



Department of
Primary Industries



Rock Fishing Safety Act Information Pack

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Introduction

Following recommendations from two Coronial inquiries that lifejackets be made mandatory for rock fishers in NSW, and noting an ongoing trend showing an average of eight rock fishers die in NSW every year, the NSW Government introduced the *Rock Fishing Safety Act 2016* (RFSA), on 1 December 2016.

The RFSA requires people who are rock fishing in a declared high risk location and anyone who is assisting them, including children under 12 in their care, to wear an appropriate lifejacket.

Following the consideration of advice from a working group comprising representatives from government and non-government organisations, recreational fishers and academics, the NSW Government determined that the Randwick Local Government Area (LGA) would be the site for a trial of the new rock fishing lifejacket legislation. This location was chosen as it is the area with the highest number of rock fishing related fatalities and near drownings in NSW.

The RFSA was implemented in the Randwick LGA on 1 June 2018.

NSW DPI has since been tasked with managing rock fishing safety in NSW and recently invited coastal councils to implement the RFSA in their LGAs in order to improve rock fishing safety across the State.



Image: Luderick are a key species targeted by rock fishers in NSW.

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Context

Rock fishing is a popular and productive form of recreational angling, with a long history and significant cultural importance to the recreational fishing community.

Like many sports undertaken in dynamic environments, rock fishing can be risky, especially if participants do not comply with basic safety requirements.

Statistics indicate that the majority of rock fishing related deaths in Australia occur in NSW. At the time of writing, since 2005 there have been 100 rock fishing related drownings in NSW. In nearly every case, the rock fisher that drowned was not wearing a lifejacket.

The safety benefits of wearing lifejackets are clear: they increase the likelihood that someone who is swept into the water can be rescued, by allowing them to stay afloat until help arrives.

Rock fishers who are wearing lifejackets are also easier to rescue, reducing the danger that rescuers place themselves in whenever they rescue someone who has been washed into dangerous surf.

Although lifejackets are a key factor influencing survival rates of fishers who are washed into the water, a central motivation driving the NSW Government's rock fishing safety initiative is based on ensuring anglers avoid situations which place themselves or others at risk.

Collaborative approach

DPI understands some councils will require different levels of support. DPI wishes to reassure councils that the RFSA is not designed to transfer local responsibility for rock fishing safety to councils. Rather, DPI is committed to working collaboratively with councils to implement and manage the Act and will provide all the necessary ongoing support and assistance.

Fast Facts: *The Rock Fishing Safety Act 2016*

What is the *Rock Fishing Safety Act 2016*?

The RFSA requires people rock fishing, or anyone assisting someone rock fishing, in high-risk locations to wear a lifejacket. It is not enough that a person is carrying a lifejacket. If the person is rock fishing or assisting someone rock fishing in a declared area, they must be wearing a lifejacket.

The law commenced on 1 December 2016 with an 18 month trial in the Randwick Local Government Area (LGA). There was a moratorium on fines under the Act in place in Randwick until 31 May 2018.

From 1 June 2018, the RFSA imposes a \$100 fine for anyone rock fishing while not wearing an appropriate lifejacket in a declared high risk area (currently only Randwick LGA).

The legislation permits the NSW Police Force to take the lead role in enforcing lifejacket requirements, assisted, where resources allow, by DPI Fisheries, the National Parks and Wildlife Service (NPWS) and local Council officers.

How was the law initially rolled out?

From 1 December 2016, enforcement officers from the NSW Police Force, Randwick City Council, NPWS and DPI commenced issuing warnings to rock fishers in Randwick not wearing a lifejacket.

The NSW Government, in partnership with Randwick City Council, also ran a rock fishing safety and awareness campaign involving enforcement patrols, leaflets, social media, website content including fact sheets and a safety video, visits by the Old4New lifejacket exchange van to popular rock fishing spots, and a series of free rock fishing workshops where participants heard information on rock fishing safety and received a free lifejacket.

Rock fishing safety and awareness materials were translated into Arabic, Korean, Chinese (simplified and traditional) and Vietnamese. Translators were also provided for non-English speakers at rock fishing workshops.

What were the outcomes of the Randwick trial?

An independent evaluator considered data collected during the trial including observational research and data collected by enforcement officers; fatality and rescue data; a multilingual face-to-face survey; and more than 700 public submissions and online survey responses. The evaluator recommended that the law should be expanded to other locations in close consultation with local councils.

How will the rollout to new areas work?

As detailed above, local councils have been invited to opt-in to the law. Those who do will be provided with support from DPI, including a grant of up to \$30,000 from the NSW Government's Water Safety Fund. Expenditure of the grant can be flexible depending on the needs of Council and level of support from DPI. The grant could, for example, be put toward installing signage, training, and other rock fishing safety, education and awareness measures and other operational activities. DPI would enter into a funding agreement with local councils to administer the \$30,000 grant.

It is envisaged that DPI would work closely with councils in regards to planning, promoting and running workshops, providing material for online advertising and social media promotion, managing and evaluating any surveys and designing, printing and disseminating promotion material, including media releases, advertising and signage.



Image: A rock fisher wearing an inflatable yoke style lifejacket and non-slip boots.

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What types of lifejackets comply with the Act?

There are a wide range of lifejackets suitable for rock fishing that comply with the Act. DPI is currently liaising with manufacturers who are responding to this evolving market by designing and promoting lifejackets specifically designed for rock fishing.

DPI is also in the process of preparing advisory material detailing how anglers can select the right life jacket for their needs and budget.

A key message will be "There Is A Lifejacket For Every Rock Fisher".

Educational material will be made available across a range of media and publicity platforms. It is expected this material will provide information on the various products and styles currently available, including closed cell foam buoyancy aids, floatation clothing (including specialist buoyancy wetsuits), belt-based products and manual and auto inflating lifejackets.



Vest style jacket



Yoke style jacket

The RFSA currently stipulates that adults must wear a lifejacket that complies with at least Level 50S of Australian Standard AS 4758; children under 12 must wear a jacket that is at least level 100. Lifejackets and other buoyancy products approved under other national or international standards that are recognised by Roads and Maritime Services (RMS) will also comply with the Act.

Full details on the various national and international lifejacket standards are available in Attachment 1.

DPI is currently working with Transport for NSW and other stakeholders to review lifejacket standards in order to provide fishers with even more choice to select the right product for their needs and budget.



Belt or bum bag lifejacket

Further information can be found at:

<http://maritimemanagement.transport.nsw.gov.au/lifejackets/lifejacket-law/index.html>

Fast Facts: Data and Evaluation

Stakeholder Consultation

DPI will be on hand to establish and manage consultation with a range of internal and external stakeholders prior to and throughout the implementation of RFSA in your local area.

It is suggested that stakeholder consultation would be undertaken with the following:

- Local rock fishers
- Fishing tackle shop owners
- Organisations representing recreational fishers
- NSW Police Force
- Surf Life Saving NSW
- Volunteer Marine Rescue NSW
- Royal Life Saving NSW
- National Parks and Wildlife Service

Further Information

For Royal Life Saving – Australia fatal drowning statistics, visit:

www.royallifesaving.com.au/facts-and-figures/research-and-reports

For Surf Life Saving NSW rescue statistics, visit:

www.sls.com.au/publications

For a Coastal Public Safety Risk Assessment Report by local area, visit:

www.watersafety.nsw.gov.au/Pages/Resources/project-blueprint

Fast Facts: Communication and Community Awareness

What Rock Fishers Need to Know About the RFSA

DPI is developing a comprehensive communications plan which will assist councils publicise key milestones surrounding the implementation of the RFSA, requirements under the Act and any accompanying safety awareness campaigns.

The DPI communications plan will focus on delivering key messages to the local rock fishing sector, including:

- When the Act will come into effect in additional LGAs
- What is required under the Act
- Which lifejackets meet the required safety standards
- Safe rock fishing practices
- Which areas are included in the declared high risk location
- What the penalty is for rock fishing without an appropriate lifejacket
- When the issuing of fines will commence
- Who will enforce the Act

Print news, radio, TV, online media, social media, signage and leaflets can be used to deliver key messages.

Key Messages

As mentioned earlier, DPI aims to complement the RFSA with an education campaign delivering a suite of messages aimed at improving and maintaining rock fishing safety.

The RFSA and an accompanying safety campaign is aimed at increasing awareness of rock fishing safety including wearing appropriate clothing and footwear, utilising additional safety equipment, fishing with friends and avoiding dangerous weather and surf conditions.

To encourage a culture of safer rock fishing in a declared high risk location, the community needs to be informed of the full scope of risks associated with rock fishing. This will include promoting a clear understanding of the reasons for implementing the legislation and mandating the wearing of a lifejacket while rock fishing.

Key safety messages that should be promoted via a rock fishing safety campaign include:

- Always wear a lifejacket
- Wear appropriate non-slip footwear and light clothing
- Stay alert to the weather conditions
- Know how to swim
- Plan an escape route in case you are washed in
- Never turn your back on the ocean
- Do not jump in if someone is washed into the water - call 000 or go and get help
- Never fish alone

Target Audiences

The two groups most at risk of fatality or injury while rock fishing are males 25-54 years of age and members of Culturally and Linguistically Diverse (CALD) communities.¹ CALD communities most prevalently featured in rock fishing fatalities include persons from Chinese, Korean and Vietnamese speaking backgrounds.²

In recognition of this, DPI will ensure communication strategies include engagement materials produced not only in English, but also in languages highly represented in the CALD rock fishing community. Ads and information should also be placed in media and social media channels that appeal most to CALD communities, rather than just mainstream outlets. These steps will ensure that CALD community members will have access to all the resources they need to make an informed decision about their safety while rock fishing.



Image: A rock fisher assesses conditions before deciding if it's safe to fish.

¹ Matthew Jones, *Investigation into the coronial files of rock fishing fatalities that have occurred in NSW between 1992 and 2000*, September 2003, 5.

² Ibid.

Fast Facts: Rock Fishing Workshops

Purpose and target audience

The rock fishing workshop format originally developed by Randwick City Council has proven to be a popular and effective means of engaging with beginner and intermediate anglers about rock fishing safety.

A DPI Stakeholder Engagement officer with significant experience in organising and running workshops will develop, promote and organise workshops in your area.

Expert anglers and representatives from angling organisations may also be available to assist in staging workshops.

It is important to note that rock fishing workshops provide the means to deliver important rock fishing safety messages in a way that is both interesting and enticing to anglers.

Workshops provide key safety information while also providing participants with a free rock lifejacket. This improves anglers' safety, provides them with the means to comply with the mandatory lifejacket law and increases the number of anglers wearing lifejackets – assisting in making lifejacket wear a normal part of rock fishing practice.

The primary purposes of the workshops are to:

- Target rock fishers most at risk (i.e. those already fishing the rocks without lifejackets)
- Educate rock fishers about rock fishing safety
- Provide rock fishers who successfully complete the workshop with a complimentary rock fishing appropriate life jacket
- Entice participation by offering coaching, tips and advice from rock fishing experts
- Target a range of rock fishing styles including live baiting, spinning and bait fishing.

Fast Facts: Signage and site improvements

Rock Fishing Safety Act signage

Depending on an individual council's preference, DPI can facilitate rock fishing safety signage design, production and installation or can simply provide advice and/or resources.

It is important that rock fishers are made aware where lifejackets are mandatory as failure to wear a lifejacket in the area can result in a fine. Most importantly however, increasing lifejacket wear rates will increase safety and reduce rock fishing fatalities.

Signage should be erected in prominent, unobscured locations close to, or at key access points to popular rock fishing spots.

Shock signage

Councils might also consider working with DPI to install a series of 'shock signs'. These are large multilingual red signs featuring skulls and crossbones installed at a fishing location with the number of fatalities displayed like a scoreboard. Installation of these signs in rock fishing blackspots was a recommendation arising from a coronial inquest.

Again, DPI will be able to manage design and installation of these signs, depending on your council's preference.

The rationale behind the signs was to reinforce to those fishing the rocks just how many deaths have occurred and attempt to influence the behaviour of rock fishers for the better. In a recent survey of rock fishers in Randwick, over three quarters of those surveyed said that shock signage was likely to influence their behaviour while rock fishing.



Image: Randwick City Council was the first to introduce 'shock signs' informing rock fishers of the number of rock fishing related deaths in each area.

Angel Rings

Angel Rings are life buoys installed at popular ocean rock fishing spots across NSW. Angel Rings are also installed on wharves, fishing platforms and along bushwalking tracks.

A rock fisher who unintentionally enters the water can be thrown an Angel Ring to stay afloat until help arrives.

The Angel Ring program is managed by the Australian National Sportfishing Association (ANSA). More information on Angel Rings, including locations and how to apply to have them installed within your local government area. Information can be found at <http://angelrings.com.au/>

Fast Facts: Compliance and Enforcement

Enforcement agencies and operations

Enforcement officers provide a key link with the community – not only to promote and enforce compliance with the law, but also as a means of engaging with rock fishers about safety.

Enforcement officers can be provided with leaflets to hand to rock fishers setting out key rock fishing safety advice. Designs for leaflets can be provided by DPI and can be tailored to the needs of each local government area.

The NSW Police Force Marine Area Command can work with local enforcement agencies to provide a training briefing and assist in coordinating the collection of data from operations.

Managing risks to enforcement officers

Conducting compliance operations on rock platforms exposes enforcement officers to a range of risks. The NSW Police Force has developed an operational risk assessment which should be completed prior to carrying out enforcement operations.

Standard Operating Procedures (SOPs)

The NSW Police Force has developed SOPs that are already in use by enforcement officers. These can be made available to enforcement officers responsible for conducting operations in each declared area.



Image: A rock fisher wearing a lifejacket prepares his tackle in a safe location away from waves and water.

Attachment 1: Lifejacket Standards

A Level 100+ lifejacket must conform to at least one of the following standards:

- AS 4758 - Level 275
- AS 4758 - Level 150
- AS 4758 - Level 100
- ISO 12402-2: 2006 - Lifejackets, performance level 275
- ISO 12402-3: 2006 - Lifejackets, performance level 150
- ISO 12404-4: 2006 - Lifejackets, performance level 100
- Any of the following standards provided they are certified by a recognised appraiser:
 - AS 1512-1996, Personal flotation devices - Type 1 (or any previous version of that standard)*
 - EN 399-1993 Lifejackets 275N*
 - EN 396-1993 Lifejackets 150N*
 - EN 395-1993 Lifejackets 100N*
 - CAN/CGSB-65.11-M88 (for adults)*
 - CAN/CGSB-65.15-M88 (for children)*
 - Underwriters Laboratories Standards UL 1180 - Fully Inflatable Recreational Personal Flotation Device
 - New Zealand Standards NZ5823: 2005 Type 401
 - New Zealand Standards NZ5823: 2001 Type 401*.

Note: in this context, a recognised appraiser means:

- A certifying body accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ), or
- A laboratory with National Association of Testing Authorities (NATA) accreditation, or
- A notified body in accordance with the European Union Maritime Equipment Directive, Module B (MED-B), or
- A body approved by Roads and Maritime Services.

A Level 50 lifejacket must conform to at least one of the following standards:

- AS 4758 – Level 50
- AS 1499-1996, Personal flotation devices - Type 2 (or any previous version of that standard)*
- ISO 12402-5: 2006 - Buoyancy aids (level 50)
- EN 393-1993 Lifejackets 50N*

A Level 50S lifejacket must conform to at least one of the following standards:

- AS 4758 – Level 50S
- AS 2260-1996, Personal flotation devices - Type 3 (or any previous version of that standard)*
- ISO 12402-5: 2006 - Buoyancy aids (level 50)
- EN 393-1993 Lifejackets 50N*.
- AS 4758 – Level 50
- AS 1499-1996, Personal flotation devices - Type 2 (or any previous version of that standard)*
- ISO 12402-5: 2006 - Buoyancy aids (level 50)
- EN 393-1993 Lifejackets 50N*.

***Note: lifejackets manufactured to this standard should be replaced, as this lifejacket standard has been superseded and will be phased out.**



Image: A sample lifejacket label clearly showing the AS4758 standard and other relevant information

Published by the NSW Department of Primary Industries

Rock Fishing Safety Act Information Pack

First published November 2018

More information

Jim Harnwell

jim.harnwell@dpi.nsw.gov.au

Phone 4424 7407

www.dpi.nsw.gov.au

Your Reference number INT18/113469

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 2018). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.
