
Voluntary National Cetacean Conservation Report

Submitted to the Conservation Committee by the Government of Australia

**This report provides an update on cetacean conservation actions
undertaken by Australia since IWC63.**

1. Legal developments

All cetaceans are protected in Australian waters under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or under state legislation.

A report outlining Australian Government's response to the first ten-year review of the EPBC Act was released in August 2011. A number of amendments to the Act have been proposed that will improve the protection of cetaceans. These include changes that will allow enhanced compliance and enforcement activities in relation to whale watching activities and provide for strategic assessments that will better account for the cumulative impacts of proposed developments. A reform taskforce is currently working to implement proposed changes.

2. Information on whalewatching operations

The *Australian National Guidelines for Whale and Dolphin Watching 2005*, which form the basis for Australia's whalewatching regulations, were developed by the Commonwealth Government and all Australian states and territories which have jurisdiction for the conservation and protection of whales and dolphins in coastal waters outside of the Australian Whale Sanctuary (up to 3 nautical miles from the coast).

2.1 Review of whale watching management

The Australian Government is currently reviewing how whalewatching is managed in Commonwealth waters. The government has consulted with the national whalewatching industry, relevant state and territory environment agencies to identify areas of concern. These issues were outlined in the document *Whalewatching in Commonwealth Waters - Review of management arrangements*, which was provided for public comment in late 2011. Comments received addressed a number of matters including; the need to refine the existing guidelines; a desire to introduce capped permits for commercial whale watching; and compliance issues, particularly in relation to recreational boaters. The Australian Government now intends to establish a review taskforce that will include representatives from all stakeholder groups, to progress the review and revision of management arrangements. This review falls within Objective 5 of the five Year Strategic Plan for Whalewatching.

2.2 Compliance Operations

The Australian Government, through the Australasian Environment Law Enforcement and Regulations Network (AELERT), undertakes a coordinated national cetacean compliance and enforcement operation, *Operation Cetus*, timed to coincide with the annual whale migration. One of the emphases of *Operation Cetus* is to work cooperatively with the whalewatching industry and the community to ensure that cetacean interactions are undertaken with a sound knowledge of rules and responsibilities. In effect - complementing compliance actions with a series of education and awareness measures. The operation covers both the east and west coasts of Australia and focus on popular whalewatching 'hotspots' within both state and Commonwealth waters from May – November.

The government will continue to review whalewatching practice and management to ensure whale and dolphin watching is carried out responsibly in Australian waters.

3. Current Government programs related to cetacean conservation

Australia's government agencies participate in a range of programs at state, national and international levels to facilitate cetacean conservation.

3.1 National Initiatives

The Australian Government and its relevant state and territory environment agencies have identified a number of shared priorities for national cetacean conservation, these include:

- National Network of Whale and Dolphin Sanctuaries – The Australian Government is working with relevant agencies to identify important cetacean habitat areas around Australia. An assessment will then be undertaken of the current protection offered to cetaceans within these areas.
- Whale Watching – as noted above, a review of whale and dolphin watching management is underway.
- Recovery and Conservation Management Planning – there are five cetacean species listed under EPBC Act. The current Recovery Plans for these listed cetacean species were reviewed in May 2010, and a process to update these plans has commenced. The Southern Right whale recovery plan is in the final stages of development and is expected to be finalised by the end of 2012. The Blue Whale recovery plan is being drafted and is expected to go out for public comment by September 2012. Both of these plans have adopted the IWC endorsed Conservation Management Plan format.
- Ship Strikes – The Australian Government has commenced the development of a national strategy aimed at mitigating vessel-cetacean interactions. The strategy will focus on public awareness and education, and improved protocols for reporting vessel-cetacean incidents. The Australian Marine Mammal Centre (AMMC) has developed a national ship strike database and associated web-based questionnaire, based closely on the IWC data collection questionnaire. This will ensure that the data collected in Australia is compatible with the IWC ship strike database. Attempts to submit data from Australian waters directly to the IWC will be redirected back to the AMMC-based portal to ensure all reporting has national verification.
- Research Priorities – The Australian Government has prepared a draft national cetacean research prospectus. The prospectus identifies research requirements to support the ongoing development of effective cetacean conservation policy and management, and to better understand and minimise adverse effects from industry development and other users on cetaceans. The prospectus is aimed at Commonwealth, state and territory government agencies, industry sectors, research bodies, academic institutions, and non-government organisations. The Government is working with stakeholders to identify key management research questions for inclusion in the prospectus.
- National guidance on strandings, disentanglements and euthanasia – The Australian Government is developing national guidance on strandings, disentanglements and euthanasia to ensure ongoing best practice responses to such incidents. The guidance will complement existing local and regional tools for managers and the public.

The Australian Government continues to regularly hold consultation forums to ensure policies are based on operational understanding and practicality. These forums include:

- National Whale Watching Industry Roundtable – an annual forum established to encourage discussion on the management of whalewatching in Australian waters and the options for encouraging responsible and sustainable whalewatching.
- Government Cetacean Management Workshop – an annual forum attended by all relevant states and territories (and New Zealand) which allows for the timely identification of cross-jurisdictional issues, the sharing of management experience, and review and comment on emerging policy issues (both domestically and internationally).
- Non-Government Organisation (NGO) Roundtables - the government holds roundtable forums on cetaceans with NGOs twice a year. This helps to ensure that issues of concern to civil society, with respect to cetacean

management at both national and international levels, are identified, discussed and as appropriate, addressed by the Government.

3.2 Research Projects

The Australian Marine Mammal Centre (AMMC) provides scientific research and advice to inform and support Australia's marine mammal conservation priorities. In 2011/12, the AMMC funded research on humpback whales, blue whales and southern right whales with a focus on population estimates, identification of individuals, distribution and threat abatement. Over the past two years the Marine Mammal Grants Scheme has administered over \$1.6 million in grants to support some 26 marine mammal research projects.

The AMMC is also leading Australia's scientific commitment to the Southern Ocean Research Partnership. The Southern Ocean Research Partnership (SORP) has developed six multi-national research programs on whales in the Southern Ocean that address key research needs of the International Whaling Commission. Australia is actively involved in supporting all these projects. In March 2012 the SORP held the *Living Whales in the Southern Ocean Workshop*. The purpose of this workshop was to review the strengths and weakness of methods used to study living whales.

Other regional initiatives include the Australian Government's Indo-Pacific Cetacean Research and Conservation Fund (IPF). The Fund invests in research and conservation challenges of interest to the Australian Government, developing countries in the Indo-Pacific Region and the cetacean research and conservation community more generally. Funding has been provided for research grants for work undertaken in Papua New Guinea, Bangladesh, Pakistan, Thailand, Palau and Fiji.

3.3 Marine bioregional planning and the establishment of marine reserves

Marine bioregional planning is focused on building knowledge of Australia's oceans and improving conservation and sustainable use of our marine resource. Marine bioregional plans are being developed for each of Australia's marine regions, the South-west, North-west, North, East and South-east. The Plans will describe the marine environment and conservation values of each marine region, which will include information on listed species and their biologically important areas, such as breeding areas and migration routes of cetaceans.

The marine bioregional planning process is being used by the Australian Government to establish new marine reserves that will represent and protect examples of all the different marine ecosystems and habitats found in the oceans around Australia. A number of the reserves identified will protect important habitat for cetaceans. For example the proposed Perth canyon Commonwealth Marine reserve contains biologically important seasonal feeding aggregations of four whale species, including the northernmost extent of seasonal calving habitat for the threatened Southern Right whale, foraging areas for the threatened Blue Whale and Sperm whale, and the migration pathway for the threatened Humpback whale.

4 Current threats to cetacean conservation and management measures taken/proposed

4.1 Marine Noise and Seismic Surveys

The Australian Government has developed a set of requirements for minimising the impacts of seismic activities undertaken for oil and gas exploration. Under the EPBC Act, policy statement 2.1 "Interaction between Offshore Seismic Exploration and Whales" September 2008 provides practical standards to minimise the risk of acoustic injury to whales in the vicinity of seismic survey operations, and provides guidance on the legal responsibilities of proponents undertaking the activities. (<http://www.environment.gov.au/epbc/publications/seismic.html>).

4.2 Strandings

Australia has an excellent response capacity to assist individuals and groups of whales in distress, in cases where assistance is physically and logistically possible. The government is preparing national guidance for responding to adverse cetacean incidents, such as strandings. See Section 3.1 for more information. As Humpback whale numbers continue to increase the number of Humpback strandings is also expected to climb.

The Australian government agencies at all levels have worked together over many years to establish strong communications and operations networks to manage and respond to events such as whale and dolphin strandings. As part of this communication network, the Department of Defence verify if any Navy activities have taken place in

the vicinity of any stranding event. No correlation has been found between naval or seismic activities and any of the recent strandings in Australian waters.

5 Reporting systems for cetacean injuries/mortality/strandings

Australia utilises a number of reporting systems to identify events resulting in cetacean injuries or mortality. Some of the reporting systems are established under EPBC Act legislative requirements e.g. fisheries by-catch reporting. There is also surveillance provided by Coastwatch – a coordinating maritime response service – for a range of Australian Government agencies. Their duties include identifying and responding to illegal fishing in Australian waters, detecting and reporting environmental incidents such as marine pollution and unusual marine mammal mortality events for many remote areas of Commonwealth water.

5.1 Incident reporting – State/Commonwealth cooperation

Cetacean injuries, strandings and mortality are generally reported to local and state government agencies as most incidents are observed in coastal waters (up to 3nm from shore). The National Whale and Dolphin Sightings and Strandings Database is currently being redeveloped.

A close, cooperative working relationship exists between the state, territory and Commonwealth government agencies responsible for cetacean conservation and incident prevention, response and outcomes are managed at a number of levels.

6 International cooperation activities

The Australian Government is party to a number of multilateral agreements related to whales, in addition to our engagement in the IWC. These include the *Convention on International Trade in Endangered Species (CITES)*, and the *Convention on Migratory Species (CMS)*.

In November 2011, Australia participated as a ‘Premier Sponsor’ in the 2nd International Marine Mammal Protected Areas conference, held in Fort du France, Martinique. Australia promoted Marine Protected Areas as regions in which environmentally sustainable and economically viable whale watching can occur.