



Code of Practice for Humpback Whale interactions in Sunshine Coast waters

**Sunreef Scuba Diving Services
Mooloolaba**

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Published by Sunreef Mooloolaba

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Comments and inquiries on this document are welcome.

I. PREAMBLE

This Code of Practice provides information for any person likely to be involved in an encounter with a humpback whale whilst in Sunshine Coast waters, in particular swimming-with-whales operations by Sunreef Scuba Diving Services.

This Code of Practice outlines the environmentally responsible way to approach and interact with humpback whales. It has been developed specifically by Sunreef Scuba Diving Services as a guide to operation because there is no existing Code of Conduct or permits required for such operations on the Sunshine Coast.

It is based on the “Code of Practice for Dwarf Minkie Whale interactions in the Great Barrier Reef World Heritage Area” developed by the Australian Government Great Barrier Reef Marine Park Authority in co-operation with the James Cook University Minkie Whale Project.

This Code of Practice also incorporates existing legal requirements for interactions with humpback whales.

Protocols for divers and snorkellers swimming with humpback whales are designed to minimise potential negative impacts on the whales, and at the same time, maximise the positive experience for the human participants while ensuring their safety as much as possible.

While in a Marine Park, tourism operators conducting swimming-with-whales need a Marine Parks permit that lists swimming-with-whales as an endorsed activity, this is not the case outside those designated areas. However, operators have to have all the necessary workplace, health and safety requirements and insurance in place for hosting guest and having them swim in the ocean and they have to comply with the Australian National Guidelines for Whale and Dolphin Watching (2005).

Proposed Permit conditions for swimming-with-whales would include:

1. Adherence to this Code of Practice
2. Adherence to the Australian National Guidelines for Whale and Dolphin Watching (2005)
3. The completion and submission of Whale Sighting Sheets for all Humpback Whale encounters.

II. AN ADAPTIVE CODE OF PRACTICE

This Code of Practice has been developed collaboratively, based on the best available scientific information, with input from key stakeholders including swimming-with-whales tourism operators, University of the Sunshine Coast researchers, Tourism Events Queensland, Sunshine Coast Destinations Ltd and other industry authorities.

The Code of Practice will be reviewed periodically and amendments made as necessary, as part of an adaptive management approach.

Key areas of concern and likely changes to the Code of Practice may include:

- Vessel Approach and Departure and interactions with a Cow and Calf.
- Diagrams to represent the Vessel Approach Protocol.
- Clarification of the activities that swimming-with-whales endorsed vessels are permitted to conduct (and therefore those that vessels without a swimming-with-whales endorsement are not permitted to conduct).
- Additional background information about the development and context of this Code of Practice and research.
- New explanation boxes to help interpret Humpback whale behaviours, identify calves, enhance the swimming-with-whales experience and give reasons for particular protocols.
- New protocols regarding the use of ropes.

III. LEGAL REQUIREMENTS

The current legal requirements relating to whale watching (which includes swimming-with-whales) seek to minimise the impacts of these activities on whales while, at the same time, allowing humans to enjoy the experience of interacting with the animals in a sustainable way.

These legal requirements have been based on current understanding of whale behaviour, in particular humpback whales, and the whales' responses to contact with boats and people. As we learn more about humpback whales and their responses to interaction with humans, additional specific provisions may be developed that complement existing legal requirements.

Legal requirements are highlighted throughout the Code in bold text.

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

RELEVANT LEGISLATION
Australian <ul style="list-style-type: none">• Environment Protection and Biodiversity Conservation (EPBC) Regulations 2000 – Part 8 Interacting with Cetaceans
Queensland <ul style="list-style-type: none">• Qld Nature Conservation (Whales and Dolphins) Conservation Plan 1997
Policy and Guidelines <ul style="list-style-type: none">• Australian National Guidelines for Whale and Dolphin Watching (2005)

IV. COMPLIANCE

Operators conducting swimming-with-whales activities have agreed that they will implement a self-policing system in addition to any compliance activities undertaken by the Governing Queensland authority in which the operator conducts the activity.

Tourism operators resolve that they will submit an Incident Report Form to the regulatory body, should they witness any incident or breach of the existing whale-watching regulations (Note: regulations in the following protocols are indicated in bold text).

For observations of 'minor' breaches of non-regulatory protocols in this Code of Practice, swimming-with-whales endorsed operators agreed that the details will be brought in the first instance to the attention of the management of the operation concerned.

V. RESEARCH

Sunreef is committed to assisting with research into the humpback whales that migrate up the east coast of Australia. They have been in collaboration with whale researchers in preparation for their swimming-with-whales activities and have dedicated two positions on every boat that goes out so researchers can accompany them to undertake field studies.

The main research focuses of the Humpback Whale Project (HWP) will be determined by the research team at the University of the Sunshine Coast (USC), with the brief entirely at the discretion of the researchers and not to be influenced by any commercial interests.

The expectation is that the HWP research team will work closely with the swimming-with-whales endorsed tourism operators to develop high quality interpretive material that helps improve compliance with the Code of Practice and enhances people's experiences when swimming with whales. This will include but not be limited to, passenger brochures, a Humpback Whale Information Package, several colour posters, and DVDs.

Swimming-with-whales endorsed tourism operators will have a substantial contribution to Humpback whale research, by collecting passenger questionnaires, and by providing HWP scientists and research volunteers with in-kind places on board trips during the season. Creating a long-term photo-identification study is a goal that will no doubt provide valuable research information for generations to utilise.

VI. DETAILED PROTOCOLS

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

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

1. GENERAL PROTOCOLS

- 1.1. **Whales and dolphins are protected and therefore must not be killed, taken, injured or interfered with.**
- 1.2. **Use of prohibited vessels (including jet skis, parasail, hovercraft, hydrofoil, wing-in-ground effect craft or motorized viding aids) for whale watching is not allowed.**
- 1.3. Incidents involving whales (e.g. entanglements, collisions) must be reported to the Department of National Parks, Recreation, Sport and Racing (NPRSR) using an Incident Report Form, and these should be copied to the Humpback Whale Project (HWP).
- 1.4. Breaches of compliance with the whale watching regulations must be reported to (NPRSR), and these should be copied to the Humpback Whale Project (HWP).
- 1.5. Minor breaches of compliance with non-regulatory protocols in this Code of Practice must be brought in the first instance to the attention of both the management of the operations concerns and the HWP.
- 1.6. Swimming-with-whales endorsed tourism operators must submit a completed Whale Sighting Sheet for each Humpback whale encounter to:
Humpback Whale Project
c/o Philip Hart
Sunreef Mooloolaba
Shop 11-12, The Wharf Mooloolaba
123 Parkyn Parade,
Mooloolaba QLD 4557
Australia
Ph: +61 7 5444 5656
E: info@sunreef.com.au
- 1.7. Swimming-with-whales endorsed tourism operators are encouraged to submit additional research and monitoring data to HWP (eg passenger questionnaires, copies of photos/video footage for whale identification, Vessel Movement Logs and Interaction Behaviour Diaries).
- 1.8. **Whales must not be fed and food or rubbish must not be thrown in the water when a whale is nearby.**
- 1.9. Sullage tanks must not be discharged when a whale is nearby.
- 1.10. Swimming-with-whales endorsed tourism operators are encouraged to support research and monitoring either financially and/or in-kind (eg by providing in-kind vessel berths to Humpback Whale Project researchers during the Humpback season).

2. VESSEL APPROACH TO WHALES

GENERAL PROCEDURES FOR ALL WHALES

2.1. **In order to minimise potential impacts on whales all vessels must comply with approach distances as illustrated in Figure 1.** (Note: this is the minimum legal requirement).

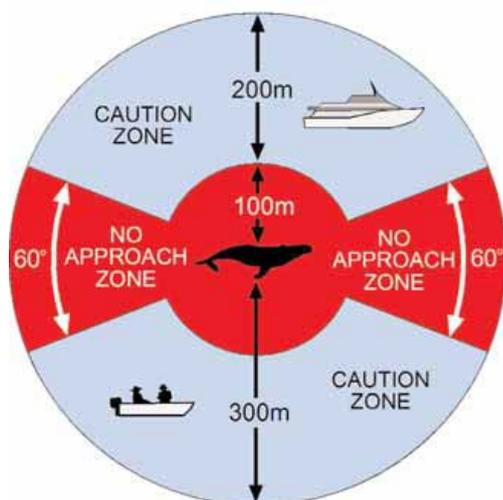


Figure 1: Approach distances to whales

In accordance with the Australian National Guidelines for Whale and Dolphin Watching (2005) and for the safety of the whales:

- There must be no more than three vessels at any one time
 - Vessels must operate at a constant speed of less than six knots
 - Vessels must not approach closer than 100 metres to a whale.
- 2.2. Vessels should communicate via VHF radio to ensure safe and appropriate navigation in the vicinity of whales.
- 2.3. If the whale shows signs of being disturbed, vessels must be withdrawn immediately.
- 2.4. A whale must not be pursued.

ADDITIONAL PROCEDURES FOR HUMPBACK WHALE (BEST PRACTICE PROCEDURES)

- 2.5. Humpback whales will often approach boats. If a whale approaches or is spotted less than 100m from the boat, the motors must be put into neutral immediately, or the vessel engines cut when safe to do so.
- 2.6. Only one vessel at a time should be in contact with a group of humpback whales.
- 2.7. If a vessel is passing another vessel which has humpback whales around it, they should communicate via VHF radio and the travelling vessel should, where practical, keep a distance of 0.6 nautical miles (c.1000 metres) from the vessel with whales and maintain its cruising speed rather than slowing down, drifting or anchoring within 0.6 nautical miles (c.1000m) of the vessel with whales (see Figure 2).

Humpback Whale behaviour and potential signs of disturbance

Research into Humpback whale behaviour is ongoing and much remains unknown. It is difficult to determine whether whales are disturbed by the presence of boats or swimmers, however it is important to be aware of potential signs of disturbance. The following behaviours, identified from studies of other cetaceans, may indicate that a humpback whale is disturbed:

- Sudden speed ups / startle responses
- Sudden sharp veers away from swimmers or vessels
- Increased distance of passes
- Changing in breathing patterns (ie where they surface around the vessel and/pr the intervals between breathers)
- Changes to acoustic behaviour
- Any signs of protective behaviour by other whales when a calf is present (eg screening/shepherding or back arching displays)
- A variety of behaviours have been described in humpback, other whale and dolphin species as aggressive (eg tail slashes, trumpet blows, bubble blasts, jaw gapes and jaw claps). Some of these behaviours have also been

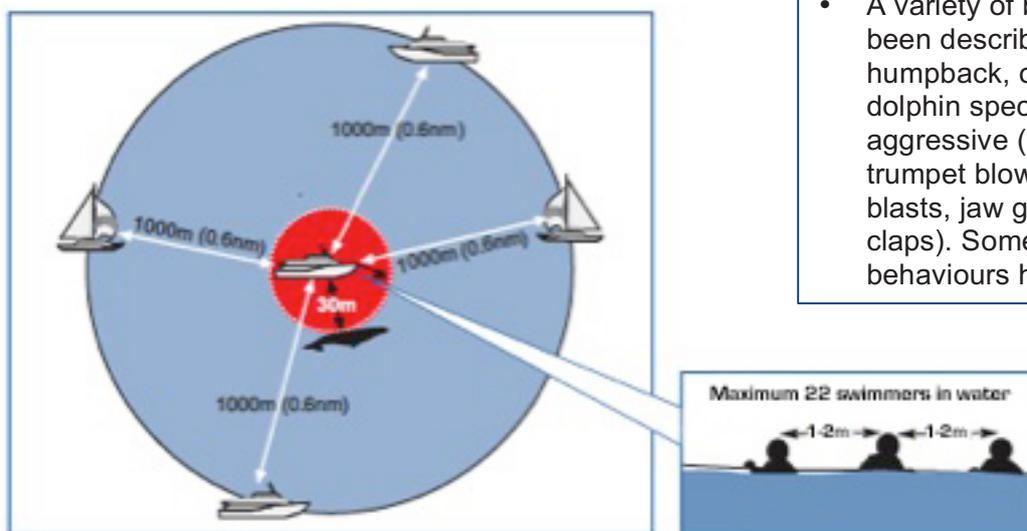


Figure 2: Best Practice Vessel Approach Distances Protocol for interactions with humpback whales. Note: for swimming-with-whales endorsed vessels, swimmers must not enter the water if a whale is showing signs of distress or aggression.

INTERACTION WITH A COW AND CALF

- 2.8. Stop the vessel immediately if a cow and calf are seen.
- 2.9. If a cow-calf pair remains in the distance or only comes in briefly before heading away, do not motor towards them.
- 2.10. Record details of the cow-calf encounter when filling out the Whale Sighting Sheet, including the times of the first and last sighting of the cow-calf pair.

3. VESSEL DEPARTURE FROM WHALES

- 3.1. In most cases, the vessel breaks off an interaction with Humpback whales, either to move to a new site or to vacate the area for a second vessel. If it is necessary to depart while whales are near the vessel, the skipper should:
 - Post someone as look-out at the bow and stern - Scan the area to determine the position of the whales
 - Engage the propeller only when whales are well away from the boat
 - Motor away as slowly as sea conditions allow (less than six knots), with lookouts, especially at the bow
 - Increase speed gradually when whales are off to the side or well clear of the stern.

DEPARTING THE AREA WHEN A COW AND CALF ARE PRESENT

- 3.2. If a cow-calf pair is in the vicinity when the vessel is scheduled to leave, try to delay the vessel departure until the pair leaves the area (they usually do not remain for long).

4. IN-WATER INTERACTION MANAGEMENT

PRE-SWIM BRIEFING

- 4.1. Prior to an in-water interaction with humpback whales, all participants must be well briefed for possible weather and sea conditions, their likely reactions to seeing a whale up close when in the water, and the way they must behave during their interaction with the whales. The briefing must also give clear explanations as to why passengers must abide by legal requirements and detailed protocols.

It is the responsibility of the vessel skipper and crew to ensure that all passengers and crew comply with the rules outlined in the pre-swim briefing.

- 4.2. The pre-swim briefing should include:
 - What to expect – weather, sea conditions
 - Brief introduction to humpback whales, basic biology and behaviour
 - The whales' likely responses to humans
 - People's likely reactions to seeing a whale up close when in the water
 - Legal requirements, and the need to comply (with reasons)

RECOGNISING A CALF

A Humpback whale calf is between 3 and 4.5 metres in length when born and weighs up to 1 ton. The calves are born during the whale's northern migration from Antarctica between June and November. The calf usually remains in close proximity to its mother, and often breathes more frequently than an adult humpback whale. Encounters with cow-calf pairs are usually short. The mother is often particularly wary.



Figure 3: Humpback whale mother and calf. (Photo by Sunreef Mooloolaba)

- The protocols for snorkelers and the need to comply (with reasons)
- Procedures for whale-swimmer interactions (when drifting in open water or when moored/at anchor at a dive site) and the need to comply (with reasons)
- Appropriate in-water behaviour

MANAGEMENT OF IN-WATER INTERACTIONS BY THE VESSEL CREW

- 4.3. Crew of swimming-with-whales endorsed vessels should be appropriately trained to manage interactions with the whales and interpret the experience for participants.
- 4.4. If whales approach the vessel of a swimming-with-whales endorsed tourism operator and the skipper decides to allow passengers to enter the water to swim with them:
 - The crew should prepare for the in-water interaction by deploying one or two (maximum) surface safety lines attached to the vessel, for use by snorkelers
 - A crew member should enter the water first to assess conditions - Swimmers must not enter the water until crew member signals it is safe to do so.
- 4.5. A designated, appropriately trained member of crew must be on duty to supervise and monitor the interaction at all times.
- 4.6. One crew member should be stationed on the duckboard to direct passengers and assist entry and exit.
- 4.7. If any behaviours of concern are observed, crew must carefully assess the level of risk and should consider recalling swimmers and removing ropes from the water

Enhancing the swimming-with-whales experience

For many participants, the opportunity to swim with whales in their natural environment is a once-in-a-lifetime experience.

Surveys of swimming-with-whales participants have shown that detracting aspects of people's minkie whale experiences include bad weather, overcrowding, observing breaches of the guidelines and having unrealistic expectations of the whales before entering the water. (Birtles, Valentine, Cumock, Arnold & Dunstan, 2002).

This is consistent with feedback from humpback whale participants as well.

Providing a good pre-swim briefing is important to ensure that swimmers are well prepared before they enter the water, behave appropriately and have the best possible humpback whale experience. Swimmers should also be advised that there is no rush to enter the water to swim with the whales as the average interaction duration is about 10 to 15 minutes.

USE OF SURFACE ROPES/SAFETY LINES

General

- 4.8. When surface ropes/safety lines are deployed from the vessel, snorkelers should hold onto a line at all times during an interaction with whales unless directed otherwise by crew.
- 4.9. The line(s) should stream in a straight line away from the vessel at all times (i.e. not be allowed to lie slack or looped in the water) to minimise the likelihood of a whale becoming entangled.
- 4.10. A maximum of two surface ropes no longer than 100m should be deployed. (Note: Consideration must be given to the sea conditions, the maximum distance that the swimmers and the supervising crew are able to communicate with each other, and the experience level of the swimmers placed furthest from the vessel.)
- 4.11. Lines must be removed from the water if they are not being used by snorkelers.
- 4.12. It is recommended that lines are fitted with floating devices to manage passenger behaviour and minimise the likelihood of a whale becoming entangled.

- 4.13. To ensure effective management of the in-water interaction and maximise the positive experience for swimmers, it is recommended that crew limit the number of people on a line at any one time. A maximum of 22 snorkelers per line is recommended, however crew discretion may decrease this number due to conditions.
- 4.14. Swimmers should space themselves evenly (at least 1.5M) apart from each other along the rope to avoid bumping into each other and unnecessary kicking/splashing.
- 4.15. Swimmers should attach a Shark Shield or similar device prior to entering the water, once in the water they should check to ensure the device is operational. Alternatively, devices should be attached to the floating line and checked by crew on entering the water.

Drifting in open water

- 4.16. Safety line(s) must be used and swimmers should remain on the line(s) at all times, unless directed otherwise by trained crew.

Moored or at anchor

- 4.17. Use of safety lines is recommended for snorkelers where practical. If lines are not used, suitable alternatives for managing numbers and restricting the movements of snorkelers must be developed and passengers need to be especially well-briefed.

Limiting the number of swimmers

It is recommended that crew limit the number of swimmers in the water at any one time to ensure effective supervision and management of the encounter, and to enhance the swimmers' experience. Prior to each pre-swim briefing, crew should assess the weather and sea conditions and the experience level of the swimmers when deciding an upper limit for the number of swimmers.

Behaviours of concern

Some Humpback whale behaviours may pose a risk to the safety of swimmers and/or the whales if they occur in close proximity to swimmers, ropes or the vessel.

While there have been no recorded instances of any harm to humans from swimming with Humpback whales, it is important to be mindful that these are large, powerful, wild animals in their own environment.

The risk associated with the following behaviours increases, the closer the whales are to swimmers, ropes or the vessel:

- Breaching
- Head-rise-spy-hop
- Motor-boating
- Jaw claps
- Jaw gapes
- Very close approaches

On very rare occasions, it has been observed that a whale made physical contact with a swimmer, a rope and/or other objects (eg the vessel tender). Such an occurrence poses an increased risk to any swimmer involved, and/or the whale (eg risk of entanglement in a rope). If a calf is present, any sign of protective behaviour by other whales (eg screening/shepherding or back arching displays) should be regarded as a potential risk to the safety of swimmers.

SNORKELLERS

- 5.1. Follow instructions from the vessel crew at all times.
- 5.2. Participants who swim with whales must wear either a life jacket or wetsuit at all times
- 5.3. Passengers and crew of swimming-with-whale endorsed tourism operators must not enter the water until directed to do so by trained crew.
- 5.4. Enter the water calmly and with minimal noise to reduce potential disturbance to whales.
- 5.5. If a whale approaches a person in the water, they must move slowly to avoid startling the whale.
- 5.6. Do not touch or make physical contact with a whale.

5. PROTOCOLS FOR

Why you must not touch a whale

1. **It is illegal to touch a whale.**
2. You might startle the animal and put yourself at risk of injury (remember these are very large and powerful wild animals). A startled whale could also injure itself (e.g. by becoming entangled in a rope).
3. There is the potential for disease transmission (from human to whale and vice versa).

- 5.7. When surface ropes/safety lines are deployed from the vessel, swimmers should hold onto a line at all times, unless instructed otherwise by a trained crew member.
- 5.8. Snorkelers should space themselves one to two metres apart along the line to avoid bumping into each other and unnecessary kicking/splashing.
- 5.9. Snorkelers should remain in contact with crew on board the vessel in case the crew needs to recall the swimmers to the boat.
- 5.10. Natural light only must be used for photography (i.e. no flashes/strobes or video lights). Humpback whales have large eyes that may be adapted for low light levels and they may be startled by camera flashes. The natural light near the surface is sufficient for capturing a high quality image.
- 5.11. If whales display signs of disturbance, swimmers must exit the water.
- 5.12. Swimmers must be fitted with a shark shield or similar device, or device must be fitted to the floating line.

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