

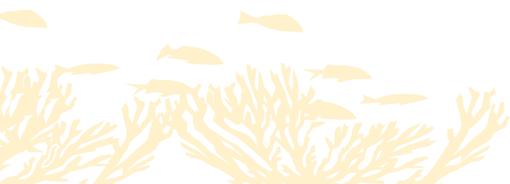


**Australian Government**  
**Great Barrier Reef**  
**Marine Park Authority**

# Operational Policy on Whale and Dolphin Conservation in the Great Barrier Reef Marine Park

Approved 4 February 2000  
Amended 16 March 2000  
Amended 13 April 2007

*our great barrier reef*  
*let's keep it great*



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**OPERATIONAL POLICY ON WHALE AND DOLPHIN CONSERVATION  
IN THE GREAT BARRIER REEF MARINE PARK**

13 April 2007

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## **OPERATIONAL POLICY**

**Summary:** To provide a framework for the conservation of whales and dolphins by partnering with reef users and managing their activities within the Great Barrier Reef Marine Park.

**This operational policy implements the Great Barrier Reef Marine Park Authority's obligations under the Australian Government's *Australian National Guidelines for Whale and Dolphin Watching 2005* and *Humpback Whale Recovery Plan 2005-2010*.**

### **DISCLAIMERS**

- *This operational policy should be read in conjunction with, and subject to, the **Great Barrier Reef Marine Park Act 1975** and to the extent relevant, all instruments made thereunder.*
- *Nothing in this operational policy and associated guidelines is intended to extinguish any native title rights and interests, and in particular, nothing in this operational policy and associated guidelines is intended to affect the operation of section 211 of the **Native Title Act 1993**.*

### *General*

1. The Great Barrier Reef Marine Park Authority (the Authority) will develop performance indicators, where possible and when required, to assess the effectiveness of conservation and management actions relating to whales and dolphins in the Great Barrier Reef Marine Park (the Marine Park).

### *Priority species, populations and individual animals*

2. The Authority will concentrate management efforts on whale and dolphin species in the Marine Park for which a particular conservation or management concern is identified.

Initially these priority species include the:

- Humpback whale (*Megaptera novaeangliae*)
- Dwarf minke whale (*Balaenoptera acutorostrata* subspecies)
- Australian snubfin dolphin (*Orcaella heisohni*)
- Indo-Pacific humpback dolphin (*Sousa chinensis*).

3. The Authority, in consultation with the Queensland Environmental Protection Agency, the Department of the Environment and Water Resources, Marine Park industries and the community, will take appropriate measures to identify and protect individual whales or dolphins, or groups of whales or dolphins that require special management in the Marine Park.

### *Information priorities*

4. The Authority will encourage, and where appropriate coordinate, the gathering of reliable information about whales and dolphins in the Marine Park. Emphasis will be placed on:
  - Improving our understanding of priority species
  - Identifying key whale and dolphin habitats
  - Assessing threats to whales and dolphins and ways to mitigate those threats.

5. The Authority will encourage appropriate scientific research on topics that are considered high priorities for Marine Park management purposes and will, where possible, assist in funding such studies.
6. The Authority will work with stakeholders of the Marine Park to collect information on whales and dolphins through voluntary and mandatory data collection and environmental reporting programmes.
7. The Authority acknowledges the importance of the Queensland Environmental Protection Agency's Marine Animal Strandings Program in identifying threats to whales and dolphins, in particular human related causes of injury and mortality of whales and dolphins in the Marine Park.

*Educational programmes and codes of practice*

8. The Authority will coordinate the development of appropriate educational programmes and materials that provide general information about:
  - Whales and dolphins
  - Possible effects of human activities on whales and dolphins
  - Ways to reduce the effects of human activities on whales and dolphins.
9. The Authority will work with Marine Park stakeholders to develop, review and evaluate codes of practice as required.

*Management of vessels and aircraft*

10. The Authority recognises that increasing vessel use of the Marine Park combined with an increasing humpback whale population, the focal species for whale watching activities, will result in increased interactions in the Marine Park.
11. The Authority will develop, review and amend, as required, regulations relating to interactions with whales and dolphins in the Marine Park.
12. Whale watching that occurs incidentally in the Marine Park does not require the listing of the activity on the permission from the Authority if conducted in accordance with the *Great Barrier Reef Marine Park Regulations 1983*.
13. The Authority may grant exemptions to the regulations relating to interactions with whales and dolphins in the Marine Park for a swimming-with-whales activity, scientific or educational purpose, or commercial filming in accordance with the Authority's policy on *Managing Activities That Include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park*.
14. The Authority may identify areas in the Marine Park, through monitoring, research or public consultation that:
  - Are considered important habitat (e.g. resting, calving, mating) for whales or dolphins or
  - Require special management of human related impacts on whales or dolphins (e.g. reducing interactions between whales and vessels).
 Suitable areas may be designated as Species Conservation (Whale or Dolphin Protection) Special Management Areas under the *Great Barrier Reef Marine Park Regulations 1983*.

15. Within Species Conservation (Whale or Dolphin Protection) Special Management Areas the Authority may:
- Not allow swimming-with-whales activities to occur
  - Not allow dedicated whale watching activities to occur
  - Not allow a vessel approach distance closer than 300m to a whale
  - Include other provisions (e.g. permanent or seasonal restrictions on some human activities, modification of activities) as required, after public consultation, to ensure the conservation and orderly and proper management of whales and dolphins in the Marine Park.
16. The Authority will implement, where necessary and when required, specific actions to ensure compliance with regulations relating to interactions with whales and dolphins in the Marine Park.

### *Tourism*

17. The Authority recognises and supports the role that Marine Park tourism operators can play in whale and dolphin conservation and education. The Authority will work with the tourism industry to:
- Promote best practice for whale and dolphin watching
  - Increase visitor awareness of whale and dolphin conservation
  - Promote appropriately certified high standard tourism operations
  - Increase the number of Marine Park operators appropriately certified through an external certification scheme.
18. The Authority intends to allow dedicated whale watching activities to occur in the Marine Park as part of a tourist program provided:
- The tourist program is appropriately certified and recognised as high standard by the Authority and
  - The activity is listed on the permission from the Authority.

Dedicated whale watching in the Mackay/Capricorn Management Area will be implemented provided areas in this Management Area have been identified as potential Species Conservation (Whale or Dolphin Protection) Special Management Areas.

A grace period of two years will be enacted to allow tourism operators with the whale watching activity on their permission, at the time this policy is introduced, to become appropriately certified and recognised as high standard by the Authority.

19. The Authority reserves the right to change whale watching and dedicated whale watching activities if the activities are, or could be, reasonably found to negatively impact whales or dolphins in the Marine Park. Where possible, any changes to these activities will be made in consultation with those people affected by the changes.
20. Swimming-with-whales activities in the Marine Park require the listing of the activity and the focal species on the permission from the Authority. This activity will also be managed through regulations governing interactions with whales and dolphins, education, codes of practice and other measures as the Authority deems necessary.
21. The Authority will only permit a maximum of nine swimming-with-whales activities in the Offshore Port Douglas and Ribbon Reefs Sectors of the Cairns Planning Area for

interactions with dwarf minke whales until a review of management arrangements occurs following the completion of the Dwarf Minke Whale Tourism Monitoring Programme.

22. The Authority will only consider allowing swimming-with-whales activities for species other than the dwarf minke whale, or in areas of the Marine Park other than the Offshore Port Douglas and Ribbon Reefs Sectors of the Cairns Planning Area, if there is an Authority-approved, scientifically valid research programme implemented to evaluate the likely effects of the activity on the species.

*Management of other human activities*

23. The Authority and the Department of Defence have conducted a comprehensive strategic assessment of all military activities conducted in the Marine Park. The Department of Defence is committed to the standards obligated by the strategic assessment, and to consult with the Authority when changes are proposed to the conduct of assessed activities. The Authority will continue to work with the Department of Defence to manage the potential for defence activities to impact on whales and dolphins in the Marine Park.
24. The Authority will continue to work with the Queensland Government to minimise interactions between commercial and recreational fishing activities and the Queensland Shark Control Program with whales and dolphins. This will include:
  - The identification of high-risk areas in the Marine Park for interactions between netting activities in the East Coast Inshore Finfish Fishery and the Queensland Shark Control Program, and humpback whales and inshore dolphins
  - The implementation of appropriate management actions to minimise interactions in these high-risk areas.
25. The Authority will only allow, through written permission, the deliberate feeding, or attempted feeding of whales and dolphins in the Marine Park under exceptional circumstances (such as caring for sick, injured, trapped or entangled individuals).
26. The Authority will consider possible direct, indirect and cumulative effects on whales and dolphins when assessing applications for permission under the *Great Barrier Reef Marine Park Regulations 1983* to undertake activities in the Marine Park and when developing or amending plans of management or site management arrangements.
27. The Authority will consider possible direct, indirect and cumulative effects on whales and dolphins when determining appropriate management strategies for human-related use of the Marine Park.

## **BACKGROUND**

### **TITLE**

Operational Policy on Whale and Dolphin Conservation in the Great Barrier Reef Marine Park

### **PREFACE**

#### **Policy maker and empowerment**

Great Barrier Reef Marine Park Authority (by board decision, MPA 181/7)

#### **Timing**

MPA 201 - 2007

#### **Editor's note**

This operational policy implements a revised management strategy that ensures continued conservation of whales and dolphins through effective management of human use in the Marine Park.

#### **Head notes**

Complementary Planning/Management: Conservation: Dolphins: Endangered Species: Environment Impact Assessment: Impacts of Use: Management Guidelines: Permit Matters: Protected Species: Research: Take: Tourism: Whales.

### **PURPOSE**

The purpose of this operational policy is to provide a framework for the conservation of whales and dolphins by partnering with reef users and managing their activities within the Marine Park.

This operational policy implements the Great Barrier Reef Marine Park Authority's obligations under the Australian Government's *Australian National Guidelines for Whale and Dolphin Watching 2005* and *Humpback Whale Recovery Plan 2005-2010*.

This operational policy seeks to be proactive rather than reactive, and therefore addresses current issues while also anticipating potential future issues to the extent possible.

The issues covered by this operational policy include: priority species, populations and individual animals; information priorities; educational programmes and codes of practice; management of vessels and aircraft; tourism; management of other human activities.

#### **Relevant statute law, or other Authority policy, Ministerial decisions**

*Great Barrier Reef Marine Park Act 1975* (the Act)

Section 3 contains interpretation, including that "this Act" includes the regulations.

Section 5 states the object of this Act, which is to make provision for and in relation to the establishment, control, care and development of a marine park in the Great Barrier Reef Region in accordance with the provisions of this Act.

Section 7 states the functions of the Authority and provides that the Authority is responsible for the management of the Marine Park.

Specifically subsection 7(1)(b) states that among the functions of the Authority, the need to carry out, by itself or in co-operation with other

	institutions and persons, research and investigations relevant to the Marine Park.
Section 8	empowers the Authority to do all things necessary or convenient to be done for or in connection with the performance of its functions.
Section 38B	prohibits a person from using or entering a zone for a purpose requiring the Authority's permission unless authorised by such a permission.
Section 38C	prohibits contravention of permission conditions.
Section 38K	establishes offences involving the use of vessels or aircraft.
Section 61	empowers the Authority to delegate any of its powers under this Act, other than this power of delegation.
Section 66	empowers the Authority to create regulations including for the purpose of regulating the conduct of persons in the Marine Park and the use of vessels and aircraft in the Marine Park.

*Great Barrier Reef Marine Park Regulations 1983 (the Regulations)*

Regulation 29	defines, for the purposes of the <i>Great Barrier Reef Marine Park Zoning Plan 2003</i> , the species that are declared as protected species.
Regulation 45	states the different types of special management areas.
Regulations 74, 75, 76, 77	states how an application must be made, information required, what the Authority must consider in applications for permission to use or enter into a zone including the need to ensure that whale watching and swimming-with-whales activities do not adversely affect a cetacean.
Regulation 110	states that the Authority may suspend a permission if it appears to the Authority that the permission holder is failing to comply with a condition of that permission.
Regulation 112	states that the Authority may revoke a permission if, 60 days after suspension of the permission, the permission holder continues to fail to comply with the condition.
Regulation 117	states that the Authority must not grant a permission to use or enter or carry on an activity in the Marine Park unless the Authority has made an assessment of the impact the use, entry or activity is likely to have on the Marine Park and the Great Barrier Reef.
Part 4A	relates to interactions with cetaceans, including provisions relating to the use of vessels and aircraft, feeding, touching, sudden movements, swimming with cetaceans, exemptions and transitional arrangements.

Statute law relevant though not specific to the Marine Park:

*Environment Protection and Biodiversity Conservation Act 1999*

*Fisheries Act 1994*

*Marine Parks Act 1982 and Marine Parks Act 2004*

*Native Title Act 1993*

*Native Title (Queensland) Act 1993*

*Nature Conservation Act 1992*

*Transport Operations (Marine Safety) Act 1995 (Queensland)*

*25 Year Strategic Plan for the Great Barrier Reef World Heritage Area*

The 25 Year Strategic Plan recognised the importance of species conservation as a strategic management tool, and is identified as one of the main objectives:

25-year objective	to ensure the World Heritage Area persists as a diverse, resilient, productive ecosystem
5-year objective	to pay special attention to conserving rare and endangered species
5-year strategies	to identify species and threats, and develop and implement coordinated management actions.

*Marine Park Authority (MPA) Board policy*

- MPA 177A/5 in 2000 approved the Whale and Dolphin Conservation Policy
- MPA 179/4 in 2000 approved the addendum to that policy in relation to swimming-with-whales activities.

*Ministerial Decisions*

- *Australian National Guidelines for Whale and Dolphin Watching 2005* –approved by the Natural Resource Management Ministerial Council in October 2005.
- *Humpback Whale Recovery Plan 2005-2010*
- *Blue, Fin and Sei Whale Recovery Plan 2005-2010*

**Justification for this policy**

The justification for this operational policy is at Attachment 1.

**DEFINITIONS**

(from the Act, Regulations, Zoning Plan, Plans of Management or policy documents)

<b><i>Appropriately certified</i></b>	having a valid certification from a certification scheme approved by the Great Barrier Reef Marine Park Authority.
<b><i>calf</i></b>	for a cetacean, means an animal not more than half the length of an adult of the species.
<b><i>Cairns Planning Area</i></b>	means the area described in Schedule 1 of the Cairns Area Plan of Management.
<b><i>cetacean</i></b>	means an animal of the Suborder Mysticeti or Odontoceti of the Order Cetacea.
<b><i>dolphin</i></b>	means a member of the family Delphinidae or the family Phocoenidae.
<b><i>Offshore Port Douglas Sector</i></b>	means the relevant area described in Schedule 2 of the Cairns Area Plan of Management.
<b><i>Ribbon Reefs Sector</i></b>	means the relevant area described in Schedule 2 of the Cairns Area Plan of Management.
<b><i>swimming-with-whales activity</i></b>	means an activity for the purpose of enabling tourists to swim, snorkel or scuba dive with cetaceans, or to observe cetaceans while in the water with them, including: (a) using an aircraft or vessel to find cetaceans for that purpose and (b) placing tourists in the water for that purpose.

<b><i>tourist program</i></b>	an activity that is in the course of carrying on a business and is or includes the provision of transport, accommodation or services to tourists or for persons who include tourists.
<b><i>whale</i></b>	means a cetacean other than a dolphin.
<b><i>whale watching activity</i></b>	means an activity (other than a swimming-with-whales activity) conducted for the purpose of enabling tourists to observe cetaceans, including using a vessel or aircraft to find cetaceans for that purpose.
<b><i>Whitsundays Planning Area</i></b>	means the area described in Schedule 1 of the Whitsundays Plan of Management.

## **CONSULTATION**

Two phases of consultation:

1. Prior to the development of the revised operational policy document discussions occurred with the Department of the Environment and Water Resources, Queensland Environmental Protection Agency and the Queensland Parks and Wildlife Service. Presentations and discussions occurred with the Port Douglas, Cairns and Capricorn Coast Local Marine Advisory Committees and the Conservation and Tourism and Recreation Reef Advisory Committees. Discussions were also had with the Port Douglas, Cairns and Whitsundays tourism industry, including operators and industry representative bodies, as part of broader Plans of Management amendment discussions.
2. A formal public comment phase occurred between 10 November 2006 and 14 January 2007.

## **SUBSEQUENT DEVELOPMENTS**

Not applicable.

## **PROVISION FOR REVIEW**

It is intended that this operational policy be reviewed as required.

## **REFERENCES**

- *25 Year Strategic Plan for the Great Barrier Reef World Heritage Area*
- *Australian National Guidelines for Whale and Dolphin Watching 2005*
- *Cairns Area Plan of Management 1998*
- *Great Barrier Reef Marine Park Act 1975*
- *Great Barrier Reef Marine Park Regulations 1983*
- *Great Barrier Reef Marine Park Zoning Plan 2003*
- *Humpback Whale Recovery Plan 2005-2010*
- International Whaling Commission. 1991. Report of the scientific committee. *Report of the International Whaling Commission*, 41:51-82.
- *Managing the Direct Take of Protected Species from the Great Barrier Reef Marine Park*
- *Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (including Allocation, Latency & Tenure)*
- *Whitsundays Plan of Management 1998*
- *Whale and Dolphin Conservation in the Great Barrier Reef Marine Park Policy Document 2000*

## ATTACHMENT 1 JUSTIFICATION

### Management Framework

The Authority has implemented a number of management tools to ensure the conservation of whales and dolphins in the Marine Park. The primary tools used to reduce potential impacts on whales and dolphins are regulations and education. In addition, permits, planning and operational policy have been developed to ensure that human interactions with whales and dolphins occur in a sustainable manner.

Management of the Marine Park occurs through a system of integrated management administered by the Authority (Figure 1).



Figure 1. Management framework for environmental impact assessment by the Great Barrier Reef Marine Park Authority.

The written permission of the Queensland Environmental Protection Agency, in relation to the *Marine Parks Act 2004*, which regulates activities in State marine parks, is currently required to operate a commercial whale watching business.

A permit from the Department of the Environment and Water Resources is currently required for any action affecting whales or dolphins that would be in breach of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). However, proposed amendments to the EPBC Act in the first half of 2007 may streamline permitting requirements by recognising permits issued under the *Great Barrier Reef Marine Park Act 1975*.

The Australian Government has an overarching plan for humpback whale recovery under the *Environment Protection and Biodiversity Conservation Act 1999* (referred to as the ‘National Plan for humpback whales’) and this operational policy is one means of implementing that plan. Specific mention of various actions from the National Plan for humpback whales occurs throughout the justification of this operational policy.

The Australian Government also has recovery plans for blue, fin, sei and southern right whales. This operational policy covers those species, but since they are rarely sighted in the Marine Park, specific mention of actions from those recovery plans is not included in the justification. However, the Authority is a Commonwealth agency and management actions in relation to those species cannot be inconsistent with the provisions of relevant recovery plans.

### **Implementation**

This operational policy will be implemented in accordance with the existing goal and aims of the Authority and in collaboration with appropriate Australian Government and Queensland agencies, Marine Park industries and the community.

Management of human activities to reduce potential adverse impacts on whales and dolphins in the Marine Park will be achieved primarily through education, and where appropriate through regulations, permits, operational policy and development of mechanisms to encourage industries (such as the whale watching industry) to become self-regulating.

### **Background Information**

The Authority will base management decisions relating to whales and dolphins on the best available information relating to the species and human activities that may affect them. Where there are threats of serious harm to populations of whales and dolphins, prudent application of the precautionary principle<sup>1</sup> will occur.

### **General**

Many of the whales and dolphins found in the Marine Park spend at least part of each year outside the Marine Park boundary. Conservation of these highly mobile animals requires cooperation across the Marine Park, State, Commonwealth and international boundaries. Indeed, many of the issues concerning whales and dolphins are global in scope.

The National Plan for humpback whales highlights three broad actions to achieve the objectives of the recovery plan: population recovery, habitat use and needs and protect the species from threats. With respect to *General* activities in the Marine Park, the National Plan for humpback whales recommends the following:

#### **Protection from threats**

Prevent commercial whaling and move to ban scientific whaling:

- Australia should maintain its position on promoting high levels of protection for humpback whales in all relevant international agreements including the International Whaling Commission (IWC), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Convention on Migratory Species (CMS), fisheries-related agreements and the Antarctic Treaty Consultative Meetings (ATCM).
- Australia should continue to support a ban on directed take of humpback whales.

All whales and dolphins are protected species under the *Great Barrier Reef Marine Park Regulations 1983* and a policy on *Managing Activities That Include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park* has also been developed. Take includes removing, gathering, catching, capturing, killing, destroying, dredging for, raising,

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<sup>1</sup> Defined in the *Intergovernmental Agreement on the Environment* (1992), which states that in the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- (ii) an assessment of the risk-weighted consequences of various options.

carrying away, bringing ashore, interfering with and obtaining. Therefore, the Authority through the permit assessment process and the environmental impact management process considers impacts on whales and dolphins.

Management measures taken by the Authority in the Marine Park for the conservation of whales and dolphins will be reviewed as necessary, and an adaptive approach employed to allow incorporation of new information as it becomes available.

#### Operational Policy Statements

1. The Great Barrier Reef Marine Park Authority (the Authority) will develop performance indicators, where possible and when required, to assess the effectiveness of conservation and management actions relating to whales and dolphins in the Great Barrier Reef Marine Park (the Marine Park).

#### ***Priority species, populations and individual animals***

Forty-four species of whales and dolphins are found in Australia. Based on available information about whale and dolphin species distributions in Australia, over thirty species may occur in the Marine Park. Some species are frequently seen, such as humpback and dwarf minke whales and bottlenose dolphins. Other species, such as killer whales and common dolphins, are known to occur in the Marine Park but are seldom seen or perhaps seldom recognised. Others have never been reported in the Marine Park, but have stranded on the adjacent Queensland coast and so are believed to inhabit Marine Park waters occasionally. One species, the Longman's beaked whale, is thought to occur in Queensland from a single skull found on a beach in Mackay.

The Authority currently considers four species of whale and dolphin a high priority for management. These species are the humpback whale (*Megaptera novaeangliae*), dwarf minke whale (*Balaenoptera acutorostrata* subspecies), Australian snubfin dolphin (*Orcaella heinsohni*) and the Indo-Pacific humpback dolphin (*Sousa chinensis*).

The reasons for the priority are three-fold: (i) humpback and dwarf minke whales are the focus of whale watching activities in the Marine Park, including a dedicated swimming with dwarf minke whale activity; (ii) Australian snubfin and Indo-Pacific humpback dolphins are coastal species with evidence of declines in population numbers, hence they may be susceptible to many human activities including *inter alia*, boating, netting and run off resulting in degraded water quality; (iii) the increasing humpback whale population brings new challenges to managing a multiple use marine park where other industries have developed during a time when that population was depleted. The Queensland Environmental Protection Agency's 'Back on Track' species prioritisation process also highlights these priorities.

Following are brief summaries of information about the four species.

#### Humpback whale

The east Australian population is recovering from severe depletion by commercial whaling in the 20th century. Of particular concern in the Marine Park are possible adverse effects on pregnant females and cows with young calves. Humpback whales of different classes migrate at slightly different times, with cows and their newborn calves tending to be last to leave the breeding areas to return south to the feeding grounds. Thus, cows who are pregnant or who have young (dependent) calves are present in the Marine Park from May to September. Reproduction is known to impose high energetic costs on female whales, and pregnant and lactating females may thus be more vulnerable to disturbance and other adverse impacts.

### Dwarf minke whale

The dwarf minke whale is currently regarded as an undescribed subspecies of *Balaenoptera acutorostrata*. Of particular concern in the Marine Park is a population of dwarf minke whales occurring off northern Queensland, most often seen in the Ribbon Reefs area in June and July although present in the Marine Park from May to October. Individual dwarf minke whales are known to return to the same locations over periods of at least eight years, and to calve repeatedly. Their population size and status is unknown. Dwarf minke whales have previously been killed by Japanese whaling vessels when targeting Antarctic minke whales in the Southern Ocean. The dwarf minke whales appear to be attracted to boats, swimmers, snorkellers and scuba divers and they frequently approach people in the water to distances of less than 10 metres. As a result, a small industry has developed to provide opportunities to observe and swim, snorkel, or scuba dive with these animals. Encounters with dwarf minke whales appear to be largely determined by the animals, and operators frequently have to break off contact with the animals in order to return to port or to moor for the evening. Although these interactions are largely controlled by the animals, caution and careful monitoring of this industry and the dwarf minke whale population are essential because so little is known about dwarf minke whales or about the long-term effects of human activities, including in-water interactions, on the animals.

### Australian snubfin dolphin

The Australian snubfin dolphin was formerly known as the Irrawaddy dolphin (*Orcaella brevirostris*). However in 2005, scientists confirmed that the *Orcaella* species in Australia was a separate species to that found throughout the rest of the world. For the purposes of this operational policy and the summary of information below it is assumed that previously published studies on Irrawaddy dolphins in Australia are considered to be studies of the Australian snubfin dolphin.

Australian snubfin dolphins have probably been studied the most extensively in the Marine Park. However, research on this species is only just beginning and the species is not considered to be well studied anywhere in Australia. Due to their small, localised, coastal distribution, they are especially susceptible to the effects of human activities, including coastal run-off and pollution, incidental catch in fishing gear, habitat disturbance, underwater noise from a variety of sources and disturbance from boats. Scientists have suggested that the Townsville region may be a globally significant area of concentration of Irrawaddy [*sic* Australian snubfin] dolphins, based in part on the numbers of animals caught historically in nets set for bather safety. There is anecdotal evidence that Australian snubfin dolphins are less common in the Great Barrier Reef Region today than they were previously, but this evidence is difficult to confirm without long term monitoring studies.

### Indo pacific humpback dolphin

Indo-Pacific humpback dolphins (*Sousa chinensis*) are predominantly inshore animals with small, localised populations found in tropical coastal, estuarine and occasionally riverine habitats. They occur often in waters less than 20 metres deep, but are occasionally seen several kilometres offshore. They are not known to be highly migratory, although moderate seasonal changes in distribution and abundance have been documented in Hong Kong.

In the Marine Park, Indo-Pacific humpback dolphins are likely to be susceptible to impacts in the coastal environments, where the effects of human activities tend to be most concentrated. Thus pollution, noise, disturbance, incidental catch in shark and fish mesh nets and general habitat degradation are likely to pose serious threats to this species throughout its range. In

Queensland, Indo-Pacific humpback dolphins are caught accidentally in shark nets set for bather safety, and are also caught in fishing nets and have been found stranded from diseases like toxoplasmosis. Aerial surveys of the Great Barrier Reef region recorded a decline in sightings of these dolphins between 1987 and 1995.

The National Plan for humpback whales highlights three broad actions to achieve the objectives of the recovery plan: population recovery, habitat use and needs and protect the species from threats. With respect to *Priority species, populations and individual animals* for the Marine Park, the recovery plan recommends the following:

**Protect the species from threats**

Protect habitat important to the survival of the species.

Ensure that in areas important to the survival of the species, environmental assessment processes and research activities are in place to determine the level of impact and threat of human activities, and implement management measures to ensure the ongoing recovery of the species. This should include, but not be limited to, the following action:

- Encourage best practice approaches that will reduce the likelihood of humpback whales being entangled in marine debris, fishing and aquaculture equipment. If entanglements occur, manage the impact of individual entanglements through the application of national standards for disentangling large cetaceans.

In some circumstances in the Marine Park, greater levels of protection may be required for individuals or groups of whales and dolphins. Additional management measures may be required for these animals in order to ensure the safety of both people and animals.

Some whales and dolphins strand on beaches or become trapped in rivers and other areas periodically. Strandings may involve single animals, or dozens or even hundreds of individuals. The reasons for strandings are not well understood, and are likely to vary. Disease and pollution have been implicated in, and conclusively proven to cause, some stranding events, while other events have shown no obvious contributory factors.

Whales and dolphins that become entangled, for example in fishing nets or lines, may survive at least temporarily, if they are able to breathe. Animals are sometimes found trapped in fishing gear, or swimming around with pieces of net, lines, or other debris wrapped around their bodies.

These events pose important issues for management for several reasons, including the threatened status of some of the species that tend to strand, the effort and resources required to respond to strandings or entanglements, the high public and media interest in these events, the possibility of contributing to or prolonging the suffering of animals, and the risk to humans of trying to free entangled or trapped animals or return them to deeper waters. In addition, stranded or entangled animals can be valuable sources of information, and measurements and samples should be taken whenever possible without further jeopardising the health of the animals or the safety of people involved.

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2. The Authority will concentrate management efforts on whale and dolphin species in the Marine Park for which a particular conservation or management concern is identified.

Initially these priority species include the:

- Humpback whale (*Megaptera novaeangliae*)
- Dwarf minke whale (*Balaenoptera acutorostrata* subspecies)
- Australian snubfin dolphin (*Orcaella heisohni*)
- Indo-Pacific humpback dolphin (*Sousa chinensis*).

3. The Authority, in consultation with the Queensland Environmental Protection Agency, the Department of the Environment and Water Resources, Marine Park industries and the community, will take appropriate measures to identify and protect individual whales or dolphins, or groups of whales or dolphins that require special management in the Marine Park.

### ***Information priorities***

Reliable information is needed about the whale and dolphin species in the Marine Park. In particular the distributions, abundances, key habitats and the effects of human activities on these animals.

The National Plan for humpback whales highlights three broad actions to achieve the objectives of the recovery plan: population recovery, habitat use and needs and protect the species from threats. With respect to *Information priorities* for the Marine Park, the recovery plan recommends the following:

#### **Population recovery**

Implement a programme to measure population abundance, trends and recovery for Australian populations of humpback whales. Included within this activity is the need to:

- gather information on population structures using methodologies including genetic analyses, comparisons of photo identification and telemetry studies;
- establish models for measuring recovery and species status, incorporating a range of indicators (e.g. current and pre-whaling population estimates, population structure, use of habitats etc); and
- continue to collect long-term data sets using standardised survey methodologies for humpback whales in a statistically robust manner.

#### **Habitat use and needs**

Implement a program to better define the characteristics (spatial, temporal, and physical) of calving, resting, feeding, and migratory areas. Included within this activity is the need to:

- determine the values and characteristics of important migratory pathways and aggregation areas (calving, resting, and feeding) particularly in areas where human use is likely to impact upon the species;
- gather information on movements, migrations, and feeding grounds - e.g. through the use of satellite tracking and other survey methods; and
- examine the historical and potential future use of humpback whale habitat with a view to defining these areas and assessing human use activities to ensure impacts are appropriately managed and regulated.

#### **Protection from threats**

Monitor climate and oceanographic change:

- Develop an understanding of the effects of climate and oceanographic change on humpback whale populations to determine if species survival and recovery are being, or are likely to be affected.

Whales and dolphins are difficult to study, they spend large but variable proportions of their time underwater and they are often relatively inaccessible for at least part of the year due to migration. The population sizes of species occurring in the Marine Park remain unknown, except for humpback whales. Because of the difficulty in obtaining accurate counts, population trends can take many years or even decades to detect. This presents a challenge for management because it is extremely difficult to assess whether populations are stable, increasing or declining.

Management measures aimed at conserving whales and dolphins in the Marine Park should focus on gathering better information on distributions, abundances and threats, and taking prudent and appropriate measures to reduce impacts judged to be most significant. However, management also needs to take reasonable measures to anticipate and respond to future issues, such as disease outbreaks or unfavourable environmental change. Management measures should reflect the level of threat, the degree of certainty, and incorporate the precautionary principle. Information about natural and human related causes of injury and mortality of whales and dolphins in the Marine Park is currently received through the Queensland Marine Animal Strandings Program, in particular the database StrandNet, and research.

Specific research or monitoring programmes may be established by the Authority to assess the effectiveness of management strategies implemented under this operational policy. The priority of such research is set out in the Authority's document on *Research needs for protection and management of the Great Barrier Reef Marine Park 2005* or its successor document.

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4. The Authority will encourage, and where appropriate coordinate, the gathering of reliable information about whales and dolphins in the Marine Park. Emphasis will be placed on:
  - Improving our understanding of priority species
  - Identifying key whale and dolphin habitats
  - Assessing threats to whales and dolphins and ways to mitigate those threats.
5. The Authority will encourage appropriate scientific research on topics that are considered high priorities for Marine Park management purposes and will, where possible, assist in funding such studies.
6. The Authority will work with stakeholders of the Marine Park to collect information on whales and dolphins through voluntary and mandatory data collection and environmental reporting programmes.
7. The Authority acknowledges the importance of the Queensland Environmental Protection Agency's Marine Animal Strandings Program in identifying threats to whales and dolphins, in particular human related causes of injury and mortality of whales and dolphins in the Marine Park.

#### ***Educational programmes and codes of practice***

Effective management requires a variety of approaches and elements. Conservation of whales and dolphins in the Marine Park will depend heavily on educating people about whales and dolphins, the potential adverse effects of human activities on the animals and ways to reduce those effects. For particular groups of people, such as recreational boaters, commercial tourism operators or fishers, implementation of appropriate codes of practice can be very effective in reducing impacts on whales and dolphins. Codes of practice based on the best available information and reasonable application of the precautionary principle can substantially reduce the adverse effects of human activities on whales and dolphins.

The National Plan for humpback whales highlights three broad actions to achieve the objectives of the recovery plan: population recovery, habitat use and needs and protect the species from threats. With respect to *Educational programmes and codes of practice* for the Marine Park, the recovery plan recommends the following:

#### **Protection from threats**

Protect habitat important to the survival of the species.

Ensure that in areas important to the survival of the species, environmental assessment processes and research activities are in place to determine the level of impact and threat of human activities, and implement management measures to ensure the ongoing recovery of the species. This should include, but not be limited to, the following actions:

- Assess and manage acoustic pollution - including the development and application of administrative guidelines under the EPBC Act
- Implement education programmes to inform marine users (e.g. whale watchers, fishermen, and shipping crews using important habitat) about best practice behaviours and regulations when interacting with whales.
- Encourage best practice approaches that will reduce the likelihood of humpback whales being entangled in marine debris, fishing and aquaculture equipment. If entanglements occur, manage the impact of individual entanglements through the application of national standards for disentangling large cetaceans.

The Authority will work with relevant parties to assist the dissemination of information relating to codes of practice in the Marine Park. To encourage compliance with codes of practice mechanisms to allow user groups to be self-regulating will be developed, where appropriate, and will be underpinned by regulations or other legislative tools.

Education is a critical element of effective management, essential both as a stand-alone measure and to support codes of practice, regulations and other management measures. The tourism industry plays a major role in delivering information to tourists in its day-to-day operations. The Authority recognises and supports operators providing information to a high standard and will encourage accreditation from a certified scheme approved by the Authority to ensure quality interpretation and information is being delivered to passengers. The Authority will disseminate appropriate information about whales and dolphins to stakeholders through provision of educational material to community access points and encourage participation of stakeholders in educational programmes.

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8. The Authority will coordinate the development of appropriate educational programmes and materials that provide general information about:
  - Whales and dolphins
  - Possible effects of human activities on whales and dolphins
  - Ways to reduce the effects of human activities on whales and dolphins.
9. The Authority will work with Marine Park stakeholders to develop, review and evaluate codes of practice as required.

#### ***Management of vessels and aircraft***

The east Australian humpback whale population is increasing by about 10 per cent per year. Combined with the growing human coastal population and resultant recreational use of the Marine Park there is increasing likelihood of interactions between humpback whales and vessels. Some of the possible impacts on whales and dolphins from vessels include

disruption of important behaviour, displacement from or avoidance of important habitat, stress, injury, mortality and reduced breeding success.

Effective conservation of whales and dolphins requires protection of key habitats, as is the case with most species. Key habitats could include feeding, mating or calving areas and migratory pathways. Animals may be particularly sensitive to human activities occurring in key habitats as these areas may serve important needs not readily met in other areas. Work to identify key habitats for most whale and dolphin species in the Marine Park is currently largely lacking.

These and other information gaps must be addressed for management to be successful over the long term, but in the absence of this information the precautionary principle must be applied. Thus, rather than relying solely on detection of problems after they have arisen and subsequent efforts to develop and implement effective solutions, management decisions should strive to prevent significant negative impacts from occurring, where there are risks of serious or irreversible damage. This is not to be taken as a justification for blanket prohibitions on human activities, but rather as a call to employ the best available data and err on the side of caution when considering the likely effects of human activities on whales and dolphins and to implement prudent management measures.

The Marine Park is known to be an important area for the breeding and calving of humpback whales that migrate to the warmer waters from Antarctica during winter (May to September). It is also known that dwarf minke whales are encountered in the Ribbon Reefs and Offshore Port Douglas waters principally during June and July. Many other species of whales and dolphins also inhabit waters of the Marine Park either permanently or seasonally.

Both the northern and southern humpback whale migratory pathways along the east coast of Australia present whale watching opportunities. Whale watching presently occurs in New South Wales, Hervey Bay, Moreton Bay, the Whitsundays and Cairns so it is possible that individual animals could be subject to whale watching on a number of occasions during their journey. This would be of particular concern considering that whales travelling to and from the Great Barrier Reef calving grounds will include pregnant females during the northward migration, and mothers with young calves during the southward migration. Possible continuous exposure to whale watching of individuals in the Marine Park will not be permitted to develop, and whales will be provided with some refuges from the impacts generated by whale watching (incidental and dedicated) if necessary.

The National Plan for humpback whales highlights three broad actions to achieve the objectives of the recovery plan: population recovery, habitat use and needs and protect the species from threats. With respect to *Management of vessels and aircraft* for the Marine Park, the recovery plan recommends the following:

**Protection from threats**

Protect habitat important to the survival of the species.

Ensure that in areas important to the survival of the species, environmental assessment processes and research activities are in place to determine the level of impact and threat of human activities, and implement management measures to ensure the ongoing recovery of the species. This should include, but not be limited to, the following actions:

- ensure that humpback whale habitat requirements are considered in the establishment and management of marine conservation areas and reserves.

Key habitats are likely to be managed through regulations as Species Conservation (Whale or Dolphin Protection) Special Management Areas. It is anticipated that as the humpback whale population increases areas of the Marine Park historically used by these animals for breeding, calving and resting will be identified. As additional key habitats are identified they will be assessed for possible negative interactions with human activities and where required Species Conservation (Whale or Dolphin Protection) Special Management Areas introduced. Thirty-six oral history interviews conducted in Queensland in 1982-83 indicated that humpback whales were present in the Marine Park during winter in such numbers that they were considered a hazard to fishing. There is also anecdotal and unpublished data that several locations are important for humpback whales and the Authority will give consideration to verifying this information in the first instance.

The Authority requires that any person seeking exemption from regulations, such as a minimum approach distance, must apply to the Authority for written permission. The assessment of any research permit application may require consideration by the Authority's Great Barrier Reef Environmental Research Ethics Advisory Committee.

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10. The Authority recognises that increasing vessel use of the Marine Park combined with an increasing humpback whale population, the focal species for whale watching activities, will result in increased interactions in the Marine Park.
11. The Authority will develop, review and amend, as required, regulations relating to interactions with whales and dolphins in the Marine Park.
12. Whale watching that occurs incidentally in the Marine Park does not require the listing of the activity on the permission from the Authority if conducted in accordance with the *Great Barrier Reef Marine Park Regulations 1983*.
13. The Authority may grant exemptions to the regulations relating to interactions with whales and dolphins in the Marine Park for a swimming-with-whales activity, scientific or educational purpose, or commercial filming in accordance with the Authority's policy on *Managing Activities That Include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park*.
14. The Authority may identify areas in the Marine Park, through monitoring, research or public consultation that:
  - Are considered important habitat (e.g. resting, calving, mating) for whales or dolphins or
  - Require special management of human related impacts on whales or dolphins (e.g. reducing interactions between whales and vessels).Suitable areas may be designated as Species Conservation (Whale or Dolphin Protection) Special Management Areas under the *Great Barrier Reef Marine Park Regulations 1983*.
15. Within Species Conservation (Whale or Dolphin Protection) Special Management Areas the Authority may:
  - Not allow swimming-with-whales activities to occur
  - Not allow dedicated whale watching activities to occur
  - Not allow a vessel approach distance closer than 300m to a whale
  - Include other provisions (e.g. permanent or seasonal restrictions on some human activities, modification of activities) as required, after public consultation, to

ensure the conservation and orderly and proper management of whales and dolphins in the Marine Park.

16. The Authority will implement, where necessary and when required, specific actions to ensure compliance with regulations relating to interactions with whales and dolphins in the Marine Park.

### **Tourism**

The *Australian National Guidelines on Whale and Dolphin Watching 2005* (the National Guidelines), which apply in the Marine Park, contain detailed and comprehensive guidelines for vessel and aircraft approaches to whales and dolphins, including vessel and aircraft approach limits for whales and dolphins, operating procedures for vessels when close to animals, and many other aspects of whale and dolphin watching. The National Guidelines are intended to apply both to commercial and recreational whale watching activities, and to minimise harmful impacts on whale and dolphin populations while ensuring that opportunities for watching or interacting with wild whales and dolphins can be sustained. The National Guidelines provide a framework that allows people to observe and interact with whales and dolphins in a way that minimises harm to the animals. Regulations relating to interactions with whales and dolphins were introduced in the Marine Park on 17 June 2006 and implement the National Guidelines.

The National Plan for humpback whales highlights three broad actions to achieve the objectives of the recovery plan: population recovery, habitat use and needs and protect the species from threats. With respect to *Tourism* in the Marine Park, the recovery plan recommends the following:

#### **Protection from threats**

Protect habitat important to the survival of the species.

Ensure that in areas important to the survival of the species, environmental assessment processes and research activities are in place to determine the level of impact and threat of human activities, and implement management measures to ensure the ongoing recovery of the species. This should include, but not be limited to, the following action:

- manage the potential impacts of tourism - e.g. through the application of consistent Commonwealth and State tourism and whale watching regulations.

Additional regulations in the Marine Park may be developed if necessary, such as when other management measures are judged inadequate for the conservation of whales and dolphins and they will be implemented in accordance with Tier 2 of the National Guidelines.

Whale watching that occurs incidentally in the Marine Park does not require the listing of the activity on the permission from the Authority if conducted in accordance with the *Great Barrier Reef Marine Park Regulations 1983*. This means tourism operators will be able to deviate their vessels and aircraft to observe whales and dolphins during the conduct of their normal tourism program. These management arrangements will be reviewed and amended, as the Authority deems necessary.

Dedicated whale watching is intended to be reserved for appropriately certified tourist program permit holders who are high standard operators approved by an external certification scheme, in accordance with the Authority's policy on *Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (including Allocation, Latency & Tenure)* as amended from time to time. Certification will ensure that tourism operators conducting dedicated whale watching are of a high standard, are providing quality interpretation to

passengers and operating in accordance with best practice standards when offering such an exceptional experience. Dedicated whale watching may include, amongst other things, the advertising of whale watching and the use of spotter aircraft to locate whales for the purpose of watching the animals.

Previously whale watching was not permitted in the Mackay/Capricorn Management Area of the Marine Park as a precautionary measure and consistent with the *Management program for the conservation of whales and dolphins in Queensland 1997-2001*. With an increasing humpback whale population it is now considered appropriate to allow dedicated whale watching reef-wide. However, as a precautionary approach Species Conservation (Whale or Dolphin Protection) Special Management Areas in the Mackay/Capricorn Management Area will be identified prior to dedicated whale watching activities being permitted in this area.

The Department of the Environment and Water Resources, the Queensland Environmental Protection Agency, Marine Park industries and researchers will be consulted during the development of a dedicated whale watching activity in the Marine Park.

The main species of whale that is the focus of whale watching activities is the humpback whale. The east Australian population of humpback whales is increasing at approximately 10 per cent per year, with a 2004 population estimate of about 7000 individuals. If properly managed, whale watching activities can benefit whales through promoting increased public understanding and appreciation of the animals and their needs. Watching whales provides people not only with the opportunity to enjoy observing the animals, but also to learn about them and their roles in the marine ecosystem. Commercial whale watching operations can be a significant source of revenue, which can in turn provide increased incentive to conserve whales to ensure the industries remain viable. Further, whale watching operations can provide useful information on the distribution, relative abundance, and behaviour of whales, information that is needed for effective management. However, these benefits must be weighed against the variety of potential adverse effects of this activity, which require careful management in cooperation with the industry.

One of the most critical but challenging aspects of managing whale watching is determining the ‘carrying capacity’, or the amount of whale watching that is ecologically sustainable over the long term. Carrying capacity clearly depends on the sensitivity of the particular whale population, characteristics of the whale watching operation (e.g. frequency of trips, duration of trips, noise generated by vessels, manner in which vessels are operated), the local environment (e.g. whether the animals can be ‘herded’ against land), the health of the population, other threats to the population, and a host of other factors. However difficult to determine, the possible need to set appropriate limits on whale watching effort (including, but not limited to, restrictions on the number of boats) is recognised. The application of permit limits, if required, will be in accordance with the Authority’s policy on *Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (including Allocation, Latency & Tenure)* as amended from time to time.

Worldwide there are strong concerns relating to the impacts of dolphin watching and swimming-with-dolphin activities on dolphin populations. In the Marine Park there is currently no dedicated dolphin watching or swimming-with-dolphins industry, but should there become a need to manage dolphin related tourism industries the Authority would consider this activity separately to whale watching or dedicated whale watching activities.

### Swimming-with-whales activity

Observing whales underwater can provide better understanding of the animals, and can be a particularly exciting and rewarding experience for people. However, it provides increased incentive to get close to the animals in order to be able to see them underwater (see below), and there are additional potential risks posed by having people in the water in close proximity to whales.

While the focus of swimming-with-whales activities (here taken to include swimming, snorkelling, scuba diving with whales or dolphins) is on dwarf minke whales in the Ribbon Reefs, it is likely that it occurs opportunistically with other species and in other locations, on both a commercial and recreational basis.

Swimming, snorkelling or diving with whales has the potential to place both people and animals at risk. The risks to people could include injury and transmission of disease, while the risks to animals could include injury from misuse of vessels or change in animal behaviour such as actively avoiding interaction. In Australia the risks are minimised by ensuring that swimming-with-whales activities are authorised by relevant government agencies.

In order to ensure the long-term sustainability of swimming-with-whales activities, ongoing research that monitors whale responses to swimmers is required. Conduct of such research, and participation in such research, will likely be a condition of any such swimming-with-whales permissions. The assessment will consider whether sufficient specific information is available to indicate that the activity will be ecologically sustainable and compatible with application of the precautionary principle.

A specialised type of whale watching activity has developed in the Ribbon Reefs area, in the Cairns/Cooktown Management Area of the Marine Park. In this area, generally in June and July, dwarf minke whales commonly approach scuba divers, allowing people in the water to watch the whales at close distances. Some tourist operators in the area have altered their programmes to take advantage of this unusual opportunity. Although swim-with-dolphin programmes have developed in several countries, including Australia (SA, VIC, NSW) and New Zealand, there are few swim-with-whales programmes.

In 2003 nine swimming-with-whales activity permissions were granted to tourism operators. The activities are limited to dwarf minke whales in the Offshore Port Douglas and Ribbon Reefs Sectors of the Cairns Planning Area and permittees are required, by a permit condition, to abide by an industry and researcher developed code of practice. Permittees are also involved in a research-monitoring programme, by the submission of whale sighting sheets, which is also a permit condition.

The number of swimming-with-whales activity permissions was limited through the Cairns Area Plan of Management using eligibility criteria to the effective size of the industry at the time of permit allocation, which began in the year 2000. Scientific evidence at the time suggested that this level of activity was not posing a threat to the dwarf minke whales. The limit of nine swimming-with-whales activity permissions will now be managed through regulations, rather than the Cairns Area Plan of Management. This will assist users of the Marine Park as the majority of rules relating to whales and dolphins will then be available in regulations, rather than a number of legislative documents.

Continued scientific investigation of dwarf minke whales and the effects of the swimming-with-whales activity on them is occurring in the Marine Park by the Minke Whale Project coordinated by James Cook University. A six-year Dwarf Minke Whale Tourism Monitoring Programme funded by the Authority, which began in the year 2003, is part of this project to assess the ecological sustainability of the swimming-with-whales industry. Following the completion of the Dwarf Minke Whale Tourism Monitoring Programme 2009, the Authority will review its management arrangements for swimming-with-whales activities.

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17. The Authority recognises and supports the role that Marine Park tourism operators can play in whale and dolphin conservation and education. The Authority will work with the tourism industry to:
  - Promote best practice for whale and dolphin watching
  - Increase visitor awareness of whale and dolphin conservation
  - Promote appropriately certified high standard tourism operations
  - Increase the number of Marine Park operators appropriately certified through an external certification scheme.
18. The Authority intends to allow dedicated whale watching activities to occur in the Marine Park as part of a tourist program provided:
  - The tourist program is appropriately certified and recognised as high standard by the Authority and
  - The activity is listed on the permission from the Authority.

Dedicated whale watching in the Mackay/Capricorn Management Area will be implemented provided areas in this Management Area have been identified as potential Species Conservation (Whale or Dolphin Protection) Special Management Areas.

A grace period of two years will be enacted to allow tourism operators with the whale watching activity on their permission, at the time this policy is introduced, to become appropriately certified and recognised as high standard by the Authority.

19. The Authority reserves the right to change whale watching and dedicated whale watching activities if the activities are, or could be, reasonably found to negatively impact whales or dolphins in the Marine Park. Where possible, any changes to these activities will be made in consultation with those people affected by the changes.
20. Swimming-with-whales activities in the Marine Park require the listing of the activity and the focal species on the permission from the Authority. This activity will also be managed through regulations governing interactions with whales and dolphins, education, codes of practice and other measures as the Authority deems necessary.
21. The Authority will only permit a maximum of nine swimming-with-whales activities in the Offshore Port Douglas and Ribbon Reefs Sectors of the Cairns Planning Area for interactions with dwarf minke whales until a review of management arrangements occurs following the completion of the Dwarf Minke Whale Tourism Monitoring Programme.
22. The Authority will only consider allowing swimming-with-whales activities for species other than the dwarf minke whale, or in areas of the Marine Park other than the Offshore Port Douglas and Ribbon Reefs Sectors of the Cairns Planning Area, if there is an

Authority-approved, scientifically valid research programme implemented to evaluate the likely effects of the activity on the species.

### ***Management of other human activities***

A variety of human activities occurring in and around the Marine Park are known, or thought likely, to adversely affect whales and dolphins. It is important that management measures consider not only the potential impacts of individual activities (for example recreational use, dredging, noise generating activities) but also the potential cumulative impacts of all activities that are likely to affect each population, over both the short and long terms.

The main source of knowledge about human-related mortality factors in the Great Barrier Reef World Heritage Area affecting whales and dolphins comes from the Marine Mammal and Turtle Stranding Incident Response Programme, implemented through the Day-to-Day Management and Coordination Unit (DDMCU). To prioritise species and threats the DDMCU completed a Vulnerable Species Risk Assessment. High priority threats identified relating to humpback whales were boat strikes and entanglement in large mesh nets and for inshore dolphins were netting activity, the Queensland Shark Control Program, disease and information deficiency.

There is insufficient scientific information to determine definitively whether adverse effects on whales and dolphins from human activities are sustainable, or, in some cases, whether they are actually occurring. In the absence of such information, because there is a risk of serious or irreversible damage to whale and dolphin populations, the precautionary principle must be employed. The absence of scientific certainty must not be used as a reason for failing to take prudent measures to conserve whales and dolphins, while allowing for reasonable human use of the Marine Park and all that it contains.

The lack of information about specific impacts is an issue for management of all activities. Management must evolve as more information becomes available on the distribution and abundance of whale and dolphin populations in the Marine Park, key habitats for whale and dolphin populations and specific threats to particular populations.

The Department of Defence has several important field training areas in the Marine Park including Shoalwater Bay, Halifax Bay and Cowley Beach. The Department of Defence works closely with the Authority to ensure that their activities are managed in accordance with principles of ecological sustainability. A three-phase approach has been adopted to ensure appropriate management:

1. Strategic assessment - routine activities in the Marine Park (including training employing warships and aircraft) and operations (for example hydrographic survey, maritime surveillance and search and rescue) have been subject to comprehensive review and are managed on an ongoing basis utilising procedures developed from the Defence Maritime Activities Environmental Management Plan.
2. Research - focussing on dugongs
3. Environmental impact management - considers the location, scale and risk of potential impacts, options and alternatives.

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 negative effects on the animals concerned. In Australia the risks are minimised by ensuring that feeding activities are authorised by relevant government agencies.

The National Plan for humpback whales highlights three broad actions to achieve the objectives of the recovery plan: population recovery, habitat use and needs and protect the species from threats. With respect to *Management of other human activities* for the Marine Park, the recovery plan recommends the following:

**Protection from threats**

Protect habitat important to the survival of the species.

Ensure that in areas important to the survival of the species, environmental assessment processes and research activities are in place to determine the level of impact and threat of human activities, and implement management measures to ensure the ongoing recovery of the species. This should include, but not be limited to, the following action:

- assess and manage physical disturbance and development activities (such as ship strike, aquaculture, pollution, recreational boating, naval activities, and exploration and extraction industries) - including the application of environmental impact assessment and approvals and the development of industry guidelines and State/Commonwealth government regulations.

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23. The Authority and the Department of Defence have conducted a comprehensive strategic assessment of all military activities conducted in the Marine Park. The Department of Defence is committed to the standards obligated by the strategic assessment, and to consult with the Authority when changes are proposed to the conduct of assessed activities. The Authority will continue to work with the Department of Defence to manage the potential for defence activities to impact on whales and dolphins in the Marine Park.
24. The Authority will continue to work with the Queensland Government to minimise interactions between commercial and recreational fishing activities and the Queensland Shark Control Program with whales and dolphins. This will include:
  - The identification of high-risk areas in the Marine Park for interactions between netting activities in the East Coast Inshore Finfish Fishery and the Queensland Shark Control Program, and humpback whales and inshore dolphins
  - The implementation of appropriate management actions to minimise interactions in these high-risk areas.
25. The Authority will only allow, through written permission, the deliberate feeding, or attempted feeding of whales and dolphins in the Marine Park under exceptional circumstances (such as caring for sick, injured, trapped or entangled individuals).
26. The Authority will consider possible direct, indirect and cumulative effects on whales and dolphins when assessing applications for permission under the Great Barrier Reef Marine Park Regulations 1983 to undertake activities in the Marine Park and when developing or amending plans of management or site management arrangements.
27. The Authority will consider possible direct, indirect and cumulative effects on whales and dolphins when determining appropriate management strategies for human-related use of the Marine Park.