

CHARTER BOATS AND ECO-TOURISM IN WESTERN AUSTRALIA

2004

Management of Aquatic Tour Sector

In the latter half of 2001, the Department of Fisheries introduced a licensing and management framework for the aquatic tour industry. This framework has regulated the industry and means that, with the exception of aquatic eco-tour operations conducted wholly within marine reserves, licences are required from the Department of Fisheries for any aquatic tour activity that has the potential to impact on fish stocks or the aquatic environment.

THREE TYPES OF AQUATIC TOUR LICENCE

- Fishing tours
- Restricted fishing tours
- Aquatic eco-tours

With the '**FISHING TOURS**' licence, the focus is on fishing activities where fish can be taken home at the end of the tour. *A limit was put on the number of fishing tour licences granted in order to constrain the amount of fishing effort in this fast-growing sector. In the future, a new fishing tour operator's licence will only be granted under extraordinary circumstances.*

In contrast, the focus of the '**RESTRICTED FISHING TOURS**' licence is on eco-type activities, such as snorkelling or scuba diving, with fishing only allowed for the purpose of a meal eaten during the course of the tour. No fish can be taken home at the end of the tour.

With the '**AQUATIC ECO-TOURS**' licence, the focus is purely on eco-type activities. No fishing is allowed to take place during a tour.

RECREATIONAL FISHING RULES TO APPLY

Participants on a 'fishing tour' or 'restricted fishing tour' charter are considered to be recreational fishers and, as such, are subject to the same rules, such as bag and size limits, as any other recreational fishers.

While general recreational fishing rules govern the fishing activity of the aquatic tour sector's clients, there are also area-specific and operational requirements that tour operators must abide by. These rules vary, depending on the type of aquatic tour licence an operator may have, and form the management framework in which the tour industry operates. It is important that licensed operators have a clear understanding of these requirements.

For licensing and management purposes, the aquatic tour/charter industry is subject to the same bio-regional zoning that governs general recreational fisheries management. Consequently, the majority of tour licence holders operate in one zone, but there are some who can operate through two or more zones.

For a full understanding of the aquatic tour legislation, go to the State Law Publisher web site at: www.slp.wa.gov.au (link here).

RESEARCH AND THE AQUATIC TOUR SECTOR

One of the benefits of having a regulated framework in which the aquatic tour sector can operate is the requirement for them to submit monthly data to the Department of Fisheries' Research Division on how much fish they catch. This data is analysed by research scientists and provides an understanding of the industry's impact on the State's fish stocks and habitat. The information is beginning to fill a 'knowledge gap' that previously existed for this component of the catch taken by the recreational fishing sector.

Tour operators who are licensed so their customers can catch fish need to make a record of the fish caught at the end of each trip before any of their clients leave the vessel.

If tour operators have questions or need assistance with regard to logbook requirements, please ring the Department of Fisheries' Recreational Fishing Surveys and Statistics Branch on (08) 9246 8472. For more detailed information about the number of licensed aquatic tour operators or an analysis of their catches, go to this year's *State of the Fisheries Report* (link to copy on the website).

AQUATIC TOUR LICENCES: TRANSFER AND SALE

All aquatic tour licences are transferable. However, although they can be bought and sold, prospective transferees' are required to meet certain criteria before the transfer can proceed.

Research logbook returns must also be up-to-date, prior to a licence transfer taking place.

In general, aquatic tour licences can be varied and vessels (or vehicles) upgraded or replaced, but there are circumstances where it is not possible to make these changes.

AQUATIC TOUR REGULATION AND POLICY

Moratorium on the issue of any further fishing tour licences.
No prior history required for restricted fishing tour or aquatic eco-tour licences, they can still be granted

- Fishing tour operations are restricted to the zone or zones granted on the licence.

Although fishing tour operators cannot operate outside the licensed zone, there is nothing to stop them operating anywhere within the zone.

- Restricted fishing tour and Aquatic eco-tour applicants can apply for any zone.
- Three categories for both fishing tour and aquatic eco-tour licences.
 - Cat 1 Marine based operations for boats bigger than 7.5 metres.
 - Cat 2 Land based operations.
 - Cat 3 Inshore and river based operations for boats between 7.5 and 4.5 met res.
- Whole fishing tour, restricted fishing tour and aquatic eco-tour licences are transferable. (

- Licence categories cannot be upgraded. Eg category 3 cannot be varied to become category 1.
- Licence holders who have both a fishing tour and commercial authorisation cannot sell either of the licences separately. • Licence holders who have both a fishing tour and commercial authorisation cannot conduct both activities at the same time.

Licence holders who have both a fishing tour and commercial authorisation must notify local fisheries office prior changing activity from tour to commercial.

- Licences for fishing, restricted fishing, and aquatic eco-tours must be carried aboard vessel or vehicle. (*regulations 128D and L*)
- Fishing tour and aquatic eco-tour operators must submit catch and effort returns.
- Fishing on a restricted fishing tour is for meal only and can only be done with a handline, participants cannot take fish home.
- Fish caught on a fishing tour cannot be sold.

Fishing tour operator is responsible for ensuring that tour participants do not fish contrary to the Act.

- The number of passengers allowed to be carried on any particular vessel or vehicle was initially set at what the Special Passenger Vessel (SPV) survey was set at by the Department of Planning and Infrastructure.

Licences that were granted for a passenger capacity less than 20 are allowed to increase up to 20 but not above, providing that the SPV survey allows it. Those between 20 and 30 can go to 30 and those between 30 and 40 to 40.

Fishing tour licence variations cannot be used to increase the number of zones an operator can work in. The only way to gain another zone is to purchase an existing licence for that zone.

Fishing tour licence variations cannot be used to add a vessel or vehicle to the licence, another existing licence must be purchased.

Jurisdiction	NSW	VIC	TAS	SA	WA	NT
Management Regime	Yes since 2000 Discrete regulations and internal policy	No regime in place and no immediate plans to do so	About to start a working group to scope management regime and regulations	Yes Management Plan out Regulations being drafted Envisaged implementation 1 August	Yes since 2001 Discrete regulations Ministerial Policy Guidelines and internal policy	Ability to under Act charter co regulation
Licensing Regime	Annually renewable licences for 1 or more zones (non-tidal, tidal and offshore) Generally transferable No more to be granted Less than cost recovered fee	N/A	Annually renewable licence envisaged. Probably non-transferable No restriction on number of licences Less than cost recovered fee	Annually renewable licence Transferable Restriction on numbers Less than cost recovered fee	Annually renewable licences for 1 or more bioregional zones Transferable Restriction on numbers in fishing tour category Less than cost recovered fee	Annually Non trans No restric numbers No fee at looking at introducing future
Number of charter operators	276	Anecdotally between 60 and 80	Anecdotally 30	Anecdotally probably less than 200	Total 301 265 fishing tour category	At present Between 1 conduct o
Catch & Effort reporting	Mandatory Details of each trip recorded and submitted monthly	N/A	Mandatory No firm structure yet	Mandatory Details of each trip recorded and submitted monthly	Mandatory Details of each trip recorded and submitted monthly	Mandatory condition Details of recorded monthly
Application of recreational fishing rules	Participants bound by recreational rules except (boat limit for gemfish)	Yes	Participants will be bound by recreational rules	Participants bound by general recreational regulations, however discrete limits will apply for charter sector	Participants bound by recreational bag, size and possession limits	Participant recreation
Recreational catch limits for Cwth species	Marlin x 2 Tuna >90cm x 2 <90cm x 5 Shark x 5	Sharks School and Gummy x 2 other 1 Tuna and Billfish 40	Tuna x 2 Sharks, gummy and school x 2 Billfish 15	Tuna x 2 boat limit of 6 Shark, school and gummy x 2 boat limit of 6 Billfish no limit	Sharks x 2 Tuna x 2 Billfish x 1	Sharks, T Billfish x Intention sharks to
Number of operators catching Cwth species	Over 200 operators ticked gamefishing on application	Not known	Not known yet	Not known yet	55 operators reported keeping or releasing an amount greater than 3 different species types of Sharks, Tunas and or billfishes	Majority don't target species

FISHING TOUR AND AQUATIC ECO-TOURISM OPERATORS (PRE 2004)

You will need a Fishing Tour Operators Licence if

You are, on a commercial basis, providing expertise and guided service by land, air or sea to a paying client in connection with a recreational fishing activity.

You will need an Aquatic Eco-tourism Operators Licence if

- You are, on a commercial basis, providing guided service by land, air or sea to a paying client in connection with viewing or feeding fish in their natural environment.

An aquatic eco-tourism operation will generally not involve the taking of fish, however for extended tours (more than 48 hours at sea duration)..you may be able to take sufficient fish for a meal aboard only - NO FISH ARE TO BE LANDED (that is, they must be consumed during the course of the tour) and any fish taken must be kept in a whole, fresh (gilled and gutted condition) until immediately prior to preparation as a meal. Any fish taken must be taken in accord with recreational fishing regulations.

A Fishing Tour Operators Licence will incorporate an Aquatic Eco-tourism Operators Licence and applicants for a Fishing Tour Operators Licence DO NOT NEED to make a separate application for an Aquatic Eco-tourism Operators Licence.

Types of operation

Within each type of licence (fishing or aquatic eco-tour) there will be three categories of operation that the licence caters for. Depending *on* an applicant's style of operation, it is expected that he/she will fit one of these categories. Details of each category and the fees and the way they are structured are attached as a face sheet to the licence application form. Following is a summary of each of the categories. *You only* need to complete the category which is applicable to,your style of operation.

• Category one

Relates to larger boat based operations where the main or specified boat is greater than 7.5m surveyed length. Each main boat may have a power boat 7.5m or less but longer than 4.5m associated with it and tender dinghies 4.5m or less as required.

The basic total surveyed *open* water passenger capacity of this operation will be up to 20 persons.

Additional open water passenger capacity or additional boats will attract an additional fee.

Category two

Relates to a non-boat based operation with a maximum *passenger* capacity of 20 persons. Beach fishing, barramundi, trout tours or similar which do not utilise boats would fit into this category.

Additional passenger capacity will attract an additional fee.

• Category three

Relates to boat or boat/vehicle or boat/aircraft operations with up to two (2) powered boats 7.5m or less but longer than 4.5m and associated dinghies 4.5m or less as required. Maximum total passenger capacity will be 20 persons.

Additional boats or passenger capacity will attract an additional fee.

Licensing Zones

There are four Tour Management Zones (these are described on the next page). Licensees will be authorised to operate in one of these zones. Subject to certain criteria detailed later licensees may nominate to be authorised for additional zones - multi zone endorsement will attract an additional fee.

TOUR MANAGEMENT ZONES

- Zone I : Pilbara/Kimberley - Waters east and north of the point where 114°50'0013 intersects the north-west coast of Western Australia (approximately 4nm south of the mouth of the Ashburton River) to the NT/WA border (I 29°00.00H)
- Zone 2 : Gascoyne - Waters west of the point when Longitude t 14°50'O0B intersects the north-west coast of Western Australia (approximately 4nm South of the mouth of the Ashburtai River) South to 27°00.OOS (Zuytdorp Cliffs - between . Kalbarrf and Steep Point).
- Zone 3 : West Coast - Waters south of 27°00.OOS (Zuytdorp Cliffs) to west of the point where 11.5°30B intersects the southern Western Australian coastline (Black Point).
- Zone 4 : South Coast -Waters to theSouth of the southern Western Australian coastline and east of the point where 115°30B intersects the southern Western Australian coastline (Black Point) east to the WA/SA border (129°00.OOB).

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Supporting your application for a licence

(NOTE: specific requirements are detailed in the application form for each licence)

Provide a five-year operational plan detailing:

- the nature, pattern, consistency and seasonality of the tour operation and where applicable its demonstrated operational history;
- demonstrated capital resources sufficient to enable the applicant to operate in the industry at the capacity indicated by the plan; and
- the operational and business growth intentions of the applicant as they may relate to increased effort and impact on the resource during the five year life of the plan.

If in doubt about your operational plan, it is recommended that you seek advice and assistance from the Small Business Development Corporation or from their affiliated Business Enterprise. Centres located around WA. Relevant brochures have been included with this information kit for your assistance.

Demonstrate compliance with the benchmark date for the "grant of a fishing tour operators licence.

As has been previously advised, a benchmark date of involvement in the fishing tour industry as at 12 September 1997 applies for applicants for a Fishing Tour operators Licence. To demonstrate compliance with this benchmark, you will need to provide documentary evidence to support your claim. These requirements are further detailed in the application form for this licence.

If you cannot meet the benchmark...

If you do not meet the benchmark date you will need to establish to the satisfaction of the Executive Director that

- your proposed fishing tour operation will be carried out in an area which is not currently serviced by an existing fishing tour operator or for a stock or species which is not currently fully exploited; and
- that your proposed fishing tour operation will not significantly increase fishing pressure on stocks, areas or species identified by Fisheries WA in published material as fully exploited or vulnerable.

The only other method by which a person can obtain a Fishing Tour Licence will be to purchase an existing licence.

Indemnity - Public Liability Insurance

To qualify for a licence and for the purpose of indemnifying the Executive Director against liability you will need to hold (or obtain) and maintain public liability insurance to the value of at least \$5 million in the name of the Licence holder and the Executive Director of Fisheries. You will be required to provide proof of this policy.

Nominate the Zone in which you intend to operate.

You will need to nominate which Tour Management Zone you wish to be licensed for and, if the application is for a fishing tour operators licence, you will need to demonstrate compliance with the benchmark date in that zone.

Additional Zones

You will (for an additional fee per zone) be able to nominate for additional zones, however for a fishing tour operators licence you will need to demonstrate compliance with the benchmark date in that zone.

Further information required:

You will be required to

- provide details of all boats to be associated with the licence;
- provide details of all vehicles or any aircraft to be associated with the licence;

- provide details of other equipment (such as an accommodation pontoon) to be associated with the licence;
- nominate the total passenger (paying client) capacity to be associated with the licence; and
- certify that all persons who will operate equipment specified on the licence will be qualified and/or licensed to operate that equipment. If they are not, you will need to explain how that equipment will be operated and by whom.

Transferability of licences and general conditions.

The first five years

- Once the initial determination is made of who is in the industry (subject to appeal provisions) there will be a five-year freeze on the granting of new Fishing Tour Operators Licences.
- Whole licences only will be transferable. Components of licences and supplementary zone access will not be separately transferable. Individual equipment within a licence will be able to be replaced within the passenger limit of the licence (to be reviewed after five years).

Dual Licensed Boats - a Fishing Boat Licence and a Fishing Tour Operators Licence

- Where a person holds both a Fishing Boat Licence (FBL) and a Fishing Tour Operators Licence and these licences relate to the same boat, they will not be able to be transferred separately (to be reviewed after five years).
- The master of a dual licensed boat will be required, before leaving port, to notify the closest Fisheries WA Regional Office if the purpose of that trip is a 'fishing tour'.

Indemnity - Public Liability Insurance

To qualify for a licence and for the purpose of indemnifying the Executive Director against liability you will need to hold (or obtain) and maintain public liability insurance to the value of at least \$5 million in the name of the Licence holder and the Executive Director of Fisheries. You will be required to provide proof of this policy.

It will be illegal to engage in both commercial fishing and fishing tour operations on the same trip and commercially caught fish and charter (recreationally) caught fish are not to be held or stored aboard a boat at the same time.

All fish to be taken in accord with recreational fishing regulations

- A tour operator or his clients may not sell or dispose of fish (for a commercial purpose) that have been taken during the course of a tour.
- An Aquatic Eco-tourism Operator may, during an extended aquatic eco-tour of more than 48 hours duration take sufficient fish to provide a fresh fish meal onboard for

clients. Any fish taken must be maintained fresh in a whole or gilled and gutted condition until immediately prior to preparation for serving as a meal and all fish must be consumed during the course of the tour. NO FISH ARE TO LANDED.

Returns (Logbooks)

- All licensed operators will be required to submit logbook returns to the Fisheries Research Division detailing their tour activities and fish caught. You will be provided with a logbook when your licence is issued

The Aquatic Charter Industry - where to from here ?

The industry will be managed as part of the management of recreational fishing in WA. Within the four tour management zones some area specific management strategies and rules may be developed. It is likely there may be some charter specific rules which may vary from zone to zone, and apply to particular areas within a zone, such as the inner gulfs of Shark Bay or the Abrolhos Islands.

The industry will be encouraged to develop a peak representative body to liaise with" other users of aquatic resources and with Government. It will have a representative on the Recreational Fishing Advisory Committee (RFAC) whose role is to provide advice to the Minister.

Fisheries WA will be seeking to work with other government agencies such as Transport, CALM and Tourism to streamline processes and ensure that areas and concerns of common interest will be addressed in a cooperative manner that-is to-the best benefit of all users of the aquatic environment. We will continue and encourage consultation with the industry as we work towards sustainable development in the best interests of Western Australia. We will work with industry to develop appropriate training, service delivery and accreditation standards.

Fisheries WA looks forward to building a strong and cooperative working relationship with the charter industry as we seek to ensure fish for *the future*.