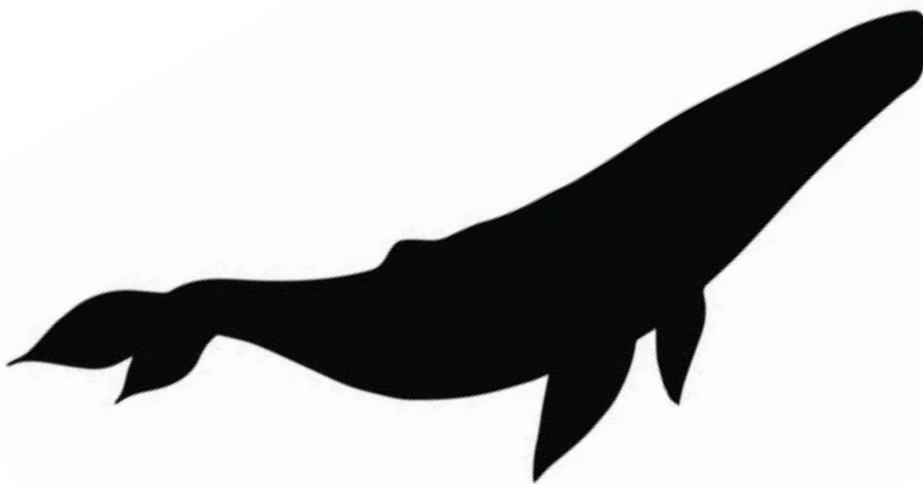


QUEENSLAND EAST COAST FISHERS

Code Of Practice for Whale Entanglement Mitigation

June 2023



Australian Government

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Grants Program



Australian
Marine Parks

QLD East Coast Fishers

Code of Practice for Whale Entanglement Mitigation

About this Code of Practice

Background

OceanWatch Australia (OWA) has developed the QLD East Coast Fishers Code of Practice for Whale Entanglement Mitigation (QLD ECF Whale CoP). The code is designed to assist QLD fishers in reducing the risks associated with whale entanglements and interactions with fishing gear.

The code provides detailed information specific to interactions with whales in QLD's ECF fishing gear, and has been developed following direction from a co-design workshop held in Mooloolaba, QLD in March 2023. This included valuable input from: the University of Queensland's Cetacean Ecology Group - Centre for Marine Science, QLD Department of Agriculture & Fisheries (DAF), Department of Environment and Science (DES), fishing industry experts, Sea World - Marine science division, and OceanWatch Australia.

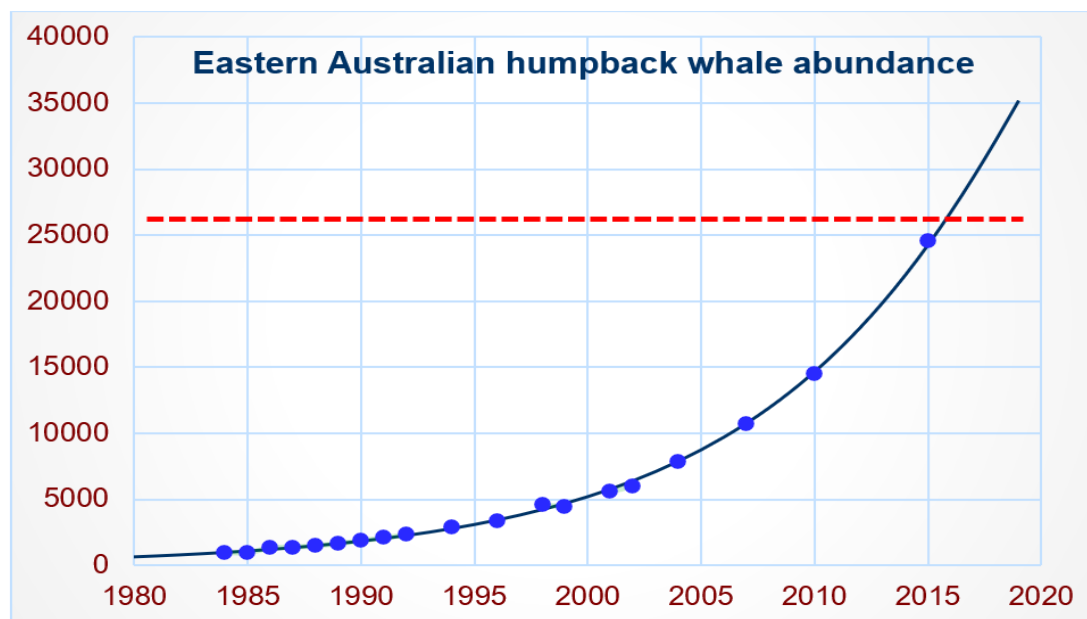
Trials for the practicality of modified fishing gears that have the potential to mitigate whale interactions are scheduled to commence during Humpback migration season 2023. The code will be regularly reviewed as further knowledge regarding whale specific best practice fishing operations for QLD fishers becomes available.

Fortunately, entanglements in QLD fishing gear remain relatively rare. However, the QLD fishing industry is committed to further reducing the risk to of entanglements by participating in alternative gear trials, understanding reporting requirements, and engaging in programs to increase their knowledge of migration pathways. and understanding their reporting requirements. This also includes what to do and who to call in the event of an interaction or entanglement.

As whale populations in the southern hemisphere recover from historic commercial whaling, the potential for interactions between whales and commercial fishing operations is increasing. Most entanglement incidents involve Humpback whales, a species listed as Vulnerable within the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act.

Humpback whales migrate through QLD waters mostly between May to November, with a high percentage of the population found between 1-5nm offshore. They are vulnerable to interactions with fishing gear due to their body shape, habitat use, distribution, and behaviours. Humpback whales have unique wart-like round protuberances (bumps or tubercles) that occur on the head forward of the blowhole and on the edges of the flippers, increasing the potential for entanglement with set fishing gear. The population of humpback whales has risen from an estimated 2,000 individuals to more than 35,000 over a 33-year period from 1990 to present (see figure below). This recent recovery of the population of Humpback whales has led to

increasing community interest and economic activity associated with observing whale migrations. In recent years, there has been increased media coverage surrounding whale entanglements on the Australian east coast, which has influenced community awareness and concern for animal welfare and bycatch issues.



Pt Lookout surveys started by Robert & Patricia Paterson, augmented by Michael Bryden & Miranda Brown. Cetacean Ecology Group taking over in 2004. Noad, Dunlop & Kniest. 2019. Population ecology.

OceanWatch Australia has conducted an assessment to identify fishing methods set within QLD's whale migratory pathways. This highlighted three fishing methods with the most likely chance of interaction:

- 1) Offshore set gillnets (including QLD's Shark control program),
- 2) Spanner Crab trotline, and
- 3) Offshore Blue swimmer crab trotlines

Whale entanglements are complex and often dangerous incidents to respond to. Due to the size of whales, disentanglement operations require responders to have specialist training and skills. Statistically speaking, the majority of entanglements occur in the southern states and migrate north into QLD waters still entangled. To deal with this issue, QLD has two main disentanglement crews professionally trained and dedicated to disentangling marine animals, specifically Humpback whales:

- The Department of Agriculture and Fisheries Marine Animal Release Teams (DAF MART), and
- Sea World's Marine science division

DAF are responsible for responding to animals entangled in shark control program nets or drumlines. DAF MART are highly trained and skilled in large animal release techniques using specialised equipment including custom built vessels and cutting equipment. MART procedures do not involve staff entering the water under any circumstances to attempt a release, as the risk to safety is too great.

MART training, processes and procedures in place adequately addressed WHS risks so far as is reasonably practicable. Although the risks are well managed and likelihood of an incident is low, releasing large, wild, and unpredictable animals has potentially

catastrophic consequences. Therefore, it is essential to monitor an entangled whale from a minimum 100m for an adult, or 300m if a calf is present; and do not enter the 'No approach zones', aft and forward of a whale (see page 7).

The Department of Environment and Science (DES) are responsible for:

- Whale strandings, and
- Whales entangled in fishing equipment (other than shark nets or drumlines)
**MART and SeaWorld can respond for DES through a fee for service.*

While disentanglement provides a means for dealing with incidents as they arise, the optimum solution to the problem involves reducing the risk of the entanglement. Gear trials and were undertaken by QLD east coast fishers to determine the practicality and safety aspects of gear modifications that may improve whale mitigation commenced in early 2024. These trials will help inform potential uptake of gear modifications by endorsed fishers and provide focus for further scientific trials to determine whale entanglement mitigation.

1. QLD ECF Whale Entanglement Mitigation CoP Key Elements

1. Documenting whale specific best practice fishing operations for QLD east coast fishers:

1. Including gear modifications that minimise the potential for whale interactions¹.
2. Conservation measures to assist in protecting whales from entanglement, including the familiarity of migratory pathways.
3. To minimise damage to or loss of fishing gear and catch due to whale interactions.
4. Demonstrate fishers' capacity to be proactive in response to emerging environmental issues.

2. Provide information on the appropriate course of action when encountering an entangled whale, including:

1. Appropriate and safe work practices for QLD fishers in the event of whale entanglement.
2. Contact details to enable the rapid reporting of incidents to fast track the disentanglement process.
3. Assisting whale disentanglement response teams.

3. Highlighting reporting requirements for interactions with Threatened, Endangered and Protected (TEP) species.

Relevant to the Commonwealth EPBC Act, Marine Parks Regulation 2017, and Nature Conservation (Animals) Regulation Act 2020.

4. Highlighting opportunities for QLD fishers to add to the knowledge base around whale migrations in QLD waters.

How the fishing industry can contribute to long-term monitoring and the preservation of the Humpback whale population.

¹ Trials of the practicality of modified fishing gears that have the potential to improve whale entanglement mitigation efforts commenced during early 2024. Upon completion of trials, this Code of Practice will be updated to reflect any uptake in alternative gear or practices.

2. Best Practice Operations for QLD Fishers

QLD fishers are encouraged to adopt the following measures to reduce the risk of whale entanglement:

1. Be aware of increased whale numbers between May and November.
2. Familiarise yourself with high frequency migratory pathways in your region.
3. Alert other fishers in the area if whales are observed near or in fishing grounds.
4. Trial the practicality of gear and techniques that have the potential to mitigate whale entanglements.
5. Offshore gillnet fishers cease fishing operations during peak season, within high frequency migratory pathways.
6. Conduct mammal observations before setting gear.
7. Provide support to further refine this Code of Practice.

Fishing Gear

Trials for the practicality of modified fishing gears that have the potential to improve whale entanglement mitigation efforts are scheduled to commence during migration season in 2023¹. Knowledge gained from gear trials will be used to further inform future best practice advice.

Individual vessel accountability improves reporting of TEP interactions. It is essential that fishing apparatus are marked with the appropriate details as highlighted in the fishery regulations. In the event appropriately marked gear has been lost, towed, or entangled, and is then recovered by a third party, it can be tracked back to the correct vessel. Therefore, it is extremely important to make a report of any and all interactions, including lost gear.

Current QLD ECF management regulations require spanner crab, blue swimmer crab, and gillnet gear to be marked with a buoy of no less than 150mm in any dimension at the surface, which must be clearly labeled with the license mark.

Gillnet and blue swimmer fishers 'outside' float, is to be accompanied by a flag no shorter than 2 meters above the waterline. Spanner crab dillies and blue swimmer pots are to be tagged with vessel name, in the event gear is lost.

The following advice identifies best practice fishing gear which complies with current management arrangements for the QLD ECF Fishery.

Offshore Gillnet

1. Cease Gillnet fishing operations during peak season, within high frequency migratory pathways
2. Limit slack rope in the water column.
3. Clearly mark floats with license mark.
4. Avoid excessive knots on ropes.
5. Sufficient anchor on the end of the line to restrict gear movement and to keep a taut net.
6. Implement best practice mitigation devices (Shark Control Program – Underwater acoustic pingers).
7. Conduct mammal observations before setting gear.

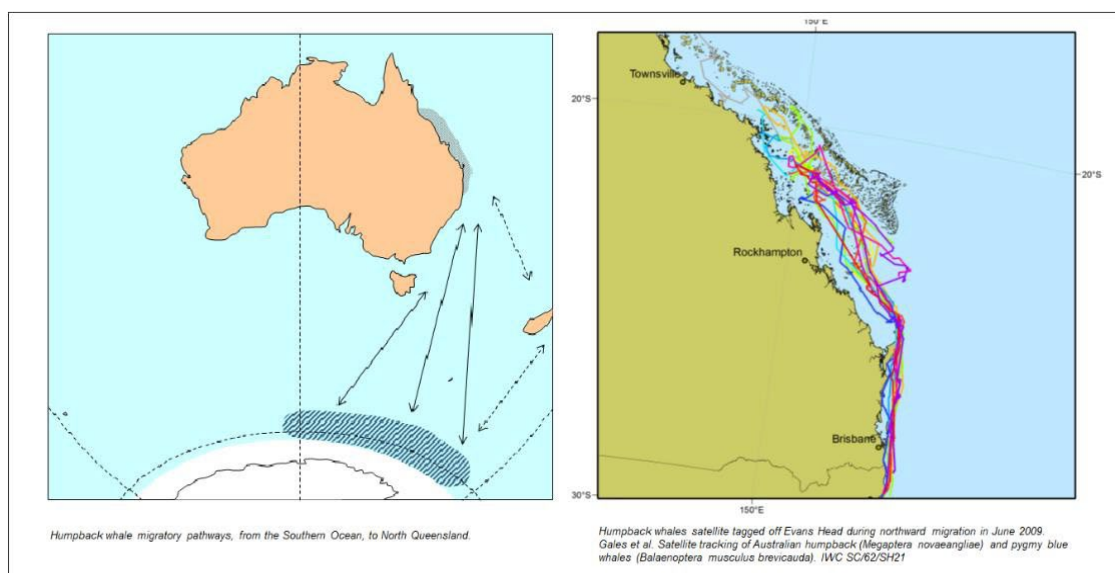
Spanner Crab

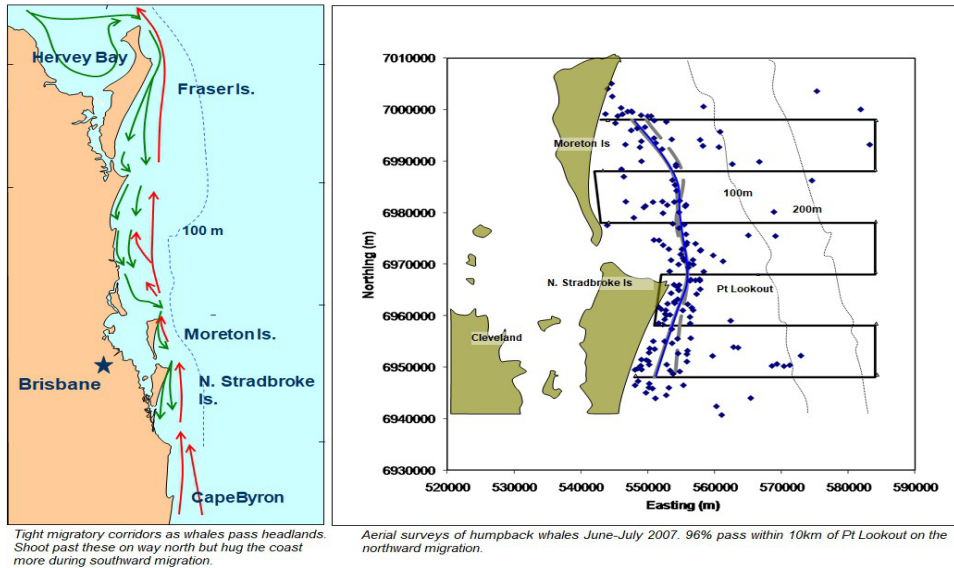
1. Limit slack rope in the water column.
2. Avoid excessive knots on ropes.
3. Minimise the number of buoy lines during whale season.
4. Minimise distance between dillies during whale season.
5. Sufficient anchor on the end of the line to restrict gear movement.
6. Conduct mammal observations before setting gear.

Offshore Blue Swimmer Crab

1. Limit slack rope in the water column.
2. Avoid excessive knots on ropes.
3. Minimise the number of buoy lines during whale season.
4. Minimise distance between pots during whale season.
5. Sufficient anchor on the end of the line to restrict gear movement.
6. Conduct mammal observations before setting gear.

Humpback Whale Migratory Pathways





2. Course of Action when Encountering an Entangled Whale

*The safety of fishing vessels and crew is the highest priority.
Do NOT attempt to disentangle whale.*

CALL WILDLIFE HOTLINE ON 1300 130 372

Immediately report entangled, sick, injured, or dead whales to the **Wildlife Hotline** on **1300 130 372**.

Provide details including:

- Location
- Type of entanglement
- Location of entanglement on the whale
- Speed and direction of travel

Rapid reporting ensures whale disentanglement teams have the best opportunity to successfully disentangle whales!

Report sick, injured or dead dugongs, dolphins, whales and marine turtles.

1300 130 372

TOLL FREE - 24 HOURS

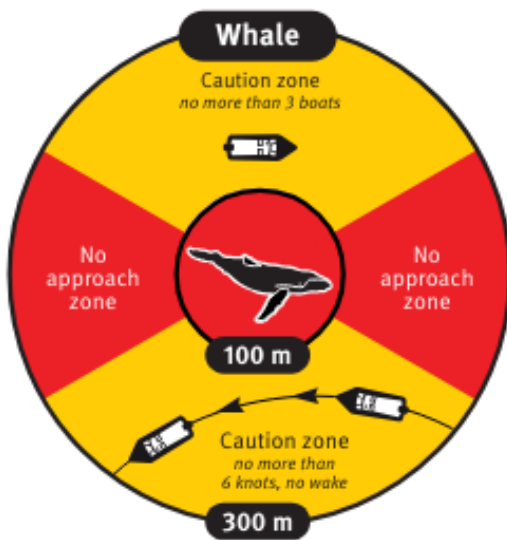
GO SLOW FOR THOSE BELOW!

Australian Government
Great Barrier Reef Marine Park Authority

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MONITOR ENTANGLED WHALE FROM A SAFE DISTANCE

1. Standby and monitor an entangled whale from a minimum of 100m for an adult or 300m if a calf is present.
2. Assist the disentanglement team to rapidly locate an entangled whale.
3. Provide support to disentanglement teams when requested.



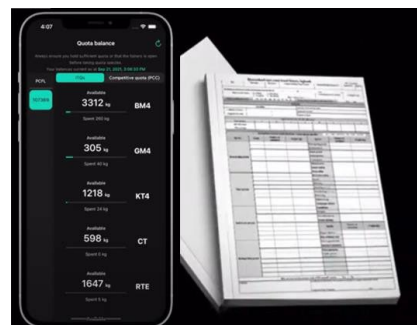
Caution Zone – The caution zone is an area surrounding a whale in which boats cannot travel at speeds more than six knots, or speeds that create a wake. The caution zone extends out to 300m from a whale.

No Approach Zone – Within a caution zone there are areas designated as ‘no approach’ zones that boats cannot enter. These are the areas closest to an animal and directly in front of and behind an animal. For a whale, the no approach zone surrounds the animal for 100m and extends 300m in front and behind the animal.

3. Reporting Requirements for Interactions with Threatened, Endangered and Protected (TEP) Species

All whales in Australian waters are protected under the Environment Protection and Biodiversity Conservation Act 1999.

An interaction with a protected species means any physical contact between the protected species, and a fisher, their vessel or fishing gear. All interactions with protected species must be reported via the eFisher Mobile reporting app (downloaded free from the app store) or TEP logbook.

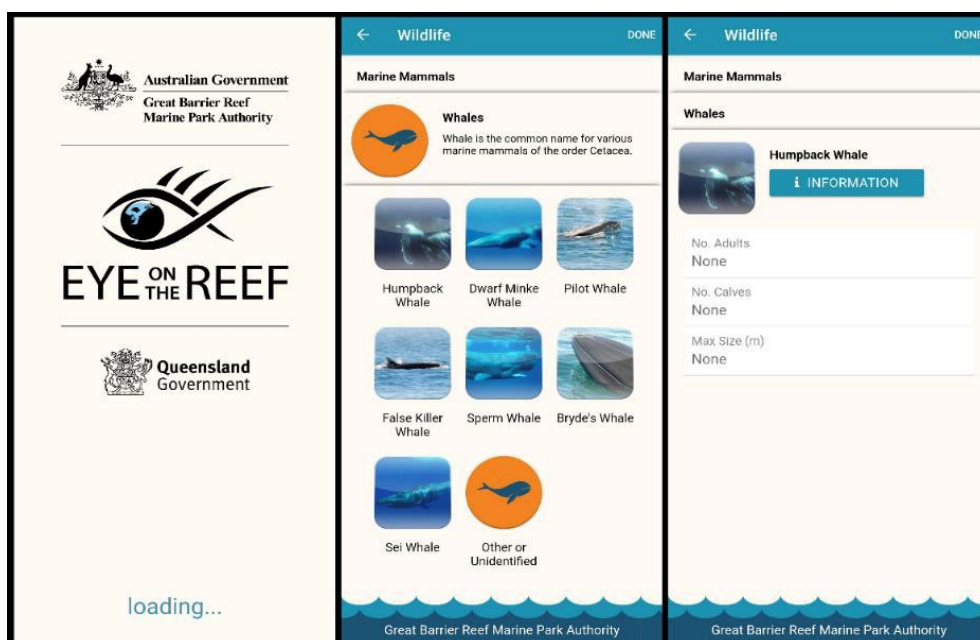


It is **not an offence** to interact with a protected species if fishers are working in accordance with management regulations, but it **is an offence** not to report it.

4. Adding to the Knowledge Base Around Whale Migrations in QLD Waters

Real-time reporting of whale sightings supports researchers in better understanding the paths of migrating whales and contributes important information to long-term monitoring.

QLD fishers can assist through reporting whale sightings via the Great Barrier Reef Marine Park Authority's, 'Eye on the Reef' sightings network. The Eye on the Reef sightings network is a community-based program, which is used to upload photos, videos, and observations of sightings. The images and observations help to manage the reef, so that it is preserved for future generations. Eye on the Reef is a simple and quick tool which can be accessed [online](#) or found free in your App store.



Following this Code of Practice will help demonstrate the professionalism of QLD's commercial fishing industry and show that fishers can co-exist with our marine mammals, whilst providing sustainable and responsible wild caught seafood for the broader community.