



Response to the Public Land Tour Operator and Activity Provider Licence Reform Project Directions Paper

Overview

As the central body representing providers of recreational activities in Victoria the ORC offers this response to the Public Land Tour Operator and Activity Provider Licence Reform Project Directions Paper. This response has been developed through consultation among the many diverse organisations within the recreation industry (commercial and non-commercial).

Victoria's recreation industry supports all efforts to better manage and protect the quality of, and access to, Victoria's crown land; now and for the future.

We acknowledge that the overall intentions of this reform project are to maintain good access to public land and support the nature based tourism industry while maintaining the fundamental right of all Victorians to access and use our parks, forests and reserves. These are worthy objectives and we commend the Government for initiating this process.

There are however, some points within the consultation process and within the directions paper that, after consultation with our membership and stakeholders, we believe require further consideration and/or urgent review.

The ORC Inc. was invited by the DSE to participate upon a reference group intended to facilitate the consultative process and contribute to the development of the (then) discussion paper (now directions paper). At the time this was a very welcome step in the process of refining the licence system. We have since been rather disappointed that this reference group met on only one occasion and was not consulted as the directions paper was developed.

With regard to the scope of the project, The DSE do not seem to have consulted with the various committees of management for whom the re-vamped licence system is intended to suit (other than Parks Victoria). These committees may adopt or reject aspects of any new system just as they have in the past. We strongly suggest that the outcome area 2.2 be revisited with greater involvement of these groups.

Other than comments relating to the process thus far, comments within this response relate primarily to proposed policy directions that currently fail to meet the objectives of the review; while doing little to contribute to the overall aims of the reform project.

It is hoped that suggestions raised in this response will strengthen this industry (commercial or otherwise) as well as increasing the ability of DSE (and associated committees of management) to effectively manage the public land on which the majority of our activities take place.

The primary comment is that the scope of this system seems too broad. Greater efficiency and support is likely to come from the development of a second voluntary system that is independent of the licensing of commercial organisations. That would enable broad data collection and enhanced communication among land user groups (commercial, non-commercial or educational) without the negative outcomes (real or perceived) of increased regulation, workload and or cost.

We do not believe that these suggestions will detract from the overall aims of the review and may foster greater support for the concept across the outdoor community. In fact we believe that these modifications will lead to a more concisely targeted approach leading to the achievement of the goals of this review.



Contents of response

Objective 1. (Page 3)

Improve opportunities for investment and security

- 1.1 Longer licence terms

Objective 2. (Page 4 – 9)

Create a simpler and more efficient licensing system

- 2.1 Clarify who requires a 'tour operator' licence
 - Proposed policy direction 2.1A
 - Proposed policy direction 2.1B
 - Proposed policy direction 2.1C
 - Proposed policy direction 2.1D
- 2.2 A more consistent and efficient licensing system across public land categories
 - Proposed policy directions 2.2 A, B, C, D, E, F and G (addressed collectively)
- 2.3 Licence Fees

Objective 3. (Page 10)

To encourage higher operating standards

- 3.1 Certification
- 3.2 Training and other tools

Objective 4. (Page 11-12)

To improve management of capacity – Environment and visitor

- 4.1 Identify and managing 'hotspots'
 - Proposed policy direction 4.1C
- 4.2 Managing capacity through booking systems
 - Proposed policy direction 4.2B
 - Proposed policy direction 4.2C
- 4.3 Managing capacity through competitive allocation of licences
 - Proposed policy direction 4.3G and H
- 4.4 Dealing with latency

Objective 5. (Page 13)

To improve compliance

- 5.1 Compliance with the requirement to have a licence
 - Proposed policy direction 5.1A
 - Proposed policy direction 5.1C

Objective 6. (Page 14 – 16)

To manage all organised groups in an appropriate and equitable manner

- 6.1 Schools
 - Proposed policy direction 6.1A
 - Proposed policy direction 6.1B
- 6.2 Other organised groups



Discussion

Outcome Area 1. Improve opportunities for industry investment and security.

Consultation with commercial providers of adventurous activities found total support for the proposed longer term licences and the introduction of transferable licences.

1.1 Longer Licence terms

The ORC has received no negative feedback regarding the licence categories or the decision to keep the 'Standard Licence'. There is strong belief among the industry that a 10 year licence would provide the clearest benefit for the industry and land managers. Benefits to land managers of 10 year licences are likely to include;

- Increased awareness of services offered by licenced operators.
- Increased stewardship of the land by licenced operators.

The directions paper states that the permits for trade or business may be provided for "up to three years" under the National Parks Act 1975 however the proposed 7 year licence "corresponds with the maximum lease term currently available under the National Parks Act 1975"

It is unclear if the 7 year licence has been selected over a 10 year licence to align licences with lease periods.

Part C requires additional consideration as the Premium licence will be the most sought after for our industry.

The system by which DSE and Parks Victoria will 'endorse' certification is unclear.

It is the preferred option that industry is actively involved in the process to identify criteria. Established and emerging organisational accreditation schemes (with review if necessary) will facilitate consistency and satisfy land managers requirements for activity providers.

There is also scope within the review to consider the qualifications and registrations of the individual leading the activities. Systems are currently being developed that will assist in understanding the many learning pathways that skilled leaders may have undergone. Community organisations, TAFE, private and university courses could be recognised by either the organisational accreditation, industry registration or directly by land managers. (As indicated in 3.1 page 31.)

Questions to consider for objective 1 NA



Outcome Area 2. Create a simpler and more efficient licensing system

This topic has generated the greatest discussion within the recreation industry. The sentiment that clarity is seen as being pivotal to the success of this review process is certainly common among both industry and government. It is for this reason that the greatest numbers of comments were received in relation to outcome area 2 and specifically proposed policy direction 2.1.

2.1 Clarifying who requires a ‘tour operator’ licence

Consensus among organisations within the outdoor industry (commercial or otherwise) state that the essence of the review of the ‘Public Land Tour Operator and Activity Provider Licence Reform’ project is to clarify the aims of the licence scheme to benefit those managing the land, and with minimum burden imposed upon those organisations undertaking activities.

The ORC Inc. believes that several groups have misinterpreted the aims of the review. We are aware that many responses have been heavily focused upon the potential ‘capture’ of voluntary and not for profit organisations within the definition of “commercial activity”.

It is the opinion of the ORC Inc. that this is in no way the intention of the review; however, it is absolutely essential that the wording within section 2.1 and some other relevant sections are redrafted.

The above position is based upon discussion with DSE staff, as well as the following text, found within the body of the directions paper;

“The review deals predominantly with commercial recreation and tourism seeking to improve the current licensing system to encourage a more sustainable industry, higher operating standards and greater business investment, while maintaining the fundamental right of all Victorians to access and use our spectacular parks, forests and reserves for their own personal recreation and enjoyment”

(Minister’s forward)

“That all business entities, organisations (except registered schools) and individuals undertaking commercial activities associated with recreation, tourism and education on public land are required to hold a licence”

(Executive summary)

“These acts codify a long standing policy position that separates activity conducted for private benefit from that undertaken for public good”

(First paragraph page 20)

“It is essential for the integrity of the licensing system and the future of the nature based tourism industry, that clear criteria are established defining ‘who requires a licence’.”

(paragraph six page 20)

“It follows that schools, clubs, some government programs and benevolent organisations that provide a broader public benefit, often in situations where the commercial market could not provide the social benefits at the same cost, should continue to access public land to conduct activities that are appropriate and consistent with legislative objectives and management plans, and should not require a licence to conduct such activities.”

(Last paragraph page 20)



“Non commercial recreation groups, visitors or registered schools are not required to hold a licence, except in special circumstances (refer objective 4) but will be encouraged to notify land managers and adopt safe and sustainable practices. (refer objective 6).

(2.1 F. Page 21)

“any proposals seeking to minimize safety risks to, and environmental impacts from, recreational uses of public land must take a non prescriptive approach, focusing on improved communication and education and enhanced management of specific sites, rather than additional regulation.”

last paragraph page 40 – non prescriptive approach

We also note the intent of the following government initiatives to support recreation and increased physical activity. Clearly supporting any system which decreases the burden of not for profit organisations operating in this area:

1. Victorian Governments “Go for your Life” program
2. Sport and Recreation 2005 – 2010: A Five Year Strategic Plan for Sport and Recreation in Victoria. In particular strategic direction 1 - “Active people, Active communities”.

It follows that the intent is to require commercial, private or otherwise profitable organisations conducting a trade or a business to obtain a licence and for non-commercial, community organisations, clubs, benevolent organisations, charities etc to continue to have access to public land free of any requirement to obtain a licence.

For the majority of issues presented regarding proposed policy direction 2.1, it seems that the intent of the authors was that these groups would be picked up under outcome area 6.2 (Other organised groups).

It should be noted that several suggestions have been received stating that as one of the largest users of crown land, even schools (although exempt for educational activities) should require a licence where they are undertaking extra-curricular activity.

Proposed policy direction 2.1 A –

We put forward two options to avoid the ambiguity that has been identified. Option one refers to 2.1A and suggests that a reference to non-commercial activity will help to remove a great deal of the ambiguity See below (suggested wording 1). The second option (referring to 2.1B, supports the wording suggested by VicWalk, where a concise explanation/definition of membership fees be added, see below (suggested wording 2).

Suggested wording 1 – Proposed policy direction 2.1 A

All business entities, organisations and individuals undertaking **commercial activity** associated with recreation, tourism and education on public land are required to hold a licence.

Organisations and individuals undertaking **non-commercial activity** associated with recreation, tourism and education (including recreational clubs, some government programs, benevolent organisations, registered schools and any organisation covered by the Scout Association Act 1983) are not required to hold a licence and should refer to outcome 6.2.



Proposed policy direction 2.1 B – This definition of commercial activity has been deemed by many within the outdoor community to include all organisations which, in the normal course of their activities, collect any form of fee that may be used to contribute to office resources (mail outs, newsletters etc) to equipment (for come and try sessions, emergency equipment or spares) and/or activity costs (such as transport to and from the activity)

The ORC Inc. acknowledges that commercial activity is difficult to define. However, the current attempt must be improved to ensure support for further developments in this review.

It also seems unnecessary, where the policy direction refers to all public land, to state 'land managed by Parks Victoria, DSE or any other land manager'. Further, there are many not for profit organisations (peak bodies, charitable and community organisations as well as education/school groups) that conduct activities and pay the leaders. We suggest that the reference to paid or compensated guides or leaders be removed.

Suggested wording 2 – Proposed policy direction 2.1 B

Commercial activity is to be defined as providing services or goods as a trade or a business, or for hire or reward. It includes any guided or chartered tour, course or transport on public land where one or more of the following applies.

- A fee for entry, participation or membership is collected to cover both indirect expenses and direct expenses for a particular activity session or program. (Such fees could cover advertising, purchase or replacement of equipment, transportation, food, prizes etc.) Donations may be considered fees if they apply to a specific activity session or programs; and
- The activity, course, tour or transport is provided free of charge but in conjunction with another commercial product or service.

'Membership fees' does not mean, normal membership fees paid by members of community based clubs mutual organisations/ associations to meet the operating and administration costs of such clubs and where there is no personal gain or reward for members or office bearers of the club as a result of such fees".

Proposed policy direction 2.1 C - This part of the policy direction has generated some concern. The current lack of concise wording in 2.1 B, leaves 2.1 C open to interpretation. Again this implies that all organisations may be drawn into the system requiring a licence. Suggested wording 3 may help with this matter.

Suggested wording 3 – Proposed policy direction 2.1 C

Where activities of non-commercial, educational and charitable organisations, incorporated associations, or other legal entities meet the above criteria, such organisations may be considered to be undertaking commercial activity and require a licence at the discretion of the DSE.

Such decisions will be made in a consultative process with the organisation and the relevant industry body.

(It should be noted that this suggested wording should not be necessary if 2.1B is amended appropriately.)



Proposed policy direction 2.1 D There is no reference to freelance, contractors and sub-contractors within the body of outcome 2.1 (page 20). It is rather disappointing that a policy direction has been included with no discussion, more importantly, a policy direction that raises several questions.

For example, while it is clear that a typical client (individual or group) hiring a commercial activity provider should/must use a licenced operator. A government school undertaking the same activities (as an outdoor education subject or otherwise) is exempt from requiring a licence. If the school council deem it safer or more educationally beneficial to employ a contractor or freelance activity leader, then should that contractor require a licence?

- a) If they are a commercial activity provider (company)?
- b) If they are an incorporated association viewed as a commercial activity provider?
- c) If they are a commercial (freelance individual) activity provider (employed by the school)?

If the above school activity is undertaken while 'on camp' (such as a beach visit or bushwalk onto public land) they may seek the assistance of the camp staff (for local knowledge, surf rescue etc.). Should that camp or staff member be required to obtain a licence?

There is an argument that this type of engagement (camp offering extra assistance) should not require a license. It is acknowledged that we are not presenting a solution to this issue, however, as a school group is exempt from requiring a licence then the camp staff member may be considered to be employed by the school or simply volunteering for the duration of the activity.

Proposed policy direction 2.1 E

No feedback has been received by the ORC Inc. in relation to this point.

Proposed policy direction 2.1 F

As discussed, the topic currently within 2.1 F should be incorporated within suggested wording – Proposed policy direction 2.1 A.

2.2 A more consistent and efficient licensing system across public land categories

Over the past 2 years, the ORC Inc. has supported some important developments in this area. Both Phillip Island Nature Park and the Great Ocean Road Foreshore Committee undertook (independently) a process to develop their licence systems.

In conjunction with some operators from each of these land tenures (also operating on Parks Victoria land) an attempt was made to better align these licences with the Parks Victoria TOMS model.

These developments were well supported (in kind) by Parks Victoria. The success of these initiatives was limited. The ORC is unaware of any other land managers attempting to develop systems more directly aligned to that of the Parks Victoria Tour Operator Management System.

We have some concerns that DSE has made little effort to engage these land managers in a review that may ultimately fail to be accepted if these land managers are not satisfied with the outcome.

Proposed policy direction 2.2 A, B, C, D, E, F, G and H

It seems that the proposed policy directions 2.2 B, C, D, E, F and G all seem to apply the current category based (TOMS) system to all public land. Confusion stems from 2.2A that only states; "General, Activity and location conditions is to be retained in the TOM system, and encouraged for use in other land categories".



We believe that it is the role of DSE to establish single criteria to be met by all operators to conduct their activities upon public land. That system should (with the support of Parks Victoria) see the TOMS criteria implemented across all tenures (particularly the categorisation of licence conditions).

Several land managers are already keen to recognise operators with existing Parks Victoria Licences. There are, however, no processes in place to make this recognition formal. The lack of a formal policy from DSE leaves these land managers to develop their own (often costly and or time consuming) systems.

A more effective process would be for DSE to support these committees of management by developing the Parks Victoria licence for all public land. Local land managers would continue to manage the local conditions and set fees (assuming they would require some income from licenced operators).

With regard to minimising the duplication of effort made by established, accredited and/or experienced activity providers. A central system should be implemented whereby an organisation with a current accreditation/certification (That meet the needs of the land manager's general conditions, activity conditions and insurance requirements) is recognised by DSE as an appropriate organisation to conduct their business on crown land. Once recognised, that activity provider should have access to any licence (or tender process) within the state.

Such a process would enable an operator to present current, recognised certification and agree to comply with local/specific conditions for any land tenure.

This type of development would represent;

- A significant reduction in workload for many operators,
- Increased support for independent industry certification, accreditation and qualifications,
- Improved public image of these operators
- Improved support for the permit system as a tool rather than as a task.

The ORC does not believe that reciprocal agreements noted in 2.2H can be efficient as Parks Victoria are unlikely to recognise agreements made by small committees of management that might not meet the requirements of the Parks Vic Permits. However, such land managers should certainly be encouraged/enabled to accept Parks Victoria permit as proof of having met all necessary requirements (see above).

2.3 Licence Fees

Licence fees have not been a key issue in discussions regarding the proposed directions in this review. We suspect that the majority of organisations in the industry believe that the priority in this review is to ensure that the system manages organisations appropriately. We expect that the level of support and input will increase once these aspects have been improved. At that stage we expect more discussion relating to fees.

DSE will also receive feedback from Tourism Alliance the VOA and the ACA. As members of the ORC and as organisations representing the needs of commercial activity providers, the ORC support the comments made by these organisations.

We agree that option 1B is the most appropriate funding model (if limited to cost recovery) but question the benefit of the capped annual use fee for major operators.

Points to note include:



- Removal of the cap on use fees as it is perceived that this creates a significant disadvantage to smaller operators and there are no benefits to the system or to the industry at large.
- There have been several suggestions that the basic fee should be increased to around \$500 in conjunction with the establishment acknowledgement that the annual fee enables a certain number of users per annum.
- Use fees would then apply after the ceiling has been reached. This will also reduce the burden on the many smaller licenced operators.
- Another option to negate the complicated use fees would be for the DSE to apply categories with flat fees based upon estimated use. (As an example only; small operator fee \$400, Middle \$2000, High \$4000)
- As school groups are exempt from the requirement to obtain a licence, it seems counter productive to place a use fee per student upon a third party activity provider. It seems that a school would engage such an operator only if the school believes that the outcome would include increased safety and a better educational outcome. Removing the use fee for such groups should be considered.



Objective 3: To encourage higher operating standards

The ORC support the initiatives outlined within objective 3. There are some concerns relating to the process that will be undertaken to establish the certification and training schemes that will be acceptable but all peak bodies and organisations are confident that this will be the most inclusive, and transparent means to achieving a successful outcome.

3.1 Certification

This concept has been discussed often among industry and the relevant government agencies. There is full support for this concept, provided the certification is recognised in such a way that actually minimises the burden to obtain a licence. (See above)

National consistency can also be promoted through liaison with the Outdoor Council of Australia (OCA).

3.2 Training and other tools

No comments have been received regarding this policy direction. However, it is certainly not clear how the permit system could account for the qualifications of individuals.

Questions to consider for Objective 3 NA



Objective 4: to improve management of capacity – Environmental and visitor

This is a key objective from the view of both land management and user experience. Identification of emerging hotspots and managing capacity need to be identified and managed appropriately so that Victorian crown land can avoid some of the detrimental management techniques employed interstate and internationally.

While this is a crucial outcome for all involved and licenced operators do have an established relationship that may foster better communication, it seems that the licenced operators will continue to be a minority in relation to total visitation. As such, any process to account for or manage numbers based only upon commercial visitation will be inherently flawed.

The ORC has suggested that some form of free registration system such as a crown land user's network could enable valuable information to be collected regarding visitation and activities. Such a system would be supported by those involved in school education and as a voluntary scheme this is likely to gain the support of recreational user groups.

Such a scheme could enable land managers to communicate changes to local conditions, inform of booking systems (where implemented), engage users in consultation and generate valuable information towards improving the reliability of access and the "pre-eminent rights of independent visitors to use public spaces".

This process should not be considered externally to this review and the ORC Inc. would be keen to be involved in such a process.

4.1 Identify and managing 'hotspots'

Proposed policy direction 4.1 C

In any circumstances where non commercial use groups are likely to require any form of licence to access crown land, there must be clear communication and consultation. This is also a factor that may be best addressed through a separate system as outlined above.

4.2 Managing capacity through booking systems

Proposed policy direction 4.2 B

In order for the review to achieve the above objective, consistency between booking systems and processes across land categories must be established.

Proposed policy direction 4.2C

It seems that to introduce a fee system for bookings that are made and not used will be costly to administer. This point also relates to the general comments for objective 4 as booking systems between licenced operators seem redundant where school and recreational groups (often larger than the commercial groups) will not be included in the booking system.

4.3 Managing capacity through competitive allocation of licences

There is no doubt that restriction of licences through a fair, equitable and transparent process must be established "as a last resort" (4.3A) in situations where the carrying capacity threshold of a site (or an activity at a site) has been determined and met.

It is however, essential that the system considers the reasons for the capacity being met. The proposed directions seem to indicate that the policy for managing such capacity issues will be determined primarily through competitive allocation of licences.

As discussed previously in this response, there may be better systems that will be more equitable across the entire outdoor industry and which may also foster greater land management benefits. Relationships with certified and licenced operators have potential to generate enhanced services, safe practices and environmental education.



This is not to say that preference should be given to commercial groups above that of non commercial, education or private recreation groups. Rather, a more comprehensive approach to resolving capacity issues could be established with consultation among not for profit and commercial users.

Proposed policy direction 4.3G & H

It is extremely unlikely (if at all possible) for two operators to submit equally beneficial, qualitative applications for a competitive allocation process. Where there is concern over the potential for this to happen, clarity regarding the need for competition should identify desirable 'land management based' outcomes.

In any competitive allocation of licences, there is little or no support for any system that will be resolved through financial criteria and/or auction.

4.4 Dealing with latency

There are few concerns regarding proposed policy direction 4.4. This is dependent upon licencees being afforded the opportunity to present a business case for identified latency. This is already stated within the discussion on page 36.



Objective 5: to improve compliance

Compliance has always been seen as an issue that has failed to differentiate between those operators investing in doing 'the right thing' and operators (knowingly or otherwise) failing to comply with licence criteria and/or associated insurance requirements.

It is reassuring that the DSE compliance initiative will generate benefits that are essential not only for equity of access but also for better management of resources (natural and otherwise).

However this point also strengthens the issues raised under the proposed policy direction 2.1 which does not clearly determine who requires a licence.

It is also reassuring that DSE will be managing the increased emphasis on compliance by improved capture of information, training and coordination of resources.

This generates excellent potential to offer non commercial and education organisations the opportunity to assist in this data collection through a voluntary scheme.

Proposed policy direction 5.1

Outcome 5.1 (page 38) states quite clearly that "Operating a trade or a business on public land without permission is an illegal activity" Without the improved definition of trade or a business, this statement seems impossible to commit to.

Assuming the definitions are clarified, the outdoor activity providers do support the initiatives in this proposed policy direction with the following minor adjustments;

Proposed policy direction 5.1A

Incentives to encourage greater take up of licences should ***(change to will)*** be built into public land tour operator and activity provider licensing systems.

Proposed policy direction 5.1C

It is unclear if this statement is referring to an expectation that, although currently exempt, the intention of DSE is;

- A. To encourage schools conducting outdoor activities to obtain a licence from DSE?
- B. To encourage schools conducting outdoor activities to be licenced by the department of education and Training?
- C. To encourage schools conducting outdoor activities to voluntarily obtain a commercial licence (what fee structure would apply?)
- D. Referring specifically to commercial organisations providing services to the education sector?

Proposed policy direction 5.2

No issues have been raised that refer to any of 5.2.



Objective 6: To manage all organised group activities in an appropriate and equitable manner

As we understand it, the key objectives of this review are; “to maintain good access to public land and help the nature based tourism industry to move toward a sustainable, vibrant future” dealing “predominantly with commercial recreation and tourism” **“while maintaining the fundamental right of all Victorians to access and use our spectacular parks, forests and reserves for their own personal recreation and enjoyment”**.

(From Ministers Foreword)

¹¹ Non-profit organizations and schools are not required to hold a licence, but should obtain permission from land managers prior to conducting activities at specific public land sites, to ensure capacity and safety requirements have been addressed.
(Public land managed by Parks Victoria and DSE page 12)

Page 40 of the directions paper clearly states the true intention of this review in relation to recreational activities conducted by non commercial groups stating that:

“any proposals seeking to minimize safety risks to, and environmental impacts from, recreational uses of public land must take a non-prescriptive approach, focusing on improved communication and education and enhanced management of specific sites, rather than additional regulation.”

Therefore, the ORC Inc. is generally pleased with the intent of objective 6. However some issues are important when considering the management of recreational clubs, community groups and education providers (School, TAFE and University).

Proposed policy direction 6.1 Schools

Proposed policy direction 6.1 A

The Department of Education and Training (DET) and DSE should primarily encourage schools to liaise with the Victorian Outdoor Educators Association (VOEA) and the Department of Education and Training Safety Guidelines to develop the skills and experience necessary to provide safe and affordable outdoor programs and activities.

Where a school deems it more appropriate to outsource these skills, it should then be mandatory that they contract or employ licensed activity providers.

Proposed policy direction 6.1B

The Adventure Activity Standards describe common practices for conducting activities. They also acknowledge and promote the importance of each and every organisation having their own standards and operating procedures. It is therefore appropriate that this policy direction be adapted to state that;

Adventure Activity Standards will remain the activity conditions for commercial licences where they exist. Where additional requirements are imposed on commercial operators as a result of client specific procedures or guidelines (such as schools following the Department of Education and Training Safety Guidelines, individuals with disabilities or any other specific outcome) these will be the responsibility of the school and the operator, not the land manager.



Proposed policy direction 6.2 other organised groups

Proposed policy direction A and B are encouraged. However there are some additional issues relating to education, event permits and volunteer organisations that have not been addressed in the directions paper.

Education

There is no discussion of the reasons behind the decision to exempt (registered) school groups from the licence system. We do not have an issue with the exemption but there may be several other organisations and/or groups that may or may not fall within the scope of the exemption.

We believe that the origin of the exemption is within the National Parks Act 1975 and is in relation to national parks existing primarily for access by the public and for education. If this is the case, not for profit organisations such as Scouting, Peak sport and recreation bodies, Duke of Edinburgh Award Scheme, TAFE and Universities should be classified so that they also fall within the education exemption.

The ORC would be willing to work with DSE to establish criteria in conjunction with our members.

The line between events permits and the tour operator scheme

Orienteering Victoria (OV) has been working with the ORC for some time in relation to their core activities. Orienteering Victoria is the peak body for Orienteering in this state. As a component of their function, OV plan and manage regional, state and international events on crown land. OV are required to obtain an events permit for these events and are happy to do so.

It is also the role of OV to promote orienteering as a sport, to contribute to increasing physical activity levels among youth and to conduct orienteering (for its many educational outcomes) for schools. OV are currently required to obtain event permits for these activities. This requirement proves extremely burdensome for the organisation as they require several different permits (issued by the park being used for a given program and seldom with consistent requirements) on any given week.

It is our view that sport and recreation activities being conducted by commercial or non commercial organisations, and for school and other small groups (often less than 40 participants and with minimal, if any infrastructure required) should be included within the scope of this review so that they may fall within the Public Land Tour Operator and Activity Provider Licence scheme.

This suggestion would generate several beneficial outcomes with no detriment to the ability to manage the land. Outcomes would include;

- Significant reduction in paperwork for both activity providers and land managers.
- Increased availability of resources (organisations and land manager) for core business.
- Land managers will retain the ability to impose local conditions.
- Increased positive interaction with relevant land managers.
- Access to the same communication as providers of other recreational activities.
- As a non commercial peak body, OV would no longer require a permit or licence for their activities other than formal events.

Communication and awareness among volunteer organisations

It seems from the direction paper that the DSE would like to optimise the involvement of non commercial activity providers (formal groups) in the land management process. Examples of



benefits of engaging such groups include increased user data, increased awareness of standards and education tools, increased networks for communicating closures and/or improvements as well as the potential to work closely with non commercial user groups through projects.

It is the firm opinion of the ORC that while we support the development of such networks, they must be independent of the commercial licensing system, these must be informative (other than awareness and compliance with existing regulations), inclusive of the many diverse outcomes sought and variations in the way activities are conducted (ie supervision in activities conducted by youth development groups such as scouts and Duke of Edinburgh's Award Scheme may be entirely planned and appropriate but may deviate at times from the structure of the AAS).

Increased awareness and stronger relationships with the land managers are sought by all groups. However there is a broad perception that such relationships will increase the workload and responsibilities of the many already stretched volunteers.