

STATE AND TERRITORY GOVERNMENT RESPONSIBILITIES

State and territory governments are responsible for conservation and protection of whales in coastal waters (out to the 3 nautical mile limit). This includes responding to stranded and entangled whales and managing whale watching activities.

HOW YOU CAN HELP

- Watch out for whales when on the water, follow your state or territory's whale watching guidelines and if in doubt make sure you stay at least 100m away.
- If you spot whales from the water or land you can register your sighting at www.deh.gov.au/whales—this will help with our research into whale numbers, distribution and behaviour.
- If you see a stranded whale or dolphin contact your state or territory environment agency—a list can be found at www.deh.gov.au/whales
- Please don't litter—rubbish such as plastic bags and old fishing line can be deadly to marine creatures

QUICK FACTS

- Despite the international ban on whaling over 1400 whales are still killed every year around the world.
- So called 'scientific whaling' is unnecessary. Australia is leading the way in new research techniques that do not harm whales.
- Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) all whales, dolphins and porpoises are protected in Australian waters.
- There are penalties of up to \$110,000 and/or up to two years imprisonment for illegally killing, injuring, taking, trading, keeping, moving, interfering with or treating a cetacean in the Australian Whale Sanctuary.

To learn more about how the Australian Government is protecting whales visit www.deh.gov.au/whales

PROTECTING WHALES AND DOLPHINS

Australia has been a world leader in the protection and conservation of whales since the end of Australia's whaling industry in 1978. Australian waters are home to 45 species of whales and dolphins. The protection of these species domestically, regionally and internationally is a priority for the Australian Government, particularly maintaining the ban on commercial whaling.

Nationally, the Australian Government's whale conservation efforts are focused on the recovery of threatened species, research into whale and dolphin populations and habitats and in helping to understand the reasons for whale strandings.

The Australian Government is also working with state and territory governments and marine industries to better manage the impacts on whales and dolphins from fishing, oil and gas exploration, entanglement in marine debris, and the growing interest in whale and dolphin watching.

'Cetacean' is the common name for the Order Cetacea and refers to whales, dolphins and porpoises

INTERNATIONAL EFFORTS TO PROTECT WHALES

The Australian Government is completely opposed to all forms of commercial and scientific whaling. Australia works with other pro-conservation countries at the International Whaling Commission (IWC) to ensure commercial whaling is not allowed to resume. Australia argues that so-called 'scientific whaling' for research purposes is unnecessary and is inhumane and cruel.

In addition to the IWC the Australian Government is party to other multi-lateral agreements related to whales, including:

- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which was established to regulate international trade in species threatened with extinction. Australia is one of more than 150 countries that is a party to CITES; and
- The Convention on the Conservation of Migratory Species (CMS), which is an international treaty aimed to conserve terrestrial and marine migratory species and their habitats on a global scale. Under the auspices of the CMS Australia is working with South Pacific countries to develop the Memorandum of Understanding on the Conservation and Management of Cetaceans and their Habitat in the Pacific Islands Region.

HOW DOES AUSTRALIAN LAW PROTECT WHALES?

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is Australia's major environmental law. The EPBC Act protects all whales, dolphins and porpoises in Commonwealth waters and provides other measures for their protection, including:

RECOVERY PLANS

Five whale species are currently listed as threatened under the EPBC Act. They are the blue whale, humpback whale, southern right whale, fin whale and sei whale.

Recovery plans for these five species identify whaling and habitat degradation as the key threats to these whales, and they recommend a range of programmes to assist with the recovery of each of the species. The benefits of these programmes, especially for the humpback whale, are clear in the increase in their numbers every year.

WHALE SANCTUARIES

The EPBC Act establishes the Australian Whale Sanctuary and gives high level protection to whales and dolphins within Australian waters.

- The Sanctuary includes all Commonwealth waters (from the 3 nautical mile state waters limit) to the boundary of the Exclusive Economic Zone (i.e. out to 200 nautical miles and further in some places).
- Within the Sanctuary it is an offence to kill, injure or interfere with a cetacean. Severe penalties apply to anyone convicted of such offences.
- All states and territories also protect whales, and dolphins within their waters.

CETACEAN PERMITS

Activities in the Australian Whale Sanctuary that may impact on whales, dolphins or porpoises may require a permit. It is an offence to kill a whale, dolphin or porpoise in the Australian Whale Sanctuary. It is also an offence to injure, take, trade, keep, move, harass, chase, herd, tag, mark or brand a whale, dolphin or porpoise in the Australian Whale Sanctuary without a permit.

Permits may only be issued after all impacts of the activity have been taken into account. Permits cannot be issued to kill a whale, dolphin or porpoise or to take one for live display.

ENVIRONMENTAL ASSESSMENT

The Australian Government works closely with various marine and coastal industries to ensure potential impacts on whales and dolphins are avoided. Any organisation planning to undertake activities that may have a significant impact on whales, dolphins and porpoises must seek approval from the Minister for the Environment and Heritage. Permission is only granted if the activity meets rigorous assessment and approval criteria to ensure no cetacean populations are harmed and that their habitat is protected.

The offences relating to whales, dolphins and porpoises also apply to Australian citizens outside of Australia, including in other countries and international waters.

RESEARCH AND TRAINING

Research is vital to protect whales and dolphins, and the Australian Government is funding many research projects to find out more about whale and dolphin populations and trends, migratory pathways and important habitat areas (calving, resting and feeding) for a number of species.

Much of this work involves close collaboration with state and territory governments, researchers and conservation groups to improve protection for whales and dolphins. These include:

SPECIFIC SPECIES STUDIES – Southern right whale habitat and ecology studies at the Head of the Bight, South Australia; comparative genetic study between west and east coast humpback whales; aerial surveys of blue whales in the Perth Canyon; population studies of small cetaceans (including 'at risk' in-shore dolphins—Indo-pacific humpback and snub fin dolphins).

SEISMIC SURVEY GUIDELINES REVIEW – The Australian Government has developed guidelines for the offshore oil and gas industry to minimise the impact on whales when undertaking exploration surveys. The guidelines are reviewed regularly to ensure they are consistent with emerging scientific knowledge.

SIGHTINGS AND STRANDINGS DATABASE – Strandings and sightings of whales and dolphins are relatively frequent along Australia's coastline. While state agencies have primary responsibility for stranding responses, the Australian Government has developed a national database to coordinate sightings and stranding reports so that the information is easily accessible to researchers, marine industries, conservation groups and the public.

STRANDINGS SAMPLING PROTOCOL – The Australian Government has taken the lead in developing national standards for the collection of biological samples from stranded whales so that maximum information can be gathered to improve scientific knowledge on why whales strand.

DISENTANGLEMENT TRAINING – Because several whale populations are increasing, whales are increasingly found entangled in marine debris, fishing and aquaculture equipment. The Australian Government has provided funding for annual best practice training for state government staff involved in disentanglement operations around the country.

WHALE WATCHING

Watching whales and dolphins in the wild can be an exciting and rewarding experience. Australia provides many fantastic opportunities to view these animals in their natural habitats and the whale and dolphin watching industry continues to grow each year.

The Australian Government works closely with state and territory governments, non-government organisations and the whale and dolphin watching industry to review the National Guidelines for Whale and Dolphin Watching to ensure that Australia remains at the forefront of whale and dolphin conservation.

The Australian National Guidelines for Whale and Dolphin Watching 2005 apply equally to commercial and recreational whale watching and aim to:

- minimise harmful impacts on whales, dolphins and porpoises; and
- ensure people have the best opportunity to enjoy and learn about the whales, dolphins and porpoises found in Australian waters.

The Guidelines are available at www.deh.gov.au/whales