

**Operator Compliance and
Attitudinal Compliance
to Aspects of
Australian Whale Watch
Management Conditions**

Thesis submitted by

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I declare that this thesis is my own work and has not been submitted in any form for another degree or diploma at any university or other institution of tertiary education. Information derived from the published or unpublished work of others has been acknowledged in the text and a list of references is given.

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STATEMENT OF CONTRIBUTION OF OTHERS

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ABSTRACT

Whale watching is a rapidly growing industry worldwide, involving vulnerable species, with few data on impacts and no data on success of enforcement of regulations. Because of this, the extent to which whale watching may impact on focal species is increasingly becoming an international concern. In early 1998, an international whale-watching research workshop in Monaco identified "problems of enforcement of regulations" as one of the four major problems with the management of whale watching. In 2000, Australia implemented the ANZECC Guidelines for Cetacean Observation in Commonwealth waters, while individual states are responsible for developing their own guidelines or regulations.

Effective management of the whale-watch industry is dependent on operators' compliance to the appropriate management regimes. Operators' compliance with existing regulations and guidelines has not been studied in detail. The study aimed to test whether existing distance and approach conditions for whale watch vessels are an effective regulatory tool by: 1) observing whale watch operations that target humpback whales (*Megaptera novaeangliae*) in Queensland and New South Wales' waters and 2) conducting a questionnaire survey of whale watch operators' attitudes towards compliance. Movements of whale watch vessels in relation to focal humpback whale pods were tracked using a handheld GPS, a Laser Range Finder and a Digital Compass at the two field sites. This provided an indication of operators' compliance with distance and approach guidelines and regulations. Questionnaire surveys were used to elicit the potential influence of operators' beliefs and perceptions concerning the whale watch guidelines on compliance.

Management differences between the states of Australia even for the same species of cetacean, is a management issue that needs resolution. I found that there are now a total of 35 legislative documents across Australia that provide general or specific protection to whales during general public or commercial vessel observation. Although the legislation is fairly consistent, the inconsistencies across jurisdictions regarding distances of approach and explanations of terms can lead to confusion and the perception that legislation has no basis, increasing the chance of non-compliance.

I used qualitative research methodology to understand the factors that influence the attitudinal compliance of whale watch operators. The whale watch operators' perceptions regarding the level of certainty or level of threat of legal sanctions, the level of monitoring, and endorsement of operators of non-compliance all had a positive relationship with attitudinal compliance of whale watch operators. Attitudinal compliance had a negative relationship with sole owner-operator status, the voluntary nature of guidelines, and the belief in the fairness of guidelines.

Compliance by operators to whale watch guidelines or regulations is influenced by the behaviour of the whale(s) being observed. There is a proportion of the migrating whale population that actively approaches vessels and although operators may encourage this behaviour, it is uncontrollable. Therefore, although there are instances of non-compliance by whale watch operators, it is the active approach by a whale pod that leads to the perception of higher rates of non-compliance by whale watch operators. There was no correlation between operators' level of vessel experience or environmental factors with actual compliance. Furthermore, operators' attitudinal compliance and actual compliance were not correlated.

Recommendations from this study include: 1) improving consistency in legislation to reduce confusion; 2) progressing guidelines to regulations to increase enforceability; 3) increasing person to person consultation between regulators and whale watch operators to increase the understanding of legislation and the perception of fairness and 4) investigating the proportion of migrating whales that are more likely to approach vessels to determine the actual percentage of the population on which the whale watch industry is based as a basis for evaluating the risk of possible detrimental impacts from whale watching.

Keywords:

Whale watch; compliance; tourism management; regulations; humpback whale

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