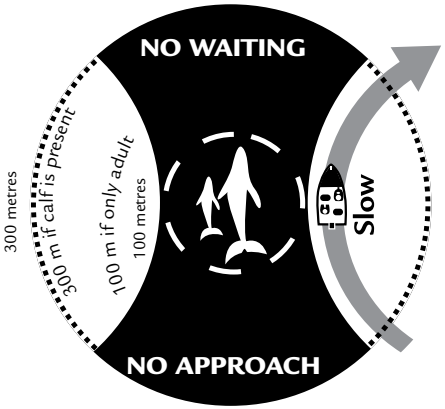

Figure 1: Approach distances for whales

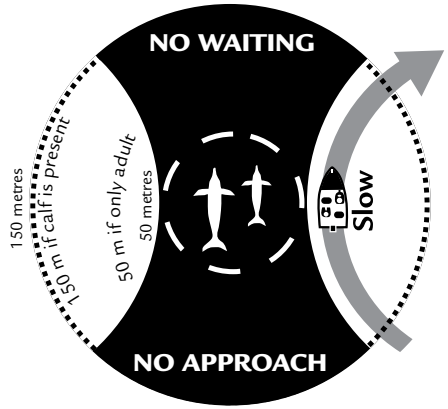

Figure 2: Approach distances for dolphins

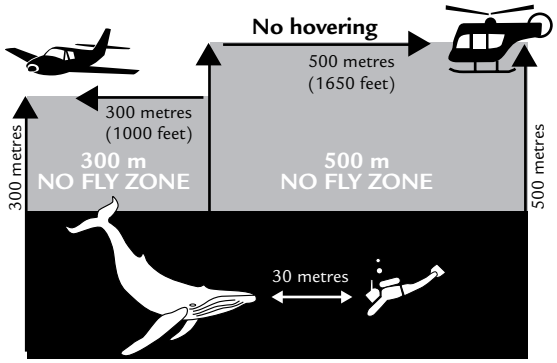

Figure 3: Height restrictions for whales and dolphins

What should a vessel operator do if a marine mammal swims within the approach distance?

Whales and dolphins sometimes approach vessels, or dolphins may ride the bow wave (it is an offence under the Regulation to encourage them to do so). In these situations, do not suddenly change speed or direction. Slow down, engage neutral and wait until the animal has moved beyond the approach distance. Then, travel at a constant slow speed while within the caution zone.

What if a river is narrower than the approach distance?

In NSW, dolphins also live in coastal rivers and it is necessary to maintain the approach distance from them. However, if the river is not wide enough to enable a vessel to remain 50 m from the closest dolphin without threatening the safety of the vessel or its passengers, move the vessel away from the dolphin as soon as possible at a constant slow speed. Avoid colliding with the dolphin or travelling through a pod.

Guidelines and the Regulation can be found at www.environment.nsw.gov.au/plantsanimals/whaleregulation.htm

Department of Environment and Climate Change NSW
Phone 1300 361 967
www.environment.nsw.gov.au

NSW Maritime
Info Line on 13 12 56 (open 7 days a week 8.30am to 4.30pm)
Your local NSW Maritime Operations Centre.
www.maritime.nsw.gov.au

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BE RESPONSIBLE NEAR WHALES AND DOLPHINS

Photo: W. Reynolds

Department of **Environment & Climate Change** NSW

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APPROACHING WHALES AND DOLPHINS IN NSW

The NSW National Parks and Wildlife (Marine Mammal) Regulation 2006 (the Regulation) has been introduced to protect marine mammals such as whales and dolphins while allowing people to appreciate them in the wild.

This fact sheet provides a summary of the Regulation's provisions and is relevant for anyone who approaches marine mammals.

Why has the marine mammal Regulation been introduced?

In October 2005, *The Australian national guidelines for whale and dolphin watching 2005* were released (see www.environment.gov.au/coasts/species/cetaceans/index.html). The Commonwealth, states and territories agreed to introduce consistent regulations for marine mammal protection in all jurisdictions so the same rules applied across Australia.

Definitions

Approach distance – see figures 1–3 (referred to as 'prescribed distance' in the Regulation): a distance beyond which a vessel or person may not approach a marine mammal.

Caution zone: a distance between 100 m and 300 m from a whale and 50 m and 150 m from a dolphin. In the caution zone, vessels must travel at a constant slow speed and leave a negligible wake.

Negligible wake: wake that does not create waves big enough to make nearby boats move.

Prohibited vessels: these are vessels that can make fast and erratic movements and not much noise underwater, so there is more chance they may collide with a marine mammal. Such vessels include personal motorised watercraft like jet skis, parasail boats, hovercraft, hydrofoils, wing-in-ground effect craft, remotely operated craft or motorised diving aids like underwater scooters.

Vessels: these are watercraft that can be used as transport including motorised or non-motorised boats, surfboats, surf skis and kayaks.

How close can vessels and aircraft get to whales and dolphins?

- For a vessel, the approach distance is 100 m from a whale or 50 m from a dolphin.
- When calves are in the pod, the approach distance for a vessel is 300 m from a whale and 150 m from a dolphin.
- For a prohibited vessel, the approach distance is always 300 m from a whale or dolphin.
- Helicopters or gyrocopters must not get closer (in height or distance) than 500 m to a whale or dolphin.
- Other planes must not get closer (in height or distance) than 300 m to a whale or dolphin.

See figures 1–3 for more information.

At what speeds can vessels travel around or approach marine mammals?

Vessels must always travel at a safe speed which will enable them to stop in time to avoid distressing or colliding with an animal. This speed cannot be expressed as a maximum number of knots as it will vary according to the circumstances and conditions. In the caution zone, the speed must be constant and slow, and leave a negligible wake.

Whales and dolphins rely on sounds underwater to communicate, find food and navigate so vessel operators need to travel at a speed that will minimise the noise around them, and ensure their vessel does not suddenly change its direction.

For details of how to minimise wake from a vessel, visit NSW Maritime's website at www.maritime.nsw.gov.au/wash or phone 131 256.

How should a vessel operator approach a whale or dolphin?

First, assess the direction the animals are travelling, then plan a course so your vessel will not cut across their path, or put the vessel directly in front of or behind them. Approach the caution zone at an angle of not less than thirty degrees from their direction of travel at a steady constant speed, being aware of changes in animal behaviour or direction.

Under the Regulation, a vessel operator cannot enter the caution zone if there are more than two other vessels already in it. This may mean waiting for other vessels to leave. If there are two or fewer vessels in the caution zone, continue on course at a constant slow speed and travel alongside the animals, no closer than 100 m to a whale or 50 m to a dolphin.

If there is a calf in a group (defined as half the length of the adult of the same species), it is illegal under the Regulation to enter the caution zone.

Be aware of other vessel movements and changes in animal movement or behaviour. Never chase or encircle a whale or dolphin or drive through the middle of the group.

How can people tell when a whale or dolphin is distressed?

The following actions can be part of an animal's normal behaviour, but may indicate distress when they occur repeatedly, or as a sudden and erratic change in behaviour, or with other actions indicating distress:

- irregular changes of direction or in swimming speed
- hasty dives
- changes in breathing patterns
- aggressive behaviour such as tail slashing or forceful 'trumpet blows'.