Whale Watch Industry Meeting re: Immersive Experience Development

Minutes 14TH MARCH, 2017 2:00PM HERVEY BAY RSL

FACILITATOR	Bradley Nardi - Marketing and Communications Manager - Fraser Coast Tourism and Events
APOLOGIES	Whalesong Freedom 3 Wally & Trish Franklin Spirit of Hervey Bay Paul Hodda – Australian Whale Conservation Society
ATTENDEES	John Schwarzrock, Amanda Delaforce & Alan Dyball - QPWS Peter Lynch - Blue Dolphin Marine Tours Robbie Cornelius - DR Tourism Robyn Burgess - Taman Venture Lynne Banford - TEQ Jill Perry - Hervey Bay Whale Watch Ed Gibson & Phil House - Boat Club Greg - Pacific Whale Foundation - via phone Martin, Brad, Andrew & Cassie - FCTE
MEETING OPENED	2:00pm

INTRODUCTION	Bradley Nardi

- Brad welcomed everyone and noted the agenda items for the day.
  - Most importantly, the trial period is now over, so until we communicate with government how we would like to progress
  - Operators that weren't able to be present will still be required to sign off their support for moving forward, whatever that may look like
- Introductions
- No general business was raised

TOPIC	Immersive experience - feedback (roundtable discussion)

- Jill Perry: Hervey Bay Whale Watch (HBWW) has been participating for 3 years. Only last year they were able to advertise and they are getting a lot more enquiries - numbers doubled last year. Approximately 20% of those interested actually get to swim with the whales.

  HBWW reiterate to customers that it is dependent on weather, whales and water conditions on the day - the skipper makes the call. They are required to complete a snorkel assessment and a dive master is always present.

  Generally, swims happen in August and the first week of September. HBWW find the best number of people to put in the water is around 6 on a 10-15m line.

  HBWW would like the offering to continue the offering.

- Peter Lynch: Blue Dolphin Marine Tours (BD) don't charge at all as it is an opportunistic offering.

  They have a frustration with the rules as you can lower the platform into the water without restrictions, however you cannot have people moving to and from the platform when whales are within 100m of the vessel.

- Given this, BD would like to see the product offered, however restrictions for water entry changed from 100m to 30m. Peter said this would allow them to better assess the whales and remain with one pod, rather than several.

  BD would like to continue offering the product.

- Phil House: Hervey Bay Boat Club (HBBC) have a boom net which means people don't leave the boundaries of the vessel.

- Jill Perry: USC has been doing research, but she wasn't sure if it was inclusive of social and economical elements. Amanda from QPWS was to follow up with them.

- Phil House: HBBC started whale watching in 2014. The boom net for swimming with whales was used in 2015. In 2016 HBBC removed the offering as it hindered the experience of other paying passengers.

  Phil said they found it didn't hinder the curiosity or deter the whales. The experienced crew can pick how the whale will behave and they would allow 5 people (as per conditions of the agreement) into the boom net.

  Phil noted he faced the same issues as Peter - not allowing people into the water within 100m of a whale.

- Peter Lynch: The idea is to enter and exit the water as quietly and efficiently as possible. If we can do this, we are less likely to be chasing pods of whales because you are satisfying your guests with one fantastic interaction.

  If you chase whales, that's when it becomes intrusive to them. From what Peter understands, swimming with minke whale products are more likely to 'chase' pods.

- Greg: Pacific Whale Foundation (PWF) research shows that the first blow or act of the whale is the most amazing part of the trip. Over 75% of whale watchers are on their first tour.

  Many organisations around the world swim with whales with no quantifiable impact. What we would like to see is a study conducted before, during and after a swim with whale experience. The idea would be to put 6-8 people into the water, let them swim with whales for around 20mins and then pull them out. After a few years, we can gauge the impact of the whales.

  Greg agreed with Phil, if the whales didn't want to be there, they wouldn't be.

  Many swim with regulations clearly define how many approaches to pods can be made in the course of a day. Many are limited to 3 approaches to pods, therefore, they choose their whales very carefully. This could be a discussion point for updating the code of conduct.

- Peter Lynch: However, we are currently whale watch operators that opportunistically swim with whales. We're currently 8-9 operators who are already over-regulated due to operating in a marine park. Of course this is a consideration, however we would hope not to continue over-regulating.

- Greg: We should attempt to cover all basis. We can say as a region, we are concerned about this and 'best practices'. We lead the world with our practices and we have people that seek us out because of that.

TOPIC	Industry decision / communication of the pilot program

- Martin Simons: The issue now however, is that the trial period is finished and we must now decide how we are moving forward as an industry.

- Peter Lynch: BD would like to move forward and suggest the current 100m exclusion zone reduced to 30m for water entry (not vessel movement).

- Phil House: HBBC would like to move forward with the offering, but suggest reducing the current 100m exclusion zone (no specific distance suggested).

- Peter Lynch: We don't understand why there is regulations of when people get on and off the platform as it is included in the footprint of the vessel. The people aren't free moving unlike if they were on a mermaid line.

- Alan Dyball: Confirmed that this was part of Australian National Guidelines and is within State legislation.

- Amanda: Asked Greg if there was any concern with entanglement from mermaid lines? Greg confirmed there wasn't as they were short lines.

- Greg: PWF is interested in pursuing the program and creating an offering based on research. This would be limited to a small number of people just one day a week.

  PWF would suggest an additional 3 year trial period to gather data. In collaboration with the USC research on HBWW and PWF, we could achieve this.

- Robbie Cornelius: Tasman Venture (TV) have had permission to swim with whales, however have not done it due to the 100m limit. If this was to reduce, they would provide a swim with whales offering.

- Alan Dyball: The distance is set within legislation. In this case the legislation is EHP legislation. Any request to change the legislation would need to involve EHP as well as QPWS.–There may be scope for the industry to request the distance be relaxed under the conditions of the operator's commercial agreement. If this is something the industry would like to do then the industry could write to the Department requesting a relaxation of the approach distances as an extension of the pilot program under the operator's commercial agreements for consideration. Any pilot program to relax distances would likely require a research program to accompany the pilot program with safety of the participants, conservation of the whales and prevention of impacts on the traditional whale watch project being the primary concerns. .

  Alan suggested the industry contact the department as a collective group rather than as individual operators making individual requests, if this is the way they wished to move forward.

- Lynne Banford: Can operators conduct their own research?

- Amanda: USC is likely only looking at economical and social impacts - we need to push for a behavioural study on the whales.

- Peter Lynch: There are a number of organisations wanting to do research, however the cost is always an issue.

- Greg: Tonga is hosting a whale meeting on April 4. The research we are presenting includes the findings that the biggest worldwide regulation is speed, not distance. This could be good leverage to reduce the proximity - going slower when approaching a whale.

- Alan outlined that the request is about persons being able to enter the water closer than the 100m not the vessels approaching closer than 100m. The vessel would remain at/only approach to the 100m but if the whales come over the request is persons can then enter the water within the 100m. It is not about pursuing the whales, letting vessels in front of whales or vessels approaching closer than the 100m, this could be considered 'harassment' and moves away from the experience being on the whales terms.

- Peter mentioned that the Fraser Coast has the most regulations compared with anywhere else in Australia, yet the least amount of impact.

- Robbie suggested FCTE compile a letter which does reference the fact that there is a lot of regulations.
- Brad mentioned another option would be to have conditions such as the continuing of the program and the distances written into the Commercial Activity Agreement (CAA), then look at the redraw.
- Robbie confirmed with Alan that QPWS is expecting to have correspondence from industry.
- Alan confirmed that operators could now ask for what has been trialled in the pilot program to now be included in their commercial agreements, or to ask for an extension of the pilot program or dissolve the pilot program or to ask to amend the pilot program to trial something else. The preference would be for the request to come as a collective industry request rather than several individual requests.
- Peter noted Wally and Trish Franklin of the Oceania Project not supporting the program. Brad also noted this.
- Greg noted that he sat neutral - he would like the data to make an informed decision in the near future. There should be research done before requesting the relaxation on the regulations.
- Amanda suggested the research and its topics be discussed in a separate meeting in the near future.
- Jill suggested 'best practice' be a 10-15m mermaid line with 6-8 people on it.
- Lynne suggested the permits be non-transferable.
- Alan noted that this would be difficult if a business was built on that product and if the operator came to sell their operation and agreement than being non-transferable would jeopardise the value of their business and investment.
- Brad concluded the group would be looking at a 50-30m exclusion zone instead of the current 100m, research to be conducted and possibly looking at extending the trial period if this was not possible.
- Alan noted that now the Fraser Coast has completed the trial period, any of the operators could apply for their CAA to include swim with whales.
- Phil noted that it was a standard maritime legislation to fly the alpha flag when people are diving, meaning that other vessels can't approach within 60m.
- Jill noted that with swim with whales, they have a dive flag on the boat and on the mermaid line.
- Alan outlined other whale watch locations were trailing the use of a specific swim with whales flag.
- Peter - the idea is to increase the number of people able to enter the water, by reducing the entry conditions of 100m. Peter noted that it hasn't been greatly advertised due to the restrictions as they greatly reduce the number of people in the water. If we can relax regulations, we can put more people in.
- Greg noted that an operator on the Sunshine Coast was violating all regulations and it was important for the Fraser Coast to communicate that our stance was that we are respectful and concerned for whales and their conservation. Greg also asked how many people were estimated to enter the water - he suggested a limit to each operator be implemented.
- Peter noted that the difference between us and Mooloolaba is that we need to travel a longer distance and due to that, it can reduce the amount of swimming. Peter noted that this becomes limiting and could increase pricing.

- Robbie said it was hard to forecast because we don't have anyone that is specifically offering a swim with product.
- Brad noted that although we are very proud of such a robust document, it is difficult to invest a lot of money into this when we are not able to guarantee the experience at this point.
- Greg asked why calves aren't swum with - Alan noted a risk assessment study that identified an increase in the number of sharks found to be following/present around calves.

TOPIC	Industry review of the Code of Conduct

- Alan recommended the industry consider a few different research options and providers.
- Amanda noted she would be happy to talk at a meeting regarding research.
- Alan suggest a working group from the larger group of 4 or 5 would be beneficial to moving forward and that it needs to be industry driven and facilitated if it is to happen.
- Brad offered FCTE to be a part of the group to assist.
- Lynne also happy to work with the group, however TEQ don't supply funding for opportunities like this. They can however provide contacts and access to resources.
- Ed mentioned there may be funding for a project like that through The Boat Club channels. Ed will come back to the group regarding this.
- Greg mentioned PWF has already lodged an application for a research permit.
- Amanda noted the code of practice does say the fleet would support research.
- Brad noted that FCTE would make any cosmetic changes required including the image on the cover.
- Alan confirmed with the group the protocols and practices to remain the same.
- Peter noted the only one he is concerned about is 'Protocol', dot point number 8.

  The group decided to change to:
  Operators will adhere to appropriate participant levels and span of control for entry and exit of the water. All activities will be done in a passive manner, slowly and calmly.
- Greg recommended stating something about free swimming. Some of the group was concerned about this.

  The group decided to change to:
  *Operators endorse 'immersive whale interactions' that are restricted to the use of tether lines, platforms and/or boom nets only.**

  **Should a permitted operator request to conduct immersive whale interactions that fall outside of these parametres (eg. free swimming), the request needs to be endorsed by the wider Hervey Bay whale watching group.*

TOPIC	Industry communication with department

- Group to organise letters (each operator to do their own - FCTE to draft a letter).
- Operator to sign and will be submitted by FCTE as a package.
- Research meeting to take place as soon as possible.

TOPIC	Whale Heritage Site Candidacy
● This will be submitted imminently.	

MEETING CLOSED	
DATE OF NEXT MEETING	Tuesday April 4