

# **A REVIEW OF THE MANAGEMENT ARRANGEMENTS AND LICENSING FRAMEWORK FOR THE AQUATIC TOUR INDUSTRY IN WESTERN AUSTRALIA**

*Discussion paper on management and  
licensing options for the Aquatic Tour Industry*

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Government of **Western Australia**  
Department of **Fisheries**

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## OPPORTUNITY TO COMMENT

This paper is designed to inform relevant stakeholders about issues and proposals relating to the management and licensing requirements for the aquatic tour industry in Western Australia. Comments about this discussion paper are sought from all stakeholders, including charter industry members, relevant community interest groups, government agencies and interested members of the public.

Once the public comments received on this discussion paper have been considered, the Minister for Fisheries will make a decision on the most appropriate measures for the future management of the aquatic tour industry.

Although specific issues have been identified, your views are sought on any or all of the matters in the document of significance to you and/or your group.

To ensure your submission is as effective as possible, please:

- make it clear and concise,
- list your points according to the topic sections and page numbers in this paper,
- describe briefly each topic or issue you wish to discuss, and
- state whether you agree or disagree with any or all of the information within each topic, or just what is of specific interest to you. Clearly state your reasons, particularly if you disagree, and give sources of information where possible.
- suggest alternatives to address any issues that you disagree with.

Your comments would be appreciated by 31 December 2012, and should be marked to the attention of Charter Management Officer, Strategic Fisheries Policy, and addressed to:

The Director General  
Department of Fisheries  
3rd Floor, The Atrium  
168 St George's Terrace  
PERTH WA 6000

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## EXECUTIVE SUMMARY

Western Australia's aquatic tour industry was first brought under formal management in July 2001. This initiative was in response to concerns over unsustainable growth in the fishing charter sector during the 1990s, combined with a lack of knowledge of the industry's impact on fish resources.

The arrangements introduced in 2001 centred on the introduction of a licensing framework to assist in managing and monitoring the activities of the aquatic tour industry. In keeping with the objectives of the *Fish Resources Management Act 1994* a precautionary approach of capping fishing tour activity at 1997 levels was adopted until the relative impact of fishing tours on fish and fish habitat could be established.

In the decade since its introduction, the existing management arrangements for the aquatic tour industry have been successful in providing detailed information about the industry including its impact on fish resources.

However, with an ever changing tourism environment and increasing pressure on fish resources by competing user groups, it is appropriate that the current management arrangements and licensing framework for the aquatic tour industry be reviewed.

The Department of Fisheries (Department) is proposing a new simplified management approach which focuses on fishing as the core criteria in the new licensing framework. Given the low level of impact of aquatic eco-tours and shore-based fishing, consideration is being given to removing the need for these activities to be formally licensed. The Department is of the view that these activities can be adequately managed by regulations that have broader application across the community.

The current management, licensing and fee structures are complex and provide limited business flexibility. A simplified management approach will also improve the Department's capacity to monitor extractive aquatic tour activities.

As the review is Statewide and focuses on the overall management and licensing framework it is not intended to consider matters directly related to the sustainability of individual fisheries. Extractive activities of the aquatic tour industry will continue to be managed as part of the broader recreational fishing sector and their relative impact will be taken into account in developing sustainable arrangements for different fisheries.

The proposals outlined in this discussion paper have been developed through discussions with industry representative groups including the Boating Industry Association of Western Australia, Marine Tourism WA and the Kimberley Marine Tourism Association as well as Recfishwest.

I strongly encourage all stakeholders with an interest in the future management of Western Australia's aquatic tour industry to comment on the proposals outlined in this discussion paper. It is anticipated that the outcomes of this review will be implemented for 2013/14 licensing period, commencing on 1 July 2013.

Stuart Smith  
*Director General*  
**Department of Fisheries**

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## **1.0 SUMMARY OF PROPOSALS**

### **Proposal 1**

*To reduce latent effort/excess service capacity in the charter sector, no expired licences will be re-issued and no new Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences will be considered.*

### **Proposal 2**

*That Ministerial Policy Guideline 12 “Assessment of Applications for the Granting, Renewal or Transfer of Fishing Tour Operators Licences and Aquatic Eco-tourism Operators Licences” be cancelled.*

### **Proposal 3**

*That the benchmark date for access to the fishery of 12 September 1997 be retained, but the interim benchmark date of 31 December 2008 with respect to assessment of activity in the fishing tour operator sector be cancelled.*

### **Proposal 4**

*That consideration be given to deregulating the requirement to hold an Aquatic Eco-tourism Operators Licence to undertake non-extractive aquatic eco-tours, and any specific issues associated with non-extractive aquatic tour activities requiring management be addressed by Regulation under the Fish Resources Management Act, 1994.*

### **Proposal 5**

*That Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences should not be required for craft that are not fitted with a means of mechanical propulsion, such as canoes.*

### **Proposal 6**

*That consideration be given to deregulating the requirement to hold a Category 2 ‘land based’ Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences to undertake land based fishing tours.*

### **Proposal 7**

*That consideration be given to deregulating the requirement for details of vehicle and aircraft to be specified on Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences, but that any specific issues associated with non-extractive aquatic tour activities requiring management be addressed by Regulation under the Fish Resources Management Act, 1994.*

### **Proposal 8**

*That all existing conditions on Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences be removed, noting that the Chief Executive Officer retains the capacity to impose conditions on licences should they be required to address specific issues in the future.*

### **Proposal 9**

*That a Fishing Tour Operators Licence or Restricted Fishing Tour Operators Licence be restricted to operating:*

- *up to one 'principal vessel' (length of 7.5 metres or more) and associated tender vessels (less than 7.5 metres in length) which must operate as part of a single tour operation and remain within five nautical miles of the principal vessel; or*
- *from a land based camp, all multiple small vessels less than 7.5 metres in length, should operate within five nautical miles of every vessel in the fishing unit.*

### **Proposal 10**

*That existing Category 1 'large boat' Fishing Tour Operators Licences currently authorised to operate two 'principal vessels' (length of 7.5 metres or more) be transitioned into two separate licences for each boat by July 2013.*

### **Proposal 11**

*That the transferring of management zones between licences be permitted and licences that cease to have a management zone attached be automatically cancelled.*

### **Proposal 12**

*That the licence fee structure for a Fishing Tour Operators Licence consist of:*

- *a fee for access to each management zone listed on a licence, and*
- *a fee per unit of passenger capacity listed on a licence (tiered around units of five passengers, up to a maximum of 25 and over passengers ).*

### **Proposal 13**

*That a licence fee of \$500 per zone be charged for a Restricted Fishing Tour Operators Licence.*

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## 2.0 THE AQUATIC TOUR INDUSTRY

### 2.1 Management history

Before the introduction of formal management arrangements for the aquatic tour industry in Western Australia, fee-for-service fishing charters and aquatic eco-tours were conducted from surveyed passenger vessels in accordance with the general recreational fishing rules that applied at the time. The need for separate management and licensing arrangements for the aquatic tour industry was first discussed by the Department of Fisheries (Department) in 1990 (Fisheries Management Paper No 35).

Although only 40 charter fishing operations were identified at the time, the need for specific management arrangements was foreshadowed to provide better information about fishing tour activities and to prevent possible over-exploitation of fish stocks. A key aspect of the need for management was to impose a formal mechanism for recording fishing activities, and thus catches, as a pre-requisite for assessing the status of stocks.

In 1996, the then Minister for Fisheries (Minister) established an independent stakeholder based working group to develop recommendations for the future management of the aquatic charter industry. In September 1997, the *Tour Operators Fishing Working Group* (TOFWG) released Fisheries Management Paper No. 103 '*Future Management of the Aquatic Charter Industry in Western Australia*' which contained options for community comment. At the time of the report's release the number of confirmed operators in aquatic tour and charter industry had grown to 135.

Following the consideration of comments received in submissions to its management proposals, the TOFWG released a second report in September 1998 (Fisheries Management Paper No. 116) which contained final management recommendations for the aquatic tour industry. The TOFWG supported the need to introduce formal management arrangements for the aquatic tour industry to ensure the sustainable development of the industry.

A central component of the TOFWG's recommendations was the introduction of a regional licensing framework for both extractive and non-extractive aquatic tourism operations. The TOFWG also recommended that the number of extractive fishing tour licences be capped at existing levels until the impact of the industry on fish stocks and fish habitat could be determined.

Having considered the Working Group's recommendations, the then Minister approved the introduction of a specific management framework for the aquatic tour industry in late 1998. The Minister's approval included the introduction of two licence types to undertake fishing tours and aquatic eco-tours.

A *Fishing Tour Operators Licence* (FTOL) was required to conduct extractive fishing tours for a commercial purpose and an *Aquatic Eco-Tourism Operators Licence* (AETOL) would be required for tours which interacted with the aquatic environment (e.g. feeding or viewing fish) but did not involve fishing, except at limited levels for the purpose of providing an immediate meal during the tour.

The Minister also announced the introduction of a benchmark date of 12 September 1997 as part of the criterion for the grant of an FTOL. The benchmark date was designed to cap fishing tour activity at 1997 levels until the relative impact of fishing tours on fish stocks and fish habitat could be assessed.

In January 2000, Ministerial Policy Guideline No.12 '*Assessment of Applications for the Granting, Renewal or Transfer of Fishing Tour Operators Licences and Aquatic Eco-Tourism Operators Licences*' (MPG 12) was published to assist the Chief Executive Officer in deciding applications for the granting, renewal and transfer of these licences.

A call for expressions of interest for aquatic tour licences resulted in over 500 applications being received. An independent assessment committee was established to assess the applications for licences and provide recommendations to the Chief Executive Officer.

To be eligible for the grant of an FTOL, *inter alia*, applicants had to demonstrate involvement with, or investment in the fishing tour industry before the benchmark date of 12 September 1997. A general moratorium on the grant of additional FTOLs for applicants not meeting the access criteria was also introduced at this time.

Where an applicant did not meet the benchmark date criteria, the Chief Executive Officer could also consider granting an FTOL if a proposed operation was to be carried out in an area which was not serviced by an existing operator or for a stock or species which was not fully exploited. This led to a situation where a number of FTOLs were granted with restrictive conditions, which further complicated the management of the aquatic tour industry.

The requirement to hold an FTOL or an AETOL to undertake an aquatic tour for a commercial purpose came into effect on 1 July 2001 through an amendment to the *Fish Resources Management Regulations 1995*.

Within 12 months of the licensing requirement being introduced, approximately 250 FTOLs and 35 AETOLs had been granted to conduct aquatic tours in Western Australia.

In 2004/05 the capacity to fish during an aquatic eco-tour for the purpose of providing a meal was revoked to more accurately reflect the common definition of 'aquatic eco-tourism'. At the same time a third licensing type was introduced to allow for the fishing activities previously accommodated under an AETOL.

Existing AETOL holders were provided with the opportunity to transition to the new *Restricted Fishing Tour Operators Licence* (RFTOL) category if they wished to be able to continue to fish for the purpose of providing an immediate meal during the course of the tour.

The number of licensed aquatic tour operators peaked between 2006 and 2008 with approximately 270 FTOLs, 35 RFTOLs and 7 AETOLs. Since this period there has been a decline in the number of tour operators licences due to attrition (**Figure 1**).

At 3 September 2012 (the beginning of the 2012/13 licensing year) there were 211 FTOLs, 26 RFTOLs and 6 AETOLs valid in Western Australia.

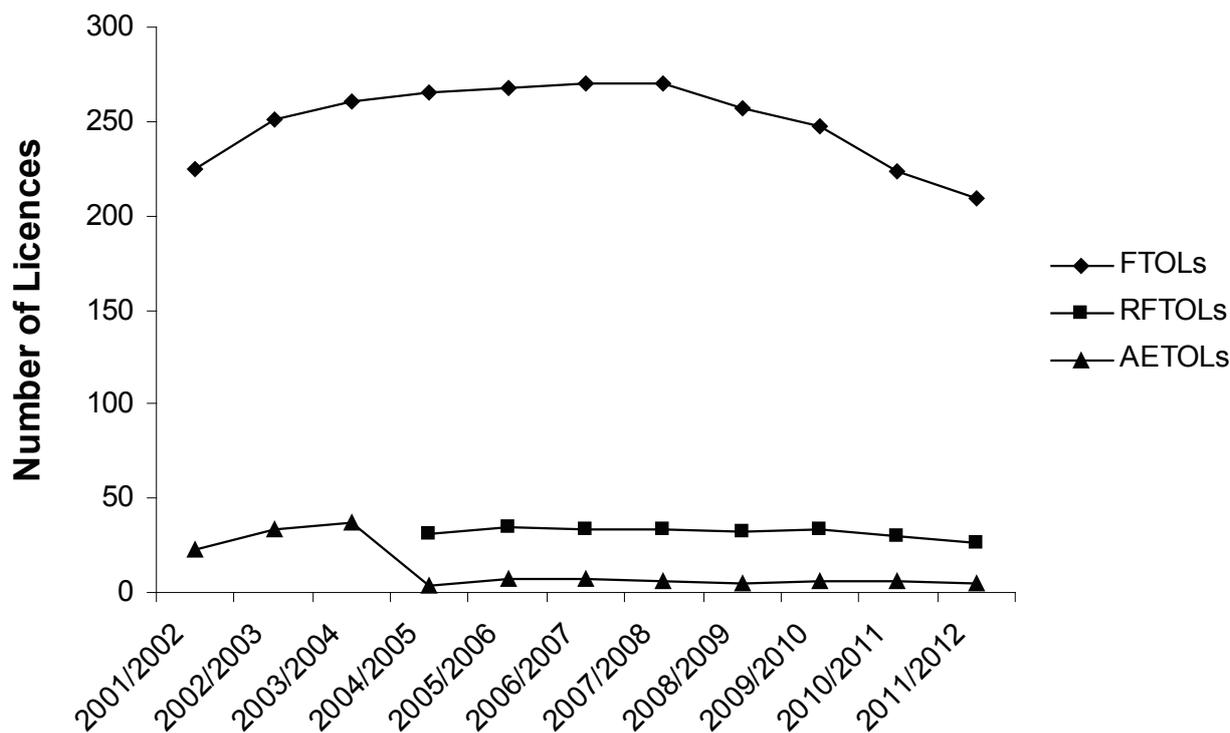


Figure 1. Number of Aquatic Tour Licences between 2001/02 and 2011/12

## 2.2 Why licence the aquatic tour industry?

It is essential to have an understanding of the activities of all user groups affecting a resource when managing fish stocks and the aquatic environment. The extractive activities of the aquatic tour sector have the potential to be more efficient and have a far greater impact on fish stocks than recreational fishing from a private vessel. Fishing tour operators generally cater for a larger number of fishers, provide a high level of fishing expertise and often use large vessels equipped with modern fishing equipment.

Catch and participation information from the recreational fishing sector is provided through recreational fishing surveys. Although the aquatic tour industry is managed as part of the broader recreational fishing sector, the aquatic tour industry is considered sufficiently different to warrant a separate method of data collection.

A licensing framework for the aquatic tour industry provides a legislative means to both identify participants and require licence holders to complete detailed catch and effort returns of aquatic tour activity to assist in the management of fish and fish habitats. Aquatic tour sector clients are not required to hold a Recreational Fishing from Boat Licence, as their catch and effort data is collected and forwarded to the Department through these statutory catch and effort returns. The aquatic tour operators licence fees provide a contribution to the management of the recreational sector.

A licensing framework provides licence holders with a right to renew an authorisation under section 63 of the *FRMA 1994*. This gives tour operators a greater level of security around long-term access to assist in future business and investment decisions.

## 2.3 Existing licensing framework

The original intent of the licensing structure was to capture all types of aquatic tour operations across the State. As a result, the existing licensing framework for the aquatic tour sector contains a complex combination of licence categories, subcategories and management zones. The existing licensing structure also provides for variations in vessel numbers, vessel size and passenger capacity of each licence. This structure is complex and difficult to administer.

### 2.3.1 Licence categories

The existing licensing framework for the aquatic tour industry consists of the following three licence categories:

**Aquatic Eco-tourism Operators Licence (AETOL)** - Tours conducted under an AETOL are focused on eco-type activities only. No fishing is allowed during an eco-tour.

**Restricted Fishing Tour Operators Licence (RFTOL)** - The focus under an RFTOL is eco-tourism type activities, such as snorkelling or scuba diving, with fishing only allowed for the purpose of catching a meal to be eaten during the tour. No rods or reels are permitted when fishing on a restricted fishing tour and fish must not be removed from a boat at the end of the tour.

**Fishing Tour Operators Licence (FTOL)** - The holder of an FTOL is authorised to undertake extractive fishing tours for a commercial purpose where fish can be taken home at the end of the tour. All fishing must be undertaken in accordance with recreational fishing regulations.

### 2.3.2 Licence sub-categories

Within each licence category are the following three sub-categories based on the type of platform used to conduct aquatic tours:

**‘Category 1’ or ‘Large boat’** licences permit tour operators to operate from ‘large vessels’ with a surveyed length of 7.5 metres or more, along with associated ‘small vessels’ between 4.5 metres and 7.5 metres in length.

**‘Category 2’ or ‘Land based’** licences permit tour operators to operate land based tours only.

**‘Category 3’ or ‘Small boat/aircraft’** licences permit tour operators to operate using ‘small vessels’ with a survey length of between 4.5 metres and 7.5 metres in combination with land based or aircraft based tours.

### 2.3.3 Management zones

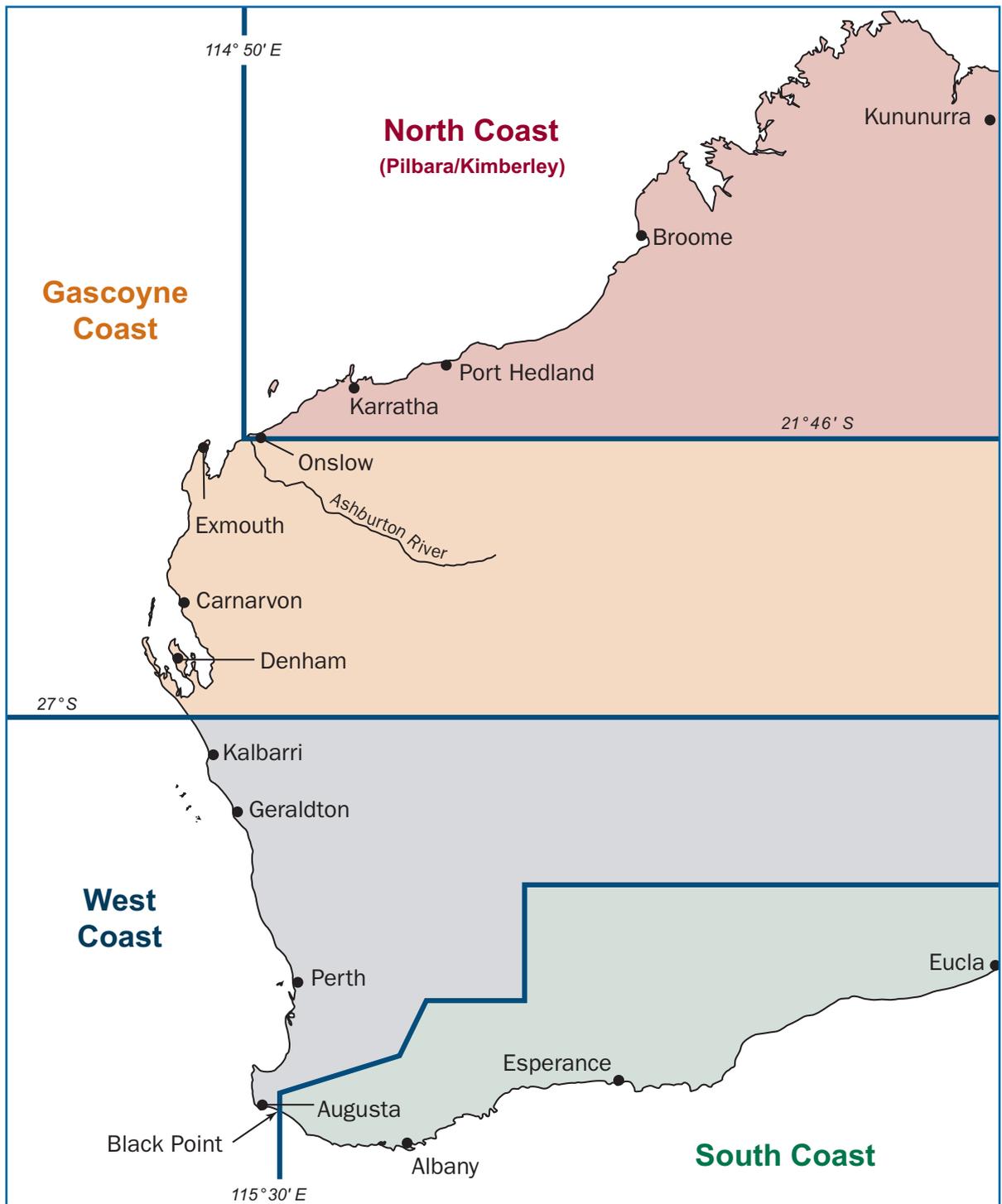
Each aquatic tour licence is authorised to operate in one or more of the following management zones (including the inland areas) as prescribed in Schedule 15 of the *Fish Resources Management Regulations 1995* (Figure 2):

**Pilbara/Kimberly zone:** NT/WA border to 114°50'E longitude

**Gascoyne zone:** 114°50'E longitude to 27°S latitude

**West Coast zone:** 27°S latitude to 115°30'E longitude

**South Coast zone:** 115°30'E longitude to SA/WA border



**Figure 2.** Aquatic tour management zones

### 2.3.4 Summary of existing licence numbers

The following tables provide a summary of the number of aquatic tourism licences authorised to operate in each management zone as at 3 September 2012.

**Table 1** Fishing Tour Operators Licences as at 3 September 2012

	South Coast	West Coast	Gascoyne	Pilbara/ Kimberley	Total*
Cat 1 - Large boat	12	98	64	80	254
Cat 2 Land-based	4	1	3	4	12
Cat 3 - Small boat	0	0	4	13	17
Total	16	99	71	97	283 (211*)

**Table 2** Restricted Fishing Tour Operators Licences as at 3 September 2012

	South Coast	West Coast	Gascoyne	Pilbara/ Kimberley	Total*
Cat 1 - Large boat	2	14	10	14	40
Cat 2 Land-based	0	0	0	2	2
Cat 3 - Small boat	0	1	0	0	1
Total	2	15	10	16	43 (26*)

**Table 3** Aquatic Eco-tourism Operators Licences as at 3 September 2012

	South Coast	West Coast	Gascoyne	Pilbara/ Kimberley	Total*
Cat 1 - Large boat	1	4	1	1	7
Cat 2 Land-based	0	0	0	0	0
Cat 3 - Small boat	0	0	0	0	0
Total	1	4	1	1	7 (6*)

\* The total number of licences in each category does not equate to the sum of the regional management zones as licences can be authorised to operate in more than one zone.

## 2.4 Aquatic tour industry trends

The following graphs provide broad trend information on the level of aquatic tour activity (number of tour days) and the number of active licences in each licence category between 2005/06 and 2009/10.

### 2.4.1 Fishing Tour Operators Licences

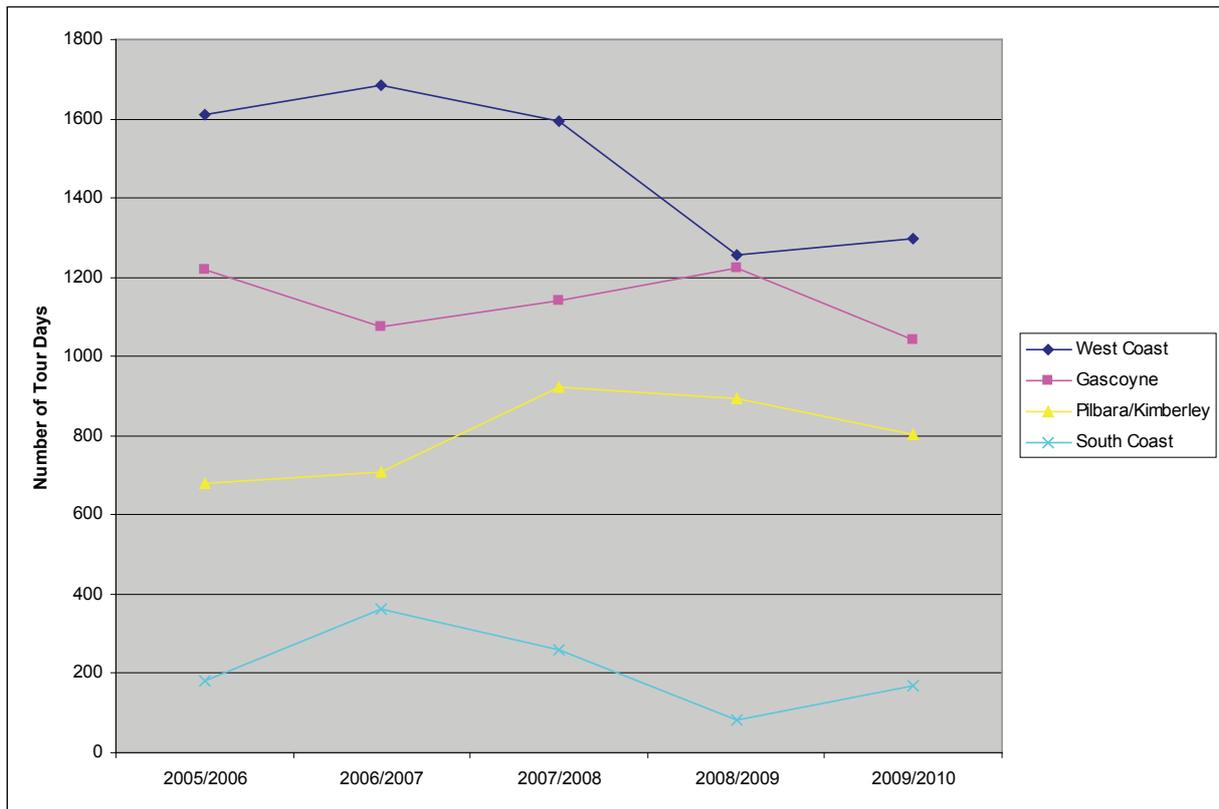


Figure 3. Number of non-extractive FTOL tour days per season

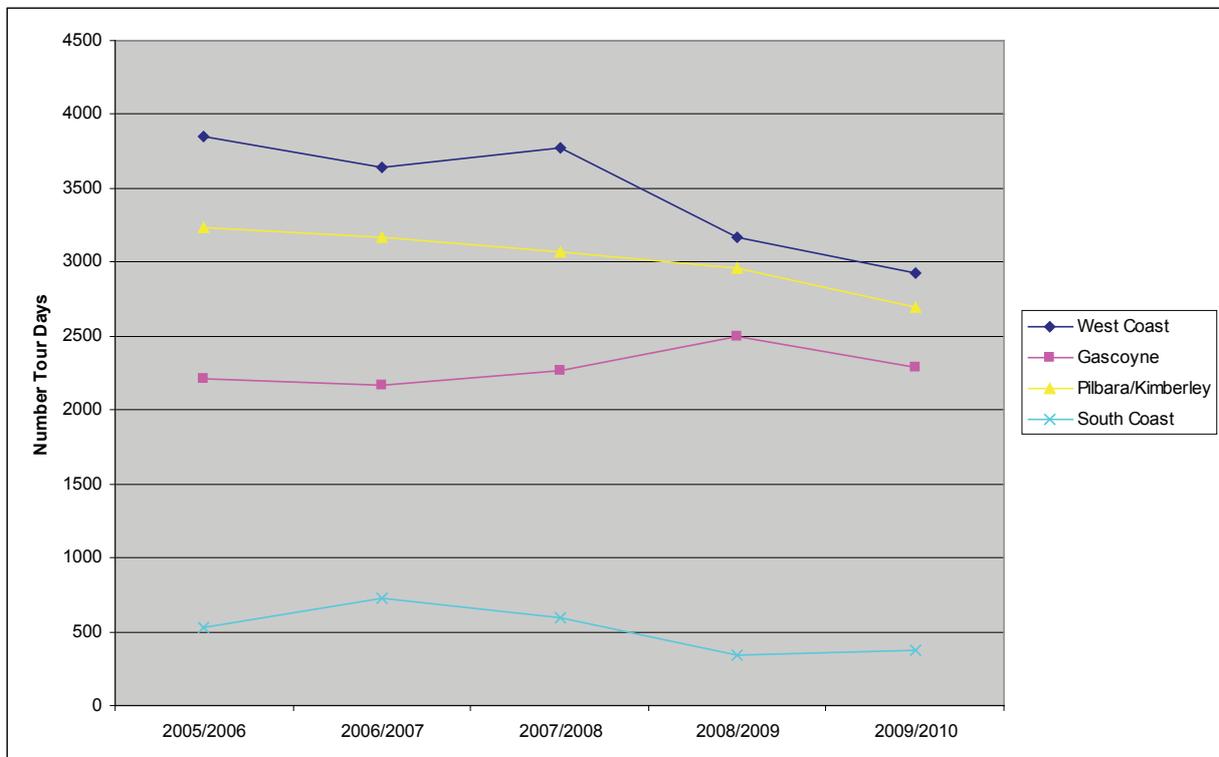
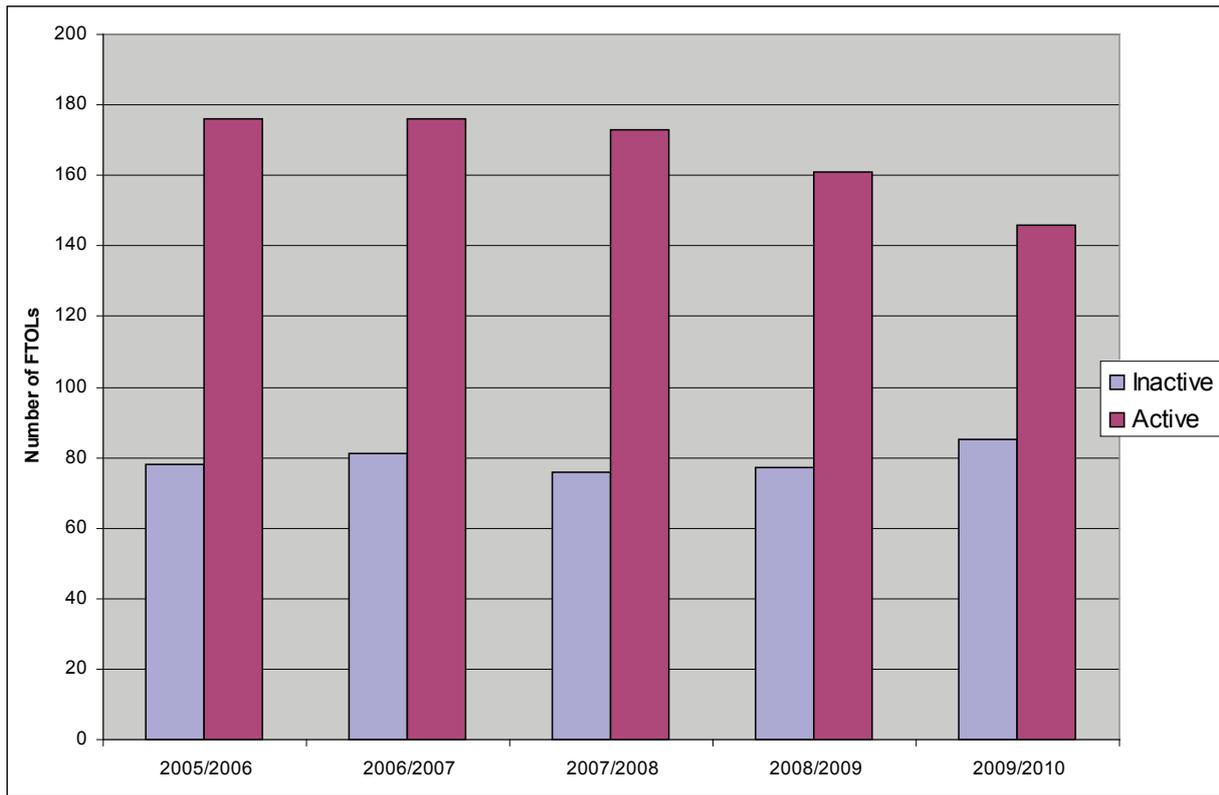
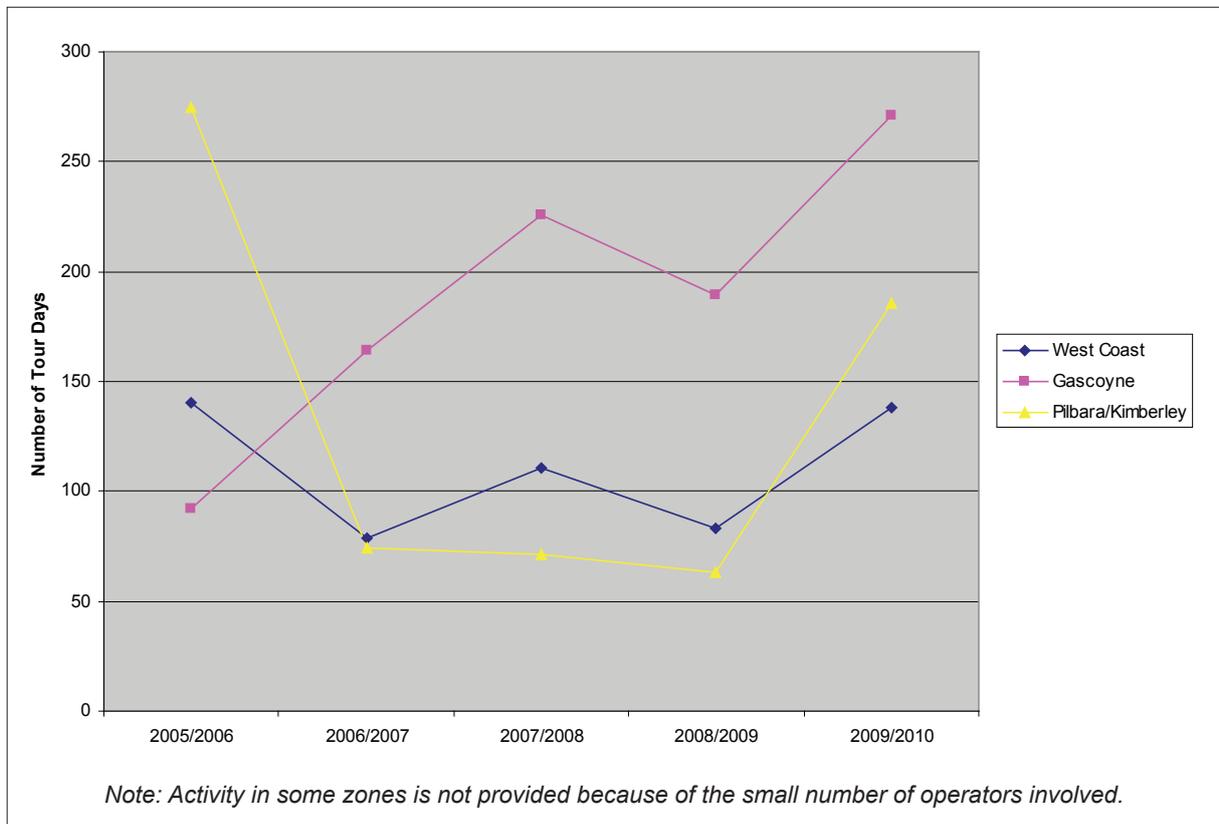


Figure 4. Number of FTOL fishing tour days per season



**Figure 5.** Number of active and inactive FTOLs – Statewide

### 2.4.2 Restricted Fishing Tour Operators Licences



**Figure 6.** Number of non-extractive RFTOL tour days per season

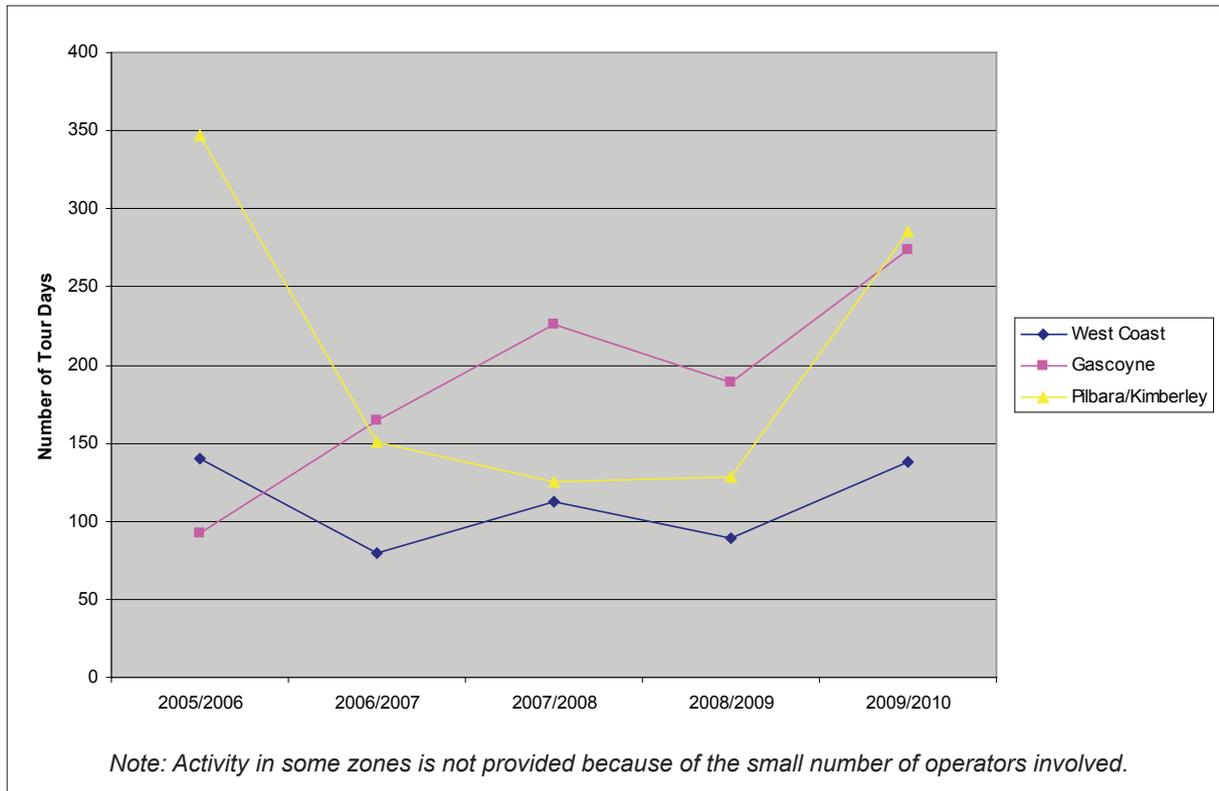


Figure 7. Number of RFTOL fishing tour days per season

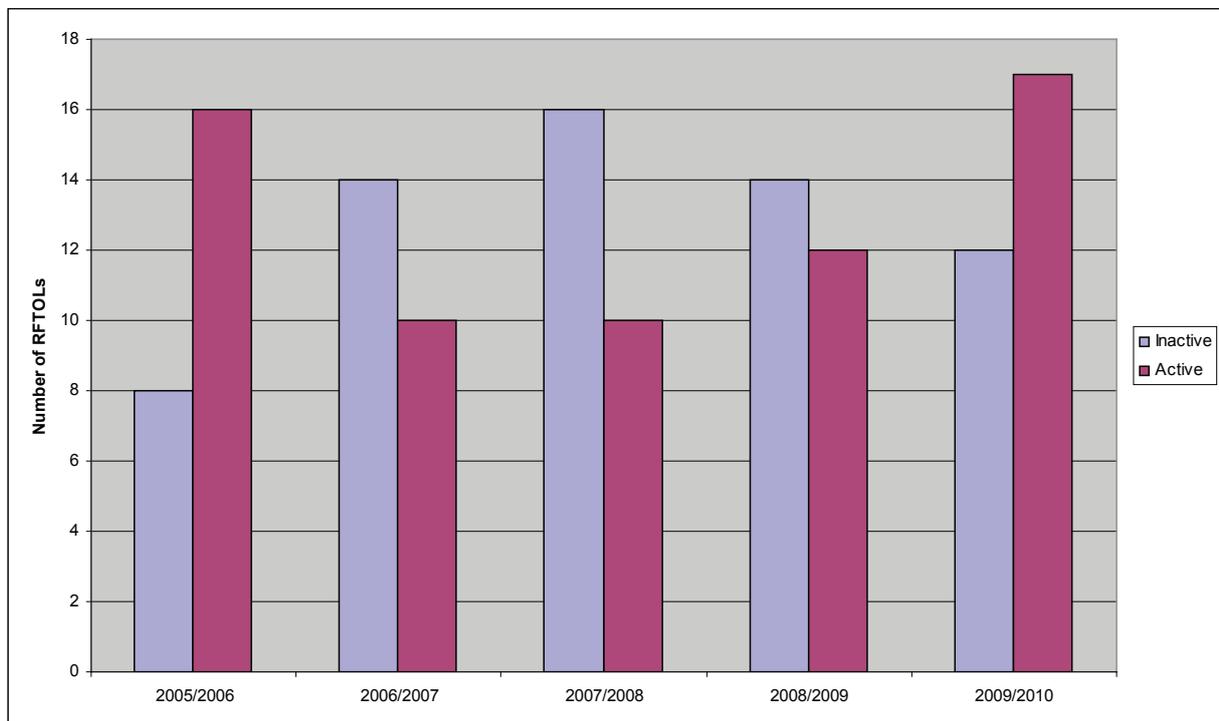


Figure 8. Number of active and inactive RFTOLs – Statewide

### 2.4.3 Aquatic Eco-Tour Operators Licences

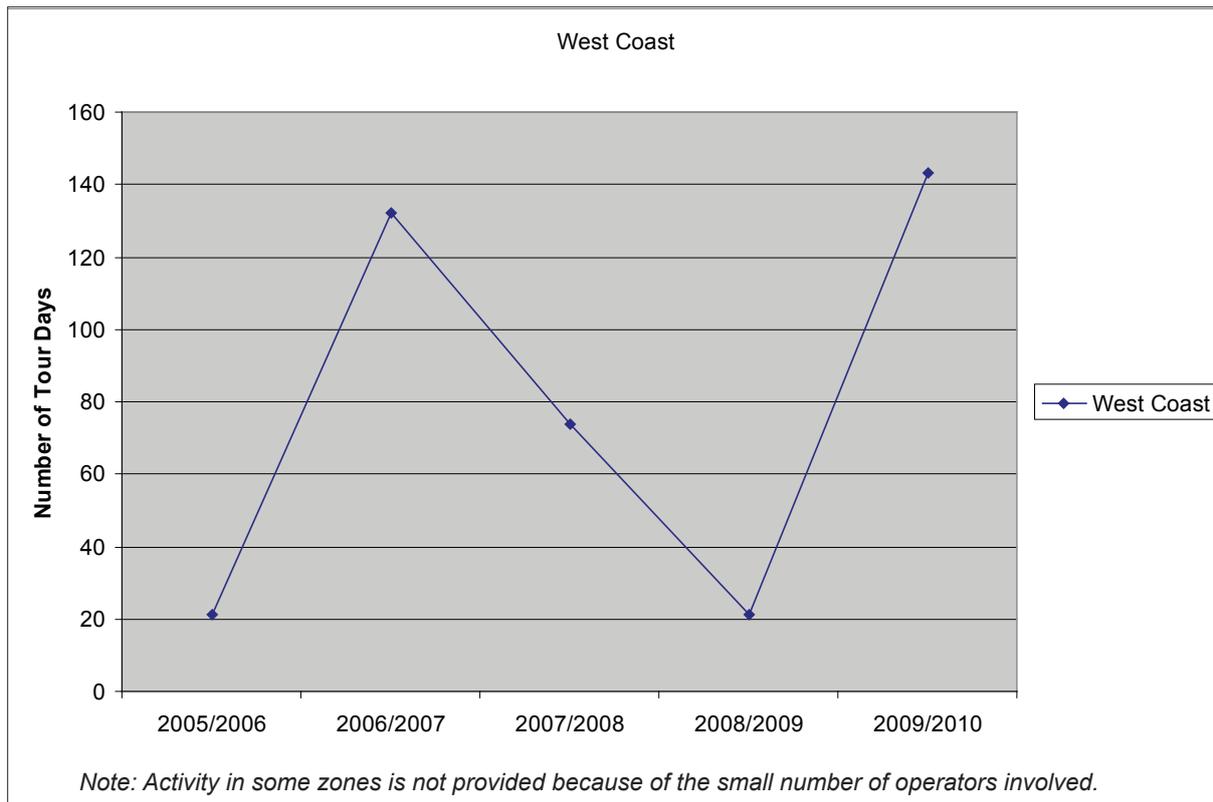


Figure 9. Number of AETOL tour days per season

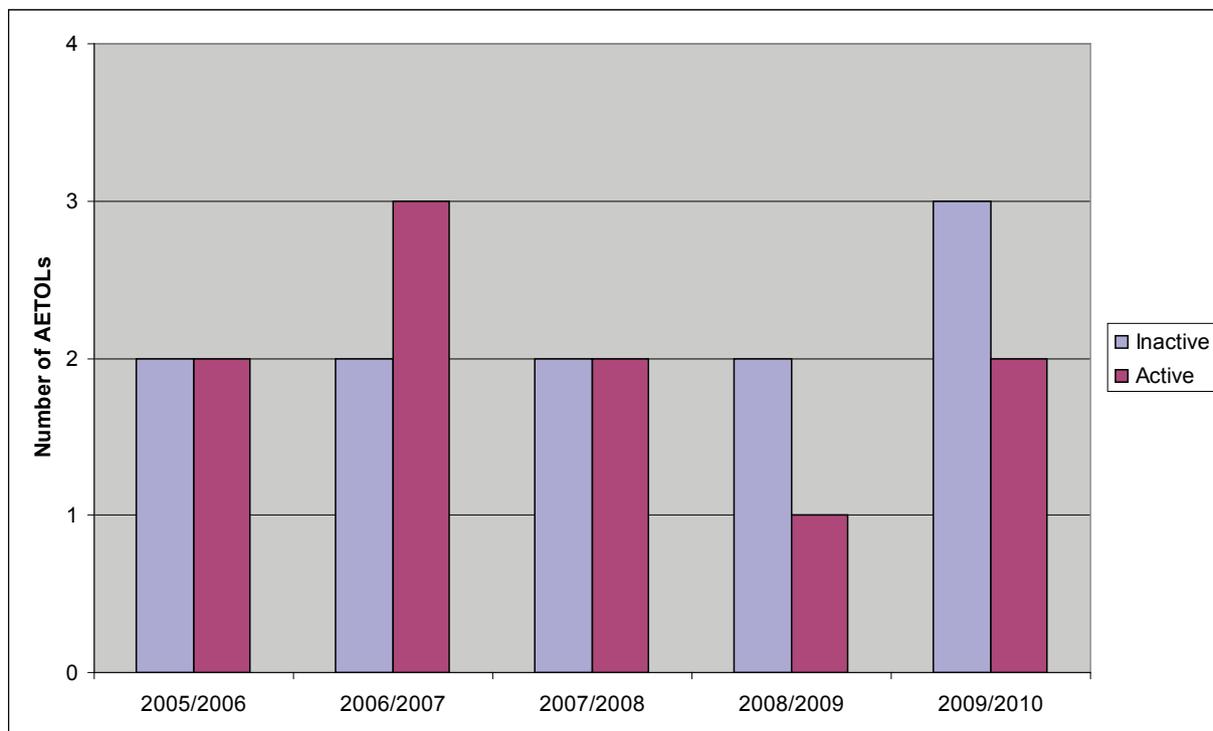


Figure 10. Number of active and inactive AETOLs – Statewide

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### 3.0 ISSUES AND PROPOSALS

The following section discusses issues associated with the existing management arrangements and licensing framework for the aquatic tour industry. It sets out proposed options aimed at introducing a simplified and more efficient framework which affords participants in the industry greater flexibility. The proposals also aim to enhance the Department's capacity to effectively monitor the extractive activities of the aquatic tour industry.

#### 3.1 Removal of latent effort/excess service capacity

At the time of introducing the initial licensing framework in 2001, the Government recognised that unregulated growth in the fishing tour and aquatic charter industry could potentially lead to an over-capitalised industry and over-exploited fish resources. The expansion of the industry during the 1990s combined with the lack of knowledge of its impact on fish resources called for a conservative response to management at the time.

In keeping with the objectives of the *Fish Resources Management Act 1994*, capping activity at 1997 levels was justified until the relative impact of fishing tour activities on fish resources and fish habitat could be established. To be eligible for the grant of a FTOL, charter operators had to demonstrate a history of involvement in the industry before 12 September 1997.

While a moratorium policy is currently in place (to cap activity at 1997 levels) that prevents the grant of new FTOLs, there is no cap on the number of AETOLs or RFTOLs. When an operator did not renew a licence, and subsequently applied for a replacement licence, it was reissued. While this was in line with MPG 12, it was contrary to the moratorium policy, but allowed the industry to change over time.

Despite the level of inactive licences shown in Figures 5, 8 and 10 in the previous section, new niche FTOLs were issued on occasion, in accordance with MPG 12, when an operator could demonstrate that a particular type of fishing was not being carried out in a specific location e.g. catch and release fishing. This has led to the proliferation of licence conditions and is not consistent with the moratorium position.

In line with the policy of allowing industry to change over time, FTOLs could be varied to increase the number of passengers a boat was licensed to carry.

With ten years of logbook information available, it is now possible to evaluate the relative impact of fishing tour activities on the sustainability of fish stocks. Given the contradictions within the moratorium policy, the existing levels of inactive licences and the latent effort (which is effectively excess service capacity) in those licences, the Department is considering:

- retaining the moratorium on the grant of additional FTOLs,
- stopping the issue of any new niche FTOLs,
- stopping the issue of any new RFTOLs, and
- stopping the re-issue of expired FTOLs and RFTOLs.

The outcome of a decision to continue with the moratorium on the issue of FTOLs is that new entrants to the aquatic tourism sector would need to buy or lease existing FTOLs, rather than be issued niche FTOLs.

## **Proposal 1**

*To reduce latent effort/excess service capacity in the charter sector, no expired licences will be re-issued and no new Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences will be considered.*

### **3.2 Ministerial Policy Guideline (MPG) 12**

MPG No. 12 underpins the management of the aquatic charter sector by capping activity at 1997 levels and a benchmark date of 12 September 1997 for access to the fishery has been in place since then.

When considering an application for the grant of an FTOL, AETOL or a RFTOL, under MPG 12 the Chief Executive Officer is required to consider whether the applicant is a fit and proper person to hold a licence and whether it is in the interests of the management of aquatic tourism to grant a licence. The Chief Executive Officer is also required to consider a variety of matters and many of these matters are more appropriately business decisions of the operator involved, including the operational plan of the business and whether or not the operator has public liability insurance, and should not be relevant to the considerations of the Chief Executive Officer.

Much of the policy contained in MPG 12 is listed in Regulation, such as licence duration. The Department is proposing to revoke MPG 12 and place the requirement for demonstrated involvement with or investment in the fishing tour industry prior to 12 September 1997 into Regulation.

## **Proposal 2**

*That Ministerial Policy Guideline 12 “Assessment of Applications for the Granting, Renewal or Transfer of Fishing Tour Operators Licences and Aquatic Eco-tourism Operators Licences” be cancelled.*

### **3.3 Continued access**

In November 2008 the Minister approved a review of the aquatic tour industry. The impetus for the review at the time was primarily driven by sustainability concerns with demersal scalefish in the West Coast region. To provide a mechanism to assist in determining future access to the charter industry based on historical fishing activity (should it be required) the Minister also established a benchmark date of 31 December 2008.

As sustainability issues, particularly on the West Coast, have been addressed through other management measures it would be difficult to argue the sustainability of the resource as a reason for removing latent effort/excess service capacity. An aquatic tour operator who has consistently renewed their licence could argue that they have exercised their rights of renewal and are entitled to continue to hold their FTOL, even if they cannot demonstrate economic dependence on the authorisation.

The cancellation of licences not used since the 2008 benchmark date is a decision of the Chief Executive Officer and is reviewable by the State Administrative Tribunal. There would be an obvious difficulty arguing that licences should be cancelled because of a benchmark date, while there was still provision for new licences to be granted after the benchmark was put in place, and operators could increase the number of passengers they are licensed to carry.

As a result the Department is considering cancelling the establishment of the 31 December 2008 benchmark date.

### **Proposal 3**

*That the benchmark date for access to the fishery of 12 September 1997 be retained, but the interim benchmark date of 31 December 2008 with respect to assessment of activity in the Fishing Tour Operator Sector be cancelled.*

### **3.4 Licence categories**

One of the primary drivers for the introduction of a licensing framework for the aquatic tour industry was to provide information on the relative impact of aquatic tours on fish and fish habitat through compulsory logbooks. With 10 years of logbook information available, it is now possible to evaluate the impact of the activities undertaken under each type of licence when considering future licensing requirements.

#### **3.4.1 Aquatic Eco-tourism Operators Licence**

Aquatic eco-tourism (non-extractive tours) by nature is a low impact activity which poses minimal risk to fish stocks or the aquatic environment in general. An AETOL is currently required to undertake aquatic eco-tours throughout Western Australia, outside of marine park waters. Aquatic tourism within marine park waters is managed under the *CALM Act* by the Department of Environment and Conservation. The holder of an RFTOL or an FTOL is also permitted to undertake (non-extractive) aquatic eco-tours.

Despite there being no restriction or cap on the grant of AETOLs, only nine licences (six licence holders) were valid across Western Australia during 2010/11, reporting a combined total of 143 passenger tour days. Given the non-extractive nature of aquatic eco-tourism and the low level of licensed activity outside of marine parks since the licensing requirement was introduced, this activity is likely to have negligible impact on the State's fish and fish habitat.

As such, there is little justification for maintaining a compulsory licensing requirement to undertake non-extractive aquatic eco-tours. The Department of Environment and Conservation licences 240 operators across 12 Marine Parks, and many non-extractive tour operators operate solely in Marine Parks.

The Department is seeking comment on a proposal to revoke the requirement to hold an AETOL to undertake non-extractive aquatic eco-tours. Non-extractive tour activities, such as the management of behaviour close to totally protected species, could still be managed through the use of Regulations to the FRMA, if necessary.

To promote and maintain a quality aquatic tourism experience, industry representatives should be encouraged to develop and expand their code of conduct program which promotes minimum standards and an industry code of conduct.

### **Proposal 4**

*That consideration be given to deregulating the requirement to hold an Aquatic Eco-tourism Operators Licence to undertake non-extractive aquatic eco-tours, and any specific issues associated with non-extractive aquatic tour activities requiring management be addressed by Regulation under the Fish Resources Management Act 1994.*

### **3.4.2 Restricted Fishing Tour Operators Licence**

The focus of an RFTOL is primarily eco-tourism, with fishing only permitted for the purpose of providing a meal during the course of the tour. Fish must not be removed from a boat at the end of a tour and to discourage catch and release sports fishing, the use of fishing rods is not permitted. As such, extractive activities of the RFTOL category have a limited capacity to significantly affect the State's fish and fish habitat relative to professional and private operators who focus on retaining fish.

Like the AETOL category, there is currently no restriction or cap on the grant of additional RFTOLs. Fifty-four RFTOLs (owned by 30 operators) were valid during 2010/11, reporting a combined total of 159 fishing tour days. The Department is proposing (Proposal 1) to not to reissue expired RFTOLs or consider issuing new ones.

### **3.4.3 Fishing Tour Operators Licence – Boat based**

There are currently two boat based FTOL subcategories. Category 1 'large boat' FTOLs permit the use of a principal vessel with a survey length of 7.5 metres or more, plus associated tender vessels. Category 3 'small boat' FTOLs permit the use of vessels with a survey length of less than 7.5 metres. There is currently a moratorium on the grant of additional FTOLs unless exceptional circumstances can be demonstrated.

Apart from restrictions on vessel size, both FTOL sub-categories are regulated by the same general management arrangements such as management zones, licensed passenger capacity and recreational fishing rules etc.

At 3 September 2012 only 17 of the 271 boat based FTOLs (or six per cent) were Category 3 'small boat' licences. This number is indicative of the original number of licences granted for each subcategory when licensing was first introduced in 2001. Given the relatively small proportion of 'small boat' FTOLs, consideration is being given to combining Category 1 and Category 3 licences into a single boat based FTOL category.

This would have the effect of simplifying the existing licensing framework and removing the restriction on vessel size, providing existing FTOL holders with greater flexibility. While some of the existing 'small boat' fishing operators may choose to use larger vessels, a number of 'large boat' fishing tour operators may also choose to operate from a smaller vessel given the low number of existing 'small boat' FTOLs and anecdotal evidence suggesting an increase in demand for this type of tour.

Passengers onboard a licensed fishing tour will continue to be exempt from the requirement to hold an RFBL and there will still be a capacity to develop separate recreational rules for licensed charter operations where appropriate (e.g. the boat limit for dhufish is currently two when using private boat in the West Coast Bioregion, whereas a boat limit of six applies on a licensed charter vessel).

The Department is seeking comment on a proposal to combine the existing Category 1 'large boat' FTOL sub-category and Category 3 'small boat' FTOL sub-category in to single FTOL category. This proposal is addressed in section 3.8. The outcome of this proposal would be that the licensing structure would be based around the carrying capacity, operating from a primary vessel, or multiple small vessels operating in conjunction with each other, possibly from a land based camp.

Some aquatic tour operators operate from canoes or kayaks. As there is limited opportunity to catch and store fish from a canoe or kayak, and recreational fishing bag and possession limits

already apply, the Department is proposing to limit licensing to craft that are fitted with a means of mechanical propulsion.

### **Proposal 5**

*That Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences should not be required for craft that are not fitted with a means of mechanical propulsion, such as canoes.*

#### **3.4.4 Fishing Tour Operators Licence – Land based**

A Category 2 land based FTOL is currently required to undertake land based extractive aquatic tours. There were only 12 land based FTOLs across all four zones during 2010/11 which were distributed over seven land based FTOLs, reporting a combined total of 113 fishing tour days across the entire state. In 2010/11 there was only one land based RFTOL. There is currently a moratorium on the grant of additional FTOLs unless exceptional circumstances can be demonstrated. At 3 September 2012 there were only two land based RFTOLs.

Land based fishing tours are often a secondary activity undertaken as part of other types of land based tourism activities such as four wheel drive, camping and hiking tours or land based indigenous cultural tours.

With limited access to vulnerable fish stocks such as offshore demersal scalefish, land based tours have a minimal impact on fish and fish habitats. Given the low numbers of existing land based FTOLs and RFTOLs and the low level of impact on fish stocks, the Department is seeking comment on a proposal to deregulate the requirement to hold a FTOL or RFTOL to undertake land based fishing tours. This would also mean that indigenous communities or individuals undertaking land based cultural tours, such as fishing for mud crabs, would not have to be licensed. People undertaking land based tours would still be subject to bag, possession and size limits.

### **Proposal 6**

*That consideration be given to deregulating the requirement to hold a Category 2 land- based Fishing Tour Operators Licence and Restricted Fishing Tour Operators Licence to undertake land based fishing tours.*

Many Category 3 FTOLs are required to list their vehicle and/or aircraft operations on their licences. While vehicles and/or aircraft are an integral part of the business operations of these combination land and boat aquatic tours the Department does not need to know these details to sustainably manage fish stocks. This will allow more flexibility for extractive aquatic tour operators to manage day-to-day business operations, such as vehicle replacements and breakdowns. The Department is proposing to deregulate the requirement to have vehicle and/or aircraft details listed on a FTOL or RFTOL.

### **Proposal 7**

*That consideration be given to deregulating the requirement for details of vehicle and aircraft to be specified on Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences, but that any specific issues associated with non-extractive aquatic tour activities requiring management be addressed by Regulation under the Fish Resources Management Act, 1994.*

### 3.5 Licence conditions

As part of the original criterion for the grant of an FTOL, applicants had to demonstrate involvement with, or investment in the fishing tour industry prior to the benchmark date of 12 September 1997.

Where an applicant did not meet the benchmark date criterion, the Chief Executive Officer could also consider granting an FTOL if a proposed operation was to be carried out in an area which was not serviced by an existing operator or for a stock or species which was not fully exploited. Where a licence was granted on this basis a condition was placed on the licence restricting its operation to the proposed activities outlined in the application.

At present, 92 of the 280 FTOLs have licence conditions which are shown in Appendix 2. These conditions primarily related to spatial restrictions (e.g. restricted to operating within a certain area) or restrictions on permitted activities (e.g. catch and release fishing or fly fishing only).

The effectiveness of licence conditions in managing the overall impact of the aquatic tour industry is questionable and may be placing an unnecessary restriction on the capacity of licence holders to restructure their operations to meet changing tourism demands. As licence conditions effectively create additional licence subcategories, removing conditions would also enable the Department to more effectively analyse the activities of the aquatic tour sector through logbook information.

While removing licence conditions would enable some FTOL holders to potentially expand the range or scope of their existing operations, there is already capacity for this to occur should inactive licences (around 35 per cent in 2009/10) become active.

The Department is seeking comment on a proposal to remove all licence conditions on FTOLs.

#### Proposal 8

*That all existing conditions on Fishing Tour Operators Licences and Restricted Fishing Tour Operators Licences be removed, noting that the Chief Executive Officer retains the capacity to impose conditions on licences should they be required to address specific issues in the future.*

### 3.6 Vessel restrictions

Under the existing licensing framework, Category 1 'large boat' FTOLs are generally permitted to operate one principal vessel with a surveyed length of 7.5 metres or more as well as several tender vessels with a survey length of between 4.5 and 7.5 metres, whereas Category 3 'small boat' FTOLs are permitted to operate a number of small vessels with a survey length of between 4.5 and 7.5 metres.

Notwithstanding the above, where an applicant had a demonstrated history of operating fishing tours from more than one principal vessel at the same time prior to the 1997 benchmark date they were issued a Category 1 FTOL with multiple principal vessels listed on the authorisation.

The capacity to use multiple principal and tender vessels on a single FTOL increases the level of complexity in obtaining and assessing standardised catch and participation information from charter operations.

To standardise the operation platforms permitted on each licence (subject to Proposal 4), it is proposed that each FTOL and RFTOL be restricted to operating:

- up to one principal vessel (length of 7.5 metres or more) and associated tender vessels (less than 7.5 metres in length), and the associated tender vessels should operate within five nautical miles of the principal vessel; or

- from a land based camp, multiple small vessels less than 7.5 metres in length, which should operate within five nautical miles of each other.

Where an existing Category 1 'large boat' FTOL is authorised to operate two principal vessels, a separate FTOL should be issued for each vessel.

### **Proposal 9**

*That a Fishing Tour Operators Licence or Restricted Fishing Tour Operators Licence be restricted to operating:*

- *up to one principal vessel (length of 7.5 metres or more) and associated tender vessels (less than 7.5 metres in length) which must operate as part of a single tour operation and remain within five nautical miles of the principal vessel; or*
- *from a land based camp, all multiple small vessels less than 7.5 metres in length, should operate within five nautical miles of every vessel in the fishing unit.*

### **Proposal 10**

*That existing Category 1 'large boat' Fishing Tour Operators Licences currently authorised to operate two 'principal vessels' (length of 7.5 metres or more) be transitioned into two separate licences for each boat by July 2013.*

## **3.7 Management zones**

Currently 52 of the 211 FTOLs are authorised to operate in more than one management zone.

Access to individual management zones is not transferable from one FTOL to another. If a licensed tour operator wishes to expand their operations into another management zone they must purchase an existing licence for that zone, and operate using the additional FTOL. For example, if a FTOL operator was licensed to operate in the West Coast and South Coast zones, and wanted to sell the South Coast zone, they would have to sell the whole FTOL because zones cannot be transferred from one FTOL to another.

To enable tour operators to expand their operational range without having to purchase and service an additional licence, the Department is considering permitting access to individual management zones to be transferable from one FTOL to another. Where a licence ceases to have access to any zones attached, following a management zone transfer, the licence will be automatically cancelled.

### **Proposal 11**

*That transferring of management zones between licences be permitted and licences that cease to have a management zone attached be automatically cancelled.*

## **3.8 Fee structure**

The existing fee structure for aquatic tour operators licences contains a complex matrix of fees depending on the number of management zones, the number and size of vessels and the licensed passenger capacity (Appendix 1).

The licence fee structure for boat based FTOLs was amended prior to the 2010/11 licensing period to include a revised fee based on licensed passenger capacity. This new fee was introduced as an alternative to requiring passengers to hold individual RFBLs.

To provide a level of equity between smaller and larger passenger vessels the fee was tiered around licensed passenger capacity with one fee for FTOLs licensed to carry up to 10 passengers and another fee for FTOLs licensed to carry more than 10 passengers.

To simplify the existing fee structure and introduce a greater level of equity between smaller and larger passengers operations, the Department is considering introducing a new fee structure based on the number of management zones and passenger capacity only. The new structure is expected to be revenue neutral for the Department.

The Department is seeking comment on a proposal to replace the existing fee structure with a fee based on the number of management zones for which the licensee has authority and actual licensed passenger capacity (tiered fee around units of five passengers). In order to provide some flexibility, and to make the fee structure more equitable for smaller operators, the Department is proposing a flat fee of \$500 for every five passengers. This is shown in Table 4.

**Table 4.** Proposed new fee structure for FTOLs

Number of passengers	Proposed zone fee \$	Proposed fee for passenger capacity \$	Proposed total fee \$
1 to 5	700	500	1,200
6 to 10	700	1,000	1,700
11 to 15	700	1,500	2,200
16 to 20	700	2,000	2,700
21 to 25	700	2,500	3,200
25 and over	700	3,000	3,700

The proposed fees are consistent with the introduction of access fees for commercial fishing and aquaculture in that it is a fee charged for access to a public resource. The proposed fee structure will allow operators to reduce or increase the number of passengers they are licensed to take on an annual basis.

Under this proposal the existing fees based on vessel size and vessel number would be revoked and the number of vessels on each licence would be restricted to that outlined in Proposals 9 and 10. Licence holders with authorisations in more than one zone would only be required to pay the passenger fee once.

The Department notes that the valid vessel survey requirements should be appropriate for the vessel's licensed passenger capacity.

### **Proposal 12**

*That the licence fee structure for a FTOL consist of:*

- *a fee for access to each management zone listed on a licence, and*
- *a fee per unit of passenger capacity listed on a licence (tiered around units of five passengers, up to a maximum of 25 and over passengers ).*

As the focus of an RFTOL is primarily eco-tourism, with fishing only permitted for the purpose of providing a meal during the course of the tour, the Department is proposing a flat fee of \$500 per zone for each RFTOL, regardless of passenger numbers.

### **Proposal 13**

*That a flat licence fee of \$500 per zone be charged for RFTOLs.*

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## 4.0 CONCLUSION

In summary, the Department proposes dealing with latent effort/excess service capacity by:

- cancelling MPG 12,
- not issuing any further new licences, including niche licences, and
- allowing the number of licences in each zone to fall by natural attrition.

It proposes allowing business more flexibility by:

- allowing for flexibility in the number of fishers an operator is licensed to carry,
- linking fee structure to licence zone and capacity for FTOLs and zone for RFTOLs,
- permitting transferability of zones between licences,
- deregulating all licence conditions,
- deregulating certain types of licences, and
- cancelling the 31 December 2008 benchmark.

In essence, the Department proposes a policy that will move the charter sector from one of capping activity at 1997 levels, which also allowed for growth in the sector, to one where the number of operators in each zone is permitted to fall by natural attrition, but where fisher numbers can fluctuate.

It is essential that these steps are undertaken before any policy which actively targets latent effort is considered.

## APPENDIX 1

### Schedule 1 Part 3 of the FRMR 1995 (September 2011)

4. Aquatic Ecotourism Operators Licence or Restricted Fishing Tour Operators Licence Types of operation —	\$
(1) (a) Using — (i) one boat with a surveyed length of more than 7.5 m and an open water passenger capacity of 20 persons or less and an associated power boat with a length of 4.5 m or more but 7.5 m or less, in one zone; or (ii) one or more boats with a surveyed length of 7.5 m or less and a combined open water passenger carrying capacity of 20 persons or less, in one zone	273.00
(b) In addition to the fee specified in item 4(1)(a) —	
(i) for each additional 10 passengers or part thereof	136.00
(ii) for each additional associated power boat with a surveyed length of 4.5 m or more but 7.5 m or less	273.00
(iii) for a licence to operate the boat in more than one zone, for each additional zone	136.00
(iv) for each additional boat specified in the licence with a surveyed length of more than 7.5 m and an open water passenger capacity of 20 persons or less	273.00
(2) (a) A land-based operation authorised to operate in one zone with not more than 20 tourists taking part in the tour	273.00
(b) In addition to the fee specified in item 4(2)(a) —	
(i) for each additional capacity of 10 tourists	136.00
(ii) for a licence to operate in more than one zone, for each additional zone	136.00
(3) (a) A combination of boat and land or boat and aircraft operations with a total passenger carrying capacity of 20 persons or less, authorised to operate in one zone and a maximum of two boats with a surveyed length of 4.5 m or more but 7.5 m or less	273.00
(b) In addition to the fee specified in item 4(3)(a) —	
(i) for each additional capacity of 10 tourists or part thereof	136.00
(ii) for each additional associated power boat with a surveyed length of 4.5 m or more but 7.5 m or less	273.00
(iii) for a licence to operate a boat in more than one zone, for each additional zone	136.00

<b>5. Fishing Tour Operators Licence</b> Types of operation —	
(1) (a) Using a boat with a surveyed length of more than 7.5 m and an open water passenger capacity of 10 persons or less and an associated power boat with a length of 4.5 m or more but 7.5 m or less, in one zone	1 786.00
(b) In addition to the fee specified in item 5(1)(a) —	
(i) for each additional associated power boat with a surveyed length of more than 7.5 m and a maximum passenger carrying capacity of 10 passengers or less	1 840.00
(ii) for each additional associated power boat with a surveyed length of more than 4.5 m but less than 7.5 m	329.00
(iii) for a licence to operate with a passenger carrying capacity of more than 10 passengers	1 185.00
(iv) for a licence to operate in more than one zone, for each additional zone	669.00
(2) (a) A land-based operation, authorised to operate in one zone with a maximum capacity of 20 passengers	273.00
(b) In addition to the fee specified in item 5(2)(a) —	
(i) for each additional 10 passengers carrying capacity or part thereof	136.00
(ii) for a licence to operate in more than one zone, for each additional zone	136.00
(3) (a) A combination of boat and land or boat and aircraft operations with a total passenger carrying capacity of 10 persons or less, authorised to operate in one zone and a maximum of 2 boats with a surveyed length of 4.5 m or more but 7.5 m or less	1 840.00
(b) In addition to the fee specified in item 5(3)(a) —	
(i) for a licence to operate with a passenger carrying capacity of more than 10 passengers	1 185.00
(ii) for each additional associated power boat with a surveyed length of 4.5 m or more but 7.5 m or less	329.00
(iii) for a licence to operate a boat in more than one zone, for each additional zone	669.00

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## APPENDIX 2

### Condition Number 12

Operations to be carried out within one nautical mile of the mainland coast between [REDACTED] and [REDACTED].

### Condition Number 13

Operator is restricted to [REDACTED] for passenger pick up and set down.

### Condition Number 14

Operator is restricted to game fishing only. No demersal fishing.

### Condition Number 15

Operator is restricted to the [REDACTED] River.

### Condition Number 16

Operations restricted to the Shires of [REDACTED] and [REDACTED].

### Condition Number 17

Operations restricted to the [REDACTED] River.

### Condition Number 18

Operator is restricted to fly fishing only. Passenger pick up and set down is to be from Shark Bay only.

### Condition Number 19

Licensee is restricted to operating in the [REDACTED] and [REDACTED] Rivers.

### Condition Number 20

This licence is restricted to [REDACTED] as an operational base and that take of rock lobster only.

### Condition Number 21

The area of operation of this licence is restricted to the [REDACTED] of [REDACTED], the northern boundary of which is a line from the coast westwards at latitude [REDACTED] degrees [REDACTED] S to its intersection with longitude [REDACTED] degrees [REDACTED] E and the western boundary of which is a line south from the intersection of latitude [REDACTED] degrees [REDACTED] S and longitude [REDACTED] degrees [REDACTED] E to Cape Peron North.

### Condition Number 22

1. Artificial lure and fly only.
2. All fishing to be conducted not more than 5nm offshore and within 45 nm of [REDACTED] town site.
3. Daily bag limit of one fish per passenger.

### Condition Number 564

Fishing tour operations to start and finish from camp base at [REDACTED] lot location [REDACTED] and tour participants not to depart tour with any fish.

### Condition Number 565

Fishing tours on [REDACTED] are restricted to fishing for silver cobbler and black bream only.

### Condition Number 569

Operations restricted to inland waters of the South Coast zone west of [REDACTED] degrees East longitude.

**Condition Number 571**

All fishing to be restricted to the waters of [REDACTED] Sound, [REDACTED] River and those streams and tributaries that flow into [REDACTED] Sound.

**Condition Number 572**

Fishing tour operations are restricted to the [REDACTED] River, [REDACTED] Creek and [REDACTED] Creek.

**Condition Number 576**

1. All tours to be conducted using sea-kayaks.
2. A maximum of two fish to be retained per tour.

**Condition Number 577**

Fishing tours to operate only in the following areas:

- i. The [REDACTED] River;
- ii. The [REDACTED] River;
- iii. The [REDACTED] River;
- iv. The [REDACTED] Creek; and
- v. Within the boundaries of the [REDACTED] Station and the [REDACTED] River and [REDACTED] outstations.

**Condition Number 10**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 11**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 12**

Operator is restricted to one fishing tour per day with up to 16 clients.

**Condition Number 13**

Restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 14**

Gascoyne operations restricted to fly-fishing only.

**Condition Number 15**

Fishing Tours on the South Coast are restricted to operating between [REDACTED] and [REDACTED] Road only and fishing tours in the Gascoyne are restricted to operating on [REDACTED] Island and [REDACTED] Station only.

**Condition Number 16**

Fishing tours are restricted to being conducted on the [REDACTED] River and in ocean waters between [REDACTED] degrees [REDACTED] minutes South latitude (approximately 3nm north of the [REDACTED] River) and [REDACTED] degrees [REDACTED] minutes South latitude ([REDACTED]).

**Condition Number 62**

Fishing tours are to be conducted between [REDACTED] and [REDACTED] only.

**Condition Number 567**

Fishing tours, restricted fishing tours and aquatic eco-tours can only be conducted between [REDACTED] and [REDACTED] Beach on the mid-West coast of WA.

**Condition Number 574**

Operation restricted to land-based fly fishing only.

**Condition Number 575**

No fish to be retained at the end of the tour.

**Condition Number 10**

Operator may access waters east of [REDACTED] E during the course of a tour. Passenger pick up and set down must be from the Gascoyne zone.

**Condition Number 11**

Operator is restricted to [REDACTED] Bay for passenger pick up and set down.

**Condition Number 12**

Passenger capacity restricted to 20 during the course of fishing tours.

**Condition Number 13**

Operator is restricted to [REDACTED] and [REDACTED] for passenger pick up and set down.

**Condition Number 14**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 15**

Operator is restricted to a passenger capacity of 30 during the course of fishing tours.

**Condition Number 16**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 17**

Operator is restricted to the Shire of [REDACTED] and the Shire of [REDACTED] for passenger pick up and set down.

**Condition Number 18**

South Coast operations restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 19**

Gascoyne operations restricted to game fishing only. No demersal fishing.

**Condition Number 20**

Operator may access the waters only of West Coast and Pilbara/Kimberley zones. All tours must depart from and return to the Gascoyne zone.

**Condition Number 21**

[REDACTED] is restricted to game fishing only, no demersal fishing. No fish to be landed in [REDACTED].

**Condition Number 22**

Operator is restricted to [REDACTED] for passenger pick-up and set-down.

**Condition Number 23**

Restricted to 20 for fishing tours.

**Condition Number 24**

Restricted to 20 during fishing tours.

**Condition Number 25**

Operator restricted to 20 passengers during fishing tours.

**Condition Number 26**

Restricted to 20 passengers during the course of fishing tours.

**Condition Number 27**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 28**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 29**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 30**

Passenger pick up and set down is restricted to Gascoyne and West Coast zones.

**Condition Number 31**

Operator may carry 19 passengers in sheltered waters as per 1E vessel survey.

**Condition Number 32**

Fishing tours to be conducted between [REDACTED] and [REDACTED] only.

**Condition Number 33**

Fishing tours may be conducted by only one vessel in any 24-hour period.

**Condition Number 34**

Operator is restricted to operating north of [REDACTED] only.

**Condition Number 35**

Operator is restricted to 17°30'S for passenger pick up and set down.

**Condition Number 36**

Operator is restricted to [REDACTED] for passenger pick up and set down. Operator is to use SPV [REDACTED] only.

**Condition Number 37**

Operator is restricted to operating fishing tours from April to November (inclusive) only.

**Condition Number 38**

Operator is restricted to game fishing operations in the Gascoyne and West Coast zones.

**Condition Number 39**

Operations are restricted to North of [REDACTED] only.

**Condition Number 40**

Operator is restricted to [REDACTED] for passenger pick up and set down, except that the licence holder may operate one fishing tour per year starting from [REDACTED] and setting down passengers in [REDACTED] then picking passengers up from [REDACTED] and finishing at [REDACTED], provided that the said fishing tour does not operate closer than 15 nautical miles from the Houtman Abrolhos Islands. The exception within this condition ceases to apply upon the first transfer of this licence.

**Condition Number 41**

Gascoyne & Pilbara/Kimberley operations are to be game fishing only.

**Condition Number 42**

Operator is restricted to [REDACTED] for passenger pick up and set down.

**Condition Number 43**

Operator may access the waters only of the Pilbara/Kimberley.

**Condition Number 44**

Operator is restricted to [REDACTED] for passenger pick-up and set down.

**Condition Number 45**

Gascoyne operations are to be game fishing only - no demersal fishing.

**Condition Number 46**

The new boat is restricted to [REDACTED] for passenger pick-up and set down.

**Condition Number 47**

When conducting activities other than fishing, the passenger capacity would be indicated on the SPV survey certificate.

**Condition Number 48**

Operator is restricted to operating in [REDACTED] only with a maximum of three (3) catfish (silver cobbler) per passenger to be landed.

**Condition Number 49**

Pilbara Kimberley access during the course of the tour is restricted to pick up and set down from the Gascoyne zone only.

**Condition Number 50**

Waters east of [REDACTED] degrees [REDACTED] minutes east may be accessed during course of tours, but access must be only from [REDACTED] as operational base.

**Condition Number 51**

Operations are restricted to passenger pick-up and set down from [REDACTED].

**Condition Number 52**

Fishing operations are restricted to operating between [REDACTED] and [REDACTED] to a distance of five nautical miles from shore.

**Condition Number 53**

This licence is restricted to taking fish and rock lobster while diving only.

**Condition Number 54**

Operator is restricted to [REDACTED] for passenger pick up and set down and the take of Rock Lobster only.

**Condition Number 55**

Fishing restricted to diving operations only. No fishing permitted from vessel.

**Condition Number 56**

Gascoyne access during the course of the tour is restricted to pick up and set down from the Pilbara Kimberley zone only.

**Condition Number 57**

The operational area for fishing tour activities with this licence, is restricted to the waters between [REDACTED]E and [REDACTED]E.

**Condition Number 58**

When operating in the Gascoyne zone game fishing only may be conducted and clients must be pre-booked through [REDACTED] Operational base.

**Condition Number 59**

Operational area when conducting fishing tours is no further west than Cape [REDACTED] and no further east than the Western Australian and Northern Territory border.

**Condition Number 60**

Restricted to operational base of [REDACTED] Point.

**Condition Number 61**

Fishing tour operations are restricted within the lines of longitude on which [REDACTED] and [REDACTED] are situated, excluding the area of waters to the west of longitude [REDACTED] degrees [REDACTED] minutes east and north of latitude [REDACTED] degrees [REDACTED] minutes south (the point of intersection of which is the Harriet Field oil platform).

**Condition Number 62**

Fishing Tour operations are to take place no further south than [REDACTED] degrees [REDACTED] minutes south latitude.

**Condition Number 63**

Passenger pick up and set down restricted to [REDACTED].

**Condition Number 64**

Fishing Tour operations are restricted to an area no further south than [REDACTED] degrees [REDACTED] south and no further west than [REDACTED] degrees east.

**Condition Number 65**

Fishing tours are restricted to waters to the south of [REDACTED] degrees [REDACTED] minutes south latitude.

**Condition Number 66**

The licence holder is restricted to Cape [REDACTED] as the operational base.

**Condition Number 67**

The licence holder is restricted to [REDACTED] Bay as the operational base.

**Condition Number 563**

Fishing tours to be conducted from [REDACTED] Island only and no fish to be landed.

**Condition Number 570**

For any tour into the Gascoyne region, the pick-up and set down of any passenger must be from within the Pilbara and Kimberley region.

**Condition Number 573**

For any tour into the Pilbara and Kimberley region, the pick-up and set down of any passenger must be from within the Gascoyne region.

**Condition Number 574**

Fishing tours are restricted to taking rock lobster only.

