

INFORMATION FOR DWARF MINKE WHALE INTERACTIONS IN THE GREAT BARRIER REEF WORLD HERITAGE AREA

Introduction

This Code¹ provides information for any person likely to be involved in an encounter with a dwarf minke whale whilst in the Great Barrier Reef Marine Park, in particular permitted tourism operators and passengers.

The Code outlines the environmentally responsible way to approach and interact with minke whales. They are designed to complement rather than duplicate existing legal requirements. The Code has been developed specifically for the dwarf minke whale watching activities, and is based on recent studies conducted by researchers from James Cook University, the Museum of Tropical Queensland and *Undersea Explorer*, working with the industry. The initial Code of Practice was proposed in Arnold & Birtles (1999) and revised in Birtles, Arnold, Curnock, Valentine & Dunstan (2001).

This Code includes: a general section; a section for vessel operators; and a section for divers/snorkellers swimming with dwarf minke whales.

Legal requirements

The current legal requirements relating to whale-watching seek to minimize 'interference'² to cetaceans (whales, dolphins, porpoises), at the same time, allowing humans to enjoy the experience of interaction with the animals in a sustainable way.

These legal requirements have been based on current understanding of whale behaviour, in particular humpback whales, and the whales' response to contact with boats and people. As researchers learn more about dwarf minke whales and their response to interaction with humans some modifications to these requirements are being recommended.

Relevant legislation

Australian

- Environment Protection and Biodiversity Conservation (EPBC) Act 1999 - protects all whales in Australian waters. Under this Act 'interference' with a cetacean (whale, dolphin, porpoise) is illegal.

Queensland (within 3 nautical miles of the Qld coast, including Qld islands)

- Qld Nature Conservation (Whales and Dolphins) Plan 1997 – provides protection for whales and dolphins in State waters.

Policy and Guidelines

- Australian National Guidelines for Cetacean Observation (National Guidelines) (2000).
- Great Barrier Reef Marine Park Authority (GBRMPA) Whale and Dolphin Policy (2000) guides management actions in the Marine Park for the conservation of whales and dolphins.

¹ This version of the Code includes changes discussed at the Minke Whale Workshop of 19/4/2002

² Interfere with a cetacean includes harass, chase herd, tag, mark or brand the cetacean.

CODE OF PRACTICE FOR DWARF MINKE WHALE INTERACTIONS

The **Code of Practice** combines:

- current legal requirements related to human interactions with whales (in **bold**)³; with
- recommended best-practices or guidelines.

1. GENERAL

- **Whales and dolphins are protected.**
- **You must not kill, take, injure and/or interfere with whales.**
- **Use of personal motorized watercraft (e.g. jetskis) in whale-watching is not allowed.**

2. FOR VESSEL OPERATORS

2.1 Pre-swim briefing

Prior to their encounter with dwarf minke whales, passengers must be well briefed to prepare them for possible weather and sea conditions, the likely emotions they will feel at being so close to the whales, and their interaction with the whales. The briefings should also give clear reasons for the conditions to encourage understanding and acceptance.

The briefing should include:

- what to expect – weather, sea conditions
- brief introduction to dwarf minke whales, basic biology, behaviour and likely response to humans
- likely response of humans to whales
- the legal requirements, and the need to comply (with reasons)
- the contents of the guidelines and the need to comply (with reasons)
- the procedures for whale-diver interactions (open water and when moored or at anchor) and the need to comply (with reasons)
- in-water behaviour.

NB. It is the responsibility of the vessel skipper and crew to ensure that passengers and crew follow these guidelines.

³ This Code of Practice does not cover all the legislative requirements for interacting with whales. Refer to the Environment Protection and Biodiversity Conservation Regulations 2000 Part 8 for a complete list of all regulations pertaining to interacting with cetaceans and whale watching.

2.2 Procedures for vessel operations in the vicinity of dwarf minke whales

- **When a whale is spotted at a distance of 100-300 metres the vessel must motor at a slow, constant speed (no more than 4 knots) and avoid any operation that might disturb the animal. A vessel must not approach closer than 100 metres to a whale.**

NOTE: dwarf minke whales will often come closer to a boat. **If a whale is spotted less than 100 metres from the boat the motors should be put into neutral immediately, or the vessel engines cut,** where safe to do so.

- **A cow with calf must not be approached.**
- Only one whale-watching vessel at a time should be in contact with a group of whales; other vessels should be no closer than 300 metres. **The EPBC Act states that no-one can approach closer than 300m if 2 vessels are in contact.**
- If whales approach, prepare for in-water encounter by using one or more lines (maximum length 50 metres) which can stream upwind of the vessel.
- Vessel tender to be placed in the water for emergency use only.
- Sullage tanks should not be discharged when interacting with whales.
- **No food scraps are to be thrown overboard in the vicinity of whales**

When breaking off contact with whales the vessel should motor away gently with minimal wake

2.3 Procedures for swim-with-whales activities

General

- **Queensland whale watching regulations are being reviewed but the current situation is that within Queensland waters, a person must not enter the water closer than 300 metres to a whale.**
- Use of mask, snorkel, fins and wetsuit (without a weight-belt) is recommended (It should be noted that use of scuba for dedicated whale-watching is not sanctioned under the National Guidelines)
- **NEVER SWIM TOWARDS A WHALE**

- Passengers to enter the water with minimal disturbance to whales. If a whale is seen within 30 metres wait until it has passed before entering the water.
- **Avoid sudden movements when in the water with a whale**
- **Do not touch, make contact with, or feed the whales.**
- WHALE AND SWIMMER BEHAVIOUR MUST BE MONITORED AT ALL TIMES. If repeated signs of disturbance and changes in behaviour are observed, the swimmers must exit the water. It is recommended that a designated, appropriately trained individual be on duty throughout all encounters to monitor behaviour.

While drifting in open water (additional guidelines)

- It is GBRMPA policy that operators conducting a drift dive with minke whales will be required to have a “swimming-with-whales” permit (*Whale and dolphin conservation in the Great Barrier Reef Marine Park*. 2000., p. 66).
- Lines should be used and swimmers must remain on the line at all times.
- Do not swim between the lines, as whales may surface there.

While moored or at anchor (additional guidelines)

- Use of a line is recommended where practical. If lines are not used, suitable alternatives for managing numbers and position of divers should be developed and passengers need to be especially well-briefed.
- If divers on scuba are in the water observing whales, a crew member acting as dive supervisor must monitor behaviour of swimmers and whales and control activities of swimmers that may cause disturbance of the whales.

Making the most of your minke meeting
(extra notes for vessel crew members)

- One crew member to enter the water first to assess conditions.
- One crew member to be stationed on the duckboard to direct passengers and assist entry and exit.
- Passengers to be directed to lines – six swimmers per line at a time recommended (if more passengers this may mean limiting the time in the water for each passenger).

3. FOR DIVERS/SNORKELLERS SWIMMING WITH DWARF MINKE WHALES

- Follow all instructions from the crew.
- Use of mask, snorkel, fins and wetsuit (without a weight-belt) is recommended.
- If divers are using scuba when the whales approach (e.g. during a reef dive), the dive should continue as usual, including a safety stop on return to the vessel. Scuba divers approached by a whale should hold on to a safety chain/bar or mooring line when available. They should never swim directly at a whale.
- Passengers to enter the water with minimal disturbance to whales. If a whale is within 30 metres wait until it has passed before entering the water.
- Where available, hold onto a line at the surface. Do not let go of the line when drifting (the best position is to lie flat on the water).
- **NEVER SWIM DIRECTLY TOWARDS A WHALE.**
- **Avoid sudden movements when in the water with a whale**
- **Do not touch, make contact with, or feed the whales.**
- Use natural light only for photography.

References

Arnold, P. & Birtles, A. 1999. *Towards sustainable management of the developing dwarf minke whale tourism industry in northern Queensland*. CRC Reef Research Centre Technical Report 27.

Birtles, A., Arnold, P., Curnock, M., Valentine, P. & Dunstan, A. 2001. *Developing ecologically sustainable minke whale tourism (1999-2001)*. Final Report to the Commonwealth Department of Environment and Heritage (Environment Australia), November 2001.