

Code of Practice for dwarf minke whale interactions

in the Great Barrier Reef World Heritage Area



Australian Government
Great Barrier Reef
Marine Park Authority

MINKE WHALE PROJECT



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I. PREAMBLE

This Code of Practice 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 swimming-with-whales endorsed tourism operators and their passengers.

This Code of Practice outlines the environmentally responsible way to approach and interact with dwarf minke whales. It has been developed specifically for the permitted tourism operators with an endorsement for swimming-with-whales in the Great Barrier Reef Marine Park, and it incorporates existing legal requirements.

Protocols for divers and snorkellers swimming with dwarf minke whales are designed to minimise potential negative impacts on the whales, and at the same time, maximise the positive experience for the human participants. These protocols were developed based on studies conducted by researchers from James Cook University, the Museum of Tropical Queensland and *Undersea Explorer*, working in collaboration with the diving industry since 1996.

The Code of Practice was originally proposed in Arnold and Birtles (1999) and subsequently revised in Birtles, Arnold, Curnock, Valentine and Dunstan (2001). In 2002, operators conducting swimming with dwarf minke whales activities came together in a workshop and voluntarily adopted the Code of Practice to guide the conduct of their interactions with dwarf minke whales.

In 2003 the Great Barrier Reef Marine Park Authority (GBRMPA) introduced permits to conduct swimming-with-whales activities in the Cairns/Cooktown Management Area of the Marine Park. Nine Marine Parks permits were issued and the industry was capped at this level while research into the sustainability of these interactions was undertaken.

Permit conditions for swimming-with-whales endorsed operators include:

1. Adherence to this Code of Practice
2. The completion and submission of Whale Sighting Sheets for all dwarf minke whale encounters.

A six-year monitoring program was implemented in 2003, funded by the GBRMPA, with research and monitoring carried out by Minke Whale Project (MWP) researchers from James Cook University and the Museum of Tropical Queensland. This monitoring program included analyses of the Whale Sighting Sheets and reporting of results to swimming-with-whales endorsed tourism operators, Marine Park managers and other key stakeholders at pre and post-season workshops.

II. AN ADAPTIVE CODE OF PRACTICE

This Code of Practice has been developed collaboratively, based on the best available scientific information, with input from key stakeholders including swimming-with-whales endorsed tourism operators, MWP researchers, staff from the GBRMPA and the Queensland Environmental Protection Agency, and key national and international NGOs. The Code of Practice will be reviewed periodically and amendments made as necessary, as part of an adaptive management approach.

Key changes to the Code of Practice since 2002 include:

- Incorporating the Protocols for Vessel Approach and Departure and Interactions with a Cow and Calf (both voluntarily adopted by the industry in 2006).
- Updating the 'black letter law' protocols (in **bold text**) to be consistent with new Environment Protection and Biodiversity Conservation (EPBC) and GBRMP Regulations.
- A new diagram to represent the Vessel Approach Protocol.
- Clarification of the activities that swimming-with-whales endorsed vessels are permitted to conduct (and therefore those that vessels without a swimming-with-whales endorsement are not permitted to conduct).
- Additional background information about the development and context of this Code of Practice and research by the MWP.
- Sorting the detailed protocols into five clear sections.
- New explanation boxes to help interpret dwarf minke whale behaviours, identify calves, enhance the swimming-with-whales experience and give reasons for particular protocols.
- New protocols regarding the use of ropes.

Tourism operators conducting swimming-with-whales activities are required to have a Marine Parks permit that lists swimming-with-whales as an endorsed activity. This specific endorsement allows these operators to:

- Place swimmers in the water for the purpose of swimming with whales
- Place swimmers in the water less than 100m (but not closer than 30m) from dwarf minke whales
- Use an aircraft or additional vessel to find whales.

Vessels that do not have this specific endorsement are not permitted to conduct the above activities and must adhere to the *Great Barrier Reef Marine Park Regulations 1983* at all times when interacting with whales.

Vessels that are not endorsed for swimming-with-whales must not place swimmers in the water closer than 100m to a whale and must not place swimmers in the water for the purpose of swimming with whales.

III. LEGAL REQUIREMENTS

The current legal requirements relating to whale watching (which includes swimming-with-whales) seek to minimise the impacts of these activities on whales while, at the same time, allowing humans to enjoy the experience of interacting 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' responses to contact with boats and people. As we learn more about dwarf minke whales and their responses to interaction with humans, additional specific provisions may be developed that complement existing legal requirements.

Legal requirements are highlighted throughout the Code in **bold text**.

Additional specific protocols for swimming-with-whales endorsed tourism operators and recommended best practice guidelines are listed below.

IV. COMPLIANCE

Operators conducting swimming-with-whales activities have agreed that they will implement a self-policing system in addition to any compliance activities undertaken by the GBRMPA's Day-to-Day Management Compliance Unit.

At the 2006 Post-Season Workshop the swimming-with-whales endorsed tourism operators resolved unanimously that they will submit an Incident Report Form to the GBRMPA (and provide the same details to the MWP) should they witness any incident or breach of the existing whale-watching regulations (Note: regulations in the following protocols are indicated in **bold text**).

For observations of 'minor' breaches of non-regulatory protocols in this Code of Practice, the swimming-with-whales endorsed operators agreed that the details will be brought in the first instance to the attention of both the management of the operation concerned and the MWP. The MWP research team will analyse and present a summary of industry compliance reports for such 'minor' breaches during the minke season, commencing at the 2008 Post-Season Workshop.

V. RESEARCH

The main research focuses of the Minke Whale Project (MWP) include dwarf minke whale biology and behaviour, and the sustainable management of their interactions with boats and swimmers in the Great Barrier Reef Marine Park. Over the years the MWP research team has worked closely with the swimming-with-whales endorsed tourism operators to develop high quality interpretive material that helps improve compliance with the Code of Practice and enhances people's experiences when swimming with the whales. This has included passenger brochures, a Minke Whale Information Package, several colour posters, DVDs and an interactive CD-ROM.

Swimming-with-whales endorsed tourism operators have made a substantial contribution to dwarf minke whale research, by collecting additional data from their dwarf minke whale encounters (e.g. Interaction Behaviour Diaries, Vessel Movement Logs, digital photos/video footage for whale identification), collecting passenger questionnaires, and by providing MWP scientists and research volunteers with in-kind places on board trips during the June-July season. A long-term photo-identification study has shown that dwarf minke colour patterns are the most complex of all baleen whales (Arnold, Birtles, Dunstan, Lukoschek & Matthews, 2005) and that individual whales are returning to the same Reef location in many subsequent years (Birtles, Arnold & Dunstan, 2002; Soltzick, Birtles & Marsh, in prep.). When on-board dive tourism vessels, MWP researchers collect a range of additional data from dwarf minke whale interactions and usually present biology slideshows to crew and passengers to help improve their overall dwarf minke whale experience. Research results from each season are reported back to the operators at annual workshops.

Whilst many discoveries have been made by the MWP since field studies began, much of the biology, ecology and behaviour of dwarf minke whales is still unknown. Long-term monitoring of key indicators to assess the sustainability of the whales' interactions with boats and swimmers in the Marine Park is continuing, however expanded research into the whales' biology and ecology (e.g. VHF and satellite tracking of within-season movements and their annual migration and also genetic studies) is needed to better understand these knowledge gaps and assist with management of potential external threats to the whales (e.g. climate change events, hunting, collisions and entanglements).

RELEVANT LEGISLATION

Australian

- *Environment Protection and Biodiversity Conservation (EPBC) Regulations 2000 – Part 8 Interacting with Cetaceans*
- *Great Barrier Reef Marine Park Regulations 1983 – Part 4A Interacting with Cetaceans*
- *Great Barrier Reef Marine Park Zoning Plan 2003 – Protected Species*

Queensland

- *Qld Nature Conservation (Whales and Dolphins) Conservation Plan 1997*

Policy and Guidelines

- *Australian National Guidelines for Whale and Dolphin Watching (2005)*
- *Great Barrier Reef Marine Park Authority Operational Policy on Whale and Dolphin Conservation in the Great Barrier Reef Marine Park (2007)*

VI. DETAILED PROTOCOLS

Detailed protocols (including both Regulations and voluntary measures) for interactions with dwarf minke whales are outlined in the following sections:

1. General protocols
2. Vessel approach to whales
3. Vessel departure from whales
4. In-water interaction management
5. Protocols for snorkellers and divers