



Leaders in Environmental Management

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## New laws will clamp down on SA whale watching

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New laws in the pipeline will clamp down on people who harass whales and dolphins and will make it easier to take the culprits to court and convict them.

Draft regulations by the department of environment affairs and tourism on whales, dolphins and turtles have increased the distance any boat or aircraft has to keep between itself and whales and dolphins from 300m to 500m.

Mike Meyer of Marine and Coastal Management (MCM) said: "At the moment, all boats that don't have whale-watching permits have to keep 300m away.

"But we find that when guys are caught closer than 300m and it goes to court, the magistrates often accept it when the lawyer says: 'My client was just sitting there at 300m watching whales which is legal.'

"Well, at 500m it's clear that it's too far to do whale-watching from a boat, so that argument will not work," Meyer said.

This distance will not apply to people who have permits to do boat-based whale watching.

But Nan Rice of the Dolphin Action and Protection Group believes the change to 500m is unnecessary.

"We've had a hard time getting the public used to 300m and now it's going to change. Also, the distance now applies to whales and dolphins.

"I can't see how that can be enforced because dolphins love to ride the bow-wave alongside boats and do this all time," said Rice. "It's unrealistic to tell people they must keep their vessels 500m away from dolphins," Rice added.

The regulations also prohibit one from deliberately driving through a school of dolphins.

Rice said a big gap in the proposed regulations was that there was no prohibition of commercial operations which took tourists swimming with dolphins.

"Organised swimming with dolphins is a problem worldwide, where people jump off boats into schools of dolphins, forcing themselves into the school.

"There is no doubt from the research done that this interferes with dolphins' resting, nursing and feeding. The new regulations say only that the authorities 'will act against' any operator who feeds or swims with whales or dolphins. That's not good enough. It must be prohibited," Rice said.

Meyer said if the draft regulations had not prohibited swimming with dolphins and whales, it was an error.

"It is MCM's policy that no one swims with whales and dolphins," he said.

The new laws will also clamp down on operators who have no permits, but still advertise boat-based whale and dolphin watching.

No one will be able to advertise these tours unless they have a permit from MCM and the permit number must appear on the advertisement.

Meyer said this would mean the South African operators who advertised tours to swim with dolphins in Mozambique and elsewhere, would no longer be allowed to do so.



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· The public has until 10 July 2006 to comment on the regulations. The regulations can be found at [www.pmg.org.za/gazettes/060602whale.pdf](http://www.pmg.org.za/gazettes/060602whale.pdf).