The Eco and Nature-based Tourism 90 Day Regulatory Mapping and Reform Project is the third ‘90 Day Project’ undertaken by the Western Australian Government to identify and reduce excessive regulatory burdens in key industry sectors.

The Commonwealth Department of Industry, Innovation and Science project has contributed through the National Business Simplification Initiative under which jurisdictions are tackling the burden of duplicative requirements across the different levels of government.

There are 27 recommendations for Western Australian and Commonwealth Government agencies that streamline approvals and other regulatory processes, reduce delays, improve guidance and other support for businesses, and support ongoing regulatory reform.

The regulatory process map improves the visibility of regulatory requirements that may apply to many of the activities and locations of eco and nature-based tourism businesses seeking to commence and operate in Western Australia.

A lighter regulatory burden for Western Australian eco and nature-based tourism businesses will enhance their capacity to respond, at a lower cost, to rising demand from both domestic and international visitors for activities and experiences across this tourism sector.

In turn, this will increase the competitiveness of the Western Australian tourism sector and support economic and employment opportunities in the interests of the wider Western Australian community, particularly in regional and remote communities.

For further information, please visit: http://www.treasury.wa.gov.au/Economic-Reform/90-Day-Projects/Ecotourism/
About the project

The tourism industry is considered a priority growth sector in the McGowan Government’s efforts to diversify the economy and create jobs. Tourism makes a significant contribution to the Western Australian economy, adding close to $12 billion to Gross State Product in 2015-16, and generating 109,000 jobs. Over 46 per cent of all tourism spending occurs in regional and remote areas.

Eco and nature-based tourism businesses are important to the Western Australian tourism industry. They provide international and domestic visitors with opportunities to enjoy the natural outdoors, increase their appreciation of natural and cultural values, and contribute directly to local communities.

With its spectacular and world class natural environment, there are excellent opportunities for businesses in Western Australia to benefit from rising demand for eco and nature-based tourism products in competitive tourism markets. It is therefore important that regulatory frameworks support growth and innovation.

Work is already underway ...

- The Department of Biodiversity, Conservation and Attractions is incorporating tourism into its regulatory culture.
- Department of Primary Industries and Regional Development has modernised the regulation of the aquatic tour industry.
- Department of Planning, Lands and Heritage is considering legislative reform to improve access to and use of Crown land.
- Department of Local Government, Sport and Cultural Industries is actively considering tourism and cultural benefits of proposed licenced venues.

... but further improvements are warranted.

Led by the Department of Treasury, this project is conducted in collaboration with the Commonwealth Department of Industry, Innovation and Science, and a wide range of State and Australian Government agencies that have regulatory or administrative interactions with eco and nature-based tourism businesses.

Project outputs and benefits

1. **Regulatory process map** to enable easier navigation of regulatory frameworks.
2. **Identification of main challenges** with a focus on interactions that impose excessive or unnecessary costs and delays.
3. **Practical recommendations for governments** that reduce the regulatory burden on Western Australian businesses.
4. **Improved collaboration** across government and industry stakeholders through respectful engagement, clarification of priority challenges, and transparent consideration of options.

The project builds on valuable consultations with industry groups, and over 80 Western Australian eco and nature-based tourism businesses that have participated either through an online business survey, telephone interview or as part of an on-site visit program. The focus is on regulatory frameworks that eco and nature-based tourism businesses have identified as most challenging, or which may be inhibiting growth and innovation in this sector and imposing material costs on the wider community.

With due regard to the project’s 90 Day timeline, regulations governing building and development of tourism accommodation were excluded and have not been examined.
Rising demand for eco and nature-based tourism products

Over the last seven years, participation in eco and nature-based tourism activities across Australia has grown steadily at 4 per cent per annum. In 2014, 37.7 million visitors, including 68 per cent of all international tourists, participated in a nature-based tourism activity. On average, visitors that come to Australia for a nature-based experience spend more, and stay longer, than those holidaying for another purpose.

Provides opportunities for Western Australian businesses

Western Australia has over 100 terrestrial national parks and 13 marine parks. These parks comprise some of the richest and most threatened reservoirs of plant and animal life on earth, with the South West recognised as one the world’s original 25 biodiversity hotspots. Aboriginal tourism activities and experiences in Western Australia are a sought after point of differentiation in competitive domestic and global tourism markets, and geotourism is emerging as an important growth sector, particularly in expanding Asian markets.

Growth in this tourism sector has recently stalled

Despite rising demand, and Western Australia’s spectacular natural environment and rich cultural heritage, recent data indicates that growth in the eco and nature-based tourism sector has stalled. In 2010, the Review of Nature Based Tourism identified 349 established nature-based tourism businesses in Western Australia, noting substantial growth in the sector since 1994, when there were only 50 operating businesses.

In contrast, this project has identified around 330 active eco and nature-based tourism businesses, with only a very small percentage established within the last five years.

This could be attributed to a number of factors

Growth in the eco and nature-based tourism sector may be affected by a range of factors including exchange rates, public access routes and infrastructure in regional and remote areas, access to capital, aviation policy, availability of short term accommodation and hospitality skills shortages. While these factors are important considerations for government, this project has focussed on the regulatory frameworks that have a material impact on businesses in this sector.

Regulation that follows best practice principles is a priority

If well designed and streamlined, the regulation of activities provided by eco and nature-based tourism businesses will allow for growth and innovation in this sector to proceed while still retaining the necessary protections that ensure Western Australia remains a clean, safe and attractive tourist destination.
## Summary of regulatory challenges identified by businesses

The activities offered by eco and nature-based tourism businesses are as diverse as the Western Australian landscape and waterways. They include rock climbing, abseiling, marine mammal interactions, Aboriginal cultural experiences, walking in ancient forests, glamping in the outback, sailing into the sunset, and much more.

Many activities and locations of eco and nature-based tourism businesses are regulated, and the cumulative regulatory burden can be onerous. This project has identified 68 Acts and 119 regulations that could have an impact, excluding building and planning regulations which were outside the scope of this project.

Many businesses contributing to the project have indicated that the overall regulatory framework that governs access to national parks is favourable, and have also noted recent improvements in their regulatory interactions with other government agencies. However, the following matters are raised as areas of concern.

### Access and use of Crown land
- Regulatory framework is complex and inaccessible.
- Tenure instruments do not adequately accommodate tourism.

### Native title matters
- Compliance with the future act regime in the Commonwealth Native Title Act can lead to substantial delays.
- Requirements for Aboriginal heritage surveys are unclear, and costs are high.

### Fishing activities
- Paper based monitoring and compliance system is onerous.
- Limited consideration of impact of regulatory changes on tourism.

### Transportation services
- Response to on-demand transport reforms is creating uncertainty.
- Medical re-assessments for F extension endorsements on driver’s licences are too frequent.
- The process of adding temporary vehicles to a permanent licenced fleet is complicated.
- The restrictions on commercial tourist signs are too prescriptive.

### Activities in State managed terrestrial and marine parks
- The process for adding parks to T class licences is onerous.
- No electronic processing of park entry fees.
- Information on marine mammal interaction licences is limited and requirements for separate licences are excessive.
- Differences in safety standards for some adventure activities are not risk based, and inconsistent with other government agencies.
- Compliance with E class licence conditions is onerous, and audits of business sustainability conditions are duplicative.

### Australian Government matters
- The transition to the national marine vessel licencing and registration scheme is creating confusion.
- State and Australian government national parks agencies have duplicative information requirements.
- Approval requirements for marine mammals interactions in State and Australian Government marine parks are contradictory.
Summary of recommendations to government agencies

There is always room to improve regulatory frameworks and interactions, even those that are working well.

With the cumulative regulatory burden on eco and nature-based tourism businesses in mind, all government agencies should seek to streamline their approval and other administrative processes, monitoring and compliance systems, and enforcement activities.

A further challenge is to ensure that regulations designed to protect natural, cultural and built assets, visitor safety, or the interests of other land users do not unnecessarily constrain the activities of tourism businesses that may also be consistent with these objectives.

### Accessing Crown land

- The Departments of Treasury and Planning, Lands and Heritage should conduct a regulatory mapping project for businesses seeking to access and use the pastoral estate and unallocated Crown land.
- The Department of Planning, Lands and Heritage should progress rangelands reform.

### Native Title

- The Department of Planning, Lands and Heritage should:
  - develop guidelines and template Indigenous Land Use Agreements; and
  - improve guidance on required approvals for tourism businesses conducting activities on or near an Aboriginal heritage site.
- The (Australian Government) Attorney General’s Department should consider technical amendments proposed by the Western Australian government as part of the next Native Title Amendment Bill.
- The Department of Treasury should consider whether the Economic Regulation Authority could undertake a review of the efficient economic costs of Aboriginal heritage surveys.

### Operating in state managed terrestrial and marine parks

- The Department of Biodiversity, Conservation and Attractions should:
  - progress an online licence application and renewal system;
  - improve the level and accessibility of information for two month commercial operations licences;
  - improve and publish information on requirements for marine fauna interaction licences;
  - progress a licensing system that allows marine fauna interaction licences to be issued per vessel, rather than for each species;
  - consistently apply safety standards across adventure activities that pose similar risks;
  - incorporate Australian Adventure Activity Standards, once available, into T class commercial operations licence conditions particularly if implemented by other government agencies;
  - prioritise testing and roll-out of a mobile application to facilitate payment of national park entry fees;
  - publish guidelines for audits of E class commercial operations licences, including the range of compliance and enforcement strategies that may apply; and
  - explore the possibility that tourism accreditation agencies could adapt their accreditation programs and associated audit processes sufficiently that this could become the mechanism for monitoring and enforcing business sustainability conditions in E class commercial operations licences.
Summary of recommendations to government agencies (cont’d)

**Fishing activities**

- The Department of Primary Industries and Regional Development should:
  - progress introduction of an automated process to allow eco and nature-based tourism businesses to record and submit their fishing activity information more easily; and
  - consider re-allocating a proportion of commercial fishing tour licence fees to support an industry peak body for fishing tour operators.

- The Australian Maritime Safety Authority should:
  - develop communication and engagement plans with existing state based marine safety agencies, ensuring consistent advice across all jurisdictions, and refresh its website accordingly;
  - work with stakeholders to refine the cost recovery model, and clearly communicate changes agreed by the COAG Transport and Infrastructure Council; and
  - communicate fees to be charged under the new system as soon as possible, as well as timeframes for decisions and approvals.

- The (Australian Government) Department of Industry, Innovation and Science should prepare a paper for the COAG Industry and Skills Council, seeking approval to develop a national platform that enables information to be shared across national parks regulators across Australian jurisdictions.

- The Department of Biodiversity, Conservation and Attractions and Parks Australia should work through existing Agency agreements to establish appropriate responsibilities and conditions to manage interactions with humpback whales pending the outcome of the Western Australian swimming with humpback whales trial.

**Australian Government matters**

- The Australian Maritime Safety Authority should:
  - develop communication and engagement plans with existing state based marine safety agencies, ensuring consistent advice across all jurisdictions, and refresh its website accordingly;
  - work with stakeholders to refine the cost recovery model, and clearly communicate changes agreed by the COAG Transport and Infrastructure Council; and
  - communicate fees to be charged under the new system as soon as possible, as well as timeframes for decisions and approvals.

- The (Australian Government) Department of Industry, Innovation and Science should prepare a paper for the COAG Industry and Skills Council, seeking approval to develop a national platform that enables information to be shared across national parks regulators across Australian jurisdictions.

- The Department of Biodiversity, Conservation and Attractions and Parks Australia should work through existing Agency agreements to establish appropriate responsibilities and conditions to manage interactions with humpback whales pending the outcome of the Western Australian swimming with humpback whales trial.

**Transportation services**

- Tourism WA, in consultation with the Department of Transport, should publish a user friendly fact sheet on the impact of the on-demand transport reforms once finalised by the State Government.

- The Department of Transport should:
  - consider formalising a low cost, risk-based administrative process to allow for temporary additions to a fleet of vehicles operating under an Omnibus licence;
  - as a priority, update medical assessment instructions for F extension endorsements to drivers licences so medical professionals will vary re-assessment periods according to a driver’s health status; and
  - in the longer term, consider amending the re-assessment time frame for F extension endorsements to drivers licences so it defaults to five years with shorter times only applying to drivers with a high risk health status.

- Main Road Western Australia should consult closely with Tourism WA to improve regulations governing tourism signage.

The attached regulatory process map has been designed to improve the visibility of regulatory frameworks that eco and nature-based tourism businesses must typically navigate in Western Australia. This map aims to lower compliance costs for businesses and reduce the risk of avoidable delays.
**STARTING AN ECO OR NATURE-BASED TOURISM BUSINESS IN WESTERN AUSTRALIA**

There are many steps involved in establishing a business. You will need to consider factors including (but not limited to):

- Business structure and registrations (including business and tax).
- Licensing requirements.
- Obligations when selling goods or services.
- Obligations to staff (if applicable).
- Occupational health and safety obligations.

1. Visit the Small Business Development Corporation for free advice and comprehensive information about establishing and running a small business in Western Australia.

2. Contact Wageline for advice on which industrial relations framework applies to your business.

3. Contact Worksafe for advice on Occupational Health and Safety obligations.

---

**Do you want Tourism Accreditation?**

Accreditation is voluntary. However, being accredited is a requirement for businesses that wish to operate in National Parks or other areas managed by the Parks and Wildlife Service in the Department of Biodiversity, Conservation and Attractions.

Accreditation is a mark of quality assurance.

Accreditation relevant to eco and nature-based tourism businesses is available through a number of organisations, including:

- Tourism Council Western Australia (www.tourismcouncilwa.com.au)
  - Australian Tourism Accreditation Program (ATAP)
  - China Ready Accreditation
  - EcoPlus Accreditation
  - Visitor Centre Accreditation
  - Marine Tourism Accreditation
- Ecotourism Australia (www.ecotourism.org.au)
  - ECO Certified - Nature Tourism
  - ECO Certified - Ecotourism
  - ECO Certified - Advanced Ecotourism
- National Accreditation, Recreation and Tourism Accreditation Inc. (NARTA) (www.narta.org.au)

In order to become accredited businesses need to provide various information, including (but not limited to):

- Business details
- Insurance details
- Business plan
- Marketing plan
- Business operating systems
- Risk management
- Environmental management.

---

The Department of Biodiversity, Conservation and Attractions accepts the following minimum accreditation levels for T Class Commercial Operations Licences (See National Parks page below). Higher level accreditation can enable a longer licence term.

<table>
<thead>
<tr>
<th>Time</th>
<th>ATAP</th>
<th>ECO Certified - Nature Tourism</th>
<th>NARTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year</td>
<td>ATAP</td>
<td>ECO Certified - Nature Tourism</td>
<td>NARTA</td>
</tr>
<tr>
<td>3 years</td>
<td>ATAP</td>
<td>ECO Certified - Nature Tourism</td>
<td>NARTA</td>
</tr>
<tr>
<td>5 years</td>
<td>ATAP Ecoplus</td>
<td>ECO Certified - Nature Tourism</td>
<td>NARTA</td>
</tr>
<tr>
<td>7 years</td>
<td>ATAP Ecoplus</td>
<td>ECO Certified - Ecotourism</td>
<td></td>
</tr>
<tr>
<td>10 years</td>
<td>ATAP Ecoplus</td>
<td>ECO Certified - Advanced Ecotourism</td>
<td></td>
</tr>
</tbody>
</table>
STARTING AN ECO OR NATURE-BASED TOURISM BUSINESS IN WESTERN AUSTRALIA

Do you need to transport passengers?

Drivers
Contact the Department of Transport.
Ensure drivers have a valid WA Driver's Licence.
Ensure drivers have an F extension on their driver's licence (allows them to drive a vehicle carrying passengers for hire or reward).
Ensure your vehicles are appropriately licensed.
Apply for an Omnibus – Chartered Vehicles (CV) Licence (needed for any passenger vehicle used for hire and reward that is not a taxi or Regular Transport Passenger vehicle).
Ensure your vehicles are licensed with the correct insurance class.
Complete annual vehicle inspection.

Vehicles
Contact the Department of Transport.

Packing
Contact the relevant Local Government.
Do you need a parking permit for anywhere you plan to visit?
Register your vessel on the Australian General Shipping register (optional for vessels less than 24m long).

Vessels
Contact the Department of Transport or Australian Maritime Safety Authority.
Apply for a Certificate of Operation (defines how and where an operation is undertaken, what vessels it can use and manning requirements).
Apply for a Certificate of Survey – initial survey (for newly registered vessels) (Shows that a vessel meets the standards for construction stability and safety equipment) (Periodic surveys are required to ensure continued compliance).

Crew
Contact the Department of Transport or Australian Maritime Safety Authority.
Apply for a Certificate of Competency for all crew (ensures crew are appropriately trained and qualified).

Mooring
Contact the Department of Transport, Parks and Wildlife Service or relevant Local Government.
Make permanent mooring arrangements for your vessel.
Arrange access to any temporary mooring facilities needed during operations.

Off-Road Vehicle Registration
Required for vehicles not licensed for and not used on public roads if they are to be used in an area designated for off road use by a local council. Not required for use on private land.

Under an omnibus licence, drivers need to have a fatigue management plan that aligns with the Commercial Drivers Fatigue Management Code of Conduct.

Vessels and crews must be compliant with the National System for Domestic Commercial Vessel Safety. The Australian Maritime Safety Authority (AMSA) is the national regulator but operations in Western Australia are delegated to the Department of Transport until 1 July 2019.

Most moorings in Western Australia are managed and licensed by the Department of Transport. In Mooring Control Areas, moorings must be registered. In other areas, a Commercial Mooring Site Licence is required. Authority for businesses to install, own and/or use moorings within marine parks and reserves is managed by the Parks and Wildlife Service in the Department of Biodiversity, Conservation and Attractions through the businesses’ commercial operations licence.

The Jetty Act 1925 (WA) defines a jetty as any structure connected to a body of water that, wholly or in part, may be used for the purpose of launching or landing a vessel. This includes wharves, piers, piers, slips, landing places, stages, platforms, ramps, fixed or floating structures, and erected or placed structures. All jetties require a licence, which must be in place before construction of any new jetty commences. Jetty licensing is administered by the Department of Transport, as at July 2017.
Codes of Practice, Standards or Guidelines exist for many activities, including (but not limited to) those listed below. Follow these to ensure you are operating at best practice.

- Abseiling
- Archery
- Artificial climbing
- Bush walking
- Canoeing, kayaking
  & sea kayaking
- Canyoning
- Caving
- Challenge ropes
- Commercial driving (fatigue management)
- Ferry and charter boats
- Food preparation and provision
- Four-wheel driving
- Horse trail riding
- Mountain biking
- Recreational angling
- River rafting
- Rock climbing
- Scuba diving
- Snorkelling
- Surfing
- Trail bike riding
- Whale and dolphin watching
- Wildlife interaction (including swimming)

---

**Final Checklist**

- Business established
- Licence for fishing (if applicable)
- Tourism accreditation (not essential if not operating in a national park)
- Food preparation requirements (if applicable)
- Permission to access chosen location(s) and undertake all proposed activities (A Commercial Operations Licence if operating in a national park)
- Provision of alcohol (if applicable)
- Transport related licences and certificates (if applicable)
- Relevant Codes of Practice, Standards or Guidelines identified

---

**YOU ARE READY TO START!**

As at July 2017