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Dear Select Committee Members

RECFISHWEST SUBMISSION TO SELECT COMMITTEE ON PERSONAL CHOICE AND COMMUNITY SAFETY

Thank you for your letter inviting Recfishwest to lodge a submission to the inquiry into personal choice and safety. While the majority of this submission will focus on fishing safety and the governments upcoming trial of mandatory life jackets at selected black spot locations it will also briefly touch on a few other areas where measures introduced by the government are adversely impacting on the wellbeing, enjoyment and finances of fishers for the perceived good of the individual and in some cases the perceived good of the wider community.

Safety

Safe fishing is so important to Recfishwest that it has formed a key part of our previous and current strategic plans. Fishing safety is considered in all of our decisions and Recfishwest believes lasting improvements in fishing safety are best achieved through education rather than legislation. Recfishwest accepts greater personal choice goes hand in hand with greater personal responsibility and we are supportive of both.

Recfishwest have a track record of promoting safe fishing and achieving tangible safety outcomes for the fishing community. This good track record saw us selected to lead a State-wide Safety Strategy for recreational fishing. This strategy focuses on risk management and educating people to make better informed decisions.

This current strategy is an extension of our earlier Rock Fishing Safety Strategy which saw positive advancements in behaviour change and community awareness and was well received and supported by communities throughout Western Australia. Over the last 18 years 29 lives have been lost across WA's coastline while fishing from rocks. Recfishwest believes greater personal responsibility could have prevented every single one of these fatalities.

On April 29th 2018 Premier McGowan responded to a rock fishing fatality, two near miss events and a Coroner's report recommending mandatory life jackets by announcing his government would undertake a trial mandating the use of lifejackets for rock fishers at 'Blackspots' in WA. Recfishwest looks forward to providing input into the trial. We are keen to gain a better understanding of how this trial will complement current fishing safety initiatives such as safety signs, rock anchor points and Angel Rings.

While Recfishwest welcomes investments aimed at helping keep fishers safe and we strongly advocate that those who fish from exposed rocky shorelines should wear appropriate lifejackets, we believe the choice to wear a lifejacket when fishing from the rocks should remain that of individual fishers and their choice should be informed by easy access to the best available information.

To the broader non-fishing community, the issue of mandatory life jackets may appear quite black and white, but from a practical perspective and from a general fisher knowledge perspective this is a much more complex issue. Recfishwest wants people to choose to wear the right jacket for the right circumstance because they understand the need and benefits of the equipment rather than because they are trying to avoid a fine.

Everyone knows lifejackets play a very important role in improving fishing safety by greatly increasing survivability for fishers who accidentally enter the water. However, people taking greater personal responsibility for their own safety and making better decisions on when and where to fish remains the best way to prevent people from entering the water in the first place. There are plenty of safety steps and decisions people need to make before they go anywhere near the water and if a fisher must rely on a lifejacket for survival then something very wrong has occurred during one or more of these steps.

Lessons from a recent N.S.W. trial of mandatory lifejackets that failed to get fisher or local government support and also failed to incorporate advice from those who the law was designed to assist need to be learnt. The N.S.W. trial has actually led to perverse safety outcomes where fishers are choosing to fish in bad conditions under the misguided belief they must be safe simply because they are complying with the law. Furthermore, as a result of this trial some fishers are even choosing to wear a type of lifejacket that while compliant with the law is inappropriate for their situation. Even more worrying is some fishers are choosing to fish at locations outside of the trial area where access to public safety equipment such as angel rings is reduced and some have suggested they will stop fishing altogether.

It is extremely important fishers use the most appropriate life jacket for any given situation. The type of jacket that should be used will vary depending on location and how people undertake their fishing activity. For example, a rock fisher wearing a life jacket that automatically inflates upon contact with water is likely to end up being pushed back onto rocks over and over again until their jacket is rendered useless from repeated abrasion against the rocks. Automatic inflating life jackets are likely to be better suited to those who fish alone from a boat and who knows, should they enter the water they may have difficulty swimming back to their boat especially during strong currents and winds.

In another example a kayak fisher is likely to prefer a life jacket that rides higher on the body allowing them greater movement for paddling while a rock fisher is likely to prefer a manually activated slim line jacket that allows for unobstructed casting. Life jackets are not a one size fit all solution, they are a single tool in a suite of tools that can be used to improve the safety of fishing. The right jacket needs to be worn for the right reason and a fisher who takes personal responsibility should know (or be able to easily find out) which jacket is suitable for whatever situation they find themselves in. Legislating the use of life jackets is likely to result in fishers not seeking knowledge about which jacket is best for their situation. The Government's life jacket trial should aim to provide information about the most appropriate life jacket to use rather than simply putting people in jackets without them understanding why.

Recfishwest's views on mandatory wearing of life jackets should in no way be interpreted as support for not wearing a lifejacket at all. Recfishwest work tirelessly to promote the need for safety to be part of every fishing experience. We embrace safety innovation and infrastructure and are a low-cost supplier of high-quality safety equipment. We have undertaken campaigns to discount and create easier avenues for the purchase of life jackets as well as supported and developed an ambassador program across a range of fishing activities, e.g. cray fishing, kayak, freediving and abalone to influence fishing behaviour. All Recfishwest Staff/Directors and key partners model safe practices at all times across all fisheries and we have proven to support management changes that lead to improved safety outcomes.

Despite Recfishwest's strong preference for individuals to take personal responsibility for their own actions there are certain circumstances and certain locations where Recfishwest would consider supporting the compulsory wearing of lifejackets. In instances where a person is incapable of making an

informed decision such as a child or when people are fishing alone at night Recfishwest is happy to consider a legislative approach to improving safety however we do not believe a state-wide blanket approach that reduces personal choice is an appropriate or effective measure to improve fishing safety. We believe education offers greater long-term positive safety outcomes than legislation can ever hope to achieve.

As life jackets for rock fishing are not a one size fits all solution, the government's pending mandatory life jacket trial needs to achieve the optimum safety outcomes for fishers. To do this the trial needs to assess a range of lifejacket types in order to determine the most appropriate lifejacket/s for a range of locations and conditions. The trial should answer the following questions;

- What type of Life jacket is most appropriate for my fishing (block foam, manual inflate, water activated automatic inflation)
- How much buoyancy do I need from a jacket?
- Do I need to service my jacket and if so how do I do that?
- Is my jacket abrasion resistance and does it matter?
- Upon entering the water what survivability characteristics does a jacket need?
- How easy is the jacket to use?
- Which types of jackets will allow me to fish in comfort?
- What jacket should I wear in different circumstances?

Marine Park Planning – Ngari Capes

Marine parks planning is another area where restrictions on personal choice has adversely impacted on the wellbeing and enjoyment of fishers. While Recfishwest is supportive of marine parks where they are created for the purpose of recreation, science, education, conservation and enhanced visitor experiences all to often marine park management is based on an ideology rather than scientific evidence.

Marine parks should be underpinned by peer reviewed science and must be implemented using simple, practical management that is risk-based, transparent and subject to regular review. Recreational fishing is largely compatible with the conservation objectives of marine parks and is an activity that must be recognised as a key value when formulating management plans.

Any loss of access for recreational purposes must be based on evidence that such activity poses an unacceptable risk to the conservation objectives of the marine park and should be avoided where possible. Marine parks should aim to improve recreational fishing experiences with no net loss of amenity.

The Ngari Capes marine park has implemented restrictions on shore-based fishing near Cape Naturaliste and from Meelup Beach. Recfishwest have major safety concerns over these particular restrictions.

Rock fishing related infrastructure in the form of rock anchor points and safety signage have been installed and utilised by fishers in a popular fishing location on the western side Cape Naturaliste for many years. The Cape Naturaliste sanctuary zone extends all the way to the shoreline essentially declaring these existing rock anchor points off-limits to fishers. Recfishwest understands that the Capes Marine Park Advisory Committee recognised the importance of safety infrastructure at this location and recommended that shore-based fishing be allowed to continue in this zone. Unfortunately, this advice was not incorporated into the final management plan nor was it conveyed as the preferred option during the public consultation period.

It should be noted the Department of Biodiversity Conservation and Attractions has agreed not to remove the existing rock anchor points during the first 12 months of the Ngari Capes marine park implementation however they plan to “phase them out” sometime in 2019/20.

We believe that preventing the use of public safety infrastructure at Cape Naturaliste has the potential to cause wide public condemnation. Removal of these anchor points would go against the government’s commitment to rock fishing safety and would result in government action making fishing inherently more dangerous. Recfishwest has also received advice from local fishing safety advocates that no nearby fishing locations are suitable for replacement rock anchor points.

The second area of concern is Meelup Beach within the Eagle Bay Sanctuary Zone. This area is an important family fishing location in the south west. This beach receives considerable protection during strong westerly and south westerly winds making it a favourite salmon fishing location for families during the Easter break and the May school holidays. Restricting fishing from this beach is likely to result in increasing the frequency people fish the rocky outcrop to the east and west of this zone. Recfishwest is working hard to make fishers aware of the dangers of fishing from rocks and believes government actions should promote beach fishing as a safer alternative to rock fishing wherever possible.

A simple solution to address each of the above safety concerns at Meelup Beach and Cape Naturaliste is to allow shore-based fishing to continue unimpeded in these sanctuary zones as is the case in New South Wales. In 2013 an independent scientific audit of marine parks in NSW determined that shore-based fishing does not compromise the core values, goals and objectives of sanctuary zones and poses little threat to marine ecosystems. After considering the Audit findings, the NSW Government acted to allow shore-based fishing in sanctuary zones and concluded that any residual risk from fishing could be effectively managed through existing fisheries rules and regulations. This decision ultimately led to the rezoning of 10 sanctuary zones. Allowing fishing from shore in sanctuary zones or rezoning the Cape Naturaliste and Eagle Bay Sanctuary Zones would increase personal choice while improving the safety of recreational fishers.

Access to drinking water catchment areas

Another area where the government has restricted personal choice is the continued refusal to allow access to a range of recreational activities in drinking water catchment areas. Recfishwest believe the threat to drinking water quality posed by a whole variety of recreational activities (including fishing) has been overstated and the societal benefits that result from fishing have not been adequately considered in the Governments current position.

I note a parliamentary inquiry into recreation within public drinking water source areas (PDWSA) was conducted by the Standing Committee on Public Administration in 2010. A recent internal review of the government’s policy governing recreation in drinking water catchment areas (Policy 13) did not reconsider the pros and cons of recreation in PDWSA’s. This review considered the 2010 Parliamentary Committee’s findings and recommendations still relevant and reflective of current information and science on water quality risks despite this inquiry occurring 8 years ago. Since 2010 there have been significant social, environmental and scientific changes that would certainly impact on the Committees findings yet the regulator still has a preference to restrict access and reduce personal choice simply because it is the easiest option.

In 2010 water from catchment areas made up 40% of the state’s drinking water needs. Given these same catchments now only make up 5-7% of the state’s drinking water needs and with plans for another desalination plant this percentage is likely to decrease even further. It is not unreasonable to expect an explanation as to why the risk from recreational activities in source protection areas has not changed when the way we source our water has changed so dramatically over the last five years.

Recfishwest even sourced funding to trial the relocation of marron from within catchment areas to other accessible locations however the regulator governing catchment areas declined this proposal, preferring instead to maintain their current ‘zero tolerance’ approach to managing these areas.

There are very healthy marron populations in several drinking water catchment areas and people illegally accessing these catchments to poach marron represent the very risk the regulator deemed so high that only totally eliminating access could control. When Recfishwest proposed removing some marron from these dams and relocating them to areas outside catchment zones where the community can access the marron we received nothing but excuses and roadblocks to our fully funded trial. Under this trial the incentive to poach marron from catchment areas would have been reduced as would the risk poaching poses to our drinking water. This proposal was rejected by the regulator and the restrictive management regime remains. Innovative management actions such as this would increase personal choice, improve public safety (by reducing the public risk posed by poaching) and should be encouraged where possible.

Improving safety without reducing personal choice

In 2017 Recfishwest, Surf Lifesaving WA and the Department of Primary Industry and Regional Development agreed on changes to the metropolitan abalone season to improve safety outcomes without reducing personal choice. These changes for the first time allow the government to cancel a fishing day on short notice due to adverse weather conditions and reallocate that day to another time when environmental conditions are more favourable to collecting abalone. This type of proactive management should be seen as win-win as it leads to improvements in fishing safety while not impacting on a fisher’s personal choice or accessibility to the fishery. While the abalone management changes were positive a fisher still died in near perfect weather conditions this year demonstrating the inherent danger involved in fishing and the fact that nothing short of restricting all personal choice (banning fishing) can eliminate all fishing related fatalities.

The changes to metropolitan abalone management is a perfect example of where real safety outcomes can be achieved without any net loss of personal choice or fishing accessibility. A similar approach can easily be adopted across all fisheries. Historically fisheries management has been quick to reduce personal choice in order to ease compliance activities or address perceived concerns about fishing in proximity to popular areas rather than working with industry to address these concerns without impacting on personal choice. Fishing restrictions should be the last option taken not the first and it should be avoided where possible.

Consistency in management

In addition, the government needs to adopt a consistency and equitable approach to addressing safety concerns. The soon to be implemented mandatory life jacket trial will not apply to all people who access the trial locations. A bush walker, photographer or curious tourist has the same chance of ending up in the water as a recreational fisher and it is inconsistent for these users to not be provided with the same level of consideration afforded to people who choose to fish from a Black Spot location.

The Government has recently identified divers and surfers as being most at risk of a shark attack and rather than reduce personal choice in an attempt to improve community safety outcomes the government has chosen to subsidise a personal safety deterrent in efforts to maintain diving and surfing participation and not restrict their level of personal choice. Should the government choose to mandate the wearing of life jackets following the upcoming life jacket trial they should also provide a subsidy towards the cost of purchasing the most appropriate life jacket. Failure to offer any subsidies would be inconsistent with the approach the government has taken to shark mitigation. Any inconsistency is likely to be interpreted as the government caring more for the surfers and divers than general recreational fishers whose annual fatalities are much greater than those due to shark attacks.

In addition to the numerous health and wellbeing benefits provided by recreational fishing this popular activity also directly injects billions of dollars into the state economy every year. The government should invest in supporting recreational fishing and ensuring personal choice is not compromised by management decisions. This support for recreational fishing should include promoting participation, creating a positive policy environment to aid the development of recreational fishing, providing more places to fish and more fish to catch as well as recognising cost recovery is an inappropriate management goal for recreational fishing. If the government managed our state fisheries to ensure the best environmental, social and economic return from our aquatic resource's personal choice and improved fisher safety would follow.

Recfishwest believe fishers are directly responsible for themselves and the people they are fishing with. If you have any questions about any of the issues raised in this submission I am more than happy to provide further clarification. I would like to reiterate Recfishwest's support for greater personal choice and improved fishing safety outcomes. Should you require any further information, please do not hesitate to contact me on 9246 3366.

Yours sincerely

Dr Andrew Rowland
Chief Executive Officer

5 October 2018