Responsible whale watching practices

3. *Describe how the proposed Whale Heritage Site has developed, and seeks to continually improve responsible whale and dolphin watching practices?* *Max 300 words.*

The whale watching industry in Hervey Bay was pioneered in 1987 when the first operator began commercial sight-seeing cruises. The Queensland Government was quick to respond and according to **Wally Franklin** from the Oceania Project, a high level of whale watch regulation in Hervey Bay, governing the activities of the growing number of vessels offering whale watching experiences, was established within the first two years.

"They moved forward rapidly with the declaration of Hervey Bay as a Marine Park in 1989 with one main 'Whale Management Zone' and a set of Marine Park Whale Watch Regulations, including the establishment of a 'Whale Watch Permit' system in Hervey Bay. [The park was expanded and renamed the Great Sandy Marine Park in 2006].

"Twenty-one permits were issued in 1990 – one of which was a 'Whale Watch/Research" permit for The Oceania Project. In full collaboration with the newly permitted whale watch operators, a formal 'Code of Conduct' was developed and agreed to by all permitted operators. Adherence to the code was closely monitored by the Queensland National Parks and Wildlife Service (NPWS) and this on-water surveillance resulted in some legal actions pursued by NPWS in the early years. (Of the 21 permits originally issued, only 16 remain)

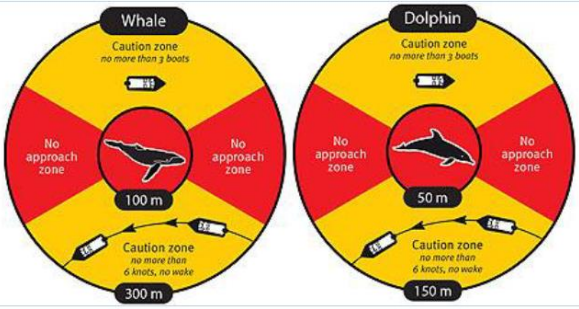
"On-board educational programs, based on the best science available on Humpback whales at that time, was also developed, documented and implemented aboard all permitted whale watch vessels in collaboration with the government and researchers. The implementation and conduct of the 'Educational Program' by Operators during actual whale watch operations was assessed and monitored by under-cover NPWS Officers, until the Department was satisfied that there was a common high standard of interpretation and education activities aboard the Hervey Bay Whale Watch Fleet.

"The very high standards established through the implementation of the collaborative 'Code of Conduct' for the Hervey Bay Whale Watch Fleet and the formal establishment of an agreed on board 'Educational and Interpretation Program' has been sustained and maintained by permitted Hervey Bay Whale Watch Fleet operators over the last two decades, resulting in a higher level of regulation and educational interpretation in Hervey Bay than anywhere else in Australia and most places around the World".

There is substantial, regular and ongoing engagement between the whale watching operators, statutory authorities and the regional tourism organisation prior to, throughout and subsequent to any product enhancement activities. The efforts to achieve a sustainable and responsible industry is foremost in every approach.

The Fraser Coast Industry Code of Practice for Immersive Whale Interactions (supplied in the online file) sets out guidelines covering interactions with whales and dolphins from a boat or in the air, including caution zones, exclusion zones and no approach zones. The guidelines also cover what to do when a marine mammal approaches a boat, when a marine mammal appears disturbed and other considerations for air or in water scenarios. There is also 'special management declarations' which outline a framework for when additional protection is required for example: in the case of Migaloo, the white whale. **See appendix 6**

The impact of legislation on whale watching in Hervey Bay is that operators are required to adhere to a strict set of rules that govern things like: the number of vessels attending a pod of whales; the interaction between the vessel and the whale; noise; movement; passenger numbers; area of operation; in water activities for immersive experience. See Appendix #5



4. *Are there any human impacts on cetaceans within the proposed Whale Heritage Site that you believe require urgent attention? If so, how do you plan to seek solutions to these impacts? Max 300 words.*

There are no human impacts requiring urgent attention. The proposed site is already recognised and protected. The area is bordered by World Heritage-listed Fraser Island, is part of a UNESCO Biosphere and is within the Queensland Government designated Great Sandy Marine Park, meaning significant regulations apply to recreational and commercial operators within the area. The zone has the highest level of environmental and conservation protection at a local, state, national and international level.

Current regulations for commercial operations include approach distances for vessels, aircraft and persons around cetaceans, behaviour around cetaceans, extensive triggers and assessment processes for infrastructure development, marine activities, events, research, sustainable capacities and permit approvals.

The **Special Management Declaration framework (Appendix 5)** within the State legislation gives marine mammal's additional protection when it is required and provides a flexible and streamlined management tool for responding quickly to situations where marine mammals are under threat. This includes exclusion zones and specified behaviour. There are two specific Special Management Declarations and one of these is for Migaloo the white whale, which is also relevant for other whales more than 90% white. Migaloo has been sighted a number of times in Hervey Bay in past seasons.

Refer to: Environment Protection and Biodiversity Conservation Act 1999, Nature Conservation Act 1992, Marine Parks Act 2004, **Marine Parks (Great Sandy) Zoning Plan 2004 (Appendix 6),** Recreation Areas Management Act 2006, plus various associated regulations. All of these are updated regularly.