

Tour Operator and Activity Provider Licensing

Who requires a tour operator licence?

Fact Sheet
June 2018

What is the purpose of a licence?

The tour operator licensing system provides a consistent legislative framework for licensing commercial tourism and commercial recreation activity on public land and waters in Victoria.

Licensing provides land managers and government with assurances that tour operators and activity providers are:

- implementing risk management measures associated with a tour or activity
- meeting relevant safety standards
- complying with environment protection conditions.

Who requires a tour operator and activity provider licence?

A person or business who conducts an organised tour or recreational activity for profit on public land is required to hold a tour operator licence.

If the tour or activity is carried out regularly and has a commercial purpose – a licence is generally required.

Where a licence-holder engages a third party to deliver some or all of the licensed activities, third parties must also hold a tour operator licence.

Who does not require a tour operator and activity provider licence?

Organisations that provide a service solely to their members (e.g. a bushwalking club that provides a leader), and who do not receive a financial reward over their direct costs, do not require a tour operator licence.

Private individuals or groups hiring equipment, vehicles or vessels on public lands where an itinerary (including a public land destination) or guided tour is not provided as part of the service, do not require a licence.

Public or private transport where an itinerary (including a public land destination) or guided tour is not provided as part of the service, do not require a licence.

Before applying for a tour operator licence

Prospective licence-holders should contact the relevant land manager and confirm the availability, terms and conditions of licences for the specific activity in the proposed location.

Frequently asked questions

Do school groups require a licence?

No. Primary and secondary schools do not require a licence where the activities are conducted by staff as part of the curriculum. School groups are required to follow the Department of Education and Training (DET) Safety Guidelines. However, where schools contract a third party to deliver organised tours or outdoor recreational activities on public land, a licensed tour operator should be used.

Do higher education providers require a licence?

Higher education providers do not require a licence where the activities are conducted by staff as part of the curriculum. Higher education providers, including TAFE and universities, may require a licence where the activity has a significant commercial purpose.

Do community markets or other one-off events require a tour operator and activity provider licence?

No. Tour operator licences are required for regular access to public land for organised tours and recreational activity for profit. Persons planning to hold a one-off event on public land should apply to the relevant land manager for an event permit.

Does a 'charter' require a tour operator and activity provider licence?

The term 'charter' is not used in the tour operator legislation or regulations. Whether a business requires a tour operator licence will depend on whether they are conducting an organised tour or recreational activity for profit on public land, irrespective of whether that activity is described as a 'charter'.

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Is a tour operator and activity provider licence required where activities are already approved under a lease?

No. Lessees are not required to obtain a tour operator and activity provider licence for activities already covered by the terms of their lease. However, operation of organised tours or recreational activity for profit that are not within the terms of the lease, or are not carried out within the leased area, may require a licence.

Is a tour operator and activity provider licence required from each land manager if an activity crosses land management boundaries?

A tour operator licence is required for the public lands and waters where the organised tour or recreational activity takes place.

A tour operator licence is not required to access public land that is not part of the tour or activity itself. However, permission to access this land must be sought from the relevant land manager, who may require businesses to obtain alternate permits, licences, or leases for such activities.

DELWP acknowledges the difficulties associated with licensing across public land boundaries. DELWP can assist in identifying land managers and help resolve some of these difficulties.

What if tour businesses are affected by natural disaster or financial hardship?

If a business is impacted by financial hardship or a natural event such as a bushfire, flood, or other event affecting the licensed land, a licensee can apply to DELWP for a reduction, waiver or refund of fees. Businesses should first discuss with the land manager if there may be other options for managing and delivering the tour or activities until the affected land can be reopened.

Further assistance

If you are unsure whether you require a tour operator licence, please contact the relevant land manager, if known, or contact DELWP for further advice. For more information on tour operator licences please visit www.forestsandreserves.vic.gov.au/tour-operators or call the DELWP Customer Contact Centre on 136 186.

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