



**Sustainable Tourism:  
Wildlife (Marine Mammals) Regulations 2009**

**Submission regarding the  
Wildlife (Marine Mammals) Regulations 2009  
Regulatory Impact Statement**

**By Tourism Alliance Victoria**

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## **INTRODUCTION**

Tourism Alliance Victoria (TAV) welcomes the opportunity to comment on the Proposed Wildlife (Marine Mammals) Regulations 2009 and accompanying Regulatory Impact Statement (RIS). TAV has been involved in the stakeholder consultation process that has informed the drafting of the proposed regulations, providing input from the perspective of the tourism industry.

TAV is also involved with the Public Land Licensed Tour Operator Reform Project and sits on the Project Control Board thereof. As the Proposed Wildlife Regulations will impact some tourism operators who currently hold licences to operate on public land, TAV's submission has been prepared in consideration of this, with particular focus on the proposed fee structure and conditions for permits.

## **TOURISM ALLIANCE VICTORIA**

### **Why are we interested in responding?**

Tourism Alliance Victoria is the peak industry body advocating for and supporting the development of a professional and sustainable tourism industry across Victoria. The organisation represents the interests of our 1000 strong member network which is made up of tourism attractions, tour operators, adventure and nature based tourism businesses, local and regional tourism organisations and visitor information centres.

Tourism Alliance Victoria works actively with a range of industry associations, including Hotel Motel Accommodation Association; Backpackers Operators Alliance of Victoria; Victorian Tourism Industry Council; Victorian Events Industry Council; Business Events Victoria; Outdoor Recreation Centre and the Young Tourism Network. Combined we reach over 3000 Victorian businesses.

In working directly with businesses Tourism Alliance Victoria seeks to ensure businesses linked to nature and adventure based activities are working cooperatively with land managers to support the experience and products on offer as well as communicate and educate visitors on the cultural, heritage and environmental aspects of specific areas.

## **PROPOSED PERMIT COSTS AND CONDITIONS UNDER OPTION B**

### **Fee calculations**

Tourism Alliance Victoria submits that cost recovery should not be the rationale upon which fees are calculated for an activity that is acknowledged as providing a public education service. It is compulsory (i.e. a regulatory requirement) for marine mammal tour operators to actively provide an educational service to their customers and yet the 'public benefit' discount that has been factored into

the fee calculations is only 25 per cent. Furthermore, although it is stated that the proposed fees have been calculated to reflect the true cost of permit administration, these fees are substantially higher than the fees imposed on Licensed Tour Operators (LTOs) operating on public land. Assuming that the administration and issuing processes for the LTO permits would be similar to that for the marine mammals (as both would be administered by Parks Victoria) it is not reasonable that the marine mammal permits are significantly more expensive.

### **Whale Swim Tour Permits**

The fees for Whale Swim Tour Permits proposed under Option B represent a substantial increase to the current fees for this type of permit. The current fee for a two-year Whale (Dolphin) Swim Tour permit is \$794.50 or \$397.25 per annum. The proposed fee for a three-year permit is \$1,566.34 or \$522.11 per annum. This represents a 31 per cent increase in the annual permit cost. Whilst it is acknowledged (refer page vi of the RIS) that the original fee calculation and subsequent extension of permit lengths means that the existing fees are below the level of cost recovery, it is our view that such a sudden and significant increase in permit fees presents a financial hurdle to currently licensed dolphin swim tour operators who, like many other businesses - tourism and otherwise - have experienced a decline in business this year due to the global economic downturn.

If a lower fee cannot be agreed to, Tourism Alliance Victoria suggests a phased increase in permit fees; for example, an initial 15 per cent increase of the fee (calculated on the annual average cost) at the next renewal date (June 2010 for currently licensed operators).

Current annual average fee	\$397.25
Initial increase of 15 per cent	\$456.84 x 3 for a 3-year permit
Initial cost of a 3-year permit	\$1,370.52

At the end of the initial three year period, the fee could then be increased a further 15 per cent to bring it up to the proposed rate of approximately \$525 per year or \$1,575 for a three-year permit. Such a phased approach will allow tour operators to better plan for and absorb the increase in fees.

If the fees are to be increased as proposed in the RIS, then there should be consideration of a freeze on further increases for at least two subsequent renewal periods.

## **Trip returns and provision of educational benefits**

As noted on page 47 of the RIS, "the proposed regulations would contribute to risk mitigation in terms of conservation and protection of marine mammals and provide incremental benefits to the extent of...b) requiring tour operators to provide an educational component in tour services" that is "more than a passive distribution of education material to tourists". With three currently licensed dolphin swim operators in our membership, Tourism Alliance Victoria appreciates the educational role that marine tourism operators play and is confident that they take this role seriously. This is due in no small part to the operators' love and respect for the marine mammals they work with.

Compulsory trip returns are already a feature of the current Whale (Dolphin) Swim Tour Permit conditions. Licensed dolphin swim tour operators are required to complete trip return documentation on a monthly basis. However, currently, dolphin swim tour operators receive no feedback on their trip returns. Such feedback could be an annual report of marine mammal activity, based on the data provided by the operators. Over time, this data would constitute significant research material. Notwithstanding that tour operators receive the commercial benefits of being permitted to run their tours, DSE also benefits from the operators' provision of primary research data.

Given the educational mandate of the marine mammal tour permits, Tourism Alliance Victoria submits that the Department of Sustainability and Environment (DSE) has a responsibility to the permit holders to provide regular reporting, based on trip returns, which can then be used as part of the requisite educational component of the tour services. Making such reporting available to marine mammal permit holders would be welcomed by the tour operators. It would also provide a tangible benefit to what is acknowledged in the RIS to be a "disadvantage" under Option B - that is, the requirement to complete returns (RIS, p. 51, Table 10b).

## **Length of permit**

The increase in and standardisation of the length of the permits across all categories is welcomed. The three year period aligns with the option of three-year Licensed Tour Operator permits for those operating on Public Land. In the instance that a tourism business requires a Licensed Tour Operator permit as well as a marine mammal tour permit, and assuming both permits can be procured at the same time, having these permits of the same length would ease the renewal process (i.e. simply renew both at the same time) and ensure that the operator is in possession of requisite permits that are both valid for the same period of time. Lastly, consideration of a 5-year permit marine mammal tour permit would also be beneficial as the reforms underway for the Licensed Tour Operator permits include the option of a 10-year permit for operators with specified accreditation.