

TOOL 4: GUIDANCE FOR MANAGEMENT AUTHORITIES

The following questions provide guidance for industry associations or government management authorities wishing to develop new or review existing legislation/ regulations and codes of conduct.

QUESTIONS	WHY ASK THIS QUESTION?	SUITABLE FOR INDUSTRY SELF-MONITORING	SUITABLE FOR GOVERNMENT REGULATION	RESPONSE
<p>1. IS THERE A NEED FOR GOVERNMENT REGULATION?</p> <ul style="list-style-type: none"> ■ IS THERE A CODE OF CONDUCT AND IS IT BEING FOLLOWED AND ENFORCED? ■ IS THERE A RISK TO STAFF OR PARTICIPANTS, THE ANIMALS OR THE ENVIRONMENT THAT IS NOT BEING RECOGNIZED OR ADDRESSED BY OPERATORS? ■ IS INDUSTRY UNABLE OR UNWILLING TO SELF-MONITOR? 	<p>As a general rule, shark and ray-based tourism can be self-monitoring, usually through a code of conduct. Government regulation is required only when there are failures within the industry – there is a risk either to the people, the animals or the environment and the risk is not being adequately addressed by the operators themselves.</p>	✓	✓	
<p>2. ARE THE POLICY OR REGULATIONS CLEAR AND PUBLICLY AVAILABLE?</p> <ul style="list-style-type: none"> ■ ARE THEY BASED ON THE BEST SCIENTIFIC EVIDENCE, AND ADAPTABLE AS NEW KNOWLEDGE BECOMES AVAILABLE? ■ ARE THEY ENFORCEABLE? 	<p>Ensuring clear boundaries from the beginning is important. License conditions should be clear, practical and enforceable. They should outline what is permitted, rather than focusing only on what is not, so it is up to the operator to show they are operating correctly. Making the policy a public document will also improve the accountability of individual operators in the eyes of the community.</p>		✓	



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3. IS THERE AN EFFECTIVE INDUSTRY ASSOCIATION TO WORK WITH, OR CAN YOU PLAY A ROLE IN ESTABLISHING ONE?	Having a single, independent point of contact for the industry makes decision-making and communication more effective.	✓	✓	
4. HOW ENGAGED ARE OPERATORS AND THE COMMUNITY IN THE DEVELOPMENT OF POLICIES OR A CODE OF CONDUCT?	Operator and community involvement in decision-making processes makes strong compliance more likely: collaboration and a sense of ownership are powerful factors.	✓	✓	
5. ARE LICENSE CONDITIONS CONSISTENT FOR ALL OPERATORS?	Inconsistent conditions will create difficult situations. Consistency also creates certainty if activities are scaled up. However, some flexibility in governance regimes may be needed as a situation changes.	✓	✓	
6. HOW IS CONFLICT MANAGED WITHIN THE INDUSTRY, AND WITH OTHER INDUSTRIES? CAN THE REGULATIONS PROMOTE A RESOLUTION PROCESS?	It's important to strike a fair balance between supporting the industry and acting as the regulator when community concerns are raised. Having a good relationship with other marine user groups and using spatial management to address industry conflicts are both important.	✓	✓	



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7. HOW IS INTERNAL GOVERNMENT CONFLICT MANAGED?	Having multiple departments involved in the regulation and management of shark and ray tourism can give rise to conflicts or inconsistencies. Establishing a cross-group steering committee that meets regularly to discuss issues and determine a unified response is an effective tool for ensuring smooth management.		✓	
8. IS THERE A STRONG SCIENTIFIC BASIS TO SUPPORT THE POLICY?	Don't underestimate the impact of politics on effective management of shark and ray tourism. Having a strong scientific basis for policy decisions, and being able to explain the scientific rationale for them to stakeholders, will help encourage acceptance of both fully validated and precautionary policies intended to protect target species and ecosystems.	✓	✓	
9. HOW IS SOCIAL LICENSE MANAGED?	This question is particularly important when provisioning is used and the local community has safety concerns, for example for cage diving and great white sharks. An effective public communications and awareness strategy may help strengthen the industry's social license.	✓	✓	

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<p>10. HOW WELL DO THE REGULATIONS BALANCE INDUSTRY INNOVATION AND GROWTH WITH CONSERVATION AND WELFARE OF THE SPECIES, MINIMIZING ENVIRONMENTAL IMPACT AND ENSURING COMMUNITY SAFETY? WHAT ARE THE MINIMUM STANDARDS REQUIRED FOR EACH ELEMENT TO BE EFFECTIVE, WHILE PROMOTING BEST PRACTICE?</p>	<p>Ensuring the regulations are based on the latest science and research will help in striking the appropriate balance. So too will consultation and communication with industry operators regarding their issues and aspirations.</p>	<p>✓</p>	<p>✓</p>	
<p>11. HOW WILL MANAGEMENT AND ENFORCEMENT BE FUNDED – FOR EXAMPLE THROUGH LICENSING FEES, COST RECOVERY, VISITOR LEVIES, ETC.?</p>	<p>There is no point having strict regulations or a code of conduct if they cannot be enforced. Where visitor levies are collected it's important these are 100% re-invested in strengthening management and enforcement in the industry, and in community development and conservation efforts.</p>	<p>✓</p>	<p>✓</p>	

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12. HOW TRANSPARENT IS THE COST OF MANAGEMENT TO THE INDUSTRY?	The more transparent the better: the industry and the community both need to understand how funds are invested.		✓	
13. HOW WILL THE POLICY OR CODE OF CONDUCT BE MONITORED AND ENFORCED? IS THERE BASELINE KNOWLEDGE? WHAT ARE THE KEY INDICATORS TO MONITOR IMPACTS AND COMPLIANCE?	Where possible, baseline data should be collected before operations begin to allow for an effective assessment of changes in behavior of the target animals or ecosystem health. Researchers can help develop indicators to suit the target species and operational circumstances.	✓	✓	
14. WHAT LEVEL OF COVERAGE WILL BE NEEDED TO MAKE MONITORING EFFECTIVE?	It's important to develop a scientific basis for determining the level of observer coverage needed to ensure compliance. Innovative, cost-effective methods can be used – for example, where government staff join trips as paying customers, without operator knowledge, to monitor activity. Cameras on board vessels (e-monitoring) and e-logbooks, as used in the fishing industry, can give good coverage of activities and drive individual operator accountability.	✓	✓	



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15. IS THERE AN ADEQUATE AND FUNDED SCIENTIFIC MONITORING PROGRAM SUPPORTING THE ONGOING ADAPTATION OF THE POLICY OR REGULATIONS?	Policies should be underpinned by sound, up-to-date science.	✓	✓	
16. WHAT FACTORS AFFECT THE LEVEL OF TOURISM ACTIVITY, AND ARE THERE BENCHMARKS FOR MEASURING IMPACT?	Having benchmarks to measure change helps understand impacts identified. Below are some factors that can be used to quantify the level of tourism activity.	✓	✓	
	FACTOR	BENCHMARK		
	Days when tourism activity occurred	Tourism activity took place on XX days		
	Vessels in operations	X vessels per license were allowed to operate		
	Businesses using burley or lures or attractants	X businesses were authorized and using burley or lures or attractants		
Businesses conducting commercial shark/ray tourism	X businesses were authorized and operating			



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17. HOW WILL SOCIAL MEDIA RELATING TO SHARK AND RAY TOURISM, BOTH NEGATIVE AND POSITIVE, BE MANAGED?	Having a social media strategy is useful for proactive communication with key stakeholder groups as well as the general public. It's also useful for monitoring public sentiment on particular issues, and gives an opportunity to respond to public concerns.	✓	✓	
18. HOW CAN CONTINUOUS IMPROVEMENT IN THE INDUSTRY BE ENCOURAGED?	Best practice demands continuous improvement from operators and their staff. Providing ongoing training can encourage this, covering areas such as environmental impacts, safety, tourism operations, understanding the latest scientific research, etc.	✓	✓	
19. WHAT ROLE SHOULD OPERATORS PLAY IN EDUCATING TOURISTS ABOUT THE CONSERVATION AND MANAGEMENT OF THE TARGET SPECIES?	Having industry providing educational opportunities for customers can lead to improved community acceptance of sharks and rays. Education can also increase public support for marine conservation among locals and participating tourists.	✓	✓	

