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INTRODUCTION

Australia is privileged to have 45 species of whales and dolphins that live in or migrate through our waters. Such an abundance of species provides a fabulous opportunity for people to have high quality whale and dolphin watching experiences. These opportunities also enable Australia to have and promote a sustainable industry that allows the public to view and learn about these animals in their natural habitat.

Associated with this is the responsibility to ensure that potential impacts from watching whales and dolphins (either commercially or recreationally) are managed appropriately. The intent of these guidelines is to provide a framework that allows people to observe and interact with whales and dolphins in a way that does not cause harm to the animals.

The Australian National Guidelines for Whale and Dolphin Watching 2005 were developed jointly by all Australian, state and territory governments through the Natural Resource Management Ministerial Council, and represent a consistent national policy for the management of whale and dolphin watching. They build upon and replace the Australian National Guidelines for Cetacean Observation, published in 2000.

AIMS OF THE GUIDELINES

The guidelines set a national standard and aim to:

- minimise the impacts of whale and dolphin watching on individuals and populations of whales and dolphins; and
- ensure that people know how to act appropriately when watching whales and dolphins.

ROLE OF THE GUIDELINES

The guidelines set a national standard and help to inform governments to make consistent decisions when designing policy or legislation for whale and dolphin watching.

The guidelines provide advice on watching whales and dolphins in the wild, including observations from the land, water or air as well as activities such as swimming and diving, feeding, touching, and making noise. They are relevant to all Australian waters (Commonwealth, State and Territory) and cover all people watching whales and dolphins including both commercial operators and the general public.



Image courtesy of Ross Isaacs

ANIMALS IN DISTRESS

For the safety of both people and animals, these guidelines do not apply in situations where whales and dolphins are in distress—e.g. when stranded, entangled, sick or injured.

In these cases all people must only interact with animals under the guidance and approval of the relevant Australian Government, state or territory management authority.

All jurisdictions have laws that prohibit people without approval from interfering (kill, injure, take, trade, keep, move or touch) with whales or dolphins.

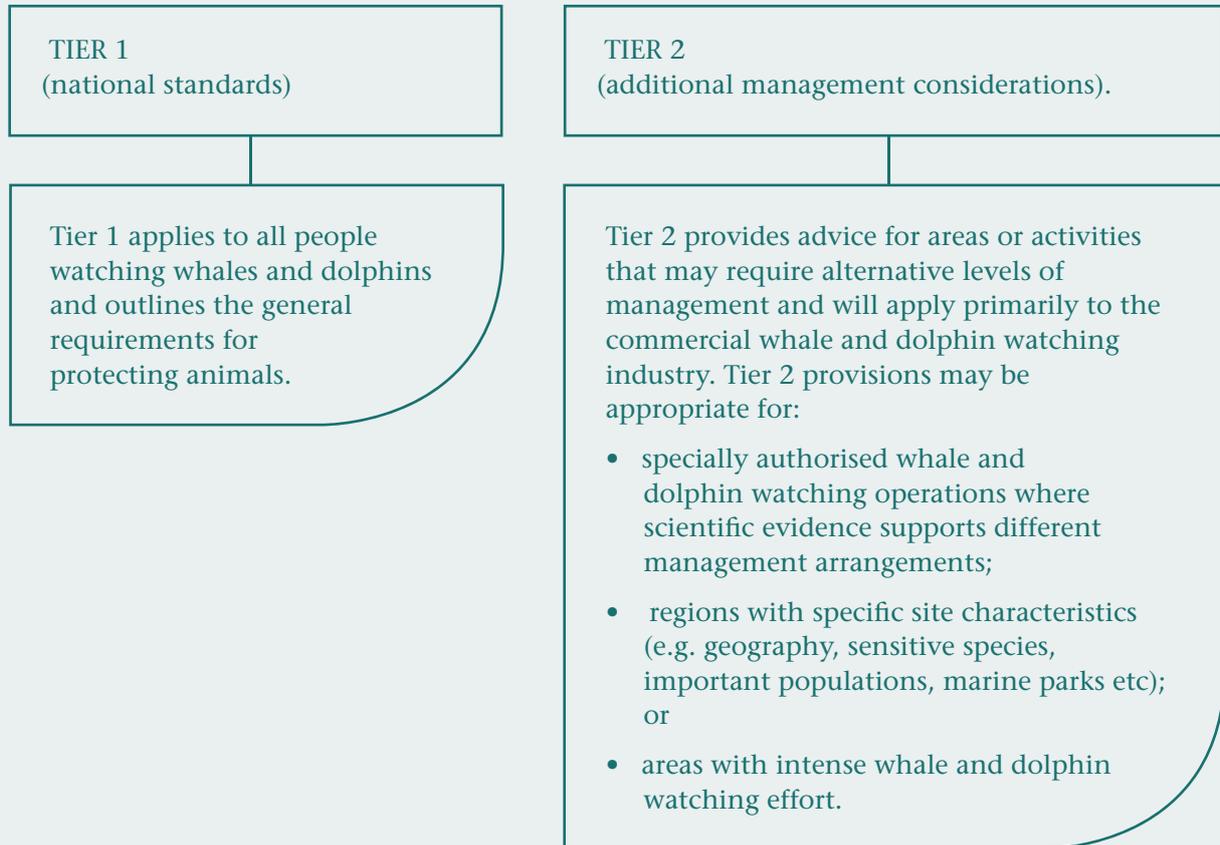
It is important to note that each government in Australia applies these guidelines through various laws and regulations as best suits the situation of the particular jurisdiction. In some cases the laws of a jurisdiction may differ from the guidelines and it is the responsibility of the whale and dolphin watching industry and the public to be aware of the laws that apply.

The relevant laws within each jurisdiction, information about areas of special interest for whale and dolphin watching, and more detailed information about the biology, population status, distribution and habitat of whales and dolphins can be accessed from the following government websites:

- Australian Government Department of the Environment and Heritage
www.deh.gov.au/whales
- Great Barrier Reef Marine Park Authority
www.gbrmpa.gov.au
- New South Wales Department of Environment and Conservation
www.environment.nsw.gov.au
- Northern Territory Department of Infrastructure Planning and Environment
www.ipe.nt.gov.au
- Queensland Environmental Protection Agency
www.epa.qld.gov.au
- South Australian Department for Environment and Heritage
www.environment.sa.gov.au
- Tasmanian Department of Primary Industries, Water and Environment
www.dpiwe.tas.gov.au
- Victorian Department of Sustainability and Environment
www.dse.vic.gov.au
- Western Australian Department of Conservation and Land Management
www.naturebase.net

STRUCTURE OF THE GUIDELINES

The guidelines are organised into two categories—Tier 1 (national standards) and Tier 2 (additional management considerations).



ALLOWING ANIMALS TO INTERACT WITH PEOPLE

For the protection of animals and for the long-term sustainability of the whale and dolphin watching industry, it is important that whale and dolphin watching be conducted in a manner that allows animals to choose the nature and extent of any contact with people.

It is essential that everyone wishing to watch whales and dolphins understands the important distinction between moving towards an animal, and an animal moving towards them. The guidelines refer to active approaches by people and stipulate the distances that people are allowed to move towards whales and dolphins. When those distances are reached, people must stand off and wait.

Sometimes whales and dolphins will move towards people to distances much closer than outlined in the guidelines. This situation is not in conflict with the guidelines.

DISTURBANCE

Whales and dolphins may be disturbed by the presence of people, vessels or aircraft. Disturbance to animals, particularly from cumulative effects, may lead to long-term negative impacts.

Although not well understood, the following are some of the potential problems that may be caused by disturbance:

- disruption of behaviour (e.g. feeding, nursing, mating, migrating and other behaviours);
- displacement from or avoidance of important habitat areas (e.g. resting, feeding, breeding and calving areas);
- stress;
- injury;
- increased mortality; and
- reduced breeding success.

It is important that people recognise signs of disturbance and immediately move away from animals that are disturbed. The following reactions may indicate that a whale or dolphin is disturbed:

- attempts to leave the area or moves away from the vessel quickly or slowly;
- regular changes in direction or speed of swimming;
- hasty dives;
- changes in breathing patterns;
- increased time spent diving compared to time spent at the surface;
- changes in acoustic behaviour; and
- aggressive behaviours such as tail slashes, and trumpet blows.

EDUCATION

The whale and dolphin watching industry provides an opportunity to educate the public about the habitat and behaviour of these animals.

To be considered 'best practice', operators should provide an educational component to their tours. It is recommended that operators educate their customers about the rules and guidelines that exist at state and national levels to guide operators and protect whales and dolphins.

Australian Government, state or territory management authorities also have a responsibility to work with the whale and dolphin watching industry to develop and improve the content and quality of educational material provided to clients. The training and where appropriate accreditation of all people involved in the industry—owners, operators and their staff—is strongly encouraged.



Image courtesy of The Great Barrier Reef Marine Park Authority

WHALES AND DOLPHINS IN AUSTRALIAN WATERS

For the purposes of these guidelines, ‘dolphins’ are those species that are part of the taxonomic Family Delphinidae. All other species should be considered ‘whales’.

While there are 45 species of whales and dolphins found in our waters, a much smaller number of species are commonly encountered when whale and dolphin watching. These include:

WHALES

- Blue whale
- Bryde’s whale
- Humpback whale
- Minke whale
- Southern right whale
- Sperm whale

DOLPHINS

- Bottlenose dolphin
- Common dolphin
- False killer whale
- Indo-Pacific humpback dolphin
- Killer whale
- Pilot whale
- Australian snubfin dolphin (Irrawaddy)
- Spinner dolphin

More information about whales and dolphins can be found on the Australian Government Department of the Environment and Heritage website – www.deh.gov.au/whales

ANIMALS OF SPECIAL INTEREST

In some circumstances, greater levels of protection than stipulated in these guidelines may be required for individual or groups of whales or dolphins. Jurisdictions may choose to apply additional management measures for these ‘animals of special interest’ in order to ensure the safety of both people and animals.

VESSELS

One of the most common ways of watching a whale or dolphin in their natural habitat is through the use of a vessel. However, inappropriate vessel use may lead to a range of negative impacts.

Although the full effects are unknown, some of the possible impacts of vessel presence on whales and dolphins include: disruption of important behaviour; displacement from or avoidance of important habitat areas; stress; injury; increased mortality and reduced breeding success.

If vessels are managed appropriately the impacts of whale and dolphin watching can be minimised. Vessels should be manoeuvred with care around whales and dolphins, and erratic vessel behaviour around animals should not occur. Responsible vessel operation, for example by allowing animals the choice to interact, will not only minimise impacts but also provide people with a more enjoyable experience.

PROHIBITED VESSELS

Certain vessels are prohibited for use in whale and dolphin watching. These include all personal motorised watercraft (e.g. jet skis and underwater scooters), parasails, remotely operated craft, wing-in-ground effect craft, and hovercraft.

Prohibited vessels should not approach closer than 300m to any whale or dolphin. If a prohibited vessel incidentally moves to within this distance it should slow down and avoid the whale or dolphin, moving away from the animal at a no wake speed to at least 300m.

ALLOWABLE VESSELS

Vessels to which the national standards apply include all other motorised, paddle and/or sail craft (e.g. motorboats, yachts, kayaks, canoes, surfskis, inflatable craft).

NATIONAL STANDARDS FOR VESSELS (TIER 1)

In order to minimise potential impacts on whales and dolphins, vessels should comply with the approach distances and operating procedures outlined in these guidelines and summarised in Table 1.

Note, if a whale or dolphin surfaces in the vicinity of your vessel when you are travelling for a purpose other than whale and dolphin watching, take all care necessary to avoid collisions. This may include stopping, slowing down and/or steering away from the animal.

WHALES

Figure 1 illustrates the allowable approach distances for whales. The caution zone (shown in yellow) is the area within 300m either side of a whale. No more than three vessels are allowed within the caution zone at any one time and vessels should operate at no wake speeds within this zone.

The no approach zone is within 100m of a whale, and also includes the area directly in front of or behind a whale out to 300m. Vessels should not enter the no approach zone and should not wait in front of the direction of travel of an animal or pod of animals. Vessels should also avoid repeated attempts to interact with whales if they show signs of disturbance.

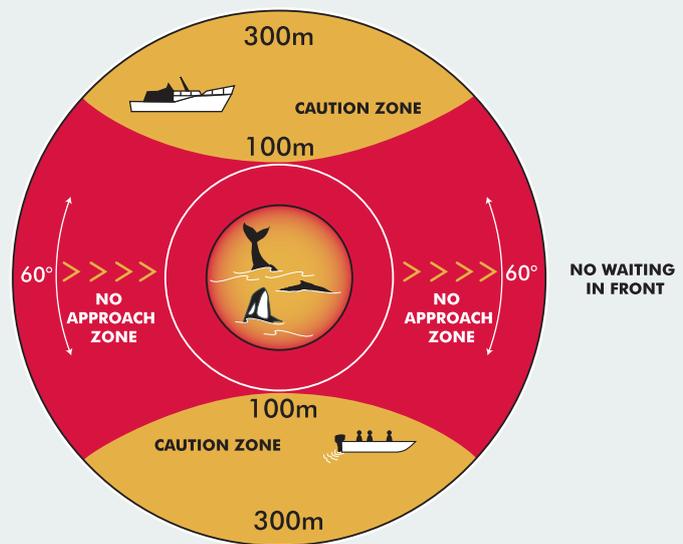


Figure 1 – approach distances for whales

DOLPHINS

Figure 2 illustrates the allowable approach distances for dolphins. The caution zone (shown in yellow) is the area within 150m either side of a dolphin. No more than three vessels are allowed within the caution zone at any one time and vessels should operate at no wake speeds within this zone.

The no approach zone is within 50m of a dolphin, and also includes the area directly in front of or behind a dolphin out to 150m. Vessels should not enter the no approach zone and should not wait in front of the direction of travel of an animal or pod of animals. Vessels should also avoid repeated attempts to interact with dolphins if they show signs of disturbance.

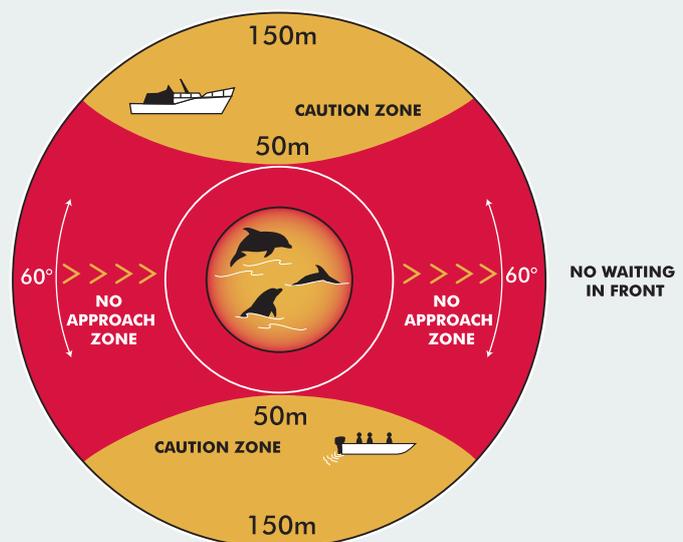


Figure 2 – approach distances for dolphins



Image courtesy of The Great Barrier Reef Marine Park Authority

REQUIREMENTS	DISTANCE TO A WHALE	DISTANCE TO A DOLPHIN
CAUTION ZONE <ul style="list-style-type: none"> • no wake speed • maximum of 3 vessels • do not enter caution zone if animals are stranded, entangled or distressed 	BETWEEN 300 and 100 metres	BETWEEN 150 and 50 metres
NO APPROACH ZONE <ul style="list-style-type: none"> • do not enter • no waiting in front of direction of travel • do not approach from the rear 	WITHIN 100 metres	WITHIN 50 metres
BOW RIDING <ul style="list-style-type: none"> • do not deliberately encourage bow riding • when animals are bow riding—do not change course or speed suddenly • if there is a need to stop—reduce speed gradually 		

CONFINED WATERWAYS

In confined or crowded waterways such as bays, estuaries, channels and rivers it may not be possible for vessels to maintain approach distances or the appropriate number of boats within the caution zone. In these instances take all necessary caution to avoid whales and dolphins.

OPERATION OF VESSELS WHEN WATCHING WHALES AND DOLPHINS

Along with complying with the caution zone and no approach zone surrounding whales and dolphins, vessels must be operated around animals in an appropriate manner.

The recommended and most effective method of approaching a whale or dolphin is from the side and slightly to the rear of the animal. Do not intercept the path of travel or approach head-on, and do not pursue whales and dolphins.

ENTERING AND WITHIN THE CAUTION ZONE

When entering and within the caution zone vessels should be operated with caution to avoid disturbing whales and dolphins. Vessels should:

- be limited to no more than three vessels within the caution zone at any one time;
- not be deliberately placed to drift into the no approach zone;
- move at slow speed and avoid making sudden or repeated changes in direction;
- avoid making sudden or excessive noise (including from the people on board);
- not restrict the movement of animals in against the shore; and
- not approach calves or pods containing calves. For the purposes of these guidelines, a calf is defined as an animal which is less than half the length of the mother to which it usually remains in close proximity.

If a whale or dolphin shows signs of avoidance or disturbance, vessels should cease attempting to watch the animals and move at once outside the caution zone at a no wake speed.

LEAVING THE CAUTION ZONE

When leaving whales and dolphins, vessels should move off at a slow no wake speed gradually increasing speed when reaching the limit of the caution zone from the closest animal.

BOW RIDING

Vessels should not seek to deliberately encourage animals to bow ride. However, in the event that dolphins or small whales bow ride, vessels should maintain course and speed. In cases where vessels need to stop, this should be done through a gradual reduction in speed.

DISTURBANCE

The following reactions may indicate that a whale or dolphin is disturbed:

- attempts to leave the area or vessel (quickly or slowly);
- regular changes in direction or speed of swimming;
- hasty dives;
- changes in breathing patterns;
- increased time spent diving compared to time spent at the surface;
- changes in acoustic behaviour; and
- aggressive behaviours such as tail slashes, and trumpet blows.

ADDITIONAL MANAGEMENT CONSIDERATIONS FOR VESSELS (TIER 2)

Many species of whale and dolphin are resident in or dependent upon specific areas for their survival. In these areas there is a greater potential for vessels to have a detrimental impact.

Impacts can include disruption of important behaviour, displacement from or avoidance of important habitat areas, stress, injury, increased mortality and reduced breeding success. In these areas, or areas where there is a substantial whale and dolphin watching industry there may be a need to establish additional management measures. These measures (Tier 2) may be applied through various administrative means including regulations, permits, licenses and management plans.

Additional management measures may lead to a range of different outcomes to those outlined in the national standards, including the potential to allow closer interactions than specified in Tier 1. Closer interactions may be appropriate in some situations because of the geography of the local area (e.g. due to the shape and nature of inlets) and/or due to more stringent restrictions on other elements of vessel operation (e.g. limits on the time spent with animals, number of trips per day etc).

Given that for many whale and dolphin species, the time and intensity of watching may also have a significant impact on a population it is recommended that the following issues be considered when developing additional management measures for vessels:

- maximum watching time with a pod;
- maximum cumulative watching time from all vessels with a pod/population per day;
- time required between successive watching attempts;
- establishment of no approach times (e.g. when the animals are likely to be feeding, resting etc);
- the need for temporal or spatial exclusion zones;
- the need to restrict the numbers of vessels; and
- conducting research on the species biology and behaviour, seasonal requirements and habitat requirements.

In some instances, such as for scientific or educational purposes, or commercial filming it may be necessary for vessels to approach closer to a whale or dolphin than outlined in the national standards (Tier 1). This may only occur under the authorisation of the relevant state, territory or Australian Government agency.

In these cases all vessels must operate within the conditions of authorisation.

AIRCRAFT

Aircraft may disturb whales and dolphins due to their speed, noise, shadow, or downdraft in the case of helicopters.

Aircraft should be operated in accordance with the provisions outlined below. Note, these provisions do not apply where general civil aviation rules do not allow for the requirements to be met (e.g. due to take off and landing requirements).

NATIONAL STANDARDS FOR AIRCRAFT (TIER 1)

HELICOPTERS (INCLUDING GYROCOPTERS)

As illustrated in Figure 3, a person operating a helicopter or gyrocopter in the vicinity of whales and dolphins must:

- not fly lower than 500m (1650 feet) within a 500m (1650 feet) radius of a whale or dolphin;
- not hover over the no fly zone;
- avoid approaching a whale or dolphin from head on;
- avoid flying directly over, or passing the shadow of the helicopter directly over a whale or dolphin; and
- cease the activity if the whale or dolphin shows signs of disturbance.

OTHER AIRCRAFT

As illustrated in Figure 4, a person operating any other airborne craft including fixed wing, gliders, hang-gliders, hot air balloons and airships in the vicinity of whales and dolphins must:

- not fly lower than 300m (1000 feet) within a 300m (1000 feet) radius of a whale or dolphin;
- not approach a whale or dolphin from head on;
- not land on the water to observe whales or dolphins;
- avoid flying directly over, or passing the shadow of the aircraft directly over a whale or dolphin; and
- cease the activity if the whale or dolphin shows signs of disturbance.

DISTURBANCE

The following reactions may indicate that a whale or dolphin is disturbed:

- attempts to leave the area or vessel (quickly or slowly);
- regular changes in direction or speed of swimming;
- hasty dives;
- changes in breathing patterns;
- increased time spent diving compared to time spent at the surface;
- changes in acoustic behaviour; and
- aggressive behaviours such as tail slashes, and trumpet blows.

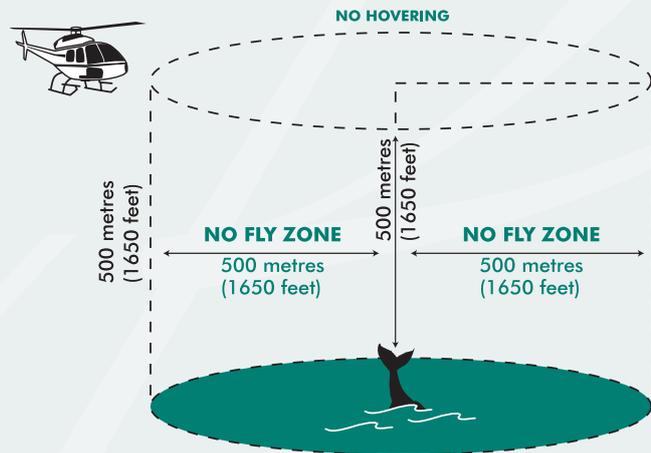


Figure 3 - approach distances for helicopters

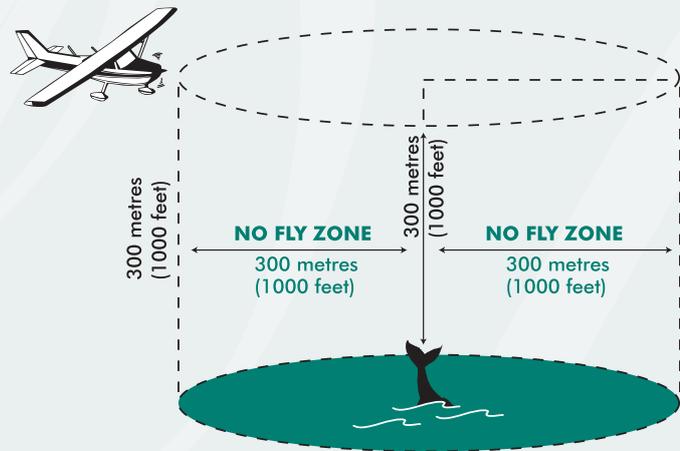


Figure 4 – approach distances for aircraft

ADDITIONAL MANAGEMENT CONSIDERATIONS FOR AIRCRAFT (TIER 2)

In some instances such as for scientific or educational purposes, or commercial filming it may be necessary for aircraft to approach closer to a whale or dolphin than outlined in the national standards.

This may only occur under the authorisation of the relevant state, territory or Australian Government agency. In these cases all aircraft must operate within the conditions of authorisation.

SWIMMING AND DIVING

Swimming (which includes snorkelling) or diving with a whale or dolphin may place both people and animals at risk. Risks to humans include injury and possible death from forceful interactions, and transmission of diseases. The greatest risk to whales and dolphins may be from the misuse of vessels and the inappropriate placement of people in the water, forcing animals to actively avoid interaction.

In Australia these impacts and risks are minimised by ensuring that swim programs are conducted by people who are authorised by the relevant state, territory or Australian Government agency to operate swimming programs or for scientific or educational purposes, and limiting diving to those people who are authorised for scientific or educational purposes.

Only people operating under authorisation should deliberately swim or dive in the vicinity of a whale or dolphin.

NATIONAL STANDARDS FOR SWIMMING AND DIVING (TIER 1)

Deliberately swimming or diving (including the use of SCUBA or hookah gear) with whales and dolphins is prohibited unless under the authorisation of the relevant state, territory or Australian Government agency. If incidentally in the vicinity of a whale or dolphin:

- Swimmers (including snorkellers) and divers should not enter the water closer than 100m to a whale or 50m to a dolphin, and should not approach closer than 30m to any animal.
- Sometimes whales or dolphins will approach or pass close to swimmers or divers. In this situation you are not in contravention of the guidelines. If approached by a whale or dolphin move slowly to avoid startling the animal and do not attempt to touch it or swim toward it.



Image courtesy of Robert Thorn

ADDITIONAL MANAGEMENT CONSIDERATIONS FOR SWIMMING AND DIVING (TIER 2)

AUTHORISED SWIMMING PROGRAMS

In order to ensure the long-term sustainability of swimming operations, commercial swim programs should be accompanied by ongoing research to monitor whale and dolphin responses to swimmers, and to help track any changes in animal behaviour that may have implications for animals or people. Consideration should also be given to undertaking research prior to the development or expansion of operations. Research should focus on the biology and behaviour, seasonal requirements, and habitat requirements of the target population of whales or dolphins.

Authorised swim programs may in some cases allow for closer interactions than those specified in Tier 1 because of more stringent restrictions on swimmer behaviour and due to increased management oversight from the relevant Australian Government, state or territory management authority.

Specific issues to be considered when developing or reviewing swimming operations include:

- limits on the number of vessels and/or swimmers;
- maximum watching time with a pod/population per day including:
 - maximum time for each interaction;*
 - time required between successive swim attempts; and*
 - maximum cumulative watching time from all vessels/swimmers;*
- establishment of no approach times (e.g. when the animals are likely to be feeding, resting etc);
- the need for temporal or spatial exclusion zones;
- distance of swimmers to animals; and
- the use of mermaid lines or boom nets.



Image courtesy of The Great Barrier Reef Marine Park Authority

Vessels should be operated in accordance with applicable parts of these guidelines and any other regulations, codes of practice or restrictions applicable to the area and species. Vessels should not actively tow swimmers and no other vessel should be closer than 100m to a vessel conducting swims.

Operators should not place swimmers directly in the path of an animal or group of animals. Swimming should not occur with whale or dolphin calves, or pods containing calves. For the purposes of these guidelines, a calf is defined as an animal which is less than half the length of the mother to which it usually remains in close proximity.

Attempts at swimming with whales or dolphins should stop if the animals show signs of disturbance.

DISTURBANCE

The following reactions may indicate that a whale or dolphin is disturbed:

- attempts to leave the area or vessel (quickly or slowly);
- regular changes in direction or speed of swimming;
- hasty dives;
- changes in breathing patterns;
- increased time spent diving compared to time spent at the surface;
- changes in acoustic behaviour; and
- aggressive behaviours such as tail slashes, and trumpet blows.

SCIENTIFIC OR EDUCATIONAL PURPOSES

In some instances, such as for scientific or educational purposes, it may be necessary for swimmers or divers to deliberately interact with whales or dolphins. This may only be carried out under the authorisation of the relevant state, territory or Australian Government agency. In these cases swimmers or divers must operate within the conditions of authorisation.

LAND

Watching from land causes the least disturbance to whales and dolphins. Cliffs and headlands can provide excellent vantage points for viewing many different species of whales and dolphins.

It is important to be aware of the impact you may have on the environment and remember coastal dunes and headlands can be sensitive areas.

STRANDED ANIMALS

For the safety of both people and animals, people must avoid interacting with stranded animals unless under the guidance and approval of the relevant Australian Government, state or territory management authority.

All jurisdictions have laws that prohibit people without approval from interfering (kill, injure, take, trade, keep, move or touch) with whales or dolphins.

FEEDING

There are environmental, health and safety concerns associated with deliberate feeding of whales and dolphins. In most cases feeding by humans has been shown to have adverse effects, sometimes severe, on the whales and dolphins concerned.

Only people operating within a specially authorised feeding program should deliberately feed a whale or dolphin.

NATIONAL STANDARDS FOR FEEDING (TIER 1)

A person should not deliberately feed or attempt to feed a wild whale or dolphin.

This includes throwing food or rubbish in the water in the vicinity of whales and dolphins, and feeding from boats.

ADDITIONAL MANAGEMENT CONSIDERATIONS FOR FEEDING (TIER 2)

FEEDING PROGRAMS

Feeding is permitted only under programs authorised by the relevant Australian Government, state or territory agency. In these cases feeding programs must operate within the conditions of authorisation. There should be no further establishment or expansion of feeding programs.

All existing feeding programs should be accompanied by ongoing research to monitor whale and dolphin responses to help track any changes in animal behaviour that may have implications for animals or people.

TOUCHING

Touching whales and dolphins is not permitted unless under the guidance and approval of the relevant Australian Government, state or territory management authority.

If you are approached by a whale or dolphin, avoid touching or sudden movements that might startle it.

NOISE

Whales and dolphins have sensitive hearing and sound plays an important role in their communication, navigation and prey location.

Noise that humans introduce into the environment can mask important sounds or damage animals hearing. It is very difficult to determine how whales and dolphins may react to a particular sound or how severe the effects may be, so production of noise should be minimised.

- Vessels and aircraft should be maintained in good condition to minimise the transfer of noise into the water.
- Avoid making loud or sudden noises near whales or dolphins. If a whale or dolphin comes close to shore or your boat, remain quiet.
- Do not intentionally make any noise to attract whales or dolphins. This includes playback of underwater sound of recorded whale or dolphin sounds or song.

