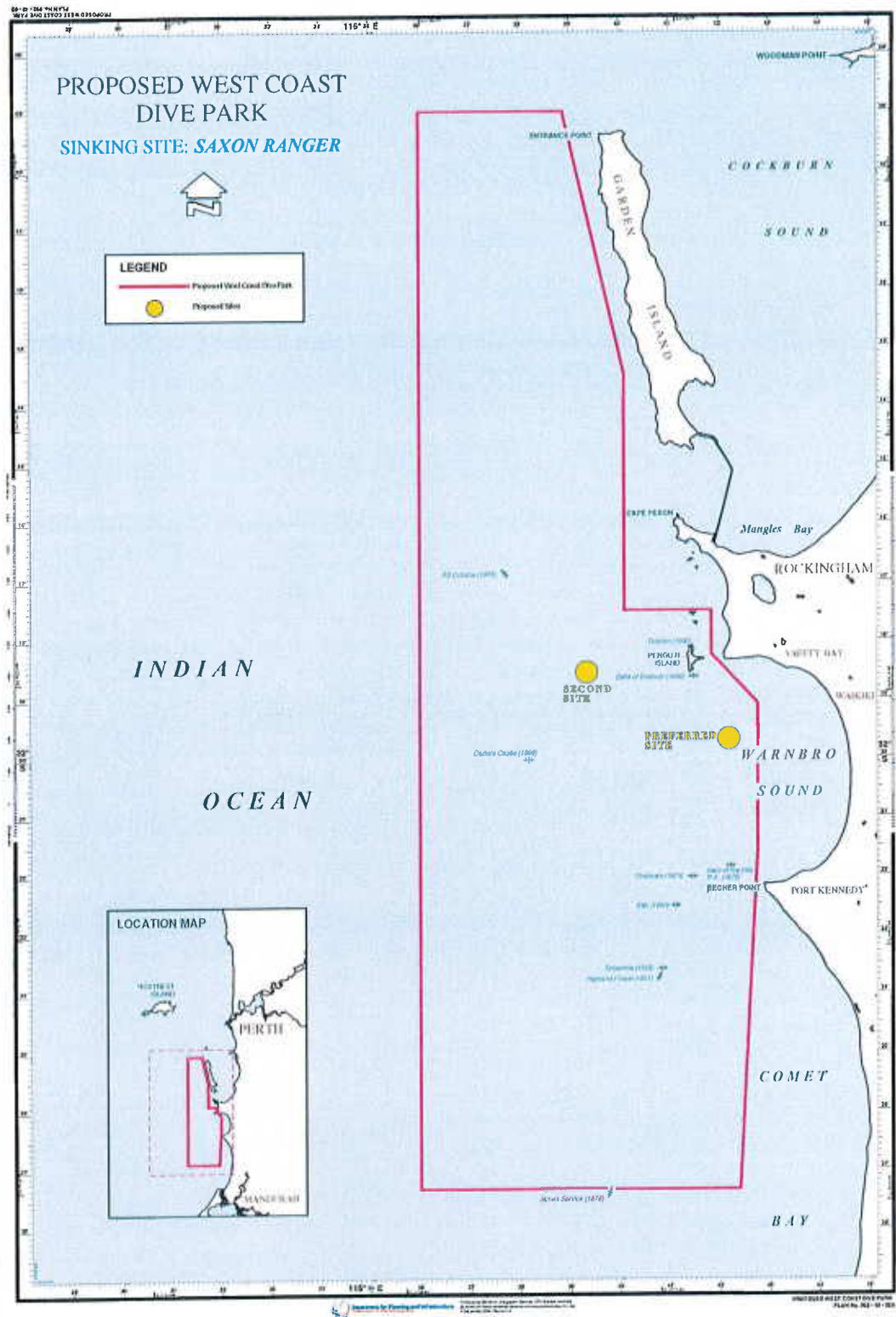
Department of Conservation and Land Management. 2004. *Tour Operator Handbook - Marine. The Official Manual for CALM-Licensed Marine Tour Operators.*

13.0 APPENDICES

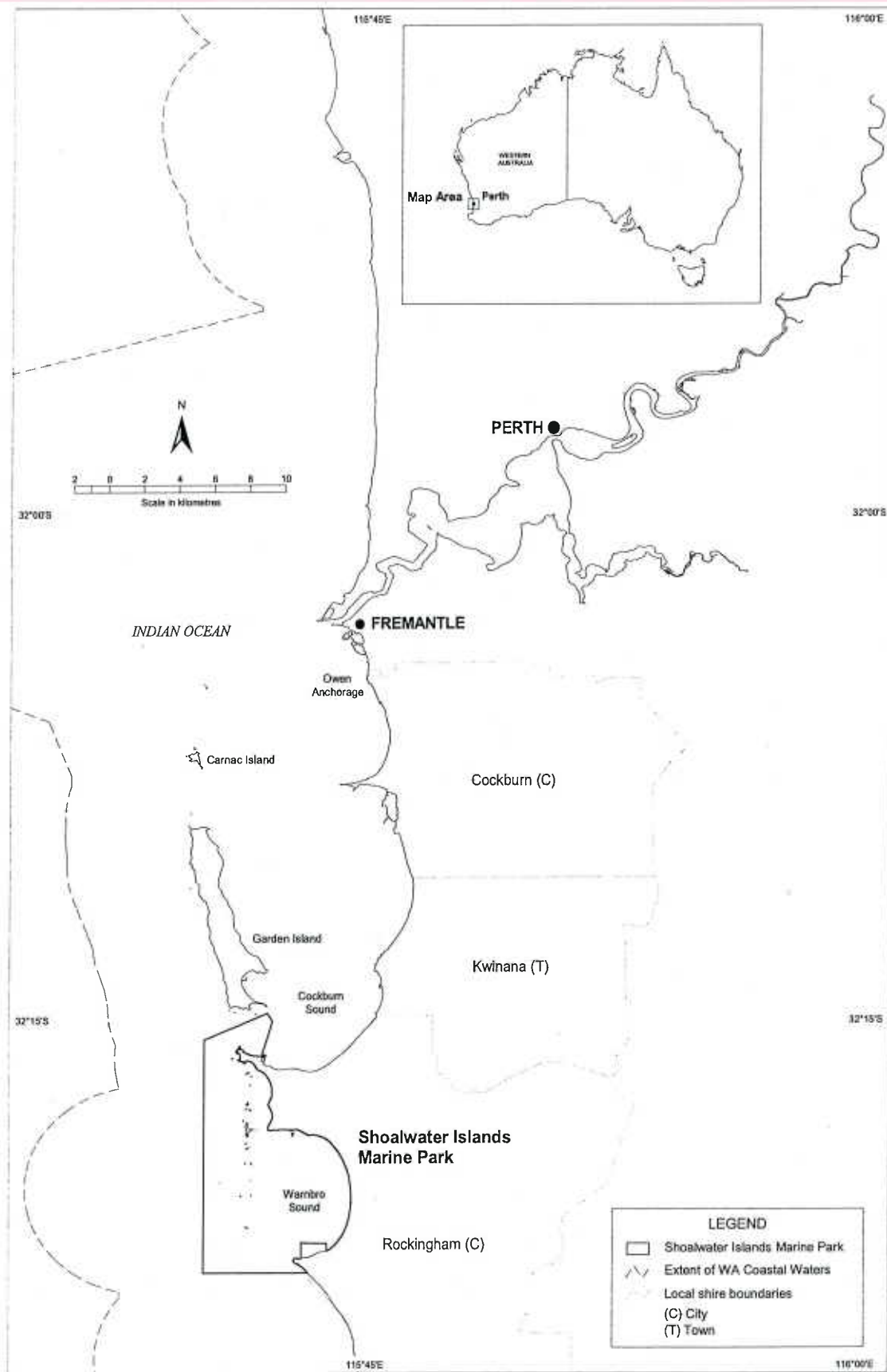
APPENDIX 1

Map of West Coast Dive Park

NB: 'Preferred Site' is the proposed scuttling site



APPENDIX 2 *Location of Shoalwater Islands Marine Park*



APPENDIX 3

Evaluation Process and Methodology

**COMMERCIAL DIVE OPERATIONS AT SHOALWATER ISLANDS
MARINE PARK**

EXPRESSIONS OF INTEREST

EVALUATION PROCESS AND METHODOLOGY

EOI 4 243 2005

Department of Conservation and Land Management



OVERVIEW OF THE PROJECT

The Department of Conservation and Land Management as the management agency has the overall responsibility for the achievement of the project objective and final outcome. The Expression of Interest process seeks proposals from prospective tourism operators to operate commercial tour operations at the Shoalwater Islands Marine Park.

The Department of Conservation and Land Management's vision and mission are articulated in the Corporate Plan 2000-2005. These are:

VISION

A natural environment in Western Australia that retains its biodiversity and enriches people's lives.

MISSION

In partnership with the community, conserve Western Australia's biodiversity, and manage the lands and waters entrusted to us, for their intrinsic values and for the appreciation and benefit of present and future generations.

The Department of Environment and Heritage's vision and mission are articulated in the Corporate Plan 2001. These are:

VISION

A natural and cultural environment, valued, enhanced and protected in harmony with the nation's social and economic goals.

MISSION

National leadership in the protection and conservation of the environment.

ESTABLISHMENT AND ROLE OF THE EVALUATION PANEL

To support the Department of Conservation and Land Management as Lead Agencies an evaluation panel has been established, comprising representatives from organisations who will provide advice to the Lead Agencies. The members of the team are as follows:

- Project Manager (Department of Conservation and Land Management)
- Executive Officer (Department of Conservation and Land Management – Non-voting)
- City of Rockingham Representation
- Tourism WA Representation
- District Representation (Department of Conservation and Land Management)
- Probity Auditor (Independent and Non-Voting)

PROCEDURE FOR EVALUATION

The evaluation panel has established the following procedure for the assessment of proposals:

- Panel formed.
- Probity Guidelines and Evaluation and Methodology document agreed.
- Weightings agreed for EOI.
- EOI Guidelines developed and printed.
- EOI advertised.
- EOI closes.
- Initial assessment by panel members of proposals undertaken.
- Panel convenes to review and discuss proposals and assessment. Panel may seek clarification of applications if necessary.
- Report on EOI process prepared including recommendations for preferred applicant status (if any).
- Panel endorses final report.

- Probity auditor provides report on process.
- Panel report and probity auditor report submitted to the Department of Conservation and Land Management's Director of Parks & Visitor Services
- Seek approval of the Minister for the Environment.
- Subject to approval, unsuccessful applicants and preferred applicant(s) notified (if any).

EVALUATION METHODOLOGY

The following Selection Criteria apply to submissions to the application for a licence to operate commercial dive operations on the Saxon Ranger in the Shoalwater Islands Marine Park.

Compliance Criteria

- Criterion 1** Provide a survey certificate for a nominated vessel demonstrating that it is in current survey for the required area of operation. If the survey certificate is not in the name of the applicant, then the applicant will need to demonstrate that the vessel is being nominated with the lawful approval of the owner. The applicant will also need to provide evidence of the qualifications of the nominated skipper. The applicant will need to provide vessel specifications (length, vessel tonnage etc).
- Criterion 2** Demonstrate that the diving qualifications of key personnel is recognised by a National Qualification Accreditation Scheme.
- Criterion 3** Unless already attained, demonstrated willingness to achieve accreditation with either the National Tourism Accreditation Program (NTAP) with the Advanced Environmental Management Module OR the Eco Certification Program, (or their equivalents) within three (3) months of the granting of a licence.
- Criterion 3** Provision of a public liability insurance certificate of currency with a coverage of \$10,000,000 (\$10 million), specifying coverage of the proposed activities, and indemnifying the Executive Director of the Department of Conservation and Land Management and the City of Rockingham against any claim that may arise from the operations.
- Criterion 4** Applicants indicate their agreement to:
1. Implement any monitoring and management programmes of the wreck site or associated activities that are developed by CALM in conjunction with the City of Rockingham (consistent with Department of Environment and Heritage requirements where necessary) to the satisfaction of CALM; and
 2. Only use the commercial operator mooring allocated to the successful applicant, and use only the nominated vessel on that mooring;
 3. Ensure that the nominated vessel suits the mooring specifications at all times.
- Criterion 5** Compliance with all requirements of the Expressions of Interest guidelines. (Applicants should indicate their agreement to comply with all requirements of the EOI Guidelines for Submission). This should include a statement that the applicant understands and acknowledges that:
1. The CALM licence will expire on 30 June 2006;
 2. The licence will not be automatically renewed upon the expiry of the licence period;
 3. The licensed operations may be reviewed and modified or cancelled at this time or may be subject to another competitive application process or other arrangement directly with the City of Rockingham should a lease to the City be in place;
 4. The operator will be responsible for all set-up costs associated with the operation and indemnifies the Executive Director against any loss or expenses should the licence not be renewed upon the expiry of the licence period.

APPLICANTS ARE REQUIRED TO ADDRESS AND MEET THE CRITERIA IN SECTION 9.1

Weighted/Qualitative Criteria

The following weighted selection criteria apply to EOI submissions (the percentage figures show the weighting applied to each criteria):

Criterion 1	Applicant Attributes	20%
	<p>CALM wish to enter into a licensing arrangement with operators who have appropriate experience, skills and business qualities that will enhance the management and operation of the Marine Park. This includes knowledge and ability relevant to commercial tourism activities in a protected area.</p> <p>You will need to provide information to demonstrate your level of compliance/cooperation in the following areas:</p> <ul style="list-style-type: none"> • Are able to work cooperatively with CALM; • Have met relevant statutory requirements, management guidelines and operating conditions. (Please provide details of any previous approvals, permits or licences that you are applying for or have obtained under Commonwealth, State or Territory legislation including reference number and date of expiry). • You have demonstrated timely payment of fees, charges and accounts that have been levied for which you are responsible for payment (not necessarily just CALM fees); • You have displayed or can demonstrate a willingness to cooperate with and assist organisations in research and management programs; • You and your staff do not have a history of breaches of the <i>Conservation and Land Management Act 1984</i> and <i>Regulations 2002</i>, <i>Wildlife Conservation Act 1950</i> or licence conditions. (Please provide details of any convictions for offences under other Acts and Regulations. Please advise if you have ever been declared or are currently bankrupt, or have executed an arrangement under Part X of the <i>Bankruptcy Act</i>). 	
Criterion 2	Demonstrated skills, qualifications and experience of key personnel in business management with emphasis on the tourism and diving industries. Please also demonstrate skills, qualifications and experience of key personnel in the provision of:	
	<ol style="list-style-type: none"> 1. Commercial diving operations, vessels and equipment; and 2. Wreck diving 	20%
Criterion 4	Demonstrated knowledge and understanding of local conditions, environmental processes and management objectives of the Shoalwater Islands Marine Park. This should include a description of what steps will be taken to comply with the <i>Conservation and Land Management Act 1984</i> and <i>Regulations 2002</i> and <i>Wildlife Conservation Act 1950</i> and minimise adverse impacts on any native species or ecological communities	20%
Criterion 5	Provide an outline of the business' "Conduct of Dive" which demonstrates your commitment to the provision of quality customer service, how each dive will be conducted, how the business plans to respond to events and emergencies and what safety procedures will be in place to ensure the safety and well being of your customers.	15%
Criterion 6	Suitability of proposed marketing outline and local community benefits.	25%
	<p>The marketing outline should demonstrate the promotion of the dive operation and the Park. It should indicate how marketing will be directed at the retail, wholesale and inbound markets. The outline should demonstrate how the business will work with the local community to maximise its benefits from both business and social perspectives. The outline will need to demonstrate a commitment to providing services that meet universal design and access requirements that accommodate a range of disabilities.</p>	

Applicants must address each criterion, **using the headings provided above**. Applicants will be scored for each of the weighted/qualitative criteria listed on a scale of zero to nine.

The assessment panel set definitions to the numerical assessment of each criterion as follows:

- 0 Does not address selection criteria.
- 1 **Limited understanding or capability, no confidence that selection criteria will be met.**
- 3 Less than satisfactory understanding or capability, limited confidence that selection criteria will be met.
- 5 Satisfactory understanding or capability, reasonably confident that selection criteria will be met.
- 7 Good understanding or capability, confident that selection criteria will be met.
- 9 Excellent understanding or capability, complete confidence that selection criteria will be met.

"In between" scores such as 2, 4, 6 and 8 may be used to reflect variation to these scores.

Applicants must satisfactorily address all the compliance criteria. Failure to address compliance criteria may disqualify the applicant from further assessment. Applicants who do not adequately address the above weighted/qualitative selection criteria will limit their chances of success.

Applicants should assume that the Evaluation Panel has no knowledge of you, your organisation, its activities, experience or any other previous work undertaken for any organisation or government agency.

Applicants are encouraged to submit any further relevant information that they consider may support their application.

All applicants will be informed of their status at the completion of the selection and approval process. Each EOI submission will be considered on its merits and if no submissions are acceptable, then none will be accepted. If after evaluation of the Expressions of Interest and any subsequent discussions only one proponent is found to be suitable, CALM reserves the right to enter into direct negotiations with that proponent in order to enter into an agreement.

APPENDIX 4 CALM's Draft Dive Operations Licence Conditions

DRAFT – SUBJECT TO CHANGE

SCHEDULE 1 COMMERCIAL OPERATIONS LICENCE CONDITIONS DIVE OPERATIONS ON THE SAXON RANGER IN SHOALWATER ISLANDS MARINE PARK

DEFINITIONS

In this Schedule 1 Licence Conditions, unless the context otherwise requires:

Approved Vessel means the vessel nominated by the Operator stated on the Licence, to carry out the Operations under this Licence and approved by the Department.

CALM means the Department of Conservation and Land Management.

Environmental criteria means the environmental criteria that the Department of Conservation and Land Management specifies for a mooring and may alter from time to time.

Executive Director means the Executive Director of CALM referred to in section 36(1) of the Conservation and Land Management Act or his delegate.

Leader means any person designated by the Operator to lead or assist in leading Passengers in Operations.

Licence means a Commercial Operations Licence granted by the Executive Director under the Regulations and which Licence incorporates the Conditions.

Licence charge means the fee paid in consideration for a Licence.

Mooring Anchor means the method of attachment of the mooring to the seabed.

Operations means the commercial Operations which may be undertaken by an Operator pursuant to the Licence.

Operator means a person (includes incorporated bodies) who holds a Licence.

Park means Shoalwater Islands Marine Park.

Passengers means those persons who are provided Operations by the Operator.

Person includes a body corporate.

Restricted area means the no anchoring, no fishing zone gazetted around the Saxon Ranger.

Replacement vessel means any other vessel nominated by the Operator, to be used in place of the approved vessel, to carry out the Operations under this Licence, indefinitely.

Substitute vessel means any other vessel nominated by the Operator, to be used in place of the approved vessel, to carry out the Operations under this Licence, for up to one month.

Top End Gear means all mooring apparatus above the seabed connected to the mooring anchor.

INTERPRETATION

- a. A reference to any thing that the Operator must or must not do includes, where the context permits, the Operator's employees, agents and contractors and Passengers.
- b. The singular includes the plural and vice versa.
- c. A reference to any thing is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them.
- d. If the Operator consists of a partnership or joint venture, then:
 - i. an obligation imposed on the Operator binds each person who comprises the Operator jointly and severally;
 - ii. the act of one person who comprises the Operator binds the other persons who comprise the Operator; and
 - iii. a breach by one person who comprises the Operator constitutes a breach by the Operator.
- e. A reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- f. If a word or phrase is defined, other grammatical forms of that word or phrase have a corresponding meaning.
- g. If the word "including" or "includes" is used, the words "without limitation" are taken to immediately follow.

LICENCE CONDITIONS

1. These conditions are subject to the *Conservation and Land Management Act 1984* and the *Conservation and Land Management Regulations 2002*.
2. The Operator must comply with and not contravene the conditions and restrictions set out in the *Tour Operator Handbook – Marine* and the *General Licence Conditions* dated 19 November 2004 as varied from time to time by the Executive Director or his delegate (see attached).

3. The Operator must achieve within three months of obtaining the Licence and maintain either the National Tourism Accreditation Program with the Advanced Environmental Management Module (NTAP) administered by Tourism Council Western Australia or Eco Certification from the Ecotourism Association of Australia or an equivalent environmental accreditation program.

CHARGES AND RECORDS OF OPERATION

4. The Operator will make and maintain on a daily basis a full record of Operations conducted under this Licence. These records will be in duplicate, in a form prescribed by the CALM Swan Coastal District Manager and will indicate the number of Passengers carried per tour. The Operator will forward the original copy of these records to the CALM Swan Coastal District office on a quarterly basis for the following periods:

QUARTER	COPY OF RECORD OF OPERATIONS AND QUARTERLY PAYMENT DUE
1 January to 31 March	30 April following
1 April to 30 June	31 July following
1 July to 30 September	31 October following
1 October to 31 December	31 January following

5. The Operator will pay to the Executive Director an annual Licence charge of \$2,000.00 plus \$10.00 per passenger, to be paid quarterly on the dates above. The payment shall be forwarded to the CALM Swan Coastal District office, and will be reviewed on an annual basis. Licence charges are not subject to GST.
6. At its option and at CALM's expense, CALM may cause at a reasonable time upon seven (7) days written notice to the Operator, a complete audit to be made upon all information required to be provided pursuant to Schedule 1 Licence Condition 2 against the Operator's business records. If such audit discloses that the appropriate fees and charges are understated by more than two percent (2%) against the returns tendered by the Operator pursuant to those conditions, then the Operator must pay to CALM the costs of the audit and the balance of any shortfall within 30 days of the notification of the shortfall or as specified by the Executive Director and can be considered as a breach of licence conditions.

USE OF THE APPROVED VESSEL

7. The Operator will nominate a vessel (with a current Department of Planning and Infrastructure [DPI] survey certificate) to be used during the Operation of the Licence. If the nominated vessel is approved by the CALM Swan Coastal District Manager, this will be the vessel stated on the Licence.
8. The Operator will not nominate more than one vessel for approval at any one time, nor use any vessel other than the approved vessel in the Operation of the Licence (i.e. one Licence, one vessel, one mooring).
9. The Operator will not without lawful authority use any vessel other than the approved vessel to operate within the Marine Park.
10. The Operator will ensure that the vessel nominated by the Operator is wholly or partially owned or leased by the Operator. Should the Executive Director require verification of this, the Operator shall provide the relevant documentation within seven days.
11. The Operator will advise and seek the approval of the CALM Swan Coastal District Manager in writing of any intent to replace the approved vessel, prior to construction of the new vessel commencing or prior to commencement of negotiations to purchase a replacement vessel.
12. The Operator will not nominate any vessel to be its approved vessel if the vessel is to be used by another Operator.
13. The Operator will supply CALM with the current certification of the nominated skipper, and diving certification of key employees, agents and contractors.

SUBSTITUTE OR REPLACEMENT VESSEL

14. If the Operator intends to replace the approved vessel for a period exceeding one month, he will ensure written approval is obtained from the CALM Swan Coastal District Manager prior to accessing and entering the restricted areas in the replacement vessel.

15. The Operator will ensure that the mooring allocated to the Operator is certified to carry the replacement/substitute vessel within the limits of acceptable use specified on the mooring.

MINIMISING ENVIRONMENTAL IMPACT AND POLLUTION - MOORINGS

16. The Operator will not construct or authorise the construction of any structures (including beach or swing moorings, pontoons) within the Park without the written approval from the Executive Director.
17. The Operator will not moor the approved vessel within the Park, other than at the mooring site approved by the Executive Director.
18. The Operator agrees that if he has replaced, upgraded or modified the allocated mooring, that it becomes and remains the property of the City of Rockingham.
19. The Operator will ensure that the mooring allocated to the Operator is certified to carry the nominated vessel within the limits of acceptable use specified on the mooring.

MINIMISING ENVIRONMENTAL IMPACT AND POLLUTION - ANCHORING

20. The Operator will not anchor a vessel within the restricted area, without lawful authority except in the case of an emergency.
21. When anchoring a vessel within the boundaries of the Park but outside the restricted area, the Operator will not anchor in vegetated areas of seabed or within such proximity of any sensitive habitats (eg. corals), that would likely result in damage to that habitat.

MINIMISING ENVIRONMENTAL IMPACT AND POLLUTION - POLLUTION

22. The Operator will not without lawful authority release or deposit any refuse (including food scraps), bilge water or any other significantly deleterious material in any confined waters of the Park. (Operators should be aware that the release of sewage within confined waters of the Park is particularly discouraged at all times.)
23. The Operator will ensure that the approved vessel and any new or replacement vessel is equipped with, and uses sillage tanks or other environmentally approved/accredited waste disposal systems approved for use within the Park by the CALM Swan Coastal District Manager.
24. The Operator will not discharge any sewage from any vessel within the Park, other than in an area designated for that purpose under the provisions of regulation 6(1)(a) of the *Conservation and Land Management Regulations 2002* or in accordance with any lawful authority granted by the CALM Swan Coastal District Manager.
25. The Operator will remove all rubbish generated aboard the approved vessel from the Park.
26. The Operator will not undertake refuelling and maintenance Operations within the Park other than in accordance with approved methods and in areas approved by the CALM Swan Coastal District Manager or in an emergency.

CONGESTION AND SAFETY

27. The Operator will comply with the Speed Restrictions within the Park.
28. When hooking up to the allocated mooring, the Operator will approach from the boundaries of the restricted area.
29. The Operator will not drive any vessel permitted under this licence over the top of the wreck or through the restricted area, other than for the purposes of Condition 28.

SCUBA DIVING

30. The Operator will ensure that all Passengers and crew comply with accepted safe diving practices.
31. The Operator will comply with all DPI, Occupational Health and Safety and Department for Sport and Recreation safe diving practices.
32. The Operator will instruct all clients and crew that "No touch" diving practices are to be followed within the restricted area.

33. The Operator will provide a written incident report to the CALM Swan Coastal District Manager within seven days of any diving incident occurring.

SNORKELLING

34. The Operator shall comply with all DPI, Occupational Health and Safety and Department of Sport and Recreation requirements for safe diving practices.
35. The Operator shall instruct all clients and crew that "No touch" diving practices are to be followed within the restricted area.
36. The Operator shall provide a written incident report to the CALM Swan Coastal District Manager within seven days of any snorkelling incident occurring.

MISCELLANEOUS

37. The Operator will enter into a management arrangement with the City of Rockingham to undertake and/or report on six monthly (including but not limited to) and to the satisfaction of CALM:
- Regular monitoring of the wreck condition to ensure that risks to divers are minimised;
 - Minor maintenance of the wreck where requested by the City of Rockingham through CALM;
 - Visitor usage;
 - On site management of visitors to the site;
 - Compliance monitoring of visitors to the wreck;
 - Problems associated with the operations and any incidents that occur;
 - Sightings of marine mammals (Cetaceans and Pinnipeds) and penguins; and
 - Site clean up to remove rubbish and fishing gear.
38. On a six monthly basis, the Operator will report on the local economic and social stimuli the business is maintaining.
39. The Operator agrees to enter into a cooperative arrangement with the other operator to manage access and use of the site.
40. The Operator will ensure that the "Conduct of Dive" defined in the Operator's submission to the Expression of Interest is abided by at each dive.
41. The Operator will not enter the Shoalwater Bay Restriction area as described in the Tour Operator Handbook – Marine (Condition 140).
42. The Operator will not enter on to the Islands of the Shoalwater Islands Marine Park.
43. This Licence is personal to the Operator and may not be transferred, sold, assigned, mortgaged or otherwise encumbered, sub-let or sub-licensed or in any way made use of or be permitted to be made use of by anyone other than the Operator.
44. The Operator will not conduct any other activities within the Park, other than those Operations permitted under this Licence or other Licences issued by CALM.
45. The Operator must not bring or allow any person to bring a firearm onto CALM managed areas, unless prior authorisation has been obtained (in accord with Regulation 12).
46. The Operator must comply with all verbal and written directions issued to it by a CALM Officer.
47. Subject to availability, the Operator will make available a position on the nominate vessel/tour, for any CALM officer designated under the Conservation and Land Management Act 1984 as amended, to monitor the Operations.
48. The Operator will not conduct any wildlife interaction tours unless it first obtains a Wildlife Interaction Licence issued in accordance with the *Wildlife Conservation Act 1950* and the *Wildlife Conservation Regulations*, which authorises the conduct of that particular type of wildlife interaction tour.
49. The Operator will not permit or engage in feeding of fauna from the vessel as part of the Operation of the Licence.
50. The Operator will ensure that:
- i. All Passengers and crew observe safe practices with regard to all Operations; and

- ii. The principal vessel is under the command of a qualified skipper with adequate knowledge and experience of the navigational hazards of the Park, for the period of the Licence. The Executive Director may request evidence of this from time to time.
- 51. The Operator will not impede public access to any part of the beach through its use of the nominated vessel or through any activity carried out under the Licence.
- 52. The Operator acknowledges and agrees that it does not have priority access over public users to any area of the Park.
- 53. The Operator will ensure that none of the Operations carried out under this Licence conflict with or disrupt any other activity conducted within the Park.
- 54. The Operator agrees to make available their allocated mooring for a CALM vessel upon request.
- 55. The Operator accepts that the Licence will not be automatically renewed upon the expiry of the Licence period. The Operator accepts that the licensed Operations may be reviewed and modified or cancelled at this time or may be subject to a competitive application process or an arrangement directly with the City of Rockingham should a lease to the City be in place. The Operator will be responsible for all costs associated with the Operation and indemnifies the Executive Director against any loss or expenses should the Licence not be renewed upon the expiry of the Licence period.

INDEMNITY AND INSURANCE

- 56. The Operator agrees to indemnify the Executive Director from and against liability for all actions, suits, demands, costs, losses, damages and expenses ("claims") (eg. search and rescue costs) which may be brought against or made upon the Executive Director caused by or arising in any way out of the conduct of:
 - i. the Operator;
 - ii. the Operator's employees, agents or contractors; and
 - iii. the Passengers,
 in relation to this Licence or the Operations.
- 57. The Operator must at all times during the period of the Licence maintain a policy of public liability insurance, that covers the areas and Operations allowed within the Licence, in the names of the Operator and the Executive Director to the extent of their respective rights and interests for a sum of not less than 10 million dollars (\$10,000,000.00) per event.
- 58. The Operator must provide the Executive Director proof of the insurance policy and must provide evidence of the policy if requested by the Executive Director during the term of the Licence.
- 59. The Operator must pay all premiums and must comply with the terms of its insurance policy and must make the insurer aware of the Licence, Conditions and Indemnity.

I confirm that I have read and will comply with the conditions and restrictions above and in the Schedule 1) – Prescribed Area.

APPENDIX 5

CALM's Corporate Plan 2002-2005

For those downloading this EOI from the *Naturebase* website, please go to http://www.naturebase.net/about_calm.html and scroll down the page to 'Links' and click on 'Corporate Plan 2002-2005.' You will need Adobe Acrobat to view the Plan.

Corporate Plan

2002-2005

Department of Conservation and Land Management



Conserving the nature of WA



DEPARTMENT OF
Conservation
AND LAND MANAGEMENT
Conserving the nature of WA

Our Vision

A natural environment in Western Australia that retains its biodiversity and enriches people's lives.

Our Mission

In partnership with the community, we conserve Western Australia's biodiversity, and manage the lands and waters entrusted to us, for their intrinsic values and for the appreciation and benefit of present and future generations.

Our Responsibilities

The Department of Conservation and Land Management is part of the Environment and Heritage portfolio of the State Government. The mission statement for that portfolio is: "In partnership with the community, we value and protect our natural and built environment and manage resources in a way that balances their sustainable use, protects the environment and enriches the quality of people's lives, now and in the future."

The Department is also part of a greater conservation community and has distinct State Government responsibilities for implementing Government policy within that community. Conservation is a collective role.

We have the lead responsibility for conserving the State's rich diversity of native plants, animals and natural ecosystems, and many of its unique landscapes. On behalf of the people of Western Australia, we manage more than 23.5 million hectares, including more than 8.8 per cent of WA's land area: its national parks, marine parks, conservation parks, regional parks, State forests and timber reserves, nature reserves, and marine nature reserves.

As an agency with integrated responsibilities, we manage lands and waters for the conservation of biodiversity at ecosystem, species and genetic levels, including management for the renewable resources they provide, and for the recreation and visitor services they can sustainably support.

We assist the Conservation and Land Management Act statutory bodies (Conservation Commission of Western Australia, Marine Parks and Reserves Authority, and Marine Parks and Reserves Scientific Advisory Committee) to carry out their statutory functions.

We work closely with the Forest Products Commission to ensure all activities in State forests and timber reserves are consistent with the protection of nature conservation, community, recreation, cultural, catchment and physical values.

We also contribute to national and international programs through national Ministerial Councils, the Natural Heritage Trust, the work of organisations such as the IUCN (the World Conservation Union), and to the implementation of international conservation treaties in WA.



Our Values

In working to achieve our Mission, we endeavour to behave with:

- Honesty and integrity—acting ethically, legally and treating people with impartiality.
- Respect—understanding and respecting individual differences, valuing each other's contribution, and respecting the views and aspirations of co-workers and the community.
- Openness—having processes that are transparent and understandable.
- Commitment—being responsible, accountable and dedicated in our work.

We will demonstrate:

- Teamwork—working collaboratively and cooperatively with co-workers, and in partnership with the community.
- Leadership—being progressive, showing initiative and creativity in meeting our objectives.
- Professionalism—acting in a professional, courteous and fair manner, and using up-to-date and sound scientific principles and accurate information in our work.
- Value—delivering the best possible result for conservation through continual improvement of our efforts.

Our Principles

In making decisions we will be guided by the following principles:

- The diversity and health of ecological communities and native species throughout WA will be maintained and restored.
- Where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures which seek to prevent loss of biodiversity.
- Users of the environment and resources will pay fair value for that use.
- Use of wildlife will be on the basis of ecological sustainability.
- Outcomes will be delivered in the most effective and efficient way.
- Cooperation, sharing and integration of resources and knowledge within the Department and between communities and agencies will be promoted.
- We will adopt a flexible and responsive approach to management and operations and be receptive to change.

Strategic Directions, Objectives and Strategies

The three major Outputs of the Department of Conservation and Land Management are Nature Conservation, Parks and Visitor Services, and Sustainable Forest Management and all activities of the Department are directed to providing these to the people of Western Australia.

We recognise that we will best achieve these Outputs by:

- Conserving biodiversity
- Creating sustainable community benefits
- Maintaining community involvement and support
- Improving the way we do business.



1. Conserving biodiversity

Objective

To protect, conserve and, where necessary and possible, restore Western Australia's natural biodiversity.

Strategies

- 1.1 Establish clear guidance for biodiversity conservation actions and improved legislation for achieving biodiversity conservation outcomes in partnership with the community.
 - Develop and implement a WA Biodiversity Conservation Strategy that builds upon the National Strategy for the Conservation of Australia's Biological Diversity.
 - Complete a new Biodiversity Conservation Bill for consideration by Parliament.
 - Develop amendments to the CALM Act relating to regional parks and joint management of conservation lands and waters with traditional owners.
- 1.2 Expand and improve the marine and terrestrial conservation reserve system to achieve world's best standards.
 - Identify and acquire new conservation reserves to achieve comprehensiveness, adequacy and representativeness targets as well as protecting sites of special importance.
- 1.3 Promote off-reserve conservation that complements the reserve system.
 - Develop and implement programs and partnerships for off-reserve biodiversity conservation with community groups, landholders, industry and other agencies.
 - Participate in integrated approaches to improved natural resource management.
- 1.4 Recover threatened flora, fauna and ecological communities.
 - Identify and protect threatened species and ecological communities.
 - Priority rank them for conservation action according to international (IUCN) criteria.
 - Prepare and implement recovery plans, with the highest priority threatened species and ecological communities being treated first.
- 1.5 Protect biodiversity from threatening processes, agents and activities, including feral animals, weeds, dieback and other exotic diseases, salinity and inappropriate fire regimes.
 - Implement the WA Salinity Strategy in partnership with landholders, the community and other agencies.
 - Expand Western Shield incorporating feral predator control, threatened species breeding and translocations, and associated management of threatening processes and species populations.
 - Use fire to promote biodiversity, to reduce fire hazards and damage to biodiversity, and to regenerate and protect ecosystems.
 - Implement Western Everlasting to conserve the State's threatened plants.
 - Prepare management plans for all Department-managed lands and waters.
 - Implement integrated management strategies to control dieback and other pests and diseases that threaten species and ecosystems.
- 1.6 Ensure that all use of wildlife is sustainable.
 - Prepare, implement and continually improve management programs for wildlife species that Government decides should be harvested.
 - Where appropriate, promote sustainable use programs as a means of improving biodiversity conservation.
 - Maintain and enhance licensing and compliance operations covering access to, keeping of, and release of wildlife.



Performance Measures

- Changes in comprehensiveness, adequacy and representativeness of the conservation reserve system;
- Rate of increase in area of private and other off-reserve lands managed for biodiversity conservation in partnership with the Department and others;
- Rate of recovery of threatened species and ecological communities covered by recovery plans compared with predicted rates;
- The number of the State's wildlife taxa specially protected as threatened flora and fauna, compared with previous years;
- Changes in conservation status of species subject to Salinity Strategy and Western Shield operations;
- Completion of WA Biodiversity Conservation Strategy and implementation of Biodiversity Conservation Act.



2. Creating sustainable community benefits

Objective

To generate social, cultural and economic benefits through the provision of a range of services that are valued by the community and are consistent with the principles of ecological sustainability.

Strategies

- 2.1 Plan, develop and manage all parks, recreation areas, facilities and services so as to maintain in perpetuity the values of natural areas managed by the Department.
 - Encourage people to enjoy nature and natural areas.
- 2.2 Provide and sustain a range of safe nature-based recreation opportunities, facilities and visitor services that are compatible with conservation and recreation requirements.
 - Establish innovative and ecologically sustainable visitor facilities and services, and nature-based recreation opportunities.
 - Redevelop and maintain recreation areas on the basis of strategic importance.
- 2.3 Provide enriched visitor experiences through quality information, memorable interpretive activity programs and innovative visitor facilities and services.
 - Develop partnerships to provide recreational facilities, services and programs.
- 2.4 Assist in reducing the threat of wildfire to human life and property.
 - Maintain a trained fire fighting capability in key areas.
 - Work with the local community to implement appropriate fire management programs.
- 2.5 Manage the forests and woodlands entrusted to us, and the resources they provide, in line with ecologically sustainable forest management principles.
 - Ensure that the values of multiple use forests and woodlands are sustained on an ecologically sustainable basis over time.
 - Provide for the harvesting, regeneration and growth of forest products from State forest and timber reserves in accordance with approved forest management plans and the principles of ecologically sustainable forest management.
 - Implement the Government's 'Protecting our old-growth forests' policy, including assisting in creating 30 new national parks.

Performance Measures

- Identification of changes to specific environmental conditions in or adjoining managed recreation areas;
- Number of different types of recreational settings and experiences, and recreational groups and special interests, catered for;
- Level of public approval of facilities, services and programs provided in Department-managed recreation areas;
- Level of visitation to and use of Department-managed recreation areas and services;
- Measure of biodiversity in forests and woodlands used for multiple purposes;
- Level of success in protecting human life and property from wildfires.

3. Maintaining community involvement and support

Objective

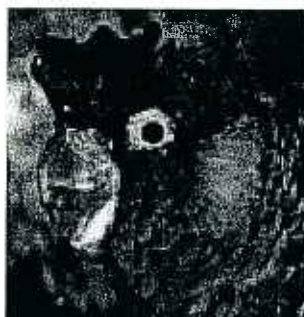
To develop community awareness and appreciation of the State's rich diversity of native plants, animals and natural ecosystems, and its unique landscapes, and promote community involvement in and support for their protection, conservation and restoration.

Strategies

- 3.1 Improve community knowledge of biodiversity conservation issues and awareness, understanding and support for the Department's activities, services and policies.
 - Develop and implement strategic communication and advocacy programs.
 - Develop best practice publications, new media and other communication vehicles.
- 3.2 Increase opportunities for youth to learn about and gain hands-on experience with conservation issues.
 - Develop effective school and experience-based education programs.
- 3.3 Be responsive to the community.
 - Develop and implement appropriate public participation and involvement programs that are part of core business activity of the Department.
 - Plan for people with disabilities so that everyone in the community can gain access to, use and enjoy the facilities, services and programs of the Department.
 - Develop a workforce that reflects the diversity of the community.
- 3.4 Increase involvement of traditional owners in managing conservation lands and waters.
 - Provide opportunities for joint management, employment and other meaningful involvement of indigenous people in the management of natural areas and wildlife and in the protection of areas and features of cultural value.
- 3.5 Partner with other agencies and groups with similar interests.
 - Establish strategic alliances with key stakeholders in the conservation, natural resource and recreational sectors.
 - Work to increase resources available for conservation and management.
- 3.6 Promote a customer focus.
 - Continually improve the Department's customer focus policies and procedures.

Performance Measures

- Change in the number of beneficial alliances formed and maintained;
- Level of participation in departmental education programs;
- Level of registered volunteers and the level of volunteer hours contributed each year;
- Rating of the Department's reputation, measured through key stakeholder index, customer measures and media content analysis;
- Level of customer satisfaction with the Department's performance, measured through customer feedback.



4. Improving the way we do business

Objective

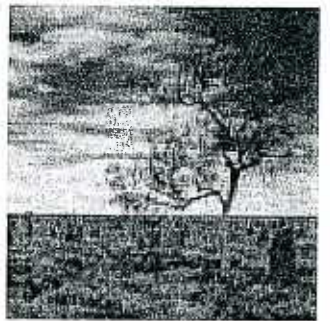
To foster a positive work culture of trust, continuous improvement and anticipation of biodiversity conservation issues and customer needs, and deliver core business activities in the most effective and efficient manner.

Strategies

- 4.1 Develop and maintain sound internal communications.
 - Promote timely, open and two-way communication with staff on subjects important to them and to the Department.
 - Continually seek to improve internal communications.
- 4.2 Manage and support employees effectively.
 - Match employee resources to the Department's future requirements, provide professional development in priority areas, and provide for employee feedback and recognition.
 - Support employees with sound training, safety and support programs and career development opportunities.
 - Delegate authority, responsibility and accountability as close as possible to where the major part of the work is performed.
 - Promote continual improvement, teamwork and flexibility.
 - Conduct regular internal communication and organisational climate monitoring and evaluation.
- 4.3 Develop and improve knowledge and information-sharing.
 - Adopt and use new technology wisely.
 - Continually seek to improve corporate information.
- 4.4 Focus scientific research programs on high priority issues.
 - Carry out scientific research that addresses issues of high priority biodiversity conservation importance.
 - Develop and maintain close working partnerships between the Department's scientists and operational groups, and with external research organisations.
- 4.5 Ensure management is based on good science.
 - Transfer advances in biodiversity conservation knowledge and science into management operations.
 - Ensure scientific principles and facts form the basis of biodiversity conservation management.
- 4.6 Focus the Department's resources on strategically important areas.
 - Align budgets to strategic planning priorities and processes.
 - Implement an Output Purchaser Provider model for the allocation of resources to priority work areas.
 - Prepare a plan to identify and acquire resources necessary to achieve statutory and strategic objectives.
- 4.7 Monitor our performance and identify areas where we can improve.
 - Assess our performance against best practice benchmarks.

Performance Measures

- Level of employee safety and satisfaction with workplace standards and the performance of the Department;
- Performance relative to EEO, WorkSafe and accountability requirements;
- Development of an Environmental Management System for native forests used for timber harvesting;
- Financial performance against budget.



**For further information on the Department of Conservation
and Land Management please contact:**

Strategic Development and Corporate Affairs
Department of Conservation and Land Management

Locked Bag 104
Bentley Delivery Centre
Western Australia 6983

Telephone: (08) 9334 0333

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Visit us on the Internet at www.naturebase.net



APPENDIX 6

Probity Guidelines

***COMMERCIAL DIVE OPERATIONS AT SHOALWATER ISLANDS
MARINE PARK***

EXPRESSIONS OF INTEREST

PROBITY GUIDELINES

EOI 4 243 2005

Department of Conservation and Land Management



PRINCIPLE 1 - CONFIDENTIALITY & CONFLICT OF INTEREST

The community and potential bidders have a right to expect public sector staff and elected officials will perform their duties in a fair and unbiased way and that the decisions they make are not affected by self interest or personal gain. Conflicts of interest arise when public officials are influenced, or appear to be influenced, by personal interests when doing their job. (ICAC Dec 1995)

SECURITY

GENERAL

Security of all information that becomes available and pertaining to this procurement process is the responsibility of all members of the evaluation panel.

All persons must take reasonable precautions to prevent the unauthorised disclosure of confidential information.

All office files will be established in accordance with the relevant Departments overall policies and stored in secured cabinets. All files must be returned to the central cabinets each night where they will be locked when the office is unattended.

PHYSICAL SECURITY

It is the personal responsibility of all persons privileged to confidential documents to ensure that they are securely stored and unobtainable to others not authorised by the Project Manager.

Any documents, files or copies of submissions that are given to panel members should be identified by number and signed out by the Executive Officer to the member.

COMPUTER SECURITY

The computer environments containing confidential procurement information at the Department of Conservation and Land Management and the Department of Environment and Heritage shall be secured and accessed only by authorised individuals with their own passwords. The system administrator shall ensure individuals only have access to areas of information that are appropriate to the roles assigned to them by the Project Manager. The Probity Auditor shall test the environments from time to time to confirm that the systems remain secure.

CONFIDENTIALITY AND CONFLICT OF INTEREST AGREEMENTS

Each person having access to confidential assessment information shall sign a confidentiality agreement before being granted access to the information. Attached is a pro forma agreement.

Reference is also made to the *Public Sector Management Act*, the *terms and conditions of the engagement contracts*, and *ethical standards in government buying* issued by the State Supply Commission.

All members of the panel, and any other persons having authorised access to confidential information, are to sign a declaration document.

PRINCIPLE 2 - TRANSPARENCY

By having transparent, open processes, organisations can help to minimise opportunities for fraud and corruption. This also gives bidders and the public confidence in the outcome. Potential bidders often invest considerable time, effort and resources when preparing and submitting bids. In return, they are entitled to expect impartial treatment at every stage of the process. (ICAC Dec 1996)

EVALUATION METHODOLOGY

A detailed evaluation processes and methodology document shall be prepared and signed off by the evaluation panel prior to the closing date for submission. The evaluation methodology adopted shall as a minimum incorporate:

- Overview of the project;
- Internal administrative procedures;
- Applicant enquiries protocol;
- Office security;
- Confidentiality;
- Probity;
- Establishment and role of evaluation panel;
- Procedure for evaluation; and
- Evaluation methodology.

The evaluation processes and methodology document shall be made freely available to all applicants as soon as the EOI Guidelines are released.

INVITATION DOCUMENTS

The Expression of Interest document shall provide sufficient information to applicants to enable the preparation of relevant and considered submissions. As a minimum:

- Name of Project Manager as the contact person;
- Evaluation criteria;
- Time and place of closure;
- Conditions of Proposal ; and
- Any overriding Management Plans or statutory obligations.

RECORDS OF MEETINGS

All agreed items discussed and actions will be recorded including: -

- Meeting details;
- Attendance;
- Decisions and recommendations made;
- Actions agreed; and
- Responsibility and time frame.

MEDIA – PUBLIC RELATIONS

Media releases, public presentations, and attendance at functions sponsored by applicants and similar, are occasions that have the potential to jeopardise the probity of the process. The evaluation panel, advisers, and Government agencies associated with the project must be mindful of this issue and to reduce risks, the Project Manager is to be the only spokespersons unless approved by the Director of Parks & Visitor Services, Department of Conservation and Land Management.

MEETINGS WITH APPLICANTS AND THEIR ADVISERS

MEETINGS WITH APPLICANTS

All meetings with applicants are to have in attendance the Project Manager or Executive Officer and at least one other person. The meetings are to be based on the principle that they are for discussion purposes only

and any request for information or clarification from applicants is to be addressed through written form with only written responses being binding.

A file note is to be maintained of all meetings held. All meetings are to be held at the Department of Conservation and Land Management offices, unless otherwise agreed by the Project Manager.

DEALING WITH APPLICANTS – VERBAL ENQUIRIES

The Enquiries Protocol requires that all verbal enquiries by the applicants be directed to Rod Quartermain, the Project Manager, however it is requested that enquiries be submitted in writing. Details of the verbal enquiry and response will be placed in the relevant file after updating the Enquiries Register.

DEALING WITH APPLICANTS - WRITTEN ENQUIRIES

The Enquiries Protocol requires that all written enquiries be addressed to the Project Manager. For all written enquiries received, the Enquiries Register will be updated and the original of the enquiry will be placed in the relevant file. All responses will be in writing, signed by the Project Manager or Executive Officer, and placed in the relevant file.

DEALING WITH APPLICANTS - GENERAL ADVICE TO ALL REGISTERED APPLICANTS

In accordance with the Enquiry Protocol, each enquiry received from the registered applicants will be reviewed by the Executive Officer to determine whether the enquiry is of a confidential or general nature. Where there is any ambiguity, this determination is to be made in consultation with the Probity Auditor.

Where the enquiry is agreed to be of a general nature, a 'General Advice to all Registered Applicants' will be released as soon as possible.

Where the enquiry is determined as 'General', the applicant raising the enquiry will be advised accordingly and given the opportunity to either confirm or refute the determination made by the Executive Officer.

All 'General Advice to Registered Applicants' will be issued in numeric sequence and signed by the Project Manager. All advice will go to the Probity Auditor prior to issue to registered applicants. A Register, summarising the details of material issued, will be maintained.

ATTENDANCE AT FUNCTIONS SPONSORED BY APPLICANTS

BY STAFF OR EVALUATION PANEL MEMBERS

The Director of Parks, Department of Conservation and Land Management or the Project Manager only to approve such attendance (details to be recorded on the project file).

PRINCIPLE 3 - ACCOUNTABILITY

Public sector agencies should have appropriate mechanisms in place to show that they are accountable for their practices and the decisions that are made. Accountability requirements can reduce opportunities for corruption and save time, money, resources and problems in the long term. Mechanisms can include the agency keeping detailed records throughout the process such as minutes of meetings, the reasoning behind any decisions made, who made those decisions and any departure from established procedures being approved by senior staff not directly involved in the process. Maintaining detailed records can be a way of proving that the process followed was legitimate if any questions or complaints are raised later. (ICAC Dec 1996)

RECORDS MAINTENANCE

DEALING WITH APPLICANTS - CORRESPONDENCE (GENERAL)

Copies of all incoming and outgoing material will be held in the nominated file.

INCOMING MATERIAL

- Original will be stamped with date and time of receipt and record of file number; and
- Original of material will be placed on the file.

OUTGOING MATERIAL

Copy will be retained on the file;

- The copy in the file will indicate the method of dispatch (i.e. posted, couriered, etc.); and
- All outgoing material will contain the file reference number.

ROLES & RESPONSIBILITIES

LEAD AGENCIES

Western Australian Department of Conservation and Land Management,
Commonwealth Department of Environment and Heritage

TERMS OF REFERENCE AND RESPONSIBILITIES

The Department of Conservation and Land Management's vision and mission are articulated in the Corporate Plan 2002-2005. They are:

VISION

A natural environment in Western Australia that retains its biodiversity and enriches people's lives.

MISSION

In partnership with the community, conserve Western Australia's biodiversity, and manage the lands and waters entrusted to us, for their intrinsic values and for the appreciation and benefit of present and future generations.

The Department of Environment and Heritage's vision and mission are articulated in the Corporate Plan 2001. These are:

VISION

A natural and cultural environment, valued, enhanced and protected in harmony with the nation's social and economic goals.

MISSION

National leadership in the protection and conservation of the environment.

EOI SUBMISSION EVALUATION PANELS

To support the Department of Conservation and Land Management as Lead Agencies an evaluation panel has been established, comprising representatives from organisations who will provide advice to the Lead Agencies. The members of the team are as follows:

- i. Project Manager (Department of Conservation and Land Management)
- ii. Executive Officer (Department of Conservation and Land Management – Non-voting)
- iii. City of Rockingham Representation
- iv. Tourism WA Representation
- v. District Representation (Department of Conservation and Land Management)
- vi. Probity Auditor (Independent and Non-Voting)

PROJECT MANAGER

A Project Manager has been appointed to provide the team with leadership and be of sufficient standing to report to the Lead Agencies. The Project Manager is Rod Quartermain, Business Development Coordinator, Park Policy and Services at the Department of Conservation and Land Management.

Responsibilities include to:

- Oversee the development of an evaluation process;
- Ensure proposed plan and associated processes meet the probity guidelines of each jurisdiction;
- Liaise with applicants prior to, and subsequent to, submissions of proposals to provide information and clarify applications;
- Manage the evaluation panel;
- Manage and contribute to the preparation of documentation;
- Manage and contribute to the evaluation of proposals;
- Ensure probity rules are observed;
- Provide advice on the resources required to complete the process; and
- Manage the engagement of additional consultants and services as required.

EXECUTIVE OFFICER

An Executive Officer has been appointed to provide the Project Manager with support and is non-voting. The Executive Officer is Kristy Mann, Project Officer at the Department of Conservation and Land Management.

Responsibilities include to:

- Provide regular reports to the Project Manager;
- Liaise with applicants prior to, and subsequent to, submissions of proposals to provide information and clarify applications;
- Manage the preparation of summary report;
- Ensure Government rules and regulations are abided by;
- Provide administrative support;
- Maintain filing;
- Handle/record applicant queries;
- Manage the desired level of security for all proceedings and documents;
- Assist with negotiations and discussions with other government agencies; and
- Manage the project budget.

PANEL MEMBERS

- Contribute to the formulation of the Guidelines for Submission;
- Contribute to the evaluation of proposals;
- Attend panel meetings; and
- Provide specialised advice to the panel in relevant areas.

PROBITY AUDITOR

A Probity Auditor will be appointed prior to the close of submissions. He will provide independent probity advisory services to the evaluation process. The auditor may be in attendance at relevant meetings. He will also be present at meetings/presentations with/from applicants. He will provide periodic probity reports on the process.

Compliance audits will also be performed by the Probity Auditor to confirm that agreed upon process are followed throughout the process.

Essential tasks include:

- Ensuring that the procedures adopted in the submission of applications and evaluation process are fair and equitable and that probity of the process is independently validated;
- Monitoring and reporting to the Department as Lead Agency through the Project Manager that the evaluation process and procedures have been followed and that the outcome is capable of being independently validated;
- Providing assurance to all interested applicants that appropriate processes were fully adhered to and that no applicant was given an unfair advantage or was unfairly discriminated against;
- Providing guidance to the Project Manager, and the Department as Lead Agency as to how unforeseen issues could be resolved;
- Attending evaluation panel meetings where relevant;
- Attending applicants meetings and presentations (if required);
- Monitoring communication during the period between submission of applications and final decision;
- Attending unsuccessful applicant's debriefing meetings where applicable; and
- Identifying areas where efficiencies may be adopted in the process.

It is important to note that the Probity Auditor is not part of the evaluation panel but an independent observer of the process and therefore will not be involved in the detailed evaluation of any applications.

APPOINTMENT OF ADVISERS

The Department of Conservation and Land Management as Lead Agency will appoint advisers, on a needs basis, to the process. It is envisaged that the following advisers may be required:

- Legal
- Technical
- Financial
- Others (to be determined)

The appointment of these advisers will be overseen by the Project Manager and will follow the standard WA consultancy procurement guidelines.

LATE SUBMISSIONS

As a starting point, the treatment of late proposals shall be applied according to current policies and procedures of State Supply Commission. However, the Project Manager, in consultation with the Probity Auditor may elect to set some of those rules aside where particular circumstances prevail and where it can be shown that applicants have not been materially advantaged or disadvantaged.

PRINCIPLE 4 – VALUE FOR MONEY

Obtaining value for money is enhanced when there is open competition and the market is tested regularly. Processes that are designed to attract responses from the market place (for example, Expressions of Interest, calls for proposals) may lead to poor outcomes for a project if not conducted appropriately. Impartial, open and competitive processes are an important stepping stone in achieving value for money. (ICAC – Dec 1996)

STATE SUPPLY COMMISSION POLICY

The Project Manager shall ensure that all decisions are in compliance with policies issued by the State Supply Commission concerning value for money aspects.

ADVERTISING

Advertising coverage should be considered appropriate when CALM as Lead Agencies are satisfied that the reach and penetration of advertising is sufficient to ensure appropriate market testing and there is minimal opportunity for potential applicants to be unaware of the project.

Declaration of confidentiality and conflict of interest form**To be signed by Assessment Panel Members only.**

EOI Title: COMMERCIAL DIVE OPERATIONS AT SHOALWATER ISLANDS
MARINE PARK

**Tender
Number:** EOI 4 243 2005

I _____ (please print your name) hereby declare that:

- a) I have no pecuniary interest in any applicants that intend to submit a proposal for the above named EOI and RFP, and that should that situation change, I shall inform the EOI and RFP Project Manager and the Executive Director of the Department of Conservation & Land Management (the Department) immediately, in writing.
- b) I have no conflict in this EOI and RFP evaluation. Should any of the applicants be personally known to me I shall declare such knowledge to the other members of the EOI and RFP Evaluation Panel prior to the evaluation process.
- c) I agree to keep all information relating to the EOI and RFP evaluation process confidential. Under no circumstances will the details of other applicants be discussed, disclosed or allowed to be discussed to other applicants.
- d) I shall keep the results of the EOI and RFP evaluation process confidential. No indication of the likely recommendation will be discussed, disclosed or allowed to be disclosed without the Department's written approval.
- e) I shall return all proposals and proposal documents to the Department at the completion of the EOI and RFP evaluation process.

The restrictions imposed by the confidentiality clause will not apply to the disclosure of any information:

- a) Which is now in or subsequently comes into the public domain or the possession of the Disclosing Party through no fault of the Disclosing Party or a recipient or which is obtainable with no more than reasonable diligence from sources other than the Parties;
- b) Which is required by Law to be disclosed to any person who is authorised by Law to receive the same;
- c) To a Court, arbitrator or administrative tribunal in the course of proceedings before it or him or her to which the Disclosing Party is a party, or to an expert in the course of any determination by him or her to which the Disclosing Party is a party;
- d) Which in the reasonable opinion of the Disclosing Party is required to be disclosed to any prospective lender;
- e) Which is required by Law to be disclosed to any stock exchange or to shareholders;

- f) Where the disclosure (which may include tabling in Parliament) is made by a Minister of the Crown in response to Parliamentary inquiries or in connection with inquiries made by or on behalf of the Auditor General of Western Australia;
- g) By a party for legal precedent purposes in connection with the negotiation of documentation of a transaction similar to the Development after first deleting all details that are particular to the Developer and the Development; or
- h) Where the disclosure is as a result of the registration of any Crown Lease.

SIGNATURE: _____ DATE: _____

WITNESS: _____ DATE: _____

APPENDIX 7

Application Form

Please fill out and remove the following page and attach to your submission with the \$50.00 application fee.

CONSERVATION AND LAND MANAGEMENT ACT 1984 (SECTION 101)

CONSERVATION AND LAND MANAGEMENT REGULATIONS 2002 (PART 7)

APPLICATION FOR A LICENCE

TO: THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CONSERVATION AND LAND
MANAGEMENT

I hereby apply for a licence for the period ending:

30 June 2006

Expiry Date

to enter upon and use land within the
Shoalwater Islands Marine Park

Proposed Areas (please specify all parks you intend visiting)

in order to operate
Dive Operations on the Saxon Ranger

Proposed Activities

Nominated Vessel

SPV Number

I understand and agree that the licence, if granted, will be subject to the provisions of the *Conservation and Land Management Act 1984*, and all subsidiary legislation made under it and to the conditions and restrictions to be set out in Schedule 1.

I have also attached the required \$50.00 application fee.

Signed

Date

Name and Address of Applicant